



FAIRFAX COUNTY

APPLICATION FILED: May 19, 2000
APPLICATION AMENDED: October 5, 2001
PLANNING COMMISSION: January 24, 2002
PC DECISION ONLY: February 21, 2002
BOARD OF SUPERVISORS: April 8, 2002 at 4:00 PM

V I R G I N I A

March 6, 2002

STAFF REPORT ADDENDUM II

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 requirement along a portion of the northern and southern property lines to permit the existing eight (8) foot board-on-board fence and to permit the rear of the proposed buildings on Parcels 18 and 19 to serve as a barrier

Waiver of the trail requirement along Cinder Bed Road

STAFF RECOMMENDATIONS:

Staff recommends that RZ 2000-LE-023 be approved subject to the execution of proffers consistent with those contained in Attachment 1 of the staff report.

Staff recommends that the transitional screening along the north property line and that portion of the southern property line which abuts residential uses be modified to permit 25 foot wide strip of landscaping as shown on the GDP.

Staff recommends that the barrier requirement along a portion of the northern and southern property lines be modified to permit the existing eight (8) foot board-on-board fence along the northern property line and to permit the rear of the proposed buildings on Parcels 18 and 19 to serve as a barrier along the southern property line.

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.



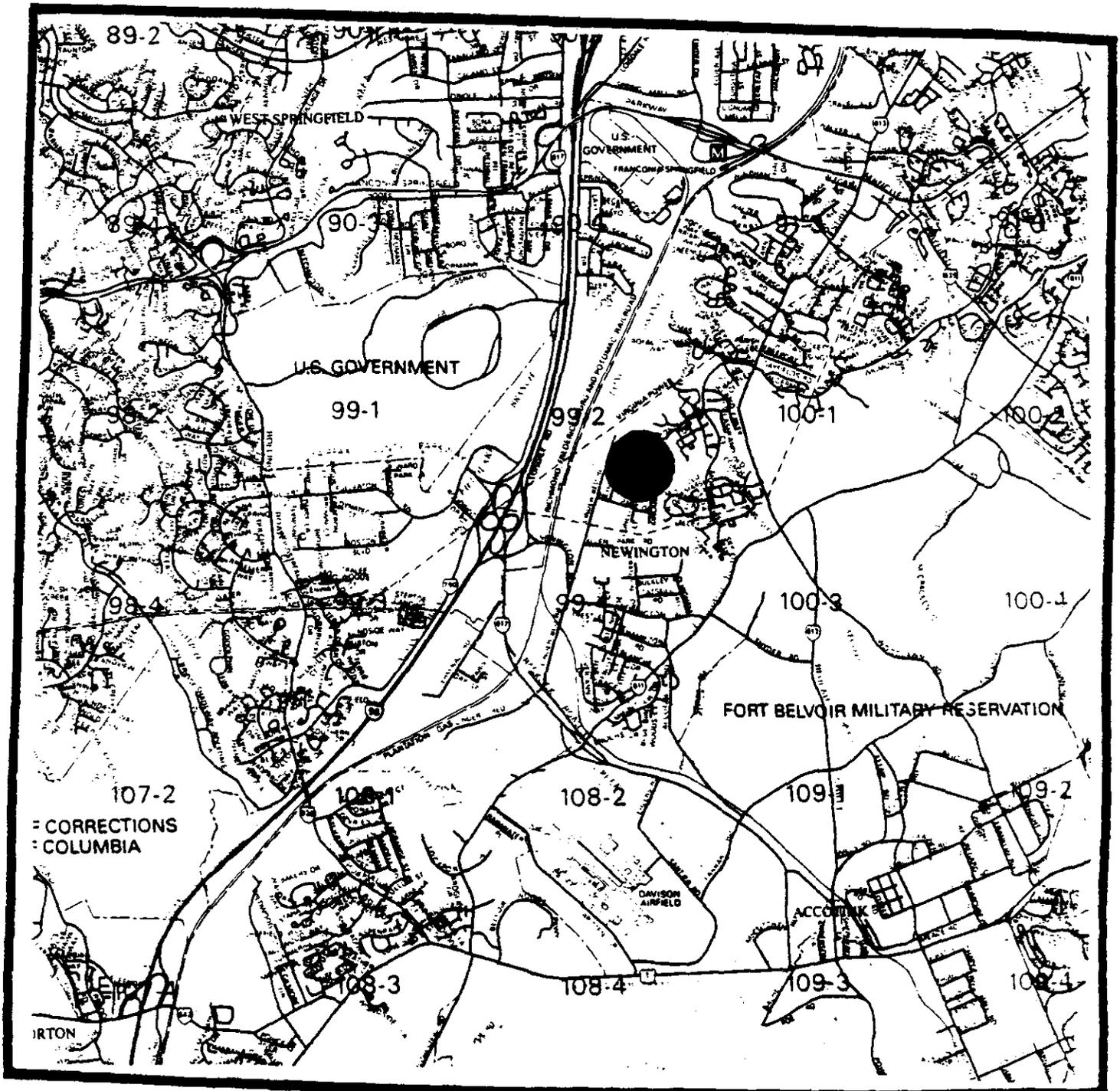
REZONING APPLICATION

RZ 2000-LE-023

FILED 05/19/00
AMENDED 10/05/01

TAVARES CONCRETE COMPANY INC
TO REZONE: 3.30 ACRES OF LAND); DISTRICT - LEE
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-



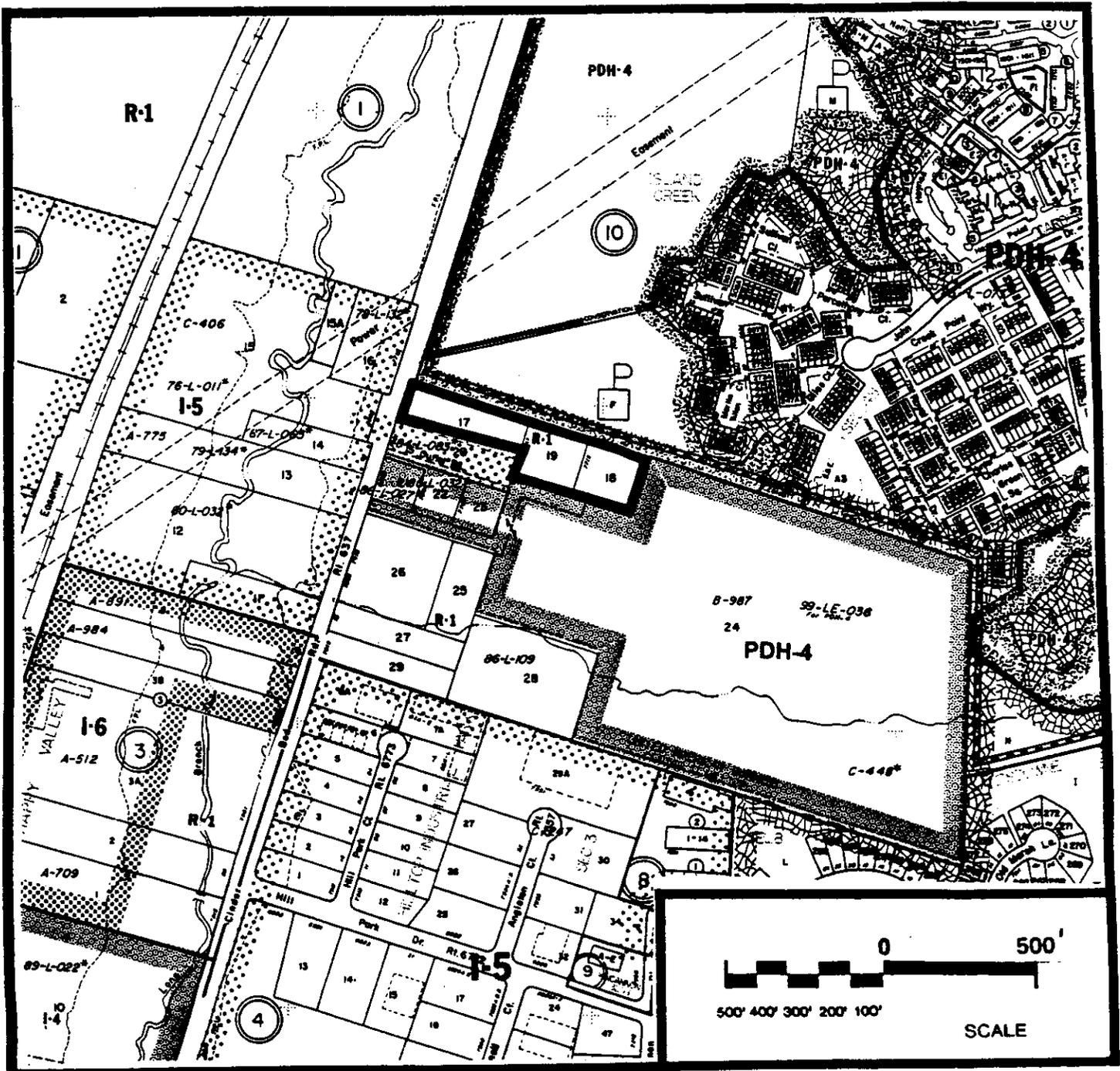
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TO REZONE: 3.30 ACRES OF LAND ; DISTRICT - LEE
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APPROX. 1,500 FT. N. OF HILL PARK DR.
ZONING: R- 1
TO: I- 5
OVERLAY DISTRICT(S):

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



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

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
February 1, 2002

SHEET INDEX:

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



Tavares Concrete Co., Inc.

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

Dewberry & Davis LLC
A Dewberry Company
1000 Lee Highway, Suite 1000
Falls Church, Virginia 22044
(703) 441-1100 FAX (703) 448-0118

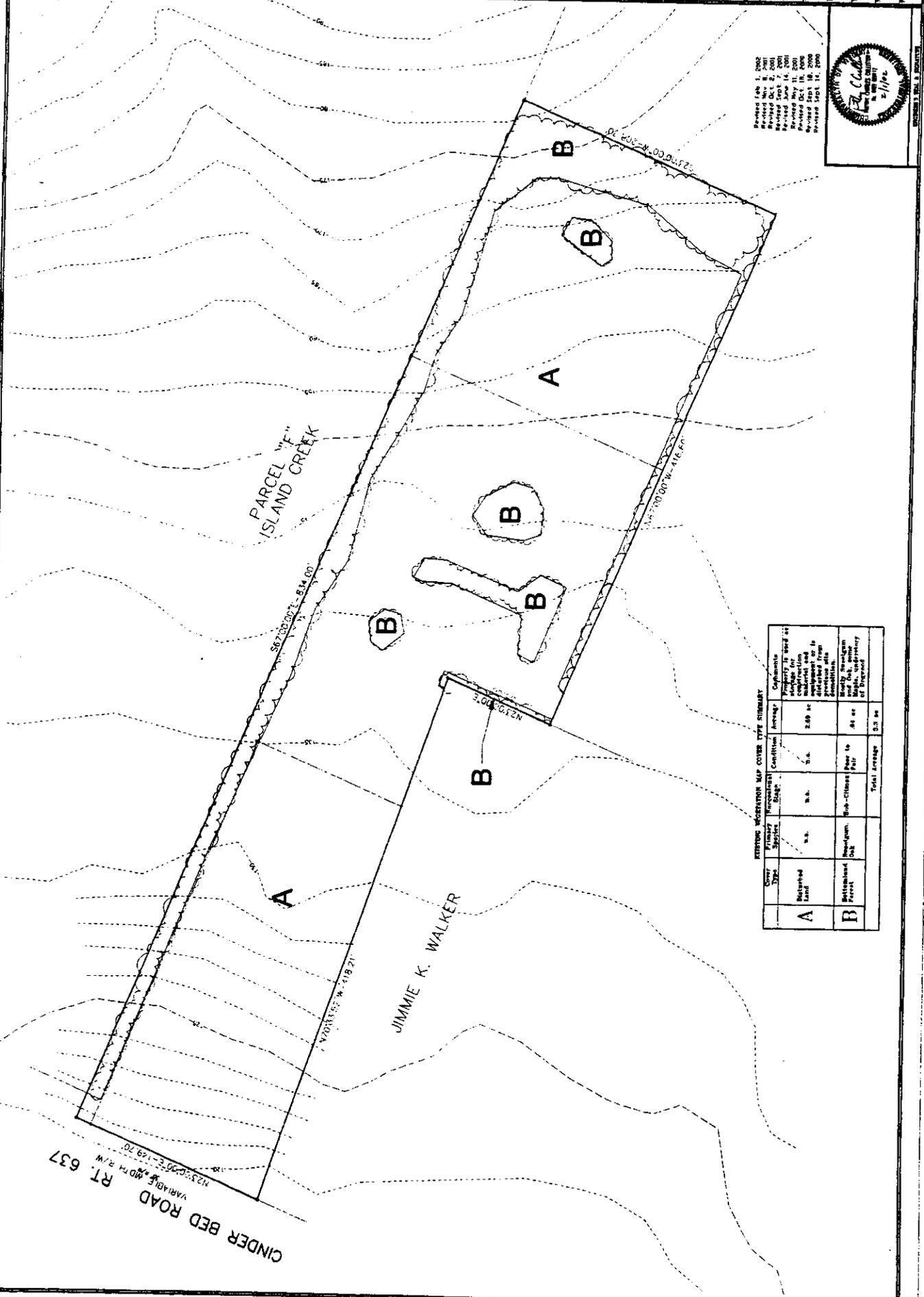
Dowberry & Davis LLC
 1001 Arlington Road
 Fairfax, VA 22031
 (703) 446-0100 Fax: (703) 646-0110

TAVARES CONCRETE CO., INC.
 LEE DISTRICT RZ 2000-LF-023 FAIRFAX COUNTY, VIRGINIA

EXISTING VEGETATION MAP
 SHEET NO. 1 OF 1
 DATE: 11/02/00
 SCALE: 1" = 200'



Project No. 1-2000
 Revised May 1, 2001
 Revised Oct 2, 2001
 Revised Dec 14, 2001
 Revised June 14, 2001
 Revised May 11, 2001
 Revised Oct 11, 2000
 Revised Sept 18, 2000
 Revised Sept 14, 2000



EXISTING VEGETATION MAP COVER TYPE SUMMARY

Cover Type	Area (Acres)	Percentage	Condition	Average	Comments
A	2.88	5.6	Good	2.88	Property is used as pasture for cattle. No timber present. No other vegetation observed from previous site.
B	48	94.4	Poor to Fair	48	Mostly brush and low shrubs. No other vegetation observed from previous site.
Total Average				5.0	

BACKGROUND

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, in the Lee District. It is comprised of three parcels [Tax Map Parcels 99-2 ((1)) 17, 18, and 19], which are currently zoned R-1. The subject site is adjacent to several residentially-zoned properties, including Island Creek to the north and Hawthorne to the south and east.

The applicant, Tavares Concrete, seeks to rezone the subject site from R-1 to I-5 to permit industrial uses within three buildings and temporary outdoor storage.

In the January 16, 2002, Staff Report, staff concluded that the proposed application was not in conformance with the Comprehensive Plan nor with the applicable Zoning Ordinance provisions and recommended that RZ 2000-LE-023 be denied.

On January 24, 2002, a public hearing on RZ 2000-LE-023 was held before the Planning Commission. The decision on the case was deferred until February 21, 2002.

On February 20, 2002, a Staff Addendum was published which continued to recommend denial of RZ 2000-LE-023. This denial was based on one outstanding issue – the timing of the installation of the transitional screening. The applicant did not propose to install the screening for the subject site all at once. Rather, the applicant proffered to install the proposed screening for Parcel 17 and Parcels 18 and 19 at separate times. Therefore, under the proposed proffers, a permanent industrial use could be operating on the site without the installation of the proposed transitional screening.

Staff believed that the transitional screening should be installed at the time of the first site plan approval for any permanent industrial use on the subject site in order to ensure that the adjacent residences (particularly, the Hawthorne residential development to the south and east) were buffered prior to occupancy of any of the proposed buildings. Because this issue remain unresolved, staff recommended that the application be denied.

Prior to the Planning Commission's decision on February 21, 2002, the applicant submitted revised proffers dated February 21, 2002. Under these proffers, the landscaping proposed on Parcels 18 and 19 (which abuts the Hawthorne residential development to the south) would be installed prior to the issuance of a Non-Residential Use Permit for any use on the Application Property, including Parcel 17, other than the temporary storage.

ANALYSIS

With resolution of the timing of the installation of the transitional screening, the future residences to the south and east of the subject site (Hawthorne) will be buffered prior to

occupancy of any of the proposed buildings and adequately protected from any adverse impact.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff finds that is in conformance with the Comprehensive Plan and in accordance with the applicable Zoning Ordinance provisions.

Recommendations

Staff recommends that RZ 2000-LE-023 be approved subject to the execution of proffers consistent with those contained in Attachment 1 of the staff report.

Staff recommends that the transitional screening along the north property line and that portion of the southern property line which abuts residential uses be modified to permit 25 foot wide strip of landscaping as shown on the GDP.

Staff recommends that the barrier requirement along a portion of the northern and southern property lines be modified to permit the existing eight (8) foot board-on-board fence along the northern property line and to permit the rear of the proposed buildings on Parcels 18 and 19 to serve as a barrier along the southern property line.

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.

ATTACHMENTS

1. Proposed Proffers

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:	February 21, 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 February 1, 2002, 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 principal 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.

3. Storage: 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 on a temporary basis until the issuance of a Non-Residential Use Permit for property located at 8000 Cinder Bed Road [Tax Map 99-2-((1))-10] provided the Applicant complies with the timeline schedule contained in Proffer No. 18 below. In no event shall outdoor storage be permitted on Lot 17 later than August 31, 2003.
- (b) The type of materials and/or equipment stored outside temporarily on Lot 17 shall be limited to 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.
- (c) The Applicant shall prepare and submit a minor site plan for the outdoor storage on Lot 17 within thirty (30) days after the approval date of this Application. The Applicant shall respond to comments from the Department of Public Works and Environmental Services (DPWES) within thirty (30) days after receipt (including submission of any requested revisions), and shall obtain a Non-Residential Use Permit for the use as soon as the required improvements, if any, are completed, but not later than sixty (60) days after minor site plan approval. If no improvements are required as part of the minor site plan approval, the Applicant shall obtain a Non-Residential Use Permit within ten (10) days after the approval date of the minor site plan.
- (d) After the temporary period, storage of materials and equipment on Lot 17 shall be subject to the limits outlined below.

Any storage yard use on Lots 18 and 19 (and Lot 17 after the temporary period) shall be subject to the following restrictions and conditions:

- (w) No outdoor storage shall be permitted.
- (x) Storage shall be accessory to the principal use.
- (y) Storage of materials and equipment shall only be permitted inside the structures depicted on the GDP. In no event shall storage include the storage of items commonly found in junk yards (e.g., abandoned vehicles and discarded appliances).
- (z) The restrictions and conditions applicable to storage use, as outlined above, shall not be applicable to the parking of vehicles on the Application Property. Storage of vehicles shall only be accessory to the principal use, as limited by Proffer No. 6 below.

4. 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.
5. 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.
6. Parking: The number of parking spaces provided on the Application Property shall meet the parking requirements contained in the Zoning Ordinance, as determined by 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 and other vehicles typically used by contractors) shall be parked outdoors on the Application Property at any one time, and so long as storage of these vehicles is accessory to the principal use occurring within the structures. Vehicles with two (2) axles that are not tagged and licensed for road use (e.g., back hoes and bobcats) shall not be parked or stored outdoors. No garbage trucks shall be parked on the Application Property. All vehicle parking and storage shall be accessory to the principal use occurring within the structures.
7. 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.
8. 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.
9. 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 entering and exiting the Application Property.
10. Access Easement Abutting Lots 18 and 19: There shall be no 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 employ all reasonable efforts, as determined by DPWES, to vacate and abandon its interests

in the easement as it applies to Lots 18 and 19 within four (4) months after the approval date of the Application.

11. **Architecture:** 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 that are at least 50% brick, architectural block, architectural precast concrete, glass, job cast architectural concrete or other similar quality material (collectively, "Architectural Block"). The southern (i.e., rear) side of each building on Lots 18 and 19 shall be constructed of Architectural Block and shall not have any windows or doors. The buildings shall be connected by a matching Architectural Block seven foot (7') wall, in the location depicted on the GDP.
12. **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. The landscaping to be planted on Lots 18 and 19 shall be installed prior to the issuance of a Non-Residential Use Permit for any use on the Application Property, other than the temporary storage. With respect to Lot 17, 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, but in no event later than the issuance of the Non-Residential Use Permit for the temporary storage use. Such landscaping on the northern end shall be depicted on the minor site plan for Lot 17 referenced in Proffer No. 3 above. The remainder of the landscaping to be planted on Lot 17 (as depicted on the GDP) shall be installed as soon as reasonably possible after site plan approval for the building to be constructed on Lot 17. All landscaping shall maintained in good health by the Applicant and, if it dies or becomes severely diseased, the landscaping shall be replaced as soon as reasonably possible, based on the growing season for the particular replacement materials. The Applicant shall not use, or permit the use by others of, the transitional screening areas for any unauthorized purpose. The barriers (i.e., fences and walls) depicted on the GDP shall be maintained, repaired or replaced by the Applicant.
13. **Oak Tree:** The Applicant shall make good faith best efforts, as determined by the Urban Forestry Division of DPWES, 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. If the tree can not, or does not, survive construction, then the Applicant shall replace the tree with three (3) additional 3.5' to 4" caliper deciduous trees in the eastern transitional screening area.
14. **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.

15. Noise Ordinance: The Applicant shall comply with the regulations and restrictions contained in the Fairfax County Noise Ordinance.
16. Signage: The Applicant shall comply with Article 12 of the Zoning Ordinance for purposes of erecting signage on the Application Property.
17. 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 this Application if such clean up has not occurred by that date.
18. Timing of Construction and Occupancy of 8000 Cinder Bed Road: In order to minimize the need for temporary outdoor storage on Lot 17, as noted in Proffer No. 3 above, the Applicant shall proceed diligently and in good faith with the site planning and construction of the property now owned by the Applicant located at 8000 Cinder Bed Road [Tax Map 99-2-((1))-10]. Specifically, the Applicant shall comply with the timeline attached as Attachment B, such compliance being subject to (i) extreme or unusual weather conditions, (ii) timely review, comment and approval of the site plan and other necessary permits by Fairfax County and its reviewing agencies and (iii) force majeure (acts of God). Notwithstanding the preceding two sentences, in no event shall outdoor storage be permitted on Lot 17 later than August 31, 2003.
19. Geotechnical Study: The Applicant shall submit a geotechnical engineering study to DPWES for review and approval prior to final site plan approval, and recommendations generated by this study shall be implemented as required by DPWES.

20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

Attachments:

Attachment A - Building Description Type for Lot 17

Attachment B - Timing Schedule for 8000 Cinder Bed Road

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: _____

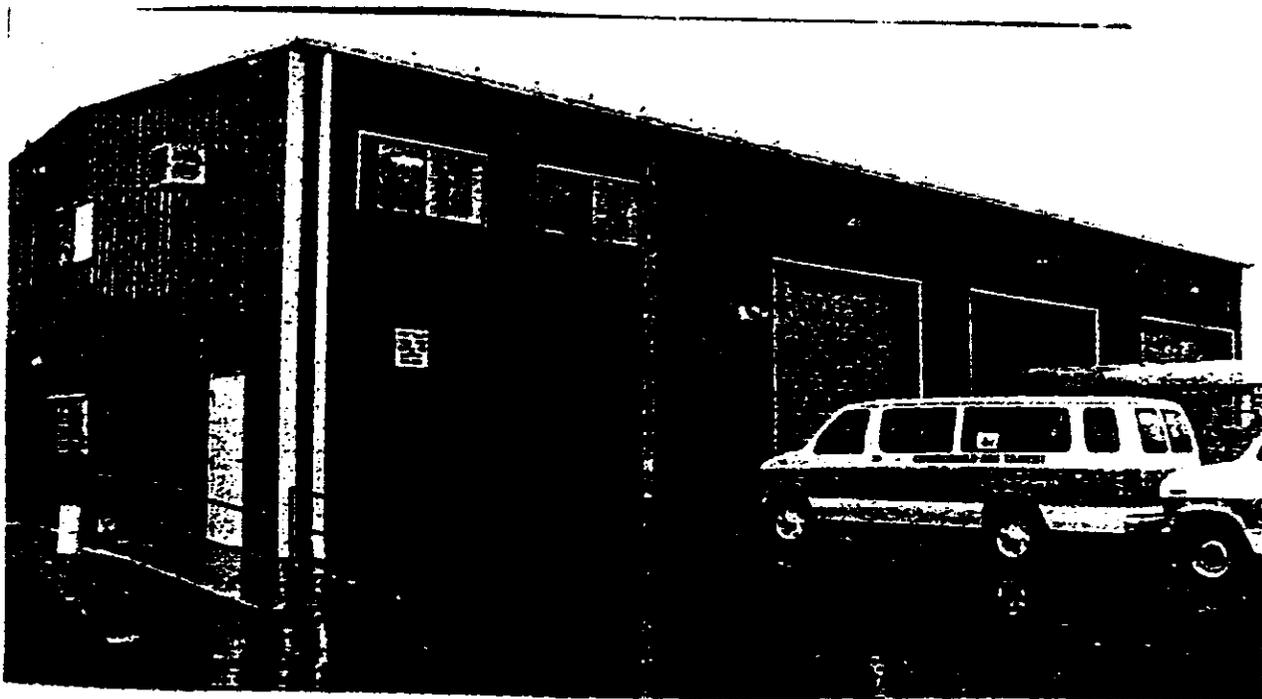
Name:

Title

Prepared by:

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

ATTACHMENT A



Tavares/Allen Property (Parcel 10)
Estimated Timeline
Prepared: January 31, 2002

Site Plan Submitted..... April 29, 2002*
Site Plan ApprovedOctober 17, 2002

Building Plan Submitted June 1, 2002
Building Plan County Review Comments Received by Architect August 1, 2002
Revised Building Plan Returned to County September 1, 2002
Building Plan ApprovedOctober 1, 2002

Site Work BeginsNovember 1, 2002
Site Work Completed..... April 1, 2003

Construction Begins..... April 1, 2003
Construction Completed August 1, 2003

Non-Rup IssuedAugust 1, 2003
(Anticipated to be 16 months from Site Plan submittal)

*See attached detailed timeline.

