



FAIRFAX COUNTY

APPLICATION FILED: March 6, 2003
PLANNING COMMISSION: July 24, 2003
BOARD OF SUPERVISORS: Not Yet Scheduled

V I R G I N I A

July 8, 2003

STAFF REPORT

RZ/FDP 2003-PR-014
(Concurrent with PCA/FDPA 2002-PR-008)

PROVIDENCE DISTRICT

APPLICANT: Briarwood Trace Associates, LLC

PRESENT ZONING: R-1, HC

REQUESTED ZONING: PDH-5, HC

PARCEL: 48-2 ((7)) (34) 7

ACREAGE: 10,197 square feet

FAR/DENSITY: 4.34 dwelling units per acre (du/ac)

OPEN SPACE: 51%

PLAN MAP: Residential, 1-2 du/ac with an option of residential at 4-5 du/ac

PROPOSAL: Rezone the subject site from R-1 and HC to PDH-5 and HC for the development of one single-family detached dwelling and to incorporate the dwelling into the Briarwood Trace development, approved pursuant to RZ 2002-PR-008

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2003-PR-014 and the Conceptual Development Plan subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

Staff also recommends that FDP 2003-PR-014 be approved subject to the Board's approval of RZ 2003-PR-014 and the Conceptual Development Plan.



FAIRFAX COUNTY

APPLICATION FILED: March 6, 2003
APPLICATION AMENDED: June 11, 2003
PLANNING COMMISSION: July 24, 2003
BOARD OF SUPERVISORS: Not Yet Scheduled

V I R G I N I A

July 8, 2003

STAFF REPORT

PCA/FDPA 2002-PR-008
(Concurrent with RZ/FDP 2003-PR-014)

PROVIDENCE DISTRICT

APPLICANT: Briarwood Trace Associates, LLC

ZONING: PDH-5, HC

PARCEL(S): 48-2 ((7)) (33) 1, 2, 3, 7A, 9A, and 10
48-2 ((7)) (34) A, B, 1, 3, 5, 9, 11, 14, and 16
48-2 ((7)) (35) 2, 3, and 4
48-2 ((7)) (36) 1

ACREAGE: 13.83 acres

FAR/DENSITY: 4.48 du/ac

OPEN SPACE: 23%

PLAN MAP: Residential, 1-2 du/ac with an option of residential at 4-5 du/ac

PROPOSAL: Amend the proffer conditions and final development plan for RZ 2002-PR-008 previously approved for residential development at a density of 4.48 du/ac to permit the property subject to RZ/FDP 2003-PR-014 to be part of the Briarwood Trace Development.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 2002-PR-008 and the Conceptual Development Plan subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

Staff also recommends that FDPA 2002-PR-008 be approved subject to the Board's approval of PCA 2002-PR-008 and the Conceptual Development Plan.

Staff recommends that the open space requirement for the PDH-5 District be waived from 31% to 23% per Par. 8 of Sect. 16-401 of the Zoning Ordinance.

Staff recommends that the 600-foot maximum length for a private street requirement be waived.

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

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

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



Rezoning Application

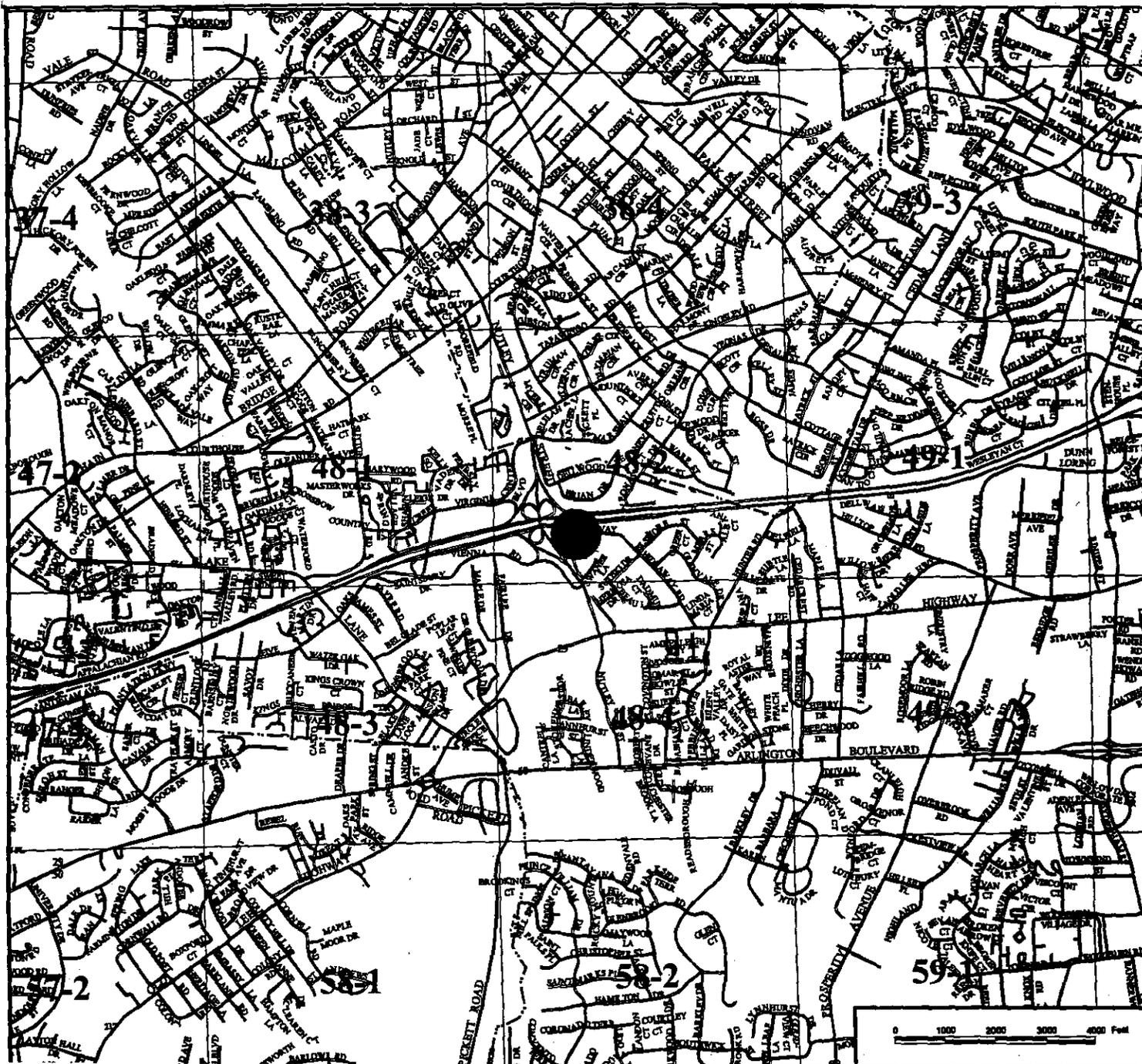
RZ 2003-PR-014

Applicant: BRIARWOOD TRACE ASSOCIATES, L.L.C.
Filed: 03/06/2003
Area: 10,197 SF OF LAND; DISTRICT - PROVIDENCE
Proposed: RESIDENTIAL DEVELOPMENT AND WAIVER OF MINIMUM DISTRICT SIZE
Located: EAST SIDE OF NUTLEY STREET SOUTH OF INTERSTATE I-66 NORTH AND SOUTH SIDE OF HIDEAWAY ROAD
Zoning: FROM R-1 TO PDH-5
Overlay Dist: HC
Map Ref Num: 048-2- /07/34/0007

Final Development Plan

FDP 2003-PR-014

Applicant: BRIARWOOD TRACE ASSOCIATES, L.L.C.
Filed: 03/06/2003
Area: 10,197 SF OF LAND; DISTRICT - PROVIDENCE
Proposed: RESIDENTIAL DEVELOPMENT AND WAIVER OF MINIMUM DISTRICT SIZE
Located: EAST SIDE OF NUTLEY STREET SOUTH OF INTERSTATE I-66 NORTH AND SOUTH SIDE OF HIDEAWAY ROAD
Zoning: PDH-5
Overlay Dist: HC
Map Ref Num: 048-2- /07/34/0007



Rezoning Application

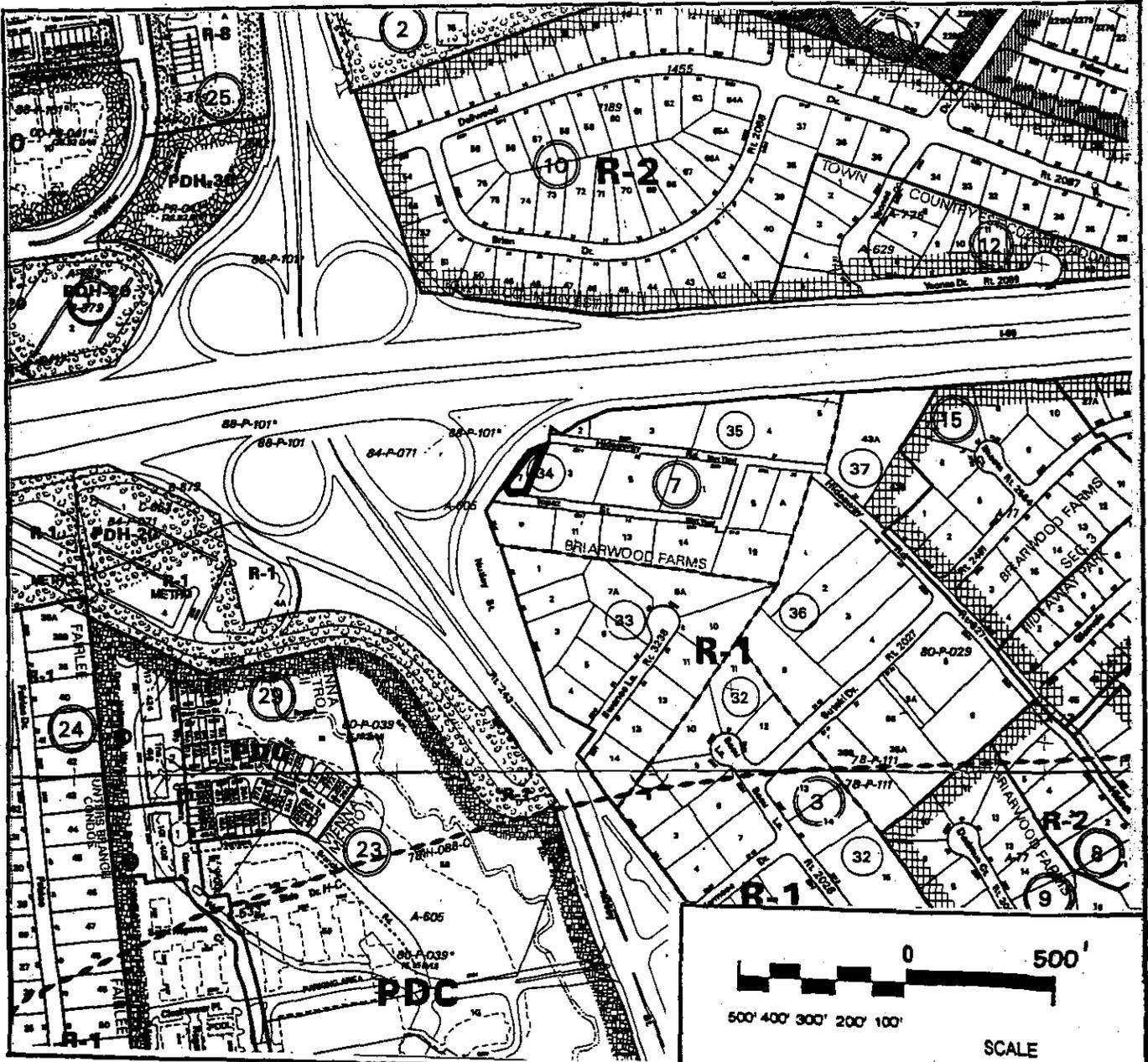
RZ 2003-PR-014

Applicant: BRIARWOOD TRACE ASSOCIATES, L.L.C.
Filed: 03/06/2003
Area: 10,197 SF OF LAND; DISTRICT - PROVIDENCE
Proposed: RESIDENTIAL DEVELOPMENT AND WAIVER OF MINIMUM DISTRICT SIZE
Located: EAST SIDE OF NUTLEY STREET SOUTH OF INTERSTATE I-66 NORTH AND SOUTH SIDE OF HIDEAWAY ROAD
Zoning: FROM R-1 TO PDH-5
Overlay Dist: HC
Map Ref Num: 048-2- /07/34/0007

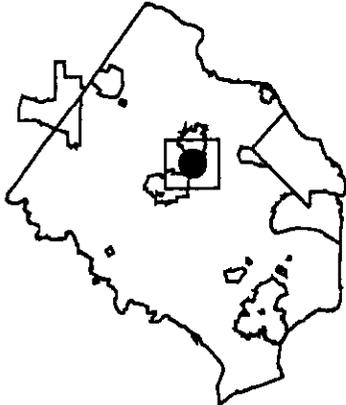
Final Development Plan

FDP 2003-PR-014

Applicant: BRIARWOOD TRACE ASSOCIATES, L.L.C.
Filed: 03/06/2003
Area: 10,197 SF OF LAND; DISTRICT - PROVIDENCE
Proposed: RESIDENTIAL DEVELOPMENT AND WAIVER OF MINIMUM DISTRICT SIZE
Located: EAST SIDE OF NUTLEY STREET SOUTH OF INTERSTATE I-66 NORTH AND SOUTH SIDE OF HIDEAWAY ROAD
Zoning: PDH-5
Overlay Dist: HC
Map Ref Num: 048-2- /07/34/0007

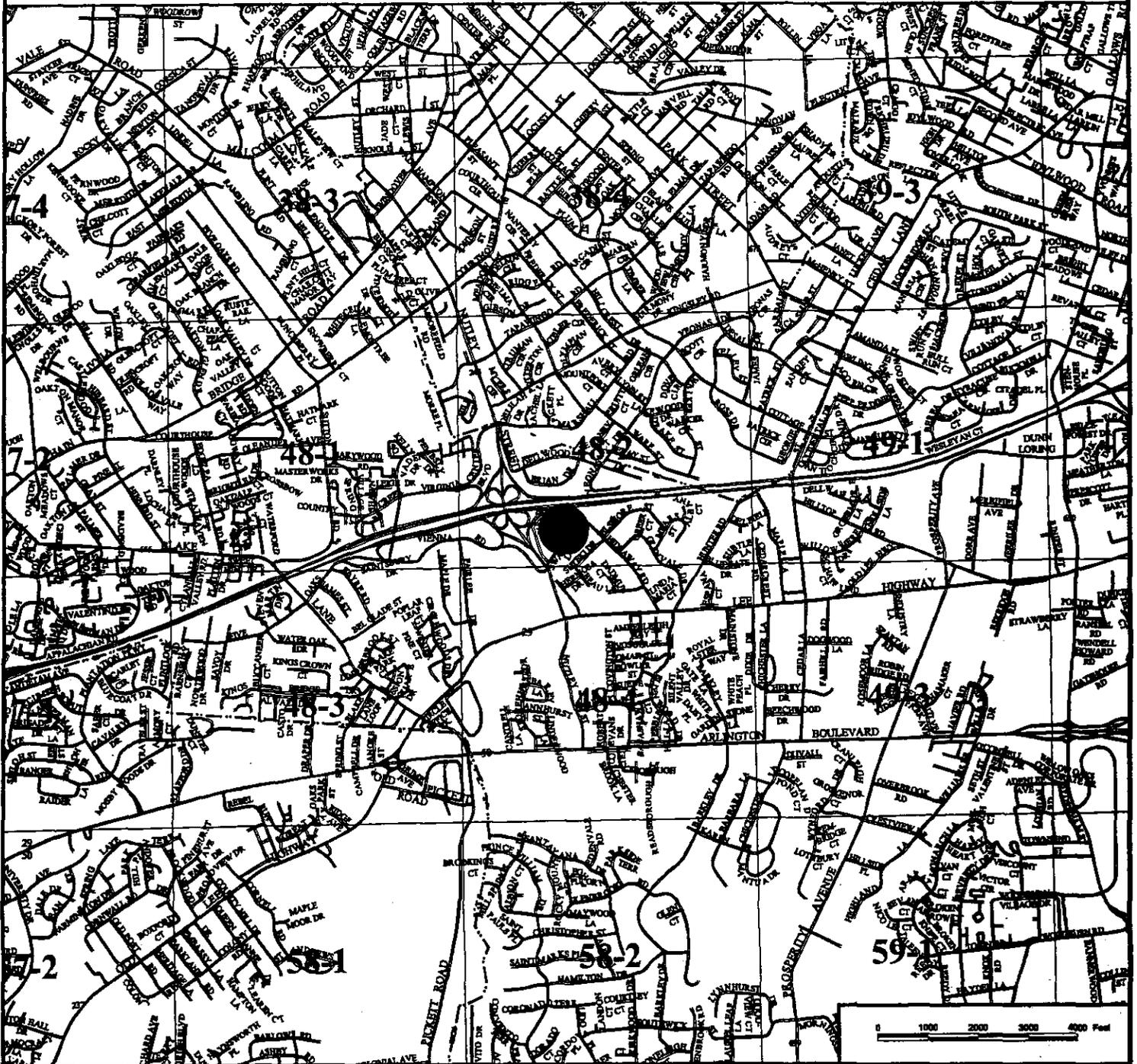


Proffered Condition Amendment PCA 2002-PR-008



Applicant: BRIARWOOD TRACE ASSOCIATES, L.L.C.
Filed: 03/06/2003
Proposed: RESIDENTIAL DEVELOPMENT
Area: 13.83 AC OF LAND; DISTRICT - PROVIDENCE
Located: EAST SIDE OF NUTLEY STREET SOUTH OF
INTERSTATE I-66 NORTH AND SOUTH SIDE OF
HIDEAWAY ROAD
Zoning: PDH- 5
Overlay Dist: HC
Map Ref Num: 048-2- 107/33/0001 107/33/0002 107/33/0003
107/33/0007A 107/33/0009A 107/33/0010 107/34/
A 107/34/ B 107/34/0001 107/34/0003 107/34/0005
107/34/0009 107/34/0011 107/34/0014 107/34/0016
107/35/0002 107/35/0003 107/35/0004 107/36/0001

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VACATED



Proffered Condition Amendment

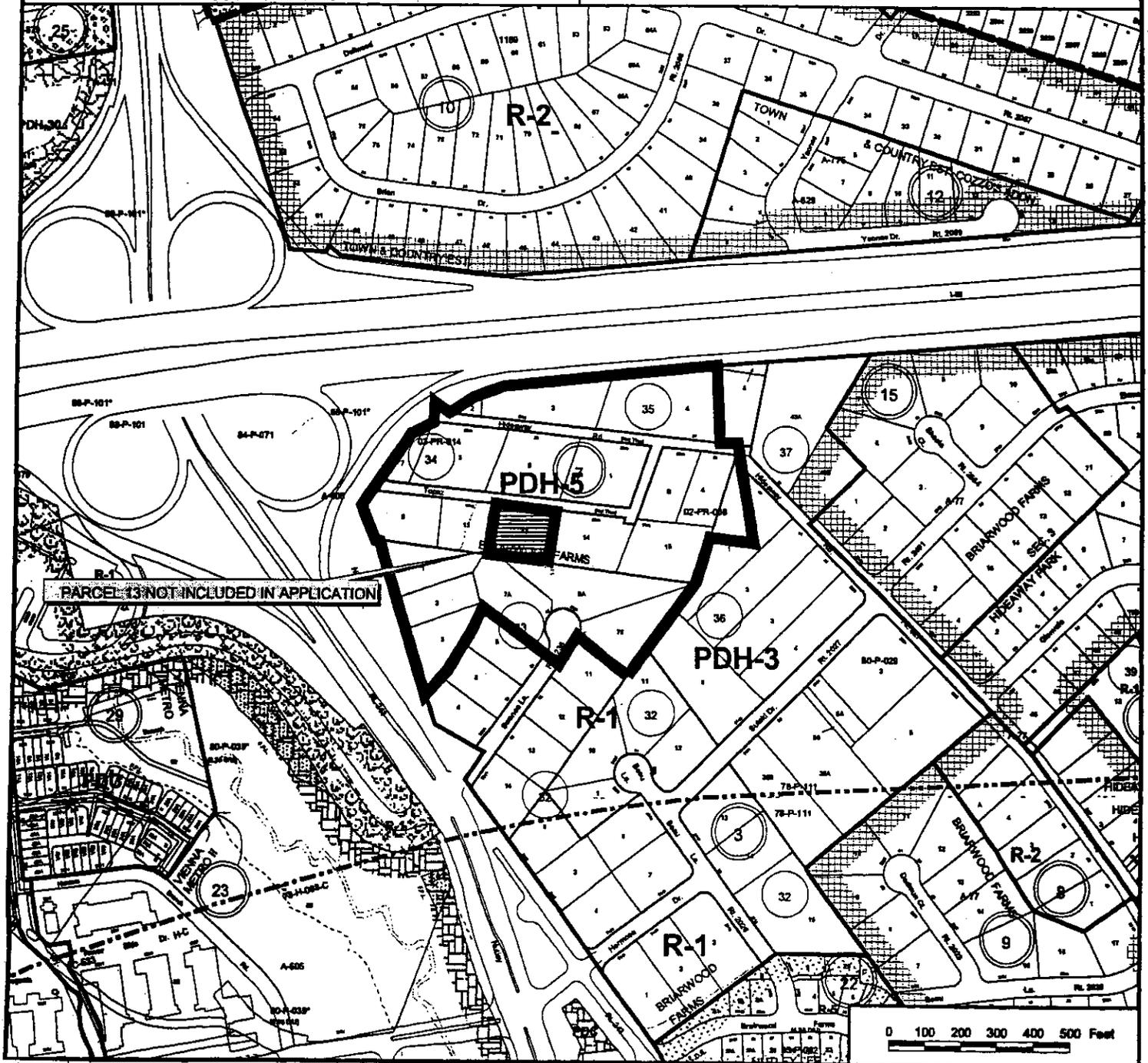
PCA 2002-PR-008

Final Development Plan Amendment

FDPA 2002-PR-008

Applicant: BRIARWOOD TRACE ASSOCIATES, L.L.C.
Filed: 03/06/2003- AMENDED 06/11/2003
Area: 13.83 AC OF LAND; DISTRICT - PROVIDENCE
Proposed: AMEND RZ 2002-PR-008 PREVIOUSLY APPROVED RESIDENTIAL DEVELOPMENT TO PERMIT SITE MODIFICATION
Located: EAST SIDE OF NUTLEY STREET SOUTH OF INTERSTATE I-66 NORTH AND SOUTH SIDE OF HIDEAWAY ROAD
Overlay Dist: PDH- 5
Zoning: HC
Map Ref Num: 048-2- /07/33/0001 /07/33/0002 /07/33/0003 /07/33/0007A /07/33/0009A /07/33/0010 /07/34/ A /07/34/ B /07/34/0001 /07/34/0003 /0 7/34/0005 /07/34/0009 /07/34/0011 /07/34/001 4 /07/34/0016 /07/35/0002 /07/35/0003 /07/ 35/0004 /07/36/0001

Applicant: BRIARWOOD TRACE ASSOCIATES, L.L.C.
Filed: 06/11/2003
Area: 13.83 AC OF LAND; DISTRICT - PROVIDENCE
Proposed: AMEND FDP 2002-PR-008 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT SITE MODIFICATIONS
Located: EAST SIDE OF NUTLEY STREET SOUTH OF INTERSTATE I-66 NORTH AND SOUTH SIDE OF HIDEAWAY ROAD
Zoning: PDH- 5
Overlay Dist: HC
Map Ref Num: 048-2- /07/33/0001 /07/33/0002 /07/33/0003 /07/33/0007A /07/33/0009A /07/33/0010 /07/34/ A /07/34/ B /07/34/0001 /07/34/0003 /0 7/34/0005 /07/34/0009 /07/34/0011 /07/34/001 4 /07/34/0016 /07/35/0002 /07/35/0003 /07/ 35/0004 /07/36/0001



LEGEND

- REPRESENTS AREA OF EXISTING PDH-3 ZONING DISTRICT.
- PROPOSED PARCEL ADDITION TO PDH-3 ZONING DISTRICT.

ZONING TABULATION - CDPA/EDPA

TOTAL LAND AREA	11,183 AC
PROPOSED NUMBER OF DWELLING UNITS	83 UDS
EXISTING ZONING	PDH-3
PROPOSED ZONING	PDH-3
PROPOSED DENSITY	4.8 DU/AC
PROPOSED PLAN NAME	48-2 (7)
PROPOSED LOT AREA	14,000 SF
OPEN SPACE PROVIDED	23.85 AC (21%)
OPEN SPACE REQUIRED	21% OF SITE (PER MODIFICATION)
PARKING SPACES PROVIDED	100
PARKING SPACES REQUIRED	100

ZONING TABULATION - PARCEL 7

TOTAL LAND AREA	1,017 SF OR .23 AC
PROPOSED NUMBER OF DWELLING UNITS	1 UDS
EXISTING ZONING	PDH-3
PROPOSED ZONING	PDH-3
PROPOSED DENSITY	4.8 DU/AC
PROPOSED PLAN NAME	48-2 (7)
PROPOSED LOT AREA	14,000 SF
OPEN SPACE PROVIDED	12 AC (11%)
OPEN SPACE REQUIRED	12 AC (11%)
PARKING SPACES PROVIDED	0
PARKING SPACES REQUIRED	0

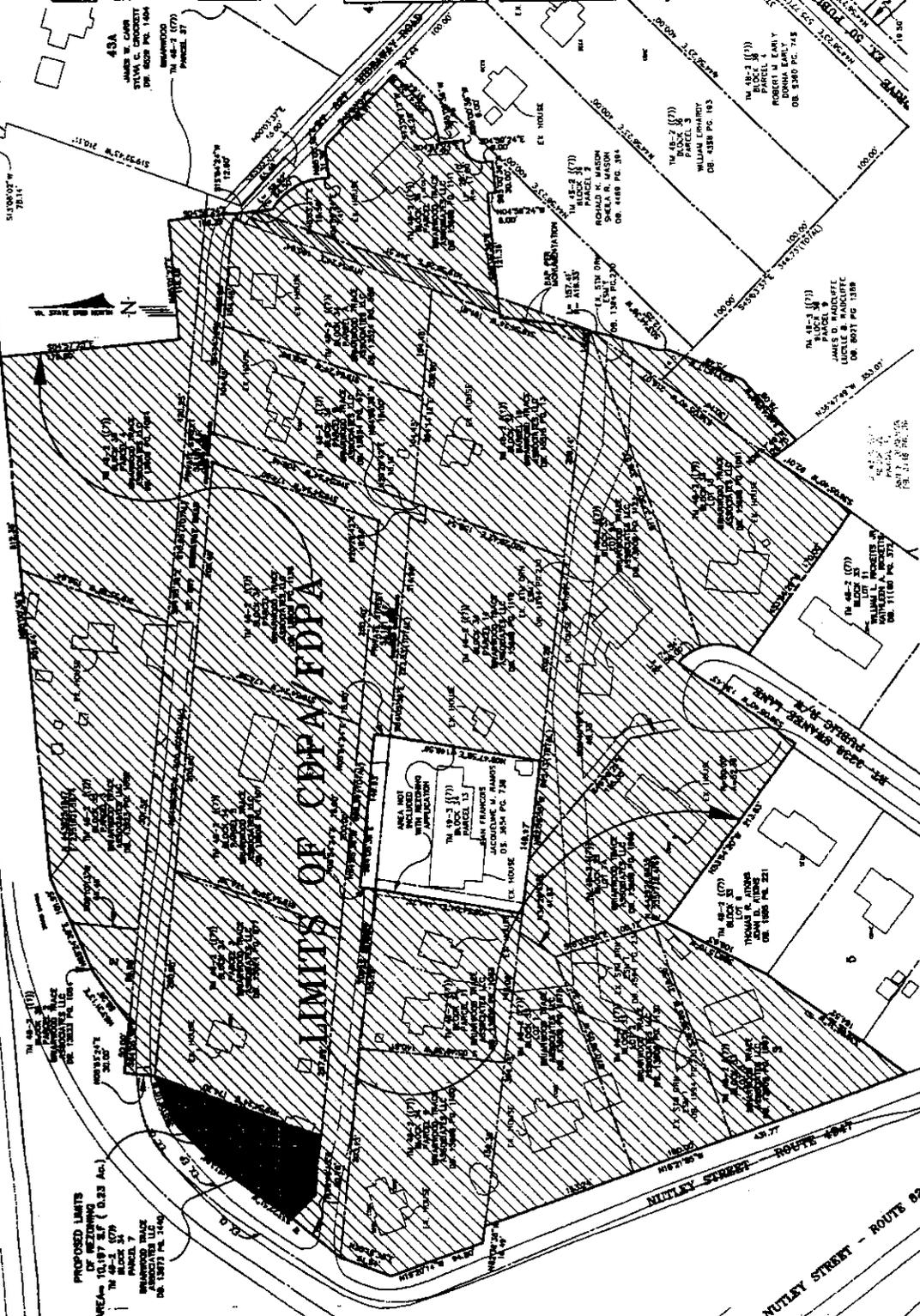
ZONING TABULATION - CDPA/EDPA COMBINED WITH PARCEL 7

TOTAL LAND AREA	11,183 AC
PROPOSED NUMBER OF DWELLING UNITS	83 UDS
EXISTING ZONING	PDH-3
PROPOSED ZONING	PDH-3
PROPOSED DENSITY	4.8 DU/AC
PROPOSED PLAN NAME	48-2 (7)
PROPOSED LOT AREA	14,000 SF
OPEN SPACE PROVIDED	23.85 AC (21%)
OPEN SPACE REQUIRED	21% OF SITE (PER MODIFICATION)
PARKING SPACES PROVIDED	100
PARKING SPACES REQUIRED	100

PARKING TABULATION - CDPA/EDPA COMBINED WITH PARCEL 7

TOTAL # OF UNITS	83
PARKING SPACES REQUIRED	83 X 2.0 = 166
PARKING SPACES PROVIDED	100
SURFACE & UTILITY SPACES	17
TOTAL	117

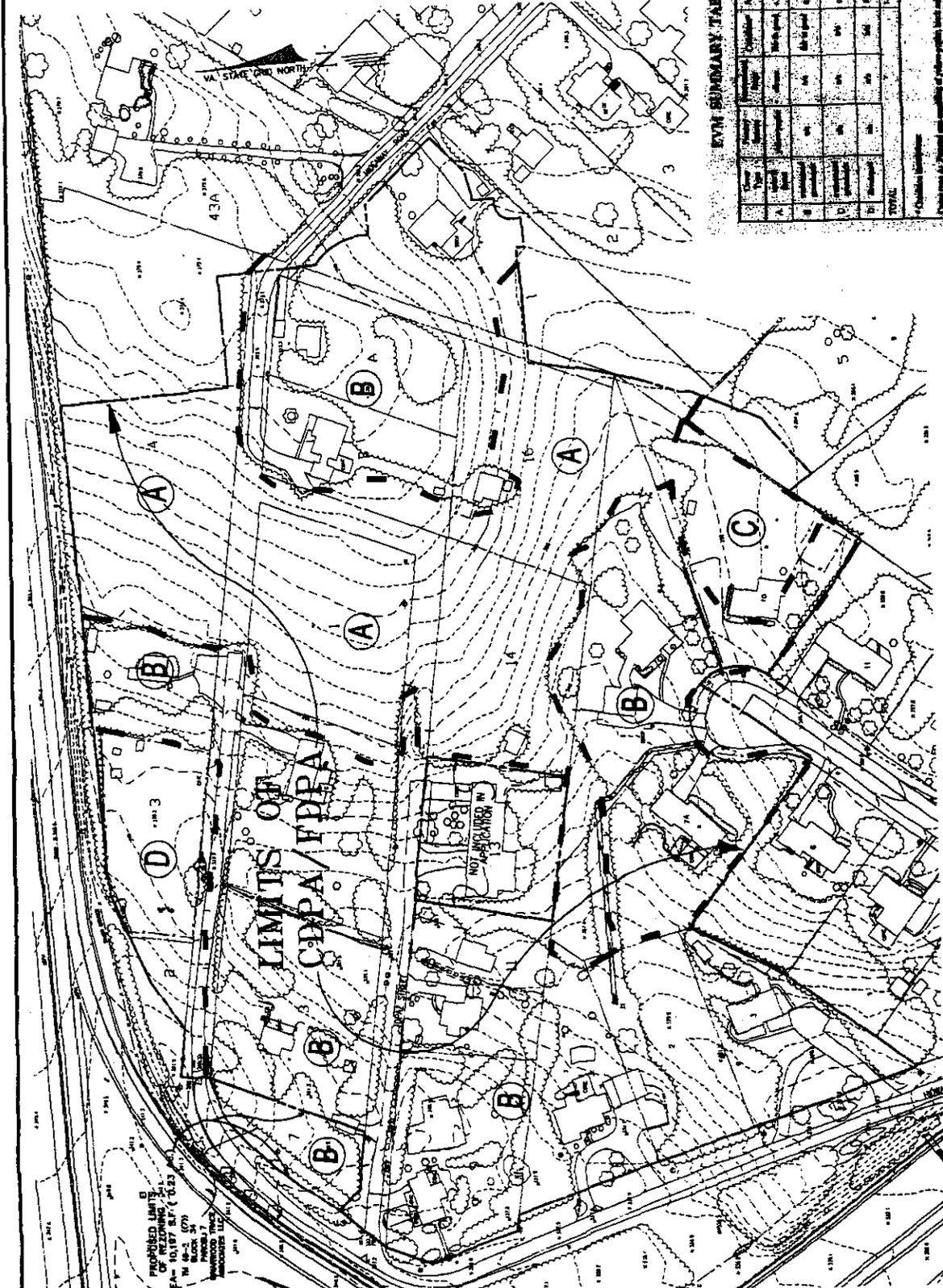
FINAL PARKING COUNT SUBJECT TO CHANGE WITH FINAL DEVELOPMENT PLAN



PROPOSED LIMITS OF REZONING AREA = 10,187 SF (0.23 AC.)
 PDH-3 (7)
 UNIMPROVED TRACE REZONED U.D.
 DE 12017 PG. 114

NOTES

- THE SUBJECT PROPERTY DEVELOPER NOTES ARE LOCATED ON FAIRFAX COUNTY ZONING MAP 48-2 (7) (BLOCK 51) PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
- RECORDS INFORMATION AS SHOWN IS BASED ON FIELD BOUNDARY SURVEY BY URBAN ENGINEERING AND ASSOCIATES, INC.
- TOTAL AREA OF REZONING: .23 ACRES
- PROPOSED ZONING: PDH-3
- A TITLE REPORT HAS NOT BEEN PROVIDED. SUCH REPORT WILL REFLECT RIGHT-OF-WAY, EASEMENTS OR OTHER ENCUMBRANCES AFFECTING THE PROPERTY SHOWN.



EXISTING VEGETATION MAP

Area	Vegetation Type	Area (Ac)	Percentage	Total (Ac)
1	Deciduous Forest	1.2	100%	1.2
2	Conifer Forest	0.8	100%	0.8
3	Open Field	0.5	100%	0.5
4	Scrubland	0.3	100%	0.3
5	Water	0.2	100%	0.2
6	Other	0.1	100%	0.1
TOTAL		3.1		3.1

This map shows the existing vegetation on the site. The vegetation is classified into six categories: Deciduous Forest, Conifer Forest, Open Field, Scrubland, Water, and Other. The total area of existing vegetation is 3.1 acres.

PREPARED LIMITS OF
 OF PLANNING
 AREA - 10,187 S.F. (0.23 AC)
 IN 08-2 (07)
 BLACK &
 BARRINGER LLC
 FARMERSVILLE, VA

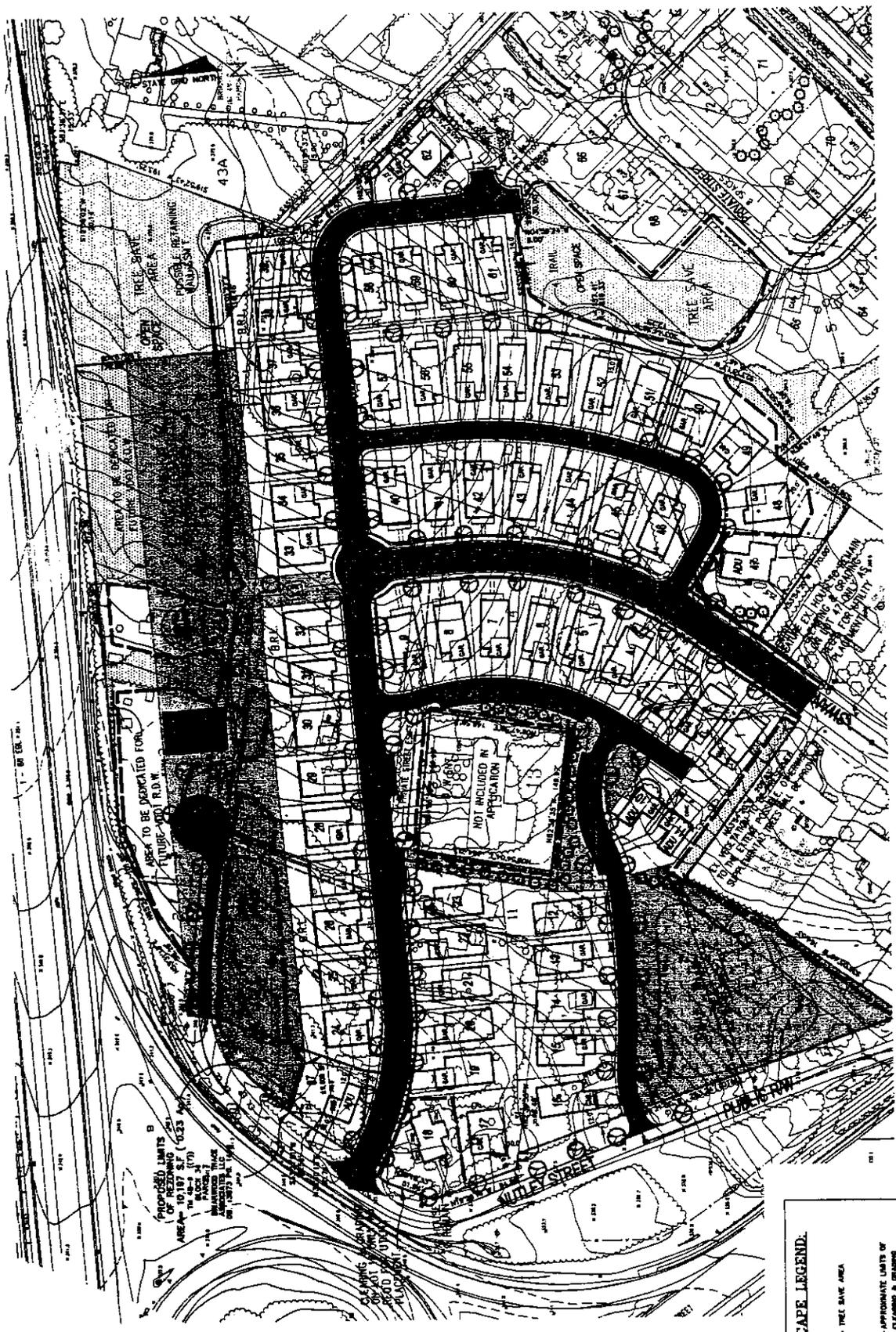
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URBAN ENGINEERING & ASSOC., INC.
 CIVIL ENGINEER - LANDSCAPE ARCHITECT - LAND SURVEYOR
 7115 LITTLE NORTH TOWNE
 FARMHILL, VIRGINIA 22430 (703) 433-1111



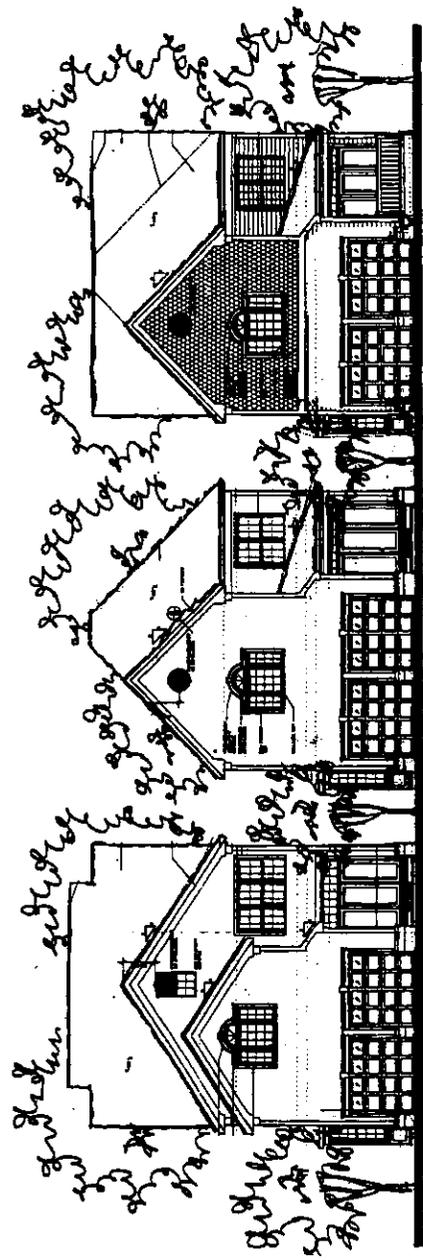
LANDSCAPE PLAN
 BRIARWOOD TRACE
 PROVIDENCE DISTRICT
 PARKWAY COUNTY, VIRGINIA
 CL 2
 SCALE: 1"=40'

PROJECT NO. 10000
 SHEET NO. 10000
 FILE NO. 10000
 MISC. 10000



LANDSCAPE LEGEND:

-  - TREE BASE AREA
-  - APPROXIMATE LIMITS OF CLEARING & GRADING
-  - ROOTED OPEN SPACE
-  - STREET TREES/LARGE CANOPY TREES
2" - 3 1/2" CALIBER
-  - MEDIUM EMERGENT TREE
8"-9" HEIGHT



CONCEPTUAL REAR STREETSCAPE

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

DESCRIPTION OF THE APPLICATION

Application, **RZ/FDP 2003-PR-014**, seeks to rezone Tax Map Parcel 48-2 ((7))(34) 7 from the R-1 District to the PDH-5 District for the development of one (1) single-family detached dwelling at a density of 4.34 dwelling units per acre (du/ac), with 51% open space. Abutting Parcel 7 to the south and to the east is land which was recently rezoned to the PDH-5 District pursuant to RZ 2002-PR-008 and is known as Briarwood Trace. Parcel 7 was not previously included in the original rezoning. The applicant now proposes to amend the proffered conditions and final development plan for Briarwood Trace in order to incorporate Parcel 7 into the Briarwood Trace development as proposed Lot 87. The partial proffered condition amendment/final development plan amendment, **PCA/FDPA 2002-PR-008**, includes only that portion of Briarwood Trace, which was zoned PDH-5 and is known as Land Bay A. The PDH-3 portion of Briarwood Trace (Land Bay B) is not included in or affected by this application. With the addition of the proposed unit on Parcel 7 (proposed Lot 87), Land Bay A would contain 63 single-family detached dwellings; however, the density for Land Bay A would remain unchanged at 4.48 du/ac with 23% open space.

The applicant also seeks approval of the following waivers:

- Waiver of the open space requirement for the PDH-5 District from 31% to 23% per Par. 8 of Sect. 16-401 of the Zoning Ordinance (PCA/FDPA 2002-PR-008);
- Waiver of the 600-foot maximum length for a private street (PCA/FDPA 2002-PR-008); and
- Waiver of the minimum district size of two (2) acres for a PDH District (RZ/FDP 2003-PR-014).

LOCATION AND CHARACTER

The 13.83 acre application property for **PCA/FDPA 2002-PR-008**, which is known as Briarwood Trace, is bounded by Interstate 66 to the north and Nutley Street to the west. To the east is the established single family detached residential neighborhood of Briarwood. Briarwood is zoned R-2 and planned for low-density residential use at 1-2 du/ac. To the south and east is that portion of Briarwood Trace which is zoned PDH-3. As noted above, this PDH-3 portion of Briarwood Trace, known as Land Bay B, is not included in the PCA application.

The application property for **RZ/FDP 2003-PR-014** consists of a single parcel, Tax Map Parcel 48-2 ((7))(34) 7, which is 10,197 square feet (SF) in size. This parcel is located in the southeast quadrant of Interstate 66 and Nutley Street and abuts Land Bay A of Briarwood Trace to the south and east. The parcel is currently vacant.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Interstate 66	---	Right-of-way
South	Residential, single-family detached (Briarwood Trace)	PDH-3	Residential, 1-2 du/ac with an option for residential at 3-4 du/ac
East	Residential, single-family detached (Briarwood)	R-1	Residential, 1-2 du/ac
West	Vienna Metro	R-1	Public Facilities, Governmental & Institutional

BACKGROUND (Appendix 2)

On September 23, 2002, the Board of Supervisors approved RZ 2002-PR-008 and the Conceptual Development Plan (CDP) subject to the executed proffers dated September 16, 2002. (On September 19, 2002, the Planning Commission approved FDP 2002-PR-008 subject to development conditions dated August 28, 2002.) Copies of the approved proffers and development conditions are contained in Appendix 2.

COMPREHENSIVE PLAN PROVISIONS (Appendix 5)

Plan Area: Vienna Planning District, Area II
Planning Sector: Lee Community Planning Sector
Plan Map: Residential, 1-2 du/ac with an option of residential at 3-4 du/ac and an option for residential at 4-5 du/ac

Plan Text:

On page 28 in the Area II text, the Vienna Planning District, the Lee Community Planning Sector (V-1), LAND USE RECOMMENDATIONS, the 2000 Comprehensive Plan states:

2. Residential infill in the portion of the sector east of Nutley Street and north of frontage property on Lee Highway should be limited to residential uses at a density of 1 - 2 dwelling units per acre. As an option, the Topaz Street/Hideaway Road/Suteki Road [Tax Map 48-2((7))(33) 1, 2, 3, 7A, 9A, 10; (34) 1, 3, 5, 7, 9, 11, 13, 14, 16, B, A; (35) 2-5; and (36) 1] may be considered for residential use at 4-5 dwelling units per acre (du/ac) and [Tax Map 48-2((7))(36) 2-5, 5A, 5B, 9, 36A, 36B] may be considered for residential use

at 2-3 du/ac under the following conditions:

- *Substantial and logical consolidation is achieved. In addition, within the option area, a proposed consolidation must show how any unconsolidated properties within the consolidation area can redevelop at a similar density and character;*
- *Access for those portions planned 4-5 du/ac is limited to the intersection of Swanee Lane with Nutley Street through a road built to VDOT design standards. There should be no extension of Hideaway Road beyond its current paved terminus near the southwestern boundary of the property generally known as Tax Map 48-2((7))(37)43A, nor should there be any connection by public or private road to Hideaway Road;*
- *Suteki Road should remain open as a public road and should maintain the connection between Hideaway Road and Beau Lane;*
- *New development should address the need for convenient pedestrian access to the crosswalk at Nutley Street and Swanee Lane for these residents and those to the east;*
- *Buffering and screening are provided to mitigate impacts on adjacent properties;*
- *The new development creates a quality living environment for its residents and provides usable open space;*
- *Townhouse uses are not permitted as market rate or ADU units; only single-family detached units may be constructed;*
- *Noise attenuation measures are provided as determined appropriate by the County;*
- *Existing mature trees should be retained to the greatest extent possible. The area adjacent to I-66 has substantial mature trees and vegetation that should be retained and preserved as open space adjacent to I-66;*
- *In order to help enhance compatibility with existing and planned uses on the adjacent lands, within the areas planned 4-5 du/ac and 2-3 du/ac, densities inclusive of ADUs and bonus units, should not occur above the "mid point" of the density range;*
- *At the edges of the development, in areas where the assembled property abuts existing development planned and/or zoned for lower density, the new development should be designed with units having a general orientation, location, building materials, and spacing that is compatible with the established development pattern; and*

- *To further enhance compatibility with existing uses, new development should use design features such as street lighting, landscaping and entry features as a way to improve the transition from the new development to the existing and established residential uses.*

ANALYSIS

It should be noted that the proposed conceptual/final development plan is combined for both RZ/FDP 2003-PR-014 and PCA/FDPA 2002-PR-008.

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

Title of CDP/FDP: Briarwood Trace
Prepared By: Urban Engineering and Associates, Inc.
Original and Revision Dates: January 2003, as revised through May 20, 2003

Description of CDP/FDP

CDP/FDP Briarwood Trace	
Sheet #	Description of Sheet
1 of 8	Cover Sheet
2 of 8	Vicinity Map; Soils Map; Typical Lot Layouts; Notes; ADU Requirements
3 of 8	Overall Site Layout; Overall Site Zoning Tabulations; Parcel 7 Tabulations; Parking Tabulations; Waivers
4 of 8	Rezoning Plat
5 of 8	Existing Vegetation Map; EVM Summary Table
6 of 8	Landscape Plan; Landscape Legend
7 of 8	Architectural Details (Front Elevations)
8 of 8	Conceptual Rear Streetscape

The following chart compares the site tabulations for the original Briarwood Trace rezoning (RZ/FDP 2002-PR-008) to the site tabulations for the PCA/FDPA application:

Standard	RZ/FDP 2002-PR-008	PCA/FDPA 2002-PR-008 with the addition of Parcel 7 (proposed Lot 87 - RZ/FDP 2003-PR-014)
Unit Count	Overall - 86 dwellings Land Bay A - 62 dwellings	Overall - 87 dwellings Land Bay A - 63 dwellings

Standard	RZ/FDP 2002-PR-008	PCA/FDPA 2002-PR-008 with the addition of Parcel 7 (proposed Lot 87 – RZ/FDP 2003-PR-014)
Density	Overall – 3.67 du/ac Land Bay A – 4.48 du/ac	Overall – 3.68 du/ac Land Bay A – 4.48 du/ac
Open Space	Overall - 26% Land Bay A – 23%	Overall – 26% Land Bay A - 23%
ADUs	4 single family detached dwellings (located within Land Bay A)	4 single family detached dwellings (located within Land Bay A)

The following features are depicted on the plan for Land Bay A.

Site Layout: No major change is proposed to the approved layout of Land Bay A. An additional single-family detached dwelling unit will be added to Land Bay A on Parcel 7. The dwelling will be known as proposed Lot 87. Vehicular access to Lot 87 will be from the proposed private street. In addition, the entrance to the house will face the proposed new street. In this way, the new unit's orientation complements those of the abutting dwellings. The lot size for proposed Lot 87 would be 6,000 SF. The average lot size for Land Bay A is 5,000 SF. The architecture of the proposed dwelling on Lot 87 would match that of the rest of Briarwood Trace.

Four Affordable Dwelling Units (ADUs) are proposed for Briarwood Trace, all of which will be located within Land Bay A. Under the original rezoning, two of the ADUs were to be existing houses which were to remain (proposed Lots 18 and 47). The other ADUs were to be new units to be constructed on proposed Lots 10 and 11. Under the proposed application, the existing unit on Lot 47 will still be retained but it will now be sold as a market-rate unit. A new ADU will be constructed on proposed Lot 87. ADUs will still be constructed on Lots 10 and 11.

Three typical lot layouts continue to be proposed for Land Bay A. For the rear-loaded units (Option 1), the front yard will be a minimum of 15 feet and the rear yard would be a minimum of 18 feet. A minimum of 12 feet will be provided between units. For the front-loaded units, a driveway no less than 18 feet in length will be provided. The front yards, however, could be a minimum of 15 feet deep. The minimum rear yard will be 12 feet (except in those locations shown on the CDP/FDP where the rear yard is bigger). On the sides of the units, there will be a minimum of 12 feet between units. No change is proposed to these setbacks.

Vehicular Access: Access to the subject site will continue to be provided via Hideaway Road, Nutley Street, Suteki Drive, Swanee Lane, and Topaz Street. The proposed internal street system will still be a mix of public (Suteki, Hideaway, Nutley, Swanee) and private streets. Some of the private streets have been slightly widened since the original approval in response to concerns from the Fire Marshal. Three

access points continue to be provided to Land Bay A off of Nutley Street. These access points would include Swanee Lane and two new private streets.

Pedestrian Access: Four (4) foot-wide sidewalks will continue to be provided along the proposed and existing streets. As such, there will be a sidewalk in front of the proposed dwelling on Parcel 7 (proposed Lot 87). The applicant continues to proffer to install a pedestrian signal at the Nutley Street/Hermosa Drive intersection if permitted by the Virginia Department of Transportation (VDOT), as well as to relocate the existing sidewalk located generally south of the intersection of Swanee Lane and Nutley Street.

Parking: The proposed dwelling on Parcel 7 (proposed Lot 87) will have a garage, as well as a driveway long enough to provide parking. There will continue to be on-street parking provided along the proposed public streets (Swanee Lane, Suteki Drive, and Hideaway Road), as well as 30 surface spaces along the proposed private streets.

Open Space: Twenty-three percent (23%) open space will continue to be provided in Land Bay A. Because the Zoning Ordinance requires 31% open space within the PDH-5 District, the applicant must again request a waiver of the open space requirement for Land Bay A per Sect. 16-401 of the Zoning Ordinance, as was previously granted with the approval of RZ/FDP 2002-PR-008. Fifty-one percent (51%) open space is provided for Parcel 7 (proposed Lot 87). The northern half of Parcel 7 (proposed Lot 87) will be consolidated with the proposed park to be located along the northern property line of Briarwood Trace.

Tree Save: No change is proposed to the previously proposed tree save areas. The overall site layout continues to preserve the majority of the most significant trees on-site, including an undisturbed, subclimax upland forest in the northeastern portion of the site and a stand of trees in the center of the site.

Noise Mitigation: There is an existing VDOT noise wall along the site's northern boundary, which includes a portion of the entrance ramp from Nutley Street. The applicant believes that the combination of this wall and the proposed grades for the site will provide the necessary exterior noise mitigation for the site. However, in order to ensure that the combination of the topography and the existing noise barrier is sufficient to ensure noise in the rear yard is mitigated to 65 dBA, the applicant is now proffering that, prior to the issuance of a Residential Use Permit (RUP) for the units on Lots 33-39, new noise measurements will be taken to confirm that the noise levels for the rear yard of Lot 39 is mitigated as proffered. If noise levels are not reduced to 65 dBA, then the applicant has proffered that additional acoustical fencing on or adjacent to the retaining wall will be installed as identified on the CDPA/FDPA. This fencing will utilize materials that are complimentary to the architecture of the approved units.

Stormwater Management: No change is proposed to stormwater management. Two stormwater management/best management practices (SWM/BMP) facilities continue

to be proposed for the site. One SWM/BMP facility will continue to be located within Land Bay A in the southwest portion of the site, adjacent to Nutley Street.

Land Use Analysis (Appendix 5)

The proposal to rezone Parcel 7 and consolidate it into the Briarwood Trace development does not raise any new land use issues since there is no appreciable change in density, open space or access. The proposed use and density are in conformance with the planned land use and density guidance in the Comprehensive Plan. Parcel 7, with a proposed density of 4.34 du/ac, is within the area planned for 4-5 du/ac. The addition of Parcel 7 to Land Bay A does not increase the previously-approved density, which remains 4.48 du/ac. However, development at the optional density of 4-5 du/ac is subject to the following additional specific Plan conditions, which are discussed below.

- *Substantial and logical consolidation is achieved. In addition, within the option area, a proposed consolidation must show how any unconsolidated properties within the consolidation area can redevelop at a similar density and character.*

The application proposes to consolidate Parcel 7 into the Briarwood Trace development. The applicant had also previously provided a layout which depicted how Parcel 13, the other unconsolidated parcel from the previous rezoning, could redevelop at a similar density and character to the proposed development. The applicant has not been able to consolidate this parcel and the previously shown layout for Parcel 13 remains valid in the event a future rezoning is proposed.

- *Buffering and screening are provided to mitigate impacts on adjacent properties.*

In order to mitigate the impacts of the proposed development, the applicant proposes buffering and screening, consisting of existing trees and new landscaping where the subject site abuts adjacent properties. Previously, staff had recommended a development condition which required a single row of evergreen trees to be located along the western property line of proposed Lot 24 in order to buffer Parcel 7. Since Parcel 7 is now being incorporated into the Briarwood Trace development, this development condition is no longer necessary. As such, staff proposes that this development condition be eliminated.

- *The new development creates a quality living environment for its residents and provides usable open space.*

During review of the original Briarwood Trace rezoning, staff noted that the site layout for Briarwood Trace provided several areas of open space, including a proposed park, smaller open space areas with seating areas, and several tree save areas. In addition, the applicant proffered a streetscape design for the development, as well as upgraded lot landscaping. No change is proposed to these commitments. Staff

continues to believe that the new development creates a quality living environment and provides usable open space.

- *Townhouse uses are not permitted as market rate or ADU units; only single-family detached units may be constructed.*

The development proposal does not feature any townhouse units. The CDP/FDP tabulations indicate that four ADUs will be constructed; these units will be single-family detached units. Three of these units will be new construction (proposed Lots 10, 11 and 87). The remaining ADU is an existing dwelling (proposed Lot 18), which will be renovated before sale.

- *In order to help enhance compatibility with existing and planned uses on the adjacent lands, within the areas planned 4-5 du/ac and 2-3 du/ac, densities inclusive of ADUs and bonus units, should not occur above the "mid point" of the density range.*

This Plan recommendation is met. The proposed density for Parcel 7 (4.34 du/ac) and Land Bay A (4.48 du/ac) falls at the mid-point of the planned density ranges of 4-5 du/ac.

- *At the edges of the development, in areas where the assembled property abuts existing development planned and/or zoned for lower density, the new development should be designed with units having a general orientation, location, building materials, and spacing that is compatible with the established development pattern.*
- *To further enhance compatibility with existing uses, new development should use design features such as street lighting, landscaping and entry features as a way to improve the transition from the new development to the existing and established residential uses.*

Where Briarwood Trace is adjacent to the existing Briarwood neighborhood, the applicant has designed the units to have a general orientation, location, building materials and spacing that is compatible (though not identical) with the established development pattern within Briarwood. In order to enhance this compatibility, Briarwood Trace will include matching streetlights along the entirety of Swanee Lane.

Development Criterion #1 (DC1) states that the development proposal should address consolidation goals in the Comprehensive Plan, further the integration of adjacent parcels, and not preclude adjacent parcels from developing in accordance with the Plan. The application consolidates one of the previously unconsolidated parcels (Parcel 7) into the Briarwood Trace development. While Parcel 13 still is not a part of the Briarwood Trace development, the applicant previously provided a layout which depicted how Parcel 13 could redevelop at a similar density and character as Briarwood Trace. Since no substantive changes are

proposed to the Briarwood Trace layout, Parcel 13 could still redevelop at a similar density and character to Briarwood Trace under the applicant's proposed layout.

The development should provide for a logical design with appropriate relationships within the development, including appropriately oriented units and useable yards. Parcel 7 (proposed Lot 87) is surrounded by the Briarwood Trace development. The applicant proposes to rezone this parcel and to incorporate it within the Briarwood Trace development. The overall Briarwood Trace development was designed to complement the surrounding Briarwood neighborhood. At the edges of the development, where Briarwood Trace abuts the existing Briarwood neighborhood, the new development was designed with units having a general orientation, location, building materials, and spacing that is compatible with the established development pattern. While the yards for Briarwood Trace are smaller than those found within Briarwood, the yards are usable. The addition of this lot to the development continues the pattern set for the development.

Open space should be usable, accessible, and integrated with the development. Appropriate landscaping should be provided, as should amenities such as benches, recreational amenities, and special design treatments. The open space for the Briarwood Trace development consists primarily of two proposed tree save areas and a furnished park immediately south of I-66. Smaller open space areas within the center of the site would be furnished with benches. Staff believes that the open space areas (particularly the park) are usable and accessible to the future residents, as well as the existing neighborhood. The site layout continues to propose several tree save areas. Staff also believes that these tree save areas will substantially add to the quality of the living environment. The applicant continues to proffer streetscaping for Briarwood Trace, as well as upgraded lot landscaping. Design details are provided on building elevations and street lighting.

Development Criterion #2; Neighborhood Context (DC2) states that, while developments are not expected to be identical to their neighbors, they should fit in the fabric of the adjacent community. As noted earlier, Parcel 7 is surrounded by the Briarwood Trace development. As such, the proposed lot and house size will be compatible with the surrounding Briarwood Trace development.

Environmental Analysis (Appendix 6)

The Comprehensive Plan provides specific Plan conditions for development of the Briarwood Trace site at the densities proposed. The environmental recommendations are listed below:

- *Noise attenuation measures are provided as determined appropriate by the County.*
- *Existing mature trees should be retained to the greatest extent possible. The area adjacent to I-66 has substantial mature trees and vegetation that should be retained and preserved as open space adjacent to I-66.*

As noted earlier in this report, the applicant continues to propose to mitigate outdoor noise through use of the existing noise wall, proposed grading and any warranted extensions of the wall. The applicant has also proffered to mitigate interior noise levels through the use of construction techniques. The applicant continues to propose the preservation of the majority of the most significant trees on-site, including an undisturbed, subclimax upland forest consisting of red oak and white oak, tulip poplar, hickory and red maples in the northeastern portion of the site. A portion of Parcel 7 will be incorporated into a proposed tree save area adjacent to I-66.

Development Criterion #3; Environment (DC3) requires that developments conserve natural environmental features to the extent possible, account for soil conditions, and protect current and future residents from noise and lighting impacts. Developments should minimize off-site impacts from stormwater runoff and adverse water quality impacts. Significant tree save areas continue to be proposed throughout the Briarwood Trace development (see the discussion in DC4 below). The applicant proposes two on-site stormwater management (SWM) facilities in order to reduce runoff. It should be noted that the proposed SWM facility on Land Bay A has been sized to intercept runoff generated from Interstate 66 which is not currently treated.

Development Criterion #4; Tree Preservation (DC4) states that developments should take advantage of existing quality tree cover, that preserving existing trees is highly desirable, and that utility crossings should be located, where feasible, so as not to interfere with proposed tree save areas. The Briarwood Trace site contains many significant trees. The applicant continues to propose the preservation of the majority of the most significant trees, including an undisturbed, subclimax upland forest consisting of red oak and white oak, tulip poplar, hickory and red maples in the northeastern portion of the site.

Transportation Analysis (Appendix 7)

The Comprehensive Plan provides specific Plan conditions for development of the Briarwood Trace site at the densities proposed. The transportation recommendations are listed below:

- *Access for those portions planned 4-5 du/ac is limited to the intersection of Swanee Lane with Nutley Street through a road built to VDOT design standards. There should be no extension of Hideaway Road beyond its current paved terminus near the southwestern boundary of the property generally known as Tax Map 48-2((7))(37)43A, nor should there be any connection by public or private road to Hideaway Road.*
- *Suteki Road should remain open as a public road and should maintain the connection between Hideaway Road and Beau Lane.*

- *New development should address the need for convenient pedestrian access to the crosswalk at Nutley Street and Swanee Lane for these residents and those to the east.*

The site layout for Briarwood Trace provides no extension of Hideaway Road beyond that which exists now nor does it provide any connection by public or private road to Hideaway Road. The site layout retains Suteki Road's public road status and maintains the connection between Hideaway Road and Beau Lane. In addition, the applicant continues to proffer to construct sidewalk along all new and existing streets in order to provide convenient pedestrian access to the crosswalk at Nutley Street and Swanee Lane. The applicant will also install a pedestrian signal at the Nutley Street/Hermosa Drive intersection to make access to the Vienna Metro safer and easier.

Development Criterion # 5; Transportation (DC5) requires that developments provide safe and adequate access to the surrounding road network, that transit and pedestrian travel should be encouraged, and that interconnection of streets should be encouraged. In addition, alternative street designs may be appropriate where conditions merit. The applicant continues to proffer dedication of up to 56 feet of right-of-way for the future widening of Interstate 66. The applicant also continues to proffer to contribute \$45,000 toward the installation of a new traffic signal at the intersection of Lee Highway, Hunter Road, and Ellenwood Drive. Finally, the applicant continues to proffer to install a pedestrian signal at the Nutley Street/Hermosa Drive intersection and to relocate an existing sidewalk located generally south of the intersection of Swanee Lane and Nutley Street and to correct the drainage problems that cause the existing sidewalk to periodically flood.

Public Facilities Analyses (Appendices 8 through 11)

The public facilities issues were addressed with RZ 2002-PR-008. The addition of one single-family detached dwelling does not impact the previous analysis and commitments made by the applicant.

Development Criteria #6; Public Facilities (DC6) states that development impacts on the public facilities systems should be identified, analyzed, and offset. With RZ 2002-PR-008, previous public facilities impacts were identified for the Briarwood Trace development included schools and parks. The applicant reaffirms the previous proffers to contribute the sum of \$800 per dwelling unit (or \$69,600) to Fairhill Elementary School for the purchase of wireless networking and mobile computer lab units or other equivalent equipment, facilities or infrastructure. In addition, the applicant has proffered to dedicate a furnished park (as shown on the proffered plan) to the County. The land area for this proposed park will be expanded due to the inclusion of Parcel 7 within the Briarwood Trace development. In the event that the park is not dedicated to the County, an HOA owned and maintained park would continue to be constructed in this area for use by the future residents, as well as the residents of the existing Briarwood neighborhood. In the event it is demonstrated that the proposed on-site facilities do not have sufficient value, the applicant shall contribute the balance of funds to the Fairfax County Park Authority for

off-site recreational purposes at the Hideaway and/or Villa Lee Park located in the Briarwood community.

Development Criteria #7; Affordable Housing (DC7)

The applicant has proffered to construct four (4) affordable dwelling units (ADUs), in accordance with County policy. It should be noted that these ADUs will be single-family detached units. One of the ADUs will be an existing single-family detached unit (proposed Lot 18), which the applicant will renovate. The remaining units will be new units constructed on proposed Lots 10, 11, and 87.

Development Criterion # 8; Heritage Resources (DC8) requires a development to address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation. No significant heritage resources have been identified with this proposal.

ZONING ORDINANCE PROVISIONS (See Appendix 13)

The applicant met the requirements of Articles 6 and 16 of the Zoning Ordinance with RZ 2002-PR-008. The applicant proposes to incorporate Parcel 7 into Land Bay A of the Briarwood Trace development. No change is proposed to the site layout of Land Bay A. In order to complement development on adjacent properties, Par. 1 of Sect. 16-102 (Planned Development Design Standards) requires that 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. In this case, the zoning district which most closely characterizes the PDH-5 District is the R-5 District. However, where the PDH District requires specific requirements, these requirements are listed.

Standard	Requirement or Guideline	Provided
Bulk Standards		
District Size (P-District requirement)	Minimum 2 acres	Parcel 7 – 10,197 SF* Land Bay A - 13.83 acres
Lot Size (P-District requirement)	N/A	-----
Building Height	Maximum 35 ft.	Maximum 35 ft.
Front Yard (Guideline Only)	16 feet (R-5)	10 feet**
Side Yard (Guideline Only)	8 feet (R-5)	20 feet**

Standard	Requirement or Guideline	Provided
Rear Yard (Guideline Only)	20 feet (R-5)	15 feet**
Open Space (P-District requirement)	31% (PDH-5)	Parcel 7 – 51% Land Bay A - 23%***
Parking		
Parking Spaces	2.3 spaces per 43 units = 99 spaces required	108 spaces (one space in garage & one space in driveway + 12 off-street spaces)

* A waiver of the minimum district size for PDH developments is requested.

** As provided along the periphery of the development.

*** Open space waiver is requested pursuant to Sect. 16-401 of the Zoning Ordinance.

Waivers/Modifications

Waiver of the Minimum District Size for PDH Developments

The minimum district size for a PDH development is two acres. The application property (Parcel 7) for RZ/FDP 2003-PR-014 is 10,197 square feet. The proposal consolidates one of the two parcels which were previously left out of the Briarwood Trace development, into the surrounding development. The incorporation of Parcel 7 into Briarwood Trace meets the stated site specific Plan text for consolidation. As such, staff supports this requested waiver.

Waiver of the 31% Open Space Requirement for the PDH-5 District

Sect. 6-110 of the Zoning Ordinance requires that 31% open space be provided for the PDH-5 District. As approved previously, Land Bay A would continue to provide 23% percent open space. Par. 8 of Sect. 16-401 permits the Board to waive this open space requirement whenever:

- Such strict application would inhibit or frustrate the purpose and intent for establishing such a zoning district; and
- Such a variance would promote and comply with the standards set forth in Part 1 above.

According to the Zoning Ordinance, PDH Districts are intended to encourage innovative and creative design and are to be designed to ensure ample provision and efficient use of open space. Even though Land Bay A does not meet the open space requirement, staff believes that the overall site has been designed to provide ample open space which is usable and accessible to all the future residents. In addition, the proposed open space areas will preserve the many existing mature trees on site,

which will retain the character of the neighborhood. For these reasons, staff supports the requested waiver. It should be noted that the Board previously granted a waiver of the open space requirement to 23% for Land Bay A with its approval of RZ 2002-PR-008.

Summary of Zoning Ordinance Provisions

Staff finds that the application has satisfied the applicable Zoning Ordinance provisions.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the subject applications are in conformance with the Comprehensive Plan and the Zoning Ordinance.

Recommendation

Staff recommends that RZ 2003-PR-014 and the Conceptual Development Plan be approved subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

Staff also recommends that FDP 2003-PR-014 be approved subject to the Board's approval of RZ 2003-PR-014 and the Conceptual Development Plan.

Staff recommends that minimum district size of two (2) acres for a PDH District be waived for RZ/FDP 2003-PR-014.

Staff recommends that PCA 2002-PR-008 be approved subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

Staff also recommends that FDPA 2002-PR-008 be approved subject to the Board's approval of PCA 2002-PR-008 and the Conceptual Development Plan.

Staff recommends that the open space requirement for the PDH-5 District be modified from 31% to 23% per Par. 8 of Sect. 16-401 of the Zoning Ordinance.

Staff recommends that the 600-foot maximum length for a private street requirement be waived.

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 for RZ 2003-PR-014 and PCA 2002-PR-008
2. Approved Proffers for RZ 2002-PR-008/Approved Development Conditions for FDP 2002-PR-008
3. Affidavits
4. Statement of Justification
5. Plan Citations and Land Use Analysis
6. Environmental Analysis
7. Transportation Analysis
8. Park Authority Analysis
9. Fire and Rescue Analysis
10. Sanitary Sewer Analysis
11. Fairfax County Water Analysis
12. Stormwater Planning Analysis (DPWES)
13. Zoning Ordinance Provisions
14. Glossary

PROFFER CONDITION AMENDMENT AND REZONING APPLICATION

PCA 2002-PR-008
RZ 2003-PR-014

July 8, 2003

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in this Proffer Condition Amendment Application ("PCA") and requested rezoning of Tax Map Reference Number 48-2-((7))-(34)-7 hereby proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference Nos. 48-2 ((7)) (33) 1, 2, 3, 7A, 9A, 10; (34) 1, 3, 5, 7, 9, 11, 14, 16, A, B; (35) 2, 3, 4; and (36) 1 pt., and existing private streets known as Topaz Street and Hideaway Road (hereinafter referred to as the "Property") will be in accordance with the proffered conditions accepted by the Board of Supervisors in the approval of RZ 2002-PR-008, dated September 16, 2002 for the portion of that property subject to this PCA, except as qualified below. In the event this Proffer Condition Amendment and rezoning request are denied, these proffers shall be null and void. The Owners and the Applicant ("Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. Additions and/or revisions to the proffered conditions accepted in the approval of RZ-2002-PR-008 are as follows:

I. General

1. Substantial Conformance. The development of the Property shall be subject to proffered conditions and associated CDP/FDP accepted by the Board of Supervisors in the approval of RZ 2002-PR-008. To the extent there is a conflict between the CDP/FDP proffered as part of the approval of RZ 2002-PR-008 and the Conceptual Development Plan/Final Development Plan Amendment (CDPA/FDPA), containing eight (8) sheets prepared by Urban Engineering & Associates, Inc., dated January 2003 and revised through May 24, 2003, associated with this partial PCA for Land Bay A, the CDPA/FDPA shall govern. Items or commitments reflected on the approved CDP/FDP and not affected or amended by the CDPA/FDPA shall continue to govern.

Notwithstanding the above, it shall be understood that the Applicant has the right to request a Final Development Plan Amendment (FDPA) for elements other than CDP elements for all or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance. For the purpose of this Proffer, CDP elements shall include the overall number and type of units and the general location and orientation of streets, open space and tree save areas and setbacks. It shall further be understood that the Property may be developed in phases subject to market conditions.

2. Lot Yield and Orientation of Units. The development, subject to RZ 2002-PR-008 and RZ 2003-PR-014, shall consist of a maximum of 87 single family detached residential units (inclusive of the required ADUs) that are generally contained within two land units identified as Land Unit A, consisting of approximately 14.06 acres and 63 residential units; and Land Unit B, consisting of approximately 9.6 acres and 24 residential units. Unit designs shown on the CDPA/FDPA for Land Unit A are

conceptual and subject to change provided that any such changes shall conform to the “Lot typical” shown on the CDPA/FDPA and the requirements of these proffers. The general orientation of the front and rear of the units shall be as shown on the CDPA/FDPA, i.e. units 1-9, 40-46, and 51-61 shall be rear loaded units. The entrance for the unit on Lot 87 shall be oriented to the proposed private street (not to Nutley Street). In addition, notwithstanding the lot typical shown on the CDPA/FDPA, Units 12-23 shall have rear setbacks as shown on the CDPA/FDPA and Unit 1 shall have a front setback from Swanee Lane Extended that are consistent with that shown on the CDPA/FDPA (25 feet for Lot 1) and Units 24 and 25 shall have a minimum front setback consistent with Units 32 and 33 as referred on the “Land Bay A Option 2” lot typical. Notwithstanding the lot typical contained within the CDPA/FDPA, those units on corner lots shall reflect setback as generally shown on the CDPA/FDPA. Rear decks for Lots 19-23 and Lots 12-16 must maintain a total minimum 15-foot separation between the deck and rear lot line. Cross maintenance easements shall be recorded among the land records in a form as approved by the County Attorney, which provide homeowner association and homeowner maintenance access within the three (3) foot side yards between the single family detached units.

11. Use of Existing Units for ADU Purposes. In accordance with the provisions of Paragraph 1 of Section 2-816 and associated provisions of Article 2 of the Fairfax County Zoning Ordinance, the Applicant retains the right, but not the obligation, to provide the required on-site affordable dwelling units through alternative programs approved by the Fairfax County Department of Housing and Community Development, to include, but not be limited to, partnerships and/or cooperation with non-profit

organizations such as Habitat for Humanity and/or the potential retention of the existing unit identified as Lot 18 on the CDPA/FDPA, or alternatively, the construction of a new ADU on Lot 18 within the general footprint depicted on the CDPA/FDPA.

III. ENVIRONMENTAL

13(A). Interior noise shall be mitigated to approximately DNL 45 dBA. In the event the required acoustical analysis shows that any of the units, or upper stories thereof, are impacted by noise in excess of 65 dBA, such units/lots shall have the following acoustical attributes: (i) exterior walls shall have a laboratory sound transmission class ("STC") rating of at least 39; (ii) doors (excluding garage doors) and glazing, including patio doors, shall have an STC rating of at least 28. If glazing (excluding glazing in a garage door) constitutes more than twenty percent (20%) of any facade, then such glazing shall have the same STC rating as the facade; (iii) measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

13(C). Upon establishment of final site grades and prior to the issuance of a Residential Use Permit for the units on Lots 33-39, the Applicant shall again monitor noise on Lot 39 to confirm that the combination of the topography and the existing noise barrier is sufficient to ensure noise in the rear yard is mitigated to 65 dBA. If necessary to ensure compliance with this requirement, the Applicant reserves the right to install additional acoustical fencing on or adjacent to the retaining wall identified on the CDPA/FDPA. Any such fencing shall be designed with materials of a color or texture that is complimentary to the architecture of the approved units."

IV. ARCHITECTURE/DESIGN

1. Architecture. The architecture and design of the approved units shall be in substantial conformance with the illustrative architectural renderings attached to the CDP/FDP as Sheets 11 and 12, or of generally comparable quality, as determined by DPWES. The ADU units identified as Units 10, 11, 18 and 87 shall be designed with an architecture that is compatible with the market rate units, as generally shown on Sheets 11 and 12 of the CDP/FDP, as determined by DPWES.

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These proffers may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

Contract Purchaser:

BRIARWOOD TRACE ASSOCIATES, LLC.

By: _____
Name: _____
Title: _____

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JAN 29 2003

Zoning Evaluation Division

PROFFERS
"Briarwood Trace" Rezoning**RZ/FDP 2002-PR-008****September 16, 2002**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in this rezoning proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference Nos. 48-2 ((7)) (33) 1, 2, 3, 7A, 9A, 10; (34) 1, 3, 5, 9, 11, 14, 16, A, B; (35) 2, 3, 4; and (36) 1, 2, 3, 4, 5, 5A, 5B, 9, 36A, 36B, a portion of public right-of-way for Hideaway Road and Swanee Lane to be vacated and/or abandoned, and existing private streets known as Topaz Street and Hideaway Road (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Rezoning request for the PDH-3 and PDH-5 Zoning Districts is granted. In the event said application request is denied, these proffers shall be null and void. The Owners and the Applicant ("Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The proffered conditions are:

I GENERAL

1. Substantial Conformance. Subject to the proffers and the provisions of Article 16 of the Zoning Ordinance, under which minor modifications to an approved

development plan are permitted, the development shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), containing 13 sheets prepared by Urban Engineering & Associates, Inc., dated December, 2001 and revised through August 26, 2002.

Notwithstanding the above, it shall be understood that the Applicant has the right to request a Final Development Plan Amendment (FDPA) for elements other than CDP elements for all or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance. For the purpose of this Proffer, CDP elements shall include the overall number and type of units and the general location and orientation of streets, open space and tree save areas. It shall further be understood that the Property may be developed in phases subject to market conditions.

2. Lot Yield and Orientation of Units. The development shall consist of a maximum of eighty-six (86) single family detached residential units (inclusive of the required ADUs) that are generally contained within two land units identified as Land Unit A, consisting of approximately 13.85 acres and sixty-two (62) residential units; and Land Unit B, consisting of approximately 9.6 acres and twenty-four (24) residential units. Unit Types shown on the CDP/FDP are conceptual and subject to change provided that any such changes shall conform to the "Lot typical" shown on the CDP/FDP and the requirements of these proffers. The general orientation of the front and rear of the units shall be as shown on the CDP/FDP, i.e. units 1-9, 40-46, and 51-61 shall be rear load units. In addition, notwithstanding the Lot typical shown on the CDP/FDP, Units 12-23 shall have rear setbacks and Unit 1 shall have a front setback from Swanee Lane Extended that are consistent with that shown on the CDP/FDP (25' for Lot 1) and Units

24 and 25 shall have a minimum front setback consistent with Units 32 and 33 as referred on the "Land Bay A Option 2" lot typical.

3. Dedication to HOA. Prior to subdivision plan approval, a single homeowners association (HOA) shall be established for the entire property. In conjunction with the appropriate subdivision review processes, private streets and common areas and amenities not otherwise conveyed or dedicated to the County and/or VDOT (i.e. right-of-way shown as to be dedicated for future widening of I-66) shall be dedicated to the homeowners association. A public access easement in a form approved by the County Attorney shall be placed on the streets, sidewalks, and trails within the approved development.

4. Garage Conversion. Any conversion of garages that will preclude the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction shall be disclosed in the HOA documents and 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 homeowners' association (HOA), which shall be established, and the Board of Supervisors. Prospective purchasers shall be advised of this use restriction, in writing, prior to entering into a contract of sale.

5. Pavement Section. All private streets shall be constructed pursuant to PFM pavement section standards as to the thickness appropriate for public subdivision streets based on level of vehicular traffic consistent with the development shown on the CDP/FDP. The HOA dues and budget shall include annual assessments to be deposited into an escrow account for private street maintenance. At the time of establishment of the HOA, the Applicant shall deposit the sum of \$150.00 per approved unit into the escrow

account for private street maintenance. All prospective purchasers shall be advised of the existence of private streets and all other associated maintenance obligations required by these Proffers prior to entering into a contract of sale.

6. Right of Way Vacation. Notwithstanding the submission for processing of any applications, plans or plats in furtherance of the development of the Application Property, the Applicant acknowledges that no such application, plan or plat shall be approved by Fairfax County until or unless the vacation of right-of-way proposed as part of the Application Property is approved by the Board of Supervisors and is final. In the event that such vacation is not approved by the Board of Supervisors, or in the event that Board's approval is overturned by a court of competent jurisdiction, any development of the Application property under the PDH-3 or PDH-5 District shall require a proffered condition amendment and the Applicant acknowledges that such amendment may result in a loss of density. The Applicant hereby waives any right to claim or assert 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.

7. Escalation. All monetary contributions required by these proffers except Proffer 1 in the section entitled "Recreation" shall be adjusted upward or downward, based on changes to the Construction Cost Index published in the Engineering News Record occurring subsequent to the date of rezoning approval and up to the date of payment.

8. Phasing of Streets. The system of new streets generally located within the area to be zoned PDH-5 shall be constructed during the first phase of the approved

development and prior to the issuance of a Residential Use Permit (“RUP”) for any dwelling unit. This shall not preclude the construction and use of a model home.

9. Access to Parcel 13. Parcel 13 (TM #48-2((7))(34)13 shall be provided with access to a public street throughout the construction process via an all weather access road in a form and location approved by the Director, DPWES following the construction of the new private roads shown on the CDP/FDP. Parcel 13 shall be provided with access to the new private road system. If, for any reason, the Applicant is unable to remove and reconfigure Topaz Street as generally shown on the CDP/FDP, a proffer condition amendment shall be required and such amendment may result in a loss of density.

10. Future Inclusion of Parcel 13 in HOA Documents. The appropriate homeowners association documents shall be structured so as to allow the future inclusion of Parcel 13 (TM# 48-2-((7))(34)-13) into the established homeowners association in the event such parcel is ever rezoned in the future to allow a type of development generally consistent with that approved in this rezoning.

11. Use of Existing Units for ADU Purposes. Notwithstanding that shown on the CDP/FDP, the Applicant reserves the right to relocate any of the existing dwellings within the assembled property to any one of the approved lots to fulfill the applicable Affordable Dwelling Unit (ADU) requirements. Any such units shall conform to all house size and configuration requirements established by the ADU Board. Units 47 and 18 are existing units, that the Applicant intends to retain to fulfill a portion of the ADU requirement. In the event Units 47 and 18 are not accepted by the County for use as part of the ADU program, these Units shall not be required to be retained, and the lots will be

redeveloped with new units having a design, size and architecture that is consistent with the adjacent approved development and the architecture and lot typicals shown on the CDP/FDP, as determined by DPZ. If the existing units are not retained, other units within the approved development shall be designed as ADUs to meet the ADU requirement. The ADU units shall be located as shown on the CDP/FDP and shall not be subject to the "lot typicals" on the CDP/FDP.

12. Length of Driveways. All driveways serving the approved residential units shall be a minimum of 18 feet in length without overhanging into the sidewalk from the inside of the sidewalk to the edge of the entrance to the garage. Driveways for market rate units shall be of a width that can accommodate two (2) cars.

13. Interim Use of Existing Units. The Applicant reserves the right to retain the existing dwellings, on an interim basis, within newly subdivided lots created pursuant to this approved rezoning. In the event any of the existing dwellings are retained on an interim basis (not to exceed three (3) years from subdivision plan approval for the section of the approved development within which the unit is retained), the location and configuration of the dwelling on the lot shall not be required to conform to the lot configuration or lot typical described on the CDP/FDP.

14. Signs. No temporary signs (including "popsicle" 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 Subject Property. Furthermore, the Applicant

shall direct its agents and employees involved in marketing and sale of residential units on the Subject Property to adhere to this proffer.

15. Administrative Review. Concurrent with their submission to the Department of Public Works and Environmental Services, each subdivision plan shall be submitted to the Providence District Planning Commissioner for the purpose of administrative review and comment.

16. School Contributions. Prior to approval of the final subdivision plan for the approved development, the Applicant shall provide documentation to DPWES that the Applicant has donated the sum of \$1,100 per dwelling unit, for each new market rate dwelling unit approved on the final subdivision plan above the twenty-one (21) of existing units on the Property at the time of rezoning, or a total of \$67,100.00 (61 new market rate units multiplied by \$1,100) to Fairhill Elementary School. These funds are to be applied towards the purchase of Wireless Networking and Mobile Lab Units in support of Fairhill's Technology Project. At the time the funds are received, other equivalent or more advanced technologies may be substituted, at the discretion of the principal, for the actual purchases that will be made and installed through the Fairfax County Public School System.

17. Disclosure of 200' Setback and Adjacent Park Site. Prior to entering a contract of sale, the Applicant shall disclose in writing to all prospective purchasers of lots 24 through 39 that these lots are adjacent to the 200' building restriction line and that, as a result, construction of building additions which create additional living space are not permitted within the 200' setback pursuant to these proffered conditions. This

proffer shall not preclude decks or patios. This requirement shall also be incorporated as a covenant within the homeowners association documents and the deeds of these lots.

In the event the land area located north of Lots 24 through 39 is dedicated for public park purposes pursuant to Proffer II2 below, the existence of such a public park site shall also be disclosed in writing to all prospective purchasers.

18. Delineation of 200' Setback. The 200-foot setback from Interstate 66 required by Section 2-414 of the Zoning Ordinance shall be as generally shown on the CDP/FDP.

19. Construction hours. Construction shall only occur between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturday. Prior to the start of construction, the name and phone number of the construction superintendent shall be provided to the President of the Briarwood Citizens Association and the Providence District Supervisor.

20. Retaining Walls. The Applicant reserves the right to install retaining walls at the rear of Lots 24 through 39 and in other areas of the site, to include the general periphery of existing Lot 13, as necessitated by final site grades and the requirement to honor the limits of clearing and grading shown on the CDP/FDP. The materials and design of such retaining walls shall be of low maintenance masonry type material and be consistent with and complimentary to the materials used in the design and construction of the approved units, or those materials used in other landscaping or amenity areas of the property, as determined by DPWES. Railings at the top of the retaining wall shall be allowed as may be required by Fairfax County. No such wall shall be greater than six (6) feet in height. If additional height is required, the wall shall be constructed in segments

within a terraced and landscaped design. Any such landscaping on a terraced retaining wall shall be approved by the Urban Forestry Division. Any retaining walls installed pursuant to this proffer shall be maintained by the homeowners association.

21. Undergrounding of Certain Existing Utilities. To the extent permitted by the applicable utility providers, the Applicant shall use its best and most reasonable efforts to relocate the existing overhead utilities to underground locations along the existing portion of Swanee Lane between Nutley Street and the application property and the portion of Hideaway Road parallel to the northeastern boundary of Land Bay B. In the event the applicable utility providers fail to grant the Applicant permission to relocate the existing utilities to underground locations, or if necessary easements or permission cannot be obtained without cost to the Applicant, the Applicant shall have no further obligations under this proffer. Documentation of failed attempts to acquire the necessary easements or permission shall be provided to DPWES.

22. Rear Yard Fences. The fencing of yards associated with any rear load units (i.e. Units 1-9, 40-46 and 51-61) shall be as shown on the lot typical described on the CDP/FDP (Land Bay A Option 1). In addition to that shown on the lot typical, the four foot high fencing may extend to the side lot line, street line and edge of the driveway. The six foot high fencing shall not extend closer to the street line than the area reserved for decks on the lot typical. This restriction shall be incorporated as a covenant within the applicable HOA documents.

23. Extension of Curb and Gutter. Any extension of curb and gutter along those portions of Swanee Lane outside the Application property and outside the dedicated

right-of-way shall be subject to the Applicant receiving the necessary permission from the affected land owner.

24. Piping of Utilities. To the extent permitted by DPWES, and supported by final engineering, the new storm drainage infrastructure adjacent to off-site parcel 48-2-((7))(3)-6 shall be designed in the form of an underground pipe as opposed to the existing open ditch.

II. RECREATION

1. Construction of Facilities. At the time of subdivision plan review, the Applicant shall demonstrate that the value of any proposed recreational amenities, including those proposed to be installed in the area conveyed to the County pursuant to Proffer II2 below, have a value equivalent to \$955.00 per unit as required by Article 6 of the Zoning Ordinance. This required contribution shall not include any roadway or parking improvements that may occur within potential recreation areas. To the extent that an agreement is reached with the Fairfax County Park Authority to construct and dedicate a public park pursuant to proffer II2 below, the required \$955.00 per unit shall be used toward facilities within the dedicated park. In the event agreement is not reached to dedicate the park, or in the event that facilities within the park do not have sufficient value, the Applicant reserves the right to install active or passive recreational facilities, as generally shown on the CDP/FDP to include but not be limited to multi-purpose court(s), tot lots, fitness courses, gazebos, playgrounds and similar facilities, in open space areas shown on the CDP/FDP that are to be retained by the HOA, provided that the installation of such facilities shall conform to the tree preservation requirements of these proffers and to the provisions of Article 6. In the event it is demonstrated that the proposed on-site

facilities do not have sufficient value, the Applicant shall have the option to contribute necessary funds to the Fairfax County Park Authority for off-site recreational purposes at the Hideaway and/or Villa Lee Park located in the Briarwood community. Recreational facilities required by this Proffer II1 and Proffer II2 below may be located within designated tree save areas provided that such facilities are field located in consultation with the Urban Forestry Division in a manner that does not require removal of mature trees.

2. Park Dedication. At the time of the submission of the first subdivision plan approval for the portion of the property zoned PDH-5, the Applicant shall make a written proposal to the Fairfax County Board of Supervisors to dedicate to the Fairfax County Park Authority for park purposes, in fee simple and at no cost, the open space areas and associated recreational facilities, to be constructed by the Applicant, between the northern property line and units 24 through 39. The Applicant's proposal shall include a commitment to develop and construct: one (1) multi-purpose court; one (1) playground; a picnic pavilion; benches at the playground and multi purpose court, and an open play area consisting of a grassed area as generally shown on the CDP/FDP. The Applicant shall further commit that all recreational facilities be constructed to standards contained in the PFM. In the event the proposed park dedication is accepted by the County, the existence of the Park site shall be disclosed in the HOA documents. In the event that an agreement cannot be reached concerning the construction of facilities and dedication of the same for park purposes prior to the issuance of the first residential use permit. The open space areas located north of Units 24-39 shall then be conveyed to the homeowners association and preserved as active and passive recreation generally in

accordance with the approved CDP/FDP. In the event that said open space areas are conveyed to the HOA, the appropriate HOA documents shall stipulate that the residents of the adjacent Briarwood community [(generally known as Tax Map Reference 48-2-((7))((13))((15)); 48-4-((3))((8))] shall have access to recreational facilities in the open space that were offered to the Park Authority pursuant to this proffer. This commitment shall be appropriately reflected in the homeowner's association documents governing the new residential development. The exact type and location of facilities shown on the CDP/FDP may be changed subject to compliance with the requirements of these proffered conditions. The location and configuration of the access to the Park site from Nutley Street shall be field located at subdivision plan review to maximize opportunities for tree preservation.

III. ENVIRONMENTAL

1. Stormwater Management. Stormwater management shall be provided in accordance with the PFM as determined by DPWES. In order to restore a natural appearance to the proposed stormwater management ponds and create a potential wetland habitat, or similar innovative approach approved by DPWES, a Landscape Plan submitted as part of the first submission of the subdivision plan. The Plan shall show a restrictive planting easement for the ponds and extensive landscaping in all areas outside the restrictive planting easement to the maximum feasible amount in keeping with the planting policies of Fairfax County.

2. Location and Final Design of Ponds. The location and configuration of the stormwater management facilities shown on the CDP/FDP are conceptual and subject to change based on final engineering and Proffer 3 of this section below. The

necessary ponds shall be located within the areas reserved for the same on the CDP/FDP. In the event that the final design and engineering indicates that the applicable water quality/quantity requirements require less land area than that shown on the CDP/FDP, those areas not required in connection with the stormwater ponds or associated grading shall be examined jointly by the Applicant, the Urban Forestry Division for feasibility as additional tree preservation areas or adding additional depth to rear yards of Units 12-16 and 19-23. If found to be viable for tree preservation purposes, these areas shall be protected in accordance with the requirements of these proffers. If such areas not used for stormwater management and are not deemed appropriate for tree preservation by the Applicant, the Urban Forestry Division, then such areas shall be landscaped with a type and amount of landscaping that is generally consistent with the landscape concepts generally described on the CDP/FDP.

3. Landscaping. Landscaping shall be provided in substantial conformance with the landscaping concepts shown on the CDP/FDP. If, during the process of subdivision plan review, any new landscaping shown on the CDP/FDP cannot be installed in order to locate utility lines, trails, etc., as determined necessary by the Urban Forestry Division, then an area of additional landscaping consisting of trees and/or plant material of a type and size generally consistent with that displaced, shall be substituted at an alternate location on the Property, subject to approval by the Urban Forestry Division. If it is necessary to install utilities outside the limits of clearing shown on the CDP/FDP, they shall be located in the least disruptive manner necessary, as determined by the Urban Forestry Division.

4. Limits of Clearing. Except as qualified by Proffer 3 above, the limits of clearing and grading shown on the CDP/FDP and required pursuant to these proffers shall be strictly adhered to and be considered maximum limits.

5. Tree Preservation. The Applicant shall submit a tree preservation plan as part of the first and all subsequent subdivision plan submissions. Preservation plans shall be prepared by a professional with experience in the preparation of tree preservation plans such as a certified arborist or landscape architect for the review and approval of the Urban Forestry Division.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees greater than twelve (12) inches in diameter and greater than ten (10) feet to either side of the limits of clearing and grading shown on the CDP/FDP for those areas generally protected by the limits of clearing and grading shown on the CDP/FDP. The condition analysis rating shall be prepared using methods outlined in the latest edition of The Guide for Plant Appraisal, published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as crown pruning, root pruning, mulching, fertilization and others as necessary shall be included in the plan.

6. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist or landscape architect and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an Urban Forestry

Division representative and invite a representative of the Briarwood Association to the same, to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Trees not likely to survive construction due to their species and/or proximity of disturbance will also be identified at this time and the Applicant shall also be given the option of removing them as part of the clearing operation. Any tree designated for removal at the edge of the limits of clearing and grading or within tree preservation area shall be removed using a chain saw to avoid damage to surrounding trees. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees.

7. Tree Protection Fencing. All trees shown to be preserved on the Tree Preservation Plan shall be protected by tree protection fencing. Tree protection fencing consisting of four foot high, 14 gauge welded wire attached to six foot steel post driven 18 inches into the ground and placed no further than ten feet apart shall be erected at the limits of clearing and grading as shown on the demolition and phase 1 and 2 erosion and sediment control sheets for the tree save and protection areas generally delineated on the CDP/FDP. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures within or adjacent to tree save areas. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist. Three days prior to the commencement of any clearing, grading or demolition activities, the Urban Forestry Division shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed.

8. Tree Transplanting. The Applicant shall provide a transplanting plan as part of the first and all subsequent site or subdivision plan submissions for review and approval by the Urban Forestry Division. The plan shall be prepared by a professional with experience in the preparation of tree transplanting plans such as a certified arborist or landscape architect. The plan shall generally address the following items:

- The species and sizes to be transplanted
- The existing location of the trees
- The final location of the trees
- The proposed time of the year when the trees will be moved
- The transplant methods to be used
- Details regarding after transplant care, including mulching, watering and if necessary, support measures such as cabling or staking.

9. Demolition of Existing Structures. The demolition of existing features and structures shall be conducted in a manner that minimizes the impact on individual trees and groups of trees that are shown to be preserved on the CDP/FDP, as determined by the Urban Forestry Division. Methods to preserve existing trees may include, but are not limited to, the use of supersilt fencing, root pruning, mulching, wire-welded tree protection fence, and other similar means.

10. Trail Design and Installation. In order to minimize site disturbance, the trails generally identified on the CDP/FDP shall be field located in consultation with the Urban Forestry Division prior to the first submission of the appropriate site and/or subdivision plan. Once the trail is located in the field, it shall be shown on the appropriate site and/or subdivision plan with the limits of clearing and grading reflecting

only that required for access and construction. Tree protection fencing consistent with that required by Proffer 7 above shall be used to protect any trees in the area during construction.

11. Tree Replacement. If any trees within the area designated to be preserved are dead, dying or hazardous and such condition is shown to have been proximately caused by the Applicant's construction activities within a two (2) year time period after bond release, the Applicant will remove said trees and provide appropriate replacement trees in terms of species, size and quantity as determined by the Urban Forestry Division pursuant to Section 12-403 of the Public Facilities Manual.

12. Phase I Environmental Survey. Prior to subdivision approval, the Applicant shall submit a Phase I investigation of the property to DPWES for review and approval in coordination with the Fire & Rescue Department, the Health Department and other appropriate agencies as determined by DPWES (hereinafter referred to as the "reviewing agencies"). This investigation shall be generally consistent with the procedures described with the American Society for Testing and Materials document entitled "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" as determined by DPWES in coordination with the reviewing agencies. If warranted by the results of the Phase I investigation, as determined by DPWES in coordination with the reviewing agencies, a Phase II monitoring program shall be pursued in order to determine if soil, surface water or ground water contaminants are present on the property and/or have migrated from the property.

13. Noise Attenuation. The Applicant shall provide the following noise attenuation measures:

A. In order to reduce the maximum interior noise to a level of approximately 45 dBA Ldn, the Applicant proffers that all residential units located within 300 feet of the existing right-of-way for Interstate 66 and potentially impacted by highway noise having levels between 65 and 70 Ldn, shall have the following acoustical attributes:

- (a) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39;
- (b) Doors and windows shall have a laboratory STC rating of at least 28. If glazing constitutes more than 20% of any façade, they shall have the same laboratory STC rating as walls; and
- (c) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

B. In order to reduce the maximum exterior noise level of 65 dBA Ldn, the Applicant proffers that all residential units and the active recreation areas identified on the CDP/FDP as a multi-purpose court, picnic pavilion, open play area, and playground located within 300 feet of the existing right-of-way for Interstate 66 and/or otherwise impacted by highway noise having levels between 65 and 70 Ldn, shall be screened from highway noise by the existing noise barrier and/or the extensions or additions to the same in the area generally parallel to the right-of-way of I-66 and between the application property and Tax Map 48-2-((7))-37-43A as more fully described below.

C. Prior to the first subdivision plan approval for the portion of the site zoned PDH-5, the Applicant shall have a refined acoustical analysis performed to verify or amend the noise levels and impact areas set forth above, to revise interior noise attenuation measures as prescribed above and/or to confirm the need for changes or additions to the required exterior noise mitigation. If required by the refined acoustical analysis, additional exterior mitigation measures shall be in the form of: (1) increasing the height of the existing noise wall through a vertical extension of the wall or a replacement of individual section(s); (2) a further extension of the existing VDOT wall to the east, parallel to Interstate 66, and/or to the south, along the north/south property line between the site and Tax Map 48-2-((7))-37-43A; and (3) a possible extension of the noise wall in the area parallel to the ramps that provide access from Nutley Street to I-66. With the exception of the possible extension of the sound barrier along the common property line with Tax Map 48-2-((7))-37-43A, any extension or addition to the existing noise barrier shall be within the VDOT right-of-way. In the event the Applicant elects to raise the vertical height of the existing noise barrier, the height shall not be greater than ten (10) feet above the existing height of any portion of the existing barrier. Any barrier constructed along the lot line shared with Parcel 43A shall not exceed eight (8) feet in height and shall be architecturally solid with no gaps or openings. The existence of and maintenance obligations associated with this barrier shall be disclosed in the HOA documents. Any additional barrier requested pursuant to these proffers shall be installed prior to the issuance of the first Residential Use Permit for any unit in the area zoned PDH-5. In the event the refined acoustical analysis demonstrates to the satisfaction of DPZ and DPWES that noise is mitigated in all rear yards and active recreation areas with

the exception of the trail running east/west through the eastern half of the tree save area north of Units 33-39, the trail may be removed and east/west pedestrian access provided via the sidewalk located adjacent to the front yards of Units 33-39. The refined acoustical analysis and revisions or additions to noise attenuation measures is subject to the approval of DPWES and the Department of Planning and Zoning. The refined acoustical analysis shall also be forwarded to the Providence District Planning Commissioner at the time of filing with the County.

IV. ARCHITECTURE/DESIGN

1. Architecture. The architecture and design of the approved units shall be in substantial conformance with the illustrative architectural renderings attached to the CDP/FDP as Sheets 11 and 12, or of generally comparable quality, as determined by DPWES. The ADU units identified as Units 10 and 11 shall be designed with an architecture that is compatible with the market rate units, as generally shown on Sheets 11 and 12 of the CDP/FDP, as determined by DPWES.

2. Continuation of certain landscaping and design amenities. To the extent permitted within the existing public right-of-way by Fairfax County and/or VDOT, the Applicant shall extend the street light concept from the new community into the established community along Swanee Lane to its intersection with Nutley Street and along both sides of Hideaway Road in the areas generally parallel to the application Property boundary. The Applicant shall file for and diligently pursue the necessary approvals. In the event it is determined by DPWES or VDOT that there is insufficient existing right-of-way or VDOT and/or Fairfax County fail to approve the necessary permits, the Applicant shall have no further obligation for off-site street lighting.

3. Additional Landscape Buffer. At the time of site/subdivision plan review, and in addition to those trees shown to be preserved on the CDP/FDP, the Applicant shall provide supplemental landscaping along the southeastern boundary of Lots 1 and 11 to ensure that year round screening is provided along the boundary with existing and adjacent Lot 6. The final design, size and location of the required landscaping shall be reviewed and approved by the Urban Forestry Division.

4. Design of Street Furniture. The benches and sitting areas generally described on the CDP/FDP shall be of a consistent and unified design throughout the community as shown on the CDP/FDP.

5. Building Materials. Exterior materials used on the facade shall include brick, stone, and similar masonry type materials, wood siding, vinyl siding, standing seam metal, cementitious siding (i.e. "Hardi Plank" or similar), and materials of comparable type and quality as determined by DPWES in consultation with the Providence District Planning Commissioner and based on data and information provided by the Applicant. Any vinyl siding used for the approved units shall be "Wolverine Millenium", "Carolina Beaded" or similar brands selected by the Applicant of comparable quality as determined by DPWES in consultation with the Providence District Planning Commissioner based on specifications provided by the Applicant. In order to provide additional design amenities for the sides of those units visible from the existing development, the rear of Units 48, 49, 63, 64, 84, 85, and 86, the rear of Units 58-61, the southwestern side of Units 1 and 11 and 65, the southeast side of Units 77, 80 and 83, the west side of Units 24, 33 and 16, the eastern side of Units 39 and 32, the north side of Units 9, 40, 57 and 58 and the sides of those units facing Suteki Drive shall, at a

minimum, be designed with architecture, materials and design elements, such as window types and treatments, of an amount, proportion, and quality equivalent to that used on the fronts of the units. The front façade of Units 1, 2, 73, 74, 75, 76 and 77 and the northeastern side of Unit 62 that faces Hideaway Road, shall incorporate an architecture whereby a substantial portion of the front façade (beyond 65%) is designed using brick, stone or similar material.

V. TRANSPORTATION

1. Traffic Signal. Prior to approval of the final bond release for the approved development, the Applicant shall provide a traffic signal and walklight at the intersection of Route 29, Hunter Road and Ellenwood Drive. The Applicant's obligation shall be subject to the following requirements: (1) the funds allocated for such a signal pursuant to approved RZ 2001-PR-050 shall be in escrow and available for dispersal by the County and to the Applicant to be used toward the Applicant's construction of the signal; (2) the warrant study required by approved RZ 2001-PR-050 shall be complete and be approved by VDOT; (3) it shall be shown that installation of the signal does not require the acquisition of additional right-of-way or realignment of the existing roads.

In the event any of the conditions enumerated above are not met prior to bond release, the Applicant shall escrow the sum of \$65,000 for the future installation of such a signal or other area wide improvements benefiting the Property.

2. Pedestrian Signals. Prior to the approval of the final subdivision plan, the Applicant shall use its best and most reasonable efforts to obtain the approvals and construct a "countdown pedestrian signal" or similar pedestrian crossing signal at the intersection of Nutley Street and Hermosa Drive and the intersection of Nutley Street and

Swanee Lane. The installation of such pedestrian signals shall be subject to review and approval by DPWES and/or VDOT. If, for any reason, VDOT or the County refuse to issue the approvals necessary to construct such pedestrian signals in the location identified by this proffered condition, or in the event the installation of any pedestrian signal requires additional infrastructure or alterations to existing traffic signal infrastructure at the identified intersections beyond that associated with the pedestrian signal itself (i.e. signal lights, wiring and mounting equipment or devices) and any associated re-timing of the existing signal, funds equivalent to the value of the equipment associated with the required pedestrian signal itself, as defined above, shall be contributed toward pedestrian improvements to improve pedestrian access from the Subject Property to the Vienna Metro Station. If applicable, the amount of such contribution shall be approved by DPWES based on the unit price schedule for such improvements.

3. Suteki Road Right-of-Way. At the time of site or subdivision plan approval, the right-of-way for existing Suteki Road, in the configuration generally shown on the CDP/FDP, shall be dedicated to the Board of Supervisors in fee simple. Subject to approval by VDOT and/or DPWES, Suteki Drive shall remain in the "ditch section" that generally exists at the time of approval of this rezoning (approximate pavement width of 22 feet as generally shown on the CDP/FDP)..

4. Hideaway Road Configuration. Subject to approval by VDOT and/or DPWES, the portions of Hideaway Road that form the northeast boundary of the PDH-5 area shall remain in general "ditch section" geometry that exists as of the date of this rezoning and generally shown on the CDP/FDP.

5. Pedestrian Access Improvements. Concurrent with the development of the PDH-5 portion of the Property, the Applicant shall relocate the existing sidewalk located generally south of the intersection of Swanee Lane and Nutley Street as shown on the CDP/FDP. The Applicant shall also use its best efforts to correct the drainage problems that cause the existing sidewalk to periodically flood as approved by DPWES. The Applicant's obligations shall be subject to the ability to complete the necessary walk within the existing right-of-way and obtaining all necessary permission and/or approvals, which shall be pursued in good faith.

6. Dedication of Right-of-Way. The Applicant shall dedicate to the Board of Supervisors, in fee simple, on demand, or at the time of final subdivision plan approval for the last section of the approved development, whichever first occurs, 56 feet of right-of-way along the northern boundary of the application property as generally shown on the CDP/FDP. This dedication of right-of-way shall not affect the delineation of the 200' setback shown on the CDP/FDP. The configuration of this dedicated right-of-way shall not preclude the reservation of easements or similar rights as may be needed to accommodate the installation and maintenance of the potential noise barrier located adjacent to Parcel 43A in accordance with Proffer III(13)(c). Any noise mitigation device installed within any such easements and not located within the existing VDOT right-of-way shall be permanently maintained by the HOA and if determined necessary by the County Attorney, pursuant to maintenance agreements reviewed and approved by the County Attorney's Office.

7. Sidewalk Along Swanee Lane. Prior to the approval of the final bond release for the approved development, the Applicant shall use its best and most

reasonable efforts to provide a sidewalk extension along Swanee Lane from the southern boundary of the Property to Nutley Street. The Applicant's obligation shall be subject to the following: (1) Installation of the sidewalk shall occur within the existing right of way or within permanent or temporary grading and construction easements adjacent to the right of way that are obtained at no cost by the Applicant. The Applicant agrees to diligently pursue any necessary permanent or temporary easements. Failed attempts to acquire necessary easements shall also be documented. (2) Installation of the sidewalk shall require no significant re-grading of the areas within or adjacent to the right-of-way nor any rebuilding, reconstruction or alteration of existing Swanee Lane. If any of the above described conditions are not met, or if the necessary permits, approvals, or easements cannot be obtained in accordance with the conditions described herein, the Applicant shall have no further obligation.

8. Traffic Calming. To the extent permitted by VDOT and DPWES, the Applicant shall install "speed humps" or "traffic tables" on the portions of Suteki Drive within the Application Property and/or portions of Swanee Lane or Swanee Lane extended. Such "speed humps" or "traffic tables" shall be constructed of asphalt or similar material.

{ the rest of this page has been intentionally left blank }

These proffers may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

Contract Purchaser:

CHRISTOPHER MANAGEMENT, INC.

By: _____
Name: _____
Title: _____

PROPOSED FINAL DEVELOPMENT PLAN CONDITIONS

FDP 2002-PR-008

August 28, 2002

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 2002-PR-008 for Tax Map Parcels 48-2 ((7)) (33) 1, 2, 3, 7A, 9A, and 10; 48-2 ((7)) (34) A, B, 1, 3, 5, 9, 11, 14, and 16; 48-2 ((7)) (35) 2, 3 and 4; 48-2 ((7)) (36) 1-5, 5A, 5B, 9, 36A and 36B; staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. A single row of evergreen trees shall be provided along the western property line of proposed Lot 24, where it abuts Tax Map Parcel 48-2 ((7))(34)7 to the east, in order to provide screening for Parcel 7.



REZONING AFFIDAVIT

DATE: JAN 28 2003
 (enter date affidavit is notarized)

I, Gregory A. Riegler, Agent for Applicant, 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 2003-34

in Application No.(s): RZ/FDP 2003-PR-014
 (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 BOLD above)
Briarwood Trace Associates, L.L.C. Agent: E. John Regan, Jr.	c/o Christopher Management, Inc. 11150 Main Street, Ste. 400 Fairfax, VA 22030	Applicant/Property Owner Tax Map #48-2-((7))(34)-7
McGuireWoods LLP Agents: Gregory A. Riegler, Esquire Dean H. Crowhurst, Esquire Lisa M. Chiblow	1750 Tysons Blvd., Ste. 1800 McLean, VA 22102	Agents/Attorneys/Planners

(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: JAN 28 2003
(enter date affidavit is notarized)

for Application No. (s): RZ/FDP 2003-PR-014
(enter County-assigned application number (s))

2003-31

(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 BOLD above)
Urban Engineering & Associates, Inc. Agents: Barry B. Smith Eric S. Siegle David T. McElhaney	7712 Little River Turnpike Annandale, VA 22003	Engineers/Agents
Snyder Egbue Associates, Inc. Agent: James F. Snyder	8605 Westwood Center Drive, Ste. 209 Vienna, VA 22182	Architects/Agent

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: JAN 28 2003
(enter date affidavit is notarized)

2003-34

for Application No. (s): RZ/FDP 2003-P2-014
(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)

Briarwood Trace Associates, L.L.C. c/o Christopher Management, Inc.
11150 Main Street, Ste. 400
Fairfax, VA 22030

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)

Members: E. John Regan, Jr. W. Craig Havenner Frederick A. Kober

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

Frederick A. Kober, President E. John Regan, Jr., VP/Treasurer
W. Craig Havenner, VP/Secretary

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

** All listings which include partnerships, 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)

JAN 28 2003

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

2003-34

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

Urban Engineering & Associates, Inc. 7712 Little River Turnpike
Annandale, VA 22003

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)

Barry B. Smith
Brian A. Sears
J. Edgar Sears, Jr.

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

J. Edgar Sears, Jr., President and Treasurer
Barry B. Smith, Vice President and Secretary

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

Snyder Egbue Associates, Inc. 8605 Westwood Center Drive, Ste. 209
Vienna, VA 22182

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 F. Snyder
Frank U. Egbue

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

James F. Snyder
Frank U. Egbue

(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: JAN 28 2003
 (enter date affidavit is notarized)

for Application No. (s): 122/FWP 2003-PR-014
 (enter County-assigned application number(s))

2003-34

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)

McGuireWoods LLP
 1750 Tysons Blvd., Ste. 1800
 McLean, VA 22102

(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)

Equity Partners of McGuireWoods LLP

Aaronson, Russell T., III
 Adams, Robert T.
 Ames, W. Allen, Jr.
 Anderson, Arthur E., II
 Anderson, Donald D.
 Andre-Dumont, Hubert
 Atkinson, Frank B.
 Aucutt, Ronald D.
 Bagley, Terrence M.
 Baril, Mary Dalton
 Barnum, John W.
 Barr, John S.
 Bates, John W., III

Belcher, Dennis L.
 Blanco, Jim L.
 Boland, J. William
 Bracey, Lucius H., Jr.
 Broaddus, William G.
 Brown, Thomas C., Jr.
 Burke, John W., III
 Burkholder, Evan A.
 Burrus, Robert L., Jr.
 Busch, Stephen D.
 Cabaniss, Thomas E.
 Cairns, Scott S.
 Capwell, Jeffrey R.

(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: JAN 28 2003
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

2003-34

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

McGuireWoods LLP
1750 Tysons Blvd., Ste. 1800
McLean, 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)

Carter, Joseph C., III
Cason, Alan C.
Cogbill, John V., III
Courson, Gardner G., former
Cranfill, William T.
Cromwell, Richard J.
Culbertson, Craig R.
Cutchins, Clifford A., IV
Cullen, Richard (nmi)
Dabney, H. Slayton, Jr.
Deem, William W.
de Cannart d'Hamale, Emmanuel
den Hartog, Grace R.
Dillon, Lee Ann
Douglass, W. Birch, III
Dudley, Waller T.
Dyke, James Webster, Jr.
Earl, Marshall H., Jr.
Edwards, Elizabeth F.
Evans, David E.
Feller, Howard (nmi)
Fennebresque, John C.
Fifer, Carson Lee, Jr.
Flemming, Michael D.
France, Bonnie M.
Franklin, Stanley M.
Freye, Gloria L.
Getchell, E. Duncan, Jr.

Gieg, William F.
Gillece, James P., Jr.
Glassman, M. Melissa
Goodall, Larry M.
Gordon, Alan B.
Grandis, Leslie A.
Grimm, W. Kirk
Hampton, Glenn W.
Harmon, T. Craig
Heberton, George H.
Howard, Marcia Morales
Isaf, Fred T.
Johnston, Barbara Christie
Joslin, Rodney D.
Kane, Richard F.
Katsantonis, Joanne (nmi)
Keefe, Kenneth M., Jr.
King, Donald E.
King, William H., Jr.
Kittrell, Steven D.
Krueger, Kurt J.
La Fratta, Mark J.
Lawrie, Jr., Henry deVos
Little, Nancy R.
Mack, Curtis L.
Marshall, Gary S.
Martin, George Keith
McArver, R. Dennis

(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)

JAN 28 2003

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

2003-34

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

McGuireWoods LLP.
1750 Tysons Blvd., Ste. 1800
McLean, 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)

McCallum, Steven C.
McElligott, James P.
McElroy, Robert G.
McFarland, Robert W.
McGee, Gary C.
McIntyre, Charles Wm.
McMenamin, Joseph P.
Melson, David E.
Menges, Charles L.
Menson, Richard L.
Michels, John J., Jr.
Milton, Christine R.
Murphy, Sean F.
Newman, William A.
Numm, Daniel B. Jr.
Oostdyk, Scott C.
O'Grady, Clive R. G.
O'Grady, John B.
Oakey, David N.
Padgett, John D.
Page, Rosewell,(nmi) III
Pankey, David H.
Pollard, John O.
Price, James H., III
Pusateri, David P.
Richardson, David L.
Rifken, Lawrence E.

Riopelle, Brian C.
Robertson, David W.
Robinson, Stephen W.
Rohman, Thomas P.
Rogers, Marvin L.
Rosen, Gregg M.
Russell, Deborah M.
Rust, Dana L.
Sable, Robert G.
Satterwhite, Rodney A.
Schill, Gilbert E., Jr.
Sellers, Jane Whitt
Shelley, Patrick M.
Skinner, Halcyon E.
Slaughter, Alexander H.
Slone, Daniel K.
Smith, James C., III
Smith, R. Gordon
Spahn, Thomas E.
Stallings, Thomas J.
Steen, Bruce M.
Stone, Jacquelyn E.
Strickland, William J.
Stroud, Robert E.
Summers, W. Dennis
Swartz, Charles R.
Swindell, Gary W.

(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: JAN 28 2003
(enter date affidavit is notarized)

for Application No. (s): R2 FDP 2003-PR-014
(enter County-assigned application number (s))

2003-34

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

McGuireWoods LLP
1750 Tysons Blvd., Ste. 1800
McLean, 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)

- Tashjian-Brown, Eva S.
- Taylor, D. Brooke
- Tetzlaff, Theodore R.
- Thornhill, James A.
- Van der Mersch, Xavier G.
- Vick, Howard C., Jr.
- Waddell, William R.
- Walker, Howard W.
- Walsh, James H.
- Watts, Stephen H., II
- Wells, David M.
- Whittemore, Anne Marie
- Williams, Stephen E.
- Williams, Steven R.
- Williamson, Mark D.
- Wilson, Ernest G.
- Wood, R. Craig
- Word, Thomas S., Jr.
- Younger, W. Carter
- Zirkle, Warren E.
- Patrick A. DeRidder
- Sandra K. Giannone
- Patrick L. Hayden
- James L. Matte
- J. Tracy Walker, IV

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

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

REZONING AFFIDAVIT

DATE: JAN 28 2003
(enter date affidavit is notarized)

2003-34

for Application No. (s): R2/PDP 2003-PR-014
(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: JAN 23 2003
(enter date affidavit is notarized)

2003-34

for Application No. (s): PR/FDP 2003-PR-014
(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 disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, 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:

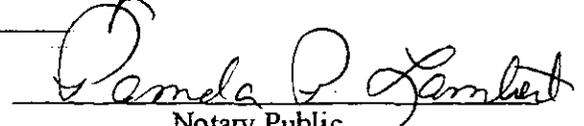


(check one) [] Applicant [X] Applicant's Authorized Agent

Gregory A. Riegle, Esquire, Applicant's Agent

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

Subscribed and sworn to before me this 28th day of January 2003 in the State/Comm. of Virginia County/City of Fairfax


Notary Public

\\REA\140597.1

My commission expires: 3/31/06

REZONING AFFIDAVIT

JAN 28 2003

DATE: _____
(enter date affidavit is notarized)

I, Gregory A. Riegle, Agent for Applicant, 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 2003-35

in Application No.(s): PCA 2002-PR-008
(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 BOLD above)
Briarwood Trace Associates, L.L.C. Agent: E. John Regan, Jr.	c/o Christopher Management, Inc. 11150 Main Street, Ste. 400 Fairfax, VA 22030	Applicant/Property Owner Tax Map #48-2-((7))(33)-1, 2, 3, 7A, 9A & 10; 48-2-((7))(34)-A, B 1, 3, 7, 5, 9, 11, 14, 16; 48-2-((7))(35)-2 thru 4; 48-2-((7))(36)-1
McGuireWoods LLP Agents: Gregory A. Riegle, Esquire Dean H. Crowhurst, Esquire Lisa M. Chiblow	1750 Tysons Blvd., Ste. 1800 McLean, VA 22102	Agents/Attorneys/Planners

(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)

JAN 28 2003

DATE: _____

(enter date affidavit is notarized)

2003-35

for Application No. (s): _____

PCA 2002-PR-008

(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 BOLD above)
Urban Engineering & Associates, Inc. Agents: Barry B. Smith Eric S. Siegle David T. McElhaney	7712 Little River Turnpike Annandale, VA 22003	Engineers/Agents
Snyder Egbue Associates, Inc. Agent: James F. Snyder	8605 Westwood Center Drive, Ste. 209 Vienna, VA 22182	Architects/Agent
Fairfax County Board of Supervisors, a body corporate and politic Agent: Anthony H. Griffin	12000 Government Center Parkway Fairfax, VA 22035	Property Owner Portion of Swanee Lane Right-of-Way

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

JAN 28 2003

DATE: _____
(enter date affidavit is notarized)

2003-35

for Application No. (s): PCA 2002-PR-008
(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)

Briarwood Trace Associates, L.L.C. c/o Christopher Management, Inc.
11150 Main Street, Ste. 400
Fairfax, VA 22030

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)

Members: E. John Regan, Jr. W. Craig Havenner Frederick A. Kober

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

Frederick A. Kober, President E. John Regan, Jr., VP/Treasurer
W. Craig Havenner, VP/Secretary

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

** All listings which include partnerships, 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: JAN 28 2003

(enter date affidavit is notarized)

for Application No. (s): PCA 2002-PR-009
(enter County-assigned application number (s))

2003-35

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

Urban Engineering & Associates, Inc. 7712 Little River Turnpike
Annandale, VA 22003

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)

Barry B. Smith
Brian A. Sears
J. Edgar Sears, Jr.

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

J. Edgar Sears, Jr., President and Treasurer
Barry B. Smith, Vice President and Secretary

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

Snyder Egbue Associates, Inc. 8605 Westwood Center Drive, Ste. 209
Vienna, VA 22182

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 F. Snyder
Frank U. Egbue

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

James F. Snyder
Frank U. Egbue

(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

JAN 28 2003

DATE: _____
(enter date affidavit is notarized)

2003-35

for Application No. (s): PCA 2002-PR-008
(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)

McGuireWoods LLP
1750 Tysons Blvd., Ste. 1800
McLean, VA 22102(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)

Equity Partners of McGuireWoods LLP

Aaronson, Russell T., III
Adams, Robert T.
Ames, W. Allen, Jr.
Anderson, Arthur E., II
Anderson, Donald D.
Andre-Dumont, Hubert
Atkinson, Frank B.
Aucutt, Ronald D.
Bagley, Terrence M.
Baril, Mary Dalton
Barnum, John W.
Barr, John S.
Bates, John W., IIIBelcher, Dennis I.
Blanco, Jim L.
Boland, J. William
Bracey, Lucius H., Jr.
Broaddus, William G.
Brown, Thomas C., Jr.
Burke, John W., III
Burkholder, Evan A.
Burrus, Robert L., Jr.
Busch, Stephen D.
Cabaniss, Thomas E.
Cairns, Scott S.
Capwell, Jeffrey R.(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)

JAN 23 2003

DATE: _____
(enter date affidavit is notarized)

2003-35

for Application No. (s): _____
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Blvd., Ste. 1800
McLean, 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)

- Carter, Joseph C., III
- Cason, Alan C.
- Cogbill, John V., III
- Courson, Gardner G., former
- Cranfill, William T.
- Cromwell, Richard J.
- Culbertson, Craig R.
- Cutchins, Clifford A., IV
- Cullen, Richard (nmi)
- Dabney, H. Slayton, Jr.
- Deem, William W.
- de Camart d'Hamale, Emmanuel
- den Hartog, Grace R.
- Dillon, Lee Ann
- Douglass, W. Birch, III
- Dudley, Waller T.
- Dyke, James Webster, Jr.
- Earl, Marshall H., Jr.
- Edwards, Elizabeth F.
- Evans, David E.
- Feller, Howard (nmi)
- Fennetresque, John C.
- Fifer, Carson Lee, Jr.
- Flemming, Michael D.
- France, Bonnie M.
- Franklin, Stanley M.
- Freye, Gloria L.
- Getchell, E. Duncan, Jr.

- Gieg, William F.
- Gillece, James P., Jr.
- Glassman, M. Melissa
- Goodall, Larry M.
- Gordon, Alan B.
- Grandis, Leslie A.
- Grimm, W. Kirk
- Hampton, Glenn W.
- Harmon, T. Craig
- Heberton, George H.
- Howard, Marcia Morales
- Isaf, Fred T.
- Johnston, Barbara Christie
- Joslin, Rodney D.
- Kane, Richard F.
- Katsantonis, Joanne (nmi)
- Keefe, Kenneth M., Jr.
- King, Donald E.
- King, William H., Jr.
- Kittrell, Steven D.
- Krueger, Kurt J.
- La Fratta, Mark J.
- Lawrie, Jr., Henry deVos
- Little, Nancy R.
- Mack, Curtis L.
- Marshall, Gary S.
- Martin, George Keith
- McArver, R. Dennis

(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)

JAN 28 2003

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
PCA 2002-PR-008
(enter County-assigned application number (s))

2003-35

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

McGuireWoods LLP
1750 Tysons Blvd., Ste. 1800
McLean, 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)

- McCallum, Steven C.
- McElligott, James P.
- McElroy, Robert G.
- McFarland, Robert W.
- McGee, Gary C.
- McIntyre, Charles Wm.
- McMenamin, Joseph P.
- Melson, David E.
- Menges, Charles L.
- Menson, Richard L.
- Michels, John J., Jr.
- Milton, Christine R.
- Murphy, Sean F.
- Newman, William A.
- Numm, Daniel B. Jr.
- Oostdyk, Scott C.
- O'Grady, Clive R. G.
- O'Grady, John B.
- Oakey, David N.
- Padgett, John D.
- Page, Rosewell,(nmi) III
- Pankey, David H.
- Pollard, John O.
- Price, James H., III
- Pusateri, David P.
- Richardson, David L.
- Rifken, Lawrence E.

- Riopelle, Brian C.
- Robertson, David W.
- Robinson, Stephen W.
- Rohman, Thomas P.
- Rogers, Marvin L.
- Rosen, Gregg M.
- Russell, Deborah M.
- Rust, Dana L.
- Sable, Robert G.
- Satterwhite, Rodney A.
- Schill, Gilbert E., Jr.
- Sellers, Jane Whitt
- Shelley, Patrick M.
- Skinner, Halcyon E.
- Slaughter, Alexander H.
- Slone, Daniel K.
- Smith, James C., III
- Smith, R. Gordon
- Spahn, Thomas E.
- Stallings, Thomas J.
- Steen, Bruce M.
- Stone, Jacquelyn E.
- Strickland, William J.
- Stroud, Robert E.
- Summers, W. Dennis
- Swartz, Charles R.
- Swindell, Gary W.

(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)

JAN 23 2003

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

2003-35

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

McGuireWoods LLP
1750 Tysons Blvd., Ste. 1800
McLean, 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)

- Tashjian-Brown, Eva S.
- Taylor, D. Brooke
- Tetzlaff, Theodore R.
- Thornhill, James A.
- Van der Mersch, Xavier G.
- Vick, Howard C., Jr.
- Waddell, William R.
- Walker, Howard W.
- Walsh, James H.
- Watts, Stephen H., II
- Wells, David M.
- Whittemore, Anne Marie
- Williams, Stephen E.
- Williams, Steven R.
- Williamson, Mark D.
- Wilson, Ernest G.
- Wood, R. Craig
- Word, Thomas S., Jr.
- Younger, W. Carter
- Zirkle, Warren E.
- Patrick A. DeRidder
- Sandra K. Giannone
- Patrick L. Hayden
- James L. Matte
- J. Tracy Walker, IV

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

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

REZONING AFFIDAVIT

JAN 28 2003

DATE: _____
(enter date affidavit is notarized)

2003-35

for Application No. (s): POA 2002-PR-008
(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: _____
(enter date affidavit is notarized)

2003-35

for Application No. (s): PCA 2002-PR-008
(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.)

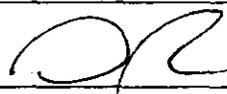
NONE

(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 disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, 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)

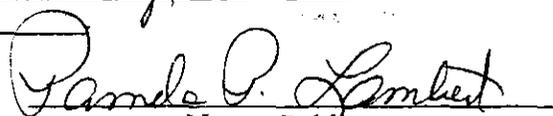
[] Applicant

[X] Applicant's Authorized Agent

Gregory A. Riegle, Esquire, Applicant's Agent

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

Subscribed and sworn to before me this 28th day of January, 2003, in the State/Comm. of Virginia, County/City of Fairfax


Notary Public

\\REA\142690.1

My commission expires: 3/31/06

Narrative Statement of Justification

Rezoning Application and Proffered Condition Amendment - Briarwood Trace

On September 23, 2002, the Board of Supervisors approved Rezoning RZ 2002-PP-008. The approved rezoning consolidated 28 existing lots and 23.5 total acres into a master planned single family detached development consisting of 62 units in Land Unit A and 24 units in Land Unit B. There are two requests being proposed to the County. First, the Applicant is requesting to rezone Parcel 7 (Tax Map 48-2-((7))-(34)-7) from R-1 to PDH-5. The rezoning of Parcel 7 will make this parcel consistent with the PDH-5 designation of Briarwood Trace (Land Unit A). The second request to approve a Proffered Condition Amendment to incorporate Parcel 7 into the PDH-5 rezoning currently approved for Land Unit A of Briarwood Trace.

Including Parcel 7 into the assemblage of Briarwood Trace creates a more uniform consolidation and will allow the Applicant to control the planning and development on both sides of the northernmost access point from Old Nutley Street. It is also anticipated that the northernmost portion of Parcel 7 will be conveyed to the Fairfax County Park Authority to complement the existing land dedication associated with the governing proffers for Briarwood Trace.

It is the Applicant's intention to impose proffered conditions on Parcel 7 that are identical to those governing the balance of Briarwood Trace. For ease of reference, the very substantial proffers accepted by the Board of Supervisors during the approval of Briarwood Trace are attached. In addition to ensuring conformity with the general density and design recommendations of the Comprehensive Plan, these proffered conditions provide substantial public facilities and innovative affordable housing options. Highlights of the current and proposed proffer package include:

- A commitment to construct exclusively detached affordable dwelling units and a commitment to attempt to retain two existing houses to serve as ADUs. These will be the first detached ADUs in Fairfax County and will provide larger ADUs than any current unit in the available inventory. The preservation of two existing homes for ADU purposes also represents an innovative opportunity to retain existing high quality units at the edges of the assemblage. This facilitates a smooth and appropriate transition into the adjacent stable residential neighborhoods.
- The Applicant is committed to provide "over detention" of stormwater runoff. In addition to fully addressing stormwater needs generated by the proposed development, this commitment addresses area-wide drainage problems resulting from undetained runoff presently reaching the site from the north.
- The Applicant has committed to substantial tree save areas, well in excess of minimum Ordinance requirements.

- The Applicant has committed to an orientation of units and configuration of lots at the edges of the proposed development to ensure a smooth transition to the established stable residential neighborhoods.
- The governing proffers reflect a commitment to extend certain landscaping and screening and street light amenities into off-site areas to improve the transition to existing stable neighborhoods.
- The Applicant has committed to dedicate and develop a “turn key” public park in the northern areas of the assemblage. This park will be an amenity for the residents of the proposed development and the existing Briarwood community.
- The Applicant has committed to provide off-site sidewalk extensions and connections. This helps to further integrate the subject property with the surrounding community and encourages non motorized transportation by affording the residents an opportunity to walk to the nearby Metrorail Station.
- The current proffers reflect a commitment to construction off-site traffic signals and walk light signals at nearby intersections. This commitment again provides an area-wide benefit and encourages pedestrian movements.

Notwithstanding the extremely small scope of the proposed application, based on the commitments described above, Briarwood Trace, in both its present and amended form, offers an amount of consolidation, layout, open space and amenities that are consistent with site design and neighborhood context requirements for the Residential Development Criteria contained in the Policy Plan. Similarly, substantial commitments in areas related to stormwater detention/environmental protection are offered. From a transportation perspective, the commitments to pedestrian access will both serve to reduce vehicle trips and encourage non motorized transportation. The layout and configuration of the streets within Briarwood Trace features an appropriate mix of the functional benefit of public streets along with the design benefit of strategically sited private streets. The interconnection of the street network is in full conformance with the recommendations of the Comprehensive Plan. Perhaps most importantly, the public facility commitments in the areas of schools, parks, and stormwater management are substantial and appropriately address the unique needs on this site and in the surrounding community.

Respectfully submitted,

McGuireWoods LLP

By: _____



RECEIVED
Department of Planning & Zoning
MAY 29 2003
Zoning Evaluation Division

Compliance with Residential Development Criteria
Rezoning Application, Proffered Condition Amendment and Final Development Plan
Amendment - Briarwood Trace

Executive Summary

This application proposes to amend RZ 2002-PR-008 (the "governing rezoning") to rezone and add to the approved PDH-5 assemblage Parcel 7 (Tax Map 48-2-((7))-34-7) which contains approximately 10,197 square feet of additional land (the "additional land") and will yield one (1) new dwelling unit. The rezoning portion of the application proposes to rezone Parcel 7 from R1 to PDH-5 in a manner consistent with Briarwood Trace. In addition, through a concurrently filed Proffer Condition Amendment, it is the Applicant's intention to subject the additional land (Parcel 7) to the substantial proffer conditions associated with the governing rezoning, Briarwood Trace. The Final Development Plan Amendment (FDPA) is to delete an existing FDP development condition that requires plantings along the western barrier adjacent to Parcel 7 be removed. This is no longer practical and as Parcel 7 is being rezoned to the PDH-5 designation and incorporated within the planned community. For the reasons stated below, the proposed development fully complies with the Residential Development Criteria contained in Appendix 9 of the Land Use Chapter of the Policy Plan.

Compliance with Development Criteria

The specific compliance with the Residential Development Criteria is as follows:

1. Site Design

Consolidation. The approved and governing rezoning was comprised of a substantial and logical consolidation. The purpose of this proffer condition amendment is to add one (1) more lot to complete a single family detached development consisting of 28 parcels.

Layout. The addition of this parcel appropriately compliments an approved layout that is logical, functional and in conformance with the Comprehensive Plan with regard to dwelling units, yards, streets, open space, stormwater management facilities, existing vegetation, noise mitigation, sidewalks and fences.

Open Space. The additional parcel will enhance the size of the public parks the Applicant has committed to dedicate and develop in accordance with the governing proffers.

Landscaping. The governing proffers commit to substantial landscaping and screening and street light amenities in on-site and even off-site areas. The approved concepts will be carried forward on this additional parcel.

Amenities. Please refer to Open Space and Landscaping language above.

2. Neighborhood Context. The addition of this single lot and the resultant development of one (1) new home is consistent with and identical to that associated with the adjacent approved rezoning.

3. Environment

Preservation. The adjacent rezoning of which this property will become a part of features substantial tree save areas, well in excess of minimum Ordinance requirements.

Slopes and soils. The additional land has no extraordinary slope or soil conditions.

Water quality and drainage. In the governing rezoning, the Applicant has committed to provide "over detention" of stormwater runoff. In addition to fully addressing stormwater needs generated by the proposed development, this commitment addresses area-wide drainage problems resulting from undetained runoff presently reaching the site from the north.

Noise. Noise attenuation measures have been committed to in the governing rezoning. These commitments will be carried forward to the additional land.

Lighting. No new lighting impacts are anticipated.

4. Tree preservation. In the governing rezoning, the Applicant has committed to substantial tree save areas, well in excess of minimum Ordinance requirements. The additional land raises no new tree preservation issues.

5. Transportation.

Transportation Improvements. Through the governing rezoning, the Applicant has made substantial commitments for new transportation infrastructure. the addition of one (1) new unit raises no new transportation issues.

Transit/Transportation Management/ Non-Motorized Facilities. To ease the pedestrian traffic that will travel to the nearby Metro station, the governing rezoning requires that a sidewalk be installed from the south boundary of the subject property to Nutley Street along Swanee Lane. Additional commitments for new "walk light" signals have been made and will be carried forward.

Interconnection of Street Network/Alternative Street Design. As established in the governing rezoning, streets serving the application property have been interconnected with the established network in the manner required by the Comprehensive Plan.

6. Public Facilities. Through the governing proffers, the Applicant has made substantial commitments to school contributions, excess stormwater infrastructure, and off-site design and transportation improvements. No new public facility impacts are anticipated from the additional land.

7. Affordable Housing. The Applicant has committed through proffers, to provide four affordable dwelling units. The additional land does not change the applicable requirements.

8. Heritage Resources. To the best of the Applicant's knowledge, there are no heritage resources worthy of preservation on the property.

\\REA\140737.1

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

FROM: Pamela G. Nee, Chief *PGN*
Environment and Development Review Branch, DPZ

SUBJECT: Comprehensive Plan Land Use Analysis: PCA 2002-PR-008
RZ/FDP 2003-PR-014
Briarwood Trace Associates, LLC

DATE: 28 May 2003

This memorandum includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject rezoning and proffered condition amendment application and development plan dated January 10, 2003 as revised through February 10, 2003. The extent to which the proposed use, intensity, and development plans are consistent with the land use guidance contained in the Comprehensive Plan is noted.

DESCRIPTION OF THE APPLICATION

The application proposes to rezone a single parcel, Tax Map 48-2 ((7)) (34) 7, from R-1 to PDH-5 for development of a single dwelling and to amend a previously approved rezoning to add the parcel and proposed dwelling into the adjacent development also zoned PDH-5. The subject parcel was not consolidated with the rezoning application RZ 2002-PR-008, known as Briarwood Trace. However, at the time of the rezoning, the applicant was required to demonstrate how any unconsolidated parcels could redevelop in a similar manner. The proposed rezoning and proffered condition amendment application are essentially consolidating Parcel 7 into the PDH-5 Briarwood Trace development at this time.

LOCATION AND CHARACTER OF THE AREA

The application property is located in the southeastern quadrant of the intersection of Nutley Street and Rt. I-66. The PCA property, including Parcel 7, abuts right-of-way for both Nutley Street and I-66 along the northern and western edges of the proposed site. The eastern edge is bounded by Hideaway Road. The site has been recently approved for redevelopment at densities ranging from 2.5 to 4.3 dwelling units per acre (du/ac).

COMPREHENSIVE PLAN CITATIONS

Plan Area: II **Planning Sector:** Lee Community Planning Sector (V1)
Vienna Planning District

Plan Text: In the Fairfax County Comprehensive Plan, Area II Volume, 2003 Edition, Vienna Planning District, as amended through January 27, 2003, Lee Community Planning Sector (V1), on page 28, the Plan states:

“6. Residential infill in the portion of the sector east of Nutley Street and north of frontage property on Lee Highway should be limited to residential uses at a density of 1 - 2 dwelling units per acre. As an option, the Topaz Street/Hideaway Road/Suteki Road [Tax Map 48-2((7))(33) 1, 2, 3, 7A, 9A, 10; (34) 1, 3, 5, 7, 9, 11, 13, 14, 16, B, A (35) 2-5; and (36) 1] may be considered for residential use at 4-5 dwelling units per acre (du/ac) and [Tax Map 48-2((7))(36) 2-5, 5A, 5B, 9, 36A, 36B] may be considered for residential use at 2-3 du/ac under the following conditions:

- Substantial and logical consolidation is achieved. In addition, within the option area, a proposed consolidation must show how any unconsolidated properties within the consolidation area can redevelop at a similar density and character;
- Access for those portions planned 4-5 du/ac is limited to the intersection of Swanee Lane with Nutley Street through a road built to VDOT design standards. There should be no extension of Hideaway Road beyond its current paved terminus near the southwestern boundary of the property generally known as Tax Map 48-2((7))(37)43A, nor should there be any connection by public or private road to Hideaway Road;
- Suteki Road should remain open as a public road and should maintain the connection between Hideaway Road and Beau Lane;
- New development should address the need for convenient pedestrian access to the crosswalk at Nutley Street and Swanee Lane for these residents and those to the east;
- Buffering and screening are provided to mitigate impacts on adjacent properties;
- The new development creates a quality living environment for its residents and provides usable open space;
- Townhouse uses are not permitted as market rate or ADU units; only single-family, detached units may be constructed;
- Noise attenuation measures are provided as determined appropriate by the County; and
- Existing mature trees should be retained to the greatest extent possible. The area adjacent to I-66 has substantial mature trees and vegetation that should be retained and preserved as open space adjacent to I-66;
- In order to help enhance compatibility with existing and planned uses on the adjacent lands, within the areas planned 4-5 du/ac and 2-3 du/ac, densities inclusive

of ADU's and bonus units, should not occur above the "mid point" of the density range;

- At the edges of the development, in areas where the assembled property abuts existing development planned and/or zoned for lower density, the new development should be designed with units having a general orientation, location, building materials, and spacing that is compatible with the established development pattern; and
- To further enhance compatibility with existing uses, new development should use design features such as street lighting, landscaping and entry features as a way to improve the transition from the new development to the existing and established residential uses."

Plan Map: Residential, 1-2 du/ac

ANALYSIS

The proposal to rezone Parcel 7 and consolidate the parcel with the adjacent PDH development does not raise any new land use issues since there is no appreciable change in density, open space or access. It would be desirable to provide a house orientation and access which integrates the parcel into the subdivision design pattern established with the previous rezoning.

PGN:DMJ

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

FROM: Pamela G. Nee, Chief *PNH*
Environment and Development Review Branch, DPZ

SUBJECT: ENVIRONMENTAL ASSESSMENT for: **RZ/FDP 2003-PR-014**
Briarwood Trace Associates, L.L.C. **PCA 2002-PR-008**

DATE: 19 June 2003

The application seeks to rezone a 10,197 square foot parcel of land from the R-1 (Residential District, one dwelling unit/acre) to PDH-5 (Planned Development Housing District). In addition, the application is requesting approval of a proffer condition amendment.

This memorandum, prepared by Mary Ann Welton, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. The citations are followed by a discussion of environmental concerns, including a description of potential impacts that may result from the proposed development as depicted on the revised development plan dated, May 20, 2003. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS

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

Fairfax County Comprehensive Plan, 2002 Edition, Policy Plan, Environment as amended through August 5, 2002, pages 9 and 10:

“Transportation generated noise impacts the lives of many who live in the County. Some County residents are subjected to unhealthful levels of noise from highway traffic, aircraft operations and railroads, including WMATA's Metrorail ... Federal agencies with noise mitigation planning responsibilities have worked with the health community to establish maximum acceptable levels of exposure (Guidelines for Considering Noise in Land Use Planning and Control). These guidelines expressed in terms of sound pressure levels are; DNL 65 dBA for outdoor activity areas, DNL 50 dBA for office environments, and DNL 45 dBA for residences, schools, theaters and other noise sensitive uses. While the federal guidelines consider all land uses to be compatible with noise levels below DNL 65 dBA, they are not proscriptive as they relate to local land use decisions. Further,

it is known that adverse noise impacts can occur at levels below DNL 65 dBA and that there may be variability among communities in responses to such noise.

Objective 4: Minimize human exposure to unhealthful levels of transportation generated noise.

Policy a: Regulate new development to ensure that people are protected from unhealthful levels of transportation noise.

New development should not expose people in their homes, or other noise sensitive environments, to noise in excess of DNL 45 dBA, or to noise in excess of DNL 65 dBA in the outdoor recreation areas of homes. To achieve these standards new residential development in areas impacted by highway noise between DNL 65 and 75 dBA will require mitigation. New residential development should not occur in areas with projected highway noise exposures exceeding DNL 75 dBA. Because recreation areas cannot be screened from aircraft noise and because adverse noise impacts can occur at levels below DNL 65 dBA, in order to avoid exacerbating noise and land use conflicts and to further the public health, safety and welfare, new residential development should not occur in areas with projected aircraft noise exposures exceeding DNL 60 dBA. Where new residential development does occur near Washington Dulles International Airport, disclosure measures should be provided.”

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the County’s remaining natural amenities.

Transportation-generated Noise: Staff had concerns about the highway noise proffer which was adopted as part of the Briarwood Trace rezoning, RZ 2002-PR-008. However, the applicant proposes to modify this noise proffer to provide for possible additional noise mitigation measures (i.e., building materials) to ensure conformance with Policy Plan guidance. The draft proffers dated June 13, 2003, incorporate these changes. This issue has been resolved.

PGN: MAW

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 2003-PR-014)
3-4 (PCA 2002-PR-008)

SUBJECT: RZ 2003-PR-014, PCA 2002-PR-008; Briarwood Trace Associates, LLC
Land Identification Map: 48-2 ((7)) (34) 7

DATE: May 16, 2003

This department has completed its review of the subject request to add a residential lot in conformance with zoning and proffer requirements for adjoining land area previously rezoned in RZ 2002-PR-008. We have no objection to approval of the request.

AKR/MAD

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



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

PHILIP A. SHUCET
COMMISSIONER

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

THOMAS F. FARLEY
DISTRICT ADMINISTRATOR

March 28, 2003

Ms. Barbara A. Byron
Director of Planning and Zoning
Office of Comprehensive Planning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5511

Re: RZ/FDP 2002-PR-008 & RZ/FDP 2003-PR-014 Briarwood Trace
Tax Map # 48-2((07))(33), (34), (35), (36) Numerous Parcels
Fairfax County

Dear Ms. Byron:

I have reviewed the above plan submitted on March 20, 2003, and received on the March 21, 2003. The following comments are offered:

1. Pedestrian access should be considered along Old Nutley Street.
2. The cul-de-sac at the proposed public ending of Old Nutley Street should be indicated, as shown on the site plans for Briarwood Trace Section 1.
3. The right of way along Swanee Lane should be indicated in conformance with the Section 1 site plan.
4. The proposed trees indicated along Old Nutley Street should be removed from intersection sight lines.

If you have any questions, please call me at (703)383-2424.

Sincerely,

Kevin Nelson
Transportation Engineer

cc: Ms. Angela Rodehaver
fairfaxrezoningRZ2002-PR-008rz4BriarwoodTrace3-28-03BB



FAIRFAX COUNTY PARK AUTHORITY

MEMORANDUM



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

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

DATE: April 21, 2003

SUBJECT: RZ 2003-PR-014, PCA 2002-PR-008
Briarwood Trace
Loc: 48-2-((7))-34-7

BACKGROUND

The Fairfax County Park Authority (FCPA) staff has reviewed the proposed Development Plan dated January 27, 2003 for the above referenced applications. The applications propose abandonment of a portion of Swanee Lane as well as the addition of one parcel to the assemblage of land formerly rezoned under RZ 2003-PR-008. The application requests approval for one new proposed home.

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 that 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. Park and Recreation Recommendations (Area II, Vienna Planning District, Lee Community Planning Sector, p. 35 of 74)

“Additional Neighborhood Park facilities in this sector should be provided in conjunction with new development.”

ANALYSIS AND RECOMMENDATIONS

The Briarwood Trace development is constructing a park to be dedicated to FCPA in accordance with the approved proffers. Based on the Zoning Ordinance Sections 6-110 and 16-404, the applicant should increase the value of improvements by \$955 at the park site based on this additional residential unit.

cc: Kirk Holley, Manager, Planning and Land Management Branch
Michael Rierson, Manger, Resource Protection Group, FCPA
Chron Binder
File Copy

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

March 24, 2003

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

FROM: Michael Torres (246-3968)
Planning Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis for Proffered Condition
Amendment PCA 2002-PR-008, Rezoning Application RZ 2003-PR-014 and
Final Development Plan FDP 2003-PR-014

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 #30, Merrifield
2. After construction programmed for FY 20___, this property will be serviced by the fire station planned for the _____.
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.

MEMORANDUM

TO: Staff Coordinator
Zoning Evaluation Division, OCP

DATE: April 11, 2003

FROM: Gilbert Osei-Kwadwo (Tel: 324-5025)
System Engineering & Monitoring Division
Office of Waste Management, DPW&ES *gok*

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. PCA 2002-PR-008 CONC.W/RZ/FDP 2003-PR-014
Tax Map No. 039-3- /01/ /0032, 0033A, 0033C

The following information is submitted in response to your request for a sanitary sewer analysis for above referenced application:

1. The application property is located in the ACOTINK CREEK (M0) watershed. It would be sewered into the Norman M. Cole, Jr. Pollution Control Plant.
2. Based upon current and committed flow, there is excess capacity in the Lower Potomac Pollution Control Plant at this time. For purposes of this report, committed flow shall be deemed that for which fees have been paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An existing 8 inch line located in AN EASEMENT and ON the property is adequate for the proposed use at this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

<u>Sewer Network</u>	<u>Existing Use + Application</u>		<u>Existing Use + Application Previous Rezonings</u>		<u>Existing Use + Application + Comp Plan</u>	
	<u>Adeg.</u>	<u>Inadeq.</u>	<u>Adeg.</u>	<u>Inadeq.</u>	<u>Adeg.</u>	<u>Inadeq.</u>
Collector	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>
Submain	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>
Main/Trunk	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>
Interceptor	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Outfall	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

5. Other pertinent information or comments:

FAIRFAX COUNTY WATER AUTHORITY

8570 EXECUTIVE PARK AVENUE - P.O. BOX 1500

MERRIFIELD, VIRGINIA 22116-0815

PLANNING AND ENGINEERING DIVISION
C. DAVID BINNING, P.E., DIRECTORTELEPHONE
(703) 289-6325FACSIMILE
(703) 289-6382

March 24, 2003

Ms. Barbara A. Byron, Director
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway
Suite 801
Fairfax, Virginia 22035-5505

Re: PCA 02-PR-008
RZ 03-PR-014
FDP 03-PR-014
Water Service Analysis

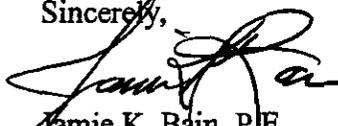
Dear Ms. Byron:

The following information is submitted in response to your request for a water service analysis for the above application:

1. The application property is not located within the Fairfax County Water Authority service area.
2. Water service is not available from FCWA. The site is located in the City of Falls Church service area. See enclosed map. The Generalized Development Plan has been forwarded to Plan Control for distribution to Engineering Firm.

If you have any questions regarding this information please contact me at (703) 289-6302.

Sincerely,


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

Enclosures (as noted)

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

DATE: 6/9/2003

FROM: Carl Bouchard, Director
Stormwater Planning Division
Department of Public Works & Environmental Services



SUBJECT: Rezoning Application Review

Name of Applicant/Application: Briarwood Trace Association, LLC

Application Number: RZ/FDP2003-PR-014

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

Date Received in SWPD: 3/24/2003

Date Due Back to DPZ: 4/17/2003

Site Information: Location - 048-2-07-34-0007
Area of Site - 0.25 acres
Rezone from - R-1 to PDH-5
Watershed - Accotink Creek

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): **The SWPD is currently engaged in developing watershed management plans for all areas of the County. As part of this effort, a comprehensive stream physical/habitat assessment was conducted and the data will be available later this year. The results of this assessment may or may not indicate severe stream channel conditions warranting some immediate measures to alleviate existing and/or anticipated future degradation. Please consult with SWPD for additional information as needed.**

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: Briarwood Trace Association, LLC / RZ/FDP2003-PR-014

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

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

DRAINAGE RECOMMENDATIONS (SWPD): None, SWM is provided.

STREAM PROTECTION STRATEGY (SPS) RECOMMENDATIONS, (SWPD): This site is in the "Watershed Restoration Level II" management category as determined by the Stream Protection Strategy baseline Report 2001. The primary goal of this category is to maintain areas to prevent further degradation and implement measures to improve water quality to comply with regulations and water quality standards. In this regard, this site should be developed with the use of innovative BMPs and a reduction in imperviousness and if appropriate, sections of on site streams that need stabilizing should be restored or stabilized.

TRAILS RECOMMENDATIONS (PDD): None.

SCHOOL SIDEWALK RECOMMENDATIONS (PDD): None.

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

 Yes X NOT REQUIRED Extend sanitary sewer lines to the development boundaries on the _____ sides for future sewer service to the existing residential units adjacent to or upstream from this rezoning. Final alignment of the sanitary extension to be approved by Department of Public Works and Environmental Services during the normal plan review and approval process.

Other E&I Recommendations (PDD): **None.**

OTHER SWPD and PDD PROJECT/PROGRAM RECOMMENDATIONS: None.

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

RS *M*

CEB/RZ/FDP2003-PR-014

cc: Gordon Lawrence, Coordinator, Office of Safety, Fairfax County Public Schools (only if sidewalk recommendation made)

PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS**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
LDS	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		