76-P-104/77-P-046
Revised 9-8-77

APPLICATION NUMBER 77-P-046

Providence District

STAFF REPORT

Applicant: Board of Supervisors' Own Motion

Present Zoning: PAD

Requested Zoning: RT-8 (17.6± ac.)
RM-2 (39.5± ac.)
RM-2G(28.3± ac.)

Proposed Use: Single and Multi-Family Residential

Subject Parcels: See Map

Acreage: 85.4±

Application Filing Date: May 16, 1977

Planning Commission Hearing Date: June 8, 1977

Board of Supervisors Hearing Date: September 26, 1977

Staff Recommendation: The staff recommends that:

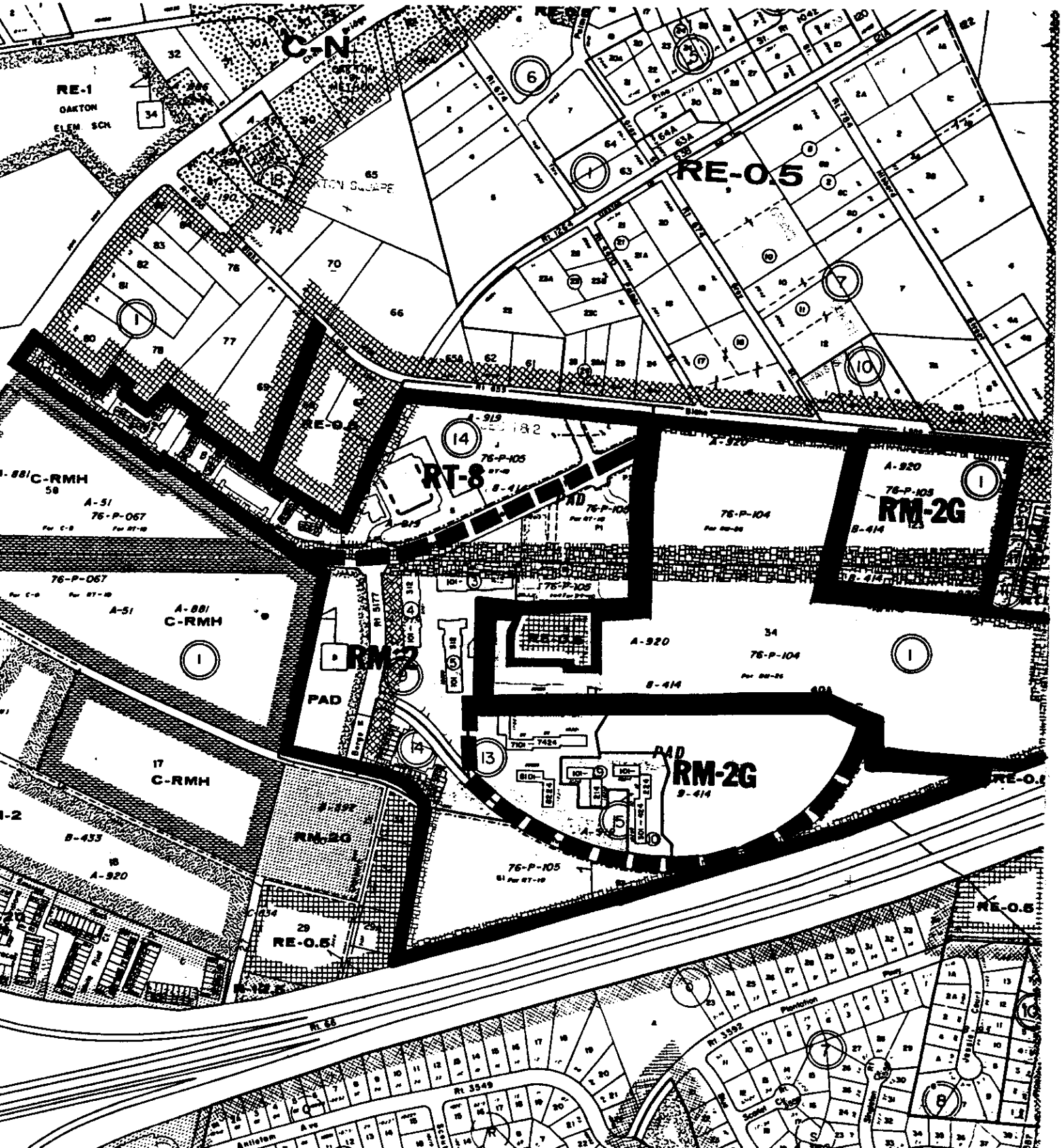
- The Zoning Ordinance, as it applies to the properties within Application 77-P-046, be amended from the PAD District to the RT-8, RM-2G, and RM-2 Districts as shown on the map within this staff report, subject to a proffer by United Developers Housing Corporation that development on Parcels P1 and G1 will not exceed the 774 apartment units presently authorized.

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

SS

# REZONING APPLICATION

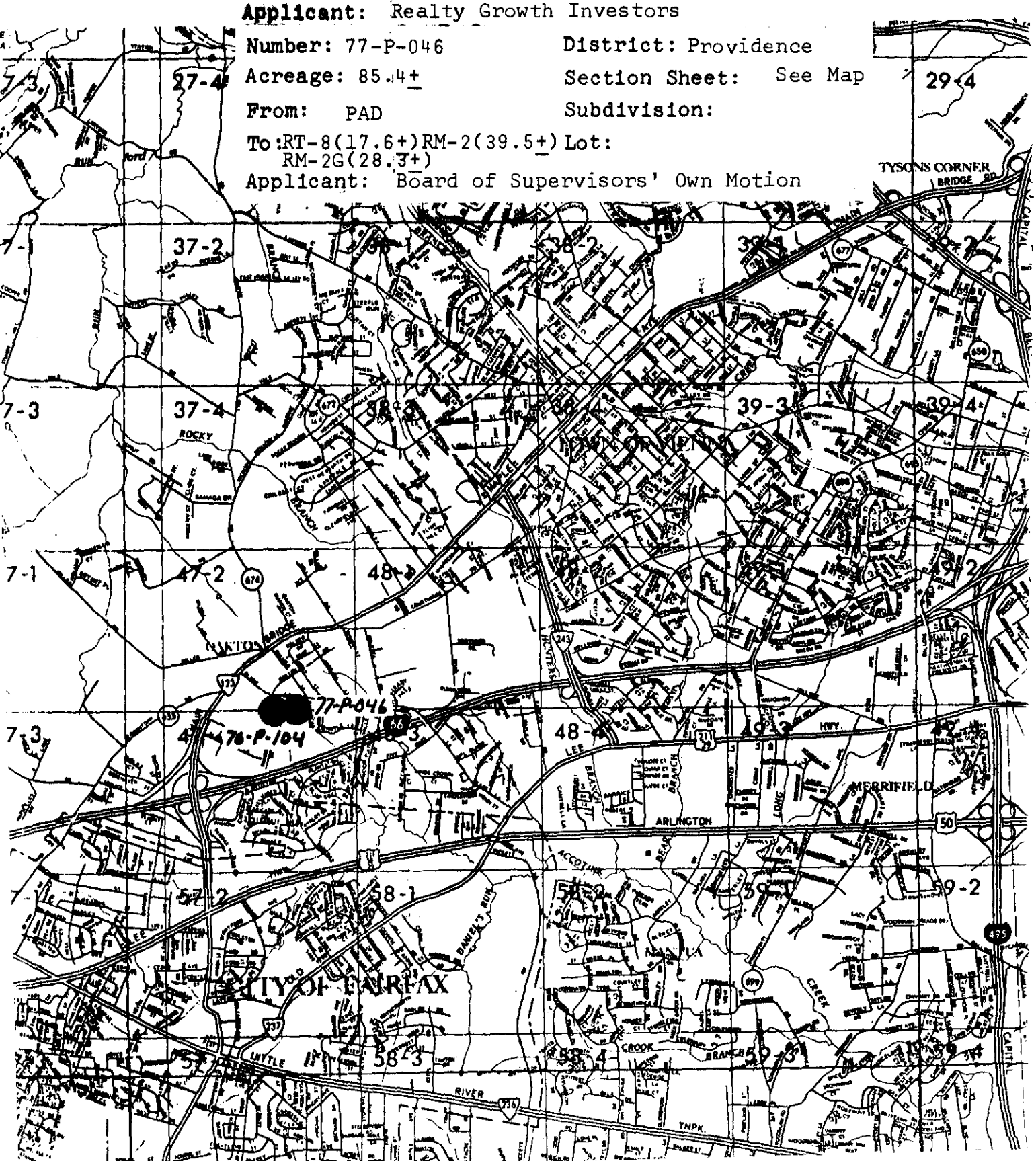
Number: 77-P-046
District: Providence
Acreage: 85.4±
Section Sheet: See Map
From: PAD
Subdivision:
To: RT-8(17.6+) RM-2(39.5±) RM-2G(28.3+)
Lot:
Applicant: Board of Supervisors' Own Motion



# REZONING APPLICATION

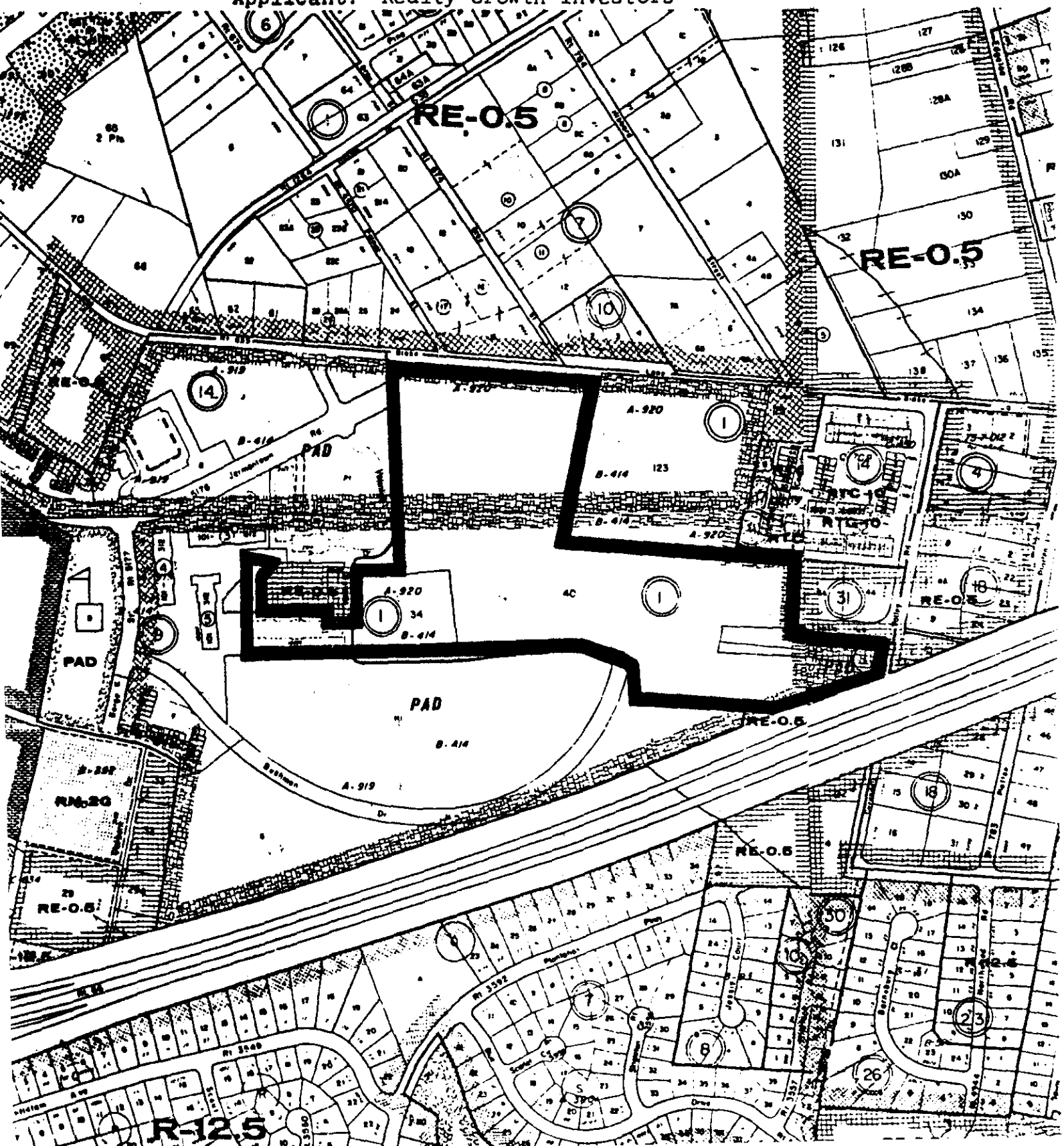
**Number:** 76-P-104 **District:** Providence
**Acreage:** 37.6242 **Section Sheet:** See Map
**From:** PAD **Subdivision:**
**To:** RM-2 **Lot:**
**Applicant:** Realty Growth Investors

**Number:** 77-P-046 **District:** Providence
**Acreage:** 85.4± **Section Sheet:** See Map
**From:** PAD **Subdivision:**
**To:** RT-8(17.6+)RM-2(39.5±) RM-2G(28.3+) **Lot:**
**Applicant:** Board of Supervisors' Own Motion



# REZONING APPLICATION

**Number:** 76-P-104 **District:** Providence
**Acreage:** 37.6242 **Section Sheet:** See Map
**From:** PAD **Subdivision:**
**To:** RM-2 **Lot:**
**Applicant:** Realty Growth Investors



# REZONING APPLICATION

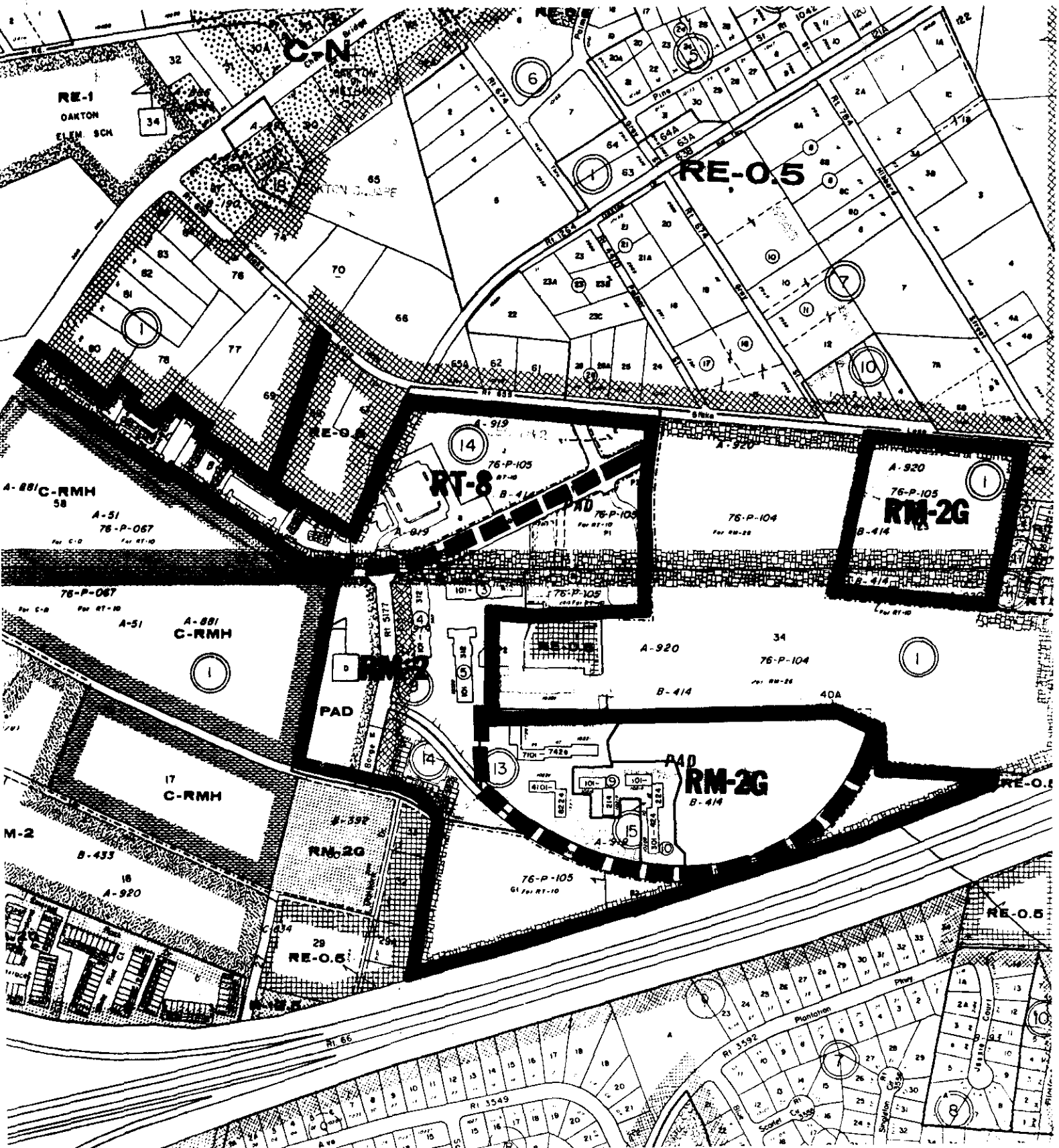
Number: 77-P-046 District: Providence

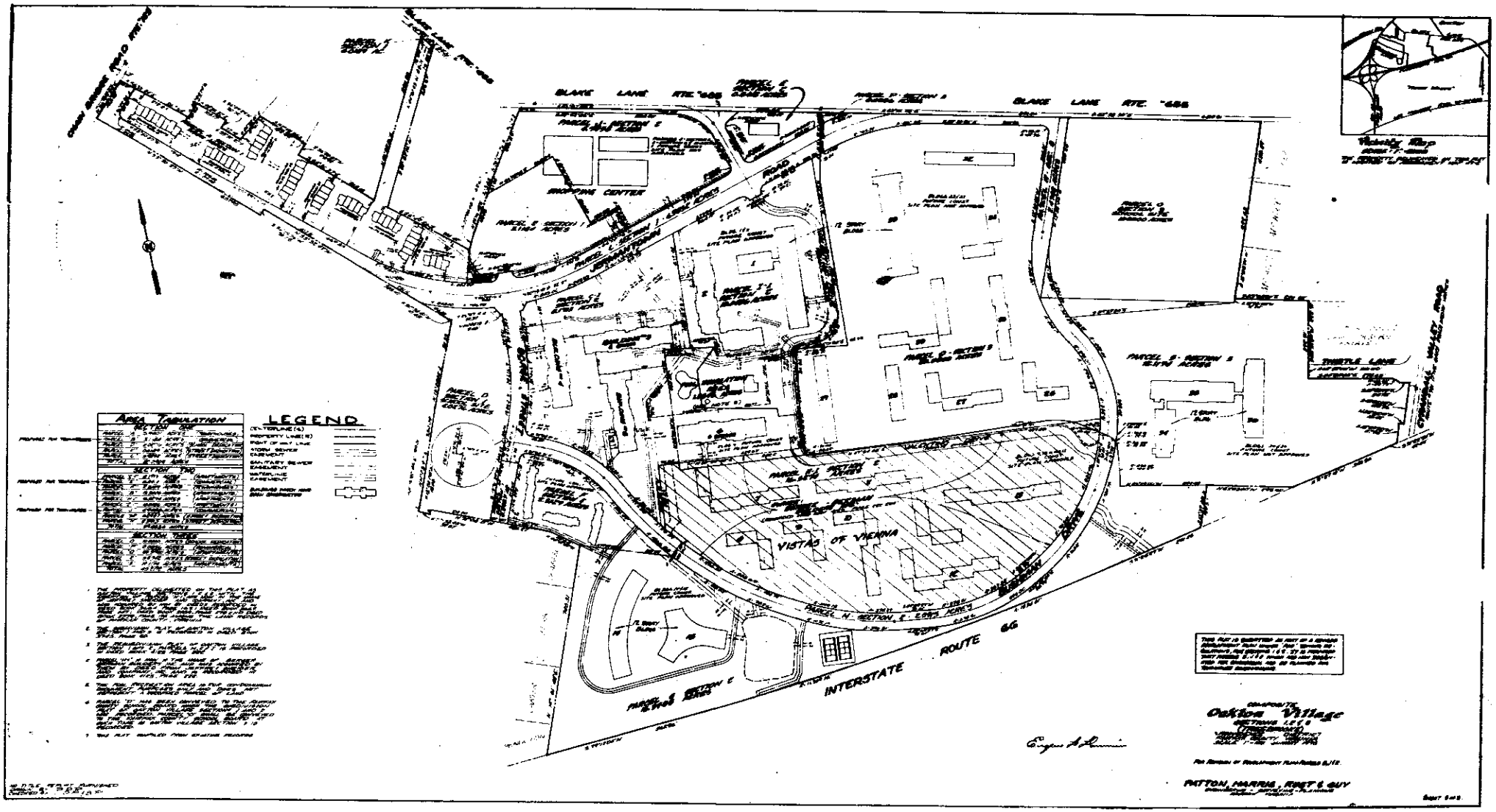
Acreage: 85.4± Section Sheet: See Map

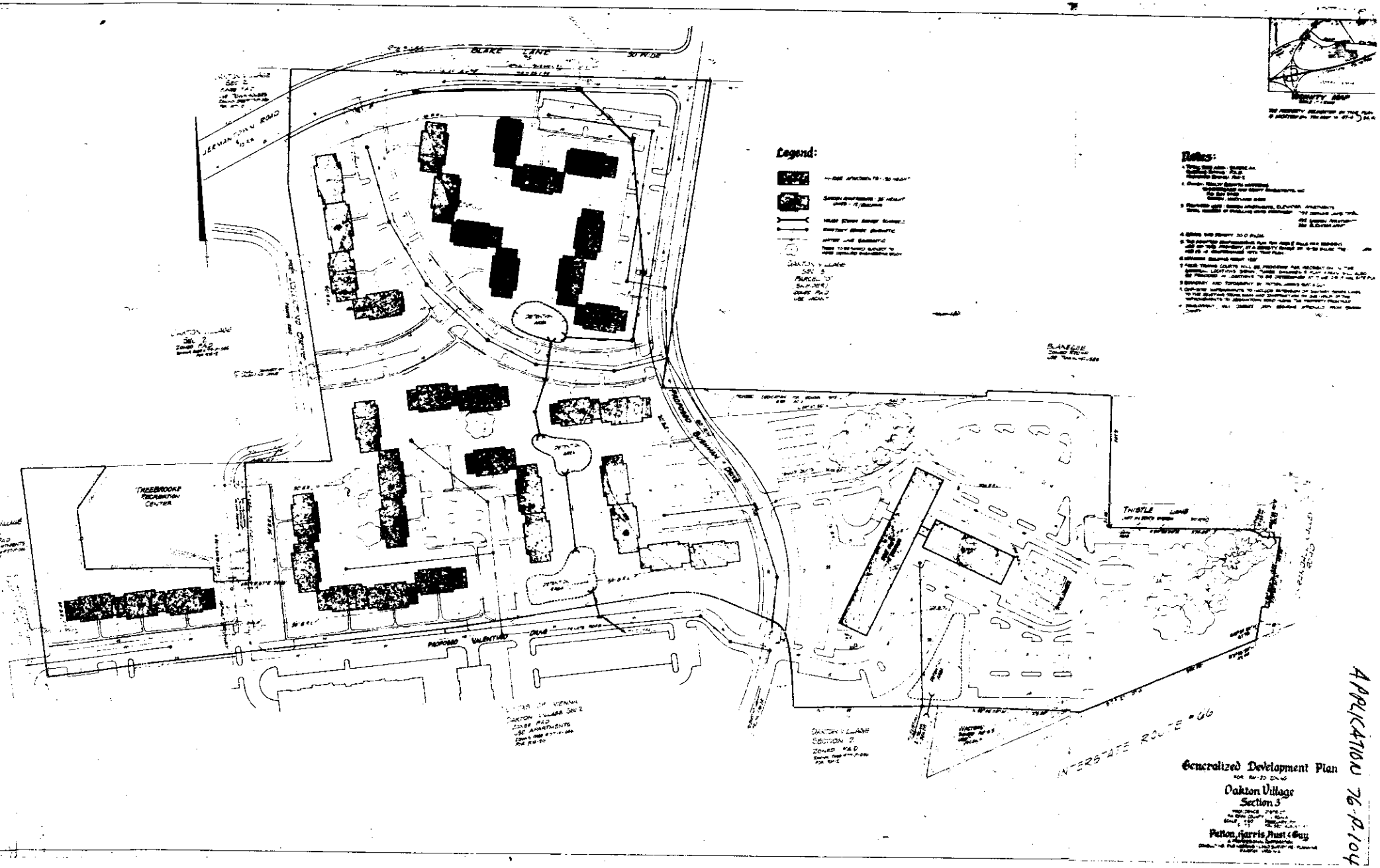
From: PAD Subdivision:

To: RT-8(17.6±) RM-2(39.5±) Lot:
RM-2G(28.3±)

Applicant: Board of Supervisors' Own Motion




BLAKE LANE RTE. 655
BLAKE LANE RTE. 655
SHOPPING CENTER
VISTAS OF VIENNA
THISTLE LANE
INTERSTATE ROUTE 66
LEGEND
AREA TABULATION
Oakton Village
PATTON, HARRIS, RIETT & GUY




APPLICATION 76-P-104

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

## LOCATION AND CHARACTER OF THE AREA

This staff report deals with two rezoning applications which together, if approved, would result in the rezoning of the entire site of the Oakton Village Planned Apartment Development (PAD).

The Oakton Village PAD is located between Blake Lane and the Shenandoah Freeway (I-#66) east of Chain Bridge Road, Route #123. The area is bounded to the west by an area being developed in townhouses, zoned for development within the RM-2G (garden apartments), or C-RMH (multi-family residential high-rise at 40 dwelling units per acre, DU/AC). The C-RMH site is now the subject of rezoning application 77-P-061 to rezone 34 ac. to the I-P (industrial park) District for purposes of constructing an office building. There are also single-family residences adjacent in the southwest corner of the PAD.

On the north is an area of single-family residences, most of which are recommended in the Comprehensive Plan for retention as a stable community. An exception is an area between the Treebrooke townhouse development (part of the PAD) and Blake Lane which is planned for townhouses in the density range of 8 to 12 dwelling units per acre.

To the east of the PAD is an area of single-family detached and townhouses located astride Cyrandall Valley Drive. The Comprehensive Plan recommends townhouse development in this area in either the 5 to 8 or 8 to 12 dwelling unit density ranges.

The southern boundary of the PAD is along the Shenandoah Freeway, Interstate #66.

The PAD was created on July 27, 1966, when the Board of Supervisors granted Rezoning Application B-414 on 123 acres.

## DESCRIPTION OF THE APPLICATION

Rezoning Application 76-P-104, submitted by Realty Growth Investors, requests the rezoning of 37.6242 acres of the PAD to the RM-2 District for the purpose of constructing 432 garden apartments and one twelve-story apartment building containing 320 elevator apartments, at a density of 20 dwelling units per acre. This mixture of apartment types was made by a revised Generalized Development Plan submitted in conjunction with the application amendment made on August 1, 1977. The amendment changed the requested district from RM-2G (garden apartments) to RM-2 which permits mixed uses. Both districts permit development at densities up to 20 dwelling units per acre. See applicant's justification - Appendix 2.

Rezoning Application 77-P-046 initiated on the Board of Supervisors' Own Motion would rezone the remainder of the PAD to conventional districts. This application was initiated in recognition of the fact that Board approval of either application 76-P-104 or a second application, 76-P-105, submitted by United Developers Housing Corporation to request rezoning of 38.5083 acres of the PAD to the RT-10 District and since withdrawn, would violate the provisions of the PAD District of the Zoning Ordinance. If either application was approved, the required mix of residential units, i.e., 25 percent under 35 feet in height, 25 percent at least 65 feet in height, and 50 percent any combination of heights, would not be met. If both applications were approved, the remaining PAD zoned land would not satisfy the Ordinance requirement for a minimum district size of approximately 50 acres.

The intent of Application 77-P-046 then is to permit the owners of the largely undeveloped portions of the PAD to develop their properties at densities less or at least no greater than currently approved densities and to rezone existing development or that in progress to comparable conventional districts to avoid violation of the Zoning Ordinance.

## COMPREHENSIVE PLAN RECOMMENDATIONS

The PAD is located in the Mosby Woods Community Planning Sector of the Fairfax Planning Sector in Area II.

The Comprehensive Plan, adopted by the Board of Supervisors on August 25, 1975, does not address this site specifically, but with regard to this sector status:

> "A. To capitalize on the multitude of transportation options available and planned, the mix of single-family detached infill and medium and high density residential development should be continued."

The Comprehensive Plan map portrays a density range of 16 to 20 dwelling units per acre.

## PUBLIC FACILITIES ANALYSIS

### Transportation

The trip generation potential of the Application 76-P-104 site would decrease from about 5,038 vehicles per day (vpd) to 4,784 vpd with the change from the previously approved PAD development to the proposed RM-2 development. The PAD trip generation is based on a proportion of the original site's estimated trip generation prorated on an acreage basis.

- Original site trip generation:

| | | | |
|---|---|---|---|
| 380 townhouses | @ | 8 vpd/du = | 3,040 vpd |
| 996 garden apartments | @ | 7 vpd/du = | 6,972 vpd |
| 1,170 elevator apartments | @ | 5.5 vpd/du = | 6,435 vpd |
| | Total | | 16,447 vpd |

- Generation attributable to 76-P-104 site:

| | | |
|---|---|---|
| 76-P-016 | 37.62 acres | = 0.3063 |
| Original PAD | 122.81 acres | |

Proportional trip generation = 5,038 vpd

76-P-104 trip generation

| | | | |
|---|---|---|---|
| 432 garden apartments | @ | 7 vpd/du = | 3,024 vpd |
| 320 elevator apartments | @ | 5.5 vpd/du = | 1,760 vpd |
| | Total | | 4,784 vpd |

At this time, no change in trip generation can be forecast for Application 77-P-046 since development is existing, under construction, or could occur at presently approved densities.

Vehicles travelling to and from the subject site would have their greatest impact on Blake Lane/Jermantown Road with Chain Bridge Road and Lee Highway also being impacted. The latest available VDH & T traffic counts for these roads are:

| Route | Vehicles Per Day 1975 | 1976 |
|---|---|---|
| Blake Lane, Route #655 | | |
| Chain Bridge Road to Palmer Street | 5,324 | |
| Palmer Street to Edgelea Drive | 5,869 | |
| Edgelea Drive to Sutton Road | 6,587 | |
| Sutton Road to Bel Glade Street | 8,607 | |
| Bel Glade Street to Lee Highway | 11,183 | |
| Jermantown Road extension, Route #5176 | | |
| Chain Bridge Road to dead end | 886 | |
| Jermantown Road, Route #655 | | |
| Chain Bridge Road to Fairfax City | 6,696 | |
| Chain Bridge Road, Route #123 | | |
| Fairfax City to Vienna | 21,570 | 24,676 |
| Lee Highway, Route #29-211 | | |
| Fairfax City to Falls Church | 20,780 | 22,040 |
| Arlington Boulevard, Route #50 | | |
| Fairfax City to the Capital Beltway | 26,600 | 29,475 |
| Route I-#66 | | |
| Fairfax City to the Capital Beltway | 55,220 | 65,760 |

Because the proposed rezoning would result in a lower trip generation than is now projected, the impact on the surrounding roads would be somewhat lessened.

The transportation element of the Countywide Plan recommends that several improvements to the transportation system serving this area of Fairfax County be implemented. The improvements most pertinent to improving access to the subject site are:

- Improvement of Blake Lane/Jermantown Road, Route #655, to a four-lane divided facility between the Fairfax City line to the west and Pickett Road in Fairfax City to the east. This facility would utilize Jermantown Road extended between Chain Bridge Road and Palmer Street.

- Improvement and extension of Hunter Mill Road, Route #674, to current two-lane facility standards between Barron Cameron Avenue and Blake Lane.

- Construction of the METRO rapid rail mass transit system along the Route I-#66 median with a station at Nutley Road. Access to the station from the subject site will be via Blake Lane, Sutton Road and Five Oaks Road.

- Improvement of Sutton Road, Route #701, to current two-lane facility standards between Blake Lane and Chain Bridge Road.

- Improvement of Five Oaks Road, Route #4949, to current two-lane facility standards between Blake Lane and the proposed Vienna METRO Station.

- Additional reserved bus lanes along Arlington Boulevard, Route #50, between Fairfax Circle and Patrick Henry Drive at Seven Corners.

- Improvement of Lee Highway, Route #29-211, to a four-lane divided facility between Fairfax City and Falls Church City.

- Improvement of the Nutley Road, Route #243/Route I-#66 interchange.

The Countywide Plan Recommended Program of Improvements has established priority status for the following projects in this area of the County:

- Construction of bus priority lanes along Arlington Boulevard, Route #50, between Fairfax City and Patrick Henry Drive, in Stage I (project initiation).

- Construction of a fringe parking lot on the site of the Vienna METRO Station, in Stage I (project initiation).

- Improvement and extension of Blake Lane, Route #655, as a four-lane divided facility from Route I-#66 to Pickett Road extended, in Stage II (preliminary engineering). This project is also a METRO access project and should not be delayed past the opening of the Vienna METRO Station. If the station's opening is delayed, this project should still retain its priority status.

- Improvement of Hunter Mill Road, Route #674, to current two-lane standards between Lawyers Road and Chain Bridge Road, in Stage III (final design).

- Improvement of Lee Highway, Route #29-211, to a four-lane divided facility between Fairfax Circle and Falls Church, in Stage III (final design).

The current VDH & T program includes two projects in this area:

- Extension of Blake Lane, Route #655, as a four-lane divided facility from Lee Highway to Arlington Boulevard.

- Improvement of Hunter Mill Road, Route #674, to current two-lane standards between Lawyers Road and Chain Bridge Road.

Actual implementation of these projects depends on the availability of funds.

Schools

A comparison of the student populations estimated to be generated by the 752 apartments under the RM-2 District currently being sought under Application 76-P-104 and the 1,120 apartments in the most recent development plan under PAD reveal a net decrease of 48 students. No change would result at this time under Application 77-P-046. Current student generation factors are used in all cases.

| Level | Estimate Under Current Zoning | Estimate Under Requested Zoning | Decrease |
|---|---|---|---|
| Elementary | 800 x .087 = 70 | 432 x .156 = 67 | 25 |
| | 320 x .156 = 50 | 320 x .087 = 28 | |
| | 120 | 95 | |
| Intermediate | 800 x .019 = 15 | 432 x .034 = 15 | 5 |
| | 320 x .034 = 11 | 320 x .019 = 6 | |
| | 26 | 21 | |
| High | 800 x .049 = 39 | 432 x .049 = 21 | 18 |
| | 320 x .049 = 16 | 320 x .049 = 16 | |
| | 55 | 37 | |
| Totals | 201 | 153 | 48 |

Offsetting this decrease for the most part is an increase of approximately 35 students as a result of the development plan amendment in September 1976 which substituted 90 townhouses for an area of the PAD formerly planned for commercial. The net effect of the proposed rezoning of the Oakton Village PAD is not great. And it should be noted that United Developers Housing Corporation recently dedicated 9.7 acres to the Fairfax County School Board for use as a school site in fulfillment of an earlier commitment made at the time of the PAD rezoning.

Other Public Facilities

The changes in impact on other public facilities as a result of these two rezonings would be insignificant and are not fully discussed here. The most important would probably be the reduction of fire service protection requirements as a result of the reduction in the number of twelve-story buildings. Fire protection will be substantially improved on completion of the programmed fire station in Oakton in FY 1981. It is noted that until the new station is operational, fire protection will be provided by the Vienna Fire Department, Company Number 2, which is located 2.7 miles distance. Under Fire and Rescue Services' protection guidelines for this type of development, the property should be no more than two miles from a properly staffed station. When the new station is completed, this area will be within the 1.5 mile radius which is the standard established for maximum insurance benefits.

Two memoranda from the Fairfax County Park Authority staff is Appendix 3.

SITE AND DEVELOPMENT PLAN ANALYSIS

Site Analysis. See Appendix 4.

Design Considerations

The Generalized Development Plan for Application 76-P-104 proposes substitution of 432 garden and 320 elevator apartments for the 800 elevator and 320 garden apartments in the current PAD plan, a reduction in density of 20 dwelling units per acre from nearly 30 dwelling units per acre on this portion of the PAD.

There is no new development plan for Application 77-P-046. Many of the properties within this application have already been developed. There are only two parcels owned by United Developers Housing Corporation on which there is sufficient latitude for a significant change. Parcel I-1, (shown P 1 on the map) just south of Jermantown Road between Borge Street and Blake Lane, contains approximately 6.4 acres. Under the PAD plan, one twelve-story and one four-story apartment building containing a total of 294 units is planned. Parcel G-1, located between Bushman Drive and I-#66, contains approximately 12.5 acres and is planned as the site of two twelve-story structures containing 480 apartment

units. Under the proposed rezoning of these parcels to the RM-2 District, the right of UDHC to develop these properties as presently planned should be acknowledged. Development at these densities is appropriate only when the density of the entire area being rezoned to RM-2 is calculated at 20 dwelling units per acre and density credit is granted for dedication already made under the PAD zoning. In theory, at 20 dwelling units per acre the total number of units could be increased by 16 from the presently planned 1,012 to 1,028. UDHC is asked to proffer that development will not exceed the units presently authorized. Of course, UDHC will have the flexibility under the RM-2 District, to develop at lesser densities if it so chooses.

If application 77-P-046 is approved as described above, the density of developments therein will be approximately as follows:

| District | Density |
|---|---|
| RT-8 | 8 |
| RM-2 | 19.7 |
| RM-2G | 14.4 |

The net density for all of application 77-P-046 would be 16.6 dwelling units per acre.

Transportation

Access to the site is not materially altered. It features Bushman Drive access to Blake Lane just west of the ten-acre school site on the north and to Jermantown Road via Borge Street on the west. Jermantown Road and Blake Lane provide the principal connections to the regional highway system. It is essential that the approximately 200-foot gap between Jermantown Road and Blake Lane be completed as a top priority. VDH & T has indicated a willingness to cooperate with the developer to expedite completion of this construction.

A change, proposed in the previous development plan to provide a connection to Cyrandall Valley Drive at the extreme east end of application 76-P-104, has been eliminated. Without a connection to Cyrandall Valley Drive, the earlier staff request for construction of road improvements here is withdrawn. It is still appropriate for a right-of-way dedication along the Cyrandall Valley Drive frontage to 30 feet from center line to be made.

A portion of Bushman Drive crosses one corner of the school site recently dedicated to the County. The School Administration staff has agreed to recommend to the School Board that the necessary approximately 0.1 acres required for the road right-of-way be dedicated with the understanding that the School Board will receive an additional dedication of approximately 0.4 acres from Realty Growth Investors to compensate for the road dedication and to bring the school site up to 10.0 acres.

The westernmost entrance to Jermantown Road should be restricted to right turn traffic as indicated or eliminated due to its proximity to the Jermantown Road/Blake Lane intersection.

Environment

As discussed in Appendix 4, the proposed development plan satisfies most environmental considerations.

Recreational Facilities

The Zoning Ordinance requires for both the RM-2 and RM-2G Districts that play space be provided for multi-family dwellings at a rate of 50 square feet per dwelling unit. The requirement for application 76-P-104 is 752 x 50 = 36,600 square feet. The development plan provides for four tennis courts and three children play areas. At time of site plan approval, it will be necessary for the space devoted to these and/or other facilities to meet the Ordinance requirements. The same requirement must be fulfilled for presently undeveloped portions of application 77-P-046.

The application 76-P-104 development plan indicates an area of 0.67296 acres adjacent to the Treebrooke Recreation Center is to be dedicated to the pool and recreation center. This is in accordance with the original PAD development plan. However, by letter dated May 27, 1977, Appendix 5, Mr. C. Daniel Clemente, counsel for United Developers Housing Corporation and the Treebrooke Recreation Association states that there is no agreement by which future residents on the property of Realty Growth Investors will be permitted membership in the recreation association as a result of land dedication to the association.

The staff acknowledges that the current pool would not be adequate to accommodate all of the residents of the entire Oakton Village PAD. However, until receipt of the above correspondence, the staff intended to recommend that with the additional acreage, Realty Growth Investors proffer to construction of a major addition to the existing pool or a second pool on the enlarged site. In that way, all residents could have access to the pools and the tennis courts and other recreational facilities in the Oakton Village developments.

Under the present circumstances, it would be appropriate for a second pool to be provided within application 76-P-104. The 752 units proposed is more than adequate to support a pool membership, and the requirement for two pools within Oakton Village is supported by the original PAD development plan which portrayed one pool within each of the present two areas.

Appendix 3 suggests other recreational facilities which are recommended for the garden apartment development. It includes provision of a segment of the Countywide Trail system along the Blake Lane frontage.

In addition to the above recreational considerations, the School Administration staff has indicated that a 4.0-acre school site located on Borge Street is inadequate in size for a school site and has become excess to its needs. It is intended that this site be transferred to the Fairfax County Park Authority. From the viewpoint of both the School Administration and the Park Authority, it would be preferable if the park site could be located adjacent on the south to the ten-acre school site. The best site would be in the general location of the tennis courts east of Bushman Drive adjacent to the school site.

Layout

A 50-foot building restriction line is applicable immediately south of the Treebrooke Recreation Center for Building 6 in the original plan. In this instance, there is not space adequate to shift that portion of the eastern end of the building which is located within 50 feet. A variance will be required to allow this construction as presently planned.

## CONCLUSIONS AND STAFF RECOMMENDATIONS ON THE REZONING

Both of these applications are in accord with the Area II Comprehensive Plan and will produce a density just below the mid-point of the Plan density range, approximately 17.7 dwelling units per acre.

Among matters of interest to citizens now living in the area and future residents of development in Oakton Village which should be resolved in the public hearing process are:

- Early completion of the Jermantown Road/Blake Lane connection.
- A land swap of the present 4.0-acre site owned by the School Board for a 4.0-acre site adajcent to the 10.0-acres school site for use as a County park.

Approval of application 77-P-046 will not alter present land use plans or adversely affect owners or residents in existing dwellings, rather it is a measure which will permit increased flexibility for future development at reduced densities without leaving a small PAD zoned area which does not meet the requirements of the Zoning Ordinance for that district.

Either of these applications would be appropriate for provision of moderately priced housing. Housing and Community Development has conducted preliminary investigation and would be interested in obtaining units in this area. However, the high unit cost may preclude such arrangement.

In view of the above, the staff recommends that:

- The Zoning Ordinance, as it applies to the property within Application 76-P-104, be amended from the PAD District to the RM-2 District subject to proffer by the owners to the conditions in the final section of this report.

- The Zoning Ordinance, as it applies to the properties with Application 77-P-046, be amended from the PAD District to the RT-8, RM-2G, and RM-2 Districts as shown on the map within this staff report, subject to a proffer by United Developers Housing Corporation that development on Parcels P1 and G1 will not exceed the 774 apartment units presently authorized.

STAFF RECOMMENDATIONS ON DEVELOPMENT PLAN.

The staff recommends, should the Board of Supervisors intend to amend the Zoning Ordinance as it applies to Application 76-P-104 as the applicant has requested, that development should be in strict accordance with the provisions of applicable ordinances and regulations and the following conditions should be proffered pursuant to Virginia Code 15.1-491(a),

Land Use

- Dedicate to the School Board approximately 0.4 acres of land as shown in the development plan in order to provide a school site of 10.0 acres.

- Cooperate in a land swap with the School Board of approximately 4.0 acres involving a site now owned by the School Board on Borge Street and a parcel of equal size contiguous to and south of the 10.0 acre proposed school site.

Transportation

- On approval of this rezoning, dedicate the right-of-way and construct the connection of Jermantown Road (Rt.5176) to Blake Lane.

- On Blake Lane (Rt.655):

  a. Dedicate right-of-way to 45 feet from centerline.

  b. Build road widening to 35 feet from centerline with curb, gutter and sidewalk.

- At the westernmost entrance to Jermantown Road agree to restrict traffic to right turn only as shown or eliminate the entrance.

Environment

- Develop the proposed detention ponds as open space amenities.
- Preserve the high quality vegetation in the southeastern portion of the property.
- Provide additional vegetative screening for parking lots along through streets on which apartment buildings front.

Recreation

- Provide a swimming pool with appropriate facilities as was provided in the previously approved PAD plan.
- Provide four tot lots and four multi-purpose courts which meet National Recreation and Park Association standards at appropriate sites throughout the development.
- Construct the onsite segment of the Countywide Trails system along Jermantown Road and Blake Lane.

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

APPENDIXES

1. Rezoning Affidavit
2. Applicant's Justification
3. Park Authority Memoranda
4. Site Analysis
5. Letter from C. D. Clemente
6. Glossary

Appendix 1

# REZONING AFFIDAVIT

76-P-104

I, Realty Growth Investors, do hereby make oath or affirmation that I am an applicant in Rezoning Case Number _____ which was filed on 4th day of October, 19 76, and that to the best of my knowledge and belief the following information is true: (Amended August 1, 1977)

1. (a) That the following constitutes a listing of names and last known addresses of all applicants, title owners, contract purchasers, or lessees of the land described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, and all agents who have acted on behalf of any of the foregoing with respect to the application:

| Name | Address | Relationship |
|---|---|---|
| Realty Growth Investors | Towson, Maryland | Owner/Applicant |
| Matthew Clary | Springfield, Virginia | Attorney |
| William H. Hansbarger | Fairfax, Virginia | Attorney |
| Patton, Harris, Rust & Guy | Fairfax, Virginia | Engineers |

(b) That the following constitutes a listing of the shareholders of all corporations of the foregoing who own ten (10) per cent or more of any class of stock issued by said corporation, and where such corporation has ten (10) or less shareholders, a listing of all the shareholders:

| Name | Address | Relationship |
|---|---|---|
| NOT APPLICABLE | | |

(c) That the following constitutes a listing of all partners, both general and limited, in any limited partnership of the foregoing:

| Name | Address | Relationship |
|---|---|---|
| NOT APPLICABLE | | |

2. That no member of the Fairfax County Board of Supervisors or Planning Commission owns or has any interest in the land to be rezoned or has any interest in the outcome of the decision.

EXCEPT AS FOLLOWS: (If none, so state)

NONE

3. That within the five (5) years prior to the filing of this application, no member of the Fairfax County Board of Supervisors or Planning Commission or any member of his immediate household and family, 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 outstanding bonds or shares of stock with a value in excess of fifty dollars ($50), 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 fifty dollars ($50) or more with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (If none, so state)

NONE

WITNESS the following signature this 19th day of August, 19 77.

REALTY GROWTH INVESTORS

Donald Pavony

BY: Donald Pavony Applicant - V. Pres.-Legal

The above affidavit was subscribed and confirmed by oath or affirmation before me this 19th day of August 19 77, in the State of Maryland.

Muriel E. Funk
Notary Public

My commission expires: July 1, 1978.

Patton, Harris, Rust & Guy
a professional corporation
10523 Main Street
Fairfax, Virginia 22030
(703) 273-1200

J.L. Patton, P.E., L.S.
W.G. Harris, Jr., P.E., L.S.
T.D. Rust, P.E.
L.L. Guy, Jr., P.E.
E.F. Fournier, L.S.
C.R. Weber, P.E.
W.F. Ostrander, Jr., AIP
T.D. Eason, Jr., L.S.
J.W. Darroch, P.E.
H.L. Baxley, Jr., P.E., L.S.
W.C. Putman, P.E.
W.D. Payne, L.S.
W.M. Kelly, L.S.

September 30, 1976

STATEMENT OF JUSTIFICATION
PROPERTY OF REALTY GROWTH INVESTORS

The subject property of this rezoning application is a portion of a larger tract, zoned "Planned Apartment Development", which has been subdivided under the name "Oakton Village". The land within this P.A.D. zone was consolidated and development initiated by Jeffrey Sneider Company, under the sales name of "Treebrooke" Condominiums. Subsequently, the company suffered financial difficulties and ownership of the unsold property reverted to the mortgagees, Virginia National Bank and Realty Growth Investors. A portion of the original holding is also being developed by Berger-Berman Builders, Inc.

The applicant, a Maryland real estate investment trust, has no intention to physically construct its portion of the proposed project, but would like to prepare plans for the property for sale to a builder. Given the economic realities of the current housing market in this area, the sale of elevator apartment units would be unfeasible. The applicant would propose to reduce the overall dwelling unit density of the project and market a mix of town houses and garden apartments. Without at least 25% of the dwelling units contained in elevator apartments, the P.A.D. zoning district would be inappropriate. The applicant therefore requests that the property be rezoned to the "Multi-family, Garden Type (RM-2G)" district, which would accomodate the development of townhouses and garden apartments.

For REALTY GROWTH INVESTORS:

PATTON, HARRIS, RUST & GUY
a professional corporation

William F. Ostrander, Jr.

William F. Ostrander, Jr., AIP
Vice President - Planning

Appendix 3

**Fairfax County Park Authority**

# M E M O R A N D U M

**To:** Phil Yates, for Staff Coordinators
Chief, Plan Implementation Branch-OCP

**Date:** 8/26/77

**From:** Larry Gordon, Assistant Superintendent
Division of Land Acquisition - FCPA

**Subject:** 76-P-104
47-4-((1))-34

The Fairfax County Park Authority staff has reviewed the subject Rezoning Application and has made the following recommendations:

- All recommendations previously made in the Park Authority memo of March 9, 1977 still stand.

- In addition, the trail requested along Blake Lane in accordance with the Countywide Trails Plan should meet with County Trail Type 1-A specifications (6'-8' wide, 2" asphalt cover, 4" gravel base).

Attachment: Memo of March 9, 1977

cc: Oscar Hendrickson - DEM
Ed Byrne - OCP

LG/rk

RECEIVED
AUG 1 9 1977

**Fairfax County Park Authority**

# M E M O R A N D U M

To: Phil Yates, For Staff Coordinators
Chief, Plan Implementation Branch - OCP

Date: March 9, 1977

From: Larry Gordon
Assistant Superintendent, Land Acquisition

Subject: 76-P-104
47-4-((1))-34

The FCPA staff has reviewed the subject Rezoning Application and Generalized Development Plan and has made the following recommendations:

- All open space and recreational facilities associated with the development should be dedicated to the Homeowners Association.

- The four tennis courts and three children's play areas listed in Note 4 of the Generalized Development Plan are acceptable. These facilities should be constructed by the developer in accordance with National Recreation and Parks Association standards and FCPA specifications.

- The developer should further provide three basketball/multi-use courts in accordance with NRPA standards. Said courts should measure approximately 60' X 90' and should contain markings and facilities suitable for a variety of court-oriented games and activities.

- A Homeowners Association swimming pool and associated parking facility should be constructed in conjunction with the Treebrooke Recreation Center.

- The developer should construct or arrange for the construction of a trail or sidewalk, (along with adequate signing, buffering, landscaping, drainage, and bridge structures wherever appropriate), along Blake Lane (Rte 655) in accordance with the County wide Trails Plan.

- The developer should provide adequate pedestrian access through the development to all recreation facilities and adjacent school sites.

- Bench seating and pedestrian access should be provided in the passive-oriented, wooded open space areas.

CC: Oscar Hendrickson, DEM
Ed Byrne, OCP

LG/rk

## 76-P-104: SITE & DEVELOPMENT PLAN ANALYSIS

MAY 1977

This rezoning application has been evaluated against the environmental parameters shown below on the site analysis check list. Items of significant concern are asterisked and are discussed in more detail on the next page, and are shown on an Environmental Factors map. Development plan comments and recommendations are also included.

| | Yes | No | |
|---|---|---|---|
| **Geologic Impacts:** | | | |
| Coastal Plain Province | | X | |
| regional aquifer recharge | | | |
| slippage clays | | | |
| sand and gravel resources | | | |
| Piedmont Province | X | | |
| localized ground water | | X | |
| shallow bedrock - bedrock ranges from 10-50' deep throughout the site...one outcrop is present | | X | |
| Triassic Province | | X | |
| localized ground water | | | |
| shallow bedrock | | | |
| crushed stone resources | | | |
| **Topography Restraints:** | | | |
| Severe slopes | | X | |
| Irregular configuration likely to require extensive cut and fill | | X | |
| **Hydrology Impacts:** | | | |
| Critical watershed location-headwaters of Accotink Creek | X | | * |
| High quality watershed | | X | |
| Onsite water feature assets - intermittent streams and swales | X | | |
| Pro rata share requirements | X | | |
| Necessity for onsite storm water control | X | | * |
| **Soil Concerns:** | | | |
| Slippage (marine) clays present | | X | |
| Poor construction rating - Altho predominately Glenelg, high watertable, poor bearing soils in proximity to swales, e.g., Glenville and Meadowville | X | | |
| Severe erosion hazard | | X | |
| **Vegetation, Wildlife and Open Space Impacts:** | | | |
| Extensive high quality vegetation and/or habitat | X | | * |
| Environmental Quality Corridor (EQC) components | | X | |
| Citizen Identified Environmental Resources (CIER) and/or Trails | X | | |
| **Ambient Noise:** | | | |
| Adverse highway impact on residential use | X | | * |
| Adverse airport impact on residential use | | X | |
| Adverse railroad impact on residential use | | X | |
| **Air Quality Impacts** | | | |
| Potential violation of standards | | X | |

76-P-104: Discussion of Site Analysis and Development Plan

An overall observation of the proposed development plan is that it is generally quite sensitive to the existing environmental and/or site factors, e.g., it responds well to the topography and takes into account significant onsite vegetation assets. As noted on the site analysis check-off list, though, three items deserve further comment: hydrology (stormwater management), vegetation and openspace, and highway noise.

Hydrology/Stormwater Management

As shown on the attached Fairfax County schematic watershed map, the parcel is situated in the extreme headwaters portion of Accotink Creek Watershed. Significant stormwater runoff impacts already exist downstream, as evidenced by the PBQ&D Immediate Action and Future Basin Plans for Accotink Creek. Adequacy of the proposed onsite stormwater control (four detention ponds, three in series), in concert with the PBQ&D proposals, is to be ensured at time of site plan review. More pertinent now, perhaps, is the assurance of the amenity aspects of the ponds; because of their proposed location(s) they should be designed as amenities, e.g., grassed hollows, so as to become an integral part of the open space network of the development.

Vegetation and Open Space

High quality vegetation, including monarch and/or specimen trees, has been duly and commendably noted on the proposed development plan, e.g., 40" dbh White Oak, 40" dbh Tulip Poplar, 38" dbh American Beech, etc. in the southeastern corner. (Also see Environmental Factors map for approximate location.) Although preservation of this vegetation may have only been implied by the development plan annotation, every attempt at preservation should be required and should be an essential consideration at time of site plan review. Notwithstanding grading requirements for construction of the garden apartment units, the present proposed layout appears to allow such preservation.

Almost without exception, the present layout shows units fronting on parking lots. Because of the nature of garden apartment design, approximately one-half of the residents will consequently have views of parking lots. Hence, in addition to any existing screening requirements, provisions should be made for additional screening of those parking lots which front on units and also act as thru roads.

Per the adopted Countywide Trails Plan, a trail is proposed along Jermantown Road/ Blake Lane. Same should be incorporated into the design for realignment and widening of this arterial.

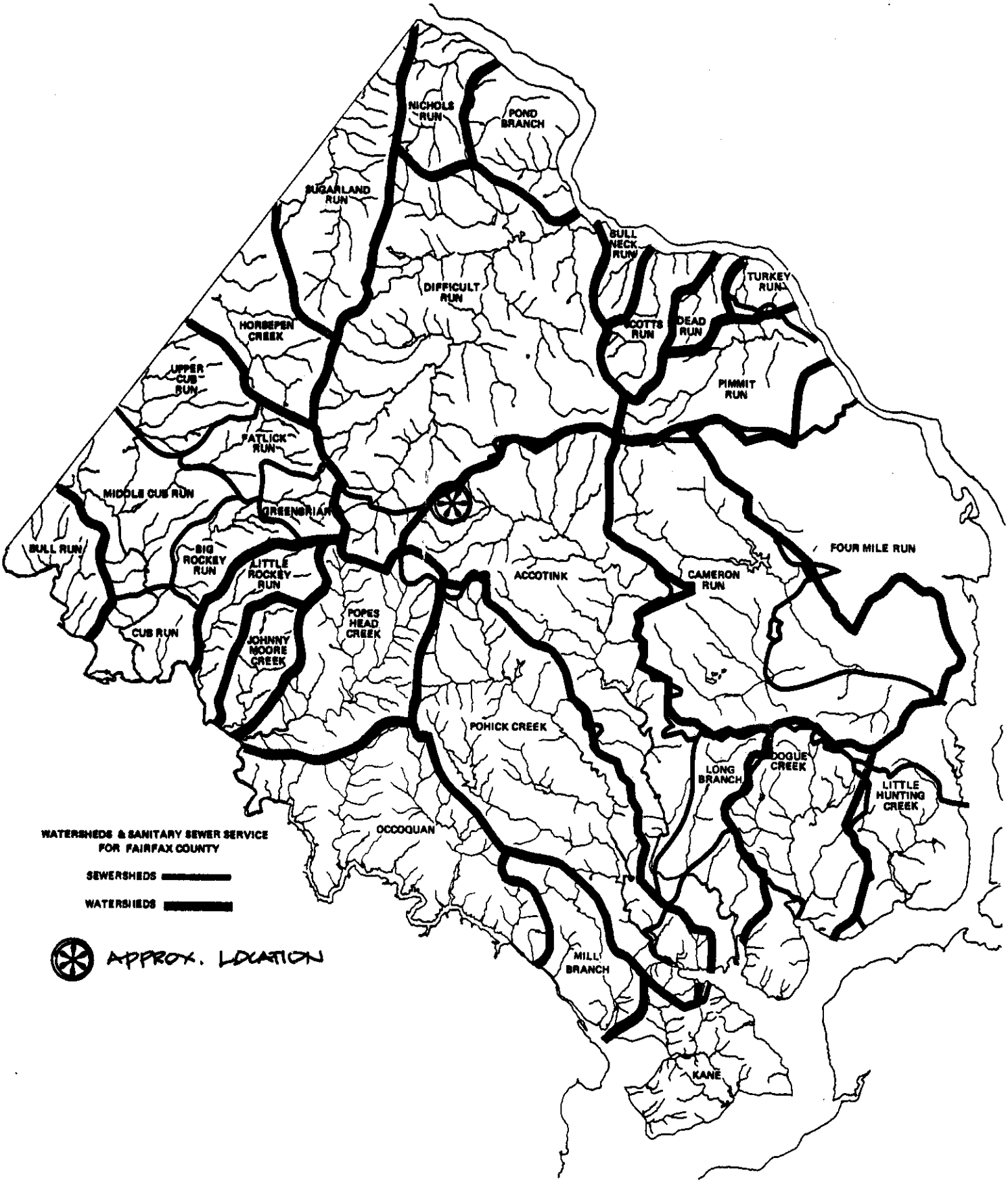
Highway Noise

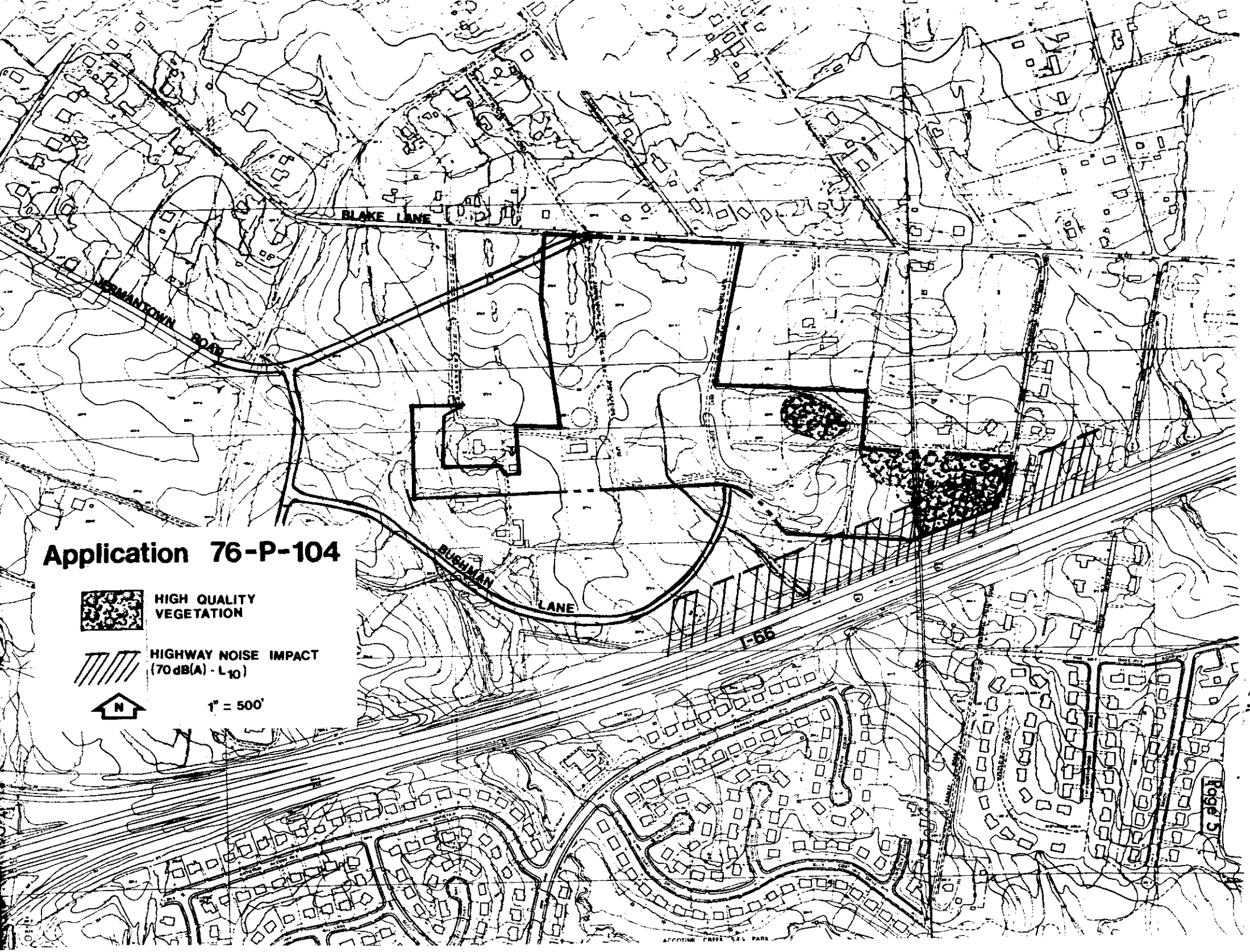
Analysis of noise impact from I-66 indicates an impact zone 230' from centerline of the near lane or 145' into the site from the property line. Per HUD and FHWA guidelines, this impact zone represents areas unsuitable for residential use, especially those of a

single family detached, townhouse or garden apartment nature.

The revised development plan has responded to this potential impact with several commendable design changes. First, garden apartment units within the noise zone have been deleted and replaced with either a parking facility or the retention of existing specimen vegetation. Second, even marginally impacted units have also been deleted and replaced at a greater distance from I-66 with a high rise apartment building focused at either end on site amenities (natural tree cluster and tennis court). Third, the visual focus from the apartment building towards I-66 has been centered on a retention pond between the parking facilities with a wooded vacant tract as a backdrop. This serves to break the parking lot "sea of osphalt" as well as enhance the visual perceptions from this part of the project. This is a substantial overall improvement in the project design.

APPLICATION 76-P-104




Application 76-P-104
HIGH QUALITY VEGETATION
HIGHWAY NOISE IMPACT (70 dB(A) - $L_{10}$)
N
1" = 500'
BLAKE LANE
GERMANTOWN ROAD
BUSHMAN LANE
I-66

LAW OFFICES
TAYLOR & CLEMENTE
4900 LEESBURG PIKE
ALEXANDRIA, VIRGINIA 22302

CHARLES EDWARD TAYLOR
C. DANIEL CLEMENTE
STANLEY BRUCE BROOK
RICHARD J. STAHL
CRAIG E. BUCK

AT BAILEY'S CROSSROADS
TELEPHONE 820-0440

May 27, 1977

Sid Steele, Staff Coordinator
Plans and Implementation/Office of
Comprehensive Planning
4100 Chain Bridge Road
Fairfax, Virginia 22030

William H. Hansbarger, Esquire
HANSBARGER & SHUMATE
10523 Main Street
Fairfax, Virginia 22030

Gentlemen:

It has come to my attention that the RGI rezoning application for RM-2-G zoning on 28.3 acres at TreeBrooke, OAKTON VILLAGE, contains provision for the dedication of approximately 2/3s of an acre to the TreeBrooke Recreation Association and that RGI expects as a result of said dedication to gain access to the recreational facilities owned by the Association and particularly the swimming pool and recreation center.

The purpose of this letter is to advise all parties that the facilities have been built with funds from United Developers Housing Corporation, and that membership in the TreeBrooke Recreation Association is controlled by United Developers Housing Corporation. This firm is Counsel for both United Developers Housing Corporation and the Association and there is no agreement either express or implied between either United Developers Housing Corporation or the Association and RGI that the facilities will be made available to residents of the RGI parcel under any circumstances. Furthermore there is serious question whether the facilities as constructed are adequate to accommodate the 624 units contemplated by the RGI proposal as well as the units United Developers Housing Corporation intends to build.

This information should be considered in any further discussions regarding the RGI rezoning request.

Very truly yours,

TAYLOR & CLEMENTE

C. Daniel Clemente

CDC/eb

## GLOSSARY

This Glossary is presented to assist citizens in a better understanding of Staff Reports; it should not be construed as representing legal definitions.

BUFFER - A strip of land established as a transition between distinct land uses. May contain natural or planted shrubs, walls or fencing, singly or in combination.

CLUSTER - The "alternate density" provisions of the Zoning Ordinance, which permits smaller lots and pipestem lots, if specified open space is provided. Primary purpose is to preserve environmental features such as stream valleys, steep slopes, prime woodlands, etc.

COVENANT - A private legal restriction on the use of land, recorded in the land records of the County.

DEVELOPMENT PLAN - Conceptual, Final, Generalized. A Development Plan consists of graphic, textual or pictorial information, usually in combination, which shows the nature of development proposed for a parcel of land. The Zoning Ordinance contains specific instructions on the content of development plans, based upon the purpose which they are to serve. In general, development plans contain such information as: topography, location of streets and trails, means by which utilities and storm drainage are to be provided, general location and types of structures, open space, recreation facilities, etc. A Conceptual Development Plan is required to be submitted with an application for the PDH or PDC District; a Final Development Plan is a more detailed plan which is required to be submitted to the Planning Commission after approval of a PDH or PDC District and the related Conceptual Development Plan; a Generalized Development Plan is required to be submitted with all residential, commercial and industrial applications other than PDH or PDC.

DEDICATE - Transfer of property from private to public ownership.

DENSITY - Number of dwelling units divided by the gross acreage being developed (DU/AC). Density Bonus is an increase in the density otherwise allowed, and granted under specific provisions of the Zoning Ordinance when developer provides excess open space, recreation facilities, moderately priced housing, etc.

DESIGN REVIEW - The Division of the Department of Environmental Management which reviews all subdivision plats and site plans for conformance with County policies and requirements contained in the Zoning Ordinance, the Subdivision Control Ordinance, the Public Facilities Manual, the Building Code, etc, and for conformance with any proffered plans and/or conditions.

EASEMENT - A right given by the owner of land to another party for specific limited use of that land. For example, an owner may give or sell easements to allow passage of public utilities, access to another property, etc.

OPEN SPACE - The total area of land and/or water not improved with a building, structure, street, road or parking area, or containing only such improvements as are complementary, necessary or appropriate to use and enjoyment of the open area.

Common - All open space designed and set aside for use by all or designated portions of residents of a development, and not dedicated as public lands (dedicated to a homeowners association which then owns and maintains the property).

Dedicated - Open space which is conveyed to a public body for public use.

Developed Recreation - That portion of open space, whether common or dedicated, which is improved for recreation purposes.

PROFFER - A Development plan and/or written condition, which, when offered by an owner and accepted by the Board of Supervisors, becomes a legally binding part of the regulations of the zoning district pertaining to the property in question. Proffers, or proffered conditions, must be considered by the Planning Commission and submitted by an owner in writing prior to the Board of Supervisors public hearing on a rezoning application, and thereafter may be modified only by an application and hearing process similar to that required of a rezoning application.

PUBLIC FACILITIES MANUAL - The manual, adopted by the Board of Supervisors, which defines guidelines which govern the design of those facilities which must be constructed to serve new development. The guidelines include streets, drainage, sanitary sewers, erosion and sediment control and tree preservation and planting.

SERVICE LEVEL - An estimate of the effectiveness with which a roadway carries traffic, usually determined under peak anticipated load conditions.

SETBACK, REQUIRED - The distance from a lot line or other reference point, within which no structure may be located.

SITE PLAN - A detailed plan, to scale, depicting development of a parcel of land and containing all information required by the Zoning Ordinance. Site plans are required, in general, for all townhouse and multi-family residential development and for all commercial and industrial development.

SUBDIVISION ORDINANCE - An ordinance regulating the division of land into smaller parcels and which, together with the Zoning Ordinance, defines required conditions laid down by the Board of Supervisors for the design, dedication and improvement of land.

SUBDIVISION PLAT - A detailed drawing, to scale, depicting division of a parcel of land into two or more lots and containing engineering considerations and other information required by the Subdivision Ordinance.

USE - The specific purpose for which a parcel of land or a building, is designed, arranged, intended, occupied or maintained.

Permitted - Uses specifically permitted by the Zoning Ordinance Regulations of the Zoning District within which the parcel is located. Also described as a Conforming Use.

Non-Conforming - A use which is not permitted in the Zoning District in which the use is located but is allowed to continue due to its existence prior to the effective date of the Zoning Regulation(s) now governing.

USE - Continued.

Special Permit - A use specified in the Zoning Ordinance which may be authorized by the Board of Zoning Appeals or the Board of Supervisors in specified zoning districts, upon a finding that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the policies contained in the latest adopted comprehensive plan for the area in which the proposed use is to be located. A Special Permit is called a Special Exception when granted by the Board of Supervisors.

Transitional - A use which provides a moderation of intensity of use between uses of higher and lower intensity.

VARIANCE - A permit which grants a property owner relief from certain provisions of the Zoning Ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship or practical difficulty which would deprive the owner of the reasonable use of the land or building involved. Variances may be granted by the Board of Zoning Appeals after notification, advertising, posting and conduct of a public hearing on the matter in question.

VPD - Vehicle trips per day (for example, the round trip to and from work equals two VPD). Also ADT - Average Daily Traffic.

## ENVIRONMENTAL TERMS

ACOUSTICAL BERM - Usually a triangular-shaped earthen structure paralleling a highway noise source and extending up from the elevation of the roadway a distance sufficient to break the line of sight with vehicles on the roadway.

AQUIFER - A permeable underground geologic formation through which groundwater flows.

AQUIFER RECHARGE AREA - A place where surface runoff enters an aquifer.

CHANNEL ENLARGEMENT - A development-related phenomenon whereby the stream's bank full capacity is exceeded with a greater frequency than under natural undeveloped conditions, resulting in bank and stream bottom erosion. Hydrology literature suggests that flows produced by a storm event which occurs once in 1.5 years are the channel defining flows for that stream.

COASTAL PLAIN GEOGRAPHIC PROVINCE - In Fairfax County, it is the relatively flat southeastern 1/4 of the County, distinguished by low relief and a preponderance of sedimentary rocks and materials (sands, gravels, silts) and a tendency towards poorly drained soils.

dB(A) - Abbreviation for a decibel or measure of the noise level perceived by the ear in the A scale or range of best human response to a noise source.

DRAINAGE DIVIDE - The highest ground between two different watersheds or subsheds.

ENVIRONMENTAL LAND SUITABILITY - A reference to a land use intensity or density which should occur on a site or area because of its environmental characteristics.

ERODIBLE SOILS - Soils susceptible to diminishing by exposure to elements such as wind or water.

FLOODPLAIN - Land area, adjacent to a stream or other surface waters, which may be submerged by flooding; usually the comparatively flat plain within which a stream or riverbed meanders.

IMPERVIOUS SURFACE - A natural or man-made surface (road, parking lot, roof top, patio) which forces rainfall to runoff rather than infiltrate.

MONTMORILLONITIC CLAY - A fine grained earth material whose properties cause the clay to swell when wet and shrink when dry. In addition, in Fairfax County these clays tend to slip or slump when they are excavated from slope situations.

NEF - Noise Exposure Forecast - A noise description for airport noise sources.

PERCENT SLOPE - The inclination of a landform surface from absolute horizontal; formula is vertical rise (feet) over horizontal distance (feet) or V/H.

PIEDMONT GEOGRAPHIC PROVINCE - The central portion of the County, characterized by gently rolling topography, substantial stream dissection, V-shaped stream valley, an underlying metamorphic rock matrix (schist, gneiss, greenstone) and generally good bearing soils.

PIES/ENVIRONMENT - Project Impact Evaluation - A systematic, comprehensive environmental review process used to identify and evaluate likely environmental impacts associated with individual project or area plan proposals.

SHRINK-SWELL RATE - The susceptibility for a soil's volume to change due to loss or gain in moisture content. High shrink-swell soils can buckle roads and crack foundations.

SOIL BEARING CAPACITY - The ability of the soil to support a vertical load (mass) from foundations, roads, etc.

STREAM VALLEY - Any stream and the land extending from either side of it to a line established by the high point of the concave/convex topography, as delineated on a map adopted by the Stream Valley Board. For purposes of stream valley acquisition, the five-criteria definition of stream valleys contained in "A Restudy of the Pohick Watershed" (1969) will apply. The two primary criteria include all the land within the 100-year floodplain and the area along the floodplain in slopes of 15 percent or more.

STORM WATER MANAGEMENT - An emerging art/science that attempts to treat storm water runoff at the source and as a resource. Storm water management programs seek to mitigate or abate quantity and quality impacts typically associated with development by the specific design of onsite systems such as Detention Devices which slow down runoff and in some cases improve quality, and Retention Systems, which hold back runoff.

TRIASSIC GEOGRAPHIC PROVINCE - The western 1/4 of Fairfax County, characterized by broad expanses of nearly level topography, subtle ridge lines, a shallow depth to sedimentary rocks which are locally intruded by igneous rocks and a tendency towards soils with high shrink-swell properties.