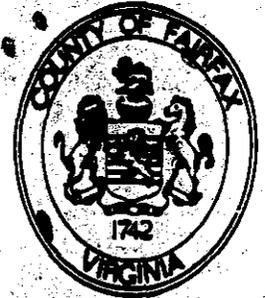




COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX



April 17, 1990

STAFF REPORT

APPLICATION NUMBER PCA 80-P-039-3

FDPA 80-P-039-3

PROVIDENCE DISTRICT

Applicant: HMCE Associates Limited Partnership

Present Zoning: PDC, HC

Request: Proffered
Condition
Amendment/Final
Development Plan
Amendment

Proposed Use: Office, Residential, Child Care, Drive-in Bank

Acreage: 51.9 acres

Subject Parcels: 48-4 ((1)) 1E, 1G, 1H and 1J

Application Filed: January 18, 1990

Planning Commission Public Hearing: May 3, 1990

Board of Supervisors Public Hearing: Not Scheduled

Staff Recommendation: Staff recommends that PCA 80-P-039-3 be approved, subject to the Draft Proffers contained in Appendix 1A of this report.

Staff recommends that FDPA 80-P-039-3 be approved subject to the proposed development conditions contained in Appendix 1B of this report.

RCM:37

Staff further recommends approval of a modification of the transitional screening along the eastern lot lines and a waiver of the barrier requirement along the southern and eastern lot lines as previously approved.

It should be noted that it is not the intent of the 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.

For Information Call Zoning Evaluation
Division, OCP at 246-1290.

FINAL DEVELOPMENT PLAN AMENDMENT

FDPA 80-P-039-3

BA 80-P-039 -03
FILED 01/18/90

HMCE ASSOCIATES LIMITED PARTNERSHIP
DEVELOPMENT PLAN AMENDMENT

PROPOSED: OFFICE/RESIDENTIAL/PERMITTED SECONDARY USES
APPROX. 51.90 ACRES OF LAND; DISTRICT - PROVIDENCE

LOCATED: N.W. QUADRANT OF INTERSECTION OF LEE HWY.
AND NUTLEY ST.

ZONING: PDC

OVERLAY DISTRICT(S): HC

MAP REF

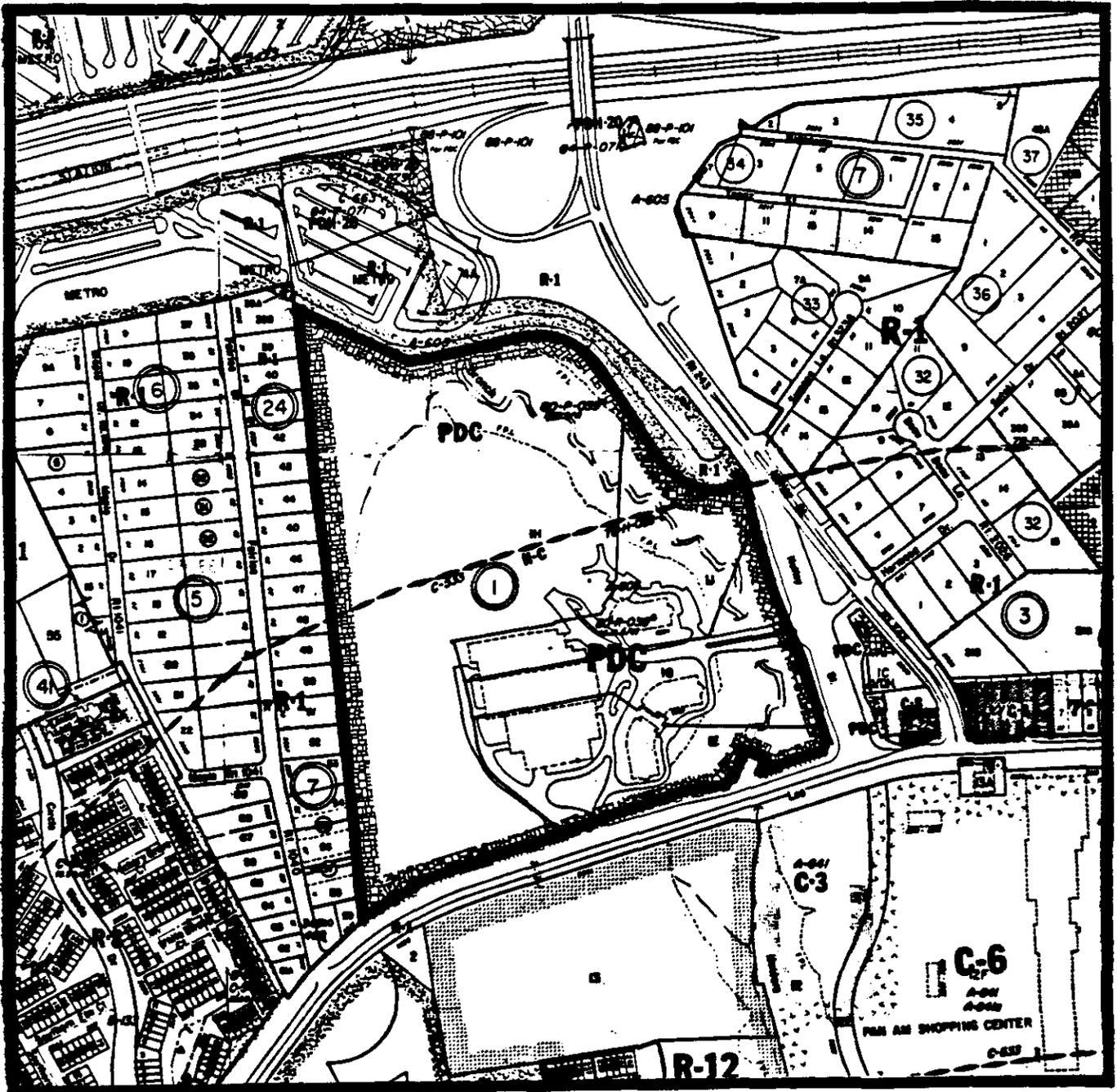
048-4- /01/ /0001-E ,0001-G ,0001-H



FINAL DEVELOPMENT PLAN AMENDMENT

FDPA 80-P-039-3

DA 80-P-039 -03 HMCE ASSOCIATES LIMITED PARTNERSHIP
FILED 01/18/90 DEVELOPMENT PLAN AMENDMENT
PROPOSED: OFFICE/RESIDENTIAL/PERMITTED SECONDARY USES
APPROX. 51.90 ACRES OF LAND; DISTRICT - PROVIDENCE
LOCATED: N.W. QUADRANT OF INTERSECTION OF LEE HWY.
AND NUTLEY ST.
ZONING: PDC
OVERLAY DISTRICT(S): HC
MAP REF 048-4- /01/ /0001-E ,0001-G ,0001-H



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

DESCRIPTION OF THE APPLICATION

The applicant, HMCE Associates Limited Partnership, requests an amendment to the Proffered Conditions (PCA) to revise proffer #1 and proffer #2 to develop the site known as Hunter's Branch in conformance with the CDPA/FDPA dated October 4, 1989 as revised through April 12, 1990 and an amendment to the Conceptual Development Plan/Final Development Plan (CDP/FDP) as approved with CDPA/FDPA 80-P-039-2, to add a child care center and a drive-in bank to the 51.9 acre site. The amended proffers are contained in Appendix 1A. The applicant also requests a reaffirmation of the modification of the transitional screening along the eastern lot line and a waiver of the barrier requirement along the southern and eastern lot lines as previously approved.

The proposed drive-in bank which is to occupy 3,500 square feet and contain two (2) drive-through windows and a walk-up automated teller machine, will be located on the ground level entirely within the footprint of Building 3. The bank is proposed to serve primarily the tenants of the office park. The proposed hours of operation are Monday through Friday from 9:00 a.m. to 7:00 p.m. and Saturday from 9:00 a.m. to 12:00 p.m. It is anticipated that the use will serve an average of between 200-300 customers daily with a maximum of 12 employees on site.

The proposed child care facility with a maximum enrollment of 120 students is to be located in a free-standing structure which will be 8,000 square feet in area with an additional 6,000 square feet of outdoor play area. The children enrolled at the facility will range in age from 6 weeks to 5 years. The hours of operation proposed are from 6:00 a.m. to 7:00 p.m. with a maximum of 15 employees on site.

The draft proffers, proposed development conditions, the applicant's affidavit and statement of justification are contained in Appendices 1A, 1B, 2, and 3 respectively.

LOCATION AND CHARACTER OF THE AREA

The property consists of 51.9 acres and is located at the northwest quadrant of the intersection of Nutley Street (Route 828) and Lee Highway (Route 29-211).

This property is bounded on the north by property zoned R-1 owned by the Washington Metropolitan Area Transit Authority (WMATA) and used as parking for the Vienna Metro Station. To the west lies the Fairlee subdivision zoned R-1 with an average lot size of 21,500 square feet. To the south lies a portion of the Stonehurst townhouse subdivision zoned R-12. To the southeast lies the Pan Am Shopping Center zoned C-6 and C-3 developed at an FAR of 0.2. To the east lies the Briarwood Farms subdivision zoned R-1 with an average lot size of one (1) acre. At the intersection of Nutley Street and Lee Highway is a service station on the northeast corner and a small cemetery on the southeast corner.

The site currently consists of two (2) 12-story office buildings and two (2) free-standing parking garages. These buildings are complete and remain unchanged by the current proposal. Four (4) additional 9-story office buildings and accessory parking structures are planned and approved for the northwest and north-central portion of the site with no changes to the footprint requested by the current applications. Further, no changes are proposed for the residential component planned for the southwest quadrant of the site.

There are two (2) entrances to the Hunters Branch development; the main entrance is at the south-central edge of the site off Lee Highway (Routes 29 and 211); the second entrance is on Nutley Street at the eastern edge of the site between existing building 2 and planned building 3.

The site is adjacent to the Vienna Metro, for which the developer is providing temporary parking (400 parking space capacity) to Metro users while WMATA is constructing an expanded parking facility.

BACKGROUND

On April 13, 1981, the Board of Supervisors approved RZ 80-P-039 which rezoned approximately 56.90 acres from the R-1 and R-12 Districts to the PDC District. The approved Conceptual Development Plan provided for 1,200,000 square feet of office use and a secondary land use of 350 residential dwelling units with a total floor area ratio (FAR) of 0.66 for all uses on the property.

On July 15, 1981, the Planning Commission approved the Final Development Plan (FDP 80-P-039) subject to all previous proffers and commitments made at the time of the rezoning. The approved Final Development Plan (FDP) indicated that three pairs of office buildings on site would each be 12 stories high and have a combined gross floor area of 1,200,000 square feet, the 350 residential units would be located in six (6) 6-story buildings, and the 525 parking spaces would be located within a 5-level parking structure.

On April 7, 1986, the Board of Supervisors approved Special Exception SE 85-P-090 to allow the stormwater management facility to be located in the floodplain. A copy of the approved Development Conditions is attached at Appendix 5.

A Comprehensive Sign Plan, CSP-80-P-039 for Hunters Branch was approved subject to development conditions by the Planning Commission on September 28, 1988. A copy of the approved Development Conditions is attached at Appendix 6.

On March 20, 1989, the Board of Supervisors approved PCA/CDPA 80-P-039 subject to the executed proffers and development conditions dated March 13, 1989 (See Appendix 7). to allow principal and secondary uses. The approved uses included a financial institution - maximum of 15,000 square feet; retail sales or personal service establishments - maximum of 30,000 s.f.; and eating establishments - maximum of 30,000 square feet with a maximum of 1,300 seats allowed. Three secondary uses were also approved, a delicatessen consisting of a maximum of 2,000 gross square feet, with a maximum of 75 seats; a health club consisting of a maximum of 15,000 gross square feet; and a maximum of 750 commercial off-street parking spaces within parking structures including a maximum of 400 temporary Metro parking spaces either within the parking structure or as surface parking. In addition, modification of the transitional screening along the eastern lot line and waiver of the barrier requirement along the southern and eastern lot lines was approved as proffered and shown on the amended Conceptual/Final Development Plan.

On January 8, 1990 the Board of Supervisor's approved PCA/CDPA/FDPA 80-P-039-2 subject to proffers dated September 21, 1989 and Development Conditions dated December 14, 1989 as amended January 8, 1990 to allow the relocation of four office buildings and the associated parking structures and a reduction in height of the four office buildings from 12-stories to 9-stories. All previously approved and accepted proffers and development conditions are contained in Appendix 4.

The current application PCA/CDPA/FDPA 80-P-039-3 requests approval to include a drive-in bank and a free standing child care center as secondary uses within Hunter's Branch.

COMPREHENSIVE PLAN PROVISIONS

The 51.9-acre property is located in the Vienna Metro Station Area of the Vienna Planning District in Area II. An assessment of the proposal for conformance with the Comprehensive Plan should be guided by the following citations from the Plan:

On page II-101, under "Land Use, Specific Recommendations," the Plan states:

"Access into the southern tracts from Lee Highway will minimize conflict with Metro-oriented traffic. However, every effort must be made to encourage residents on the tracts who use Metro to reach the station without using their car. Only minimum parking requirements should be provided, with as much of it being underground parking as possible (particularly on the heavily wooded tracts). Pedestrian/bike paths, with separation, should be installed to allow easy access to the stations from new development, and it would be desirable for the paths to be covered to encourage the use of Metro even with poor weather conditions. In addition, it may be necessary for the developer to provide (or at least participate financially in) an internal shuttle bus system.

The wealth of environmental resources of this station area, particularly on the south side of I-66, must be preserved as much as possible.

- A. Tract A. The primary recommendation for Tract A is townhouse and garden apartments, 8-12 units per acre. Buildings should be sited on the hillside with building heights, in general, not to exceed ten feet above the existing ridge line vegetation; the EQC/floodplain should be preserved, covered paths to the Metro station and a minimum 50-foot buffer to the residences on Fairlee Drive should be provided.

Because of the location of this tract in relation to I-66 and the Metro station and because of its topography which would lend itself to a molding of development to the land forms thus reducing external impacts, Tract A would be suitable for a mix of townhouse/apartments and office uses if approximately 350 housing units were included in the mixture."

On page I/C 107, under the section entitled "Screening and Buffering" the Plan states:

"Screening and buffering between different types of land uses are used to increase stability and to mitigate negative effects of new development on an established neighborhood. Buffering refers to an area of open land which serves to mitigate potential conflicts between different types of uses but, in certain circumstances, it may be appropriate to provide a buffer between high and low density residential uses. Screening refers to the amount of landscaping and/or physical barriers that are erected to further mitigate potential incompatibilities between different types of land uses."

On page I/C 102, under the section entitled "Guidelines for Drive-Thru Windows," the Plan states:

"Drive-thru windows for commercial establishments have the potential to cause serious traffic circulation problems both on- and off-site. In order to mitigate these problems, drive-thru windows should be approved only if the size and configuration of the lot are adequate to achieve a safe drive-thru window, parking circulation and pedestrian system. All activity generated by the use must be accommodated on the site. Noise, glare and other nuisance aspects related to drive-thru facilities must not adversely affect adjacent properties".

Page I/C 102, in the section entitled "Locational Guidelines for Child Care Facilities", the Plan states:

"In Fairfax County, as in other areas of the country, an increasing proportion of households need high-quality child care facilities. Such facilities should be encouraged in employment-generating and residential developments, particularly those developed as P-Districts, to the extent that they can be provided consistently with the following criteria:

1. Child care facilities should have sufficient open space to provide adequate access to sunlight and suitable play area, taking into consideration the size of the facility.
2. Child care facilities should be located and designed in such a way as to ensure the safety of children.
3. Child care facilities should be located and designed in such a way as to protect children from excessive exposure to noise, air pollutants, and other environmental factors potentially injurious to their health or welfare.
4. Child care facilities should be located and designed so as to ensure safe and convenient access. Appropriate attentions should be paid to parking and safe and effective on-site circulation of automobiles and pedestrians.
5. Child care facilities in residential communities should be located and designed in such a way as to avoid undesirable traffic, noise, and other impacts upon the surrounding community. This objective might, in appropriate cases, be achieved by siting child care centers on the periphery of residential developments or in the vicinity of planned community recreation facilities.

6. Child care facilities are to be encouraged to be located convenient to the workplace.

Child care facilities are also appropriate in retail areas, like shopping centers, if they are situated and designed in such a way as to provide a safe and healthful environment for children. In determining the appropriateness of child care facilities in specific areas, consideration should be given to the criteria listed above."

The Comprehensive Plan map shows that the property is planned for residential use at a density of 8-12 dwelling units per acre.

ANALYSIS

Description of the Conceptual/Final Development Plan

Sheet 1 of the submitted CDPA/FDPA dated October 6, 1989 as revised March 23, 1990 shows a mixed use development with six (6) office buildings, three (3) multi-family residential structures, a child care center and accessory parking structures. Two (2) 12-story office buildings and two (2) accessory parking structures currently exist on the site. Four (4) 9-story office buildings were previously approved for the northern portion of the site. Each office building is planned to contain 200,000 square feet of office space. The previously approved residential structures are to contain 350 multi-family units.

Conceptual Development Plan Amendment/Final Development Plan Amendment CDPA/FDPA 80-P-039-3 proposes to add a free-standing child care center in the central portion of the site, just north of an existing 5-level parking structure. The FDPA also proposes to add a drive-in bank with two drive through lanes within the footprint of Building 3, the southernmost 9-story office building. There are no other changes proposed to the approved CDPA/FDPA. The proposed child care center will contain 8,000 square feet of floor area with an additional 6,000 square feet of outdoor play area enclosed by a five foot high fence. A row of evergreen hedges which screen the northern face of the play area is also shown. A total of 20 parking spaces are provided for the use with 16 spaces to be designated within the existing 5-level parking structure and 4 spaces provided as surface parking.

Access to the child care center is provided from two right lanes separated from through traffic by a landscaped median. One lane is proposed as a drop-off lane, with the second lane

allowing for better circulation and access to the four surface parking spaces. Pedestrian circulation is proposed to be enhanced by an opening on the street level of the parking garage in the area of the allocated parking spaces for the child care to allow patrons of the child care center more convenient and safer access to the sidewalk.

The Final Development Plan Amendment also proposes to establish a drive-in bank within the existing footprint of Building 3 (the southernmost 9-story office building). The drive-in bank is to contain 3,500 square feet, two drive through teller windows and a walk-up automated teller machine (ATM). Six (6) stacking spaces are shown for each teller window. Access to the drive-in bank is to be provided from an entrance point along the east wall of Building 3. The applicant has agreed to a development condition to provide signage and a crosswalk at the exit to the drive-in bank to alert motorists to pedestrian traffic.

Land Use Analysis

The major land use issues related to this site have been resolved by prior Board and Planning Commission actions on the site. The mixture and square footage of uses, the design and siting of office buildings, the parking and the pedestrian circulation system have been previously approved and no changes have been proposed related to these elements. The complete land use analysis is contained in Appendix 5.

The child care center and the drive-in bank are appropriate ancillary uses in this mixed use development. While the current proposal is in conformance with the Comprehensive Plan and results in no substantial land use impacts, there are landscaping and pedestrian features that could be added to enhance the proposal's conformance with the Locational Guidelines for Child Care Facilities and the Locational Guidelines for Drive-thru Windows.

The Plan recommends that Child care facilities be located and designed so as to ensure safe and convenient access, with careful attention paid to parking and safe and effective on-site circulation of automobiles and pedestrians. The pedestrian access from the parking area that is to be allocated for child care center use to the child care facility is too circuitous. In addition, landscaping is deficient around the facility and along the approaches.

The applicant has proposed to enhance pedestrian access to the child care center from the parking structure by providing an opening and sidewalk connection at street level on the northwest face of the parking structure. This issue has been addressed in the proposed development conditions. Supplemental

landscaping to include hedges, shrubs, foundation plantings and/or shade trees should be provided in the area of the day care center's surface parking, around the entrance to the facility, and along the sidewalk, in coordination with the County Arborist to enhance the street-scape along the frontage of the child care center. This issue has also been addressed in the proposed development conditions. With the proposed development conditions, the application would be in conformance with the Locational Guidelines for Child Care Centers.

To fully conform with the Plan Guidelines for Drive-In Windows, pedestrian safety associated with the drive-in bank should be enhanced with the addition of signage and crosswalks at the exit to the drive-in teller windows to warn vehicles of pedestrian traffic. This concern has also been addressed in the proposed development conditions.

Environmental Analysis

The complete environmental analysis is contained in Appendix 6. The environmental constraint associated with this development proposal concerns water quality. Stormwater runoff from the proposed drive-in bank drains to the 100 year flood plain of Hunter's Branch. The automobile traffic that the bank will generate will be a source of hydrocarbons and heavy metals, which if unmitigated, will contribute to the degradation of water quality in Hunter's Branch.

The recommended method of hydrocarbon and heavy metal reduction would be the use of an oil grit separator. Development Condition #1 approved in conjunction with the Board of Supervisors approval of PCA/CDPA/FDPA 80-P-039-2, commits the applicant to provide oil grit separators to serve parking decks and surface plaza parking located adjacent to Buildings #3-6. A copy of the previously approved proffers and development conditions are contained in Appendix 4. The drive-in bank proposed to be located within Building #3 should be served by the oil-grit separators installed as required by the approved development conditions. This concern has been addressed by the proposed development conditions.

Transportation Analysis

There are no transportation issues associated with the current proposal, provided all previous commitments for transportation improvements associated with application RZ 80-P-039. This issue is addressed in the proposed development conditions. The complete transportation analysis is contained in Appendix 7.

Public Facilities

The Utilities Planning and Design Division/Department of Public Works (DPW) comments contained in Appendix 8 indicated that storm drainage complaints have been filed pertaining to erosion along the outfall for the site (Hunter's Branch).

The System Engineering & Monitoring Division of DPW comments in Appendix 9 indicate that sanitary sewer facilities at the site are adequate.

The Fairfax County Water Authority indicates that the application property is not located within the franchise area of the Fairfax County Water Authority and adequate water service is not available at the site. The site is within the City of Falls Church Service Area. The Falls Church Water Department has indicated that water service at the site is adequate and that new 10" and 12" lines were being installed in the area. The Fairfax County Water Authority comments are in Appendix 10.

The Fairfax County Fire and Rescue Department indicates that the site is served by Station #30 - Merrifield and that the site currently meets fire protection guidelines. The Fire and Rescue comments are contained in Appendix 11.

The Fairfax County Public Schools, and The Northern Virginia Soil and Water Conservation District had no comments regarding the application. Their correspondence is contained in Appendix 12 and 13 respectively. The Fairfax County Park Authority has determined the application would have no adverse effects. Park Authority comments are contained in Appendix 14. The Heritage Resources, Environmental & Cultural Resources Branch/OCP indicates that the application will have no affect on heritage resources; their comments are contained in Appendix 15.

Zoning Ordinance Provisions

Article 6 The Planned Development Commercial (PDC) District is designed to encourage the innovative and creative design of commercial development. The district regulations are designed to "accommodate preferred high density land uses which could produce detrimental effects on neighboring properties if not strictly controlled as to location and design; to insure high standards in the layout, design and construction of commercial developments; and otherwise to implement the stated purpose and intent of this (Zoning) Ordinance".

The PDC (Planned Development Commercial) District allows Child Care Centers with an enrollment of 100 or more students and Drive-in Banks as Secondary Uses pursuant to Section 6-203 of the Zoning Ordinance. The application is thus subject to the Use Limitations of the PDC District outlined in Section 6-206 of the Zoning Ordinance.

Paragraph 3 of Section 6-206 states that the application for a child care center with an enrollment of 120 students and a drive-in bank with two teller windows is subject to evaluation against the Additional Standards for these Special Exception Uses contained in Section 9-309 and 9-505 of the Zoning Ordinance. This application for a child care center with an enrollment of 120 students complies with the Additional Standards for Child Care Centers, Section 9-309 of the Zoning Ordinance as follows:

Paragraph 1. The applicant is required by the Zoning Ordinance to provide 100 square feet of outdoor recreation area per child for each child who will occupy the area at any one time. Outdoor recreation space to accommodate fifty (50) percent of the maximum daily enrollment, or 6,000 square feet, is provided to the north and east of the proposed free-standing structure. The play area is proposed to be enclosed with a 5' high fence.

Paragraph 2. The applicant will be required to address Fairfax County Code requirements for indoor recreation space, Chapter 30, at the time of site plan review.

Paragraph 3. The proposed child care center will be accessed from the internal street system of Hunter's Branch. There are two access points to the site; the main entrance on Lee Highway and another entrance on Nutley Street.

Paragraph 4. Pick-up and delivery of children at the site is accommodated by a drop-off lane. Staff recommends that an attendant be provided at the drop-off point/entrance to the site to ensure a safe and effective drop-off operation. This concern has been addressed in the proposed development conditions. Required parking is provided as four (4) surface spaces located north of the drop-off point and sixteen (16) spaces provided exclusively for the day care at grade level within the neighboring parking structure. An opening and sidewalk will be provided from the parking structure to the sidewalk in close proximity to the entrance of the child care center to provide better pedestrian access to the facility from the parking structure.

Paragraph 5. The Fairfax County Health Department has conducted a review of the proposed child care center, Appendix 17, and has given preliminary approval.

The proposed drive-in bank is subject to review against the Additional Standards for Auto-oriented uses and Drive-In Banks detailed in Section 9-505 of the Zoning Ordinance.

Paragraph 1A. The proposed drive-in bank is to be located within the existing footprint of Building #3, thereby having the same architectural features and being architecturally compatible with the surrounding building group in which it is associated.

Paragraph 1B. All pedestrian and vehicular circulation generated by the proposed drive-in bank is accommodated by the internal street system of Hunter's Branch. However, pedestrian safety should be enhanced by the addition of crosswalks and signage which alerts vehicles to pedestrian traffic within the vicinity of the drive-through teller windows.

Par. 4 of Section 6-206 states that secondary uses shall be permitted in a PDC District which contains one or more secondary uses provided that the gross floor area devoted to secondary uses does not exceed twenty-five (25) percent of the gross floor area of all principal uses in the development. Principal uses on the site occupy 1,181,500 square feet. The secondary uses will occupy 26,500 square feet or 2.25% of the gross floor area of all principal uses.

Par. 5 of Section 6-206 states that secondary uses shall be designed to serve primarily the needs of the residents and occupants of the planned development in which located. The proposed child care center and drive-in bank are designed to serve primarily the residents and occupants of the Hunter's Branch development.

Par. 7 of Section 6-206 states that signs shall be permitted in accordance with the provisions of Article 12 of the Zoning Ordinance.

This PCA/FDPA proposes to add a 3,500 square foot drive-in bank with two (2) drive through teller lanes and an 8,000 square foot child care center with 6,000 square feet of outdoor recreation area. A total of 4,320 parking spaces are provided for the site with 20 spaces allocated for the child care center and 6 stacking spaces provided for each drive through lane. The floor area ratio for the site is 0.49. This application is in general conformance with Article 6.

This application is also subject to review under the provisions of Article 16, (Development Plans), among others, of the Zoning Ordinance. Copies of these provisions as they pertain to these applications are contained in Appendix 17 of this report.

Article 16 Planned Development Districts must satisfy both the General and Design Standards contained in Sections 16-101 and 16-102 of the Zoning Ordinance, respectively. A copy of these standards is contained in Appendix 16 of this report for reference. These standards require substantial conformance with the adopted Comprehensive Plan; a level of development design that achieves the stated purpose of the Planned Development District better than would development under a conventional district; efficient utilization of the available land; preservation of the existing natural features of the site; a design that prevents substantial injury to the use and value of existing surrounding development; and location in an area where all necessary public facilities and utilities are available.

General Standard #1 requires substantial conformance with the Comprehensive Plan. With the proposed development conditions, the proposed child care center is in conformance with the Locational Guidelines for Child Care Centers and the drive-in bank is in substantial conformance with the Locational Guidelines for Drive-Thru Windows recommended by the Comprehensive Plan. Further, Plan language regarding policy throughout the County states that natural vegetation, particularly trees shall be preserved, maintained, and utilized as air, noise and water quality and quantity control devices to the maximum extent possible. With the addition of supplemental landscaping as determined by the County Arborist in the area of the proposed child care center, this standard can be satisfied.

General Standard #5 requires that the planned development be located in an area where transportation, police, fire protection and other public facilities are available and adequate for the proposed development. All public facilities are available and adequate to serve the proposed child care center and drive-in bank. This standard is, therefore, met.

The Design Standards cited in Section 16-102 of the Zoning Ordinance require that the bulk regulations, landscaping and screening of the proposed development generally conform with the provisions of the most comparable conventional zoning district at the peripheral lot lines. The applicant is requesting a reaffirmation of the previously approved modification of the transitional screening along the eastern

lot line and waiver of the barrier requirement along the southern and eastern lot lines as proffered and shown on the amended Conceptual/Final Development Plan. The identical modification and waiver were approved by the Board previously; staff would support the request.

Other Design Standards require that the development provide adequate parking, streets and driveways, and a system of pedestrian trails. Adequate parking, streets and driveways have been provided. However, as discussed in the Land use Analysis, the applicant should provide additional signage at the exit to the drive-in bank to alert vehicles of pedestrian traffic to enhance pedestrian safety in the parking garage. The proposed Development Conditions, if adopted, would satisfy this standard.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

PCA 80-P-039-3 is an application to amend the Proffers accepted by the Board of Supervisors on January 8, 1990 in conjunction with the approval of PCA/CDPA/FDPA 80-P-039-2. The applicant requests approval to revise Proffer #1 in order to develop the site in accordance with the revised CDPA/FDPA 80-P-039-3 dated October 6, 1989 as revised April 12, 1990.

CDPA/FDPA 80-P-039-3 is a request to amend the Final Development Plan FDPA 80-P-039-2 to establish a free-standing child care center with a maximum daily enrollment of 120 students and a drive-in bank with two drive through teller lanes and an walk-up automated teller machine within Building 3.

The proposed applications are in conformance with the Comprehensive Plan locational guidelines for child care centers and drive-in windows. The applications are also in conformance with the applicable provisions of the Zoning Ordinance.

Recommendations

Staff recommends that PCA 80-P-039-3 be approved, subject to the Draft Proffers contained in Appendix 1A of this report.

Staff recommends that FDPA 80-P-039-3 be approved subject to the proposed development conditions contained in Appendix 1B of this report.

Staff further recommends approval of a modification of the transitional screening along the eastern lot lines and a waiver of the barrier requirement along the southern and eastern lot lines as previously approved.

It should be noted that it is not the intent of the staff to recommend that the Board of Supervisors, in approving the PCA or the Planning Commission in approving the CDPA/FDPA, and adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

APPENDICES

- 1A. Draft Proffers
- 1B. Proposed Development Conditions
 2. Affidavit
 3. Statement of Justification
 4. Approved Proffers and Development Conditions
 5. Land Use Report
 6. Environment Report
 7. Transportation Report
 8. DPW Storm Drainage comments
 9. DPW Sanitary Sewer comments
 10. Fairfax Water Authority comments
 11. Fire and Rescue comments
 12. School comments
 13. NOVA Soils comments
 14. Park Authority comments
 15. Heritage Resources/Cultural Branch comments
 16. Trails Analysis
 17. Health Department Analysis
 18. Glossary of Terms

DRAFT

PROFFERS

PCA/FDPA 80-P-039-3

April 17, 1990

Pursuant to Section 15.1-491 (a), Code of Virginia, 1950 edition as amended, subject to the Board of Supervisors approval of the requested Proffered Condition Amendment (PCA), Conceptual Development Plan Amendment (CDPA), applicant proffers to the following conditions. These proffers supercede and incorporate all previously accepted proffers:

1. Pursuant to Section 18-204 of the Fairfax County Zoning Ordinance, development of the commercial component (Land Bay A) and the residential component of the subject property shall be in conformance with the CDPA/FDPA prepared by William H. Gordon Associates, Inc., dated October 4, 1989 and revised April 12, 1990 with approved transitional screening waiver.

2. A maximum of 1,200,000 square feet of office and principal uses shall be permitted on the property. In addition to office use, the following uses shall be permitted on the site, but in the event any or all of following principal or secondary uses are not provided, the commercial portion of the property may be developed with all office use.

Principal Uses:

One or more financial institutions with the total not to exceed 15,000 gross square feet.

A drive-in bank with the total not to exceed 3,500 gross square feet.

One or more retail sales or personal service establishments with the total not to exceed 30,000 gross square feet.

One or more eating establishments with the total not to exceed 30,000 gross square feet with a maximum of 1,300 seats allowed.

Secondary Uses:

One or more health clubs with the total not to exceed 15,000 gross square feet.

A delicatessen consisting of 2,000 square feet.

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

APR 17 1990

ZONING EVALUATION DIVISION

In addition, a maximum of 755 commercial off-street parking spaces within parking structures may be provided.

In addition to the 1,200,000 square feet of commercial, principal and other secondary uses, a child care center consisting of 8,000 square feet and residential dwelling units shall be provided as secondary uses. Residential dwelling units shall be provided in an amount equal to a maximum of fifty percent (50%) of the square footage devoted to commercial, principal uses.

3. All secondary uses will be designed to serve primarily the needs of the residents and occupants of the development, except for the commercial off-street parking.

4. A tot lot will be constructed as part of the recreational area shown on the CDPA/FDPA and serving the proposed residential portion of the PDC development.

5. Both prior to and during the development of the property, the applicant/owner will permit the on-site research of archaeological site, if any, by members of the Fairfax County Archaeological Survey Staff, provided however, that such on-site research shall not interfere with the planned development of the property and shall not restrict the timing of the development of the property. Applicant shall give the Fairfax County Archaeological Survey Staff ninety (90) days notice prior to commencement of construction of Phase III.

6. Emergency access will be provided in accordance with the Fairfax County Public Facilities Manual.

7. Transitional screening 1 shall be provided along the Route 29 frontage of the subject property as approved by the Director of DEM. Transitional screening 2 shall be waived along Nutley Street. Evergreen plantings shall be provided around service areas of future buildings between the buildings and the floodplain, as approved by the County Arborist, as a supplemental buffer to the existing vegetation along Nutley Street.

8. The applicant/owner, at the time of final site plan submission will submit a landscape plan for approval by the Director of the Department of Environmental Management (DEM), so as to achieve a visual buffer between the residential development and the commercial parking structure. Said plan shall include effective treatment of the exposed portions of the parking structure deck.

9. A six (6) foot noise attenuation barrier will be provided between the proposed residential recreational area and the boundary line of the adjoining Fairlee subdivision.

10. Storm water detention has been provided as approved and constructed with Site Plan 4818-SP-02, approved by DEM on March 24, 1988.

11. The residential and commercial travelways on the site loop road will be interconnected so as to provide the residential development direct access through the site to Nutley Street until such time as the completion of both relocated Nutley Street and new Interstate 66-Nutley interchange is effectuated. Any necessary cross easements shall be provided to effectuate this proffer. When Nutley Street relocation and the new interchange are completed, this interconnection may be terminated at the option of the applicant.

12. The internal intersection on the commercial loop road immediately north of Lee Highway was designed and approved by the DEM and the Office of Transportation with Site Plan 4818-SP-01, approved by DEM on December 18, 1986.

13.

(a) Applicant has contributed Seventy One Thousand Eleven Dollars and 65/100 (\$71,011.65) to Virginia Department of Transportation (VDOT), sufficient to pay the cost of the improvement of the intersection of Nutley Street and Lee Highway so as to provide two (2) through lanes on Lee Highway in each direction and a left turn lane to northbound Nutley Street from eastbound Lee Highway. Sufficient right-of-way for these improvements has been previously acquired and dedicated by the applicant. This intersection improvement will be undertaken by VDOT as part of Project Number 0066-029-103, RW-204, PE-102, C-506 and the applicant's payment obligation shall be as described in the June 8, 1988, agreement among the applicant, VDOT and Fairfax County for this improvement.

(b) The applicant will be responsible for providing appropriate signalization of the site's entrances with Nutley Street and Lee Highway in an amount not to exceed One Hundred Thousand Dollars and No/100 (\$100,000.00) to be CPI adjusted at such time as the signalization needs have been determined by VDOT. The applicant will further provide for the interconnection of these signals with that at the Lee Highway and Nutley Street intersection.

(c) The applicant commits to participate in the cost of the signalization of the Nutley Street/Interstate 66 interchange access ramps by the contribution of the sum of Thirty Five Thousand Dollars and No/100 (\$35,000.00) if the need for such signalization is determined by VDOT during the period of development and construction of this project.

(d) The applicant shall provide Fairfax County with all necessary temporary grading easements for the commercial component along the site's Lee Highway frontage.

14. To the extent permitted in an agreement between WMATA and the applicant which is reasonably satisfactory to the applicant, a vehicular access shall be provided to connect to the adjacent metro facility, as shown on the CDPA/FDPA. The connector road to the metro station shall intersect the station loop road at an existing intersection with the final alignment to be determined by the Director of DEM at the time of Site Plan review. The applicant commits to the use of Transportation Management Strategies to serve the transportation needs of the tenants on the site. The principal technique to be used by the applicant will be shuttle bus service between the site and the Vienna Metro station. The applicant may elect to substitute another technique (e.g.: car pools, van pools, preferential parking, public bus service, etc.) at the applicant's choice, to provide Transportation Management Strategies to the tenants of the site.

15. The applicant commits to offer units for sale or rental to the Fairfax County Redevelopment and Housing Authority in accordance with the document attached hereto and made a part hereof as Exhibit "A". The determination as to sale or rental of those units to RHA shall be dictated by the project's status as a condominium, cooperative or a rental apartment project. Notwithstanding that the aforementioned document provides for the construction of thirty-five (35) units, the applicant shall provide for fifty (50) units.

16. The development plan reflects that the applicant has parked the subject development in accordance with the existing parking regulations of the Fairfax County Zoning Ordinance as amended in September 1988. If the applicant provides parking in excess of the Fairfax County Zoning Ordinance, such parking shall be within the parking areas and parking structures shown on the CDPA/FDPA, and the parking spaces in excess of minimum ordinance requirements needed to serve the other principal and secondary uses may be utilized to accommodate metro-related parking or be

converted to enclosed storage space, as approved by DEM and in accordance with the provisions of the Zoning Ordinance.

17. The applicant has submitted a "Landscape Plan Revegetation Plan per Special Exception" which was approved by DEM on August 3, 1988, as a condition of SE 85-P-090. Once this landscaping has been planted and accepted by the County Arborist, this revegetation requirement will be satisfied.

18. The eight (8) foot trail shown along the stream on the CDPA/FDPA will be designed to meander around the existing trees as approved by the County Arborist so as to minimize the amount of clearing necessary for the trail and to preserve a maximum amount of existing vegetation.

19. A twelve (12) foot wide public access easement shall be recorded among the land records of Fairfax County for the provision of TX-2, Type I eight (8) foot wide asphalt trails noted as "Public Pedestrian Pathway" to be constructed in the location shown on the CDPA/FDPA. Applicant will maintain all presently existing and future trails to ensure pedestrian access. Applicant will create a pedestrian path from the office buildings to the asphalt trails to encourage and facilitate pedestrian use. Bike racks will be provided at the ground level of the parking structure between Buildings 4 and 5 for the use of office tenants.

20. All signage shall be in conformance with the approved Comprehensive Sign Plan.

21. The applicant has recorded among the land records of Fairfax County at Deed Book 6834 at Page 1352 flood plain easement to the Board of Supervisors as approved by the County Attorney as shown on attached Exhibit "B". This existing flood plain easement has included that land which is defined by the Comprehensive Plan as Environmental Quality Corridor associated with Hunters Branch which runs through the site. No clearing of any vegetation in the area defined to be within the existing flood plain easement shall take place except for that listed on the attached Exhibit "C". Revegetation of this area shall be coordinated and approved by the County Arborist. Applicant will not fill within the flood plain easement nor construct any permanent structure within the flood plain easement as recorded in Deed Book 6834 at Page 1352, other than pedestrian amenities such as pedestrian bridges, gazebos and furniture to the extent that such amenities are permitted in the flood plain by right under the zoning ordinance.

22. Temporary metro parking may be provided within the commercial portion of the property, both in parking structures

and/or on temporary at grade spaces within areas shown on the CDPA/FDPA for parking structures as approved by DEM. A maximum of 400 temporary surface spaces shall be allowed within areas of footprints of future parking structures.

23. A fifty (50) foot undisturbed buffer area shall be provided on the commercial component between the Metro connector road and the western lot line. Notwithstanding the preceding sentence, if DEM requires the road to be shifted to the west so that it is not feasible, in the judgment of DEM, to maintain a fifty (50) foot undisturbed buffer, the applicant will preserve an undisturbed buffer to the extent that it is in the judgment of DEM feasible to do so, but will in any event preserve a minimum undisturbed buffer of thirty-five (35) feet.

24. A fifty (50) foot undisturbed buffer shall be provided on the commercial component between the western commercial loop road and the western lot line, as long as it is feasible in the judgment of DEM to do so, without relocating that road to the east. If the undisturbed fifty (50) foot buffer cannot be maintained then the applicant will preserve an undisturbed buffer to the extent that it is, in the judgment of DEM, feasible to do so, but will in any event preserve a minimum undisturbed buffer of thirty-five (35) feet.

25. Applicant will employ construction techniques for that property fronting the western buffer area to minimize impact on existing trees within the buffer as approved by the County Arborist. These techniques shall include establishing limits of clearing and grading to be clearly marked by construction fencing and the designation of specific mature trees within the limits of clearing and grading to be marked and individually fenced.

26. The plaza areas as shown on the CDPA/FDPA will be designed to encourage pedestrian use and facilitate internal pedestrian circulation on the site.

27. Applicant will employ all necessary means to restrict access to the metro station connector road to shuttle buses and vans, which may include the use of a carded gate as approved by the Office of Transportation.

28. Applicant shall complete the sidewalk as a part of the trails system at the Nutley Street entrance into the project.

Proffers
PCA/FDPA 80-P-039-3
Page 7

HMCE ASSOCIATES LIMITED PARTNERSHIP

By: David W. Evans, General Partner

FIRST AMERICAN BANK OF VIRGINIA,
TRUSTEE, AND NOT INDIVIDUALLY

By: Judith L. Jones
Assistant Vice President

PROF-2:LJS-1

PROPOSED DEVELOPMENT CONDITIONS

PCA/FDPA 80-P-039-3

April 17, 1990

If it is the intent of the Planning Commission to approve FDPA 80-P-039-3 located at Tax Map 48-4 ((1)) 1-E, 1-G, 1-H, and 1-J development of the subject property shall be subject to all terms and conditions previously proffered and accepted by the Board of Supervisors and all development conditions previously accepted by the Planning Commission and the following conditions

1. Development of the subject site shall be in conformance with the CDPA/FDPA entitled Hunter's Branch and prepared by Gordon Associates which is dated October 6, 1989 as revised April 12, 1990 and these conditions.

Child Care Center

2. The maximum daily enrollment of the child care center shall be limited to 120 children and 15 employees.
3. The hours of operation of the child care center shall be limited to 6:00 a.m. to 7:00 p.m. Monday through Friday.
4. A landscaping plan shall be prepared to include shade trees, hedges and foundation plantings near the building entrance, around the surface parking area and along the sidewalk of the child care center, subject to the review and approval of the County Arborist prior to site plan approval.
5. Sixteen (16) parking spaces at street level of parking garage 2 in the area closest to the child care center shall be provided as shown on the Final Development Plan and clearly posted for child care center use only.
6. A pedestrian opening with a sidewalk connection shall be provided at street level on the northwest face of parking garage 2 in the area of the designated child care center spaces to allow more direct pedestrian access to the child care center from the designated parking spaces in the parking structure.
7. A fence 5 feet in height shall enclose the play area.
8. An attendant shall be provided by the child care center to escort all children dropped off in front of the center.

9. The design of the proposed structure shall be architecturally compatible with the surrounding buildings located within Hunter's Branch as determined by DEM.

Drive-in Bank

10. The drive-in bank shall be limited to 12 employees with hours of operation limited to Monday through Friday from 9:00 a.m. to 7:00 p.m. and Saturday from 9:00 a.m. to 12:00 p.m.
11. The drive-in bank shall be located within the footprint of Building 3 as shown on the CDPA/FDPA dated October 6, 1989 as revised April 12, 1990.
12. Signage and a crosswalk shall be provided at the exit to the drive-in bank to alert motorists of pedestrian traffic subject to approval by DEM.
13. Drive-through teller windows shall be limited to two (2) and shall be open simultaneously. A drive-through teller window may be converted or combined with a drive-up ATM, provided that the total number of drive-through shall not exceed two (2). A walk-up automated teller machine shall be permitted as an accessory use to the financial institution.
14. The drive-in bank shall be served by the oil-grit separator previously conditioned to serve office buildings #3 through #6 pursuant to the approval of CDPA/FDPA 80-P-039-2.

REZONING AFFIDAVIT

DATE: _____
 (enter date affidavit is notarized)

I, David W. Evans, 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

90-5a

in Application No(s): PCA/FDPA 80-P-039-3
 (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 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.)

NAME (enter first name, middle initial & last name)	ADDRESS (enter number, street, city, state & zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
HMCE Associates Limited Partnership		Applicant/Ground Lessee
c/o The Evans Company	8251 Greensboro Drive	David W. Evans (general partner); James A. Evans, Edward Byrne (Agents)
	Suite 1100	
	McLean, VA 22102	
First American Bank of Virginia, Trustee For the Benefit of Eugene N. Hooper, Richard E. Marriott, J. Willard Marriott, Beneficiaries		Title Owner/Trustee James R. Ayers, III (Agent)
William H. Gordon Associates, Inc.	1806 Robert Fulton Drive Reston, VA 22091	Engineers Anne Geiger, Gerald High (Agents)

(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 AFFIDAVIT

E: _____
(enter date affidavit is notarized)

for Application No(s): PCA /FDPA 80-P-039-3 90-5a
(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 herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)
Walsh, Colucci, Stackhouse, Enrich & Lubelev, P.C.
2200 Clarendon Boulevard, Thirteenth floor
Arlington, Virginia 22201

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 & last name)

<u>Martin D. Walsh</u>	<u>Michael D. Lubelev</u>
<u>Thomas J. Colucci</u>	<u>Keith C. Martin</u>
<u>Nicholas Malinchak</u>	<u>Charles L. Shumate</u>
<u>Peter K. Stackhouse</u>	_____
<u>Jerry K. Enrich</u>	_____

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

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

** All listings which include partnerships or corporations 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 the stock. 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 AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

90-5a

for Application No(s): PCA/FDPA 80-P-039-3
(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 & zip code)

HMCE Associates Limited Partnership
c/o The Evans Company
8251 Greensboro Drive, Suite 1100
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 & title, e.g. General Partner, Limited Partner, or General and Limited Partner)

A.J. Clark, General Partner
David W. Evans, General Partner
Justin Hinders, General Partner
Eugene N. Hooper, Limited Partner
J. Willard Marriott, Jr., Limited Partner
Richard E. Marriott, Limited Partner
A.J. Clark, Limited Partner
David W. Evans, Limited Partner
Evans Associates, Limited Partner

(check if applicable) [X] 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 or corporations 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 the stock. 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.

DATE: _____
(enter date affidavit is notarized)

for Application No(s): PCA/FDPA 80-P-039-3 90-5a
(enter County-assigned application number(s))

2. That no member of the Fairfax County Board of Supervisors or 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 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.

3. That within the twelve-month period prior to the filing of this application, no member of the Fairfax County Board of Supervisors or 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, enter "NONE" on line below.)

NONE

(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 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:

David W. Evans

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

David W. Evans, General Partner

(type or print first name, middle initial, last name & title of signer)

CB

Subscribed and sworn to before me this 5th day of April, 1990, in the state of Virginia.

My commission expires: November 30, 1993.

Ann H. Arnold
Notary Public

REZONING AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

for Application No(s): PCA/FDPA 80-P-039-3 905a
(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 herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)
FIRST AMERICAN BANK OF VIRGINIA, Trustee

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 & last name)
First American Bank of Virginia is a wholly owned subsidiary of
First American Bank Shares of Washington, D.C. and acts as Trustee
under the Trust established for the sole benefit of Eugene N. Hooper,
Richard E. Marriott and J. Willard Marriott, individually.

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

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

** All listings which include partnerships or corporations 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 the stock. 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.

DATE: _____
(enter date affidavit is notarized)

90-5a

for Application No(s): PCA/FDPA 80-P-039-3
(enter County-assigned application number(s))

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)
William H. Gordon Associates, Inc.
1806 Robert Fulton Drive
Reston, VA 22091

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 & last name)
William H. Gordon
Joseph W. McClellan
Gerald A. Hish, Sr.

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

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)
Davis & Carter
8260 Greensboro Drive, Suite 500
McLean, VA 22203

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 & last name)
Robert W. Davis
Douglas N. Carter
Lena I. Scott

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice-President, Secretary, Treasurer, etc.)
Douglas N. Carter - President
Robert W. Davis - Exec. V.P.
Lena I. Scott - Exec. V.P.
Thomas P. Hughes - Exec. V.P.

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



WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

COURTHOUSE PLAZA

THIRTEENTH FLOOR

2200 CLARENOON BOULEVARD

ARLINGTON, VIRGINIA 22201

(703) 528-4700

TELECOPY (703) 525-3197

PRINCE WILLIAM OFFICE

VILLAGE SQUARE

13663 OFFICE PLACE, SUITE 201

WOODBRIIDGE VIRGINIA 22192

(703) 680-4664

METRO 690-4647

TELECOPY (703) 690-2412

LDUDOUN OFFICE

WAVERLY PARK

604 SOUTH KING STREET, SUITE 200

LEESBURG, VIRGINIA 22075

(703) 777-6877

METRO 478-1340

TELECOPY (703) 478-1348

MARTIN D. WALSH
THOMAS J. COLUCCI
NICHOLAS MALINCHAK
PETER K. STACKHOUSE
JERRY K. EMRICH
MICHAEL D. LUBELEY
CHARLES L. SHUMATE
KEITH C. MARTIN
NAN E. TERPAK
WILLIAM A. FOGARTY
JAMES E. BARNETT, JR.
DAVID J. BOMGARDNER
SARAH L. STEWART
DANIEL M. RATHBUN
LYNNE J. STROBEL
DEBRA ANNE COLLIGEN*

OF COUNSEL
JULIA T. CANNON

*ADMITTED IN COLORADO AND MASSACHUSETTS

November 21, 1989

Ms. Barbara Byron, Director
Zoning Evaluation Branch
4050 Legato Road, 7th Floor
Fairfax, Virginia 22033

Re: PCA/CDPA/FDPA 80-P-039-3
Application to Allow a Drive-in Bank and Day Care Facility
at Hunter's Branch

Dear Ms. Byron:

I am providing the following as an amendment to our previously submitted letter of justification for the above-referenced application. The drive-in bank is a proposed use for Office Building 3 and will be located at the southeast corner of the building. The applicant anticipates typical banking hours of operation. These hours include Monday thru Friday from 9:00 a.m. to 7:00 p.m. and Saturday from 9:00 a.m. to 12:00 p.m. The bank shall contain approximately 3,000-5,000 square feet and shall serve approximately 200-300 customers daily. The applicant proposes that the bank will require 10 to 12 employees. The traffic impact of this proposed use will be minimal as it will primarily serve the office park tenants. The bank will service the general vicinity of Nutley Street and Route 29. The use will be entirely within the footprint of Office Building 3 with no new buildings or additions to accommodate this use. There will be two teller windows with six stacking spaces per window. At least one window will remain open during operating hours. The applicant may also provide an automated teller machine at this location for the convenience of banking customers.

The proposed day care facility will be housed in a separate free-standing building on site. The hours of operation are anticipated to be from 6:00 a.m. until 7:00 p.m. The applicant proposes a child care facility of 6,000 square feet which may serve up to approximately 150 students. The proposed number of employees will fluctuate with the number of pupils; however, the applicant does not anticipate more than 12 to 15 employees. This child care facility will be professionally licensed and operated by an independent operator. The traffic impact of this proposed use will be minimal, as it will

Ms. Barbara Byron
November 21, 1989
Page 2

primarily serve the needs of the office park tenants. This facility will be available, however, to serve the surrounding community in close proximity to Nutley Street and Lee Highway. The building is still within the preliminary design phase; however, it will be constructed in harmony with the existing office buildings on the site. This proposed use addresses a recognized need in Fairfax County and will be a benefit both to the tenants of the office park and the surrounding community.

Both of the proposed uses conform to the provisions of all applicable ordinances and regulations and will be independently parked. This proposal furthers the intent of the PDC zoning district as overall traffic will be reduced in the vicinity.

As always, I appreciate your consideration of this request. Should you have any questions or require further information, please do not hesitate to call.

Very truly yours,

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY, P.C.

Martin D. Walsh

MDW/gd

cc: James A. Evans

BYRON-6:WAF

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

COURTHOUSE PLAZA
THIRTEENTH FLOOR
2200 CLARENDON BOULEVARD
ARLINGTON, VIRGINIA 22201

(703) 528-4700

TELECOPY (703) 525-3197

PRINCE WILLIAM OFFICE

VILLAGE SQUARE
13663 OFFICE PLACE, SUITE 201
WOODBRIIDGE, VIRGINIA 22192

(703) 680-4664

METRO 690-4647

TELECOPY (703) 690-2412

LOUDOUN OFFICE

WAVERLY PARK
604 SOUTH KING STREET, SUITE 200
LEESBURG, VIRGINIA 22075

(703) 777-6977

METRO 478-1340

TELECOPY (703) 478-1348

MARTIN D. WALSH
THOMAS J. COLUCCI
NICHOLAS MALINCHAK
PETER K. STACKHOUSE
JERRY K. EMRICH
MICHAEL D. LUBELEY
CHARLES L. SHUMATE
KEITH C. MARTIN
NAN E. TERPAK
WILLIAM A. FOGARTY
JAMES E. BARNETT, JR.
DAVID J. BOMGARDNER
SARAH L. STEWART
DANIEL M. RATHBUN
LYNNE J. STROBEL
DEBRA ANNE COLLIGEN*

OF COUNSEL
JULIA T. CANNON

*ADMITTED IN COLORADO AND MASSACHUSETTS

November 1, 1989

Ms. Jane W. Gwinn
Zoning Administrator
4050 Legato Road
8th Floor
Fairfax, Virginia 22033

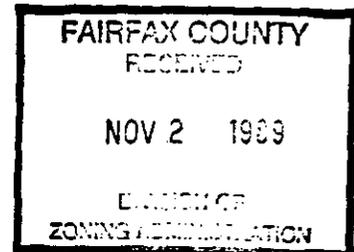
Re: PCA/FDPA 80-P-039-3; Hunter's Branch

Dear Ms. Gwinn:

The following constitutes a statement of justification for the above-referenced application. The subject property was rezoned to PDC on April 13, 1981, and a Final Development Plan approved to permit 600,000 square feet of residential and 1,200,000 square feet of office space. Retail uses were approved as part of PCA/CDPA/FDPA 80-P-039-1 on March 13, 1989.

On May 17, 1989 the applicant filed PCA/CDPA/FDPA 80-P-039-2 in Fairfax County. The application proposes to modify the design of the office buildings to reflect a more contemporary image without increasing the permitted densities. The applicant proposes that the height of all future office buildings be reduced from 12 stories to 9 stories, the parking structures relocated, and parking circulation reconfigured. This application is pending and is scheduled for a public hearing before the Planning Commission on November 1, 1989.

The applicant proposes this amendment of its Final Development Plan to include two permitted uses within the PDC district. The applicant proposes a drive-in bank that will be located within the footprint of Office Building No. 3. This bank will be provided for the convenience of the office park tenants. Also, the applicant proposes the addition of a day care facility to the site. Child care and day care is a permitted use within the PDC district and the applicant proposes a free-standing structure located near the residential portion of the project. The proposed day care facility will primarily serve the needs of



Ms. Jane W. Gwir
November 1, 1989
Page 2

the office park tenants, but will also be available to residents of the surrounding community. This use will help to meet the growing need for quality day care in Fairfax County.

Both proposed additional uses will primarily serve the office park tenants and reduce traffic impact on the surrounding community. The day care facility also serves a community benefit. The applicant intends to reaffirm all previously agreed to proffers and conditions. It is submitted that this application promotes the purpose and intent of the Fairfax County Zoning Ordinance to facilitate the creation of a convenient, attractive and harmonious community.

As always, I appreciate your cooperation and consideration of this matter. If you should have any questions regarding the above, please do not hesitate to call.

Very truly yours,

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY, P.C.

Martin D. Walsh

MDW/gd

L/Gwinn/4:LJS03

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

COURTHOUSE PLAZA
THIRTEENTH FLOOR
2200 CLARENDON BOULEVARD
ARLINGTON, VIRGINIA 22201

(703) 528-4700

TELECOPY (703) 525-3197

MARTIN D. WALSH
THOMAS J. COLUCCI
NICHOLAS MALINCHAK
PETER K. STACKHOUSE
JERRY K. EMRICH
MICHAEL D. LUBELEY
CHARLES L. SHUMATE
KEITH C. MARTIN
NAN E. TERPAK
WILLIAM A. FOGARTY
JAMES E. BARNETT, JR.
DAVID J. BOMGARDNER
SARAH L. STEWART
DANIEL M. RATHBUN
LYNNE J. STROBEL
DEBRA ANNE COLLIGEN*

OF COUNSEL
JULIA T. CANNON

*ADMITTED IN COLORADO AND MASSACHUSETTS

PRINCE WILLIAM OFFICE
VILLAGE SQUARE
13863 OFFICE PLACE, SUITE 201
WOODBRIIDGE, VIRGINIA 22192
(703) 680-4664
METRO 690-4647
TELECOPY (703) 690-2412

LOUDOUN OFFICE
WAVERLY PARK
604 SOUTH KING STREET, SUITE 200
LEESBURG, VIRGINIA 22075
(703) 777-8977
METRO 478-1340
TELECOPY (703) 478-1348

April 5, 1990

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

APR 09 1990

ZONING EVALUATION DIVISION

Ms. Regina Murray
Office of Comprehensive Planning
4050 Legato Road, 7th Floor
Fairfax, Virginia 22033

Re: PCA/FDPA 80-P-039-3
Applicant: HMCE Associates Limited Partnership

Dear Regina:

Please accept the following information to supplement the original justification submitted for the above-referenced application. The proposed day care facility will be housed in a separate freestanding building on the Hunters Branch site. The hours of operation are anticipated to be from 6:00 a.m. until 7:00 p.m. The applicant proposes a child care facility of 8,000 square feet which may serve up to approximately 120 children. The children will range in age from six weeks to five years. The outdoor play area will contain approximately 6,000 square feet and will be fenced to ensure child safety. The remainder of the information submitted in my letter dated November 21, 1989 remains consistent with the applicant's proposal.

I would like to clarify that the applicant will provide an opening from the existing parking garage to the sidewalk. This will allow direct pedestrian access to the sidewalk. You had also inquired as to the landscaping proposed for the island between the drop-off area and the thru road. As shown on the plan, medium evergreen bushes will be planted in this island with the intent to provide landscaping wherever there is sufficient room.

As we discussed, I would like to clarify that this application is filed for those properties referenced in the Fairfax County tax map records as 48-4((1)) parcels 1E, 1G, 1H and 1J. There was a recent Deed of Resubdivision that created parcel 1J out of the existing parcels and this should be reflected in both the staff report and the legal notices. I have discussed this issue with Mr. Steven Kerr and the notice package has been prepared correctly. There is also an error within the plan tabulation referencing the drive-in bank

Ms. Regina Murray
April 5, 1990
Page 2

facility. As stated in the original justification, the proposed drive-in bank shall contain approximately 3,000 - 5,000 square feet. The tabulation should have reflected this proposal and shown 3,500 square feet. I apologize for the oversight, but do not anticipate this will create any problems if the plan is revised.

Should you have any questions regarding the above or require further information, please do not hesitate to call. I spoke with Mr. Owens of the Fairfax County Health Department and he told me that the report has been written for this application and should be to you within the next couple of days. As always, I appreciate your cooperation and assistance in this application.

Very truly yours,

WALSH, COLUCCI, STACKHOUSE,
EMRICH & LUBELEY, P.C.


Lynde J. Strobel

LJS/gd

cc: James A. Evans

MURRAY-2:LJS-1



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
 4100 CHAIN BRIDGE ROAD
 FAIRFAX, VIRGINIA 22030



February 2, 1990

Martin D. Walsh, Esquire
 Walsh, Colucci, Stackhouse, Emrich and Lubeley, P.C.
 2200 Clarendon Boulevard - 13th Floor
 Arlington, Virginia 22201

Re: Proffered Condition Amendment
 Number PCA 80-P-039-2

Dear Mr. Walsh:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on January 8, 1990, approving Proffered Condition Amendment PCA 80-P-039-2 in the name of HMCE Associates Limited Partnership, subject to the revised proffers dated December 21, 1989 and proposed development conditions dated January 8, 1990 as modified; on subject parcels 48-4 ((1)) 1E, 1G, and Pt. 1H consisting of approximately 51.90 acres in Providence District.

The Board also: 1) modified the transitional screening along the eastern lot line; and 2) waived the barrier requirement along the southern and eastern lot lines in deference to that shown on the Conceptual Development Plan/Final Development Plan.

The Planning Commission previously approved Final Development Plan Amendment Application FDPA 80-P-039-2 on December 14, 1989.

Sincerely,

Theodore Austell III
 Theodore Austell, III

Clerk to the Board of Supervisors (Acting)

TAM:ns

cc: Joseph T. Hix
 Real Estate Division, Assessments
 Jane W. Guinn
 Zoning Administrator
 Barbara A. Byron, Director
 Zoning Evaluation Division
 Robert Moore, Transportation Planning Division,
 Office of Transportation
 Kathy Ichter, Transportation Road Bond Division,
 Office of Transportation
 John F. Donnelly, DEM
 A. V. Bailey, Resident Engineer
 Virginia Department of Transportation
 Richard Jones, Manager, Land Acquisition & Planning Division
 Fairfax County Park Authority

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia, on the 8th day of January, 1990, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 80-P-039-2

WHEREAS, HMCE Associates Limited Partnership, filed in the proper form, an application requesting amendment to the plan of a certain parcel of land, hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. § 15.1.491(a), and

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

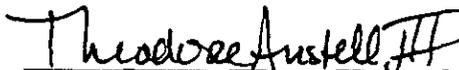
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., § 15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

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

GIVEN under my hand this 8th day of January, 1990.



Theodore Austell, III
Clerk to the Board of Supervisors (Acting)

The Planning Commission previously approved Final Development Plan Amendment Application FDPA 80-P-039-2 on December 14, 1989.

PROFFERS

PCA/CDPA/FDPA 80-P-039-2

December 21, 1989

Pursuant to Section 15.1-491(a), Code of Virginia, 1950 edition as amended, subject to the Board of Supervisors approval of the requested Proffered Condition Amendment (PCA), Conceptual Development Plan Amendment (CDPA), applicant proffers to the following conditions. These proffers supercede and incorporate all previously accepted proffers:

1. Pursuant to Section 18-204 of the Fairfax County Zoning Ordinance, development of the commercial component (Land Bay A) and the residential component of the subject property shall be in conformance with the CDPA/FDPA prepared by William H. Gordon Associates, Inc. dated November 7, 1989, and revised through December 14, 1989 with approved transitional screening waiver.

2. A maximum of 1,200,000 square feet of office and principal uses shall be permitted on the property. In addition to office use, the following uses shall be permitted on the site, but in the event any or all of following principal or secondary uses are not provided, the commercial portion of the property may be developed with all office use.

Principal Uses:

One or more financial institutions with the total not to exceed 15,000 gross square feet.

One or more retail sales or personal service establishments with the total not to exceed 30,000 gross square feet.

One or more eating establishments with the total not to exceed 30,000 gross square feet with a maximum of 1,300 seats allowed.

Secondary Uses:

One or more health clubs with the total not to exceed 15,000 gross square feet.

A delicatessen consisting of 2,000 square feet.

In addition, a maximum of 755 commercial off-street parking spaces within parking structures may be provided.

In addition to the 1,200,000 square feet of commercial, principal and other secondary uses, residential dwelling units shall be provided as a secondary use in an amount equal to a maximum of fifty percent (50%) of the square footage devoted to commercial, principal uses.

3. All secondary uses will be designed to serve primarily the needs of the residents and occupants of the development, except for the commercial off-street parking.

4. A tot lot will be constructed as part of the recreational area shown on the CDPA/FDPA and serving the proposed residential portion of the PDC development.

5. Both prior to and during the development of the property, the applicant/owner will permit the on-site research of archaeological site, if any, by members of the Fairfax County Archaeological Survey Staff, provided however, that such on-site research shall not interfere with the planned development of the property and shall not restrict the timing of the development of the property. Applicant shall give the Fairfax County Archaeological Survey Staff ninety (90) days notice prior to commencement of construction of Phase III.

6. Emergency access will be provided in accordance with the Fairfax County Public Facilities Manual.

7. Transitional screening 1 shall be provided along the Route 29 frontage of the subject property as approved by the Director of DEM. Transitional screening 2 shall be waived along Nutley Street. Evergreen plantings shall be provided around service areas of future buildings between the buildings and the floodplain, as approved by the County Arborist, as a supplemental buffer to the existing vegetation along Nutley Street.

8. The applicant/owner, at the time of final site plan submission will submit a landscape plan for approval by the Director of the Department of Environmental Management (DEM), so as to achieve a visual buffer between the residential development and the commercial parking structure. Said plan shall include effective treatment of the exposed portions of the parking structure deck.

9. A six (6) foot noise attenuation barrier will be provided between the proposed residential recreational area and the boundary line of the adjoining Fairlee subdivision.

10. Storm water detention has been provided as approved and constructed with Site Plan 4818-SP-02, approved by DEM on March 24, 1988.

11. The residential and commercial travelways on the site loop road will be interconnected so as to provide the residential development direct access through the site to Nutley Street until

such time as the completion of both relocated Nutley Street and new Interstate 66-Nutley interchange is effectuated. Any necessary cross easements shall be provided to effectuate this proffer. When Nutley Street relocation and the new interchange are completed, this interconnection may be terminated at the option of the applicant.

12. The internal intersection on the commercial loop road immediately north of Lee Highway was designed and approved by the DEM and the Office of Transportation with Site Plan 4818-SP-01, approved by DEM on December 18, 1986.

13.

(a) Applicant has contributed Seventy One Thousand Eleven Dollars and 65/100 (\$71,011.65) to Virginia Department of Transportation (VDOT), sufficient to pay the cost of the improvement of the intersection of Nutley Street and Lee Highway so as to provide two (2) through lanes on Lee Highway in each direction and a left turn lane to northbound Nutley Street from eastbound Lee Highway. Sufficient right-of-way for these improvements has been previously acquired and dedicated by the applicant. This intersection improvement will be undertaken by VDOT as part of Project Number 0066-029-103, RW-204, PE-102, C-506 and the applicant's payment obligation shall be as described in the June 8, 1988, agreement among the applicant, VDOT and Fairfax County for this improvement.

(b) The applicant will be responsible for providing appropriate signalization of the site's entrances with Nutley Street and Lee Highway in an amount not to exceed One Hundred Thousand Dollars and No/100 (\$100,000.00) to be CPI adjusted at such time as the signalization needs have been determined by VDOT. The applicant will further provide for the interconnection of these signals with that at the Lee Highway and Nutley Street intersection.

(c) The applicant commits to participate in the cost of the signalization of the Nutley Street/Interstate 66 interchange access ramps by the contribution of the sum of Thirty Five Thousand Dollars and No/100 (\$35,000.00) if the need for such signalization is determined by VDOT during the period of development and construction of this project.

(d) The applicant shall provide Fairfax County with all necessary temporary grading easements for the commercial component along the site's Lee Highway frontage.

14. To the extent permitted in an agreement between WMATA and the applicant which is reasonably satisfactory to the applicant, a vehicular access shall be provided to connect to the adjacent metro facility, as shown on the CDPA/FDPA. The connector road to the metro station shall intersect the station loop road at an existing intersection with the final alignment to be determined by the Director of DEM at the time of Site Plan review. The applicant commits to the use of Transportation Management Strategies to serve the transportation needs of the tenants on the site. The principal technique to be used by the applicant will be shuttle bus service between the site and the Vienna Metro station. The applicant may elect to substitute another technique (e.g.: car pools, van pools, preferential parking, public bus service, etc.) at the applicant's choice, to provide Transportation Management Strategies to the tenants of the site.

15. The applicant commits to offer units for sale or rental to the Fairfax County Redevelopment and Housing Authority in accordance with the document attached hereto and made a part hereof as Exhibit "A". The determination as to sale or rental of those units to RHA shall be dictated by the project's status as a condominium, cooperative or a rental apartment project. Notwithstanding that the aforementioned document provides for the construction of thirty-five (35) units, the applicant shall provide for fifty (50) units.

16. The development plan reflects that the applicant has parked the subject development in accordance with the existing parking regulations of the Fairfax County Zoning Ordinance as amended in September 1988. If the applicant provides parking in excess of the Fairfax County Zoning Ordinance, such parking shall be within the parking areas and parking structures shown on the CDPA/FDPA, and the parking spaces in excess of minimum ordinance requirements needed to serve the other principal and secondary uses may be utilized to accommodate metro-related parking or be converted to enclosed storage space, as approved by DEM and in accordance with the provisions of the Zoning Ordinance.

17. The applicant has submitted a "Landscape Plan Revegetation Plan per Special Exception" which was approved by DEM on August 3, 1988, as a condition of SE 85-P-090. Once this landscaping has been planted and accepted by the County Arborist, this revegetation requirement will be satisfied.

18. The eight (8) foot trail shown along the stream on the CDPA/FDPA will be designed to meander around the existing trees as approved by the County Arborist so as to minimize the amount

Proffers

PCA/CDPA/FDPA 80-r-039-2

Page 5

of clearing necessary for the trail and to preserve a maximum amount of existing vegetation.

19. A twelve (12) foot wide public access easement shall be recorded among the land records of Fairfax County for the provision of TX-2, Type I eight (8) foot wide asphalt trails noted as "Public Pedestrian Pathway" to be constructed in the location shown on the CDPA/FDPA. Applicant will maintain all presently existing and future trails to ensure pedestrian access. Applicant will create a pedestrian path from the office buildings to the asphalt trails to encourage and facilitate pedestrian use. Bike racks will be provided at the ground level of the parking structure between Buildings 4 and 5 for the use of office tenants.

20. All signage shall be in conformance with the approved Comprehensive Sign Plan.

21. The applicant has recorded among the land records of Fairfax County at Deed Book 6834 at Page 1352 flood plain easement to the Board of Supervisors as approved by the County Attorney as shown on attached Exhibit "B". This existing flood plain easement has included that land which is defined by the Comprehensive Plan as Environmental Quality Corridor associated with Hunters Branch which runs through the site. No clearing of any vegetation in the area defined to be within the existing flood plain easement shall take place except for that listed on the attached Exhibit "C". Revegetation of this area shall be coordinated and approved by the County Arborist. Applicant will not fill within the flood plain easement nor construct any permanent structure within the flood plain easement as recorded in Deed Book 6834 at Page 1352, other than pedestrian amenities such as pedestrian bridges, gazebos and furniture to the extent that such amenities are permitted in the flood plain by right under the zoning ordinance.

22. Temporary metro parking may be provided within the commercial portion of the property, both in parking structures and/or on temporary at grade spaces within areas shown on the CDPA/FDPA for parking structures as approved by DEM. A maximum of 400 temporary, surface spaces shall be allowed within areas of footprints of future parking structures.

23. A fifty (50) foot undisturbed buffer area shall be provided on the commercial component between the Metro connector road and the western lot line. Notwithstanding the preceding sentence, if DEM requires the road to be shifted to the west so that it is not feasible, in the judgment of DEM, to maintain a fifty (50) foot undisturbed buffer, the applicant will preserve an undisturbed buffer to the extent that it is in the judgment of DEM feasible to do so, but will in any event preserve a minimum undisturbed buffer of thirty-five (35) feet.

24. A fifty (50) foot undisturbed buffer shall be provided on the commercial component between the western commercial loop road and the western lot line, as long as it is feasible in the judgment of DEM to do so, without relocating that road to the east. If the undisturbed fifty (50) foot buffer cannot be maintained then the applicant will preserve an undisturbed buffer to the extent that it is, in the judgment of DEM, feasible to do so, but will in any event preserve a minimum undisturbed buffer of thirty-five (35) feet.

25. Applicant will employ construction techniques for that property fronting the western buffer area to minimize impact on existing trees within the buffer as approved by the County Arborist. These techniques shall include establishing limits of clearing and grading to be clearly marked by construction fencing and the designation of specific mature trees within the limits of clearing and grading to be marked and individually fenced.

26. The plaza areas as shown on the CDPA/FDPA will be designed to encourage pedestrian use and facilitate internal pedestrian circulation on the site.

27. Applicant will employ all necessary means to restrict access to the metro station connector road to shuttle buses and vans, which may include the use of a carded gate as approved by the Office of Transportation.

28. Applicant shall complete the sidewalk as a part of the trails system at the Nutley Street entrance into the project.

HMCE ASSOCIATES LIMITED
PARTNERSHIP

By: David W. Evans
David W. Evans
General Partner

FIRST AMERICAN BANK OF VIRGINIA,
TRUSTEE, AND NOT INDIVIDUALLY

By: Judith L. Jones
Judith L. Jones
Assistant Vice President

PROPOSED CONDITION

REZONING APPLICATION 80-P-039 and FINAL
DEVELOPMENT PLAN 80-P-039

WHEREAS, M.H.C.E. ASSOCIATES (hereinafter the Applicant), as part of the above referenced rezoning and final development plan approval, has obtained approval for the development and construction of three hundred fifty (350) residential units; and

WHEREAS, the Applicant desires to cooperate with the Fairfax County Redevelopment and Housing Authority (hereinafter FCRA) to make certain residential units available for low and moderate income families.

NOW, THEREFORE, it is a condition of this rezoning and final development plan approval, as follows:

1. Condominium and/or Cooperative Development: In the event units are developed under a condominium and/or cooperative form of ownership, the applicant hereby agrees to make available to the FCRA or purchasers designated by the FCRA, for purchase, thirty-five (35) of the units, in the same proportion of mix and size as the total residential development; unless otherwise mutually agreed upon by the FCRA and the party(s) developing the units, which shall be available for purchase on the following terms:

- a. At such time as the applicant is ready to market the condominium and/or cooperative units in the development, the Applicant will give notice to the FCRA of the offer of available units, together with the purchase price determined as hereinafter set forth, and the FCRA shall after receipt of this notice, have a period of sixty (60) days to enter into binding contracts for any number of units up to thirty-five, the provisions of which will allow FCRA reasonable time to seek and obtain funding and/or financing for the purchase of these units. In the event the applicant obtains any below market financing for the sale of units, the Applicant shall permit the FCRA

or purchasers designated by the FCRA to use such financing. In the event the FCRA does not enter into contracts for the purchase of the available units within the aforesaid time period, all further obligations of the Applicant shall be relieved with respect to the number of units offered.

- b. In lieu of direct contracts with the FCRA, as set forth in paragraph 1-a above, the FCRA may direct that contracts be entered into with individual purchasers.
- c. These units shall be made available to the FCRA or purchasers designated by the FCRA at the lower of the 1) prices at which comparable units are offered to the public, 2) prices determined as below: Labor and material costs of the units, together with a pro-rata share of the construction costs associated with the common elements of the residential development, and together with a pro-rata share of the site development costs associated with the residential development plus a payment to the Applicant in an amount equal to ten (10) percent of the development and construction costs set forth in this paragraph. No portion of the costs associated with these units shall be attributed to land costs or land value. The construction costs included in this paragraph shall include a pro-rata share of the financing and other soft costs associated with the development and construction of these residential units, provided however, that no general overhead, marketing or related soft costs of the builder not reasonably attributable to the cost of the FCRA units shall be included within these costs.
- d. Any units made available for purchase hereunder shall be subject to the condominium and/or cooperative regime to be established for the proposed residential development, and the obligations under the condominium and/or cooperative regime.

2. Rental Development: In the event the residential units are developed under a rental form of ownership, the Applicant hereby agrees to make no less than thirty-five (35) of the units available for low/moderate income tenants as such term is defined by the FCRA under a Section 8 rental program, or similar federal, state or local rental subsidy program for a minimum of twenty years. In the event the Applicant operates the development as rental units, and prior to the expiration of twenty years, the development, becomes a condominium or cooperative, all the terms set forth in paragraph 1-a through d, shall be applicable.

3. In either event, it is the intent of the Applicant and the FCRA that the units made available be interspersed throughout the residential development, with final location of these units to be determined by cooperation between the Applicant and FCRA.

4. The applicant shall periodically inform the FCRA of the status of the development including a timetable for development, particularly construction start and anticipated availability of units. In the event the development is constructed in stages, the FCRA shall, at its option, have the right to purchase, under paragraph 1, or the Applicant shall be obligated to offer for rent under paragraph 2 that percentage of units which is equal to the same ratio of units offered to the FCRA as described in paragraph 1 or to be made available for rent as described in paragraph 2 in each stage of the residential development. The FCRA may elect at its option to waive its right in each stage to accumulate the number in the next successive stage. Such waiver shall be given no later than 30 days after notice of availability by the applicant.

5. The condition of zoning shall be binding on the Applicant, and on his assigns and successors in interest.

FAIRFAX COUNTY REDEVELOPMENT
AND HOUSING AUTHORITY

ATTEST:

Assistant Secretary

By: _____
SECRETARY

Date: _____

Date: _____

Applicant

NUTLEY STREET - ROUTE 243

FIRST AMERICAN BANK OF VIRGINIA, TRUSTEE

LEE HIGHWAY ROUTE 29-211

PLAT SHOWING
FLOOD PLEASANT
ON THE RIGHTLY OF
FIRST AMERICAN BANK OF VIRGINIA, TRUSTEE

PLANNING DISTRICT
FAIRFAX COUNTY VIRGINIA
SCALE 1" = 100' DATE FEBRUARY 18, 1957
William H. Gordon Associates, Inc.
1100 North 1st Street
Arlington, Virginia 22201
1957 2nd Ed. 100'

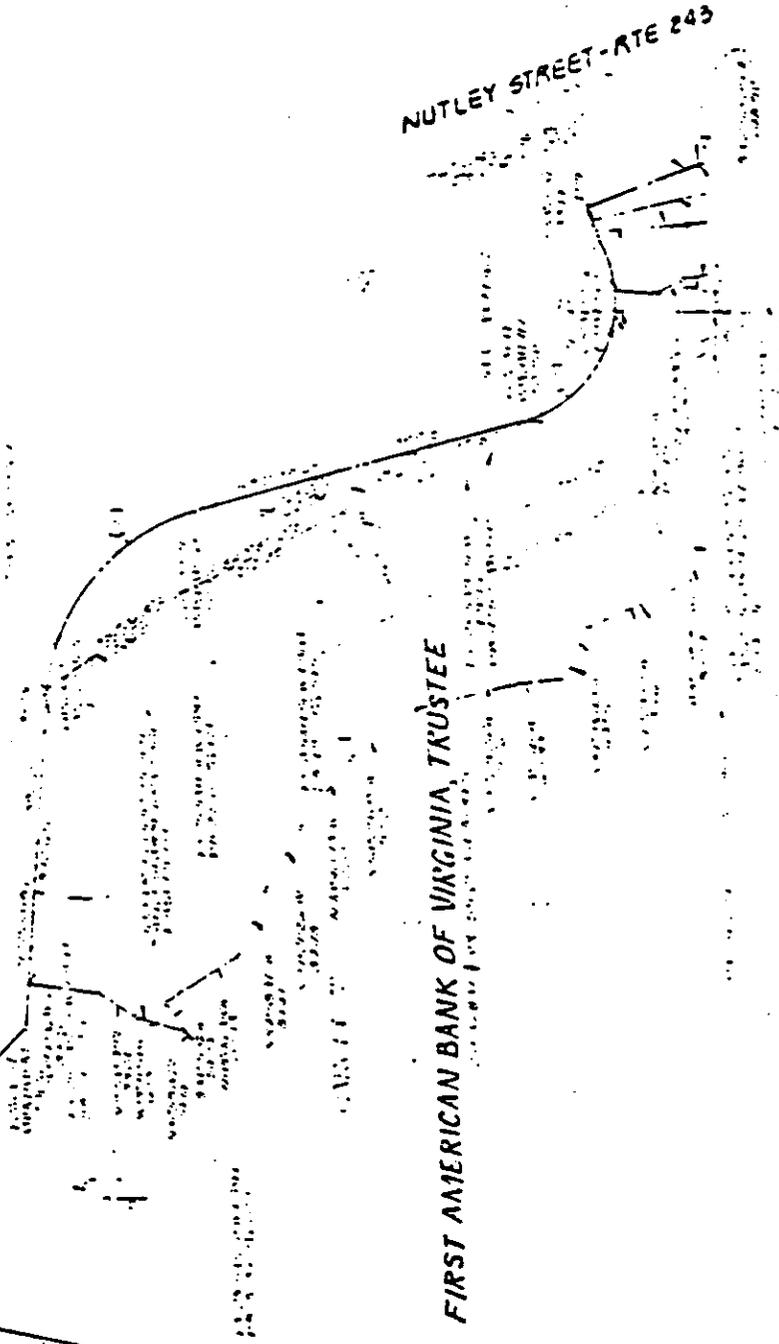


- 1. FLOOD PLEASANT
- 2. FLOOD PLEASANT
- 3. FLOOD PLEASANT
- 4. FLOOD PLEASANT
- 5. FLOOD PLEASANT
- 6. FLOOD PLEASANT
- 7. FLOOD PLEASANT
- 8. FLOOD PLEASANT
- 9. FLOOD PLEASANT
- 10. FLOOD PLEASANT

NO.	DATE	DESCRIPTION	AMOUNT	BALANCE
1	1/1/58	...	...	...
2	2/1/58	...	...	...
3	3/1/58	...	...	...
4	4/1/58	...	...	...
5	5/1/58	...	...	...

PROPERTY OF ...

...



FIRST AMERICAN BANK OF VIRGINIA, TRUSTEE
 PLAT SHOWN
 FLOOD PLAT AS SHOWN
 ON THE PROPERTY OF
 WILLIAM H. GORTON ASSOCIATES, INC.
 50 WEST 100th STREET, WASHINGTON, D.C. 20037
 WILLIAM H. GORTON ASSOCIATES, INC.
 50 WEST 100th STREET, WASHINGTON, D.C. 20037

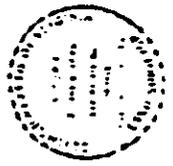


NUTLEY STREET
ROUTE 263

FLOOD PLAIN EASEMENT
FIRST AMERICAN BANK OF VIRGINIA,
TRUSTEE

LEE HIGHWAY - ROUTE 25-211

FIRST AMERICAN BANK
OF VIRGINIA,
TRUSTEE



STATE OF VIRGINIA
COUNTY OF...
RECORDED
INDEXED
FEB 11 1968
11:30 AM
RECORDS & CLERK'S OFFICE
HARRISBURG, VIRGINIA

25-211

88 4 4

EXHIBIT "C"

Notes Regarding Selective Clearing Areas

1. No clearing or other activity by driver-operated machines is to occur in these areas.
2. Selective clearing outside the Limits of Clearing and Grading as shown on this plan is to be as directed by the Owner's Landscape Architect and must be coordinated with the County Arborist's inspector prior to commencement of work.
3. The specific practices which may be undertaken as needed in such areas are:
 - A. Remove natural deadfall trees and fallen logs, debris and trash including those interfering with stream flow.
 - B. Remove standing dead, diseased or damaged trees creating hazards or unsightly conditions.
 - C. Prune live branches from trees which have been damaged, and prune dead wood from healthy trees.
 - D. Remove poorly shaped trees or branches.
 - E. Remove unsightly, tree-killing or noxious vines.
 - F. Remove unsightly or undesirably dense underbrush (shrubs and very young trees).
 - G. Plant new vegetation.
4. "Selective Clearing" will be done by small, hand-carried or walk-behind machines (e.g., chain saws, small stump grinders, bush hogs, etc.) as needed, but no driver-operated or large-wheeled machines will be permitted in such areas without specific approval from the County Arborist.
5. Work is to be performed by a licensed arborist acceptable to the Owner and Landscape Architect.

PROPOSED DEVELOPMENT CONDITIONS

Revised December 14, 1989

Revised December 14, 1989

Revised January 8, 1990

If it is the intent of the Planning Commission to approve PCA/CDPA/FDPA 80-P-039-2 located at Tax Map 48-4 ((1)) 1E, 1-G, pt. 1-H, 1-J development of the subject property shall be subject to all terms and conditions proffered and accepted by the Board of Supervisors subject to the following conditions:

1. In order to reduce hydrocarbon concentrations in runoff, oil grit separators shall be provided for the parking facilities exposed to outside weather conditions such as surface and plaza parking. DEM shall determine the number and placement of the oil grit separators. They shall be designed in harmony with the methods recommended in chapter 8 of the Metropolitan Washington Council of Governments (COG) document entitled Controlling Urban Runoff or with other methods approved by DEM. The oil/grit separator(s) shall be cleaned via vacuum pumping at least four times per year. The qualifications of the maintenance operator shall be reviewed and approved by the appropriate Fairfax County agency as determined by DEM. Oil/grit separator maintenance records shall be kept on-site and shall be made available to County officials upon request.
2. A landscaping plan for office buildings 3, 4, 5 and 6, the parking structure, and plazas shall be submitted to the County Arborist for review and approval and shall be coordinated with the Office of Comprehensive Planning prior to approval by the Director, DEM.
3. The landscaping plan shall provide parking lot landscaping, including landscaping on the top level of the parking structure to soften its visual impact.
4. A plaza landscaping plan shall be provided. In addition the plazas shown at the office building entrances shall be mainly pedestrian-oriented and shall not permit automobile movement to cross pedestrian movement at office building entrances.

5. The pedestrian orientation on the parking deck that takes pedestrians from the office buildings to the stair tower, shall be enhanced to provide for safer, clearly delineated pedestrian use.
6. If not provided for in existing improvements, the applicant shall install a pedestrian signal and crosswalk at the intersection of Nutley Street and Lee Highway subject to VDOT approval.
7. A trail connection shall be provided to the office buildings 3, 4, 5 and 6 from the trail within the Hunters Branch floodplain area.
8. In order to minimize disruption due to the necessary location of utilities in the Hunters Branch EQC, the two proposed 8" sanitary sewer connections mentioned above, shall be relocated along the edge of the proposed parking structure, outside the EQC, and connected to the existing sewer trunk line as close as possible to the existing road crossing, based on final engineering.
9. The proposed clearing limits ("limits") as shown on the CDPA/FDPA is a "not to exceed" limit. In the area located between the proposed parking structure and the "limits", all reasonable measures shall be taken to minimize tree disturbance, as determined by the County Arborist; these measures shall include construction techniques designed to minimize clearing. Any area that must be cleared between the proposed parking structure and the "limits" for the construction of the proposed parking structure shall be replanted with indigenous trees and shrubs to return the area to as natural a state as possible as determined by the County Arborist.

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director DATE: APR 16 1990
 Zoning Evaluation Division, OCP

FROM: Lynda L. Stanley, Chief
 Plan Development Branch, OCP

FILE NO: 452 (Zoning)

SUBJECT: Planning Analysis for: PCA/FDPA 80-P-039-3

This memorandum provides guidance from the Comprehensive Plan and a planning analysis of application PCA/FDPA 80-P-039-3 which requests addition of a free-standing child care facility and a drive-through bank in one of the office structures previously approved. The issues identified in this analysis should be satisfactorily addressed before this application is considered favorably.

COMPREHENSIVE PLAN CITATIONS:

The 51.95-acre property is located in the Vienna Metro Station Area of the Vienna Planning District in Area II. An assessment of the proposal for conformance with the Comprehensive Plan should be guided by the following citations from the Plan:

On page II-101, under "Recommendations, Land Use" the Plan states:

"Access into the southern tracts from Lee Highway will minimize conflict with Metro-oriented traffic. However, every effort must be made to encourage residents on the tracts who use Metro to reach the station without using their car. Only minimum parking requirements should be provided, with as much of it being underground parking as possible (particularly on the heavily wooded tracts). Pedestrian/bike paths, with separation, should be installed to allow easy access to the stations from new development, and it would be desirable for the paths to be covered to encourage the use of Metro even with poor weather conditions. In addition, it may be necessary for the developer to provide (or at least participate financially in) an internal shuttle bus system.

The wealth of environmental resources of this station area, particularly on the south side of I-66, must be preserved as much as possible..."

On page II-101, under "Recommendations, Specific Recommendations", the Plan states"

"A. Tract A. The primary recommendation for Tract A is townhouse and garden apartments, 8-12 units per acre. Buildings should be sited on the hillside with building heights, in general, not the exceed ten feet above the existing ridge line vegetation; the EQC/floodplain should be preserved, covered paths to the Metro station and a minimum 50-foot buffer to the residences on Fairlee Drive should be provided.

Because of the location of this tract in relation to I-66 and the Metro station and because of its topography which would lend itself to a molding of development to the land forms thus reducing external impacts, Tract A would be suitable for a mix of townhouse/apartments and office uses if approximately 350 housing units were included in the mixture."

On page I/C 107, under the section entitled "Screening and Buffering" the Plan states:

"Screening and buffering between different types of land uses are used to increase stability and to mitigate negative effects of new development on an established neighborhood. Buffering refers to an area of open land which serves to mitigate potential conflicts between different types of uses but, in certain circumstances, it may be appropriate to provide a buffer between high and low density residential uses. Screening refers to the amount of landscaping and/or physical barriers that are erected to further mitigate potential incompatibilities between different types of land uses."

On page I/C 102, under the section entitled "Guidelines for Drive-Thru Windows," the Plan states:

"Drive-thru windows for commercial establishments have the potential to cause serious traffic circulation problems both on- and off-site. In order to mitigate these problems, drive-thru windows should be approved only if the size and configuration of the lot are adequate to achieve a safe drive-thru window, parking circulation and pedestrian system. All activity generated by the use must be accommodated on the site. Noise, glare and other nuisance aspects related to drive-thru facilities must not adversely affect adjacent properties".

Page I/C 102, in the section entitled "Locational Guidelines for Child Care Facilities", the Plan states:

"In Fairfax County, as in other areas of the country, an increasing proportion of households need high-quality child care facilities. Such facilities should be encouraged in employment-generating and residential developments, particularly those developed as P-districts, to the extent that they can be provided consistently with the following criteria:

1. Child care facilities should have sufficient open space to provide adequate access to sunlight and suitable play area, taking into consideration the size of the facility.
2. Child care facilities should be located and designed in such a way as to ensure the safety of children.
3. Child care facilities should be located and designed in such a way as to protect children from excessive exposure to noise, air pollutants, and other environmental factors potentially injurious to their health or welfare.
4. Child care facilities should be located and designed so as to ensure safe and convenient access. Appropriate attentions should be paid to parking and safe and effective on-site circulation of automobiles and pedestrians.
5. Child care facilities in residential communities should be located and designed in such a way as to avoid undesirable traffic, noise, and other impacts upon the surrounding community. This objective might, in appropriate cases, be achieved by siting child care centers on the periphery of residential developments or in the vicinity of planned community recreation facilities.
6. Child care facilities are to be encouraged to be located convenient to the workplace.

Child care facilities are also appropriate in retail areas, like shopping centers, if they are situated and designed in such a way as to provide a safe and healthful environment for children. In determining the appropriateness of child care facilities in specific areas, consideration should be given to the criteria listed above."

The Comprehensive Plan map shows that the property is planned for residential use at a density of 8-12 dwelling units per acre.

PLANNING ANALYSIS:

The following analysis identifies and discusses pertinent planning issues that relate to the proposed use on the application property.

Character of the Surrounding Area:

The site is located along the west side of Nutley Street between the Vienna Metro Station/I-66 and Lee Highway. The Fairlee subdivision is located on the western perimeter. It is an older community developed under R-1 zoning with the average lot size being about 21,500 square feet. The Briarwood Farms subdivision is opposite the site on the east side of Nutley Street. It is also an older subdivision developed under R-1 zoning. The average lot size is about one acre.

The land on the south side of Lee Highway near Nutley Street is developed for retail commercial uses as part of the Pan Am Shopping Center. Land on the south side of Lee Highway directly opposite the site is zoned R-12 but it is as yet undeveloped.

Planning Issues:

Both of the proposed uses are appropriate ancillary uses in this mixed-use development. There are particular issues, however, that should be addressed.

First, the proposed drive-thru bank does not meet the Plan policy which states that automobile circulation should not interfere with pedestrian circulation. This situation has been created by this proposal wherein employees and/or patrons using the parking facilities would be subject to automobile circulation directly relating to the drive-thru facility. A better location would be in the office building closest to the Metro.

Second, the access to the child care facility is not satisfactory. The handful of parking spaces located at the approach will cause traffic confusion and tie-ups. Since there is no parking requirement per se, planning these at this location is unnecessary. The pedestrian access from parking spaces in the parking structure that are related to the child-care facility is too circuitous. Landscaping is deficient around the facility and along the approaches.

The additional FAR proposed is small enough so it is not an issue.

Barbara A. Byron
PCA/FDPA 80-P-039-3
Page Five

Suggested Measures to Address Planning Issues:

- Redesign or relocate the drive-thru bank so that the circulation pattern does not interfere with pedestrian circulation related to both the bank, the office and the parking structure.
- Remove the parking spaces shown along the approach to the child care facility.
- Provide a more direct pedestrian access point from the child care facility to the parking structure or provide a pedestrian sidewalk from the entrance of the parking structure to the facility.
- Landscape the entire sidewalk system that relates to the child-care facility.

LLS:SHL:kf

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

FAIRFAX COUNTY, VIRGINIA

FEB 15 1990

MEMORANDUM

ZONING EVALUATION DIVISION

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

THRU: *Bruce G. Douglas*
Bruce G. Douglas, Chief
Environmental and Heritage Resources Branch, OCP

FROM: *Randy S. Stouder*
Randy S. Stouder, Environmental Planner
Environmental and Heritage Resources Branch, OCP

DATE: 16 FEB 1990

FILE NO.: 174.129 (STOUDER)

SUBJECT: ENVIRONMENTAL ASSESSMENT for: PCA/FDPA 80-P-039-3
Hunters Branch/HMCE Assoc
48-4/01/1-E,G,H

This environmental assessment includes the following elements:

- citations from the Comprehensive Plan that describe environmental policy for this property;
- a discussion of the environmental constraints and opportunities inherent to the property including a description of potential impacts that may result from the proposed development and the identification of possible solutions to remedy identified environmental issues; and
- a judgment concerning the acceptability of the proposal from the perspective of adopted environmental policy.

ENVIRONMENTAL ISSUES AND PROPOSED SOLUTIONS:

This section characterizes the environmental constraints and opportunities inherent to the site that would effect and/or be affected by any significant development proposal. Particular emphasis is given to the identification of potentially harmful environmental impacts. Proposed solutions are acceptable remedies to the issues that have been identified. There may be other acceptable solutions that have not been identified by staff.

Water quality

Issue: Stormwater runoff from the proposed drive-in bank drains to the 100 year floodplain of Hunters Branch. The automobile traffic that the bank will generate will be a source of hydrocarbons and heavy metals, which if unmitigated, will contribute to the degradation of water quality in Hunters Branch.

Proposed Solution: The recommended method of hydrocarbon and heavy metal reduction would be the use of an oil grit separator. Development condition #1 approved in conjunction with Board of Supervisors approval of PCA/CDPA/FDPA 80-P-039-2, commits the applicant (HMCE Associates) to provide oil grit separators to serve the surface level of the parking deck and surface plaza parking located adjacent to the buildings #3-6. Since the proposed drive-in bank is located in building #3, it should be served by the oil grit separators installed as required by the approved development condition.

The County and members of the private engineering community have formed a working group to implement a hydrocarbon reduction strategy that would include the use of oil grit separators with an improved design. Draft design drawings for the engineering details of the recommended separator have been supplied to the applicant's engineer (Gordon Associates). The revised design represents an improvement of the design previously recommended by COG, and should be implemented.

CONCLUSION:

The environmental issues and/or constraints identified above should be addressed by the applicant. The Environmental and Heritage Resources Branch of OCP can find this application to be in conformance with the environmental policies of the Comprehensive Plan if suitable mitigation measures are identified, adopted, and implemented. It is recommended that the applicant accept each of the suggested solutions to the issues or propose alternatives that are agreed to by staff prior to the anticipated publication date of the staff report.

BGD/RSS

FAIRFAX COUNTY, VIRGINIA

MAR 6 1990

MEMORANDUM

ZONING EVALUATION DIVISION

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

DATE: March 5, 1990

FROM: Robert L. Moore, Chief *RLM*
Transportation Planning Division, OT

FILE: 3-4 (RZ 80-P-039)/SITE 1 496

SUBJECT: Transportation Impact

REFERENCE: PCA/FDPA 80-P-039-3; HMCE Associates Limited Partnership
Traffic Zone: 1064
Land Identification Map: 48-4 ((1)) 1E, 1G & 1H

Transmitted herewith are the comments of the Office of Transportation with respect to the referenced application. These comments are based on plans made available to this Office dated January 10, 1990.

This Office would not object to approval of this application as long as previous commitments for transportation improvements associated with the RZ 80-P-039 application are continued.

RLM/AKR:tsb

cc: John Winfield, Acting Deputy Director, Design Review, Department of Environmental Management
John Donnelly, Chief, Site Development, Department of Environmental Management

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

DATE: April 2, 1990

FROM: Robert L. Moore, Chief *RLM*
Transportation Planning Division, OT

FILE: 3-4 (RZ 80-P-039)/SITE1 554

SUBJECT: Transportation Impact Addendum

REFERENCE: PCA/FDPA 80-P-039-3; HMCE Associates Limited Partnership
Land Identification Map: 48-4 ((1)) 1E, 1G, & 1H

Transmitted herewith are the comments of the Office of Transportation with regard to the referenced application. These comments are based on the development plan dated March 23, 1990.

This Office would not object to approval of this application as long as previous commitments for transportation improvements associated with the RZ 80-P-039 application are continued.

RLM/AKR:sb

cc: John Winfield, Acting Deputy Director, Design Review, Department of Environmental Management
John Donnelly, Chief, Site Development, Department of Environmental Management

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

APR 05 1990

ZONING EVALUATION DIVISION

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

DATE: 2-15-90

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

FROM: John W. Koenig, Director
Utilities Planning and Design Division
Department of Public Works

FEB 25 1990

ZONING EVALUATION DIVISION

SUBJECT: Rezoning Application Review

Name of Applicant/Application: HMCE Associates Limited Partnership

Application Number: 80-P-039-3

Type of Application: Proposed Condition Amendment / Final Development Plan Amendment

Information Provided

Application: YES

Development Plan: YES

Other: YES - STATEMENT OF JUSTIFICATION

Date Received in UP&DD: 1-29-90

Date Due Back to OCP: 2-22-90

Site Information

o Location: TAX MAP 48-4/01/1-E, 1-G, 1-H

o Area of Site: 51.90 ACRES

o Rezoned from: PDC

o Watershed/Segment: ALLOTINK CREEK / HUNTERS

I. Drainage

- o Master Drainage Plans: EAP-2 INSTALL 175 LF RIP RAP AND 1800 LF GABIONS IMMEDIATELY D/S OF SITE BETWEEN LEE HWY AND RT 50
FBP-2 INSTALL RIP RAP BANK PROTECTION D/S OF WASHINGTON BLVD. 2800' D/S OF SITE.
FBP-3 INSTALL 500 LF RIP RAP ON SITE.

o UP&DD Ongoing County Drainage Projects: NONE

o UP&DD Drainage Complaint Files:
 Yes No Any downstream drainage complaints on file pertaining to the outfall for this property?
 If yes, Describe: Storm drainage complaints on file pertaining to erosion along the outfall for this site (Hunters Branch). Epa 2/1/90

o Other Drainage Information: NONE

II. Trails:

_____ Yes No Any Trail projects pending funding approval on this property?
If yes, Describe: _____

_____ Yes No Any funded trail projects affected by this rezoning?
If yes, Describe: _____

III. School Sidewalk Program:

_____ 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 rezoning?
If yes, Describe: _____

IV. Sanitary Sewer Extension and Improvement (E&I) Program:

_____ 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 rezoning?
If yes, Describe: _____

V. Other UP&DD Projects or Programs:

_____ Yes No Any Board of Road Viewers (BORV) or Fairfax County Road Maintenance Improvement Projects (FCRMIP) affected by this rezoning?
If yes, Describe: _____

Other Program Information: _____

Application Name/Number: HMCCE ASSOCIATES Limited P/Tshp. PCA/FDPA
40-P-039-3

***** UTILITIES PLANNING AND DESIGN DIVISION, DPW, RECOMMENDATIONS *****

Note: The UP&DD recommendations are based on the UP&DD involvement in the below listed programs and are not intended to constitute total County input for these general topics.

DRAINAGE RECOMMENDATIONS:

NONE - previous drainage recommendations have been implemented.

TRAILS RECOMMENDATIONS: NONE

SCHOOL SIDEWALK RECOMMENDATIONS: NONE

SANITARY SEWER E&I RECOMMENDATIONS:

 YES NOT REQUIRED

Extend sanitary sewer lines to the development boundaries on the _____ sides for future sewer service to the existing residential units adjacent to or upstream from this rezoning. Final alignment of the sanitary extension to be approved by Department of Public Works during the normal Department of Environmental Management plan review and approval process.

Other E&I recommendations: NONE

OTHER UP&DD PROJECT/PROGRAM RECOMMENDATIONS: NONE

UP&DD Internal Sign Off by:
Planning Support Branch
Public Improvements Branch (Walt Wozniak)
Stormwater Management Branch (Bill Henry)

E.N.E.
[Signature]
BH

JWK/lm(1606u)

- cc: Gordon Lawrence, Coordinator, Office of Safety, Fx. Co. Public Schools (cc only if SW Recommendation made)
- cc: Jerry Jackson, Chief, System Analysis Section, Office of Waste Management, DPW
- cc: Richard Little, Director, Plan Division, Office of Comprehensive Planning
- cc: Diane Rowe, Trails Planner, Office of Comprehensive Planning

PROFFERED CONDITION AMENDMENT/ FINAL DEVELOPMENT PLAN AMENDMENT

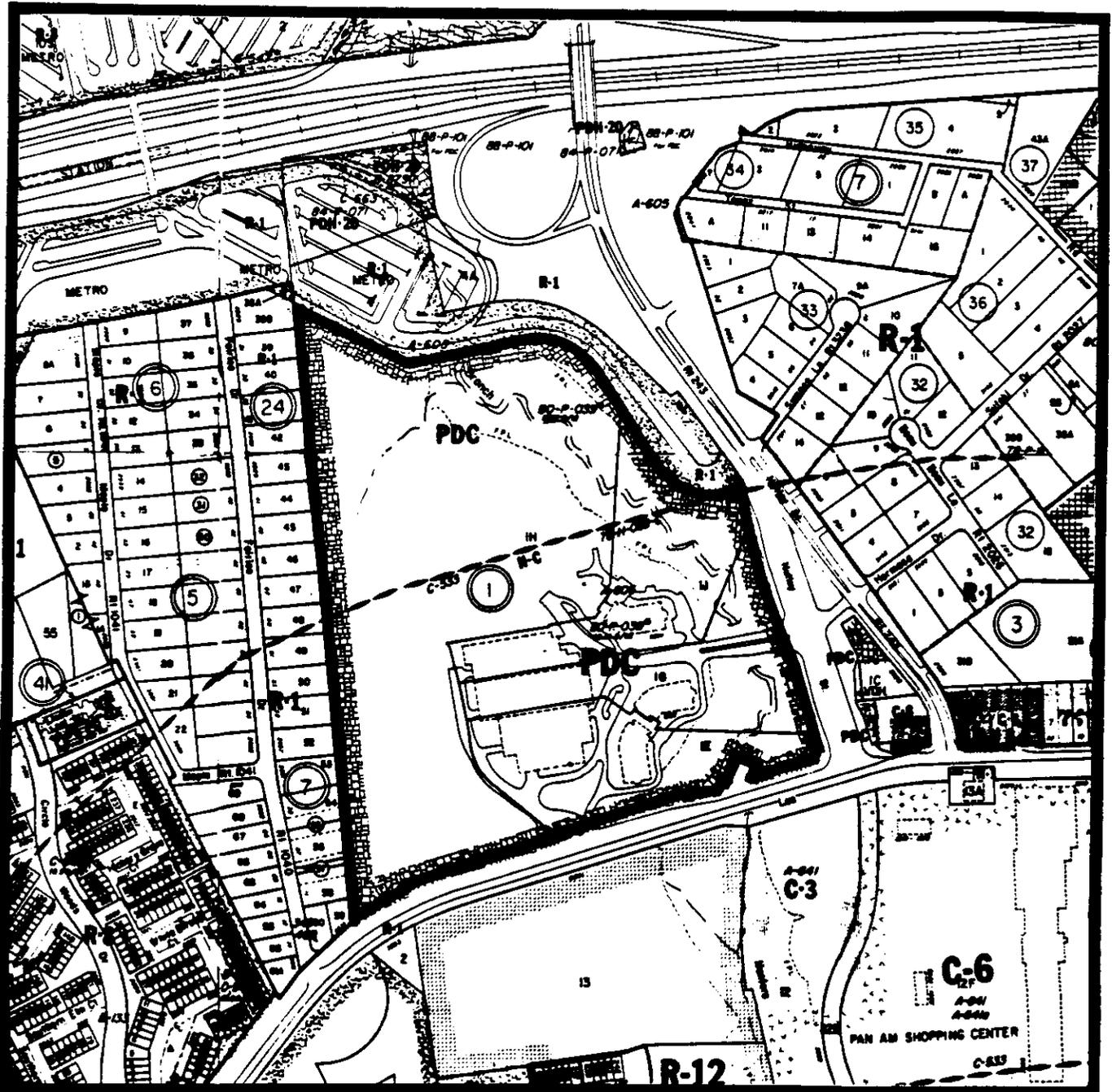
PCA/FDPA 80-P-039-3

CA 80-P-039 -03
FILED 01/18/90

HWCE ASSOCIATES LIMITED PARTNERSHIP
PROFFERED CONDITION AMENDMENT
PROPOSED: OFFICE/RESIDENTIAL/PERMITTED SECONDARY USES
APPROX. 51.90 ACRES OF LAND; DISTRICT - PROVIDENCE
LOCATED: N.W. QUADRANT OF INTERSECTION OF LEE HWY.
AND NUTLEY ST.

ZONING: PDC
OVERLAY DISTRICT(S): MC

MAP REF 848-4- /01/ /0001-E ,0001-G ,0001-H



51.95 acres

PDC

RECEIVED
206 (P.P.)
OFFICE OF COMPREHENSIVE PLANNING

FEB 07 1990

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

ZONING EVALUATION DIVISION

TO: Staff Coordinator
Zoning Evaluation Division, OCP

DATE: February 6, 1990

FROM: Jerry D. Jackson (Tel: 691-2191)
System Engineering & Monitoring Division
Department of Public Works

SUBJECT: Sanitary Sewer Analysis, Rezoning Application 80-P-039-3

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

1. The application property is located in the Accotink Creek (M-2) Watershed. It would be sewered into the Lower Potomac Treatment Plant.

2. Based upon current and committed flow, there is excess capacity in the Lower Potomac Treatment Plant at this time. For purposes of this report, committed flow shall be deemed that for which fees have been previously 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 the development of this site.

3. An 8, 21, 36 inch line located in easements and on the property is/are adequate for the proposed use at the present 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 Rezoning</u>		<u>Existing Use + Application + Comp. Plan</u>	
	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>
Collector	X	_____	X	_____	X	_____
Submain	X	_____	X	_____	X	_____
Main/Trunk	X	_____	X	_____	X	_____
Interceptor	_____	_____	_____	_____	_____	_____
Outfall	_____	_____	_____	_____	_____	_____

5. Other pertinent information or comments: _____

Date: 02/27/90

TO: Staff Coordinator (Tel.: 246-1250)
Zoning Evaluation Branch
4050 Legato Road, Centre Point
Fairfax, VA 22033

FROM: Planning Branch (Tel.: 698-5600 ext. 384)
Engineering and Construction Division
Fairfax County Water Authority

Subject: Water Service Analysis, Rezoning Application PCA/FDPA 80-P-039-3

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

1. The application property is ^{NOT} located within the franchise area of the Fairfax County Water Authority.
2. Adequate water service is not available at the site.
3. Offsite water main extension is not required.
4. The nearest adequate water main available to provide service is a 0 inch main located at the property. See enclosed property map.
5. Other pertinent information or comments:

CITY OF FALLS CHURCH SERVICE AREA.

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

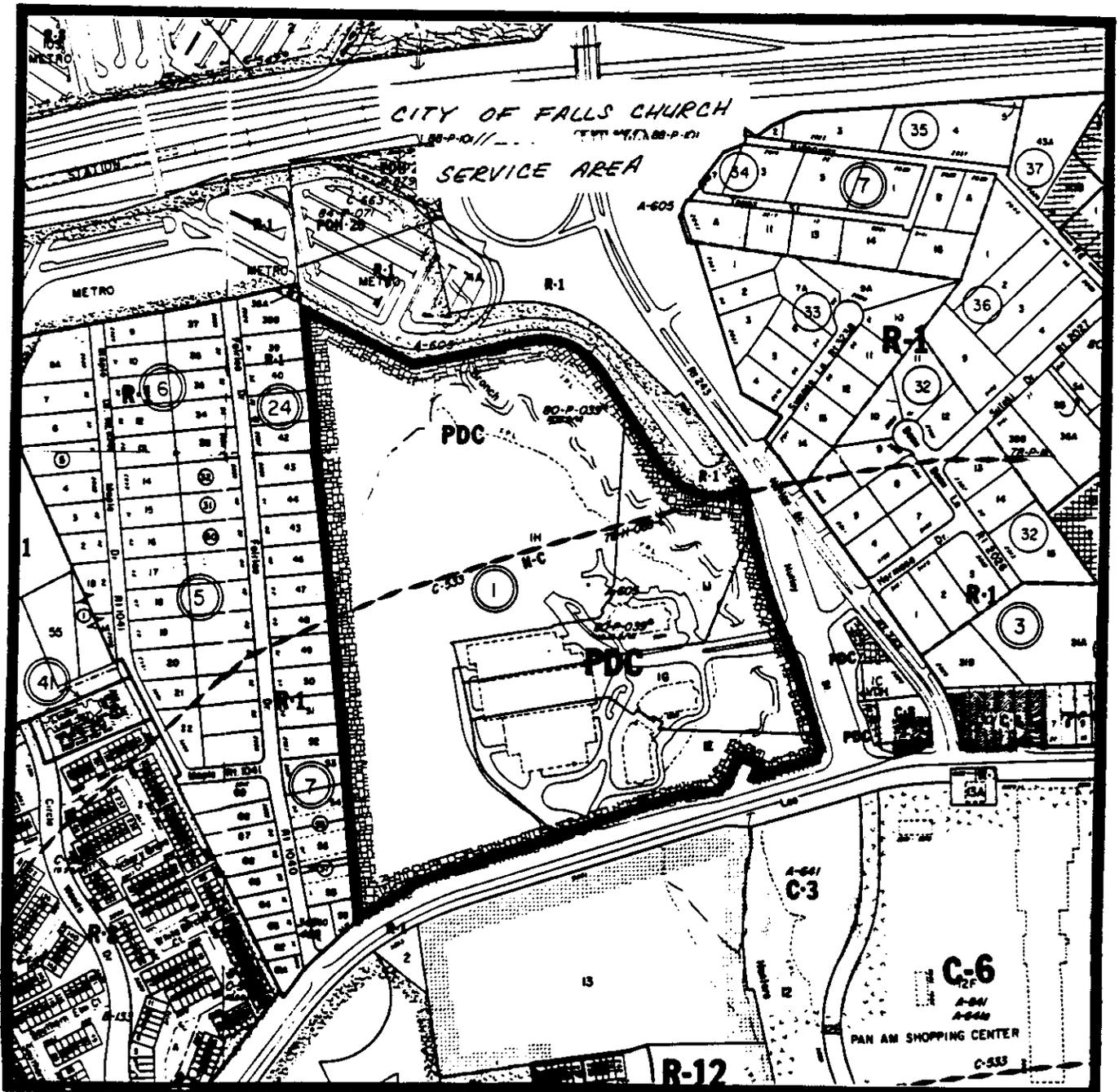
MAR 1 1990

ZONING EVALUATION DIVISION

PROFFERED CONDITION AMENDMENT/ FINAL DEVELOPMENT PLAN AMENDMENT

PCA/FDPA 80-P-039-3

CA 80-P-039 -03 HWCE ASSOCIATES LIMITED PARTNERSHIP
FILED 01/18/90 PROFFERED CONDITION AMENDMENT
PROPOSED: OFFICE/RESIDENTIAL/PERMITTED SECONDARY USES
APPROX. 51.90 ACRES OF LAND; DISTRICT - PROVIDENCE
LOCATED: N.W. QUADRANT OF INTERSECTION OF LEE HWY.
AND NUTLEY ST.
ZONING: PDC
OVERLAY DISTRICT(S): MC
MAP REF 048-4- /01/ /0001-E ,0001-G ,0001-H



FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

March 9, 1990

TO: Barbara A. Byron, Director
Zoning Evaluation Branch, OCP
City Square Building
10640 Page Avenue, 3rd Floor

FROM: Laurie Shertzer, (246-3970) *LS*
Resource Management Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis,
Rezoning Application PCA/FDPA 80-P-039-3, Zoning PDC

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

MAR 9 1990

ZONING EVALUATION DIVISION

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject rezoning application:

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #30 Merrifield.
2. After construction programmed for FY 1991, this property will be serviced by the fire station planned for the _____ area.
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - a. currently meets fire protection guidelines.
 - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - c. does not meet current fire protection guidelines without an additional facility, however, a future station is projected for this area.
 - d. does not meet current fire protection guidelines without an additional facility; however, a station location study is currently underway, which may impact this rezoning positively.



FAIRFAX COUNTY
PUBLIC SCHOOLS

Design and Construction
Services

Department of Facilities Services

10700 Page Avenue
Fairfax, Virginia 22030

January 29, 1990 RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

Zoning Evaluation Division
Fairfax County Office of Comprehensive Planning
4050 Legato Road
Fairfax, Virginia 22033

JAN 31 1990

ZONING EVALUATION DIVISION

Gentlemen:

Re: Below Listed Recently Filed Rezoning Applications as Listed on
Attached Sheet:

RZ 90-C-001 DENNIS E. RICE (Centreville District)

RZ 90-P-002 CAPITAL SUN LAND LTD. (Providence District)

PCA/FDPA 80-P-039-3 HMCE ASSOCIATES LIMITED PARTNERSHIP
(Providence District)

This will advise that this office has reviewed the subject Development
Plans for Rezoning and Final Amendment Applications and would have no
comments any with respect to school acquisition or public walkways or
vehicular access within the respective areas.

Sincerely yours,

Thomas A. Williamson, P.E.
Coordinator
Civil Engineering & Site Work

TAW/cms
Attachment

cc: (w/attach.) Facilities Planning Services, FCPS

BOARD OF DIRECTORS

A. Dewey Bond
Chairman

Gloria T. Fisher
Vice Chairman

Richard G. Terwilliger
Secretary

Robert J. Doyle
Treasurer

Jean R. Packard
Director



AP 13

Norman T. Jeffries, Jr.
Executive Director

TELEPHONE
(703) 591-6660

COMMONWEALTH of VIRGINIA

NORTHERN VIRGINIA SOIL AND WATER CONSERVATION DISTRICT

11216 WAPLES MILL ROAD • FAIRFAX, VIRGINIA 22030

February 22, 1990

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

FROM: Wilfred D. Woode 
Conservation Specialist

RE: Conservation Report on PCA/FDPA 80-P-039-3

In response to your request, I have reviewed the material submitted for the case(s) listed above. At this time, I have no comments to offer. If the case(s) should have a change in status, or should further information become available for review, please contact me.

If you have any questions, please feel free to call me.

cc: Bruce Douglas, Chief, Environmental and Heritage Resources
Branch, OCP

RECEIVED
OFFICE OF COMPLEMENTARY PLANNING

MAR 13 1990

ZONING EVALUATION DIVISION

Fairfax
County
Park
Authority



Memorandum

March 10, 1990

TO: Barbara A. Byron, Director
Zoning Evaluation Division - OCP

FROM: Dorothea L. Stefen, Plans Review *DL*
Division of Planning & Land Acquisition - FCPA

SUBJECT: PCA/FDPA 80-P-039-3
Loc: 48-4((1))1E, 1G, 1H

The Fairfax County Park Authority staff has reviewed the above referenced application and has determined it would have no adverse effects on the Fairfax County Park Authority.

MEMO TO: Barbara Byron, Director
Zoning Evaluation Division, OCP

DATE: 2-7-90

FROM: Staff, Project Coordinator
Heritage Resources, Environmental & Cultural Resources Branch, OCP

SUBJECT: Preliminary Heritage Resource Assessment for:
PCA/FDPA 80-P-039-3, HMCE QMC.

We have reviewed the subject application and have the following initial comments:

- Request will have no effect on heritage resources.
- Request may/will affect heritage resources:
 - ° Additional comments will be provided at pre-staffing.
- Other: _____
- _____
- _____

Please keep us advised on any revisions to this application.

Heritage Resources
James Lee Center
(237-4881)

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
FEB 9 1990
ZONING EVALUATION DIVISION

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara Byron, Director
Zoning Evaluation Division, OCP

DATE: FEB 1 1990

FROM: N. Dianne Rowe, Trails Planner
Public Facilities and Services Branch, OCP

FILE NO. 85 (cantor)

SUBJECT: Trails Program Requirements for PCA/FDPA 80-P-039-3

The trails Plan Map indicates that trails will be required in the following locations:

o Nutley Street- an 8-foot wide, type I, (asphalt) trail within a 12-foot wide public access easement.

o Lee Highway-an 8-foot wide, type I, (asphalt) trail within a 12-foot wide public access easement.

Additional trails recommendations may be forthcoming from the Fairfax County Park Authority, the Northern Virginia Regional Park Authority, and/or the Department of Pulic Works.

Final determination of trail location and design will be made by DEM in consulation with the Trails Planner at the time of subdivision or site plan review.



COMMONWEALTH of VIRGINIA

Fairfax County Health Department

DIVISION OF ENVIRONMENTAL HEALTH
CONSUMER SERVICES SECTION
10777 MAIN STREET, SUITE 102-A
FAIRFAX, VIRGINIA 22030

Phone (703) 246-2444
TDD (703) 591-6435

IN COOPERATION WITH THE
STATE DEPARTMENT OF HEALTH

April 5, 1990

RECEIVED
OFFICE OF COMPLAINTS

APR 09 1990

ZONING EVALUATION DIVISION

Ms. Lynne J. Strobel
Walsh, Colucci, Stackhouse, Emrich and Lubeley
Attorneys at Law
Courthouse Plaza
Thirteenth Floor
2200 Clarendon Blvd.
Arlington, VA 22201

Re: Proposed Child Care Facility Located at Hunters Branch Office Park, Tax
Map 48-4-1-1E,1G,1J and 1H.

Dear Ms. Strobel:

We have reviewed your preliminary application and floor plan for the above proposed facility. We have no objections to the issuance of a Special Exception from the Board of Supervisors of Fairfax County provided that the following conditions are met:

1. The facility must be connected to the public water and sewerage systems.
2. The maximum number of children attending the facility at any one time shall not be more than one hundred and twenty (120).
3. The outdoor play area appears adequately sized for a maximum of fifty (50) children occupying the play area at any one time. The play area must be enclosed by a fence at least three (3) feet in height.
4. Food must be prepared and served from an approved foodservice kitchen within the facility.
5. Provide at least one child sized toilet and a hand wash sink for each twenty (20) children or fraction thereof. Separate toilets for the staff must be provided in accordance with Chapter 65 of the Fairfax County Code.

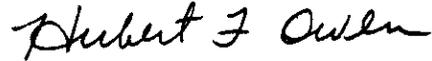
This review does not constitute an operational or construction permit. If a Special Exception is approved by the Board of Supervisors, all requirements of Chapter 30 "Minimum Private School and Child Care Facilities Standards" and 43 "Food and Foodservice Establishments" of the Fairfax County Code must be complied with.



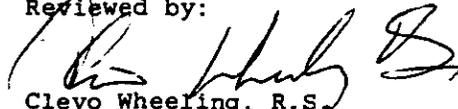
Ms. Lynne J. Strobel
Page 2
April 5, 1990

If further information or assistance is required from this office, please call me.

Very truly yours,



Hubert F. Owen, Senior Sanitarian
Reviewed by:



Clevo Wheeling, R.S.
Program Manager
Consumer Services Section

HFO:rm

✓ cc: Office of Comprehensive Planning

This Glossary is presented to assist citizens in a better understanding of zoning regulations, it should not be construed as representing legal definitions.

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

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

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

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

DEDICATE - Transfer of property from private to public ownership.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ENVIRONMENTAL TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STREAM VALLEY - Any stream and the land extending from either side of it to a line established by the high point of the concave/convex topography, as delineated on a map adopted by the Stream Valley Board. For purposes of stream valley acquisition, the five-criteria definition of stream valleys contained in 'A Restudy of the Pohick Watershed' (1963) will apply. The two primary criteria include all the land within the 100-year floodplain and the area along the floodplain in slopes of 15 percent or more.

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