



APPLICATION ACCEPTED: March 6, 2012
PLANNING COMMISSION: July 26, 2012
BOARD OF SUPERVISORS: TBD

County of Fairfax, Virginia

July 12, 2012

STAFF REPORT

APPLICATION RZ 2012-MV-004

MOUNT VERNON DISTRICT

APPLICANT:	8921 Properties, LLC
PRESENT ZONING:	R-1
REQUESTED ZONING:	I-5
PARCEL:	108-1 ((1)) 10
LOCATION:	8921 Telegraph Road
SITE AREA:	42,367 square feet (0.97 acres)
PLAN MAP:	Industrial
PROPOSAL:	To rezone from the R-1 District to the I-5 District to establish a contractor's office and shop and an outdoor storage yard in the interim, and to allow for a series of industrial uses within a new structure upon the widening of Telegraph Road at a future date

STAFF RECOMMENDATIONS:

Staff recommends denial of RZ 2012-MV-004. However, if it is the intent of the Board of Supervisors to approve RZ 2012-MV-004, staff recommends that the approval be subject to execution of proffers consistent with those contained in Appendix 1.

Staff recommends denial of a waiver of the interior and peripheral parking lot landscaping requirements.

Nick Rogers

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz



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

It should be 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.

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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Rezoning Application

RZ 2012-MV-004

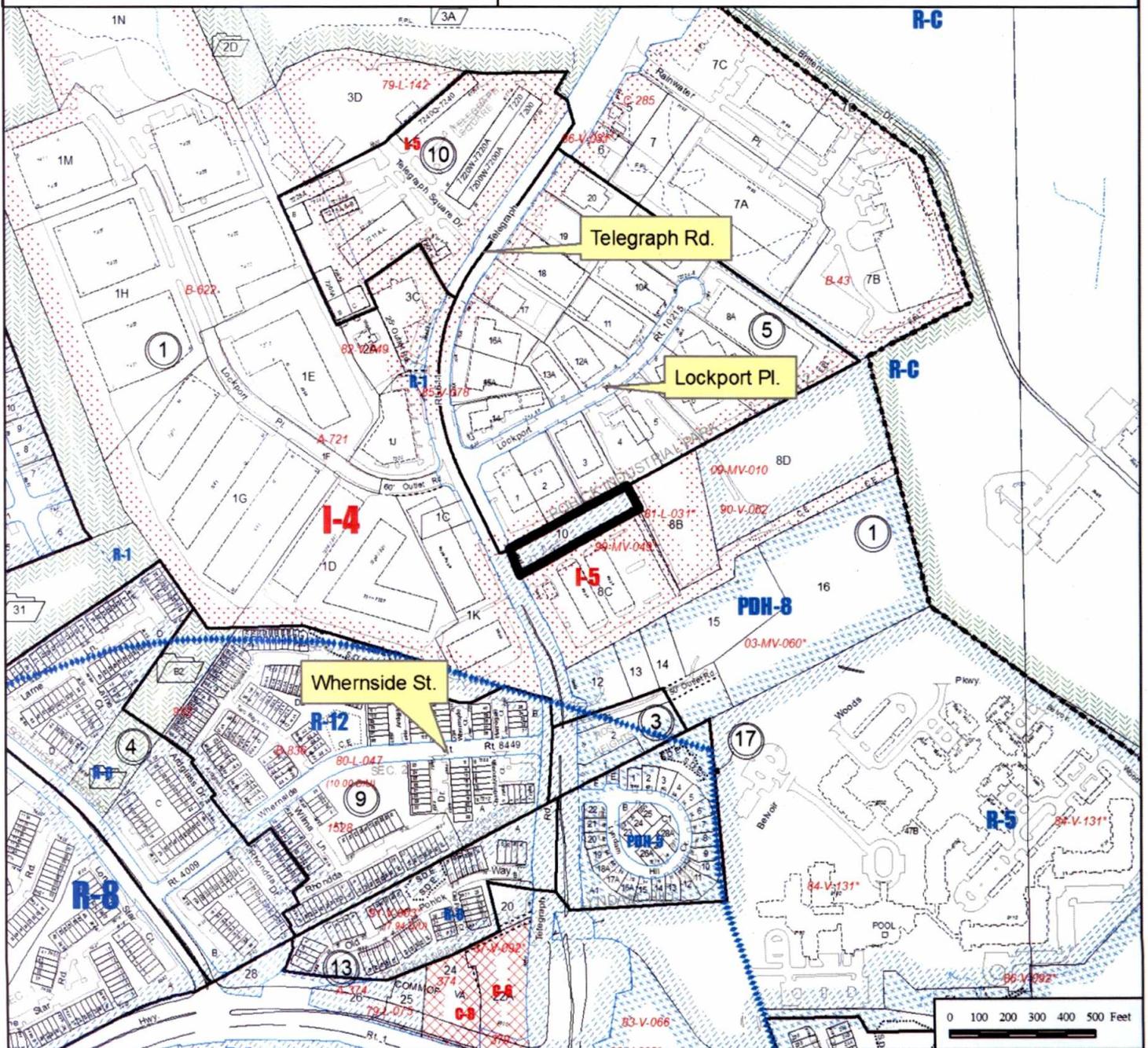


Applicant: 8921 PROPERTIES, LLC
Accepted: 03/06/2012
Proposed: INDUSTRIAL DEVELOPMENT
Area: 42,367 SF OF LAND;
DISTRICT - MOUNT VERNON
ZIP - 22079

Located: EAST SIDE OF TELEGRAPH ROAD
APPROXIMATELY 300 FEET SOUTH OF ITS
INTERSECTION WITH LOCKPORT PLACE

Zoning: FROM R- 1 TO I- 5

Map Ref Num: 108-1- /01/ /0010



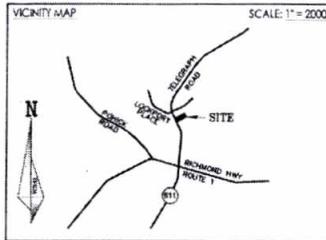
GENERAL NOTES

- THIS SITE CONSISTS OF THE FOLLOWING PARCELS:

TAX MAP #	AREA (SF/AC)	DOB	PG	ADDRESS
15B-1 (B) 10	42367 / 0.97261	18490	800	8921 TELEGRAPH ROAD
- THE SITE IS LOCATED IN THE MOUNT VERNON DISTRICT AND IS CURRENTLY ZONED R4 (RESIDENTIAL). THE PROPOSED ZONING IS GENERAL INDUSTRIAL (DISTRICT). NO ADDITIONAL DISTURBANCE IS PROPOSED WITH THIS GENERAL DEVELOPMENT PLAN (EXCEPT AS NOTED ON SHEET).
- BOUNDARY AND FIELD PLAN TOPOGRAPHIC SURVEY COMPLETED BY JEFF WANNER AND SURVEYING, INC. DECEMBER 8, 2011.
- THIS TOPOGRAPHY SHOWS DATA AT A TWO-FOOT CONTOUR INTERVAL.
- EXISTING USE: STORAGE YARD, CONTRACTORS OFFICE AND SHOPS (NON CONFORMING)
- PROPOSED USE: **INTERIM PHASE**

CONTRACTORS OFFICE AND SHOPS AND STORAGE YARD	ESTABLISHMENTS FOR FINANCIAL INTERESTS	RETAIL	GENERAL PUBLIC USES (CATEGORY 1)	OFFICE	PRIVATE SCHOOLS OF SPECIAL EDUCATION	WAREHOUSING ESTABLISHMENTS	WHOLESALE TRADE ESTABLISHMENTS	VETERINARY HOSPITALS	ACCESSORY USES AND SERVICES
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- THE SITE IS CURRENTLY SERVED BY AN ON-SITE WELLS AND SEWER SYSTEM.
- THERE IS ONE KNOWN WELL ON THIS SITE, AS SHOWN IN IDEAL.
- UPON SITE INSPECTION, THERE ARE NO BURIAL STRUCTURES OR GRAVE SITES KNOWN TO EXIST ON SITE.
- THE PROPERTY IS NOT IMPACTED BY FEMA FLOOD INSURANCE RATE MAP 1309C (R) 0302E, EFFECTIVE SEPTEMBER 13, 2010.
- THE EXISTING STRUCTURES WERE CONSTRUCTED IN 1945.
- OF THE EXISTING STRUCTURES THE FOLLOWING ARE TO BE DEMOLISHED: PORTION OF BLDG #2, BLDG #3 AND BLDG #5 (SEE SHEET 2 FOR MORE INFORMATION).
- THIS DEVELOPMENT SHALL CONFORM TO THE PROVISIONS OF APPLICABLE ORDINANCES, REGULATIONS, AND ADOPTED STANDARDS UNLESS WAIVED OR MODIFIED.
- SALES SHALL COMPLY WITH PERTINENT FAIRFAX COUNTY SIGN REGULATIONS.
- THERE ARE NO KNOWN CEMETERIES 75 FEET OR MORE IN WIDTH ON THE PROPERTY.
- PARKING SHALL BE PROVIDED IN ACCORDANCE WITH PROVISIONS OF ARTICLE 11 OF THE ZONING ORDINANCE.
- THERE ARE NO KNOWN WETLANDS OR RESOURCE PROTECTION AREAS ON THE PROPERTY.
- THAT AIR NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES AS SET FORTH IN TITLE 46 CODE OF FAIRFAX REGULATIONS, PARTS 16.4, 302A AND 305, AND/OR HAZARDOUS WASTE AS SET FORTH IN COMMONWEALTH OF VIRGINIA DEPARTMENT OF WASTE MANAGEMENT (W-672-10-1) VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS, AND/OR PETROLEUM PRODUCTS AS DEFINED IN TITLE 46 CODE OF FEDERAL REGULATIONS PART 282 TO BE GENERATED, STORED, TREATED, AND/OR DISPOSED OF ON SITE.
- OTHER THAN THE TREES DEPICED TO BE PRESERVED ON THE ATTACHED EXISTING VEGETATION MAP THERE ARE NO OTHER AREAS THAT HAVE SCENIC ASPECTS OR NATURAL FEATURES DESERVING OF PROTECTION.
- THE APPLICANT SHALL CONNECT TO PUBLIC WATER AND SEWER.
- APPLICANT RESERVES THE RIGHT TO MAKE MINOR MODIFICATIONS FROM WHAT IS SHOWN ON THE GMP SUBJECT TO FINAL DESIGN.

RZ 2012 - MV - 004 GENERAL DEVELOPMENT PLAN FOR 8921 PROPERTIES, LLC MOUNT VERNON DISTRICT FAIRFAX COUNTY, VIRGINIA



SOILS MAP SOURCE: 20 COUNTY MAP, PRIVATE SOILS SCIENTIST (FOR UNMAPPED SITES)

SOIL	SOIL NAME	PROBLEM CLASS	FOUNDATION SUPPORT	DRAINAGE	SEPTIC DRAINAGE FIELD	INFILTRATION TRENCHES	FROSTION POTENTIAL	OTHER NOTES
9E	URBAN LAND	N/A	N/A	N/A	N/A	N/A	N/A	N/A

ZONING & AREA TABULATION - OVERALL

TOTAL SITE AREA:	42,367 SF / 0.97 AC
EXISTING ZONING:	R4
PROPOSED ZONING:	I5
PROPOSED USE:	INTERIM PHASE: STORAGE YARD / OFFICE ULTIMATE PHASE: PERMITTED USES ALLOWED IN THE I5 ZONING, LIMITED PER THE PROVISIONS
OPEN SPACE REQUIRED:	15%
OPEN SPACE PROVIDED:	15% INTERIM PHASE: 68% ULTIMATE PHASE: 15%
MINIMUM LOT AREA:	20,000 SF
PROVIDED LOT AREA:	42,367 SF / 0.97 AC
MINIMUM LOT WIDTH:	100'
PROVIDED LOT WIDTH:	90' (EXISTING LOT WIDTH)
MAXIMUM BLDG. HEIGHT:	75 FEET
PROVIDED BLDG. HEIGHT:	INTERIM PHASE: 40 FEET ULTIMATE PHASE: 75 FEET MAXIMUM
MAXIMUM FLOOR AREA RATIO (FAR):	0.50
EXISTING FLOOR AREA RATIO (FAR):	0.50
PROPOSED FLOOR AREA RATIO (FAR):	0.50
BUILDING #1 GFA = 1984 SF	
BUILDING #2 GFA = 158 SF	
POSSIBLE SLEED GFA = 1295	
TOTAL GFA = 2137 SF	
PROVIDED FLOOR AREA RATIO (FAR)	0.50
INTERIM PHASE: 0.56 (12,572 SF / 42,367 SF)	
ULTIMATE PHASE: 0.50 MAX (21,183 SF / 42,367 SF)	

BULK REGULATIONS

FRONT YARD CONTROL: 10' OR A 45 ANGLE OF BULK PLANE, BUT NOT LESS THAN 4' 0"
 SIDE YARD: NO REQUIREMENT
 REAR YARD: NO REQUIREMENT

* SEE REQUESTED WAIVER/ MODIFICATION BELOW

PARKING TABULATION

PARKING REQUIRED:	INTERIM PHASE: NUMBER OF EMPLOYEES = 3 PARKING REQUIRED PER EMPLOYEE = 1.0 NUMBER OF COMPANY VEHICLES = 1 PARKING REQUIRED PER VEHICLE = 1 TOTAL REQUIRED PARKING = 4	ULTIMATE PHASE: AS REQUIRED PER Z.O. 11-105
PARKING PROVIDED:	INTERIM PHASE: EXISTING PARKING SPACES = 4	ULTIMATE PHASE: NO LESS THAN MINIMUM SPACES REQUIRED BY Z.O. 11-105 SHALL BE PROVIDED

REQUESTED WAIVER/MODIFICATIONS

- MINIMUM FRONT YARD REQUIREMENT (PERMITS TO Z.O. 10-202) - INTERIM PHASE
- SECT. MANAGEMENT PRACTICES WAIVER (PPM SECTION 6-100) - INTERIM PHASE
- STORMWATER MANAGEMENT WAIVER (PPM SECTION 6-100) - INTERIM PHASE
- INTERIOR PARKING LOT LANDSCAPING (PERMITS TO Z.O. 11-202) (6) - INTERIM PHASE
- PERMEABLE PARKING LOT LANDSCAPING (PERMITS TO Z.O. 11-202) (1) - INTERIM PHASE
- OUTLETS SURFACE WAIVER (PPM SECTION 7-052) - INTERIM PHASE

MINIMUM STORM WATER INFORMATION FOR REZONING, SPECIAL EXCEPTION, SPECIAL PERMIT AND DEVELOPMENT PLAN APPLICATIONS

THE FOLLOWING INFORMATION IS REQUIRED TO BE SHOWN OR PROVIDED IN ALL ZONING APPLICATIONS, OR A WAIVER REQUEST OF THE SUBMISSION REQUIREMENT WITH JUSTIFICATION SHALL BE ATTACHED. NOTE: WAIVERS WILL BE ACCEPTED SEPARATELY. FAILURE TO ADEQUATELY ADDRESS THE WAIVER SUBMISSION INFORMATION MAY RESULT IN A DELAY IN PROCESSING THIS APPLICATION.

THIS INFORMATION IS REQUIRED UNDER THE FOLLOWING ZONING ORDINANCE PARAGRAPHS:
 SPECIAL PERMIT (6-110) & 2.03 SPECIAL EXCEPTIONS (6-111) & 2.03
 CLUSTER SUBDIVISION (6-110) & 2.03 COMMERCIAL REVENUE (6-111) & 2.03
 DEVELOPMENT PLAN (6-111) & 2.03 COMMERCIAL REVENUE (6-111) & 2.03
 100' BUFFER (6-111) & 2.03 100' BUFFER (6-111) & 2.03

- PLAT IS AT A MINIMUM SCALE OF 1"=100' (UNLESS IS DEPICED ON THE SHEET) WITH A MINIMUM SCALE OF 1"=100'
- A GRAPHIC DENOTING THE STORMWATER MANAGEMENT FACILITIES AND LIMITS OF CLIPPING AND GRADING ACCORDANT WITH THE STORMWATER MANAGEMENT FACILITIES, STORM DRAINAGE PIPE SYSTEMS AND OTHER PROTECTIVE POND SHALL BE ACCESS ROAD, SITE OUTFALL, ENERGY DISSIPATION DEVICES AND STREAM STABILIZATION MEASURES AS SHOWN ON SHEET 2.
- PROVIDE:

FACTORY FINISH	ON SITE AREA	OFF SITE AREA	DRAINAGE	FOOTPRINT	STORAGE	# POND DAM
TYPE & NO.	SERVED (AC)	SERVED (AC)	AREA (SF)	AREA (SF)	VOLUME (CU YD)	HEIGHT (FT)
- ON-SITE DRAINAGE CHANNELS, OUTFALLS AND PIPE SYSTEMS ARE SHOWN ON SHEET 4.
- THERE ARE NO ACCESS ROAD SERVING STORMWATER MANAGEMENT FACILITIES ON THIS SHEET.
- THERE ARE NO STORMWATER MANAGEMENT FACILITIES ON THIS SHEET.
- A STORMWATER MANAGEMENT NARRATIVE WHICH CONTAINS A DESCRIPTION OF HOW DETENTION AND BEEP MANAGEMENT PRACTICES REQUIREMENTS WILL BE MET IS PROVIDED ON THIS SHEET.
- A DESCRIPTION OF THE EXISTING CONDITIONS OF EACH NUMBERED SITE OUTFALL EXTENDING DOWNSTREAM FROM THE SITE TO A POINT WHICH IS AT LEAST 100 FEET FROM THE SITE AREA OR WHICH HAS A DRAINAGE AREA OF AT LEAST ONE SQUARE MILE (640 ACRES) IS PROVIDED ON SHEET 4.
- A DESCRIPTION OF HOW THE DETENTION REQUIREMENTS, INCLUDING CONTRIBUTING DRAINAGE AREAS OF THE PUBLIC FACILITIES MANUAL, WILL BE SATISFIED IS PROVIDED ON SHEET 4.
- EXISTING TOPOGRAPHY WITH MAXIMUM CONTOUR INTERVALS OF TWO (2) FEET AND A NOTE AT 10' INTERVALS IS AN AIR SURVEY OR FIELD RUN IS PROVIDED ON SHEET 2.
- A DRAINAGE WAIVER IS REQUESTED FOR THIS REQUIREMENT.
- STORMWATER MANAGEMENT IS NOT REQUIRED. SEE THE SWM NARRATIVE ON SHEET 2.

OWNER - PARCEL 10
 8921 PROPERTIES, LLC
 881 S TELEGRAPH ROAD
 LORTON VA 22079

ENGINEER
SMITH ENGINEERING
 1491 BOULEVARD SUITE 101
 CHANTILLY, VIRGINIA 20151
 (703) 956-6204

SHEET INDEX

- COVER SHEET
- LAYOUT PLAN
- EXISTING VEGETATION MAP / TREE CANOPY CALCULATIONS
- OUTFALL ANALYSIS

SMITH ENGINEERING

COVER SHEET
 8921 TELEGRAPH ROAD
 GENERAL DEVELOPMENT PLAN



SMITH ENGINEERING
 PROJECT: 060-01
 BLAKE SMITH, P.E.
 703-956-6204
 blake@smitheng.com

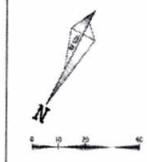
1491 BOULEVARD SUITE 101
 CHANTILLY, VA 20151

PLAN STATUS
 01/17/12 ISSUE NO. 001
 01/18/12 CLIENT APPROVAL
 02/07/12 ISSUE NO. 002
 02/14/12 CLIENT APPROVAL
 02/14/12 SUBMIT TO COUNTY

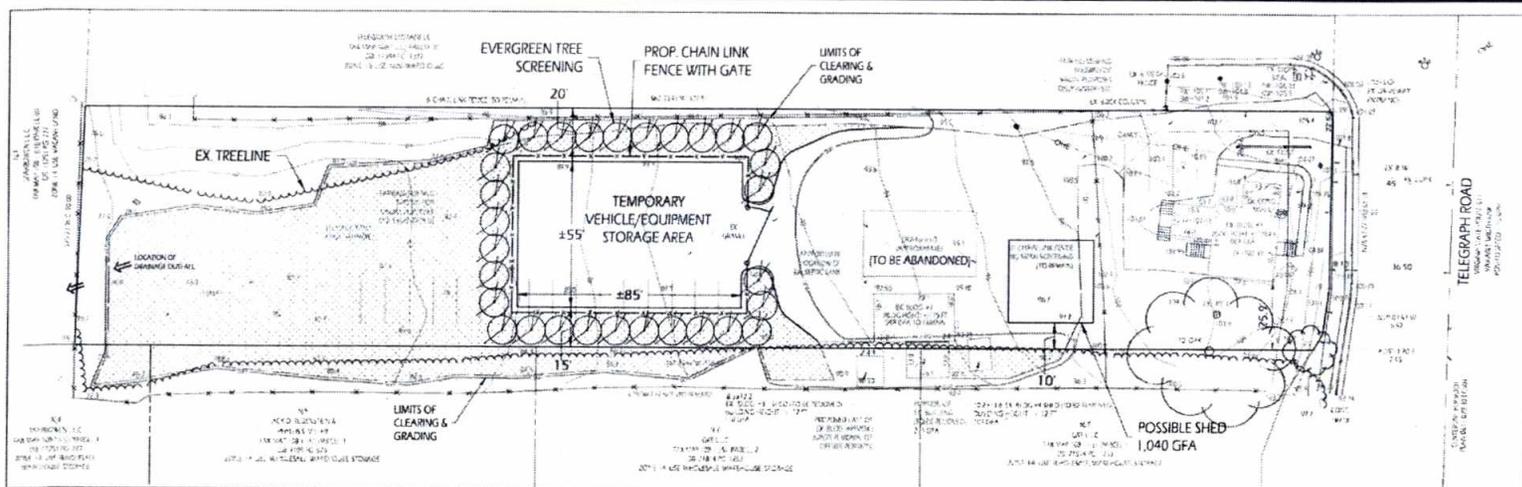
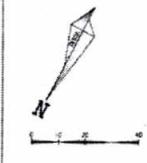
SCALE: AS SHOWN
 DATE: JANUARY 5, 2012
 SHEET 1 OF 4



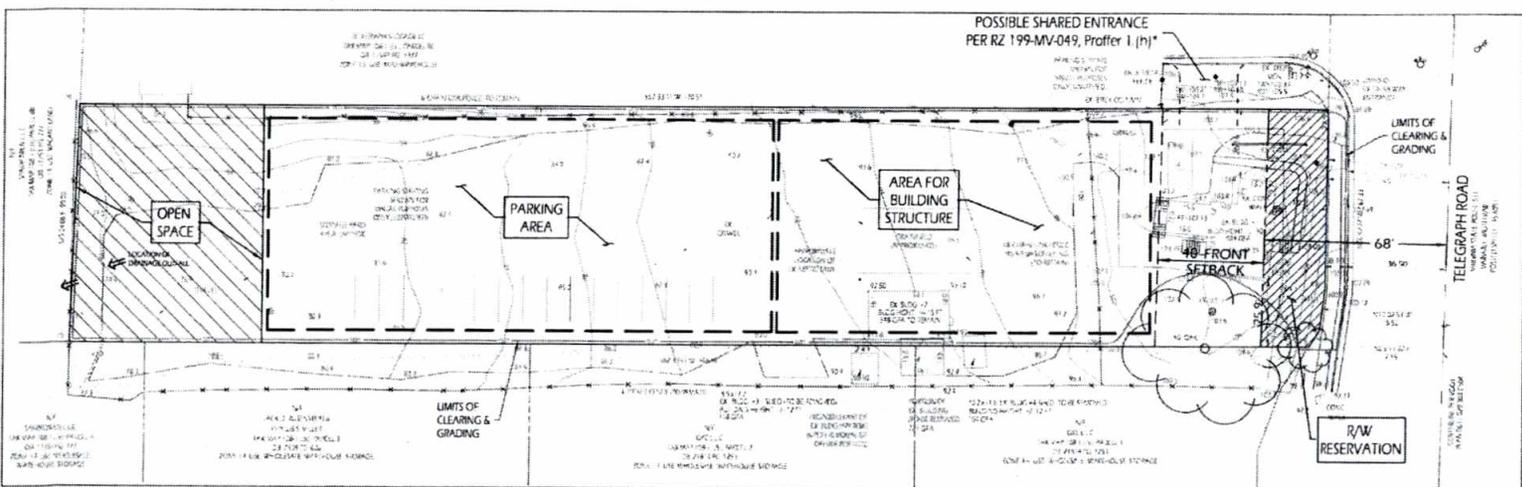
01/17/12	DATE	PLAN SET UP
01/18/12	DATE	SUBMIT TO COUNTY
02/07/12	DATE	SBP TO CLIENT/ATTORNEY
03/14/12	DATE	SUBMIT TO COUNTY



- LEGEND:**
- EXIST GRAVEL TO BE REMOVED AND SEEDED
 - EXIST GRAVEL TO REMAIN
 - EXIST BUILDING TO REMAIN
 - BUILDING OR PORTION THEREOF TO BE REMOVED



INTERIM PHASE



ULTIMATE PHASE

* SUBJECT TO APPROVAL FROM OWNER OF TAX MAP 108-1 (11) BC

NOTES:

1. NO TITLE REPORT FURNISHED
2. THE PROPERTY TOWN/SECTION & LOCATION (TAX MAP 108-1 (11) BC) IS SHOWN AS SHOWN AND BOUND BY THE
3. ALL MEASUREMENTS SHOWN ON THIS GENERAL DEVELOPMENT PLAN ARE TO BE TAKEN FROM THE CORNERS OF THE LOTS AS SHOWN ON THE SURVEY RECORDS ON FILE WITH THE CLERK OF COURTS, FAIRFAX COUNTY, VIRGINIA.
4. OWNER: SMITH ENGINEERING, LLC
DEED BOOK 18490 PAGE 280
5. AREA - 42.80 ACRES (APPROXIMATELY) ACRES OF LAND
6. VERTICAL CURVES FROM FDOT ASSESSMENT MAPS AND INFORMATION PROVIDED BY FAIRFAX COUNTY WAS USED FOR THE PURPOSES OF THIS PLAN.
7. THIS DEVELOPMENT PLAN WAS COMPILED UNDER THE DIRECTION AND SUPERVISION OF THE REGISTERED PROFESSIONAL ENGINEER, BLAKE A. SMITH, LICENSE NO. 033984, STATE OF VIRGINIA. ALL MEASUREMENTS AND CALCULATIONS WERE MADE BY THE ENGINEER OR UNDER HIS CLOSE PERSONAL SUPERVISION AND HE IS NOT PROVIDING ANY GUARANTEE OF ACCURACY BEYOND THAT WHICH IS REQUIRED BY THE PROFESSIONAL STANDARDS OF PRACTICE.
8. APPROXIMATELY 20% OF ALL EXISTING GRASS IS TO BE REMOVED AND RESEEDING IS TO BE PROVIDED IN THE INTERIM PHASE AND APPROXIMATELY 50% OF ALL EXISTING GRASS IS TO BE REMOVED AND RESEEDING IS TO BE PROVIDED IN THE ULTIMATE PHASE.
9. EXISTING FENCES ARE TO REMAIN AS IS AND WILL NOT BE RELOCATED.

LEGEND:

- WOOD
- CONCRETE
- TELEPHONE POLE
- GAS METER
- IRON PIPE FOUND
- IRON PIPE SET

STORMWATER MANAGEMENT NARRATIVE:

THE SITE IS CURRENTLY DEVELOPED AND CONSISTS OF TWO LARGER STRUCTURES AND TWO SMALL SPACES. ONE OF THE FOUR STRUCTURES IS A PORTION OF THE BLUE RYAN INDUSTRIAL PARK AND IS TO BE REMOVED IN THE INTERIM PHASE. THE SQUARE FOOTAGE OF THE BUILDINGS TO BE REMOVED IS 2,185 SF. THE LIMITS OF CLEARING AND GRADING IN AN INTERIM PHASE SHALL NOT EXCEED BEYOND WHICH IS NECESSARY TO REMOVE THE SAID STRUCTURE AND REMOVE THE DEBRIS. THE REMOVAL OF THIS BUILDING SHALL NOT EXCEED THE AMOUNT OF EXISTING IMPERVIOUS AREA ON THE PROPERTY. IN ADDITION, EXISTING GRAVEL WILL BE REMOVED AND SEEDED IN THE INTERIM PHASE THROUGH THE RESECTION OF THE IMPERVIOUS AREA. THE RAIN RUNOFF RATES WILL IN TURN BE REDUCED IN THE INTERIM PHASE. THEREFORE, NO SWM FACILITY IS REQUIRED IN THE INTERIM PHASE. BOTH SWM AND SWM MEASURES SHALL BE PROVIDED IN THE ULTIMATE PHASE, IN ACCORDANCE WITH PFM REQUIREMENTS.

DESCRIPTION OF THE APPLICATION

The applicant, 8921 Properties, LLC, has requested a rezoning of the property located at 8921 Telegraph Road from the R-1: Residential District to the I-5: General Industrial District. The rezoning has been submitted in response to a Notice of Violation issued by the Department of Code Compliance (DCC) for operating a storage yard¹ and a contractor's office and shop², which are prohibited uses in an R-1 district. An approved rezoning would allow the applicant to clear the violation and to continue to use the property in an industrial manner.

The applicant would like to implement two phases of development:

- An interim phase, where the applicant would operate a contractor's office and shop within the existing structures on the site and a storage yard. The storage yard would be limited to 4675 square feet in the rear yard, labeled as "Temporary Vehicle/Equipment Storage Area" on the Generalized Development Plan (GDP), and be surrounded by evergreen tree screening. The applicant would remove the construction materials and debris currently on the site, remove a significant portion of the existing gravel, and reseed these areas.
- An ultimate phase, where the applicant would upgrade the existing access point on Telegraph Road to a commercial entrance and diligently pursue an interparcel access with the property owner to the south. The existing structure would be removed, and the applicant would dedicate an amount of right-of-way equal to 68 feet from the Telegraph Road centerline. A new structure would be built on the property at up to 0.50 Floor-Area Ratio (FAR) with the potential for a number of industrial uses as outlined in the proffers. The rear yard would be used for parking, with a portion of the rear yard set aside as open space.

In addition to the rezoning request, the applicant is requesting the approval of two waivers of Zoning Ordinance requirements:

1. A waiver of the interior parking lot landscaping requirement; and,
2. A waiver of the peripheral parking lot landscaping requirement.

A reduced copy of the applicant's GDP is included at the front of the report. Copies of the draft proffers, affidavit, and applicant's statement of justification are included in Appendices 1, 2, and 3, respectively.

1 Article 20 of the Zoning Ordinance defines a *storage yard* as "the use of any space, whether inside or outside a building, for the storage or keeping of construction equipment, machinery, vehicles or parts thereof, boats and/or farm machinery.

2 Article 20 of the Zoning Ordinance defines a *contractor's office and shop* as an establishment "for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, and ventilating and establishments for the planting and maintenance of gardens, grounds and yards such as landscape contractors and lawn maintenance services. Such establishment shall not include retail sales to the general public except as a subordinate ancillary activity and display area accessible to the general public shall be limited to the lesser of either ten (10) percent of the gross floor area of the establishment or 1000 square feet.

It should be noted that on June 22nd, 2012, the applicant submitted an amended application form, a revised GDP and revised proffers which propose to rezone the property from R-1 to I-4, with an interim phase that does not include a storage yard. Given the timing of this submission, staff is unable to provide analysis of the materials concurrent with the publication of this report. A proposal to change the zoning district requested with a rezoning application after it has been accepted for processing constitutes an amendment to a pending application pursuant to Par. 2 of Sect. 18-106 of the Zoning Ordinance, requiring review for compliance with the applicable submission requirements by the Applications Acceptance section of the Zoning Evaluation Division. It should also be noted that on June 28th, 2012, the applicant submitted a request for a waiver of the requirement to submit parking, stormwater management and landscaping details on the proposed GDP. Upon the issuance of an acceptance determination, staff will fully evaluate the amended materials and provide its analysis with a future addendum to this report.

LOCATION AND CHARACTER

The subject property is located along Telegraph Road about a half mile north of the intersection of Telegraph Road and Richmond Highway. The surrounding area is characterized by warehouses and other light industrial uses, such as contractor's offices and shops, a plant nursery, manufacturing establishments, motor freight terminals, wholesale trade establishments, and offices (Figure 1). The adjacent uses are described further in Table 1.



Figure 1: An outline of the subject property, showing the general vicinity around the intersection of Lockport Place and Telegraph Road (Source: Bing Maps, 2012)

TABLE 1 - SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Warehouse Establishment Office Motor Freight Terminal Storage Yard ³	I-4	Industrial
South	Mini-Warehouse Establishment with an Ancillary Outdoor Storage Yard	I-5	Industrial
East	Storage Yard ³	I-4	Industrial
West	Office Warehouse Establishment Establishment for Production	I-4	Industrial

The property is a long, rectangular shaped parcel approximately 89 feet wide and 468 feet long. The highest elevation is near Telegraph Road, where the primary structure is located, and the property generally slopes downward toward the rear lot line. The structure is currently being used as a contractor’s office and shop without a Non-Residential Use Permit (Non-RUP).

A chain-link fence is located behind the primary structure, separating the storage yard from the rest of the property. There are three accessory structures in this rear yard that are 104, 118, and 769 square feet in area, respectively. Both of the smaller accessory structures and 221 square feet of the larger accessory structure either extend across or are completed located on the other side of the northern property line (Figure 2). The topography slopes downward significantly at this point; the hillside separating the subject property and the adjacent property to the north are covered with evergreen trees. Other than a mature, large-diameter white oak near the property’s northwestern corner, the site’s vegetation consists of invasive shrubs, undergrowth and some younger trees in the eastern portion of the property.

Motorists can access the site using the vehicular entrance at the southeastern corner of the property. Cars driving south on Telegraph Road may use the left-turn lane, which also serves the mini-warehouse establishment to the south (Figure 3). A five-foot wide sidewalk runs the length of the property’s Telegraph Road frontage and connects with sidewalk to the north and south.

The rear yard is mostly covered in gravel, and contains construction materials used by the current tenant, who runs a sewer rehabilitation company. Along with these

3 The use of the adjacent properties located to the northeast and east as a storage yard constitutes a prohibited use of an I-4 zoned property. At the time of this report’s writing, DCC was maintaining an open case resulting from a Notice of Violation issued to the property owner, Sparrowen, LLC, who had not ceased operation of the prohibited use. The Office of the County Attorney has given Sparrowen, LLC an August 2012 deadline to cease the storage yard use; if the deadline is not met, the County Attorney will pursue legal action to bring the site into compliance with the Zoning Ordinance.

materials, the rear yard contains vehicle trailers, inoperable vehicles, plywood, traffic cones, debris piles, and empty buckets (Figure 4).

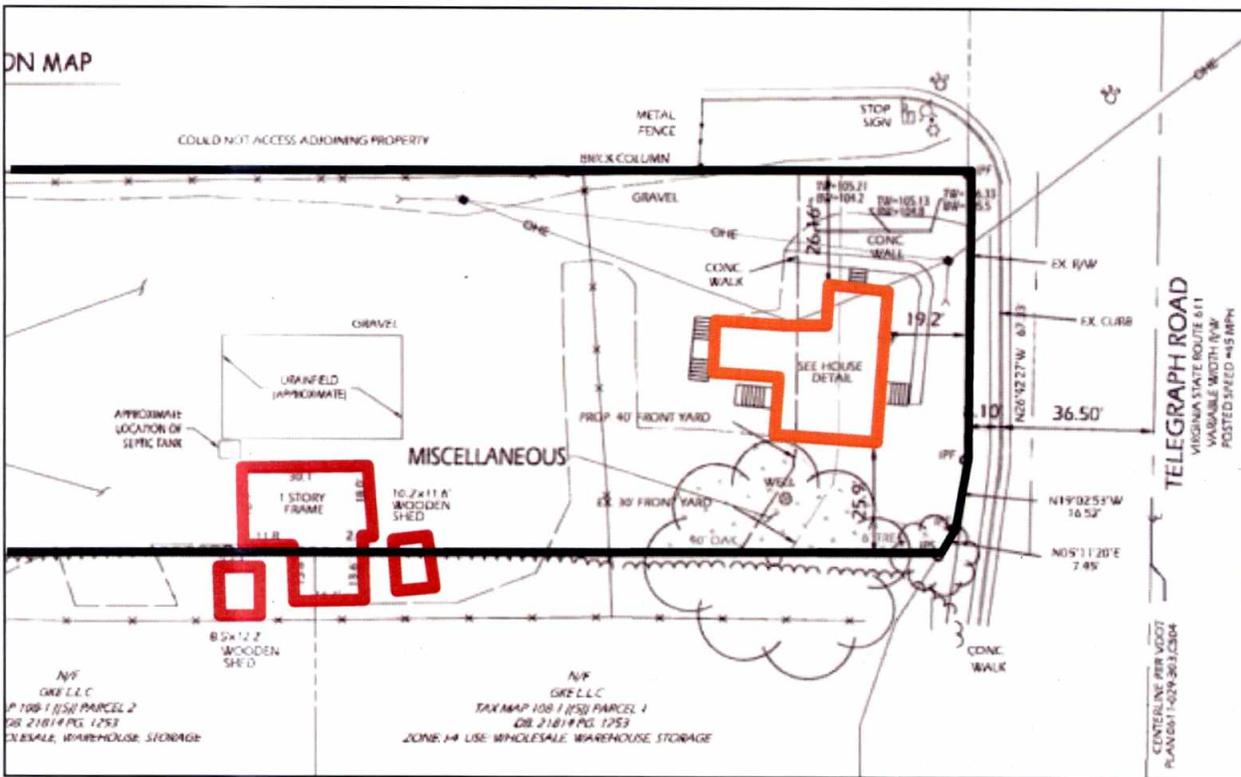


Figure 2: An inset of Sheet 3 of the GDP showing how the ancillary structures are located in relation to the property line, which is outlined in black. (Source: Smith Engineering, May 15, 2012)

BACKGROUND

The existing structure was built in 1945 and designed and used originally as a residence. The applicant received a Notice of Violation from DCC on June 8, 2011 for operating a storage yard and a contractor’s office and shop, which are not permitted uses in the R-1 District. On July 7, 2011, the applicant submitted an application to appeal the violation to the Board of Zoning Appeals (BZA), citing the “long-standing industrial use of the property” that the applicant thought to have been an existing, permitted nonconforming use. The appeal

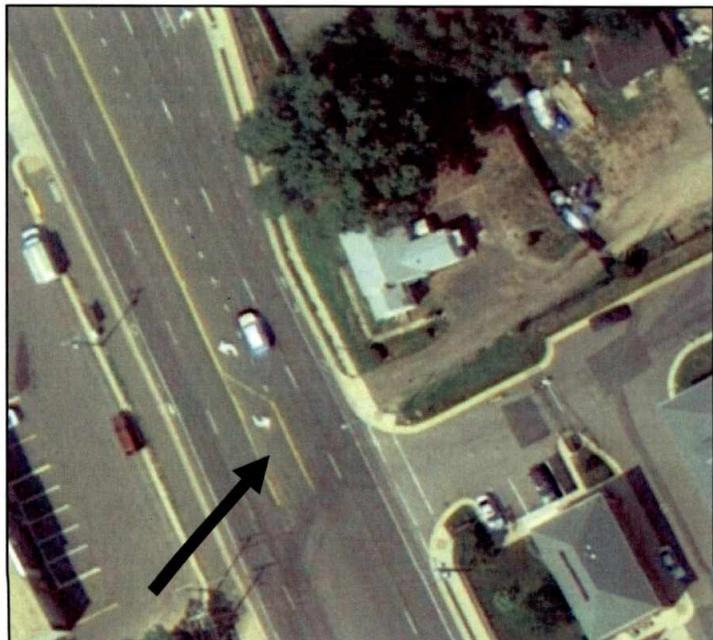


Figure 3: The left turn lane used by southbound traffic (Source: Google Maps, 2012).

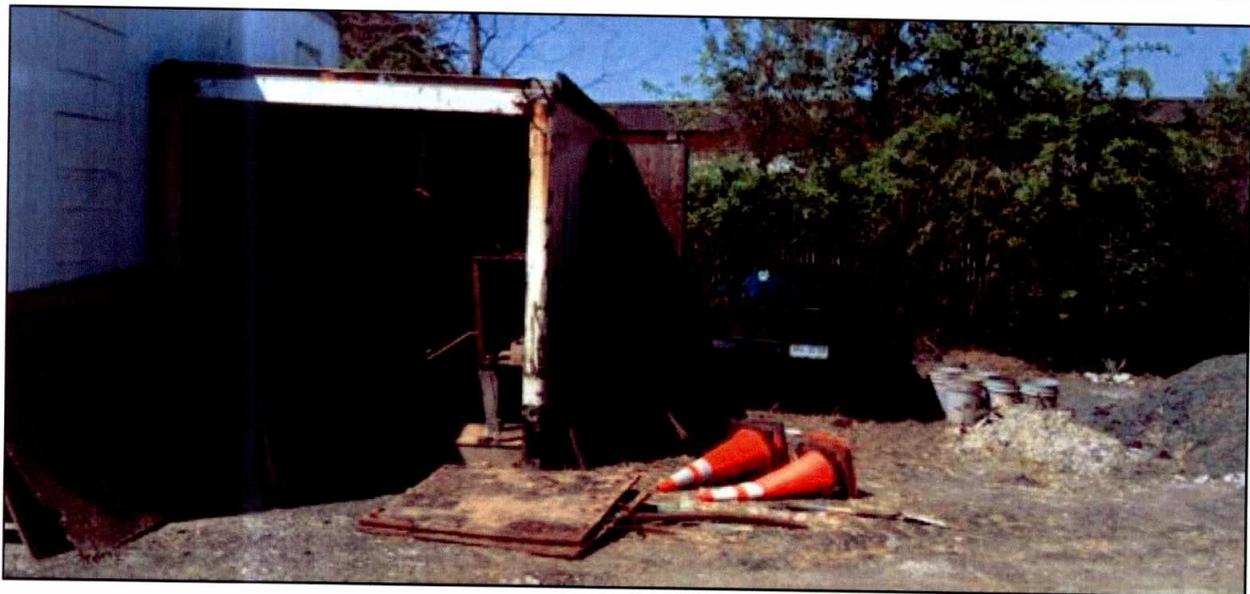
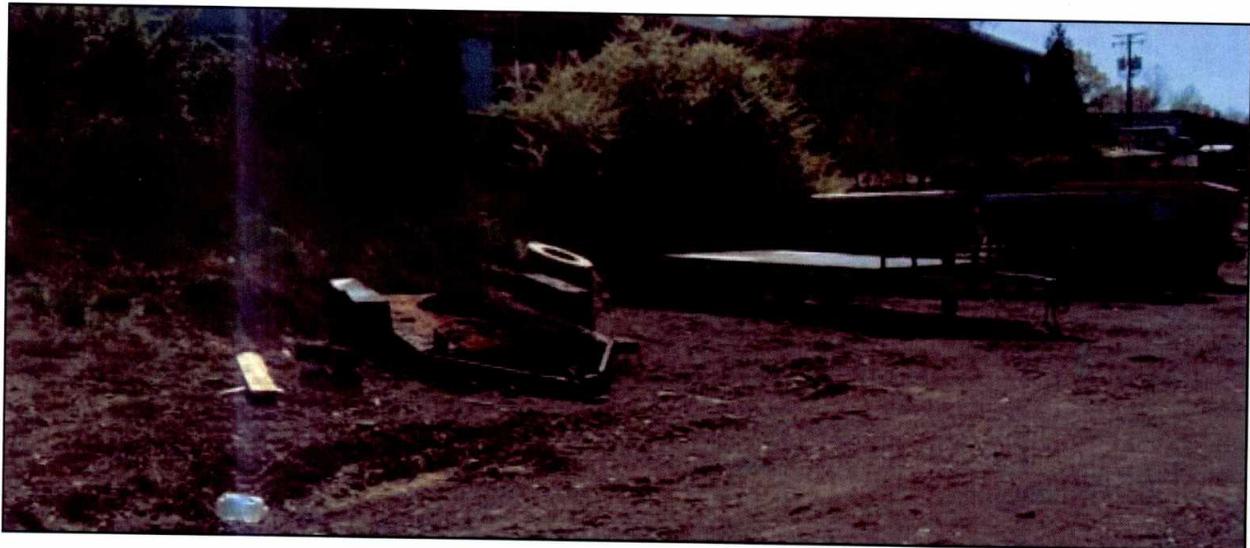
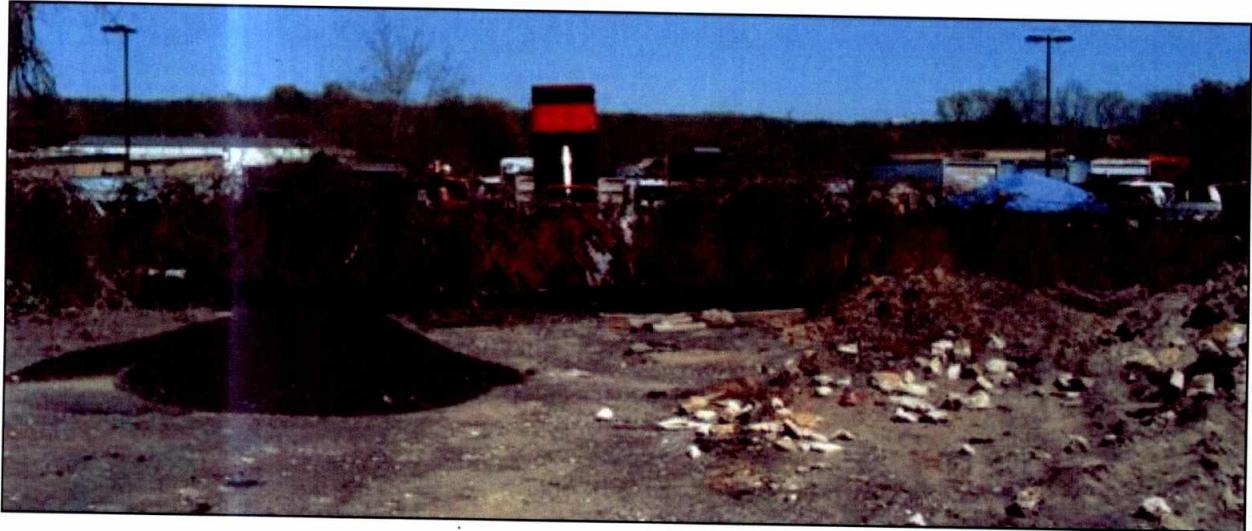


Figure 4: Photos taken from staff site visit to the subject property (Source: DPZ - April 5, 2012).

hearing was originally scheduled for December 14, 2011, but the processing of the appeal has been stayed in accordance with Sect. 18-307 of the Zoning Ordinance to allow the applicant's rezoning request to complete the review process.

The property to the south with the mini-warehouse establishment was rezoned from R-1 to I-5 by the Board of Supervisors (BOS) on April 3, 2000 with RZ 1999-MV-049. A single-family detached dwelling was located on the property from 1952-1991, but had been vacant for nine years prior to the rezoning. The staff report for RZ 1999-MV-049 states that the applicant for that case was unsuccessful in their attempts to purchase 108-1 ((1)) 10, the subject property for RZ 2012-MV-004. Staff encouraged the consolidation of both parcels for one singular development because Parcel 10 would be difficult to develop in conformance with the Comprehensive Plan without consolidation. Without the ability to consolidate, the applicant included the following proffer, Proffer 1h, to address this issue:

The GDP notwithstanding, an interparcel access, ingress/egress easement shall be conveyed by the owner of the subject property (lot 8C), and the entrance to the site shall be adjusted upon the redevelopment of Lot 10, to provide interparcel access to Lot 10 (Tax Map 108-1 ((1)) 10), subject to the review and approval of VDOT and DPW, as necessary.

The property owner also escrowed \$6,000 in order to facilitate construction of this access at a future date during the subsequent site plan review.

The approval letter from the Clerk to the Board of Supervisors, which includes the full list of proffers for RZ 1999-MV-049, is included in Appendix 4.

DESCRIPTION OF THE GENERALIZED DEVELOPMENT PLAN AND PROFFERS

Interim Phase

The applicant plans to continue the storage yard and contractor's office and shop uses in the first, or interim, phase of development. As shown in Figure 5, the applicant would remove all of the debris from the rear yard and designate a 4,675 square foot area for a storage yard. This storage yard would cover approximately 13% of the rear yard. The applicant proposes to store vehicles and equipment in the storage yard, which would be encircled by evergreen trees. The type of equipment has not been specified on the GDP. Behind the storage yard, the gravel surface would be removed and seeded. The gravel on the remainder of the site would continue to be used as the primary surface material.

Both of the smaller accessory structures and 221 square feet of the largest accessory structure would be removed so that all site improvements would be located within the application property boundary. The GDP identifies a 1,040 square foot area in the rear yard for a possible shed approximately 24.5 feet from the northern property line. Based on Par. 10 of Sec. 10-104 of the Zoning Ordinance, the applicant would be allowed to construct a freestanding accessory structure in this location with a height equal to its setback from the side yard lot line.

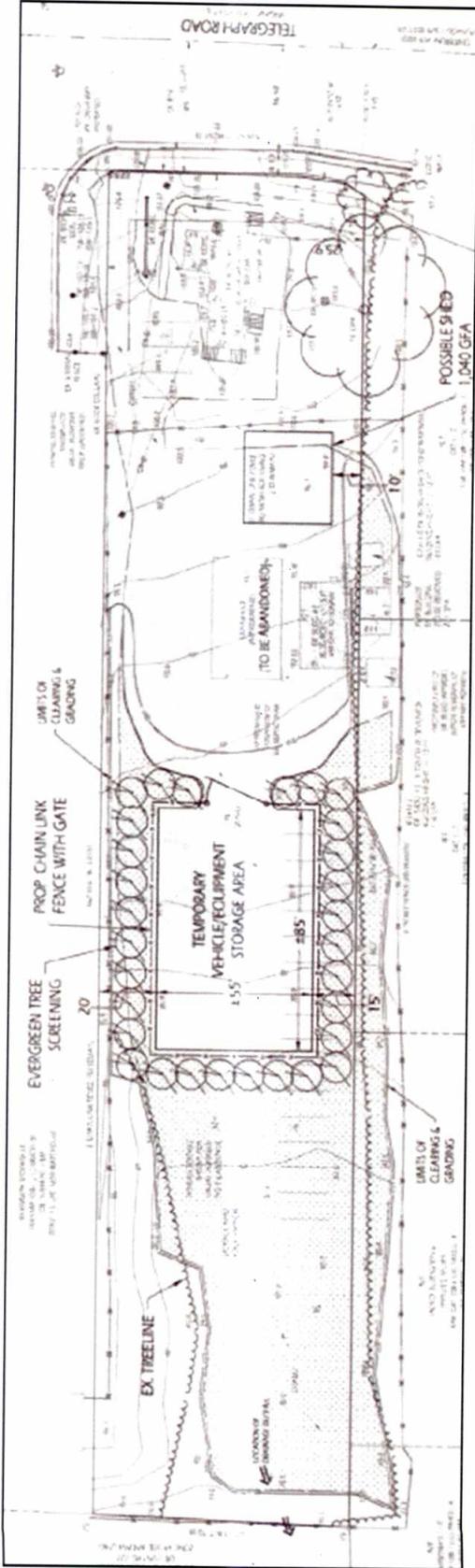


Figure 5: The applicant's first phase of development, which would continue the contractor's shop and office along with the storage yard that are currently operating under violation (Source: Smith Engineering – May 15, 2012)

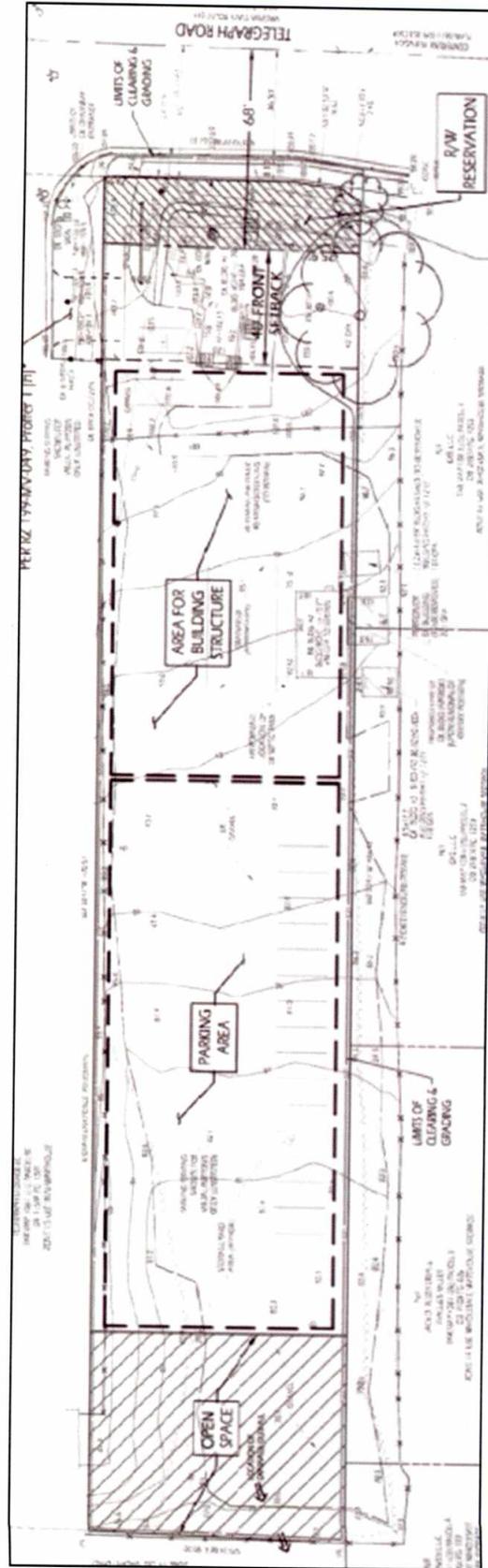


Figure 6: The applicant's second phase of development, which would result in the demolition of the existing structures and a dedication of right-of-way along Telegraph Road. (Source: Smith Engineering – May 15, 2012)

No changes would be made to the site's driveway or access point at Telegraph Road. The proffers stipulate that this interim phase would be permitted until Telegraph Road is widened to six lanes, which is shown for future improvement in the Comprehensive Plan. The uses in the interim phase would cease within 60 days of the beginning of the road's construction. The widening of Telegraph Road has not yet been included in the Virginia Department of Transportation's (VDOT) 2012-2017 Six-Year Improvement Program for funding.

Ultimate Phase

For the second phase of development, the applicant proposes up to 0.50 FAR of development within an area identified as an "area for future building structure" on the GDP. This area is approximately 10,902 square feet, and located behind the existing building (Figure 6). The parking for the proposed structure would be located behind it in an area of approximately 14,773 square foot. Parking is shown for 15 vehicles, but a note on the GDP indicates that the striping is shown for illustrative purposes only. Proffer 6 notes that parking would be provided in accordance with Article 11 of the Zoning Ordinance at the time of site plan approval for the ultimate phase. The 5,530 square feet of the lot farthest from the road, behind this parking area, would be set aside as open space.

The applicant has listed 15 permitted uses for the property during the ultimate phase. The uses are listed below, and can be generally characterized as light industrial uses:

- i. Accessory uses and services as permitted by Article 10 of the Zoning Ordinance
- ii. Contractor's Offices and Shops
- iii. Establishments for printing of any size, producing, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and associated retail sales; except bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Paragraph 13 of Section 9-501 of the Zoning Ordinance.
- iv. Establishments for scientific research, development and training
- v. Financial institutions
- vi. Kennels
- vii. Light public utility uses (Category 1), all uses except radio or television broadcasting tower facilities, microwave facilities, and satellite earth stations
- viii. Mobile and land based telecommunication facilities, subject to the provision of Section 2-514 of the Zoning Ordinance
- ix. Motor freight terminals
- x. New vehicle storage
- xi. Offices
- xii. Private schools of special education
- xiii. Veterinary hospitals, limited by provisions of Section 5-505
- xiv. Warehousing establishments
- xv. Wholesale trade establishments

Transportation

The GDP shows reservation of right-of-way up to 68 feet from the Telegraph Road centerline, which would fall within the existing building's footprint. Proffer 3a states that this reservation would occur prior to the issuance of a Non-RUP, and that dedication shall occur upon demand by the BOS and/or the Virginia Department of Transportation (VDOT).

The applicant has proffered to submitting an analysis to determine whether the southbound left turn lane into the site is of adequate length. This analysis would occur prior to the ultimate phase's site plan approval. If the study determines that additional lane length is warranted, the applicant would lengthen the lane within the existing right-of-way and pavement on Telegraph Road.

Proffer 3d commits the applicant to providing 30-foot entrance to the site prior to the issuance of the first Non-RUP for the ultimate phase. The applicant has structured the compliance with this proffer to be contingent upon necessary agreement with the adjacent property owner of the mini-warehouse establishment.

A location for a possible interparcel access with the mini-warehouse establishment to the south is shown, but the extent and width of the access is not defined. The applicant has proffered to establish the interparcel access prior to the issuance of a Non-RUP for the ultimate phase, but the proffer is contingent upon a necessary agreement with the adjacent property owner. The proffer commits the adjacent property owner to providing the access as per the proffers adopted with RZ 1999-MV-049, described in detail on Page 5 of this report.

Landscaping and Stormwater Management

Other than the evergreen trees shown on the interim phase, no new landscaping is proposed on the GDP. The limits of clearing and grading for the interim and ultimate phases both avoid the 40-inch oak near the property's northern boundary. The applicant has committed to meeting the requirements of Article 13 in the Zoning Ordinance, which covers landscaping. While the applicant indicates an existing treeline through the southeastern corner of the property, this area is labeled as having no viable tree canopy.

Moreover, the applicant has not shown how the site would comply with the Public Facilities Manual's (PFM's) stormwater management regulations. No on-site stormwater management facilities or best management practices (BMPs) have been identified. The applicant has committed to meeting the PFM's requirements for stormwater management at the time of site plan approval for the ultimate phase. Sheet 4 of the GDP displays the applicant's outfall narrative and a vicinity map with four drainage areas emptying at a point of confluence with adequate outfall.

COMPREHENSIVE PLAN PROVISIONS

The subject property is located within the Lower Potomac Planning District's Lorton South Route 1 Community Planning Sector. The parcel is discussed further in the following site specific language:

The area on the east side of Telegraph Road south of Lockport Place (Tax Map 108-1 ((1)) 8B, 8C, 8D and 10, as shown on Figure 33) is planned for wholesale/warehouse industrial uses up to .35 FAR. New or infill development should be compatible with existing industrial uses and should provide for substantial buffering when located adjacent to planned or existing residential uses.

The site specific text also provides an option for residential use at 8-12 dwelling units an acre. Since the applicant is proposing a rezoning to an industrial district, the residential option is not applicable for this case.

The Comprehensive Plan's Policy Plan on Land Use calls for "a harmonious and attractive development pattern which minimizes undesirable visual, auditory, environmental and other impacts created by potentially incompatible uses" (Appendix 5). The Policy Plan's Environment section makes additional recommendations that are relevant to this application, paraphrased below:

- Prevent and reduce the pollution of surface and groundwater resources;
- Protect existing and new structures from unstable soils;
- Provide tree cover on sites where it is absent prior to development; and,
- Minimize short- and long-term negative impacts on the environment and building occupants.

ANALYSIS

Land Use and Analysis (Appendix 5)

The applicant's proposal to continue the use of the site as a storage yard and a contractor's office and shop in the interim phase is not in conformance with the site specific recommendations of the Comprehensive Plan, which recommends wholesale and warehouse uses. Although there are contractor's shops and offices in the nearby vicinity, a storage yard use is not compatible for a district intended to be operated with wholesale and warehousing uses. The majority of structures along Lockport Place and Telegraph Road nearby are enclosed warehouse buildings which contain warehousing establishments, offices, schools of special education, contractor's shops and offices, and establishments for production. Uses are operated within the buildings, with any outdoor storage acting as clearly subordinate to the primary use. While there are individual property owners that appear to be exceeding the maximum amount of storage yard square footage permitted,

these uses may be in violation of the Zoning Ordinance and should not be used as a comparative land use to assess compatibility with the subject property's surroundings.

The uses proposed with the ultimate phase, and the provision of a structure to contain the uses, substantially conforms to the Comprehensive Plan. However, the GDP lacks important details on the location, size, and materials of the building that would occupy the proposed area for the building structure, the parking layout, and the open space.

While the proposed intensity for development listed in the proffers is 0.50 FAR, the Comprehensive Plan recommends a maximum of 0.35 FAR at this location. The higher intensity proposed far exceeds the Plan's recommended intensity and thus, does not conform to the Plan. Given the FAR that exceeds the Plan's recommendation, and the storage yard use proposed for continuance in the interim, the applicant's proposal does not conform to the Comprehensive Plan.

Environmental Analysis (Appendix 5)

The applicant has not provided any strategies for managing stormwater runoff on the GDP. While Proffer 5 commits the applicant to demonstrating adequate stormwater management at the time of site plan approval, this commitment would be a requirement of the PFM for any by-right development in an industrial district requiring a site plan. By providing greater detail about stormwater management features on the GDP, the applicant can better ensure that stormwater facilities will not impact the specific location of any buildings or parking area layouts. It is still unclear as to how the elements in the ultimate phase can be accommodated on the subject property.

If the applicant were unable to provide adequate stormwater management that results in a site design conforming to the GDP, then the applicant would be required to submit a Proffered Condition Amendment (PCA) to have the new design reviewed by the staff, the Planning Commission, and ultimately the BOS.

Except for the 40-inch oak near Telegraph Road, the site is devoid of canopy trees and other landscaping. The applicant should provide additional landscaping in the open space within the rear yard to prevent erosion and sedimentation.

The Comprehensive Plan's green building policy calls for Leadership in Energy and Environmental Design (LEED) certification or an equivalent third party program for non-residential development at the high end of the intensity range at this location. The ultimate phase would allow a warehouse to be built that exceeds the planned intensity. The applicant has not yet made a green building commitment to satisfy the Plan's green building policy, which encourages LEED certification for new non-residential development in the

upper 40% of the range between the by-right development potential and the maximum intensity called for in the Comprehensive Plan.

Transportation Analysis (Appendix 6)

Right-of-Way Dedication

The applicant's proffer to reserve 68 feet from the centerline of Telegraph Road for future right-of-way conforms to the Comprehensive Plan's goal of widening Telegraph Road to six lanes. Since this widening is in the early stages of design and review, Fairfax County Department of Transportation (FCDOT) staff is satisfied with dedication upon demand by the BOS or VDOT as outlined in the proffers.

Site Access / Interparcel Access

Staff is concerned with the applicant's continued use of the existing substandard site entrance for vehicles on Telegraph Road. This site access does not meet VDOT's access management standards, which are designed to eliminate unnecessary entrances and exits on to major highways for safety reasons. This access management issue was contemplated during the rezoning review of the mini-warehousing establishment to the south, and the applicant for that rezoning proffered to provide interparcel access to the subject property. To mitigate the impacts of the rezoning on Telegraph Road's traffic, the applicant should close the existing entrance and establish the interparcel access contemplated with the development of the mini-warehouse establishment to the south. This access should be established with the interim phase should it be approved, and not be delayed to the ultimate phase.

Proffer 3c commits the applicant to widening the existing site entrance from approximately 23 feet wide to a standard commercial width of 30 feet at the ultimate phase. The increased width of the entrance would better accommodate vehicles entering and exiting the site for the ultimate phase. However, the site entrance should be improved to commercial standards during the interim phase, to accommodate the industrial traffic associated with a storage yard and contractor's office and shop. The existing entrance was not designed to support this sort of use, and does not meet VDOT standards for a commercial entrance.

Proffer 3d would require the applicant to establish interparcel access with the mini-warehouse establishment, but only prior to the issuance of a Non-RUP for the ultimate phase and subject to the necessary agreement with the adjacent property owner. The easement for the establishment of the interparcel access has already been recorded (the escrowed funds have since been returned to the adjacent property owner after not being used), so the applicant does not need to pursue an additional agreement to create the access.

Left Turn Lane and VDOT Waivers/Exceptions

FCDOT has also raised concerns with the length of the existing left turn lane used by motorists coming south on Telegraph Road to turn into the subject property and the adjacent mini-warehouse establishment. Given the uncertainty surrounding the future use of the parcel during the ultimate phase, an analysis of the left turn lane's length is needed to ensure it can support the southbound traffic entering the site for both the subject property and the mini-warehouse establishment. The applicant has not submitted an analysis as to whether the existing length of the lane would be appropriate to accommodate this traffic. FCDOT has recommended that the applicant submit and resolve all necessary waivers and exceptions associated with transportation prior to the Planning Commission's public hearing. At the time of this report's writing, the applicant has not submitted any requests for transportation waivers or exceptions to VDOT.

Dustless Surface

For the interim phase, the applicant intends to continue to use the existing gravel as the surface material for vehicles using the property. The applicant would need a waiver of PFM's requirement for a dustless surface in order to continue using the gravel surface. FCDOT staff recommends an asphalt surface for the parking lot and all drive aisles, but are comfortable with this being provided during the ultimate phase of development.

Urban Forest Management Analysis (Appendix 7)

Staff from the County's Urban Forestry Management Division (UFMD) noted that the 40-inch oak was not identified for preservation on the GDP even though the limits of clearing and grading were adjusted to avoid its drip line. The GDP should be revised so that this is clearly labeled to remain after construction of the ultimate phase.

It is unclear whether the GDP would meet the county's tree canopy requirements based on the information provided. The applicant should provide the number of trees with species and size in order to determine if the canopy requirements are being met.

To ensure that the applicant is providing the transitional screening and barriers required by Article 13 of the Zoning Ordinance, the applicant should also identify the adjacent land uses on the GDP. Based on staff research of the Non-RUPs of adjacent uses (see Table 1 on page 2), the adjacent uses would not require transitional screening or barriers for the interim phase. However, the production and processing use listed in Proffer 2b, along with new vehicle storage, would trigger the need for transitional screening and a barrier. The applicant would need to provide this screening with the site plan approval for the ultimate phase, but without further definition of the future use of the site, it is difficult to determine how the transitional screening buffers would affect the overall site design.

ZONING ORDINANCE PROVISIONS

TABLE 2 – BULK STANDARDS FOR I-5 ZONING			
Standard	Required	Provided (Interim)	Provided (Ultimate)
Lot Size	20,000 square feet	42,367 square feet	42,367 square feet
Lot Width	100 feet minimum	≈89 feet	≈89 feet
Building Height	75 feet maximum	≈20 feet	Undetermined
Front Yard	Controlled by a 45° angle of bulk plane, but not less than 40 feet.	19.2 feet ⁴	40 feet
Rear Yard	No minimum requirement	≈402 feet	Undefined
Side Yard	No minimum requirement	10 feet on the north 26.16 feet on the south	Undefined to the north and south
Floor/Area Ratio (FAR)	0.50 FAR maximum	0.06 FAR	0.50 FAR
Open Space	15% landscaped	45%	15%
Parking Spaces	Contractor's Office and Shop ⁵ – 10 spaces	Undefined	Undefined

WAIVERS AND MODIFICATIONS

Interior and Peripheral Parking Lot Landscaping

Article 13 of the Zoning Ordinance requires 5% of the interior parking lot to be landscaped for parking lots with more than 20 spaces. When transitional screening is not required, the periphery of the parking lot shall be landscaped with a four-foot wide strip containing at least one tree every 50 feet.

The applicant has proposed to legitimize the existing uses via the rezoning request for an interim basis. According to Par. 2 of Sect. 13-203 of the Zoning Ordinance, the BOS may waiver or modify both interior and peripheral parking lot landscaping in conjunction with a rezoning request for an interim use of a nonspecific duration, and/or where deemed appropriate due to the location, size, surrounding area or configuration of the parking lot.

-
- 4 The subject property was a recorded lot prior to the effective date of the Zoning Ordinance and met the requirements of the Zoning Ordinance at that time. Per Sect. 2-405 of the Zoning Ordinance, such a lot may be used for any use permitted in the zoning district in which located even though the lot does not meet the minimum lot width requirement. The lot has been reduced in size since the effective date of the ordinance due to the acquisition of right-of-way for a 1999 widening of Telegraph Road, which is permitted as an exception in Sect. 2-405 to complying with the lot width requirement.
 - 5 Parking rate for a contractor's office and shop is 3.6 spaces per 1000 square feet of gross floor area (3.6 * 2,752 / 1000 = 9.259, or 10);

While the application would screen the parking and storage area during the interim phase, the storage yard use is inconsistent with the guidance given in the Comprehensive Plan and would not be appropriate. Moreover, without a more defined layout on the GDP showing the parking lot landscaping for the ultimate phase, staff is equally reluctant to support the waiver at this time.

CONCLUSIONS

Staff is unable to support the applicant's request based on a number of outstanding issues:

- The lack of conformance with the Comprehensive Plan's site specific language pertaining to land use and intensity
- The uncertain use and site layout for the ultimate phase of development, with the potential for a building height that is out of character with the surrounding development
- The potential impact that stormwater management facilities may have on the ultimate phase's site design
- The proposed continued use of the existing substandard vehicular access
- The lack of a firm commitment or design for the interparcel access
- The absence of a green building commitment in accordance with the Comprehensive Plan

Staff places particular emphasis on the proffers which propose a 0.50 FAR when the Comprehensive Plan recommends a maximum intensity of 0.35 for the site. Finally, the inclusion of a storage yard as a permitted use to continue at the site does not conform to either warehouse or wholesale uses listed in the Plan.

The applicant has submitted an amendment to this pending proposal that includes a new GDP and proffers which contemplate a rezoning from R-1 to I-4 without the continuance of a storage yard. The applicant did not submit the amendment in time for staff to include an analysis of these changes in the published staff report. Upon acceptance of the amended application, staff will provide an addendum to this report.

STAFF RECOMMENDATION

Staff recommends denial of RZ 2012-MV-004. However, if it is the intent of the Board of Supervisors to approve RZ 2012-MV-004, staff recommends that the approval be subject to execution of proffers consistent with those contained in Appendix 1.

If it is the intent of the Board of Supervisors to approve RZ 2012-MV-004, such approval should include a waiver of the interior and peripheral parking lot landscaping requirements.

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.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application

APPENDICES

1. Draft Proffers dated May 14, 2012
2. Affidavit dated January 19, 2012
3. Applicant's Statement of Justification
4. Approval letter for RZ 1999-MV-049
5. Land Use and Environmental Analysis
6. Department of Transportation Analysis
7. Urban Forest Management Analysis
8. Glossary of Terms

DRAFT PROFFERS**8921 Properties, LLC****RZ 2012-MV-004****May 14, 2012**

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, 8921 Properties, LLC (hereinafter referred to as the "Applicant"), for itself, successors and assigns in RZ 2012-MV-004, filed for property identified as Tax Map 108-1 ((1)) 10 (hereinafter referred to as the "Application Property") hereby proffers the following, provided that the Board of Supervisors approves a rezoning of the Application Property from the R-1 District to the I-5 District. These proffers shall replace and supersede all previous proffers, if any, approved on the Application Property.

1. GENERALIZED DEVELOPMENT PLAN

- a. Subject to the provisions of 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the generalized development plan ("GDP") consisting of four (4) sheets, prepared by Smith Engineering dated January 17, 2012 and revised through May 14, 2012.
- b. Subject to the provisions of Section 18-204 of the Zoning Ordinance, minor modifications to the GDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to modify the layout shown on the GDP at time of site plan based on final engineering and design.

2. USES

- a. Interim Phase – As shown on the GDP, permitted uses in the Interim Phase shall include a contractor's offices and shops and storage yard. The interim uses shall be permitted until such time as Telegraph Road is widened to six (6) lanes in accordance with the Fairfax County Comprehensive Plan. Upon commencement of road construction, the Applicant shall cease the interim uses within sixty (60) days.
- b. Ultimate Phase – Development of up to 0.50 FAR may be permitted in the Ultimate Phase within the area identified for a future structure on the GDP. Permitted uses in the Ultimate Phase shall be limited to the following:
 - i. Accessory uses and services as permitted by Article 10 of the Zoning Ordinance
 - ii. Contractor's Offices and Shops

- iii. Establishments for printing of any size, producing, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and associated retail sales; except bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Paragraph 13 of Section 9-501 of the Zoning Ordinance.
- iv. Establishments for scientific research, development and training
- v. Financial institutions
- vi. Kennels
- vii. Light public utility uses (Category 1), all uses except radio or television broadcasting tower facilities, microwave facilities, and satellite earth stations
- viii. Mobile and land based telecommunication facilities, subject to the provision of Section 2-514 of the Zoning Ordinance
- ix. Motor freight terminals
 - x. New vehicle storage
 - xi. Offices
 - xii. Private schools of special education
- xiii. Veterinary hospitals, limited by provisions of Section 5-505
- xiv. Warehousing establishments
- xv. Wholesale trade establishments

3. TRANSPORTATION

- a. Right-of-Way Reservation. Prior to the issuance of a non-residential use permit (hereinafter "Non-RUP"), the Applicant shall reserve up to sixty-eight (68) feet from centerline of Telegraph Road for purposes of future right-of-way dedication. Such dedication shall occur upon demand by the Board of Supervisors and/or the Virginia Department of Transportation (VDOT).
- b. Density Credit. Density credit is reserved consistent with Section 2-308 of the Zoning Ordinance for all eligible dedications described herein or as may be required by Fairfax County or VDOT pursuant to the Public Facilities Manual (PFM), at or prior to time of site plan approval.
- a. Left Turn Lane Extension. Prior to approval of a site plan for the Ultimate Phase, the Applicant shall submit an analysis of whether the left turn lane from southbound Telegraph Road into the Application Property is warranted. If warranted, subject to VDOT approval, the Applicants shall restripe Telegraph Road to accommodate the extension within the existing pavement and right-of-way.
- c. Site Entrance. Prior to the issuance of the first Non-RUP for the Ultimate Phase, subject to necessary agreement with the owner of property identified as Fairfax County Tax Map Reference 108-1 ((1)) 8C (hereinafter "Parcel 8C"), the

Applicant shall provide a 30-foot entrance to the Application Property. Should the owner of Parcel 8C and the Applicant not reach an agreement on the entrance location, the Applicant shall maintain the existing entrance to the Application Property.

- d. Interparcel Access. Prior to the issuance of a Non-RUP for the Ultimate Phase, and subject to necessary agreement with the owner of Parcel 8C, the Applicant shall establish interparcel access between Parcel 8C and the Application Property. Access shall be provided by owner of Parcel 8C in conjunction with Proffer 1(h) of RZ 1999-MV-049.

4. LANDSCAPING

In the Interim Phase, the Applicant shall provide landscaping as generally shown on the GDP. Such landscaping shall be installed no later than six (6) months from the date of approval of this rezoning.

5. STORMWATER MANAGEMENT

At time of site plan approval for the Ultimate Phase, the Applicant shall demonstrate adequate stormwater management as determined by Department of Public Works and Environmental Services (DPWES).

6. PARKING

At time of site plan approval for the Ultimate Phase, the Applicant shall demonstrate that parking in accordance with Article 11 of the Zoning Ordinance shall be provided.

7. SUCCESORS AND ASSIGNS

These proffers shall bind and inure to the benefit of the Applicant and its successors and assigns.

[SIGNATURE BEGINS ON THE FOLLOWING PAGE]

REZONING AFFIDAVIT

DATE: January 19, 2012
 (enter date affidavit is notarized)

I, Sara V. Mariska, attorney/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

115 337

in Application No.(s): _____
 (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)
8921 Properties, LLC Agents: Michael T. Bouchery Wayne R. Bouchery	8815 Telegraph Road Lorton, Virginia 22079	Applicant/Title Owner of Tax Map 108-1 ((1)) 10
Smith Engineering, PLLC Agents: Blake A. Smith William D. Hume Anthony F. Venafro	14901 Bogle Drive, Suite 101 Chantilly, Virginia 20151	Engineer/Agent

(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.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Rezoning Attachment to Par. 1(a)

DATE: January 12, 2012
(enter date affidavit is notarized)

115 337

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskár Sara V. Mariska G. Evan Pritchard Jonathan D. Puvak Elizabeth D. Baker Inda E. Stagg Elizabeth A. McKeeby	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent

(check if applicable)

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

REZONING AFFIDAVIT

DATE: January 19, 2012
(enter date affidavit is notarized)

115337

for Application No. (s):
(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)
8921 Properties, LLC
8815 Telegraph Road
Lorton, Virginia 22079

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Michael T. Bouchery, Manager/Member
Wayne R. Bouchery, Member

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

(check if applicable) [X] There is more corporation information and Par. 1(b) is continued 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: January 19, 2012
(enter date affidavit is notarized)

115337

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

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Smith Engineering, PLLC
14901 Bogle Drive, Suite 101
Chantilly, Virginia 20151

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)
Blake A. Smith, Sole Member

=====

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)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

DESCRIPTION OF CORPORATION: (check one statement)
 There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
David J. Bomgardner, E. Andrew Burcher, Thomas J. Colucci, Peter M. Dolan, Jr., Jay du Von, William A. Fogarty, John H. Foote, H. Mark Goetzman, Bryan H. Guidash, Michael D. Lubeley, J. Randall Minchew, M. Catharine Puskar, John E. Rinaldi, Lynne J. Strobel, Garth M. Wainman, Nan E. Walsh, Martin D. Walsh

=====

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: January 19, 2012
(enter date affidavit is notarized)

115337

for Application No. (s): _____
(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)
None

(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**)

(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 AFFIDAVIT

DATE: January 19, 2012
(enter date affidavit is notarized)

115 337

for Application No. (s): _____
(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: January 19, 2012
(enter date affidavit is notarized)

115 337

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

3. That within the twelve-month period prior to the public hearing 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 more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

None

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

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

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

WITNESS the following signature:

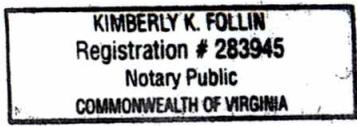
(check one) [] Applicant Sara V. Mariska [x] Applicant's Authorized Agent

Sara V. Mariska, attorney/agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 19 day of January, 2012, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2015





Sara V. Mariska
 (703) 528-4700 Ext. 5419
smariska@arl.thelandlawyers.com

**WALSH COLUCCI
 LUBELEY EMRICH
 & WALSH PC**

February 22, 2012

RECEIVED
 Department of Planning & Zoning

FEB 22 2012

Zoning Evaluation Division

Via Hand Delivery

Barbara C. Berlin, Director
 Fairfax County Department of Planning & Zoning
 Zoning Evaluation Division
 12055 Government Center Parkway, Suite 801
 Fairfax, Virginia 22035

Re: Proposed Rezoning Application
 Fairfax County Tax Map Reference: 108-1 ((1)) 10 (the "Subject Property")
 Applicant: 8921 Properties, LLC

Dear Ms. Berlin:

Please accept this letter as a statement of justification for a rezoning of the Subject Property. The Applicant proposes a rezoning from the R-1 District to the I-5 District.

The Subject Property is located on the eastern side of Telegraph Road (Route 611), south of its intersection with Lockport Place (Route 10215). The Subject Property is not subject to any prior zoning approvals and is currently zoned to the R-1 District. The Subject Property has been used for a storage yard and contractor's offices and shops for a number of years and the Applicant proposes to rezone the Subject Property to bring the property's use and operation into conformance with Zoning Ordinance requirements. The Applicant proposes to remove approximately 385 square feet comprised of a portion of an existing building and two (2) small sheds on the northern side of the Subject Property. Other than the removal of this gross floor area, the Applicant proposes no other changes to the existing development on the Subject Property. With the approval of a rezoning to the I-5 District, the existing storage yard and contractor's offices and shops would become permitted uses.

The Subject Property is completely surrounded by properties that are zoned to the I-4 and I-5 Districts and used for industrial purposes. The fact that the Subject Property is zoned to the R-1 District is an anomaly, and use of the Subject Property in accordance with its existing zoning is not compatible with surrounding uses. In fact, the Subject Property is specifically identified in the land use recommendations for Sub-unit E1 of the LP2-Lorton-South Route 1 Community Planning Sector of the Lower Potomac Planning District of the Fairfax County Comprehensive Plan (the "Plan"). The Plan recommends wholesale/warehouse industrial uses up to a .35 FAR on the Subject Property and surrounding parcels. The Plan further acknowledges existing

industrial uses in this area. A rezoning of the Subject Property to the I-5 District conforms to the Plan's recommendations and will allow the Subject Property to continue to serve the surrounding area.

The Applicant requests the following waivers and modifications with this application:

- Minimum Front Yard Requirement – Pursuant to Section 9-625 of the Zoning Ordinance, the Applicant hereby requests a waiver of the minimum front yard requirement of 40 feet in favor of the existing front yard of approximately 19.2 feet. The existing structure was established in 1945 and complied with the minimum required yards in effect when the structure was established. The yards have been reduced to less than the yards required by this Ordinance since the effective date of this Ordinance, due to acquisition for the widening of Telegraph Road in 1999.
- Interior Parking Lot Landscaping – Pursuant to Section 13-202(6) of the Zoning Ordinance, the Applicant hereby requests a waiver of the interior parking lot landscaping requirements. The Applicant proposes no modification to the existing use and operation of the Subject Property. The majority of the parking on the Subject Property is in the rear of the parcel and not visible from Telegraph Road. Given that the Subject Property is surrounded by other similar industrial uses, a waiver of the interior parking lot landscaping requirement would have no deleterious impacts on surrounding properties.
- Peripheral Parking Lot Landscaping – Pursuant to section 13-203(3) of the Zoning Ordinance, the Applicant hereby requests a waiver of the peripheral parking lot landscaping requirements. The Applicant proposes no modification to the existing use and operation of the Subject Property. The majority of the parking on the Subject Property is in the rear of the parcel and not visible from Telegraph Road. Given that the Subject Property is surrounded by other similar industrial uses, a waiver of the peripheral parking lot landscaping would have no deleterious impacts on surrounding properties.

In sum, the Applicant simply proposes a rezoning to the I-5 District which conforms to the Plan recommendations, longstanding use of the Subject Property, as well as the zoning, use, and development of adjacent properties. Aside from the removal of a small amount of gross floor area, the Applicant proposes no other modifications to the Subject Property. With the approval of this rezoning application, the Subject Property would conform to Zoning Ordinance regulations and allow for continued use of the Subject Property that will allow an existing small business to serve the surrounding area.

Please do not hesitate to contact me should you have any questions, or if you need any additional information. As always, I appreciate your cooperation and assistance.

Very truly yours,

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

A handwritten signature in cursive script that reads "Sara V. Mariska".

Sara V. Mariska

cc: Mike Bouchery
Blake Smith
Mark Hume
Lynne J. Strobel
Martin D. Walsh



FAIRFAX COUNTY

APPENDIX 4

OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

DP2

V I R G I N I A

Telephone: 703-324-3151
FAX: 703-324-3926
TTY: 703-324-3903

April 26, 2000

William C. Thomas, Jr.,
Fagelson, Schonberger, Payne & Deichmeister
1775 Jamieson Avenue – Suite 200
Alexandria, Virginia 22314

RE: Rezoning Application
Number RZ 1999-MV-049

Dear Mr. Thomas:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on April 3, 2000, granting Rezoning Application Number RZ 1999-MV-049 in the name of Storage Partners I, Incorporated, to rezone certain property in the Mount Vernon District from the R-1 District to the I-5 District, subject to the proffers dated February 17, 2000, on subject parcel 108-1 ((1)) 8C consisting of approximately 4.93 acres.

The Board also:

- Modified the transitional screening requirements on the northern and southern peripheries of the application property.
- Waived the barrier requirements on a portion of the southern periphery of the application property.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

RZ 1999-MV-049
April 26, 2000

- 2 -

cc: Chairman Katherine K. Hanley
Supervisor-Mount Vernon District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Thomas Conry, Dept. Mgr. - GIS - Mapping/Overlay
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation
Ellen Gallagher, Project Planning Section, Dept. of Transportation
Michelle Brickner, Deputy Director, DPW&ES
DPW&ES - Bonds & Agreements
Frank Edwards, Department of Highways - VDOT
Land Acqu. & Planning Div., Park Authority
District Planning Commissioner
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES

RECEIVED
DEPARTMENT OF PLANNING AND ZONING

APR 26 2000

ZONING EVALUATION DIVISION

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 3rd day of April, 2000, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1999-MV-049

WHEREAS, Storage Partners I, Incorporated filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 District to the I-5 District, 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 Mount Vernon District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the I-5 District, and said property is subject to the use regulations of said I-5 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., 15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

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

GIVEN under my hand this 3rd day of April, 2000.



Nancy Vears

Clerk to the Board of Supervisors

LEGAL DESCRIPTION

Beginning at a point in the easterly right-of-way line of Telegraph Road, Route 611, said point also being the southeasterly corner of the land of Herman D. and Hazel M. Shepard;

Thence, with the northeasterly line of Herman D. and Hazel M. Shepard, N 61° 54' 35" E, a distance of 470.49 feet to a point in the westerly line of the land of Owen Corporation;

Thence, with the southerly and easterly lines of the land of Owen Corporation the following four (4) courses:

1. S 26° 03' 12" E, a distance of 315.62 feet;
2. N 62° 18' 24" E, a distance of 160.00 feet;
3. N 11° 08' 55" W, a distance of 61.66 feet;
4. N 62° 24' 48" E, a distance of 677.80 feet to a point in the southerly line of the land of United States of America, Fort Belvoir.

Thence, with said southerly line of the land of United States of America, Fort Belvoir, S 13° 17' 32" E, a distance of 51.60 feet to the northwesterly corner of the land of George M. Neall (Trustee);

Thence, with the westerly line of the land of George M. Neall (Trustee) and continuing with the line of Lawrence G. Rose, S 62° 24' 48" W, a distance of 620.51 feet to an angle point;

Thence, continuing with the westerly line of Rose, Riso and Bolton the following two (2) courses:

1. S 02° 48' 18" W, a distance of 68.50 feet;
2. S 62° 18' 24" W, a distance of 664.01 feet a point in the easterly right-of-way line of Telegraph Road, Route 611;

Thence, with said easterly right-of-way line of Telegraph Road, Route 611, the following 4 courses:

1. With a curve to the left having a central angle of 09°32'04", a radius of 767.70 feet, an arc distance of 127.75 feet and a chord length of 127.60 feet which bears N 21°12'31" W to a point of tangency;
2. N 25°58'33" W, a distance of 59.57 feet;
3. N 64°01'27" W, a distance of 4.00 feet;
4. N 26°40'56" W, a distance of 175.80 feet to the point of beginning.

CONTAINING 214,949 SQUARE FEET OR 4.9345 ACRES MORE OR LESS

OWEN
CORPORATION
D.B. 9212 PG. 1810
ZONE: I-4 USE: INDUSTRIAL

OWEN
CORPORATION
D.B. 9212 PG. 1810
ZONE: I-4 USE: UNDEVELOPED

PROFFERS
RZ 1999-MV-049
February 17, 2000

PROFFERS OF DEVELOPMENT CONDITIONS

Pursuant to Section 15.2-2303A of the 1950 Code of Virginia, as amended, the undersigned proffer the following conditions subject to the approval of the Board of Supervisors of Fairfax County, Virginia of RZ 1999-MV-049 to the Industrial I-5 Zoning category.

1. Subject to Section 18-204 of the Fairfax County Zoning Ordinance, development of the warehouse/storage facility shall conform to the Generalized Development Plan (GDP) prepared by Christopher Consultants, dated June 1, 1999, as revised to January 5, 2000.

Minor adjustment of the footprint location in substantial conformance with the GDP, but no increase in footprint size or F.A.R., and no decrease in setback from the side yards, of the easternmost building shall be permitted for the location of utility easements.

The following proffered conditions apply to the development of the warehouse/storage facility:

- a) Signage shall be subject to the provisions of Article 12 of the Fairfax County Zoning Ordinance and shall be limited to (plus ancillary on site direction and information signage):
 - 1) One (1) monument sign on Telegraph Road frontage.
 - 2) Building mounted signage limited to one (1) sign on the buildings with Telegraph Road frontage.
- b) Exterior Building Materials/Architecture shall conform generally to the Elevations shown as page 4 of 4 of the GDP, as prepared by R.M. Jones, titled Telegraph Road Self Storage, and dated January 10, 2000, and as follows:

- 1) Primary materials shall consist of - metal, masonry, block, and glass; with brick facade on office/manager's residence; brick/split face block on four sides of warehouse/storage buildings; and shingled or metal roof styling on all buildings.
 - 2) Earth tones on all exterior elements, including the roof, but not including limited accent treatments.
- c) Landscaping shall be as shown on the GDP:
- 1) Deciduous trees shall be a minimum of two to two and one-half inches (2" to 2-1/2") in caliper at time of planting.
 - 2) Large evergreen trees shall be a minimum of twelve feet (12') in height at time of planting. Medium evergreen trees shall be a minimum of seven feet (7') in height at time of planting.
 - 3) Landscaped islands shall be provided at each end and the middle of the area designated for "storage/loading" as shown on the GDP.
- d) Lighting:
- 1) Parking lot pole lights shall be full cut-off shoe box style and shall not exceed twenty-five feet (25') maximum height.
 - 2) All parking lot lighting and any feature or security lighting shall be shielded and directed downward and away from adjacent uses and shall meet or exceed all applicable Fairfax County glare and performance standards.
- e) Fencing:
- All fencing shall be as shown on the GDP with the following inclusions: a 6 foot minimum, masonry/wrought iron wall on the Telegraph Road frontage to extend back along each side of the property fence line 100 feet from the Telegraph Road Right of Way; and a 6 foot minimum, dark vinyl clad chain link fence on the remainder of the north and south fence lines.
- f) Storm Water Management shall be as shown on the GDP.
- g) Vehicle storage shall be limited to the areas shown on the GDP for outside storage purposes and shall be further limited to operable vehicles only which shall include boats, trailers, and recreational vehicles with no wrecked or

dismantled vehicles permitted. The storage outside of construction materials and palettes and the use of any part of the property as an impoundment lot shall not be permitted.

- h) The GDP notwithstanding, an interparcel access, ingress/egress easement shall be conveyed by the owner of the subject property (lot 8C), and the entrance to the site shall be adjusted upon the redevelopment of Lot 10, to provide interparcel access to Lot 10 (Tax Map 108-1((1))10), subject to the review and approval of VDOT and DPW, as necessary.
- i) The Developer shall provide, or escrow funds for the future construction, frontage improvements in conformance with VDOT approved plan #0611-029-303 as finalized, and as shown on the GDP, subject to the review and approval of VDOT and DPW, as necessary.

Title Owner:

W & N Company,
a Virginia Partnership

Contract Purchaser/Applicant:

Storage Partners I, Inc.

By: George M. Neall, 2d
George M. Neall, 2d, Partner

By: Robert M. Jones
Robert M. Jones, Vice-President



County of Fairfax, Virginia

MEMORANDUM

DATE: June 15, 2012

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: **Land Use Analysis and Environmental Assessment:**
RZ 2012-MV-004 (8921 Telegraph Road)

The memorandum, prepared by Scott Brown, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the general development plans dated February 10, 2012 and revised through May 15, 2012. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

DESCRIPTION OF THE APPLICATION

The applicant, 8921 Properties, LLC., requests a rezoning of a 0.97 acre located at 8921 Telegraph Road in Lorton in the Mount Vernon District that includes the entirety of tax map parcel 108-1 ((1)) 10. The property is currently zoned R-1 Residential and the applicant is seeking I-5 Industrial zoning in order to bring the current ongoing uses of the property – contractor's office and storage yard- into conformance. The applicant is proposing the removal of two small shed structures and a portion of an existing building that encroach onto the adjacent property to the north. No additional construction is proposed.

As part of the application, the applicant is requesting the following waivers and modifications:

- Minimum Front Yard Requirement
- Interior Parking Lot Landscaping
- Peripheral Parking Lot Landscaping

LOCATION AND CHARACTER OF THE AREA

The Subject Property is approximately 42,367 square feet or 0.97 acre, and is located on Telegraph Road, just south of the Lockport Place intersection. The property consists of a former single-family residential structure with a small fenced yard fronting Telegraph Road that is being used as a contractor's office. Beyond the contractor's office is a gravel storage yard that occupies the majority of the property and extends to the east property line. The storage yard contains several outbuildings, and a scattering of building materials, construction equipment and vehicles. The yard also extends approximately 15 feet beyond the northern property line to a chain link fence. Beyond the fence is a tree line and steeply sloped bank that carries down to the adjacent properties.

The property is zoned R-1, but is surrounded by industrial properties. To the immediate south on Telegraph Road is a self-storage facility that is zoned I-5. Across Telegraph Road to the immediate southwest, west and northwest, are warehouse and distribution businesses zoned I-4. Properties to the immediate north and northeast along Lockport Place are also I-4 warehouse properties. Adjacent to the immediate east is an I-4 property that has been operating as a truck terminal and service and storage yard for large trucks and heavy machinery. The owner of this property is also seeking a rezoning to I-5 to bring that property's uses into compliance.

Beyond the immediately adjacent properties is a mix of industrial and residential areas. Along Lockport Place on the west side of Telegraph Road is an industrial park with several warehouse and wholesale distribution uses (all zoned I-4). To the north along Telegraph Road and the east side of Lockport Place are a mix of industrial properties zoned I-4, with some I-5 properties further to the north on Telegraph Road approaching the nearby airfield. South of the self-storage property are residential areas leading toward Route 1. There is a mix of PDH-8, R-5, PDH-5, R-12, and R-8 communities.

COMPREHENSIVE PLAN MAP: Industrial

COMPREHENSIVE PLAN CITATIONS:

Fairfax County Comprehensive Plan, 2011 Edition, Lower Potomac Planning District, Amended through March 6, 2012, LP2-Lorton South Route 1 Community Planning Sector, Land Unit Recommendations, Land Unit E, Sub-unit E1, p. 86-87:

“Sub-unit E1

The area on the east side of Telegraph Road south of Lockport Place (Tax Map 108-1((1))8B, 8C, 8D and 10, as shown on Figure 33) is planned for wholesale/warehouse industrial uses up to .35 FAR. New or infill development should be compatible with existing industrial uses and should provide for substantial buffering when located adjacent to planned or existing residential uses.

As an option, Sub-unit E1 may be appropriate for residential use at 8-12 dwelling units per acre. To achieve development above the low end of the planned density range, substantial parcel consolidation should be provided and must include Parcel 8B which is currently in industrial use. Extensive screening should be provided along any portion of the site adjacent to planned or existing industrial use. Residential use higher than one dwelling unit per acre should not be considered if any portion of Sub-unit E1 is developed in industrial use.”

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Land Use, as amended through September 22, 2008, pages 9-10:

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

- Policy a. Locate land uses in accordance with the adopted guidelines contained in the Land Use Appendix.
- Policy b. Encourage infill development in established areas that is compatible with existing and/or planned land use and that is at a compatible scale with the surrounding area and that can be supported by adequate public facilities and transportation systems. . . .
- Policy i. Minimize the potential adverse impacts of the development of frontage parcels on major arterials through the control of land use, circulation and access.”

Environment

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

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, pages 8-9.

“Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County. . .

- Policy k: For new development and redevelopment, apply better site design and low impact development (LID) techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County’s streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives: The

concentration of growth in mixed-use, transit-oriented centers in a manner that will optimize the use of transit and non-motorized trips and minimize vehicular trips and traffic congestion.

- Minimize the amount of impervious surface created. Site buildings to minimize impervious cover associated with driveways and parking areas and to encourage tree preservation.
- Where feasible, convey drainage from impervious areas into pervious areas.
- Encourage cluster development when designed to maximize protection of ecologically valuable land. Encourage the preservation of wooded areas and steep slopes adjacent to stream valley EQC areas.
- Encourage fulfillment of tree cover requirements through tree preservation instead of replanting where existing tree cover permits. Commit to tree preservation thresholds that exceed the minimum Zoning Ordinance requirements.
- Where appropriate, use protective easements in areas outside of private residential lots as a mechanism to protect wooded areas and steep slopes.
- Encourage the use of open ditch road sections and minimize subdivision street lengths, widths, use of curb and gutter sections, and overall impervious cover within cul-de-sacs, consistent with County and State requirements.
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
- Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements.
- Encourage shared parking between adjacent land uses where permitted.
- Where feasible and appropriate, encourage the use of pervious parking surfaces in low-use parking areas.
- Maximize the use of infiltration landscaping within streetscapes consistent with County and State requirements”

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, page 12:

“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.”

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, page 18:

“Objective 10: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.

- Policy a. Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices.
- Policy b. Require new tree plantings on developing sites which were not forested prior to development and on public rights of way.
- Policy c. Use open space/conservation easements as appropriate to preserve woodlands, monarch trees, and/or rare or otherwise significant stands of trees, as identified by the County.”

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, page 19 - 21:

“Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.

- Policy a. Consistent with other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices can include, but are not limited to:
- Environmentally-sensitive siting and construction of development.
 - Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the Policy Plan).
 - Optimization of energy performance of structures/energy-efficient design.

- Use of renewable energy resources.
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products.
- Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies.
- Reuse of existing building materials for redevelopment projects.
- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris.
- Use of recycled and rapidly renewable building materials.
- Use of building materials and products that originate from nearby sources.
- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials.

Encourage commitments to implementation of green building practices through certification under established green building rating systems (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program or other comparable programs with third party certification). Encourage commitments to the attainment of the ENERGY STAR® rating where applicable and to ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs.

Policy b. Ensure that zoning proposals for nonresidential development and zoning proposals for multifamily residential development of four or more stories within the Tysons Corner Urban Center, Suburban Centers, Community Business Centers and Transit Station Areas as identified on the Concept Map for Future Development incorporate green building practices sufficient to attain certification through the LEED program or its equivalent, where applicable, where these zoning proposals seek at least one of the following:

- Development in accordance with Comprehensive Plan Options;
- Development involving a change in use from what would be allowed as a permitted use under existing zoning;

- Development at the Overlay Level; or
- Development at the high end of planned density/intensity ranges. For nonresidential development, consider the upper 40% of the range between by-right development potential and the maximum Plan intensity to constitute the high end of the range. . . .

Policy d. Promote implementation of green building practices by encouraging commitments to monetary contributions in support of the county's environmental initiatives, with such contributions to be refunded upon demonstration of attainment of certification under the applicable LEED rating system or equivalent rating system.

Policy e. Encourage energy conservation through the provision of measures which support nonmotorized transportation, such as the provision of showers and lockers for employees and the provision of bicycle parking facilities for employment, retail and multifamily residential uses.”

LAND USE ANALYSIS

The applicant's original submission proposed no new development of the site. The proposed action is to rezone the property from R-1 residential to I-5 industrial in order to bring the existing uses of the site into compliance with the zoning ordinance. No new uses were proposed beyond the existing uses, and the only expected modifications to the site were to remove two outbuildings and a portion of a third that currently encroach on adjacent properties to the north.

Use Compatibility & Intensity

As stated in the, LP2-Lorton South Route 1 Community Planning Sector Land Unit Recommendations:

“Land Unit E is planned for wholesale/warehouse industrial uses up to 0.35 FAR. New or infill development should be compatible with existing industrial uses.”

Additionally, Land Use Objective 14 of the Policy Plan on Land Use provides guidance for “achieving a harmonious and attractive development pattern which minimizes undesirable visual, auditory, environmental and other impacts created by potentially incompatible uses.”

The existing uses -contractors' office and open storage yard - are not in compliance with the current zoning, and are not in conformance with the Land Unit E recommendations, which specifically recommend wholesale/warehouse industrial uses. In terms of compatibility with existing uses in the area, the open storage yard does not fit the character of nearby properties. The surrounding area includes primarily enclosed warehouse buildings, and many of those have uniformity in building type and signage – this is exemplified in the existing wholesale/warehouse uses on the opposite site of Telegraph Road and continue on Lockport Place on the west side of

Telegraph Road. There are examples of open storage yards in the area along Telegraph Road and Lockport Place; however, additional research by staff has shown that none of these properties are permitted for storage yards, and should not be used to judge compatibility of development.

Revised Plans

Revised general development plans dated May 15, 2012 propose a phased development plan in which the current uses continue in an interim phase and the ultimate development plan would provide an enclosed warehouse structure.

Interim Plan

The interim phase includes the continued use of the residential structure as a contractors' office and demolition of the outbuildings as described for the original submission; however, newly proposed site improvements are added to the GDP. A 55' x 85' (4,675 sf) temporary vehicle/equipment storage area is designated, significantly reducing the area of open storage. This area would be fenced on all sides and surrounded by evergreen plantings except at the entrance. The remainder of the gravel lot beyond the enclosed area would have the gravel removed and would be re-seeded to provide new vegetation.

As currently provided in the draft proffers dated May 14, 2012, the Interim Phase would continue until such time as Telegraph Road is widened to six lanes. Interim uses would cease within sixty days upon commencement of the road construction.

Ultimate Plan

The proposed ultimate phase would demolish the existing residential structure in order to provide the needed right-of-way dedication for the widening of Telegraph Road. An enclosed warehouse structure would be built up to the front yard setback line from the eventual roadway, and a paved parking area would be constructed behind the building. The applicant has not specified the size of the warehouse building or its exact location. The proffers indicate that development of the warehouse up to 0.50 FAR would be permitted. This is beyond the intensity of 0.35 FAR recommended in the Comprehensive Plan. Although staff believes this was a typo and the applicant's intent is to build up to 0.35 FAR, this should be corrected.

In draft proffer 2b, the applicant provides a list of permitted I-5 uses that could be established during the Ultimate Phase (shown below). This list does not include open storage yard, and the applicant intends to cease this uses in coordination with the widening of Telegraph Road from four lanes to six lanes.

- i. *Accessory uses and services as permitted by Article 10 of the Zoning Ordinance*
- ii. *Contractor's Offices and Shops*
- iii. *Establishments for printing of any size, producing, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and associated retail sales; except bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Paragraph 13 of Section 9-501 of the Zoning Ordinance.*
- iv. *Establishments for scientific research, development and training*

- v. *Financial institutions*
- vi. *Kennels*
- vii. *Light public utility uses (Category 1), all uses except radio or television broadcasting tower facilities, microwave facilities, and satellite earth stations*
- viii. *Mobile and land based telecommunication facilities, subject to the provision of Section 2-514 of the Zoning Ordinance*
- ix. *Motor freight terminals*
- x. *New vehicle storage*
- xi. *Offices*
- xii. *Private schools of special education*
- xiii. *Veterinary hospitals, limited by provisions of Section 5-505*
- xiv. *Warehousing establishments*
- xv. *Wholesale trade establishments*

Land Use Recommendation

Planning staff's conclusion is that the uses proposed for the Ultimate Phase are in substantial conformance with the Land Unit E recommendations. However, further detail is needed as to the location and size of the proposed warehouse and parking area. As currently shown in the GDP, there is no vehicular access to the parking area behind the building. The proposed intensity of 0.50 FAR, as currently stated in the proffers, is not in conformance with the Plan.

Additionally, the proposed continuation of the open storage yard as an interim use is not in conformance with the Land Unit recommendations, and is not compatible with the established character provided by legally established uses in the area.

The proposed I-5 zoning category requested by the applicant would allow the continuation of existing uses; however, I-5 allows several uses that are not in conformance with the planned use and compatibility objective. A rezoning to I-4, however, would be more appropriate because it would allow for wholesale and warehouse uses as planned for the Land Unit, but would not permit open storage yards and other incompatible uses. The I-3 zoning is even less intense, but it does not permit wholesale and warehouse uses, and thus would not permit uses that are planned for in this Land Unit.

Further, the applicant should provide more specific information on the size and location of the eventual warehouse structure and other eventual site features such as stormwater management control measures, as the location of stormwater facilities may impact the location of the proposed development and related uses on site. The applicant has not yet demonstrated that all the site elements in the ultimate phase - warehouse, parking lot, open space, vehicular access, and stormwater facilities – can be functionally accommodated on this site.

Access

Access to the site is provided by a narrow driveway (approximately 22' wide) off of Telegraph Road at the southeast corner of the property. A 30' wide commercial driveway entrance is required with industrial zoning, which is wider than the current driveway. Additionally, the driveway is too close to the neighboring self-storage property's driveway. DOT recommends coordination with the self-storage property to provide a shared entrance. A proffer in the

rezoning of the self-storage established that the owner of that property would provide an access easement so that a shared entrance could be provided. The applicant should demonstrate that it will be able to achieve adequate access for a commercial use in order to achieve an acceptable level of compatibility.

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. 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 Quantity and Quality

The subject property is located in the Accotink Creek watershed. There are no Resource Protection Area (RPA) or Environmental Quality Corridor (EQC) areas on site. The proposed interim phase would reduce impervious surface area and related stormwater runoff on site through demolition of existing outbuildings, and limits of clearing and grading do not extend beyond what is necessary to remove the structures. No stormwater management facilities are required due to the decrease in impervious area. The stormwater management narrative provided in the GDP states that the ultimate phase will require stormwater management and best management practices (BMP); however, the applicant has not provided how this will be accommodated in the final phase. They intend to demonstrate adequate SWM at the time of site plan approval for the ultimate phase.

Planning staff recommends the applicant provide more specific information on stormwater management, as the location of stormwater facilities may impact the location of the warehouse, parking lot, open space, and vehicular access provided on site. The applicant has not yet demonstrated that all these elements are functionally accommodated on this site.

Vegetation & Tree Preservation

There is very little vegetation remaining on the property, as the compacted gravel storage yard has expanded over time to occupy the majority of the site. There is a line of trees located between the property boundary and the fence. With an unpaved lot and no vegetation to prevent erosion, staff recommended the applicant provide additional landscaping and vegetation in order to help prevent erosion and sedimentation.

In the revised plans, the applicant is proposing to reseed a large portion of the gravel lot during the interim phase, and will screen the interim storage area with new evergreen trees. In the ultimate phase, an open space will be provided at the east end of the lot beyond the limits of the proposed parking area. The dimensions of this area are currently shown on the GDP as approximately 70' x 90' (6,300 square feet and 14.8% of the property), but this will be subject to the size and location of the eventual warehouse and parking lot.

Barbara Berlin
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The Urban Forestry Management Division (UFM) noted an existing significant, mature tree located on the northwest corner of the property that falls approximately on the property line, and has recommended preservation of this tree. Although no specific protections for the tree have been indicated, no development is proposed on this area of the site in either the interim or ultimate phase plans. Planning staff supports UFM's recommendation to ensure preservation of this tree.

Green Building

The Comprehensive Plan green building policy provides an expectation for LEED certification or equivalent third party program for non-residential development at the high end of the intensity range in Suburban Centers. The subject property is located in the Lorton-South Route 1 Suburban Center and under the ultimate plan, the applicant proposes to develop a new warehouse at the high end of the planned intensity. In accordance with the green building policy, the applicant should commit to attain LEED certification for the new warehouse. This issue remains outstanding.

COUNTYWIDE TRAILS PLAN

The Countywide Trails Plan indicates both a major regional trail and a major paved trail are planned for Telegraph Road. Provision of the planned trails should be coordinated with Department of Transportation and timed with the planned widening of Telegraph Road.

PGN/STB



County of Fairfax, Virginia

MEMORANDUM

DATE: June 12, 2012

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Comprehensive Planning

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation

FILE: 3-4 (RZ 2012-MV-004)

SUBJECT: Transportation Impact

REFERENCE: RZ 2012-MV-004; 8921 Properties, LLC
Traffic Zone: 1552 Land Identification Map: 108-3 ((01)) 10

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based on the revised plan P.E. stamp date of February 20, 2012.

The applicant proposes to rezone 42,367 square feet of R-1 District property to the I-5 District. In addition, the applicant proposes to develop the site in two phases.

This department has reviewed the subject application and provides the following comments.

The following comments apply to the proposed initial phase:

- VDOT and FCDOT do not support the proposed site access to Telegraph Road as it does not meet access management standards. The zoning approval for lot 8C to the south provided an easement for this site to have interparcel access. This applicant needs to use this interparcel to access Telegraph Road.
- Provide interparcel access to/from the neighboring property to the north.
- Provide an asphalt parking lot. (This could also be constructed at the ultimate phase. Provided it can be demonstrated that adequate parking is provided on site for the initial plan)
- Waivers and exceptions, such as the length of the southbound left turn lane on Telegraph Road should be submitted to VDOT and resolved before the application goes to public hearing. These waivers and exceptions need to analyze the "worst case" scenario of uses proposed for the property. Until these issues are addressed, this department cannot support approval of this application.
- The applicant has proffered for right-of-way dedication upon demand at 68-ft. from centerline.

AKR/ak cc: Michele Brickner, Director, Design Review, DPW & ES



County of Fairfax, Virginia

MEMORANDUM

June 18, 2012

TO: Nicholas Rogers, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Jessica Strother, Urban Forester II
Forest Conservation Section, UFMD, DPWES

SUBJECT: 8921 Telegraph Road- RZ 2012-MV-004

RE: Comments and Recommendations

This review is based on the Generalized Development Plan (GDP) stamped as received by the Department of Planning and Zoning on May 15, 2012. Preliminary comments were forwarded to you earlier. A site visit was conducted the week of June 11, 2012.

General Comments: With the exception of an outstanding mature large diameter white oak, (which may be co-owned) most of this site is paved, has a residence on it and has a variety of invasive shrubs, undergrowth and very young trees in one relatively small area in the eastern segment of the site.

1. **Comment:** The Applicant is proposing to preserve the large diameter white oak, which may be co-owned. However, it should be clearly labeled to be preserved.

Recommendation: The GDP should be revised to show this labeling.

2. **Comment:** The calculations on sheet 3 of the GDP for the overall tree canopy requirement are incomplete. The number of trees with species and size is needed in order to determine if the canopy required is being provided

Recommendation: Provide this information and revise the GDP.

3. **Comment:** Transitional screening I appears to be required adjacent to any properties that consist of the uses noted in Article 13 of the Zoning Ordinance noted under # 15 in the screening matrix. This would include warehousing facilities, storage and vehicle storage etc.

Recommendation: The Applicant should confirm the adjacent uses, not just zoning, and provide the required screening.



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 by the applicable zoning district. See Sect. 2-421 and 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	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
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	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		