



FAIRFAX COUNTY

APPLICATIONS FILED: December 2, 1995
April 10, 1995
PLANNING COMMISSION: June 1, 1995
BOARD OF SUPERVISORS: June 5, 1995

V I R G I N I A

May 18, 1995
STAFF REPORT
APPLICATIONS PCA/FDPA 80-P-039-4
AND
RZ 95-P-020
FDP 95-P-020
PROVIDENCE DISTRICT

APPLICANT: Bozzuto Development Company

PRESENT ZONING: PDC

TAX MAP PARCELS/ACREAGE: PCA 80-P-039-4
48-4 ((1)) 1K (31.67 acres)
Portion of Land Bay A, Land Bay B, and Site Area of RZ 95-P-020

FDPA 80-P-039-4
48-4 ((1)) 1K pt. (11.26 acres)
Land Bay B and Site Area of RZ 95-P-020

RZ 95-P-020
48-4 ((1)) 1K pt. (0.15 acres)

PROPOSAL: Proffered Condition Amendment and Final Development Plan Amendment to Permit Changes to the Site Design and an Increase in the Number of Units within the Multi-family Component of Hunters Branch (Land Bay B) and an Increase in Land Area

Rezoning and Final Development Plan application to rezone 0.15 acres from the R-1 district to the PDC District in order to incorporate the parcel into the residential component (Land Bay B) of the Hunters Branch development.

**REQUESTED WAIVERS/
MODIFICATIONS:**

Waiver of the 600 foot maximum length
of private streets.

Waiver of the service drive requirement
along the Lee Highway frontage.

Waiver of the barrier requirement along the
southern boundary

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 80-P-039-4 and RZ 95-P-020, subject to the executed proffers contained in Appendix 1.

Staff recommends Planning Commission approval of FDPA 80-P-039 and FDP 95-P-020, subject to Board approval of PCA 80-P-039 and RZ 95-P-020 and subject to the proposed development conditions contained in Appendix 2.

Staff recommends approval of the requested waiver of the 600-foot maximum length of private streets.

Staff recommends approval of the requested waiver of the service drive requirement along the Lee Highway frontage of the site.

Staff recommends approval of the requested waiver of the barrier requirement along the southern periphery of the site.

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

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

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



Reasonable accommodation is available upon 7 days advance notice. For additional information call (703) 324-1334.

REZONING APPLICATION

RZ 95-P-020

RZ 95-P-020

FILED 04/10/95

BOZZUTO DEVELOPMENT COMPANY

TO REZONE: 0.15 ACRES OF LAND; DISTRICT - PROVIDENCE

PROPOSED: MULTI-FAMILY RESIDENTIAL

LOCATED: N. SIDE LEE HIGHWAY (RT. 29), APPROX. 200 FT. E. OF FAIRLEE DR. (RT. 1040)

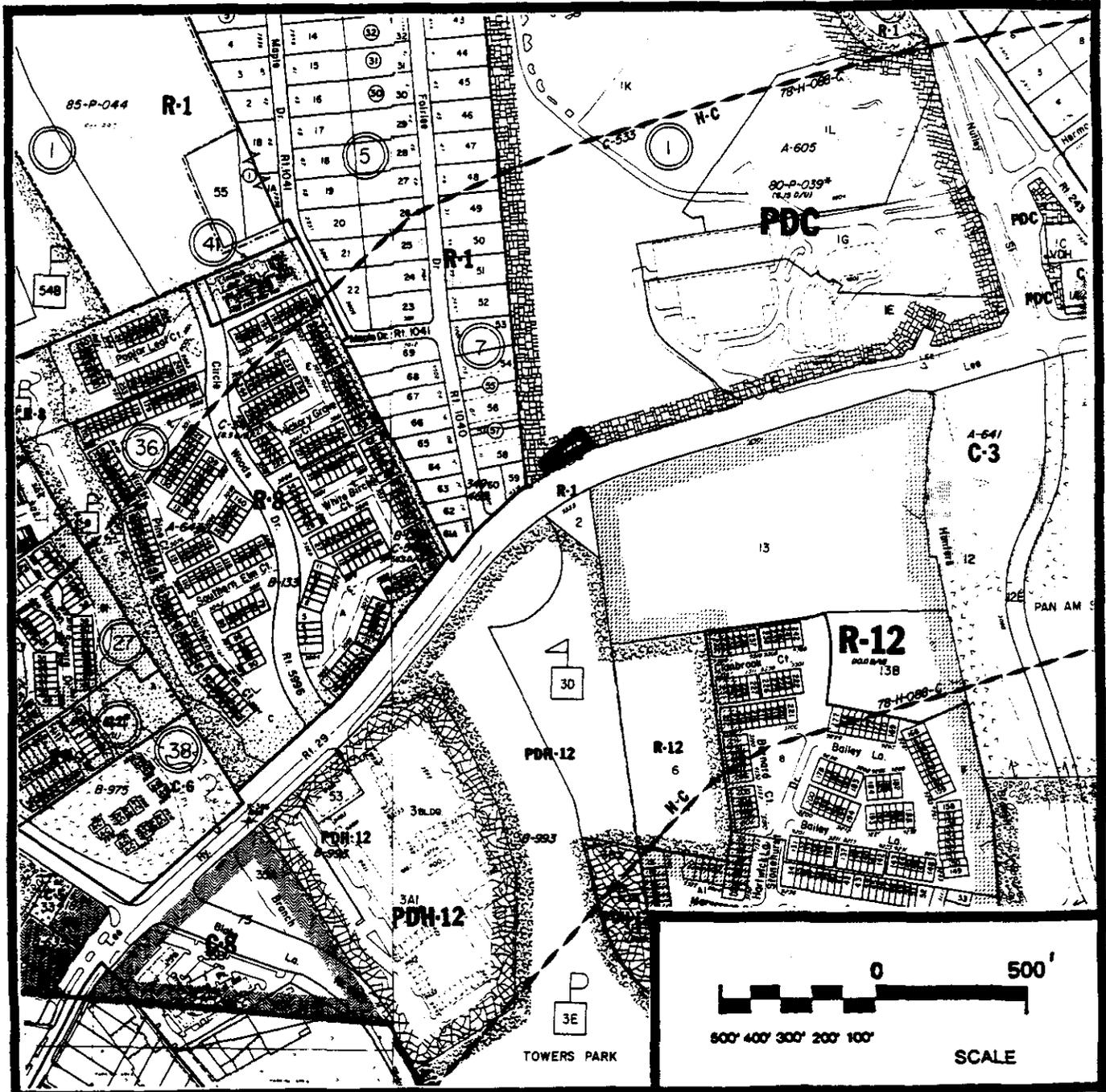
ZONING: R-1

TO: PDC

OVERLAY DISTRICT(S): HC

MAP REF

048-4- /01/ /0001-K P



CONCEPTUAL DEVELOPMENT PLAN AMENDMENT
& CONCEPTUAL DEVELOPMENT PLAN

REZONING NUMBER
PCA 80-P-039-4 & RZ 95-P-020

VIENNA METRO APARTMENTS

PREPARED FOR

THE BOZZUTO GROUP

PREPARED BY

NILES BOLTON
LANDSCAPE GROUP
ONE BUCKHEAD PLAZA
3060 PEACHTREE ROAD N.W.
SUITE 600
ATLANTA, GEORGIA 30305
PHONE 404-265-7650
FAX 404-365-7610

WILLIAM H. GORDON
ASSOCIATES, INC.
ENGINEERS, SURVEYORS, LAND PLANNERS,
LANDSCAPE ARCHITECTS
4501 DAILY DRIVE
CHANTILLY, VIRGINIA 22011
PHONE 703-263-1900
FAX 703-263-0746

DECEMBER 1, 1994
REVISED MAY 11, 1995

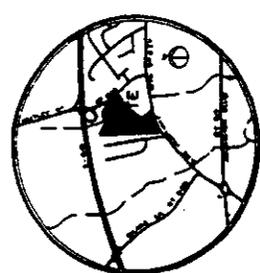
INDEX:

1. COVER SHEET
2. CONCEPTUAL DEVELOPMENT PLAN AMENDMENT & CONCEPTUAL DEVELOPMENT PLAN



William H. Gordon Associates, Inc.
ENGINEERS - SURVEYORS - LAND PLANNERS - LANDSCAPE ARCHITECTS
10000 Bay Lane - Chevy Chase, Virginia 22011 - (703) 263-1900

WILLIAM H. GORDON ASSOCIATES
 1700 1/2 N. 10TH ST.
 OKLAHOMA CITY, OKLA. 73102



VICINITY MAP
 SCALE: 1" = 5000'

- GENERAL NOTES:**
- THE CONCEPTUAL DEVELOPMENT PLAN (CDP) IS A PRELIMINARY PLAN AND IS NOT A FINAL PLAN. IT IS SUBJECT TO CHANGE AND IS NOT TO BE USED FOR CONSTRUCTION.
 - THE CDP IS BASED ON THE ASSUMPTION THAT THE PROJECT WILL BE DEVELOPED IN ACCORDANCE WITH THE ZONING REGULATIONS AND OTHER APPLICABLE LAWS AND ORDINANCES.
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LEGEND

- PUBLIC INFRASTRUCTURE
- PRIVATE ROAD
- PROPOSED CLOSURE LANE
- PROPOSED STREET

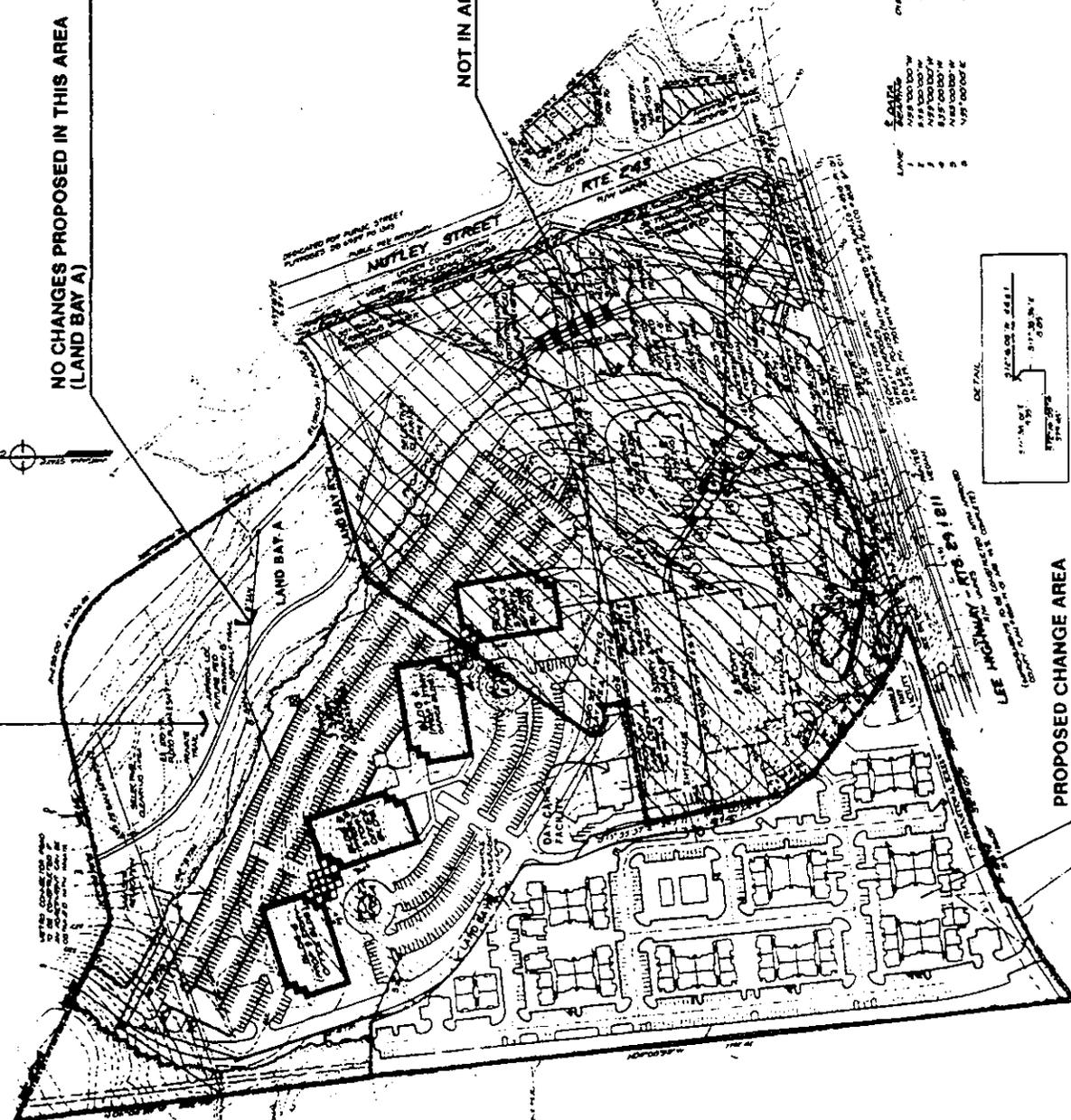
SIZE INFORMATION

TOTAL PROJECT AREA - 31.67 ACRES
 TOTAL PROPOSED AREA - 2.14 ACRES
 TOTAL EXISTING AREA - 29.53 ACRES
 TOTAL IMPROVEMENTS AND INFRASTRUCTURE - 1.53 ACRES
 TOTAL OPEN SPACE - 1.00 ACRES

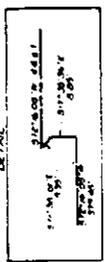
NO CHANGES PROPOSED IN THIS AREA
 (LAND BAY A)

AREA EFFECTED BY THIS CDPA IS 31.67 AC.

NOT IN APPLICATION



LINE	SCALE	CHANCE
1	1/8" = 1'-0"	100%
2	1/8" = 1'-0"	100%
3	1/8" = 1'-0"	100%
4	1/8" = 1'-0"	100%
5	1/8" = 1'-0"	100%



PROPOSED CHANGE AREA
 (LAND BAY B) SEE NOTE #3

RZ/93.P.020

FINAL DEVELOPMENT PLAN AMENDMENT
& FINAL DEVELOPMENT PLAN

REZONING NUMBER
PCA/FDPA 80-P-039-4
RZ/FDP- 95-P-020

VIENNA METRO APARTMENTS

PREPARED FOR

THE BOZZUTO GROUP

PREPARED BY

NILES BOLTON
LANDSCAPE GROUP
ONE BUCKHEAD PLAZA
3060 PEACHTREE ROAD, N.W.
SUITE 600
ATLANTA, GEORGIA 30305
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4501 DAILY DRIVE
CHANTILLY, VIRGINIA 22021
PHONE 703-545-0100
FAX 703-545-0106

FEBRUARY 1995
REVISED MARCH 6, 1995
REVISED MAY 11, 1995

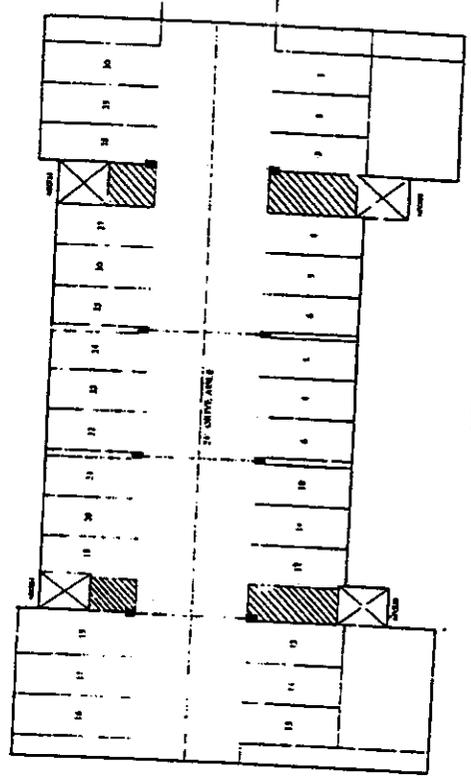
INDEX:

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4. PRELIMINARY LANDSCAPE PLAN
5. ILLUSTRATIVE LANDSCAPE DETAILS:
 - A. COURTYARD
 - B. MAIN STREET AND FRONT
COURTYARDS
 - C. BUFFER, PRIVACY FENCE, AND
DUMPSTER ENCLOSURE
6. SECTION A-A



GENERAL NOTES

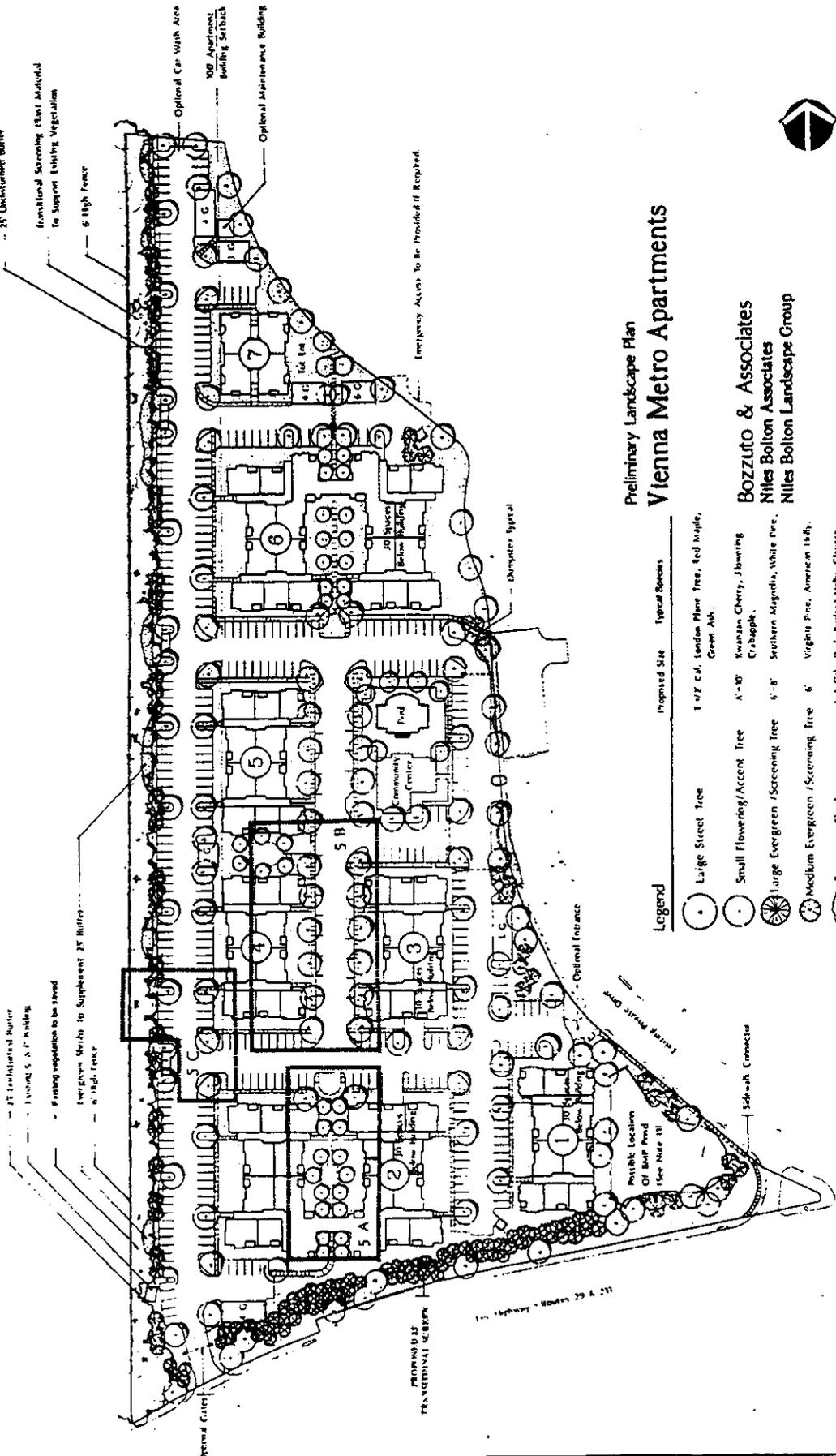
1. THE PROPERTY IS LOCATED ON THE EAST SIDE OF THE INTERSECTION OF 27th AVENUE AND 11th STREET, CITY OF DENVER, COLORADO.
2. THE PROJECT IS A 10-UNIT APARTMENT BUILDING WITH A TOTAL FLOOR AREA OF 10,000 SQUARE FEET.
3. THE PROJECT IS A 10-UNIT APARTMENT BUILDING WITH A TOTAL FLOOR AREA OF 10,000 SQUARE FEET.
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20. THE PROJECT IS A 10-UNIT APARTMENT BUILDING WITH A TOTAL FLOOR AREA OF 10,000 SQUARE FEET.



CABERNETTILLON
UNITS 1, 3, 5 AND 6

NOTE: THIS PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND DOES NOT REPRESENT FINAL DESIGN.

GENERAL NOTES AND TYPICAL SET OF GENERAL PRELIMINARY	
PROJECT NO.	100-100-100
DATE	10/10/10
SCALE	AS SHOWN
PROJECT NAME	VIENNA METRO APARTMENTS
DEVELOPER	BOZZUTO DEVELOPMENT CO.
LOCATION	PARKLAND DISTRICT, PARKLAND COUNTY, VIRGINIA
DATE	10/10/10
BY	100-100-100
CHECKED BY	100-100-100
APPROVED BY	100-100-100
SCALE	AS SHOWN
PROJECT NAME	VIENNA METRO APARTMENTS
DEVELOPER	BOZZUTO DEVELOPMENT CO.
LOCATION	PARKLAND DISTRICT, PARKLAND COUNTY, VIRGINIA
DATE	10/10/10
BY	100-100-100
CHECKED BY	100-100-100
APPROVED BY	100-100-100



Preliminary Landscape Plan
Vienna Metro Apartments

Bozzuto & Associates
 Niles Bolton Associates
 Niles Bolton Landscape Group



1" = 50'

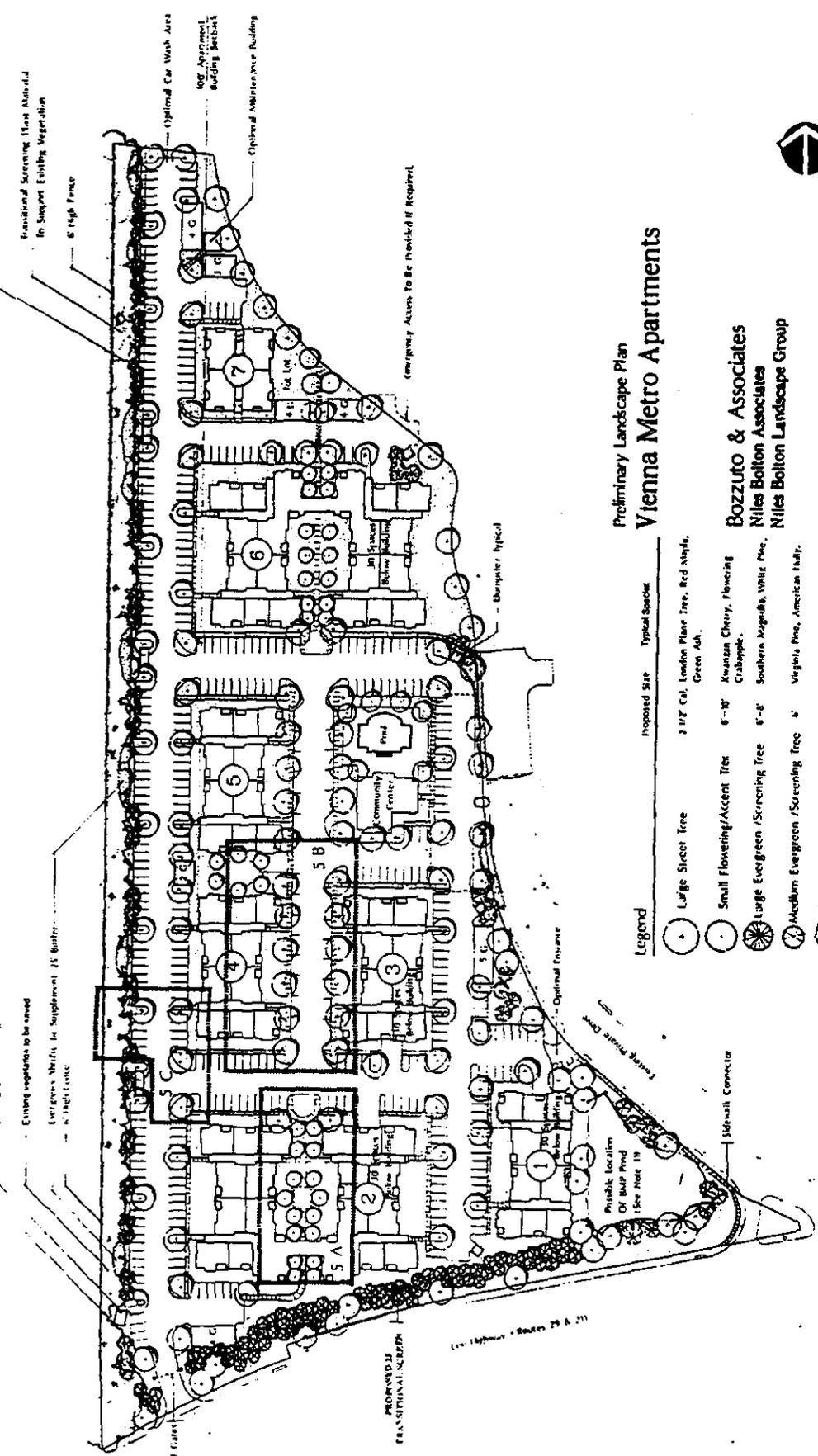
Legend	Proposed Size	Typical Species
○	1-1/2' Cal. London Plane Tree, Red Maple, Green Ash	
○	8"-10" Sweeten Cherry, Japanese Crabapple	
○	Large Evergreen / Screening Tree	Southern Magnolia, White Pine
○	Medium Evergreen / Screening Tree	Virginia Pine, American Larch
○	Evergreen Shrubs	2-3 Gal. Dwarf Burford Holly, Chelyca Azalea
○	Optional Gates	

NOTE: THE PRELIMINARY LANDSCAPE PLAN AND SPECIFICATIONS SHOW THE PLANTING OF TREES AND SHRUBS TO BE INSTALLED AT THE TIME OF CONSTRUCTION. THE PLANTING OF TREES AND SHRUBS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND SHRUBS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SERVICES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING EQUIPMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING DOCUMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING RECORDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING DATA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING DOCUMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING RECORDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING DATA.

DESIGNED BY
 NILES BOLTON, LANDSCAPE GROUP

VIENNA METRO APARTMENTS
 RESIDENTIAL
 BOZZUTO & ASSOCIATES

4
 March 2, 1995



Preliminary Landscape Plan
Vienna Metro Apartments

Bozzuto & Associates
 Niles Bolton Associates
 Niles Bolton Landscape Group



1" = 50'

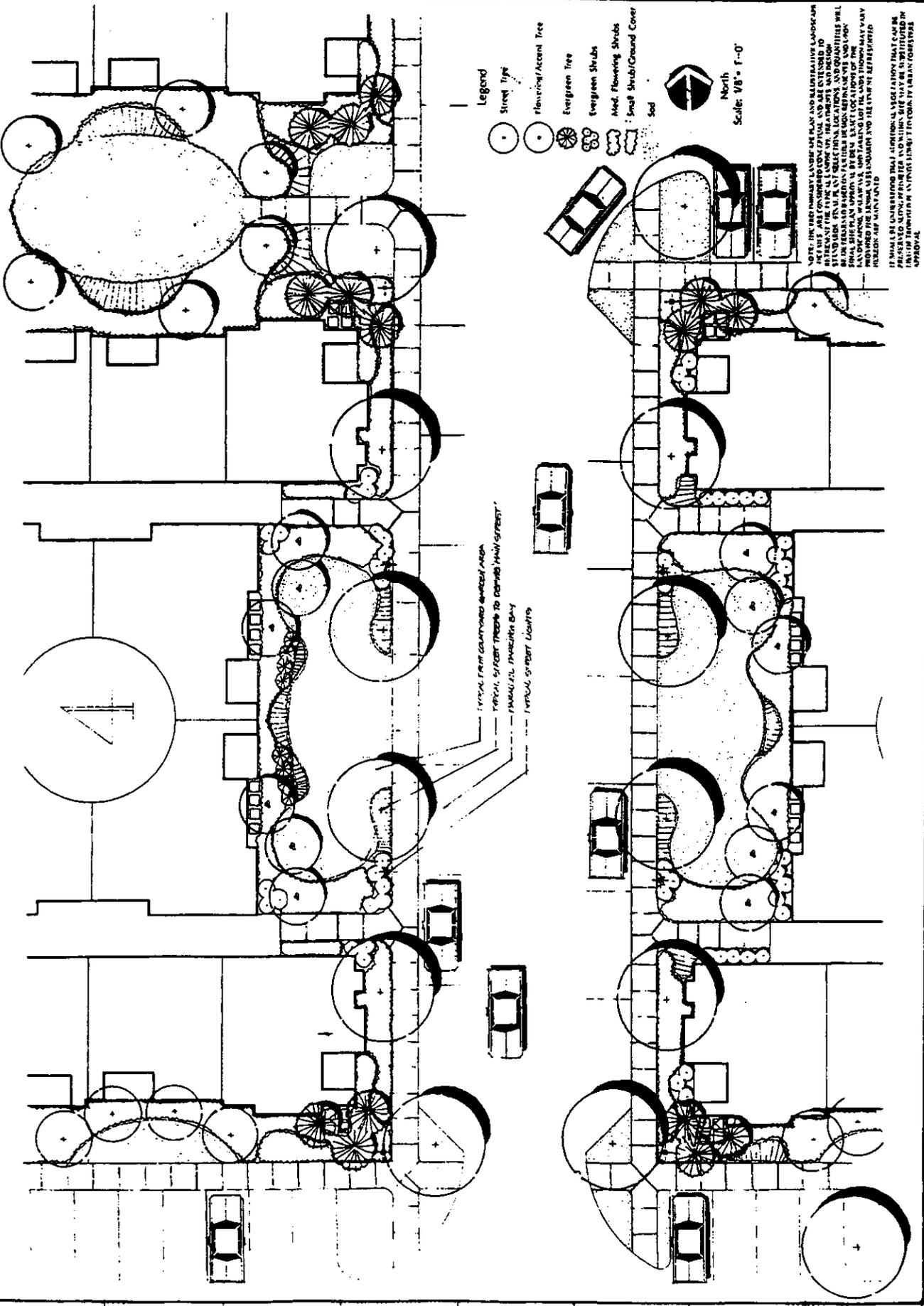
Legend

Proposed Size	Typical Species
1 1/2' Cal.	London Plane Tree, Red Maple, Green Ash
8'-10'	Kawasaki Cherry, Flowering Crabapple
6'-8'	Southern Magnolia, White Pine
6'	Virginia Pine, American Elm
2-3 Gal.	Dwarf, Buxford Holly, Cheryera, etc.
---○---	Optional Gates

NOTE: ALL TREE SPECIES LISTED ARE TO BE PLANTED AT THE TIME OF CONSTRUCTION. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL EXISTING TREES AND SHRUBS. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL EXISTING TREES AND SHRUBS. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL EXISTING TREES AND SHRUBS.

25' Unobstructed Buffer
 Traditional Screening Plant Material
 In Street Existing Vegetation
 6' High Fence
 Optimal Car Wash Area
 Optimal Administrative Building
 Emergency Access To Be Provided If Required
 Community Center
 Transfer Point
 Optimal Entrance
 Sidewalk Connector
 Proposed Location Of Bus Stop (See Note 10)

PROPOSED 25' UNOBSTRUCTED BUFFER
 TRANSITIONAL SCREENING
 6' HIGH FENCE
 OPTIMAL CAR WASH AREA
 OPTIMAL ADMINISTRATIVE BUILDING
 EMERGENCY ACCESS TO BE PROVIDED IF REQUIRED
 COMMUNITY CENTER
 TRANSFER POINT
 OPTIMAL ENTRANCE
 SIDEWALK CONNECTOR
 PROPOSED LOCATION OF BUS STOP (SEE NOTE 10)



Legend

- Street Type
- Flowering/Accent Tree
- Evergreen Tree
- Evergreen Shrub
- Med. Flowering Shrub
- Small Shrub/Ground Cover
- Soil

North
 Scale: 1/8" = 1'-0"

NOTE: THE TREE PLANTING LANDSCAPE PLAN AND RELATIVE LANDSCAPE STANDARDS FOR THIS PROJECT ARE BASED ON THE LANDSCAPE STANDARDS FOR THE CITY OF ARLINGTON, VIRGINIA. THE STANDARDS FOR ANY OTHER JURISDICTIONS AND QUANTITIES WILL BE DETERMINED BY THE APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS. THE LANDSCAPE PLAN IS BASED ON THE ASSUMPTION THAT THE LANDSCAPE STANDARDS FOR ARLINGTON, VIRGINIA, AND THE CITY OF ARLINGTON, VIRGINIA, WILL BE APPLIED TO THIS PROJECT. THE LANDSCAPE PLAN IS BASED ON THE ASSUMPTION THAT THE LANDSCAPE STANDARDS FOR ARLINGTON, VIRGINIA, AND THE CITY OF ARLINGTON, VIRGINIA, WILL BE APPLIED TO THIS PROJECT.

TYPICAL FRONT ENTRANCE DETAIL AREA
 TYPICAL STREET TREES TO DEFINE MAIN STREET
 PARALLEL PARKING BAY
 TYPICAL STREET LIGHTS

PROJECT NO. 1101900
 DRAWN BY: RLS
 CHECKED BY: RPS

DATE: 11/11/95
 SCALE: AS SHOWN
 PROJECT: VIENNA VICTO APARTMENTS
 CLIENT: NILES BOKON, LANDSCAPE GROUP

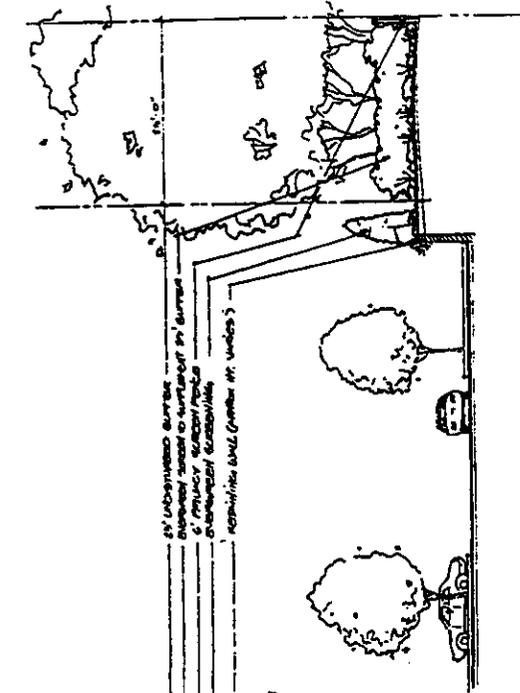


VIENNA VICTO APARTMENTS
 VIENNA, PENNSYLVANIA
 RESIDENTIAL
 8022010
 GREENBELT, PENNSYLVANIA

Masterpiece
 Landscape Plan
 Details

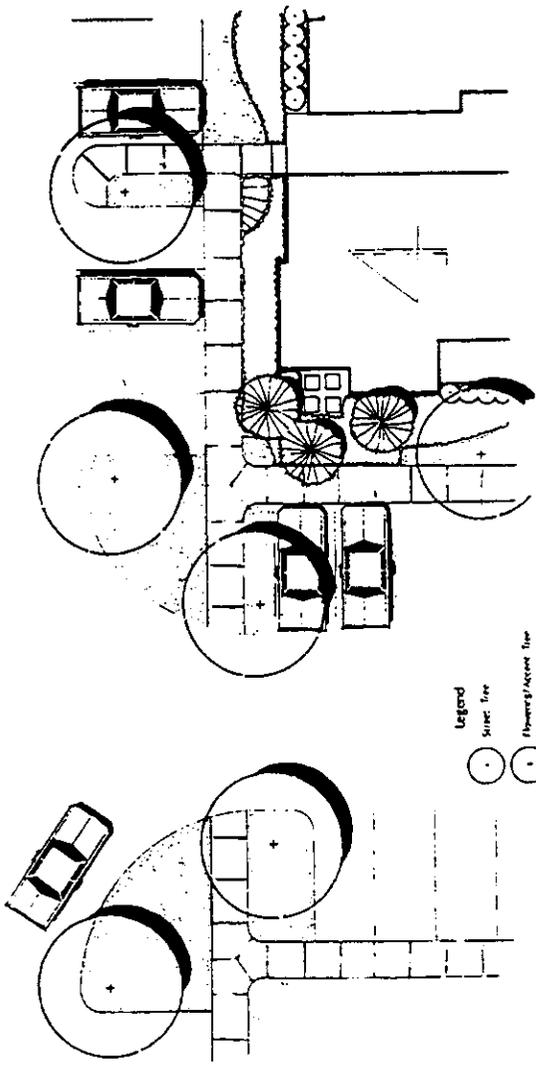
5^C

DATE: March 2, 1995



BY UNDESIGNED ARCHITECT
 DISAPPEAR TO SURROUND BY BURNING
 C. PRIVACY SCREENING
 B. PLANTING SCREENING
 A. PLANTING SCREENING

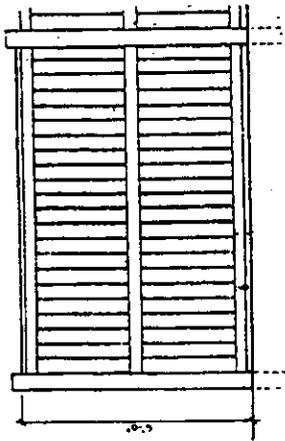
Section A-A
 1/8" = 1'-0"



- Legend
- Circle with dot: Street Tree
 - Circle with cross: Flower/Decid Tree
 - Circle with vertical lines: Evergreen Tree
 - Circle with horizontal lines: European Shrub
 - Circle with diagonal lines: Med. Flowering Shrub
 - Circle with wavy lines: Small Multi-Stemmed Tree
 - Circle with dots: Sed



North
 Scale: 1" = 8'-0"



Wood Privacy Fence
 1/2" = 1'-0"

NOTE: THE PRELIMINARY LAYOUT AND ALL DIMENSIONS ARE APPROXIMATE. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

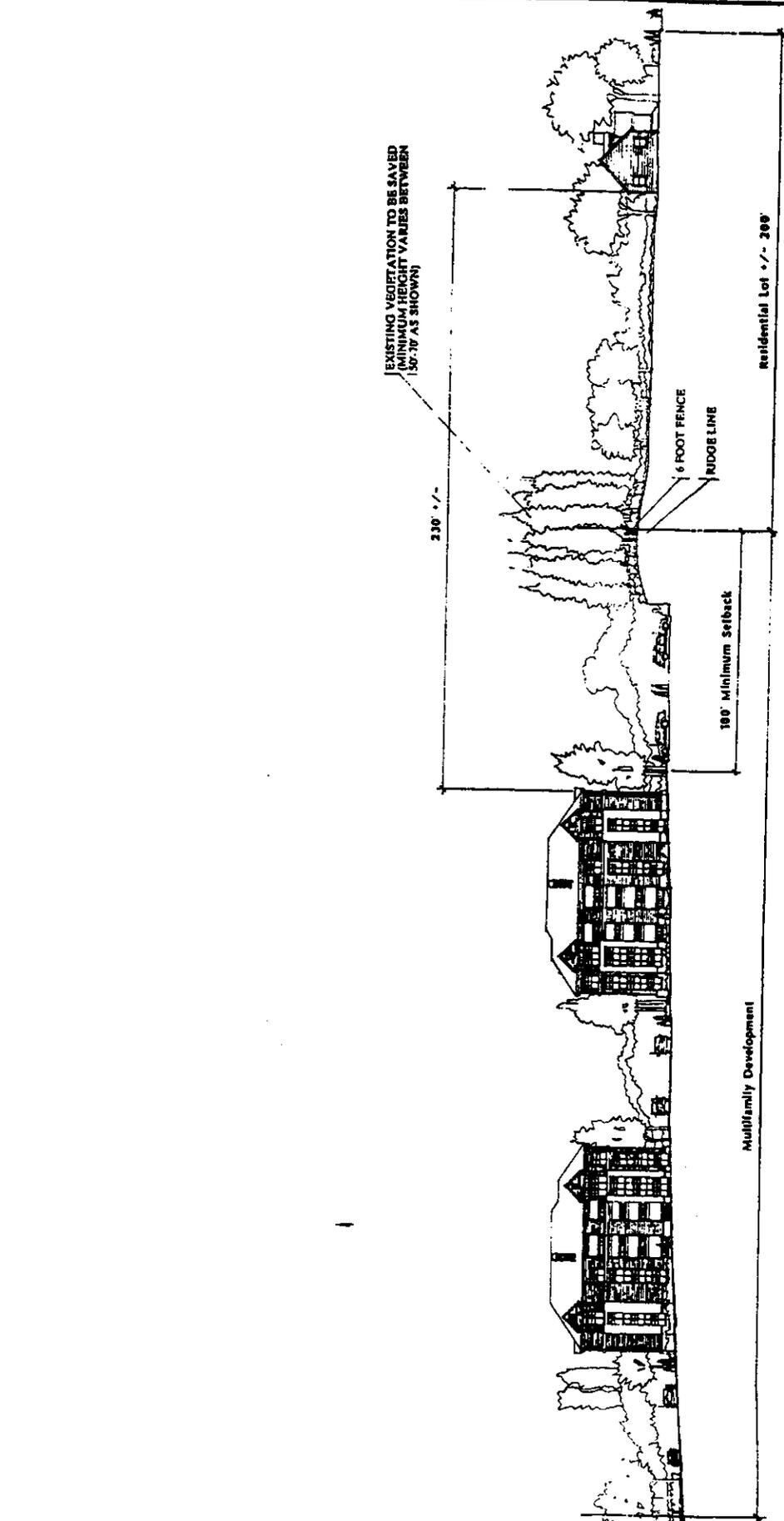
JOB NUMBER: 14019.00
 DRAWN BY: RLS
 CHECKED BY: RLS

Miles Bolton, Landscape Group
 1000 ...
 1000 ...
 1000 ...

REVISIONS
 Date Description
 1/27/95
 1/27/95

VIENNA MICRO APARTMENTS
 A RESIDENTIAL DEVELOPMENT
 BOZZUTO & ASSOCIATES
 GREENBELT, MARYLAND

Site Section
 6 OF 6
 Date: February 3, 1995
 NOT BE BUILT FOR CONSTRUCTION



SCALE 1"=20'

Residential Lot +/- 200'

100' Minimum Setback

6 FOOT FENCE
 RIDGE LINE

EXISTING VEGETATION TO BE SAVED
 (MINIMUM HEIGHT VARIES BETWEEN
 150'-20' AS SHOWN)

Multifamily Development

Site Section 'A-A'

SITE SECTION A-A IS FOR
 ILLUSTRATIVE PURPOSES ONLY

NOTE: FINAL FLOOR ELEVATIONS WILL VARY
 BASED ON FINAL ENGINEERING DESIGN AND WILL BE
 IN COMPLIANCE WITH COMMISSIONER OF THE
 DESIGN RECOMMENDATIONS AS APPROVED BY THE
 BOARD OF SUPERVISORS UNDER APR ITEM 94.03.1V
 PAGE 268 OF THE 1991 EDITION OF THE AREA II PLAN.

1

2

3

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

DESCRIPTION OF THE APPLICATION

Proposal:

PCA 80-P-039-4 - Amend the proffers and the Conceptual Development Plan (CDP) accepted by the Board of Supervisors pursuant to the approval of RZ 80-P-039 for the Hunters Branch development zoned Planned Development Commercial (PDC). Specifically, the application proposes to amend the proffers to allow development of the multi-family portion of the project (Land Bay B) in accordance with the newly proposed Conceptual Development Plan Amendment (CDPA) and Final Development Plan Amendment (FDPA) and to incorporate the land area which is the subject of RZ 95-P-020 (0.15 acres) into the development.

FDPA 80-P-039-4 - Amend the Final Development Plan as it applies to Land Bay B of Hunters Branch to increase the number of units from 350 to 352, reduce the height of the structures from six (6) stories to four (4) stories, increase the number of buildings from six (6) to seven (7), and change the site design of the multi-family units. The changes to the development proposed with this application are limited to the multi-family component (Land Bay B) of Hunters Branch. There are no changes proposed to the remaining non-residential sections of the development.

RZ 95-P-020 - Rezone 0.15 acres of land along Lee Highway from the R-1 District to the PDC District in order to incorporate the land area into Land Bay B of the Hunters Branch development and to approve the associated CDP and FDP.

Land Bay B Acreage:

11.26 acres
(includes 0.15 acres of RZ 95-P-020)

Waivers/Modifications:

Waiver of the barrier requirement along the southern periphery

Waiver of the 600 foot maximum length of private streets

Waiver of the service drive requirement along the Lee Highway frontage of the site.

LOCATION AND CHARACTER

Approved Use: Land Bay B of Hunters Branch is currently approved for the development of up to 350 multi-family units, a tennis court, a tot lot, and a pool with bathhouse. The approved FDPA showed the multi-family units housed in six (6) structures, each six (6) stories in height.

A twenty-five foot wide transitional screening yard and six foot high black vinyl-coated chain link fence was shown along the western periphery. The multi-family structures were oriented at angles, such that a minimum of 100 feet was provided at its closest point to the Fairlee subdivision to the west. The recreation facilities were located within the open space area which separates the multi-family structures from the western perimeter. Surface parking was shown in the eastern portion of Land Bay B along the spine road which serves the Hunters Branch development. The approved CDP/FDP did not provide information on the amount of open space within Land Bay B.

Access to Land Bay B was provided from the internal spine road which intersects with Lee Highway at a signalized intersection and from a direct access point along Lee Highway. A pedestrian trail was shown through the open space which linked Land Bay B to Land Bay A to the north.

Proposed Use: A total of 352 multi-family units in a total of seven (7) structures is shown on the CDPA/FDPA. The internal site design has been modified to accommodate the proposed structures, resulting in the location of all recreational facilities, other than the tot lot, in the central portion of the site and a total of approximately 35% open space within Land Bay B. A twenty-five foot wide transitional screening buffer and a six foot high wood fence area proposed along the western periphery of Land Bay B.

Primary access to the multi-family units within Land Bay B continues to be proposed from the existing private spine street which provides direct access to Lee Highway at a signalized intersection and also serves the existing office buildings within the development. A second access point to Lee Highway (restricted to right-in/right-out only movements) continues to be provided along the southwestern periphery of the site.

Land Bay B Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Land Bay A	PDC	Office (Residential Option)
East	Office	PDC	Mixed Use
South	Vacant	R-12	8-12 du/ac
West	Residential (SFD) (Fairlee)	R-1	1-2 du/ac

BACKGROUND**Site History:**

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). 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 for the commercial component of the site 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.

On September 28, 1988, a Comprehensive Sign Plan, CSP-80-P-039, for the non-residential component of Hunters Branch was approved subject to development conditions by the Planning Commission.

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, to allow a range of 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 square feet; and eating establishments - maximum of 30,000 square feet with a maximum of 1,300 seats allowed. Three (3) 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, a modification of the transitional screening along the Nutley Street frontage and a waiver of the barrier requirement along the Lee Highway frontage and the Nutley Street frontage were approved as proffered and as shown on the amended Conceptual/Final Development Plan.

On January 8, 1990, the Board of Supervisors 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 (4) office buildings and the associated parking structures and a reduction in height of the four (4) office buildings from 12-stories to 9-stories.

On September 17, 1990, the Board of Supervisors approved PCA/CDPA/FDPA 80-P-039-3 subject to proffers date July 10, 1990, and development conditions dated September 14, 1990, to allow a drive-in bank and a free-standing child care center as secondary uses within Land Bay A of Hunters Branch. All previously approved and accepted proffers and development conditions are contained in Appendix 4.

Since the time of the approval of FDP 80-P-039, there have been no changes to the residential component of the Hunters Branch Development.

On December 12, 1994, the Board of Supervisors adopted a Plan Amendment for the application property. The Plan Amendment noted that approximately 320-350 housing units are currently approved for development in the southwest corner of Hunters Branch and recommended that these residential units be provided. The Plan Amendment also provided for additional multi-family residential units or a mix of multi-family and high density single-family attached units as an option within Hunters Branch on the undeveloped portion of Land Bay A a density of 20-30 dwelling units per acre.

COMPREHENSIVE PLAN PROVISIONS (Appendix 7)

Plan Area: Area II

Planning Sector: Vienna Transit Station Area of the Vienna Planning District

Plan Map: Mixed Use

ANALYSIS**Conceptual Development Plan Amendment/Conceptual Development Plan (CDPA/CDP) (Reduction at front of staff report)**

Title of the CDPA/CDP: "Vienna Metro Apartments" consisting of two (2) sheets

Prepared By: Gordon Associates

Original and Revision Dates: December 1994 and May 11, 1995

The Conceptual Development Plan Amendment (CDPA 80-P-039-4) is filed on 31.67 acres of the 51.9 acres within the Hunters Branch Development rezoned to the PDC District pursuant to RZ 80-P-039. There are no changes proposed to the CDPA/FDPA as it relates to Land Bay A, the non-residential component of Hunters Branch. The Conceptual Development Plan (CDP 95-P-020) is filed on the 0.15 acres located along the Lee Highway frontage of the site which is proposed to be rezoned from the R-1 District to the PDC District in order to incorporate the parcel into the Hunters Branch Development.

Sheet #1 of the combined CDPA/CDP is the cover sheet. Sheet #2 depicts the approved CDPA for the Hunters Branch Development with the proposed changes to the site design for the residential component of the project (Land Bay B). Two existing 12-story office buildings and associated parking structures are shown in the southeastern portion of the site. To the north is the location of the future day care facility and four (4) 9-story office buildings. Land Bay B is the residential component of Hunters Branch and the area of proposed change with these applications. The CDPA shows the site design for Land Bay B with seven residential structures, a recreation facility in the center, a twenty-five foot wide transitional screening yard along the western perimeter, and an entrance onto Lee Highway in the southwest portion of the site.

The site area of the CDP associated with RZ 95-P-020 is shown in the southwestern portion of the site and is depicted as open space, transitional screening and a portion of the site entrance along Lee Highway. There are no structures proposed within this area.

Final Development Plan Amendment/Final Development Plan (FDPA/FDP) (Reduction at front of staff report)

Title of the FDPA: "Vienna Metro Apartments" consisting of six (6) sheets

Prepared By: Gordon Associates

Original and Revision Dates: February 1995 and May 11, 1995

The Final Development Plan Amendment has been filed on Land Bay B (approximately 11.11 acres) of the Hunters Branch Development. Land Bay B is the residential component of Hunters Branch. The Final Development Plan associated with RZ 95-P-020 is filed on the 0.15 acres of land which is proposed to be rezoned to the PDC District in order to incorporate the site into the Hunters Branch development.

Sheet 1 of the FDPA is the title page; Sheet #2 depicts the proposed site design; Sheet 3 contains the notes; Sheet #4 is the landscape plan; Sheets #5A, #5B, and #5C show illustrative landscaping details for the courtyards, streets and parking areas, and the buffer area along the western periphery; and Sheet #6 shows a cross-section of the development and its spatial relationship with the Fairlee subdivision to the west.

The FDPA shows Land Bay B of Hunters Branch developed with a total of 352 units (including 22 affordable dwelling units) at a density of 31.26 dwelling units per acre within seven (7) multi-family structures. Four (4) of the proposed structures are proposed to contain a total of 120 underground parking spaces. An additional 420 surface spaces and 26 garage spaces are shown to serve the residential units. A car wash area is located at the north end of the surface parking area.

Three (3) developed recreation facilities continue to be provided within Land Bay B as previously approved. However, instead of providing the tennis courts, this application proposes to provide a community center which will contain either a weight room or racquetball court. A swimming pool is located adjacent to the proposed community center. The proposed tot lot is shown to be located to the east of proposed building #7. Sidewalks have been shown through the center of the site to link the proposed units to Lee Highway, the recreation facilities, and north to the property line for eventual extension to the Vienna Metro Station. Trash enclosures are also shown on the FDPA throughout the surface parking area.

A total of approximately 35% open space is provided on site. A twenty-five (25) foot wide buffer area, to include existing and supplemental landscaping, is shown along the western perimeter of the site.

Access to the site continues to be provided from entrances onto the internal spine road which serves the existing office buildings of Hunters Branch. A second entrance is provided onto John Thomas Drive. Private streets continue to be proposed as previously approved internal to Section 3. This application requests a reaffirmation of the previously granted waiver of the 600 foot length of private streets.

Land Use Analysis (Appendix 7)

The proposed use and density continue to conform with the Comprehensive Plan recommendations for use and density for this site which recommends the provision of between 320-350 residential units in the southwestern portion of the Hunters Branch development.

Issue: Compatibility with the Fairlee Neighborhood

Land Bay B was previously approved for a maximum of 350 dwelling units in six 6-story buildings. Those buildings were located in a zig-zag, angled configuration a minimum of 100 feet from the western edge of the property which abuts the single-family detached subdivision along Fairlee Drive. Some multi-family structures were approximately 180 feet from the property line. Open space, including a 25-foot undisturbed buffer, a pool and tennis court (with a staggered 6-foot high wood fence immediately to the west) and trails, occupied the area between the multi-family structures and the western edge of the site.

The proposed changes in the design decrease the height of the buildings to four (4) stories (50 feet in height) and increase the number of buildings to seven (7). Two (2) of the structures are "U"-shaped structures connected by an arched section under which a pedestrian walkway will be built. The site layout is now a rectangular "modified grid" pattern which results in five (5) buildings located in a row 100 feet from the western edge of the property. Although lower in height than previously approved, the new design may result in a greater feeling of enclosure for the residents of the adjacent single family detached neighborhood because of the increased amount of building facade facing the detached houses.

Much of the site is proposed to be developed with structures (residential, garages, community recreation, etc.) and associated private streets and parking. The resulting urban character of the development is consistent with development goals in Transit Station Areas, but could, if not properly addressed, conflict with the need to provide development which is compatible with the adjacent low-density residential uses along Fairlee Drive. In order to balance the proposed increase in building coverage on the site with the need to mitigate adverse impacts on Fairlee Drive residents, extra attention must be paid to the buffer along the western edge of the site as discussed below.

Issue: Buffer Area Along Western Periphery

The Plan text for the site recommends a 50-foot buffer between the site and the Fairlee neighborhood to the west, with a modification to 25 feet of undisturbed buffer area under certain conditions. The currently approved FDP incorporates a 25-foot undisturbed vegetated buffer with a black vinyl coated chain link fence on the inside of the buffer. Additional open space between the multi-family buildings and the western edge of the property assisted in mitigating adverse impacts on the adjacent low density Fairlee neighborhood.

Resolution:

The proposed design meets the conditions specified in the Plan for a reduction in the width of the western buffer from 50 feet to 25 feet: the buildings closest to the property line do not exceed 4 stories (they are proposed to be a maximum of 50 feet high) and are located 100 feet from the

edge of the site; 25 feet of existing vegetation will be retained; and a barrier is proposed along the common property line (as specified in the Comprehensive Plan). The Plan also recommends that building heights not project more than 10 feet above the existing ridge line vegetation. As depicted on Sheet #6 of the FDPA/FDP, the existing vegetation at the ridge line ranges from 50 to 70 feet in height. Since the proposed four-story structures are proposed to be a maximum of 50 feet in height, the structures are not proposed to project more than 10 feet above the existing ridge line vegetation. The Plan further recommends "enhanced landscaping" along the western property line. The proposed landscape plan shows clusters of evergreen/screening trees immediately west of the parking, but additional treatment (e.g. more evergreen shrubs and trees) would be more appropriate in order to supplement the existing understory. This issue has been addressed in the proposed development conditions.

A welcome change in the new proposal is the elimination of large areas of surface parking in the southeastern portion of Land Bay B. Underground parking is now proposed beneath Buildings #1 and #3 and under the eastern halves of Buildings #2 and #6. However, the design changes also appear to have resulted in an overall reduction in the open space provided on the site (although tabulations of the previously-approved open space in this land bay were not shown on the currently approved FDP). This is supported by the reduction in the building setbacks along the western edge and the deletion of an outdoor tennis court. Residential buildings will now be very close (approximately 40 feet) to Lee Highway and the associated traffic impacts. This proximity is not consistent with the amount of undisturbed buffer provided between the existing office buildings in Hunters Branch and Lee Highway. The residential units will also be located closer to the existing parking structures across the spine road which serve the office buildings. Staff believes the proposed site design could be improved with a wider vegetated buffer between the proposed residential units and Lee Highway and more landscaping along the street frontage across from the existing parking structures.

Resolution:

The landscaping issue has been addressed in the proposed development conditions. The proposed residential structures, however, have not been relocated further away from Lee Highway.

Issue: Landscaping

A previous submission did not provide information regarding the sizes or potential variety of the landscaping materials to be provided on the site or commit to the submitted illustratives for the treatment of courtyards and common areas. Staff felt the lack of a commitment would be undesirable in a Transit Station Area adjacent to an existing low density residential development.

Resolution:

Information regarding the size and variety of plant materials has been provided and the applicant has proffered to develop the site in accordance with the FDPA which includes the illustrative details of landscaping treatments in courtyards and common areas. Therefore, this issue has been addressed.

Issue: Pedestrian Circulation

The Plan text recommends that covered paths to the Metro station be provided at this location.

Resolution:

Covered paths were not incorporated into the previously-approved design for the site. The applicant has incorporated a system of pedestrian walkways which will facilitate walking towards the Metro station area. Therefore, this issue has been addressed.

Issue: Site-Specific Development Conditions

As noted above, the proposal is generally consistent with the site-specific development conditions outlined in the Plan recommendation for the property. The three conditions necessary to a reduction in the undisturbed buffer along the western edge can be met with some improvements to the landscaping in that area as recommended in the proposed development conditions. Residential use is acknowledged in the Plan and reiterated in this proposal. The Plan calls for approximately 320-350 dwelling units. The proposal entails 352 units which may be deemed to be "approximately" 350. The proposal would, however, greater fulfill the recommendation for development which "reduces visual impacts to adjacent residential areas" by increasing the amount of open space provided on the site.

Resolution:

With the draft proffers and proposed development conditions, the application is in general conformance with the site specific recommendations of the Comprehensive Plan.

Transportation Analysis (Appendix 7)**Issue: Service Drive**

A service drive is required along the Lee Highway frontage of the site unless waived by the Board of Supervisors.

Resolution:

Staff has no objection to a waiver of the service drive requirement in this instance as the site is adjacent to a single family detached community.

Issue: Internal Entrance Alignment

The proposed entrances along the existing spine road should be designed to align with the entrances on the opposite side of the spine road.

Resolution:

The site design has been revised to align the primary entrance to the multi-family structures with the entrance to the existing commercial development across the spine road. Therefore, this issue has been adequately addressed.

Issue: Maximum Length of Private Streets

The application includes a request for a waiver of the 600 foot maximum length of private streets.

Resolution:

There are no issues associated with the requested waiver of the 600 foot maximum length of private streets.

Environmental Analysis (Appendix 8)**Issue: Swimming Pool Discharge**

The discharge of water from swimming pools, if performed correctly, should have little or no adverse impacts to receiving waters. Improperly discharged water, however, may have significant adverse impacts and may result in violations of the State Water Control Law. Care should be taken during the maintenance of the proposed swimming pool to ensure that water discharged from the pool meets all applicable water quality standards. The Environmental Health Division of the Health Department (246-2444) should be contacted for more information about appropriate maintenance and discharge procedures.

Resolution:

This issue has been addressed with a proffer to regulate the PH level of the water discharged from the pool. Therefore, this issue has been adequately addressed.

Issue: Trails Plan:

The Trails Plan indicates that a trail is required parallel to Lee Highway. The Director, Department of Environmental Management will determine the specific type and right of way requirements for any required trails at the time of plan review.

Resolution:

The CDPA/FDPA shows an 8 foot wide trail within the right-of-way of Lee Highway along the site frontage to be constructed by others pursuant to the VDOT project for the improvement of Lee Highway.

Issue: Tree Preservation

Both the approved and proposed development plans will result in the clearing of almost the entirety of the existing tree cover on the property. Both plans display a 25-foot transitional screening yard along the western property boundary within which existing vegetation will be preserved. The approved CDPA/FDPA does not commit to tree preservation outside of this transitional screening area. However, additional tree preservation to the east of the transitional screening area may be feasible.

Resolution:

Although additional tree preservation may not be likely, the proposed FDPA includes a note to preserve additional vegetation along the perimeter and within the site as a substitute for proposed plantings subject to the approval of the Urban Forester. Therefore, this issue has been adequately addressed.

Issue: Highway Noise

The property is affected by noise generated from traffic on Lee Highway. A highway noise analysis performed during the review of this proposal produced the following noise contours:

65 dBA Ldn	370 feet from centerline
70 dBA Ldn	115 feet from centerline

Proposed structures 1 and 2 will be affected by highway noise levels above 65 dBA Ldn. The southernmost portions of proposed structures 1 and 2 will be affected by highway noise levels just over 70 dBA Ldn. Other portions of proposed structures 1 and 2 (facades exposed to the highway) will be affected by noise levels between 65 dBA Ldn and 70 dBA Ldn. In order to reduce noise in interior areas to 45 dBA Ldn or less, the facades of proposed structures 1 and 2 which will be exposed to highway noise should be constructed with building materials that are sufficient to provide this level of acoustical mitigation.

Resolution:

The applicant has included a proffer to provide noise mitigation in accordance with the submitted noise analysis. The noise analysis will be subject to the review and approval of DEM. Therefore, this issue has been adequately addressed.

Issue: Soil Constraints

Portions of the property contain soils characterized by a high seasonal groundwater table and by low bearing values for foundation support.

Resolution:

A geotechnical engineering study in conformance with Chapter 107 of the Fairfax County Code may be required by the Department of Environmental Management at the time of subdivision review.

Issue: BMP Facility

The CDPA and FDPA show a BMP facility located in the southeast portion of Land Bay B. A determination will be made during site plan review by DEM as to the necessity of the proposed on-site BMP facility.

Resolution:

If a waiver of the BMP facility is granted by DEM, the applicant has proffered to preserve the quality vegetation within this area and provide supplemental vegetation as determined by the Urban Forester. Therefore, this concern has been adequately addressed.

Public Facilities Analysis (Appendices 9-13)

The Water Service Analysis in Appendix 9 notes the application is not located within the franchise area of the Fairfax County Water Authority. Water service to the application property will be supplied by the City of Falls Church.

The Sanitary Sewer analysis in Appendix 10 notes that the property will be sewerred into the Lower Potomac Treatment Plant and an existing 8 inch sanitary sewer line located in an easement on the property is adequate for the proposed use.

The Fire and Rescue Analysis in Appendix 11 notes that the site is serviced by Station #30 Merrifield and currently meets fire protection guidelines.

The Schools Analysis in Appendix 12 notes that Marshall Road Elementary School is not projected to exceed capacity during the 1995-96 school year; Jackson Intermediate School currently exceeds capacity; and Oakton High School is projected to exceed capacity prior to the 1996-97 school year.

The Utilities Planning and Design Division of the Department of Public Works (DPW) notes in Appendix 13 that there are storm drainage complaints on file pertaining to erosion within the floodplain along the outfall for this site.

The Park Authority memo notes that the proportional impact for off-site park facilities for a development of this size would generate capital costs of \$290,304.00 to sustain the current level of park service standards.

ZONING ORDINANCE PROVISIONS

The application continues to satisfy the provisions of the PDC District as previously approved with the original rezoning. Further, the application is in conformance with the previously approved proffers which shall remain in full force and effect, with the exception of the modifications and additions contained in the proffers included as Appendix 1.

The proposed changes to the site design for Land Bay B are subject to review under the General and Design Standards for All Planned Developments contained in Article 16.

Section 16-101, General Standards Pars. 1 and 2 require conformance with the density recommendations of the Comprehensive Plan and require that the proposed design achieve the stated purposes of the PDC district more than would development under a conventional zoning district. The application is in conformance with the site specific density recommendation for the Hunters Branch development. Further, the proposed design with the proposed proffers and development conditions results in a design that achieves the development goals of sites located within a Transit Station Area more than from development of the site as a conventional subdivision. Therefore, the proposed design satisfies these two (2) general standards.

Pars. 3 and 4 require protection and preservation of scenic assets and a design which prevents injury to the use of existing development and does not deter development of undeveloped properties. The FDPA shows a 25 foot wide buffer which includes existing vegetation, supplemental vegetation, and a six foot high wood fence along the western periphery adjacent to the Fairlee subdivision. Further, the proposed structures have been located a minimum of 100 feet from the common property line with the Fairlee subdivision in accordance with the recommendations of the Comprehensive Plan. Therefore, these standards have been satisfied.

Par. 5 requires that adequate transportation and other public facilities are or will be available to serve the proposed use. Primary access to the residential component of Land Bay B will be provided via the internal road network which intersects with Route 29 at a signalized intersection. In addition, a right-in/right-out entrance is also shown along the Lee Highway frontage site of the site. Further, a VDOT project for the widening of Lee Highway along the site frontage will also improve transportation network in this area. Therefore, this general standard has been satisfied.

Section 16-102 Paragraph 1 states that at the peripheral lot lines, the bulk regulations of the proposed development and landscaping and screening provisions generally conform with the provisions of the most comparable conventional district. Par. 2 addresses the parking and open space Zoning Ordinance requirements. Par. 3 stipulates that streets and driveways generally conform to applicable County regulations and standards. In Par. 4, particular emphasis is placed on the provision of recreational amenities.

The application proposes multi-family structures (approximately 50 feet in height) that are below the maximum height limit of 150 feet and are located a minimum of 30 feet from Lee Highway and a minimum of 100 feet from the Fairlee subdivision which satisfies the angle of bulk plane requirements for multi-family structure located within a conventional R-30 development (Minimum of 23 ft. front yard, 25 ft. rear yard, and 25 ft. side yard). Therefore, Par. 1 has been satisfied.

Article 13 of the Zoning Ordinance requires transitional screening 1 (25 foot wide landscaped strip) along the entire western periphery and the entire southern periphery of Land Bay B. Barrier D, E, or F (4 ft. chain link fence or 6 ft. solid wall or wood fence) is also required along the entire western periphery and the portion of the southern periphery adjacent R-1 zoned property. The FDPA proposes to provide the required transitional screening and barrier along the western periphery of the site. However, it should be noted that the proposed fence is located on the property line rather than 25 feet from the property line. The application also proposes to provide the required transitional screening along the Lee Highway frontage of the site. A waiver of the barrier requirement is requested along the portion of the Lee Highway frontage across from R-1 Zoned property. There are no issues associated with the proposed barrier waiver given that landscaping will be provided in accordance with Article 13.

In accordance with Pars. 2 and 4 of Sect. 16-102 of the Zoning Ordinance, the application provides thirty-five percent (35%) open space within Land Bay B, which is more than the 15% open space requirement within a PDC District. As shown on the FDPA, the applicant is providing active recreation facilities to include a pool, a tot lot, and a community center with a racquetball court or weight room. The proffers include a commitment to expend a minimum of \$300.00 per unit for the proposed facilities. The application proposes to provide a total of 566 parking spaces in a combination of underground, surface, and garage parking spaces in order to satisfy the parking standards required by Article 11 (1.6 spaces/unit or 564 spaces). Therefore, Par. 2 and Par. 4 have been satisfied.

The application notes a request for a waiver of the loading space requirement for multifamily structures (1 space for the first 25,000 square feet of gross floor area plus 1 space for each additional 100,00 square feet or major fraction thereof). Section 11-201 notes that the loading space provisions shall have general application in a P District as determined by the Director of DEM. Therefore, the request for a waiver of the loading space requirements will be addressed by DEM during site plan review.

The application proposes private streets which must be built in accordance with the Public Facilities Manual (PFM). As mentioned earlier, the application requests a waiver of the 600 foot maximum length of private streets. Staff does not object to the proposed waiver request. Therefore, the design standards of Par. 3 have been met.

The proposed rezoning of 0.15 acres from the R-1 District to the PDC is requested to allow this outlot which is surrounded by the Hunters Branch development to be incorporated into the development. There are no structures proposed on this small parcel which is shown to contain transitional screening, a portion of the trail along Lee Highway, and a portion of the site entrance along Lee Highway. The parcel does not satisfy the minimum district size requirement for a PDC District; however, staff notes that the proposed rezoning is a logical extension of an existing PDC District, as provided for in Sect. 6-207 of the Zoning Ordinance.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion

Proffered Condition Amendment application PCA 80-P-039-4 proposes to amend the proffers to allow development of the multi-family portion of the development in accordance with the proposed Conceptual Development Plan Amendment (CDPA) and Final Development Plan Amendment (FDPA) and to allow the site area which is the subject of RZ 95-P-020 to be incorporated into the Hunters Branch Development.

Rezoning application RZ 95-P-020 proposes to rezone 0.15 acres of land along Lee Highway from the R-1 District to the PDC District in order to incorporate the land area into Land Bay B of the Hunters Branch development. The application also requests approval of the CDP and FDP.

Final Development Plan Amendment FDPA 80-P-039-4 proposes to amend the Final Development Plan as it applies to Land Bay B of Hunters Branch to increase the number of units from 350 to 352, reduce the height of the structures from six (6) stories to four (4) stories, and change the site design of the multi-family component of the Hunters Branch development. There are no changes proposed to the non-residential sections of the development.

With the draft proffers and the proposed development conditions, staff believes each proposal is in conformance with the Comprehensive Plan and with the applicable provisions of the Zoning Ordinance.

Staff Recommendations

Staff recommends approval PCA 80-P-039-4 and RZ 95-P-020, subject to the executed proffers contained in Appendix 1.

Staff recommends Planning Commission approval of FDPA 80-P-039 and FDP 95-P-020, subject to Board approval of PCA 80-P-039 and RZ 95-P-020 and subject to the proposed development conditions contained in Appendix 2.

Staff recommends approval of a waiver of the barrier requirement along the southern periphery of the site.

Staff recommends approval of a waiver of the 600-foot maximum length of private streets.

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

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

APPENDICES

1. Draft Proffers
2. Proposed Development Conditions
3. Affidavit
4. Statement of Justification
5. Approved Proffers & Development Conditions, PCA 80-P-039-3
6. Land Use Analysis
7. Transportation Analysis
8. Environmental Analysis
9. Water Service Analysis
10. Sanitary Sewer Analysis
11. Fire & Rescue Analysis
12. Schools Analysis
13. DPW Analysis
14. Park Authority Analysis
15. Zoning Ordinance Provisions
16. Glossary of Terms

PROFFERS

**PCA/CDPA 80-P-039-4
RZ 95-P-020**

May 17, 1995

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/Conceptual Development Plan Amendment (PCA/CDPA) and the requested Rezoning from R-1 to PDC, and Planning Commission approval of the Final Development Plan Amendment/Final Development Plan (FDPA/FDP) for the subject applications, the development of the application property identified as Tax Map 48-4 ((1)) 1K, shall be subject to the approved proffers dated December 21, 1989, and July 10, 1990, which shall remain in full force and effect except as amended below:

1. (Revised as Follows)

- a. Pursuant to Section 18-204 of the Fairfax County Zoning Ordinance, development of the commercial component (Land Bay A) shall be in conformance with the CDPA/FDPA prepared by William H. Gordon & Associates, Inc., dated October 6, 1989 and revised April 12, 1990, with approved transitional screening waiver.
- b. Development of the residential component (Land Bay B) shall be in substantial conformance with the CDPA prepared by William H. Gordon & Associates, Inc., dated December 1, 1994, revised through May 11, 1995, and the FDP/FDPA prepared by William H. Gordon & Associates dated March 6, revised through May 11, 1995.
- c. (New Proffer)

Pursuant to Paragraph 4 of 16-403 of the Zoning Ordinance, minor modifications from the Land Bay B FDPA may be permitted as determined by Fairfax County. The Applicant shall have the flexibility to modify the layout shown on the Plan without requiring approval of an amended FDPA provided such changes are in substantial conformance with the FDPA as determined by the Office of Comprehensive Planning (OCP) and do not increase the square footage/dwelling units, decrease the amount of open space, or decrease buffer area along the western property line.

4. (Revised as Follows)

Recreational amenities for Land Bay B shall include one tot lot and a community center with swimming pool as shown on the FDP/FDPA. Within the community center shall be either a weight room or a racquetball court.

9. (Revised as Follows)

A six (6) foot wooden fence shall be provided between Land Bay B and the boundary line of the adjoining Fairlee subdivision. This fence shall be located along the common property line with Fairlee and shall be field located so as to minimize disturbance to existing trees. A 25-foot area east of the common property line shall be maintained as an undisturbed buffer area. The only disturbance permitted in this area shall be the installation of fences, necessary retaining walls, necessary utilities, the clearing of dead, dying or diseased vegetation and the planting of supplemental vegetation to provide a year round screen.

10. (Revised as Follows)

- Stormwater detention has been provided as approved and constructed with Site Plan 4818-SP-02, approved by the Department of Environmental Management (DEM) on March 24, 1988.
- In addition, stormwater management including Best Management Practices, shall be provided on Land Bay B as shown on the CDPA, unless otherwise waived by DEM or the Board of Supervisors. If a waiver is approved by DEM, the area of the stormwater management pond shall be utilized as open space, with existing trees preserved where feasible, and if necessary supplemental vegetation shall be provided as determined by the Applicant in coordination with the Urban Forester.

15. (Revised as Follows)

Development of Land Bay B shall comply with the Affordable Dwelling Unit (ADU) Programs as set forth in Section 2-801 of the Zoning Ordinance.

29. (New Proffer)

Density credit is reserved in accordance with the provisions of Section 2-308 of the Fairfax County Zoning Ordinance for all street dedication from Land Bay B as may be required by Fairfax County or the Virginia Department of Transportation (VDOT) at the time of site plan approval.

30. (New Proffer)

Swimming pool water shall be properly neutralized prior to being discharged during annual or semi-annual draining or cleaning operations by adding sufficient amounts of lime or soda ash to the acid cleaning solution, prior to discharge, to achieve a PH approximately equal to that of the receiving stream. All such discharged pool waters will have a minimum dissolved oxygen concentration of 4.0 milligrams per liter; if

such discharged pool water is discolored or contains a high level of suspended solids that could affect the clarity of the receiving stream, it will be allowed to stand so that most of the solids settle out prior to being discharged.

31. (New Proffer)

Land Bay B may be subject to a Proffered Condition Amendment without joinder and/or consent of the other sections if such PCA does not affect any of the other sections as determined by OCP. Previously approved proffered conditions applicable to the section(s) which is not the subject of such a PCA shall otherwise remain in full force and effect.

32. (New Proffer)

Noise attenuation measures shall be provided for the residential buildings located in Land Bay B as recommended in the noise analysis prepared by Polysonics, Inc. entitled, "Vienna Metro Apartments, Outdoor/Indoor Noise Analysis," dated April 5, 1995.

33. (New Proffer)

Any conversion of garages provided in Land Bay B that will preclude the parking of vehicles within the garage is prohibited.

(SIGNATURES BEGIN ON NEXT PAGE)

Bozzuto Development Company

By: _____
John B. Slidell, President

(SIGNATURE CONTINUE ON NEXT PAGE)

**First Union Bank of Virginia,
a Virginia banking corporation,
not in its individual capacity,
but solely as Trustee for the
benefit of J. Willard Marriott,
Jr., Richard E. Marriott and
Snell Construction Company**

By: _____

**Judith L. Jones
Assistant Vice President**

**EB:PRFR\BOZZ.2
5/17/95**

PROPOSED DEVELOPMENT CONDITIONS

FDPA 80-P-039-4 & FDP 95-P-020

May 18, 1995

If it is the intent of the Planning Commission to approve FDPA 80-P-039-4 and FDP 95-P-020, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. The recommendations of the noise analysis entitled Vienna Metro Apartments Outdoor/Indoor Noise Analysis dated April 5, 1995 and prepared by Polysonics Inc. shall be implemented subject to the review and approval of DEM.
2. Evergreen shrubs shall be included in the mix of vegetation provided as understory, as determined by the Urban Forester in order to increase the screening along this periphery of the site.
3. Supplemental vegetation shall be added along the frontage of the spine road and along the Lee Highway frontage of the site in order to screen the periphery of the site from Lee Highway and the existing parking garage, as determined by the Urban Forester.

REZONING AFFIDAVIT

DATE May 3, 1995
 (enter date affidavit is notarized)

I, Martin D. Walsh, 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

in Application No(s): RZ 95-P-020, PCA 80-P-039-4, FDP 95-P-020, FDPA 80-P-039-4
 (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)
<u>Bozzuto Development Company</u>	<u>6401 Golden Triangle Drive Suite 200</u>	<u>Applicant/Contract Purchaser</u>
<u>Agents:</u>	<u>Greenbelt, MD 20770</u>	
<u>Thomas S. Bozzuto</u>		
<u>John B. Slidell</u>		
<u>Richard L. Mostyn</u>		
<u>James A. Butz</u>		
<u>First Union National Bank of Virginia, Trustee:</u>	<u>1970 Chain Bridge Road, McLean, VA 22102</u>	<u>Title Owner</u>
<u>Beneficiaries:</u>		
<u>J. Willard Marriott, Jr.</u>		
<u>Richard E. Marriott</u>		
<u>Snell Construction Corporation</u>		
<u>Agent: Judith L. Jones</u>		

Hinders Realty, Inc. 381 Elden Street, Suite 400 Real Estate Broker
Agent: Justin Hinders Herndon, VA 22070

(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).

NOTE: This form is also for Final Development Plans not submitted in conjunction with Conceptual Development Plans.

DATE: May 3, 1995
(enter date affidavit is notarized)

for Application No(s): RZ 95-P-020, PCA 80-P-039-4, FDP 95-P-020, FDPA 80-P-039-4
(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)

Bozzuto Development Company
6401 Golden Triangle Drive, Suite 200
Greenbelt, MD 20770

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)

Bozzuto & Associates, Inc.

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

Thomas S. Bozzuto, President & Director Barbara Bozzuto, Director
John B. Slidell, Exec. V.P. & Director Thomas B. Lewis, Director
Richard L. Mostyn, Sec/Treas, Exec. VP & Director
Charles N. Bay, V.P. James A. Butz, Vice President
Richard L. Boales, V.P.
Ronald E. Creamer, Director

(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

May 3, 1995
(enter date affidavit is notarized)

for Application No(s): RZ 95-P-020, PCA 80-P-039-4, FDP 95-P-020, FDPA 80-P-039
(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:

M.D. Walsh

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

Martin D. Walsh

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

Subscribed and sworn to before me this 3rd day of May, 1995, in the state of Virginia

My commission expires: 7/31/97

Denise Bloomquist
Notary Public

DATE: M: 1995
 (enter affidavit is notarized)

for Application No(s): RZ 95-P-020, PCA 80-P-039-4, FDP 95-P-020, FDPA 80-P-039-4
 (enter County-assigned application number(s))

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

NAME (enter first name, middle initial & last name)	ADDRESS (enter number, street, city, state & zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD in Par. 1(a))
Barnes, Morris, Pardoe & Foster, Inc. Agent: Richard A. Lundregan	601 Thirteenth Street, N.W. Suite 800 N Washington, D.C. 20005	Real Estate Broker
Walsh, Colucci, Stackhouse, Emrich & Lubeley, P.C. Agents: Martin D. Walsh Keith C. Martin Lynne J. Strobel Elizabeth D. Baker	2200 Clarendon Blvd., 13th Floor Arlington, VA 22201	Attorneys/Planner
Niles Bolton Associates, Inc. Agents: Steve Gresham Marina Scofield	1423 Powhatan Street Suite 1 Alexandria, VA 22314	Architects
William H. Gordon Associates, Inc. Agents: Gerald Hish John Theilacker	4501 Daly Drive Chantilly, VA 22021	Engineers

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

DATE: 3, 1995 (enter date affidavit is notarized)

for Application No(s): RZ 95-P-020, PCA 80-P-039-4, FDP 95-P-020, FDPA 80-P-039-4 (enter County-assigned application number(s))

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

Bozzuto & Associates, Inc. 6401 Golden Triangle Drive, Suite 200 Greenbelt, MD 20770

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Thomas S. Bozzuto John B. Slidell Richard L. Mostyn

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

Thomas S. Bozzuto, President & Director Barbara Bozzuto, Director John B. Slidell, Exec. V.P. & Director Thomas B. Lewis, Director Richard L. Mostyn, Sec/Treas., Exec. V.P. & Director Charles N. Bay, V.P. James A. Butz, V.P. Richard L. Boales, V.P. Ronald E. Creamer, Director

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

Hinders Realty, Inc. 381 Elden Street, Suite 400 Herndon, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

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

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

David Justin Hinders

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

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

DATE: 3, 1995
(enter date affidavit is notarized)

for Application No(s): RZ 95-P-020, PCA 80-P-039-4, FDP 95-P-020, FDPA 80-P-039-4
(enter County-assigned application number(s))

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

Barnes, Morris, Pardoe & Foster, Inc.
601 Thirteenth Street, N.W., Suite 800 N
Washington, D.C. 20005

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 L. Cohen Thomas B. Leachman
Thomas J. Rossi John P. Gibbons
Gary S. Lawrence P. Wesley Foster
David M. Gilson Bruce R. Baschuk
Lawrence E. Thau

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)

Walsh, Colucci, Stackhouse, Emrich & Lubeley, P.C.
2200 Clarendon Blvd, 13th Floor
Arlington, VA 22201

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Martin D. Walsh Keith C. Martin
Thomas J. Colucci Nan E. Terpak
Peter K. Stackhouse David J. Bomgardner
Emrich K. Emrich William A. Fogarty
Michael D. Lubeley Lynne J. Strobel

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

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

- DATE: 3, 1995 (enter date affidavit is notarized)

for Application No(s): RZ 95-P-020, PCA 80-P-039-4, FDP 95-P-020, FDPA 80-P-039- (enter County-assigned application number(s))

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

Niles Bolton Associates, Inc. 1423 Powhatan Street, Suite 1 Alexandria, VA 22314

DESCRIPTION OF CORPORATION: (check one statement)

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

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

G. Niles Bolton Daniel W. Meacham William Von Hedemann Edwin R. Kimsey Stephen W. Gresham

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

President, Vice-President, Secretary, Treasurer, etc.)

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

William H. Gordon Associates, Inc. 4501 Daly Drive Chantilly, VA 22021

DESCRIPTION OF CORPORATION: (check one statement)

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

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

William H. Gordon, P.E. Joseph W. McClellan, P.E. Gerald A. Hish, Sr., P.E. Eugene C. Dorn, L.S. R. Steven Hulsey, P.E.

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

President, Vice-President, Secretary, Treasurer, etc.)

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

DATE: M 1, 1995
(enter date affidavit is notarized)

for Application No(s): RZ 95-P-020, PCA 80-P-039-4, FDP 95-P-020, FDPA 80-P-039-4
(enter County-assigned application number(s))

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

333 South Glebe Road, Suite 228
Arlington, VA 22204

DESCRIPTION OF CORPORATION: (check one statement)

- [] There are 10 or less shareholders, and all of the shareholders are listed below.
[X] 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)

George A. Snell
Lorraine C. Snell
Georgia Ann Snell
Carolyn Snell Fossen

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

George A. Snell, Pres. & Treasurer
Lorraine C. Snell, Vice Pres. & Secretary
Nancy S. Dellinger, Asst. Secretary
Carolyn S. Fossen, Comptroller
C. Steven Harkness, Director
Lynda S. Vickers-Smith, Director

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

COURTHOUSE PLAZA

THIRTEENTH FLOOR

2200 CLARENDON BOULEVARD

ARLINGTON, VIRGINIA 22201-3359

(703) 528-4700

FACSIMILE (703) 525-3197

December 1, 1994

Revised March 27, 1995

MARTIN D. WALSH
 THOMAS J. COLUCCI
 PETER K. STACKHOUSE
 JERRY K. EMRICH
 MICHAEL D. LUBELEY
 KEITH C. MARTIN
 NAN E. TERPAK
 WILLIAM A. FOGARTY
 DAVID J. BOMGARDNER
 LYNNE J. STROBEL
 JOHN E. RINALDI
 SEAN P. McMULLEN
 H. MARK GOETZMAN

OF COUNSEL
 NICHOLAS MALINCHAK

RECEIVED
 OFFICE OF COMPREHENSIVE PLANNING
 MAR 27 1995
 ZONING EVALUATION DIVISION

THE WILLIAM OFFICE
 VILLAGE SQUARE
 13263 OFFICE PLACE, SUITE 201
 WOODBRIDGE, VIRGINIA 22192-4216
 (703) 680-4664
 METRO (703) 690-4847
 FACSIMILE (703) 690-2412
 LOUDOUN OFFICE
 COUNTRYSIDE PROFESSIONAL CENTER
 2 PIGEON HILL DRIVE, SUITE 340
 STERLING, VIRGINIA 20165
 (703) 444-6919
 FACSIMILE (703) 444-0985

Ms. Barbara Byron, Director
 Zoning Evaluation Division
 Office of Comprehensive Planning
 12055 Government Center Parkway, 8th Floor
 Fairfax, Virginia 22035

**Re: Application for Proffered Condition Amendment/Conceptual Development
 Plan Amendment/Final Development Plan Amendment
 Bozzuto Development Company, Hunter's Branch**

Dear Ms. Byron:

Please accept this letter as a revised statement of justification for the above referenced application. The subject property is located within the project known as Hunter's Branch and is situated in the northwest quadrant of the intersection of Lee Highway and Nutley Street. It is identified as Tax Map 48-4((1)) 1 K and consists of approximately 31.66 acres (the "Subject Property"). The Subject Property is zoned PDC with the exception of a .15 acre portion of Parcel 1K which is zoned R-1. Concurrent with this application, is a request to rezone the .15 acre portion from R-1 to PDC.

The property is owned by First Union National Bank of Virginia, Trustee, successor in interest to First American Bank of Virginia, Trustee and is currently undeveloped with the exception of a metro-oriented parking lot on the northern portion of the site. The applicant, Bozzuto Development Company, is the contract owner of a 11.26-acre site located along Hunter's Branch western boundary immediately north of Lee Highway. It is identified as Land Bay B on the CDPA and FDPA graphics. Land Bay B is planned and approved for multi-family residential development. The applicant seeks to revise the previously approved layout and unit type of the residential buildings and to include the .15 acre portion into Land Bay B of the CDP/FDP governing Hunter's Branch. Specifically, the applicant seeks a proffered condition amendment and conceptual development plan amendment for the 31.66 acre Subject Property and a final development plan amendment for the 11.26 acre Land Bay B.

The previously approved conceptual development plan/final development plan contemplated the construction of two 6-story residential buildings with associated surface and underground parking on Land Bay B. The proposed plan envisions seven garden-style buildings with a maximum height of four stories and an overall yield of 352 units (including affordable dwelling units). Access to the site is gained via an existing private drive from Lee Highway as well as a proposed right-in and right-out entrance which was previously approved along Lee Highway at the site's western boundary.

The proposal provides 564 parking spaces; 420 spaces are provided on the surface, 24 are garage spaces and 120 are structured parking spaces. The applicant believes that the proposed unit types reflect the current market trends and provide a much needed multi-family development in close proximity to the Vienna Metro station.

To the best of our knowledge and belief, the proposed use will be in conformance with all applicable ordinances, regulations and adopted standards with the following exceptions:

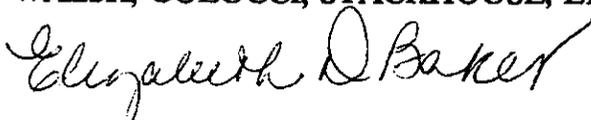
1. The applicant seeks a modification of the 25-foot transitional screen area and barrier requirements to permit utility easements and parking within the transitional screening area along the Property's southern lot line. This request is made pursuant to Section 13-304, Paragraph 6 of the Zoning Ordinance.
2. The applicant seeks a waiver of the 600-foot private street link requirement of Section 11-302, Paragraph 2 of the Zoning Ordinance.
3. The applicant requests a waiver of the service drive requirement.
4. The applicant seeks a waiver of the loading space requirement of Article 11 for multi-family dwellings.

The Comprehensive Plan calls for this Hunter's Branch property to be developed as a mixed use development at an overall FAR of 0.50. The plan indicates that a residential component with up to 350 dwelling units is appropriate for the southwest portion of Hunter's Branch. Thus, the proposed development is in conformance with the Comprehensive Plan.

Thank you for your attention to this matter. Should you require any additional information, please do not hesitate to call me.

Very truly yours,

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



Elizabeth D. Baker

WAL JOLUCCI, STACKHOUSE, EMRIC LUBELEY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

COURTHOUSE PLAZA

THIRTEENTH FLOOR

2200 CLARENDON BOULEVARD

ARLINGTON, VIRGINIA 22201-3359

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MICHAEL D. LUBELEY
KEITH C. MARTIN
NAN E. TERPAK
WILLIAM A. FOGARTY
DAVID J. BOMGARDNER
LYNNE J. STROBEL
JOHN E. RINALDI
SEAN P. McMULLEN
H. MARK GOETZMAN
OF COUNSEL
NICHOLAS MALINCHAK

PRINCE WILLIAM OFFICE
VILLAGE SQUARE
13663 OFFICE PLACE, SUITE 201
WOODBIDGE, VIRGINIA 22192-4216
(703) 680-4664
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FACSIMILE (703) 690-2412

LOUDOUN OFFICE
COUNTRYSIDE PROFESSIONAL CENTER
2 PIGEON HILL DRIVE, SUITE 340
STERLING, VIRGINIA 20165
(703) 444-6919
FACSIMILE (703) 444-0985

March 10, 1995

Ms. Barbara Byron, Director
Zoning Evaluation Division
Office of Comprehensive Planning
12055 Government Center Parkway, 8th Floor
Fairfax, Virginia 22035

Re: Application for Rezoning, Hunters Branch
Tax Map 48-4 ((1)) pt. 1K

Dear Ms. Byron:

Please accept this letter as a statement of justification for the above-referenced application. The subject property is located within the project known as Hunters Branch and is situated immediately north of Lee Highway approximately 200 feet east of Lee Highway's intersection with Fairlee Drive. It is identified as Tax Map 48-4 ((1)) pt. 1K, and consists of approximately .15 acre (the "Subject Property").

The property is owned by First American Bank, Trustees and is currently undeveloped. The applicant, Bozzuto Development Company, is the contract owner of the property. They have contracted to buy a total of 11.26 acres located along Hunters Branch western boundary immediately north of Lee Highway. Bozzuto Development Company previously filed and is currently pursuing a proffered condition amendment, conceptual development plan amendment and final developmental plan amendment affecting these 11.26 acres (PCA/CDPA/FDPA 80-P-039-4). Regina Murray is the coordinator of those applications.

In responding to staff's questions with regard to discrepancies in the zoning plat and approved final development plan for the above referenced amendment applications, it was discovered that a .15 acre portion of the property thought to be zoned PDC was in fact never zoned from the R-1 District. The Hunters Branch rezoning occurred on April 13, 1981. At that time First American Bank, Trustee did not own the Subject Property and thus it was not included in the larger Hunters Branch rezoning application. At that time the Subject Property was owned by Diane D. Deavers. In 1986 the Bank did acquire what was

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OFFICE OF COMPREHENSIVE PLANNING
MAY 10 1995
ZONING EVALUATION DIVISION

Ms. Barbara Byron
March 10, 1995
Page 2

at that time identified as Tax Map 49-4 ((1)) Parcel 2A (the Deavers Property); however, there are no records that Parcel 2A was ever incorporated into subsequent rezoning actions affecting Hunters Branch. The Bank's properties were then consolidated and given new parcel identification numbers. At that time Parcel 2A became part of Tax Map 48-4 ((1)) Parcel 1. I believe it is at this point that the County maps were changed to reflect a PDC zoning on all of Parcel 1, even though previous Parcel 2A had not been rezoned. More recently the tax map identification numbers for Hunters Branch changed once again, and Parcel 1 was subdivided into numerous sub-parcels. Thus, the Subject Property is now a part of Tax Map 48-4 ((1)) Parcel 1K.

The applicant asks that the Subject Property be rezoned from R-1 to the PDC District, and that it be incorporated into the Hunters Branch development under PCA/CDPA/FDPA 80-P-039-4. Under this scenario the Subject Property will become part of Land Bay B, which is proposed for development with multi-family residential units. As can be seen on the accompanying FDPA, the Subject Property would be used for open space, landscaping, parking and drive aisles associated with the larger development of Land Bay B.

The Comprehensive Plan calls for this western portion of Hunters Branch to be developed as a mixed-use development with an overall FAR of .50. The Plan indicates that a residential component with up to 350 dwelling units is appropriate for the southwest portion of Hunters Branch. Thus, the proposed development is in conformance with the Comprehensive Plan.

To the best of our knowledge and belief the proposed use will be in conformance with all applicable ordinances, regulations and adopted standards with the following exceptions:

1. The applicant seeks a modification of the 25 foot transitional screen area and barrier requirement to permit utility easements within the transitional screen area along the property's southern lot line. This request is made pursuant to §13-304, ¶6 and ¶3 of the Zoning Ordinance.
2. The applicant seeks a waiver of the 600 foot private street length requirement of §11-302, ¶2 of the Zoning Ordinance.
3. The applicant requests a waiver of the service drive requirement.
4. The applicant seeks a waiver of the loading space requirement of Article 11 for multi-family dwellings.

Ms. Barbara Byron
March 10, 1995
Page 3

We believe that this rezoning will help complete the Hunters Branch development and will result in a harmonious development.

Thank you for your attention to this matter. Should you require any additional information, please do not hesitate to call me.

Very truly yours,

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



Elizabeth D. Baker
Land Use Coordinator

EDB/gm

EB-1:BYRON-3

WALS COLUCCI, STACKHOUSE, EMRICH LUBELEY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

COURTHOUSE PLAZA

THIRTEENTH FLOOR

2200 CLARENOON BOULEVARD

ARLINGTON, VIRGINIA 22201-3359

(703) 528-4700

FACSIMILE (703) 525-3197

MARTIN D. WALSH
THOMAS J. COLUCCI
PETER K. STACKHOUSE
JERRY K. EMRICH
MICHAEL D. LUBELEY
KEITH C. MARTIN
NAN E. TERPAK
WILLIAM A. FOGARTY
DAVID J. BOMGARDNER
LYNNE J. STROBEL
JOHN E. RINALDI
SEAN P. McMULLEN
H. MARK GOETZMAN

OF COUNSEL
NICHOLAS MALINCHAK

PRINCE WILLIAM OFFICE
VILLAGE SQUARE
13663 OFFICE PLACE, SUITE 201
WOODBIDGE, VIRGINIA 22192-4216
(703) 680-4664
METRO (703) 690-4647
FACSIMILE (703) 690-2412

LOUDOUN OFFICE
COUNTRYSIDE PROFESSIONAL CENTER
2 PIDGEON HILL DRIVE, SUITE 340
STERLING, VIRGINIA 20165
(703) 444-6919
FACSIMILE (703) 444-0985

March 6, 1995

BY HAND DELIVERY

Ms. Regina Murray
Zoning Evaluation Division
12055 Government Center Parkway
8th Floor
Fairfax, Virginia 22035

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

MAR 6 1995

ZONING EVALUATION DIVISION

Re: **PCA/FDPA 80-P-039-4**
Bozzuto Development Company

Dear Regina:

Enclosed please find twenty (20) copies of a revised final development plan for the above-referenced application. This plan addresses many of the issues raised by staff at our February 22, 1995, meeting. Revisions to the plan include:

1. Incorporating the illustrative landscaped details with the final development plan package.
2. Relocating the entrance along the private road to align with the entrance to the parking garage.
3. Addition of a four possible security gate locations.
4. Inclusion of a detail on the FDP that allows an alternative entrance design.
5. An additional note allowing the flexibility to provide a private bus shelter on the property.

March 6, 1995

Page 2

6. A new note on the plan indicating that should the stormwater management pond be waived, the area shown on the FDP for stormwater management will be used either as a tree save area or for replacement vegetation.
7. Enhancement of the landscape plan including:
 - a. Inclusion of numerous evergreen trees along the Route 29 frontage and a clarification that the modification of the transitional screening is to allow trees to be located to accommodate any necessary utility easements.
 - b. Inclusion of groupings of evergreen shrubs in the understory of the 25-foot buffer along the Fairlee property line.
 - c. Inclusion of tree types and caliper sizes in the landscape plan.
 - d. Coordination of the proffered landscape plan and the illustrative landscape details to ensure compatibility.

Staff indicated a concern that the open space on our proposed plan was less than that on the previous plan. Gordon Associates did an analysis of proffered open space under the approved plan and our proposed open space. We find that the approved FDP depicted a total of 17 acres of open space for the entire 56 acre Hunters Branch project. The original plan did not specifically represent a minimum open space percentage for the residential area. Thus, it is hard to compare open space calculations for just the residential area. However, based on the approved FDP, Gordon Associates calculated the open space of Land Bay B with a planimeter. That area totalled approximately 5.1 acres. Evaluating the proposed development plan by planimeter, yields a total of 4.7 acres of open space. Thus, there is a slight reduction of 0.4 acres. Even though we propose a reduction in building height from six floors to four floors, the actual open space acreage does not vary greatly from the approved plan. This is largely due to the fact that we have reduced the surface parking from a total of 525 spaces on the proposed FDP to 444 spaces as currently proposed.

With regard to noise impacts from traffic on Route 29, the applicant is willing to proffer standard acoustical mitigation treatment of the structures within the noise impact areas as suggested by Noel Kaplan in the environmental memorandum.

You raised the issue at the last meeting with regard to the boundary of the property indicating that the boundary of our proposed FDP did not match the boundary of the approved FDP. Steve Gleason and I have reviewed the situation and find that the boundary

March 6, 1995

Page 3

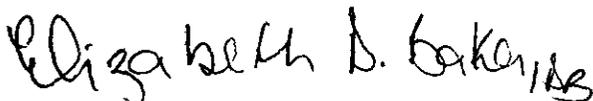
of the proposed development plan reflects two additions to the property from the approved FDP. One addition is the result of an abandonment of a portion of Old Lee Highway by the Board of Supervisors on May 7, 1984. The intent to abandon the right-of-way along Hunters Branch was shown and noted on Sheet No. 2 of FDP 80-P-039.

The second addition of the property occurred in May of 1986 with the acquisition of the Deaver's property, formally identified as Tax Map 48-4 ((1)) 2A. This .27 acre parcel was acquired to improve access to the property. However, after much research, we cannot find any record that it was actually zoned to the PDC District. Even though the tax map indicates this area is zoned PDC, it is our belief that this property remains zoned R-1. Apparently with the consolidation of property owned by First American Bank Trustees, resulted in the Deaver's property being remapped and identified first as a 48-4 ((1)) part 1 and now as 48-4 ((1)) part 1K. I have enclosed a series of tax maps showing its progression from Parcel 2A (R-1) to part 1 (PDC) and part 1K (PDC). I believe that over time it was incorrectly mapped to the PDC District. In order to rectify the situation, we will be amending our application to indicate that a .27 acre portion of the property is R-1 and is requested to be rezoned to the PDC District. This does not really result in an addition of land area as our current zoning plat and FDP already include this acreage in the total.

This submission of new material should address the majority of staff comments. We would be happy to meet with you to go over in detail the revisions to the plan and to discuss further the boundary change and proffer commitments. Please call me if you have any questions.

Very truly yours,

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



Elizabeth D. Baker
Land Use Coordinator

EDB:db

cc: John Slidell
Jim Butz
Steve Gleason
Martin D. Walsh

WALS. COLUCCI, STACKHOUSE, EMRICH & LUBELEY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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LYNNE J. STROBEL
JOHN E. RINALDI
SEAN P. McMULLEN
H. MARK GOETZMAN

OF COUNSEL
NICHOLAS MALINCHAK

May 17, 1995

BY HAND

Regina Murray
Zoning Evaluation Division
12055 Government Center Parkway, 8th Floor
Fairfax, Virginia 22035

Re: Bozzuto Development Company
PCA 80-P-039-4 and RZ 95-P-020

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

MAY 17 1995

ZONING EVALUATION DIVISION

Dear Regina:

On behalf of Bozzuto Development Company, we hereby request a waiver of the barrier requirement along the application property's frontage on Lee Highway, across from property currently zoned R-1. Pursuant to **§13, §13-304** of the Zoning Ordinance, the proposed landscape will minimize any adverse impact on the R-1 property. The R-1 property is located on the south side of Lee Highway a considerable distance from the proposed structures on the application property. A combination of berming and landscaping is being provided along the Lee Highway frontage in order to provide an attractive streetscape and visual barrier. We believe that inclusion of a barrier in this location for the short distance of our frontage across from the R-1 property is not necessary and would not be harmonious with the landscape treatment plan for the entire Lee Highway frontage.

I appreciate your attention to this matter. Please call me if you have any questions.

Very truly yours,

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



Elizabeth D. Baker
Land Use Coordinator

Enclosures

cc: John Slidell
Jim Butz
Steve Gleason
Martin D. Walsh

EB-2:MURRAY-1



POLYSONICS INC.

ACOUSTICAL ENGINEERS

ESTABLISHED 1958

5115 MacArthur Blvd., N.W. Washington, D.C. 20016
(202) 244-7171 FAX (202) 244-7479

- ◆ ACOUSTICAL
- ◆ AUDIO-VISUAL
- ◆ VIDEO
CONFERRING

APR 7 1995

5 April 1995

James Butz
Bozzuto Development Company
6401 Golden Triangle Drive
Suite 200
Greenbelt, Maryland 20770

VIENNA METRO APARTMENTS
Outdoor/Indoor Noise Analysis

Dear Mr. Butz:

Per your request, Polysonics has conducted an outdoor to indoor noise analysis of the apartments proposed for the Vienna Metro Apartments project in Fairfax, Virginia. The intent of the analysis was to determine whether required interior noise levels would be met given the future exterior noise levels. The results show that windows and doors will require a Sound Transmission Class (STC) rating of 30 while exterior walls will require an STC rating of 39 in order to meet the interior noise level requirements.

The methodology and results of the analysis is explained herein.

ANALYSIS

Interior noise levels are required not to exceed 45 dBA Ldn for the given exterior noise level at a site. Polysonics determined and presented in Report #3318 "Vienna Metro Apartments Traffic Noise Analysis", that portions of the townhomes would be exposed to levels between 65 and 68 dBA Ldn. A house of standard construction will maintain 45 dBA interior with exterior noise levels as high as 65 dBA. When levels exceed 65 dBA, outdoor to indoor noise analysis must be carried out to insure that interior noise level requirements are met.

The interior noise level depends on the noise reduction of all building components combined. To calculate the combined noise reduction, STC ratings of each building component are logarithmically combined based on each component area. The resulting combined STC rating is termed the Composite STC rating. To calculate the dBA reduction, the Composite STC rating is used with standard formulation which takes into account the characteristics of the sound source, the area of the exterior building shell through which sound energy passes, and typical interior room absorption at time of sale.

Because the exterior noise is only due to roadway traffic, the noise reduction analysis can be simplified by eliminating the roof/ceiling areas as areas of noise transmission. The sound transmitted through the roof is negligible because it is considerably shielded from the traffic noise and the noise reduction performance of the roof construction is high. Therefore, only the sound transmitted through the walls needs to be considered.

Various apartment types are proposed for the Vienna Metro project. Three types, Units A1, A2, and B1 will be exposed to noise levels higher than 65 dBA Ldn and therefore require outdoor to indoor noise analysis. Noise reduction analyses were performed for the

REGISTERED PROFESSIONAL ENGINEERS

Washington, DC Maryland Virginia

noise sensitive rooms of these named units including living rooms, dining rooms, and bedrooms.

The results of the noise reduction analyses are shown in Table 1 with windows and doors having various STC ratings. This lists the worst case rooms for the three proposed units with various options. Table 1 shows that outdoor noise levels of 68 dBA Ldn or higher would be sufficiently attenuated by the calculated exterior building construction so that the interior noise levels do not exceed 45 dBA Ldn. Included in the table are the STC ratings of the individual building components. The calculations assume the worst case of noise exposure.

RECOMMENDATIONS

The following applies to the building elements proposed for Vienna Metro Apartments.

Standard Wall: The typical wall construction consists of 2x4 wood studs with vinyl siding on 1/8 in. Thermoply sheathing for the exterior face, 5/8 in. gypsum board for the interior face, and 3 1/2 in. batt insulation in the cavity. This wall construction has an estimated laboratory rating of 37 STC.

Windows: A standard window system is a single hung minimum 1/2 in. insulated glass window with gaskets. This window system has an estimated laboratory rating of 26 STC.

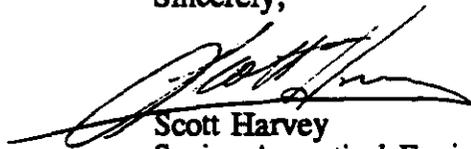
Entrance Doors: The entrance door system consists of 1 3/4 in. insulated metal doors with weatherstripping. This door system has an estimated laboratory rating of 28 STC. Glass doors generally have an STC rating of 26.

Based on the above analysis, Vienna Metro Apartments construction requires windows and doors with 30 STC and walls with 39 STC. In order to increase the STC ratings of the windows and doors to the required 30 STC, exterior storm windows and doors may be applied. These should be of 1/8 inch glazings mounted a minimum of 2 inches from the exterior window or door face. A 30 STC rating can be obtained from "off the shelf" products, however this should be verified by the window manufacturer's test data. It is known that Bennings and BSL window manufacturers can provide windows with ratings in excess of 30 STC.

In order to increase the exterior wall rating, a 1/4" sound board (1/4" gypboard) should be added between the studs and the Thermoply or in place of the Thermoply. This will achieve the required 39 STC rating.

If there are further questions, please contact me directly.

Sincerely,



Scott Harvey
Senior Acoustical Engineer

Table 1
Vienna Metro Apartments
STC Requirements
To maintain Indoor noise levels of 45 dBA

UNIT	ROOM	{——— WALL	STC DOOR	———} WINDO	COMPOSITE STC	MAXIMUM ALLOWABLE OUTDOOR NOISE LEVEL
A1	Living Room	37	26	26	26.9	70.7 dBA
A1	Bedroom	37	N/A	26	27.4	71.0 dBA
A2	Living Room	37	N/A	26	26.5	74.1 dBA
A2	Bedroom	37	N/A	26	28.5	69.5 dBA
A2	Dining Roo	39	30	30	31	68.9 dBA
B1	Bedroom 1	39	N/A	28	30.9	68.8 dBA
B1	Living Room	37	N/A	26	27	69.5 dBA
B1	Bedroom 2	37	N/A	26	28.6	68.6 dBA
B1	Dining Roo	37	28	28	27.9	68.9 dBA



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
 FAIRFAX, VIRGINIA 22030

October 4, 1990



Martin D. Walsh, Esquire
 Walsh, Colucci, Stackhouse,
 Enrich and Lubeley
 2200 Clarendon Boulevard
 Arlington, Virginia 22201

Re: Proffered Condition Amendment
 Number PCA 80-P-039-3

Dear Mr. Walsh:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on September 17, 1990, approving Proffered Condition Amendment PCA 80-P-039-3 in the name of HMCE Associates Limited Partnership, subject to the proffers dated July 10, 1990, on subject parcels 48-4 ((1)) 1E, 1G and 1H consisting of approximately 51.90 acres in Providence District.

The Board also approved Conceptual Development Plan Amendment CDPA 80-P-039-3 subject to the revised development conditions dated September 14, 1990; the Planning Commission having previously approved Final Development Plan Amendment Application FDPA 80-P-039-3 on June 12, 1990.

In addition, the Board modified the transitional screening along the eastern lot lines and waived the barrier requirement along the southern and eastern lot lines as previously approved.

Sincerely,

Nancy Vehrs

Nancy Vehrs

Clerk to the Board of Supervisors

NV:ns

cc: Joseph T. Hix

Real Estate Division, Assessments

Melinda M. Artman, Deputy

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

PROFFERS

PCA/FDPA 80-P-039-3

July 10, 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), applicant proffers to the following amended conditions. These amended conditions shall supersede the prior conditions numbers 1, 2, 5 and 19, dated December 21, 1989 and approved on January 8, 1990 by the Board of Supervisors. The other proffered conditions approved on January 8, 1990; shall not be affected by these amended proffered conditions.

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 6, 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.

Proffers

PCA/FDPA 80-P-039-3

Page 2

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 a maximum 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.

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 (Buildings 5 and 6).

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 general 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.

HMCE ASSOCIATES LIMITED PARTNERSHIP

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

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

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

Revised June 12, 1990

Revised September 14, 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.

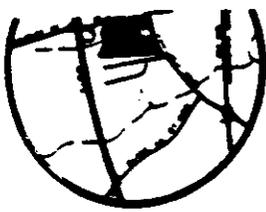
Child Care Center

2. The maximum daily enrollment of the child care center shall be limited to 120 children and 20 employees. Adequate parking to serve the employees of the child care center shall be provided.
3. 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.
4. 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.
5. 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.

6. A fence 5 feet in height shall enclose the play area.
7. An employee shall be provided by the child care center to meet all children dropped off in front of the center and properly supervise the child's entry into the center.
8. 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

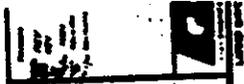
9. The drive-in bank shall be limited to 12 employees with hours of operation limited to Monday through Friday from 9:00 a.m. to 7:00 p.m. and Saturday from 9:00 a.m. to 12:00 p.m.
10. The drive-in bank shall be located within the footprint of Building 3 as shown on the CDPA/FDPA dated October 6, 1989 as revised April 12, 1990.
11. 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.
12. 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.
13. 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.



VICINITY M

SCALE: 1" = 500'

- 1. ALL DISTANCES ARE IN FEET UNLESS OTHERWISE SPECIFIED.
- 2. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD OR RAILROAD UNLESS OTHERWISE SPECIFIED.
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LEGEND

Public or private utility lines
 Primary roads
 Secondary roads
 Railroads
 Water bodies
 Elevation contours

LEGEND

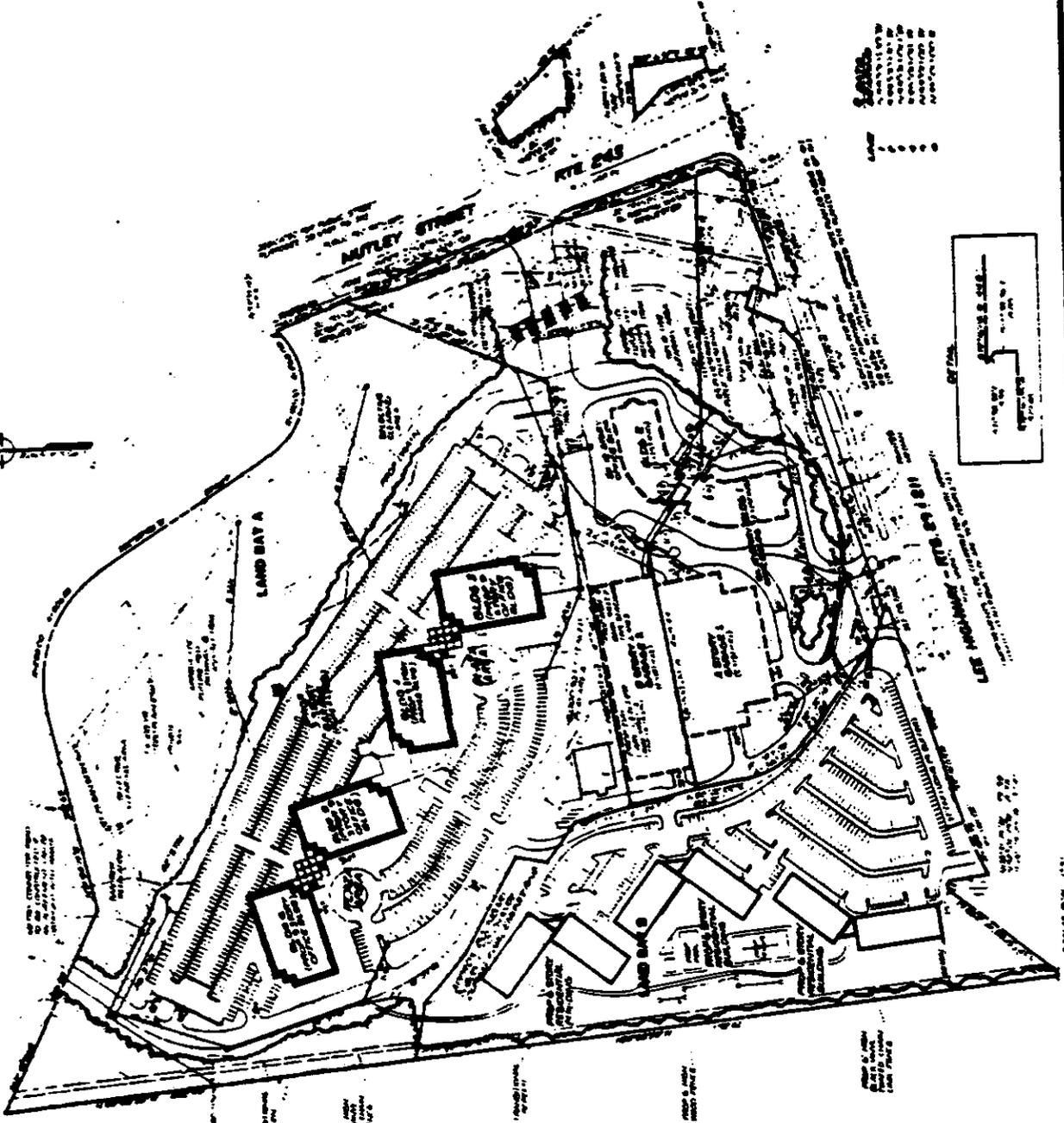
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 Primary roads
 Secondary roads
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 Elevation contours

LEGEND

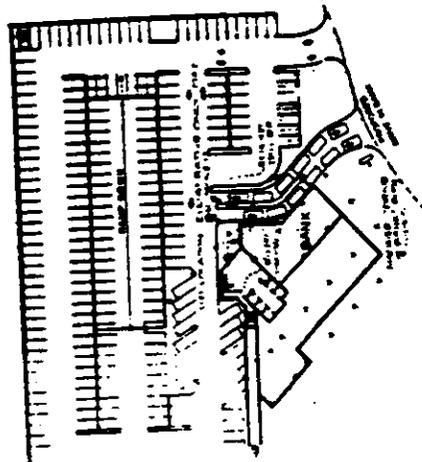
Public or private utility lines
 Primary roads
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 Railroads
 Water bodies
 Elevation contours



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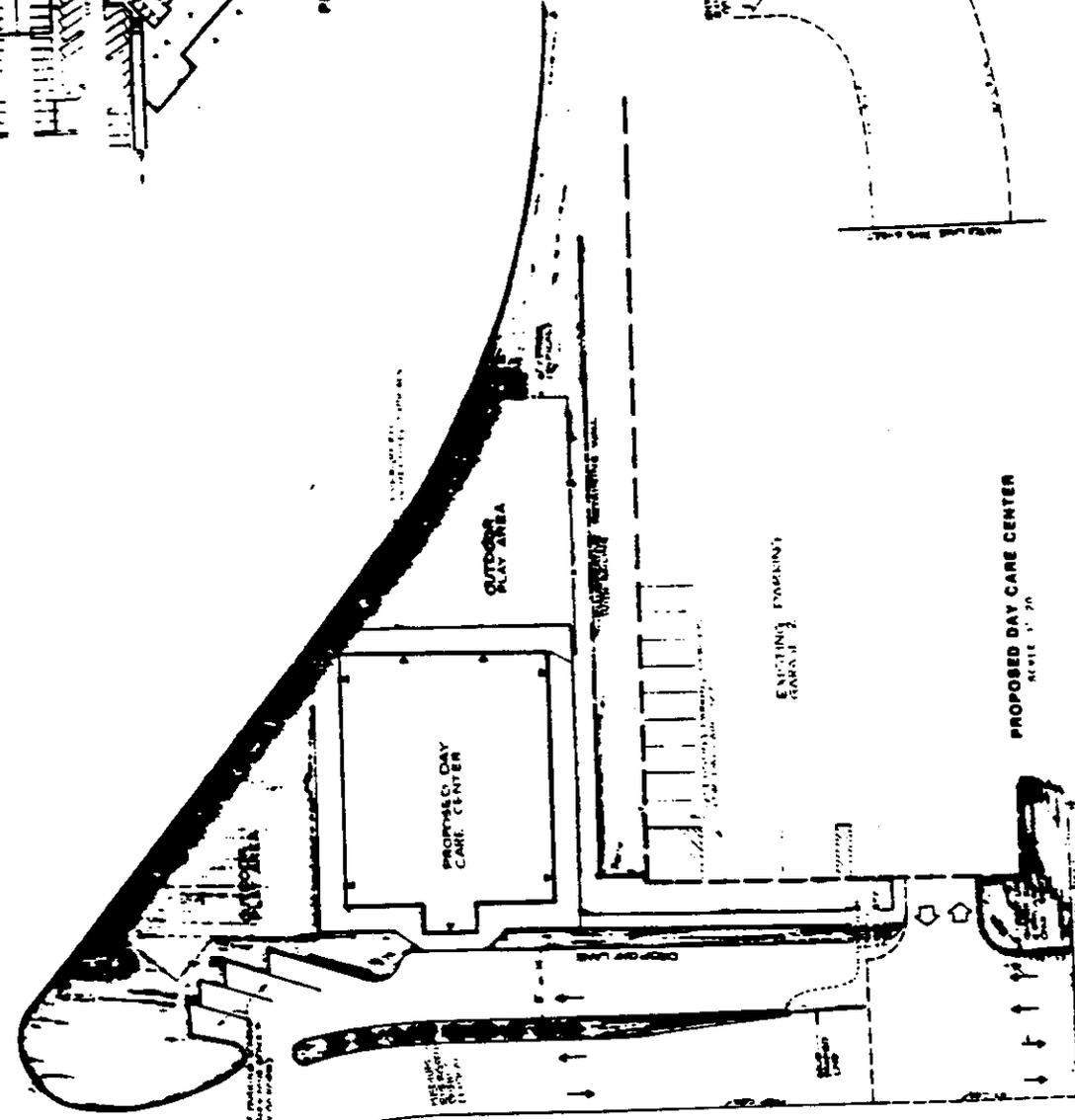
PROPOSED DRIVE IN BANK
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 TO 100 SQ FT IN 100 SQ FT IN 100 SQ FT
 TO 100 SQ FT IN 100 SQ FT IN 100 SQ FT

CONCEPTUAL DEVELOPMENT
 FINAL DEVELOPMENT
 HUNTER
 HUNTER
 HUNTER

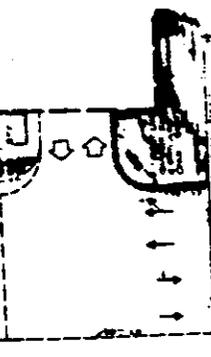


PROPOSED DRIVE IN BANK
P-1 LEVEL PARKING PLAN
 SCALE 1" = 40'

PROPOSED DRIVE IN BANK
 P-1 LEVEL PARKING PLAN
 SCALE 1" = 40'



PROPOSED DAY CARE CENTER
 SCALE 1" = 20'



PROPOSED DAY CARE CENTER
 SCALE 1" = 20'



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
Clerk to the Board of Supervisors (Acting)

TAIIII:ns

- cc: Joseph T. Hix
Real Estate Division, Assessments
- Jane W. Gwinn
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

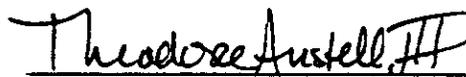
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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.

Proffers

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

Page 2

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

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 20-2-039 and FINAL
DEVELOPMENT PLAN 20-2-039

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

- b. In lieu of direct contracts with the PCRA, as set forth in paragraph 1-a above, the PCRA may direct that contracts be entered into with individual purchasers.
- c. These units shall be made available to the PCRA or purchasers designated by the PCRA 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 Applicants 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 PCRA 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 DEVELOPMENT
AND HOUSING AUTHORITY

ATTENT:

Assistant Secretary

By: _____
(Signature)

Date: _____

Date: _____

(Signature)

NUTLEY STREET - ROUTE 243

FIRST AMERICAN BANK OF VIRGINIA, TRUSTEE

LEE HIGHWAY ROUTE 29-211

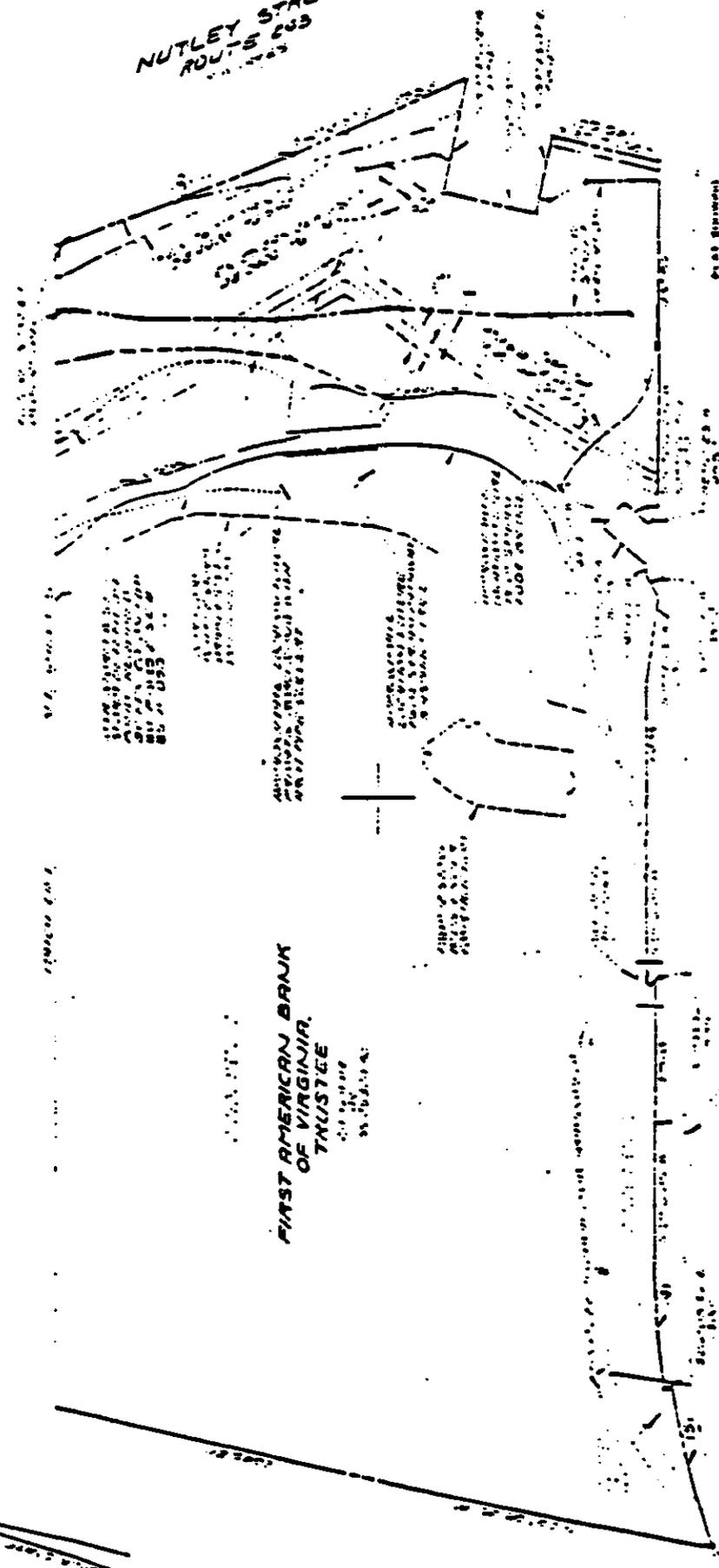
PLAT SHOWN
FLOOD PLAIN EASTARD
ON THE TWENTY SIXTH
FIRST AMERICAN BANK OF VIRGINIA, TRUSTEE

PROVINCE DISTRICT
COUNTY OF VIRGINIA
JANUARY 12, 1907
WILLIAMS & GARDNER ASSOCIATES, INC.



WILLIAMS & GARDNER ASSOCIATES, INC.
PROVINCE DISTRICT
COUNTY OF VIRGINIA
JANUARY 12, 1907

NUTLEY STREET
ROUTE 603



First Easement
FLOOD PLAIN EASEMENT
 THE FIRST AMERICAN BANK OF VIRGINIA, TRUSTEE

LEE HIGHWAY - ROUTE 15-211

FIRST AMERICAN BANK
 OF VIRGINIA,
 TRUSTEE

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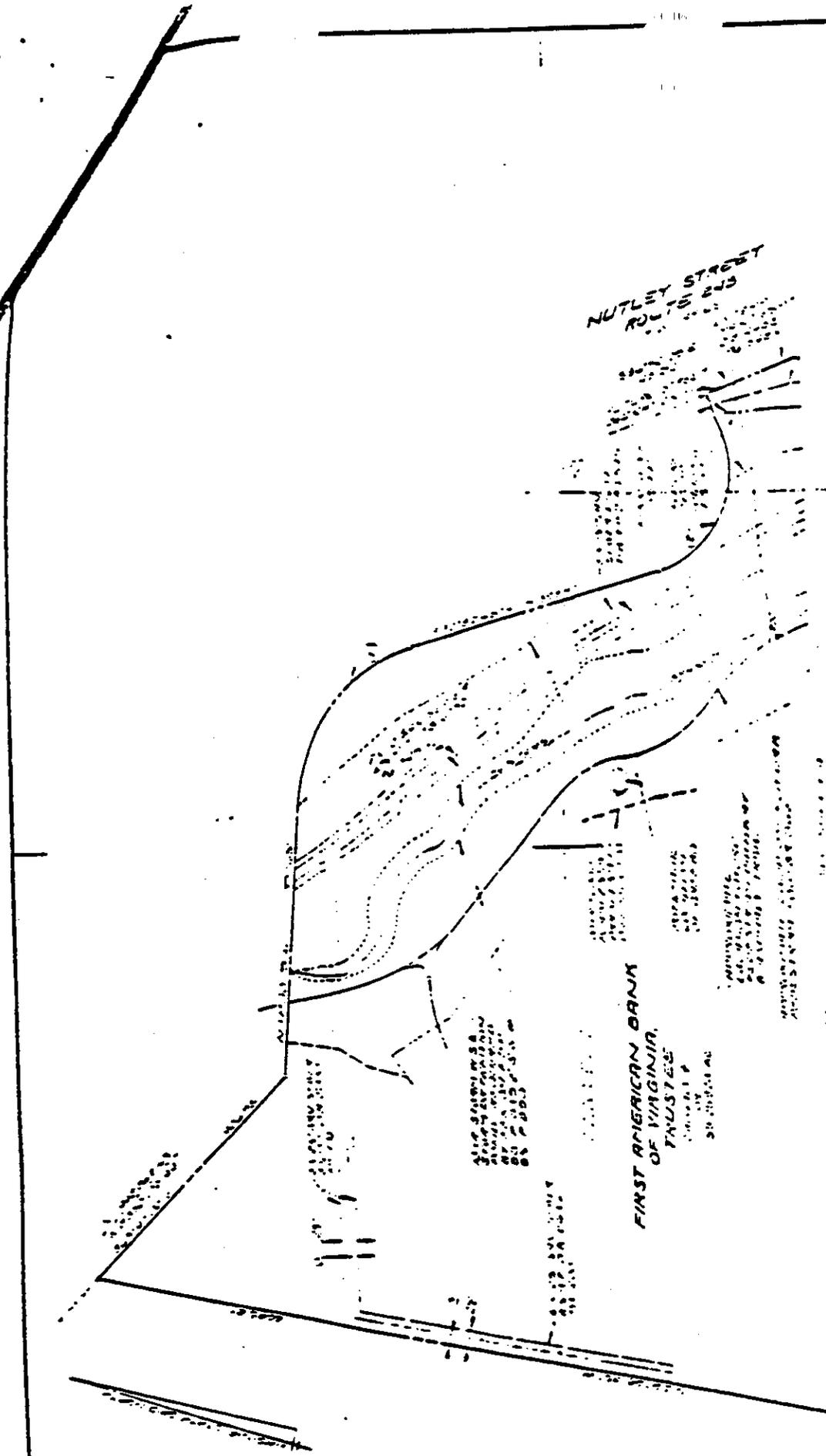
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SCALE 1" = 100'
 DATE 10/10/54
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 APPROVED BY: [Signature]



NUTLEY STREET
ROUTE 15, 243

ALL RIGHTS RESERVED
BY THE FIRST AMERICAN BANK
OF VIRGINIA

FIRST AMERICAN BANK
OF VIRGINIA
TRUSTEE

30 11/15/24

DEED OF CONVEYANCE
FLOOD PLAIN EASEMENT
AND THE FIRST AMERICAN BANK OF VIRGINIA,
TRUSTEE

RECORDED IN THE
PUBLIC RECORDS OF THE
COUNTY OF SPOTSYLDEN, VIRGINIA



THE FIRST AMERICAN BANK OF VIRGINIA, TRUSTEE

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
Zoning Evaluation Division, OCP

FROM: *Bruce G. Douglas*
Bruce G. Douglas, Chief
Environment & Development Review Branch, OCP

FILE NO.: 1994 (ZONING)

SUBJECT: Land Use Analysis for: PCA/FDPA 80-P-039-4
Bozzuto/Hunters Branch

DATE: 21 February 1995

This memorandum, prepared by Susie Leonard, includes citations from the Comprehensive Plan that list and explain land use and design policies for this property, and an analysis of the development plan dated February 7/9/10, 1995. The application requests changes in the design of the residential units in Land Bay B of the Hunters Branch development. Approval of this application would result in a density of 31.35 dwelling units per acre. Possible solutions to address identified use and design concerns are suggested. Other solutions may be acceptable, provided they are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The 31.67-acre property which is subject to the PCA (11.26 acres is subject to the FDP) is located in the Vienna Transit Station Area of the Vienna Planning District in Area II. The assessment of the proposal for conformity with the land use and design recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

On December 12, 1994 the Board of Supervisors adopted APR Item 94-II-5V which modified Page 268 of the 1991 edition of the Area II Plan, under the heading "Land Unit A," to read:

"This land unit is planned and approved for mixed-use development to include multi-family residential units as well as office uses up to .50 FAR and ancillary uses including, but not limited to, support retail and a day-care center. Approximately 320-350 housing units are approved for development in the southwest corner of the land unit and these should be provided. Additional multi-family residential units or a mix of multi-family

and high density single-family attached units may be considered on the remaining undeveloped portion of the land unit at an average of 20-30 dwelling units per acre built at a ratio converting approved office use to multi-family residential use of 1:1 (one office square foot for one residential square foot). In addition, the planned residential density on parcel 48-4((1))1B may be transferred to this land unit if parcel 48-4((1))1B is consolidated with this land unit and used for passive open space.

Optional uses may include housing for the elderly/elderly care facilities, hotel/motels and health/recreation facilities that are well integrated into the mixture of office and residential use not to exceed the approved commercial development for Land Unit A of 1,200,000 square feet.

Support retail uses should be integrated within office and residential buildings. Freestanding retail use is not appropriate.

Buildings should be sited so that building heights, in general, do not project more than ten (10) feet above the existing ridge line vegetation; the Environmental Quality Corridor should be preserved, covered paths to the Metro station and a minimum 50-foot landscaped or natural buffer to the residences on Fairlee Drive (Land Unit I) should be provided. The fifty (50) foot buffer may be modified to twenty-five (25) feet in the southwestern portion of the site if the following standards are met:

1. Barriers and enhanced landscaping are provided along the common property line.
2. The height of the apartment buildings closest to the property line shall not exceed four (4) stories and shall be located no closer than 100 feet from the western property line.
3. The twenty-five (25) foot buffer shall be undisturbed.

Because of the site's topography, development should be integrated with the land forms to reduce visual impacts to adjacent residential areas."

On page 31 under the heading "Preservation and Revitalization," the 1990 Policy Plan states:

"Objective 8: Fairfax County should encourage a land use pattern that protects, enhances and/or maintains stability in established residential neighborhoods.

Policy a. Protect and enhance existing neighborhoods by ensuring that infill development is of compatible use, and density/intensity, and that adverse impacts on public facility and transportation systems, the environment and the surrounding community will not occur."

On page 35 under the heading "Land Use Compatibility," the 1990 Policy Plan states:

"Objective 14: Fairfax County should seek to achieve a harmonious and attractive development pattern which minimizes undesirable visual, auditory, environmental and other impacts created by potentially incompatible uses.

Policy b. Encourage infill development in established areas that is compatible with existing and/or planned land use and that is at a compatible scale with the surrounding area and that can be supported by adequate public facilities and transportation systems.

Policy c. Achieve compatible transitions between adjoining land uses through the control of height and the use of appropriate buffering and screening.

Policy f. Utilize urban design principles to increase compatibility among adjoining uses.

Policy h. Utilize landscaping and open space along rights-of-way to minimize the impacts of incompatible land uses separated by roadways."

The Comprehensive Plan map shows that the property is planned for mixed use.

CHARACTER OF THE SURROUNDING AREA:

The 11+ acres which are subject to the FDPA are located in the southwest portion of the Hunters Branch mixed use development.

Immediately to the west is the stable single-family detached neighborhood of Fairlee which is planned and developed at 1-2 dwelling units per acre. To the south, across Lee Highway/Route 29, is land which is currently vacant and wooded but planned for residential use at 8-12 dwelling units per acre. Two existing 11-story office structures and their 3- and 4-story parking garages are located immediately to the east of Land Bay B. To the northeast is Land Bay A of Hunters Branch which contains some surface parking for Metro, is approved for four 9-story office buildings and which now has an optional Plan recommendation for residential/elderly housing/hotel uses. Beyond Land Bay A is the southern portion of the Vienna Metro Station.

PLANNING ANALYSIS:

This section characterizes land use and design concerns raised by an evaluation of this site and the proposed use. Suggested solutions are intended to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities to achieve compatibility with adjacent uses and to create a more attractive community.

If the applicant modifies the application, and/or accepts or proposes conditions comparable to the suggested solutions discussed below, the proposed development will be in harmony with the guidance of the Comprehensive Plan.

Compatibility with the Fairlee Neighborhood

Concern: Land Bay B was previously approved for a maximum of 350 dwelling units in six 6-story buildings. Those buildings were located in a zig-zag, angled configuration a minimum of 100 feet from the western edge of the property which abuts the single-family detached subdivision along Fairlee Drive. Some were as far away as 180 feet. Open space, including a 25-foot undisturbed buffer, a pool and tennis court (with a staggered 6-foot high wood fence immediately to their west) and trails, occupied the space between the apartment buildings and the western edge of the site.

The proposed changes in the design decrease the heights of the buildings to 4 stories (50 feet) and increase the number of buildings to 7. Two of those are large "U"-shaped structures connected by an arched section under which a pedestrian walkway will be built. The site layout is now a rectangular "modified grid" pattern which results in five buildings being lined up 100 feet from the western edge of the property, rather than irregularly placed on the property. Although lower in height than previously-approved, the new design may result in a greater

feeling of enclosure for the residents along Fairlee because of the increased amount of building facade facing the detached houses. Almost all of the site will be covered with buildings (residential, garages, community recreation, etc.) and associated private streets and parking. The resulting urban character of the development is consistent with development goals in Transit Station Areas but conflicts to a certain degree with the need to provide development which is compatible with the adjacent low-density residential uses along Fairlee Drive. In order to balance the proposed increase in building coverage on the site with the need to mitigate adverse impacts on Fairlee Drive residents, extra attention must be paid to the buffer along the western edge of the site as discussed below.

Reduction in Open Space and Buffers

Concern: The Plan text for the site recommends a 50-foot buffer between the site and the lower-density residential neighborhood, with an option for 25 feet of undisturbed buffer under certain conditions. The previously-approved FDP incorporated a 25-foot undisturbed vegetated buffer with a black vinyl coated chain link fence on the inside of the buffer. Additional open space between the multi-family buildings and the western edge of the property assisted in mitigating adverse impacts on the adjacent low density Fairlee neighborhood. In general, the proposed design meets the conditions specified in the Plan for a reduction in the western buffer: the buildings closest to the property line do not exceed 4 stories (they are proposed to be a maximum of 50 feet high) and are located at exactly 100 feet from the edge of the site, 25 feet of existing vegetation will be retained, and a barrier is proposed along the common property line (as specified in the Plan recommendation). The Plan also recommends "enhanced landscaping" along the western property line. The proposed landscape plan shows clusters of evergreen/screening trees immediately west of the parking, but additional treatment (e.g. more evergreen shrubs and trees) would be more appropriate in order to supplement the existing understory.

A welcome change in the new proposal is the elimination of large areas of surface parking in the southeastern portion of Land Bay B. Underground parking is now proposed beneath Buildings #1 and #3 and under the eastern halves of Buildings #2 and #6. However, the design changes also appear to have resulted in an overall reduction in the open space provided on the site (although tabulations of the previously-approved open space in this land bay have not been provided). This is illustrated by the reduction in the building setbacks along the western edge, the deletion of a tennis court and the request for a modification to the screening and barrier requirements along the southern edge (Route 29

frontage) of the site. Residential buildings will now be very close (approximately 40 feet) to the significant amount of traffic on Lee Highway. This proximity is not consistent with the amount of undisturbed buffer between the existing Hunters Branch office buildings and Lee Highway. The residential units will also be closer than was previously planned to the parking structures which serve the existing office buildings.

Suggested Solution: The applicant should provide a larger vegetated buffer between the proposed residential units and Lee Highway. An increase the amount of landscaping along the western edge of the site in order to more adequately fulfill the Plan recommendation for "enhanced landscaping" would also be appropriate.

Landscaping

Concern: No information is provided regarding the sizes or potential variety of the landscaping materials to be provided on the site. In light of the density and need for compatibility with adjacent development, more landscaping would also be appropriate. In addition, the illustrative sheets demonstrating how courtyards, parking and common areas will be treated are not reflected on the landscape plan (Sheet 4 of 4) to which the applicant is proffering. This lack of commitment is undesirable in a Transit Station Area adjacent to an existing low density residential development.

Suggested Solution: Information regarding the size and possible variety of plant materials should be provided. Additional landscaping (above that shown on Sheet 4 of 4) should be committed to in order to fulfill County goals for high quality development in Transit Station Areas.

Pedestrian Circulation

Concern: The Plan text recommends that covered paths to the Metro station be provided at this location. However, covered paths were not incorporated into the previously-approved design for the site. The applicant has incorporated a system of pedestrian walkways which will facilitate walking towards the Metro station area.

Site-Specific Development Conditions

Concern: As noted above, the proposal is generally consistent with the site-specific development conditions outlined in the Plan recommendation for the property. The three conditions necessary

Barbara A. Byrd
PCA/FDPA 80-P-039-4
Page Seven

to a reduction in the undisturbed buffer along the western edge can be met with some improvements to the landscaping in that area. Residential use is acknowledged in the Plan and reiterated in this proposal. The Plan calls for approximately 320-350 dwelling units. The proposal entails 352 units which may be deemed to be "approximately" 350. The proposal would, however, more appropriately fulfill the recommendation for development which "reduces visual impacts to adjacent residential areas" by increasing the amount of open space provided on the site.

Suggested Solution: The applicant should address issues related to landscaping, open space and buffers as discussed above.

BGD:SL

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

MAR 8 1995

ZONING EVALUATION DIVISION

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

FROM: Angela Kadar Rodeheaver, Chief 
Site Analysis Section, OT

FILE: 3-4 (RZ 80-P-039)

SUBJECT: Transportation Impact

REFERENCE: PCA/FDPA 80 -P-039-04 ; Bozzuto Development Company
Land Identification Map: 48-4 ((1)) 1K

DATE: March 1, 1995

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 the Office dated December 1, 1994

The referenced application is a request for proffered condition amendment/final development amendment for previously approved two 6-story residential building (350 apartments). The proposed plan will consist of eight garden-style buildings (336 apartments). This review indicates that this Office would not object to the proposed amendment so long as the following transportation issues are adequately addressed.

Site Access:

- o The Fairfax County Zoning Ordinance require that development adjacent to any primary highway include the construction of a service drive meeting PFM design standards unless waived by the Board of Supervisors. Service drives are effective facility for the consolidation of access at a median break. In this instance, this Office would not object to waiver of the service drive requirements along the site's Lee Highway frontage.
- o The proposed entrances along the existing private street should be design and constructed to align directly opposite the entrances to Land Bay A.

Note: All the previous proffered transportation improvement should be continued.

AKR/SU:su

cc: John Winfield, Deputy Director, Design Review, Department of Environmental Management

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

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

FILE NO.: 1989 (ZONING)

SUBJECT: ENVIRONMENTAL ASSESSMENT for PCA/FDPA 80-P-039-4
Bozzuto Development Company

DATE: 27 February 1995

This memorandum, prepared by Noel Kaplan, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. The citations are followed by a discussion of environmental concerns including a description of potential impacts that may result from the proposed development as depicted on the development plan dated February 9, 1995. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

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

On page 93 of the 1990 Policy Plan under the heading "Environmental Resources", the Comprehensive Plan states:

"The retention of environmental amenities on developed and developing sites is also important. The most visible of these amenities is the County's tree cover. It is possible to design new development in a manner that preserves some of the existing vegetation in landscape plans. It is also possible to restore lost vegetation through replanting. An aggressive urban forestry program could retain and restore meaningful amounts of the County's tree cover.

Objective 11: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.

Policy a: Protect or restore the maximum amount of tree cover on developed sites consistent with planned land use and good silvicultural practices. . . ."

On pages 88 to 89 of the 1990 Policy Plan under the heading "Noise", the Comprehensive Plan states:

"Objective 5: Minimize human exposure to unhealthful levels of transportation generated noise.

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

New development should not expose people in their homes, or other noise sensitive environments to noise in excess of 45 dBA L_{dn}, or to noise in excess of 65 dBA L_{dn} in the outdoor recreation areas of homes. To achieve these standards new residential development in areas impacted by highway noise between 65 and 75 dBA L_{dn} will require mitigation. . . ."

On page 86 of the 1990 Policy Plan under the heading "Water Quality", the Comprehensive Plan states:

"Objective 2: Prevent and reduce pollution of surface waters."

On page 90 of the 1990 Policy Plan under the heading "Environmental Hazards", the Comprehensive Plan states:

"Objective 7: Ensure that new development either avoids problem soil areas, or implements appropriate engineering measures to protect existing and new structures from unstable soils. . . ."

Policy b: Require new development on problem soils to provide appropriate engineering measures to ensure against geotechnical hazards."

ENVIRONMENTAL ANALYSIS:

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

Tree Preservation

Issue:

Both the approved and proposed development plans will result in the clearing of almost the entirety of the existing tree cover on the property. Both plans display a 25-foot transitional screening yard along the western property boundary within which existing vegetation will be preserved. Neither the approved nor the proposed development plan commits to tree preservation outside of this transitional screening area. Under the approved development plan, however, additional tree preservation to the east of the transitional screening area may be feasible. The proposed development plan displays a parking area immediately east of the tree preservation buffer. It is not likely that additional tree preservation will be possible under the proposed development plan.

Suggested Solution:

It should be recognized that the applicant's proposed commitment to tree preservation on the property is equivalent to that which was proffered for the approved development on the property. The applicant should, however, consider designing the proposed development such that additional tree preservation will be feasible.

Highway Noise

Issue:

The property is affected by noise generated from traffic on Lee Highway. A highway noise analysis performed during the review of this proposal produced the following noise contours:

65 dBA Ldn	370 feet from centerline
70 dBA Ldn	115 feet from centerline

Proposed structures 1 and 2 will be affected by highway noise levels above 65 dBA Ldn. The southernmost portions of proposed structures 1 and 2 will be affected by highway noise levels just over 70 dBA Ldn. Other portions of proposed structures 1 and 2 (facades exposed to the highway) will be affected by noise levels between 65 dBA Ldn and 70 dBA Ldn.

Suggested Solution:

In order to reduce noise in interior areas to 45 dBA Ldn or less, the facades of proposed structures 1 and 2 which will be exposed to highway noise should be constructed with building materials that are sufficient to provide this level of acoustical mitigation. Guidelines for mitigation are attached.

Swimming Pool Discharge

Issue:

The discharge of water from swimming pools, if performed correctly, should have little or no adverse impacts to receiving waters. Improperly discharged water, however, may have significant adverse impacts and may result in violations of the State Water Control Law. Care should be taken during the maintenance of the proposed swimming pool to ensure that water discharged from the pool meets all applicable water quality standards.

Suggested Solution:

Swimming pool discharge water should be routed into the stormwater management system. The discharge process should follow the following guidelines in order to ensure that pool water is properly neutralized prior to being discharged:

- All waste water resulting from the cleaning and draining of the pool should meet the appropriate level of water quality prior to discharge. A procedure has been established to ensure that pool water is properly neutralized prior to being discharged during draining or cleaning operations. The recommended method involves adding sufficient amounts of lime or soda ash to the acid cleaning solution to achieve a pH approximately equal to that of the receiving stream. Virginia water quality standards require pH of discharges into most receiving waters to fall between 6.0 and 9.0. In addition, the standard for dissolved oxygen should be attained prior to the release of pool water. This requires a minimum concentration of 4.0 milligrams per liter.

- If the water being discharged from the pool is discolored or contains a high level of suspended solids that could affect the clarity of the receiving stream, it should be allowed to stand so that most of the solids settle out prior to being discharged.
- In order to ensure that high levels of chlorine are not discharged into the surface water system, pool water should not be chlorinated prior to backwashing and/or discharge.

The Environmental Health Division of the Health Department (246-2444) should be contacted for more information about appropriate maintenance and discharge procedures.

Soil Constraints

Issue:

Portions of the property contain soils characterized by a high seasonal groundwater table and by low bearing values for foundation support. A geotechnical engineering study in conformance with Chapter 107 of the Fairfax County Code may be required by the Department of Environmental Management at the time of subdivision review.

TRAILS PLAN:

The Trails Plan indicates that a trail is required parallel to Lee Highway. The Director, Department of Environmental Management will determine the specific type and right of way requirements for any required trails at the time of plan review.

BGD:NHK

**GUIDELINES FOR THE ACOUSTICAL TREATMENT OF RESIDENTIAL PROPERTIES
AND OTHER NOISE SENSITIVE USES WITHIN HIGHWAY NOISE IMPACT ZONES OF
65-70 dBA L_{dn}**

In order to achieve a maximum interior noise level of 45 dBA L_{dn} all units located between the 65-70 dBA L_{dn} highway noise impact contours should have the following acoustical attributes:

1. Exterior walls should have a laboratory sound transmission class (STC) rating of at least 39.
2. Doors and windows should have a laboratory STC rating of at least 28. If windows constitute more than 20% of any facade they should have the same laboratory STC rating as walls.
3. Measures to seal and caulk between surfaces should follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

In order to achieve a maximum exterior noise level of 65 dBA L_{dn} noise attenuation structures such as acoustical fencing, walls, earthen berms or combinations thereof, should be provided for those outdoor recreation areas including rear yards, that are unshielded by topography or built structures. If acoustical fencing or walls are used, they should be architecturally solid from ground up with no gaps or openings. The structure employed must be of sufficient height to adequately shield the impacted area from the source of the noise.

**GUIDELINES FOR THE ACOUSTICAL TREATMENT OF RESIDENTIAL PROPERTIES
AND OTHER NOISE SENSITIVE USES WITHIN HIGHWAY NOISE IMPACT ZONES OF
70-75 dBA L_{dn}**

In order to achieve a maximum interior noise level of 45 dBA L_{dn} all units located between the 70-75 dBA L_{dn} highway noise impact contours should have the following acoustical attributes:

1. Exterior walls should have a laboratory sound transmission class (STC) rating of at least 45.
2. Doors and windows should have a laboratory STC rating of at least 37. If windows constitute more than 20% of any facade they should have the same laboratory STC rating as walls.
3. Measures to seal and caulk between surfaces should follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

In order to achieve a maximum exterior noise level of 65 dBA L_{dn} noise attenuation structures such as acoustical fencing, walls, earthen berms or combinations thereof, should be provided for those outdoor recreation areas including rear yards, that are unshielded by topography or built structures. If acoustical fencing or walls are used, they should be architecturally solid from ground up with no gaps or openings. The structure employed must be of sufficient height to adequately shield the impacted area from the source of the noise.

FAIRFAX COUNTY WATER AUTHORITY

8560 Arlington Boulevard - P. O. Box 1500
Merrifield, Virginia 22116-0815
(703) 698-5600

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

JAN 12 1995

ZONING EVALUATION DIVISION

January 9, 1995

MEMORANDUM

TO: Staff Coordinator (Tel. 324-1250)
Zoning Evaluation Division-Suite 800
12055 Government Center Parkway
Fairfax, VA 22035-5505

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

SUBJECT: Water Service Analysis, Rezoning Application FDPA 80-P-039-04
PCA 80-P-039-04

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. Water service is not available from FCWA.
3. Other pertinent information or comments:

City of Falls Church water service area. See enclosed map.

Attachment

48-4/01/ /01/ /0001-K
 31.67 Acres
 PDC

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Staff Coordinator
 Zoning Evaluation Division, OCP

DATE: December 27, 1994

FROM: Gilbert Osei-Kwadwo, Engineer III (Tel: 324-5025)
 System Engineering & Monitoring Division, DPW

SUBJECT: Sanitary Sewer Analysis, Rezoning Application PCA 80-P-039-04, FDPA 80-P-039-04

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 Pollution Control Plant at this time. For purposes of this report, committed flow shall be deemed that for which fees have been paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An existing 8 inch line located in easement and on the property is adequate for the proposed use at this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

Sewer Network	Existing Use + Application		Existing Use + Application Previous Rezonings		Existing Use + Application + Comp Plan	
	Adeq.	Inadeq.	Adeq.	Inadeq.	Adeq.	Inadeq.
Collector	X		X		X	
Submain	X		X		X	
Main/Trunk	X		X		X	
Interceptor						
Outfall						

5. Other pertinent information of comments: _____

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

February 28, 1995

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

MAR 6 1995

ZONING EVALUATION DIVISION

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

FROM: Christine Anderson (246-4677) 
Research and Planning Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis
Proffered Condition Amendment PCA 80-P-039-04 Con. with
Final Development Plan Amendment FDPA 80-P-039-04

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject Proffered Condition Amendment and Final Development Plan Amendment:

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #30 Merrifield.
2. After construction programmed for FY 1995, 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:
 - X 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.

TO: Barbara A. Byron
Staff Coordinator (246-1700)
Zoning Evaluation Branch
10255 Govt. Center Pkwy., Suite 801

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

JAN 4 1995

ZONING EVALUATION DIVISION

Area: 51.9 PU# 3910

FROM: Kathleen Unterkofler (246-3612)
Office of Facilities Planning

From: TO: PDC

SUBJECT: Schools Analysis, Rezoning Application

Case # FDPA / PCA 80-P-039-04

The following information is submitted in response to your request for a school analysis for the referenced rezoning application.

- * A comparison of estimated student generation between the proposed development plan and that possible under existing zoning area are as follows:

School Level	Unit Type	Proposed Zoning			Existing Zoning			Rezoning Increase Decrease	Total School Impact
		Units	Ratio	Students	Units	Ratio	Students		
Elem. (K-6)	GA*	336	x .165	55			x		55
Inter. (7-8)	GA*	336	x .039	13			x		13
High (9-12)	GA*	336	x .076	25			x		25

- * Schools which serve this property, their current total membership, net operating capacity, and their projections for the next five years are as follows:

- * Plan does not specify exact dwelling unit type

School Name and Number	Grade Level	9/30/94 Capacity	9/30/94 Membership	Projected Membership				
				95-96	96-97	97-98	98-99	99-00
Marshall Rd. 3054	K-6	485	428	445	451	456	472	474
Jackson 2081	7-8	800	933	941	954	966	1021	1052
Oakton 2050	9-12	2200	2088	2174	2293	2424	2549	2611

Source: Capital Improvement Program, FY 1996-2000 Facilities Planning Services Office

- * Comments: Amendment changes approval from two 6-story residential buildings to eight 4-story buildings

- a. Five-year projections are those currently available and are subject to periodic review. School attendance areas subject to yearly review. The effect of the rezoning application does not consider the existence or status of other applications.

MEMORANDUM

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

DATE: 3-14-95

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

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
MAR 16 1995
ZONING EVALUATION DIVISION

SUBJECT: Rezoning Application Review

Name of Applicant/Application: BOZZUTO DEVELOP. CO. /

Application Number: 80-P-039-04

Type of Application: PCA, FDPA

Information Provided

Application: YES

Development Plan: YES

Other: STATEMENT OF JUSTIFICATION

Date Received in UP&DD: 12-15-94

Date Due Back to OCP: 1-11-95

Site Information

o Location: 48-4-001-0001-K

o Area of Site: 31.67 acres

o Rezoned from: PDC to

o Watershed/Segment: ACCOTINK CREEK / HUNTER

1. Drainage

o Master Drainage Plans: AC353: RIPRAP FOR CHANNEL IMPROVEMENT, LOCATED AT APPROXIMATELY 1000' DOWNSTREAM OF SITE.

AC352: GABION AND RIPRAP FOR CHANNEL IMPROVEMENT, LOCATED AT APPROXIMATELY 2000' DOWNSTREAM OF SITE.

AC351: INSTALLATION OF 1000' RIPRAP FOR CHANNEL IMPROVEMENT, LOCATED AT APPROXIMATELY 1 MILE DOWNSTREAM OF SITE.

A-501: RAISE AND REPLACE A BRIDGE AT BARKLEY DR, LOCATED AT APPROXIMATELY 1 MILE DOWNSTREAM OF 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 (within flood plain) along the outfall for this site.

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: BOZEMAN DEVELOP. CO. / PCA, FDPA 80-P-039-04

***** 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

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 (Ron Kirkpatrick)
- Public Improvements Branch (Walt Wozniak)
- Stormwater Management Branch (Bill Henry)

JWK/crt(1631E)

- 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: Bruce Douglas, Chief, Environmental and Heritage Resources Branch, Office of Comprehensive Planning
- cc: David Marshall, Chief, Public Facilities and Services Branch, Office of Comprehensive Planning

Fairfax
County
Park
Authority



Memorandum

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

JAN 18 1995

ZONING EVALUATION DIVISION

TO: Barbara Byron **Date:** January 12, 1995
Director
Zoning Evaluation Division - OCP

VIA: Lynn Tadlock
Manager
Division of Planning and Land Management - FCPA

FROM: Dorothea L. Stefen
Plan Review
Division of Planning and Land Management - FCPA

SUBJECT: PCA 80-P-039-04 & FDPA 80-P-039
Loc: 48-4((1))1K

The Fairfax County Park Authority (FCPA) staff reviewed the above referenced application and approved the following provisions:

- o The proportional impact, for off-site park facilities, for a development of this size would generate capital costs of \$290,304 to sustain the current level of park service standards. This amount could be used for upgrading 2 soccer fields at Oak Marr District Park or Accotink Stream Valley trail projects in Providence District.

The Comprehensive Plan, Parks and Recreation, Objective 4, Policy b, states: "Mitigate the cumulative impacts of development which exacerbate or create deficiencies of Community Park facilities in the vicinity. The extent of facilities, land or contributions to be provided shall be in general accordance with the proportional impact on identified facilities needs as determined by County standards. Implement this policy through application of the Criteria for Appropriate Development Intensity".

cc: Joanne Malone, Providence District Representative - FCPA

DLS/dls

ARTICLE 16

DEVELOPMENT PLANS

PART I 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS

16-101 General Standards

No application shall be approved for a planned development under the provisions of Article 6 unless the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character and intensity of use and public facilities. Residential planned developments shall not exceed the density permitted by the adopted comprehensive plan, except as expressly permitted under applicable density bonus provisions.
2. The planned development shall be of such design that it will result in a development achieving the stated purposes of the planned development district more than would development under a conventional zoning district.
3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.
5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.

16-102 Design Standards

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish standards by which to evaluate good design. To satisfy this necessity, the following design standards are set forth for general application in all planned developments.

1. In order to complement development on adjacent properties, at all peripheral lot lines the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.
2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities.

4. Within planned developments, particular emphasis shall be placed on the provision of recreational amenities and a comprehensive system of pedestrian, bicycle and/or bridle paths which shall be carefully coordinated with the provision of open spaces, public facilities, vehicular access routes and mass transportation facilities.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of-way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted in the zoning district if the site were developed as a conventional subdivision. See Sect. 9-615 of the Zoning Ordinance.

COUNTY 456 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.1-456 of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITION: As or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets, trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A GENERALIZED DEVELOPMENT PLAN (GDP) is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A CONCEPTUAL DEVELOPMENT PLAN (CDP) is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A FINAL DEVELOPMENT PLAN (FDP) is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): A measure of the effectiveness of a roadway traffic, usually under anticipated peak traffic conditions. Level of service efficiency is generally characterized by letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.1-491 of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Environmental Management.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DEM for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DEM for review and approved pursuant to Chapter 101 of the Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDC	Planned Development Commercial
ADU	Affordable Dwelling Unit	PDH	Planned Development Housing
ARB	Architectural Review Board	PFM	Public Facilities Manual
BMP	Best Management Practices	PPRB	Permit, Plan Review Branch
BOS	Board of Supervisors	PRC	Planned Residential Community
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Central Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
DEM	Department of Environmental Management	SE	Special Exception
DDR	Division of Design Review, DEM	SP	Special Permit
DP	Development Plan	TDM	Transportation Demand Management
DPW	Department of Public Works	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPW
FDP	Final Development Plan	UMTA	Urban Mass Transit Association
GDP	Generalized Development Plan	VC	Variance
GFA	Gross Floor Area	VDOT	Virginia Dept. of Transportation
HCD	Housing and Community Development	VPD	Vehicles Per Day
LOS	Level of Service	VPH	Vehicles per Hour
Non-RUP	Non-Residential Use Permit	WMATA	Washington Metropolitan Area Transit Authority
OCF	Office of Comprehensive Planning	ZAD	Zoning Administration Division, OCP
OT	Office of Transportation	ZED	Zoning Evaluation Division, OCP
PD	Planning Division		