



FAIRFAX COUNTY

OFFICE OF THE CLERK
BOARD OF SUPERVISORS

12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

Tel: 703-324-3151 Fax: 703-324-3926

V I R G I N I A

May 18, 1994

Robert A. Lawrence, Esquire
Hazel and Thomas, P.C.
3110 Fairview Park Drive - Suite 1400
Post Office Box 12001
Falls Church, Virginia 22042-4505

Re: Proffered Condition Amendments
Application Number PCA 84-L-020-5
and PCA C-448-9
(Concurrentt with PCA 86-L-033-2
and PCA 85-L-101-3)

Dear Mr. Lawrence :

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on April 25, 1994, approving Proffered Condition Amendments PCA 84-L-020-5 and PCA C-448-9 in the name of Kingstowne L. P., subject to the proffers dated April 25, 1994, on subject parcels 81-4 ((1)) 52A, 52B, 52C; 91-2 ((1)) 25A, 28A, 28C, 29, 29A, 29B, 30, 30A; 91-2 ((12)) 57C; 91-3 ((1)) 63A; 91-3 ((11)) B; 91-4 ((1)) Pt. 1B; 100-1 ((1)) 1A consisting of approximately 338.11 acres in Lee District.

The Board affirmed the "features shown" determination by the Director of the Office of Comprehensive Planning pursuant to Section 15.1-456 of the Code of Virginia for dedication of approximately five acres of Kingstowne, Section 19 for development of up to 108 units of affordable housing as being in accord with the recommendations of the County's Comprehensive Plan.

May 18, 1994

2.

In addition, the Board authorized acquisition of approximately five acres of Kingstowne, Section 19 by the Fairfax County Redevelopment and Housing Authority (FCRHA) Tax Map 91-3 ((1)) Pt. 63A as being in compliance with Section 36-19.2 of the Code of Virginia as amended.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: John M. Yeatman, Director, Real Estate Dvs., Assessments
Melinda M. Artman, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Dvs., OCP
Robert Moore, Trnsprtn.Planning Dvs., Office of Transportation
Paul Eno, Project Planning Section, Office of Transportation
Department of Environmental Management
Y. Ho Chang, Resident Engineer, VDOT
Land Acq. & Planning Dvs., Park Authority

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 25th day of April, 1994, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENTS PCA 84-L-020-5/PCA C-448-9
(CONCURRENT WITH PCA 86-L-033-2 AND PCA 85-L-101-3)

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

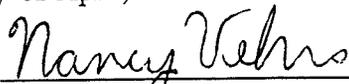
WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

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

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Lee District,

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., § 15.1491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel.

GIVEN under my hand this 25th day of April, 1994.



Nancy Vehrs
Clerk to the Board of Supervisors

2.

The Board affirmed the "features shown" determination by the Director of the Office of Comprehensive Planning pursuant to Section 15.1-456 of the Code of Virginia for dedication of approximately five acres of Kingstowne, Section 19 for development of up to 108 units of affordable housing as being in accord with the recommendations of the County's Comprehensive Plan.

In addition, the Board authorized acquisition of approximately five acres of Kingstowne, Section 19 by the Fairfax County Redevelopment and Housing Authority (FCRHA) Tax Map 91-3 ((1)) Pt. 63A as being in compliance with Section 36-19.2 of the Code of Virginia as amended.

Kingstowne L.P.
PCA C-448-9
PCA 84-L-020-5
PCA 85-L-101-3
PCA 86-L-033-2
April 25, 1994

PROFFER OF DEVELOPMENT CONDITIONS

Pursuant to Section 15.1-491(a) of the 1950 Code of Virginia, as amended, the following proffered conditions shall apply to the subject property provided Proffered Condition Amendment PCA 84-L-020-5, PCA C-448-9, PCA 85-L-101-3, and PCA 86-L-033-2 are approved as requested herein:

A. Except as modified herein, the subject property is governed by the Proffer of Development Conditions dated June 17, 1985, in DPA C-448-2 and RZ 84-L-020, and the Proffers in RZ 85-L-101, DPA C-448-3 and RZ 86-L-033, DPA C-448-4, and Proffers approved subsequent thereto but prior hereto (the "Previous Proffers").

B. The provisions of Paragraphs 48, 49, 50, 56 and 146 of the Previous Proffers are hereby rendered null and void and superseded by the following paragraphs:

48. The Developer shall provide engineering design and shall construct improvements to Hayfield Road as a four lane divided roadway as described

hereinafter, provided the following occurs: any necessary additional off-site rights-of-way, temporary construction easements, utility, drainage, or slope maintenance easements are obtained by Fairfax County from applicable property owners at no expense to the Developer; any monies posted in escrow or interest accrued thereon, pursuant to paragraph 56, are returned to the Developer as provided in paragraph 49C hereinafter; and any letters of credit issued pursuant to paragraph 56 are released and canceled as provided in paragraph 49A hereinafter. To facilitate acquisition of any necessary off-site rights-of-way, temporary construction easements, utility, drainage, or slope maintenance easements from other property owners by Fairfax County, the Developer shall:

- a. Provide project and utility plats showing said easements or rights-of-way, including any additional right-of-way which may be necessary for guardrails, which are completed per Department of Public Works' Land Acquisition Division, standard format.

- b. Provide cross-sections, as part of the design, for the following stations:

15 + 50
16 + 00
16 + 50
17 + 00
17 + 50
18 + 25
19 + 00
19 + 50

- c. In order to minimize the right-of-way necessary to be acquired, design and construct a wooden retaining wall on lot identified as Tax Map 91-3 ((1)) Parcel 72, subject to VDOT and DEM approval. If it is necessary for the retaining wall to be constructed of concrete, as determined by DEM, the Developer shall design and construct a concrete retaining wall provided that the additional cost to provide a concrete retaining wall, i.e. that portion of the cost which exceeds the cost to provide a wooden retaining wall, is funded by others prior to the commencement of construction of the road improvements proffered herein.

- d. Construct a sewer lateral connecting to the existing church on the parcel identified on Fairfax County Tax Map as 91-3 ((1)) Parcel 72 and a sewer lateral connecting to the

existing dwelling on Tax Map 91-3 ((1)) Parcel 73, and, if necessary Tax Map 91-3 ((1)) Parcel 74, provided the tap fees are paid by the owners of said parcels, or others, and the necessary easements are granted by said owners at no expense to the Developer. Construct water lines adjacent to said Parcels 72 and 73, and also adjacent to the parcel identified as Tax Map 91-3 ((1)) Parcel 74. In the event that the existing wells on Parcel 72, 73 or 74 fail as a result of the road construction proffered herein, the Developer shall construct a water line to the dwelling on the applicable parcel having the failed well system. Said construction is subject to the provision of the necessary easements being granted to the Developer by the owner of the applicable parcel at no expense to the Developer and the parcel owner, or others, paying the Fairfax County Water Authority connection fee.

- e. Revise design plans and provide construction change orders to make minor design modifications (e.g. relocate church driveway, design of retaining wall) resulting from

right-of-way negotiations by Fairfax County, provided Fairfax County bears the increase in construction costs of construction items to the extent that they are not proffered herein.

49A. Subject to the release and cancellation of any letters of credit executed pursuant to paragraph 56 of the Previous Proffers within forty (40) days of final approval of this application, the Developer shall, within seventy (70) days of final approval of this application, resubmit revised engineering plans and pursue engineering review approvals by appropriate governmental authorities for authorization to construct a four (4) lane divided roadway having a typical section of dual twenty-seven (27) foot roadways, a median not to exceed sixteen feet (16') in width, as determined by VDOT, all within a ninety foot (90') right-of-way in the area between Station 32 + 03.50 and Station 12 + 70.00; a four foot (4') sidewalk along the northeast side of Hayfield Road between Station 32 + 00 and Station 11 + 00, an eight foot (8') asphalt trail along the southwest side of Hayfield Road between Station 24 + 77 and Station 12 + 70.00 and an extension of the existing median

from Station 33 + 00 to the vicinity of Station 34 (where the existing median is located), including a left turn storage lane for left turns into Section 20 of Kingstowne, all as generally shown on the sketch attached hereto as Exhibit A (the "Roadway Improvements"), and subject to VDOT and DEM approval. Said Roadway Improvements shall include right turn lanes at major access points to Sections 18 and 20 of Kingstowne and two (2) left turn lanes via a common median break providing storage for left turning movements into the First Baptist Church of Hayfield site and Section 17B of Kingstowne from the same median break at approximately Station 14 + 75.

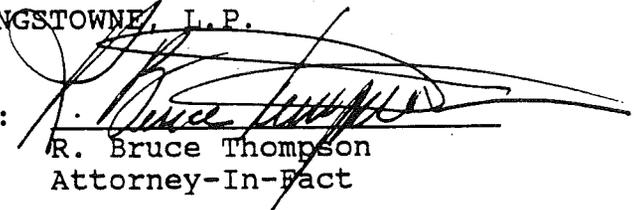
49B. The Developer shall construct the Roadway Improvements, through final paving, within eighteen (18) months after all of the following events have occurred: (1) attainment of all of the necessary dedications, rights-of-way and easements, as referenced herein; and (2) final plan approval by Fairfax County of all construction plans referenced in these proffers. Further, after Developer's plans are fully approved by Fairfax County, the Developer shall dedicate to the Board of Supervisors the necessary

fee simple right-of-way, and any temporary construction easements, utility, drainage, and/or slope maintenance easements required along existing Hayfield Road to accommodate the new Roadway Improvements for the full frontage of land owned by the Kingstowne L.P.

49C. At such time as the plans for the Road Improvement have been bonded, as confirmed by DEM, the cash funds escrowed with Fairfax County pursuant to paragraph 56 of the Previous Proffers and any interest thereon shall be returned to the Developer.

50. The Developer shall provide right turn lanes for the access points from Hayfield Road into Sections 17 and 19 of Kingstowne. The right turn lane for each access point shall be provided contemporaneously with the development of the respective section and shall be completed prior to the opening of that section's access point to traffic.

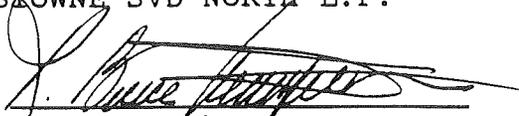
KINGSTOWNE, L.P.

By: 

R. Bruce Thompson
Attorney-In-Fact

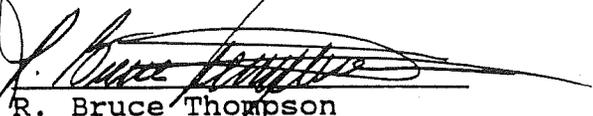
KINGSTOWNE SVD NORTH L.P.

By:


R. Bruce Thompson
Attorney-In-Fact

KINGSTOWNE SVD SOUTH L.P.

By:


R. Bruce Thompson
Attorney-In-Fact

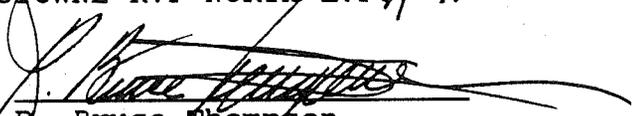
KINGSTOWNE SVD EAST L.P.

By:


R. Bruce Thompson
Attorney-In-Fact

KINGSTOWNE KVP ^{SOUTH} NORTH L.P. *R.B.T.*

By:


R. Bruce Thompson
Attorney-In-Fact

Hayfield Road Improvements

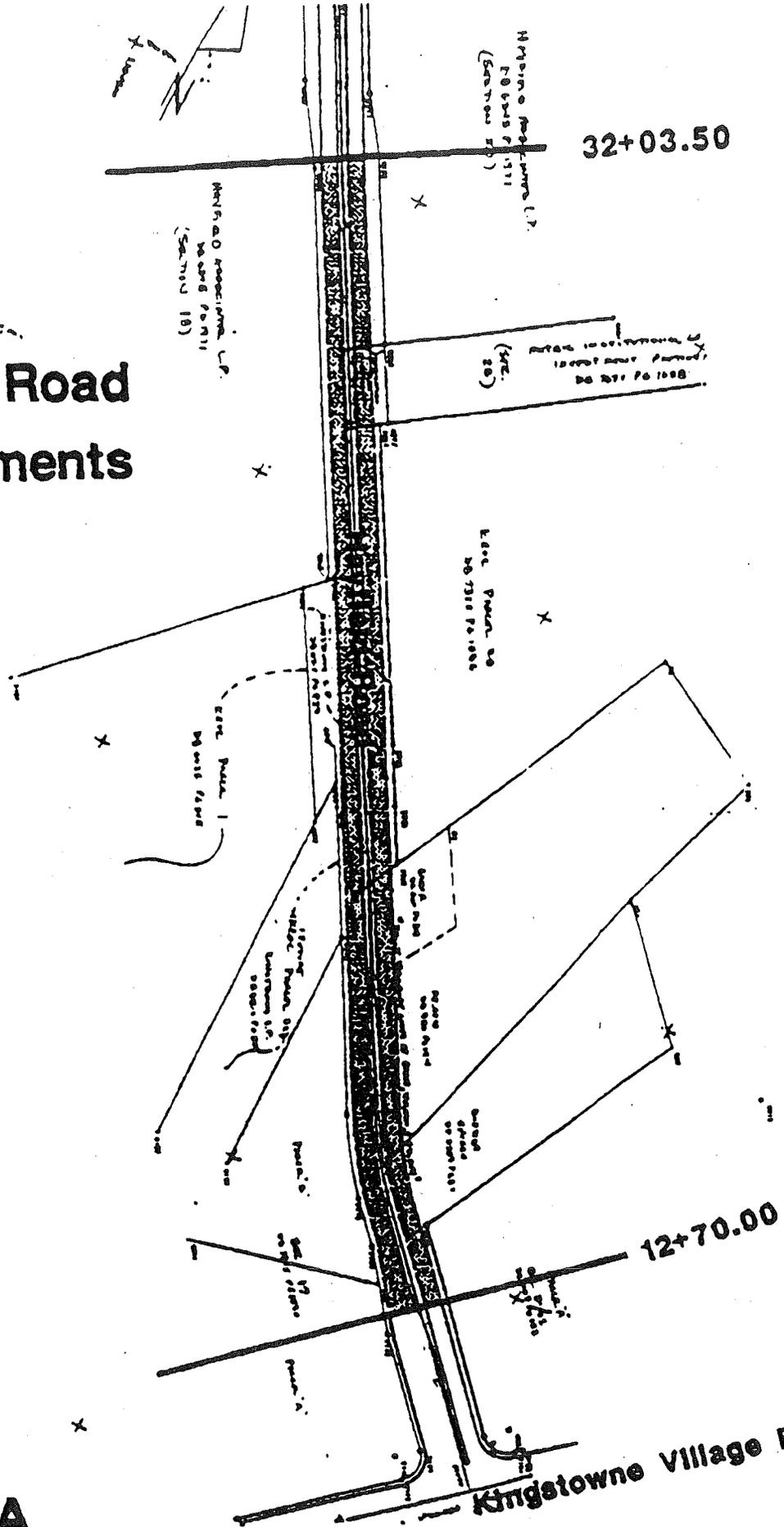


Exhibit A

Note:

Verbal change to proffers only -
No plats, metes, bounds or
dev. plan.

Thanks,
Alicia

4/25/94

4:00 p.m. Items - PCA-86-L-033-2 - KINGSTOWNE, L.P.
PCA-85-L-101-3 - KINGSTOWNE, L.P.
PCA-84-L-020-5 - KINGSTOWNE, L.P.
PCA-C-448-9 - KINGSTOWNE, L.P.
Lee District

On Thursday, April 21, 1994 the Planning Commission voted unanimously (Commissioners Byers, Downer and Hanlon absent from the meeting) to recommend that the Board of Supervisors approve the above listed applications, subject to the proffers dated April 21, 1994 with the following change:

On page 6, delete the last six lines of proffer 49A and revise the new last line to read. "...Kingstowne, from the same median break, at approximately Station 14 + 77."

The Planning Commission then voted unanimously (Commissioners Byers, Downer and Hanlon absent from the meeting) to approve final development plan FDP-C-448-23, subject to the development conditions contained in Appendix 2 of the staff report dated April 12, 1994.

The Planning Commission also voted unanimously (Commissioner Byers, Downer and Hanlon absent from the meeting) to recommend that the Director of Environmental Management modify the maximum private street length limitation as shown on the final development plan.

Planning Commission Meeting
April 21, 1994
Verbatim Excerpts

PCA-84-L-020-5 & PCA-C-448-9 - KINGSTOWNE LP
PCA-86-L-033-2 - KINGSTOWNE LP
PCA-85-L-101-3 - KINGSTOWNE LP
FDP-C-448-23 - KINGSTOWNE LP

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Mr. Sell.

Commissioner Sell: Mr. Chairman, before we start, I'd like to thank Kathy Ichter for coming out tonight. They had a family crisis; their daughter had an asthmatic attack and is in the hospital, so it's above and beyond the call of duty. And Mr. Thompson, who represents Kingstowne, is here under some duress because he had an operation not long ago and we dragged him out. So I appreciate them both taking the time and maintaining their good will in the last few minutes of the negotiation and I think we got it squared away. Mr. Chairman, this has been a long, involved process to accomplish two (2) things: to make sure that we provide moderate priced housing in Kingstowne, as per the 1985 proffer, and correct what we all felt in 1985 was an oversight, if you will, that Hayfield Road -- VDOT didn't require it, so therefore it was not really a part of the zoning or didn't think it was necessary that we give Hayfield Road a four (4) lane from Kingstowne Village Parkway up to Manchester Boulevard. And the County has a separate project which will take it from Kingstowne Village Parkway on to New Telegraph Road. So we'll have a four (4) lane road from basically Hayfield High School area all the way up to Manchester Boulevard. We're going to open a Metro Station on the Parkway, just to the west of Springfield Mall in 1997, and a URE station in 1995 and it behooves us to try to be able to move folks to get to those mass transit station facilities as quickly as possible. And now -- if it were in effect now, we could help people get to the HOV lanes on I-95 and the parkway much quicker. We are moving the money from -- that was proffered to be spent for grade separated interchange in the future at Franconia Road and South Van Dorn -- and Van Dorn Street. The amount of money that's proffered obviously won't build a grade separated interchange and we can use this money now to put in a project that is helpful to the entire transportation system. So we're going to move that money and the developer of Kingstowne is going to build the road. If there's any additional cost over the money that's going to be moved, he's on the hook for that and understands that he's going to provide that funding. The County is going to have to acquire some off site right-of-ways. The road, unfortunately, cannot be built entirely on Kingstowne sites, so therefore that's going to require some off site acquisition and we're moving ahead on that. So I, again, would like to thank everybody who has been involved -- the Housing Authority, Redevelopment Housing Authority staff, Transportation Office, Kevin (Guinaw) and all the folks in the County that's worked on it and Bob Lawrence from Kingstowne, and the citizens groups that have worked on it to make this come about. This has

Planning Commission Meeting
April 21, 1994
PCA-84-L-020-5 & PCA-C-448-9
PCA-86-L-033-2; PCA-85-L-101-3; & FDP-C-448-23

Page 2

the support of the Kingstowne Homeowners Association and it has the support of the Lee District Land Use Advisory Committee. So therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PROFFER CONDITION AMENDMENTS PCA-C-448-9, PCA-84-L-020-5, PCA-85-L-101-3, AND PCA-86-L-033-2, SUBJECT TO THE PROFFERS DATED APRIL 21, 1994, WITH A CHANGE IN PROFFER 49A, ON PAGE 6, AND THAT THE LAST FIVE (5) LINES OF 49A WOULD BE DELETED: THE SIXTH LINE WOULD BECOME THE LAST LINE AND WOULD READ: "KINGSTOWNE, FROM THE SAME MEDIAN BREAK, AT APPROXIMATELY STATION 14 PLUS 75." That's it.

Chairman Murphy: Is there a second to the motion?

Commissioners Hartwell and Thomas: Second.

Chairman Murphy: Seconded by Mr. Hartwell and Mr. Thomas. Discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve the PCAs as enumerated by Mr. Sell, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Sell.

Commissioner Sell: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FINAL DEVELOPMENT PLAN FDP-C-448-23, SUBJECT TO THE DEVELOPMENT CONDITIONS IN APPENDIX 2 OF THE STAFF REPORT DATED APRIL 12, 1994.

Commissioner Thomas: Second.

Chairman Murphy: Seconded by Mr. Thomas. Is there a discussion? Mr. Guinaw? Discussion of the motion? All those in favor of the motion to approve FDP-C-448-23, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Sell.

Commissioner Sell: Mr. Chairman, I FURTHER MOVE THAT THE PLANNING COMMISSION MODIFY THE MAXIMUM LENGTH LIMITATIONS SPECIFIED IN THE ZONING ORDINANCE TO A PRIVATE STREET IN A RESIDENTIAL DEVELOPMENT AS SHOWN ON THE FDP.

Commissioner Thomas: Second.

Chairman Murphy: Seconded by Mr. Thomas. Discussion of that motion? All those in favor of the motion, say aye.

Planning Commission Meeting

Page 3

April 21, 1994

PCA-84-L-020-5 & PCA-C-448-9

PCA-86-L-033-2; PCA-85-L-101-3; & FDP-C-448-23

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sell: Thank you, Mr. Chairman. Again, thanks to Mr. Guinaw for leading me through this hard, long road.

Chairman Murphy: Kathy, hope your daughter is better tomorrow.

//

(The motions carried unanimously with Commissioners Byers, Downer, and Hanlon absent from the meeting.)

DEB