



FAIRFAX COUNTY

APPLICATION FILED: April 4, 2002
APPLICATION AMENDED: July 18, 2002
PLANNING COMMISSION: September 11, 2002
BOARD OF SUPERVISORS: not scheduled

V I R G I N I A

August 28, 2002

STAFF REPORT

APPLICATION RZ 2002-SU-011

SULLY DISTRICT

APPLICANT:	Eastwood Properties, Inc.
PRESENT ZONING:	R-1, WS
REQUESTED ZONING:	R-3 Cluster, WS
PARCEL:	65-3 ((1)) 7
ACREAGE:	2.86 acres
DENSITY:	1.75 du/ac
OPEN SPACE:	35%
PLAN MAP:	Residential; 2-3 du/ac
PROPOSAL:	Cluster subdivision of five (5) single family detached lots

STAFF RECOMMENDATIONS:

Staff recommends approval of application RZ 2002-SU-011, subject to the execution of proffers consistent with those in Appendix 1.

Staff recommends approval of the requested waiver of minimum district size for an R-3 Cluster subdivision.

Staff recommends approval of the requested waiver of the open space provisions of Par. 4 of Sect. 2-309.

Staff recommends approval of the requested waiver of PFM standard 2-0103.2 to allow more than 20% of the lots in the subdivision to be pipestem lots.

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

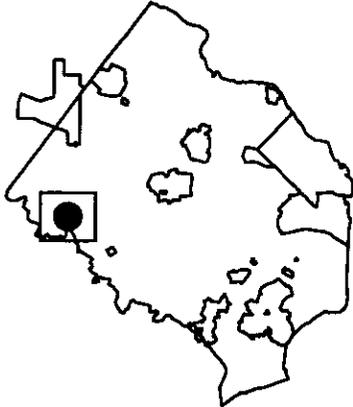
It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

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

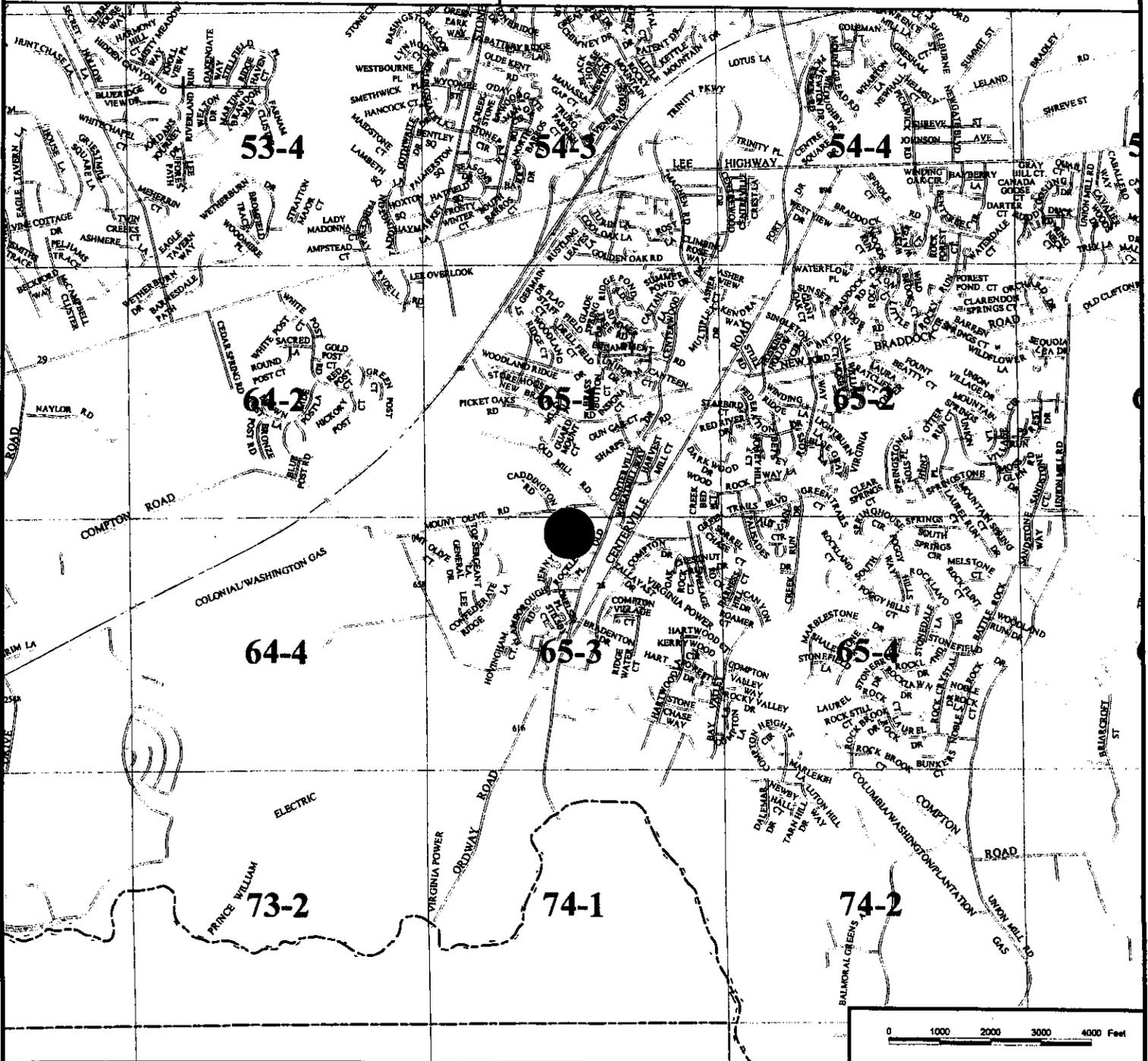


Rezoning Application

RZ 2002-SU-011

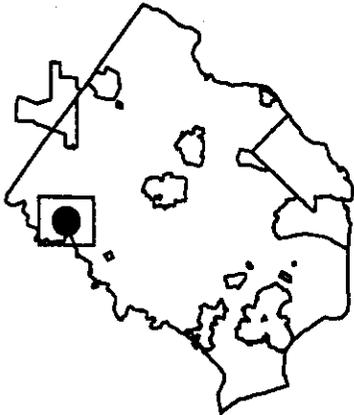


Applicant: EASTWOOD PROPERTIES, INC.
Filed: 04/04/2002- AMENDED 07/18/2002
Proposed: RESIDENTIAL CLUSTER DEVELOPMENT
Area: 2.86 AC OF LAND; DISTRICT - SULLY
Located: AT WESTERN TERMINUS OF NICHOLAS SCHAR WAY
Zoning: FROM R-1 TO R-3
Overlay Dist: WS
Map Ref Num: 065-3- /011 /0007

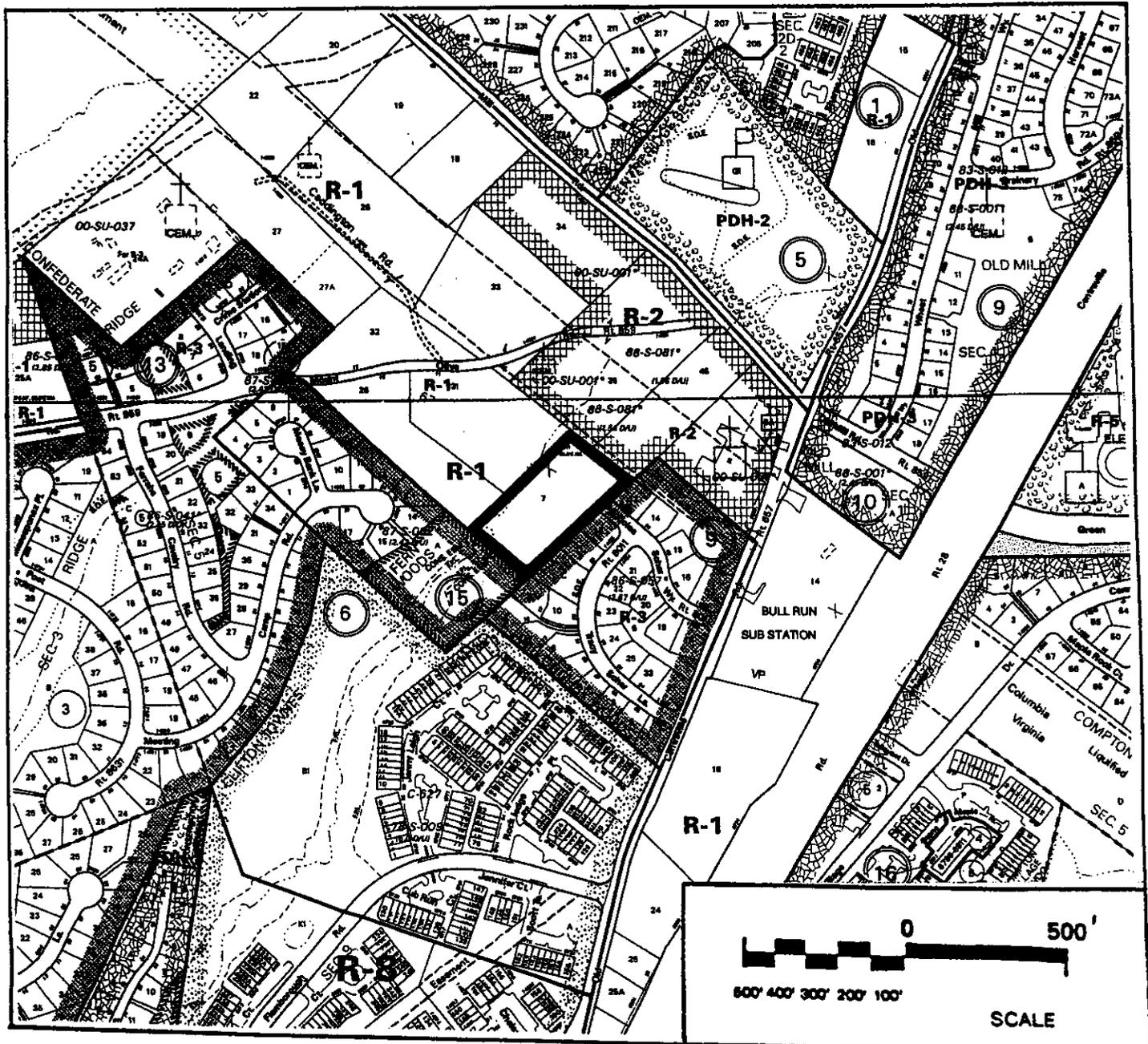


Rezoning Application

RZ 2002-SU-011



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Map Ref Num: 065-3- /01/ /0007



LEROY HARRIS GENERALIZED DEVELOPMENT PLAN



DATE	BY	NO.
10/15/02	JPH	1
11/15/02	JPH	2
01/15/03	JPH	3

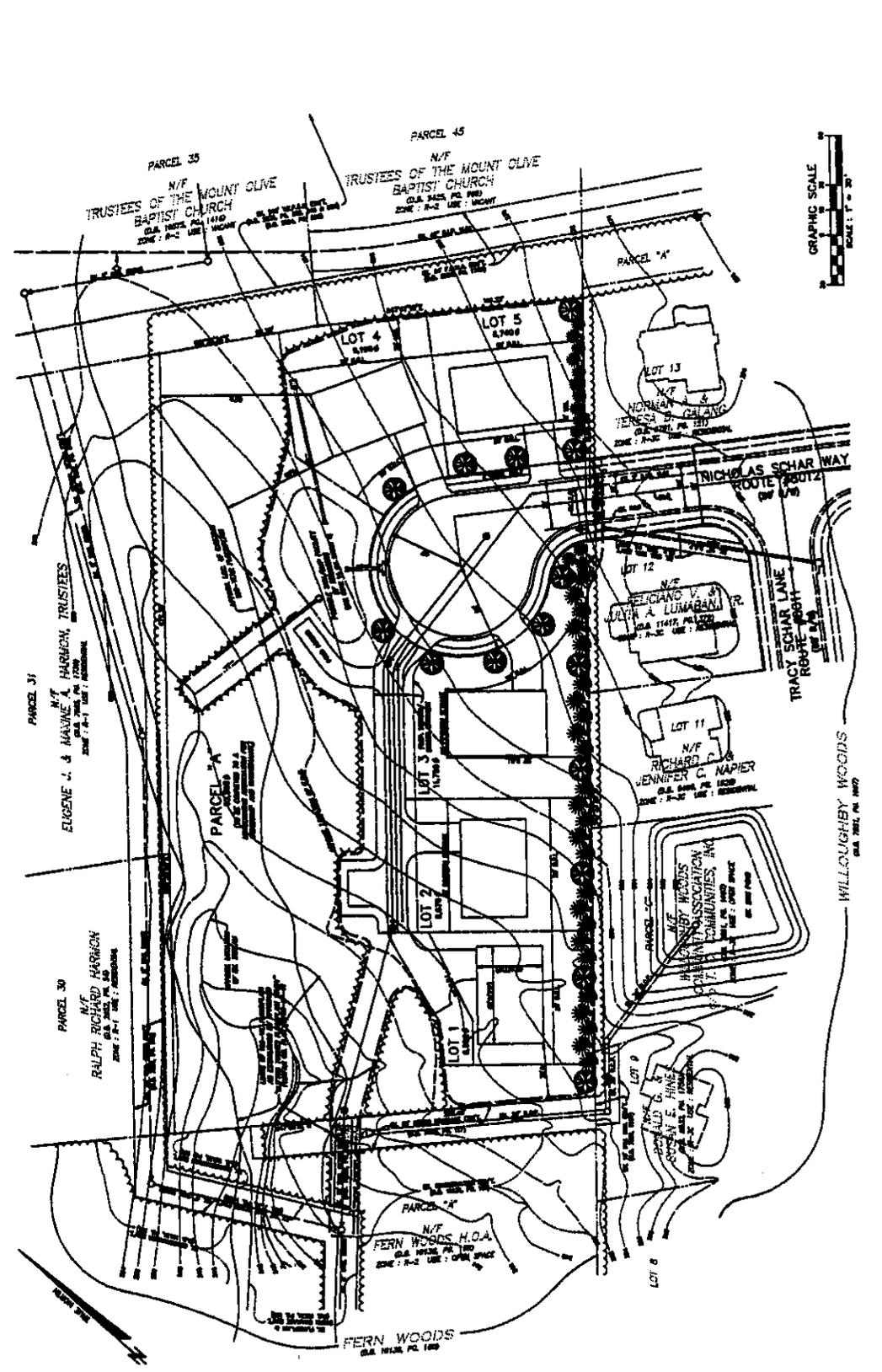
CPJ
Charles P. Johnson & Associates, Inc.
Professional Land Surveyors
1000 North Main Street, Suite 100
Farmy, Virginia 22431
Tel: 540-833-1111
Fax: 540-833-1112

LEGEND

	PROPOSED WALKWAY
	LOTS OF CLEARED & EXISTING
	PROPOSED SANITARY SYSTEM
	PROPOSED WATERMAIN
	APPROXIMATE EDC BOUNDARY
	ELEVATION WIRES (of 100, 100')

TREE COVER CALCULATIONS

TOTAL TREE COVER	100%

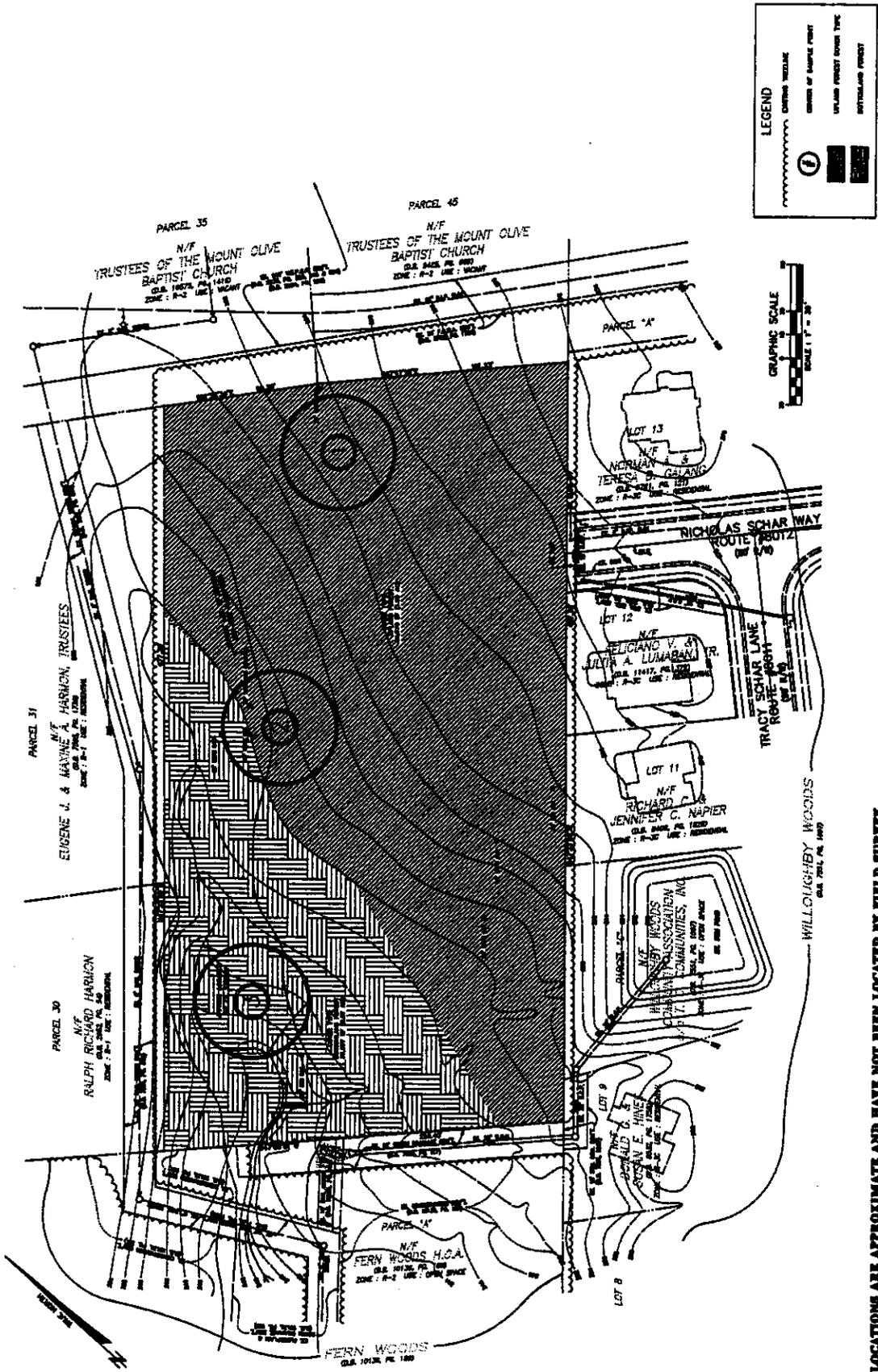


EXISTING VEGETATION MAP
LEROY HARRIS PROPERTY
 SULLY DISTRICT
 FARMKAX COUNTY, WISCONSIN
 RZ 2002-SU-011



CPJ
 Charles P. Johnson & Associates, Inc.
 10000 Wisconsin Avenue
 Suite 200
 Bethesda, MD 20814
 Phone: 301-462-1000
 Fax: 301-462-1001
 E-mail: cpj@cpj.com

DATE	3/3
SCALE	1" = 20'
PROJECT	3
NO.	3



LEGEND

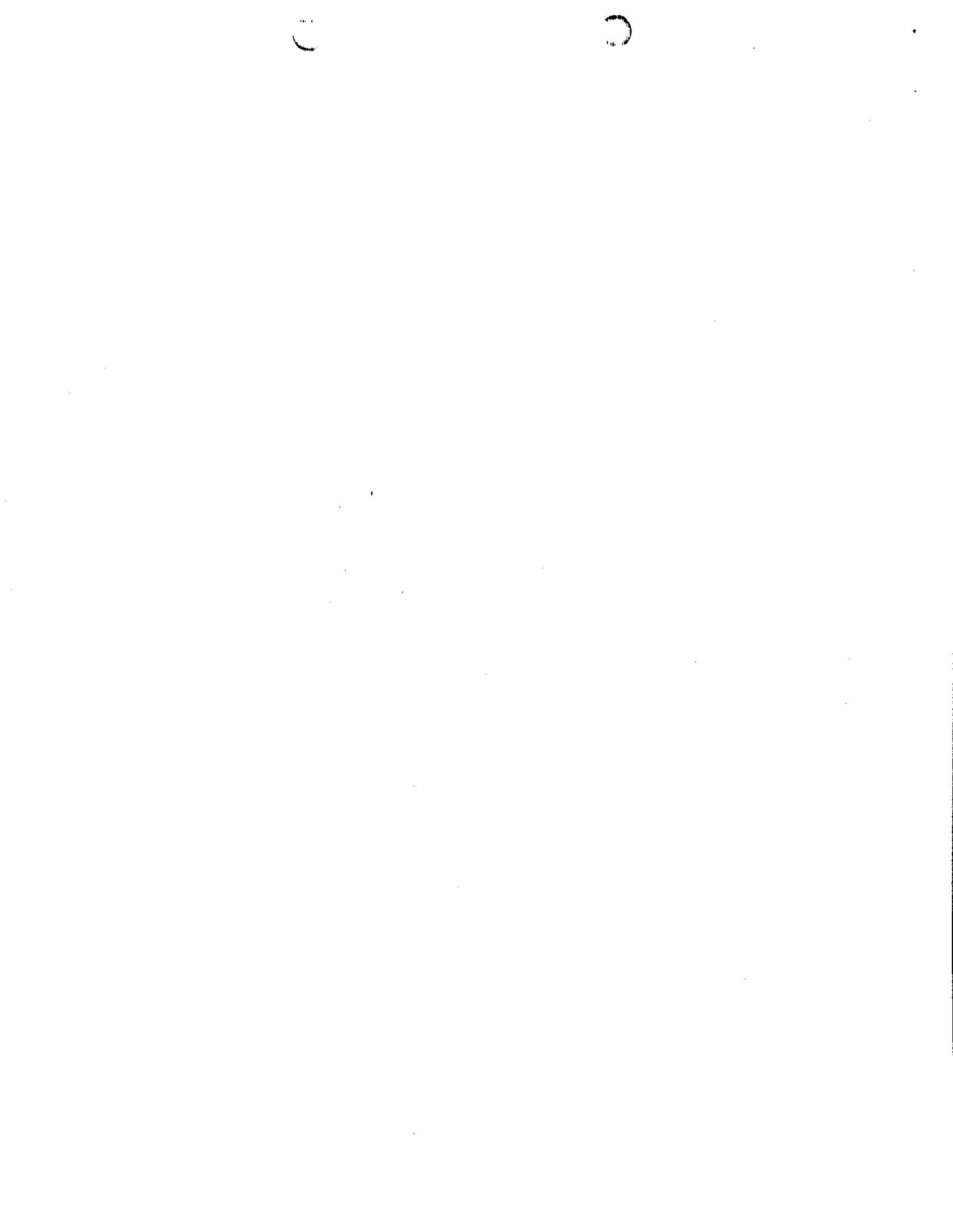
- Symbol 1: Existing Vegetation
- Symbol 2: Center of Sample Point
- Symbol 3: Upland Forest
- Symbol 4: Wetland Forest



TREE COVER DATA

THESE LOCATIONS ARE APPROXIMATE AND HAVE NOT BEEN LOCATED BY FIELD SURVEY

PARCEL #	OWNER	DATE	VEGETATION TYPE	AREA (SQ. FT.)	PERCENT COVER
30	RALPH RICHARD HARMON	10/1/88	Upland Forest	10,000	100%
31	EUGENE J. & MAXINE A. HARMON	10/1/88	Upland Forest	10,000	100%
35	TRUSTEES OF THE MOUNT OLIVE BAPTIST CHURCH	10/1/88	Upland Forest	10,000	100%
45	TRUSTEES OF THE MOUNT OLIVE BAPTIST CHURCH	10/1/88	Upland Forest	10,000	100%
11	RICHARD C. & JENNIFER C. NAPIER	10/1/88	Upland Forest	10,000	100%
12	ELICIANO V. & LINDA A. LUMABAN TR.	10/1/88	Upland Forest	10,000	100%
13	NEWMAN GELAND	10/1/88	Upland Forest	10,000	100%
14	WILLIUGHBY WOODS	10/1/88	Upland Forest	10,000	100%
15	FERN WOODS H.O.A.	10/1/88	Upland Forest	10,000	100%



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

DESCRIPTION OF THE APPLICATION

Proposal:	Rezone 2.86 acres from the R-1 to the R-3 District, for the development of a cluster subdivision of five (5) single family detached homes
Location:	Terminus of Nicholas Schar Way, south of the intersection of Old Centreville Road and Old Mill Road
Proposed Density:	1.75 du/ac
Waivers and Modifications:	<p>Waiver of minimum district size for an R-3 Cluster subdivision, to allow a district of less than 7 acres (2.86 acres provided)</p> <p>Waiver of the open space provisions of Par. 4 of Sect. 2-309, to allow a cluster subdivision without an open space area consisting of 1 acre outside of a floodplain with no dimension less than 50 feet (provided: 1 acre of open space with 0.57 acre outside of the floodplain, smallest dimension 20 feet)</p> <p>Waiver of Public Facilities Manual (PFM) standard 2-0103.2 to allow more than 20% of the lots in the subdivision to be pipestem lots (40% pipestems proposed)</p> <p>Wavier/modification of stormwater management/BMP requirements <i>To be addressed at the time of subdivision plan review</i></p>

LOCATION AND CHARACTER

Site Description:

The 2.86 acre application property is located at the terminus of Nicholas Schar Way, west of the intersection of Old Mill Road and Old Centreville Road. The site is vacant, with the northern half crossed by a stream and covered by that stream's associated floodplain and EQC. The site is characterized by mature vegetation, both within and out of the floodplain/EQC area.

The site is surrounded by a mix of open space, residential development, and institutional property.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
Northwest	Residential, SFD	R-1	Residential, 2-3 du/ac
Northeast	Church & cemetery (Mt. Olive Baptist)	R-2	Residential, 2-3 du/ac
Southwest	Open Space	R-3	Residential, 2-3 du/ac
Southeast	Residential, SFD	R-3 Cluster	Residential, 2-3 du/ac

BACKGROUND

On April 4, 2002, the applicant filed the application as RZ/FDP 2002-SU-011, requesting a rezoning from the R-1 District to the PDH-3 District, and concurrent approval of a Final Development Plan. The proposal showed five single family detached lots, a density of 1.75 du/ac, minimum lot size of 6,500 square feet, and 50% open space. In response to staff comment, the applicant amended the application to request R-3 Cluster. The proposal remained for 5 lots.

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

Plan Area:	III
Planning District:	Bull Run
Planning Sector:	Centreville (BR6)
Plan Map:	Residential, 2-3 du/ac
Plan Text:	There is no site specific text for this property

ANALYSIS

Generalized Development Plat (Copy at front of staff report)

Title of GDP:	"Leroy Harris Property"
Prepared By:	Charles P. Johnson & Associates, Inc.
Original and Revision Dates:	July 15, 2002 as revised through August 8, 2002

The Generalized Development Plat consists of three (3) sheets showing the following information:

Sheet one (1) is the title page, and includes a vicinity map, soils map, site tabulations, general notes and index.

Sheet two (2) displays the layout of the site with the following features:

- Five (5) lots for single family dwelling units with an average lot size of 9,500 square feet at a density of 1.75 du/ac.
- Parcel A, measuring 63,500 square feet, to be maintained as open space. A majority of Parcel A is floodplain and/or Environmental Quality Corridor (EQC).
- Limits of clearing and grading encompassing the majority of Parcel A. Areas in Parcel A shown to be cleared include the stormwater pond outfall and the sanitary sewer connection.
- Access provided via the end of (public) Nicholas Schar Way, provided with a standard cul-de-sac. Three lots (# 3, 4 and 5) have direct driveway access to the cul-de-sac, the other two lots are served via a pipestem driveway (total of 40% pipestem lots).
- Sidewalks around the cul-de-sac bulb tying into those on Nicholas Schar Way.
- Stormwater management/BMPs (if required) at the end of the cul-de-sac. Maintenance access to the pond is also provided from the pipestem driveway
- Evergreen screening along the southern boundary of the site.

Sheet three (3) consists of the Existing Vegetation Map (EVM).

Transportation Analysis (Appendix 5)

No major transportation issues were raised by this application. The applicant has shown a standard public cul-de-sac with sidewalks. Although the property is not located in the defined area for the Centreville Road Fund, the proposed homes would utilize the road system encompassed by the Fund, and other development in the immediate area have made such a contribution. The applicant should consider a contribution to that fund.

Environmental Analysis (Appendix 6)

The applicant has shown a stormwater management pond/BMP facility on the GDP, but has begun discussions with DPWES on the feasibility of waiving this requirement. If waived, proffer commitments would retain the pond area as open space. The applicant has also proffered to landscape the pond (if required), and to address geotechnical issues at the time of site plan approval. In addition, the applicant has provided the standard blasting proffer to protect adjacent homeowners in the event that blasting is required on the site.

Issue: Water Quality

The site is located within the Water Supply Protection Overlay District. Thirty-five percent of the site is proposed to be in open space; slightly less than half of which is located within the floodplain. The applicant should designate this area, or as much as possible, as "undisturbed open space," and should provide for the area to be conveyed to either the Homeowners' Association or to the Board of Supervisors, should such be required to meet Stormwater Management and Water Quality requirements.

Resolution:

The applicant has provided for limits of clearing and grading protecting the majority of the vegetation within Parcel A, and has shown the parcel to be conveyed to the HOA. In addition, proffer commitments designated those areas encompassed by the limits of clearing and grading as "undisturbed open space," and prohibit structures from being constructed within Parcel A. This issue has been resolved.

Public Facilities Analyses (Appendices 7 through 12)**Fairfax County Park Authority (Appendix 7)**

The proposed development is projected to add approximately 16 persons to the current population of the Sully District. The GDP does not show any recreational amenities to be provided by the developer. Residents of this development will need outdoor facilities including picnic, playground/tot lot, tennis, multi-use court and athletic fields. The proportional development cost to provide recreational facilities for the residents of this development while maintaining the current level of service is estimated to be \$3,280. The applicant has proffered to contribute the requested funds to the Park Authority.

Fairfax County Public Schools (Appendix 8)

The proposed development would be served by the Centreville Elementary, Liberty Middle, and Centreville High Schools. One elementary student and one high school student are projected to be added to the schools from this development. Centreville High School is currently slightly below capacity, but is projected to be above capacity by the 2006-2007 school year. Centreville Elementary is currently above capacity and projected to remain so. Staff believes that that the projected increase of one student per school would not unduly impact these schools. Liberty Middle School is currently below capacity.

Fire and Rescue (Appendix 9)

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #17, Centreville. The requested rezoning currently meets fire protection guidelines, as determined by the Fire and Rescue Department.

Sanitary Sewer Analysis (Appendix 10)

The subject property is located within the Cub Run (T-7) watershed and would be sewerred into the UOSA Treatment Plant. An existing 8 inch line located in an easement and approximately 60 feet from the subject property is adequate for the proposed use. Silver Hill reimbursement charges are applicable to the development.

Fairfax County Water Authority (Appendix 11)

The subject property is located within the Fairfax County Water Authority Service Area. Adequate domestic water service is available at the site from an existing 8 inch water main located at the site.

Utilities Planning and Design, DPWES (Appendix 12)

The analysis notes that there are no drainage or flooding complaints related to this site. The applicant is encouraged to utilize innovative BMP/Detention facilities to meet Stormwater Detention requirements.

Land Use Analysis (Appendix 4)

The proposed development, with a density of 1.75 dwelling units per acre (du/ac), is in conformance with the Comprehensive Plan recommendation for residential development, and below the Plan range of 2-3 du/ac. The proposed density and lot sizes are compatible with other developments in the area. The applicant has revised the application and the proposed GDP in response to staff comments. The revised plan moved the proposed units further from the adjacent homes to the south, and relocated the pipestem driveway from the southern side of the proposed units to the northern side, further reducing the impact on the adjacent homes. With these revisions, staff feels the request is compatible with the surrounding neighborhoods.

ZONING ORDINANCE PROVISIONS

Bulk Standards (R-3 cluster)		
Standard	Required	Provided
Minimum District Size	7 acres	2.86 acres (waiver requested)
Minimum Lot Size	8,500 square feet	8,500 square feet
Lot Width	NA	NA
Building Height	35 feet	35 feet
Front Yard	20 feet	20 feet
Pipestem setback	25 feet	25 feet
Side Yard	8 feet each side, minimum total of 20 feet both sides	8 feet each side, minimum total of 20 feet both sides
Rear Yard	25 feet	25 feet
Transltional Screening & Barrier: none		

WAIVERS AND MODIFICATIONS

➤ *Waiver of the minimum district size for cluster subdivisions*

The minimum district size for an R-3 cluster subdivision is seven acres. The application property is 2.86 acres. In this instance, staff believes a waiver of the minimum district size is appropriate because the property is surrounded on two sides by developed subdivisions and on the third by a church. Although there are several large parcels to the north, the northern boundary is encumbered by a floodplain and EQC. Development as part of a consolidation with the properties to the north would require this floodplain/EQC area to be crossed, which would not be optimal.

➤ *Waiver of the open space provisions for cluster subdivisions*

In conjunction with the approval of appropriate proffered conditions, the Board may waive the open space requirement for cluster subdivisions set forth in Par. 4 of Sect. 2-309, which require at least "one area of open space comprised of lands outside of the floodplain, which is one (1) acre in size and has no dimension less than fifty (50) feet." Such a waiver may be approved when it will further the intent of the Ordinance, and the intent and implementation of the adopted comprehensive plan and other adopted policies, when it is established that the resultant development will be harmonious with adjacent development, and if the provisions of Article 13 are satisfied. Staff believes that the proposed development has lot sizes which are comparable with those in surrounding developments, and that approval of a cluster subdivision on this property will further the protection of the floodplain and EQC. Furthermore, the provisions of Article 13 do not require any transitional screening and are therefore met by the proposal. Staff therefore recommends approval of the requested waiver.

OTHER ZONING ORDINANCE REQUIREMENTS (Appendix 13)

Provision for a Cluster Subdivision (Sect. 9-615)

The Board may approve a cluster subdivision in the R-3 District in conjunction with the approval of a rezoning in accordance with the provisions of Sect. 9-615. These provisions include:

Par. 2A requires that the proposal preserve the environmental integrity of the site by protecting and/or promoting the preservation of features such as steep slopes and stream valleys; and that the proposal produce a more efficient and practicable development. The subject property is encumbered by a large area of floodplain and EQC. A cluster subdivision will provide for the protection of the floodplain/EQC while allowing the property to be developed at a density more closely in alignment with the recommended density of 2-3 du/ac. Staff believes this standard has been satisfied.

Par. 2B requires that the proposal be in accordance with the adopted comprehensive plan and the established character of the area. The Comprehensive Plan recommends residential development at a density of 2-3 du/ac for the subject property. The proposal is for 1.75 du/ac, and includes lots of a comparable size of those in the area. The closest existing lots average around 9,000 square feet. The proposed minimum lot size for this application is 8,500 square feet, with an average lot size of 9,500 square feet. Staff believes this standard has been satisfied.

Par. 3 requires that the maximum density for the applicable district not be increased, and that no lot extend into a floodplain. The proposal meets these criteria.

Water Supply Protection Overlay District (Sect. 7-800)

The Water Supply Protection Overlay District adds additional requirements for water quality controls, and additional requirements for uses that have hazardous materials on-site. The section requires that any subdivision which is subject to the provisions of Chapter 101 of The Code provide water quality control measures designed to reduce by one-half the projected phosphorus runoff pollution for the proposed use. The GDP shows a Stormwater Management/Best Management Practices (BMPs) facility, which will be reviewed by the DPWES at the time of subdivision. Therefore, staff sees nothing in the application which would preclude the development from full compliance with the provisions of the WSPOD.

Housing Trust Fund

The applicant has proffered to a contribution of ½% of the sales price of the houses to the Housing Trust Fund. This is an appropriate contribution because the proposed development is below the plan range.

Public Facilities Manual Sect. 2-0103.2

Sect. 2-0103.2 of the PFM states that “[i]n general, pipestem lots may not represent more than 20% of the total number of lots within a given subdivision...” The application request for five lots includes two served by pipestems, or 40%. The applicant has requested a waiver of this standard. Staff believes that a waiver is appropriate as the proposed design will reduce the amount of impervious surface, and because the proposed lots will front on open space, and will not create lots with inappropriate relationships (i.e., front yards overlooking adjoining rear yards).

Summary of Zoning Ordinance Provisions

All applicable Zoning Ordinance Provisions have been satisfied.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff believes that the application has satisfied the requirements for a cluster subdivision, and is in harmony with the recommendations of the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions. The proposed lot sizes will be comparable to those in surrounding developments, and the use of cluster development will allow the protection of the floodplain, EQC, and considerable tree cover.

Recommendation

Staff recommends approval of application RZ 2002-SU-011, subject to the execution of proffers consistent with those in Appendix 1.

Staff recommends approval of the requested waiver of minimum district size for an R-3 Cluster subdivision.

Staff recommends approval of the requested waiver of the open space provisions of Par. 4 of Sect. 2-309.

Staff recommends approval of the requested waiver of PFM standard 2-0103.2 to allow more than 20% of the lots in the subdivision to be pipestem lots.

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. Affidavit
3. Statement of Justification
4. Plan Citations and Land Use Analysis
5. Transportation Analysis
6. Environmental Analysis
7. Fairfax County Park Authority
8. Fairfax County Public Schools
9. Fire and Rescue
10. Sanitary Sewer Analysis
11. Fairfax County Water Authority
12. Utilities Planning and Design, DPWES
13. Zoning Ordinance Provisions
14. Glossary

PROFFERS

RZ 2002-SU-011
EASTWOOD PROPERTIES, INC.

August 28, 2002

Pursuant to Section 15-2.2303A of the 1950 Code of Virginia, as amended, the undersigned applicant and owners, for themselves and their successors or assigns (hereinafter referred to as "Applicant"), hereby proffer the following conditions provided the Subject Property is rezoned as proffered herein.

1. **Generalized Development Plan.** Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance development of the property shall be in substantial conformance with the plan entitled "Generalized Development Plan, Leroy Harris Property ("GDP")," consisting of three (3) sheets prepared by Charles P. Johnson & Associates, Inc., revised as of August 8, 2002.
2. **Energy Efficiency.** All homes constructed on the property shall meet the thermal standards of the CABO Gabo Model Energy Program for energy efficient homes, or its equivalent, as determined by the Department of Public Works and Environmental Services ("DPWES") for either electric or gas energy homes, as applicable.
3. **Tree Preservation.** The Applicant shall submit a tree preservation plan as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forestry Division.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees twelve (12) inches in diameter and greater twenty (20) feet to either side of the limits of clearing and grading shown on the GDP for the areas shown to be protected by the limits of clearing and grading. The tree survey shall also include areas of clearing and grading not shown on the GDP resulting from engineering requirements, such as off-site clearing and grading for utilities or stormwater outfall. The condition analysis ratings shall be prepared using methods outlined in the eighth edition of *The Guide for Plant Appraisal* published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an Urban Forestry Division representative to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Trees that are not likely to survive construction due to their species and/or their proximity to disturbance will also be identified at this time, and the Applicant shall be given the option of removing them as part of the clearing operation. Any tree that is designated for removal at the edge of the limits of clearing and grading or within a tree preservation area, shall be removed using a chain saw to avoid damage to surrounding trees. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing four (4) foot high, 14-gauge welded wire attached to six (6) foot steel posts, driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart, shall be erected at the limits of clearing and grading as shown on the demolition, and Phase I and II erosion and sediment control sheets for the areas shown to be protected by the limits of clearing and grading.

All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing, except super silt fence, shall be performed under the supervision of a certified arborist. Three (3) days prior to the commencement of any clearing, grading or demolition activities, the Urban Forestry Division shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been properly installed.

4. Parcel A. No fences or structures (other than sanitary sewer facilities, stormwater management and related facilities or other utilities where requested by a utility provider) shall be allowed in any part of Parcel A. Those areas of Parcel A which are shown to be protected by the limits of clearing and grading shall be preserved as "undisturbed open space," in that no clearing will occur in these areas, except for the removal of dead, dying, and diseased trees or noxious or invasive vegetation.
5. **Road Dedication.** At the time of recordation of the record plat for the subdivision, or upon demand by Fairfax County, whichever occurs first, right-of-way for the public street extension of Nicholas Schar Way, necessary for public street purposes and as shown on the GDP, shall be dedicated and conveyed to the Board in fee simple.

6. **Pipe Stem. The portion of the pipe stem driveway serving as maintenance access to the stormwater management pond shall be constructed in accordance with Section 6-1306.3F(1) of the Public Facilities Manual.**
7. **Density Credit.** All density and intensity of use attributable to land areas dedicated and conveyed to the Board pursuant to these proffers shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and density hereby reserved to be applied to the residue of the Subject Property.
8. **Homeowners' Association. The Applicant shall file and pursue an application for incorporation of the Subject Property into the Willoughby Woods Homeowners Association, so that the Subject Property can be governed by the by-laws and covenants of Willoughby Woods, including, without limitation, the provisions of pro rata maintenance contributions for the common facilities of Willoughby Woods and the Subject Property and architectural review of dwellings to ensure that the dwellings on the Subject Property are compatible with the existing dwellings in Willoughby Woods (The maintenance costs for the pipe stem driveway west of the maintenance access road will not be a part of the maintenance costs for common facilities. Maintenance costs for the pipe stem driveway west of the maintenance road shall be shared by the owners of Lots 1 and 2.). In the event that the Applicant's application for incorporation into Willoughby Woods is not accepted, the Applicant shall establish a Homeowners Association ("HOA") for the proposed development to own, manage and maintain the open space areas and all other community owned land and improvements.**
9. **Stormwater Management Pond.**
 - a. **At the time of subdivision plan review and approval, the Applicant shall diligently pursue the approval of the necessary waivers or modifications of the applicable stormwater management requirements, to allow a full waiver or the use of a Facility of smaller size than that identified on Sheet 2 of the GDP. To further this objective, the Applicant reserves the right to employ "rain gardens" or similar alternative measures. In the event a rain garden or similar measure is employed, it shall be maintained by the HOA in accordance with Attachment A and such maintenance responsibilities shall be disclosed in the HOA documents. Should DPWES fail to approve the necessary permits and/or waivers or modifications, the Applicant reserves the right to provide a dry pond in substantial conformance with that shown on Sheet 2 of the GDP. In order to restore a natural appearance to the proposed stormwater management facility, a landscape plan shall be submitted as part of the first submission of the subdivision plan. The plan shall show the restrictive planting easement for the facility and extensive landscaping**

in all areas outside of that restrictive planting easement, in accordance with the planting policies of Fairfax County.

- b. Stormwater management will be provided in accordance with the requirements of the Public Facilities Manual, as determined by DPWES, unless otherwise waived or modified. Any required stormwater management facility shall be landscaped to the maximum extent possible and in accordance with the planting policies of the County.
 - c. The location and configuration of the stormwater management facility shown on Sheet 2 of the GDP is conceptual and subject to change based on final engineering, so long as such changes do not encroach into designated tree save areas. In the event that the final design and engineering indicates that the applicable water quality/quantity requirements can be met without the use of a dry pond or if the required stormwater management pond requires less land area than that shown on the GDP, or if the stormwater management requirements are waived or modified pursuant to Proffer 7b those areas not required in connection with the stormwater pond or its associated grading shall be examined jointly by the Applicant and the County Urban Forester for feasibility as additional tree preservation areas. If found to be viable for tree preservation purposes, these areas shall be protected in accordance with the requirements of these proffers.
10. **Landscaping.** Landscaping for the site shall be in substantial conformance with the landscaping shown on the Sheet 2 of the GDP, subject to minor adjustments approved by DPWES.
 11. **Affordable Housing Contribution.** At the time of subdivision plan approval, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one half of one percent (.5%) of the projected sales price of the new homes to be built on-site, as determined by the Department of Housing and Community Development and DPWES in consultation with the Applicant to assist the County in its goal to provide affordable dwelling elsewhere in the County.
 12. **Blasting. If blasting is required, and before any blasting occurs on the Subject Property, the Applicant shall insure that the Fairfax County Fire Marshal has reviewed the blasting plans, and all safety recommendations of the Fire Marshall shall be implemented. In addition, the Applicant shall:**
 - a. Retain a professional consultant to perform a pre-blast survey of each house, to the extent that any of these structures are located within one hundred fifty (150) feet of the blast site.
 - b. Require his consultant to request access to houses, that are located within said 150 foot range, to determine the pre-blast conditions of these

structures. The Applicant's consultants will be required to give adequate notice of the scheduling of the pre-blast survey.

- c. **Require his consultant to place seismographic instruments near these structures prior to blasting if permitted by property owners, to monitor the shock waves. The Applicant shall provide seismographic monitoring records to County agencies upon their requests.**
- d. **Upon receipt of a claim of actual damage resulting from said blasting, the Applicant shall cause his consultant to respond expeditiously by meeting at the site of the alleged damage to confer with the property owner. The Applicant will require subcontractors to maintain adequate liability insurance to the extent necessary to cover the costs of repairing any damages to structures which are directly attributable to the blasting activity.**
13. **Lot 3. The dwelling on Lot 3 shall be located a minimum of twenty (20) feet from the southern boundary line of the Subject Property.**
14. **Geotechnical Analysis. If required by DPWES, the Applicant shall provide a geotechnical analysis of the site, and implement the requirements of DPWES.**
15. **Park Authority. At the time of subdivision plan approval, the Applicant shall contribute \$3,280 to the Fairfax County Park Authority to be utilized for recreational facilities in a County Park in the vicinity of the Subject Property.**

[SIGNATURE ON THE FOLLOWING PAGE]

**APPLICANT/OWNER OF TAX MAP 65-3 ((1))
PARCEL 7**

EASTWOOD PROPERTIES, INC.

By:

Richard L. Labbe, President

SPECIFICATIONS FOR MAINTENANCE OF RAIN GARDENS

Description	Method	Frequency	Time of the year
SOIL			
Inspect and Repair Erosion	Visual	Monthly	Monthly
MULCH LAYER			
Remulch any void areas	By hand	Whenever needed	Whenever needed
Remove previous mulch layer before applying new layer (optional)	By hand	Once every two to three years	Spring
Any additional mulch added (optional)	By hand	Once a year	Spring
PLANTS			
Removal and replacement of all dead and diseased vegetation considered beyond treatment	See planting specifications	Twice a year	3/15 to 4/30 and 10/1 to 11/30
Treat all diseased trees and shrubs	Mechanical or by hand	N/A	Varies, depends on insect or disease infestation
Watering of plant material shall take place at the end of each day for fourteen consecutive days after planting has been completed	By hand	Immediately after completion of project	N/A
Replace stakes after one year	By hand	Once a year	Only remove stakes in the spring
Replace any deficient stakes or wires	By hand	N/A	Whenever needed
Check for accumulated sediments	Visual	Monthly	Monthly

0

0

REZONING AFFIDAVIT

DATE: August 19, 2002
(enter date affidavit is notarized)

I, Robert A. Lawrence, Esq., Agent, 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

2002-576

in Application No.(s): RZ/FDP 2002-SU-011
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application, and, if any of the foregoing is a **TRUSTEE***, each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
EASTWOOD PROPERTIES, INC. Agent: Richard L. Labbe	10300 Eaton Place, #120 Fairfax, VA 22030	Applicant/Title Owner of Tax Map 65-3 ((1)) Parcel 7
CHARLES P. JOHNSON & ASSOCIATES, INC. Agents: Paul B. Johnson Allan D. Baken Henry M. Fox, Jr.	3959 Pender Drive, #200 Fairfax, VA 22030	Engineers/Agents
REED SMITH LLP Agents: Robert A. Lawrence Grayson P. Hanes J. Howard Middleton, Jr. Benjamin F. Tompkins Jo Anne S. Bitner Timothy L. Gorzycki	3110 Fairview Park Drive, #1400 Falls Church, VA 22042	Attorneys/Agents

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

* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

REZONING AFFIDAVIT

DATE: August 19, 2002
(enter date affidavit is notarized)

2002-576

for Application No. (s): RZ/FDP 2002-SU-011
(enter County-assigned application number(s))

1(b). The following constitutes a listing** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
EASTWOOD PROPERTIES, INC.
10300 Eaton Place, #120
Fairfax, VA 22030

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Richard L. Labbe - Sole Shareholder

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

Richard L. Labbe - President/Secretary/Treasurer

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

** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(b)

DATE: August 19, 2002
(enter date affidavit is notarized)

0002-576

for Application No. (s): RZ/FDP 2002-SU-011
(enter County-assigned application number (s))

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

CHARLES P. JOHNSON & ASSOCIATES, INC.
3959 Pender Drive, #200
Fairfax, VA 22030

DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Charles P. Johnson
Paul B. Johnson

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

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and 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.

REZONING AFFIDAVIT

DATE: August 19, 2002
(enter date affidavit is notarized)

2002-574

for Application No. (s): RZ/FDP 2002-SU-011
(enter County-assigned application number(s))

1(c). The following constitutes a listing** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

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

REED SMITH LLP
3110 Fairview Park Drive, #1400
Falls Church, VA 22042

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

GENERAL PARTNERS:

Aaronson, Joel P.	Boehner, Russell J.	Clark, II, Peter S.	Dermody, Debra H.
Abbott, Kevin C.	Bolden, A. Scott	Cobetto, Jack B.	Dicello, Francis P.
Alfandary, Peter R.	Bonessa, Dennis R.	Colen, Frederick H.	DiFlore, Gerard S.
Allen, Thomas L.	Booker, Daniel I.	Coltman, Larry	Dilling, Robert M.
Auten, David C.	Bookman, Mark	Condo, Kathy K.	DiNome, John A.
Bagliebter, William M.	Borrowdale, Peter E.	Connors, Eugene K.	Duman, Thomas J.
Banzhaf, Michael A.	Brown, George	Convery, III, J. Ferd	Dumville, S. Miles
Barry, Kevin A.	Browne, Michael L.	Cottingham, Robert B.	Duronio, Carolyn D.
Basinski, Anthony J.	Burroughs, Jr., Benton	Cramer, John McN.	Erickson, John R.
Begley, Sara A.	Cameron, Douglas E.	Cranston, Michael	Esser, Carl E.
Bentz, James W.	Carder, Elizabeth B.	D'Agostino, L. James	Evans, David C.
Bernstein, Leonard A.	Casey, Bernard J.	Dare, R. Mark	Fagelson, Ian B.
Bevan, III, William	Christian, Douglas Y.	Davis, Peter R.	Fagelson, Karen C.
Binis, Barbara R.	Christman, Bruce L.	Demase, Lawrence A.	First, Mark L.
Bimbaum, Lloyd C.	Clark, George R.	DeNinno, David L.	Fisher, Solomon

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

** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(c)

DATE: August 19, 2002
(enter date affidavit is notarized)

2002-576

for Application No. (s): RZ/FDP 2002-SU-011
(enter County-assigned application number (s))

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

REED SMITH LLP (cont'd list of partners)
3110 Fairview Park Drive, #1400
Falls Church, VA 22042(check if applicable) The above-listed partnership has no limited partners.NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)**GENERAL PARTNERS:**

Flatley, Lawrence E.	Honigberg, Carol C.	Luchini, Joseph S.	Post, Peter D.
Folk, Thomas R.	Horvitz, Selwyn A.	Lynch, Michael C.	Preston, Thomas P.
Fontana, Mark A.	Howell, Ben Burke	Lyons, III, Stephen M.	Prorok, Robert F.
Foster, Timothy G.	Innamorato, Don A.	Mahone, Glenn R.	Quinn, John E.
Fox, Thomas C.	Jones, Craig W.	Marger, Joseph W.	Radley, Lawrence
Frank, Ronald W.	Jordan, Gregory B.	Marks, Jan A.	Railton, W. Scott
Fritton, Karl A.	Katz, Carol S.	Marston, David W.*	Reed, W. Franklin
Gallagher, Jr., Daniel P.	Kauffman, Robert A.	Marston, Jr., Walter A.	Reichner, Henry F.
Gallatin, James P.	Kearney, James K.	McAllister, David J.	Restivo, Jr., James J.
Gentile, Jr., Pasquale D.	Kearney, Kerry A.	McGarrigle, Thomas J.	Richter, Stephen William
Gianton, Richard H.	Kiel, Gerald H.	McGough, Jr., W. Thomas	Rieser, Jr., Joseph A.
Goldrosen, Donald N.	Kiernan, Peter J.	McGuan, Kathleen H.	Rissetto, Christopher L.
Goldschmidt, Jr., John W.	King, Robert A.	McKenna, J. Frank	Ritchey, Patrick W.
Golub, Daniel H.	Klein, Murray J.	McLaughlin, J. Sherman	Robinson, William M.
Grady, Kelly A.	Kneeder, H. Lane	McNichol, Jr., William J.	Rosenbaum, Joseph I.
Gross, Dodi Walker	Kolaski, Kenneth M.	Mehfoud, Kathleen S.	Rosenthal, Jeffrey M.
Gryko, Wit J.	Kosch, James A.	Meiodia, Mark S.	Rudolf, Joseph C.
Guadagnino, Frank T.	Kozlov, Herbert	Metro, Joseph W.	Sabourtn, Jr., John J.
Hackett, Mary J.	Krebs-Markrich, Julia	Miller, Edward S.	Sachse, Kimberly L.
Haggerty, James R.	Kury, Franklin L.	Miller, Robert J.	Schaffer, Eric A.
Hanes, Grayson P.	Lacy, D. Patrick	Moorhouse, Richard L.	Schatz, Gordon B.
Harmon, John C.	Lasher, Lori L.	Morris, Robert K.	Scheineson, Marc J.
Hartman, Ronald G.	Lawrence, Robert A.	Munsch, Martha H.	Scott, Michael T.
Hatheway, Jr., Gordon W.	LeBiond, John F.	Myers, Donald J.	Sedlack, Joseph M.
Hayes, David S.	LeDonne, Eugene	Napolitano, Perry A.	Seifer, E. W.
Heard, David J.	Leech, Frederick C.	Naugle, Louis A.	Shmulewitz, Aaron A.
Heffler, Curt L.	Levin, Jonathan L.	Nicholas, Robert A.	Short, Carolyn P.
Heidelberger, Louis M.	Lindley, Daniel F.	Nogay, Arie R.	Shurlow, Nancy J.
Hill, Robert J.	Linge, H. Kennedy	Peck, Jr., Daniel F.	Simons, Robert P.
Hitt, Leo N.	Loepere, Carol C.	Perfido, Ruth S.	Singer, Paul M.
Hoeg, III, A. Everett	London, Alan E.	Picco, Steven J.	Smith, II, John F.
Hoffman, Robert B.	Lovett, Robert G.	Plevy, Arthur L.	Smith, William J.
Hofstetter, Jonathan M.	Lowenstein, Michael E.	Pollack, Michael B.	Sneirson, Marilyn

*Former Partner

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

Rezoning Attachment to Par. 1(c)

DATE: August 19, 2002
(enter date affidavit is notarized)

2002-576

for Application No. (s): RZ/FDP 2002-SU-011
(enter County-assigned application number (s))

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

REED SMITH LLP (cont'd list of partners)
3110 Fairview Park Drive, #1400
Falls Church, VA 22042

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)

GENERAL PARTNERS:

Snyder, Michael A.	Tabachnick, Gene A.	Ummer, James W.	Winter, Neison W.
Spaulding, Douglas K.	Thallner, Jr., Karl A.	Unkovic, John C.	Wood, John N.
Speed, Nick P.	Thomas, William G.	Vitsas, John L.	Young, Jonathan
Springer, Claudia Z.	Tiilman, Eugene	von Waldow, Arnd N.	Zimmerman, Scott F.
Stewart, II, George L.	Todd, Thomas	Walters, Christopher K.	Mansmann, J. Jerome
Stoner, II, Edward N.	Tompkins, Benjamin F.	Whitman, Bradford F.	Tocci, Gary M.
Stroyd, Jr., Arthur H.	Trevelise, Andrew J.	Wickouski, M. Stephanie	
Swayze, David S.	Trice, II, Harley N.	Wilson, Stephanie	

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

REZONING AFFIDAVIT

DATE: August 19, 2002
(enter date affidavit is notarized)

2002-576

for Application No. (s): RZ/FDP 2002-SU-011
(enter County-assigned application number(s))

1(d). One of the following boxes must be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: August 19, 2002
(enter date affidavit is notarized)

2002-576

for Application No. (s): RZ/FDP 2002-SU-011
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the filing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of \$200 or more, with any of those listed in Par. 1 above. **EXCEPT AS FOLLOWS: (NOTE: If answer is none, either "NONE" on line below.)**

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

Robert A. Lawrence
 Applicant Applicant's Authorized Agent

Robert A. Lawrence, Esq., Agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 19th day of August, 2002, in the State/Comm. of Virginia, County/City of Fairfax

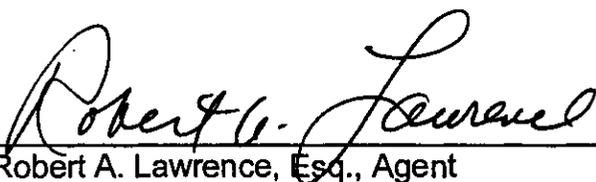
Parula L. Statham
Notary Public

My commission expires: March 31, 2003

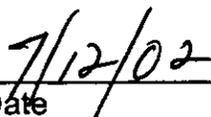
EASTWOOD PROPERTIES, INC.
TAX MAP 65-3 ((1)) PARCEL 7
July 12, 2002

STATEMENT OF JUSTIFICATION

The subject property is located in the BR6 Community Planning Sector of the Bull Run Planning District. The Comprehensive Plan recommends "residential use at 2-3 dwelling units per acre." This application consists of one vacant parcel that is proposed to be rezoned and developed in a manner consistent with adjacent properties. This property is essentially surrounded by zoned or planned R-3 land. Cluster development at a density of up to the three (3) units per acre is therefore appropriate as compatible infill.



Robert A. Lawrence, Esq., Agent



Date

RECEIVED
Department of Planning & Zoning

JUL 15 2002

Zoning Evaluation Division

COUNTY OF FAIRFAX, VIRGINIA

MEMORANDUM

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

FROM: Fred R. Selden, Director 
Planning Division, DPZ

SUBJECT: Comprehensive Plan Land Use Analysis for:
RZ 2002-SU-011
Eastwood Properties

DATE: 15 August 2002,

This memorandum includes citations from the Comprehensive Plan that provide guidance for the evaluation of the application and development plan dated August 8, 2002. This application requests a rezoning from R-1 to R-3 with a residential cluster development and waivers of minimum district size and open space. Approval of this application would result in a density of 1.75 dwelling units per acre. The extent to which the proposed use, intensity/density, and the development plan are consistent with the guidance of the Plan is noted.

CHARACTER OF THE SURROUNDING AREA:

The subject property is presently wooded vacant land, planned for residential use at 2-3 dwelling units per acre and zoned R-1. To the north is located undeveloped land with a cemetery which is planned for residential use at 2-3 dwelling units per acre and zoned R-2. A single family detached subdivision is located to the east, planned for residential use at 2-3 dwelling units per acre and zoned R-3. To the south is located open space which is planned for residential use at 2-3 dwelling units per acre and zoned R-3. To the west are located large lot single family detached homes which are planned for residential use at 2-3 dwelling units per acre and zoned R-1.

COMPREHENSIVE PLAN CITATIONS AND ANALYSIS:

The 2.86-acre property is located in the Centreville Community Planning Sector (BR6) of the Bull Run Planning District in Area III. The Comprehensive Plan map shows that the subject property is planned for residential use at 2-3 dwelling units per acre.

Analysis:

The application and development plan propose a single family detached cluster residential development at 1.75 dwelling units per acre. The applicant has reconfigured lot 3 to increase the proposed structure's setback from the property line and provided landscaping along that southern property boundary area.

FRS:ALC

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

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

FILE: 3-4 (RZ 2002-SU-011)

SUBJECT: Transportation Impact

REFERENCE: RZ 2002-SU-011/FDP 2002-SU-011
Eastwood Properties, Inc.
Land Identification Map: 065-3 ((01)) 0007

DATE: July 24, 2002

The Department of Transportation has reviewed the subject application based on the revised development plan dated July 15, 2002.

The proposal should not create any significant impacts on the surrounding public street system, therefore, this Department would not object to the approval of the subject application.

The applicant should consider providing a contribution toward the Centreville Road Fund.

AKR/DRS

Cc: Michelle Brickner, Director, Office of Site Development Services, DPW&ES

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

FROM: *Bruce G. Douglas*
Bruce G. Douglas, Chief
Environment and Development Review Branch, DPZ

SUBJECT: ENVIRONMENTAL ASSESSMENT for: RZ/FDP 2002-SU-011
Eastwood Properties, Inc.

DATE: 26 July 2002

This memorandum, prepared by Mary Ann Welton, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. The citations are followed by a discussion of environmental concerns, including a description of potential impacts that may result from the proposed development as depicted on the revised development plan dated, July 15, 2002. The applicant is requesting that the property be rezoned from R-1 to the R-3 Cluster. 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 pages 91 through 93 of the 2000 edition of the Policy Plan under the heading "Water Quality", the Comprehensive Plan states:

"Objective 2: Prevent and reduce pollution of surface and groundwater resources.

Policy a. . . . ensure that new development and redevelopment complies with the County's best management practice (BMP) requirements.

Development proposals should implement best management practices to reduce runoff pollution and other impacts..."

On page 94 the of the 2000 edition of the Policy Plan under the heading "Water Quality", the Comprehensive Plan states:

"Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.

Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance."

On pages 96-97 of the 2000 Edition of the Policy Plan under the heading "Environmental Hazards", the Comprehensive Plan states:

"Objective 6: Ensure that new development either avoids problem soil areas, or implements appropriate engineering measures to protect existing and new structures from unstable soils."

On pages 98-100 of the 2000 Edition of the Policy Plan under the heading "Environmental Resources", the Comprehensive Plan states:

"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 and restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices ..."

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.

Water Quality Protection /Water Supply Protection Overlay District

Issue:

The subject site encompasses 2.86 acres and is located within the County's Chesapeake Bay Watershed as well as within the County's Water Supply Protection Overlay District. The applicant proposes to develop a five lot residential subdivision. An unnamed tributary and hundred year floodplain traverses the site in a northeast southwest direction on the property. While the stream is not Resource Protection Area, it is an Environmental Quality Corridor. The applicant proposes to preserve the entire floodplain/EQC as open space. A total of 70,300 square feet or fifty-six (56) percent of the site is proposed to be retained in open space. However, the development plan does not specifically state that the open space will be undisturbed.

Resolution:

The applicant is encouraged to specifically designate that Parcel A will be retained as "undisturbed" open space to be protected in perpetuity so that water quantity and quality credit

can be applied by for development proposal. The development plan indicates that the open space will be transferred to the future homeowners association. However, if stormwater best management credit is to be applied for this proposal, the open space may be required to be transferred to the County. The applicant is encouraged to work with DPWES regarding this matter.

Soil Constraints

Issue:

Iredell soils cover the entire site. This soil could pose significant constraints to development. The soils group is known for shrink swell potential and Elbert Iredell is a hydric soil. It is rated poor or marginal for foundation support, drainage and infiltration.

Resolution:

The applicant is encouraged to work with DPWES regarding the geotechnical constraints on the property.

Tree Restoration

Issue:

Mature deciduous tree cover characterizes the entire property. As mentioned previously the development plan fails to define the open space or Parcel A as "undisturbed."

Resolution:

The applicant is encouraged to define the open space as "undisturbed and protected into perpetuity.

TRAILS PLAN:

The Trails Plan Map depicts an equestrian trail on the northeast side of the property adjacent to the power and liquefied natural gas easement. At the time of Site Plan review, the Director, Department of Public Works and Environmental Services, will determine what trail requirements may apply to the subject property.

BGD: MAW


FAIRFAX COUNTY PARK AUTHORITY
MEMORANDUM

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

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

*Kirk Hough
FOR*

DATE: ~~July 18, 2002~~ *August 23, 2002*

SUBJECT: RZ 2002-SU-011
Leroy Harris Property
Loc: 65-3((1)) 7

BACKGROUND:

The Fairfax County Park Authority (FCPA) staff has reviewed the proposed Development Plan dated July 18, 2002 for the above referenced application. The Development Plan shows five homes proposed on approximately 2.86 acres. The proposal will add approximately 16 residents to the current population of Sully district.

COMPREHENSIVE PLAN CITATIONS
1. Park Services and New Development (The Policy Plan, Parks and Recreation Objective 4, p. 180)

“Maximize both the required and voluntary dedication, development, and renovation of lands and facilities for parks and recreation to help ensure an equitable distribution of these resources commensurate with development throughout the County.

Policy a: “Provide neighborhood park facilities on private open space in quantity and design consistent with County standards; or at the option of the County, contribute a pro-rata share to establish neighborhood park facilities in the vicinity...”

Policy b: “Mitigate the cumulative impacts of development 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 facility

needs as determined by adopted County standards. Implement this policy through application of the Criteria for Assignment of Appropriate Development Intensity.”

2. Park and Recreation Recommendations (Area III, Bull Run Planning District, Centerville Community Planning Sector, p. 79 of 89)

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

3. Resource Protection (The Policy Plan, Parks and Recreation Objective 3, p. 179)

Policy a: “Protect park resources from the adverse impacts of development on nearby properties.”

ANALYSIS AND RECOMMENDATIONS

The residents of this development will need access to outdoor recreational facilities. No recreational facilities are shown on the Development Plan. Typical recreation needs include playground/tot lots, basketball, tennis and volleyball courts and athletic fields.

The Development currently does not show any proposed recreational facilities. The proportional cost to develop recreational facilities is \$3,280.

There appear to be wetlands on Parcel A of the Development Plan. FCPA recommends that the applicant provide a conservation easement for parcel A to protect the area from disturbances.

cc: Kirk Holley, Manager, Planning and Land Management Branch
Marjorie Pless, Naturalist, Resource Management Division
Chron File
File Copy

Date: 5/22/02

Case # RZ-02-SU-011

Map: 65-3

PU 4140

Acreage: 2.86

Rezoning

From : R-1 To: PDH-3

TO: County Zoning Evaluation Branch (DPZ)

FROM: FCPS Facilities Planning (246-3609)

SUBJECT: Schools Impact Analysis, Rezoning Application

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

- I. Schools that serve this property, their current total memberships, net operating capacities, and five year projections are as follows:

School Name and Number	Grade Level	9/30/01 Capacity	9/30/01 Membership	2002-2003 Membership	Memb/Cap Difference 2002-2003	2006-2007 Membership	Memb/Cap Difference 2006-2007
Centreville 2433	K-6	960	957	973	-13	1029	-69
Liberty 8411	7-8	1250	N/A	1077	173	N/A	N/A
Centreville 2410	9-12	2125	1956	1971	154	2320	-195

- II. The requested rezoning could increase or reduce projected student membership as shown in the following analysis:

School Level (by Grade)	Unit Type	Proposed Zoning			Unit Type	Existing Zoning			Student Increase/Decrease	Total Students
		Units	Ratio	Students		Units	Ratio	Students		
K-6	SF	5	X.4	2	SF	2	X.4	1	1	2
7-8	SF	5	X.069	0	SF	2	X.069	0	0	0
9-12	SF	5	X.159	1	SF	2	X.159	0	1	1

Source: Capital Improvement Program, FY 2002-2006, Office of Facilities Planning Services

Note: Five-year projections are those currently available and will be updated yearly.

School attendance areas subject to yearly review.

Comments

Enrollment in the schools listed (Centreville Elementary, Centreville High) is currently projected to be near or above capacity.

Enrollment in the school listed (Liberty Middle) is currently projected to be below capacity.

The 2 students generated by this proposal would require .08 additional classrooms at Centreville Elementary and Centreville High (2 divided by 25 students per classroom). Providing these additional classrooms will cost approximately \$ 28,000 based upon a per classroom construction cost of \$350,000 per classroom.

The foregoing information does not take into account the potential impacts of other proposals pending that could affect the same schools.

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

April 24, 2002

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

FROM: Ralph Dulaney (246-3868)
Planning Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis of Rezoning application RZ 2002-SU-011 and Final Development Plan FDP 2002-SU-011

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

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #17, Centreville.
2. After construction programmed for FY 20___, this property will be serviced by the fire station planned for the _____.
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - a. currently meets fire protection guidelines.
 - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
 - d. does not meet current fire protection guidelines without an additional facility. The application property is ___ of a mile outside the fire protection guidelines. No new facility is currently planned for this area.

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Staff Coordinator **DATE:** August 23, 2002
 Zoning Evaluation Division, OCP

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

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. RZ 2002-SU-011
 Tax Map No. 065-3 /01/ /0007

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

1. The application property is located in the Cub Run (T7) Watershed. It would be sewerred into the UOSA Treatment Plant.
2. Based upon current and committed flow, excess capacity is available in the Upper Occoquan Sewer Authority Treatment Plant at this time. For purposes of this report, committed flow shall be deemed as for which fees have been previously paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An existing 8 inch line located in an easement and approx. 60 feet from the property is adequate for the proposed use at this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

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

5. Other pertinent information or comments: Silver Hill reimbursement charges are applicable.

FAIRFAX COUNTY WATER AUTHORITY

8570 EXECUTIVE PARK AVENUE - P.O. BOX 1500

MERRIFIELD, VIRGINIA 22116-0815

PLANNING AND ENGINEERING DIVISION
C. DAVID BINNING, P.E., DIRECTOR

May 17, 2002

TELEPHONE
(703) 289-6325FACSIMILE
(703) 289-6382

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

Re: RZ 02-SU-011
FDP 02-SU-011
Water Service Analysis

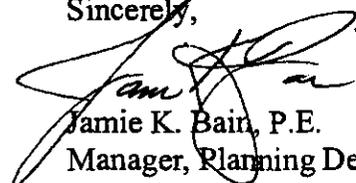
Dear Ms. Byron:

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

1. The property is located within the Fairfax County Water Authority service area.
2. Adequate domestic water service is available at the site from an existing 8-inch water main located at the property. See the enclosed property map. The Generalized Development Plan has been forwarded to Plan Control for distribution to Engineering Firm.
3. Depending upon the configuration of the onsite water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

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

Sincerely,



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

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

DATE: 5/21/02

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

SUBJECT: Rezoning Application Review

Name of Applicant/Application: Eastwood Properties, Inc.

Application Number: RZ/FDP2002-SU-011

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

Date Received in SWPD: 5/6/02

Date Due Back to DPZ: 5/9/02

Site Information: Location - 065-3-01-00-0007
Area of Site - 2.86 acres
Rezone from - R-1 to PDH-3
Watershed/Segment - Cub Run

Stormwater Planning Division (SWPD), Maintenance and Stormwater Management Division (MSMD), and Planning and Design Division (PDD) Information:

I. Drainage:

- MSMD/PDD Drainage Complaints: **There are no downstream complaints on file with PDD, relevant to this proposed development.**
- Master Drainage Plan, proposed projects, (SWPD): **Road crossing improvement project CU401 is located approximately 2500 feet downstream of site.**
- Ongoing County Drainage Projects (SWPD): **None.**
- Other Drainage Information (SWPD): **None.**

II. Trails (PDD):

Yes No Any funded Trail projects affected by this application?

If yes, describe:

Yes No Any Trail projects on the Countywide Trails priority list or other significant trail project issues associated with this property?

If yes, describe:

III. School Sidewalk Program (PDD):

Yes No Any sidewalk projects pending funding approval or on the School Sidewalk Program priority list for this property?

If yes, describe:

Yes No Any funded sidewalk projects affected by this application?

If yes, describe:

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

Yes No Any existing residential properties adjacent to or draining through this property that are without sanitary sewer facilities?

If yes, describe:

Yes No Any ongoing E&I projects affected by this application?

If yes, describe:

V. Other Projects or Programs (PDD):

Yes No Any Board of Road Viewers (BORV) or Fairfax County Road Maintenance Improvement Projects (FCRMIP) affected by this application?

If yes, describe:

Yes No Any Commercial Revitalization Program (CRP) projects affected by this application?

If yes, describe:

Yes No Any Neighborhood Improvement Program (NIP) projects affected by this application?

If yes, describe:

Other Program Information (PDD): None.

Application Name/Number: Eastwood Properties, Inc. / RZ/FDP2002-SU-011

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

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

DRAINAGE RECOMMENDATIONS (SWPD): Applicant shall provide stormwater management for the entire site as specified in PFM Section 6-0300. Review of the Conceptual / Final Development Plan supplied with the rezoning application indicates that not all the site drains to the SWM facility. The County encourages the use of innovative BMP/Detention facilities to meet the requirements of the Stormwater Detention requirements of PFM Section 6-0300.

TRAILS RECOMMENDATIONS (PDD): None.

SCHOOL SIDEWALK RECOMMENDATIONS (PDD): None.

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

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 and Environmental Services during the normal plan review and approval process.

Other E&I Recommendations (PDD): None.

OTHER SWPD and PDD PROJECT/PROGRAM RECOMMENDATIONS: None.

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

SRS/RZ/FDP2002-SU-011

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

9-615 Provisions for a Cluster Subdivision

The Board may approve, either in conjunction with the approval of a rezoning or as a special exception, a cluster subdivision in an R-C, R-E, R-1, R-2, R-3 or R-4 District but only in accordance with the following provisions:

...

2. It shall be demonstrated by the applicant that the location, topography and other physical characteristics of the property are such that cluster development will:
 - A. Preserve the environmental integrity of the site by protecting and/or promoting the preservation of features such as steep slopes, stream valleys, desirable vegetation or farmland, and either
 - (1) Produce a more efficient and practicable development, or
 - (2) Provide land necessary for public or community facilities.
 - B. Be in accordance with the adopted comprehensive plan and the established character of the area. To accomplish this end, the cluster subdivision shall be designed to maintain the character of the area by preserving, where applicable, rural views along major roads and from surrounding properties through the use of open space buffers, minimum yard requirements, varied lot sizes, landscaping or other measures.
3. In no case shall the maximum density specified for the applicable district be increased, nor shall other applicable regulations or use limitations for the district be modified or changed; provided, however, the Board may approve a modification to the minimum lot size and/or minimum yard requirements when it can be concluded that such a modification(s) is in keeping with the purpose of this Section and the applicable zoning district. No lot shall extend into a floodplain unless approved by the Board based on a determination that:
 - A. The particular floodplain, by reason of its size or shape, has no practical open space value, and
 - B. The amount of floodplain on the lot is minimal, and
 - C. The lot otherwise meets the required minimum lot area specified for the district in which located.
4. Upon Board approval of a cluster subdivision, a cluster subdivision plat may be approved in accordance with the plat approved by the Board, the provisions of this Section and the cluster subdivision provisions presented in the zoning district regulations.
5. In the R-C District, in addition to Par. 2 above, the applicant shall demonstrate that the cluster subdivision and the use of its open space is designed to achieve runoff pollution generation rates no greater than would be expected from a conventional R-C District subdivision of the property.

9-612 Provisions for Waiving Open Space Requirements

The Board may approve, either in conjunction with the approval of appropriate proffered conditions or as a special exception, the waiving of the open space requirement presented for a given zoning district and/or the open space requirement for cluster subdivisions set forth in Par. 4 of Sect. 2-309, but only in accordance with the following provisions:

- 1. Such waiver may be approved only if it will further the intent of the Ordinance, and the intent and implementation of the adopted comprehensive plan and other adopted policies.
- 2. Such waiver may be approved only if it is established that the resultant development will be harmonious with adjacent development.
- 3. Such a waiver may be approved only if the provisions of Article 13 are satisfied.
-

2-309 Open Space

- 4. In subdivisions approved for cluster development, there shall be provided at least one area of open space comprised of lands outside of the floodplain, which is one (1) acre in size and has no dimension less than fifty (50) feet. Deviations from this provision may be permitted with Board Of Supervisors' approval of a Category 6 special exception for waiver of open space requirements Or appropriate proffered conditions, if it finds that such deviation will further the intent of the Ordinance, the adopted comprehensive plan and other adopted policies.

In subdivisions approved for cluster development wherein the required open space will approximate five (5) acres in area, generally such open space shall be so located and shall have such dimension and topography as to be usable open space.

7-800 WATER SUPPLY PROTECTION OVERLAY DISTRICT**7-808 Use Limitations**

In addition to the use limitations presented in the underlying zoning district(s), the following use limitations shall apply:



1. Any subdivision which is subject to the provisions of Chapter 101 of The Code or any use requiring the approval of a site plan in accordance with the provisions of Article 17 shall provide water quality control measures designed to reduce by one-half the projected phosphorus runoff pollution for the proposed use. Such water quality control measures or Best Management Practices (BMPs) shall be reviewed, modified, waived and/or approved by the Director in accordance with the Public Facilities Manual. In no instance shall the requirement for BMPs be modified or waived except where existing site characteristics make the provision impractical or unreasonable on-site and an alternative provision is not or cannot be accommodated off-site, and where it can be established that the modification or waiver will not affect the achievement of the water quality goals for the public water supply watershed as set forth in the adopted comprehensive plan.

NA

2. Any establishment for warehousing, production, processing, assembly, manufacture, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products which generates, utilizes, stores, treats, and/or disposes of a hazardous or toxic material or waste, as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., shall submit the following information with any application for a proposed development or use unless deemed unnecessary by the Director:
 - A. A listing of all toxic and hazardous materials and wastes that will be generated, utilized, stored, treated, and/or disposed of on site;
 - B. A soils report describing the nature and characteristics of the soils covering the site;
 - C. A description of surface and groundwater characteristics of the site and the surrounding area within 300 feet of site boundaries;
 - D. A description of all spill prevention, containment, and leakage control measures proposed by the applicant, for all toxic and hazardous materials and wastes generated, utilized, stored, treated, and/or disposed of on the site.

NA

3. Such information shall be referred to the Department of Public Works and Environmental Services for review in accordance with the provisions of Chapter 67 of The Code and other applicable laws and ordinances. When deemed appropriate, the Director of the Department of Public Works and Environmental Services may furnish a copy of the application and information to the Virginia Department of Environmental Quality and other appropriate agencies.

GLOSSARY

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

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

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

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

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

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

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

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

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

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

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Abbreviations Commonly Used In Staff Reports

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