



# FAIRFAX COUNTY

DP2  
OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

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February 16, 2000

Keith C. Martin, Esquire  
Walsh, Colucci, Stackhouse  
Emrich and Lubeley, PC  
2200 Clarendon Boulevard - 13<sup>th</sup> Floor  
Arlington, Virginia 22201-3359

RE: Rezoning Application  
Number RZ 1999-MV-019  
(Concurrent with PCA 1996-MV-037)

Dear Mr. Martin:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on January 10, 2000, granting Rezoning Application Number RZ 1999-MV-019 in the name of South Station L.L.C., to rezone certain property in the Mount Vernon District from the R-1 District to the PDH-8 District, subject to the proffers dated October 25, 1999, on subject parcel 107-2 ((1)) 9, consisting of approximately 1.81 acres.

The Conceptual Development Plan was approved: the Planning Commission having previously approved Final Development Plan Application FDP 1999-MV-019 on October 21, 1999, subject to the Board's approval of RZ 1999-MV-019.

**The Board also approved variances of the minimum district size and open space for RZ 1999-MV-019.**

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

RZ 1999-MV-019  
February 16, 2000

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cc: Chairman Katherine K. Hanley  
Supervisor-Mount Vernon District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Administrator  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Thomas Conry, Dept. Mgr. - GIS - Mapping/Overlay  
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation  
Ellen Gallagher, Project Planning Section, Dept. of Transportation  
Michelle Brickner, Deputy Director, DPW&ES  
DPW&ES - Bonds & Agreements  
Frank Edwards, Department of Highways - VDOT  
Land Acqu. & Planning Div., Park Authority  
District Planning Commissioner  
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES  
Barbara J. Lippa, Executive Director, Planning Commission

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 10<sup>th</sup> day of January, 2000, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROPOSAL NUMBER RZ 1999-MV-019  
(CONCURRENT WITH PCA 1996-MV-037)

WHEREAS, South Station L.L.C. filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 District to the PDH-8 District, and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended.

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Mount Vernon District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the PDH-8 District, and said property is subject to the use regulations of said PDH-8 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcel.

GIVEN under my hand this 10<sup>th</sup> day of January, 2000.



Nancy Veers  
Clerk to the Board of Supervisors

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## PROFFERS

RZ 1999-MV-019  
PCA 96-MV-037-1

October 25, 1999

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 edition as amended, South Station, LLC, their successors and assigns and owners for themselves, their successors and assigns (hereinafter referred to as the "Applicant"), in RZ 1999-MV-019 and PCA 96-MV-037-1 filed for property identified on Fairfax County tax map as 107-4 ((1)) Parcel 9 (hereinafter referred to as the "Rezoning Property") and 107-4 ((1)) 17A1 107-2 ((1)) 42, 43, and 44, 107-4 ((20)) 1-12, 107-2 (1)) 46, 107-2 ((1)) 94, 95, 96, 107-4 ((1)) 17B1 and 17B2 (hereinafter referred to as the "PCA Property") agrees to the following proffers, provided that the Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves a rezoning of the Rezoning Property from the R-1 District to the PDH-8 District in conjunction with a Conceptual/Final Development Plan (CDP/FDP) for 13 single-family detached dwelling units and amendments to the proffers as approved with RZ 96-MV-037 dated February 17, 1998 which shall be reaffirmed and incorporated into this proffer statement.

1. CONCEPTUAL/FINAL DEVELOPMENT PLAN (CDP/FDP)
  - a. Subject to the provisions of Section 16-403 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Rezoning Property shall be in substantial conformance with the CDP/FDP, prepared by Bowman Consulting Group, Ltd. dated August 22, 1996 as revised through September 27, 1999. The CDP shall constitute the entire plan relative to the points of access, total number of units, the general location of residential lots, common open space areas and landscaping.
  - b. The proffers for RZ 96-MV-037 dated February 17, 1998 shall also apply to the Rezoning Property as applicable and as determined by DPWES and DPZ.
  - c. Development of the Rezoning Property shall only be in conjunction with development of the PCA Property.
  - d. The one ADU for the Rezoning Property will be located on the PCA Property.
2. RECREATION
  - a. Prior to the issuance of the 1st Residential Use Permit (RUP) on the Rezoning Property, the Applicant shall contribute \$955.00 per residential unit on the Rezoning Property to the homeowners association for recreational improvements on the Rezoning Property and/or the PCA Property.

The Applicant hereby reaffirms the proffers dated February 17, 1998 as approved in RZ 96-MV-037 which are attached hereto and incorporated herein subject to the following amendments:

Revise paragraph 1.a. to read:

- 1.a. The PCA Property shall be developed in substantial conformance with the Conceptual Development Plan (CDP) dated September 27, 1999 (three sheets) prepared by Dewberry & Davis; provided, however, that minor modifications may be permitted when necessitated by sound engineering or which may become necessary as part of final engineering, as determined by the Department of Public Works and Environmental Services (DPWES).

Revise paragraph 1.d. to read:

- 1.d. Pursuant to Part 8 of Article 2, the Applicant shall provide 41 affordable dwelling units ("ADUs") on the PCA Property subject to such modifications and/or amendments which may occur to the Zoning Ordinance. Applicant shall ensure that the ADUs are distributed in various locations of any of the multi-family sections (Land Bay A-2, G or K) of the proposed community. The one ADU required in conjunction with RZ 1999-MV-019 shall be located within the multi-family units of Land Bay K.

The maximum number of multi-family units, including ADUs shall not exceed the maximum number of units as shown on the FDP.

Revise paragraph 10.a. to read:

- 10.a. Within six (6) months of the date of approval of PCA 96-MV-037-1, or upon demand, whichever occurs first, the Applicant shall dedicate and convey to the Fairfax County School Board, good and marketable fee simple title to the 12.8-acre site identified as Land Bay L, free and clear of all liens and encumbrances except those approved by the School Board, for an elementary school, and shall dedicate for public street purposes the right-of-way for the proposed public street depicted from Lorton Road to the 12.8-acre site. The dedication of the 12.8-acre site shall be in a form approved by the School Board. Within three (3) years of the approval of PCA 96-MV-037-1 or prior to the first final site plan and/or subdivision approval for Land Bay D/F, whichever occurs first, Applicant shall take, at Applicant's expense, the following actions as necessary to ensure to the School Board's satisfaction that the 12.8-acre site can accommodate the School Board's planned elementary school facility consistent with the approved final development plan and School Board design criteria: (i) relocate to a new location satisfactory to the School Board the existing Alexandria Water Company easements recorded in Deed Book 1220, at page 41 and in Deed Book 3328, at page 256 and the facilities located within such easements, and (ii) if necessary, obtain approval of a final development plan amendment on behalf of and satisfactory to the School Board to modify the building footprint shown on the current final development plan.

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RZ 1999-MV-019  
PCA 96-MV-037-1  
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APPLICANT/OWNER

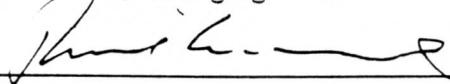
Tax Map 107-2 ((1)) 44 and 107-4 ((1)) 17A1, 95 and 96  
107-4 ((20)) 1-12 and 107-2 ((1)) 46

CONTRACT PURCHASER

Tax Map 107-2 ((1)) 42 and 43

SOUTH STATION, LLC

By: KSI SERVICES, INC., Managing Member

By:  \_\_\_\_\_

Name: Richard W. Hausler

Title: President

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PCA 96-MV-037-1  
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CONTRACT PURCHASER

Tax Map 107-2 ((1)) 42 pt.; 107-4 ((1)) Part 17A1; 107-2 ((20)) 12  
107-2 ((1)) 44 pt.

NVR, INC. T/A NV HOMES

By:   
L. Alan Shearer  
Title: AREA VICE PRESIDENT

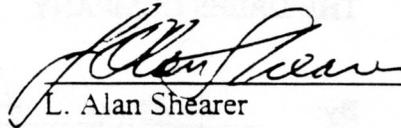
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RZ 1999-MV-019  
PCA 96-MV-037-1  
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CONTRACT PURCHASER

Tax Map 107-2 ((1)) 42 pt.; 107-4 ((1)) Part 17A1; 107-2 ((20)) 4-9  
107-2 ((1)) 44 pt.

NVR, INC. T/A RYAN HOMES

By:

  
L. Alan Shearer

Title:

AREA VICE PRESIDENT

PROFFERS  
RZ 1999-MV-019  
PCA 96-MV-037-1  
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**CONTRACT PURCHASER**

Tax Map 107-2 ((1)) 42 pt.; 107-4 ((1)) Part 17A1; 107-2 ((20)) 1-3,  
10, 11; 107-2 ((1)) 44 pt.

**THE DREES COMPANY**

By: David G. Drees  
David G. Drees

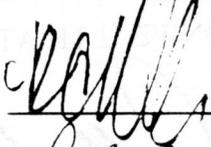
Title: President

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TITLE OWNER

Tax Map 107-2 ((1)) 17 A1 pt.  
Contract Purchaser Tax Map 107-2((1)) 44 pt.  
M/I SCHOTTENSTEIN HOMES

By:



Name:

ROBERT C. MOESLE

Title:

REGIONAL PRESIDENT

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TITLE OWNER  
Tax Map 107-2 ((1)) 42 and 43

COMMONWEALTH ATLANTIC LAND COMPANY

By: Jeffrey I. Sofferman  
Name: Jeffrey I. Sofferman  
Title: Vice President

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PCA 96-MV-037-1  
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EXHIBIT  
1-12-01  
1-12-01  
1-12-01

TITLE OWNER

Tax Map 107-4 ((1)) 94

FAIRFAX COUNTY SCHOOL BOARD

By: 

Name: Daniel A. Domenech

Title: Division Superintendent

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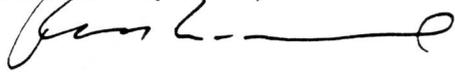
TITLE OWNER

Tax Map 107-4 ((1)) 17B1 and 17B2

ARMISTEAD, LC

By: KSI Services, Inc., Managing Member

By:

  
\_\_\_\_\_  
Richard W. Hausler

Title:

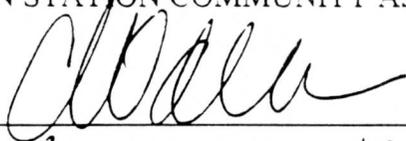
President

PROFFERS  
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TITLE OWNER

Tax Map 107-4 ((20)) A

LORTON STATION COMMUNITY ASSOCIATION, INC.

By:   
Name: Cassandra D. Wallace  
Title: Vice President



## PLANNING COMMISSION APPROVED DEVELOPMENT CONDITIONS

FDP 1999-MV-019

October 21, 1999

If it is the intent of the Planning Commission to approve FDP 1999- MV-019 located at Tax Map 107-2 ((1)) 9 on 1.81 acres to permit residential development zoned PDH-8 and developed with 13 single-family detached residential units, the staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. Development of the 1.81 acre site shall be in substantial conformance with the Final Development Plan entitled Lorton Town Center, prepared by the Bowman Consulting Group (original plan developed by Dewberry & Davis), last revised on September 27, 1999.
2. Residential structures shall be constructed in substantial conformance with the Representative Elevations presented on Sheet 7 of the FDP, subject to DPWES approval. Quality of building materials, including the ratio of brick/stone to siding, and architectural treatments shall be consistent throughout the PDH-8 and PDH-5 development.
3. All single-family detached units shall have driveways which are a minimum eighteen (18) feet long to allow the parking of vehicles without overhanging the sidewalk.
4. Private streets within the development shall be constructed in conformance with Public Facilities Manual public street standards for materials and depth of pavement, subject to DPWES approval.
5. Single-family detached lots located along the periphery of the site shall conform with the front, side, and rear yard requirements of the R-8 ADU development provisions as specified in the Zoning Ordinance.
6. Purchasers of units shall be advised in writing prior to entering a contract of sale that the homeowners' association shall be responsible for the maintenance of all private streets in the development. The homeowners' association documents shall specify that the homeowners' association is responsible for the maintenance of private streets and other common facilities.

7. A covenant shall be recorded which provides that garages shall only be used for purposes that will not interfere with their intended purpose of parking vehicles and that garages may not be converted to living space. This covenant shall be recorded among the land records of Fairfax county in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the homeowners association and the Fairfax County Board of Supervisors. Purchasers shall be advised in writing of this use restriction prior to entering into a contract of sale.
8. Provisions of the Soil Erosion and Sedimentation Control Ordinance shall be strictly enforced. Areas which are disturbed for the purpose of removing fill for transport to other sections of the site shall be stabilized and seeded immediately following soil removal, as determined by DPWES in coordination with Urban Forestry. Disturbance and/or soil removal which damages trees in peripheral areas which are proposed to be saved shall not be permitted, subject to Urban Forestry review and approval.
9. Prior to final site plan approval for development the Maywood Tract (RZ/FDP 1999-MV-019), a noise study shall be submitted to determine the extent of exterior noise adjacent to the proposed units. If deemed necessary exterior noise mitigation shall be provided, subject to DPWES approval.
10. Prior to final site plan approval for the Maywood tract (RZ/FDP 1999-MV-019), limits of clearing and grading shall be established which demonstrate that adjacent, off-site trees will not be damaged by construction activities on this site. Limits of clearing and grading shall be marked with fencing or other suitable prior to land disturbing activities on the site and shall remain in place during all phases of construction, subject to Urban Forestry approval.



