



FAIRFAX COUNTY

APPLICATION FILED: May 19, 2000
APPLICATION AMENDED: October 5, 2001
PLANNING COMMISSION: January 24, 2002
BOARD OF SUPERVISORS: Not Yet Scheduled

V I R G I N I A

January 16, 2002

STAFF REPORT

APPLICATION RZ 2000-LE-023

LEE DISTRICT

APPLICANT: Tavares Concrete Company, Inc.

PRESENT ZONING: R-1

REQUESTED ZONING: I-5

PARCEL(S): 99-2 ((1)) 17, 18, and 19

ACREAGE: 3.30 acres

FAR/DENSITY: 0.20 (proffered)

OPEN SPACE: 38%

PLAN MAP: Industrial Use

PROPOSAL: Rezone 3.30 acres from R-1 to I-5 to permit industrial uses within three buildings and temporary outdoor storage

WAIVERS/MODIFICATIONS: Modification of the transitional screening along the north property line and that portion of the southern property line which abuts residential uses, to permit 25 foot wide strip of landscaping as shown on the GDP

Modification of the barrier requirements along portions of the northern and southern property lines in lieu of the existing eight (8) foot board-on-board fence as shown on the GDP

Waiver of the trail requirement along Cinder Bed Road

STAFF RECOMMENDATIONS:

Staff recommends that RZ 2000-LE-023 be denied; however, if it is the intent of the Board of Supervisors to approve RZ 2000-LE-023, staff recommends that the approval be subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

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

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

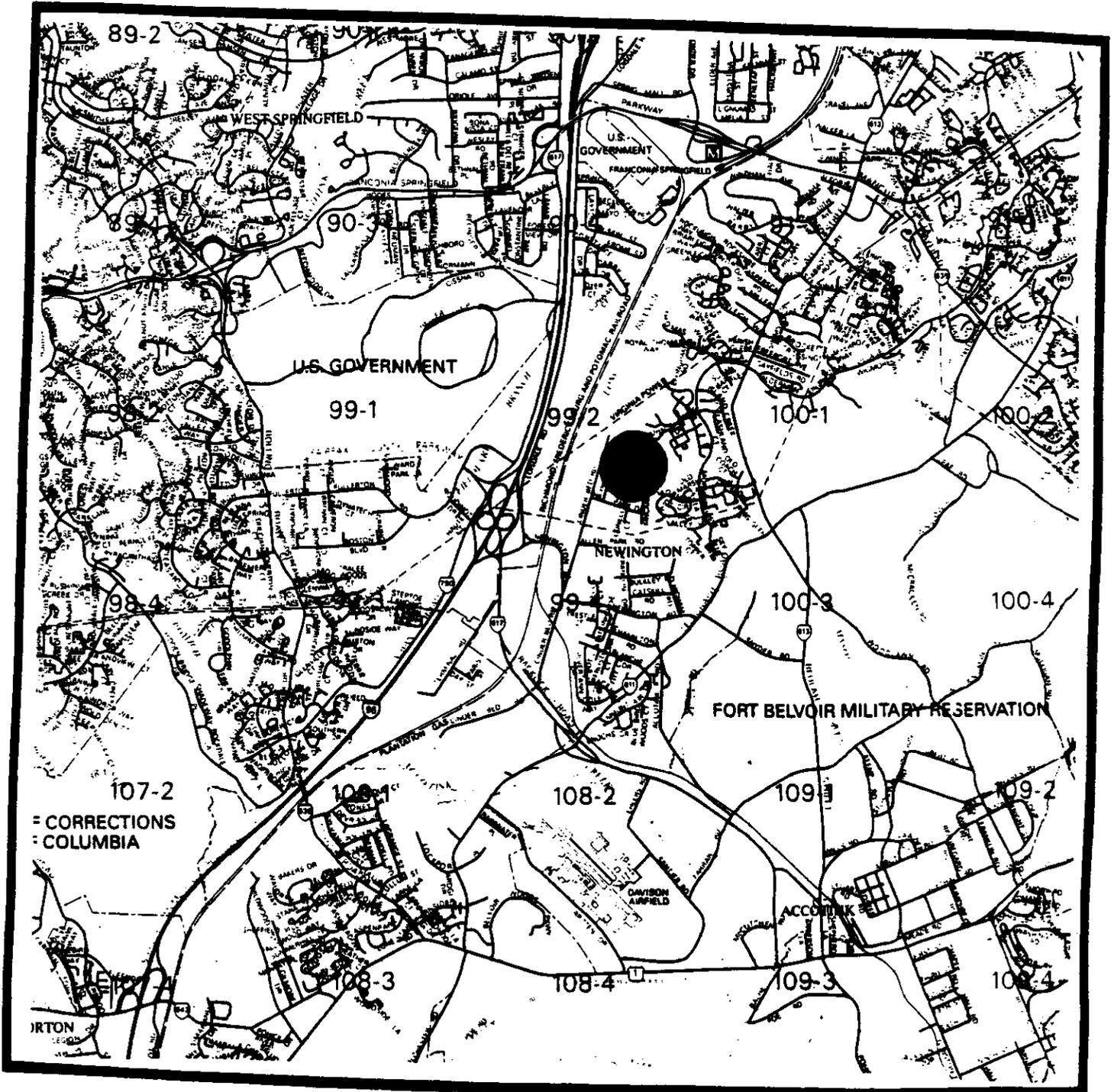
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



REZONING APPLICATION

RZ 2000-LE-023

TAVARES CONCRETE COMPANY INC
FILED 05/19/00 TO REZONE: 3.30 ACRES OF LAND); DISTRICT - LEE
AMENDED 10/05/01 PROPOSED: INDUSTRIAL
LOCATED: ON THE E. SIDE OF CINDER BED RD.
APPROX. 1,500 FT. N. OF HILL PARK DR.
ZONING: R- 1
TO: I- 5
OVERLAY DISTRICT(S):
MAP REF 099-2- /01/ /0017- ,0018- ,0019-



REZONING APPLICATION

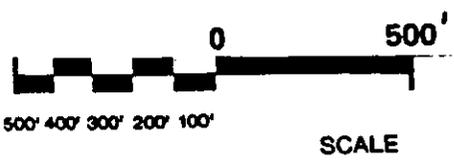
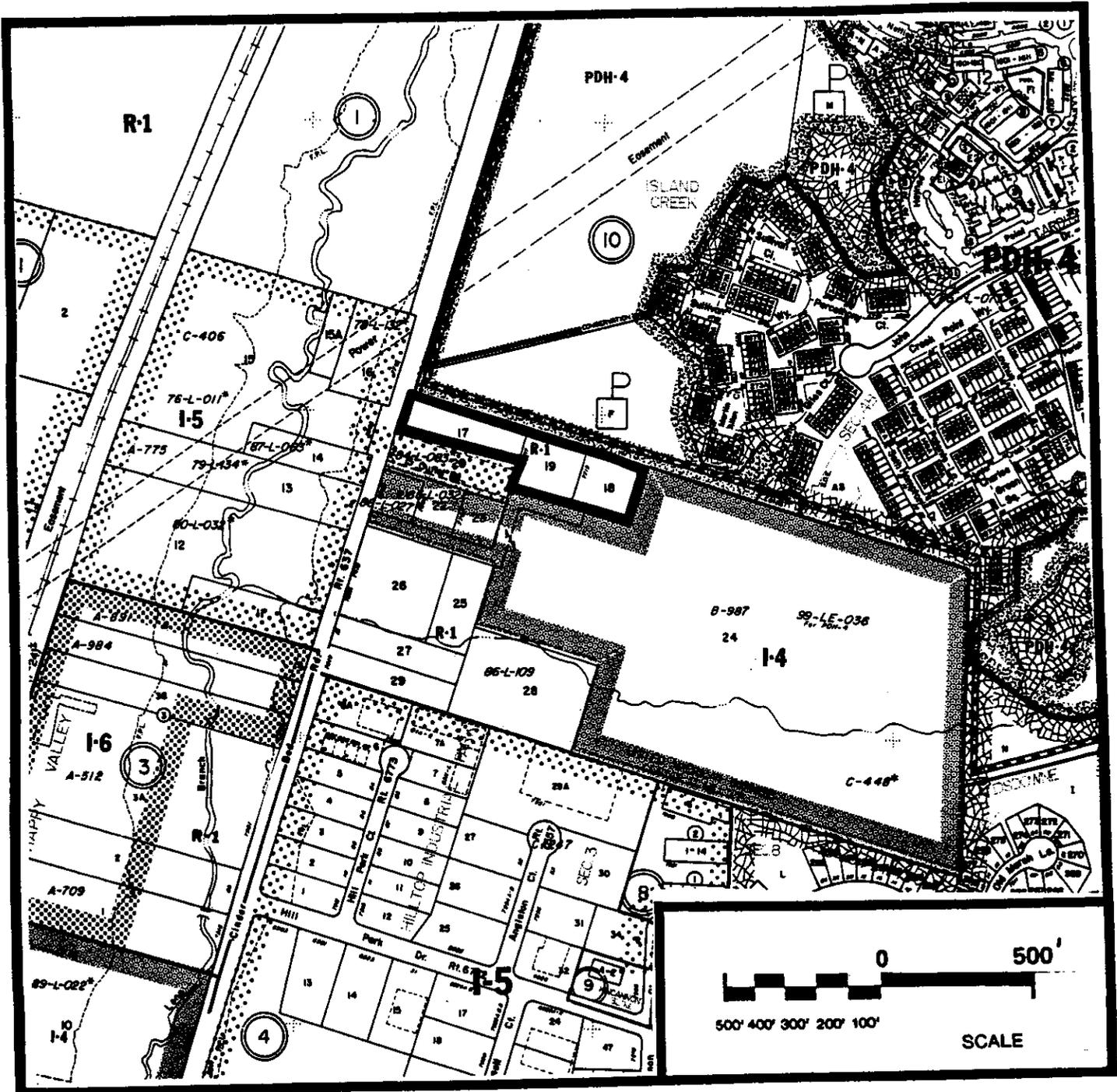
RZ 2000-LE-023

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TAVARES CONCRETE COMPANY INC
TO REZONE: 3.30 ACRES OF LAND ; DISTRICT - LEE
PROPOSED: INDUSTRIAL
LOCATED: ON THE E. SIDE OF CINDER BED RD.
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ZONING: R- 1
TO: I- 5
OVERLAY DISTRICT(S):

MAP REF 099-2- /01/ /0017- ,0018- ,0019-



Tavares Concrete Company, Inc.

LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA
GENERALIZED DEVELOPMENT PLAN

RZ 2000-LE-023



APPLICANT:

Tavares Concrete Co., Inc.
7805 Cinder Bed Road
Lorton, Virginia 22079

SHEET INDEX:

1. COVER SHEET
2. NOTES AND TABULATION, ANGLE OF BULK PLANE
3. CONCEPTUAL / FINAL DEVELOPMENT PLAN
4. EXISTING VEGETATION MAP

April 25, 2000
September 14, 2000
September 18, 2000
October 18, 2000
May 11, 2001
June 14, 2001
September 7, 2001
October 2, 2001
November 8, 2001

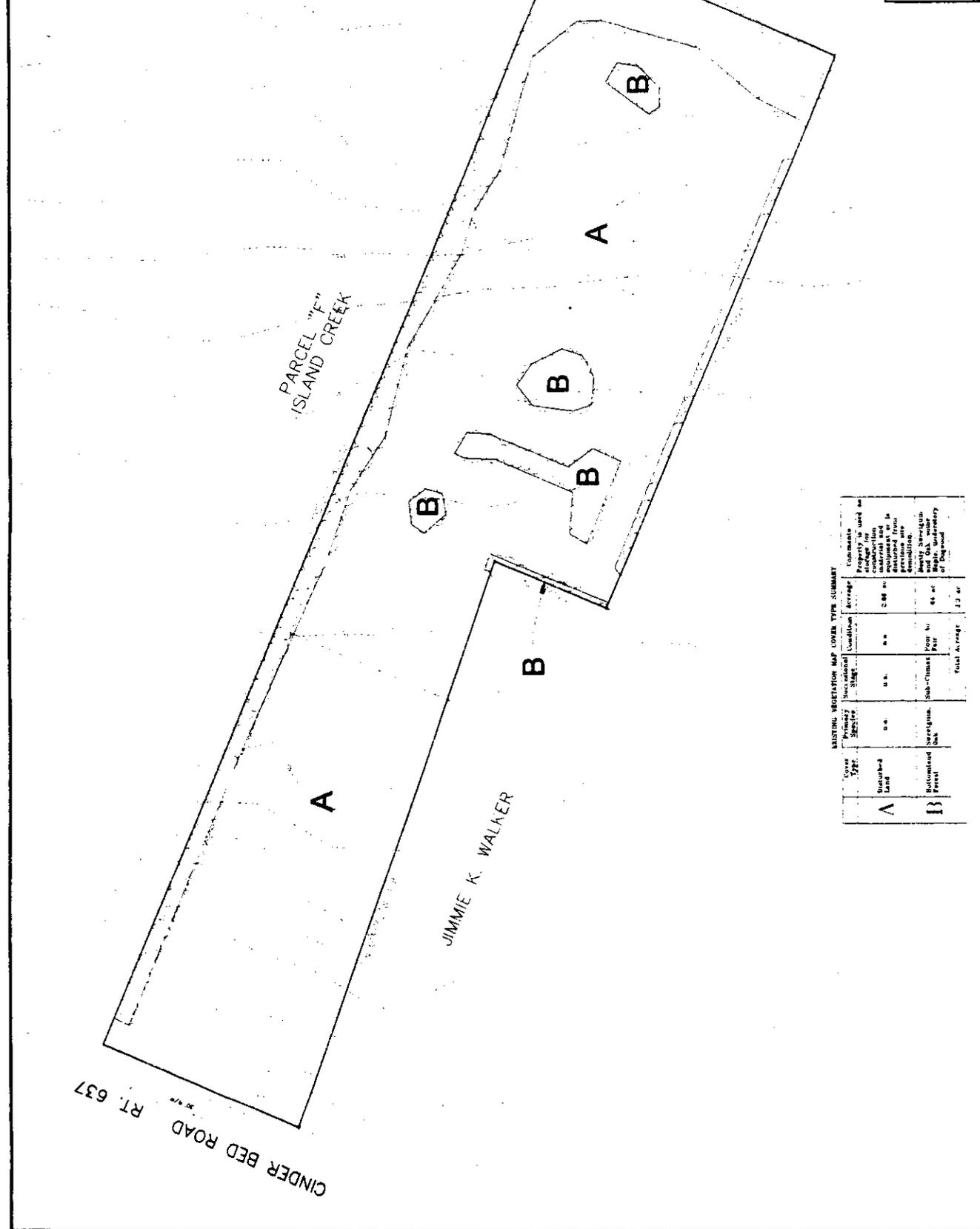
Tavares Concrete Co., Inc.

LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA
GENERALIZED DEVELOPMENT PLAN
RZ 2000-LE-023



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EXISTING VEGETATION MAP LOWER TYPE SUMMARY

Code	Primary Species	Secondary Species	Condition	Area	Comments
A	Disturbed Land	n.s.	n.s.	0.00 ac	Area to be cleared for construction equipment to be removed. Previous area.
B	Midland Forest	Sub-Clonal Oak	Poor to Fair	64 ac	Midland Forest. Sub-Clonal Oak. Poor to Fair. Understory of Dogwood.
				Total Average	64 ac



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

DESCRIPTION OF THE APPLICATION

Proposal

The application is a request to rezone the subject site from R-1 to I-5 to permit industrial uses within three buildings for a total proffered FAR of 0.20 and temporary outdoor storage. The building proposed on Parcel 17 would be 9,300 square feet (SF) and the buildings on Parcel 18 and 19 would each be 9,500 SF. The proposed open space is 38%. The applicant proposes the following potential uses for the site:

- Contractor's offices and shops;
- Establishments for printing of any size, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and associated retail sales;
- Establishments for scientific research, development and training;
- Light public utility uses;
- Offices;
- Warehousing; and
- Wholesale trade establishments.

The applicant has proffered that the outdoor storage yard use will be permitted only on Parcel 17 and only during a two (2) year period commencing on the approval date of the rezoning application or until the issuance of a Non-Residential Use Permit (Non-RUP) for the property owned by the applicant located at 8000 Cinder Bed Road [Tax Map Parcel 99-2 ((1)) 10], whichever comes first. After the two (2) year period or the issuance of the Non-RUP, storage will only be permitted inside the structures depicted on the GDP. The applicant has proffered that there would be no outdoor storage on Parcels 18 and 19; however, the prohibition on outdoor storage does not extend to the parking of vehicles. A truck parking area is depicted on Parcel 19.

Waivers and Modifications

The applicant has requested a modification of the transitional screening along the northern property line and that portion of the southern property line which abuts residential uses to permit a 25-foot wide strip of open space, landscaped

with evergreen trees, as depicted on the GDP. The applicant is also requesting a modification of the barrier requirements along portions of the northern and southern property lines in lieu of the existing eight (8) foot board-on-board fence as shown on the GDP. An eight (8) foot high board-on-board fence is proposed to enclose the site, where there is not an existing fence. Finally, the applicant is requesting a waiver of the pedestrian trail requirement along Cinder Bed Road.

LOCATION AND CHARACTER

Subject Site Description

The subject site is located on the east side of Cinder Bed Road, approximately 1,000 feet north of the intersection of Hill Park Drive and Cinder Bed Road. Although all three parcels are currently zoned R-1, they are all being used as storage yards. Small amounts of vegetation are located on the property. The subject site is unpaved. An eight (8) foot high board-on-board fences encloses Parcel 17. Access to Parcel 17 is via an entrance off of Cinder Bed Road. Access to Parcels 18 and 19 is via a fifty (50) foot wide access easement across Parcel 24 (located to the south), which is being developed as residential.

Surrounding Area Description

The area along Cinder Bed Road is characterized by a variety of industrial uses. In addition, the site is adjacent to several residentially-planned and zoned properties. The area to the immediate north is part of the common open space for the Island Creek community, which is zoned PDH-4 and is planned for public park.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Homeowner association open space (Island Creek)	PDH-4	Public Park
South	Industrial; Single-family attached residential (Hawthorne)	I-5; PDH-4	Industrial Use; Residential, 3 to 4 du/ac
East	Single-family attached residential (Hawthorne)	PDH-4	Residential, 3 to 4 du/ac
West	Industrial	I-5	industrial Use

BACKGROUND (Appendix 11)**Parcel 17**

On August 3, 2000, the Zoning Enforcement Branch (ZEB) of the Department of Planning and Zoning (DPZ) conducted a zoning inspection of Parcel 17, which is zoned R-1. This inspection revealed that the subject site was not being used for residential purposes, but rather as a storage yard and junk yard, as defined by Article 20 (Definitions) of the Zoning Ordinance. On August 9, 2000, a Notice of Violation was issued to Tavares Concrete Company, Inc., for use of the property for a storage yard and a junk yard, both of which are not permitted uses in the R-1 District. The applicant was given thirty (30) days to clear the violation.

On August 28, 2000, the applicant informed ZEB that a rezoning application (RZ 2000-LE-023) had been filed on May 19, 2000, to rezone the site from the R-1 to I-5 Zoning District. As such, the applicant requested that ZEB stay and defer any enforcement actions until such time that RZ 2000-LE-023 was acted upon by the Board of Supervisors. On August 30, 2000, ZEB granted an extension for compliance, giving a new deadline of November 1, 2000.

On December 4, 2000, the Board of Supervisors authorized an Out-of-Turn Plan Amendment (OTPA) for the northern portion of Land Unit I of the I-95 Corridor Industrial Area and some of the adjacent land to the north and northeast, including the Tax Map Parcels 99-2 ((1)) parcels 17 through 29, 99-2 ((10)) Parcel F and 90-4 ((11)) Parcel D. The purpose of the out-of-turn plan amendment, OTPA S00-IV-S1, was to consider the types and intensities of industrial uses that could be compatible with the surrounding residential uses on selected parcels, and the transitions and buffers that may be needed to enhance the compatibility of the area with adjacent residential uses.

On June 11, 2001, the BOS approved Out-of-Turn Plan Amendment (OTPA) S00-IV-S1. The approved plan language is described below in the following section (Comprehensive Plan Provisions).

On October 5, 2001, the applicant amended RZ 2000-LE-023 to include Tax Map 99-2 ((1)) Parcels 18 and 19. A history of those two parcels is provided below.

Parcels 18 and 19

In 1972, Glenwood F. Baskin, owner of Parcels 18 and 19, was issued a Notice of Violation for allowing the dismantling and storage of junk vehicles on Parcel 19, which was not a permitted use in the R-1 District. This case was ultimately

heard in Fairfax County General District Court and on April 11, 1975, Glenwood F. Baskin was found guilty and a fine of \$100 was imposed and suspended. On April 17, 1993, and December 28, 1993, Glenwood F. Baskin was cited with a Notice of Violation for operating a contractor's office and shops on Parcel 19, which was not a permitted use in the R-1 District. This Notice was not appealed.

On February 28, 1996, the Fairfax County Health Department informed Glenwood F. and Magdelene A. Baskin by letter, that their home on Parcel 18 was unsafe and a hazard or dangerous to human life, health, and safety. In early April 1996, Mr. and Mrs. Baskin were directed by the Health Department to remove trash, garbage, refuse debris or other solid waste from Parcel 19.

On June 7, 1996, and November 6, 1996, Notices of Violation were issues to Glenwood F. and Magdelene A. Baskin for maintaining a storage yard on Parcel 19, which is not a permitted use in the R-1 District. These Notices were not appealed.

On August 4, 2000, separate Notices of Violation were issued to Magdelene A. Baskin and Keith Matheny, the owner's grandson, for use of Parcels 18 and 19 as a storage yard, junk yard, and a contractor's office and shop, uses which are not permitted in the R-1 District. These Notices were not appealed.

On July 10, 2001, Parcels 18 and 19 were sold to Drakes Creek Holding Company, LLC.

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

Plan Area: Springfield Planning District
Planning Sector: I-95 Corridor
Plan Map: Industrial use (Parcel 17);
 Residential use at 3-4 du/ac (Parcels 18 and 19)
Plan Text:

In Plan Amendment No. 2000-04, adopted by the Board of Supervisors on June 11, 2001, under the heading, "Recommendations, Land Use," the Plan states:

This land unit is located north of the Fort Belvoir Military Railroad and east of Cinder Bed Road. Existing uses including County school bus and Connector bus parking facilities and garage, a new industrial park, vacant land, and industrial uses exist next to older single-family residences. A single family

residential attached and detached subdivision has been recently approved on Tax Map 99-2 ((1)) 24 which is adjacent to the land unit.

Industrial uses up to .35 FAR are planned for the area south of parcels 28 and 29.

The area along Long Branch next to Cinder Bed Road north of the Newington Garage is appropriate for industrial use, with substantial buffering and transitional open space required next to any remaining detached single-family residential units. The environmental constraints of the area associated with steep slopes, poor soil, and floodplains require strict conformance with environmental policies. The eastward boundary should generally follow the base of these slopes at an elevation of 165 feet to preserve the integrity of these highly erodible areas.

Tax Map 99-2 ((1)) parcels 17, 20-23 and 25-29 include areas with environmental constraints and opportunities, including slopes, poor soils and a tributary. These parcels are also planned for industrial use up to .35 FAR subject to the following:

- *Substantial vegetated buffers and screening should be provided adjacent to parcels planned or developed for residential use or public park use;*
- *Outdoor storage and heavy industrial uses are prohibited; and*
- *Access should occur only to Cinder Bed Road.*

In Plan Amendment No. 2000-04, adopted by the Board of Supervisors on June 11, 2001, under the heading, "Newington Community Planning Sector (S6), Recommendations, Land Use," the Plan states:

9. Two adjacent parcels, Tax Map 99-2 ((1)) 18 and 19, may be developed for single family attached residential use at 3-4 dwelling units per acre if they are consolidated and subdivided such that their development can be integrated with the approved single family residential development on Tax Map 99-2 ((1)) 24, and if all vehicular access can be obtained through parcel 24 to Morning View Lane. Development at this density would be subject to all of the applicable development conditions outlined for residential use on Parcel 24.

If residential development is not achieved, Tax Map 99-2 ((1)) 18 and 19 may be developed for industrial use up to .25 FAR. Vehicular access to Parcels 18 and 19 should be provided through Parcels 17 or 20. It is

recommended that Parcels 18 and 19 consolidate with Parcel 17. The existing 50-foot access easement for Parcel 24 to Cinder Bed Road should not be utilized. Substantial vegetated buffers and screening should be provided adjacent to parcels planned or developed for residential use or public park use.

ANALYSIS

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

Title of GDP: Tavares Concrete Company, Inc.
Prepared By: Dewberry and Davis
Original and Revision Dates: April 26, 2000, as revised through November 8, 2001

Description of GDP

GDP Tavares Concrete Company, Inc.	
Sheet #	Description of Sheet
1 of 4	Cover Sheet; Title; Vicinity Map
2 of 4	General Notes; Site Tabulations; Angle of Bulk Plane
3 of 4	Site Layout; Landscape Plan; Landscape Legend
4 of 4	Existing Vegetation Map; Vicinity Map; Existing Vegetation Map Cover Type Summary

The following features are depicted on the GDP:

Site Location and Layout: Three (3) buildings are proposed on the site. A 9,300 SF, 40-foot high building is proposed to be located on Parcel 17. Parcel 18 and 19 would each contain a 9,500 SF, 40-foot high building. The applicant has proffered that the building on Parcel 17 could be constructed as a three (3) sided building, with the west side of the building (facing Cinder Bed Road) remaining open.

The applicant has proffered that the outdoor storage yard use on Parcel 17 will be permitted during a two (2) year period commencing on the approval date of the rezoning application or until the issuance of a Non-Residential Use Permit (Non-RUP) for the property owned by the applicant located at 8000 Cinder Bed Road [Tax Map Parcel 99-2 ((1)) 10] whichever comes first. Items that will be

does not apply to vehicles with two (2) axles. The applicant has not indicated the size or nature of these vehicles.

Landscaping: The GDP depicts 38% open space. Most of the open space consists of landscaping along the perimeter of the site. A 50-foot wide strip of open space, landscaped with deciduous and evergreen trees, is proposed along the eastern property line. In addition, a 25-foot wide strip of open space, landscaped with evergreen trees, is proposed along the northern property line and that portion of the southern property line, where the subject site abuts residences. The proffers state that landscaping of the application property shall be provided as indicated on the GDP, subject to final approval by the Urban Forestry Division of the Department of Public Works and Environmental Services (DPWES). The applicant has also proffered to make "good faith best efforts" to preserve the existing oak tree on Lot 18 and to coordinate these preservation efforts with the Urban Forestry Division.

An existing eight (8) foot high board-on-board fence is depicted along portions of the northern and southern property lines. The applicant proposes to install an eight (8) foot high board-on-board fence along the perimeter of the site, where no fence exists. A chain link fence gate is located along the western property line. The applicant proposes to remove the chain link fence gate along the west property line and replace it with a new fence and gate. The materials of this fence and gate have not been provided.

Stormwater Management and Sewer: Three (3) underground stormwater management/best management practices (SWM/BMP) facilities are proposed - one for each of the buildings. These facilities would be located in the parking area of each building.

The site is currently served by a private septic and well system. Note 11 of the GDP states that "*given the proposed use (outdoor storage), Lot 17 will not be serviced with either sewer or water at this time*" but "*utilities may be provided to the site at a later date.*"

Land Use Analysis (Appendix 4)

As stated previously, the application requests to rezone the subject site from R-1 to I-5 to permit industrial uses within three (3) buildings. Pursuant to the draft proffers, proposed industrial uses could include such uses as contractor's offices and shops, printing and manufacturing establishments, research and development establishments, light public utility uses, offices, warehousing, and wholesale trade establishments. Furthermore, the applicant has proffered that the existing outdoor storage use on Parcel 17 could continue for a two (2) year period commencing on the approval date of rezoning application or until the

issuance of a Non-RUP for the property owned by the applicant located at 8000 Cinder Bed Road [Tax Map Parcel 99-2 ((1)) 10].

The Comprehensive Plan recommends industrial use for Parcel 17 up to 0.35 floor area ratio (FAR) subject to:

- The provision of substantial vegetated buffers and screening adjacent to parcels planned or developed for residential use or public park use;
- The prohibition of outdoor storage and heavy industrial uses; and
- The provision of access from only Cinder Bed Road.

The Comprehensive Plan recommends Parcels 18 and 19 for single family attached residential use at 3-4 dwelling units per acre if these parcels can be consolidated and subdivided such that their development can be integrated with the approved single family residential development on Tax Map 99-2 ((1)) 24 (the Hawthorne development), and if all vehicular access can be obtained through Parcel 24 to Morning View Lane. However, if residential development is not achieved, the Plan recommends that Parcels 18 and 19 be developed for industrial use up to 0.25 FAR, subject to:

- The provision of vehicular access through Parcels 17 or 20 (the Plan specifically states that the existing 50-foot access easement for Parcel 24 to Cinder Bed Road should not be utilized);
- Consolidation of Parcels 18 and 19 with Parcel 17; and
- The provision of substantial vegetated buffers and screening adjacent to parcels planned or developed for residential use or public park use.

Conformance with each of these bullets is discussed below.

Issue: Screening and Barriers

The site is adjacent to and near residentially-zoned and residentially-planned properties. In order to mitigate potential off-site impacts on residential properties, the Plan recommends that substantial vegetated buffers and screening be provided adjacent to parcels planned or developed for residential use or public park use.

The applicant has requested a modification of the 50-foot wide transitional screening yard requirement along the north property line and that portion of the southern property line which abuts residential and public park use to permit a

25-foot wide strip of open space, landscaped with evergreen trees, as depicted on the GDP. The applicant has proffered to construct the proposed barrier [eight (8) foot high fence] along the southern property line prior to construction of the first building on Parcels 18 and 19. There is currently an existing barrier enclosing the outdoor storage on Parcel 17.

Resolution:

In light of the Comprehensive Plan language, staff believes that, at a minimum, full transitional screening should be provided along all required property lines (particularly along the southern property line where the subject site will abut residences). Without knowing the exact uses of the site or the hours of operation, staff cannot gauge the impact of the uses of the site on the future residences. Therefore, staff believes that it is essential to provide the full screening and to provide a masonry barrier, rather than a wood fence, between the proposed use and the future residences in order to mitigate any future impact. This issue is unresolved.

Issue: Outdoor Storage

Given the proximity of residences to the site, the Comprehensive Plan was recently amended to prohibit outdoor storage and heavy industrial uses from this area. Currently, the applicant is using Parcel 17 as a storage yard. Items which the applicant stores on this site include dump trucks; slip-form curb machines; cranes; bulldozers; tractor and trailers; and miscellaneous forms and molds for concrete work.

The applicant proposes to continue the storage yard use on Parcel 17 for a two (2) year period as discussed previously. (It should be noted that a minor site plan will be required to establish this temporary outdoor storage yard per Sect. 17-105 of the Zoning Ordinance.) After the two (2) year period, storage would only be permitted inside the structure depicted on the GDP. The applicant has proffered that there would be no outdoor storage on Parcels 18 and 19; however, the prohibition on outdoor storage does not extend to the parking of vehicles. A truck parking area is depicted on Parcel 19. The applicant has proffered that no more than ten (10) vehicles containing three (3) or more axles will be parked outdoors on the subject site at any one time. According to the proffers, the types of three-axled vehicles which could be parked on the site could include dump trucks, tractor trailers, mixers, and loaders. The proffer provides no restriction on storage and parking of vehicles with two (2) axles. The applicant has not indicated the size or nature of these two-axled vehicles.

Staff believes that the proffered two (2) year period for outdoor storage is unacceptable, given the recently adopted Plan language and the imminent

construction of the Hawthorne residential development on Parcel 24. (On November 2, 2001, a site plan for the Hawthorne development was distributed to the Bonding and Inspections Division, DPWES.) As noted in the background section of this report, a Notice of Violation has been issued for Parcel 17 and the applicant has not made any effort to address the violation and enclose the existing outdoor storage. Staff believes that immediate action should be taken to remove the use or to enclose the outdoor storage. Without such immediate action, staff believes that the applicant's proposed two (2) year sunset clause would result in outdoor storage being located near residentially developing properties for an extended period of time, which staff finds inappropriate and not in conformance with the Plan. If any of the outdoor storage is to remain for a limited time, staff believes that it is essential to secure a commitment from the applicant to immediately install the required screening to protect the adjacent residential development.

Furthermore, the applicant is seeking to permit the parking of vehicles on site, which could result in a vehicle storage lot. While the applicant is proposing to limit the number of vehicles which could be stored on the site, this prohibition only extends to vehicles with three (3) or more axles. This restriction does not apply to vehicles with two (2) axles. As noted earlier, the applicant has not indicated the size or nature of these two-axled vehicles. Staff is concerned that without securing a commitment to the type, size and nature of vehicles being parked outside, the applicant could be permitted to park any number of bobcats or backhoes on the site, which, in turn, could have an adverse impact on the abutting residences. Given the Comprehensive Plan language prohibiting outdoor storage, the applicant should provide specific details on the type, size and nature of vehicles so that the potential impact of these vehicles on the abutting residences can be gauged.

Resolution:

Without the resolution of these two issues, the application is not in conformance with the Comprehensive Plan.

Issue: Access

The Comprehensive Plan recommends that access to the site be provided from Cinder Bed Road. In addition, the Comprehensive Plan states that the existing fifty (50) foot wide access easement across Parcel 24 (which is to be developed with the single-family residential development of Hawthorne) should not be utilized.

Resolution:

The GDP depicts access from Cinder Bed Road. The applicant has also proffered that it shall not create a vehicular access to the subject site via the existing 50-foot wide access easement across Parcel 24. The applicant has further agreed to *"contact the owner of the Hawthorne property [Parcel 24] within three (3) months after the approval date of the application and offer to vacate and abandon its interests in the easement as it applies to Lots 18 and 19."* In light of the commitment to not use the easement for access, staff does not understand why the applicant will not abandon/vacate its interest in the easement. Given the Plan language, staff believes that the applicant should abandon/vacate its interest in the easement immediately.

Issue: Hours of Operation

The applicant has proffered that the subject site could be used for a variety of industrial uses, including contractor's offices and shops, light public utility uses, and warehousing. Given that the types of businesses which will be using the site is unknown, it is also unknown what type of impact these uses may have on the abutting residential development in terms of noise. As such, staff requested that the applicant proffer limits on the hours of operation.

Resolution:

The applicant has proffered to comply with the regulations and restrictions contained in the Fairfax County Noise Ordinance. Considering that the applicant is bound to this law even without a proffer, staff finds that the applicant has not addressed staff's concerns about the impact that noise from industrial uses will have on adjacent residences. Staff believes that the only way for the adjacent residences to be adequately protected from any adverse impacts caused by the proposed industrial uses is for the applicant to proffer to maintain specific hours of operation, as well as to provide the required fifty (50) feet of transitional screening and a barrier with noise absorptive qualities. This issue remains unresolved.

Issue: Lighting

The originally submitted GDP had not depicted the location of existing or proposed security lighting for the site. In order to ensure that the adjacent residential properties were not adversely impacted, staff requested that the applicant depict any proposed lighting on the GDP. In addition, staff asked the applicant to commit to focusing all lighting for the site downward onto the site and to feature full cut-off fixtures to prevent off-site glare on adjacent and nearby residential properties.

Resolution:

No lighting is depicted on the GDP. Instead, the applicant has proffered that all outdoor lighting will meet the glare standards of the Zoning Ordinance in effect at the time of site plan approval for the proposed building. The applicant has also proffered that no freestanding lighting will have poles that exceed 20 feet in height and that all lighting will have full cut-off fixtures that direct light downward and inward. With this commitment, this issue is resolved.

Land Use Conclusion:

The following issues remain unresolved:

- The applicant has not committed to provide the full 50-foot wide transitional screening yard, which is required where the site abuts residential and public park uses;
- The applicant is proffering the continuation of the existing outdoor storage for an unacceptable length of time and without installation of screening for the abutting residences;
- The applicant has not provided any details on the proposed vehicle storage;
- The applicant has not proffered to abandon/vacate the 50-foot wide access easement across Parcel 24; and
- The applicant has not proffered acceptable limits on the hours of operation or construction of a barrier with noise absorptive qualities.

Without satisfactory resolution of these issues, staff finds that the application does not conform with the Comprehensive Plan.

Transportation Analysis (Appendix 5)**Issue: Cinder Bed Road**

The site is near the northern terminus of Cinder Bed Road. This particular portion of Cinder Bed Road is only approximately 15 feet wide. The Comprehensive Plan calls for the reconstruction of Cinder Bed Road to an improved two-lane facility. The originally submitted GDP did not provide for dedication or frontage improvements in accordance with the Plan.

Segments of the roadway south of the site have been improved per the Comprehensive Plan recommendation with development of adjoining parcels.

Because of the many industrial and storage uses along Cinder Bed Road, the road carries a high percentage of truck and heavy vehicle traffic. For those reasons, staff recommended that the applicant dedicate 35 feet of ROW from centerline. Staff also recommended that the applicant commit to provide roadway frontage improvements (including curb and gutter) consistent with that which has been provided south of the site (or 26 feet from centerline) as deemed appropriate by the Virginia Department of Transportation (VDOT) and the Department of Public Works and Environmental Services (DPWES).

Resolution:

The applicant has proffered to dedicate 35 feet of ROW from centerline and to provide frontage improvements along Cinder Bed Road. Therefore, this issue is resolved.

Issue: Entrance

The GDP notes that a chain link fence with gate is proposed along Cinder Bed Road. However, the GDP does not delineate an entrance or existing/proposed edge of pavement along Cinder Bed Road. Staff requested that the applicant commit to locate the fence and gate in such a way as to provide adequate sight distance for traffic entering and exiting the site. Staff also recommended that the entrance be constructed to VDOT standards.

Resolution:

The applicant has now proffered to construct the site entrance to VDOT standards. The applicant has also proffered to construct the fence in such a way as to ensure adequate sight distance for vehicles exiting the subject site. Staff also recommends that the applicant commit to provide adequate site distance for vehicles entering the site.

Issue: Interparcel Access for Parcels 18 and 19

The Comprehensive Plan recommends that Parcels 18 and 19 develop for industrial use up to 0.25 only if vehicular access to Parcels 18 and 19 be provided through Parcels 17 or 20 and the existing 50-foot access easement through Parcel 24 to Cinder Bed Road is not utilized.

Resolution:

As noted in the Land Use Analysis, the applicant has proffered not to create a vehicular access to the subject site via the existing 50-foot wide access easement across Parcel 24. The applicant has further agreed to "contact the

owner of the Hawthorne property [Parcel 24] within three (3) months after the approval date of the application and offer to vacate and abandon its interests in the easement as it applies to Lots 18 and 19." Staff believes that the applicant's proffer could result in industrial traffic accessing the subject site via a residential community for a period of time. In order to avoid such a scenario, staff recommends that the applicant commit to abandon/vacate its interest in this easement immediately. Without such a commitment, staff cannot recommend approval of this application.

Environmental Analysis (Appendix 6)

Issue: Potential Site Contamination

Site visits to the subject property revealed items, such as rusty storage tanks and older trucks, which may have been stored on the property for an indefinite period of time. Because staff does not have information regarding past land uses for the site and whether or not environmental contamination might have occurred, staff requested that the applicant provide information regarding past land uses on the site and whether or not such uses may have resulted in environmental contamination.

Staff also recommended that the applicant commit to submit a Phase I investigation of the property to DPWES prior to site plan approval for review and approval in coordination with the Fire and Rescue Department, the Health Department, and other appropriate agencies as determined by DPWES (hereinafter referred to as the "reviewing agencies"). This Phase I investigation should be generally consistent with the procedures described within the American Society for Testing and Materials document entitled "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" as determined by DPWES in coordination with the reviewing agencies. If warranted by the results of the Phase I investigation, as determined by DPWES in coordination with the reviewing agencies, a Phase II monitoring program should be pursued in order to determine if soil, surface water, or ground water contaminants are present on the property and/or have migrated from the property. If such a program is pursued, monitoring parameters should be subject to the approval of DPWES in coordination with the reviewing agencies. If contaminants are detected in concentrations requiring remedial action, a remediation program should be performed in accordance with all applicable Federal, State, and County requirements. Sufficient documentation of completion of the remediation program (with the possible exception of long term follow-up monitoring efforts) or an appropriate corrective action plan consistent with the proposed development (as determined by DPWES in coordination with the reviewing agencies) should be provided to DPWES prior to site plan approval.

Resolution:

The applicant has now proffered to provide a Phase I Environmental Study at the time of site plan approval for the review and approval of the Department of Public Works and Environmental Services (DPWES). The applicant has also proffered to conduct a Phase II Environmental Study if warranted by the results of the Phase I Study. Therefore, this issue is now resolved.

Issue: Tree Preservation

The Policy Plan calls for protecting and restoring some tree cover during development. The site currently has several areas of mature trees. In order to provide the adjacent residential development with better quality screening, staff believes that the applicant should meet with the Urban Forestry Division in order to evaluate the potential for tree preservation within fifty feet of the southern property line.

Resolution:

The applicant has proffered to make "good faith best efforts" to preserve the existing oak tree on Lot 18 and to coordinate these preservation efforts with the Urban Forestry Division.

Issue: Problem Soils

Steep slopes and unstable marine clay soils may be an issue for development (particularly with Parcels 18 and 19). Any development on unstable soils should occur only after the appropriate geo-technical studies and soil stabilizing measures. At the time of site development, the applicant will be required to submit geo-technical studies to address potential soil problems.

Resolution:

The applicant has proffered to prepare a geotechnical report but not to implement its recommendations.

Issue: Trails Plan

The Trails Plan Map depicts a pedestrian trail on the east side of Cinder Bed Road. The applicant has asked that this trail requirement be waived.

Resolution:

Though staff does not support a waiver, this issue will be addressed at the time of site plan review.

Public Facilities Analysis (Appendices 7 through 10)

Contained in Appendices 7 through 10 are memoranda from the Fire and Rescue Department, the Fairfax County Water Authority, the Stormwater Planning Division, DPWES, and the Fairfax County Park Authority. The proposed rezoning raises no significant public facility issues. However, it should be noted that the applicant is not proposing to hook up the site to public water or sewer. The appropriateness of this proposal will be addressed at the time of site plan review.

ZONING ORDINANCE PROVISIONS

Bulk Standards (I-5)		
Standard	Required	Provided
Lot Size	20,000 SF minimum	3.30 acres
Lot Width	100 feet minimum	140 feet
Building Height	75 feet maximum	40 feet
Front Yard	45 ABP, but not less than 40 feet	130 feet
Side Yard	No requirement	13 feet (along southern property line)
Rear Yard	No requirement	50 feet (along the western property line)
FAR	Maximum – 0.50 FAR	0.20 (proffered)
Open Space	15% minimum	38%
Parking Parking Spaces (Warehouse)	1 space/1.5 employees on a major shift + 1 space/company vehicle + sufficient space to accommodate the largest number of visitors that may be expected at any one time, but with a minimum of 1 space/1,000 SF of GFA = 30 spaces required	30 spaces provided

Bulk Standards (I-5)		
Standard	Required	Provided
Loading Spaces	2 spaces required	None depicted
Transitional Screening North (Open Space)	Transitional Screening 3 (50 feet wide)	Modification requested to a 25-foot wide open space landscaped with evergreen trees as shown on the GDP
South (industrial; proposed residential)	Transitional Screening 3 (50 feet wide) required along abutting residential	Modification requested to a 25-foot wide open space landscaped with evergreen trees abutting residential as shown on the GDP
East (proposed residential)	Transitional Screening 3 (50 feet wide)	Provided
West (Industrial)	No requirement	-----
Barrier North (open space)	Barrier D, E, or F (6 feet high)	Modification requested to permit existing 8 foot high board-on-board fence
South (industrial; proposed residential)	Barrier D, E, or F (6 feet high) required along abutting residential	Proposed 8 foot high board-on-board fence along abutting residential
East (proposed residential)	Barrier D, E, or F (6 feet high)	Proposed 8 foot high board-on-board fence
West (industrial)	No requirement	-----

WAIVERS/MODIFICATIONS REQUESTED**Modifications:**

- *Modification of the transitional screening along the northern property line and that portion of the southern property line which abuts residential*

Basis: Par. 2 of Sect. 13-304

Par. 2 states that when the strict provisions of this Part would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, transitional screening may be waived or modified where the side of a building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.

The property abuts public park land associated with a residential development to the north and future residences to the south. The applicant is seeking a modification of the transitional screening along the northern property line and that portion of the southern property line which abuts future residential per Par. 2 of Sect. 13-304. The applicant proposes a 25-foot wide landscaped open space strip along the northern property line and that portion of the southern property line which abuts the proposed residences.

As noted in the Land Use Analysis, the Comprehensive Plan recommends that substantial buffering and transitional open space be required where industrial uses abut any remaining detached single-family residential units. Given the high potential that industrial uses have to disturb the abutting residences (particularly in terms of appearance and noise), staff believes that the full transitional screening should be provided along the northern and southern property lines. Staff does not believe that the proposed architecture and landscaping have been specifically designed to minimize any adverse impact. For example, a barrier composed of a more substantial material than wood would provide better buffering and noise attenuation for the adjacent residents. In addition, offsite landscaping on the existing 50-foot access easement through Parcel 24 could further screen the future residences from the proposed industrial uses. However, without additional efforts to protect the future residences, staff cannot support the proposed modification.

- *Modification of the barrier requirement along a portion of the northern and southern property lines to permit the existing eight (8) foot board-on-board fence*

The applicant is seeking a modification of the barrier requirement to permit the existing eight (8) foot high board-on-board fence along portions of the northern and southern property lines to remain. While the existing board-on-board fence meets the barrier requirements, staff recommends that the applicant utilize a different barrier material (such as brick) in order to provide better buffering and noise attenuation for the future residences.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The Comprehensive Plan recommends industrial use for the site up to 0.35 floor area ratio (FAR) on Parcel 17 and up to 0.25 FAR on Parcels 18 and 19. Given the proximity of residences to the subject site, use of the site for industrial is subject to the following conditions:

- The provision of substantial vegetated buffers and screening adjacent to parcels planned or developed for residential use or public park use;
- The prohibition of outdoor storage and heavy industrial uses; and
- The provision of access from Cinder Bed Road and the discontinuance of use of the 50-foot wide access easement through Parcel 24.

Staff does not believe that the applicant has satisfactorily addressed these conditions. It is staff's opinion that the applicant has failed to provide architecture, barriers and/or landscaping which would minimize any adverse impact on the abutting residences. In addition, staff believes that the applicant's proposed sunset clause for outdoor storage is too long in light of the existing zoning violations on site. Furthermore, staff believes that the applicant's proposed proffers do not preclude the site from becoming a vehicle storage yard. Given that the Comprehensive Plan was specifically amended to prohibit outdoor storage, staff does not believe that the applicant's proposed sunset clause on outdoor storage or exception for the parking of vehicles addresses this major Plan issue. Finally, the applicant has not proffered to abandon/vacate the 50-foot access easement through Parcel 24 which serves Parcels 18 and 19 within an expedited time frame.

For these reasons, staff finds that RZ 2000-LE-023 is not in conformance with the Comprehensive Plan nor is it in conformance with the Zoning Ordinance.

Recommendation

Staff recommends that RZ 2000-LE-023 be denied; however, if it is the intent of the Board of Supervisors to approve RZ 2000-LE-023, staff recommends that the approval be subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

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. Proposed Proffers
2. Affidavit
3. Statement of Justification
4. Plan Citations and Land Use Analysis
5. Transportation Analysis
6. Environmental Analysis
7. Fire and Rescue Analysis
8. Fairfax County Water Authority Analysis
9. Stormwater Planning Analysis
10. Park Authority Analysis
11. Notice of Violation, dated August 9, 2000
12. Glossary

PROFFER STATEMENT

Rezoning Case No.: RZ 2000-LE-023
 Applicant / Title Owner: Tavares Concrete Company, Inc.
 Title Owner: Drakes Creek Holding Company, LLC
 Property: Tax Map 99-2-((1))-17, 18 and 19
 Proposed Zoning: I-5
 Date: January 14, 2002

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950, as amended, Tavares Concrete Company, Inc., as applicant and title owner of Lot 17 (hereinafter referred to as the "Applicant") and Drakes Creek Holding Company, LLC, as title owner of Lots 18 and 19, for themselves and their successors and assigns, in RZ-2000-LE-023 (the "Application"), filed for property as Tax Map 99-2-((1))-17, 18 and 19 (hereinafter referred to as the "Application Property") agree to the following proffers, provided the Board of Supervisors approves the Application. Each reference to "Applicant" in this proffer statement shall include and be binding upon all owners, successors, assigns, and/or developers of any portion of the Application Property.

1. Generalized Development Plan: Subject to Section 18-204 of the Zoning Ordinance, the Application Property shall be developed substantially in accordance with the Generalized Development Plan ("GDP"), dated April 25, 2000, and last amended on November 8, 2001, prepared by Dewberry & Davis, and consisting of four (4) sheets.
2. Land Use: The Application Property shall only be developed with one or more of the following uses:
 - (a) contractor's offices and shops;
 - (b) establishments for printing of any size, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and associated retail sales;
 - (c) establishments for scientific research, development and training;
 - (d) light public utility uses;
 - (e) offices;
 - (f) warehousing; and
 - (g) wholesale trade establishments.

In addition, storage yard use shall be permitted on the Application Property subject to the following restrictions and conditions: (a) outdoor storage shall be permitted on Lot 17 during the two (2) year period commencing on the approval date of Application (provided, however, that outdoor storage shall no longer be permitted on Lot 17 after issuance of a Non-Residential Use Permit for property owned by the Applicant located at 8000 Cinder Bed Road if such permit is issued during the 2-year period), (b) outdoor storage shall not be permitted on Lots 18 and 19, (c) after the 2-year (or shorter) period, storage yard use shall only be permitted inside the structures depicted on the GDP, (d) storage yard use of the Application Property shall not include the storage of items commonly found in junk yards (e.g., abandoned vehicles and discarded appliances), but rather, the types of items that may be stored on the Application Property shall include dump trucks, slip-form curb machines, cranes, bulldozers, tractor trailers, forms and molds for concrete work, and other items typically used and stored by contractors, and (e) the restrictions and conditions applicable to storage yard use shall not be applicable to the parking of vehicles on the Application Property. The Applicant shall prepare and submit a site plan for the structure on Lot 17 within three (3) months after the approval date of the Application, and thereafter, shall process such site plan diligently and in good faith.

3. Special Exception and Special Permit Uses: Notwithstanding Proffer No. 2 above, Special Permit and Special Exception uses shall be permitted without the necessity of a proffered condition amendment. This use flexibility shall not relieve the Applicant from the filing and processing of any Special Exception and/or Special Permit requests through the County's normal review process.
4. Floor Area Ratio: The total FAR on the Application Property shall not exceed 0.20, which shall not result in an increase in the footprint of the structures depicted on the GDP.
5. Parking: The number of parking spaces provided on the Application Property shall meet the parking requirements contained in the Zoning Ordinance, as determined by the Department of Public Works and Environmental Services (DPWES). Additional parking spaces shall not be created in landscaped open space areas depicted on the GDP. Finally, no more than ten (10) vehicles containing three (3) or more axles (i.e., dump trucks, tractor trailers, mixers, loaders, etc.) shall be parked outdoors on the Application Property at any one time, so long as storage of these vehicles is accessory to the principal use.
6. Lighting: All outdoor lighting, if installed, shall be designed and located in accordance with the glare standards as set forth in Part 9 of Article 14 of the Zoning Ordinance in effect at the time of site plan approval for each building. No freestanding lighting shall have poles that exceed 20 feet in height. All lighting shall have full cut off fixtures that direct light downward and inward.
7. Hazardous Materials: No hazardous or toxic substances, hazardous waste or petroleum products shall be generated, stored or disposed of on the Application Property in violation of law.
8. Cinder Bed Road: At the time of site plan approval, or upon written demand by the Board of Supervisors or the Virginia Department of Transportation, whichever first occurs, the

Applicant shall dedicate and convey in fee simple to the Fairfax County Board of Supervisors right-of-way measuring thirty-five (35) feet from the existing center line along the Application Property's Cinder Bed Road frontage, as shown on the GDP. The Applicant shall construct Cinder Bed Road as a one-half section of a two (2) lane undivided roadway (up to 26 feet of pavement from centerline. The entrance to the Application Property shall be constructed pursuant to Virginia Department of Transportation standards. The fence depicted on the GDP shall be constructed to ensure adequate sight distance for vehicles exiting the Application Property.

9. Access Easement Abutting Lots 18 and 19: The Applicant agrees that it shall not create a vehicular access to the Application Property via the existing easement, recorded in Deed Book 455 at Page 186 among the Fairfax County land records, that is located on the abutting property, known as the Hawthorne Property and located on Tax Map 99-2-((1))-24. Further, the Applicant shall contact the owner of the Hawthorne Property within three (3) months after the approval date of the Application and offer to vacate and abandon its interests in the easement as it applies to Lots 18 and 19.
10. Architecture: The architectural design of the three buildings constructed on the Application Property shall be consistent in quality with other similar buildings in the immediate vicinity and shall be compatible with each other. The Applicant reserves the right to construct the building on Lot 17 as a three (3) sided building with the west side (facing Cinder Bed Road) remaining open. The building on Lot 17 may be constructed of metal, similar in style and appearance to the buildings depicted on Attachment A. The buildings on Lots 18 and 19 shall be constructed to have exterior facades on all four sides that are at least 50% brick, architectural block, architectural precast concrete, other masonry materials, glass, job cast architectural concrete or other similar quality material.
11. Landscaping: Landscaping of the Application Property shall be generally consistent in terms of character and quantity with that indicated on the GDP, subject to final approval by the Urban Forestry Division of DPWES. Specific features such as the exact locations of plantings shall be subject to modification with final engineering and architectural design. Such landscaping shall be installed as soon as reasonably possible (considering the time of year for planting purposes) after site plan approval for the first building to be constructed; provided, however, that the Applicant shall plant the landscaping depicted on the north side of the existing fence located on the northern end of Lot 17 (as depicted on the GDP) as soon as reasonably possible after the Application is approved. The fence depicted on the GDP serving as the barrier between Lots 18 and 19 and the adjacent residentially zoned properties shall be constructed prior to the commencement of the construction of the first building on either Lot 18 or Lot 19. The landscaping shall maintained in good health by the Applicant and, if it dies or becomes severely diseased, shall be replaced as soon as reasonably possible, based on the growing season for the particular replacement materials. The barriers depicted on the GDP shall be maintained, repaired or replaced by the Applicant, as necessary.
12. Oak Tree: The Applicant shall make good faith best efforts to preserve the existing oak tree on Lot 18 that is noted on the GDP. The Applicant shall coordinate its efforts to preserve this tree with the Urban Forestry Division of DPWES.

13. Phase I Environmental Study: At the time of site plan approval, the Applicant shall prepare a Phase I Environmental Study of the Application Property. The study shall be submitted to the Department of Public Works and Environmental Services for review and approval in coordination with the Fire and Rescue Department, the Health Department and other appropriate agencies, as reasonably determined by DPWES (hereinafter referred to as the "reviewing agencies"). The Phase I Environmental Study shall be generally consistent with the procedures described within the American Society for Testing and Materials document entitled "*Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*," as determined by DPWES in coordination with the reviewing agencies. If warranted by the results of the Phase I investigation, as reasonably determined by DPWES in coordination with the reviewing agencies, a Phase II monitoring program shall be pursued in order to determine if soil, surface water or ground water contaminants are present on the Application Property and/or have migrated from the Application Property. If such a program is pursued, monitoring parameters shall be subject to the approval of DPWES in coordination with the reviewing agencies. If contaminants are detected in concentrations requiring remedial action, a remediation program shall be performed in accordance with all applicable Federal, State and County requirements. Sufficient documentation of completion of the remediation program (with the exception of long term follow-up monitoring efforts or an appropriate corrective action exception of long term follow-up monitoring efforts) or an appropriate corrective action plan consistent with the proposed development (as reasonably determined by DPWES in coordination with the reviewing agencies) shall be provided to DPWES prior to site plan approval.
14. Noise Ordinance: The Applicant shall comply with the regulations and restrictions contained in the Fairfax County Noise Ordinance.
15. Signage: The Applicant shall comply with Article 12 of the Zoning Ordinance for purposes of erecting signage on the Application Property.
16. Island Creek Clean-Up: The Applicant shall coordinate with the Lee District Supervisor and the Island Creek Homeowners Association to clean up the open space area adjacent to the Application Property. Specifically, the parties may designate a day for such clean up and the Applicant shall provide dumpsters and assist with some labor for the work; provided, however, that the value of the Applicant's contribution shall not exceed \$3,000.00. The Applicant shall not be responsible for any dump or disposal fees associated with the clean-up work. The Applicant's obligation to coordinate with the other parties and to contribute shall expire and terminate one (1) year after the approval date of the Rezoning Application if such clean up has not occurred by that date.
17. Lots 18 and 19 Clean-Up: The Applicant shall remove all trash, debris and abandoned vehicles on Lots 18 and 19 within sixty (60) days after the approval date of the Application.
18. Geotechnical Study: The Applicant shall prepare a geotechnical report, in accordance with the Public Facilities Manual, as part of the site plan for the Application Property for submission to DPWES.

19. Loading Areas: The loading area for the building developed on Lot 17 shall be located on either the western or northern sides of the building. The loading areas for the buildings developed on Lots 18 and 19 shall be located on the northern side of the buildings.
20. Density Credit: Density credit shall be reserved for the Application Property as permitted by the provisions of Section 2-308 of the Zoning Ordinance for all dedications described herein and/or on the GDP or as may be reasonably required by Fairfax County or VDOT at the time of site plan approval.
21. Severability: Any of the lots may be subject to a Proffered Condition Amendment application without joinder and/or consent of the other lot owners, if such PCA does not effect any other lots. Previously approved proffered conditions applicable to the lot(s) which is/are not subject of such a PCA shall otherwise remain in full force and effect. Further, the Applicant reserves the right to file for a special exception application without filing for an amendment to the GDP so long as the floor area ratio is not increased and all proffered conditions are satisfied.
22. Successors and Assigns: Each reference to "Applicant" in this Proffer Statement shall include within its meaning, and shall be binding upon, the Applicant's successor(s) in interest and/or developer(s) of the Application Property, or any portion thereof.
23. Counterparts: To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all of the parties to this Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.

Applicant / Title Owner of Lot 17:

Tavares Concrete Company, Inc.

By: _____

Name:

Title:

Title Owner of Lots 18 and 19:

Drakes Creek Holding Company, LLC

By: _____

Name:

Title

Prepared by:

David S. Houston
Shaw Pittman LLP
1650 Tysons Boulevard
Suite 1400
McLean, VA 22102-4859

REZONING AFFIDAVIT

APPENDIX 2

DATE: Sept 12 2001
(enter date affidavit is notarized)

David S. Houston, Agent for Applicant
Tavares Concrete Company, Inc.

I, Tavares Concrete Company, Inc., 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

2001-82e

in Application No(s): RZ 2000-LE-023
(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)
--	---	---

Tavares Concrete Company, Inc. Agent: Kenneth B. Betz	7805 Cinder Bed Road Lorton, VA 22079	Applicant/Title Owner Tax Map 99-2-((1))-17
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Drakes Creek Holding Company, LLC Agent: Weldon Deweese Charles Deweese	519 Gregory Road Franklin, Kentucky	Title Owner Tax Maps 99-2-((1))-18, 19
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Dewberry & Davis LLC Agent: Lawrence A. McDermott	8401 Arlington Boulevard Fairfax, VA 22031	Engineer/Planning Consultant
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McGuire, Woods, Battle & Boothe LLP Agents: David S. Houston, Esq. Erika L. Byrd, Esq. Kimberlee Welsh Cummings, Planner Jill R. Gottdiener, Planner Molly E. Harbin, Planner D. Cabell Vest, Planner	1750 Tysons Boulevard Suite 1800 McLean, VA 22102	Former Attorneys/Agents (See Attachment 1(c) for additional partners)
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Shaw Pittman, LLP Agents: David S. Houston, Esq. Elizabeth A. McKeeby, Planner	1650 Tysons Boulevard McLean, VA 22102	Attorney/Agents (See Attachment 1(c) for additional partners)
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(check if applicable) There are more relationships to be listed and Par. (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.

REZONING AFFIDAVIT

DATE: Sept 12, 2001
(enter date affidavit is notarized)

for Application No(s): RZ 2000-LE-023 2001-82e
(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)
Tavares Concrete Company, Inc. 7805 Cinder Bed Road
Lorton, VA 22079

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial & last name)
Armando J. Tavares Sole Shareholder

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice President, Secretary, Treasurer, etc.)
Armando J. Tavares President
Eloi P. Lourenco Vice President
Piedade R. Tavares Secretary
(no Treasurer)

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

** All listings which include partnerships 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: Sept 12, 2001
(enter date affidavit is notarized)

for Application No(s): RZ 2000-LE-023
(enter County-assigned application number(s))

2001-82e

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

Dewberry & Davis LLC
8401 Arlington Boulevard
Fairfax, VA 22031

DESCRIPTION OF CORPORATION: (check one statement)

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

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

The Dewberry Companies LC	Member
Larry J. Keller	Member
Dennis M. Couture	Member
Steven A. Curtis	Member

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 Dewberry Companies LC
8401 Arlington Boulevard
Fairfax, VA 22031

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Sidney O. Dewberry	Member
Barry K. Dewberry	Member
Karen S. Grand Pre	Member
Michael S. Dewberry	Member
Thomas L. Dewberry	Member

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: Sept 12, 2001
(enter date affidavit is notarized)

for Application No(s): RZ 2000-LE-023 2001-82e
(enter County-assigned application number(s))

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

Drakes Creek Holding Company, LLC **519 Gregory Road**
Franklin, Kentucky

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)

Weldon Deweese **Member**

=====

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)

Barbara M. Rossotti, Partner (S Corporation) **Shaw Pittman**
2300 N. Street, NW
Washington, DC 20037

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)

Barbara M. Rossotti **Sole Shareholder**

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.

REZONING AFFIDAVIT

DATE: Sept 12 2001
(enter date affidavit is notarized)

for Application No(s): RZ 2000-LE-023
(enter County-assigned application number(s))

2001-82e

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)

McGuire, Woods, Battle & Boothe LLP
1750 Tysons Boulevard
Suite 1800
McLean, Virginia 22102-3892

(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)

Equity Partners of McGuire, Woods, Battle & Boothe LLP

- | | |
|-------------------------|---------------------------|
| Adams, Robert T. | Burrus, Robert L., Jr. |
| Allen, George F. | Busch, Stephen D. |
| Ames, W. Allen, Jr. | Cabaniss, Thomas E. |
| Anderson, Arthur E., II | Cairns, Scott S. |
| Anderson, Donald D. | Calabrese, Antonio J. |
| Armstrong, C. Torrence | Capwell, Jeffrey R. |
| Atkinson, Frank B. | Carter, Joseph C., III |
| Aucutt, Ronald D. | Cogbill, John V., III |
| Bagley, Terrence M. | Courson, Gardner G. |
| Barr, John S. | Cranfill, William T., Jr. |
| Bates, John W., III | Cullen, Richard |
| Belcher, Dennis I. | Dabney, H. Slayton, Jr. |
| Boland, J. William | Deem, William W. |
| Bracey, Lucius H., Jr. | Den Hartog, Grace R. |
| Brittin, Jocelyn W. | Douglass, W. Birch, III |
| Broadus, William G. | Dudley, Waller T. |
| Brown, Thomas C., Jr. | Dyke, James Webster, Jr. |
| Burke, John W., III | Earl, Marshall H., Jr. |
| Burkholder, Evan A | Edwards, Elizabeth F. |

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

** All listings which include partnerships 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: Sept 12, 2001
(enter date affidavit is notarized)

for Application No(s): RZ 2000-LE-023 2001-82 e
(enter County-assigned application number(s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)
McGuire, Woods, Battle & Boothe LLP
1750 Tysons Boulevard
Suite 1800
McLean, Virginia 22102-3892

(check if applicable) [X] 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)

- | | |
|--------------------------|---------------------------|
| Evans, David E. | Little, Nancy R. |
| Feller, Howard | Mack, Curtis L. |
| Fennebresque, John C. | Marshall, Gary S. |
| Fifer, Carson Lee, Jr. | Martin, George K. |
| Flemming, Michael D. | McArver, R. Dennis |
| France, Bonnie M. | McCallum, Steve C. |
| Franklin, Stanley M. | McElligott, James P., Jr. |
| Getchell, E. Duncan, Jr. | McFarland, Robert W. |
| Gieg, William F. | McGee, Gary C. |
| Giguere, Michael J. | McGonigle, Thomas J. |
| Gillece, James P., Jr. | McMenamin, Joseph P. |
| Glassman, M. Melissa | Melson, David E. |
| Good, Dennis W., Jr. | Menges, Charles L. |
| Goodall, Larry M. | Menson, Richard L. |
| Grandis, Leslie A. | Michels, John J. |
| Grimm, W. Kirk | Milton, Christine R. |
| Hampton, Glenn W. | Moran, Kenneth J. |
| Harmon, T. Craig | Murphy, Brian D. |
| Hay, Jeffrey S. | O'Grady, Clive R. G. |
| Heberton, George H. | O'Grady, John B. |
| Isaf, Fred T. | Oakey, David N. |
| Kane, Richard F. | Page, Rosewell, III |
| Katsantonis, Joanne | Pankey, David H. |
| Keefe, Kenneth M., Jr. | Pollard, John O. |
| King, Donald E. | Price, James H., III |
| King, William H., Jr. | Rice, C. Daniel |
| Kittrell, Steven D. | Richardson, David L., II |
| Krueger, Kurt J. | Robertson, David W. |
| La Frata, Mark J. | Robinson, Stephen W. |
| Lawrie, Jr., Henry deVos | Rohman, Thomas P. |
| Lewis, James M. | Rogers, Marvin L. |
| Lindquist, Kurt E., II | Rooney, Lee Ann |

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

DATE: Sept 12, 2001
(enter date affidavit is notarized)

2001-82e

for Application No(s): RZ 2000-LE-023
(enter County-assigned application number(s))

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

McGuire, Woods, Battle & Boothe LLP
1750 Tysons Boulevard
Suite 1800
McLean, Virginia 22102-3892

(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)

- Russell, Deborah M.
- Rust, Dana L.
- Schewel, Michael J.
- Schill, Gilbert E., Jr.
- Scruggs, George L., Jr.
- Shelley, Patrick M.
- Skinner, Halcyon E.
- Slaughter, Alexander H.
- Slone, Daniel K.
- Smith, R. Gordon
- Sooy, Kathleen Taylor
- Spahn, Thomas E
- Stone, Jacquelyn E.
- Story, J. Cameron, III
- Strickland, William J.
- Stroud, Robert E.
- Summers, W. Dennis
- Swartz, Charles R.
- Swindell, Gary W.
- Tashjian-Brown, Eva S.
- Taylor, D. Brooke
- Terry, David L.
- Thornhill, James A.
- Van der Mersch, Xavier
- Waddell, William R.
- Walsh, James H.
- Watts, Stephen H., II
- Wells, David M.
- Whitt-Sellers, Jane R.
- Whittemore, Anne M.
- Williams, Stephen E.
- Williamson, Mark D.

- Wilson, Ernest
- Wood, R. Craig
- Word, Thomas S., Jr.
- Worrell, David H., Jr.
- Younger, W. Carter
- Zirkle, Warren E.

These are the only equity partners in the above-referenced firm.

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

DATE: Sept 12, 2001
(enter date affidavit is notarized)

for Application No(s): RZ 2000-LE-023
(enter County-assigned application number(s))

2001-82e

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

Shaw Pittman, LLP
1650 Tysons Boulevard
McLean, VA 22102-4835

(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)

Partners of Shaw Pittman, LLP

Alberg, James L.	PC	Cohen, Marc R.	PC
Andrews, Walter J.	PC	Cohn, Robert E.	NON
Anenberg, Scott A.	PC	Collier, Harry G.	NON
Aulick, Dean D.	PC	Cooper, Alan S.	PC
Baghdadi, Aslan	PC	Custer, B. Scott	PC
Baltz, Frank J.	PC	Cynamon, David J.	PC
Baum, Deborah B.	PC	deRidder, Craig A.	PC
Baxter, Thomas A.	PC	DiGiovanni, Robert M.	NON
Becker, Stephan E.	NON	Donaldson, Richard C.	NON
Bednarek, Michael	PC	Dodson, Mary Jane	PC
Berk, Lon	NON	Doland, Marie	NON
Berry, Charles G.	PC	Dottori, Mario F.	NON
✓ Bishop, Robert	NON	Dwyer, Maureen Ellen	PC
Blake, Jr., Ernest L.	PC	Engel, John	PC
Blalock, Trey	NON	Feis, Gregory S.	PC
Brownell, Eileen L.	PC	Feola, Phil	PC
Calaby, Cecelia	NON	Fiedler, Charles	NON
Carr, John L.	PC	Flick, Lauren Lynch	NON
Caruso, Kenneth A.	PC	Flick, Scott R.	NON
Catliota, Thomas J.	PC	Fried, Bruce M.	NON
Chason, Craig E.	PC	Gaukler, Paul	NON
Clemons, Howard L.	PC	Glassie, Jefferson	NON

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

DATE: Sept 12, 2001
 (enter date affidavit is notarized)

2001-82e

for Application No(s): RZ 2000-LE-023
 (enter County-assigned application number(s))

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

Shaw Pittman, LLP
 1650 Tysons Boulevard
 McLean, VA 22102-4859

(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)

Partners of Shaw Pittman, LLP
 (continued)

Gottfried, Barry H.	NON	Landy, Charles J.	PC
Gotts, Lawrence J.	NON	Lawson, Kurt	NON
Graff, Ed	PC	Leader, Martin R.	NON
Hanlon, R. Timothy	PC	Lenhart, J. Thomas	PC
Hansen, Edward J.	PC	Lewis, David R.	NON
Harper, Elisabeth J.	PC	Lewis, Jack L.	PC
Harper, John	PC	Lewis, Robert Y.	PC
Harrington, Clifford M.	NON	Mahaffey, Sylvia M.	PC
Harrison, Ellen K.	NON	Main, David C.	NON
Harvey, Margaret	PC	Martin, Clara Ruyan.	NON
Harvey, Sheila M.	PC	Mason, Miles S	NON
Harper, John S.	PC	Maughan, Alistair .	PC
Hasty, Rob	NON	McCormick, Thomas H.	PC
Hewitt, Devon E.	PC	McDonald, John M.	PC
Hickey, J. Patrick	PC	McKay, Jack	PC
Hill, Thomas C.	PC	McKnight, Kathy J.	NON
Hutchings, Jeffrey D.	PC	Meltzer, Steven L.	PC
Huttler, Stephen B.	PC	Menotti, David E.	PC
Jackson, Rebecca L.	NON	Mickey, Paul F.	PC
Jacobs, Bruce D.	NON	Miller, David L.	PC
Jacobs, Jerald	NON	Moetell, Michael C.	PC
Jensen, John E.	PC	Montero, Francisco Ramon	NON
Kearns, Christine N.	PC	Morton, Thomas D.	PC
Kendall, Joseph E.	PC	Moyle, Andrew C.	PC
Klein, Allen J.	PC	Murdock, John E.	NON
Klein, Eric	NON	Murphy, Michael T.	PC
Knox, Thomas J.	PC	Nagel, Trevor W.	NON
Krohn, M. David	PC	O'Neill, John H.	PC

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

DATE: Sept 12, 2001
 (enter date affidavit is notarized)

2001-82 e

for Application No(s): RZ 2000-LE-023
 (enter County-assigned application number(s))

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

Shaw Pittman, LLP
 1650 Tysons Boulevard
 McLean, VA 22102-4859

(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)

Partners of Shaw Pittman, LLP
 (continued)

Oser, Aaron M.	PC	Spulak, Thomas J.	PC
Oxenford, David D.	NON	Stern, Elizabeth E.	PC
Pax, Thomas J.	PC	Taylor, Ralph A.	PC
Pearl, Marc A.	PC	Temkin, Charles B.	PC
Perkins, Victoria J.	PC	Tomaszczuk, Alexander D.	NON
Peters, Bill	NON	Travieso-Diaz, Matias F.	PC
Peterson, Charles	NON	Tucker, Andrew M.	PC
Pilecki, Paul S.	PC	Watkins, Timothy H.	PC
Planning, Anne K.	PC	Weinreich, Gadi	PC
Potter, Patrick	NON	Weinstock, Robert N.	PC
Richards, Glenn S.	NON	Weisel, Sheldon J.	PC
Richer, Diane S.	PC	White, Wendelin A.	PC
Robbins, Robert B.	PC	Whitfield, Milton B.	NON
Roberts, Jane S.	PC	Wilkins, James H.	NON
Ross, Michele	PC	Winston, Frank	NON
Rossotti, Barbara M.	S Corporation	Wolff, D. Craig	PC
Roth, Gary D.	PC	Woods, Andrew L.	PC
Sahr, David R.	PC	Yablon, Jeffery L.	PC
Schmeltzer, Kathryn R.	NON	Yanowitch, Lawrence T.	PC
Severs, Charles	NON	Zahler, Robert E.	PC
Silberg, Jay E.	PC	Zaragoza, Richard R.	NON
Soukup, Lynn A.	PC		
Spartin, Debbie B.	PC		

The above names are the only partners in Shaw Pittman LLP.
 Each PC listed above is its own President S Corporation (see par.(b))

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

REZONING AFFIDAVIT

DATE: Sept 12, 2001
(enter date affidavit is notarized)

for Application No(s): RZ 2000-LE-023
(enter County-assigned application number(s))

2001-82e

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.

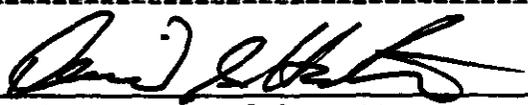
3. That within the twelve-month period prior to the filing of this application, no member of the Fairfax County Board of Supervisors or Planning Commission or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or 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.)

Dewberry & Davis LLC donated in excess of \$200.00 to Gerald Connolly, Providence District Supervisor, within the 12 month period that commenced July 31, 2000.

(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:



(check one) [] Applicant [X] Applicant's Authorized Agent
David S. Houston, Esquire, Agent for Applicant

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

Subscribed and sworn to before me this 12 day of September, 2001, in the State (Comm.) of Virginia, County/City of Fairfax.

Debra S Cavanaugh
Notary Public

My commission expires: 8.31.02

STATEMENT OF JUSTIFICATION
TAVARES CONCRETE COMPANY, INC.

RZ CASE NO. 2000-LE-023

Revised September 12, 2001

RECEIVED
DEPARTMENT OF PLANNING AND ZONING

SFP 13 2001

I. Introduction

The Subject Application, an amendment to existing Rezoning Application RZ 2000-LE-023, filed on behalf of Tavares Concrete Company, Inc. ("Applicant") is a request to permit approximately 3.3621 acres to be rezoned from the R-1 District to the I-5 District, in accordance with the Fairfax County Comprehensive Plan. The Application Property is identified as Fairfax County Tax Map Reference Number 99-2-((1)) Parcels 17, 18 and 19 ("Subject Property") and is located on the east side of Cinder Bed Road (Route 637). This amendment adds Tax Map Parcels 99-2-((1))-18 and 19 to filed rezoning application RZ 2000-LE-023 which included only Tax Map Parcel 99-2-((1))-17.

The proposed use of the Subject Property is for industrial purposes, including contractor's offices and shops, offices, warehousing, wholesale trade establishments and storage yards. A list of uses will be contained in the Applicant's Proffer Statement. A single building is proposed for Parcel 99-2-((1))-17, containing approximately 9,300 square feet of gross floor area. An approximately 9,500 square foot building is proposed to be constructed on Parcel 99-2-((1))-18. A building of the same dimensions is also proposed for Parcel 99-2-((1))-19, thus creating a total of three buildings with a cumulative square footage of 28,300 square feet and FAR of .19 on the Subject Property.

With respect to Parcel 17, the intent of the Applicant's use is a storage yard for materials and equipment in the operation of its company. The materials involved are typically sheet metal, reinforcing steel and plastic or concrete piping. The equipment involved will vary depending on the amount of projects it has active, but will typically involve the following:

- dump trucks (3);
- slip-form curb machines (4);
- crane (2);
- bull dozer (2);
- tractor and trailer (2); and
- miscellaneous forms and molds for concrete work.

II. Background

Started in 1982, the Applicant, a minority owned firm, began as a small site concrete contractor building curbs and sidewalks for general building contractors. Over

time, the Applicant qualified for state work, primarily for the Virginia Department of Transportation (VDOT). The Applicant has evolved into one of the larger concrete placement companies. It now specializes in slipform (extruded) work on public and private projects. The Applicant also self-performs on highway projects as a general contractor.

III. Compatibility with Surrounding Development

Cinder Bed Road is considered one of the County's most intensively industrialized areas. The Subject Property is bounded on the north by an undeveloped common area zoned PDH-4 and on the west by industrially planned and used parcels zoned R-1 and I-5. The east and south of the Subject Property is bounded by a combination of industrially and residentially used parcels zoned I-4, I-5, R-1 and PDH-4.

IV. Waivers and Modifications Requested

The Fairfax County Comprehensive Plan includes a bicycle trail along the frontage of the Subject Property. The Applicant requests a waiver of such requirement, given the proposed use of the property and the fact that there is no trail connection on either side of the Subject Property. If constructed, it is highly unlikely that the trail would ever be used.

Transitional screening and barriers are not required along the western and southern boundaries of Lot 17. The Applicant will provide a 50 foot transitional screening area along the eastern boundary of the Subject Property and a 25 foot transitional screening area along the southern boundary of Parcels 18 and 19, but requests a modification of the screening and barrier requirements along this boundary in favor of the landscaping on the GDP and 8 foot board on board fence. This modification is justified pursuant to Section 13-304(2) which states that, "Barriers may be waived or modified by the Director where the side of a building, a barrier and/or the land between that building and the property line has been specifically designed to minimize the adverse impact." In this instance, the Applicant believes the landscaping and 8 foot fence is a more effective barrier. Also, the building will not have any activities taking place on its eastern side.

In addition, the Applicant is requesting a modification of barrier requirements along the eastern boundary of the Subject Property (the eastern boundary of Lot 18). The Applicant wishes to modify the Section 13-303(4F) requirement for a 6 foot high fence in favor of the continuous 8 foot high board fence being proposed along the eastern two-thirds of the Subject Property. As stated above, the Applicant believes that the 8 foot board fence will provide a more effective barrier than required by the Zoning Ordinance.

The Applicant is also requesting a modification of the transitional screening and barrier requirements along the northern boundary of the Subject Property in favor of the existing and proposed fencing and landscaping, as shown on the Generalized Development Plan. Specifically, the Applicant is proposing a 25 foot buffer. This area

will be landscaped with evergreen trees. The existing 8 foot board on board fence will remain as the barrier along the western one-third of the northern property boundary (Lot 17) and new fencing will be constructed along the eastern two-thirds of the northern boundary (Lot 18 and 19). This request is justified pursuant to Section 13-304(2) because the strict requirement for a 50 foot wide screening yard would preclude the reasonable use of the lot. Also, the buildings have been designed so that no activities will take place that face the northern boundary. Rather, all activities will face west. The area to the north that is part of the Island Creek development has been proffered as an undisturbed open area. There are no residences to the north.

V. Conformance with the Comprehensive Plan

This application, an amendment to filed Application RZ 2000-LE-023 to include Tax Map Parcels 99-2-((1))-18 and 19, strengthens the proposal's accord with the Fairfax County Comprehensive Plan. In an effort to enhance the northern portion of Land Unit I of the I-95 Industrial Area and focusing on industrial properties along Cinder Bed Road, Out of Turn Plan Amendment S00-IV-S1 was adopted by the Board on June 11, 2001. Specifically, adopted plan text states that the parcels may be developed with industrial use up to .25 FAR. In addition to a recommendation for the consolidation of Parcels 99-2-((1))-17, 18 and 19, the plan recommends that vehicular access to Parcels 18 and 19 should be provided through Parcel 17. Both of these objectives would be achieved by the approval of this Application. The development of the Subject Property, as proposed by this Application, conforms with Comprehensive Plan language as adopted subsequent to the initial filing of RZ 2000-LE-023.

VI. Conformity with the Zoning Ordinance Requirements

The proposed use conforms to all applicable ordinances, regulations and standards for development under the provisions of the I-5 zoning district. Adequate utilities, drainage, parking, and other facilities needed to serve this use are available and will be provided if necessary.

For all of the aforementioned reasons, the Applicant respectfully requests the Staff and Planning Commission to endorse, and the Board of Supervisors to approve, this rezoning request.

Respectfully submitted,

Shaw Pittman

By:



David S. Houston
Attorney for Applicant

ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

DAVID S. HOUSTON
703 770 7544
david.houston@shawpittman.com

January 9, 2002

By Facsimile
(703) 324-3924

Ms. Cathy Lewis
Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning
County of Fairfax
12055 Governmental Center Parkway, Suite 801
Fairfax, VA 22035-5505

Re: Rezoning Application No. 2000-LE-023
Applicant: Tavares Concrete Company, Inc.

Dear Cathy:

On behalf of the above-referenced Applicant, this letter is to provide further explanation and justification for the Applicant's need to have some period of time to have an outdoor storage yard on Lot 17. Specifically, the Applicant has requested (in the Proffer Statement) that outdoor storage be permitted on Lot 17 for up to 2 years. The period would be less, however, if a Non-Residential Use Permit is granted for the Applicant's other property located at 8000 Cinder Bed Road.

The Applicant believes that the 2 year period is necessary because that is the length of time that it will take to prepare a site plan for 8000 Cinder Bed Road (Dewberry & Davis is working on the plan now), file and process both the site plan and the building permit with the County, and to construct the improvements on the new property. Site plans typically take 6 to 9 months to process from the time of submission and the actual construction may take 12 to 18 months. Because of the environmental constraints at 8000 Cinder Bed Road, the Applicant must take a conservative approach to the construction process. I can assure you that the Applicant intends to proceed with the plan and permit approvals, and the construction, diligently and in good faith. As noted above and in the Proffer Statement, if the construction does take less time and the Applicant is able to move into its new headquarters facility sooner, the outdoor storage on Lot 17 would cease immediately.

1166757

1650 Tyson's Boulevard McLean, VA 22102-4859

703.770.7900 Fax: 703.770.7901

www.shawpittman.com

Washington, DC
Northern Virginia
New York
Los Angeles
London

ShawPittman LLP

Ms. Cathy Lewis
January 9, 2002
Page 2

If the time period is shortened to as little as 6 months, as you recommend, it would certainly place a great economic burden on the Applicant to comply. Outdoor storage is an essential part of the Applicant's ongoing business. I do not think this is in keeping with the spirit of cooperation that we have all been working with during this 21 month rezoning process. I would again point out that the Comprehensive Plan in effect at the time the application was made and at the time it was first scheduled for public hearing had no restrictions on outdoor storage.

Thank you for your consideration of this request. Please call me if you have any questions.

Sincerely,



David S. Houston

cc: Kenneth B. Betz (via facsimile)
Lawrence A. McDermott (via facsimile)

COUNTY OF FAIRFAX, VIRGINIA

MEMORANDUM

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

FROM: *Bruce G. Douglas*
Bruce G. Douglas, Chief
Environment and Development Review Branch, DPZ

SUBJECT: Revised Comprehensive Plan Land Use Analysis for: RZ 2000-LE-023
Tavares Concrete Company

DATE: 16 January 2002

This memorandum includes citations from the Comprehensive Plan that provide guidance for the evaluation of the application and development plan dated November 8, 2001 and proffers dated January 14, 2002. This application requests a rezoning from R-1 to I-5. Approval of this application would result in a floor area ratio (F.A.R.) of 0.19. The extent to which the proposed use, intensity, and the development plan are consistent with the guidance of the Plan is noted.

CHARACTER OF THE SURROUNDING AREA:

The subject property consists of open industrial storage and vacant land. A large area of wooded parkland is located to the north, planned for public park use and zoned PDH-4. To the south and east is located vacant land, which is planned for residential use at 3-4 dwelling units per acre and private open space and approved for single family residential development up to 4.48 dwelling units per acre (PDH-4). Immediately south of the subject property is located an industrial use which is planned for industrial use up to .35 FAR and zoned I-5. Industrial uses and vacant land are located to the west, planned for industrial and open space uses and zoned I-5.

COMPREHENSIVE PLAN CITATIONS AND ANALYSIS:

The 3.36-acre property is located in Land Unit I of the I-95 Corridor Industrial Area and the Newington Community Planning Sector (S6) of the Springfield Planning District in Area IV. The Comprehensive Plan provides the following guidance on the land use and the intensity for the property:

Text:

In Plan Amendment No. 2000-04, adopted by the Board of Supervisors on June 11, 2001, under the heading, "Recommendations, Land Use," the Plan states:

"This land unit is located north of the Fort Belvoir Military Railroad and east of Cinder Bed Road. Existing uses including County school bus and Connector bus

parking facilities and garage, a new industrial park, vacant land, and industrial uses exist next to older single-family residences. A single family residential attached and detached subdivision has been recently approved on Tax Map 99-2 ((1)) 24 which is adjacent to the land unit.

Industrial uses up to .35 FAR are planned for the area south of parcels 28 and 29.

The area along Long Branch next to Cinder Bed Road north of the Newington Garage is appropriate for industrial use, with substantial buffering and transitional open space required next to any remaining detached single-family residential units. The environmental constraints of the area associated with steep slopes, poor soil, and floodplains require strict conformance with environmental policies. The eastward boundary should generally follow the base of these slopes at an elevation of 165 feet to preserve the integrity of these highly erodible areas.

Tax Map 99-2 ((1)) parcels 17, 20-23 and 25-29 include areas with environmental constraints and opportunities, including slopes, poor soils and a tributary. These parcels are also planned for industrial use up to .35 FAR subject to the following:

- Substantial vegetated buffers and screening should be provided adjacent to parcels planned or developed for residential use or public park use;
- Outdoor storage and heavy industrial uses are prohibited; and
- Access should occur only to Cinder Bed Road.”

In Plan Amendment No. 2000-04, adopted by the Board of Supervisors on June 11, 2001, under the heading, “Newington Community Planning Sector (S6), Recommendations, Land Use,” the Plan states:

“9...

Two adjacent parcels, Tax Map 99-2 ((1)) 18 and 19 may be developed for single family attached residential use at 3-4 dwelling units per acre if they are consolidated and subdivided such that their development can be integrated with the approved single family residential development on Tax Map 99-2 ((1)) 24, and if all vehicular access can be obtained through parcel 24 to Morning View Lane. Development at this density would be subject to all of the applicable development conditions outlined for residential use on Parcel 24.

If residential development is not achieved, Tax Map 99-2 ((1)) 18 and 19 may be developed for industrial use up to .25 FAR. Vehicular access to Parcels 18 and 19 should be provided through Parcels 17 or 20. It is recommended that Parcels 18 and 19 consolidate with Parcel 17. The existing 50-foot access easement for Parcel 24 to Cinder Bed Road should not be utilized. Substantial vegetated

buffers and screening should be provided adjacent to parcels planned or developed for residential use or public park use.”

Map:

The Comprehensive Plan map shows that the property is planned for industrial use and residential use at 3-4 dwelling units per acre.

Analysis:

The application and development plan propose outdoor storage along with other industrial uses up to 0.19 FAR which is not in conformance with the use guidelines of the Comprehensive Plan. The proffers indicate that open storage would continue for two years on Parcel 17, which is not in conformance with the Comprehensive Plan. Given that the applicant's current use of the site as a storage yard is not permitted under its current zoning (R-1) and that the applicant has a site nearby on which he could store equipment, there is no reason for the applicant to be permitted to continue use of the site as a storage yard for two years. The applicant's proposed two-year sunset clause would result in outdoor storage being located near residentially developing properties (i.e. the Hawthorne neighborhood). Furthermore, the applicant is seeking to permit the parking of vehicles on site, which could result in a vehicle storage lot. This is another form of open storage, which is not in conformance with the Comprehensive Plan. This would also impact the Hawthorne neighborhood with the attendant noise from moving the stored vehicles. Only vehicles of the employees who work at the site should be parked on the subject property.

The applicant proposes leaving one side of the proposed buildings open. The side that remains open should be oriented away from planned or existing residential development.

The applicant should provide the full required 50-foot transitional screening including a masonry wall and supplemental evergreen vegetation (to exceed what is shown on the development plan) along the southern boundaries of parcels 18 and 19 adjacent to planned residential development as well as along the northern boundaries of parcels 17, 18, and 19 adjacent to public park use. Due to the imminent residential development of the Hawthorne property, this transitional screening should be provided immediately.

The applicant has consolidated the appropriate parcels and provided access only to Cinder Bed Road. The applicant should immediately vacate the 50-foot access easement through the Hawthorne property.

BGD: ALC

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT 

FILE: 3-4 (RZ 2000-LE-023)

SUBJECT: Transportation Impact

REFERENCE: RZ/GDP 2001-LE-023; Tavares Concrete Company
Traffic Zone: 1572
Land Identification Map: 99-2 ((1)) 17, 18, 19

DATE: December 31, 2001

The following comments reflect the analyses of the Department of Transportation. These comments are based on the generalized development plan revised to November 8, 2001 and draft proffers dated September 12, 2001.

The adopted Comprehensive Plan calls for the reconstruction of Cinder Bed Road to an improved two lane facility. The site is near the northern terminus of the roadway, and the roadway in this area is now approximately 15 feet wide. Segments of the roadway south of the site have been improved per the Plan with development of adjoining parcels. Because of the many industrial and storage uses along the roadway, the roadway carries a high percentage of truck and heavy vehicle traffic.

Transportation Issues: The applicant is seeking approval to rezone and develop the site as an industrial use and storage yard. The following issues are associated with the application.

1. The draft proffers commit to dedication to 35-feet from centerline with frontage improvements to 26-feet from centerline.
 - a. Dedication to 35-feet, while adequate for public street purposes, only allows 8.5 feet from the back of curb to the property line for construction of the bicycle trail. As such the proposed dedication is likely inadequate if a trail is to be provided now or in the future.
 - b. The proffers provide for either the construction of frontage improvements or escrowing of funds for frontage as deemed appropriate by DPW&ES. This department can not support approval of the application unless frontage improvements are constructed concurrent with site development.

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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Zoning Evaluation Division, DPZ

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Site Analysis Section, DOT 

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- c. Development plan note 6 states that... "There are no public improvements proposed." Note 7 states that... "There are no public facilities proposed with this development." Both notes should be removed since note 6 conflicts with the draft proffers, and note 7 could lead to confusion given the roadway and trail improvements identified in the proffers.
2. The last sentence of proffer 8 states that the fence "will be constructed to ensure adequate sight distance for vehicles exiting the site." The design should also accommodate sight distance of and for bicyclists using the future bike trail along Cinder Bed Road.
3. The development plan delineates a fence and gate adjacent to the proposed property line. Any gate at the site entrance should be located sufficiently distant into the property to allow a vehicle to stop on site while the gate is opened or closed.
4. The proffered frontage improvements should be delineated on the development plan.

Traffic Generation. Because the magnitude of the use, and types of equipment to be stored on the site can vary significantly, an accurate estimate of trip generation can not be completed. However, the provision of frontage improvements as noted above should adequately mitigate increases in traffic expected with the requested rezoning of the property.

AKR/CAA

cc: Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services

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AKR/CAA

cc: Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

CHARLES D. NOTTINGHAM
COMMISSIONER

THOMAS F. FARLEY
DISTRICT ADMINISTRATOR

October 17, 2001

Ms. Barbara A. Byron
Director of Zoning Evaluation
Office of Comprehensive Planning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22033

Re: RZ 2000-LE-023
Tavares Concrete Company, Inc.
Tax Map No.: 99-2-((01))-17

Dear Ms. Byron:

This office has reviewed the referenced application and supports its approval with the following conditions:

1. Sheet 3: The section of Cinderbed Road across the property frontage should be improved to a 26' half section from the centerline to the face of curb.
2. Sheet 3: The applicant should indicate whether the current right-of-way on Cinderbed Drive is prescriptive.
3. Sheet 3: A standard CG-11 commercial entrance will need to be provided.
4. Sheet 3: A more complete drainage evaluation will be performed upon development of additional engineering detail.

If I may provide any additional information, please do not hesitate to contact me at (703) 383-2424.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jorg Huckabee-Mayfield".

Jorg Huckabee-Mayfield
Transportation Engineer Senior

c: Ms. Angela Rodeheaver

COUNTY OF FAIRFAX, VIRGINIA

MEMORANDUM

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

FROM: 
Bruce G. Douglas, Chief
Environment and Development Review Branch, DPZ

SUBJECT: ENVIRONMENTAL ASSESSMENT: RZ 2000-LE-023
Tavares Concrete Company

DATE: 3 January 2002

BACKGROUND:

This report includes citations from the Comprehensive Plan that list and explain environmental policies for this property. The citations are followed by a discussion of environmental concerns, including a description of potential impacts that may result from the proposed development as depicted on the Development Plan dated October 2, 2001. The report also identifies possible solutions to remedy environmental impacts. Alternative solutions may be acceptable provided that they achieve the desired degree of mitigation and are compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

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

1. **Water Quality** (Objective 2, pp. 91-92, The Policy Plan)

"Objective 2: Prevent and reduce pollution of surface and groundwater resources.

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

2. **Tree Preservation** (Objective 10, p. 101, The Policy Plan)

“Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices . . .”

3. **Trails** (Objective 4, p. 59, The Policy Plan)

“Fairfax County should provide a comprehensive network of trails and sidewalks as an integral element of the overall transportation network.

Policy a: Plan for Pedestrian, bicycle, and bridle path/hiking trail system components in accordance with the Countywide Trails Plan . . .”

4. **Problem Soil Areas** (Objective 6, pp. 96-97, The Policy Plan)

“Objective 6: Ensure that new development either avoids problem soil areas, or implements appropriate engineering measures to protect existing and new structures from unstable soils.

Policy b: Require new development on problem soils to provide appropriate engineering measures to ensure against geo-technical hazards.”

5. **Light Pollution** (Objective 5, p. 96 The Policy Plan)

“Minimize light emissions to those necessary and consistent with general safety.

Policy a: Recognize the nuisance aspects of unfocused light emissions.”

ENVIRONMENTAL ANALYSIS:

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions.

1. **Water Quality**

Issue: On a recent site visit, staff noted stained soils, large areas of uncontrolled fill, and recent outdoor storage of junked automobiles. There is ample evidence that past uses on the site may have resulted in the release of environmental contaminants.

Suggested Solution: Prior to site plan approval, the applicant should submit a Phase I investigation of the property to DPWES for review and approval in coordination with the Fire and Rescue Department, the Health Department, and other appropriate agencies as determined by DPWES (hereinafter referred to as the "reviewing agencies"). This investigation should be generally consistent with the procedures described within the American Society for Testing and Materials document entitled "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" as determined by DPWES in coordination with the reviewing agencies.

If warranted by the results of the Phase I investigation, as determined by DPWES in coordination with the reviewing agencies, a Phase II monitoring program should be pursued in order to determine if soil, surface water, or ground water contaminants are present on the property and/or have migrated from the property. If such a program is pursued, monitoring parameters should be subject to the approval of DPWES in coordination with the reviewing agencies. If contaminants are detected in concentrations requiring remedial action, a remediation program should be performed in accordance with all applicable Federal, State, and County requirements. Sufficient documentation of completion of the remediation program (with the possible exception of long term follow-up monitoring efforts) or an appropriate corrective action plan consistent with the proposed development (as determined by DPWES in coordination with the reviewing agencies) should be provided to DPWES prior to site plan approval.

3. **Tree Preservation**

Issue: The Policy Plan calls for protecting and restoring some tree cover during development. The site currently has several areas of mature trees. Tree preservation should also be supplemented along the northern and southern property lines, which are adjacent to residential use and public park use.

Suggested Solution: Together with the County's Urban Forester, the applicant should evaluate the potential for tree preservation including the addition of

the appropriate supplemental plantings along the southern and northern property lines.

4. **Trails**

Issue: The Countywide Trails Plan shows a proposed pedestrian trail along Cinderbed Road. The Development Plan does not show a potential location for the trail. The trail should be clearly labeled on the Development Plan in order for the trail to connect with the public park north of the subject property.

Suggested Solution: The Development Plan should be revised to clearly show the planned trail. The Director of DPWES will determine the final trail location and design at the time of site development.

5. **Problem Soil Areas**

Issue: Steep slopes and unstable marine clay soils may be an issue for development (particularly with Parcels 18 and 19). Any development on unstable soils should occur only after the appropriate geo-technical studies and soil stabilizing measures.

Suggested Solution: At the time of site development, the applicant should submit geo-technical studies to address potential soil problems.

6. **Light Pollution**

Issue: It is unclear from a review of the development plan the location and types of outdoor lighting that are proposed for this site. Staff does not object to any particular style of lighting fixture as long as the design is appropriate and the lighting does not cause light pollution.

Suggested Solution: All lighting provided on the property should be focused downward onto the site and feature full cut-off fixtures to prevent off-site glare on adjacent and nearby residential properties.

BGD: ALC

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

June 8, 2000

RECEIVED

DEPARTMENT OF PLANNING AND ZONING

JUN 9 2000

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

ZONING EVALUATION DIVISION

FROM: Ralph Dulaney (246-3868)
Planning Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis of Rezoning Application RZ
2000-LE-023

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject:

3. The application property is serviced by the Fairfax County Fire and Rescue Department Station #37, Kingstowne.
4. After construction programmed for FY 19__, 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. The application property is _/10 outside the fire protection guidelines. No new facility is currently planned for this area.

FAIRFAX COUNTY WATER AUTHORITY
8570 Executive Park Avenue - P. O. Box 1500
Merrifield, Virginia 22116-0815
(703) 289-6000

June 9, 2000

MEMORANDUM

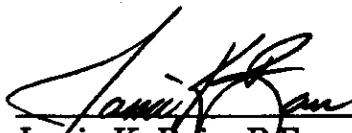
TO: Staff Coordinator (Tel. 324-1250)
Zoning Evaluation Division-Suite 800
12055 Government Center Parkway
Fairfax, VA 22035-5505

FROM: Planning Branch (Tel. 289-6363)
Planning and Engineering Division

SUBJECT: Water Service Analysis, Rezoning Application RZ 00-LE-023

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 located within the franchise area of the Fairfax County Water Authority.
2. Adequate water service is not available at the site.
3. An offsite water main extension will be required to an existing 12-inch water main in Cinder Bed Road. This extension is required to provide the referenced site domestic service and fire protection. Depending upon the configuration of the onsite water mains, additional water main extensions may be necessary.



Jamie K. Bain, P.E.
Manager, Planning Department

Attachment



FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

DATE: December 12, 2001

FROM: Scott St.Clair, Director
Stormwater Planning Division
Department of Public Works & Environmental Services

SUBJECT: Rezoning Application Review

SPS

Name of Applicant/Application: Tavares Concrete Co.

Application Number: RZ2000-LE-023

Information Provided: Application - Yes
 Development Plan - Yes
 Other - Statement of Justification

Date Received in SWPD: 10/22/01

Date Due Back to DPZ: 11/12/01

Site Information: Location - 099-2-01-00-0017, 18 and 19
 Area of Site - 3.36 acres
 Rezone from - R-1 to I-5
 Watershed/Segment - Accotink Creek / Long Branch A

Stormwater Planning Division (SWPD), Maintenance and Stormwater Management Division (MSMD), and Planning and Design Division (PDD) Information:

I. Drainage:

- MSMD/PDD Drainage Complaints: **There are no downstream complaints on file with PDD, relevant to this proposed development.**
- Master Drainage Plan, proposed projects, (SWPD): **Channel stabilization project AC212 is located 300 feet, across Cinder Bed Road, from the site.**
- Ongoing County Drainage Projects (SWPD): **None.**
- Other Drainage Information (SWPD): **None.**

II. Trails (PDD):

Yes No Any funded Trail projects affected by this application?

If yes, describe:

Yes No Any Trail projects on the Countywide Trails priority list or other significant trail project issues associated with this property?

If yes, describe:

III. School Sidewalk Program (PDD):

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 application?

If yes, describe:

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

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 application?

If yes, describe:

V. Other Projects or Programs (PDD):

Yes No Any Board of Road Viewers (BORV) or Fairfax County Road Maintenance Improvement Projects (FCRMIP) affected by this application?

If yes, describe:

Yes No Any Commercial Revitalization Program (CRP) projects affected by this application?

If yes, describe:

Yes No Any Neighborhood Improvement Program (NIP) projects affected by this application?

If yes, describe:

Other Program Information (PDD): **None.**

Application Name/Number: Tavares Concrete Co. / RZ2000-LE-023

******* SWPD AND PDD, DPWES, RECOMMENDATIONS*******

Note: The SWPD and PDD recommendations are based on the SWPD and PDD involvement in the below listed programs and are not intended to constitute total County input for these general topics. It is understood that the current requirements pertaining to Federal, State and County regulations, including the County Code, Zoning Ordinance and the Public Facilities Manual will be fully complied with throughout the development process. The SWPD and PDD recommendations are to be considered additional measures over and above the minimum current regulations.

DRAINAGE RECOMMENDATIONS (SWPD): None.

TRAILS RECOMMENDATIONS (PDD): None.

SCHOOL SIDEWALK RECOMMENDATIONS (PDD): None.

SANITARY SEWER E&I RECOMMENDATIONS (PDD): None.

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 and Environmental Services during the normal plan review and approval process.

Other E&I Recommendations (PDD): None.

OTHER SWPD and PDD PROJECT/PROGRAM RECOMMENDATIONS: None.

SWPD and PDD Internal sign-off by:
Planning Support Branch (Ahmed Rayyan) ab
Utilities Design Branch (Walt Wozniak) mg
Transportation Design Branch (Larry Ichter) nc
Stormwater Management Branch (Fred Rose) FR
RS M

SRS/RZ2000LE023

cc: Gordon Lawrence, Coordinator, Office of Safety, Fairfax County Public Schools (only if sidewalk recommendation made)
Gilbert Osei-Kwadwo, Chief, Engineering Analysis Planning Branch
Bruce Douglas, Chief, Environment and Development Review Branch

**FAIRFAX COUNTY PARK AUTHORITY****MEMORANDUM**

TO: Barbara A. Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Lynn S. Tadlock, Director
Planning and Development Division

DATE: November 30, 2001

SUBJECT: RZ 2000-LE-023
Tavares Concrete Company, Inc.
Loc: 99-2((1)) 17

The Fairfax County Park Authority (FCPA) staff has reviewed the above referenced application. Based upon that review, staff has determined that this application bears no adverse impact on land or resources of the Fairfax County Park Authority.

cc: Kirk Holley, Manager, Planning and Land Management Branch
Dorothea L. Stefen, Plan Review Team, Planning and Land Management Branch
Allen Scully, Plan Review Team, Planning and Land Management Branch
File Copy



FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING

Zoning Administration Division

Zoning Enforcement Branch

12055 Government Center Parkway, Suite 829

Fairfax, Virginia 22035-5508

V I R G I N I A

(703) 324-1300

Fax (703) 803-6372

August 9, 2000

Mr. Armando J. Tavares
President and Registered Agent
Tavares Concrete Company Inc.
7805 Cinder Bed Road
Lorton, VA 22079

Certified Mail
Return Receipt Requested
Receipt# 304 512 171

Re: 7719 Cinder Bed Road, Lorton, VA 22079
Legal Description: Accotink Station
Tax Map Ref: 99-2 ((01)) 0017
Zoning District: R-1

Dear Mr. Tavares:

A zoning inspection of the above-referenced property on August 3, 2000, revealed that the referenced residential zoned property is not being used for residential purposes.

Rather, the log cabin existing on this property was demolished, the lot has been cleared, filled and re-graded. In addition, the entire perimeter of this lot is protected by an 8' high wooden fence. This vacant lot is being used for the storage of vehicles and trucks, heavy construction equipment such as, but not limited to, cranes, bulldozers, paving machinery, tractor and/or trailer rigs, trailers of tractor trailer rigs, rolls of geotextile fabric, a significant amount of concrete frames, concrete chutes, reinforcing bars/wire mesh, metal drums, steps, sign, insulation, and scrap metals, various sizes and lengths of lumber, a large assortment of construction materials, etc.

The use of this property is deemed to be a Storage Yard and a Junk Yard which is defined in Article 20 of the Fairfax County Zoning Ordinance as:

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

JUNK YARD: The use of any space, whether inside or outside a building, for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof; provided that this definition shall not apply to outside storage as permitted as an accessory use

Mr. Armando J. Tavares, President
Tavares Concrete Company Inc.
August 9, 2000
Page 2

under the provisions of Sect. 10-102. A junk yard shall also be inclusive of an AUTOMOBILE GRAVEYARD as defined herein.

It is required, per Sect. 18-601 of the Zoning Ordinance, that prior to the demolition of the one story log cabin on this property, the Zoning Administrator's approval was needed for a building permit application. This is detailed in the following provision:

Sect. 18-601 Permit Required for Erection of Buildings and Structures

The erection of all buildings and all structures, as well as additions, deletions and modifications thereto, shall be subject to the provisions of Chapter 61 of The Code, Buildings. No building or structure which is required to have a Building Permit pursuant to Chapter 61 of The Code shall be erected until a Building Permit application has been approved by the Zoning Administrator.

In addition, prior to the clearing and grading in this jurisdiction, a grading and conservation plan is required as specified by Paragraphs 1, 2 and 3 of Sect. 2-601 of the Ordinance. The clearing and re-grading of this property exceeded 2500 square feet in area. These provisions specify:

Limitation on the Removal and Addition of Soil

No soil shall be removed from or added to any lot in any zoning district except in accordance with one of the following provisions:

1. Sod and soil may be removed from or added to any lot to a depth of not more than eighteen (18) inches but only in an area not exceeding 2500 square feet; provided, however, that this provision shall not apply to the temporary storage of top soil by plant nurseries and further provided that any sod and soil removal or addition within a major underground utility easement shall only be permitted in accordance with Sect. 515 above. In a floodplain, sod and soil may be removed in accordance with this paragraph, however, the addition of sod and soil shall only be permitted in accordance with the provisions of Part 9 below, or
2. Removal, dumping, filling, or excavation necessary for construction shall be permitted when such is in accordance with

Mr. Armando J. Tavares, President
Tavares Concrete Company Inc.
August 9, 2000
Page 3

an approved site plan or approved plans and profiles for a subdivision; or

3. Grading of land shall be permitted in accordance with a grading plan approved by the Director. The Director shall determine that the amount of soil removal or fill and proposed grading is necessary for the establishment of a use permitted in the zoning district in which located, and that the grading plan shall provide for even finished grades which meet adjacent properties' grades and do not substantially alter natural drainage, and which plans include siltation and erosion control measures in conformance with the provisions of Chapter 104 of The Code; or...

Fences are deemed to be accessory uses and are allowed in conjunction with an approved principal use. This information is detailed in the definition of Accessory Use as specified in Article 20 of the Ordinance.

ACCESSORY USE: Accessory uses as permitted by this Ordinance are subject to the provisions of Part 1 of Article 10. An accessory use is a use or building which:

1. Is clearly subordinate to, customarily found in association with, and serves a principal use; and
2. Is subordinate in purpose, area or extent to the principal use served; and
3. Contributes to the comfort, convenience or necessity of the occupants, business enterprise or industrial operation within the principal use served; and
4. Is located on the same lot as the principal use, except any building that is customarily incidental to any agricultural use shall be deemed to be an accessory use, whether or not it is situated on the same lot with the principal building.

In as much as the fence on-site serves no approved principal use, this structure's presence on-site is not allowed.

Mr. Armando J. Tavares, President
Tavares Concrete Company Inc.
August 9, 2000
Page 4

Therefore, you are in violation of the aforementioned Paragraphs and Section as well as Paragraphs 4 and 5 of Sect. 2-302, of the Fairfax County Zoning Ordinance which state respectively:

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

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

You are hereby directed to clear this violation within thirty (30) days of receipt of this notice. Compliance can be accomplished by:

- Removing all vehicles, equipment, supplies and construction materials and all junk and debris which constitute a Storage Yard and Junk Yard by relocating these vehicles, equipment, materials and all junk and debris to an approved location; and
- Removing the wooden fencing surrounding the subject property; and
- Applying for and obtaining the Zoning Administrator's approval (retroactively) of a building permit for the demolition of the structure which existed on this site; and
- Applying for and obtaining, from the Department of Public Works and Environmental Services, a restoration plan to return the site to its previous undisturbed condition.

Notwithstanding the above, it is acknowledged that after our March 28, 2000 meeting, you have submitted an RZ-2000-L-023 to change the zoning district of this property from the R-1 to the I-5 District. This process may or may not result in a change to the proposed Zoning District. Given the uncertainty of obtaining the Board of Supervisors' approval to change the Zoning District in which this property is located, this violation must be resolved with the timeframe noted above.

Mr. Armando J. Tavares, President
Tavares Concrete Company Inc.
August 9, 2000
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You may have the right to appeal this notice of zoning violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information you may wish to submit and a \$210.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

Failure to comply with this notice may result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

Should you have any questions regarding this notice or need additional information, please do not hesitate to contact me at (703) 324-1341 or (703) 324-1300.

Sincerely,



Joseph A. Bakos, Assistant Chief
Zoning Enforcement Branch

JAB/ms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Abbreviations Commonly Used in Staff Reports

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