



FAIRFAX COUNTY

APPLICATION FILED: May 6, 2003
PLANNING COMMISSION: October 22, 2003
BOARD OF SUPERVISORS: October 27, 2003
@ 5:00 pm

V I R G I N I A

October 8, 2003

STAFF REPORT

APPLICATION RZ 2003-SU-024

SULLY DISTRICT

APPLICANT: MHI Rugby Road, LLC

PRESENT ZONING: Parcel A: R-1, WS
Parcel 17: R-5, WS

REQUESTED ZONING: R-5, WS

PARCELS: 45-2 ((2)) A, 17

ACREAGE: Parcel A (R-1): 0.88 acre
Parcel 17 (R-5): 1.93 acres
Total Site: 2.81 acres

RESIDENTIAL DENSITY: 4.63 dwelling units per acre (du/ac)

OPEN SPACE: 25%

PLAN MAP: Residential; option for 4-5 du/ac

PROPOSAL: To rezone from the R-1 and R-5 Districts to the R-5 District to permit residential development consisting of thirteen single family attached units.

STAFF RECOMMENDATION:

Staff recommends approval of RZ 2003-SU-024, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of a waiver of the minimum district size.

Staff recommends approval of the modification of transitional screening and waiver of the barrier along the western, northern, eastern and portions of the southern boundaries, in favor of that shown on the GDP.

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

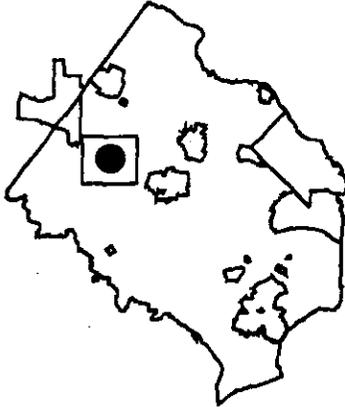
It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

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



Rezoning Application

RZ 2003-SU-024



Applicant: MHI RUGBY ROAD, LLC

Filed: 05/06/2003

Proposed: RESIDENTIAL DEVELOPMENT

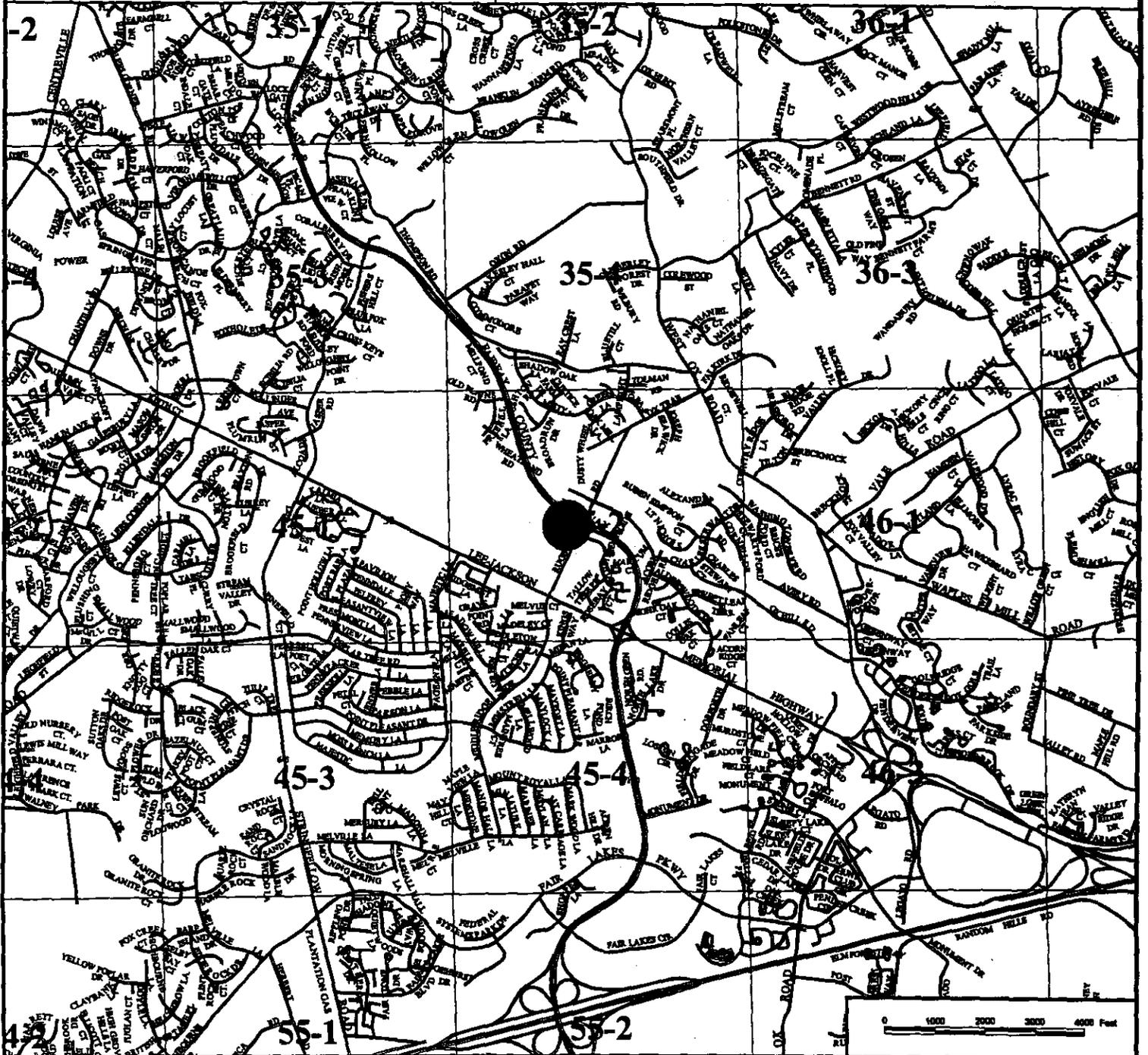
Area: 2.81 AC OF LAND; DISTRICT - SULLY

Located: W. SIDE OF RUGBY ROAD, APPROX. 100 FT. S. OF THE FAIRFAX COUNTY PARKWAY

Zoning: FROM R-5 TO R-5, FROM R-1 TO R-5

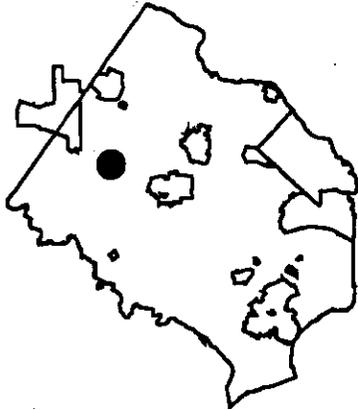
Overlay Dist: WS

Map Ref Num: 045-2- /02/ 1A /02/ /0017



Rezoning Application

RZ 2003-SU-024



Applicant: MHI RUGBY ROAD, LLC

Filed: 05/06/2003

Proposed: RESIDENTIAL DEVELOPMENT

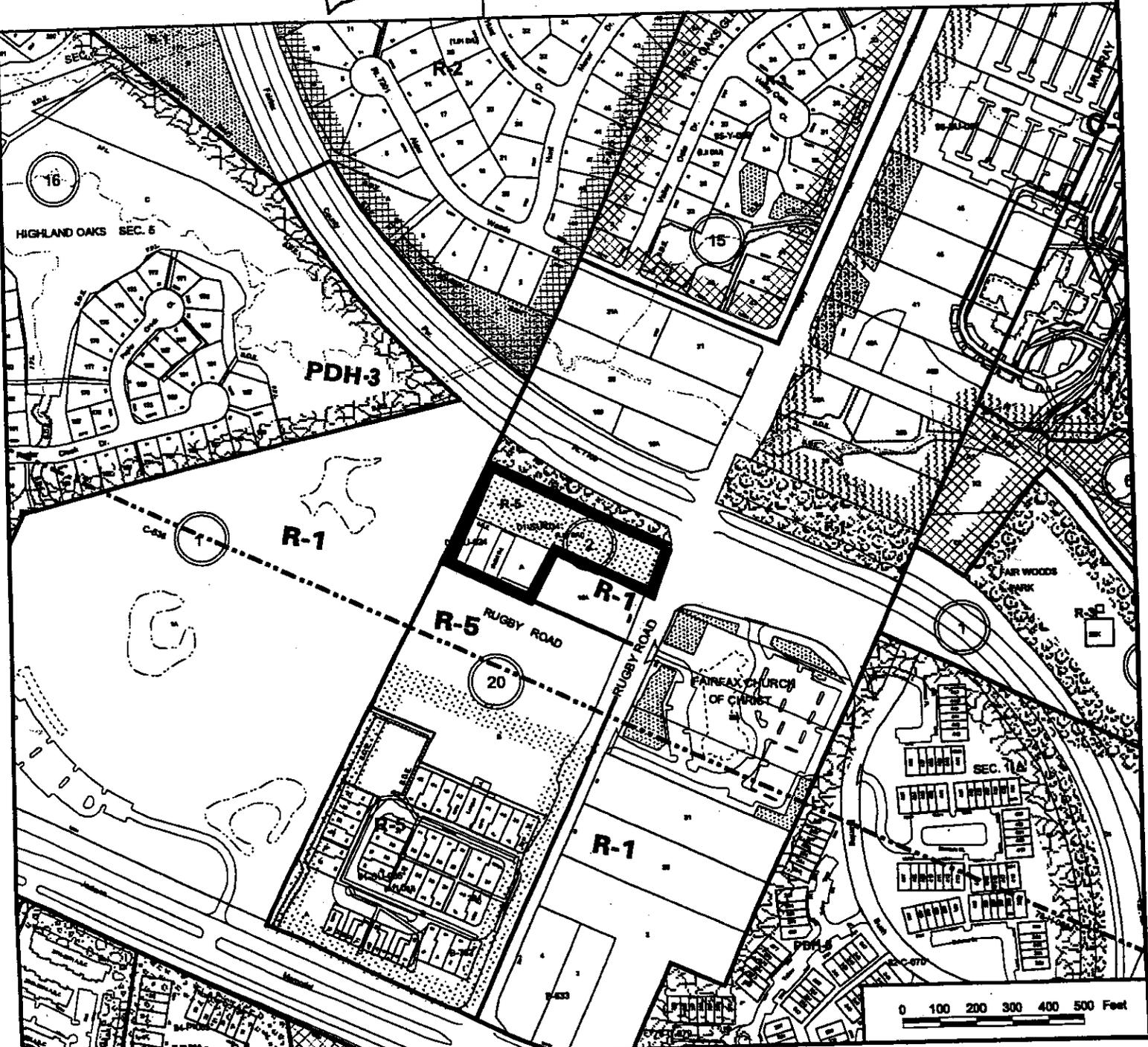
Area: 2.81 AC OF LAND; DISTRICT - SULLY

Located: W. SIDE OF RUGBY ROAD, APPROX. 100 FT. S. OF THE FAIRFAX COUNTY PARKWAY

Zoning: FROM R-5 TO R-5, FROM R-1 TO R-5

Overlay Dist: WS

Map Ref Num: 045-2- 102/ 1A 102/ 10017



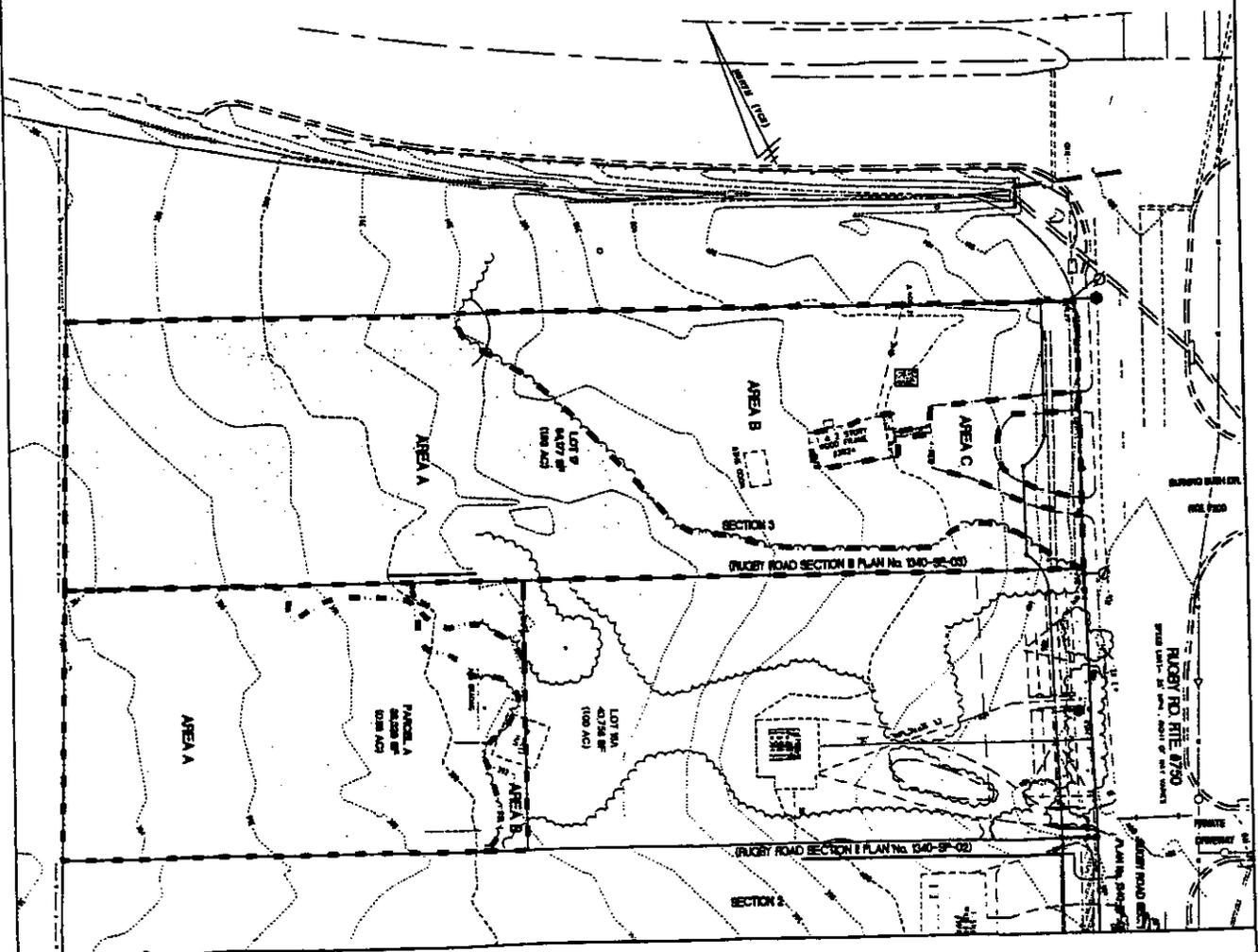
DATE: 10/11/11
 BY: WLP
 CHECKED BY: WLP
 SCALE: AS SHOWN

EXISTING VEGETATION MAP INFORMATION

CODE	VEGETATION	PERCENTAGE	ACRES	REMARKS
1	DECIDUOUS FOREST	100%	1.00	1.00 AC
2	CONIFER FOREST	100%	1.00	1.00 AC
3	OPEN SPACE	100%	1.00	1.00 AC
4	WATER	100%	1.00	1.00 AC
5	ROADS	100%	1.00	1.00 AC
6	UTILITIES	100%	1.00	1.00 AC
7	OTHER	100%	1.00	1.00 AC
TOTAL ACRES: 7.00				

THIS MAP IS A REPRESENTATION OF THE VEGETATION AS IT EXISTS ON THE DATE OF THE SURVEY. IT IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN HEREON. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE VEGETATION IS AS SHOWN ON THIS MAP. THE ENGINEER HAS NOT CONDUCTED A DETAILED SURVEY OF THE VEGETATION AND IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SHOWN ON THIS MAP. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE VEGETATION IS AS SHOWN ON THIS MAP. THE ENGINEER HAS NOT CONDUCTED A DETAILED SURVEY OF THE VEGETATION AND IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SHOWN ON THIS MAP.

WALTER L. PHILLIPS
 INCORPORATED
 CIVIL ENGINEERS, LAND SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS



EXISTING VEGETATION MAP

RUGBY ROAD II

BILLS DISTRICT
 FAIRFAX COUNTY, VIRGINIA

NO.	DESCRIPTION	DATE	BY	APPROVED	DATE



WALTER L. PHILLIPS
 INCORPORATED
 CIVIL ENGINEERS, LAND SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS
 207 PARK ANGLE FALLS CHURCH, VIRGINIA 22046
 (703) 882-8882 FAX (703) 882-8881 WWW.WLPINC.COM

DATE: 10/11/11
 SCALE: AS SHOWN

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

DESCRIPTION OF THE APPLICATION

Proposal: The application seeks to rezone property from the R-1 and R-5 Districts to the R-5 District to develop a residential community consisting of thirteen single family attached units at a density of 4.63 du/ac. Units are clustered in groups of two to four units, each designed to look like a single "great house."

The application brings an additional 0.88 acres (Parcel A) into the development previously approved under RZ 2001-SU-034 (which was concurrent with RZ 2001-SU-035). The entire land area of RZ 2001-SU-034 is included in this application. If approved, this rezoning will supercede RZ 2001-SU-034.

Location: Southwest quadrant of the intersection of Rugby Road and the Fairfax County Parkway

Proposed Open Space: 25%

Waivers Requested: Modification of the transitional screening and waiver of the barrier requirements to the west, north, east, and portions of the south, in favor of that shown on the GDP.

Waiver of the minimum district size.

The applicant's draft proffers, affidavit, and statement of justification are included in Appendices 1, 2 and 3, respectively.

LOCATION AND CHARACTER

Site Description:

There is an existing single family detached home on Parcel 17, although the approved development plan (pursuant to RZ 2001-SU-034) would allow the development of 9 attached homes on that lot. Parcel A is a vacant outlot which was created from the rear of previous Parcel 16. An existing single family detached home on the portion of previous Parcel 16 (now Parcel 16A) is not part of the application and is proposed to remain.

Surrounding Area Description:

	Use	Zoning	Plan
North & East	Fairfax County Parkway	R-1	--
South & East	Single Family Detached (Parcel 16A)	R-1	Residential, Fairfax Center (4-5 du/ac)
South	Single Family Attached	R-5	Residential, Fairfax Center (4-5 du/ac)
West	Golf Driving Range	R-1	Residential, 3-4 du/ac

BACKGROUND

- **RZ 2001-SU-034**, approved by the Board of Supervisors on January 28, 2002, rezoned 1.93 acres (Parcel 17) from the R-1 to the R-5 District, to allow the development of nine single family attached units, at a density of 4.66 du/ ac. Concurrent with that application, **RZ 2001-SU-035** was approved on 14.88 acres to the south for the development of 85 single family attached units (74 market rate units and 11 affordable dwelling units (ADUs)) on 14.88 acres, at a density of 5.71 du/ac. The two applications were designed to function as a single community, but were separated by the unconsolidated Parcel 16. A copy of the proffer and plans accepted with RZ 2001-SU-034 are included in Appendix 4.
- By letter of interpretation dated September 5, 2002, the layout of the units in RZ 2001-SU-034 and RZ 2001-SU-035 was modified to delete the interior driveway courtyards in favor of additional ground level interior space and front loaded garages.

COMPREHENSIVE PLAN PROVISIONS (See Appendix 5)

Plan Area: Area III

Planning Sector: Lee-Jackson Community Planning Sector (UP8) of the Upper Potomac Planning District

Fairfax Center Area Land Unit A, Sub-unit A-1

Plan Map: Residential, 1-2 du/ac and Fairfax Center

Plan Text:

On Page 120 of 128 of the Area III volume of the 2000 Comprehensive Plan,

"6. The Murray Farms subdivision south of the Fairfax County parkway is planned for residential use at 1-2 dwelling units per acre. As an option,

development may be appropriate at 4-5 dwelling units per acre. Redevelopment of this area should strive to create a sense of community and coordinated and attractive residential development on both sides of Rugby Road. This optional density may be considered under the following conditions:

...

- West of Rugby Road, an initial land consolidation of a minimum of 12 acres is required. This initial land consolidation may be satisfied by one or more rezoning applications that are coordinated, fully integrated in terms of design, and concurrently pursued with the County. In addition, the following conditions should be met:
 - a) New development should mitigate impacts on any existing residential uses on unconsolidated parcels using techniques such as screening and buffering; and
 - b) Development should occur in a manner that permits future development of unconsolidated parcels to be unified with the initial consolidation. Unconsolidated parcels may be considered for 4-5 dwelling units per acre if they are designed to be fully integrated with existing (or approved) adjacent development.
 - c) Traffic circulation should be coordinated to the greatest extent possible, in an attempt to minimize the number of access points on Rugby Road."

And on Pages 48 and 49 of 122 of the Area III volume of the 2000 Comprehensive Plan, in the Fairfax Center Area, Land Unit A, Sub-unit A1, the Plan states:

"Sub-unit A1

This sub-unit contains the portion of the Murray Farms subdivision located south of the Fairfax County Parkway and is planned for residential use at 5 dwelling units per acre at the overlay level. The same conditions for development that apply for the portion of Murray Farms in UP8 Lee-Jackson Community Planning Sector (Upper Potomac Planning District) should apply to Sub-unit A1."

ANALYSIS

Generalized Development Plan (GDP) (Copy at front of staff report)

Title of GDP:	Generalized Development Plan Amendment: Rugby Road II
Prepared By:	Walter L. Phillips, Inc.
Original and Revision Dates:	December 9, 2002, as revised through October 7, 2003

Plan Description:

The GDP consists of five (5) sheets. **Sheet 1** is the Cover Sheet, and includes an index, soils and vicinity maps, tabulations, and a schematic showing the original

rezonings (RZ 2001-SU-034 and 035), the new property to be incorporated with the development in this application, and the remaining unconsolidated property (Parcel 16A).

Sheet 2 includes the Notes, Site Tabulations, an illustration of the angle of bulk plane for single family attached units with a height of 35 feet, a typical lot layout and the proposed development of the property, showing the following features:

- **Residential Units:** Thirteen single family attached units are shown in clusters of four, three, and two units. All units have two-car garages, most facing the road, some turned to access a side road. These units are designed so that each cluster resembles a single "great house." The nine units proposed with RZ 2001-SU-034 are included on this plan as previously approved (with no changes from the September 2002 interpretation plan); the four new units proposed under this application are located on Parcel A, between the new internal road and the rear of unconsolidated Parcel 16A.
- **Vehicular Access:** A single, private street accesses Rugby Road, running along the southern side of Parcel 17, then turning to run across Parcel A to connect with the road provided with RZ 2001-SU-035 to the south. Five additional guest parking spaces are shown in a bay between the first two clusters of units, and 2 additional spaces are shown adjacent to the stormwater management facility at the western end of the property. Right-of-way dedication and frontage improvements are shown on the Rugby Road frontage of the site, including off-site improvements on Parcel 16A.
- **Access Easements:** The GDP shows two areas for future access easements. The first, labeled as "Possible future interparcel access" is located at the end of the private street and would allow vehicular access to the golf course property to the west. The second, labeled as "13' access and utility easement," is located between the private road and Parcel 16A, and is designed to allow future units constructed on Parcel 16A to access directly onto the street system of this development.
- **Pedestrian Access:** A sidewalk is shown along both sides of the internal streets, and along the Rugby Road frontage of the property.
- **Stormwater Management:** A rain garden is proposed in the northwestern corner of the site. A traditional stormwater management dry pond is shown directly adjacent to the raingarden facility, between the new internal street and the western property boundary. This facility also serves part of the neighborhood developed under RZ 2001-SU-035.

Sheet 3 is the Existing Vegetation Map for the property, also showing Parcel 16A.

Sheet 4 shows the record plat for the subdivision of Parcel 16, which created Parcel 16A (the unconsolidated lot) and Parcel A (part of this application).

Sheet 5 (labeled in the GDP as Sheet 4A) includes a copy of the September 2002, interpretation letter. The sheet also includes architectural elevations of the two, three, and four unit clusters, and a layout schematic for the site (not including the

land proposed to be added as part of this application) showing where these elevations are located.

COMPREHENSIVE PLAN ANALYSIS

The Comprehensive Plan recommends residential development at 4-5 dwelling units per acre (du/ac) with the fulfillment of certain conditions. The initial consolidation of 12 acres was provided with the original rezonings (RZ 2001-SU-034 and 035). The Plan recommends that new development mitigate impacts on existing residential uses on the unconsolidated parcels through screening and buffering; that development occur in such manner that future development of unconsolidated parcels can be unified with the initial development; and that traffic circulation be coordinated to the greatest extent possible, to minimize the number of access points on Rugby Road. The applicant has proposed a development at 4.63 du/ac, screening and barrier against unconsolidated Parcel 16A, and a vehicular connection between the current proposal and the development approved under RZ 2001-SU-035. Appropriate considerations have been included to allow future development which may occur on Parcel 16A to access the internal street network, eliminating the need for additional access to Rugby Road. Staff believes the proposal meets the recommendation of the Plan.

A small portion of the property (encompassing approximately two units) is located within the Fairfax Center Area. Comprehensive Plan language in the Fairfax Center Area references the Plan provisions contained in the Lee-Jackson Community Planning Sector, Upper Potomac Planning Division, Area III. Because the majority of the site is reviewed under the residential development criteria, staff has not completed a separate Fairfax Center Checklist review for this site. Staff does, however, believe a contribution to the Road Fund for the two units within the Fairfax Center Area to be appropriate.

RESIDENTIAL DEVELOPMENT CRITERIA

Fairfax County expects new residential development to enhance the community by fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. For the complete Residential Development Criteria text, see Appendix 14.

Site Design (Development Criterion #1)

This Criterion requires that the development proposal address consolidation goals in the plan, further the integration of adjacent parcels, and not preclude adjacent parcels from developing in accordance with the Plan. While Parcel 16A has not been consolidated with the application property, the GDP shows an illustration of how it could develop in accordance with the Plan recommendations. Additionally,

the applicant has proffered to allow future access to the internal road system and membership in the HOA, should that parcel redevelop.

The development should provide for a logical design with appropriate relationships within the development, including appropriately oriented units and usable yards. Access should be provided to transit facilities where available, and utilities should be identified to the extent possible. The applicant has provided a layout for a conventional residential development attached units in conformance with the Comprehensive Plan recommendations. With the exception of the unconsolidated Parcel 16A, no existing residential developments are directly adjacent to the site. Vacant residentially zoned land in the area is planned for development at a density which would be compatible with the proposed development. Additionally, the majority of this development was previously approved under RZ 2001-SU-034, and the proposal is integrated with the adjacent RZ 2001-SU-035. In fact, the inclusion of Parcel A allows the two developments to be physically integrated instead of simply integrated by design. Finally, utility connections are shown on the provided GDP.

Open space should be useable, accessible, and integrated with the development. Appropriate landscaping should be provided. While the applicant has provided the required 25% open space for the R-5 District, this space is entirely provided in SWM facilities and buffer strips. With the original rezonings, (RZ 2001-SU-034 and 035), the developer showed an illustration of how the unconsolidated Parcel 16 could be developed. That illustration showed a total of 9 units on Parcel 16, and an area of open space located in the center of the site. With the new proposal, the applicant has flipped a cluster of four units into the open space, moved the open space to the rear of the parcel, and turned that open space into stormwater management. The residents of the proposed development, however, do have the ability to access the open space areas located in RZ 2001-SU-035. Because of the open space modifications, staff believes that the development potential on the remaining unconsolidated Parcel (16A), might be reduced from the high-end of the density range (5 additional units) as shown in the previous applications, to four units. This would depend on the proposed layout and would be assessed at such time as an application for rezoning is filed on Parcel 16A.

Neighborhood Context (Development Criterion #2)

While developments are not expected to be identical to their neighbors, this Criterion states that they should fit in the fabric of the area, especially at the interface between the two. This application directly abuts single-family attached residential development zoned R-5 and developed as a cohesive neighborhood with this development to the south. To the west is a golf course (zoned R-1 and planned for development in the 2-3 du/ac range), to the east is residential land which is developed with a church. Most of the other developments in the vicinity of the property are developed with townhouses at a density similar to this property. Finally, the proposed development will be more closely integrated into the development approved under RZ 2001-SU-035, because of the road connection.

Environment (Development Criterion #3)

This Criterion requires that developments conserve natural environmental features to the extent possible, account for soil conditions, and protect current and future residents from noise and lighting impacts. Developments should minimize off-site impacts from stormwater runoff and adverse water quality impacts. All environmental issues have been resolved with the draft proffers. The applicant has proffered to appropriate interior noise mitigation, to close all wells, septic tanks and fuel-tanks on-site in accordance with the appropriate standards, to mitigate potential blasting impacts, and to meet the lighting standards of Article 14.

Tree Preservation & Tree Cover Requirements (Development Criterion #4)

This Criterion states that all developments should take advantage of existing quality tree cover—as preserving existing trees is highly desirable to meet the Public Facilities Manual (PFM) requirements—and that, where feasible, utility crossings should be located so as not to interfere with proposed tree save areas. The site has a variety of vegetation, generally located to the west behind the existing house, but most of this was approved under RZ-2001-SU-034 to be basically clear cut. The applicant has proffered to provide a tree preservation plan at the time of site plan approval, for those trees located near the limits of clearing and grading.

Transportation (Development Criterion #5)

This Criterion requires that a development provide safe and adequate access to the surrounding road network, that transit and pedestrian travel be encouraged, and that interconnection of streets be encouraged. In addition, alternative street designs may be appropriate where conditions merit. The applicant is proposing a private street entering from Rugby Road and connecting across Parcel A to the development to the south. By bringing this land area into the development, and making this connection, the applicant is completing the transportation network and allowing additional access points for the future residents of both portions of the neighborhood. The potential for vehicular access to the golf course property to the west has been provided, although not committed to at this time. Access for any future development on Parcel 16A has been committed to with the GDP and the proffers. Right-of-way as requested has been shown on the GDP and proffered, as well as off-site improvements on Parcel 16. Although only a small portion of the property is located within the Fairfax Center Area, staff believes that a contribution to the Fairfax Center Road Fund is appropriate for the two units which are located within that area.

Public Facilities (Development Criterion #6)

Criterion 6 states that the impacts on public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management) should be offset by residential development. Impacts may be offset through the dedication of land, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward

funding capital improvement projects. (Specific Public Facilities issues are discussed in detail in Appendices 8-13.)

Fairfax County Park Authority (Appendix 13)

The proposed development is projected to add approximately 33 persons to the current population of the Sully District. The GDP shows no recreational amenities. Residents of this development will need outdoor facilities including picnic, playground/tot lot, tennis, multi-use court and athletic fields. The proportional development cost to provide recreational facilities for the residents of this development while maintaining the current level of service is estimated to be \$8,745. The applicant has proffered to contribute \$8,745 to the Park Authority.

Fairfax County Public Schools (Appendix 11)

Enrollment in the middle school that serves the property (Franklin Middle) is currently slightly below capacity. Enrollment in Navy Elementary and Chantilly High are currently above capacity. Enrollment in all of these schools is projected to be above capacity through the 2007-2008 school year. The proposed application is projected to generate a total of three elementary school students, one middle school student, and one high school student, a total of two additional students over what would be projected under the current zoning. An appropriate contribution range would be between \$15,000 and \$37,500. The applicant has proffered to contribute \$15,000 to a schools fund for the Sully District.

Fire and Rescue (Appendix 10)

The application properties are serviced by the Fairfax County Fire and Rescue Department Station # 21, Fair Oaks. The subject property currently meets fire protection guidelines.

Sanitary Sewer Analysis (Appendix 8)

The application properties are located in the Cub Run (T-2) Watershed, and would be sewer into the UOSA Treatment Plant. An existing 8 inch pipe located in an easement and approximately 1400 feet from the property is adequate for the proposed use.

Fairfax County Water Authority (Appendix 9)

The subject properties are located within the Fairfax County Water Authority Service Area. Adequate domestic water service is available at the site from an existing 16 inch main located at the site.

Utilities Planning and Design, DPWES (Appendix 12)

The analysis notes that there are no drainage or flooding complaints related to this site.

Affordable Housing (Development Criterion #7)

Criterion 7 states that ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County. Satisfaction of this criterion may be achieved by the construction of units, contribution of land, or by a contribution to the Housing Trust Fund. The applicant has proffered to a contribution of 1% of the sales price of the houses to the Housing Trust Fund.

Heritage Resources (Development Criterion #8)

Criterion 8 requires a development to address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation. The property is located near a documented archeological site that includes both prehistoric and Civil War era heritage resources, therefore, the Park Authority has identified the northern third of the property as worthy of a Phase I Archaeological assessment. This issue has not been addressed.

ZONING ORDINANCE PROVISIONS

Bulk Standards (R-5)		
Standard	Required	Provided
Minimum District Size	4 acres	2.81 acres ¹
Maximum Density	5.0 du/ac	4.63 du/ac
Minimum Lot Width	18 feet	18 feet
Building Height	35 feet	35 feet
Front Yard	15 ABP, not less than 5 feet (9 feet)	5 feet (typical lot layout) 9 feet (ABP illustration) ²
Side Yard	15 ABP, not less than 10 feet (10 feet)	10 feet
Rear Yard	15 ABP, not less than 20 feet (20 feet)	20 feet
Open Space	25%	25%
Transitional Screening & Barrier		
Required: 25 feet, Barrier A or B (to R-1: west, east, north, portions of south)		Provided: Minimum of 15 feet to abutting residential (16A) barrier on 16A, No barrier and 60 feet including SWM to Golf Driving Range

¹ Waiver requested

² Because the garage is lower than 35 feet where it approaches the front property line, the 5 foot measurement in the typical lot layout may meet the Zoning Ordinance standards. The applicant should proffer to illustrate how the development is meeting the bulk standards at the time of site plan approval.

Waivers and Modifications:***Modification of Transitional Screening and Waiver of Barrier***

The applicant requests a modification of the transitional screening requirement and a waiver of the barrier requirement along the western, northern, eastern, and portions of the southern boundaries in favor of that shown on the GDP.

Par. 9 of Sect. 13-304 states that transitional screening and barrier requirements may be waived or modified where the adjoining land is used for an Special Permit or Special Exception use. To the west, the R-1 zoned land is the Fair Oaks Golf Park and Driving Range (SPA 92-Y-017-2); to the east, the R-1 zoned land is used for a church (SE 93-Y-036). Because of the Special Permit/Exception uses, staff believes the landscaping and screening provided is sufficient to justify the requested modifications to the east and west. Par. 3 of Sect. 13-304 states that transitional screening and barrier requirements may be waived or modified when the property has been specifically designed not to have an adverse effect on the adjoining property. To the southeast is the unconsolidated Parcel 16A. Buffering on the subject property and a barrier fence and landscaping to be located on Parcel 16A will mitigate the impact of the proposed development on the unconsolidated parcel. Therefore staff believes that the property has been designed so as to mitigate the impacts on the adjacent property, and supports the requested modification and waiver in favor of that shown on the GDP.

Waiver of the Minimum District Size:

The applicant requests a waiver of the minimum district size (4 acres required) to allow a 2.81 acre parcel to be rezoned to the R-5 District. In this case, staff feels the request is appropriate because the development is coordinated with RZ 2001-SU-035 to the south, and a schematic has been included to show how the intervening, unconsolidated Parcel 16A could be developed as an R-5 District that interfaces with the neighborhood. Additionally, the majority of the property was previously approved for the R-5 District, and commitments to allow 16A access through the site should it develop have been carried forward from that approval.

Summary of Zoning Ordinance Provisions

All applicable Zoning Ordinance Provisions have been satisfied.

CONCLUSIONS AND RECOMMENDATIONS**Staff Conclusions**

In staff's evaluation, the proposal is in harmony with the Comprehensive Plan and in conformance with all applicable Zoning Ordinance standards. The proposed development continues the pattern of development set under RZ 2001-SU-034 and 035 for this area. In addition, the proposal meets the Comprehensive Plan

requirements to buffer the remained of the unconsolidated lot today, while allowing it to be developed as an integral part of the proposed development in the future.

Staff Recommendations

Staff recommends approval of RZ 2003-SU-024, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of a waiver of the minimum district size.

Staff recommends approval of the modification of transitional screening and waiver of the barrier on the western, northern, eastern, and portions of the southern boundaries, in favor of that shown on the GDP.

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

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

APPENDICES

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Approval of RZ 2001-SU-034
5. Plan Citations
6. Transportation Analysis
7. Environmental Analysis
8. Sanitary Sewer Analysis
9. Water Service Analysis
10. Fire and Rescue Analysis
11. Schools Analysis
12. Utilities Planning and Design Analysis (DPWES)
13. Park Authority Analysis
14. Residential Development Criteria
15. Glossary of Terms

**MHI - Rugby Road, LLC
RZ 2003 SU 024
Proffers
October 8, 2003**

Pursuant to the provisions of Va. Code Section 15.2-2303 (a) et seq. the Owner and Applicant, for themselves and its successors and assigns, hereby makes the following proffers which shall supercede and replace in all respects the proffers for RZ 2001-SU-034 dated December 11, 2001 subject to the approval of this Application by the Board of Supervisors of Fairfax County, Virginia:

Development Plan

1. Generalized Development Plan - The subject property Tax Map. No. 45-2 ((2)) Lots 17 and Parcel A shall be developed in substantial conformance with the Generalized Development Plan (GDP) (subject to the addition of optional decks and bump-out additions shown by typical design which shall be in compliance with zoning ordinance regulations) prepared by Walter L. Phillips, Inc., dated December 9, 2002, (and revised October 7, 2003) depicting 13 single-family attached market rate dwelling units in the R-5 zoning district at a density of 4.63 dwelling units per acre.

2. Energy Saver Homes - All homes constructed on the property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by DPWES, for either electric or gas energy systems.

3. Architectural Renderings - Applicant shall construct dwelling units on the property which are substantially identical in style, size and scale as the units depicted in the architectural renderings depicted in GDP Sheet 4A of 4, reserving the right to select exterior finish materials (siding, roof, doors and other fenestration), and the right to adopt a color scheme for units constructed on the property.

Madison Homes, Inc.
Rugby Road
RZ 2003 SU 024
Proffers
October 8, 2003
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4. Homeowners Association/Open Space - The open space areas shown on the GDP shall be conveyed to the Homeowners Association established for the property. The Homeowners Association established for the property shall be responsible for maintaining all open space areas. The Homeowners Association shall also include as members the owners of the homes constructed on Tax Map Nos. 45-2 ((2)) Lot 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 (RZ 2001 SU 035), Parcel A and Lot 17 and shall be expandable to include any homes later constructed on Tax Map No. 45-2 ((2)) Lot 16A.

5. Inter-parcel Access/Proffers Relating to Lot 16A -

A. At the time of site plan approval, Applicant shall grant such easements (public access, temporary construction, utility) as necessary for inter-parcel access and utilities between Lots 17 and Parcel A and Lots 16A to facilitate the future development of Lot 16A.

B. The Applicant may grant ingress/egress easements through Lot 17 to provide possible future inter-parcel access to Tax Map 45 - 2 ((1)) Parcel 1A at the location shown on the Generalized Development Plan.

C. With respect to Lot 16A (off-site), Applicant shall comply with the following covenants and agreements entered into by Applicant upon the acquisition of previous Outlot A, prior to the issuance of the first RUP for the application property:

(1) Construct improvements to Rugby Road across the frontage of Lot 16A consistent with the improvements to be made to the adjoining properties on either side of Lot 16A; and

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(2) Relocate the existing overhead and underground utility lines across the Rugby Road frontage of Lot 16A into the area of the new utility easement on Lot 16A; and

(3) The storm water management facilities to be constructed by the Applicant shall be sized to accommodate the future development of Lot 16A at a density consistent with the current Comprehensive Plan recommendations permitting a maximum of 4 to 5 dwelling units per acre as determined by DPWES, with appropriate storm drainage connections under any roads to be built on Parcel A by the Applicant. The stormwater management facilities shall include easements or other means to insure that these facilities could be accessed at such time as Lot 16A may be ultimately developed; and

(4) Applicant shall grant appropriate easements for utilities and access across the Application Property to accommodate the future development of Lot 16A in a manner consistent with the development being planned by the Applicant on the Application Property.

Transportation

6. Rugby Road Dedication - If not previously dedicated in connection with RZ 2001-SU-034, the Applicant shall dedicate right of way on Rugby Road in fee simple to the Board of Supervisors 45 feet from the center line of Rugby Road and construct full frontage improvements, setting the face of curb 35 feet from the center line of Rugby Road subject to such transitions as may be required to tie into existing improvements on adjoining properties. The aforesaid dedication shall be made at the time of site plan approval or upon the demand of Fairfax County and/or VDOT, whichever occurs first.

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Fairfax Center Area Road Fund

7. The Applicant shall contribute to the Fairfax Center Area Road Fund for 2 lots located in the Fairfax Center Area in accordance with the "Procedural Guidelines" adopted by the Board of Supervisors on November 22, 1982, as amended, subject to credit for all creditable expenses, as determined by the Fairfax County Department of Transportation and DPWES.

Housing Contribution

8. If not previously contributed in connection with RZ 2001-SU-034, at the time of site plan approval, Applicant shall contribute a sum equaling 1.0% of the aggregate sales price of the units to Fairfax County Housing and Redevelopment Authority for a contribution to the Housing Trust Fund to meet the County's low and moderate income affordable housing needs.

Park Authority Contribution

9. If not previously contributed in connection with RZ 2001-SU-034, at the time of site plan approval, Applicant shall contribute \$8,745.00 to the Fairfax County Park Authority for its use in establishing and maintaining parks and recreational facilities in Fairfax County. The contribution amount shall be adjusted by increases to the Construction Cost Index from the *Engineering News Record* from the date of Board of Supervisors' approval of this rezoning application, to the date of site plan approval.

Schools Contribution

10. At the time of site plan approval, Applicant shall contribute the sum of \$15,000.00 to

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the Fairfax County Board of Supervisors for a specific fund designated for public school facilities in the Sully District.

Noise Abatement

11. **Interior Noise:** In order to achieve a maximum interior noise level of approximately 45 dBA Ldn, all portions of units located within a highway noise impact zone of 65 dBA Ldn, shall have the following acoustical attributes:

A. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.

B. Doors and windows shall have a laboratory STC rating of at least 28. If glazing constitutes more than 20% of any facade it should have the same laboratory STC rating as walls.

C. Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission. Units affected by this requirement shall be annotated on the site plan.

D. As an alternative to "A", "B", or "C" above, the Applicant may elect to have a refined acoustical analysis performed subject to the approval of DPWES prior to building permit approval, to verify or amend the noise levels and impact areas set forth above and/or to determine which units have sufficient shielding from topography or structures to permit a reduction in the mitigation measures prescribed above; or to determine minimum STC ratings for exterior walls, windows, and doors. The Applicant may also choose to revise the previous sound study dated March 20, 2003 approved by DPWES for the subject project, which revisions shall also be subject

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to the approval of DPWES.

Existing Wells and Septic Tanks

12. The Applicant shall close all wells and septic tanks on the property in accordance with guidelines and standards adopted by the Health Department.

Fuel Tanks

13. The Applicant shall remove and properly dispose of any above-ground or buried fuel tanks on the property in accordance with standards of the Virginia Department of Environmental Quality.

Blasting

14. If blasting is required, and before any blasting occurs on the Application Property, the Applicant or its successors will insure that blasting is done per Fairfax County Fire Marshal requirements and all safety recommendations of the Fire Marshal, including, without limitation, the use of blasting mats, shall be implemented. In addition, the Applicant or its successors shall:

A. Retain a professional consultant to perform a pre-blast inspection of each house or residential building, to the extent that any of these structures are located within two hundred fifty (250) feet of the blast site.

B. Require his consultant to request access to house, buildings, or swimming pools that are located within said 250 foot range and, if permitted by the owner, shall determine the pre-blast conditions of these structures. The Applicant's consultants will be required to give adequate notice (not less than 10 days) of the scheduling of the pre-blast survey to all affected homeowners.

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The Applicant shall provide the residents entitled to pre-blast inspections, of the name, address and phone number of the blasting contractor's insurance carrier.

C. Require his consultant to place seismographic instruments prior to blasting to monitor the shock waves. The Applicant shall provide seismographic monitoring records to County agencies upon their request.

D. Notify residences within 250 feet of the blast site, ten (10) days prior to blasting.

E. Upon receipt of a claim of actual damage resulting from said blasting, the Applicant shall cause his consultant to respond within five (5) days of meeting at the site of the alleged damage to confer with the property owner.

F. The Applicant will require blasting subcontractors to maintain necessary liability insurance to cover the costs of repairing any damages to structures which are directly attributable to the blasting activity and shall take necessary action to resolve any valid claims in an expeditious manner.

Exterior Lighting

15. All exterior lighting of sidewalk or parking areas shall be in the accordance with the standards required by Part 9 of Article 14 of the Zoning Ordinance:

Landscaping

16. As part of the final site plan, Applicant shall include supplemental landscaping as shown on the Generalized Development Plan as approved by the Urban Forestry Division.

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Tree Preservation

17. For the purposes of the preservation of trees shown on the GDP, the Applicant shall retain a certified arborist or landscape architect to consult on the preparation of a tree preservation plan. The tree preservation plan shall be submitted as part of the site plan which shall be reviewed and approved by the Urban Forestry Division. This plan shall provide for the preservation of trees or stands of trees shown on the GDP which can be preserved without precluding the development of a typical home on each of the lots as shown on the GDP. The Urban Forestry Division and/or DPWES may require modifications to the tree preservation plan to the extent said modifications do not alter the number of dwelling units as shown on the GDP, reduce the size of the units or require the installation of retaining walls greater than two feet in height.

Subject to the approval of the Urban Forestry Division and/or DPWES, the Applicant shall perform the following measures relating to tree preservation on the property:

- Perform a pre-construction evaluation of the existing vegetation to determine the condition of the trees designated to be saved. The Applicant shall have the limits of clearing flagged prior to construction. Prior to construction the Applicant shall walk the limits of clearing with the certified arborist or landscape architect and, an Urban Forestry Division representative to determine where minor adjustments to the line may be made to ensure the preservation of trees in the tree save area.
- The trees designated to be saved shall be marked on the ground at the drip line with 36" high orange fencing or equivalent demarcation prior to clearing and grading and at all times during construction. Signage affirming restricted access shall be provided on the temporary fence highly

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visible to construction personnel. The certified arborist or landscape architect contracted by the Applicant shall monitor the construction of the proposed development to ensure consistency with the landscape/tree preservation plan.

- The Applicant shall conform to the limits of clearing and grading as shown on the GDP subject to the installation of necessary utilities. If it is necessary to locate the utility lines inside the limits of clearing and grading, those lines shall be located and installed in the least disruptive manner possible, considering cost and engineering. A replanting plan shall be developed and implemented for any areas inside the limits of clearing and grading that must be disturbed.

- In addition, where it is determined feasible, adjustments to the proposed grading and location of the proposed units on the application property may be modified at the time of final engineering to enhance specific tree preservation as determined by the Urban Forestry Division.

Storm Water Management

18. On-site storm water management facilities shall be provided in the areas shown on the GDP in accordance with the Public Facilities Manual standards and in conformance with the adopted Chesapeake Bay ordinance if required by DPWES. Landscaping of the storm water management areas, utilizing native vegetation, shall be provided to the fullest extent possible per County guidelines as approved by the Urban Forestry Division.

Disclosure to Purchasers

19. Homeowners Association- A Homeowners Association ("HOA") shall be established to own and maintain the private streets and the rain gardens shown on the GDP. Maintenance of the

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rain gardens shall be accomplished consistent with the standards set forth in Attachment A. Prospective purchasers shall be advised of the HOA membership requirement and associated obligations and responsibilities prior to entering into a contract for sale, and the HOA documents shall include a provision that clearly sets out such obligations and responsibilities, as well as the specific maintenance requirements for the rain gardens set forth in Exhibit A, or other equivalent document as may be approved by DPWES.

20. Garage Restrictions - Any conversion of garages that will preclude the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction shall be incorporated in the HOA documents and be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots, and shall run to the benefit of the HOA and the Board of Supervisors. Prospective purchasers shall be advised of this use restriction prior to the time of entering into a contract of sale. In addition, Applicant shall include this restriction in the Homeowners' Association documents recorded with the site plan for the development.

21. Common Parking Restrictions - The common parking areas shown on the GDP shall be utilized for automobile parking for residents and their bona fide guests only, and shall not be utilized for parking or storage of recreational vehicles, boats, motorcycles, trailers or commercial vehicles. Applicant shall include this restriction in the subdivision documents recorded with the subdivision plat for the development.

22. Exterior Building Facades, Restrictions - The exterior building facades of the units shall

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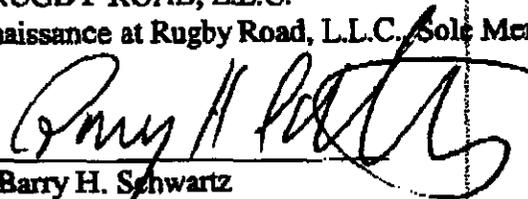
be specified in an architectural elevation rendering with a schedule of exterior colors. Applicant shall disclose to its purchasers in its sales literature that the exterior building facades and exterior colors shall not be altered or changed without the express permission of the Homeowner's Association established for the property, and as part of a comprehensive change of exterior color schemes for homes constructed in the development.

23. No temporary signs (including "popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off site during marketing of the homes on the Application. The Applicant shall not post or cause others to post temporary ("popsicle") signs to market the homes on the property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or sale of residential units on the subject Property to adhere to this proffer.

**Madison Homes, Inc.
Rugby Road
RZ 2001 SU 034**

MHI - RUGBY ROAD, L.L.C.

By: Renaissance at Rugby Road, L.L.C. Sole Member

By: 
Barry H. Schwartz
Chief Operating Officer

MHI - RUGBY ROAD ADDITION, L.L.C.

By: Madison Homes, Inc., Manager

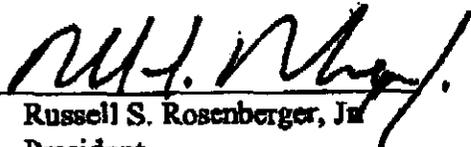
By: 
Russell S. Rosenberger, Jr.
President

EXHIBIT A

Specifications for Maintenance of Rain Gardens

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

REZONING AFFIDAVIT

DATE: January 16, 2003
 (enter date affidavit is notarized)

I, Stephen K. Fox, 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

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)
MHI Rugby Road, LLC	6723 Whittier Avenue Suite 104 McLean, VA 22101	Record Owner of Lot 17
Allan J. and Jeanne P. Walls	3900 Rugby Road Fairfax, VA 22033	Record Owner of Lot 16
MHI Rugby Road Addition, LLC	6723 Whittier Avenue Suite 104 McLean, VA 22101	Contract Purchaser/agent Owner of Part of Lot 16

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

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

Rezoning Attachment to Par. 1(a)

DATE: January 16, 2003
(enter date affidavit is notarized)

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)
Walter L. Philips, Inc	207 Park Avenue Falls Church, VA 22046	Engineers, Surveyors, Agent
Jeffery J. Stuchel, P.E. Michael Myers, P.E.	207 Park Avenue Falls Church, VA 22046	Engineers/agents
Stephen K. Fox, PC Stephen K. Fox	10511 Judicial Drive Suite 112 Fairfax, VA 22030	Attorney/ Agent Attorney, 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 16, 2002
(enter date affidavit is notarized)

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)

MHI Rugby Road LLC
6723 Whittier Avenue, Suite 104
McLean, VA 22101

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Renaissance at Rugby Road, LLC

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

Albert Small Jr., Managing Member

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

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

REZONING AFFIDAVIT

DATE: January 16, 2003
(enter date affidavit is notarized)

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)
Renaissance at Rugby Road, LLC

DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)
Albert Small Jr.

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

Albert Small Jr., Managing Member

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

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

REZONING AFFIDAVIT

DATE: January 16, 2003
 (enter date affidavit is notarized)

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)

Madison Homes Inc
 6723 Whittier Avenue
 Suite 104
 McLean, VA 22101

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Milton Schneiderman, Karen L. Schneiderman
 Ellen D. Rosenberger, Russel S. Rosenberger Jr.

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

Russel S. Rosenberger Jr.
 Milton Schneiderman

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

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

REZONING AFFIDAVIT

DATE: January 16, 2003
(enter date affidavit is notarized)

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

I(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)
Walter L. Philips Inc.
207 Park Avenue
Falls Church, VA 22046

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Terrance M. Anderson, Brian G. Baillargeon
Edward L. Johnson, Jeffrey J. Stuchel

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

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 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 16, 2003
(enter date affidavit is notarized)

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

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Stephen K. Fox PC
10511 Judicial Drive
Suite 112
Fairfax, VA 22030

DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
Stephen K. Fox

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

Stephen K. Fox

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

REZONING AFFIDAVIT

DATE: January 16, 2003
(enter date affidavit is notarized)

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

3. That within the twelve-month period prior to the filing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of \$200 or more, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, 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)

Stephen K. Fox, Agent
[] Applicant Applicant's Authorized Agent

Stephen K. Fox, Agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 16th day of January 2003, in the State/Comm. of Virginia, County/City of Fairfax.

Sharon D. Farrell
Notary Public

My commission expires: July 31, 2004

REZONING AFFIDAVIT

DATE: April 28, 2003
(enter date affidavit is notarized)

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

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

(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

[X] Applicant's Authorized Agent

Stephen K. Fox, Agent

Stephen K. Fox, Agent

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 29th day of April, 2003, in the State/Comm. of VIRGINIA, County/City of FAIRFAX

Lucas A. Inman II
Notary Public

My commission expires: July 31, 2014

STEPHEN K. FOX
 A PROFESSIONAL CORPORATION
 ATTORNEY AT LAW
 10511 JUDICIAL DRIVE
 SUITE 112
 FAIRFAX, VIRGINIA 22030

(703) 273-7220
 sfox@patriot.net

FAX (703) 273-7225

April 28, 2003

RECEIVED
 Department of Planning & Zoning

MAY 01 2003

Zoning Evaluation Division

Jane W. Gwinn
 Zoning Administrator
 County of Fairfax
 12055 Government Center Parkway
 Fairfax, Virginia 229035

Attention: Barbara A. Byron

Re: Amended Statement of Justification; MHI Rugby Road, LLC; Application to re-zone re-zone Fairfax Tax Map 045-2 ((2)), part of Lot 16 (now "Outlot A"), .88 ac.; R-1 to R-5 and Lot 17 (1.9327 acres) (R-5 w/proffers) to R-5

Dear Ms. Gwinn:

This application to amend zoning map is submitted on behalf of MHI Rugby Road LLC to rezone Tax Map No. 045-2 ((2)), part of Lot 16 (.88 ac.) (now known as Outlot A) and Lot 17 consisting of 1.9327 acres from the R-1 district to the R-5 district as more specifically set forth herein and in the supporting documents which accompany this application.

Outlot A and Lot 17 which are the subject of this application are located west of Rugby Road between Route 50 and the Fairfax County Parkway. In general, the property is bounded on the north by Fairfax County Parkway, on the south by Lee Jackson Memorial Highway (U.S. Route 50), on the west by Rose Development, LLC, and by Rugby Road to the east.

The Applicant and its predecessor have been successful in consolidating the former parcels available for re-development located on the west side of Rugby Road. The exception was Lot 16, a part of which is now included (Outlot A). This application seeks to rezone the referenced parcel to the R-5 district for development of single family attached residences at a density of 4.63 dwelling units per acre. Lot 17 was rezoned from R-1 to R-5 under RZ 2001-SU-034. Lot 17 is re-included in this application since areas of Lot 17 are necessary to achieve required geometry to develop Outlot A. The Applicant has significant background and experience in this neighborhood, having rezoned, engineered and planned the residences on a similarly sized consolidated parcel to the north of the Parkway and west of Rugby Road (see Tax Map 45-2 ((15)), Lots 1-43) and the parcels contained in RZ 2001-SU-034 and 035 in 2002. It is the applicant's intent to bring to the community an identical environment as in the neighboring communities.

This application proposes equal commitments to open space preservation, tree preservation and management of storm water for both quality and quantity parameters. The application meets

Statement of Justification
April 28, 2003
Page Two

or exceeds Zoning Ordinance requirements except where noted on the Generalized Development Plan (GDP), and in such cases, the applicant has requested a waiver of the prevailing standard, justifying the waiver request by a showing that it can meet the overriding intent of the Zoning Ordinance.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Plan Language Prior to Adoption of the 2002 Amendment

The current text of the Comprehensive Plan recommends:

“6. The Murray Farms subdivision south of the Fairfax County Parkway is planned for residential use at a density of 1-2 dwelling units per acre. As an option, development may be appropriate for 4-5 dwelling units per acre if all of the land, except for the church property, and any property approved for institutional use is consolidated and development results in a density compatible with the Fair Woods subdivision immediately to the east.” (Area III volume, page 501, Fairfax County Comprehensive Plan).

It was believed that, while perhaps valid when adopted, the Comprehensive Plan recommendations evolved into an overly restrictive requirement. Read literally, it required the development community to consolidate the vacant or re-developable parcels on the east and west sides of Rugby Road, a nearly impossible condition in and of itself. The acquisition of several parcels on the east side of Rugby Road for institutional uses made this task even more impossible to achieve.

The Adopted Out-of-Turn Comprehensive Plan Amendment

In view of the neighborhood changes noted above, the property owners and the applicant requested the Sully District Supervisor to move the Board of Supervisors to amend the Comprehensive Plan to more realistically encourage re-development of the neighborhood. Amendment No. S00 11 UP3 was adopted after hearings before the Planning Commission and the east and west sides of Rugby Road for consolidation purposes and to permit density at the enhanced density level provided that (a) substantial consolidation of parcels is achieved, and (b) the applicant demonstrates that parcels that are not consolidated into the application may be developed at a later date at a like density so as to appear as unified neighborhood.

CONCLUSION:

The application submitted herewith continues to achieve the objectives of the Comprehensive Plan amendment in that the applicant has acquired the right to develop a part of Lot 16 (Outlot A), the sole remaining parcel. The applicant has demonstrated that the remaining part of Parcel 16 (now

Statement of Justification

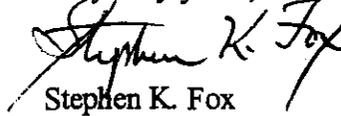
April 28, 2003

Page Three

Lot 16A) may be integrated at a future date into the proposed development in a manner which achieves like densities in an integrated development by providing interparcel connections. In fact, the present proposal makes the interparcel connection between the parcels previously rezoned (Lots 5-15 and Lot 17), following the guidelines of the Comprehensive Plan, as amended.

The utilities and other public services necessary for the development of the proposed neighborhood are already in place or will be in place to serve the proposed development. The application fee in the amount of \$5,265.00 has been submitted previously and the remaining required submission items are enclosed herewith. After review of the enclosed materials by Zoning Staff, we would appreciate your scheduling the required public hearings before the Planning Commission and the Board of Supervisors to this and its companion applications.

Very truly yours,



Stephen K. Fox

SKF/kt
enclosures

cc: Hon. Michael Frey, Supervisor
Mr. Ronald Koch, Planning Commissioner
Russell S. Rosenberger, Jr.
Albert Small, Jr.

**APPLICANT'S ANALYSIS OF RESIDENTIAL DEVELOPMENT CRITERIA
Tax Map 45-2((2)) Lot 17 and Part of Lot 16**

1. Site Design

Applicant's Response:

A. Consolidation

This application nearly completes the consolidation of the parcels remaining after RZ 2002-SU-034 and 035.

B. Layout

The application continues the layout of RZ 2001-SU-034 and 035.

C. Open Space

Additional open space in compliance with the Zoning Ordinance is provided.

D. Landscaping

This development will benefit from the landscaping in RZ SU 034 and 035.

E. Amenities

This development will benefit from the amenities in RZ-2001-SU 034 and 035.

2. Neighborhood Context:

Applicant's Response:

The proposal is consistent with and, indeed identical in all material respects with RZ 2001-SU-034 and 035.

RECEIVED
Department of Planning & Zoning

JAN 17 2003

Zoning Evaluation Division

3. Environment:

Applicant's Response:

A. Preservation

All environmental proffers contained in RZ 2001-SU-034 and 035 will be applicable to the property contained in this application.

B. Slopes and Soils

All environmental proffers contained in RZ 2001-SU-034 and 035 will be applicable to the property contained in this application.

C. Water Quality

All environmental proffers contained in RZ 2001-SU-034 and 035 will be applicable to the property contained in this application.

D. Drainage

All environmental proffers contained in RZ 2001-SU-034 and 035 will be applicable to the property contained in this application.

E. Noise

All environmental proffers contained in RZ 2001-SU-034 and 035 will be applicable to the property contained in this application.

F. Lighting

All environmental proffers contained in RZ 2001-SU-034 and 035 will be applicable to the property contained in this application.

G. Energy

All environmental proffers contained in RZ 2001-SU-034 and 035 will be applicable to the property contained in this application.

4. Tree Preservation and Tree Cover Requirements:

Applicant's Response:

All tree preservation proffers from RZ-SU-034 and 035 will be followed.

5. Transportation:

Applicant's Response:

A: Transportation Improvements

Interparcel access is now provided between parcels 16 and 17. All transportation improvement from RZ-2001-SU 034 and 035 will be followed.

B: Transit/Transportation Management

Not applicable.

C: Interconnection of the Street Network

See A, above.

D: Streets

See A, above.

E: Non-motorized Facilities

Not applicable.

F: Alternative Street Designs:

Not applicable.

6. Public Facilities:

Applicant's Response:

All public facilities such as parks and street improvements from RZ 2001-SU-034 and 035 will be followed.

7. Affordable Housing:

Applicant's Response:

A: Dedication of Units or Land

This proposal benefits from the ADU's proffered with RZ 2001-SU-034 and 035.

B: Housing Trust Fund Contributions

To the extent that additional affordable housing proffers are required, a contribution to the Housing Trust Fund is appropriate.

8. Heritage Resources:

Applicant's Response:

Not applicable.

Madison Homes, Inc.
Rugby Road
RZ 2001 SU 034
Proffers
December 11, 2001

Pursuant to the provisions of Va. Code Section 15.2-2303 (a) et seq., the Owner and Applicant, for themselves and its successors and assigns hereby makes the following proffers subject to the approval of this Application by the Board of Supervisors of Fairfax County, Virginia:

Development Plan

1. Generalized Development Plan - The subject property Tax Map. No. 45-2 ((2)) Lot 17 shall be developed in substantial conformance with the Generalized Development Plan (GDP) (subject to the addition of optional decks and bump-out additions shown by typical design which shall be in compliance with zoning ordinance regulations) prepared by Dewberry & Davis, LLC, dated May 4, 2001, (and revised October 23, 2001) depicting 9 single family attached market rate dwelling units in the R-5 zoning district at a density of 4.66 dwelling units per acre.

2. Energy Saver Homes - All homes constructed on the property shall be constructed to the standards of the Dominion Virginia Power Energy Saver Program for energy efficient homes, or such comparable program for homes with natural gas-powered HVAC systems if the property is supplied with gas.

3. Architectural Renderings - The architectural renderings submitted with the GDP for RZ 2001-SU-035 are also intended to be examples only of the style, size and scale of units to be constructed on the property. Applicant shall construct dwelling units on the property which are substantially identical in style, size and scale as the units depicted in the architectural renderings depicted in RZ 2001-SU-035, reserving the right to select exterior finish materials (siding, roof,

Madison Homes, Inc.
Rugby Road
RZ 2001 SU 034
Proffers
December 11, 2001
Page 2

doors and other fenestration), and the right to adopt a color scheme for units constructed on the property.

4. Homeowners Association/Open Space - The open space areas shown on the GDP shall be conveyed to the Homeowners Association established for the property. The Homeowners Association established for the property shall be responsible for maintaining all open space areas. The Homeowners Association shall also include as members the owners of the homes constructed on Tax Map. Nos. 45-2 ((2)) Lot 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 (RZ 2001 SU 035), and shall be expandable to include any homes later constructed on Tax Map No. 45-2 ((2)) Lot 16.

5. Interparcel Access - At the time of site plan approval, Applicant shall grant such easements to the Board of Supervisors of Fairfax County as necessary for public interparcel access between lots 16 and 17 to facilitate the future development of lot 16.

Transportation

6. Rugby Road Dedication - At the time of site plan approval, the Applicant shall dedicate right of way on Rugby Road in fee simple to the Board of Supervisors 45 feet from the center line of Rugby Road and construct full frontage improvements, setting the face of curb 35 feet from the center line of Rugby Road subject to such transitions as may be required to tie into existing improvements on adjoining properties. The aforesaid dedication shall be made at the time of site plan approval or upon the demand of Fairfax County and/or VDOT, whichever occurs first.

Madison Homes, Inc.
Rugby Road
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Page 3

7. Fairfax Center Area Road Fund - The Applicant shall contribute to the Fairfax Center Area Road Fund for 2 lots located in the Fairfax Center Area in accordance with the "Procedural Guidelines" adopted by the Board of Supervisors on November 22, 1982, as amended, subject to credit for all creditable expenses, as determined by the Fairfax County Department of Transportation and DPWES.

Housing Contribution

8. At the time of site plan approval, Applicant shall contribute a sum equaling 1.0% of the aggregate sales price of the units to Fairfax County Housing and Redevelopment Authority for a contribution to the Housing Trust Fund to meet the County's low and moderate income affordable housing needs.

Park Authority Contribution

9. At the time of site plan approval, Applicant shall contribute \$5,300.00 to the Fairfax County Park Authority for its use in establishing and maintaining parks and recreational facilities in Fairfax County. The contribution amount shall be adjusted by increases to the Construction Cost Index from the *Engineering News Record* from the date of Board of Supervisors' approval of this rezoning application, to the date of site plan approval.

Noise Abatement

10. A. Interior Noise: In order to achieve a maximum interior noise level of approximately 45 dBA Ldn, all units located within 285 feet from the center line of Fairfax County Parkway, and all units located within 150 from the center line of Rugby Road, shall have

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the following acoustical attributes:

- i. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
- ii. Doors and windows shall have a laboratory STC rating of at least 28. If glazing constitutes more than 20% of any facade, it should have the same laboratory STC rating as walls.
- iii. Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

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

Existing Wells and Septic Tanks

11. The Applicant shall close all wells and septic tanks on the property in accordance with guidelines and standards adopted by the Health Department.

Fuel Tanks

12. The Applicant shall remove and properly dispose of any above-ground or buried fuel tanks on the property in accordance with standards of the Virginia Department of Environmental

Madison Homes, Inc.
Rugby Road
RZ 2001 SU 034
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Quality.

Blasting

13. If blasting is required, and before any blasting occurs on the Application Property, the Applicant or its successors will insure that blasting is done per Fairfax County Fire Marshal requirements and all safety recommendations of the Fire Marshal, including, without limitation, the use of blasting mats, shall be implemented. In addition, the Applicant or its successors shall:

A. Retain a professional consultant to perform a pre-blast inspection of each house or residential building, to the extent that any of these structures are located within two hundred fifty (250) feet of the blast site.

B. Require his consultant to request access to house, buildings, or swimming pools that are located within said 250 foot range and, if permitted by the owner, shall determine the pre-blast conditions of these structures. The Applicant's consultants will be required to give adequate notice (not less than 10 days) of the scheduling of the pre-blast survey to all affected homeowners. The Applicant shall provide the residents entitled to pre-blast inspections, of the name, address and phone number of the blasting contractor's insurance carrier.

C. Require his consultant to place seismographic instruments prior to blasting to monitor the shock waves. The Applicant shall provide seismographic monitoring records to County agencies upon their request.

D. Notify residences within 250 feet of the blast site, ten (10) days prior to blasting.

E. Upon receipt of a claim of actual damage resulting from said blasting, the Applicant

Madison Homes, Inc.

Rugby Road

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shall cause his consultant to respond within five (5) days of meeting at the site of the alleged damage to confer with the property owner.

F. The Applicant will require blasting subcontractors to maintain necessary liability insurance to cover the costs of repairing any damages to structures which are directly attributable to the blasting activity and shall take necessary action to resolve any valid claims in an expeditious manner.

Exterior Lighting

14. All exterior lighting of sidewalk or parking areas shall be in the accordance with the following standards:

Combined height of the light standards and fixtures shall not exceed twelve (12) feet; the lights shall be directed downward onto the site and shall have full cut-off fixtures; shields shall be installed, if necessary, to prevent the light from projecting beyond the site; Applicant shall demonstrate that the provisions of Part 9 of Article 14 of the Zoning Ordinance are met for uses in residential areas.

Landscaping

15. As part of the final site plan, Applicant shall include supplemental landscaping as shown on the Generalized Development Plan as approved by the Urban Forestry Division.

Tree Preservation

16. For the purposes of the preservation of trees shown on the GDP, the Applicant shall retain a certified landscape architect to consult on the preparation of a tree preservation plan.

**Madison Homes, Inc.
Rugby Road
RZ 2001 SU 034
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Page 7**

The tree preservation plan shall be submitted as part of the site plan which shall be reviewed and approved by the Urban Forestry Division. This plan shall provide for the preservation of trees or stands of trees shown on the GDP which can be preserved without precluding the development of a typical home on each of the lots as shown on the GDP. The Urban Forestry Division and/or DPWES may require modifications to the tree preservation plan to the extent said modifications do not alter the number of dwelling units as shown on the GDP, reduce the size of the units or require the installation of retaining walls greater than two feet in height.

Subject to the approval of the Urban Forestry Division and/or DPWES, the Applicant shall perform the following measures relating to tree preservation on the property:

- Perform a pre-construction evaluation of the existing vegetation to determine the condition of the trees designated to be saved. The Applicant shall have the limits of clearing flagged prior to construction. Prior to construction the Applicant shall walk the limits of clearing with a certified arborist, an Urban Forestry Division representative and the landscape architect to determine where minor adjustments to the line may be made to ensure the preservation of trees in the tree save area.

- The trees designated to be saved shall be marked on the ground at the drip line with 36" high orange fencing or equivalent demarcation prior to clearing and grading and at all times during construction. Signage affirming restricted access shall be provided on the temporary fence highly visible to construction personnel. The landscape architect contracted by the Applicant shall monitor the construction of the proposed development to ensure consistency with

Madison Homes, Inc.

Rugby Road

RZ 2001 SU 034

Proffers

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Page 8

the landscape/tree preservation plan.

- The Applicant shall conform to the limits of clearing and grading as shown on the GDP subject to the installation of necessary utilities. If it is necessary to locate the utility lines inside the limits of clearing and grading, those lines shall be located and installed in the least disruptive manner possible, considering cost and engineering. A replanting plan shall be developed and implemented for any areas inside the limits of clearing and grading that must be disturbed.

- In addition, where it is determined feasible, adjustments to the proposed grading and location of the proposed units on the application property may be modified at the time of final engineering to enhance specific tree preservation as determined by the Urban Forestry Division.

Storm Water Management

17. On-site storm water management facilities shall be provided in the areas shown on the GDP in accordance with the Public Facilities Manual standards and in conformance with the adopted Chesapeake Bay ordinance if required by DPWES. Landscaping of the storm water management areas, utilizing native vegetation, shall be provided to the fullest extent possible per County guidelines as approved by DPWES.

Disclosure to Purchasers

18. Homeowners Association- A Homeowners Association ("HOA") shall be established to own and maintain the private streets and the rain gardens shown on the GDP. Maintenance of the rain gardens shall be accomplished consistent with the standards set forth in Attachment A. Prospective purchasers shall be advised of the HOA membership requirement and associated

Madison Homes, Inc.
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RZ 2001 SU 034
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obligations and responsibilities prior to entering into a contract for sale, and the HOA documents shall include a provision that clearly sets out such obligations and responsibilities, as well as the specific maintenance requirements for the rain gardens set forth in Exhibit A, or other equivalent document as may be approved by DPWES.

19. Garage Restrictions - The interior garage spaces shall serve as permanent on site parking spaces and shall not be converted into habitable space. A covenant setting forth this restriction shall be recorded among the land records of Fairfax County in a form approved by the County Attorney at the time of recordation of the Deed of Subdivision, which covenant shall run to the benefit of, and be enforceable by, the HOA and the Board of Supervisors. Applicant shall disclose to its purchasers in its sales literature that garage spaces shall not be converted into habitable space. In addition, Applicant shall include this restriction in the Homeowners' Association documents recorded with the site plan for the development.

20. Common Parking Restrictions - The common parking areas shown on the GDP shall be utilized for automobile parking for residents and their bona fide guests only, and shall not be utilized for parking or storage of recreational vehicles, boats, motorcycles, trailers or commercial vehicles. Applicant shall include this restriction in the subdivision documents recorded with the subdivision plat for the development.

21. Exterior Building Facades, Restrictions - The exterior building facades of the units shall be specified in an architectural elevation rendering with a schedule of exterior colors. Applicant shall disclose to its purchasers in its sales literature that the exterior building facades

Madison Homes, Inc.
Rugby Road
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and exterior colors shall not be altered or changed without the express permission of the Homeowner's Association established for the property, and as part of a comprehensive change of exterior color schemes for homes constructed in the development.

22. No temporary signs (including "popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off site during marketing of the homes on the Application. The Applicant shall not post or cause others to post temporary ("popsicle") signs to market the homes on the property.

EXHIBIT A

Specifications for Maintenance of Rain Gardens

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

Madison Homes, Inc.
Rugby Road
RZ 2001 SU 034

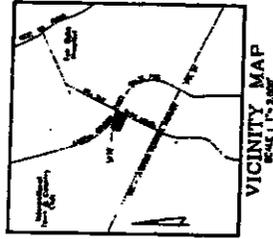
MADISON HOMES, INC.

By: *Russell S. Rosenberger, Jr.*
Title: *Russell S. Rosenberger, Jr., President*

Dolores D. Stofan
Dolores D. Stofan
Record Owner Lot 17

Madison / Rugby Road II

SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA
GENERALIZED DEVELOPMENT PLAN



APPLICANT:

Madison Homes
6723 Whittier Avenue
Suite 104
McLean, Virginia 22101



Madison / Rugby Road II

SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA
GENERALIZED DEVELOPMENT PLAN

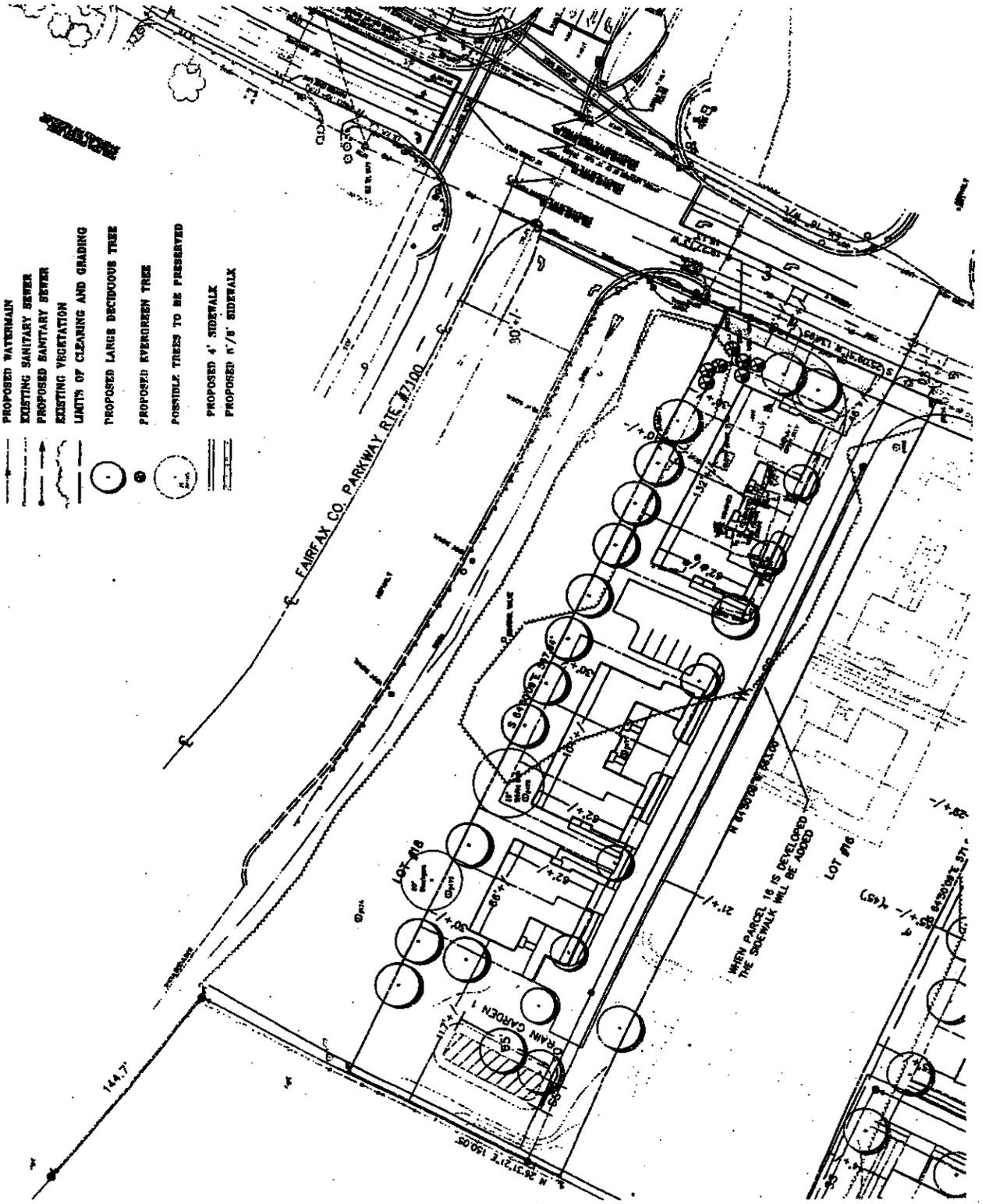
SHEET INDEX:

1. COVER SHEET
2. NOTES AND TABULATIONS
3. COMPOSITE PLAN
4. GENERALIZED DEVELOPMENT PLAN

May 4, 2001
Revised: July 26, 2001
Revised: October 12, 2001
Revised: October 23, 2001



- LEGEND**
- EXISTING WATERMAIN
 - PROPOSED WATERMAIN
 - EXISTING SANITARY SEWER
 - PROPOSED SANITARY SEWER
 - EXISTING VEGETATION
 - LIMITS OF CLEARING AND GRADING
 - PROPOSED LARGE DECIDUOUS TREE
 - PROPOSED EVERGREEN TREE
 - POSSIBLE TREES TO BE PRESERVED
 - PROPOSED 4' SIDEWALK
 - PROPOSED 6'/8' SIDEWALK



COMPREHENSIVE PLAN PROVISIONS (from previous application)

Plan Area: Area III

Planning Sector: Lee-Jackson Community Planning Sector (UP8) of the Upper Potomac Planning District

Fairfax Center Area Land Unit A, Sub-unit A-1

Plan Map: Residential, 1-2 du/ac and Fairfax Center

Plan Text:

On August 6, 2001, the Board of Supervisors adopted Out-of-Turn Plan Amendment S00-III-UP3. The following Plan text is applicable to the subject property:

On Page 120 of 128 of the Area III volume of the 2000 Comprehensive Plan,

"6. The Murray Farms subdivision south of the Fairfax County parkway is planned for residential use at 1-2 dwelling units per acre. As an option, development may be appropriate at 4-5 dwelling units per acre. Redevelopment of this area should strive to create a sense of community and coordinated and attractive residential development on both sides of Rugby Road. This optional density may be considered under the following conditions:

- ...
- West of Rugby Road, an initial land consolidation of a minimum of 12 acres is required. This initial land consolidation may be satisfied by one or more rezoning applications that are coordinated, fully integrated in terms of design, and concurrently pursued with the County. In addition, the following conditions should be met:
 - a) New development should mitigate impacts on any existing residential uses on unconsolidated parcels using techniques such as screening and buffering; and
 - b) Development should occur in a manner that permits future development of unconsolidated parcels to be unified with the initial consolidation. Unconsolidated parcels may be considered for 4-5 dwelling units per acre if they are designed to be fully integrated with existing (or approved) adjacent development.
 - c) Traffic circulation should be coordinated to the greatest extent possible, in an attempt to minimize the number of access points on Rugby Road."

And on Pages 48 and 49 of 122 of the Area III volume of the 2000 Comprehensive Plan, in the Fairfax Center Area, Land Unit A, Sub-unit A1, the Plan states:

"Sub-unit A1

This sub-unit contains the portion of the Murray Farms subdivision located south of the Fairfax County Parkway and is planned for residential use at 5 dwelling units per acre at the overlay level. The same conditions for development that apply for the portion of Murray Farms in UP8 Lee-Jackson Community Planning Sector (Upper Potomac Planning District) should apply to Sub-unit A1."

Guidance for evaluating development proposals is provided in the Area-Wide Recommendations under Land Use, Urban Design, Transportation, and Public Facilities/Infrastructure sections, as well as the following specific sub-unit recommendations."

FAIRFAX COUNTY VIRGINIA

MEMORANDUM

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

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

FILE: 3-4 (RZ 2003-SU-024)

SUBJECT: Transportation Impact

REFERENCE: RZ 2003-SU-024, MHI Rugby Road II
Traffic Zone: 1679
Land Identification Map: 45-2 ((2)) Outlot A, 17 (formerly part of
Lot 16)

DATE: September 29, 2003

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plans made available to this office dated December 9, 2002, and revised through July 14, 2003.

The subject application is a request to rezone 2.81 acres from R-1/R-5 to R-5 in order to build thirteen single-family attached dwelling units for a density of 4.63 dwelling units per acre. Access will be provided via a private streets connecting to Rugby Road and to the private street system in Rugby Road I.

- The applicant should provide an interparcel access to Parcel 45-2 ((1))1A.
- Driveways should be a minimum of 18 feet in length.
- A contribution should be made to the Fairfax Center Area Fund according to Fund guidelines for those units which lie within the Fairfax Center Area.

AKR/LAH/lah

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

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

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

SUBJECT: ENVIRONMENTAL ASSESSMENT for: RZ 2003-SU-024
MHI Rugby Road

DATE: July 25, 2003

This application proposes to rezone approximately 2.81 acres of land - a portion of which is currently zoned R-1 and a portion which is zoned R-5 to the R-5 District. The application proposes thirteen (13) dwelling units with an overall density of 4.63 dwelling units per acre. This memorandum, prepared by Mary Ann Welton, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. Plan citations are followed by a discussion of concerns including a description of potential impacts that may result from the proposed development as depicted on the revised development plan dated April 28, 2003. 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.

COMPREHENSIVE PLAN CITATIONS

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

Fairfax County Comprehensive Plan, Policy Plan, 2002 Edition, Environment as amended through August 5, 2002, pages 5-7:

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

Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment

complies with the County's best management practice (BMP) requirements. . . .

Policy k. For new development and redevelopment, apply low-impact site design 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:

- 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.

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations.”

Fairfax County Comprehensive Plan, Policy Plan, 2002 Edition, Environment as amended through August 5, 2002, pages 9 and 10:

“Transportation generated noise impacts the lives of many who live in the County. Some County residents are subjected to unhealthful levels of noise from highway traffic, aircraft operations and railroads, including WMATA’s Metrorail ... Federal agencies with noise mitigation planning responsibilities have worked with the health community to establish maximum acceptable levels of exposure (Guidelines for Considering Noise in Land Use Planning and Control). These guidelines expressed in terms of sound pressure levels are; DNL 65 dBA for outdoor activity areas, DNL 50 dBA for office environments, and DNL 45 dBA for residences, schools, theaters and other noise sensitive uses. While the federal guidelines consider all land uses to be compatible with noise levels below DNL 65 dBA, they are not proscriptive as they relate to local land use decisions. Further, it is known that adverse noise impacts can occur at levels below DNL 65 dBA and that there may be variability among communities in responses to such noise.

Objective 4: Minimize human exposure to unhealthful levels of transportation generated noise.

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

New development should not expose people in their homes, or other noise sensitive environments, to noise in excess of DNL 45 dBA, or to noise in excess of DNL 65 dBA in the outdoor recreation areas of homes. To achieve these standards new residential development in areas impacted by highway noise between DNL 65 and 75 dBA will require mitigation. New residential development should not occur in areas with projected highway noise exposures exceeding DNL 75 dBA. Because recreation areas cannot be screened from aircraft noise and because adverse noise impacts can occur at levels below DNL 65 dBA, in order to avoid exacerbating noise and land use conflicts and to further the public health, safety and welfare, new residential development should not occur in areas with projected aircraft noise exposures exceeding DNL 60 dBA. Where new residential development does occur near Washington Dulles International Airport, disclosure measures should be provided.”

Fairfax County Comprehensive Plan, Policy Plan, 2002 Edition, Environment as amended through August 5, 2002, page 15:

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

Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.

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

ENVIRONMENTAL ANALYSIS

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

Water Quality Best Management Practices: The 2.81-acre site is adjacent to the Fairfax County Parkway. The topography of the subject property is characterized by gently rolling terrain with elevations of four hundred six (406) feet above sea level on the east and three

hundred eighty-eight (388) feet on the west of the site - the direction of runoff flowing from east to west. The development plan depicts a rain garden facility, as well as an extended detention dry pond on the southwestern end of the site. These facilities are positioned in an appropriate location in order to capture runoff. Furthermore, Note #14 on the development plan reiterates the applicant's intention to meet drainage requirements on-site. However, a narrative which addresses adequate outfall would provide staff with an additional assurance that off-site drainage impacts will be avoided.

Highway Noise: A highway noise analysis was performed for the Fairfax County Parkway (Route 7100). The analysis produced the following noise contour projections from the Parkway relative to the subject property (note DNL dBA is equivalent to dBA L_{dn}):

65 dBA L_{dn}	333 feet from centerline
70 dBA L_{dn}	155 feet from centerline

Almost the entire site falls within the 65-70 dBA L_{dn} impact area. In order to reduce noise in interior areas to 45 dBA L_{dn} or less, any residential structure that will be located within three hundred thirty-three (333) feet of the centerline of the Parkway should be constructed with building materials that are sufficient to provide this level of acoustical mitigation. In order to reduce exterior noise levels in the rear and side yards of lots located at least partially within the projected 65-70-dBA L_{dn} impact area, one or more noise barriers should be provided. The barrier(s) should be of a height sufficient to break all lines of sight between an imaginary plane formed between a line eight feet above the centerline of the highway and a line six feet above the ground in the affected outdoor recreational areas. The barriers should be architecturally solid from ground up with no gaps or openings. A berm, architecturally solid wall, or berm-wall combination can be used as a noise barrier. If desired, the applicant may substitute rear yard privacy fencing for the noise barrier as long as such fencing will meet the above guidelines.

The applicant may pursue other methods of mitigating highway noise if it can be demonstrated through an independent noise study for review and approval by the Department of Public Works and Environmental Services (DPWES), that these methods will be effective in reducing exterior noise levels to 65 dBA L_{dn} or less and interior noise levels to 45 dBA L_{dn} or less.

The applicant should provide an independent noise study for review and approval by the Department of Public Works and Environmental Services (DPWES) and the Department of Planning and Zoning (DPZ) in order to determine an effective means of mitigating the impacts of highway noise so that exterior noise levels do not exceed 65 dBA L_{dn} and interior noise levels do not exceed 45 dBA L_{dn} .

Tree Preservation/Restoration: The applicant is encouraged to look for opportunities to augment the proposed landscaping for this project. The Comprehensive Plan specifically recommends conserving tree cover on developing sites. In the event that tree cover is not of high quality, the Comprehensive Plan recommends restoring vegetation with a mixture of appropriate native tree species. The development plan does not depict any tree preservation nor does it demonstrate an open space amenity for the future residents. However, a landscape plan designed

to vegetate the pond beds, would provide a water quality benefit as well as an aesthetic enhancement for the subject property.

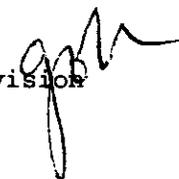
TRAILS PLAN:

The Trails Plan Map does not depict any trails immediately adjacent to the subject property.

PGN: MAW

MEMORANDUM

TO: Staff Coordinator
Zoning Evaluation Division, OCP **DATE:** 7/3/03

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

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. RZ 2003-SU-024

Tax Map No. 045-2- ((02))OUTLOT A, 0017

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

1. The application property is located in the CUB RUN (T2) Watershed. It would be sewerred into the UOSA Treatment Plant.
2. Based upon current and committed flow, excess capacity is available in the Upper Occoquan Sewer Authority Treatment Plant at this time. For purposes of this report, committed flow shall be deemed as for which fees have been previously paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An existing 8 inch line located in EASEMENT and APPROX. 1400 FEET FROM the property is adequate for the proposed use at this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

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

Other pertinent information or comments:

FAIRFAX COUNTY WATER AUTHORITY

8570 EXECUTIVE PARK AVENUE - P.O. BOX 1500

MERRIFIELD, VIRGINIA 22116-0815

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

June 18, 2003

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

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

Re: RZ 03-SU-024
Water Service Analysis

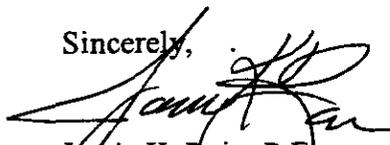
Dear Ms. Byron:

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

1. The property is located within the Fairfax County Water Authority service area.
2. Adequate domestic water service is available at the site from an existing 16-inch water main located at the property. See the enclosed property map. The Generalized Development Plan has been forwarded to Plan Control for distribution to the engineering firm.
3. Depending upon the configuration of the on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

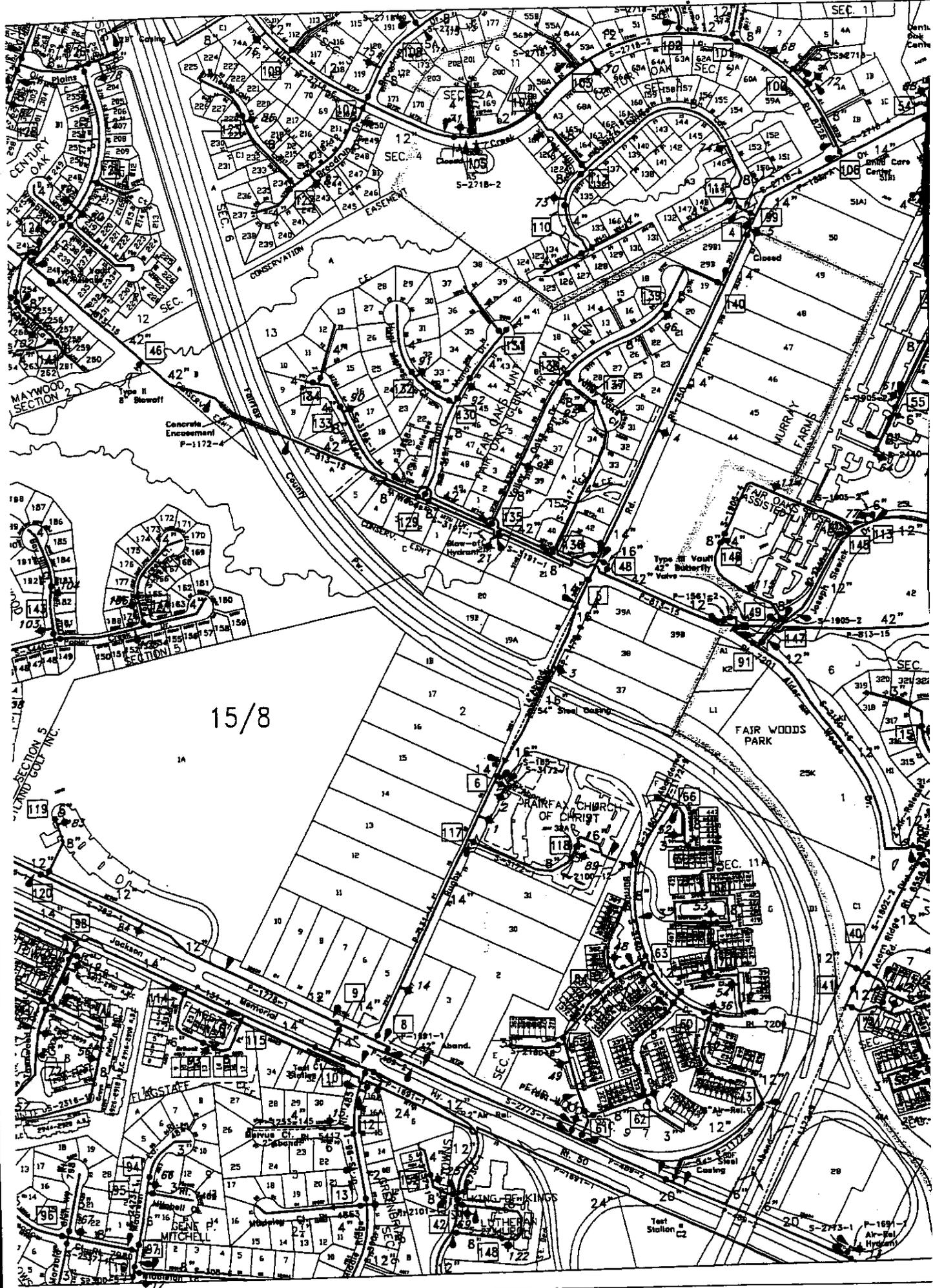
If you have any questions regarding this information please contact me at (703) 289-6302.

Sincerely,



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

Enclosures (as noted)



FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

May 30, 2003

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

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

SUBJECT: Fire and Rescue Department Preliminary Analysis of Rezoning Application RZ
2003-SU-024

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

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #21, Fair Oaks
2. After construction programmed for FY 20___, this property will be serviced by the fire station planned for the _____.
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - a. currently meets fire protection guidelines.
 - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
 - d. does not meet current fire protection guidelines without an additional facility. The application property is ___ of a mile outside the fire protection guidelines. No new facility is currently planned for this area.

Date: 10/8/03

Case # RZ-03-SU-024

Map: 45-2

(Revised)

Acreage: 2.81

PU 3803

Rezoning

From : R-1 & **To:** R-5

R-5

TO: County Zoning Evaluation Branch (DPZ)

FROM: FCPS Facilities Planning (246-3609)

SUBJECT: Schools Impact Analysis, Rezoning Application

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

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

School Name and Number	Grade Level	9/30/02 Capacity	9/30/02 Membership	2003-2004 Membership	Memb/Cap Difference 2003-2004	2007-2008 Membership	Memb/Cap Difference 2007-2008
Navy 3323	K-6	545	829	838	-293	860	-315
Franklin 2331	7-8	1050	1022	1062	-12	1065	-15
Charlity 2250	9-12	2275	2426	2483	-208	2793	-518

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

School Level (by Grade)	Unit Type	Proposed Zoning			Unit Type	Existing Zoning			Student Increase/Decrease	Total Students
		Units	Ratio	Students		Units	Ratio	Students		
K-6	RT	13	X.210	3	RT	0	X.244	2	1	3
7-8	RT	13	X.053	1	RT	9	X.070	0	1	1
9-12	RT	13	X.109	1	RT	0	X.159	1	0	1

Source: FY 2004-2008, Facilities Planning Services Office Enrollment Projections

Note: Five-year projections are those currently available and will be updated yearly. School attendance areas subject to yearly review.

Comments

Based on the approved proffer guidelines the 5 students generated by this rezoning would justify a \$37,500 proffer for schools. (5 students x \$ 7,500 per student)

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

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

DATE: 9/30/2003

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



SUBJECT: Rezoning Application Review

Name of Applicant/Application: MHI Rugby Road, LLC

Application Number: RZ2003-SU-024

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

Date Received in SWPD: 5/22/2003

Date Due Back to DPZ: 6/18/2003

Site Information: Location - 045-2-02-00-0000-A and 0017
 Area of Site - 2.81 acres
 Rezone from - R-1 to R-5
 Watershed - Cub Run

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

I. Drainage:

- MSMD/PDD Drainage Complaints: **There are no downstream complaints on file with PDD, relevant to this proposed development.**
- Master Drainage Plan, proposed projects, (SWPD): **No downstream deficiencies are identified in the Fairfax County Master Drainage Plan.**
- Ongoing County Drainage Projects (SWPD): **None.**
- Other Drainage Information (SWPD): **The SWPD is currently engaged in developing watershed management plans for all areas of the County. As part of this effort, a comprehensive stream physical/habitat assessment was conducted and the data will be available later this year. The results of this assessment may or may not indicate severe stream channel conditions warranting some immediate measures to alleviate existing and/or anticipated future degradation. Please consult with SWPD for additional information as needed.**

II. Trails (PDD):

Yes No Any funded Trail projects affected by this application?

If yes, describe:

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

If yes, describe:

III. School Sidewalk Program (PDD):

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

If yes, describe:

Yes No Any funded sidewalk projects affected by this application?

If yes, describe:

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

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

If yes, describe:

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

If yes, describe:

V. Other Projects or Programs (PDD):

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

If yes, describe:

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

If yes, describe:

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

If yes, describe:

Other Program Information (PDD): **None.**

Application Name/Number: MHI Rugby Road, LLC / Rz2003-SU-024

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

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

DRAINAGE RECOMMENDATIONS (SWPD): Applicant shall: 1) Ensure that the stormwater management, BMP, facility and the Raingarden depicted on the Generalized Development Plan Ammendment (4/28/03) that are to be constructed with Section II, are designed to accommodate this site (Section III) as well as Section II; and 2) Provide a temporary Stormwater Management Detention facility to accommodate the runoff during construction until the facilities constructed with Section II are completed.

STREAM PROTECTION STRATEGY (SPS) RECOMMENDATIONS, (SWPD): This site is in the "Watershed Restoration Level II" management category as determined by the Stream Protection Strategy baseline Report 2001. The primary goal of this category is to maintain areas to prevent further degradation and implement measures to improve water quality to comply with regulations and water quality standards. In this regard, this site should be developed with the use of innovative BMPs and a reduction in imperviousness and if appropriate, sections of on site streams that need stabilizing should be restored or stabilized.

TRAILS RECOMMENDATIONS (PDD): None.

SCHOOL SIDEWALK RECOMMENDATIONS (PDD): None.

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

Yes NOT REQUIRED Extend sanitary sewer lines to the development boundaries on the _____ sides for future sewer service to the existing residential units adjacent to or upstream from this rezoning. Final alignment of the sanitary extension to be approved by Department of Public Works and Environmental Services during the normal plan review and approval process.

Other E&I Recommendations (PDD): None.

OTHER SWPD and PDD PROJECT/PROGRAM RECOMMENDATIONS: None.

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

CEB/Rz2003-SU-024

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



FAIRFAX COUNTY PARK AUTHORITY

MEMORANDUM



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

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

DATE: September 29, 2003

SUBJECT: REVISED REPORT: RZ/FDP 2003-SU-024, Rugby Road II
Tax Map Numbers: 45-2((2)) 17, Outlot A

BACKGROUND

The Fairfax County Park Authority (FCPA) staff has reviewed the proposed Development Plan dated March 21 2003, for the above referenced application. The Development Plan shows 13 new proposed homes, on approximately 2.81 acres. The proposal will add approximately 33 residents to the current population of the Sully District.

COMPREHENSIVE PLAN CITATIONS

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

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

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

Policy b: “Mitigate the cumulative impacts of development that exacerbate or create deficiencies of Community Park facilities in the vicinity. The extent of facilities, land or contributions to be provided shall be in general accordance with the proportional impact on identified facility needs as

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

2. Heritage Resources (The Policy Plan, Heritage Resources, p. 3)

Objective 1: Identify heritage resources representing all time periods and in all areas of the County.

Policy a: “Identify heritage resources well in advance of potential damage or destruction.”

Objective 2: Maintain a County Register of Historic Sites and a County Register of Archaeological Sites to recognize the value of significant heritage resources for preservation.

Policy a: “Evaluate heritage resources for listing on the County Registers of Historic or Archaeological Sites according to established state and national criteria.”

ANALYSIS AND RECOMMENDATIONS

Recreational Impact:

The applicant is proposing to develop a single family attached residential community of 13 townhouses. The proposed Development Plan does not show any recreational facilities to be provided. In order to offset the impact caused by the proposed development, the applicant should provide \$8,745 to the Park Authority for recreational facility development at one or more of our sites located within the service area of this development.

Heritage Resource Impact

The subject property is located near a documented archeological site (site # 44FX474) that includes both prehistoric and Civil War era heritage resources. A portion of the site was disturbed during construction of the Fairfax County Parkway. However, FCPA recommends that the applicant conduct a Phase I Archeological Survey on the northwest third of the property where there may be archaeological resources still intact. The Phase I should include interviews with the Northern Virginia Relic Hunters Association to determine their awareness of any sites on the property, as well as a metal detector sweep conducted by a qualified archaeologist. Shovel testing should be conducted using no greater than a 30-foot interval.

cc: Kirk Holley, Manager, Planning and Land Management Branch
Michael Rierson, Manger, Resource Protection Group, FCPA
Chron Binder
File Copy

RESIDENTIAL DEVELOPMENT CRITERIA

Fairfax County expects new residential development to enhance the community by: fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on other public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing and, being responsive to the unique site specific considerations of the property. To that end, the following criteria are to be used in evaluating zoning requests for new residential development. The resolution of issues identified during the evaluation of a specific development proposal is critical if the proposal is to receive favorable consideration.

Where the Plan recommends a possible increase in density above the existing zoning of the property, achievement of the requested density will be based, in substantial part, on whether development related issues are satisfactorily addressed as determined by application of these development criteria. Most, if not all, of the criteria will be applicable in every application; however, due to the differing nature of specific development proposals and their impacts, the development criteria need not be equally weighted. If there are extraordinary circumstances, a single criterion or several criteria may be overriding in evaluating the merits of a particular proposal. Use of these criteria as an evaluation tool is not intended to be limiting in regard to review of the application with respect to other guidance found in the Plan or other aspects that the applicant incorporates into the development proposal. Applicants are encouraged to submit the best possible development proposals. In applying the Residential Development Criteria to specific projects and in determining whether a criterion has been satisfied, factors such as the following may be considered:

- the size of the project
- site specific issues that affect the applicant's ability to address in a meaningful way relevant development issues
- whether the proposal is advancing the guidance found in the area plans or other planning and policy goals (e.g. revitalization).

When there has been an identified need or problem, credit toward satisfying the criteria will be awarded based upon whether proposed commitments by the applicant will significantly advance problem resolution. In all cases, the responsibility for demonstrating satisfaction of the criteria rests with the applicant.

1. Site Design:

All rezoning applications for residential development should be characterized by high quality site design. Rezoning proposals for residential development, regardless of the proposed density, will be evaluated based upon the following principles, although not all of the principles may be applicable for all developments.

- a) *Consolidation:* Developments should provide parcel consolidation in conformance with any site specific text and applicable policy recommendations of the Comprehensive Plan. Should the Plan text not specifically address consolidation, the nature and extent of any proposed parcel consolidation should further the integration of the development with adjacent parcels. In any event, the proposed consolidation should not preclude nearby properties from developing as recommended by the Plan.
- b) *Layout:* The layout should:
 - provide logical, functional and appropriate relationships among the various parts (e. g. dwelling units, yards, streets, open space, stormwater management facilities, existing vegetation, noise mitigation measures, sidewalks and fences);
 - provide dwelling units that are oriented appropriately to adjacent streets and homes;

- include usable yard areas within the individual lots that accommodate the future construction of decks, sunrooms, porches, and/or accessory structures in the layout of the lots, and that provide space for landscaping to thrive and for maintenance activities;
 - provide logical and appropriate relationships among the proposed lots including the relationships of yards, the orientation of the dwelling units, and the use of pipestem lots;
 - provide convenient access to transit facilities;
 - Identify all existing utilities and make every effort to identify all proposed utilities and stormwater management outfall areas; encourage utility collocation where feasible.
- c) *Open Space:* Developments should provide usable, accessible, and well-integrated open space. This principle is applicable to all projects where open space is required by the Zoning Ordinance and should be considered, where appropriate, in other circumstances.
- d) *Landscaping:* Developments should provide appropriate landscaping: for example, in parking lots, in open space areas, along streets, in and around stormwater management facilities, and on individual lots.
- e) *Amenities:* Developments should provide amenities such as benches, gazebos, recreational amenities, play areas for children, walls and fences, special paving treatments, street furniture, and lighting.

2. Neighborhood Context

All rezoning applications for residential development, regardless of the proposed density, should be designed to fit into the community within which the development is to be located. Developments should fit into the fabric of their adjacent neighborhoods, as evidenced by an evaluation of:

- transitions to abutting and adjacent uses;
- lot sizes, particularly along the periphery;
- bulk/mass of the proposed dwelling units;
- setbacks (front, side and rear);
- orientation of the proposed dwelling units to adjacent streets and homes;
- architectural elevations and materials;
- pedestrian, bicycle and vehicular connections to off-site trails, roadways, transit facilities and land uses;
- existing topography and vegetative cover and proposed changes to them as a result of clearing and grading.

It is not expected that developments will be identical to their neighbors, but that the development fit into the fabric of the community. In evaluating this criterion, the individual circumstances of the property will be considered: such as, the nature of existing and planned development surrounding and/or adjacent to the property; whether the property provides a transition between different uses or densities; whether access to an infill development is through an existing neighborhood; or, whether the property is within an area that is planned for redevelopment.

3. Environment:

All rezoning applications for residential development should respect the environment. Rezoning proposals for residential development, regardless of the proposed density, should be consistent with the policies and objectives of the environmental element of the Policy Plan, and will also be evaluated on the following principles, where applicable.

- a) *Preservation:* Developments should conserve natural environmental resources by protecting, enhancing, and/or restoring the habitat value and pollution reduction potential of floodplains, stream valleys, EQCs, RPAs, woodlands, wetlands and other environmentally sensitive areas.
- b) *Slopes and Soils:* The design of developments should take existing topographic conditions and soil characteristics into consideration.
- c) *Water Quality:* Developments should minimize off-site impacts on water quality by commitments to state of the art best management practices for stormwater management and low-impact site design techniques.
- d) *Drainage:* The volume and velocity of stormwater runoff from new development should be managed in order to avoid impacts on downstream properties. Where drainage is a particular concern, the applicant should demonstrate that off-site drainage impacts will be mitigated and that stormwater management facilities are designed and sized appropriately. Adequate drainage outfall should be verified, and the location of drainage outfall (onsite or offsite) should be shown on development plans.
- e) *Noise:* Developments should protect future and current residents and others from the adverse impacts of transportation generated noise.
- f) *Lighting:* Developments should commit to exterior lighting fixtures that minimize neighborhood glare and impacts to the night sky.
- g) *Energy:* Developments should use site design techniques such as solar orientation and landscaping to achieve energy savings, and should be designed to encourage and facilitate walking and bicycling.

4. Tree Preservation and Tree Cover Requirements:

All rezoning applications for residential development, regardless of the proposed density, should be designed to take advantage of the existing quality tree cover. If quality tree cover exists on site as determined by the County, it is highly desirable that developments meet most or all of their tree cover requirement by preserving and, where feasible and appropriate, transplanting existing trees. Tree cover in excess of ordinance requirements is highly desirable. Proposed utilities, including stormwater management and outfall facilities and sanitary sewer lines, should be located to avoid conflicts with tree preservation and planting areas.

5. Transportation:

All rezoning applications for residential development should implement measures to address planned transportation improvements. Applicants should offset their impacts to the transportation network. Accepted techniques should be utilized for analysis of the development's impact on the network. Residential development considered under these criteria will range widely in density and, therefore, will result in differing impacts to the transportation network. Some criteria will have universal applicability while others will apply only under specific circumstances. Regardless of the proposed density, applications will be evaluated based upon the following principles, although not all of the principles may be applicable.

- a) *Transportation Improvements*: Residential development should provide safe and adequate access to the road network, maintain the ability of local streets to safely accommodate traffic, and offset the impact of additional traffic through commitments to the following:
- Capacity enhancements to nearby arterial and collector streets;
 - Street design features that improve safety and mobility for non-motorized forms of transportation;
 - Signals and other traffic control measures;
 - Development phasing to coincide with identified transportation improvements;
 - Right-of-way dedication;
 - Construction of other improvements beyond ordinance requirements;
 - Monetary contributions for improvements in the vicinity of the development.
- b) *Transit/Transportation Management*: Mass transit usage and other transportation measures to reduce vehicular trips should be encouraged by:
- Provision of bus shelters;
 - Implementation and/or participation in a shuttle bus service;
 - Participation in programs designed to reduce vehicular trips;
 - Incorporation of transit facilities within the development and integration of transit with adjacent areas;
 - Provision of trails and facilities that increase safety and mobility for non-motorized travel.
- c) *Interconnection of the Street Network*: Vehicular connections between neighborhoods should be provided, as follows:
- Local streets within the development should be connected with adjacent local streets to improve neighborhood circulation;
 - When appropriate, existing stub streets should be connected to adjoining parcels. If street connections are dedicated but not constructed with development, they should be identified with signage that indicates the street is to be extended;
 - Streets should be designed and constructed to accommodate safe and convenient usage by buses and non-motorized forms of transportation;
 - Traffic calming measures should be implemented where needed to discourage cut-through traffic, increase safety and reduce vehicular speed;
 - The number and length of long, single-ended roadways should be minimized;
 - Sufficient access for public safety vehicles should be ensured.
- d) *Streets*: Public streets are preferred. If private streets are proposed in single family detached developments, the applicant shall demonstrate the benefits for such streets. Applicants should make appropriate design and construction commitments for all private streets so as to minimize maintenance costs which may accrue to future property owners. Furthermore, convenience and safety issues such as parking on private streets should be considered during the review process.
- e) *Non-motorized Facilities*: Non-motorized facilities, such as those listed below, should be provided:
- Connections to transit facilities;
 - Connections between adjoining neighborhoods;
 - Connections to existing non-motorized facilities;
 - Connections to off-site retail/commercial uses, public/community facilities, and natural and recreational areas;
 - An internal non-motorized facility network with pedestrian and natural amenities, particularly those included in the Comprehensive Plan;

- Offsite non-motorized facilities, particularly those included in the Comprehensive Plan;
 - Driveways to residences should be of adequate length to accommodate passenger vehicles without blocking walkways;
 - Construction of non-motorized facilities on both sides of the street is preferred. If construction on a single side of the street is proposed, the applicant shall demonstrate the public benefit of a limited facility.
- f) *Alternative Street Designs*: Under specific design conditions for individual sites or where existing features such as trees, topography, etc. are important elements, modifications to the public street standards may be considered.

6. Public Facilities:

Residential development impacts public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned community facilities). These impacts will be identified and evaluated during the development review process. For schools, a methodology approved by the Board of Supervisors, after input and recommendation by the School Board, will be used as a guideline for determining the impact of additional students generated by the new development.

Given the variety of public facility needs throughout the County, on a case-by-case basis, public facility needs will be evaluated so that local concerns may be addressed.

All rezoning applications for residential development are expected to offset their public facility impact and to first address public facility needs in the vicinity of the proposed development. Impact offset may be accomplished through the dedication of land suitable for the construction of an identified public facility need, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. Selection of the appropriate offset mechanism should maximize the public benefit of the contribution.

Furthermore, phasing of development may be required to ensure mitigation of impacts.

7. Affordable Housing:

Ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County. Part 8 of Article 2 of the Zoning Ordinance requires the provision of Affordable Dwelling Units (ADUs) in certain circumstances. Criterion #7 is applicable to all rezoning applications and/or portions thereof that are not required to provide any Affordable Dwelling Units, regardless of the planned density range for the site.

- a) *Dedication of Units or Land*: If the applicant elects to fulfill this criterion by providing affordable units that are not otherwise required by the ADU Ordinance: a maximum density of 20% above the upper limit of the Plan range could be achieved if 12.5% of the total number of single family detached and attached units are provided pursuant to the Affordable Dwelling Unit Program; and, a maximum density of 10% or 20% above the upper limit of the Plan range could be achieved if 6.25% or 12.5%, respectively of the total number of multifamily units are provided to the Affordable Dwelling Unit Program. As an alternative, land, adequate and ready to be developed for an equal number of units may be provided to the Fairfax County Redevelopment and Housing Authority or to such other entity as may be approved by the Board.

- b) *Housing Trust Fund Contributions:* Satisfaction of this criterion may also be achieved by a contribution to the Housing Trust Fund or, as may be approved by the Board, a monetary and/or in-kind contribution to another entity whose mission is to provide affordable housing in Fairfax County, equal to 0.5% of the value of all of the units approved on the property except those that result in the provision of ADUs. This contribution shall be payable prior to the issuance of the first building permit. For for-sale projects, the percentage set forth above is based upon the aggregate sales price of all of the units subject to the contribution, as if all of those units were sold at the time of the issuance of the first building permit, and is estimated through comparable sales of similar type units. For rental projects, the amount of the contribution is based upon the total development cost of the portion of the project subject to the contribution for all elements necessary to bring the project to market, including land, financing, soft costs and construction. The sales price or development cost will be determined by the Department of Housing and Community Development, in consultation with the Applicant and the Department of Public Works and Environmental Services. If this criterion is fulfilled by a contribution as set forth in this paragraph, the density bonus permitted in a) above does not apply.

8. Heritage Resources:

Heritage resources are those sites or structures, including their landscape settings, that exemplify the cultural, architectural, economic, social, political, or historic heritage of the County or its communities. Such sites or structures have been 1) listed on, or determined eligible for listing on, the National Register of Historic Places or the Virginia Landmarks Register; 2) determined to be a contributing structure within a district so listed or eligible for listing; 3) located within and considered as a contributing structure within a Fairfax County Historic Overlay District; or 4) listed on, or having a reasonable potential as determined by the County, for meeting the criteria for listing on, the Fairfax County Inventories of Historic or Archaeological Sites.

In reviewing rezoning applications for properties on which known or potential heritage resources are located, some or all of the following shall apply:

- a) Protect heritage resources from deterioration or destruction until they can be documented, evaluated, and/or preserved;
- b) Conduct archaeological, architectural, and/or historical research to determine the presence, extent, and significance of heritage resources;
- c) Submit proposals for archaeological work to the County for review and approval and, unless otherwise agreed, conduct such work in accordance with state standards;
- d) Preserve and rehabilitate heritage resources for continued or adaptive use where feasible;
- e) Submit proposals to change the exterior appearance of, relocate, or demolish historic structures to the Fairfax County Architectural Review Board for review and approval;
- f) Document heritage resources to be demolished or relocated;
- g) Design new structures and site improvements, including clearing and grading, to enhance rather than harm heritage resources;
- h) Establish easements that will assure continued preservation of heritage resources with an appropriate entity such as the County's Open Space and Historic Preservation Easement Program; and

- i) Provide a Fairfax County Historical Marker or Virginia Historical Highway Marker on or near the site of a heritage resource, if recommended and approved by the Fairfax County History Commission.

ROLE OF DENSITY RANGES IN AREA PLANS

Density ranges for property planned for residential development, expressed generally in terms of dwelling units per acre, are recommended in the Area Plans and are shown on the Comprehensive Plan Map. Where the Plan text and map differ, the text governs. In defining the density range:

- the “base level” of the range is defined as the lowest density recommended in the Plan range, i.e., 5 dwelling units per acre in the 5-8 dwelling unit per acre range;
- the “high end” of the range is defined as the base level plus 60% of the density range in a particular Plan category, which in the residential density range of 5-8 dwelling units per acre would be considered as 6.8 dwelling units per acre and above; and,
- the upper limit is defined as the maximum density called for in any Plan range, which, in the 5-8 dwelling unit per acre range would be 8 dwelling units per acre.
- In instances where a range is not specified in the Plan, for example where the Plan calls for residential density up to 30 dwelling units per acre, the density cited in the Plan shall be construed to equate to the upper limit of the Plan range, and the base level shall be the upper limit of the next lower Plan range, in this instance, 20 dwelling units per acre.

GLOSSARY

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

- ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of-way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.
- ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.
- AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.
- AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.
- BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.
- BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.
- BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.
- CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.
- CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted in the zoning district if the site were developed as a conventional subdivision. See Sect. 9-615 of the Zoning Ordinance.
- COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.
- dBA:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.
- DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.
- DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.
- DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Abbreviations Commonly Used in Staff Reports

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