



# FAIRFAX COUNTY

APPLICATION FILED: September 21, 2001  
APPLICATION AMENDED: January 15, 2002  
APPLICATION AMENDED: February 4, 2002  
APPLICATION AMENDED: March 13, 2002  
APPLICATION AMENDED: March 27, 2002  
PLANNING COMMISSION: May 15, 2002  
BOARD OF SUPERVISORS: May 20, 2002  
@ 4:00 P.M.

V I R G I N I A

May 1, 2002

## STAFF REPORT

### APPLICATION RZ/FDP 2001-SP-041

#### SPRINGFIELD DISTRICT

**APPLICANT:** Centex Homes

**PRESENT ZONING:** R-1 (65.95 acres),  
R-2 (14 acres),  
WS

**REQUESTED ZONING:** PDH-12, WS

**PARCEL(S):** 56-1 ((1)) 11A, 11B, 27-30  
56-1 ((2)) 1-5; 56-1 ((3)) 1-14;  
56-1 ((4)) 4, 6-12; 56-1 ((5)) 6-8, pt. 9, pt. 10, pt. 11,  
pt. 12, pt. 13, pt. 14, pt. 15, 16-28;  
56-1 ((6)) 1-10; 56-1 ((9)) 1-7, 11-13, 15-22;  
56-1 ((11)) 1, 2, 3A, 4A, 5-7, A and B

**ACREAGE:** 79.95 acres (including approximately 10.4 acres of public rights-of-way for Butler Drive, Deljo Drive, Deming Drive, Dixie Hill Road, Legato Road, Quality Street, Rhett Lane and Ruffin Drive proposed to be vacated or abandoned)

**DENSITY:** 13.60 du/ac (including ADU and bonus density)

**OPEN SPACE:** 30.7%

**PLAN MAP:** Fairfax Center Area, Residential – 12 dwelling units per acre at the overlay level.

**PROPOSAL:**

Request to rezone 79.95 acres (including 10.4 acres of public rights-of-way to be vacated) from the R-1, R-2 and WS Districts to the PDH-12 and WS Districts. The applicant requests approval of the combined Conceptual/Final Development Plan to develop 1,087 dwelling units (5 single family detached, 327 single family attached, and 755 multi-family units, including 89 ADUs). In addition, the CDP/FDP provides a thirteen (13) acre school site to be dedicated.

**STAFF RECOMMENDATIONS:**

Staff recommends approval of RZ 2001-SP-041 subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDP 2001-SP-041 subject to the proposed development conditions contained in Appendix 2 and the Board approval of RZ 2001-SP-041.

Staff recommends approval of a modification of the transitional screening requirements in accordance with the CDP/FDP for the perimeter of the site and between the residential and public uses within the development.

Staff recommends approval of a modification of the barrier requirements in accordance with the CDP/FDP for the perimeter of the site and between the residential and public uses within the development.

Staff recommends approval of a waiver of the 200 square foot privacy yard requirement for rear load single family attached units.

Staff recommends approval of a waiver of the 600 foot maximum length of private street requirement.

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

It should be further noted that the content of this report reflects the analysis and 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.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334.





# Rezoning Application

## RZ 2001-SP-041

**Applicant:** CENTEX HOMES  
**FILED:** 9/21/2001      **AMENDED:** 1/15/02, 2/4/02, 3/13/02, 3/27/02  
**To Rezone:** 79.95 AC OF LAND; DISTRICT - SPRINGFIELD  
**Proposed:** RESIDENTIAL  
**Located:** NORTH OF LEE HIGHWAY (ROUTE 29) SOUTH OF POST FOREST DRIVE (ROUTE 7435) ON BOTH SIDES OF LEGATO ROAD (ROUTE 656) AND DIXIE HILL ROAD (ROUTE 1579)  
**Zoning:** R-1 & R-2 TO PDH-12  
**Overlay Dist:** WS

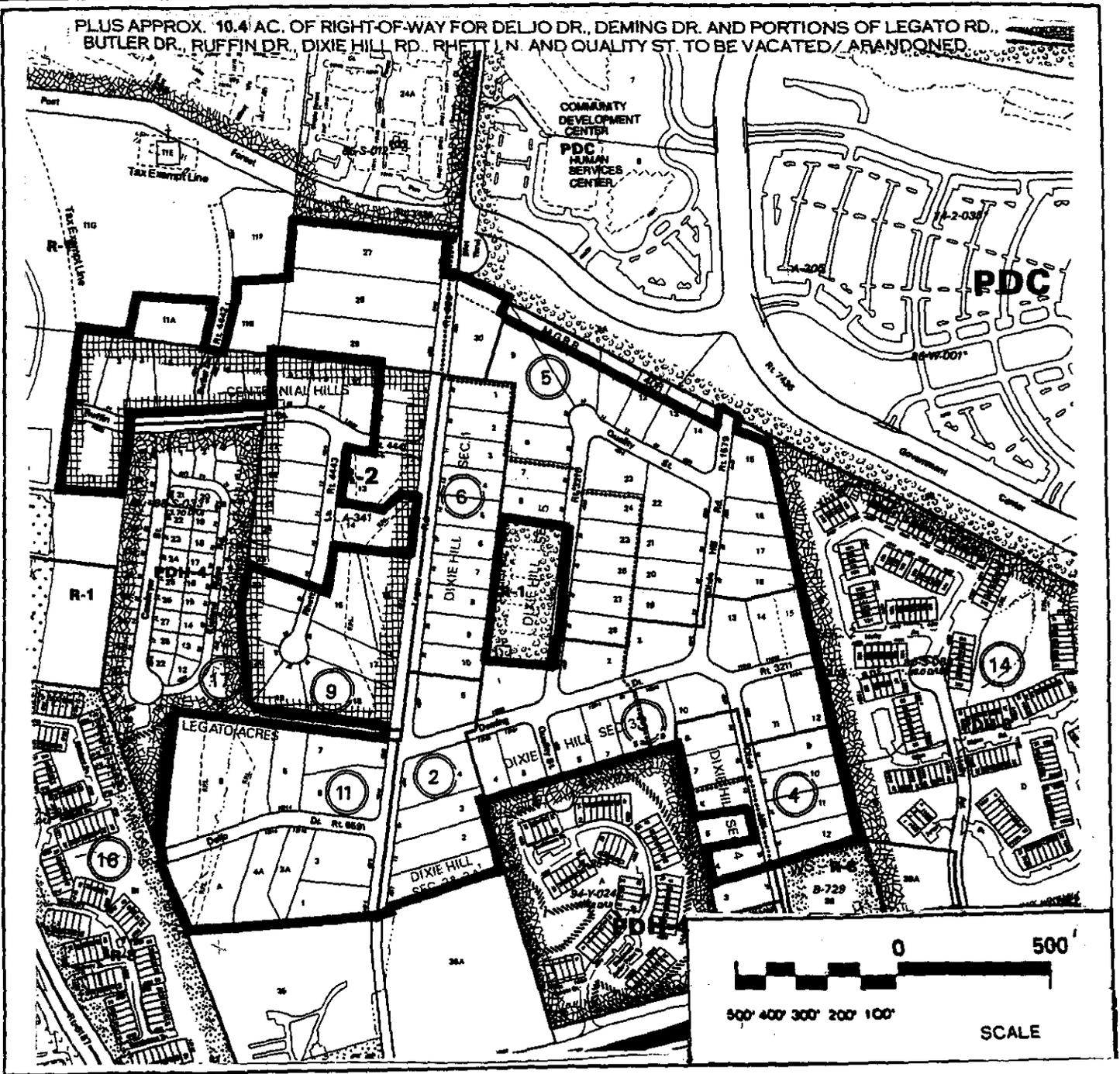
**Map Ref Num:** 56-1 ((1)) 11A, 11B, 27-30; 56-1 ((2)) 1-5; 56-1 ((3)) 1-14; 56-1 ((4)) 4, 6-12; 56-1 ((5)) 6-8, 9 pt., 10 pt., 11 pt., 12 pt., 13 pt., 14 pt., 15 pt., 16-28; 56-1 ((6)) 1-10; 56-1 ((9)) 1-7, 11-13, 15-22; 56-1 ((11)) 1, 2, 3A, 4A, 5-7, A and B

# Final Development Plan

## FDP 2001-SP-041

**Applicant:** CENTEX HOMES  
**FILED:** 9/21/2001      **AMENDED:** 1/15/02, 2/4/02, 3/13/02, 3/27/02  
**Approx:** 79.95 AC OF LAND; DISTRICT - SPRINGFIELD  
**Proposed:** RESIDENTIAL  
**Located:** NORTH OF LEE HIGHWAY (ROUTE 29) SOUTH OF POST FOREST DRIVE (ROUTE 7435) ON BOTH SIDES OF LEGATO ROAD (ROUTE 656) AND DIXIE HILL ROAD (ROUTE 1579)  
**Zoning:** R-1 & R-2 TO PDH-12  
**Overlay Dist:** WS

**Map Ref Num:** 56-1 ((1)) 11A, 11B, 27-30; 56-1 ((2)) 1-5; 56-1 ((3)) 1-14; 56-1 ((4)) 4, 6-12; 56-1 ((5)) 6-8, 9 pt., 10 pt., 11 pt., 12 pt., 13 pt., 14 pt., 15 pt., 16-28; 56-1 ((6)) 1-10; 56-1 ((9)) 1-7, 11-13, 15-22; 56-1 ((11)) 1, 2, 3A, 4A, 5-7, A and B



**Rezoning Application**  
**RZ 2001-SP-041**

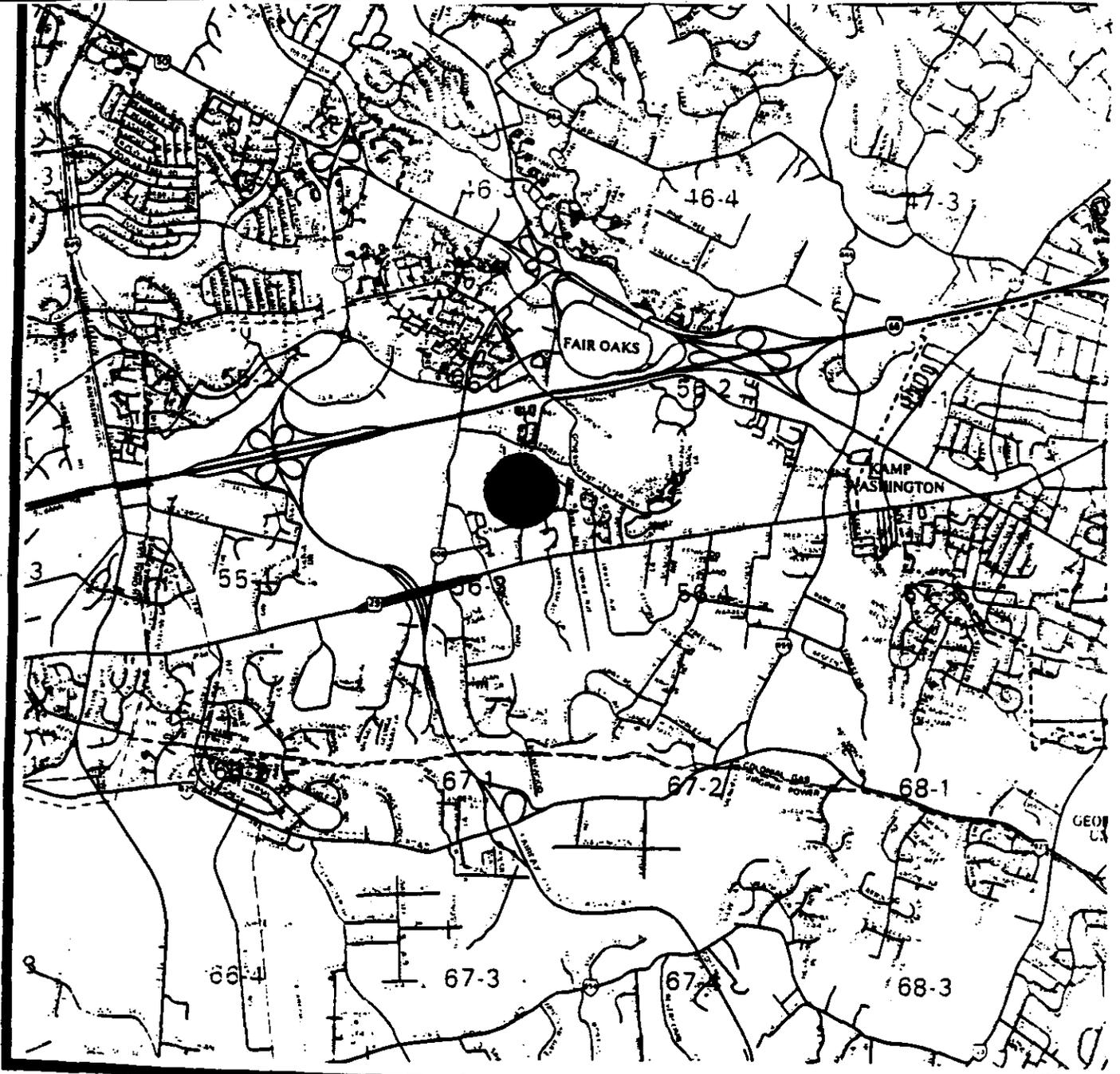
**Final Development Plan**  
**FDP 2001-SP-041**

**Applicant:** CENTEX HOMES  
**FILED:** 9/21/2001      **AMENDED:** 1/15/02, 2/4/02, 3/13/02, 3/27/02  
**To Rezone:** 79.95 AC OF LAND; DISTRICT - SPRINGFIELD  
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**Zoning:** R-1 & R-2 TO PDH-12  
**Overlay Dist:** WS

**Applicant:** CENTEX HOMES  
**FILED:** 9/21/2001      **AMENDED:** 1/15/02, 2/4/02, 3/13/02, 3/27/02  
**Approx:** 79.95 AC OF LAND; DISTRICT - SPRINGFIELD  
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**Map Ref Num:** 56-1 ((1)) 11A, 11B, 27-30; 56-1 ((2)) 1-5; 56-1 ((3)) 1-14; 56-1 ((4)) 4, 6-12; 56-1 ((5)) 6-8, 9 pt., 10 pt., 11 pt., 12 pt., 13 pt., 14 pt., 15 pt., 16-28; 56-1 ((6)) 1-10; 56-1 ((9)) 1-7, 11-13, 15-22; 56-1 ((11)) 1, 2, 3A, 4A, 5-7, A and B

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# DIX-CEN-GATO

RZ 2001 - SP - 041  
CONCEPTUAL DEVELOPMENT PLAN/  
FINAL DEVELOPMENT PLAN

SPRINGFIELD DISTRICT  
FAIRFAX COUNTY, VIRGINIA



VICINITY MAP  
SCALE 1" = 100'

## SHEET INDEX

1. COVER SHEET
2. GENERAL NOTES & TABULATIONS
3. COMPOSITE PLAN
- 4.-5. CDP/FDP
- 6.-7. LANDSCAPE PLAN
- 8.-9. ARCHITECTURAL ELEVATIONS AND PLANTING DETAILS
10. DETAILED AREA PLANS
11. MULTI-FAMILY SITE DETAILS
12. SITE AMENITIES AND FURNISHING DETAILS
13. SITE DETAILS
14. ROAD VACATION EXHIBIT
15. STREETSCAPE PLAN
16. STREETSCAPE DETAILS
17. DIX-CEN-GATO URBAN DESIGN STANDARDS
- 18.

### CONTRACT PURCHASER AND APPLICANT:

CENTEX HOMES  
14121 Parke Long Court  
Suite 201  
Chantilly, Virginia 20151  
Telephone (703) 934-2600  
Fax (703) 981-3437

### ENGINEER/PLANNER:

THE BC CONSULTANTS  
12600 Fair Lakes Circle  
Suite 100  
Fairfax, Virginia 22033  
Telephone (703) 448-8100  
Fax (703) 448-8108

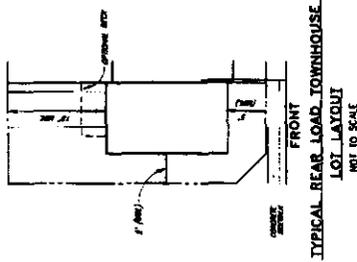


REVISED JANUARY 15, 2001  
REVISED JANUARY 21, 2002  
REVISED FEBRUARY 13, 2002  
REVISED MARCH 05, 2002  
REVISED MARCH 24, 2002  
REVISED APRIL 01, 2002  
REVISED APRIL 01, 2002

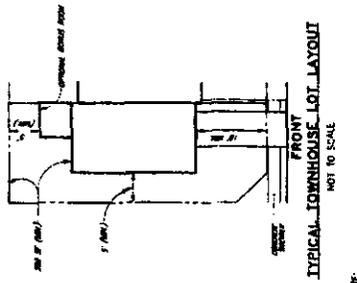




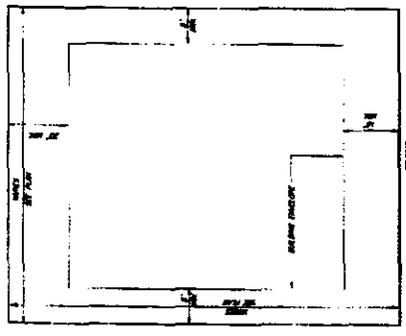
DESIGNED BY: JAC
CHECKED BY: JAC
DATE: AUGUST, 2001
SCALE: 1/8" = 1'-0"
SHEET: 3 OF 18
LOT: 101, 102, 103, 104, 105
FILE: 101-105-01-01
DATE: 10/10/01



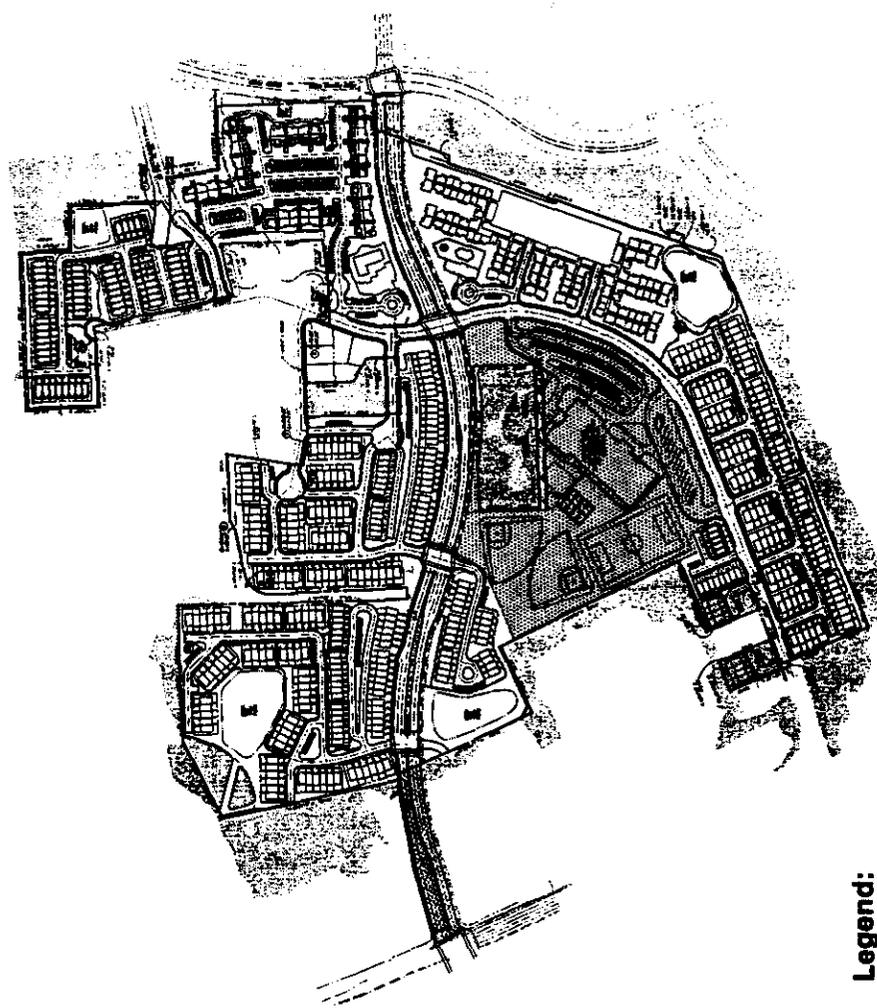
NOTE:  
 1. TOWNHOUSES MAY HAVE ONE OR TWO CAR GARAGES, WHICH WILL BE DETERMINED WITH FINAL SITE ENGINEERING AND DESIGN.



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 1. TOWNHOUSES MAY HAVE ONE OR TWO CAR GARAGES, WHICH WILL BE DETERMINED WITH FINAL SITE ENGINEERING AND DESIGN.

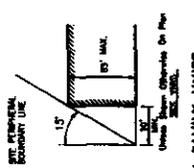


TYPICAL SINGLE FAMILY DETACHED LOT LAYOUT  
 FRONT  
 NOT TO SCALE

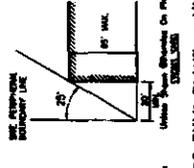


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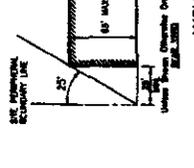
- SCHOOL/PARK DESIGNATION
- TOWNHOUSE COMMUNITY (BY OTHERS) TO BE DEVELOPED AT A FUTURE DATE
- FUTURE OFFSITE ROAD IMPROVEMENTS-- SEE PROPOSALS
- PARCELS NOT INCLUDED IN REGULAR APPLICATION
- ADJACENT FORESTED AREAS AND ON-SITE TREE SAVE AREAS
- APPLICATION AREA FOR 01L-02H-0100



ANGLE OF BULK PLANE - MULTI-FAMILY UNITS  
 NOT TO SCALE



ANGLE OF BULK PLANE - SINGLE FAMILY ATTACHED  
 NOT TO SCALE



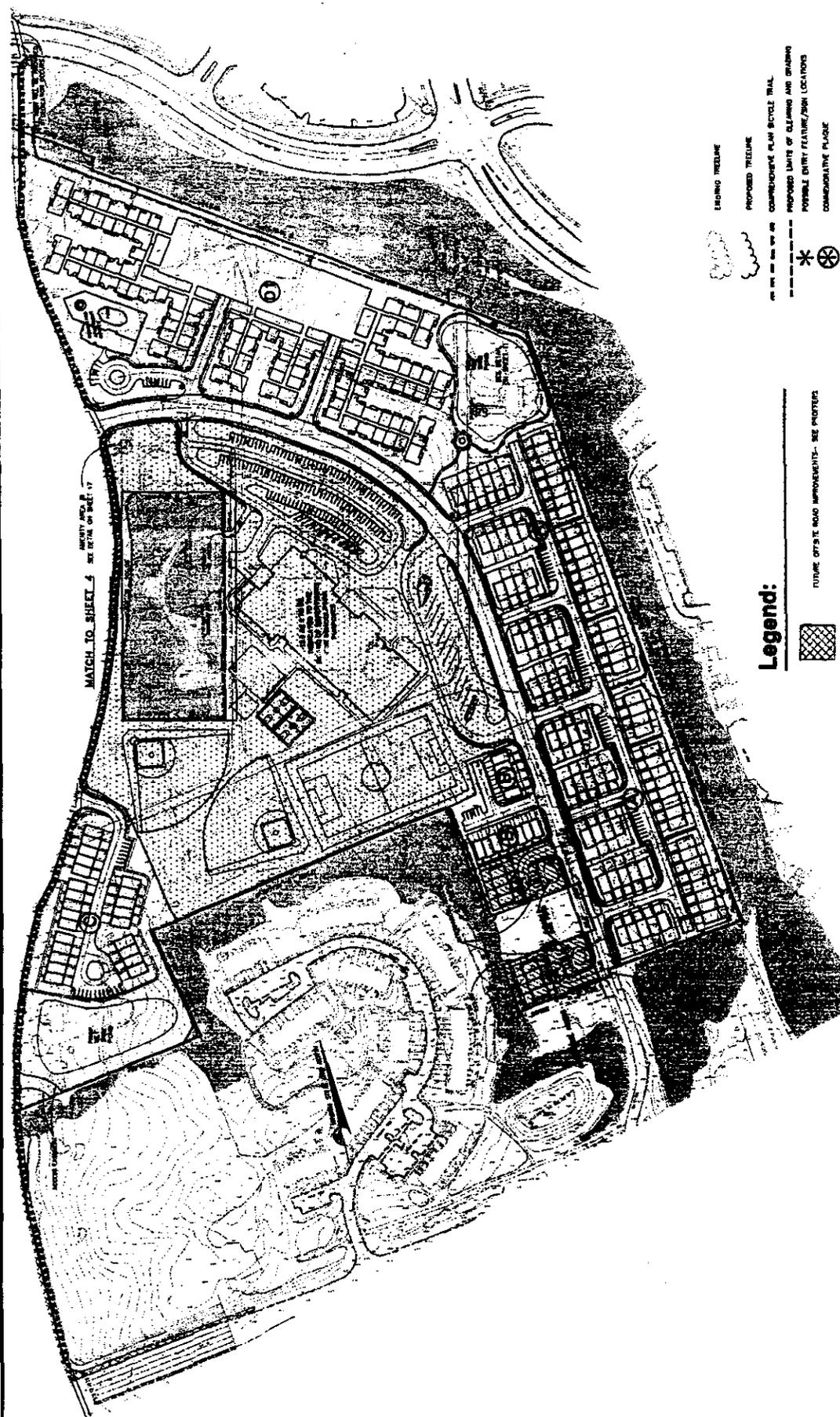
ANGLE OF BULK PLANE - SINGLE FAMILY DETACHED  
 NOT TO SCALE

- NOTE:
1. ANGLE OF BULK PLANE APPLIES TO MULTI-FAMILY AND SINGLE-FAMILY ATTACHED UNITS ONLY.
  2. FOR SINGLE-FAMILY DETACHED BUILDING FOOTPRINTS, (FRONT, SIDE, AND REAR) SEE THE TYPICAL LOT LAYOUTS (ABOVE).
  3. BULK PLANE ANGLE TAKEN FROM #1-12 (LAND DEVELOPMENTS) ZONING REGULATIONS, THE CLOSEST ZONE TO THE PROPOSED #01L-02H-0100.





DATE: AUGUST, 2005	SCALE: 1/8" = 1'-0"	SHEET 5 OF 10
CHECKED BY: PLS	DATE: AUGUST, 2005	SCALE: 1/8" = 1'-0"
DESIGNED BY: PLS	DATE: AUGUST, 2005	SCALE: 1/8" = 1'-0"
PROJECT: PEN-GATO PROPERTIES	SCALE: 1/8" = 1'-0"	SHEET 5 OF 10
PROJECT LOCATION: 12809 PARK LAKES CIRCLE	SCALE: 1/8" = 1'-0"	SHEET 5 OF 10
PROJECT NUMBER: 05-001	SCALE: 1/8" = 1'-0"	SHEET 5 OF 10
PROJECT NAME: PEN-GATO PROPERTIES	SCALE: 1/8" = 1'-0"	SHEET 5 OF 10



MATCH TO SHEET 4 SEE PLAN OF SHEET 4

**Legend:**

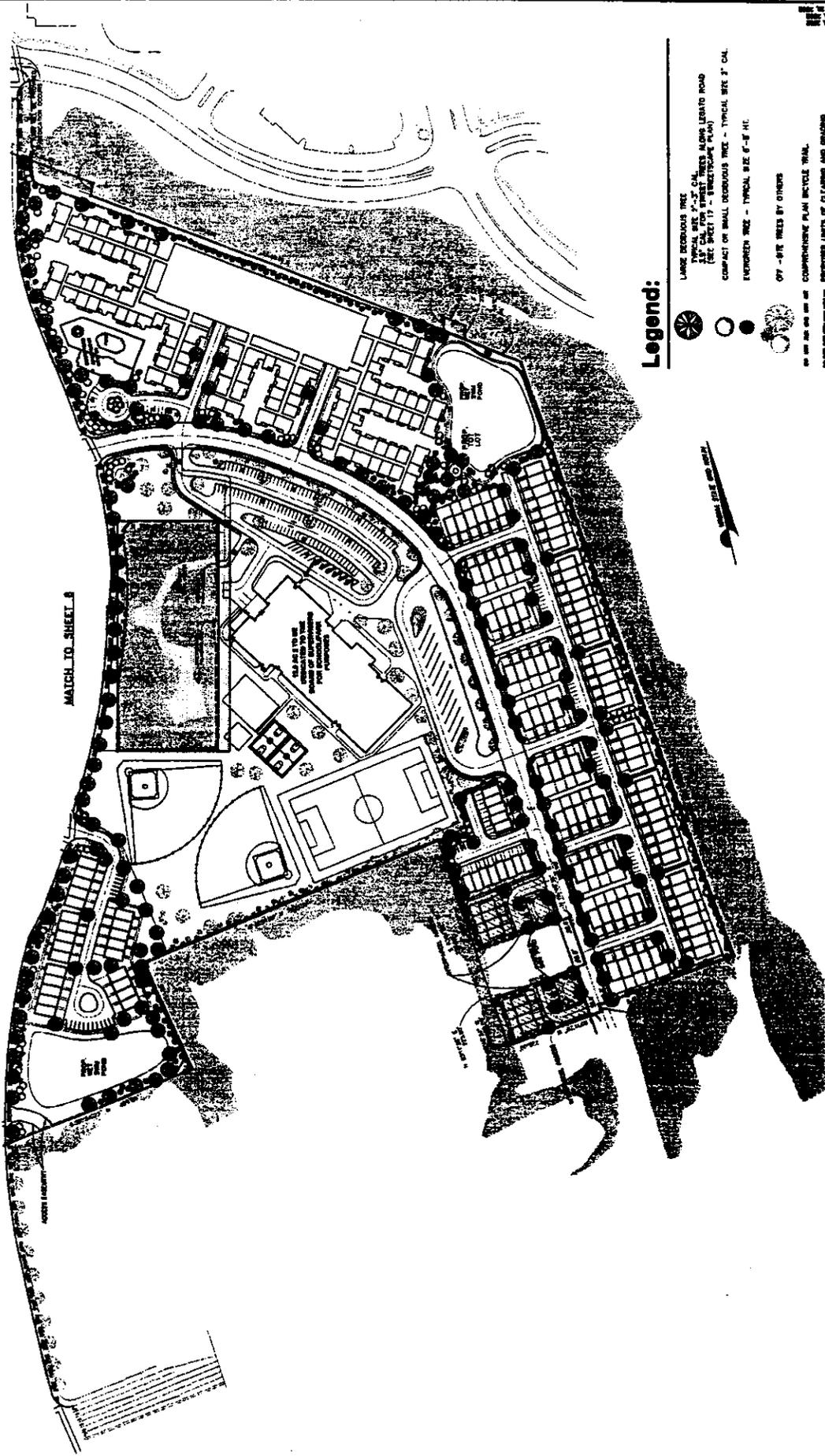
- FUTURE OFF-SITE ROAD IMPROVEMENTS - SEE PROJECT
- TOWNHOUSE COMMUNITY (BY OTHERS) TO BE DEVELOPED AT A FUTURE DATE
- ADJACENT FORESTED AREAS AND ON-SITE TREE SAVE AREAS
- SCHOOL/PARK INDICATION
- PARCELS NOT INCLUDED IN RESUBDIVISION APPLICATION
- EXISTING TREELINE
- PROPOSED TREELINE
- COMPENSATORY PLAY CYCLE TRAIL
- PROPOSED UNITS OF GOLFING AND GRASSING
- POSSIBLE ENTRY FEATURE/PAVI LOCATIONS
- COMMERCIAL PLAZA
- TOWNHOUSE COMMUNITY
- TOWNHOUSE COMMUNITY (NEAR LOAD)
- STAGGED (TOWNHOUSE) CONDOMINIUM COMMUNITY (NEAR LONG)
- GARDEN STYLE MULTI-FAMILY (APARTMENT) COMMUNITY
- COURTYARD STYLE MULTI-FAMILY (APARTMENT) COMMUNITY
- SINGLE FAMILY DETACHED UNITS

NOTE: SEE ALL NEIGHBORING PLANS FOR ALL IMPROVEMENTS. THIS IS AN APPROXIMATE REPRESENTATION OF THE IMPROVEMENTS TO BE DEVELOPED AT A FUTURE DATE.





DATE: JANUARY 14, 2010	SCALE: 1/8" = 1'-0"	SHEET 7 OF 11
DRAWN BY: [Name]	CHECKED BY: [Name]	DATE: [Date]
PROJECT: [Name]	LOCATION: [Name]	CLIENT: [Name]



**Legend:**

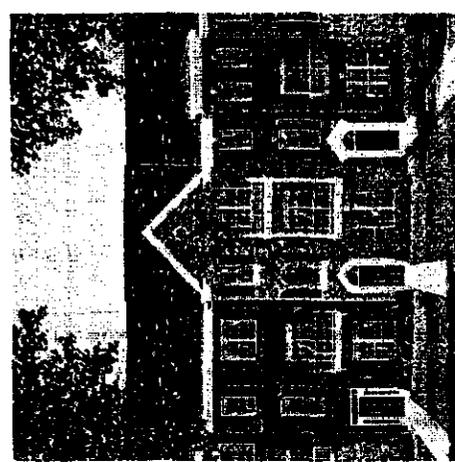
- LARGE DECIDUOUS TREE  
 12" DBH MAX. 20' TALL  
 1 1/2" CAL. FOR STREET TREES ALONG LEGATO ROAD  
 (SEE SHEET 11 - STREETSCAPE PLAN)
- COMPACT OR SMALL DECIDUOUS TREE - TYPICAL WIDE ST. CAL.
- EVERGREEN TREE - TYPICAL SIZE 6" - 8" H.C.
- OFF-SITE TREES BY OTHERS
- COMPREHENSIVE PLAN BICYCLE TRAIL
- PROPOSED LIMITS OF CLEARING AND GRADING
- EXISTING TREE LINE
- PROPOSED TREE LINE
- FUTURE OFF-SITE ROAD IMPROVEMENTS - SEE PROFFERS
- ADJACENT FORESTED AREA AND ON-SITE TREE SAVE AREAS
- POSSIBLE ENTRY FEATURE/POW LOCATIONS \*

**THIS SHEET FOR LANDSCAPE PURPOSES ONLY**



**Stacked Condominiums**

No Scale



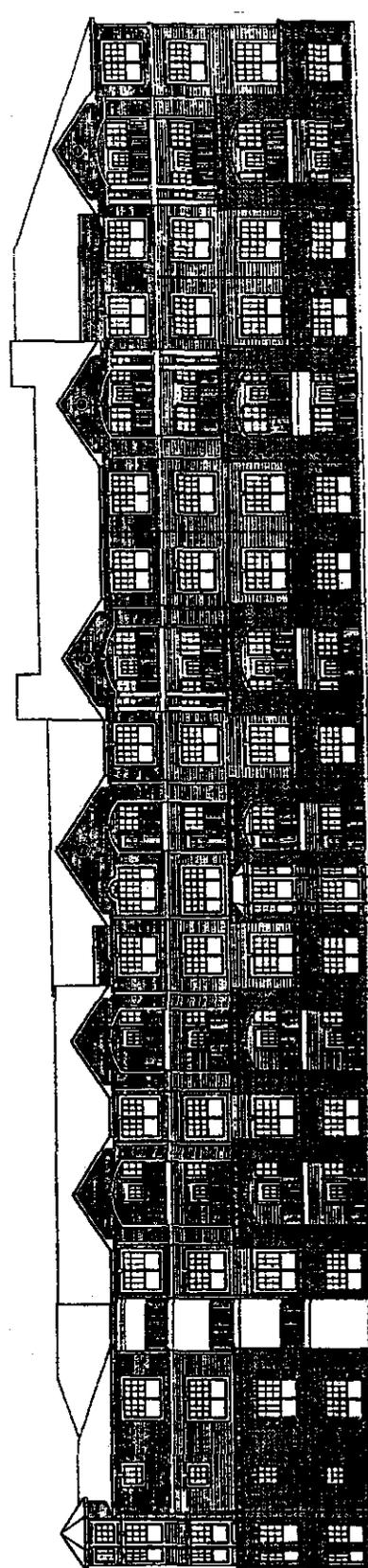
**20' Rear Load Townhouses**

No Scale



**Courtyard Style Multi-Family (Apartment) Unit**

No Scale

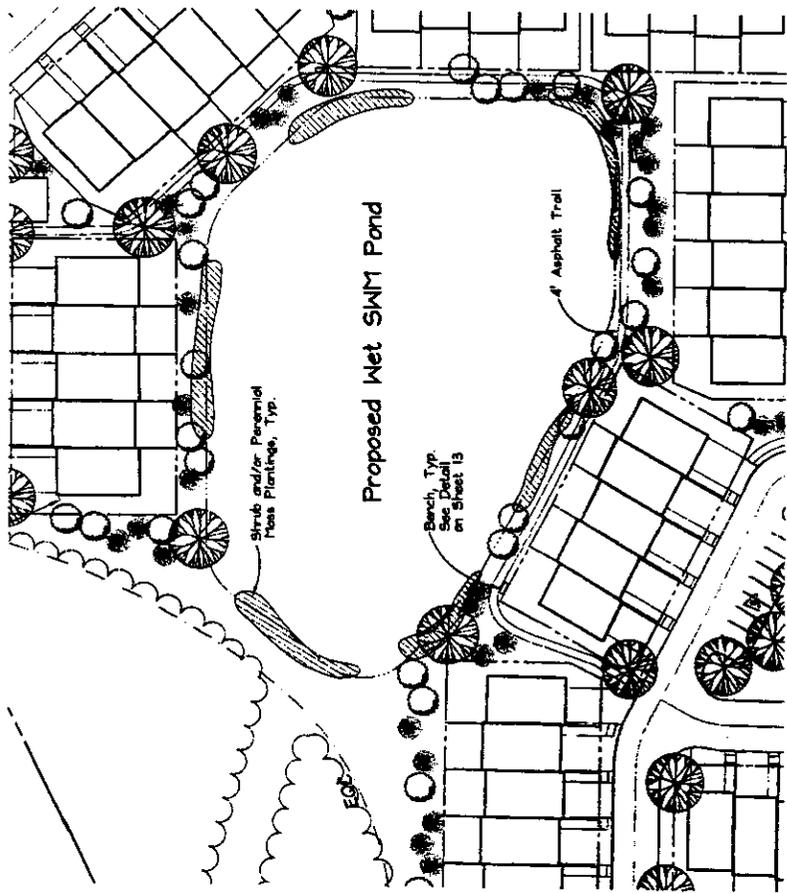






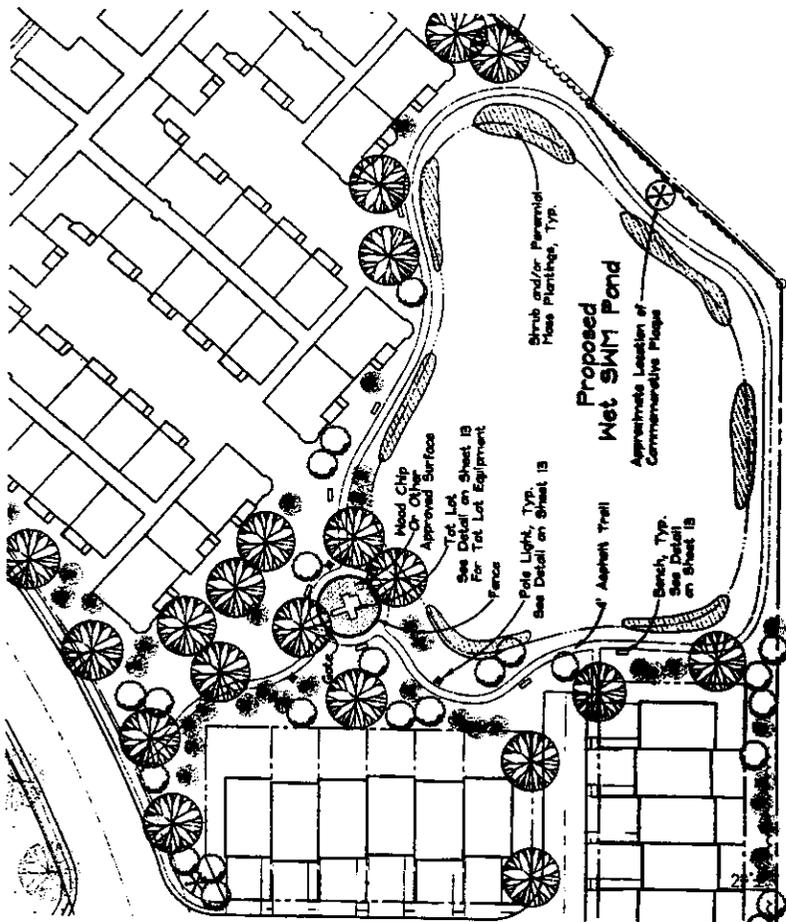


PROJECT NO.	17706 FORT LAKER DRIVE SUITE 100 FAIRFAX VA 22033
DATE	APRIL 23, 2002
SCALE	AS SHOWN
SHEET NO.	11 OF 18
DATE	APRIL 23, 2002
PROJECT NO.	17706 FORT LAKER DRIVE SUITE 100 FAIRFAX VA 22033
DATE	APRIL 23, 2002
SCALE	AS SHOWN
SHEET NO.	11 OF 18
DATE	APRIL 23, 2002



**Proposed Wet SWM Pond Detail**  
 (See Sheet 14 for Wet Pond Edge Planting Detail)

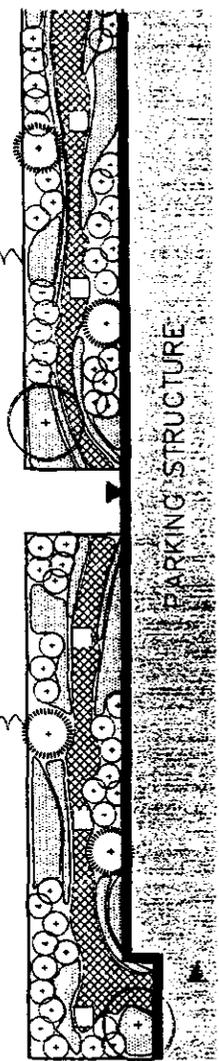
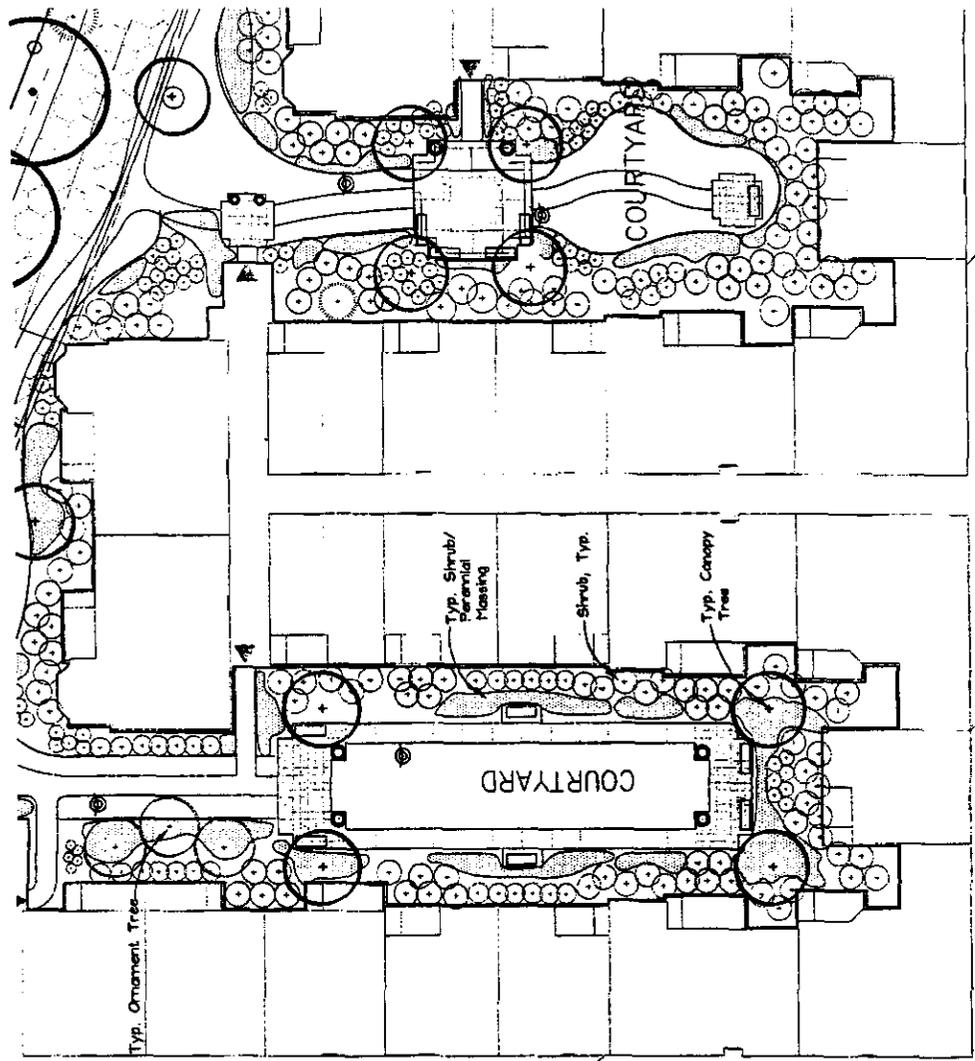
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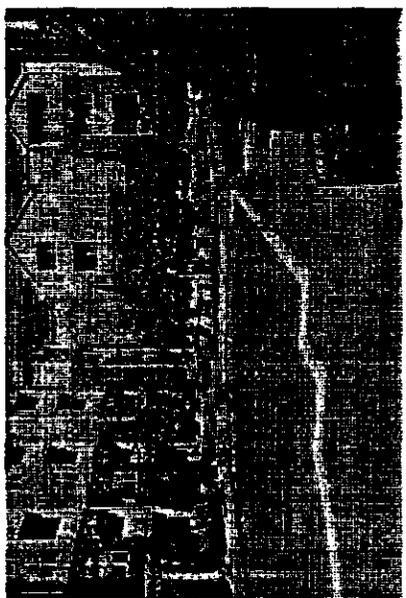
**Tot Lot and Proposed Wet SWM Pond Detail**  
 (See Sheet 14 for Wet Pond Edge Planting Detail)

Scale: 1" = 30'

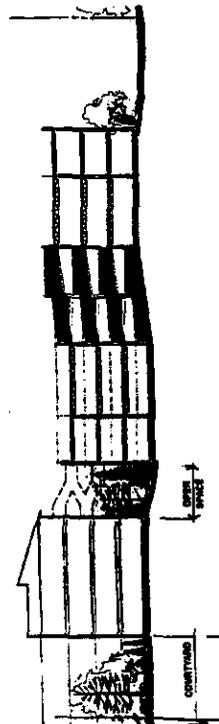
REVISIONS  
 REVISION NO. DATE BY  
 0002 04/23/02  
 0001 04/23/02



**Multi-Family (Apartment) Courtyard Detail**  
 No Scale



**Multi-Family (Apartment) Pool Image**  
 No Scale



**Multi-Family (Apartment) Parking Structure Section**  
 No Scale



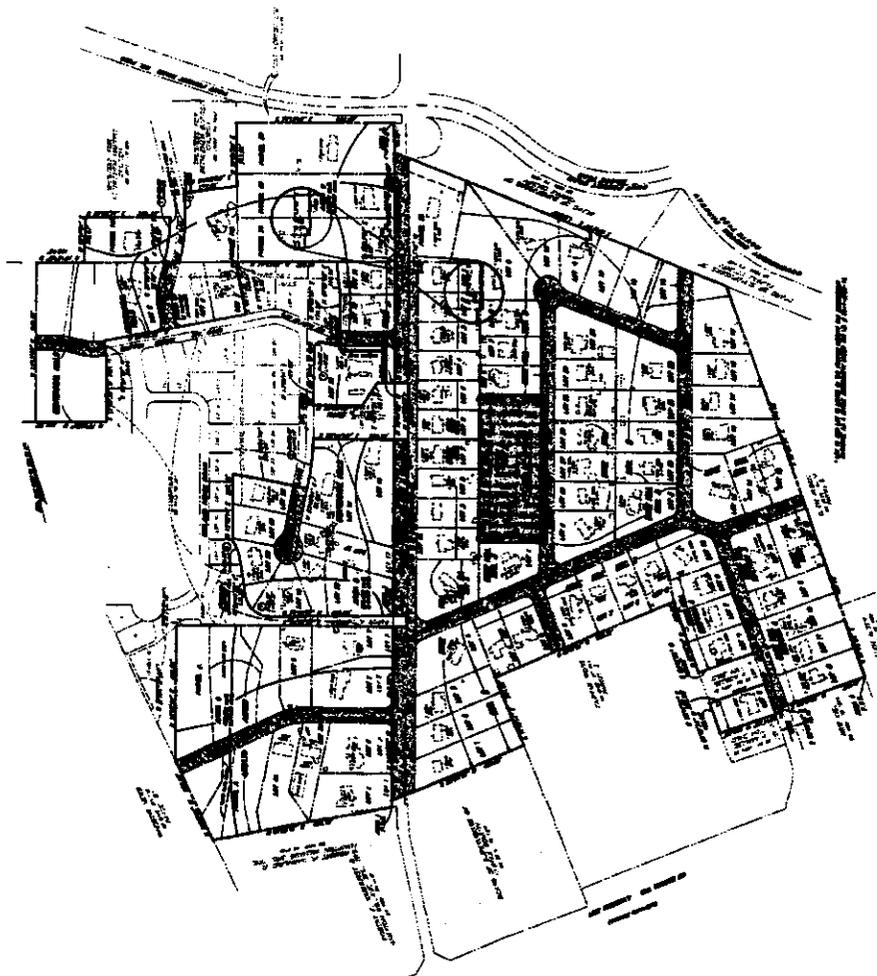


**BC Consultants**  
 Planners • Engineers • Surveyors • Architects • Landscape Architects  
 12000 Fair Lakes Circle, Suite 100, Fairfax, VA 22033  
 (703)444-0100 (703)444-0108 (fax)  
 www.bccon.com



**ROAD ABANDONMENT AND/OR VACATION EXHIBIT**  
**DIR GEN-GATO PROPERTIES**

DATE	11/15/05
DRAWN BY	JK
CHECKED BY	JK
DATE	11/15/05
SCALE	AS SHOWN
SHEET NO.	13 OF 18
PROJECT NO.	05-00000000-001
FILE NO.	05-00000000-001
DATE	11/15/05
BY	JK



**LEGEND**

- DENOTES AREA OF LAND TO BE VACATED/ABANDONED AND INCLUDED IN THE DIR-GEN-GATO RECORDING APPLICATION.
- DENOTES AREA OF LAND TO BE VACATED/ABANDONED AND NOT INCLUDED IN THE DIR-GEN-GATO RECORDING APPLICATION.
- DENOTES AREAS NOT TO BE INCLUDED IN THIS RECORDING.

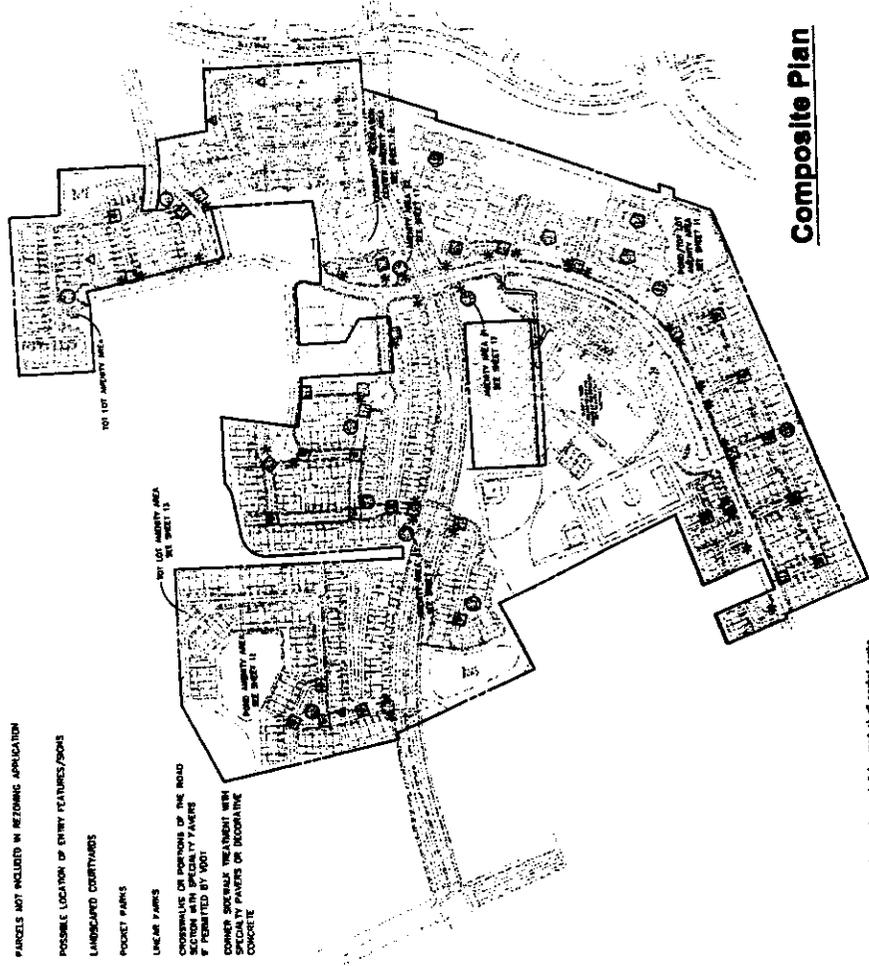
REVISED APRIL 28, 2005



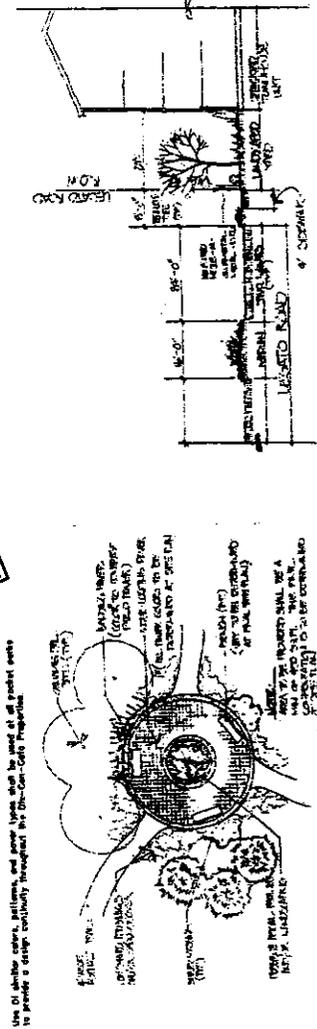


**Legend:**

- PARCELS NOT INCLUDED IN REZONING APPLICATION
- POSSIBLE LOCATION OF ENTRY FEATURES/DOORS
- LANDSCAPED COURTYARDS
- POCKET PARKS
- LINEAR PARKS
- CORRIDORS OR OPENINGS IN THE ROAD PERMITTED BY VDOT
- DOMES OR SPECIAL TREATMENT WITH SPECIALTY PAVERS OR DECORATIVE CONCRETE



**Composite Plan**



**Streetscape Treatment**

FOR STACKED CONDOMINIUMS (SMALLER FOR REAR LOAD TOWNHOUSES AND FOR THE SIDES OF TOWNHOUSES FRONTING ON A STREET)

NO SCALE

Use of white covers, bollards, and other items shall be used at all pocket parks to provide a design continuity throughout the Dix-Cen-Gato Properties.

A circular park is shown for illustrative purposes. The final pocket park design may be rectangular or otherwise depending on the final site conditions.

**Typical Pocket Park Layout**

NO SCALE

**Dix-Cen-Gato Properties Urban Design Standards**

**General Standards**

Every finished driveway, easement, or other utility structure shall be constructed in accordance with the standards set forth in the applicable codes. All utility structures shall be constructed in accordance with the standards set forth in the applicable codes. All utility structures shall be constructed in accordance with the standards set forth in the applicable codes.

Public streets shall be designed and constructed in accordance with the standards set forth in the applicable codes. All public streets shall be designed and constructed in accordance with the standards set forth in the applicable codes.

Linear Parks: Linear parks shall be provided where shown on the site plan. The linear parks shall be designed in accordance with the standards set forth in the applicable codes.

Landscaping: Landscaping shall be provided in accordance with the standards set forth in the applicable codes. All landscaping shall be provided in accordance with the standards set forth in the applicable codes.

Stacked (Townhouse) Condominium Community (Rear Load): Stacked (Townhouse) Condominium Community (Rear Load) shall be provided in accordance with the standards set forth in the applicable codes.

Courtyard Style Multi-Family (Apartment) Community: Courtyard Style Multi-Family (Apartment) Community shall be provided in accordance with the standards set forth in the applicable codes.

Stacked (Townhouse) Condominium Community (Front Load): Stacked (Townhouse) Condominium Community (Front Load) shall be provided in accordance with the standards set forth in the applicable codes.

Community Recreation Center: Community Recreation Center shall be provided in accordance with the standards set forth in the applicable codes.

Garden Style Multi-Family (Apartment) Community: Garden Style Multi-Family (Apartment) Community shall be provided in accordance with the standards set forth in the applicable codes.

Single Family Detached Unit Community: Single Family Detached Unit Community shall be provided in accordance with the standards set forth in the applicable codes.

**Townhouse Communities**

Townhouse Communities: Townhouse Communities shall be provided in accordance with the standards set forth in the applicable codes. All townhouse communities shall be provided in accordance with the standards set forth in the applicable codes.

**Townhouse Communities (Rear Load)**

Townhouse Communities (Rear Load): Townhouse Communities (Rear Load) shall be provided in accordance with the standards set forth in the applicable codes. All townhouse communities (rear load) shall be provided in accordance with the standards set forth in the applicable codes.

**Community Recreation Center**

Community Recreation Center: Community Recreation Center shall be provided in accordance with the standards set forth in the applicable codes. All community recreation centers shall be provided in accordance with the standards set forth in the applicable codes.

**Garden Style Multi-Family (Apartment) Community**

Garden Style Multi-Family (Apartment) Community: Garden Style Multi-Family (Apartment) Community shall be provided in accordance with the standards set forth in the applicable codes. All garden style multi-family communities shall be provided in accordance with the standards set forth in the applicable codes.

**Single Family Detached Unit Community**

Single Family Detached Unit Community: Single Family Detached Unit Community shall be provided in accordance with the standards set forth in the applicable codes. All single family detached unit communities shall be provided in accordance with the standards set forth in the applicable codes.

**BC Consultants**  
 Planners • Engineers • Surveyors • Landscape Architects  
 12000 Rte. 288, Suite 100, Fairfax, VA 22033  
 (703) 449-8108 (703) 449-8108 (Fax)  
 BC@bcva.com



**DIX-CEN-GATO PROPERTIES**  
 URBAN DESIGN STANDARDS

DATE: 08/15/2011	SCALE: 1/8"=1'-0"	SHEET: 18 OF 18
DESIGNED BY: JTB	DATE: 08/15/2011	NO. 102 12 2011-00-011
DRAWN BY: JTB	DATE: 08/15/2011	NO. 102 12 2011-00-011
CHECKED BY: JTB	DATE: 08/15/2011	NO. 102 12 2011-00-011
APPROVED BY: JTB	DATE: 08/15/2011	NO. 102 12 2011-00-011
PROJECT: DIX-CEN-GATO PROPERTIES	SCALE: 1/8"=1'-0"	SHEET: 18 OF 18

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

**OVERVIEW**

The Fairfax Center Area, Sub-unit O1 (Dix-Cen-Gato) consists of approximately 139 acres (including approximately 20.8 acres of public-right-of-ways) located south of Post Forest Drive, north of Lee Highway (Route 29) and on both sides of Legato and Dixie Hill Roads. The Dix-Cen-Gato neighborhood was previously located in Land Unit O of the Fairfax Center Area and was divided into five (5) distinct Sub-units planned for densities ranging from one (1) to four (4) dwelling units per acre (du/ac). During the 1990-91 Area Plan Review (APR), the Board of Supervisors established Sub-unit O1 (comprised of the Dix-Cen-Gato neighborhood) and a Plan recommended overlay option for a mixed use development at 0.35 FAR, with at least sixty percent (60%) of the development as residential. To achieve the overlay level, a minimum of eighty-five percent (85%) of Sub-unit O1 was to be consolidated. In addition, land was to be dedicated to increase Dixie Hill Park to ten (10) acres, a fire station site was to be provided at the intersection of Legato Road and Lee Highway, and potentially, a site for an elementary school was to be provided.

On October 28, 1996, the Board of Supervisors adopted a Plan amendment to the Fairfax Center Area, Sub-unit O1, to permit an option for residential-only development. The Plan language was further modified to exclude areas already redeveloped at the intermediate level and publicly owned land from being part of the 85% consolidation requirement. The overlay density was established at twelve (12) dwelling units per acre (du/ac), the intermediate level at four (4) dwelling units per acre, and the baseline at one (1) dwelling unit per acre. To develop at the overlay level, land was to be dedicated to increase Dixie Hill Park to ten (10) to fifteen (15) acres and an elementary school site was to be provided, if needed to serve the increased population in the area. Fairfax County previously acquired the fire station site (Tax Map 56-1 ((1)) 36A) and thus dedication was no longer required. One of the central premises of the overlay level for Sub-unit O1 was to encourage substantial land consolidation in order to achieve a well designed and coordinated development that provided land dedication for public facilities and did not preclude other parcels from developing in accordance with the Plan.

Located at the front of the staff report are a table and graphic depicting the boundaries for Sub-unit O1, the location of publicly owned land and areas

developed at the intermediate level. Public right of ways (20.8 acres), the County owned fire station site (6.3 acres), and Dixie Hill Park (2.5 acres) are excluded from the consolidation requirement, since they are publicly owned. The Post Forest development (RZ 86-S-012) was approved by the Board of Supervisors on October 27, 1986, for the PDH-20 District on 18.2 acres, including approximately 0.48 acres located south of Post Forest Drive in Sub-Unit O1. The development is approved for 336 multi-family dwelling units at 18.5 dwelling units per acres (du/ac) and 47% open space. Cambryar (RZ 88-S-033) was approved on May 22, 1989, for the PDH-4 District on 11.08 acres located west of the subject site for the development of forty-one (41) single family detached lots at 3.7 du/ac and 23% open space. Fairfax Ridge (RZ 94-Y-024) was approved on January 9, 1995, for the PDH-4 District on 13.73 acres located south of the subject site for the development of sixty-five (65) single family attached units at 4.8 du/ac (including ADUs) and 55% open space. Fair Oaks Hill (RZ 2000-SU-009) was approved on October 16, 2000, for the R-8 District on 2.69 acres located south of the subject site for the development of sixteen (16) single family attached units at 5.95 du/ac and 43% open space. These areas are developed at the intermediate level and are therefore excluded from the consolidation requirement. Since the 1996 Plan amendment, the only area approved at the intermediate level and therefore excluded from the consolidation requirement, was the rezoning for Fair Oaks Hill (RZ 2000-SU-009) on 2.69 acres.

## **DESCRIPTION OF THE APPLICATION**

The applicant, Centex Homes, requests to rezone 79.95 acres (including 10.4 acres of public right-of-ways to be vacated or abandoned for portions of Butler Drive, Deljo Drive, Deming Drive, Dixie Hill Road, Legato Road, Quality Street, Rhett Lane and Ruffin Drive) from the R-1 (Residential – one dwelling unit per acre), R-2 (Residential – two dwelling units per acre) and WS (Water Supply Protection Overlay) Districts to the PDH-12 (Planned Development Housing – twelve dwelling units per acre) and WS Districts. The applicant requests approval of the combined Conceptual/Final Development Plan (CDP/FDP) to develop 1,087 dwelling units (5 single family detached, 327 single family attached, and 755 multi-family units, including 89 ADUs) with 30.7% open space. The proposed density for the development is 13.60 dwelling units per acre, including affordable dwelling units (ADUs) and bonus units or twelve (12) dwelling units per acre, excluding the ADUs and bonus units. The single family attached units are proposed for a maximum height of forty-two (42) feet and the multi-family units will have a maximum height of sixty-five (65) feet. In addition,

the proposal provides thirteen (13) acres for dedication for an elementary school site. A copy of the draft proffers, proposed final development plan conditions, affidavit and statement of justification are located in Appendices 1-4, respectively.

**Modifications/Waivers Requested:**

Modification of the transitional screening and waiver of the barrier requirements in accordance with the CDP/FDP for the perimeter of the site and between the residential and public uses within the development.

Waiver of the 200 square foot privacy yard requirement for rear-load single family attached units.

Waiver of the 600 foot maximum length of private street requirement.

Waiver of applicable Public Facilities Manual (PFM) requirements to allow for the construction of wet stormwater management (SWM) facilities within a residential development.

**LOCATION AND CHARACTER**

**Site Description:**

The site is located north of Lee Highway (Route 29), south of Post Forest Drive and on both sides of Legato and Dixie Hill Roads. The 79.95 acres includes 10.4 acres of public right-of-ways (Butler Drive, Deljo Drive, Darning Drive, Dixie Hill Road, Legato Road, Quality Street, Rhett Lane and Ruffin Drive) proposed to be vacated and/or abandoned. The subject property contains approximately ninety (90) lots containing single family detached dwelling units. A small Environmental Quality Corridor (EQC) is located in the southwestern portion of the site and mature trees are located throughout the subject site. The northern portion of the site contains the southern ridge for the unfinished Manassas Gap Railroad. The Manassas Gap Railroad bed is located in the man-made gorge north of the site; the northern ridge is located on Fairfax County Government Center property.

**Surrounding Area Description:**

<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Bethlehem Baptist Christian Academy	R-1	Institutional, 0.15 FAR
	Residential (SFD)	R-1	Residential, 8 du/ac
	Post Forest Apartments	PDH-20	Residential, 20 du/ac
	Fairfax County Government Center	PDC	Office/Mixed Use, 0.35 FAR
<b>South</b>	West Ox Industrial Park	R-1, I-5	Industrial, 0.15 FAR
	Merrifield Garden Center	R-1, C-5	Residential, 6 du/ac
	Vacant (Proposed Fire Station)	R-1	Public Facility
	Fairfax Ridge (SFA – 4.8 du/ac)	PDH-4	Residential, 4 du/ac
	Dixie Hill (SFD)	R-1	Residential, 4 du/ac
	Fair Oaks Hill (SFA – 5.95 du/ac)	R-8	Residential, 6 du/ac
<b>East</b>	Alden Glen (SFA – 6.0 du/ac)	PDH-8	Residential, 6 du/ac
<b>West</b>	Bethlehem Baptist Christian Academy	R-1	Institutional, 0.15 FAR
	Centennial Hills (SFD)	R-2	Residential, 4 du/ac
	Cambryar (SFD, 3.7 du/ac)	PDH-4	Residential, 4 du/ac
	Windsor Mews (SFA, 7.1 du/ac)	R-8	Residential, 8 du/ac

**BACKGROUND**

On February 21, 1962, the Board of Supervisors approved RZ A-341 (Centennial Hills) to rezone 20.93 acres (Tax Maps 56-1 ((9)) 1-27) from the RE-1 District (Residential – one dwelling unit per acre) to the RE-0.5 District (Residential – two dwelling units per acre) without proffers. Tax Maps 56-1 ((9)) 1-7, 11-13, and 15-22 are part of the subject rezoning request.

**COMPREHENSIVE PLAN PROVISIONS (Appendix 5)**

**Plan Area:** Area III

**Planning Sector:** Fairfax Center Area – Land Unit O, Sub-unit O1

**Plan Map:** Fairfax Center Area - Residential, 12 dwelling units per acre at the overlay level

**Plan Text:**

On Pages 75 through 77 of the 2000 Comprehensive Plan, Area III, Fairfax Center Area, Land Unit O, Land Use Recommendations, the Plan states:

**“Sub-unit O1**

At the overlay level, this sub-unit is planned for mixed-use residential and office development not to exceed 0.35 FAR overall. At least 60 percent of the total mixed use development should be residential and include a mixture of housing types including single-family and multi-family units. The residential component should not exceed an overall density of 12 dwelling units per acre. As an alternative at the overlay level, the sub-unit may be developed with a mixture of housing types including single-family and multi-family units up to an overall density of 12 dwelling units per acre. Development intensities should taper down from the northern edge of the area near the Fairfax Governmental Center toward Route 29 and the existing or planned residential areas.

Development in compliance with all the following development conditions will be necessary to exceed the intermediate level.

- To achieve the overlay level, any proposed development should incorporate 85 percent consolidation, excluding areas redeveloped at the intermediate level and publicly owned land. Logical parcel consolidation of Sub-unit O1 must occur to provide for well-designed projects that function efficiently and do not preclude other parcels from developing in conformance with the Plan. Parcels should be consolidated and developed in a coordinated manner under a single development plan in order to reach the overlay level.
- Single-family residential development generally should be located in the southern portion of the sub-unit. Multi-family units should be located adjacent to office development and generally in the northern portion of the sub-unit. Single-family residential units should be located adjacent to the Alden Glen townhouse development and along Route 29. However, multi-family units may be considered for the northern portion adjacent to Alden Glen, if a minimum 50 foot vegetated buffer is provided. All proposed residential uses should be compatible with the existing residential development in the sub-unit;....

- Individual buildings adjacent to the Government Center should not exceed 90 feet in height, and heights should taper down to 35 feet adjacent to existing or planned residential development;
- The necessary roadway improvements for this sub-unit will be provided with access to the Government Center via Post Forest Drive. The extent of these improvements should be assessed for the proposed consolidation and be provided concurrent with redevelopment of this sub-unit. Access should be consolidated to minimize the number of access points to the collector roadway system;
- Adequate land should be dedicated to the Fairfax County Park Authority to enlarge Dixie Hills Park to ten to fifteen acres or another appropriate location within the sub-unit for a park should be provided. In addition to the parkland dedication, Neighborhood Park facilities should be provided to offset any impact of the proposed development beyond the capacity of existing facilities;
- If it is determined that an elementary school site is required to serve the increased population in this area, adequate land for such a facility should be dedicated. The school site should be co-located with the required parkland to allow for the sharing of recreation facilities;
- A fire station is planned for the northeast quadrant of the intersection of Legato Road and Route 29. It should have access from Legato Road to minimize the access points on Route 29. Any remaining land on this parcel not used for the fire station facilities should be retained in open space to serve as a buffer to adjacent uses; and...

...Any proposed redevelopment that is not incorporated in a consolidation as noted above should only proceed at the baseline or intermediate level."

On Page 38 of the Fairfax Center Area Plan, under the Area-Wide Recommendations, the Plan states:

"Basic countywide heritage resource preservation policies are applicable throughout the Fairfax Center Area. Site designs that minimize the disturbance or destruction of significant heritage resources are desired. In cases in which disturbance or destruction of such resources cannot be avoided, appropriate recovery and recording of the resources is an acceptable alternative.

In heritage resource sensitivity areas, it is expected that developers will determine the presence or absence of significant heritage resources and take appropriate preservation, recovery and recordation action in accordance with the countywide policies before development plans are approved.

The right-of-way for the pre-Civil War Manassas Gap Railroad transverses portions of the O, P, U, and V Land Units. Where possible, visible manifestations of the railroad bed should be preserved or incorporated into development plans as scenic or historic amenities..."

## ANALYSIS

### Conceptual/Final Development Plan (Copy at front of staff report)

Title of CDP/FDP: "Dix-Cen-Gato"

Prepared By: BC Consultants

Original and Revision Dates: August 2001, as revised through  
April 29, 2002

Description of the combined Conceptual/Final Development Plan:

Sheet #	Description
Sheet 1	Cover Sheet, Vicinity Map, Sheet Index
Sheet 2	General Notes and Tabulations, EQC Delineation
Sheet 3	Composite Plan, Typical Lot Layout, Angle of Bulk Plane
Sheet 4	Conceptual/Final Development Plan, Site Tabulations
Sheet 5	Conceptual/Final Development Plan
Sheet 6	Landscaping Plan, Typical Lot Landscaping, Typical Plant List
Sheet 7	Landscaping Plan
Sheet 8	Architectural Elevations for the Courtyard Multi-Family, 20 foot Rear-Load Townhouses and Rear-Load Stacked Condominiums Units
Sheet 9	Architectural Elevations for the 22-24 foot Front Load Townhouses and Single Family Detached Units
Sheet 10	Architectural Elevations for Garden Style Multi-Family Units and Landscape Plan
Sheet 11	Wet Stormwater Management Pond Detail
Sheet 12	Courtyard Multi-Family Site Detail and Landscape Plan

Sheet 13	Tot Lot, Recreation Center and Site Amenity Detail
Sheet 14	Sign Elevations, Wet Pond Planting Detail
Sheet 15	Road Vacation Exhibit
Sheet 16	Legato Road Streetscape Plan
Sheet 17	Streetscape Detail; Bus Stop/Amenity Plan, Street Light Exhibit
Sheet 18	Design Standards, Pocket Park Layout, Streetscape Treatment

- The application requests to rezone 77.95 acres (including 10.4 acres of right of way to be vacated) and consolidates 83% of Land Unit O1, excluding publicly owned land (right of way, fire station, Dixie Hill Park) and areas redeveloped at the intermediate level (Post Forest, Cambryar, Fairfax Ridge and Fair Oaks Hill). The graphic at the front of the staff report depicts the boundaries of Sub-unit O1 and the areas excluded from the consolidation requirement. Approximately 14.18 acres of the non-excluded areas in Sub-unit O1 are not part of the consolidation. The unconsolidated parcels consist of Tax Map 56-1 ((1)) 35 (Merrifield Garden) zoned R-1 and C-5 and located in the southeast portion of the site; Tax Maps 56-1 ((9)) 8-10 (Centennial Hills) zoned R-2 and located north of Ruffin Drive; Tax Maps 56-1 ((9)) 14, 23-27 (Centennial Hills) zoned R-2 and located east and west of Rhett Lane; and Tax Maps 56-1 ((4)) 3 and 6 (Dixie Hill) zoned R-1 and located west of Dixie Hill Road. In addition, the application does not include parts of Tax Maps 56-1 ((5)) 9-15 zoned R-1 and encumbered by the Manassas Gap Railroad right of way (Tax Map 56-1 ((1)) 40R) which are located north of the site.
- The development proposes the construction of 1,087 dwelling units or 13.6 du/ac (including ADUs and bonus units) and 30.7% open space. The development includes five (5) single family detached units, 327 single family attached units and 755 multi-family dwelling units, including 89 ADUs. The single family detached lots will have minimum eighteen (18) foot front yards, five (5) foot side yards and twenty (20) foot rear yards; the typical lot layouts and elevations are depicted on Sheets 3 and 9, respectively. Single family attached units include forty-eight (48) twenty (20) foot wide rear-load units, sixty-eight (68) twenty-two (22) foot wide front-load units and two hundred and eleven (211) twenty-four (24) foot wide front-load units; elevations are provided on Sheets 8 and 9, respectively. The rear-load single family attached units will have minimum five (5) foot front and side yards and an eighteen (18) foot rear yard. The front-load single family attached lots will have a minimum eighteen (18) foot front yard, five (5) foot side yard and five (5) foot rear yard, if optional

rooms or decks are added to the units. The typical lot layout is provided on Sheet 3. The single family attached units have a maximum height of forty-two (42) feet. The applicant requests a waiver of the 200 square foot privacy yard for the rear-load single family attached units. The multi-family units include 142 units in rear-load stacked townhouses, which are two units located in one structure, four story garden style apartment with first floor parking containing 217 units, and four story courtyard style apartments with structured parking containing 396 units. The rear-load stacked townhouses have a maximum height of forty-two (42) feet, the garden and courtyard style multi-family units have a maximum height of sixty-five (65) feet; elevations are provided on Sheets 8 and 10.

- **Realigned Legato Road connects Lee Highway to the south with Post Forest Drive to the north, and bisects the site. On the west side of realigned Legato Road, in the southwestern portion of the site, the applicant proposes the development of one hundred and twenty-four (124) dwelling units, a wet stormwater management pond, tot lot and a small tree save area in the EQC area. The units are located a minimum of twenty-three (23) feet from the southern boundary, twenty-one (21) feet from the western and twenty-five (25) feet from the northern boundary of the site. Thirty-eight (38) multi-family units are located in rear-loaded stacked townhouses fronting Legato Road. Twenty-two (22) single family attached units are located in the rear-load townhouses west of the stacked townhouses. Sixty-four (64) front-load single family attached units are located along the perimeter of the site, adjacent to the stormwater management pond. Sheets 8 and 9 contain elevations for the different unit types. The tot lot, which is located on the western boundary of the site adjacent to the open space for Windsor Mews, is detailed on Sheet 13. Sheets 11 and 14 contain details for the wet stormwater pond area and plantings.**
- **Immediately west of realigned Legato Road, in the center of the site, one hundred and thirty-three (133) dwelling units and a minor plaza are proposed. Fifty-six (56) multi-family units are located in the rear-loaded, stacked townhouse units facing Legato Road. West of the stacked condominiums, thirteen (13) rear-loaded single family attached units, fifty-nine (59) front-loaded single family attached and five (5) single family detached units are also proposed. The units are located a minimum of twenty-nine (29) feet from the southern boundary, thirty-one (31) feet from the western boundary and twenty-five (25) feet from the northern boundary of the site. Sheets 8 and 9 contain elevations for the different**

unit types. A six (6) foot tall board on board fence and twenty (20) foot wide landscaped area are proposed adjacent to the existing detached homes (Cambryar) to the west. A landscaped open space area is provided adjacent to the unconsolidated parcel (Tax Map 56-1 ((9)) 14), along its southern boundary and a portion of its northern boundary. Five (5) lots containing existing single family detached homes are located west of Rhett Lane and are not part of the consolidation. An entry sign and minor plaza are proposed at the entrance on Legato Road near the stacked townhouses and are detailed on Sheets 14 and 17, respectively.

- The northwestern portion of the site contains six (6) garden style multi-family structures with a maximum height of sixty-five (65) feet, with partial ground level parking and surface parking lots. The garden style units are detailed on Sheet 10. The units are located a minimum of seventeen (17) feet from the northern boundary; forty (40) feet from Post Forest Drive, and forty (40) feet from the southern boundary. The multi-family units will front on Legato Road with access from the internal private streets. Three (3) parcels containing single family detached homes are located south of the proposed multi-family units and are not part of the consolidation. A community recreation facility and pool are located a minimum of eighty-six (86) feet from the unconsolidated detached lot and are detailed on Sheet 13. West of the multi-family development, sixty (60) front-load single family attached units are proposed as detailed on Sheet 9. The single family attached units are located a minimum of forty-one (41) feet to the northern, eighteen (18) feet from Ruffin Drive and thirty (30) feet from the southern, western and eastern boundaries, including a twenty-five (25) foot wide landscape strip. A tot lot is located adjacent to the cul-de-sac for Ruffin Drive as detailed on Sheet 13. Two (2) wet stormwater management ponds are located along the northern portion of the site, one of which is a shared pond with the Post Forest Apartments development to the north. An entry sign and minor plaza are proposed at the entrance on Legato Road and are detailed on Sheets 14 and 17, respectively. Butler Drive is being realigned and a temporary cul-de-sac is provided where state maintenance ends.
- On the eastern side of realigned Legato Road, adjacent to the proposed fire station site (Tax Map 56-1 ((1)) 36A), forty-eight (48) multi-family units are located in the rear-loaded stacked townhouses, which are located a minimum of one hundred and seventy (170) feet from the southern and forty (40) feet from the eastern boundaries. The rear-load units face Legato Road and the Fairfax Ridge development and are detailed on

Sheet 8. A wet stormwater management pond located along the southern boundary is detailed on Sheet 14. A potential access road is proposed for the future fire station site to the south. North of the stacked townhouses units, thirteen (13) acres for an elementary school site are proposed to be dedicated. The school site contains a two-story school building consisting of approximately 114,000 square feet; two softball fields; a soccer field; a paved play area and an associated parking lot. The entrance to the school site will be from Dixie Hill Road. The existing 2.5 acre Dixie Hill Park is proposed to remain with shared access for the maintenance vehicles from the school travel ways.

- The northern portion of the site contains the sixty-five (65) foot tall courtyard style, multi-family units that are located thirty (30) to forty (40) feet from the northern boundary and 170 feet from Post Forest Road. The courtyard multi-family units have a structured parking garage and front on the internal streets; they are detailed on Sheet 8 and 12. A community recreation facility and pool are located adjacent to Legato Road, as detailed on Sheets 13 and 17. The Manassas Gap Railroad right-of-way is located to the north of the site. The northern boundary contains the southern ridge of the man-made gorge, which will be preserved. To the east of the multi-family building is a wet stormwater management pond and tot lot. Sheets 11, 13 and 14 detail the wet stormwater pond, plantings and tot lot.
- The eastern portion of the site contains eighty-six (86) single family attached units that are proposed to be located a minimum of twenty-nine (29) feet from the eastern boundary, with an eighteen (18) foot wide landscape buffer, and nineteen (19) feet from the southern boundary of the site. A trail connection is proposed to Alden Glen to the east. In the southern portion of the site adjacent to Fairfax Ridge, a total of eight (8) single family attached units are proposed adjacent to two (2) single family detached lots that are not part of the consolidation. Two (2) potential dry ponds are proposed along the southern portion of the site. Thirteen (13) rear-load single family detached units facing Dixie Hill Road are proposed adjacent to the proposed school site and are located a minimum of twenty-six (26) feet from the western boundary of the site. The single family attached units are detailed on Sheets 8 and 9.
- The development proposes to vacate or abandon 10.4 acres of public right of way, including portions of Butler Drive, Deljo Drive, Deming Drive, Dixie Hill Road, Legato Road, Quality Street, Rhett Lane and Ruffin Drive

as detailed on Sheet 15. The vacation and abandonment of the right-of-way requires a separate review by the Board of Supervisors; if not approved, a PCA and/or FDPA may be necessary. Legato Road will be realigned and constructed to a four (4) lane divided section that will connect Lee Highway to Post Forest Drive. The existing access to Lee Highway from Dixie Hill Road will be maintained. Interparcel access is provided to areas that are not part of the consolidation, including Tax Map 56-1 ((1)) 35 (Merrifield Garden) and the fire station site (Tax Map 56-1 ((1)) 36A). A temporary cul-de-sac is proposed for Butler Drive, which connects to the existing ingress/egress easement that provides access to Tax Maps 56-1 ((1)) 11F and 11G. The applicant requests a waiver of the 600 foot maximum length of private streets. Two (2) bus stop areas are proposed along the east and west sides of northern portion of Legato Road and are detailed on Sheets 16 and 17.

- Sheets 6, 7, 10 and 12 detail the landscaping plan for the development and the typical landscaping for individual lots and the multi-family buildings. Sheet 18 details the design standards for the development. Eleven (11) pocket parks and four (4) linear parks are located throughout the development and are detailed on Sheet 18. The pocket parks consist of landscaping, benches, focal point and brick pavers. The linear parks consist of trails, landscaping and benches. In addition, crosswalks with specialty pavers are provided at the intersections. The applicant requests a modification of the transitional screening and waiver of the barrier requirements on the perimeter of the site and between different unit types and public uses within the development.

#### **Transportation Analysis (Appendix 6)**

The transportation issues are adequately addressed with the execution of the proffers consistent with those contained in Appendix 1.

#### **Issue: Road Improvements**

The Comprehensive Plan states: "The necessary roadway improvements for this sub-unit will be provided with access to the Government Center via Post Forest Drive. The extent of these improvements should be assessed for the proposed consolidation and be provided concurrent with redevelopment of this sub-unit." Staff requested that the applicant improve Legato Road to VDOT standards as a four (4) lane divided section from Lee Highway (Route 29) to Post Forest Drive. The improvements were requested to include the necessary turn lanes from

Legato Road onto Lee Highway and Post Forest Drive, right and left turn lanes from Lee Highway onto Legato Road, and a left turn lane and appropriate pavement transitions from Post Forest onto Legato Road. Staff requested that these improvements be provided at the initial phase of the development and not linked to the provision of off-site stormwater management. In addition, the applicant was requested to coordinate with the Fire and Rescue Department and the County's Office of Capital Facilities on the road improvements adjacent to the fire station (Tax Map 56-1 ((1)) 36A), including the provision of a median break emergency access on Legato Road. The applicant was requested to provide the Lee Highway and Legato Road improvements adjacent to the proposed fire station by July 1, 2004, to facilitate the opening of the proposed fire station; or, if the improvements are not done by that date, to reimburse the Office of Capital Facilities for the road improvements.

**Resolution:**

The applicant proffered to provide the requested improvements for Legato Road, Lee Highway and Post Forest Drive to VDOT standards at the initial phase of the development, to be open to the public no later than issuance of the 320<sup>th</sup> RUP. In addition, the road improvements are no longer subject to the provision of off-site stormwater management. The applicant did not proffer to provide the road improvements adjacent to the fire station site by July 1, 2004; however, the applicant proffered to reimburse the Office of Capital Facilities for the bonded amount for the road improvements if constructed by the County. In staff's opinion, this issue has been adequately addressed.

**Issue: Traffic Signals**

The applicant was requested to provide a warrant study by October 2003, and the installation of a traffic signal at Legato Road/Route 29 by July 1, 2004, or if not done by that date, which is the anticipated date for the fire station to be operational, to reimburse the Office of Capital Facilities for the cost of installing the traffic light. In addition, the applicant was requested to submit warrant studies prior to issuance of the 320<sup>th</sup> RUP and to contribute \$100,000 upon warrant, but no later than, final bond release, for the signals at Legato Road and Post Forest Drive and the intersection for Legato Road, Dixie Hill Road and Ruffin Drive.

**Resolution:**

The applicant proffered to provide warrant studies for the Lee Highway/Legato Road signal prior to October 1, 2003, and provide the warrant studies for the other two signals prior to issuance of the 320<sup>th</sup> RUP. The applicant proffered to fund the signal at Legato Road and Lee Highway (Route 29) and to contribute \$100,000 for the signals at the Legato Road, Dixie Hill and Ruffin Drive intersection and the Legato Road and Post Forest Drive intersection. The applicant did not proffer to provide the signal on Lee Highway by July 1, 2004; however, the applicant proffered to reimburse the Office of Capital Facilities for the bonded amount of the traffic signal if installed by the County for the opening of the fire station. In staff's opinion, this issue has been adequately addressed.

**Issue: Bus Shelters**

The applicant was requested to provide two (2) bus shelters on Legato Road and a shelter on eastbound Post Forest Drive and commit to the maintenance of the bus shelters.

**Resolution:**

The applicant proffered to provide the requested shelters along Legato Road and Post Forest Drive and this issue is resolved.

**Issue: Interparcel Access**

The applicant was requested to provide interparcel access to the non-consolidated parcels in Land Unit O and to the future fire station site.

**Resolution:**

The applicant proffered to provide the requested interparcel access easements and this issue is resolved.

**Environmental Analysis (Appendices 5 and 7)**

The following environmental issues were identified in the in the Land Use/Environmental Analysis and Urban Forester Analysis.

**Issue: Stormwater Management Wet Ponds**

The property is situated within three different watersheds and the western half of the site is situated in the Water Supply Protection Overlay District. In order to honor the current drainage divides, the application proposes five (5) wet and two (2) potential dry stormwater management ponds, in various locations throughout the development. The County typically maintains dry stormwater management ponds in residential developments; however, wet ponds require a waiver of the Public Facilities Manual (PFM) and maintenance must be provided by the Homeowners' Association in accordance with County standards. In addition, the future purchasers should be notified of the maintenance responsibilities and costs associated with wet ponds. The Office of Capital Facilities (Appendix 11) indicated that the fire station site (Tax Map 56-1 ((1)) 36A) cannot accommodate off-site stormwater in its pond.

The applicant was advised to contact the Department of Public Works and Environmental Review (DPWES) and submit details for the proposed wet stormwater management ponds to ascertain whether they could be approved and, if so, to ensure appropriate buffers and safety features could be accommodated within the proposed wet ponds. The applicant was also advised to provide alternative designs for the ponds to ensure appropriate buffers and landscaping are provided for the adjacent dwelling units in the event that the wet ponds are not approved. Stormwater management pond designs should be designed to include low impact development techniques which honor the current drainage divides, incorporate existing vegetation around the ponds and utilize bio-filtration facilities where appropriate.

**Resolution:**

The development plan was revised to provide an additional on-site stormwater management pond since a shared facility with the fire station site has been determined not to be possible. It is staff's understanding that the applicant has not submitted detailed designs to DPWES to determine the feasibility of the proposed wet ponds and staff has no indication at this time that the wet ponds will be approved. Wet ponds can provide a passive recreational, visual amenity and enhanced water quality benefits; however, the safety issues relating to the construction and maintenance of these facilities in a residential community is paramount. The wet ponds must meet the safety requirements of DPWES and provide the buffer and plantings as depicted on the development plan. The applicant has proffered to notify future homeowners of the maintenance responsibility for the wet ponds, if granted. If the Department of Public Works

and Environmental Review (DPWES) does not grant the waiver for the wet ponds the applicant will provide dry ponds in the areas shown on the CDP/FDP without reducing the amenity areas. In staff's opinion, this issue has been adequately addressed.

**Issue: Tree Preservation**

The most valuable environmental feature on the site is the mature tree cover that will not be preserved except within the small EQC area in the southwestern portion of the site. Staff suggested that the applicant revise the design to provide for opportunities for tree preservation and functional open space within the development, as recommended by the Urban Forestry Division. (Appendix 7) The applicant was requested to commit to the transplantation of trees on their site.

**Resolution:**

The applicant did not revise the development to provide additional tree preservation; however, the applicant proffered to provide tree transplantation for thirty-five (35) trees. The density of the development with the variety of housing types and provision of public facilities make preservation extremely difficult; therefore, in this instance transplantation is an acceptable alternative. In staff's opinion, this issue has been adequately addressed.

**Issue: Light Pollution**

The applicant was requested to provide lighting that would be focused directly on the parking/driving areas and sidewalks with full-cutoff fixtures to prevent glare and light trespass. Staff noted that the up-lighting of subdivision entrance signs, landscaping or architectural elements is discouraged and that lighting for the ballfields on the elementary school was not appropriate due to insufficient buffers, screening and setbacks of the fields.

**Resolution:**

The applicant proffered to provide lighting that features full cut-off shielding and direct the light downward to prevent glare onto adjacent properties. Staff proposed a development condition to restrict lighting the school fields. In staff's opinion this issue is resolved with the adoption of the proposed development conditions.

**Issue: Energy Conservation**

The Plan calls for energy conservation through the use of bicycle parking facilities to encourage non-motorized transportation and provision of construction techniques that meet the thermal guidelines of the Virginia Power Energy Saver Program. The applicant was requested to provide secured bike parking within the multi-family dwelling units and provide adequate construction techniques.

**Resolution:**

The applicant proffered to provide bicycle parking for the multi-family units and the community recreation facilities. The applicant proffered to provide construction in accordance with the CABO Model Energy Program for energy efficient homes. In staff's opinion, this issue is resolved.

**Sanitary Sewer Analysis (Appendix 8)**

The properties are spread across three sewer sheds and reimbursement areas. The applicant was requested to provide a sewer capacity analysis and demonstrate that the existing sanitary sewer facilities have adequate capacity for the proposed development. The applicant proffered to provide the information prior to the first building permit; however, in staff's opinion, this information should be provided prior to site plan approval. Staff is continuing to work with the applicant to resolve this issue.

**Water Service Analysis (Appendix 9)**

The properties are located within the franchise area of the Fairfax County Water Authority and adequate domestic water service is available at the site from existing mains located at the property. There are no water service issues associated with this request.

**Fire and Rescue Analysis (Appendices 10 and 11)**

The site is serviced by the Chantilly Fairfax County Fire and Rescue Station #15 and it currently meets the fire protection guidelines.

**Issue: Fairfax Center Area Fire Station**

The property (Tax Map 56-1 ((1)) 36A) located to the south is the proposed location for the Fairfax Center fire station. The Office of Capital Facilities,

DPWES reviewed the application and requested the applicant to provide a traffic signal and frontage improvements for Lee Highway and Legato Road along the fire station property. The requested improvements include a median break and exit apron for emergency vehicles access to Legato Road; construction of an interparcel access and a right turn lane from northbound Legato Road into the fire station site, and a conduit for a traffic signal control box at the Legato Road and Lee Highway intersection. The applicant was requested to provide an eight (8) inch sewer tap and six (6) inch waterline tap stubbed into the fire station. In addition, the applicant was requested to provide a warrant study and install a traffic signal and the infrastructure for the traffic control signal box at the Lee Highway and Legato Road intersection. The Legato Road improvements were requested to be completed by July 1, 2004, to facilitate the opening of the proposed fire station or the applicant was requested to reimburse the Office of Capital Facilities for the costs of the improvements should they install them first. The Office of Capital Planning notes that the fire station site can not accommodate a shared stormwater management pond on their site.

**Resolution:**

The applicant proffered to provide the requested Legato Road improvements, including the median break, but did not commit to complete the improvements prior to July 1, 2004; however, the applicant proffered to reimburse the Office of Capital Facilities for the bonded amount of the costs of the improvements if the County constructs them first for the fire station. The applicant proffered to install the traffic light and signal conduit for the traffic control signal box at the Lee Highway and Legato Road intersection, but did not commit to complete the improvements prior to July 1, 2004; however, the applicant proffered to reimburse the Office of Capital Facilities for the bonded amount of the cost of the signal if installed by the County. In staff's opinion, these issues are adequately addressed. The applicant has proffered to provide the interparcel easements, construct the exit apron, the interparcel connection and right turn lane into the fire station site subject to reimbursement by the County for the costs of these improvements. In staff's opinion, this issue is adequately addressed. The proffers were revised to provide the (6) inch waterline tap and the necessary easements if needed earlier by the fire station and this issue is adequately addressed. The applicant proffered to grant the County the necessary easement for sanitary sewer; however, the applicant did not proffer to provide the sanitary sewer connection at the County's expense as requested, and staff is continuing to work with the applicant to resolve this issue.

**Stormwater Management Analysis (Appendix 12)**

There are no downstream complaints; however, staff notes that wet ponds are not permitted (without a waiver from DPWES) in residential developments and as discussed in the environmental analysis, Fairfax County does not maintain wet ponds.

**Housing and Community Development Analysis (Appendix 13)**

The Community Services Board of the Fairfax-Fall Church Community Policy and Management Team identified the need for a one to two acre parcel for a residential acute care facility for sixteen (16) young people. The residential facility would be for young people dealing with depression, suicidal tendencies, or emotionally disturbed behavior and do not need to be hospitalized but may not be able to remain at home. The applicant was asked to consider dedicating land for the provision of the facility, but declined.

**Schools Analysis (Appendix 14)**

The Fairfax County Public Schools Facilities Planning Branch analysis states that an additional 275 students are anticipated by the rezoning request, which includes an additional 164 elementary, 36 middle school and 75 high school students. The Fairfax County Public Schools Facilities Planning Branch analysis further states that enrollments at the Greenbriar East Elementary, Lanier Middle and Fairfax High are currently projected to be near or above capacity and enrollment.

**Issue: School Dedication**

The Comprehensive Plan states; "If it is determined that an elementary school site is required to serve the increased population in this area, adequate land for such a facility should be dedicated..." This area has a combined shortage of sixty-five (65) classrooms and the new thirty-six (36) classrooms planned for the northeast Centreville site will address only a portion of the need. The applicant was requested to dedicate a minimum of thirteen (13) to fourteen (14) acres for an elementary school site. Stormwater management should be accommodated within the residential development, unless adequate land is dedicated for on-site detention. The applicant was requested to be dedicated, clear, rough grade and provide utilities for the school site prior to January 1, 2005.

**Resolution:**

The applicant proffered to dedicate thirteen (13) acres for a school site that meets the minimal program for the School Board. In addition, the applicant proffered to clear and rough grade the site and stub the utilities. However, the site is not large enough to accommodate stormwater management on-site and the dedication is currently predicated, in the proffers, on the County providing a pro-rata share (up to \$8,000 per year) of the maintenance costs for the wet stormwater management ponds. If dry ponds were provided off-site or additional acreage provided to accommodate dry ponds on-site the County would maintain the facilities. Since the County does not maintain wet ponds the Homeowners Association must maintain the ponds. Staff does not support the requirement that pro-rata maintenance costs be provided by the School Board for the maintenance of the wet ponds. The applicant should dedicate more land, utilize dry ponds or fully maintain the wet ponds. The applicant proffered to dedicate the site at the time of recordation of the first adjacent site plan, but no later than July 2005. Staff would prefer that the dedication be provided no later than January 2005. Staff is continuing to work with the applicant to resolve the pro-rata contribution for wet pond maintenance and the timing of the dedication; however, the school site layout is generally acceptable.

**Park Authority Analysis (Appendix 15)**

The Park Authority issues have been addressed with the execution of the proffers consistent with those contained in Appendix 1.

**Issue: Dixie Hill Park Dedication**

There are significant shortages of regulation size rectangular and diamond fields in this area of the County. Currently, the Park Authority can meet only one-third of the public demand for regulation size diamonds and two-thirds of the demand for rectangular fields. The Comprehensive Plans states: "Adequate land should be dedicated to the Fairfax County Park Authority to enlarge Dixie Hills Park to ten to fifteen acres or another appropriate location within the sub-unit for a park should be provided. In addition to the parkland dedication, Neighborhood Park facilities should be provided to offset any impact of the proposed development beyond the capacity of existing facilities." The Park Authority anticipated the development of at least three (3) regulation fields within the dedication area. The CDP/FDP depicts the dedication of thirteen (13) acres for an elementary school adjacent to Dixie Hill Park for the development of a school site, two (2) small diamonds and a small rectangular field. The Park Authority supports the

south. However, in order to achieve the overlay level, the Plan provides several development conditions that should be addressed as follows.

**Issue: Logical consolidation**

The Comprehensive Plan states that in order to achieve the overlay level, the development should consolidate 85% of the remaining land area, excluding public land and areas that have already redeveloped at the intermediate level. The table at the front of the staff report depicts the boundaries for Sub-unit 01 and the acreage excluded from the consolidation requirement. The applicant has assembled approximately 69.55 acres (excluding public rights of ways) or 83% of the remaining land in the sub-unit. Furthermore, the land assemblage was incorporated into a single development plan, which does not preclude a logical and coordinated development for those parcels that are not included. While the applicant has not met the 85% consolidation guideline, in staff's opinion, the assemblage at 83% meets the intent of the Plan guidance.

**Issue: Location and Mix of Residential Units**

The Plan recommends that single family units should be to the south and multi-family to the north. The development plan provides for multi-family development along both sides of re-aligned Legato Road along the northern portion of the site. The multi-family units depicted on the east side of Legato Road feature structured parking and interior landscaped courtyards; the apartments on the west side are garden-style apartments with surface and garage parking. The remainder of the development consists of front and rear-load single family attached units and five (5) single family detached lots south of Ruffin Drive. In order to provide a more efficient, integrated, community-oriented design and to create additional opportunities for open space and tree preservation, staff encouraged the development of courtyard-style multi-family buildings is encouraged on both sides of Legato Road. In addition, staff has suggested that the use of mid-rise apartment buildings with more than four (4) stories should be considered. The provision of a more vertical development in the area adjacent to the Government Center would provide improved open space, buffers, tree preservation and preservation of the Manassas Gap Railroad. Similarly, increased use of the more compact townhouse designs elsewhere on site could improve the open space areas and allow for some tree preservation. The design and unit type options discussed above could preserve the proposed density and provide for the higher quality design and living environment which is expected for Fairfax Center Area development.

sharing of facilities with the School Board where the fields meet the needs of both parties; however, the Park Authority does not have pressing needs for the school size fields. Since the applicant does not address the Comprehensive Plan requirements for park dedication on-site, they should commit to provide off-site physical improvements. The Park Authority identified the 52 acre Popes Head Estates Park located at Tax Map 67-2 ((14)) 7 in the Lincoln Lewis Vannoy neighborhood as an appropriate area for the applicant to construct regulation sized fields. In addition, the applicant was requested to provide a temporary access to the Dixie Hill Park upon the vacation of Quality Street for emergency and maintenance vehicle access.

**Resolution:**

The applicant has proffered to enter into a separate agreement with the Park Authority to provide \$540,000 worth of physical improvements to Popes Head Estates Park for the construction of two ninety (90) foot baseball diamonds. At the time of publication, the applicant had not entered into the separate agreement with the Park Authority and in staff's opinion, the applicant should finalize the agreement with the Park Authority prior to rezoning approval. Staff is continuing to work with the applicant to finalize the agreement. In addition, the applicant proffered to construct a temporary access to the Dixie Hill Park after Quality Street is vacated. In staff's opinion, this issue has been adequately addressed.

**Issue: Manassas Gap Railroad Preservation**

The applicant has proffered to preserve the Manassas Gap Railroad; this issue is discussed in more detail under the Land Use Analysis below.

**Land Use Analysis (Appendix 5)**

The Comprehensive Plan indicates that, as an alternative to office and mixed use residential development, this sub-unit may be developed in all-residential use with a mixture of housing types up to a density of twelve (12) dwelling units per acre. The Plan further recommends that, under this development alternative, intensities should taper down from the northern edge near the Fairfax County Governmental Center toward Lee Highway (Route 29) and the existing residential developments.

The proposed development proposes a density of twelve (12) du/ac (excluding ADUs and bonus units) and provides for a transition of density from the north to

**Resolution:**

The CDP/FDP was revised to provide more stacked townhouses along Legato Road, and to locate the front of the units adjacent to Legato Road with parking located on the internal streets. The applicant did not revise the multi-family structures to increase the heights; however, the units were relocated further from the Manassas Gap Railroad and the clearing and grading limitations have been revised to provide for the preservation of the Manassas Gap Railroad slopes. The CDP/FDP was further revised to provide some additional pocket and linear parks within the development. Staff would prefer additional revisions to the unit types and/or heights to provide additional areas for functional open space and tree preservation; however, the revisions now provide for the minimum amenity areas needed for the development.

**Issue: Compatibility**

The Plan specifically states that all residential uses should be compatible with and should taper down to thirty-five (35) feet in height adjacent to existing residential development in the sub units. Generally, the location and unit types proposed are compatible; however, the applicant requests to provide forty-two (42) foot tall single family attached units throughout the development. The Zoning Ordinance states that in a Planned District the bulk regulations at the periphery should generally conform to the R-12 District, which limits single family attached units in an ADU development to forty (40) feet in height. Staff advised that, in order to justify taller units than those set forth on the Zoning Ordinance and Comprehensive Plan, the applicant should provide a dense landscape buffer within a minimum of twenty (20) to twenty-five (25) foot open space area. The landscape buffer will provide for the appropriate transition between the unconsolidated detached units and adjacent attached and detached units, which are primarily limited to thirty-five (35) feet in height.

**Resolution:**

The revised CDP/FDP provides a twenty (20) foot wide landscape buffer adjacent to Alden Glen to the east and staff has no objection to the proposed height adjacent to the eastern boundary. The CDP/FDP provides a ten (10) foot wide buffer to the Fair Oaks Hill development to the south. The units in Fair Oaks Hill are limited to thirty-five (35) feet in height and the development provides a thirty-five (35) foot wide buffer to Dix-Cen-Gato. Staff would prefer a larger buffer be provided in this area, but does not oppose the proposed forty-two (42) foot tall units. West of Dixie Hill Road, the applicant requests to develop

eight (8) single family attached units with a ten (10) foot wide buffer adjacent to two (2) unconsolidated parcels. Staff does not support the taller single family attached structures in this area because of the small buffer area between the unconsolidated parcels and has proposed a development condition to limit the height to thirty five (35) feet. The applicant proposes to develop five (5) single family detached lots adjacent to the unconsolidated Tax Map 56-1 ((9)) 14 and staff does not support the taller single family detached structures in this area. If the unconsolidated parcels are developed they would be limited to thirty-five (35) feet in height and staff has proposed a development condition to limit the height of the detached units to thirty-five (35) feet. The development provides a twenty (20) foot wide landscape buffer and fence adjacent to the Cambryar subdivision where single family detached lots are located and staff does not oppose the taller units in that location. The development is adjacent to the Windsor Mews and Fairfax Ridge open space and staff does not oppose the taller units in these locations. In staff's opinion, this issue is resolved with the adoption of the proposed final development conditions.

**Issue: Public Facilities**

The Plan specifically recommends dedication of land to enlarge Dixie Hills Park from its current size of 2.5 acres to ten (10) to fifteen (15) acres. The Plan further stipulates that if an elementary school site is required, adequate land for this facility should also be provided and that the school and parkland should be co-located to allow for the sharing of recreational facilities. These issues are discussed in detail under the Park Authority and Schools Analyses.

**Issue: Heritage Resources/Manassas Gap Railroad Preservation**

The northern boundary of the application property abuts right-of-way for the historic Manassas Gap Railroad. The raised rail bed is a visible feature along the northern boundary as are the adjacent gorge and slopes. The Plan specifically recommends that, wherever possible, "visible manifestations of the railroad bed should be preserved or incorporated into development plans as scenic or historic amenities." The Heritage Resources staff of the Park Authority identified this northern portion of the development plan as a significant heritage resource area. Several segments of Manassas Gap Railroad have been preserved throughout the County and in the Fairfax Center Area and it is recommended that appropriate preservation be provided. A minimum twenty (20) foot wide buffer and/or public open space area should be provided adjacent

to this historic feature; trails and appropriate signage should also be provided as may be coordinated and approved by the Heritage Resources and the Park Authority.

**Resolution:**

The development plan was revised to move the multi-family structure and limits of clearing and grading further south to preserve the slopes of the Manassas Gap Railroad. In addition, the applicant proffered to provide a historic marker for the site. In staff's opinion, this issue has been adequately addressed.

**Issue: Fairfax Center Checklist Analysis (Appendix 16)**

The Fairfax Center Checklist is a tool utilized by staff in evaluating a rezoning application for conformance with the Comprehensive Plan. There are transportation, environmental, site design, land use and public facilities elements on the Checklist.

The Comprehensive Plan recommends a density of twelve (12) dwelling units per acre at the overlay level for this area. The applicant proposes a density of twelve (12) du/ac (excluding ADUs and bonus units), which is at the overlay level. In order to justify the overlay level, the application should satisfy all applicable basic elements; all major transportation elements; all essential elements; and three-fourths of the applicable minor elements and one-half of the major elements or all of the minor and one-third of the major development elements.

In staff's opinion, the application meets 92% of the basic elements, 95% of the minor development elements, 90% of the major development issues, 88% of the essential development elements and 100% of the major transportation development elements.

The development failed to provide a significant increase in open space, which is an essential development element. The PDH-12 District is required to provide 27% open space and the applicant has provided 30.7% open space. While the development has provided open space slightly above the minimum Zoning Ordinance requirement, the additional 3.7% does not meet the intent of the Fairfax Center Checklist for increased open space and provides minimal usable open space within the development and minimal tree preservation outside the EQC area. In staff's opinion, the applicant should consider different unit types or heights that may permit for additional open space and tree preservation.

Irrespective of these outstanding issues, the applicant has addressed a significant number of the elements and in staff's opinion, the development has satisfied the intent of the Fairfax Center Checklist.

## **ZONING ORDINANCE PROVISIONS (Appendix 17)**

The requested rezoning of the 79.95 acre site to the PDH-12 District must comply with the applicable regulations of the Zoning Ordinance found in Article 6, Planned Development District Regulations and Article 16, Development Plans, among others.

### **Article 6**

**Sect. 6-101; Purpose and Intent:** This section states that the PDH District was established to encourage innovative and creative design, to ensure ample provision and efficient use of open space; to promote a balanced development of mixed housing types and encourage the provision of affordable dwelling units. The development proposes 1,087 dwelling units with 30.7% open space. The applicant will provide eighty-nine (89) affordable dwelling units (ADUs) in the 755 multi-family units, in addition to 327 single family attached and five (5) detached units and dedication of a school site. The mix of units and provision of affordable housing promotes a well balanced development. The development plan was revised to provide for additional amenities in the small open space areas. While the development meets the minimum requirement for open space, in staff's opinion the development could be revised by utilizing different unit types or heights to provide for a more efficient use of the open space. The development provides a mix of unit types, including affordable housing and provides the minimal amount of open space and amenity areas to meet the purpose and intent for a P District.

**Par. 1 of Sect. 6-107; Minimum District Size:** This section states that a minimum of two (2) acres is required for approval of the PDH District. The applicant proposes to rezone 79.95 acres, which exceeds the minimum district size of two (2) acres. This standard has been met.

**Sect. 6-109; Maximum Density:** The maximum density for the PDH-12 District is twelve (12) dwelling units per acre (du/ac). The applicant is proposing a density of twelve (12) du/ac (excluding ADUs and bonus units), which does not exceed the maximum density. This standard has been met.

Par. 1 of Sect. 6-110; Open Space: A minimum of 27% open space is required for the PDH-12 District for ADU developments. The development provides 30.7% open space, which exceeds the minimum amount required. This standard has been met.

Par. 2 of Sect. 6-110; A minimum of \$955 per unit is required for on-site recreational facilities. The applicant proffered to provide recreational amenities of a minimum of \$955 per unit on-site. This standard has been met.

### **Section 16-101**

General Standard 1 requires substantial conformance with the Comprehensive Plan. As discussed in the Land Use Analysis the development is in conformance with the Comprehensive Plan and this standard has been met.

General Standard 2 requires that the design of the proposed planned development result in a more efficient use of the land and in a higher quality site design than could be achieved in a conventional district. The PDH District permits smaller lots and yards than would be afforded in the conventional district. In staff's opinion, the applicant could pursue different unit types or heights to provide a better design with more open space and preservation of trees; however, staff notes the development provides the minimal amounts of open space and provides a more efficient use of the land than would be achieved in a conventional district. In staff's opinion, this standard has been met.

General Standard 3 requires that the design of the proposed development protect and preserve the natural features on the site. The PDH District provides flexibility in design to ensure efficient provision of open space and preservation of significant environmental and historic features. The site contains a number of significant trees that are proposed to be clear cut. The applicant could revise the development plan to provide for additional tree preservation and a more efficient use of the open space. The development provides for the preservation of the Manassas Gap Railroad. The applicant proffered to transplant thirty-five (35) existing trees to partially address the removal of the existing trees. The density of the development with the variety of housing types and provision of public facilities make preservation extremely difficult; therefore, in this instance transplantation is an acceptable alternative. In staff's opinion, this standard has been met.

General Standard 4 requires that the proposed development be designed to prevent substantial injury to the use and value of existing surrounding

development and not to hinder, deter, or impede development of surrounding undeveloped properties in accordance with the adopted Comprehensive Plan. The development provides interparcel access easements and appropriate screening and buffering to the unconsolidated parcels. Staff proposed final development plan conditions to limit the height of the units in areas where there was minimal buffer to the unconsolidated parcels. In staff's opinion, the proposed development should not hinder or deter the development of the adjacent properties and this standard has been met with the adoption of the development conditions to restrict the height of the units at certain peripheries.

General Standard 5 requires that the planned development be located in an area where transportation, police, fire protection and other public facilities are available and adequate for the proposed use. The applicant has proffered to dedicate thirteen (13) acres for a school site; although issues still remain related to stormwater management and timing of the dedication, the school issues are generally addressed. The applicant has proffered to the road improvements requested by the fire station adjacent to the site or to reimburse the Office of Capital Facilities for road construction. Issues are still outstanding related to construction of fire station sanitary sewer line; however, the fire station issues are generally addressed. The applicant has proffered to provide the off-site park improvements, which is acceptable in lieu of additional dedication to the Park Authority; however, the separate agreement has not been completed as requested. The sewer capacity study should be submitted prior to site plan approval. Staff is continuing to work with the applicant to resolve these issues; however, in staff's opinion, the public facilities are adequate and this standard has been met.

General Standard 6 requires that the planned development coordinate linkages among internal facilities and services as well as provide connections to major external facilities and services at a scale appropriate to the development. The applicant provided sidewalks along the perimeter of the site and the fronts of houses and a connection to the trail system to the north of the site. The applicant proffered to provide improvements to the adjacent road network, which includes off-site improvements, turn lanes, traffic signals and bus shelters. In staff's opinion, this standard has been met.

All planned developments must meet the Design Standards of Section 16-102 of the Zoning Ordinance.

Sect. 16-102 Design Standards:

Design Standard 1 states that, in order to complement development on adjacent properties, at all peripheral boundaries of the planned development, the bulk regulations and landscaping and screening provisions should generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration. The R-12 District with ADUs is the most compatible district to the requested PDH-12 District. The tables below compare the proposed development to the requirement of the R-12 District for single family attached and multi-family dwelling units.

<b>Standard</b>	<b>Required (R-12 - SFA)</b>	<b>Requested</b>
Building Height	40 feet maximum	42 feet
Front Yard	15° ABP, but not less than 5 feet <sup>1</sup>	12 feet
Side Yard	15° ABP, but not less than 8 feet <sup>2</sup>	13 feet
Rear yard	25° ABP, but not less than 16 feet <sup>3</sup>	23 feet

1. With a height of 42 feet a 15° ABP (Angle Bulk Plane) = 11.5 feet

2. With a height of 42 feet a 15° ABP = 11.5 feet

3. With a height of 42 feet a 25° ABP = 20 feet

The development provides for the significant consolidation of the Dix-Cen-Gato neighborhood under a single development plan. The Aiden Glen development to the east, Windsor Mews to the west and the Fairfax Ridge and Fair Oaks Hill developments to the south consist of similar single family attached units. While there are no transitional screening requirements between the similar unit types the development plan provides a ten (10) to thirty (30) foot wide landscape buffer along the perimeter of the site. The unconsolidated areas within Sub-unit O1 are developed with detached units and consists of the two (2) lots on Dixie Hill Road, the six (6) lots on Rhett Lane, three (3) lots on Ruffin Drive and the Cambryar development on Cambryar Street. Dixie Hill Road and Ruffin Drive are the front yards for the single family attached units as they abut the unconsolidated portions of the neighborhood. The units on Dixie Hill Road and Ruffin Drive are set back twelve (12) feet and eighteen (18) feet, respectively from the front lot line. The development provides a thirteen (13) foot side yard for the units on Dixie Hill Road and no other single family attached unit is located closer than twenty-one (21) feet from the side lot line. The units are located at least twenty-three (23) feet from the rear lot lines for the development. In staff's opinion, the peripheral lot lines meet the intent of the Ordinance. As discussed previously, staff does not support the maximum height of forty-two (42) feet in certain locations and proposed a development condition to limit the height.

Standard	Required (R-12 - MF)	Requested
Building Height	65 feet	65 feet
Front Yard	25° ABP, but not less than 20 feet <sup>1</sup>	Not Applicable
Side Yard	15° ABP, but not less than 10 feet <sup>2</sup>	22 feet
Rear yard	25° ABP, but not less than 25 feet <sup>3</sup>	30 feet

1. With a height of 65 feet a 25° ABP (Angle Bulk Plane) = 30 feet
2. With a height of 65 feet a 15° ABP = 17 feet
3. With a height of 65 feet a 25° ABP = 30 feet

The site does not front on Post Forest Road; however, the road acts as the effective frontage for the site. The multi-family structures to the west of Legato Road are located seventeen (17) feet from the northern boundary and thirty (30) feet from Post Forest Road. The units are located a minimum of twenty-two (22) and forty (40) feet from the side yard lines adjacent to Tax Map 56-1 ((1)) 11F and Tax Maps 56-1 ((9)) 8-10, respectively. The multi-family structures to the east of Legato Road are located twenty-five (25) feet from the northern boundary and 170 feet from Post Forest Road. In staff's opinion, this standard has been met.

Design Standard 2 states the development must provide adequate open space, parking and loading spaces as set forth in the Ordinance. The development proposes 30.7% open space; whereas, 27% is required by the PDH-12 District. The applicant is providing the required parking spaces in structured parking, individual garages and surface parking spaces. In staff's opinion, this standard has been met.

Design Standard 3 states the streets and driveways shall be designed to conform to the Ordinance, and that a network of trails and sidewalks shall provide access to recreational amenities and open space. The applicant proffered to construct the trail and sidewalks in accordance with the requirements of the Public Facilities Manual. In staff's opinion, this standard has been met.

#### **Waiver/Modification:**

##### Modification of the transitional screening and waiver of the barrier requirements

The applicant requests a modification of the transitional screening and waiver of the barrier requirements on the perimeter of the site and between the residential and public uses within the development. Transitional Screening Type 1 (25 foot wide landscape strip) and Barrier A or B (42-48 inch tall brick wall or wood fence) are required between the single family attached and unconsolidated detached units. The applicant requests a modification of these requirements for the areas adjacent to the Cambryar development, Tax Maps 56-1 ((4)) 3 and 5 and the

southern portion of Tax Map 56-1 ((9)) 14. In accordance with Par. 3 of Sect. 13-304 of the Zoning Ordinance the Board of Supervisors may modify the requirements when the area between the property line and building has been specifically designed to minimize adverse impact through a combination of landscaping or architectural techniques.

The development plan provided a ten (10) foot wide landscaped strip next to the open space for Cambryar located on Tax Map 56-1 ((17)) A and a twenty (20) to twenty-five (25) foot wide landscape buffer and six (6) foot tall board on board fence adjacent to the Cambryar units. The development provided a twenty (20) to forty (40) foot wide landscape strip to the south of Tax Map 56-1 ((9)) 14, which is not part of the development. The development provided a ten (10) to thirty (30) foot wide landscaped strip adjacent to Tax Map 56 ((9)) 23 which is not part of the development. These lots could be developed with either single family attached or detached units. In staff's opinion, the applicant has provided adequate landscape buffers and barriers and staff does not oppose a modification of the transitional screening and waiver of the barrier requirements in these locations. The development provided a ten (10) foot wide landscaped strip adjacent to Tax Maps 56-1 ((4)) 3 and 5 which are not part of the consolidation. These lots could be redeveloped with single family attached units. Staff does not oppose a modification of the transitional screening and waiver of the barrier requirements subject to the development condition to limit the height of the structures on the applicant's development.

Transitional Screening Type 1 (25 foot wide landscaped strip) and Barriers D, E or F (42-48 inch tall chain link fence, 6 foot tall brick wall or wood fence) are required between the multi-family dwelling units and to the unconsolidated single family detached lots located along Ruffin Drive. The development plan maintains the existing trees along the northern portion of Tax Maps 56-1 ((9)) 8-10 and a ten (10) foot wide landscaping strip and six (6) foot tall board on board fence are provided along the western edge. In staff's opinion, the applicant has provided adequate landscape buffers and barriers and staff does not oppose a modification of the requirements subject to the proposed final development plan conditions. The development provided a twenty (20) to thirty (30) foot wide landscaped strip adjacent to Tax Map 56-1 ((1)) 11F. Staff does not oppose a modification of the requirements subject to the final development plan conditions requiring the installation of the barrier.

Transitional Screening 1 and Barriers D, E of F are required between the school site and the residential units located in the development and to the south. In accordance with Par. 14 of Sect. 13-304 of the Zoning Ordinance the requirements may be waived or modified when the public use has been specifically designed to minimize adverse impacts on adjacent properties. The school site provides a twenty (20) foot buffer to the adjacent properties. The recreational facilities are located adjacent to Fairfax Ridge to the south and the school buildings and parking are located adjacent to the multi-family and single family attached units that are part of the subject site. Staff supports a modification of the transitional screening and waiver of the barrier requirements between the elementary school and the single family attached and multi-family dwelling units located to the north, east, west and south of the site.

#### Waiver of 600 foot maximum length of private streets

The applicant requested a waiver of the 600 foot maximum length for private streets within the development. Private streets are found in many residential developments to allow more flexibility in the layout of the units in order to provide a high quality development that includes adequate parking areas throughout, while further achieving a residential density that coincides with the Comprehensive Plan's recommendations for the area. The development provides for the construction of Legato Road from Post Forest Drive to Lee Highway and interparcel access to parcels not part of the consolidation. Staff does not oppose a waiver of the 600 foot maximum length for private streets.

#### Waiver of the 200 square foot privacy yard

Section 6-306 of the Zoning Ordinance requires a minimum 200 square foot privacy yard for every single family attached dwelling unit lot unless waived by the Board as part of a development plan. The applicant requests a waiver of the 200 square foot requirement for the rear-load single family attached units located along Legato Road and Dixie Hill Road. Staff supports a waiver of the 200 square foot privacy yard and, in fact, encourages the use of more rear-load units to provide street presence and variety of unit types.

#### Waiver of on-site stormwater management and best management practices facilities to permit wet ponds in a residential neighborhood

The applicant requests a waiver to permit wet ponds for stormwater management (SWM) and best management practices (BMP) facilities in a residential neighborhood. The Department of Public Works and Environmental

Services will review the waiver request to permit wet stormwater management ponds at site plan submission. If the waiver is denied the applicant will provide dry ponds within the areas shown on the plan.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The applicant has consolidated 83% of the Dix-Cen-Gato neighborhood under a single development plan that provides for a mix of housing types and provision of affordable dwelling units. The development plan provides for the dedication of a thirteen (13) acre school site; however, the site should be dedicated by January 2005 and stormwater management should be provided at no costs to the County. The applicant has proffered to provide off-site physical improvements to construct two (2) ninety (90) foot baseball diamonds; however, the separate agreement should be completed prior to rezoning. The applicant proffered to improve Legato Road as a four (4) lane divided facility from Post Forest Drive to Lee Highway, including the portion adjacent to the proposed fire station. The applicant should commit to connect the sanitary sewer for the fire station at the County's expense; however, the improvements to facilitate the opening of the fire station are generally acceptable. The road improvements include traffic signals and turn lanes on Post Forest Drive and Lee Highway. The development will preserve the southern slopes of the Manassas Gap Railroad. The development meets the minimal requirements in terms of open space and amenities; however, the development could utilize different unit types, design and/or heights to permit additional open space and tree preservation. The applicant should provide a sewer capacity study prior to site plan approval and not building permit issuance. While there are still outstanding issues related to the development, staff is continuing to work with the applicant to resolve these issues. In staff's opinion, the application is in conformance with the Comprehensive Plan and meets the guidelines of the Fairfax Center Checklist and Zoning Ordinance provisions.

### **Staff Recommendations**

Staff recommends approval of RZ 2001-SP-041 subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDP 2001-SP-041 subject to the proposed development conditions contained in Appendix 2 and the Board approval of RZ 2001-SP-041.

Staff recommends approval of a modification of the transitional screening requirements in accordance with the CDP/FDP for the perimeter of the site and between the residential and public uses within the development.

Staff recommends approval of a modification of the barrier requirements in accordance with the CDP/FDP for the perimeter of the site and between the residential and public uses within the development.

Staff recommends approval of a waiver of the 200 square foot privacy yard requirement for rear-load single family attached units.

Staff recommends approval of a waiver of the 600 foot maximum length of private street requirement.

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

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

## **APPENDICES**

1. Draft Proffers
2. Proposed Final Development Conditions
3. Affidavit
4. Statement of Justification
5. Plan Citations and Land Use/Environmental Analysis
6. Transportation Analysis
7. Urban Forestry Analysis
8. Sanitary Sewer Analysis
9. Water Service Analysis
10. Fire and Rescue Analysis
11. Office of Capital Facilities Analysis
12. Stormwater Management Analysis
13. Housing and Community Development Analysis
14. School Board Analysis

**APPENDICES (Cont.)**

15. Park Authority Analysis
16. Fairfax Center Checklist
17. Applicable Zoning Ordinance Provisions
18. Glossary of Terms



**Dix-Cen-Gato Main Application  
RZ-2001-SP-041****RZ 2001-SP-041  
CENTEX HOMES – DIX-CEN-GATO MAIN  
PROFFER STATEMENT**

November 27, 2001  
January 7, 2002  
February 14, 2002  
March 8, 2002  
March 20, 2002  
March 29, 2002  
April 11, 2002  
April 18, 2002  
April 26, 2002

Pursuant to Section 15.2-2303(A) of the Code of Virginia, as amended, and subject to the Fairfax County Board of Supervisors' (the "Board") approval of rezoning application RZ-2001-SP-041, as proposed, for rezoning from the R-1, R-2 and WS (part) Districts to the PDH-12 District and WS (part) Districts, the owners and Centex Homes (the "Applicant"), for themselves and their successors and assigns, hereby proffer that development of Tax Map Parcels 56-1-((1))-11A, 11B, 27, 28, 29 and 30; 56-1-((2))-1, 2, 3, 4 and 5; 56-1-((3))-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14; 56-1-((4))-4, 6, 7, 8, 9, 10, 11 and 12; 56-1-((5))-6, 7, 8, part 9, part 10, part 11, part 12, part 13, part 14, part 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28; 56-1-((6))-1, 2, 3, 4, 5, 6, 7, 8, 9 and 10; 56-1-((9))-1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21 and 22; 56-1-((11))-A, B, 1, 2, 3A, 4A, 5, 6 and 7; and approximately 10.386 acres of the public rights-of-way ("R-O-W") for Deming Drive, Quality Street and Deljo Drive and portions of Legato Road, Butler Drive, Ruffin Drive, Dixie Hill Road, and Rhett Lane (collectively the "Property"), containing approximately 79.9523 acres, shall be in accordance with the following proffered conditions:

1. **Substantial Conformity.** The Property shall be developed in substantial conformance with the Conceptual Development Plan and Final Development Plan ("CDP/FDP") consisting of eighteen (18) sheets prepared by BC Consultants, entitled Dix-Cen-Gato Conceptual Development Plan/Final Development Plan, dated August, 2001, revised through April 29, 2002 and as further modified by these proffered conditions.
2. **Final Development Plan Amendment.** Notwithstanding that the CDP/FDP consists of eighteen (18) sheets and said CDP is the subject of Proffer 1 above, it shall be understood that (i) the CDP shall consist of the entire plan relative to the general layout, points of access to the existing road network, location and types of units, peripheral setbacks, the maximum number of units, general limits of clearing and grading and the location and amount of open space on the Property; and (ii) the Applicant has the option to request Final Development Plan Amendment ("FDPA") approvals from the Planning Commission in accordance with Section 16-402 of the Zoning Ordinance with respect to the remaining elements. The amenity areas are shown on Sheets 17 and 18, and the minimum amenities within each area shall be provided generally as shown, although final locations and substitutions may be revised at the time of final site plan approval in coordination with the Department of Planning and Zoning.

3. Minor Modifications to Design. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the approved CDP/FDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the CDP/FDP provided such changes are in substantial conformance with the CDP/FDP and proffers, and do not increase the total number of units or decrease the minimum amount of open space shown to be provided on the Property.
4. Maximum Density. A maximum of 1,087 dwelling units shall be permitted on the Property inclusive of affordable dwelling units ("ADUs") and ADU bonus units. The Applicant shall provide ADUs as required by Section 2-800 of the Zoning Ordinance. The number of ADUs to be provided may be reduced based on the adoption of future amendments to the ADU ordinance, or commensurate with any reduction in the number of market rate units on the Property. The Applicant reserves the right to develop fewer than the maximum number of units referenced in this paragraph without the need for a Proffered Condition Amendment ("PCA") application or CDPA/FDPA.
5. Landscaping and Design Amenities.

A. Development Sections.

Landscaping shall be consistent with the quality, quantity and the locations shown on Sheets 6, 7, 10, 12 and 13 of the CDP/FDP. Actual types and species of vegetation shall be determined pursuant to more detailed landscape plans submitted for the applicable development section, at the time of first and all subsequent submissions of the site plan for each respective section, for review and approval by the Urban Forester and the Fairfax County Department of Public Works and Environmental Services ("DPWES"). Such landscape plans shall provide tree coverage and species diversity consistent with the Public Facilities Manual ("PFM") criteria, as determined by the Urban Forester. Site amenities such as entry signs, light posts, tot lots, benches, and community mailboxes shall be located generally as depicted on the CDP/FDP, and shall be of a quality consistent with the illustrative shown on Sheet 13 of the CDP/FDP.

B. Streetscape.

Landscaping and design amenities along Legato Road shall be consistent with the streetscape design and details shown on Sheets 16 and 17 of the CDP/FDP, except that landscaping in the VDOT right-of-way shall be subject to VDOT approval. Street trees shall be provided along the frontage of Legato Road adjacent to Tax Map Parcels 56-1-((1))-35 and -36A, however, should VDOT not approve the location of the trees in the VDOT right-of-way, the Applicant shall have no obligation to acquire additional land from the owners of Tax Map Parcels 56-1-((1))-35 and -36A to accommodate the street trees.

C. Design Amenities

The pocket park, linear park and landscape courtyard design amenities for the development shall be in substantial conformance with those depicted on Sheets 12, 13, 17 and 18 of the CDP/FDP in terms of quality, number, location and design.

6. Right-of-Way Dedication. All road right-of-way ("ROW") dedicated in conjunction with these proffers and/or as depicted on the CDP/FDP shall be conveyed to the Board in fee simple upon demand by Fairfax County (the "County") or at the time of recordation of the final record plat/site plan for the contiguous development area, whichever occurs first, and shall be subject to Proffer 22 regarding reservation of development intensity to the residue of the subject Property.
7. Fairfax Center Area Roadway Contribution. The Applicant shall contribute to the Fairfax Center Area Road Fund in accordance with the "Procedural Guidelines" adopted by the Board on November 22, 1982, as amended, subject to credit for all creditable expenses, as determined by the Fairfax County Department of Transportation and DPWES. This contribution is currently specified to be nine hundred forty six dollars (\$946.00) per dwelling unit.
8. Vacation/Abandonment of Deming Drive, Quality Street and Deljo Drive and Portions of Butler Drive, Ruffin Drive, Dixie Hill Road, Rhett Lane and Legato Road. Prior to final approval of any site plan or subdivision plan and release of the record plat for recordation for any development section which includes an area of right-of-way ("ROW") to be abandoned/vacated, the Applicant shall obtain vacation and/or abandonment of the relevant portion of approximately 10.5 acres of ROW for Deming Drive, Quality Street and Deljo Drive and portions of Butler Drive, Ruffin Drive, Dixie Hill Road, Rhett Lane and Legato Road, shown on Sheet 15 of the CDP/FDP, on which these areas are identified as areas to be vacated/abandoned. In the event the Board does not approve the vacation and/or abandonment of these portions of public roadway as defined above, and failure to obtain such approval precludes development in substantial conformance with the CDP/FDP, the Applicant shall obtain a PCA to the extent necessary to develop the Property. The Applicant hereby waives any right to claim or assert (i) any vested right in any plan approved under the assumption of accomplishment of such vacation and/or abandonment, or (ii) a taking or any other cause of action that otherwise may have arisen out of a Board decision to deny in whole or in part the right-of-way vacation and/or abandonment request.
9. Transportation Improvements.
  - A. Legato Road On-Site Improvements. In accordance with the CDP/FDP, the Applicant shall dedicate and convey in fee simple to the Board ROW for the portion of Legato Road located on the Property, and shall provide for the construction of a standard four-lane divided road section with curb, gutter, sidewalk on the Property within said ROW, in accordance with the CDP/FDP and these proffers. These improvements shall be constructed as part of the initial

phase of development and contemporaneous with development of areas adjacent to Legato Road, and shall be open to traffic no later than the issuance of the 320<sup>th</sup> Residential Use Permit ("RUP").

B. Legato Road Off-site Improvements.

1. Parcel 36A. Unless previously constructed by others, and subject to the County providing necessary ROW and any necessary easements and/or letters of permission, prior to the 320<sup>th</sup> RUP, the Applicant shall construct (i) the off-site at-grade improvements to Legato Road adjacent to Tax Map Parcel 56-1-((1))-36A from the southern boundary of the Property through to the Legato Road intersection with Lee Highway (Route 29), as shown on the CDP/FDP; and (ii) the turn lanes identified in Paragraph 9(D)(1) and -(3), below. In the event the above-mentioned road improvements are constructed by Fairfax County in conjunction with the construction of the fire station on Tax Map 56-1 ((1))-36A, prior to issuance of the 320<sup>th</sup> RUP the Applicant shall reimburse the Office of Capital Facilities for the actual cost of constructing said improvements, but in an amount not to exceed the bond amount required by DPWES for such improvements in conjunction with DPWES approval of the construction drawings referred to in ¶ 9(B)(3).
2. Parcel 35. Unless previously constructed by others, prior to the 320<sup>th</sup> RUP the Applicant shall construct (i) the off-site at-grade improvements to Legato Road adjacent to Tax Map Parcel 56-1-((1))-35 ("Parcel 35") from the southern boundary of the Property through to the Legato Road intersection with Lee Highway (Route 29), as shown on the CDP/FDP, and (ii) the turn lanes identified in Paragraph 9(D)(3) below. In accordance with 9(F) below, the Applicant shall acquire from the owner of Parcel 35 the ROW necessary for as much of the four-lane section and/or turn lanes as are shown on the CDP/FDP as being constructed on Parcel 35. In the event the above-mentioned road improvements are constructed by Fairfax County in conjunction with the construction of the fire station on Tax Map 56-1-((1))-36A and if ROW is acquired from Parcel 35 for the road improvement, the Applicant shall demonstrate failed attempts to acquire the ROW and reimburse the Office of Capital Facilities for the actual cost of constructing said improvements and acquisition of the ROW but in an amount not to exceed (i) the bond amount required by DPWES for such improvements in conjunction with, and (ii) the County ROW acquired by the County from Parcel 35 to the extent such ROW is consistent with DPWES approval of the construction drawings referred to in ¶ 9(B)(3) and the costs of the ROW acquired by the County.
3. Legato Road from Lee Highway (Route 29) to Post Forest Drive. Legato Road from Lee Highway (Route 29) to Post Forest Drive shall be available for use by the public no later than the issuance of the 320<sup>th</sup> RUP. The

design for the Legato Road improvements shall be prepared by the Applicant and submitted for review by the County and VDOT no later than December 31, 2002. In the event that the Fire Station site is under development and its development timeframe requires that Legato Road improvements be completed prior to the Applicant's scheduled completion, the Applicant's Legato Road plan shall be the basis for the construction of the roadway, and the Applicant shall coordinate with the County and shall grant to the County at no cost any necessary easements consistent with the approved plans.

- C. Off-site Road Improvements. The Applicant shall provide curb, gutter, sidewalks and streetscaping adjacent to Tax Map Parcels 56-1-((4))-5 and 56-1-((9))-14. These treatments shall be provided consistent with the Applicant's improvement of the immediately contiguous parcels in accordance with the CDP/FDP.
- D. Turn Lanes. Subject to VDOT approval, the County providing necessary ROW and easements on Parcel 36A and Tax Map Parcel 56-1-((15)) 5A, and the acquisition, pursuant to Paragraph 9(F), below, of any required (as shown on the CDP/FDP) off-site right-of-way from any non-County landowner, the Applicant shall construct turn lanes in the following locations:
1. Dual right turn lanes on southbound Legato Road onto westbound Lee Highway;
  2. If deemed necessary by VDOT, extension of the left turn lane on eastbound Lee Highway onto northbound Legato Road;
  3. Right turn deceleration lane on westbound Lee Highway onto northbound Legato Road;
  4. Right turn deceleration lane from northbound Legato Road onto eastbound Post Forest Drive;
  5. Left turn lane from westbound Post Forest Drive onto southbound Legato Road. To accommodate this improvement, the Applicant may need to acquire ROW from the Post Forest community for appropriate pavement transition; and
  6. Left turn lane from eastbound Post Forest Drive onto northbound Random Hills Road if adequate ROW is available at no additional cost to the applicant beyond the ROW required for the turn lane provided in 9(D)(5).

Each required turn lane will be provided concurrent with the immediately adjacent roadway improvements, as appropriate, provided, however, that all turn lanes shall be constructed prior to the issuance of the 320<sup>th</sup> RUP, subject to VDOT approval and the availability of R-O-W pursuant to this Proffer 9(D). In the event

any of the above-mentioned road improvements are constructed by Fairfax County in conjunction with the construction of the fire station on Tax Map 56-1-((1))-36A, prior to issuance of the 320<sup>th</sup> RUP the Applicant shall reimburse the Office of Capital Facilities for the actual cost of constructing said improvements, but in an amount not to exceed the bond amount required by DPWES for the respective improvement in conjunction with its approval of the construction drawings referred to in ¶ 9(B)(3).

- E. Traffic Signals. Prior to the issuance of the first RUP or by October 1, 2003, whichever occurs first, a traffic signal warrant study shall be submitted to VDOT for the Legato Road/Lee Highway intersection. Prior to the issuance of the 320<sup>th</sup> RUP, a traffic signal warrant studies shall be submitted for (i) the Legato Road/Post Forest Road intersection, and (ii) the Legato Road/Ruffin Drive/Dixie Hill Road intersection, subject to the following:
1. All of the expenses incurred by the Applicant for the warrant study and the design and/or construction of the Legato Road/Route 29 signal shall be credited toward the Applicant's Fairfax Center Road Fund Contribution in accordance with Proffer 7, above.
  2. If approved by VDOT, the traffic signal shall be constructed at the intersection of Legato Road and Lee Highway prior to the issuance of the 320<sup>th</sup> RUP. In the event that the signal is not warranted prior to final bond release, the funds for the signal shall be escrowed with the County until such time as the warrants are met, or five (5) years after final bond release, whichever first occurs. If by five (5) years after final bond release the signal warrants have not been met, these funds shall be transferred into the Fairfax Center Road Fund. In the event that the Fire Station site is under development and its development timeframe requires that Legato Road improvements be completed prior to the Applicant's scheduled completion, the Applicant shall coordinate with the County and shall grant to the County at no cost any necessary easements or enter into cooperative work arrangements as are deemed appropriate.
  3. Prior to issuance of the 320<sup>th</sup> RUP, the Applicant shall submit traffic signal warrant studies for the intersection of Legato Road and Post Forest Drive and the intersection of Legato Road/Ruffin Drive/Dixie Hill Road.
  4. At the time either of the signals referred in Paragraph 9(E)(3) above is warranted or final bond release, whichever occurs first, the Applicant shall contribute \$100,000.00 to be applied toward the cost of either or both of the signals referenced in subparagraph 3, above, or toward the cost of other road improvements within Fairfax Center if neither signal shall have been warranted by that time.

5. In the event the above-mentioned traffic signal at Lee Highway and Legato Road is installed by Fairfax County in conjunction with the construction of the fire station on Tax Map 56-1 ((1))-36A, prior to issuance of the 320<sup>th</sup> RUP, the Applicant shall reimburse the Office of Capital Facilities for the actual cost of constructing said improvement, but in an amount not to exceed the bond amount required by DPWES for such improvement in conjunction with its approval of the construction drawings referred to in ¶ 9(B)(3).
- F. Eminent Domain. With the exception of any potential right-of-way and/or easements needed from County or Park Authority owned land adjacent to Dixie Hill Park, along Post Forest Drive, and/or adjacent to Tax Map Reference 56-1-((1))-36A ("Public Lands ROW") which shall be made available without cost to Applicant, the Applicant shall diligently pursue acquisition of any necessary off-site right-of-way and/or temporary or permanent easements, to construct any improvements, transitional taper and/or turn lanes required as part of the transportation improvements reflected on the CDP/FDP and/or as outlined in these proffers. If the right-of-way and/or temporary or permanent easements are unavailable, the Applicant shall request Fairfax County to acquire the necessary right-of-way and/or temporary or permanent easements, except for the Public Lands ROW, through its powers of eminent domain, at the Applicant's expense. The Applicant's request will not be considered until it is forwarded, in writing, to the Director of Property Management accompanied by:
1. Plans and profiles showing the necessary right-of-way and/or temporary or permanent easements;
  2. An independent appraisal, by an appraiser who is not employed by the County, of the value of the land taken and damages, if any, to the residue of the affected property;
  3. A sixty (60) year title search certificate of the right-of-way and/or temporary or permanent easements to be acquired; and
  4. A Letter of Credit in an amount equal to the appraised value of the property to be acquired and of all damages to the residue which can be drawn upon by Fairfax County. It is also understood that in the event the property owner of the right-of-way and/or temporary or permanent easements to be acquired is awarded more than the appraised value of the property and of the damages to the residue in a condemnation suit, the amount of the award shall be paid to Fairfax County by the Applicant within five (5) days after said award has become final. It is further understood that all other costs incurred by Fairfax County in acquiring the right-of-way and/or temporary or permanent easements shall be paid to Fairfax County by the Applicant upon demand.

10. Bus Shelters. The Applicant shall provide two (2) bus shelters on Legato Road, one on the northbound side, and one on the southbound side, each at locations determined by the Department of Transportation (“DOT”). Nothing in this proffer shall obligate the Applicant to construction a turnoff lane(s) or additional road improvements. Bus shelters shall be maintained by the Umbrella Homeowners Association (as defined in Proffer 16, below), or management companies for the multifamily developments, as determined by the Applicant and as specified in the documents for the respective communities. A concrete platform shall be constructed at the existing bus stop location on eastbound Post Forest Drive; the Applicant, Umbrella Homeowners Association or individual Homeowners Associations (as outlined in Proffer 16, below), and/or management companies shall have no obligation to maintain this platform. If mutually agreed to in writing by the Applicant and DOT, in the event that bus service is not provided along Legato Road prior to final bond release, these funds may be utilized for such other transportation improvements in the area as the Applicant and DOT shall agree upon.
11. Private Streets. All private streets will be constructed with materials and depth of pavement standards consistent with public street standards in accordance with the PFM, as determined by DPWES. Each Homeowners Association (“HOA”) shall be responsible for the maintenance of all private streets within that HOA's development area. The HOA documents shall expressly state that the HOA shall be responsible for the maintenance of the private streets serving that HOA's development area.
12. Limits of Clearing and Grading. The Applicant shall conform to the approximate limits of clearing and grading shown on the CDP/FDP subject to the installation of utilities and/or trails, if necessary, as approved by DPWES. All limits of clearing and grading shall be protected by temporary fencing, a minimum of four feet in height. The temporary fencing shall be installed prior to any work being conducted on the site, and signage identifying “Keep Out - Do Not Disturb” shall be provided on the temporary fence and made clearly visible to all construction personnel. Any necessary disturbance beyond that shown on the CDP/FDP shall be coordinated with the Urban Forester and accomplished in the least disruptive manner reasonably possible given engineering, cost, and site design constraints as determined by the Urban Forester. Any area protected by the limits of clearing and grading that must be disturbed due to the installation of trails and/or utilities shall be replanted with the application of straw, mulch, grass seed and/or a mix of native vegetation as determined by the Urban Forester, to return the area as nearly as reasonably possible to its condition prior to the disturbance, as determined by the Urban Forester.
13. Tree Transplantation. Subject to the identification of appropriate trees for transplantation, 35 of the existing quality trees on this site shall be selected by the Applicant for transplantation in coordination with the Urban Forester. The Applicant shall provide a tree-transplanting plan as part of the first submission site plan/subdivision plan. The tree-transplanting plan shall be prepared by a certified arborist and approved by the Urban Forester. The following items shall be included on the tree-transplanting plan: (i) identification of the existing location and the final location for the plants to be transplanted; (ii) an assessment of the health condition and survival potential of these

plants; (iii) identification of the timing of the transplanting in the development process and the proposed time of the year for the transplanting to be performed; (iv) identification of the transplant methods to be used, including the tree spade size; detail of the site preparation materials and methods; (v) explanation of the initial care after transplanting, including mulching and watering; (vi) detailing the long term care measures necessary to ensure the plants' survival; and (vii) the species and sizes of the trees to be transplanted. Replacement values for the trees to be transplanted shall be assigned by the certified arborist and approved by the Urban Forestry Division. If the provisions of the transplanting plan are not fully implemented and/or some of the transplanted trees do not survive, then the replacement value for that tree will be used to replant the designated area. The Applicant shall be permitted to transplant trees to any on-site location on an interim basis to ensure preservation of the trees to be transplanted. This proffer shall not be construed to limit the timing of the transplantation.

14. Tree Preservation. For the purposes of maximizing the preservation of trees in the tree save area, the Applicant shall prepare a tree preservation plan for the area defined on the CDP/FDP as "Tree Preservation Area." The tree preservation plan shall be submitted to the Urban Forester for review and approval as part of the first site plan/subdivision plan submission for the immediately contiguous section. (A tree preservation plan shall not be required in conjunction with the filing of a public improvement plan for a roadway or for any of the ponds.) This tree preservation plan shall be prepared by a certified arborist and coordinated with and approved by the Urban Forester and shall provide for preservation of specific quality trees or stands of trees within the tree save area depicted on the CDP/FDP to the maximum extent reasonably feasible, subject to installation of necessary utilities, utility lines, and/or trails, and to the maximum extent reasonably feasible without precluding the development of a unit typical to this project on each of the lots shown on the CDP/FDP. The Urban Forester may require modifications of such plan to the extent these modifications do not alter the number of dwelling units shown on the CDP/FDP, reduce the size of the proposed units, significantly move their location on the lot, or require the installation of retaining walls greater than 2 feet in height and not to exceed 50 square feet of wall face as to each such retaining wall. The tree preservation plan shall include the following elements:

- A. A tree survey which identifies the species, size, dripline and condition of all trees 12" and greater in diameter located within 20' of either side of the limits of clearing and grading in the designated tree save area. The conditions analysis shall be conducted by a certified arborist using methods outlined in the latest edition of the Guide for Plant Appraisal.
- B. The tree save area shall be protected during clearing, grading and construction by temporary fencing, a minimum of four feet in height, placed at the limits of clearing and grading adjacent to trees to be preserved. The temporary fencing shall be installed prior to any work being conducted on the site, and signage shall be securely attached to the protective fencing, identifying tree preservation area and made clearly visible to all construction personnel. Signs shall measure a

minimum of 10x12 inches and read: "TREE PRESERVATION AREA - KEEP OUT."

- C. In order to preserve the EQC, the limits of clearing and grading around the EQC shall strictly conform to the limits as shown on the CDP/FDP, subject to installation of necessary utilities, utility lines, and/or trails. The EQC shall remain undisturbed open space with the exception of the removal of diseased, dead or dying trees or other vegetation and selective maintenance to remove noxious or poisonous weeds, subject to the Urban Forester's approval.

The Umbrella HOA and other HOA documents shall require that no structures (other than utilities, utility lines, and/or trails as provided hereinabove) or fences shall be erected in the tree save area, and that trees in HOA open space areas and the tree save area will not be disturbed except for (i) the removal of diseased, dead, dying, or hazardous trees or parts thereof; and/or (ii) selective maintenance to remove noxious and poisonous weeds.

15. Stormwater Management. The Applicant shall implement stormwater management techniques to control the quantity and quality of stormwater runoff from the Property as determined by DPWES. Stormwater management facilities/Best Management Practices ("BMPs") shall be provided as generally depicted on Sheets 4 and 5 of the CDP/FDP. In order to implement a wet pond design, it is understood that the Applicant shall request a waiver from DPWES in order to provide wet ponds in a residential neighborhood, and to allow full drainage of the pond through alternative means, as approved by DPWES. If approved, the wet ponds shall be maintained by the HOA in accordance with the County standards. The HOA documents shall set forth, among other things, the maintenance responsibility for the wet stormwater management ponds. Should the wet pond waiver(s) not be approved by DPWES, at the time of site plan approval, the Applicant shall construct a dry pond(s) in accordance with PFM requirements. Ponds shall be provided in the areas shown on the CDP/FDP. In the event that dry ponds are provided, the buffers depicted on Sheets 4 and 5 from the stormwater management pond(s) to the existing dwellings shall not be reduced, nor shall the pocket parks, linear parks or other amenity open space areas be reduced in size. Further, the Applicant shall grant an easement to Fairfax County, in a location approved by DPWES at the time of final site plan/subdivision plat approval, to provide access to the dry pond stormwater facility for maintenance by Fairfax County. In order to restore a natural appearance to the proposed stormwater management ponds, landscape plans in substantial conformance with Sheets 11 and 14 of the CDP/FDP shall be submitted as part of the first submission of the site plans and/or subdivision plans for the respective pond showing extensive replacement planting in appropriate planting areas surrounding the ponds, in keeping with the planting policies of DPWES. This replacement planting shall utilize a variety of native tree species and be designed for low maintenance. The minimum requirements for the sizes and quantities of replacement trees for the ponds shall be as specified in the PFM and approved by the Urban Forester. At the time of recordation of the record plat, the Applicant shall convey the stormwater management facilities to the relevant HOA for stormwater management/BMP purposes. The HOA shall maintain all landscaping adjacent to such stormwater management.

16. Homeowners Associations. An Umbrella Homeowners Association (the "Umbrella HOA") shall be created. The responsibilities of the Umbrella HOA shall include, but not necessarily be limited to: operation and maintenance of the swimming pool/clubhouse which is not located within the multi-family community, bicycle parking rack or racks, tot lot, and the appurtenant open space and parking areas (collectively, the "Community Recreation Facilities") to be located within the main recreational center, and wet stormwater management ponds on the Property as shown on the CDP/FDP. All of the residents of the proposed units within the Property except for the courtyard multi-family units, which multi-family units shall not share in the cost of maintaining the aforesaid Community Recreation Facilities, shall be members of the Umbrella HOA with equal access to the Community Recreation Facilities. The Umbrella HOA shall also be responsible for the maintenance and upkeep of the on-site bus shelters.

Individual neighborhoods shall be subject to an HOA for their respective development areas: for the care, operation and maintenance of private streets, parking, sidewalks, pedestrian trails, common open space areas, recreational facilities, within such development areas which are not owned and/or maintained by the Umbrella HOA. Prior to entering into a Contract of Sale, the initial purchasers of homes shall be notified in writing by the Applicant of their maintenance responsibility for the private streets, wet stormwater management ponds, recreational and open space areas. This disclosure shall also be set forth in the respective HOA documents.

17. Recreational Facilities. The Applicant shall comply with Paragraph 2 of Section 6-110 and with Section 16-404 of the Zoning Ordinance as follows:
- A. The Applicant shall construct (i) three community tot lots which conform to PFM standards in the locations generally depicted on the CDP/FDP and which are generally consistent with the quality shown on Sheet 13 of the CDP/FDP; (ii) trails in the general locations depicted on Sheets 6 and 7 of the CDP/FDP; (iii) the Community Recreation Facilities; (iv) the pool/clubhouse within the multi-family community; and (v) subject to the approval of FCPA, resurfacing of the multipurpose court within Dixie Hill Park. The Applicant shall clear and rough grade the ballfields and soccer field shown on the school site on the CDP/FDP. The Community Recreation Facilities shall be constructed in the location generally depicted on the CDP/FDP generally consistent with the quality shown on Sheet 13 of the CDP/FDP.
  - B. Applicant shall contribute to Fairfax County \$955 per market rate unit, not to exceed a total of \$953,090.00, and shall be credited against that contribution the cost of the design and construction of the above recreational improvements, but not including the cost of sidewalks and the bicycle trail shown on the County's Comprehensive Trail Plan. In the event the total cost of the Recreation Expenses is less than the proffered \$955 per market rate unit, the Applicant shall provide a cash contribution to the Park Authority for the remainder of the recreational facility contribution ("Park Contribution"), to be used solely for development of park facilities in the vicinity of Dix-Cen-Gato.

To avoid overpayment and the necessity for subsequent refunds, said Recreation Expenses may be determined by DPWES on the basis of costs projected from engineering drawings and bond amounts approved by DPWES for the creditable infrastructure improvements. Such requests shall be accompanied by the documentation required by DPWES in its administration of the Park Contribution ordinances and policies.

- C. The Applicant shall enter into a separate agreement with the Fairfax County Park Authority for the provision of park improvements at Popes Head Estates Park. The purpose of the agreement shall be to provide for the construction to PFM standards by Applicant of two (2) 90-foot baseball diamonds, without lights or irrigation. However, subject to the mutual agreement of the Park Authority and Applicant, the Applicant may provide land development for the two baseball diamonds or for the entire park or a portion thereof, planning/engineering services, materials, construction, construction management and/or other in-kind contributions, provided that the Applicant's obligation shall be limited to, and shall not exceed a cost of \$540,000.00. In the event that the requisite engineering and approvals for the park are not in place by December 2003 or mutually agreed upon extension of the date, the Applicant may contribute \$540,000.00 to the FCPA at a time specified in the Agreement.
18. Energy Efficiency. All homes constructed on the Property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by DPWES, for either electric or gas energy systems.
19. Garages. The Applicant shall place a covenant on each single family and stacked townhouse garage unit that prohibits the use of the garage for any purpose which precludes motor vehicle storage. This covenant shall be recorded among the land records of Fairfax County prior to the sale of lots and shall run to the benefit of the HOA and to the Board. Prior to recordation, the covenant shall be approved by the Fairfax County Attorney's office. The HOA documents shall expressly state this use restriction. The minimum driveway shall be 18 feet in length and nine (9) feet in width to permit the parking of vehicles without overhanging into the sidewalk.
20. Open Space. At the time of recordation of the subdivision/site plans for each relevant section, the Applicant shall convey all open space parcels and all open space areas outside private lot lines to the relevant HOA for ownership and maintenance.
21. ADU Compatibility. The ADU units shall be located within the multifamily units and the facades shall be of an architectural style and constructed with exterior façade treatments consistent in appearance with the market rate multi-family units in the development.
22. Density Credit. All intensity of use attributable to land areas dedicated and conveyed to the Board, the Fairfax County School Board, the FCPA, or any other County agency pursuant to these proffers shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and is hereby reserved to the residue of the Property.

23. Public Dedication. As shown on the CDP/FDP, the area shown as "13.0 Acres to be Dedicated to the Board of Supervisors for School/Park Purposes" (the "Dedication Site") shall be dedicated in fee simple to the Board of Supervisors at the time of recordation of the site plan/subdivision plat for the first adjacent residential section that will create this parcel but in no event later than July, 2005, subject to approval, except that this date may be deferred by mutual agreement between the Applicant and the Board of Supervisors. Said dedication shall be made subject to the reservation to the Applicant of such temporary construction and/or permanent easement rights as may be necessary to accomplish the work described below and/or installation of trails, roads, and utilities, as are approved by DPWES in coordination with the Urban Forester. The Applicant shall demolish the existing structures on, clear, and rough grade the Dedication Site. Public water and sewer lines shall be extended to the property line of the Dedication Site. The County shall be responsible for its pro-rata share, as determined by DPWES, of the ongoing stormwater management maintenance obligation for any portion of the said dedication area which drains into a pond maintained by an HOA, which obligation of the County shall not exceed \$8,000 per year.
24. Lighting. All common area lighting except entry monumentation/signage lighting shall feature full-cutoff shielding and shall be directed inward and downward to prevent lighting spilling onto adjacent properties. If the County and Virginia Power adopt as an acceptable standard a full cut-off luminaire fixture, street lighting shall be provided by use of said fixtures. Uplighting of the entry monumentation signage shall be permitted provided that the lighting is focused directly on the signs, and not at the sky.
25. Architectural Elevations and Typical Landscaping. The building elevations and typical landscaping for the proposed units shall be generally in character with the conceptual elevations and typical landscaping details as shown on Sheets 8, 9, 10, 11 and 12 of the CDP/FDP, as determined by DPWES. Units which have either the side elevation adjacent to Legato Road shall include architectural features such as, but not limited to, shutters or other ornamental or architectural features on that elevation which is visible from Legato Road.
26. Trails. Trails shall be provided at the time of development of the respective areas generally as depicted on Sheets 6 and 7 of the CDP/FDP. Trails shall be subject to public access easements, in standard County format, wherever they are located outside of the public right-of-way or public ownership. Final trail locations shall be subject to the review and approval of DPWES. The trails network shall consist of: walking trails, Comprehensive Plan trails and major sidewalk connections/routes. Sidewalks and/or trails shall be provided within the individual neighborhoods as shown on the CDP/FDP. The trails network shall be extended to the Property boundaries and designed to connect to off-site portions of Dix-Cen-Gato, as appropriate. Notwithstanding all of the aforesaid, the Applicant shall have no obligation to construct off-site sidewalks or trails.
27. Public Sewer. Applicant shall provide public sanitary sewer within the rights-of-way of the following streets: Ruffin Drive, realigned Butler Drive, realigned Legato Road, as approved by DPWES. Applicant shall ensure that owners of Tax Map Parcel 56-1-((9))-

- 25 have the option of connecting to the sewer line, at their own expense. Such connection shall be made by the Applicant, at the adjacent property owner's expense, at the time of installation of the sewer line along the Property's frontage, subject to the granting by each such adjacent property owner of all necessary dedications, easements and/or letters of permission. The Applicant shall provide notice to each of the owners identified above as to, and a minimum of 60 days prior to, installation of the public sewer and demonstrate to the satisfaction of DPWES that notice was provided to property owners who elect not to connect. Each adjacent property owner who elects to have the Applicant provide the connection for the benefit of such adjacent property owner shall be responsible for all installation costs and fees, hook up fees, tap fees, and/or connection fees charged by Fairfax County.
28. Cambryar Pond Access. The Applicant shall provide vehicular and pedestrian access and easements, as determined by DPWES consistent with this CDP/FDP, across the site to provide for maintenance of the stormwater detention pond located within the Cambryar subdivision.
29. Access to the Community Recreation Facilities. At the time of the issuance of the non-RUP for the Community Recreation Facilities, residents of the Cambryar community shall be afforded the opportunity to acquire a membership in the Community Recreation Facilities at the same cost as is allocated to each participating lot within the Property.
30. Butler Drive Temporary Cul-de-Sac. The Applicant shall construct the temporary cul-de-sac for Butler Drive as shown on the CDP/FDP. This cul-de-sac may be removed to provide interparcel access to the adjacent property at such time as access is requested to this property. At the time of subdivision approval, the Applicant shall escrow funds for the future removal of the temporary cul-de-sac which may include scarification, repaving and replanting.
31. Interparcel Access. The Applicant shall record, in a form approved by the County Attorney, interparcel access easements and the necessary construction easements to lots 56-1-((4))-3 and -5, 56-1-((9))-8, -10 and -23 and 56-1-((1))-10, -35, and -36A. The Applicant shall not be required to provide any off-site road improvements other than those specifically outlined in these proffers.
32. Sewer Capacity Analysis. If required by DPWES, prior to the issuance of the first building permit, the Applicant shall provide a sanitary sewer capacity analysis and demonstrate to the satisfaction of DPWES that the existing sanitary sewer facilities have adequate capacity for the proposed development.
33. Fire Station
- A. Access. If requested by DPWES, the Applicant shall provide the opportunity for interparcel access from the Property's frontage on Legato Road to Parcel 36A in the general location as shown on the CDP/FDP. A public access easement over said location shall be granted to the benefit of the Fire and Rescue Department.

The cost of constructing the road shall be the obligation of the Fire and Rescue Department. Prior to construction plan approval for Legato Road, the Applicant shall contact the Office of Capital Facilities and offer to construct right turn lane from northbound Legato Road onto the access road, and the access road, during the construction of Legato Road, subject to reimbursement by the County for the expense of the construction of the right turn lane and access road for the actual cost of constructing said improvements, but in an amount not to exceed the bond amount required by DPWES for such improvements in conjunction with DPWES approval of the construction drawings referred to in ¶ 9(B)(3). The Applicant shall construct the turn lane and access road at the County's expense or demonstrate to DPWES that the County either did not respond within 45 day of Applicant's written offer or within said 45 days declined the offer to construct the above-referenced turn lane and/or access road.

- B. Waterline. The Applicant shall install a 6-inch waterline stubbed to Parcel 36A concurrent with the development of the Legato Road improvement in front of the Fire Station. The Applicant shall not be responsible for the payment of any tap fees for Parcel 36A. In the event that the Fire Station is developed prior to the extension of the waterline in Legato Road, the Applicant shall grant waterline easements as required by DPWES for the benefit of Parcel 36A.
  - C. Legato Road. Should VDOT approve an additional median break on Legato Road for emergency access from Parcel 36A prior to Applicant's beginning of construction of the Legato Road improvements, the Applicant shall construct said median break and, at the County's expense, exit apron in accordance with the construction drawings for Legato Road. This proffer shall not obligate the Applicant to make any improvements to Parcel 36A to facilitate access to the median break with the exception of providing, at the County's expense, the exit apron.
  - D. Signal Conduit. The Applicant shall install one empty 4" conduit from the traffic control signal box at the Lee Highway/Legato Road intersection to the southernmost entrance on Parcel 36A. The Applicant shall not be responsible for providing the pre-emptive traffic control signal.
  - E. Sewer. In the event that the fire station is developed prior to the Applicant's extension of sewer, the Applicant shall grant sanitary sewer easements, as required by DPWES consistent with Applicant's development plans, for the benefit of Parcel 36A.
34. Manassas Gap Railroad Right-of-Way.
- A. Quitclaim. At the time of the record plat for the contiguous lots, the Applicant shall quitclaim to Fairfax County any rights, title and interest it may have in the Manassas Gap Railroad right of way which is located on Tax Map Parcels 56-1-((5)) 9 through 15, inclusive.

- B. Limits of Clearing and Grading. The Applicant shall strictly conform to the limits of clearing and grading shown on the southern slope adjacent to the Manassas Gap railroad right-of-way, as shown on the CDP/FDP. No encroachment for utilities or any other purpose shall be permitted in this area, except as shown on the CDP/FDP. The limits of clearing and grading shall be protected by a four-foot tree preservation fence in the form of four (4) foot high, 14-gauge welded wire, attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart. Prominent signs shall be placed on the fencing stating "PRESERVATION AREA - DO NOT DISTURB" to prevent construction personnel from encroaching on these areas. This fencing type shall be shown on the Phase I and II erosion and sediment control sheets. The Applicant shall notify the Park Authority five (5) days in advance of any clearing and grading activities to permit the Park Authority to inspect the preservation fence and ensure its proper location to ensure the preservation of the slopes for the Manassas Gap Railroad.
- C. The Applicant shall install a historic marker for the Manassas Gap Railroad in a location, design and text to be coordinated with the Park Authority.
35. Illegal Signs. No temporary signs (including "popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off-site by the Applicant or at the Applicant's direction to assist in the initial sale of homes on the Property. Furthermore, the Applicant shall direct its agents and employees involved in the marketing and sale of the residential units on the Property to adhere to this Proffer.
36. Bicycle Parking. Bicycle parking racks shall be provided in each multi-family community, not including the stacked townhouse condominiums and at each of the pool/community recreation facilities.
37. Fire Station Disclosure. All prospective initial purchasers will be advised in writing of the location of the fire station site on Tax Map Parcel 56-1-((1)) Parcel 36A. This notification shall also be provided in the HOA documents.
38. Dixie Hill Park.
- A. Fencing. The existing boundary of Dixie Hill park shall be protected during clearing, grading and construction by temporary fencing, a minimum of four feet in height, placed at the limits of clearing and grading adjacent to the park boundary. The temporary fencing shall be installed prior to any work being conducted on the site, and signage shall be securely attached to the protective fencing, identifying the area and made clearly visible to all construction personnel. Construction personnel shall be informed that Dixie Hill park is not to be used for parking or construction staging.

- B. Access. Maintenance vehicle access to Dixie Hill park shall be maintained via a twelve-foot private asphalt driveway constructed by the Applicant from Applicant's proposed road network to the existing entrance to the park. The Applicant shall execute an access easement over the travelway to the benefit of the FCPA for emergency access, monitoring and maintenance purposes. FCPA shall coordinate with FCPS to determine a future permanent means of access for the park.
39. Severability. Any of the sections or individual land bays may be the subject of a PCA, CDPA, and/or FDPA without joinder and/or consent of the other sections or land bays, if such PCA, CDPA and/or FDPA does not have any material adverse effect on such other section or land bays. Previously approved proffered conditions or development conditions applicable to the section(s) or land bay(s) not the subject of such a PCA, CDPA, and/or FDPA shall otherwise remain in full force and effect.
40. 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 the parties to the Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.
41. Successors and Assigns. Each reference to "Applicant" in this Proffer Statement shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest, assigns, and/or developer(s) of the Property or any portion of the Property.

**[SIGNATURES ON FOLLOWING PAGES]**

T

**DixCenGato Main Application**  
**RZ-2001-SP-041**

CENTEX HOMES (a Nevada General Partnership),  
*Applicant and Contract Purchaser*

BY: CENTEX REAL ESTATE CORPORATION,  
its Managing General Partner

BY: \_\_\_\_\_  
Robert K. Davis, Division President

JAMES H. DOUGLAS, JR., *Title Owner of Parcel*  
*56-1-((1))-11A*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

GEORGETTE KOHLER, *Title Owner of Parcel*  
*56-1-((1))-11B*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

TJINTA E. MAY, TRUSTEE OF THE TJINTA E.  
MAY TRUST, *Title Owner of Parcel 56-1-((1))-27*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

IN AE CHI MARSHALL, *Title Owner of Parcel*  
*56-1-((1))-28*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

DONNA M. ABRAHAMS, *Title Owner of Parcel  
56-1-((1))-29*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

DENNIS J. MAY, TRUSTEE OF THE CLIFFORD  
DANIEL MAY, JR. TRUST, *Co-Owner of Parcel  
56-1-((1))-30*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

NAOMA L. MAY, TRUSTEE OF THE NAOMA  
LORETTA MAY TRUST, *Co-Owner of Parcel  
56-1-((1))-30*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

LORON T. HANSEN, *Co-Owner of Parcels  
56-1-((2))-1 and 56-1-((9))-13*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

MARGARET Y. HANSEN, *Co-Owner of Parcels  
56-1-((2))-1 and 56-1-((9))-13*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

T

**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

MARCELINE C. PLANTE, *Title Owner of Parcel  
56-1-((2))-2*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

GARY R. MARTIN, *Co-Owner of Parcel  
56-1-((2))-3*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

BARBARA A. MARTIN, *Co-Owner of Parcel  
56-1-((2))-3*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

ESTATE OF MARY F. PRICE, *Title Owner of  
Parcel 56-1-((2))-4*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact, as  
appointed by Executor, John W. Price, under  
Power of Attorney dated March 3, 2002

RICHARD P. HAMMER, *Co-Owner of Parcel  
56-1-((2))-5*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

HEATHER D. WELSH, *Co-Owner of Parcel  
56-1-((2))-5*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

BARBARA A. THOMASON, TRUSTEE FOR  
THE THOMASON LIVING TRUST, *Title Owner  
of Parcel 56-1-((3))-1*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

PAUL L. RINALDO, *Title Owner of Parcel  
56-1-((3))-2*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

GEORGE V. FREIMANN, *Co-Owner of Parcel  
56-1-((3))-3*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

BARBARA E. FREIMANN, *Co-Owner of Parcel  
56-1-((3))-3*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

D

**Dix-Cen-Gato Main Application**  
**RZ-2001-SP-041**

HOWARD E. CRAIG, *Co-Owner of Parcel*  
56-1-((3))-4

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

JANE C. CRAIG, *Co-Owner of Parcel 56-1-((3))-4*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

JOHN J. SCERBO, *Co-Owner of Parcel*  
56-1-((3))-5

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

LORI M. DELIO, *Co-Owner of Parcel 56-1-((3))-5*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

DAVID C. WEBB, *Co-Owner of Parcel*  
56-1-((3))-6

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

ROSEMARIE K. WEBB, *Co-Owner of Parcel*  
56-1-((3))-6

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

KRISTEN H. MANN, *Title Owner of Parcel  
56-1-((3))-7*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

JAN L. FOX, *Title Owner of Parcel 56-1-((3))-8*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

PETE J. CHAMBERS, *Title Owner of Parcels  
56-1-((3))-9 and 56-1-((11))-3A*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

DAVID E. NEES, *Co-Owner of Parcel  
56-1-((3))-10*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

CARLA B. NEES, *Co-Owner of Parcel  
56-1-((3))-10*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

DENNIS S. OVERBY, *Co-Owner of Parcel  
56-1-((3))-11*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact



**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

LESLIE A. OVERBY, *Co-Owner of Parcel*  
56-1-((3))-11

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

JAMES A. LOVEJOY, JR., *Co-Owner of Parcel*  
56-1-((3))-12

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

TIMOTHY F. HARAZIN, *Co-Owner of Parcel*  
56-1-((3))-12

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

DIANE M. HARAZIN, *Co-Owner of Parcel*  
56-1-((3))-12

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

CHRISTOPHER DOMINICK, *Title Owner of*  
*Parcel 56-1-((3))-13*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

WAYNE M. WHITLOW, *Co-Owner of Parcel*  
56-1-((3))-14

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

ROGER LINDSEY, *Co-Owner of Parcel*  
56-1-((3))-14

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

GARY S. ZELENACK, *Co-Owner of Parcel*  
56-1-((4))-4

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

LAURA L. ZELENACK, *Co-Owner of Parcel*  
56-1-((4))-4

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

LARRY T. WEST, *Co-Owner of Parcel*  
56-1-((4))-6

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

**Dix-Cen-Gato Main Application**  
**RZ-2001-SP-041**

SAMIRA H. WEST, *Co-Owner of Parcel*  
56-1-((4))-6

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

CHARLES E. COURCHAINE, TRUSTEE, *Title*  
*Owner of Parcel 56-1-((4))-7*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

GREGORY D. OLIVER, *Title Owner of Parcel*  
56-1-((4))-8

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

BONNIE M. SPENCER, *Title Owner of Parcel*  
56-1-((4))-9

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

W. KEVIN McDONALD, *Co-Owner of Parcel*  
56-1-((4))-10

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

JOAN E. McDONALD, *Co-Owner of Parcel  
56-1-((4))-10*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

ESTATE OF SAMUEL P. WARREN, *Title Owner  
of Parcel 56-1-((4))-11*

BY: \_\_\_\_\_  
MARY HOLTCAMP, Executor, by Kenneth P.  
Warren, her Agent and Attorney-in-Fact

BY: \_\_\_\_\_  
JOHN W. WARREN, Executor, by Kenneth P.  
Warren, his Agent and Attorney-in-Fact

BY: \_\_\_\_\_  
KENNETH P. WARREN, Executor

BY: \_\_\_\_\_  
RUTH W. CANADAY, Executor, by Kenneth  
P. Warren, her Agent and Attorney-in-Fact

BY: \_\_\_\_\_  
DAVID S. WARREN, Executor

WILLIAM DENNER HOGAN, *Co-Owner of  
Parcel 56-1-((4))-12*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

SERENA DEAS BROWN, *Co-Owner of Parcel*  
56-1-((4))-12

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

SHIRLEY L. DEMPSEY, *Title Owner of Parcel*  
56-1-((5))-6

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

HOWARD J. SEVEL, *Co-Owner of Parcel*  
56-1-((5))-7

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

JOANN G. SEVEL, *Co-Owner of Parcel*  
56-1-((5))-7

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

SCOTT L. BASHORE, *Co-Owner of Parcel*  
56-1-((5))-8

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

JANET C. CRANE, *Title Owner of Parcel*  
56-1-((5))-17

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

RONALD G. COE, *Co-Owner of Parcel*  
56-1-((5))-18

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

ANN M. COE, *Co-Owner of Parcel 56-1-((5))-18*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

ROBERT M. FARY, *Co-Owner of Parcel*  
56-1-((5))-19

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

PATRICIA C. FARY, *Co-Owner of Parcel*  
56-1-((5))-19

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

HARRY C. GORDON, *Co-Owner of Parcel*  
56-1-((5))-20

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

I

**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

AGNES M. GORDON, *Co-Owner of Parcel  
56-1-((5))-20*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

RONALD M. SKEANS, JR., *Co-Owner of Parcel  
56-1-((5))-21*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

MARCIA A. HEACKER-SKEANS, *Co-Owner of  
Parcel 56-1-((5))-21*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

ALICE B. LACY, *Title Owner of Parcel  
56-1-((5))-22*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

WILLIAM R. COOKE, *Co-Owner of Parcel  
56-1-((5))-23*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

LISA T. COOKE, *Co-Owner of Parcel*  
56-1-((5))-23

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

LLOYD O. DUNN, *Co-Owner of Parcel*  
56-1-((5))-24

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

PHYLLIS L. DUNN, *Co-Owner of Parcel*  
56-1-((5))-24

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

FRANK E. BURDELL III, *Co-Owner of Parcel*  
56-1-((5))-25

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

ANN K. BURDELL, *Co-Owner of Parcel*  
56-1-((5))-25

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

Dix-Cen-Gato Main Application  
RZ-2001-SP-041

ALEXANDRE K. de PARIS, TRUSTEE FOR THE  
ALEXANDRE K. de PARIS REVOCABLE  
TRUST DATED SEPTEMBER 25, 2000,  
*Co-Owner of Parcels 56-1-((5))-26 and -27*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

LUNA L. de PARIS, TRUSTEE FOR THE  
LUNA L. de PARIS REVOCABLE TRUST  
DATED SEPTEMBER 25, 2000, *Co-Owner of  
Parcels 56-1-((5))-26 and -27*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

WAYNE M. WHITLOW, *Title Owner of Parcel  
56-1-((5))-28*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

FRANK MOZINGO, *Co-Owner of Parcel  
56-1-((6))-1*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

BETTY L. MOZINGO, *Co-Owner of Parcel  
56-1-((6))-1*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

EARL D. REYNOLDS, *Co-Owner of Parcel*  
56-1-((6))-2

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

DORA REYNOLDS, *Co-Owner of Parcel*  
56-1-((6))-2

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

MICHAEL J. DEMBOWSKI, *Co-Owner of Parcel*  
56-1-((6))-3

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

TERESA RHINEHART, *Co-Owner of Parcel*  
56-1-((6))-3

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

JACQUELINE P. GARCIA, *Title Owner of Parcel*  
56-1-((6))-4

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

I

**Dix-Cen-Gato Main Application**  
**RZ-2001-SP-041**

ROBERT L. MELLOTT, *Co-Owner of Parcel*  
56-1-((6))-5

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

TONI R. DAHMER, *Co-Owner of Parcel*  
56-1-((6))-5

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

JAMES A. LINDQUIST, *Co-Owner of Parcel*  
56-1-((6))-6

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

LUANNE LINDQUIST, *Co-Owner of Parcel*  
56-1-((6))-6

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

ANGELICA M. CONIGLIO, *Title Owner of Parcel*  
56-1-((6))-7

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

**Dix-Cen-Gato Main Application**  
**RZ-2001-SP-041**

HENRY F. HUGHES, *Title Owner of Parcel*  
56-1-((6))-8

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

RODGER S. BOWMAN, *Co-Owner of Parcel*  
56-1-((6))-9

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

SYLVIA C. BOWMAN, *Co-Owner of Parcel*  
56-1-((6))-9

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

DONALD GENE SPADY, *Co-Owner of Parcel*  
56-1-((6))-10

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

DOROTHY A. SPADY, *Co-Owner of Parcel*  
56-1-((6))-10

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

**Dix-Cen-Gato Main Application**  
**RZ-2001-SP-041**

LOIS L. RAMM, TRUSTEE, *Title Owner of Parcel*  
*56-1-((9))-1*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

MICHAEL JOSEPH CHANEY, *Title Owner of*  
*Parcel 56-1-((9))-2*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

JAMES DOUGLAS ROSE, *Title Owner of Parcels*  
*56-1-((9))-3 and -4*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

JACK E. McDONALD, *Co-Owner of Parcel*  
*56-1-((9))-5*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

DONNA C. McDONALD, *Co-Owner of Parcel*  
*56-1-((9))-5*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

FRANKLIN L. COMBS, *Co-Owner of Parcel*  
56-1-((9))-6

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

FLORIDA E. COMBS, *Co-Owner of Parcel*  
56-1-((9))-6

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

BENTON K. BOVEE, *Title Owner of Parcel*  
56-1-((9))-7

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

RUSSELL D. HARTLEY, *Title Owner of Parcel*  
56-1-((9))-11

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

CHARLES T. THOMAS, *Co-Owner of Parcel*  
56-1-((9))-12

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

AUDREY C. THOMAS, *Co-Owner of Parcel  
56-1-((9))-12*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

EMMANUEL TRIVOULIDES, *Co-Owner of  
Parcel 56-1-((9))-15*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

PANAGIOTIS TRIVOULIDES, *Co-Owner of  
Parcel 56-1-((9))-15*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

DANNY W. FUNKHOUSER, *Co-Owner of Parcel  
56-1-((9))-16*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

NANCY JO FUNKHOUSER, *Co-Owner of Parcel  
56-1-((9))-16*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

KENNETH ROBERT FROST, *Co-Owner of Parcel  
56-1-((9))-17*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

MARILYN J. FROST, *Co-Owner of Parcel  
56-1-((9))-17*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

ANTHONY W. RUDZINSKI, *Co-Owner of Parcel  
56-1-((9))-18*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

CONCETTA P. RUDZINSKI, *Co-Owner of Parcel  
56-1-((9))-18*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

PAUL S. LISSY, *Co-Owner of Parcel 56-1-((9))-19*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

JANICE M. LISSY, *Co-Owner of Parcel  
56-1-((9))-19*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact



**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

PAULA A. JAMESON, *Co-Owner of Parcel*  
56-1-((9))-19

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

LEON O. SAMUELS, *Co-Owner of Parcel*  
56-1-((9))-20

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

DIANE E. NEMORE SAMUELS, *Co-Owner of Parcel*  
56-1-((9))-20

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

WILLIAM D. GAMBLE, *Title Owner of Parcel*  
56-1-((9))-21

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

FLOYD B. TAYLOR, JR., *Title Owner of Parcel*  
56-1-((9))-22

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

LEGATO ACRES HOMEOWNERS  
ASSOCIATION, *Title Owner of Parcels*  
56-1-((11))-A and -B

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

CAROL G. KALINOWSKI, *Title Owner of Parcel*  
56-1-((11))-1

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

JEANNETTE A. CERV, *Title Owner of Parcel*  
56-1-((11))-2

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

KENNETH F. McKEEHAN, *Co-Owner of Parcel*  
56-1-((11))-4A

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

BETTY J. McKEEHAN, *Co-Owner of Parcel*  
56-1-((11))-4A

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

CHERYL M. REINGRUBER, *Title Owner of  
Parcel 56-1-((11))-5*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

FREDERICK R. BRUNELL, *Co-Owner of Parcel  
56-1-((11))-6*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

CHARLOTTE L. BRUNELL, *Co-Owner of Parcel  
56-1-((11))-6*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

JAMES P. DONOVAN, TRUSTEE FOR THE  
JAMES PATRICK DONOVAN REVOCABLE  
TRUST, *Title Owner of Parcel 56-1-((11))-7*

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

BOARD OF SUPERVISORS OF FAIRFAX  
COUNTY, VIRGINIA  
*Owner of portions of public right-of-way to be  
vacated/abandoned*

BY: \_\_\_\_\_  
NAME: Anthony H. Griffin  
TITLE: County Executive

**Dix-Cen-Gato Main Application  
RZ-2001-SP-041**

SUSAN E. BASHORE, *Co-Owner of Parcel*  
56-1-((5))-8

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

RALPH J. WATERMAN, *Co-Owner of Parcel*  
56-1-((5))-9

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

ELLEN R. WATERMAN, *Co-Owner of Parcel*  
56-1-((5))-9

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

TIMOTHY L. MACIJESKI, *Title Owner of Parcel*  
56-1-((5))-10

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

KEITH C. HAMILTON, *Co-Owner of Parcel*  
56-1-((5))-11

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

T

**Dix-Cen-Gato Main Application**  
**RZ-2001-SP-041**

GAYLE C. HAMILTON, *Co-Owner of Parcel*  
56-1-((5))-11

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

JAMES F. STEFFEY, *Co-Owner of Parcels*  
56-1-((5))-12, -13, and -14

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

SHERRY U. STEFFEY, *Co-Owner of Parcels*  
56-1-((5))-12, -13, and -14

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

JOSEPHINE A. BOURNE, *Title Owner of Parcel*  
56-1-((5))-15

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

MONICA B. SOROVACU, *Title Owner of Parcel*  
56-1-((5))-16

BY: \_\_\_\_\_  
Robert K. Davis, agent and attorney-in-fact

## PROPOSED FINAL DEVELOPMENT CONDITIONS

FDP 2001-SP-041

May 1, 2002

If it is the intent of the Planning Commission to approve FDP 2001-SP-041 for single-family detached, single family attached, multi-family development and a school site at Tax Maps 56-1 ((1)) 11A, 11B, 27-30; 56-1 ((2)) 1-5; 56-1 ((3)) 1-14; 56-1 ((4)) 4, 6-12; 56-1 ((5)) 6-8, pt. 9-15, 16-28; 56-1 ((6)) 1-10; 56-1 ((9)) 1-7, 11-13, 15-22; 56-1 ((11)) 1, 2, 3A, 4A, 5-7, A and B, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. Development of the property shall be in substantial conformance with the CDP/FDP entitled "Dix-Cen-Gato", prepared by BC Consultants, consisting of eighteen (18) sheets dated August 2001, as revised through April 29, 2002.
2. Signage shall be in accordance with Article 12 of the Zoning Ordinance. The signs shall be in substantial conformance with the elevations on Sheet 14 of the CDP/FDP.
3. The elementary school fields shall not be lighted, except for the minimal required for security.
4. The maximum height for single family detached dwelling units shall be thirty-five (35) feet. The maximum height for the single family attached units on the perimeter of the site adjacent to Tax Map 56-1 ((4)) 4 and 6 shall be thirty-five (35) feet. The remaining single family attached units and stacked townhouse condominiums shall be limited to a maximum height of forty-two (42) feet.
5. Barrier E or F shall be constructed adjacent to Tax Map 56-1 ((1)) 9, Tax Maps 56-1 ((1)) 10, 11C, 11F, 11G in the general location as depicted on the CDP/FDP.

The proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.

3

D

# REZONING AFFIDAVIT

APPENDIX 3

DATE: April 18, 2002  
(enter date affidavit is notarized)

I, Robert K. Davis, 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 2001-152e

in Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s), e.g. RZ 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Centex Homes'	14121 Parke Long Court Suite 201 Chantilly, VA 20151	Applicant/Agent for Title Owners/Contract Purchaser (except as to Parcels 56-1-((4))-4, 6 and 11 and 56-1-((9))-21)
Robert K. Davis Joseph H. Ricketts, III Stephen L. Fritz David A. Retnew C. Ted Diss Andrew Miller	14121 Parke Long Court Suite 201 Chantilly, VA 20151	Agents for Applicant
Robert K. Davis	14121 Parke Long Court Suite 201 Chantilly, VA 20151	Agent and Attorney-in-Fact for Title Owners (except as to Parcel 56-1-((4))-11)
James H. Douglas, Jr.	4506 Butler Drive Fairfax, VA 22030	Title Owner of Parcel 56-1-((1))-11A

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

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

**Rezoning Attachment to Par. 1(a)**DATE: April 18, 2002  
(enter date affidavit is notarized)2001-152cfor Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Georgette Kohler	5280 Chandley Farm Circle Centreville, VA 20120	Title Owner of Parcel 56-1-((1))-11B
Tjinta E. May, Trustee (for the Tjinta E. May Trust dated June 28, 1999; Beneficiary: Tjinta E. May)	4438 Legato Road Fairfax, VA 22030	Title Owner of Parcel 56-1-((1))-27
In Ae Chi Marshall (formerly known of record as In Ae Chi Mitchler)	7226 Bell Drive Colorado Springs, CO 80920	Title Owner of Parcel 56-1-((1))-28
Donna M. Abrahams	4500 Legato Road Fairfax, VA 22030	Title Owner of Parcel 56-1-((1))-29
Clifford Daniel May, Jr. Trust Trustees: Clifford D. May, Jr. and Dennis J. May, either of whom may act; Beneficiary: Clifford D. May, Jr. <b>and</b> Naoma Loretta May Trust Trustees: Naoma L. May and Dennis J. May, either of whom may act; Beneficiary: Naoma L. May	4501 Legato Road Fairfax, VA 22030	Beneficial Owners of Parcel 56-1-((1))-30
Loron T. Hansen Margaret Y. Hansen	12101 Ruffin Drive Fairfax, VA 22030	Title Owners of Parcels 56-1-((2))-1; 56-1-((9))-13
Marceline C. Plante	4613 Legato Road Fairfax, VA 22030	Title Owner of Parcel 56-1-((2))-2
Gary R. Martin Barbara A. Martin	4609 Legato Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((2))-3
Estate of Mary F. Price Executor: John W. Price Beneficiaries: John W. Price Martha A. Conley	10009 Morningside Court Fairfax, VA 22030	Title Owner of Parcel 56-1-((2))-4

(check if applicable)

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

**Rezoning Attachment to Par. 1(a)**DATE: April 18, 2002  
(enter date affidavit is notarized)2001-152cfor Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Richard P. Hammer Heather D. Welsh	4527 Legato Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((2))-5
Barbara A. Thomason, Trustee <i>(for the Thomason Living Trust dated October 12, 1999; Beneficiary: Barbara A. Thomason)</i>	12100 Deming Drive Fairfax, VA 22030	Title Owner of Parcel 56-1-((3))-1
Paul L. Rinaldo <i>(as surviving tenant by the entirety upon the death of Mary A. Rinaldo)</i>	4559 Quality Street Fairfax, VA 22030	Title Owner of Parcel 56-1-((3))-2
George V. Freimann Barbara E. Freimann	4516 Dixie Hill Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((3))-3
Howard E. Craig Jane C. Craig	12105 Deming Drive Fairfax, VA 22030	Title Owners of Parcel 56-1-((3))-4
John J. Scerbo Lori M. Delio	12101 Deming Drive Fairfax, VA 22030	Title Owners of Parcel 56-1-((3))-5
David C. Webb Rosemarie K. Webb	4601 Quality Street Fairfax, VA 22030	Title Owners of Parcel 56-1-((3))-6
Kristen H. Mann	12013 Deming Drive Fairfax, VA 22030	Title Owner of Parcel 56-1-((3))-7
Jan L. Fox	12009 Deming Drive Fairfax, VA 22030	Title Owner of Parcel 56-1-((3))-8
Pete J. Chambers	12113 Deljo Drive Fairfax, VA 22030	Title Owner of Parcels 56-1-((3))-9; 56-1-((11))-3A
David E. Nees Carla B. Nees	4600 Dixie Hill Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((3))-10
Dennis S. Overby Leslie A. Overby	4601 Dixie Hill Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((3))-11

↑ (check if applicable)

[X] There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

## Rezoning Attachment to Par. 1(a)

DATE: April 18, 2002  
(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
James A. Lovejoy, Jr. Timothy F. Harazin Diane M. Harazin	11941 Deming Drive Fairfax, VA 22030	Title Owners of Parcel 56-1-((3))-12
Christopher Dominick	11948 Deming Drive Fairfax, VA 22030	Title Owner of Parcel 56-1-((3))-13
Wayne M. Whitlow Roger Lindsey	Attn: J. L. Griffin 380 Maple Avenue, West Vienna, VA 22180	Title Owners of Parcel 56-1-((3))-14
Gary S. Zelenack Laura L. Zelenack	4620 Dixie Hill Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((4))-4
Larry T. West Samira H. West	4612 Dixie Hill Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((4))-6
Charles E. Courchaine, Trustee <i>(for the benefit of Joseph A. Courchaine)</i>	4608 Dixie Hill Road Fairfax, VA 22030	Title Owner of Parcel 56-1-((4))-7
Gregory D. Oliver	4604 Dixie Hill Road Fairfax, VA 22030	Title Owner of Parcel 56-1-((4))-8
Bonnie M. Spencer	4609 Dixie Hill Road Fairfax, VA 22030	Title Owner of Parcel 56-1-((4))-9
W. Kevin McDonald Joan E. McDonald	4613 Dixie Hill Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((4))-10
Estate of Samuel P. Warren Executors/Heirs: Mary Holtcamp John W. Warren Kenneth P. Warren Ruth W. Canaday David S. Warren	1111 N. Jefferson Street Arlington, VA 22205	Title Owners of Parcel 56-1-((4))-11
Kenneth P. Warren	1111 N. Jefferson Street Arlington, VA 22205	Agent and Attorney-in-Fact for Mary Holtcamp, John W. Warren and Ruth W. Canaday
William Denner Hogan Serena Deas Brown	3727 Prince William Drive Fairfax, VA 22031	Title Owners of Parcel 56-1-((4))-12

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

## Rezoning Attachment to Par. 1(a)

DATE: April 18, 2002  
(enter date affidavit is notarized)

0001-152c

for Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Shirley L. Dempsey	14008 Hunter Hill Lane Nokesville, VA 20181	Title Owner of Parcel 56-1-((5))-6
Howard J. Sevel Joann G. Sevel	4532 Quality Street Fairfax, VA 22030	Title Owners of Parcel 56-1-((5))-7
Scott L. Bashore Susan E. Bashore	4528 Quality Street Fairfax, VA 22030	Title Owners of Parcel 56-1-((5))-8
Ralph J. Waterman Ellen R. Waterman	224 Windermere Drive Stafford, VA 22554	Title Owners of Parcel 56-1-((5))-9
Timothy L. Macijeski	4518 Quality Street Fairfax, VA 22030	Title Owner of Parcel 56-1-((5))-10
Keith C. Hamilton Gayle C. Hamilton	American Consulate Guayaquil Unit 5350 APO AA 34039-5350	Title Owners of Parcel 56-1-((5))-11
James F. Steffey Sherry U. Steffey	10409 Fyfe Court Fairfax, VA 22032	Title Owners of Parcels 56-1-((5))-12, 13, 14
Josephine A. Bourne	4447 Dixie Hill Road Fairfax, VA 22030	Title Owner of Parcel 56-1-((5))-15
Monica B. Sorovacu	4501 Dixie Hill Road Fairfax, VA 22030	Title Owner of Parcel 56-1-((5))-16
Janet C. Crane	3923 Fairview Drive Fairfax, VA 22031	Title Owner of Parcel 56-1-((5))-17
Ronald G. Coe Ann M. Coe	4509 Dixie Hill Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((5))-18
Robert M. Fary Patricia C. Fary	4512 Dixie Hill Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((5))-19
Harry C. Gordon Agnes M. Gordon	4508 Dixie Hill Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((5))-20

 (check if applicable)

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

**Rezoning Attachment to Par. 1(a)**DATE: April 18, 2002  
(enter date affidavit is notarized)2001-152cfor Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Ronald M. Skeans, Jr. Marcia A. Heacker-Skeans	4504 Dixie Hill Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((5))-21
Alice B. Lacy ( <i>also known of record as Alice B. Richeson</i> )	4500 Dixie Hill Road Fairfax, VA 22030	Title Owner of Parcel 56-1-((5))-22
William R. Cooke Lisa T. Cooke	4515 Quality Street Fairfax, VA 22030	Title Owners of Parcel 56-1-((5))-23
Lloyd O. Dunn Phyllis L. Dunn	4535 Quality Street Fairfax, VA 22030	Title Owners of Parcel 56-1-((5))-24
Frank E. Burdell III Ann K. Burdell	4539 Quality Street Fairfax, VA 22030	Title Owners of Parcel 56-1-((5))-25
Alexandre K. De Paris, Trustee Luna L. De Paris, Trustee <i>(for the Alexandre K. de Paris Revocable Trust dated September 25, 2000; Beneficiaries: Christophe A. De Paris Daniel P. De Paris</i>	4543 Quality Street Fairfax, VA 22030	Title Owners of Parcels 56-1-((5))-26, 27
<i>and for the Luna L. de Paris Revocable Trust dated September 25, 2000; Beneficiaries: Christophe A. De Paris Daniel P. De Paris)</i>		
Wayne M. Whitlow	380 Maple Avenue, West Vienna, VA 22180	Title Owner of Parcel 56-1-((5))-28
Frank Mazingo Betty L. Mazingo	4507 Legato Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((6))-1
Earl D. Reynolds Dora Reynolds	4509 Legato Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((6))-2
Michael J. Dembowski Teresa Rhinehart	4511 Legato Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((6))-3

(check if applicable)

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

**Rezoning Attachment to Par. 1(a)**DATE: April 18, 2002  
(enter date affidavit is notarized)2001-152cfor Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Jacqueline P. Garcia	4513 Legato Road Fairfax, VA 22030	Title Owner of Parcel 56-1-((6))-4
Robert L. Mellott Toni R. Dahmer	4515 Legato Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((6))-5
James A. Lindquist Luanne Lindquist	4517 Legato Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((6))-6
Angelica M. Coniglio ( <i>also known of record as Angelica M. Kasprzak</i> )	4519 Legato Road Fairfax, VA 22030	Title Owner of Parcel 56-1-((6))-7
Henry F. Hughes	4521 Legato Road Fairfax, VA 22030	Title Owner of Parcel 56-1-((6))-8
Rodger S. Bowman Sylvia C. Bowman ( <i>also known of record as Sylvia L. Cohen</i> )	4523 Legato Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((6))-9
Donald Gene Spady Dorothy A. Spady	4525 Legato Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((6))-10
Lois L. Ramm, Trustee Beneficiaries: Valerie L. Faircloth Ingrid L. Kemmer Kimberly A. Waymire Alison L. Maskalenke	12205 Ruffin Drive Fairfax, VA 22030	Title Owner of Parcel 56-1-((9))-1
Michael Joseph Chaney	12206 Ruffin Drive Fairfax, VA 22030	Title Owner of Parcel 56-1-((9))-2
James Douglas Rose	12204 Ruffin Drive Fairfax, VA 22030	Title Owner of Parcels 56-1-((9))-3, 4
Jack E. McDonald Donna C. McDonald	4508 Butler Drive Fairfax, VA 22030	Title Owners of Parcel 56-1-((9))-5
Franklin L. Combs Florida E. Combs	4507 Butler Drive Fairfax, VA 22030	Title Owners of Parcel 56-1-((9))-6

(check if applicable)

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

**Rezoning Attachment to Par. 1(a)**DATE: April 18, 2002  
(enter date affidavit is notarized)2001-152cfor Application No.(s): RZ 2001-SP-041  
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**(NOTE):** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Benton K. Bovee	12108 Ruffin Drive Fairfax, VA 22030	Title Owner of Parcel 56-1-((9))-7
Russell D. Hartley	4504 Legato Road Fairfax, VA 22030	Title Owner of Parcel 56-1-((9))-11
Charles T. Thomas Audrey C. Thomas	4506 Legato Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((9))-12
Emmanuel Trivoulides Faiza Umar ( <i>former</i> ) Panagiotis Trivoulides	4518 Legato Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((9))-15
Danny W. Funkhouser	5744 Green Spring Drive Warrenton, VA 20187	Co-Owner of Parcel 56-1-((9))-16
Nancy Jo Funkhouser	4519 Rhett Lane Fairfax, VA 22030	Co-Owner of Parcel 56-1-((9))-16
Kenneth Robert Frost Marilyn J. Frost	4523 Rhett Lane Fairfax, VA 22030	Title Owners of Parcel 56-1-((9))-17
Anthony W. Rudzinski Concetta P. Rudzinski	4525 Rhett Lane Fairfax, VA 22030	Title Owners of Parcel 56-1-((9))-18
Paul S. Lissy Janice M. Lissy	317 Hart Road Gaithersburg, MD 20878	Co-Owners of Parcel 56-1-((9))-19
Paula A. Jameson	29596 Novacella Laguna Niguel, CA 92677	Co-Owner of Parcel 56-1-((9))-19
Leon O. Samuels Diane E. Nemore Samuels ( <i>also known of record as Diane E. Nemore</i> )	4524 Rhett Lane Fairfax, VA 22030	Title Owners of Parcel 56-1-((9))-20
William D. Gamble ( <i>as surviving tenant by the entirety upon the death of Geraldine L. Gamble</i> )	4522 Rhett Lane Fairfax, VA 22030	Title Owners of Parcel 56-1-((9))-21

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

## Rezoning Attachment to Par. 1(a)

DATE: April 18, 2002  
(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

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NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Floyd B. Taylor, Jr.	4520 Rhett Lane Fairfax, VA 22030	Title Owner of Parcel 56-1-((9))-22
Legato Acres Homeowners Association <sup>7</sup> Agent: James P. Donovan	c/o Delbert V. Wilson, Sr. 9016 Silverbrook Road Fairfax Station, VA 22039	Title Owner of Parcels 56-1-((11))-A, B
Carol G. Kalinowski	4614 Legato Road Fairfax, VA 22030	Title Owner of Parcel 56-1-((11))-1
Jeannette A. Cerv	4610 Legato Road Fairfax, VA 22030	Title Owner of Parcel 56-1-((11))-2
Kenneth F. McKeehan Betty J. McKeehan	14379 Chalfont Drive Haymarket, VA 20169	Title Owners of Parcel 56-1-((11))-4A
Cheryl M. Reingruber	12114 Deljo Drive Fairfax, VA 22030	Title Owner of Parcel 56-1-((11))-5
Frederick R. Brunell Charlotte L. Brunell	4544 Legato Road Fairfax, VA 22030	Title Owners of Parcel 56-1-((11))-6
James P. Donovan, Trustee (for the James Patrick Donovan Revocable Trust; Beneficiaries: James P. Donovan; Charlotte Donovan)	4542 Legato Road Fairfax, VA 22030	Title Owner of Parcel 56-1-((11))-7
Fairfax County Board of Supervisors	Suite 533 12000 Government Center Parkway Fairfax, VA 22035	Owner of rights-of-way for Deljo Drive, Deming Drive, and portions of Legato Road, Butler Drive, Ruffin Drive, Dixie Hill Road, Rhett Lane and Quality Street, to be vacated/abandoned
Anthony H. Griffin County Executive	Suite 552 12000 Government Center Parkway Fairfax, VA 22035	Agent for Fairfax County Board of Supervisors
Hunton & Williams <sup>d</sup>	1751 Pinnacle Drive Suite 1700 McLean, VA 22102	Attorneys for Applicant

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

**Rezoning Attachment to Par. 1(a)**DATE: April 18, 2002

(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041

(enter County-assigned application number(s))

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Francis A. McDermott John C. McGranahan, Jr.	1751 Pinnacle Drive Suite 1700 McLean, VA 22102	Attorneys/Agents for Applicant
Meaghan S. Kiefer Elaine O'Flaherty Cox	1751 Pinnacle Drive Suite 1700 McLean, VA 22102	Planners/Agents for Applicant
Jeannie A. Mathews	1751 Pinnacle Drive Suite 1700 McLean, VA 22102	Paralegal/Agent for Applicant
The BC Consultants, Inc. <sup>9</sup>	12700 Fair Lakes Circle Suite 100 Fairfax, VA 22033	Civil Engineers/Surveyors for Applicant
Peter L. Rinek Dennis Dixon Jonathan Bondi Paul Brazier Melissa Budd	12700 Fair Lakes Circle Suite 100 Fairfax, VA 22033	Engineers/Agents for Applicant
Griffin Development Corp. (i/a Re-Max Preferred Properties) <sup>10</sup> Agents: Jack L. Griffin Roger Lindsey Richard T. James	380 Maple Avenue West Vienna, VA 22180	Real Estate Broker
Whitehouse Real Estate Corporation <sup>11</sup> Agent: Kenneth F. McKeehan	14379 Chalfont Drive Haymarket, VA 20169	Real Estate Broker
Remax Regal Properties <sup>12</sup> Agent: Philip Doherty	9283 Old Keene Mill Road Burke, VA 22015	Real Estate Broker
Remax Horizons Agent: Patricia Young	4900 Seminary Road, Suite 105 Alexandria, VA 22311	Real Estate Broker

 (check if applicable)

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

REZONING AFFIDAVIT

DATE: April 18, 2002
(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041
(enter County-assigned application number(s))

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

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Centex Real Estate Corporation
P. O. Box 199000
Dallas, TX 75219-9000

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Centex International, Inc.5

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

- Timothy R. Eller, Director/Chairman/CEO
David W. Quinn, Director/Vice Chairman
Laurence E. Hirsch, Director
Andrew J. Hannigan, President/COO
Thomas M. Boyce, Exec Vice President
Robert D. Hillmann, Exec Vice President
James J. Kopel, Jr., Exec Vice President
Steven R. Muller, Exec Vice President
Richard L. Sconyers, Exec Vice President (former)
J. L. Smith, Exec Vice President
Joel C. Sowers, Jr., Exec Vice President
John D. Carpenter, Senior Vice President
J. Andrew Kerner, Senior Vice President/CFO
Roland F. Osgood, Sr. VP/CA (South Coast) Div. President
David J. Sasina, Sr VP-Strategic Planning & Marketing
William F. Shean, Senior Vice President
Philip W. Warnick, Sr VP/TX (DFW) Regional Div President
Jonathan R. Wheeler, Sr VP-Organization Development
Brian J. Woram, Senior VP/GC/Asst Secretary
Walter P. Whitcomb, Vice President-Acquisitions
John B. Bertero, III, Vice Pres Regional GC/Asst Secretary
Meivin M. Chadwick, Vice President-Fin/Treas/Asst Secretary

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

\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

**Rezoning Attachment to Par. 1(b)**DATE: April 18, 2002  
(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)<sup>2</sup>Centex Real Estate Corporation (continued)P. O. Box 199000Dallas, TX 75219-9000**DESCRIPTION OF CORPORATION:** (check one statement)

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

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)Centex International, Inc.<sup>5</sup>**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer, etc.**)

Paul J. Dodge, Vice Pres-Purchasing  
 Jon E. Fogg, Vice President-Sales  
 Joanne E. Freeman, Vice President-Human Resources  
 Rodger Coupe, Jr., Vice President-Land  
 Neil J. DeVroy, Vice President-Communications  
 Richard C. Harvey, Vice President  
 M. Brett Hill, Vice Pres/Operations Controller  
 F. Timothy Hoyt, Jr., VP/Regional GC/Asst Secretary  
 Charles E. Irsch, Vice Pres-Information Systems  
 David E. Logsdon, Vice President  
 Blair G. Kuhn, Vice Pres-Internet Marketing  
 Joseph Luciani, Vice President-Land Development  
 M. Randall Luther, Vice Pres-Construction Technology  
 Michael S. Schroetke, VP-Bus & Process Development  
 Raymond G. Smerge, Vice Pres/Secretary  
 Douglas A. Stempowski, Vice Pres-Sales & Marketing  
 David E. Stumbos, VP/Asst. GD/Asst. Secretary  
 James B. Watkins, VP/Regional GC/Asst Secretary  
 Donald R. Westfall, VP/Regional GC/Asst Secretary  
 Deborah L. Godley, Asst. Vice President  
 Jeff A. Mason, Asst. Vice President  
 D. Mark McIntyre, Regional GC/Asst Secretary  
 Edward G. Milgrim, Regional GC/Asst Secretary  
 David A. Raynes, Regional GC/Asst Secretary  
 Donald J. Sajor, Regional GC/Asst Secretary  
 Lon G. Bryant, Regional Deputy GC/Asst Secretary  
 Kenneth Y. Gordon, Reg Dep GC/Asst Sec (former)  
 Jefferson E. Howeth, Asst. GC/Asst. Secretary  
 David A. Freilicher, Regional GC/Asst. Secretary  
 Andrew V. Showen, Regional Deputy GC/Asst Secretary  
 Vicki A. Roberts, Asst. Treasurer  
 Randall J. DeHayes, Regional Deputy GC/Asst Secretary  
 Rebecca L. Arrendondo, Asst. Secretary

Karren P. Bates, Asst. Secretary  
 Jim Brown, Asst. Secretary  
 David S. Cady, Asst. Secretary  
 Karen M. Clary, Asst. Secretary  
 Sarah Coleman, Asst. Secretary  
 Nancy England, Asst. Secretary  
 Larry R. Fowler, Asst. Secretary  
 Michael J. Fraley, Jr., Asst. Secretary  
 Scott D. Fritz, Asst. Secretary  
 Thomas A. Hardick, Asst. Secretary (former)  
 William A. Hartis, Jr., Asst. Secretary  
 Warren Heath, Asst. Secretary  
 Cindy M. Hinson, Asst. Secretary  
 Mary C. Hoff, Asst. Secretary (former)  
 Julie Hodges, Asst. Secretary  
 Kathleen M. Linck, Asst. Secretary (former)  
 Beth S. March, Asst. Secretary (former)  
 Kathleen B. McCamey, Asst. Secretary  
 Sandi Morrison, Asst. Secretary  
 Cassy L. Murillo, Asst. Secretary  
 Nori H. Neuner, Asst. Secretary  
 Joseph S. Powell, Asst. Secretary  
 Frances Quinn, Asst. Secretary  
 Joel S. Reed, VP/GC/Asst. Secretary (CREC Properties Div)  
 Kristi A. Ross, Asst. Secretary (former)  
 Jane Rushing, Asst. Secretary  
 Lynda L. Sargent, Asst. Secretary  
 Ivy M. Seitman, Asst. Secretary  
 Jerry N. Smith, Asst. Secretary  
 Cheryl A. Stilwell, Asst. Secretary  
 Theresa Wilcox, Asst. Secretary  
 Edward F. Hackett, CFO/Controller (Midwest Reg.)/Asst. Sec.  
 Todd V. Erickson, Vice President (South Central Region)

(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 Attachment to Par. 1(b)**

DATE: April 18, 2002  
(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
<sup>2</sup>Centex Real Estate Corporation (continued)  
P. O. Box 199000  
Dallas, TX 75219-9000

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

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)  
 Centex International, Inc.<sup>5</sup>

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

Leona L. Hammond, CFO/Controller (SE Region)/Asst. Sec.  
 Avery C. Kintner, CFO/Controller (West Coast Region)/Asst. Sec.  
 Larry B. Ludwig, VP-Land Acquisition (West Coast Region)  
 Greg Clyne, VP-Construction (West Coast Region)  
 David L. Barclay, CA (Northern) Division President  
 Laurel A. Rochester, CA (Northern) Div CFO/Controller/Asst Sec.  
 Will Leighton, CA (Northern) Division VP-Land Acquisition  
 Barry E. Crosby, CA (Northern) Division VP-Land  
 Philip G. Rafton, CA (Northern) Division VP-Community Dev.  
 Jack E. Hood, CA (Sacramento) Division President  
 Douglas A. Pautsch, CA (Sacramento) Div Controller/Asst. Sec.  
 Travis L. Fuentez, CA (Central Coast) Division Manager  
 Michael H. Murphy, CA (Central Coast) Division Controller  
 David C. Hatch, CA (Central Valley) Division Manager  
 Roger R. Foster, CA (Central Valley) Division Controller/Asst Sec  
 Douglas R. Jaeger, CA (San Diego) Division President (former)  
 Paul Bettison, CA (San Diego) Division Vice Pres-Construction  
 Robert Trapp, CA (San Diego) Division VP-Land  
 John M. Massey, CA (San Diego) Division Controller/Asst Secretary  
 Richard Douglass, CA (South Coast) Division VP-Land Development  
 Jim Guccione, CA (South Coast) Division Vice President-Operations  
 Arthur N. Lehnert, CA (South Coast) Division Vice President  
 Marilyn A. Putman, CA (South Coast) Division Vice President  
 Martin Juliusen, CA (South Coast) Div. Controller/Asst. Secretary  
 David L. Hahn, CA (Inland Empire) Division President  
 Mike Aller, CA (Inland Empire) Division Vice President  
 Rene C. Millar, CA (Inland Empire) Div. Controller/Asst Sec (former)  
 Leo L. McKinley, CA (Inland Empire) Div. Controller/Asst. Secretary  
 R. John Ochsner, CA (LA/Ventura) Division President  
 Frank C. Faye, CA (LA/Ventura) Vice President-Land (former)  
 David L. Pitts, CA (LA/Ventura) Vice President-Forward Planning  
 Craig K. Ishihama, CA (LA/Ventura) Div. Cont/Asst Sec (former)  
 Kurt W. Altergott, CA (LA/Ventura) Div. Controller/Asst. Secretary

Edward F. Hackett, CFO (West Coast Region)  
 Stephen H. Mudge, CO (Mt. Resort) Division President  
 James E. Hoffmans, CO (Mt. Resort) Division Manager (former)  
 Timothy S. Ruotolo, CO (Mt. Resort) Div. Controller/Asst. Sec  
 John D. Michell, NV (Reno) Division President  
 Steven M. Green, NV (LLV Resort) Division Manager (former)  
 Steven L. Puls, OR (Portland) Division President  
 Chris A. Purves, OR (Portland) Division Controller/Asst. Sec  
 Kenneth N. Krueger, Washington State Division President (former)  
 Lucian T. Smith III, Washington (Seattle) Division President  
 Phillip I. Johnson, Washington (Seattle) Division Controller/Asst Sec  
 Ronald C. Spahman, WA (Wayne Homes NW) Division Manager  
 James T. Randell, WA (Wayne Homes NW) Division Controller/  
 Asst. Secretary (former)  
 Lloyd P. Bouvier, WA (Wayne Homes NW) Division Controller/  
 Asst. Secretary  
 Mark A. May, NV (Reno) Division Controller/Asst. Secretary  
 Bradley F. Burns, NV (Las Vegas) Division President  
 Scott Lee, NV (Las Vegas) Division Controller/Asst. Secretary  
 Stephen H. Mudge, NV (LLV Resort) Division President  
 Kevin A. Corbett, NV (LLV Resort) Division Controller/Asst Sec  
 Robert J. Fogarty, UT (Salt Lake) Division President  
 Stacy E. Liedle, UT (Salt Lake) Div. Controller/Asst. Secretary  
 Michael J. Geddes, UT (Salt Lake) Division Manager (former)  
 Robert J. Romo, TX (DFW) Regional Div. VP-Land Acquisition  
 Thomas E. Lynch, TX (Central) Division President  
 Thomas Harper, TX (Central) Division Manager-Killeen  
 Donald R. Hayter, TX (Central) Division Controller/Asst. Secretary  
 Benton Karnes, TX (DFW-Centex Homes) Division President  
 Douglas W. Smith, TX (DFW-Centex Homes) Division Vice Pres.  
 Christopher H. Mullins, TX (DFW North) Div. Controller/Asst. Sec  
 Alan P. McDonald, TX (DFW-CityHomes) Division President  
 Jessica Cande Smillie, TX (DFW-CityHomes) Div Cont/Asst Sec

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

## Rezoning Attachment to Par. 1(b)

DATE: April 18, 2002  
(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

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

<sup>2</sup>Centex Real Estate Corporation (continued)

P. O. Box 199000

Dallas, TX 75219-9000

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Centex International, Inc.<sup>5</sup>


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

David M. Christian, TX (DFW South) Division President (*former*)  
 W. Lee Thompson, TX (DFW Dallas Fox & Jacobs) Div. President  
 Kyle L. Sellers, TX (DFW Dallas Fox & Jacobs) Division Controller/  
 Asst. Secretary  
 Richard C. Shaver, TX (Houston) Division President  
 L. Russel Garrison, TX (Houston) Div. Controller/Asst. Sec (*former*)  
 Benedict I. Phillips, TX (Houston) Division Controller/Asst. Sec  
 J. Damon Lyles, TX (San Antonio) Division President  
 Patrick M. Bibb, TX (San Antonio) Div. Controller/Asst. Secretary  
 Michael D. Trailor, AZ (Phoenix) Division President  
 James P. Retzer, AZ (Phoenix) Division Controller/Asst. Secretary  
 Timothy R. Jasinski, AZ (Phonex) Division Manager  
 Virgil L. Polk, New Mexico Division President  
 Richard T. Bressan, New Mexico Division Controller/Asst. Secretary  
 Mark L. Krivel, CO (Denver) Division President  
 Jeffrey P. Carlson, CO (Denver) Division Controller/Asst. Secretary  
 Joseph H. Mathias, OH (Columbus) Division President  
 Trella L. Scholl, OH (Columbus) Division Controller/Asst. Secretary  
 Daniel L. Star, Illinois Division President  
 James F. Riley, Illinois Division Controller/Asst. Secretary (*former*)  
 Kris L. Anderson, Illinois Division Controller/Asst. Secretary  
 Timothy K. McMahon, IN (Indianapolis) Division President  
 Tomas A. Fernandez, IN (Indianapolis) Division Controller/Asst. Sec  
 William T. Stapleton, MI (Detroit) Division President  
 Scott J. Richter, Minnesota Division President  
 Mary Jane Weber, Minnesota Division Controller/Asst. Secretary  
 Jode L. Kirk, Wayne Homes-Minnesota Division President  
 Kirk D. Rutter, TN (Nashville) Division President (*former*)  
 Jerome C. Perrillo, TN (Nashville) Division President  
 Kenneth A. Thompson, TN (Nashville) Division Controller/Asst Sec  
 D. Keith Wood, VA (Southern) Division President  
 Patrick J. McCarthy, VA (Southern) Division Controller/Asst Sec

Bruce L. Bodart, VA (Southern [Hampton Roads]) Div. Controller/  
 Asst. Secretary (*former*)  
 Christopher Eng, VA (Southern [Hampton Roads]) Div. Controller/  
 Asst. Secretary  
 David J. Murray, VA (Southern [Hampton Roads]) Div. Manager/  
 Asst. Secretary  
 Robert K. Davis, DC Metro Division President  
 Joseph H. Ricketts, III, DC Metro Div. Controller/Asst. Secretary  
 Howard Katz, DC Metro (MD/DC Suburbs) Manager  
 Mikell A. McElroy, NC (Charlotte) Division President  
 Jennifer W. LiVecchi, NC (Charlotte) Division Controller/Asst Sec  
 Web S. Walker, NC (Charlotte [Triad Satellite]) Division Manager  
 E. Scott Batchelor, NC (Raleigh/Durham) Division President  
 Michael S. Reynolds, NC (Raleigh/Durham) Div. Controller/Asst Sec  
 Tom A. Houser, GA (Atlanta) Division President  
 Christina L. Strickland, GA (Atlanta) Division Controller/Asst Sec  
 Frederick L. Bricketto, Jr., SC (Charleston[Hilton Head]) Division  
 Manager (*former*)  
 Tom G. Peterson, SER OYL (N. GA Satellite) Division President  
 Dale W. Bercher, GA (Atlanta North) Division President (*former*)  
 Darryl L. Colwell, GA (Atlanta South) Division Manager  
 Kenneth S. Balogh, GA (Atlanta North) Div Cont/Asst Sec (*former*)  
 William H. Pitts, SC (Myrtle Beach) Division President  
 Michael T. Murphy, SC (Myrtle Beach) Division Controller/Asst Sec  
 James E. Thrower, SC (Charleston) Division President  
 Marv P. McDaris, SC (Charleston) Div. Controller/Asst Secretary  
 Craig A. Lovette, SC (Charleston [Hilton Head Satellite]) Division  
 Manager/Asst. Secretary  
 Sara H. Hendrickson, GA (Atlanta South) Div. Controller/Asst Sec  
 Bruce N. Sloan, Hawaii Resort Division Manager  
 William M. Satterfield, SC (Columbia) Division Manager  
 Kookie L. McGuire, SC (Columbia) Div. Controller/Asst. Secretary

(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 Attachment to Par. 1(b)**

DATE: April 18, 2002  
 (enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041  
 (enter County-assigned application number(s))

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

<sup>2</sup>Centex Real Estate Corporation (continued)  
P. O. Box 199000  
Dallas, TX 75219-9000

**DESCRIPTION OF CORPORATION:** (check one statement)

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

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

Centex International, Inc.<sup>5</sup>

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

Brian C. Paul, SC (Greenville) Division President  
 Scott C. Lamirande, SC (Greenville) Division Controller/Asst. Sec  
 Timothy J. Ruemler, FL (Naples/Ft. Meyers) Division President  
 Robert S. Porter, FL (North) Division President  
 Angela D. Gould, FL (North) Division Controller/Asst. Secretary  
 Patrick J. Knight, FL (Orlando) Division President  
 Karoline E. Matthai, FL (Orlando) Division Controller/Asst. Sec.  
 Michael J. Belmont, FL (West) Division President  
 Elizabeth A. Bradburn, FL (West) Division Controller/ Asst. Secretary  
 Greg L. LePera, SER OYL Division President  
 Philip D. Miles, SER OYL (Emerald Coast-FL Satellite) Div. Mgr  
 Roger O. Gannon, SER OYL (Palm Coast-FL Satellite) Div. Manager  
 David C. Bishop, SER OYL (S.Gulf Coast-FL Satellite) Div. Manager  
 Jennifer Bomhoff, SER OYL Div. Controller/Asst. Secretary  
 Wesley Adams, FL (Florida OYL) Div. Controller/Asst. Sec (former)  
 Kathleen D. Breland, SER OYL (Gold Coast-FL Satellite) Div. Pres.  
 Ted J. Crocker, FL (Palm Coast) Div Controller/Asst Sec (former)  
 John P. Lenihan, SER Resorts Division President  
 Christine D. Alvarez, SER Resorts Division Controller/Asst. Sec.  
 W. Trent Bass, FL (Southeast) Division President  
 Candice M. Paulsen, FL (Southeast) Division Controller/Asst. Sec  
 Richard A. Fadil, FL (OYL Emerald Coast) Div. President (former)  
 Daniel B. Anderson, CREC Properties Division VP  
 Richard C. Decker, CREC Properties Division President  
 Stephen M. Weinberg, CREC Properties Division Chairman & CEO  
 Todd D. Newman, CREC Properties Division Senior VP  
 Terry N. Whitman, CREC Properties Division VP  
 Scott A. Johnson, CREC Properties Division VP  
 Robert A. Sebesta, CREC Properties Division VP  
 Michael D. Wadsworth, CREC Properties Division VP-Finance  
 John W. Vines, CREC Properties Division Controller/Treas/Asst Sec  
 Jay M. Thompson, CREC Properties Division Assoc GC/Asst Sec  
 Natalie Webb, CREC Properties Division Asst. Secretary

Joseph M. Mutinsky, New Jersey Division (CDC) President (former)  
 John C. Mikkelson, CTX Builders Supply Division President  
 Michael Stucky, CTX Builders Supply VP-Operations  
 Christopher Borrego, CTX Builders Supply Div [Charlotte] Manager  
 Randy R. Koslovsky, CTX Builders Supply Div [Charlotte] Manager (former)  
 Timothy M. Shanahan, CTX Builders Supply Div [Phoenix] Manager (former)  
 Ron Thornton, CTX Builders Supply Div [Timbercreek Forest Products] Manager  
 Todd Scholtens, CTX Builders Supply Div [Buda, TX] Manager  
 Susan L. Woodruff, CTX Builders Supply Div Controller/Asst Sec

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

## Rezoning Attachment to Par. 1(b)

DATE: April 18, 2002

(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041

(enter County-assigned application number(s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)Centex International, Inc.P. O. Box 199000Dallas, TX 75219-9000**DESCRIPTION OF CORPORATION:** (check one statement)

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

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)Centex Corporation<sup>6</sup>**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name & title, e.g. President, Vice President, Secretary, Treasurer, etc.)

Laurence E. Hirsch, Director/Chairman/CEO	Kathleen M. Linck, Asst. Sec
David W. Quinn, Director/Vice Chairman	Deborah L. Godley, Asst. Vice President
Andrew J. Hannigan, President/COO	Jeff A. Mason, Asst. Vice President
Thomas M. Boyce, Executive VP	Kathleen B. McCamey, Asst. Sec
Robert D. Hillman, Executive VP	Frances Quinn, Asst. Sec (former)
James J. Kopel, Jr., Executive VP	Drew F. Nachowiak, Assoc. Gen Counsel/Asst. Sec
Steven R. Muller, Executive VP	John B. Bertero, III, VP/Regional Gen Counsel/Asst. Sec
Raymond G. Smerge, Executive VP/Gen Counsel/Secretary	F. Timothy Hoyt, Jr., VP, Regional Gen Counsel/Asst. Sec
J. L. Smith, Executive VP	D. Mark McIntyre, Regional Gen Counsel/Asst. Sec
Joel C. Sowers, Jr., Executive VP	Edward G. Milgrim, Regional Gen Counsel/Asst. Sec
John D. Carpenter, Senior VP	Donald J. Sajor, Regional Gen Counsel/Asst. Sec
J. Andrew Kerner, Senior VP/CFO	Randall J. DeHayes, Regional Dep Gen Counsel/Asst Sec
Roland F. Osgood, Senior VP/CA (South Coast) Div. Pres	Philip D. Kopp, Regional Dep Gen Counsel/Asst. Sec
David J. Sasina, Senior VP	Burgess N. Trank, Jr., Reg Gen Coun/Asst. Sec (former)
William F. Shean, Senior VP	James B. Watkins, VP/Regional Gen Counsel/Asst. Sec
Philip W. Warnick, Sr VP/TX (DFW Regional) Div Pres	Donald R. Westfall, VP/Regional Gen Counsel/Asst. Sec
Brian J. Woram, Senior VP/Gen Counsel/Asst. Sec	Jim Brown, Asst. Sec (former)
Mark A. Blinn, Vice President/Controller	Karen M. Clary, Asst. Sec (former)
Lon G. Bryant, Regional Gen Counsel/Asst. Sec	Nancy England, Asst. Sec (former)
David A. Freilicher, Regional Gen Counsel/Asst. Sec	William A. Hartis, Jr., Asst. Sec (former)
Joel S. Reed, Assoc. Gen Counsel/Asst. Sec (former)	Cindy M. Hinson, Asst. Sec (former)
Andrew V. Showen, Regional Dep. Gen Counsel/Asst. Sec	Mary Ellen Norwood, Asst. Sec (former)
Sheila Gallagher, Vice President-Corp Communications	Marilyn A. Putman, Asst. Sec (former)
Richard C. Harvey, Vice President-Taxes	Larry B. Ludwig, VP-Land Acq (West Coast Region)
David E. Stumbos, Vice Pres/Asst. GC/Asst. Sec	Avery C. Kintner, Asst. Sec (West Coast Region)
David A. Raynes, Regional Gen Counsel/Asst. Sec	Michael D. Traylor, AZ (Phoenix) Division President
Vicki A. Roberts, Treasurer	James P. Retzer, AZ (Phoenix) Division Asst. Sec
Jefferson E. Howeth, Asst. Gen Counsel/Asst. Sec	Travis L. Fuentez, CA (Central Coast) Division Manager
Michael J. Forde, Assoc. Gen Counsel/Asst. Sec	Michael H. Murphy, CA (Central Coast) Div Asst. Sec
David S. Cady, Asst. Sec (former)	David C. Hatch, CA (Central Valley) Division Manager
Todd V. Erickson, VP (Finance)-South Central Region	Roger R. Foster, CA (Central Valley) Division Asst. Sec
Leona L. Hammond, Asst. Secretary (Southeast Region)	David L. Barclay, CA (Northern) Division President

(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 Attachment to Par. 1(b)**DATE: April 18, 2002

(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041

(enter County-assigned application number(s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)<sup>5</sup>Centex International, Inc. (continued)

P. O. Box 199000

Dallas, TX 75219-9000

**DESCRIPTION OF CORPORATION:** (check one statement)

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

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)Centex Corporation<sup>6</sup>**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name & title, e.g. President, Vice President, Secretary, Treasurer, etc.)

Will Leighton, CA (Northern) Div VP-Land Acquisition  
 Laurel A. Rochester, CA (Northern) Division Asst. Sec  
 Jack E. Hood, CA (Sacramento) Division President  
 Douglas R. Jaeger, CA (San Diego) Division President  
 Robert Trapp, CA (San Diego) Div VP-Land Development  
 John M. Massey, CA (San Diego) Division Asst. Sec  
 Richard Douglass, CA (South Coast) Div VP-Land Devel  
 Martin Juliussen, CA (South Coast) Division Asst. Sec  
 David L. Hahn, CA (Inland Empire) Division President  
 Rene C. Millar, CA (Inland Empire) Div Asst. Sec (former)  
 Leo L. McKinley, CA (Inland Empire) Division Asst. Sec  
 R. John Ochsner, CA (LA/Ventura) Division President  
 Kurt W. Altergott, CA (LA/Ventura) Division Asst. Sec  
 Craig K. Ishihama, CA (LA/Ventura) Div Asst. Sec (former)  
 Mark L. Krivel, CO (Denver) Division President  
 Jeffrey P. Carlson, CO (Denver) Division Asst. Sec  
 Robert K. Davis, DC Metro Division President  
 Joseph H. Ricketts, III, DC Metro Division Asst. Sec  
 Tom A. Houser, GA (Atlanta Genesis) Division President  
 Christina L. Strickland, GA (Atlanta Genesis) Div Asst. Sec  
 Tom G. Peterson, GA (Atlanta Genesis) Div Pres (former)  
 Dale W. Bercher, GA (Atlanta North) Division President  
 Kenneth S. Balogh, GA (Atlanta North) Div Asst. Sec  
 Darryl L. Colwell, GA (Atlanta South) Division President  
 Sara Hendrickson, GA (Atlanta South) Div Asst. Sec  
 Daniel L. Star, Illinois Division President (former)  
 James F. Riley, Illinois Division Asst. Sec (former)  
 Timothy K. McMahon, IN (Indianapolis) Division President  
 Tomas A. Fernandez, IN (Indianapolis) Div Asst. Sec  
 Scott J. Richter, Minnesota Division President  
 Mary Jane Weber, Minnesota Division Asst. Sec  
 Jode L. Kirk, Minnesota (Wayne Homes) Division President

Mikell A. McElroy, NC (Charlotte) Division President  
 Jennifer W. LiVecchi, NC (Charlotte) Division Asst. Sec  
 E. Scott Batchelor, NC (Raleigh/Durham) Division President  
 Mathew S. Christensen, NC (Ral/Dur) Div Asst Sec (former)  
 Michael S. Reynolds, NC (Raleigh/Durham) Div Asst. Sec  
 Virgil L. Polk, New Mexico Division President  
 Richard T. Bressan, New Mexico Division Asst. Sec  
 John D. Michell, NV (Reno) Division President  
 Mark A. May, NV (Reno) Division Asst. Sec  
 Joseph H. Mathias, OH (Columbus) Division President  
 Trella L. Scholl, OH (Columbus) Division Asst. Sec  
 Steven L. Puls, OR (Portland) Division Manager  
 Chris A. Purves, OR (Portland) Division Asst. Sec  
 John P. Lenihan, SER Resorts Division President  
 Christina D. Alvarez, SER Resorts Division Asst. Sec  
 Gregory L. LePera, SER DYL Division President  
 James E. Thrower, SC (Charleston) Division President  
 Marv P. McDaris, SC (Charleston) Division Asst. Sec  
 William M. Satterfield, SC (Columbia) Division President  
 Kookie L. McGuire, SC (Columbia) Division Asst. Sec  
 Brian C. Paul, SC (Greenville) Division President  
 Scott C. Lamirande, SC (Greenville) Division Asst. Sec  
 W. Hampton Pitts, SC (Myrtle Beach) Division President  
 Michael T. Murphy, SC (Myrtle Beach) Div Asst. Sec  
 Jerome C. Perrillo, TN (Nashville) Division President  
 Kenneth A. Thompson, TN (Nashville) Div Asst. Sec  
 Thomas E. Lynch, TX (Central) Division President  
 Thomas Harper, TX (Central) Div Mgr-Killeen (former)  
 Donald R. Hayter, TX (Central) Division Asst. Sec  
 Benton Karnes, TX (DFW Centex Homes) Div President  
 Christopher H. Mullins, TX (DFW Centex Homes)  
 Division Assistant Sec

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

## Rezoning Attachment to Par. 1(b)

DATE: April 18, 2002  
(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

=====

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

<sup>5</sup>Centex International, Inc. (continued)

P. O. Box 199000

Dallas, TX 75219-9000

DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Centex Corporation<sup>6</sup>

=====

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

W. Lee Thompson, TX (DFW Fox & Jacobs) Div President  
 Kyle L. Sellers, TX (DFW Fox & Jacobs) Div. Asst. Sec  
 David M. Christian, TX (DFW) Region President (former)  
 Robert J. Romo, TX (DFW) Regional VP-Land Acquisition  
 Richard C. Shaver, TX (Houston) Division President  
 Benedict I. Phillips, TX (Houston) Division Asst. Sec  
 A. Wayne Culpepper, TX (Houston) Div President (former)  
 J. Damon Lyles, TX (San Antonio) Division President  
 Patrick M. Bibb, TX (San Antonio) Division Asst. Sec  
 Thomas B. Teal, VA (Richmond) Div President (former)  
 D. Keith Wood, VA (Southern) Division President  
 Patrick J. McCarthy, VA (Southern) Division Asst. Sec  
 Kenneth N. Krueger, Washington State Div Pres (former)  
 Lucian T. Smith, III, WA (Seattle) Division President  
 Phillip I. Johnson, WA (Seattle) Division Asst. Sec  
 Richard C. Decker, Pres (Centex Develop Co Div) (former)  
 Donald A. Barrineau, Asst. Sec (former)  
 Patrick Darcy, Asst. Sec (former)  
 Thomas A. Hardick, Asst. Sec (former)  
 Jane Rushing, Asst. Sec (former)  
 Deborah M. Shallenburg, Asst. Sec (former)  
 Theresa Wilcox, Asst. Sec (former)  
 Douglas W. Smith, FL (North) Division President (former)  
 Ronald C. Spahman, NW (Wayne Homes) Div Mgr (former)  
 Gary L. Jernigan, FL (Tampa) Division President (former)  
 Bruce N. Sloan, CA (San Diego) Division VP-Planning,  
 Engineering & Land Development (former)  
 Daniel B. Anderson, VP (Centex Devel Co Div) (former)  
 Stephen M. Weinberg, Chairman (Centex Development Co  
 Division) (former)  
 Terry N. Whitman, VP (Centex Development Co Div) (fmr)

Scott A. Johnson, VP (Centex Development Co Div) (fmr)  
 Robert A. Sebesta, VP (Centex Development Co Div) (fmr)  
 Thomas J. Boelter, Mgr (CTX Bldrs Supp Div [Charlotte]) (fmr)  
 Susan L. Woodruff, TX (CTX Bldrs Supply) Asst. Sec (fmr)  
 Wesley Adams, FL (Florida OYL) Div Con/Asst. Sec (fmr)  
 Candice M. Paulsen, FL (North) Div Asst. Sec (former)  
 Ivy M. Seitman, Asst. Secretary (former)

(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 Attachment to Par. 1(b)

DATE: April 18, 2002  
(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

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

Centex Corporation

P. O. Box 199000

Dallas, TX 75219-9000

DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

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

Barbara T. Alexander, Director  
 Dan W. Cook, III, Director  
 Juan L. Elek, Director  
 Laurence E. Hirsch, Director/Chairman/CEO  
 Clint W. Murchison, III, Director  
 Charles H. Pistor, Director  
 Frederic M. Poses, Director  
 David W. Quinn, Director/Vice Chairman  
 Thomas M. Schoewe, Director  
 Paul R. Seegers, Director  
 Paul T. Stoffel, Director  
 Leldon E. Echols, Exec. Vice President/CFO  
 Timothy R. Eller, Exec. Vice President  
 Raymond G. Smerge, Exec. VP/Gen Counsel/Secretary  
 Michael S. Albright, Senior Vice President-Administration

Lawrence Angelilli, Senior Vice President-Finance  
 Robert S. Stewart, Senior VP-Strategic Planning & Marketing  
 Mark A. Blinn, VP-Financial Strategy/Controller  
 William C. Boor, VP-Corporate Development  
 Sheila Gallagher, VP-Corporate Communications  
 Richard C. Harvey, Vice President-Taxes  
 Vicki A. Roberts, Vice President/Treasurer  
 Michael J. Forde, Assoc. Gen Counsel/Asst. Secretary  
 Jefferson E. Howeth, Assoc. Gen Counsel/Asst. Secretary(former)  
 Paul M. Johnston, Assoc. Gen Counsel/Asst. Secretary  
 Drew F. Nachowiak, Assoc. Gen Counsel/Asst. Secretary  
 Joel S. Reed, Assoc. Gen Counsel/Asst. Secretary  
 Jeff A. Mason, Asst. Vice President  
 Kathleen B. McCamey, Asst. Secretary

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

## Rezoning Attachment to Par. 1(b)

DATE: April 18, 2002  
(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

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

<sup>3</sup>AAA Holdings, Inc.P. O. Box 199000Dallas, TX 75219-9000DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Centex Real Estate Corporation

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

Richard C. Decker, Director (*former*)  
 David W. Quinn, Chairman/Director  
 Timothy R. Eller, President/Director  
 Andrew J. Hannigan, COO/Director  
 Robert D. Hillmann, Executive VP  
 Brian J. Woram, Sr. VP/GC/Asst Sec

J. Andrew Kerner, Senior VP/CFO  
 Stephen M. Weinberg, Senior VP (*former*)  
 Melvin M. Chadwick, VP-Fin/Treas/Asst Sec  
 Richard C. Harvey, Vice President  
 James B. Watkins, VP/Reg GC/Asst Sec  
 Raymond G. Smerge, Secretary

Deborah L. Godley, Asst. Vice President  
 Jeff A. Mason, Asst. Vice President  
 Rebecca L. Arredondo, Asst. Secretary  
 Joel S. Reed, GC/Asst. Secretary (*former*)  
 Kathleen M. Linck, Asst. Secretary (*former*)  
 Nori Neuner, Asst. Secretary

<sup>4</sup>Panoramic Land, Inc.P. O. Box 199000Dallas, TX 75219-9000DESCRIPTION OF CORPORATION: (check one statement)

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

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

Centex Real Estate Corporation

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

David W. Quinn, Chairman/Director  
 Timothy R. Eller, President/Director  
 Andrew J. Hannigan, COO/Director  
 Stephen M. Weinberg, Sr VP/Dir (*former*)  
 Robert D. Hillmann, Executive VP  
 Brian J. Woram, Sr. VP/GC/Asst Sec

J. Andrew Kerner, Senior VP/CFO  
 Melvin M. Chadwick, VP-Fin/Treas/Asst Sec  
 Richard C. Harvey, Vice President  
 James B. Watkins, VP/Reg GC/Asst Sec  
 Raymond G. Smerge, Secretary  
 Deborah L. Godley, Asst. Vice President

Jeff A. Mason, Asst. Vice President  
 Rebecca L. Arredondo, Asst. Secretary  
 Joel S. Reed, GC/Asst. Secretary (*former*)  
 Kathleen M. Linck, Asst. Secretary (*former*)  
 Nori Neuner, Asst. Secretary

(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 Attachment to Par. 1(b)

DATE: April 18, 2002  
(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

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

<sup>7</sup>Legato Acres Homeowners Association  
c/o Delbert V. Wilson  
9016 Silverbrook Road, Fairfax Station, VA 22039

DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Non-Stock Corporation – No Shareholders

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

James P. Donovan, President/Director  
Jeannette Cerv. Treasurer/Director

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

<sup>9</sup>The BC Consultants, Inc.  
12600 Fair Lakes Circle, Suite 100  
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

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

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

James H. Scanlon  
Daniel M. Collier

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 Attachment to Par. 1(b)**

DATE: April 18, 2002  
(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

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

<sup>10</sup>Griffin Development Corp. (t/a ReMax Preferred Properties)  
380 Maple Avenue West  
Vienna, VA 22180

**DESCRIPTION OF CORPORATION:** (check one statement)

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

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Jack L. Griffin

**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, and zip code)

<sup>11</sup>Whitehouse Real Estate Corporation  
14379 Chalfont Drive  
Haymarket, VA 20169

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

Kenneth F. McKeehan

**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 Attachment to Par. 1(b)**

DATE: April 18, 2002  
(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

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

<sup>12</sup>Remax Regal Properties  
9283 Old Keene Mill Road  
Burke, VA 22015

**DESCRIPTION OF CORPORATION:** (check one statement)

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

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Raymond Mayer

=====

**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, and zip code)

<sup>13</sup>Remax Horizons  
4900 Seminary Road, Suite 105  
Alexandria, VA 22311

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

Charlie Bengal  
Janet Bengal

=====

**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: April 18, 2002  
(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

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

<sup>1</sup>Centex Homes (a Nevada general partnership)

14121 Parke Long Court, Suite 201

Chantilly, VA 20151

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

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

MANAGING GENERAL PARTNER:

Centex Real Estate Corporation<sup>2</sup>

GENERAL PARTNERS:

AAA Holdings, Inc.<sup>3</sup>

Panoramic Land, Inc.<sup>4</sup>

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

\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

**Rezoning Attachment to Par. 1(c)**DATE: April 18, 2002  
(enter date affidavit is notarized)2001-152cfor Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)<sup>8</sup>Hunton & Williams1751 Pinnacle Drive, Suite 1700McLean, VA 22102(check if applicable)  The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

Benjamin C. Ackerly  
 Robert A. Acosta-Lewis  
 Richard L. Adams  
 Stanislaus Aksman  
 Jennifer A. Albert  
 Virginia S. Albrecht  
 Kenneth J. Alcott  
 Joseph B. Alexander, Jr.  
 Fernando C. Alonso  
 Neil D. Anderson  
 W. Tinley Anderson, III  
 W. Christopher Arbery  
 Charles G. Ashton  
 John B. Ashton  
 L. S. Austin  
 Randall D. Avram  
 Gerald L. Baliles  
 Ian Phillip Band  
 Jeffery R. Banish  
 A. Neal Barkus  
 Michael B. Barr  
 Philip M. Battles, III  
 John J. Beardsworth, Jr.  
 Michael T. Bennett  
 Lucas Bergkamp  
 Mark B. Bierbower  
 Jo Ann Biggs  
 Stephen R. Blacklocks  
 Jerry B. Blackstock  
 Russel S. Bogue, III  
 William S. Boyd  
 Lawrence J. Bracken, II  
 William S. Bradley  
 David F. Brandley, Jr.  
 Arthur D. Brannan  
 Emerson V. Briggs  
 Craig A. Bromby  
 A. Todd Brown  
 Tyler P. Brown

F. William Brownell  
 Christopher G. Browning, Jr.  
 Kevin J. Buckley  
 Kristy A. Niehaus Bulleit  
 Ellis M. Butler  
 Matthew J. Calvert  
 Christopher C. Campbell  
 Grady K. Carlson  
 David M. Carter  
 Jean Gordon Carter  
 Charles D. Case  
 Thomas J. Cawley  
 Cynthia S. Cecil  
 James N. Christman  
 R. Noel Clinard  
 W. S. Cockerham  
 Herve' Cogels  
 Myron D. Cohen  
 Cassandra C. Collins  
 Joseph P. Congleton  
 Cameron N. Cosby  
 T. Thomas Cottingham, III  
 Donald L. Creach  
 Cyane B. Crump  
 Maria Currier  
 William D. Dannelly  
 Samuel A. Danon  
 Barry R. Davidson  
 Douglas W. Davis  
 Joe A. Davis  
 Stephen P. Demm  
 Brian Dethrow  
 Patrick A. Doody  
 Edward L. Douma  
 Bradley R. Duncan  
 Kevin T. Duncan  
 Richard N. Drake  
 Mark S. Dray  
 L. Traywick Duffie

Robert H. Edwards, Jr.  
 W. Jeffery Edwards  
 Lori M. Elliott  
 L. Neal Ellis, Jr.  
 Frank E. Emory, Jr.  
 Juan C. Enjamio  
 John D. Epps  
 Patricia K. Epps  
 Lathan M. Ewers, Jr.  
 Kelly L. Faglioni  
 James E. Farnham  
 Kevin L. Fast  
 James W. Featherstone, III  
 Norman W. Fichthorn  
 Andrea Bear Field  
 Robert M. Fillmore  
 Edward S. Finley, Jr.  
 Kevin J. Finto  
 Howard V. Fisher  
 Robert G. Fitzgibbons  
 Thomas J. Flaherty  
 William M. Flynn  
 Lejb Fogelman  
 Lauren E. Freeman  
 Ira L. Freilicher  
 David R. Fricke  
 Edward J. Fuhr  
 Douglas M. Garrou  
 Richard D. Gary  
 Manning Gasch, Jr.  
 David F. Geneson  
 C. Christopher Giragosian  
 Timothy S. Goettel  
 Allen C. Goolsby  
 L. Raul Grable  
 Frederick Graefe  
 Douglas S. Granger  
 Mark E. Grantham  
 Patti L. Grant-Wilkinson

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

**Rezoning Attachment to Par. 1(c)**DATE: April 18, 2002  
(enter date affidavit is notarized)2001-152cfor Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)<sup>8</sup>Hunton & Williams (continued)1751 Pinnacle Drive, Suite 1700McLean, VA 22102(check if applicable)  The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

J. William Gray, Jr.  
 Anne Gordon Greever  
 John Owen Gwathmey  
 Virginia H. Hackney  
 Ronald M. Hanson  
 Ray V. Hartwell, III  
 Robert W. Hawkins  
 Timothy G. Hayes  
 Mark S. Hedberg  
 Douglas J. Heffner  
 Matthew C. Henry  
 Alberto M. Hernandez  
 Scott Hershman  
 George H. Hettrick  
 Louanna O. Heuhsen  
 Thomas Y. Hiner  
 Frank A. Hirsch, Jr.  
 Scott M. Hobby  
 Stuart K. Hoffman  
 Robert E. Hogfoss  
 John E. Holloway  
 Stephen J. Horvath, III  
 George C. Howell, III  
 Donald P. Irwin  
 Judith H. Itkin  
 Matthew D. Jenkins  
 Harry M. Johnson, III  
 Derek C. Johnston  
 James A. Jones, III  
 Dan J. Jordanger  
 Leslie O. Juan  
 Thomas R. Julin  
 Tomasz M. Kacymirow  
 E. Peter Kane  
 Thomas F. Kaufman  
 Joseph C. Kearfott  
 Daniel O. Kennedy  
 Angela A. Kennerly  
 Douglas W. Kenyon

Sylvia K. Kochler  
 Edward B. Koehler  
 John T. Konther  
 Steven J. Koorse  
 Dana S. Kull  
 Christopher Kuner  
 David Craig Landin  
 Christine E. Larkin  
 Wood W. Lay  
 Daniel M. LeBey  
 David O. Ledbetter  
 Darryl S. Lew (*former*)  
 Thomas F. Lillard  
 Gregory G. Little  
 Michael J. Lockerby  
 David C. Lonergan  
 Audrey C. Louison  
 Carlos E. Loumier  
 David S. Lowman, Jr.  
 John A. Lucas  
 Kelly D. Ludwick  
 Harrison D. Maas  
 Robert C. MacDonald  
 Timothy A. Mack  
 Benjamin V. Madison, III  
 C. King Mallory, III  
 M. Kelly Malone  
 Thomas J. Manley  
 Fernando Margarit  
 Michael F. Marino, III  
 Catherine M. Marriott  
 Enrique J. Martin  
 Jeffrey N. Martin  
 John S. Martin  
 Walfrido J. Martinez  
 J. Michael Martinez de Andino  
 Christopher M. Mason  
 Michael P. Massad, Jr.  
 Scott H. Matheson

Richard E. May  
 William H. McBride  
 Milby A. McCarthy  
 Gerald P. McCartin  
 Jack E. McClard  
 J. Burke McCormick  
 Francis A. McDermott  
 Alexander G. McGeoch  
 John C. McGranahan, Jr.  
 John W. McReynolds  
 Jacek Michalski  
 James Forrest Miller  
 John B. Miller, Jr.  
 Thomas McN. Millhiser  
 John E. Moeller  
 Jack A. Molenkamp  
 Charles R. Monroe, Jr.  
 Royce W. Montgomery  
 T. Justin Moore, III  
 Thurston R. Moore  
 Zbigniew Mrowiec  
 Robert J. Muething  
 Eric J. Murdock  
 Edmond P. Murphy  
 J. Andrew Murphy  
 Thomas P. Murphy  
 David A. Mustone  
 James P. Naughton  
 Michael Nedzbala  
 Kimberly A. Newman  
 Jerry C. Newsome  
 Henry V. Nickel  
 Lonnie D. Nunley, III  
 E. A. Nye, Jr.  
 Michael P. Oates  
 Jonathan A. Olick (*former*)  
 John D. O'Neill, Jr.  
 Anna G. Oestereicher  
 Brian V. Otero

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

## Rezoning Attachment to Par. 1(c)

DATE: April 18, 2002  
(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)<sup>a</sup>Hunton & Williams (continued)1751 Pinnacle Drive, Suite 1700McLean, VA 22102(check if applicable)  The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

Randall S. Parks  
 Peter S. Partee  
 William S. Patterson  
 Charles A. Perry  
 W. Ray Persons (*former*)  
 Bruce D. Peterson  
 John P. Pinkerton  
 David P. Poole  
 R. Dean Pope  
 Thomas W. Pounds  
 Kurtis A. Powell  
 Lewis F. Powell, III  
 Virginia W. Powell  
 J. Waverly Pulley, III  
 Roberto R. Pupo  
 Arnold H. Quint  
 Gordon F. Rainey, Jr.  
 John Jay Range  
 Stuart A. Raphael  
 Scott M. Ratchick  
 John M. Ratino  
 Robert S. Rausch  
 Baker R. Rector  
 William M. Richardson  
 Rick J. W. Riggers  
 James M. Rinaca  
 Renee E. Ring (*former*)  
 Joan M. Riordan  
 Jennings G. Ritter, II  
 Kathy E. B. Robb  
 Gregory B. Robertson  
 Scott L. Robertson  
 Kevin J. Rogan  
 Robert M. Rolfe  
 Kevin A. Ross  
 William L. S. Rowe  
 Marguerite R. Ruby  
 D. Alan Rudlin  
 Mary Nash Rusher

Vance E. Salter  
 Stephen M. Sayers  
 Arthur E. Schmalz  
 Pauline A. Schneider  
 Jeffrey P. Schroeder  
 Robert M. Schulman  
 Melvin S. Schulze  
 Patricia M. Schwarzschild  
 Thomas J. Scott, Jr.  
 P. Watson Seaman  
 James W. Shea  
 Carolyn E. Shellman  
 James E. Shepherd  
 William P. Silverman  
 Jo Anne E. Sirgado  
 Laurence E. Skinner  
 Thomas G. Slater, Jr.  
 B. Darrell Smelcer  
 Caryl Greenberg Smith  
 Turner T. Srnith, Jr.  
 Kristen H. Sorensen  
 Lisa J. Sotto  
 Stephen Stallings (*former*)  
 Marty Steinberg  
 Gregory N. Stillman  
 Franklin H. Stone  
 Chanmanu Sumawong  
 Madeleine M. Tan  
 Andrew J. Tapscott  
 Robert M. Tata  
 David H. Taylor  
 Eric J. Taylor  
 Michael L. Teague  
 John Charles Thomas  
 Gary E. Thompson  
 Paul M. Thompson  
 B. Cary Tolley, III  
 Randolph F. Totten  
 Guy T. Tripp, III

Travis E. Vanderpool  
 C. Porter Vaughan, III  
 C. L. Wagner, Jr.  
 Linda L. Walsh  
 William A. Walsh, Jr.  
 Harry J. Warthen, III  
 Mark R. Wasem  
 Abigail C. Watts-FitzGerald  
 David B. Weisblat  
 Mark G. Weisshaar  
 Hill B. Wellford, Jr.  
 David E. Wells  
 G. Thomas West, Jr.  
 Peter H. White  
 Stephen F. White  
 Laura L. Whiting  
 Jerry E. Whitson  
 Paul O. Wickes  
 Amy McDaniel Williams  
 David H. Williams  
 Edwin Williamson  
 Robert K. Wise  
 Robert A. Wooldridge  
 David C. Wright  
 William F. Young  
 Dennis L. Zakas  
 Lee B. Zeugin

(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: April 18, 2002  
(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land.

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

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

NONE

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

REZONING AFFIDAVIT

DATE: April 18, 2002  
(enter date affidavit is notarized)

2001-152c

for Application No.(s): RZ 2001-SP-041  
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the filing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of \$200 or more, with any of those listed in Par. 1 above. **EXCEPT AS FOLLOWS:** (NOTE: If answer is none, either "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

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

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

[Signature]  
[ ] Applicant [x] Applicant's Authorized Agent

Robert K. Davis, Agent for Applicant  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18<sup>th</sup> day of APRIL 2002, in the State/Comm. of VIRGINIA County Fairfax City of Fairfax.

[Signature]  
Notary Public

My commission expires: December 31, 2004

March 20, 2002

**CENTEX HOMES DIX-CEN-GATO MAIN**  
**REVISED STATEMENT OF JUSTIFICATION**

Centex Homes requests approval to rezone approximately 80.13155 acres from the R-1, R-2 and WS (part) Districts to the PDH-12 and WS (part) Districts to permit the construction of 1074 residential units. Of the 1074 units, five (5) will be single family detached, 364 will be town house units, 80 will be stacked condominium units and 625 will be traditional multi-family units. Of the 625 traditional multi-family units, 89 will be affordable dwelling units ("ADUs"). The proposed density without ADUs is 11.99 dwelling units per acre; with ADUs, the density is 13.40 dwelling units per acre.

The subject property is identified as Tax Map Parcels 56-1-((1))-11A, 11B, 27, 28, 29 and 30; 56-1-((2))-1, 2, 3, 4 and 5; 56-1-((3))-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14; 56-1-((4))-4, 6, 7, 8, 9, 10, 11 and 12; 56-1-((5))-6, 7, 8, part 9, part 10, part 11, part 12, part 13, part 14, part 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28; 56-1-((6))-1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; 56-1-((9))-1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21 and 22; 56-1-((11))-A, B, 1, 2, 3A, 4A, 5, 6 and 7; and approximately 10.29229 acres of the public rights-of-way ("R-O-W") for Deming Drive, Quality Street and Deljo Drive and portions of Legato Road, Butler Drive, Ruffin Drive, Dixie Hill Road, and Rhett Lane; amounting to approximately 80.13155 acres (collectively, the "Property"). The Property is located north of Lee Highway (Route 29), south of Post Forest Drive, and east of West Ox Road (Route 608). The Fairfax County Governmental Center and multi-family residential units abut the consolidation to the north; two single-family detached homes, single-family attached homes, and vacant land abut the consolidation to the south. Property to the west is developed with the single-family detached and attached homes; and property to the east is developed with single-family attached units. The vast majority of the Dixie Hill, Centennial Hills and Legato Acres communities has been consolidated into this application. Careful planning has been undertaken to protect those properties which have not joined in the assemblage.

The property is located primarily within Land Unit O1 of the Fairfax Center area which is planned for 1 du/ac at the Baseline Level, 4 dus/ac at the Intermediate Level, and mixed-use residential and office development not to exceed .35 FAR overall at the Overlay Level. At least 60% of the total mixed use development should be residential and include a mixture of housing types including single-family and multi-family units up to an overall density of 12 dwelling units per acre. As an alternative at the overlay level, the sub-unit may be developed with a mixture of housing types including single-family and multi-family units up to an overall density of 12 dwelling units per acre.

The Property is a consolidation of 93 parcels and represents 78 different ownership interests. Centex has worked diligently to accomplish this assemblage. As part of the request, the Applicant has proffered to dedicate approximately 13 acres to the County for an elementary school site and park/recreation facilities. Dedication for and improvements to Legato Road, including a connection to Post Forest Road (Route 7435), will be provided. Recreational amenities, including two (2) swimming pools and clubhouses, three (3) tot lots, and an extensive

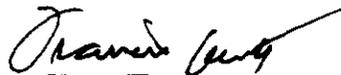
pedestrian trail network are proposed. A soccer field, two (2) little league fields and two play areas are shown for the school/park land.

A county designated floodplain exists on the Property; however, the County has concurred with the Applicant's engineer that the floodplain delineation can be vacated because the size of the drainageway does not meet County requirements for a floodplain designation. A small area has been designated as EQC and will be preserved. Stormwater detention is proposed to be provided via a series of wet ponds which will be constructed as part of this development. One of the ponds which Centex is proposing to construct off-site will serve the fire station site, as well as the school/park site and a limited number of proposed residential units.

As part of this application, the Applicant is requesting the following waivers and modifications:

1. A waiver of the 600-foot maximum length of private streets;
2. A modification of transitional screening in favor of what is shown on the CDP/FDP and a waiver of barrier requirements on all boundaries and between different unit types within the application area; and
3. A modification of the PFM requirement to permit the use of wet ponds for stormwater detention/Best Management Practices.

With the exception of these requested waivers, this application conforms with all applicable ordinances, regulations, standards and with the adopted Comprehensive Plan.



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Francis A. McDermott, Esquire  
Agent for the Applicant

## FAIRFAX COUNTY, VIRGINIA

## MEMORANDUM

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

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

**SUBJECT:** Land Use & Environmental Analysis: RZ 2001-SP-041  
Dix-Cen-Gato

**DATE:** 2 April 2002

This memorandum includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject rezoning application and the Conceptual and Final Development Plans dated August, 2001 as revised through March 5, 2002. The extent to which the proposed use, intensity, and development plans are consistent with the environmental policies and land use guidance contained in the Comprehensive Plan is noted.

**DESCRIPTION OF THE APPLICATION**

The applicant requests approval to rezone a consolidation of approximately 80.13 acres of land from the R-1 to the PDH-12 District in order to develop the following mix of residential units: 5 single family detached units, 352 single family attached (townhouse) and 705 multi-family units. A total of 1,074 units is proposed at an overall density of 11.99 du/ac (or 13.40 du/ac inclusive of affordable units). Approximately 30% of the gross site area will be retained as open space. Access into the site is proposed to be from a newly aligned and reconstructed Legato Road between Route 29 and Post Forest Drive. Approximately 13 acres of land would be dedicated for the construction and development of an elementary school and athletic fields. The development also proposes a community recreation center and swimming pool as well as passive recreational amenities. Stormwater detention is proposed to be accommodated with the construction of several wet ponds and a dry detention pond situated throughout the site.

**LOCATION AND CHARACTER OF THE AREA**

The application property is a neighborhood consolidation of single family residential parcels, which currently access from Legato Road and Dixie Hill Road along the north side of Rt. 29. The application property consolidates properties in the Dixie Hills, Centennial Hills, Legato Heights and Legato Acres subdivisions. Dixie Hills Park, an approximately 2.5 acres neighborhood park, is centrally located within the community. The site contains gently rolling hills with extensive mature tree cover. It is situated at the juncture of the Difficult Run, Popes Head Creek and Little Rocky Run watersheds. The westernmost half of the site is also located in the Water Supply Protection Overlay District.

The Fairfax County Government Center complex is located to the immediate north across Post Forest Drive and Government Center Parkway. The Cambryar subdivision consisting of single family homes zoned PDH-3 is located to the northwest. The Windsor Hill townhome community is located to the immediate southwest and is zoned R-8. Bethlehem Baptist Church and School are situated on R-1 zoned land that also abuts the western side of the application property. Parcel 35 abuts the site to the southwest and is largely wooded and vacant. It is owned by Merrifield Garden Center and is zoned R-1 and C-8. Parcel 36A abuts the site to the southeast. It is zoned R-1, contains approximately 7 acres and is planned for development as a Fairfax County Fire Station. Two townhome communities abut the southern portion of the application property. These are located on either side of existing Dixie Hill Road, are zoned PDH-4 and R-8. The Alden Glen townhome community abuts the eastern edge of the application property and is zoned PDH-8.

## COMPREHENSIVE PLAN CITATIONS

**Plan Area:** III      **Planning Sector:** Fairfax Center, Land Unit O  
Sub-unit O1

**Plan Text:** On pages 75 through 79 of the Area III volume of the Comprehensive Plan, 2000 Edition, under the heading "Land Unit O", the Plan states:

### "CHARACTER

This land unit is located north of Route 29 between the Government Center and West Ox Road. It contains several residential subdivisions including the Post Forest apartments, Alden Glen townhouse development, and the single-family, detached neighborhoods of Dixie Hills, Legato Acres, and Centennial Hills. The Price Club discount retail use, a hauling company, institutional uses and some vacant parcels are also located in this land unit.

## RECOMMENDATIONS

### Land Use

#### **Sub-unit O1**

At the overlay level, this sub-unit is planned for mixed-use residential and office development not to exceed .35 FAR overall. At least 60 percent of the total mixed use development should be residential and include a mixture of housing types including single-family and multi-family units. The residential component should not exceed an overall density of 12 dwelling units per acre. As an alternative at the overlay level, the sub-unit may be developed with a mixture of housing types including single-family and multi-family units up to an overall density of 12 dwelling units per acre. Development intensities should taper down from the northern edge of the area near the Fairfax Governmental Center toward Route 29 and the existing or planned residential areas.

Development in compliance with all the following development conditions will be necessary to exceed the intermediate level.

- To achieve the overlay level, any proposed development should incorporate 85 percent consolidation, excluding areas redeveloped at the intermediate level and publicly owned land. Logical parcel consolidation of Sub-unit O1 must occur to provide for well-designed projects that function efficiently and do not preclude other parcels from developing in conformance with the Plan. Parcels should be consolidated and developed in a coordinated manner under a single development plan in order to reach the overlay level.
- Single-family residential development generally should be located in the southern portion of the sub-unit. Multi-family units should be located adjacent to office development and generally in the northern portion of the sub-unit. Single-family residential units should be located adjacent to the Alden Glen townhouse development and along Route 29. However, multi-family units may be considered for the northern portion adjacent to Alden Glen, if a minimum 50 foot vegetated buffer is provided. All proposed residential uses should be compatible with the existing residential development in the sub-unit;
- Office uses should be sited at the northern portion of the sub-unit in proximity to the office portion of the Fairfax County Governmental Center. No commercial uses should be located adjacent to Route 29. Any proposed support retail uses should be contained within office buildings and should not be located in free-standing structures;
- Individual buildings adjacent to the Government Center should not exceed 90 feet in height, and heights should taper down to 35 feet adjacent to existing or planned residential development;
- The necessary roadway improvements for this sub-unit will be provided with access to the Government Center via Post Forest Drive. The extent of these improvements should be assessed for the proposed consolidation and be provided concurrent with redevelopment of this sub-unit. Access should be consolidated to minimize the number of access points to the collector roadway system;
- Adequate land should be dedicated to the Fairfax County Park Authority to enlarge Dixie Hills Park to ten to fifteen acres or another appropriate location within the sub-unit for a park should be provided. In addition to the parkland dedication, Neighborhood Park facilities should be provided to offset any impact of the proposed development beyond the capacity of existing facilities;

- If it is determined that an elementary school site is required to serve the increased population in this area, adequate land for such a facility should be dedicated. The school site should be co-located with the required parkland to allow for the sharing of recreation facilities;
- A fire station is planned for the northeast quadrant of the intersection of Legato Road and Route 29. It should have access from Legato Road to minimize the access points on Route 29. Any remaining land on this parcel not used for the fire station facilities should be retained in open space to serve as a buffer to adjacent uses; and
- A landscaped buffer should be provided along Route 29. A combination of adequate berming and landscaping consistent with that provided by other properties fronting on Route 29 in this area will emphasize a parkway-like character along Route 29 and serve to complement the low density residential area to the south of the roadway.

Existing spot commercially-zoned or commercially-used parcels along Route 29 should not be expanded or intensified. Tax Map 56-1((1))35 and 38 should be encouraged to redevelop at the intermediate or overlay levels. A residential density of 6 dwelling units per acre is appropriate for these parcels at the intermediate level, if substantial buffering and screening is provided adjacent to any single-family detached properties. Any proposed redevelopment that is not incorporated in a consolidation as noted above should only proceed at the baseline or intermediate level."

**LAND USE SUMMARY CHART - LAND UNIT O**

<u>Sub-units</u>	<u>Recommended Land Use</u>	<u>Intensity/Density</u>	
		<u>FAR</u>	<u>Units/Acre</u>
<b>Baseline Level</b> O1,	RES		1
<b>Intermediate Level</b> O1,	RES		4***
<b>Overlay Level</b> O1	MIXED-USE* RES	.35	12

\* See text for recommended mixture of uses for this sub-unit.  
 \*\* See text for residential option for this sub-unit  
 \*\*\*See text for intermediate level recommendation for 56-1((1))35 and 38.  
 Note: Part of these sub-units are within the Water Supply Protection Overlay District.

**OTHER PLAN CITATIONS:**

The following citations from the Land Use Element of the Policy Plan are also applicable:

**"Objective 8: Fairfax County should encourage a land use pattern that protects, enhances and/or maintains stability in established residential neighborhoods.**

Policy a. Protect and enhance existing neighborhoods by ensuring that infill development is of compatible use, and density/intensity, and that adverse impacts on public facility and transportation systems, the environment and the surrounding community will not occur."

**Objective 10: Consolidation and redevelopment of residential neighborhoods should only be considered if such redevelopment is in accord with the Comprehensive Plan, is in the public interest, and is, or can be, supported by the necessary transportation and public facilities.**

**Objective 11: Redevelopment of existing residential neighborhoods should have as objectives increased affordable housing opportunities and positive impacts on the environment, public facilities and transportation systems.**

Policy a. Ensure that redevelopment of residential neighborhoods for residential uses provides on-site, affordable dwelling units or a contribution to the Fairfax County Housing Trust Fund equal, at a minimum, to the replacement value of all affordable units displaced, as well as meets the provisions of the County's Affordable Dwelling Unit Ordinance or Planning Criteria.

Policy c. Ensure that redevelopment of residential neighborhoods addresses associated capacity deficiencies which would occur to the public facility and transportation systems.

**"Objective 14: Fairfax County should seek to achieve a harmonious and attractive development pattern which minimizes undesirable visual, auditory, environmental and other impacts created by potentially incompatible uses.**

Policy b. Encourage infill development in established areas that is compatible with existing and/or planned land use and that is at a compatible scale with the surrounding area and that can be supported by adequate public facilities and transportation systems.

Policy c. Achieve compatible transitions between adjoining land uses through the control of height and the use of appropriate buffering and screening."

The following citations on pages 91 through 102 of the Environment section of the Policy Plan are also applicable:

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

Policy a: Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County's best management practice (BMP) requirements."

**"Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from avoidable impacts of land use activities in Fairfax County.**

Policy a: Ensure that new development and redevelopment complies with the County's Chesapeake Bay Ordinance."

**"Objective 5: Minimize light emissions to those necessary and consistent with general safety.**

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

**"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. . ."

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way."

And on Page 59 of the Transportation section of the Policy Plan:

**"Objective 4: 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

- Policy c. Provide for bicycle and pedestrian features, including clearly marked sidewalks and trails, and marked crosswalk and pedestrian signals, in the construction and reconstruction of roads and bridges.
- Policy d. Establish trails and/or sidewalks in conjunction with roads and stream valleys as indicated by the Countywide Trails Plan.
- Policy e. Provide sidewalks and/or trails which link residential concentrations with transit stations, mixed-use Centers, shopping districts, recreational facilities, and major public facilities, and provide for pedestrian circulation within mixed use centers. (See Figure 5 for Countywide Trails Plan Map)."

On Page 38 of the Fairfax Center Area Plan, under the Area-Wide Recommendations, the Plan states:

...

"Basic countywide heritage resource preservation policies are applicable throughout the Fairfax Center Area. Site designs that minimize the disturbance or destruction of significant heritage resources are desired. In cases in which disturbance or destruction of such resources cannot be avoided, appropriate recovery and recording of the resources is an acceptable alternative.

In heritage resource sensitivity areas, it is expected that developers will determine the presence or absence of significant heritage resources and take appropriate preservation, recovery and recordation action in accordance with the countywide policies before development plans are approved.

The right-of-way for the pre-Civil War Manassas Gap Railroad transverses portions of the O, P, U, and V Land Units. Where possible, visible manifestations of the railroad bed should be preserved or incorporated into development plans as scenic or historic amenities."

#### **PLAN MAP: Fairfax Center Area**

#### **ANALYSIS**

##### **Land Use**

**Issue: Conformance with the Comprehensive Plan.** The Comprehensive Plan indicates that as an alternative to office and mixed use residential development, this sub-unit may be developed as all residential project with a mixture of housing types up to a density of 12 du/ac. The Plan further recommends that under this development alternative, intensities should taper down from the northern edge near the Fairfax Governmental Center toward Route 29 and the existing

residential developments.

Generally, the proposal conforms to the intensity and use guidance contained in the Plan for the alternative residential development at the overlay level. The proposed development achieves a density of 11.9 du/ac and provides the appropriate transition of density from north to south. In order to achieve the overlay level however, the Plan provides several development conditions, which should be addressed as follows.

**Issue: Logical consolidation.** To achieve the overlay level, the development project should consolidate 85% of the remaining land area, excluding public land and areas that have redeveloped at the intermediate level. Approximately 33 individual landowners have joined in the application for rezoning and the assemblage represents approximately 84% of the remaining land in the sub-unit. Furthermore, the land assemblage has been incorporated into a single development plan, which accommodates future logical and coordinated development for those parcels that are not included.

**Issue: Location and mix of residential unit types.** The Plan recommends that single family units should be to the south and multi-family to the north. The development plan provides for multi-family development along both side of re-aligned Legato Road in the northern portion of the site. The multi-family units depicted on the east side of Legato Road feature structured parking and interior landscaped courtyards. The apartments on the west side are garden-style with surface and garage parking. The remainder of the development consists of various types of single family attached units with the exception of five single family detached lots proposed adjacent to the Cambryar subdivision. In order to provide a more efficient, integrated, community-oriented design and create opportunities for open space and tree preservation, the development of courtyard-style multi-family buildings is encouraged on both sides of Legato Road. Alternatively, development of mid-rise apartment buildings with more than 4 stories should also be considered. By providing more vertical development in the area adjacent to the Government Center, improved open space and buffers and minimal tree preservation could be achieved adjacent to existing development. Similarly, increased use of the more compact townhouse designs could be provided in order to increase open space and allow some tree preservation. The current design provides for minimum open space, no tree preservation and lacks a unified community design that is integrated in terms of unit layout, building design and shared open spaces. The design and unit type options discussed above could preserve the overall proposed density and provide for a higher quality design and living environment which is expected for Fairfax Center area development.

**Issue: Compatibility.** The Plan specifically states that all residential uses should be compatible with existing residential development in the subunits. Generally, the location and unit types proposed are compatible. However, denser landscaped plantings should be provided adjacent to all unconsolidated parcels within a minimum buffer of 20 to 25 feet to provide appropriate transition and screening between existing and proposed development where the application abuts

single family residential development. The maximum proposed building height for townhouse development should not exceed the Zoning Ordinance regulations along the periphery of the development and where the proposal abuts unconsolidated parcels and existing townhouse development. Deeper building setbacks, preservation of mature trees and additional tree plantings should otherwise be provided to justify increased building heights as requested.

**Issue: Land for public facilities.** The Plan specifically recommends dedication of land to enlarge Dixie Hills Park from its current size of 2.5 acres to 10 to 15 acres. The Plan further stipulates that if it is determined that an elementary school site is required, adequate land for this facility should also be provided and that the school and park land should be co-located to "allow for the sharing of recreational facilities". The rezoning application provides for 13 acres of land to accommodate an elementary school and associated playing fields which partially addresses the Plan recommendation. However, the athletic fields provided are designed to accommodate the elementary school program only and will not address the active recreational deficiencies identified by the Park Authority. To fully address the Plan recommendation for both parks and schools, it is recommended that off-site construction of athletic fields and/or monetary contributions towards Park facilities be provided within the same service area as the application property. This issue should be coordinated and resolved with the Park Authority.

### **Heritage Resources**

The northern boundary of the application property abuts right-of-way for the historic Manassas Gap Railroad, which was of strategic importance during the Civil War. The raised railbed as well as the adjacent gorge and slopes are visible features along the northern boundary. The Plan specifically recommends that wherever possible, "visible manifestations of the railroad bed should be preserved or incorporated into development plans as scenic or historic amenities." Comments from Heritage Resources and the Park Authority identify this northern portion of the development plan as a significant heritage resource area. It is further recommended that appropriate preservation be provided in accordance with the countywide policies before development plans are approved. Several segments of Manassas Gap Railroad have been preserved throughout the County, including the Fairfax Center area. A buffer and/or public open space area should be provided adjacent to this historic feature. Trails and appropriate signage should also be provided as may be coordinated and approved by Heritage Resources and the Park Authority. The current location of the courtyard multi-family units and the limits of clearing and grading have not addressed this recommendation.

### **Environment**

**Issue: Environmental Quality Corridor.** An EQC is correctly delineated in the extreme southwestern corner of the site. This EQC shown on the development plan is associated with the stream that drains southward from the existing townhouse development to the northwest. The area is shown to be preserved with appropriate limits of clearing and grading.

**Issue: Stormwater Management.** The application property is situated within three different watersheds. The western half of the site is situated in the Water Supply Protection Overlay District. In order to honor the current drainage divides, the application features multiple stormwater management ponds including wet ponds in various locations throughout the development. The development is also predicated on the development of an off-site detention facility on the Parcel 36A, which is adjacent to Rt. 29 on the east side of Legato Road and planned for development of a fire station. However, the applicant has not provided verification that the off-site detention facility may be implemented.

The applicant has indicated that a waiver of the regulations prohibiting wet ponds in residential areas will be requested from DPWES. It is staff's understanding that the applicant has not begun preliminary coordination with DPWES to determine the advisability and feasibility of the proposed wet ponds. Although wet ponds may provide for a passive recreational and visual amenity and provide enhanced water quality benefits, the safety issues relating to the construction and maintenance of these facilities in a residential community is paramount. The design schematics provided on Sheet 14 depict an appropriate conceptual aquatic edge planting treatment. However, the planted buffer around the edges are potentially no greater than 10 feet. A steep angle along the buffer area is shown and no safety benching is provided in the wet pond pool. It is not clear that safety features related to potential dam failure of the wet ponds can be addressed with the current design and layout of buildings. The applicant is strongly urged to coordinate the preliminary design of the wet ponds with DPWES to ensure that appropriate buffers and safety features are accommodated in the event that wet ponds are determined to be needed to address water quality standards. Alternative designs should be provided in the event that wet ponds are not approved to ensure that appropriate design and landscaping may be provided. The design alternatives should include on-site detention in the event that off-site stormwater management on the future fire station site is not approved. Low impact development techniques which honor the current drainage divides, incorporate existing vegetation around the ponds and utilize bio-filtration facilities where appropriate is encouraged as an innovative practice.

**Issue: Tree Preservation.** The most valuable environmental feature on the site is the mature trees and landscaping on the existing home sites throughout the application property. While the proffers have provided for appropriate commitments for transplantation of trees and landscaping, no provision is made for any tree preservation on the development. Comments from the Urban Forester indicate that the current design could not achieve any meaningful tree preservation and the site will be cleared of all existing trees and vegetation. In order to address the mutual land use and environmental goals relating to improved design, tree preservation and open space, the applicant is strongly urged to consider the design recommendations discussed in the Land Use Analysis.

**Issue: Light Pollution.** All lighting for the development should be focused directly on parking/driving areas and sidewalks. Street lighting and house lighting should have full cut-off

fixtures to prevent glare and light trespass. Up-lighting for subdivision entrance signs or for illuminating landscaping or architectural elements is discouraged. Lighting for the ball fields on the elementary school is not appropriate due to insufficient buffers, screening and setbacks of the fields. The applicant is encouraged to choose luminaires for all street lighting which will be fully cut-off to ensure that no glare projects above the horizontal plane. Guidance for good lighting practices may be found in the handbook entitled "Lighting for Exterior Environments" by the *Illuminating Engineers Society of North America (IESNA)* also referred to as RP- 33.

**Issue: Energy Conservation.** The Plan calls for energy conservation through the use of bicycle parking facilities to encourage non-motorized transportation and by providing construction that meets the thermal guidelines of the Virginia Power Energy Saver Program. The applicant has not provided for any bike parking or storage within the development nor made any commitment for construction to meet the Energy Saver Program. Opportunities for bike storage should be provided with the community center and pool, the multi-family buildings and on the school site.

### **Fairfax Center Area Design Checklist**

In order to merit development at the overlay level and implement the high quality design standards for the Fairfax Center Area, the Plan identifies Basic, Major and Minor development elements which should be addressed through the site planning and design process. As noted in the Land Use, Heritage Resources and Environmental Analyses discussed above, there are several outstanding concerns.

**Basic and Major Development Elements: Environmental Systems.** The development plan has not demonstrated that stormwater management BMPs may be accomplished as shown. Innovative techniques such as grassy swales and vegetative infiltration areas are not utilized. No tree preservation is provided. The site is shown to be entirely cleared. The provision of additional landscaping, screening and buffers are not provided as recommended. The overall development plan lacks sufficient open space to begin to address these concerns.

**Basic and Major Development Elements: Land Use/Site Planning.** Appropriate preservation of the Manassas Gap Railroad in the form of buffers and open space has not been addressed. The use of more compact unit types and additional height for the multi-family buildings has not been incorporated. Transition between and integration of the various unit types is not effective as shown. Site amenities and street furnishings such as signs, seating, plazas and communal open space and entry features are minimal. Park Authority recommendations for active recreation have not been addressed.

**Summary:** None of the applicable Basic Elements and applicable Essential elements have been fulfilled to qualify for development at the overlay level

BGD:DMJ

## 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 2001-SP-041)  
3-4 (RZ 2001-SP-043)

**SUBJECT:** Addendum to RZ 2001-SP-041, RZ 2001-SP-043; Centex Homes  
Land Identification Map: 56-1 ((1)) 11A, 11B, 27-30; 56-1 ((2)) 1-5;  
56-1 ((3)) 1-14; 56-1 ((4)) 4, 6-12; 56-1  
((5)) 6-28; 56-1 ((6)) 1-10; 56-1 ((9)) 5-7,  
11-13, 15-22; 56-1 ((11)) A, B, 1, 2, 3A, 4A,  
5-7

**DATE:** April 19, 2002

Comments by the Department of Transportation (FCDOT) regarding the subject application are noted below. These comments are based upon a generalized development plan (GDP) revised to April 5, 2002, and proffers dated April 11, 2002, made available to this department.

We have previously recommended that the applicant commit to funding and installation of two signals located at Legato Road and Dixie Hill Road/Ruffin Drive and Legato Road/Post Forest Drive. In response, they have committed to conduct warrant studies at the two intersections and provide \$100,000 toward the cost of either or both signals. This department has evaluated this proposal and determined that it is acceptable.

AKR/MAD

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

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 2001-SP-041)  
3-4 (RZ 2001-SP-043)

SUBJECT: RZ 2001-SP-041, RZ 2001-SP-043; Centex Homes  
Land Identification Map: 56-1 ((1)) 11A, 11B, 27-30; 56-1 ((2)) 1-5;  
56-1 ((3)) 1-14; 56-1 ((4)) 4, 6-12; 56-1  
((5)) 6-2B; 56-1 ((6)) 1-10; 56-1 ((9)) 5-7,  
11-13, 15-22; 56-1 ((11)) A, B, 1, 2, 3A, 4A,  
5-7

DATE: March 1, 2002

Comments by the Department of Transportation (FCDOT) regarding the subject application are noted below. These comments are based upon a generalized development plan (GDP) revised to February 13, 2002, and proffers dated February 14, 2002, made available to this department. Our comments are noted below.

- Legato Road and Route 29/Post Forest approaches. The applicant should clarify that all improvements will be built to VDOT standards. In addition, all improvements within the Route 29 corridor should be coordinated with VDOT to ensure conformance with the parameters of the Route 29 Feasibility Study. Other comments:
  1. On-site/Off-site - The applicant's proposed road layout is generally acceptable, except that it is not clear why they are deleting language in the proffer regarding right and left turn lanes. In addition, all proffered road improvements (Draft proffers 9A-9D) should be timed to initial development of the subdivision rather than being based on the development of the adjoining residential areas.
  2. Off-site - Improvements to Legato Road should not be linked to consent by the County for a storm water management pond. It is imperative that these improvements be completed with development of the site.
  3. Off-site - If the fire department site begins construction when the subject development is underway, coordination between the applicant and the County on access from the improved Legato Road is recommended, including the provision of a median break for emergency access.
  4. Off-site - Approach to Route 29. 2 receiving lanes are not available opposite Legato Road therefore the shared right/through lane proposed should become an exclusive right turn lane. The remaining improvements on the Legato approach to 29 are acceptable.

5. Off-site - Post Forest Drive. The applicant needs to add dedication and appropriate pavement transitions on both the east and westbound approaches of Post Forest Drive to Legato Road to accommodate the southbound left turn lane. The pavement transition should allow for the future construction of a left turn lane northbound on Random Hills Road.
- **Signalization**
    1. Legato/29 - The commitments for this signal are generally acceptable. However, the timing of installation in proffer 9.E.2. should be revised to state that it will be installed prior to final bond release. Further, if the signal is not warranted by final bond release, funds that would have otherwise been used to construct the signal should be provided to the County for future transportation uses in the area. As stated in a letter from the applicant's attorney dated February 13, 2002, the applicant is also committing to work with VDOT to determine the appropriate location for the signal poles relative to future widening of Route 29.
    2. Legato/Post Forest - In addition to a warrant study, it is recommended that the applicant commit to provide full funding and installation of this signal at such time as it is warranted. If warranted, installation should be completed by final bond release. If the signal is not warranted within 5 years of the issuance of the final RUP, this department will consider a provision reducing the contribution to a pro rata share for a future signal.
    3. Legato/Dixie/Ruffin - The applicant should conduct a warrant study and install a signal at this intersection if warranted. If the signal is not warranted within 5 years of the issuance of the final RUP, this department will consider a provision reducing the contribution to a pro rata share for a future signal.
    4. Credit from the Fairfax Center Area fund for signalization is applicable only to the signal at Legato Road and Route 29.
  - Pedestrian connections from school site to townhouses immediately north of the site should be provided. Crosswalks depicted on the development plan within the Legato Road corridor are acceptable.
  - The applicant proposes a bus shelter on Legato Road at a location to be determined with this department. It is recommended that two shelters be provided on Legato Road, one northbound and one southbound. It is also recommended that a shelter be provided at the existing bus stop on eastbound Post Forest Drive. If a shelter cannot be provided at this location, then the applicant should construct a concrete platform for bus riders. Commitments for maintenance of the bus shelters by the homeowners' association(s) or management companies should also be secured.

Page 3  
Ms. Barbara A. Byron  
March 1, 2002

TRIP GENERATION <sup>1</sup>	EXISTING SFD - 84 UNITS	PROPOSED MULTI-FAMILY - 698 UNITS	PROPOSED SFA - 345 UNITS	PROPOSED SFD - 10 UNITS	TOTAL PROPOSED TRIPS - 1053 UNITS
AM PEAK	60 VPH	355 VPH	185 VPH	5 VPD	545 VPH
PM PEAK	80 VPH	430 VPH	220 VPH	10 VPD	660 VPH
WEEKDAY	800 VPD	4625 VPD	2895 VPD	95 VPD	7615 VPD

<sup>1</sup> Trip generation rates based on data for single family detached housing, Land Use Code 210, multi-family attached housing, Land Use Code 220, Trip Generation, Sixth Edition, Institute of Transportation Engineers, 1997, and townhouse trip generation rates, Fairfax County Department of Transportation, 1996.

AKR/MAD

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

## FAIRFAX COUNTY, VIRGINIA

## MEMORANDUM

**TO:** William Mayland, Staff Coordinator  
Zoning Evaluation Division, DPZ

**DATE:** February 21, 2002

**FROM:** John Zuiker, Urban Forester II   
Urban Forestry Division, OSDS

**SUBJECT:** Dix-Cen-Gato, RZ 2001-SP-041, 042, 043

**RE:** Your request received on February 6, 2001

At the request of the Department of Planning and Zoning, the Urban Forestry Division has reviewed the Conceptual/Final Development Plan, date stamped as received by the Department of Planning and Zoning on January 24, 2002.

**Site Description:** The site is an existing residential community of single family homes with numerous large deciduous trees on many of the lots. There are also several lots with extensive ornamental landscape trees and shrubs. There are several undeveloped lots that are completely wooded. The trees on these undeveloped lots are primarily a medium-aged stand of maple and tulip poplar. The quality vegetation on this site exists primarily on the individual single-family lots as ornamental trees or as mature stands of oak, hickory and tulip poplar trees.

1. **Comment:** There are numerous mature oak trees and ornamental trees on this site that should be considered for preservation, however, there are no tree preservation areas shown on the proposed Conceptual/Final Development Plan. Several existing lots in the northern portion of the proposed development site consist of numerous mature oak and hickory trees. This area has the most valuable stand of existing trees on the proposed development. In addition, other undeveloped lots consisting of maple and tulip poplar trees should be designated for preservation. The Comprehensive Plan has also identified the Fairfax District as a sensitive environmental area.

**Recommendation:** The applicant should preserve some of the quality vegetation on this site. The location of the quality trees should be identified by a certified arborist and the site redesigned to preserve these trees. Substantial area must be left undisturbed around the trees to adequately preserve them for the future. This cannot be accomplished in a proffer but must be addressed in a redesign of the site layout and an identification of limits of clearing and grading around the tree preservation areas. **If the current plan cannot be revised to preserve the existing trees, then all references to tree preservation should be removed from the proffers since it cannot be accomplished as shown.**

2. **Comment:** After the site is redesigned to preserve the maximum amount of quality vegetation for this project, tree preservation activities shall be designated for the various tree save areas.

**Recommendation:** Recommended proffer language to address this issue: "The applicant shall retain a certified arborist to prepare a tree preservation plan to be reviewed by the Urban Forestry Division as part of the first submission site plan. The tree preservation plan shall consist of a tree survey of all trees 10 inches in diameter or greater that are designated for preservation. The tree survey shall include the location, species, size, crown spread and condition rating. The condition analysis shall be prepared using methods outlined in the latest edition of The Guide for Plant Appraisal. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching, and fertilization."

3. **Comment:** Tree protection measures must be adequate to preserve trees within the proposed preservation areas.

**Recommendation:** Recommended proffer language: "Tree protection consisting of four foot high, 14-gauge welded wire fencing, shall be erected at the limits of clearing and grading as shown on the phase I & II erosion and sediment control plans. The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the site. The installation of the tree protection fence shall be performed under the supervision of the certified arborist. Prior to the commencement of any clearing, grading, or demolition activities, the project's certified arborist shall verify in writing that the tree protection fence has been properly installed at the limits of clearing and grading adjacent to on-site and off-site trees to be preserved."

4. **Comment:** There are numerous American holly, spruce, magnolia, and arborvitae on the various single family lots that could be transplanted elsewhere on this site to provide some mature vegetation for this development.

**Recommendation:** In addition to a tree preservation plan the applicant should commit to a tree-transplanting plan. Recommended proffer language: "The applicant shall provide a tree-transplanting plan as a part of the first submission site plan. The tree-transplanting plan shall be prepared by a certified arborist. The following items are components of a tree-transplanting plan: identify the existing location and final location for the plants to be transplanted; provide an assessment of the health condition and survival potential of these plants; identify the timing of the transplanting in the development process and the proposed time of the year for the transplanting to be performed; identify the transplant methods to be used, including the tree spade size; detail the site preparation materials and methods; describe the initial care after transplanting, including mulching and watering;

and detail the long term care measures necessary to ensure the plants survival. Replacement values for the trees to be transplanted shall be assigned by the certified arborist and approved by the Urban Forestry Division. The applicant shall commit to transplanting at least twenty of the existing specimen or quality trees from this site. If the provisions of the transplanting plan are not fully implemented and some of the transplant trees do not survive then the replacement value for that tree will be used to replant the designated area.”

5. **Comment:** Transitional screening 1 is required between this site and the existing single family dwelling units that are not a part of this application.

**Recommendation:** The applicant should identify the 25-foot screening yard, the required landscape material and the barrier on the Conceptual/Final Development Plan adjacent to all existing single family dwelling units and any R-1 zoned lots. The plan should also identify the location for all utility lines that will be servicing the townhomes to ensure that they will not be installed within the transitional screening yard.

You may contact me at 703-324-1785 if you have any questions.

JHZ/  
UFDID # 02-1471

cc: Denise M. James, Land Use Planner, E&DRB, DPZ  
DPZ File  
RA File

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

**TO:** Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Gilbert Osei-Kwadwo, Chief   
Engineering Analysis and Planning Branch  
System Engineering and Monitoring Division

**SUBJECT:** Sanitary Sewer Analysis Report

**REF:** Application No. RZ/FDP 2001-SU-041 conc./w RZ 2001-SU-042; RZ 2001-SU-043

**DATE:** January 2, 2002

The properties for the above referenced applications are spread across two sewersheds and reimbursement areas. The applicant needs to do sewer capacity analysis and demonstrate that the existing sanitary sewer facilities do have adequate capacity for the proposed development.

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

October 10, 2001

**MEMORANDUM**

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

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

**SUBJECT:** Water Service Analysis, Rezoning Application RZ 01-SU-041  
FDP 01-SU-041

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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 domestic water service is available at the site from existing 4, 6, 8 & 12 inch mains located at the property. See enclosed property map.
3. Depending upon the configuration of the onsite water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

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

Attachment

## FAIRFAX COUNTY, VIRGINIA

## MEMORANDUM

October 10, 2001

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

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

**SUBJECT:** Fire and Rescue Department Preliminary Analysis of Final Development Plan FDP 2001-SU-041, Rezoning Application 2001-SU-041, Rezoning Application RZ 2001-SU-043 and Rezoning Application RZ 2001-SU-042

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

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #15, Chantilly.
2. 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 \_\_\_\_ of a mile outside the fire protection guidelines. No new facility is currently planned for this area.

## FAIRFAX COUNTY, VIRGINIA

## MEMORANDUM

**TO:** James Zook, Director  
Department of Planning & Zoning

**DATE:** APR 16 2002

**FROM:** Howard J. Guba, Director  
Office of Capital Facilities, DPWES 

**SUBJECT:** Fairfax Center Fire Station, Project #312/009079

**REFERENCE:** RZ/FDP2001-SU-041 concurrent with RZ 2001-SU-042, RZ 2001-SU-043

The Office of Capital Facilities (OCF) has reviewed the current information related to the referenced rezoning application that was submitted by Centex Homes. The following comments need to be incorporated into the plan and proffers prior to approval by the Department of Planning and Zoning (DPZ), the Planning Commission (PLN), or the Board of Supervisors (BOS):

**9. Transportation Improvements Legato Road Off-Site Improvement-**

**B. Legato Road Off-Site Improvements-**

**1. Parcel 36 A-** The Applicant must commit to completion of the full section of the Legato Road improvements (including parcel 35) by a date certain in order to ensure that the improvements are completed by the time that the fire station is completed. These Legato Road improvements should be completed by July 1, 2004. If the Applicant does not complete these improvements by this date, the Applicant must commit to grant all easements necessary for the County to proceed with construction of the improvements, and to reimburse the Office of Capital Facilities for the costs of constructing these improvements in order that the improvements will be in place when the fire station is completed.

The Applicant should also commit to provide an exit apron at the fire station frontage on Legato Road for emergency vehicles exiting the fire station. OCF agrees to obtain preliminary approval from Fairfax County Department of Transportation (DOT) and Virginia Department of Transportation (VDOT) for this median break.

**2. Parcel 35-** Delete in its entirety. The applicant must commit to construct the full section of the Legato Road improvements from the south boundary of their property to the Lee Highway intersection.

**C. Turn Lanes-**Note that granting of ROW at the frontage of the fire station property is contingent upon OCF's review and acceptance of the alignment for the Legato Road improvements on the County owned property.

**Add Item 6.-** The Applicant must commit to design and construct a turn lane from Northbound Legato Road into the fire station site, if required by DOT and/or VDOT, and must commit to complete the turn lane by July 1, 2004. If the Applicant does not complete these improvements by this date, the Applicant must commit to reimburse the OCF for the costs of constructing these improvements in order that the improvements will be in place when the fire station is completed.

**E. Traffic Signal-** The Applicant should commit to complete the installation of the traffic signal at the intersection of Legato Road and Route 29 by July 1, 2004, if required by the traffic signal warrant study. If the traffic signal is required and the Applicant does not install the signal by this date, the Applicant must commit to reimburse the OCF for the costs of installing the signal in order for the signal to be in place when the fire station is completed.

The Applicant should also commit to install a four-inch buried conduit from the intersection of Legato Road and Route 29 (traffic signal control box) and stubbed into the fire station site at the southernmost access point to the fire station along Legato Road (emergency vehicle exit apron) by July 1, 2004. If the Applicant does not install the conduit by this date, the Applicant must commit to reimburse the OCF for the costs of installing the conduit in order for the conduit to be in place when the fire station is completed.

### **33. Fire Station**

**B. Sewer and Waterline Stubs-** The Applicant must commit to provide a 6" water line stub and an 8" sanitary sewer stub to the fire station site and to have these utility stubs completed by a date certain of July 1, 2004. The Applicant should also commit to the location of these utility stubs on the fire station site, including a sanitary sewer invert elevation that will allow for gravity flow from the fire station facility. If the Applicant does not complete these utility improvements by this date, the Applicant must commit to grant all easements necessary for the County to proceed with construction of the improvements, and to reimburse the OCF for the costs of constructing these improvements in order for the improvements to be in place when the fire station is completed.

**C. Legato Road-** The Applicant should commit to provide an egress apron for emergency vehicle egress to Legato Road as identified in Item 9.B.1, above.

**D. Signal Conduit-** The Applicant must commit to install the four-inch buried conduit from the intersection of Legato Road and Route 29 (traffic signal control box) and stubbed into the fire

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: James Zook, Director  
Department of Planning & Zoning

DATE: APR 04 2002

FROM: Howard J. Guba, Director  
Office of Capital Facilities, DPWES 

SUBJECT: Fairfax Center Fire Station, Project #312/009079

REFERENCE: RZ/FDP2001-SU-041 concurrent with RZ 2001-SU-042, RZ 2001-SU-043

The Office of Capital Facilities (OCF) has reviewed the current information related to the referenced rezoning application that was submitted by Centex Homes. We believe that the following comments need to be incorporated into the plan and proffers prior to approval by the Department of Planning and Zoning, the Planning Commission, or the Board of Supervisors:

**Legato Road Off-Site Improvement-** The Applicant should commit to completion of the Legato Road improvements at the fire station frontage by date certain in order to ensure that the improvements are completed by the time that the fire station is completed. These Legato Road improvements should be completed by July 1, 2004.

The Applicant should also commit to provide an exit apron and median break for emergency vehicles exiting the fire station. OCF agrees to obtain preliminary approval from Fairfax County Department of Transportation and Virginia Department of Transportation for this median break.

**Turn Lanes-** The Applicant should commit to design and construct a turn lane from northbound Legato Road into the fire station site, if required by DOT and/or VDOT, and should commit to complete the turn lane by July 1, 2004.

**Traffic Signal-** The Applicant should commit to complete the installation of the traffic signal at the intersection of Legato Road and Route 29 by July 1, 2004, if required by the traffic signal warrant study.

The Applicant should also commit to install a four-inch buried conduit from the intersection of Legato Road and Route 29 (traffic signal control box) and stubbed into the fire station site at the southernmost access point to the fire station along Legato Road (emergency vehicle exit apron). The conduit should be in place by July 1, 2004.

James Zook  
Fairfax Center Fire Station  
Page Three

station site at the southernmost access point to the fire station along Legato Road (emergency vehicle exit apron) by July 1, 2004. If the Applicant does not install the conduit by this date, the Applicant must commit to reimburse the OCF for the costs of installing the conduit in order for the conduit to be in place when the fire station is completed.

The issues identified above are of critical importance to OCF and to the Fire and Rescue Department. We believe that it is imperative for the Applicant to satisfactorily address each of the foregoing issues as a prerequisite to approval of their rezoning application by DPZ, the PLN, or the BOS.

If you have any questions, please contact Carey F. Needham at 703-324-5160.

HJG\mjc\Memo.Centrex rezoning04-12-02.doc

cc: Robert A. Stalzer, Deputy County Executive  
Michael P. Neuhard, Assistant Chief, Administrative Services, Fire and Rescue Department  
John Wesley White, Director, Department of Public Works and Environmental Services  
Ronald N. Kirkpatrick, Director, Planning and Design Division

James Zook  
Fairfax Center Fire Station  
Page Two

**Fire Station Sewer and Water-** The Applicant should commit to provide a 6" water line stub and an 8" sanitary sewer stub to the fire station site and to have these utility stubs completed by a date certain of July 1, 2003. The Applicant should also commit to the location of these utility stubs on the fire station site, including a sanitary sewer invert elevation that will allow for gravity flow from the fire station facility.

**Fire Station Access-** The Applicant should commit to dedicate permanent access and maintenance easements for the access road from Legato Road across the Applicant's property. The Applicant should also commit to dedicate the temporary construction and grading easement necessary for OCF to construct this roadway section. These easements shall be appropriate for the access roadway section to be built on the fire station site. The Applicant should also commit to prepare all required plats in the standard Fairfax County format.

**Stormwater Management Pond on Fire Station Site-** OCF and the Fire and Rescue Department have analyzed runoff data provided by the Applicant and determined that a shared use, detention/BMP facility on the fire station site is not acceptable. In addition, a non-regional wet pond on County property is not an acceptable option based on the Public Facilities Manual. Our analysis of the Applicant's runoff data reflects that the fire station site is not reasonably capable of meeting the detention/BMP requirements of the fire station development and the area of the Applicant's site in question. Our analysis reflects that if the dry pond storage and conservation easements area are both maximized on the fire station site, the Applicant would still be required to make provision for detention/BMP on their site. The enlarged dry pond and the conservation easement area that would result from treating off-site runoff from the Applicant's property will preclude the County from constructing an access road at the south side of the fire station that is an important operational element of our site plan.

**Disclosure-** The Applicant should commit to disclose the plans for a fire station at our site, in writing, to all residential unit buyers in advance of settlement for any of the residential units.

We believe that a commitment by the Applicant to address each of the foregoing issues should be a prerequisite to approval of their rezoning application by Department of Planning and Zoning, the Planning Commission, or the Board of Supervisors.

If you have any questions, please contact Carey F. Needham at 703-324-5160.

HJG\mjc\Memo.Centrex rezoning03-22-02.doc

cc: Michael P. Neuhard, Assistant Chief, Administrative Services, Fire and Rescue Department  
Ronald N. Kirkpatrick, Director, Planning and Design Division

## FAIRFAX COUNTY, VIRGINIA

## MEMORANDUM

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

**DATE:** 4/18/02

**FROM:** Carl Bouchard, Director  
Stormwater Planning Division  
Department of Public Works & Environmental Services

**SUBJECT:** Rezoning Application Review (Modification)

Name of Applicant/Application: Centex Homes

Application Number: RZ/FDP2001-SU-041  
Information Provided: Application - Yes  
Development Plan - Yes  
Other - Statement of Justification

Date Received in SWPD: 10/11/01

Date Due Back to DPZ: 10/31/01

Site Information: Location - 056-1-01-00-0011-A (see rz application)  
Area of Site - 59.75, 1.3, 2.74 acres  
Rezone from - R-1,2 to PDH-12  
Watershed/Segment - Cub, Diff, Pope

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): **No downstream deficiencies are identified in the Fairfax County Master Drainage Plan.**
- 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: **Centex Homes / RZ/FDP2001-SU-041**

**\*\*\*\*\* 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): Wet ponds are allowed in residential areas only if they are privately maintained. Applicant shall provide for maintenance of the wet ponds depicted on the April 5, 2002 Conceptual Development Plan / Final Development Plan.**

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) [Signature]  
RS M

SRS/RZ/FDP2001-SU-041

cc: Gordon Lawrence, Coordinator, Office of Safety, Fairfax County Public Schools (only if sidewalk recommendation made)

## FAIRFAX COUNTY, VIRGINIA

## MEMORANDUM

November 7, 2001

File #: 200

TO: Bill Mayland, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning (DPZ)

FROM: Jack Clark, Senior Development Officer  
Development and Real Estate Finance Division  
Department of Housing and Community Development (HCD)

SUBJECT: RZ/FDP 2001-SP-041; RZ 2001-SP-042, and RZ 2001-SU-043  
CENTEX HOMES DIX-CEN-GATO

As we discussed, HCD has been assisting the Fairfax-Falls Church Community Policy and Management Team (CPMT) of which the Community Services Board (CSB) is a participating member agency with the process of locating a one to two acre site for a proposed public facility which would serve sixteen (16) young people. This public facility is a residential acute care center for children and youth in crisis that would provide support services for young people eligible under the provisions of the Comprehensive Services Act. It is an alternative residential facility for young people who may no longer be appropriate to remain at home but do not need hospitalization. They may be dealing with issues of depression, suicidal tendencies, or emotionally disturbed behavior.

The Countywide Policy Element of the Comprehensive Plan supports the need for the provision of a wide range of services to residents with mental health, mental retardation, and substance abuse problems by CSB. Specifically, it states that persons with mental illness, mental retardation, and substance abuse problems shall have their residential needs met through small and large supervised and supported residential services throughout the County and that these facilities shall be located in residential areas.

In these three concurrent rezoning case, the applicant is proposing a residential community of 841 units. It is respectfully requested that DPZ seek a dedication of one to two acres of land as a site for the residential acute care center as more particularly described above. If you have any questions about anything in this memo, please call me at (703) 246-5028 or Pam Gannon with CSB at (703) 324-7005.

Cc: Pam Gannon, Residential Development and Program Support, CSB



Department of Facilities Services

FAIRFAX COUNTY  
PUBLIC SCHOOLS10640 Page Avenue  
Suite 300  
Fairfax, VA 22030

March 27, 2002

**MEMORANDUM**

**TO:** William Mayland *Dill*  
**FROM:** Gary D. Chevalier *Thanks*  
**SUBJECT:** Dix-Cen-Gato School Site Dedication

This memorandum responds to your request for Fairfax County Public School's input on the location and general layout of the Dix-Cen-Gato school site dedication, as reviewed at the March 21, 2002, Senior Staffing.

Fairfax County Public Schools could accept either of the 13-acre school site proposals reviewed at the March 21, 2002, meeting if the following additional conditions are met;

1. Any storm water management ponds required for development of the school site are provided elsewhere in the development, not on the school site.
2. All public utilities are brought to the site by the developer.

Thank you for your assistance. If you have any questions please contact me at 703 246-3608.

cc: Thomas M. Brady  
Eugene Kelly  
Weldon Spurling



November 8, 2001

TO: Bill Mayland, Department of Planning and Zoning

FROM: Gary D. Chevalier, Director Office of Facilities Planning 

SUBJECT: School Site Requirements Related to Rezoning Application RZ 2001-SP-041

The school enrollment projections being developed for the Fairfax County Public Schools FY2003-2007 Capital Improvement Program indicate a need for two elementary schools in the western Fairfax area. The elementary schools that serve this area include Greenbriar East, Greenbriar West, Brookfield, Poplar Tree, Fairfax Villa and Providence. This group of elementary schools is projected to have a combined shortage of almost 65 classrooms by the 2006-07 school year (this shortage does not include roughly 165 additional elementary students from this rezoning request). The new 36 classroom school planned for the Northeast Centreville site will address a portion of this need, however an additional school site will be required to accommodate the remaining classroom requirement. Therefore, we are requesting every effort be made to obtain a 14-acre site, suitable for an elementary school, as described in the Comprehensive Plan for this area. We would consider a joint use of fields and recreation areas with the Park Authority, if this would reduce the overall acreage required by the two agencies.

If you have any questions related to this request please do not hesitate to call me at (703) 246-3608.

GDC/ds

cc: Thomas Brady  
Eugene Kelly

Date: 4/11/02

Case # RZ-01-SU-041

Map: 56-1

PU 4274, 4275, 4276, 4277

Acreage: 80

Rezoning From :

R-1 To: R-12

TO: County Zoning Evaluation Branch (DPZ)

FROM: FCPS Facilities Planning (246-3609)

SUBJECT: Schools Impact Analysis, Rezoning Application

The following information is submitted in response to your request for a school impact analysis of the referenced rezoning application.

I. Schools that serve this property, their current total memberships, net operating capacities, and five year projections are as follows:

School Name and Number	Grade Level	9/30/01 Capacity	9/30/01 Membership	2002-2003 Membership	Memb/Cap Difference 2002-2003	2006-2007 Membership	Memb/Cap Difference 2006-2007
Greenbrier East 2254	K-6	713	867	924	-211	1029	-316
Lanier 2301	7-8	775	1006	1037	-262	1145	-370
Fairfax 2500	9-12	2075	1973	2032	43	2164	-89

II. The requested rezoning could increase or reduce projected student membership as shown in the following analysis

School Level (by Grade)	Unit Type	Proposed Zoning			Unit Type	Existing Zoning			Student Increase/Decrease	Total Students
		Units	Ratio	Students		Units	Ratio	Students		
K-6	SF	5	X.4	2	SF	80	X.4	32	-30	2
7-8	SF	5	X.069	0	SF	80	X.069	6	-6	0
9-12	SF	5	X.159	1	SF	80	X.159	13	-12	1
		Units	Ratio	Students		Units	Ratio	Students		
K-6	RT	327	X.201	66	SF	0	X.4	0	66	66
7-8	RT	327	X.048	16	SF	0	X.069	0	16	16
9-12	RT	327	X.102	33	SF	0	X.159	0	33	33
		Units	Ratio	Students		Units	Ratio	Students		
K-6	GA	755	X.17	128	SF	0	X.4	0	128	128
7-8	GA	755	X.034	26	SF	0	X.069	0	26	26
9-12	GA	755	X.071	54	SF	0	X.159	0	54	54
<b>Total</b>		<b>1087</b>		<b>326</b>		<b>80</b>		<b>51</b>	<b>275</b>	<b>326</b>

Source: Capital Improvement Program, FY 2003-2007, Facilities Planning Services Office

Note: Five-year projections are those currently available and will be updated yearly. School attendance areas subject to yearly review.

Comments

Enrollment in the schools listed (Greenbrier East Elementary, Lanier Middle, Fairfax High) is currently projected to be near or above capacity.

The 326 students generated by this proposal would require 13 additional classrooms (326 divided by 25 students per classroom). Providing these additional classrooms will cost approximately \$ 4,564,000 based upon a per classroom construction cost of \$350,000 per classroom.

FCPS requests dedication of a 13 to 14 acre elementary school site as identified in the comprehensive plan for this area.

The foregoing information does not take into account the potential impacts of other proposals pending that could affect the same schools.



.....  
**MEMORANDUM**

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

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

**DATE:** April 8, 2001

**SUBJECT:** ADDENDUM: RZ/FDP 2001-SP-041, Dix-Cen-Gato

The development proposes to vacate or abandon approximately 10.4 acres of public right-of-way including Quality Street. Quality Street currently provides the Park Authority's only access to Dixie Hill Park. The Development Plan does not show access to the park once Quality Street is vacated or abandon.

Continued vehicle access to Dixie Hill Park is essential for emergency vehicles in the event of an accident and for maintenance of the site. Eventually, the adjacent land to the south, east and north is proposed to be developed as a school site. At the time of development for school use, The School Board and the Park Authority will need to agree on the location for a permanent access to the park.

In the interim, the applicant should provide a paved access that meets PFM standards to connect the park to the proposed road network. The new access should consist of pavement at least 12 feet in width and should connect the park's existing point of access on Quality Street to a safe and convenient location on the applicant's proposed road network.

cc: Kirk Holley, Manager, Planning and Land Management Branch  
Irish Grandfield, Supervisor, Planning and Land Management Branch  
Allen Scully, Plan Review Team, Planning and Land Management Branch  
Denise James, Planner, DPZ  
Gary Chevalier, Fairfax County School Board  
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# 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 KIRK HOLLEY  
FOR

**DATE:** March 25, 2002

**SUBJECT:** REVISED REPORT: RZ/FDP 2001-SP-041, Centex Homes  
Loc: 56-1((3)), 56-1((2)), 56-1((5)) ((6)) 1-10; 56-1((9)), 56-1((11))

### BACKGROUND:

The Fairfax County Park Authority (FCPA) staff has previously provided comments on this application in memorandums dated December 17, 2001, January 31, 2002, and February 26, 2002. This report supercedes those earlier memorandums.

This site surrounds the existing FCPA Dixie Hill Park. Dixie Hill Park is approximately 2.5 acres in size and contains a picnic area, tot lot, half basketball court, and trails. The site is predominately forested with mature trees.

The Comprehensive Plan language calls for ten to fifteen acres of new parkland and development of park facilities as conditions for site development at the overlay level on this site. In previous impact reports FCPA has requested that the applicant dedicate a significant area of parkland and develop regulation-sized athletic fields. The Comprehensive Plan also calls for school development at this site if deemed necessary. Planning staff have determined that there is a need for school development.

Working closely with Fairfax County Schools, the Park Authority identified several options for developing a joint park/school site that would meet the needs of both schools and parks. Proposals from the applicant have not included school and park development. As a result, the development of this site as currently shown does not dedicate any land to the Park Authority nor do the proposed school-size athletic fields meet the full-size recreational field needs of this area. The Park Authority recognizes the need for schools. If park development is not possible at this site, we recommend an alternative to satisfy the Comprehensive Plan requirements. In lieu of providing the park acreage, FCPA recommends that the applicant construct athletic fields and associated park improvements on an alternative FCPA property

within the same service area to satisfy the park deficiency identified in the Comprehensive Plan.

The Park Authority has reviewed the revised proposed Development Plan dated March 5, 2002 and the proffers dated March 8, 2002 for the above referenced application. The Development Plan shows a total of 1074 units on approximately 80.13 acres. The proposal will add approximately 2,168 residents to the current population of Springfield District.

## **COMPREHENSIVE PLAN CITATIONS**

### **1. Park Services and New Development (The Policy Plan, Parks and Recreation Objective 4, p. 180)**

**“Maximize both the required and voluntary dedication, development, and renovation of lands and facilities for parks and recreation to help ensure an equitable distribution of these resources commensurate with development throughout the County.**

Policy a: Provide neighborhood park facilities on private open space in quantity and design consistent with County standards; or at the option of the County, contribute a pro-rata share to establish neighborhood park facilities in the vicinity;...

Policy b: Mitigate the cumulative impacts of development which exacerbate or create deficiencies of Community Park facilities in the vicinity. The extent of facilities, land or contributions to be provided shall be in general accordance with the proportional impact on identified facility needs as determined by adopted County standards. Implement this policy through application of the Criteria for Assignment of Appropriate Development Intensity.”

### **2. Additional Parkland (Area III, Fairfax Center Area, Land Unit O, p. 76 of 122)**

**Sub-unit O1. “Adequate land should be dedicated to the Fairfax County Park Authority to enlarge Dixie Hills Park to ten to fifteen acres or another appropriate location within a the sub-unit for a park should be provided. In addition to the parkland, Neighborhood Park facilities should be provided to offset any impact of the proposed development beyond the capacity of existing facilities;**

**If it is determined that an elementary school site is required to serve the increased population in this area, adequate land for such a facility should be dedicated. The school site should be co-located with the required parkland to allow for the sharing of recreation facilities."**

## **ANALYSIS AND RECOMMENDATIONS**

### **New Facilities**

There is a significant shortage of regulation-size rectangular and diamond fields in this area of the County. Currently, the FCPA is able to meet only approximately one-third of the public demand for regulation-sized diamond facilities and two-thirds of the demand for regulation-size rectangular fields. Ongoing development and redevelopment in the Fairfax Center area has greatly reduced potential sites for locating any new regulation-size fields.

To develop at the high end of the density range as the applicant is proposing, the Comprehensive Plan calls for dedication of parkland to expand Dixie Hill Park to 10 – 15 acres in size. The mid-point of the planned park dedication figure is 12.5 acres. Since the existing Dixie Hill Park is 2.5 acres, 10 acres of new parkland would be expected. Depending on site conditions, the Park Authority can site three to four regulation-sized fields on a 10 –15 acre parcel. The largest recreation deficiency in this area is regulation diamond and rectangular fields. The Park Authority anticipated the development of at least three regulation-size fields in this addition to Dixie Hill Park.

The Development Plan shows a dedication of approximately 13 acres for an elementary school but no land for parks. As currently proposed on the Development Plan, the school site would include one small diamond and one larger field that consists of a small diamond, a small rectangular field, and a large diamond all overlaid. The proposal would require redevelopment of a portion of Dixie Hill Park to accommodate the large overlay field and school facilities. FCPA has conveyed our opposition to the layout based on the impact to our parkland and the nonconformance with Park Authority policy of the proposed overlaying of athletic fields.

FCPA supports the sharing of recreational fields with the School Board where the fields meet the needs of both parties. However, the Park Authority does not have a pressing need for school-size fields in this area. As a result, the proposed development adds little value to the Park Authority's program.

FCPA believes that the applicant could meet the intent of the Comprehensive Plan by providing physical improvements on undeveloped FCPA property commonly referred to as "Pope's Head Estates." The improvements should include two fully developed regulation-sized diamond fields. The total value of the improvements should be equivalent to that of the 7.5 – 12.5 acres of additional parkland and related park improvements called for by the Comprehensive Plan. This contribution should be separate from, and in addition to, the recreational contribution required by section 16-404 of the Zoning Ordinance.

### **Manassas Gap Railroad Earthworks**

There is a significant section of the Manassas Gap Railroad earthworks on the properties in the proposed rezoning. The earthworks consist of a manmade gorge approximately twenty feet deep. The Manassas Gap Railroad has been nominated for the National Register of Historic Places and is an important cultural feature in Fairfax County. The gorge is located along the northern boundary of the site near Post Forest Road. FCPA recommends that the applicant revise the Development Plan to preserve the portion of the gorge on their property. This would involve a strip of land approximately 50 feet wide along the northeast boundary of the site.

### **Contributions to Offset Impacts of Increased Recreational Demands**

The residents of this development will need access to outdoor recreational facilities. Typical recreational needs include playground/tot lots, basketball, tennis and volleyball courts and athletic fields. Based on the Zoning Ordinance Section 16-404, the applicant shall provide \$955 per non-ADU (affordable dwelling unit) residential unit for outdoor recreational facilities to serve the development population. With 984 non-ADUs proposed, the cost to develop outdoor recreational facilities is \$939,720. The applicant can subtract the cost of developing their proposed recreational facilities (private pool and clubhouse) from the expected pro-rata contribution. Remaining pro-rata funds should be dedicated to the FCPA.

**Land Dedication Proffer**

Proffer number 23 describes dedication of lands to FCPA "as shown on the CDP/FDP." Since there is no area shown on the Development Plan for parks, the proffer is not needed and should be removed.

cc: Kirk Holley, Manager, Planning and Land Management Branch  
Irish Grandfield, Supervisor, Planning and Land Management Branch  
Allen Scully, Plan Review Team, Planning and Land Management Branch  
Denise James, Planner, DPZ  
Gary Chevalier, Fairfax County School Board  
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**FAIRFAX CENTER CHECKLIST**

Case Number: RZ/FDP 2001-SP-041; Dix Cen Gato

Plan Date: August 2001 as revised through April 29, 2002

Not

Applicable    Applicable    Essential    Satisfied    Comments

**I. AREA WIDE BASIC DEVELOPMENT ELEMENTS**

	Applicable	Applicable	Essential	Satisfied	Comments
<b>A. Roadways</b>					
1. Minor street dedication and construction		x	x	x	
2. Major street R.O.W. dedication		x	x	x	
<b>B. Transit</b>					
1. Bus loading zones with necessary signs and pavement; Bus pull-off lanes	x				
2. Non-motorized access to bus or rail transit stations	x				
3. Land dedication for transit and commuter parking lots	x				
<b>C. Non-motorized Transportation</b>					
1. Walkways for pedestrians		x	x	x	
2. Bikeways for cyclists		x	x	x	
3. Secure bicycle parking facilities		x		x	

**III. AREA WIDE MINOR DEVELOPMENT ELEMENTS**

	Applicable	Applicable	Essential	Satisfied	Comments
<b>A. Roadways</b>					
1. Major roadway construction of immediately needed portions		x	x	x	
2. Signs	x				
<b>B. Transit</b>					
1. Bus shelters		x		x	
2. Commuter parking	x				
<b>C. Non-motorized transportation</b>					
1. Pedestrian activated signals	x				
2. Bicycle support facilities (showers, lockers)	x				
<b>D. Transportation Strategies</b>					
1. Ridesharing programs	x				

FAIRFAX CENTER CHECKLIST

Case Number:

RZ/FDP 2001-SP-041; Dix Cen Gato

Plan Date:

August 2001 as revised through April 29, 2002

	Not Applicable	Applicable	Essential	Satisfied	Comments
2. Subsidized transit passes for employees	x				
<b>III. AREA WIDE MAJOR DEVELOPMENT ELEMENTS</b>					
<b>A. Roadways</b>					
1. Contribution towards major (future) roadway improvements		x	x	x	
2. Construct and/or contribute to major roadway improvements		x	x	x	
3. Traffic signals as required by VDOT		x	x	x	
<b>B. Transit</b>					
1. Bus or rail transit station parking lots	x				
<b>C. Transportation Strategies</b>					
1. Local shuttle service	x				
2. Parking fees	x				
<b>D. Non-motorized Circulation</b>					
1. Grade separated road crossings	x				

**FAIRFAX CENTER CHECKLIST**

*Environmental Systems*

Case Number:

RZ/FDP 2001-SP-041; Dix Cen Gato

Plan Date:

August 2001 as revised through April 29, 2002

Not

Applicable    Applicable    Essential    Satisfied    Comments

**I. AREA-WIDE BASIC DEVELOPMENT ELEMENTS**

	Applicable	Applicable	Essential	Satisfied	Comments
A. Environmental Quality Corridors (EQC)					
1. Preservation of EQCs as public or private open space		x	x	x	
B. Stormwater Management (BMP)					
1. Stormwater detention/retention		x	x	x	
2. Grassy swales/vegetative filter areas	x				
C. Preservation of Natural Features					
1. Preservation of quality vegetation					
2. Preservation of natural landforms	x				Minimal tree preservation
3. Minimize site disturbance as a result of clearing or grading limits		x	x		Significant clearing and grading of the site
D. Other Environmental Quality Improvements					
1. Mitigation of highway-related noise impacts	x				
2. Siting roads and buildings for increased energy conservation (Including solar access)		x		x	

**II. AREA-WIDE MINOR DEVELOPMENT ELEMENTS**

	Applicable	Applicable	Essential	Satisfied	Comments
A. Increased Open Space					
1. Non-stream valley habitat EQCs	x				
2. Increased on-site open space		x	x		Meets Ordinance requirement but provides minimal usable open space
B. Protection of Ground Water Resources					
1. Protection of aquifer recharge areas	x				
C. Stormwater Management (BMP)					
1. Control of off-site flows		x		x	
2. Storage capacity in excess of design storm requirements		x		x	

**FAIRFAX CENTER CHECKLIST**

**Environmental Systems**

Case Number:

RZ/FDP 2001-SP-041; Dix Cen Gato

Plan Date:

August 2001 as revised through April 29, 2002

Not

	Applicable	Not Applicable	Essential	Satisfied	Comments
D. Energy Conservation					
1. Provision of energy conscious site plan		x		x	
<b>III. AREA-WIDE MAJOR DEVELOPMENT ELEMENTS</b>					
A. Innovative Techniques					
1. Innovative techniques in stormwater management		x		x	
2. Innovative techniques in air or noise pollution control and reduction	x				
3. Innovative techniques for the restoration of degraded environments	x				

# FAIRFAX CENTER CHECKLIST

## Provision of Public Facilities

Case Number:

RZ/FDP 2001-SP-041; Dix Cen Gato

Plan Date:

August 2001 as revised through April 29, 2002

		Not			Satisfied		Comments
		Applicable	Applicable	Essential	Satisfied		
<b>I. AREA-WIDE BASIC DEVELOPMENT ELEMENTS</b>							
A. Park Dedications							
1. Dedication of stream valley parks in accordance with Fairfax County Park Authority policy		x					
B. Public Facility Site Dedications							
1. Schools			x	x		x	
2. Police/fire facilities			x	x		x	

<b>II. AREA-WIDE MINOR DEVELOPMENT ELEMENTS</b>							
A. Park Dedications							
1. Dedication of parkland suitable for a neighborhood park			x	x		x	
B. Public Facility Site Dedication							
1. Libraries		x					
2. Community Centers		x					
3. Government offices/facilities		x					

<b>III. AREA-WIDE MAJOR DEVELOPMENT ELEMENTS</b>							
A. Park Dedications							
1. Community Parks			x	x		x	
2. County Parks		x					
3. Historic and archeological parks			x	x		x	
B. Public Indoor or Outdoor Activity Spaces							
1. Health clubs		x					
2. Auditoriums/theaters		x					
3. Athletic fields/major active recreation facilities			x	x		x	

**FAIRFAX CENTER CHECKLIST**

**Land Use - Site Planning**

Case Number: RZ/FDP 2001-SP-041; Dix Cen Gato

Plan Date: August 2001 as revised through April 29, 2002

Not

Comments

	Applicable	Applicable	Essential	Satisfied	Comments
<b>I. AREA-WIDE BASIC DEVELOPMENT ELEMENTS</b>					
<b>A. Site Considerations</b>					
1. Coordinated pedestrian and vehicular circulation systems		x		x	
2. Transportation and sewer infrastructure construction phased to development construction		x		x	
3. Appropriate transitional land uses to minimize the potential impact on adjacent sites		x	x	x	
4. Preservation of significant historic resources		x	x	x	
<b>B. Landscaping</b>					
1. Landscaping within street rights-of-way		x		x	
2. Additional landscaping of the development site where appropriate		x	x	x	
3. Provision of additional screening and buffering		x	x	x	

<b>II. AREA-WIDE MINOR DEVELOPMENT ELEMENTS</b>					
<b>A. Land Use/Site Planning</b>					
1. Parcel consolidation		x	x	x	
2. Low/Mod income housing		x	x	x	
<b>B. Mixed Use Plan</b>					
1. Commitment to construction of all phases in mixed-use plans	x				
2. 24-hour use activity cycle encouraged through proper land use mix	x				
3. Provision of developed recreation area or facilities		x	x	x	

**FAIRFAX CENTER CHECKLIST**

*Land Use - Site Planning*

*Case Number:*

RZ/FDP 2001-SP-041; Dix Cen Gato

*Plan Date:*

August 2001 as revised through April 29, 2002

Not

		Not			Comments
		Applicable	Applicable	Essential	Satisfied
<b>III. AREA-WIDE MAJOR DEVELOPMENT ELEMENTS</b>					
A. Extraordinary Innovation					
1. Site design			x		Minimal usable open space and amenity areas
2. Energy conservation			x		x

# FAIRFAX CENTER CHECKLIST

*Detailed Design*

Case Number:

RZ/FDP 2001-SP-041; Dix Cen Gato

Plan Date:

August 2001 as revised through April 29, 2002

Not

Applicable    Applicable    Essential    Satisfied    Comments

## I. AREA-WIDE BASIC DEVELOPMENT ELEMENTS

	Not Applicable	Applicable	Essential	Satisfied	Comments
A. Site Entry Zone					
1. Signs		X		X	
2. Planting		X	X	X	
3. Lighting		X		X	
4. Screened surface parking		X		X	
B. Street Furnishings					
1. Properly designed elements such as lighting, signs, trash receptacles, etc.		X		X	

## II. AREA WIDE MINOR DEVELOPMENT ELEMENTS

A. Building Entry Zone					
1. Signs		X		X	
2. Special planting		X		X	
3. Lighting		X		X	
B. Structures					
1. Architectural design that complements the site and adjacent developments		X		X	
2. Use of energy conservation techniques		X		X	
C. Parking					
1. Planting - above ordinance requirements		X		X	
2. Lighting		X		X	
D. Other Considerations					
1. Street furnishing such as seating, drinking fountains		X		X	
2. Provision of minor plazas		X		X	

**FAIRFAX CENTER CHECKLIST**

*Detailed Design*

Case Number:

RZ/FDP 2001-SP-041; Dix Cen Gato

Plan Date:

August 2001 as revised through April 29, 2002

Not

III. AREA WIDE MAJOR DEVELOPMENT ELEMENTS		Applicable	Applicable	Essential	Satisfied	Comments
A. Detailed Site Design						
1. Structured parking with appropriate landscaping			x		x	
2. Major plazas		x				
3. Street furnishings to include structures (special planters, trellises, kiosks, covered pedestrian areas (arcades, shelters, etc.), Water features/pools, ornamental fountains, and special surface treatment		x				
4. Landscaping of major public spaces		x				

**FAIRFAX CENTER CHECKLIST**

*Summary*

*Case Number:*

RZ/FDP 2001-SP-041; Dix Cen Gato

*Plan Date:*

August 2001 as revised through April 29, 2002

**I. BASIC DEVELOPMENT ELEMENTS**

1. Applicable Elements	24
2. Elements Satisfied	22
3. Ratio	<b>0.92</b>

**II. MINOR DEVELOPMENT ELEMENTS**

1. Applicable Elements	19
2. Elements Satisfied	18
3. Ratio	<b>0.95</b>

**III. MAJOR DEVELOPMENT ELEMENTS**

1. Applicable Elements	10
2. Elements Satisfied	9
3. Ratio	<b>0.90</b>

**IV. ESSENTIAL DEVELOPMENT ELEMENTS**

1. Applicable Elements	26
2. Elements Satisfied	24
3. Ratio	<b>0.92</b>

**V. MAJOR TRANSPORTATION DEVELOPMENT ELEMENTS**

1. Applicable Elements	3
2. Elements Satisfied	3
3. Ratio	<b>1.00</b>

**VI. LOW/MODERATE INCOME HOUSING ELEMENT**

yes  no

**6-101 Purpose and Intent**

The PDH District is established to encourage innovative and creative design and to facilitate use of the most advantageous construction techniques in the development of land for residential and other selected secondary uses. The district regulations are designed to insure ample provision and efficient use of open space; to promote high standards in the layout, design and construction of residential development; to promote balanced developments of mixed housing types; to encourage the provision of dwellings within the means of families of low and moderate income; and otherwise to implement the stated purpose and intent of this Ordinance.

**16-101 General Standards**

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

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

**16-102 Design Standards**

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

1. In order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.
2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

**GLOSSARY**

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

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

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

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

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

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

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

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

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

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

**COUNTY 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
DU/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		