



**APPLICATION ACCEPTED:** March 14, 2013  
**PLANNING COMMISSION:** November 6, 2013  
**BOARD OF SUPERVISORS:** November 19, 2013

# County of Fairfax, Virginia

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**October 23, 2013**

**STAFF REPORT**

**RZ/FDP 2013-PR-007**

**PROVIDENCE DISTRICT**

# CRA

**APPLICANT:** EYA Development, LLC

**PRESENT ZONING:** I-5

**REQUESTED ZONING:** PDH-30

**PARCEL(S):** 49-3 ((1)) – 87, 88, 89B

**ACREAGE:** 1.07 ac.

**OPEN SPACE:** 36%

**PLAN RECOMMENDATION:** Mixed-Use Town Center

**PROPOSAL:** The applicant seeks to rezone 1.07 acres from I-5 to PDH-30 to permit the development of 25 single-family attached dwelling units at an overall density of 22.1 du/ac.

## **STAFF RECOMMENDATIONS:**

Staff recommends approval of RZ 2013-PR-007, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDP 2013-PR-007, subject to proposed development conditions contained in Appendix 2.

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Michael H. Lynskey

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



Staff recommends that the following waivers and modifications be approved:

- Waiver of Sect. 6-107, Part 1, requiring a minimum district size of 2 acres for a PDH District.
- Modification of Sect. 2-505 to permit structures to encroach within the corner lot limitations, as depicted on the CDP/FDP.
- Modification of Sect. 6-107, Part. 2, requiring 200 square foot privacy yards for single-family attached dwellings, in favor of roof-top terraces.
- Modification of Sect. 6-110, to allow 36% open space, as shown on the plan, in lieu of the 45% requirement for a PDH-30 District.
- Modification of Sect. 10-104 to allow an 8-foot maximum fence height in side and rear yards, as indicated on CDP/FDP.
- Modification of Comprehensive Plan streetscape sections and bulk requirements for Merrifield Suburban Center, in favor of the typical sections shown on plan.
- Modification of Sect. 17-201 to accept the proposed improvements, as shown on the CDP/FDP, as satisfying all immediate streetscape, trail, or interparcel connection requirements at site plan stage.
- Waiver request #561-WPFM-005-1, to allow underground Storm Water Management (SWM) facilities in a residential development, per Sect. 6-0303.8 of the Public Facilities Manual (PFM), as conditioned in Attachment A of the proposed development conditions (Appendix 2).

Direct the Director of DPWES to:

- Modify the Tree Preservation Target, per Sect. 12-0508 of PFM, in favor of proposed vegetation shown on the CDP/FDP.
- Modify Sect. 12-0510.4E(5) of PFM, to allow a reduction of 8' planting width to 5.5' with 2.5' cantilevered sidewalk, as shown in select areas of FDP.
- Modify Sect. 7-0502 of PFM to permit 20-foot alleys, as indicated on CDP/FDP, in areas with no parking.

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

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

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application. For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.





# MERRIFIELD TOWN CENTER PARCEL K

## REZONING/CONCEPTUAL DEVELOPMENT PLAN/FINAL DEVELOPMENT PLAN

RZ/CDP/FDP 2013-PR-007

PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

FEBRUARY 21 2013  
REV. MAY 16 2013  
REV. JULY 17 2013  
REV. AUGUST 16 2013

### SHEET INDEX

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- C-10 ROUGH GRADING EXHIBIT

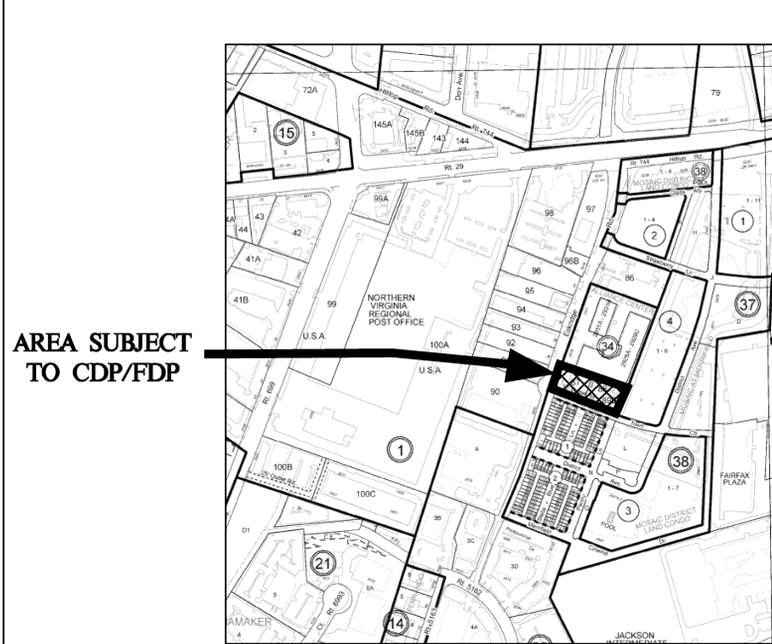
#### ARCHITECTURAL

- A-1 BUILDING ELEVATIONS
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#### LANDSCAPE

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- L-3 LANDSCAPE NOTES AND DETAILS
- L-4 SITE FURNISHING AND STREETScape DETAILS

17 TOTAL SHEETS INCLUDING ALPHA-NUMERIC SHEETS

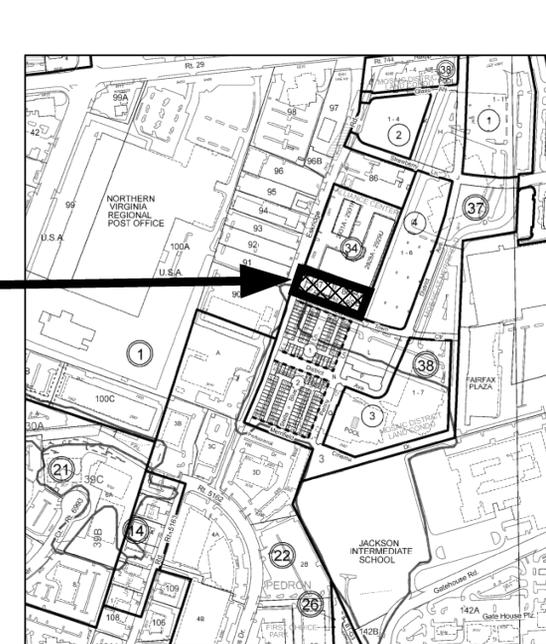


AREA SUBJECT  
TO CDP/FDP

### VICINITY MAP

SCALE: 1"=500'

TM NO. 49-3 ((01)) PARCELS 87, 88 & 89B



AREA SUBJECT  
TO CDP/FDP

### SOIL MAP

SCALE: 1"=500'  
SOIL TYPE CLASSIFICATIONS:  
95 - URBAN LAND

#### ENGINEER/LANDSCAPE ARCHITECT

VIKA VIRGINIA, LLC.  
8180 GREENSBORO DRIVE  
SUITE 200  
TYSONS, VIRGINIA 22102  
CONTACT: MR. P. CHRISTOPHER CHAMPAGNE, P.E.  
(703) 442-7800

#### ARCHITECT

LESSARD DESIGN  
8521 LEESBURG PIKE  
SUITE 700  
VIENNA, VIRGINIA 22182  
CONTACT: MR. JACK MCLAURIN  
(571) 830-1850

#### TRANSPORTATION

WELLS & ASSOCIATES, INC.  
11441 ROBERTSON DRIVE, SUITE 201  
MANASSAS, VIRGINIA 20109  
CONTACT: ROBIN ANTONUCCI  
(703) 365-9262

#### APPLICANT

EYA  
4800 HAMPDEN LANE  
SUITE 300  
BETHESDA, MARYLAND 20814  
CONTACT: MR. JACK LESTER  
(301) 634-8600

#### ATTORNEY

MCGUIREWOODS  
1750 TYSONS BOULEVARD  
SUITE 1800  
TYSONS, VA 22102  
CONTACT: MR. DAVID GILL  
(703) 712-5000

#### OWNER

ESKRIDGE REALTY (E&A) LLC.  
1221 MAIN ST.  
SUITE 1000 C/O EDENS LP  
ATTN: PROP. MGMT.  
COLUMBIA, SC 29201  
CONTACT: GEOFF SHARPE  
(301) 347-3281

**NOTES**

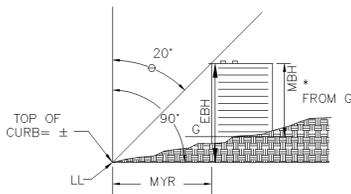
- THE PROPERTY THAT IS THE SUBJECT OF THIS CDP/FDP CONSISTS OF THE PARCELS IDENTIFIED ON THE FAIRFAX COUNTY TAX ASSESSMENT MAP AS 49-3 ((1)) PARCELS 87, 88 & 89B. THE PROPERTY IS CURRENTLY ZONED I-5 AND USED AS A METAL RECYCLING CENTER. THE PURPOSE OF THIS APPLICATION IS TO DEVELOP PARCELS 87, 88 & 89B WITH SINGLE FAMILY ATTACHED UNITS UNDER THE PDH-30 DISTRICT. REFER TO THE COVER SHEET FOR OWNER AND APPLICANT INFORMATION.
- THE HORIZONTAL DATUM IS VIRGINIA STATE GRID NORTH.
- THE TOPOGRAPHY SHOWN HEREON WAS FIELD VERIFIED BY VIKI, INC. AND THE CONTOUR INTERVAL IS TWO (2) FEET.
- THE BOUNDARY INFORMATION WAS PREPARED BY VIKI, INC.
- THE PROPERTY IS LOCATED WITHIN THE MERRIFIELD SUBURBAN CENTER PLANNING DISTRICT OF THE FAIRFAX COUNTY COMPREHENSIVE PLAN AND IS WITHIN THE MERRIFIELD COMMERCIAL REVITALIZATION AREA.
- PUBLIC WATER AND SANITARY SEWER ARE AVAILABLE AND WILL BE EXTENDED TO SERVE THE DEVELOPMENT.
- STORM WATER MANAGEMENT AND BMP FACILITIES FOR THE PROPOSED DEVELOPMENT WILL BE PROVIDED ON SITE. THE STORM WATER MANAGEMENT SYSTEMS WILL BE CONSTRUCTED AS BELOW GROUND STRUCTURES, OPEN JOINTED (PERVIOUS) PAVERS AND AMENDED SOIL SOIL AREAS. AN ADEQUATE STORM DRAINAGE SYSTEM WILL BE PROVIDED IN ACCORDANCE WITH THE PUBLIC FACILITIES MANUAL STANDARDS AND DESIGN CRITERIA OF FAIRFAX COUNTY. A WAIVER OF UNDERGROUND DETENTION IN A RESIDENTIAL AREA WILL BE REVIEWED UNDER A SEPARATE APPLICATION PROPOSED CONCURRENTLY WITH THIS APPLICATION.
- TO THE BEST OF OUR KNOWLEDGE, NO GRAVE SITES OR STRUCTURES MARKING A BURIAL SITE ARE PRESENT ON THE SUBJECT PROPERTY.
- TO THE BEST OF OUR KNOWLEDGE, NO HAZARDOUS OR TOXIC SUBSTANCES ARE KNOWN TO EXIST ON THE SUBJECT PROPERTY, OTHER THAN THOSE SPECIFIED IN THE PHASE II ENVIRONMENTAL STUDY PERFORMED BY GEOCONCEPTS ENGINEERING ON APRIL 21, 2011. ADDITIONALLY, TO THE BEST OF OUR KNOWLEDGE, THE USES PRESENTED HEREON WILL NOT GENERATE, UTILIZE, STORE, TREAT AND/OR DISPOSE OF ANY HAZARDOUS OR TOXIC SUBSTANCES AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS PARTS 116.4, 302.4 AND 355; ANY HAZARDOUS WASTE AS SET FORTH IN THE COMMONWEALTH OF VIRGINIA / DEPARTMENT OF WASTE MANAGEMENT VR 672.10 - VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS; AND/OR ANY PETROLEUM PRODUCTS AS DEFINED IN TITLE 40, CODE OF FEDERAL REGULATIONS, PART 280.
- THERE ARE SEVERAL SMALL EXISTING STRUCTURES ON THE PARCELS THAT ARE USED AS PART OF A METAL RECYCLING CENTER. THE DATE OF CONSTRUCTION IS UNKNOWN. ALL EXISTING STRUCTURES WILL BE DEMOLISHED PRIOR TO CONSTRUCTION.
- THE ENTIRE SUBJECT PROPERTY IS LOCATED WITHIN AN RMA ZONE. NO FLOOD PLAIN, R.P.A. OR ENVIRONMENTAL QUALITY CORRIDOR CURRENTLY EXIST ON THE PROPERTY. SEE NOTE 2 SHEET 3 FOR FEMA INFORMATION.
- DEVELOPMENT WILL COMMENCE UPON COMPLETION OF ALL REQUIRED FAIRFAX COUNTY PLAN PROCESSING AND APPROVALS, SUBJECT TO MARKET CONDITIONS.
- THE PROPOSED DEVELOPMENT CONFORMS TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS, WITH THE EXCEPTION OF THE SPECIFICALLY NOTED MODIFICATIONS AND WAIVERS OF THIS SHEET.
- LANDSCAPED OPEN SPACE AREAS SHOWN HEREON MAY BE MODIFIED AT THE TIME OF FINAL SITE PLAN.
- THE BUILDING FOOTPRINTS, STORM WATER MANAGEMENT/BMP STRUCTURES GARAGES, PLAZAS, PARKS AND ROADS REPRESENTED HEREON ARE APPROXIMATE AND ARE SUBJECT TO MODIFICATION WITH THE FINAL SITE PLAN. THESE FEATURES MAY BE ALTERED, MOVED AND INCREASED OR DECREASED IN SIZE OR QUANTITY AT THE TIME OF FINAL SITE PLAN WITHOUT THE NEED TO AMEND THE CDP/FDP IN ACCORDANCE WITH SECTION 16-403 OF THE ZONING ORDINANCE.
- ADDITIONAL SITE FEATURES AND ACCESSORY USES SUCH AS PLAZAS, GAZEBOS, FENCING CORNICES, TRELLISES, LIGHTS AND/OR WALLS NOT REPRESENTED HEREON MAY BE PROVIDED.
- THE PROPOSED DEVELOPMENT ON THE SUBJECT PROPERTY WILL NOT POSE ANY ADVERSE EFFECT ON ADJACENT OR NEIGHBORING PROPERTIES.
- A PARKING REDUCTION UNDER THE FAIRFAX COUNTY ZONING ORDINANCE IS REQUIRED AND WILL BE PROVIDED CONCURRENTLY WITH THIS APPLICATION UNDER SECTION 11 OF THE ZONING ORDINANCE.
- SIGNAGE WILL BE PROVIDED IN ACCORDANCE WITH THE ZONING ORDINANCE SECTION 12 OR A COMPREHENSIVE SIGN PLAN.
- THERE ARE NO SCENIC ASSETS OR NATURAL FEATURES ON THIS SITE WORTHY OF DELINEATION.
- THERE ARE NO EXISTING MAJOR UTILITY EASEMENTS HAVING A WIDTH OF TWENTY FIVE (25) FEET OR MORE. THERE ARE NO MAJOR UNDERGROUND UTILITY EASEMENTS LOCATED ON THIS SITE.
- MINOR MODIFICATIONS MAY BE MADE WITH THE FINAL SITE PLANS FOR THE SUBJECT PROPERTY PER SECTION 16-403 OF THE ZONING ORDINANCE.
- THE SUBJECT PROPERTY MAY BE SUBDIVIDED IN THE FUTURE FOR THE PURPOSE OF SALE, JOINT VENTURE, OR PHASING. ANY PROPOSED SUBDIVISION MAY BE MODIFIED ADMINISTRATIVELY BY THE DIRECTOR OF DPW E&S WITHOUT REQUIRING MODIFICATION OF THE CDP/FDP.
- ACCESSORY AND SECONDARY USES AS IDENTIFIED UNDER ARTICLE 2, 10 AND 6 OF THE ZONING ORDINANCE MAY BE PROVIDED WITHOUT REQUIRING MODIFICATION OF THE CDP/FDP. THESE ACCESSORY AND SECONDARY USES SHALL BE IN ACCORDANCE WITH SECTION 16-403.
- ALL PRIVATE STREETS SHALL BE DESIGNED TO MEET PFM CRITERIA. THE DESIGN SPEED SHALL BE DETERMINED AT TIME OF FINAL SITE PLAN.
- THE LIMITS OF CLEARING AND GRADING SHOWN ON THE CDP/FDP ARE PRELIMINARY AND ARE SUBJECT TO MODIFICATION WITH FINAL ENGINEERING. THE DEVELOPMENT OF THE SITE WILL BE IN GENERAL CONFORMANCE WITH THESE LIMITS. FINAL LIMITS OF CLEARING AND GRADING WILL TAKE INTO CONSIDERATION FINAL SITE ENGINEERING AND SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE COUNTY URBAN FORESTER AT THE TIME OF FINAL SITE REVIEW.
- LANDSCAPING AND TREE COVER REQUIREMENTS WILL BE PROVIDED IN ACCORDANCE WITH REQUIREMENTS OF ARTICLE 13 OF THE ZONING ORDINANCE, UNLESS MODIFIED OR WAIVED. LANDSCAPING MAY BE MODIFIED WITH FINAL ENGINEERING AND DESIGN, BUT THE QUANTITIES, LEVEL OF QUALITY AND GENERAL CHARACTER WILL REMAIN CONSISTENT WITH THAT SHOWN HEREON AND AS SET FORTH IN THE PROFFERED CONDITIONS. A DETAILED LANDSCAPE PLAN WILL BE SUBMITTED IN CONJUNCTION WITH THE SITE PLAN(S).
- APPLICANT RESERVES THE RIGHT TO LOCATE A TEMPORARY SALES TRAILER(S) ON THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD IN ACCORDANCE WITH SECTION 8-808 OF FAIRFAX COUNTY ORDINANCE.
- IT IS UNDERSTOOD THAT THE DIMENSIONS OF ALL INTERNAL PRIVATE ROADS MAY CHANGE PROVIDED THEY CONFORM TO STANDARDS SPECIFIED IN THE PUBLIC FACILITIES MANUAL (PFM), AS MAY BE MODIFIED AND AS APPROVED BY DPWES. ALL PRIVATE ROADS WILL COMPLY WITH THE FIRE MARSHAL REQUIREMENTS.
- ALL OFFSITE EASEMENTS THAT MAY BE REQUIRED WILL BE OBTAINED DURING THE SITE PLAN PROCESS.
- WE RESERVE THE RIGHT TO RESERVE DENSITY CREDIT FOR ANY PROPOSED DEDICATION AS PERMITTED BY THE FAIRFAX COUNTY ZONING ORDINANCE.
- UPON REZONING THE APPLICANT SHALL DILIGENTLY PURSUE SITE PLAN APPROVAL AND CONSTRUCTION.
- EXISTING WELLS ONSITE WILL BE DEMOLISHED IN ACCORDANCE WITH HEALTH DEPARTMENT STANDARDS.

**DEVELOPMENT TABULATIONS OVERALL**

**SITE AND BUILDING TABULATIONS - PARCEL 1D**

<b>SITE AREA</b>	46,720 SF or 1.07254 acres		
<b>AREA PREVIOUSLY DEDICATED FOR PUBLIC STREET PURPOSES</b>	2,544 SF or 0.05840 acres		
<b>TOTAL AREA FOR DENSITY PURPOSES</b>	49,264 SF or 1.13094 acres (D.B. 19665 PAGE 2025)		
<b>ZONING</b>	Current - I-5	Proposed - PDH-30	
<b>MAXIMUM DENSITY PERMITTED</b>	<u>Residential 30 UNITS/ACRE X 1.13094 AC. = 33.93 UNITS</u>		
<b>TOTAL</b>	33 UNITS		
<b>NUMBER OF DWELLING UNITS PROVIDED</b>	<u>Single Family Attached 25 / 1.13094 AC = 22.105 UNITS/ACRE</u>		
<b>TOTAL</b>	25 UNITS PROPOSED (Single Family Attached)		
<b>AFFORDABLE DWELLING UNITS (ADUs) AND WORKFORCE DWELLING UNITS (WDUs)</b>	ADU's are not required with fewer than 50 units and WDU's are not intended for for-sale single family homes.		
<b>MAXIMUM BUILDING HEIGHT</b>	150' Permitted per the zoning ordinance 6-101 (R-30)		
	95' Per comprehensive plan		
	50'+/- Provided		
<b>OPEN SPACE</b>			
Required	45%	(46,720 x 0.45) = 21,024 SF (0.4826 AC)	
Provided	36%	(46,720 x 0.36) = 16,819.2 SF (0.39 AC)	

**R-30 SINGLE FAMILY ATTACHED BULK PLANE**



θ : ANGLE OF BULK PLANE = 20° (FRONT YARD)  
20° (SIDE YARD)  
20° (REAR YARD)

LL : VARIES  
MYR : MINIMUM YARD REQUIREMENT  
EBH : EFFECTIVE BUILDING HEIGHT  
MBH : MAXIMUM BUILDING HEIGHT \*  
G : GRADE FOR HEIGHT CALCULATIONS = VARIES  
MYR = EBH tan θ  
EBH = MYR / tan θ  
\*THE MAXIMUM BUILDING HEIGHT IS 95' PER THE COMPREHENSIVE PLAN, HOWEVER IT SHOULD BE NOTED THE CONVENTIONAL R-30 ZONING DISTRICT ALLOWS FOR 150' MAX BUILDING HEIGHT. OUR PROPOSED SINGLE FAMILY ATTACHED UNITS ARE 50'+/- IN HEIGHT.

**R-30 BULK PLANE ILLUSTRATION**

THERE IS NO ANGLE OF BULK PLANE REQUIREMENT SPECIFIED FOR THE PDH-30 DISTRICT. THIS GRAPHIC DEPICTION OF THE R-30 DISTRICT REQUIREMENT IS FOR REFERENCE ONLY IN CONSIDERATION OF THE DESIGN STANDARD SET FORTH IN PAR. 1 OF SECTION 16-102 OF THE ZONING ORDINANCE. ACTUAL YARDS AND BUILDING HEIGHTS ARE SHOWN ON THE CDP.

**PARKING AND LOADING TABULATIONS**

PRODUCT TYPE	UNITS/GSF	CODE REQUIRED PARKING RATE	REQUIRED PARKING	PROPOSED PARKING RATE	PROVIDED PARKING
Single Family Attached	25	2.7 per unit	68	2.2 per unit *	55**

Loading Spaces: N/A  
\* A separate parking reduction request will be filed concurrently with this application to reduce the required townhouse (single family attached) parking rate from 2.7 to 2.2 spaces per unit.  
\*\* (See note 18 this sheet)  
\*\*\* It should be noted that not all townhouses have 2 parking spaces, among the 25 units there are a total of 49 parking spaces

**LANDSCAPING TABULATIONS & NOTES**

SITE AREA = 46,720 SF  
PDH-30 MINIMUM 10-YR CANOPY REQUIREMENT = 10% OF SITE AREA  
REQUIRED 10-YR CANOPY = (46,720 X 0.10) = 4,672 SF OF CANOPY  
LANDSCAPE CANOPY PROVIDED PER PLAN:  
- CATEGORY IV DECIDUOUS: 11 @ 250 SF = 2,750 SF  
- CATEGORY III DECIDUOUS: 10 @ 150 SF = 1,500 SF  
- CATEGORY II DECIDUOUS: 5 @ 100 SF = 500 SF  
- CATEGORY I DECIDUOUS: 3 @ 75 SF = 225 SF  
TOTAL 10-YEAR TREE CANOPY PROVIDED PER PLAN = 4,975 SF (10.65%)  
INTERIOR & PERIPHERAL PARKING LOT LANDSCAPING - N/A AS PARKING LOT HAS LESS THAN 20 SPACES.  
TRANSITIONAL SCREENING & BARRIER REQUIREMENT - N/A AS OUR PROPOSED USE IS ZONED THE SAME OR LESS INTENSIVE THAN NEIGHBORING USES AND AS SUCH DOES NOT HAVE A SCREENING OR BARRIER REQUIREMENT UNDER THE ZONING ORDINANCE MATRIX.

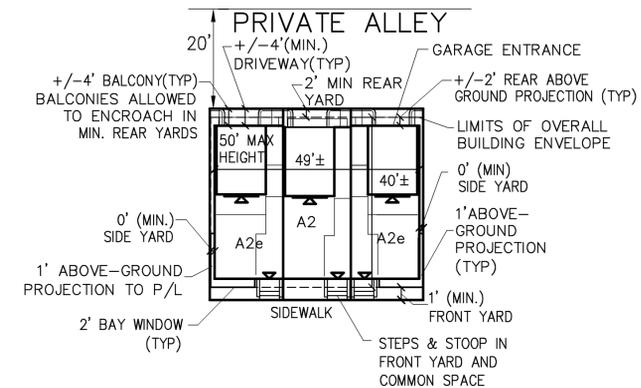
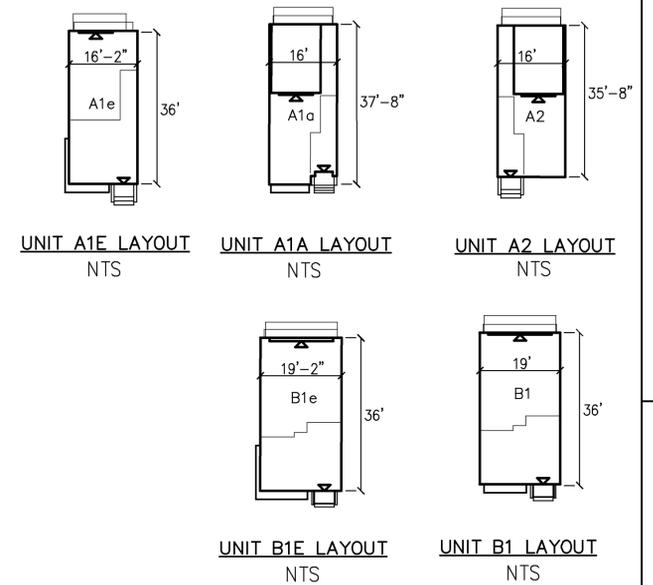
**ZONING ORDINANCE MODIFICATIONS REQUESTED**

- PURSUANT TO SECTION 6-107.1 OF THE FAIRFAX COUNTY ZONING ORDINANCE, THE APPLICANT REQUESTS A WAIVER OF THE MINIMUM DISTRICT SIZE OF 2 ACRES TO THAT SHOWN ON THESE PLANS.
- PURSUANT TO SECTION 6-107, PARAGRAPH 2 OF THE ZONING ORDINANCE, THE APPLICANT REQUESTS A WAIVER OF THE REQUIREMENT FOR A 200 SQUARE FOOT MINIMUM PRIVACY YARD FOR SINGLE FAMILY ATTACHED DWELLINGS.
- A WAIVER AND/OR MODIFICATION OF THE ZONING ORDINANCE SECTION 6-110 (MINIMUM OPEN SPACE) IN FAVOR OF THAT SHOWN ON THESE PLANS AND IN ACCORDANCE WITH SECTION 16-400 OF THE ZONING ORDINANCE.
- A PARKING REDUCTION UNDER THE FAIRFAX COUNTY ZONING ORDINANCE IS REQUIRED AND WILL BE PROVIDED CONCURRENTLY WITH THIS APPLICATION UNDER SECTION 11 OF THE ZONING ORDINANCE.
- MODIFICATION OF 17-201(2) TRAILS AND BIKE TRAILS AND THE MERRIFIELD SUBURBAN CENTER COMPREHENSIVE PLAN STREETScape SECTIONS IN FAVOR OF THAT SHOWN ON THE CDP/FDP APPLICATION.
- THE APPLICANT REQUESTS A MODIFICATION OF ZONING ORDINANCE SECTION 17-201.3 TO PROVIDE ANY FURTHER INTERPARCEL ACCESS AT THE TIME OF SITE/SUBDIVISION PLAN BEYOND THAT INDICATED ON THE CDP/FDP.

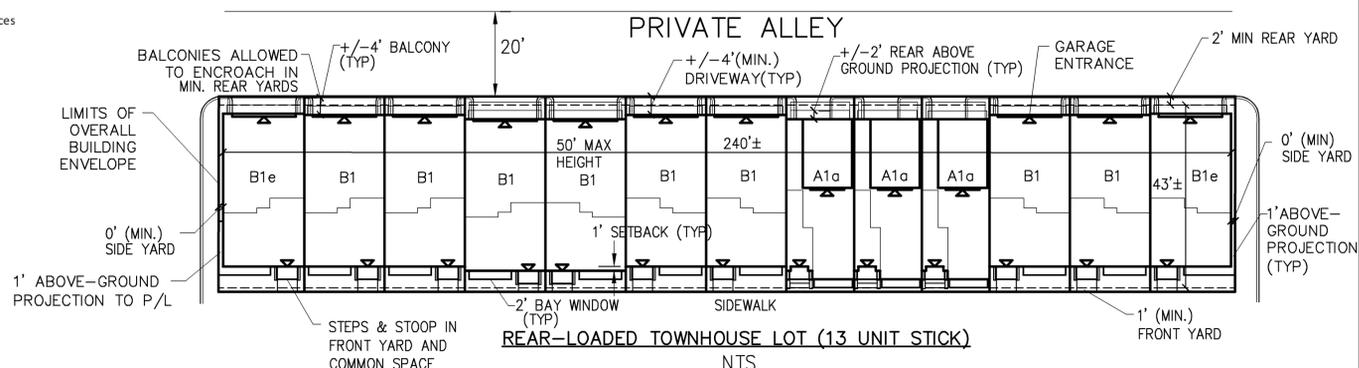
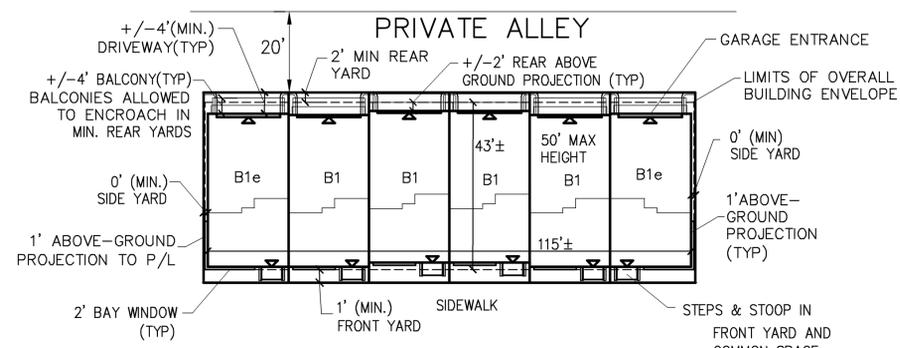
**PFM WAIVERS REQUESTED**

- A WAIVER TO ALLOW STORM WATER MANAGEMENT (SWM) AND BEST MANAGEMENT PRACTICES (BMPs) TO BE SATISFIED BY UNDERGROUND SYSTEMS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT, AS REFERENCED IN SECTION 6-0303.B OF THE PFM, WILL BE MADE TO FAIRFAX COUNTY DPWES CONCURRENTLY WITH THIS APPLICATION.
- A MODIFICATION OF THE PFM SECTION 7-0502.1A TO PERMIT 20 FOOT ALLEYS AND RAMPS FOR VEHICULAR ACCESS AND CIRCULATION IN AREAS INDICATED ON THE CDP/FDP WITH NO PARKING.
- A MODIFICATION OF SECTION 12-0508 OF THE PUBLIC FACILITIES MANUAL FOR THE TREE PRESERVATION TARGET, SEE SHEET C-9 FOR DEVIATION REQUEST.
- A MODIFICATION OF SECTION 12-0510.4E(5) OF THE PUBLIC FACILITIES MANUAL TO PERMIT A REDUCTION IN THE MINIMUM PLANTING WIDTH OF 8' TO A WIDTH OF 5.5' WITH A 2.5' CANTILEVERED SIDEWALK FOR THE STREET TREES ALONG MERRIFIELD TOWN CENTER DRIVE.

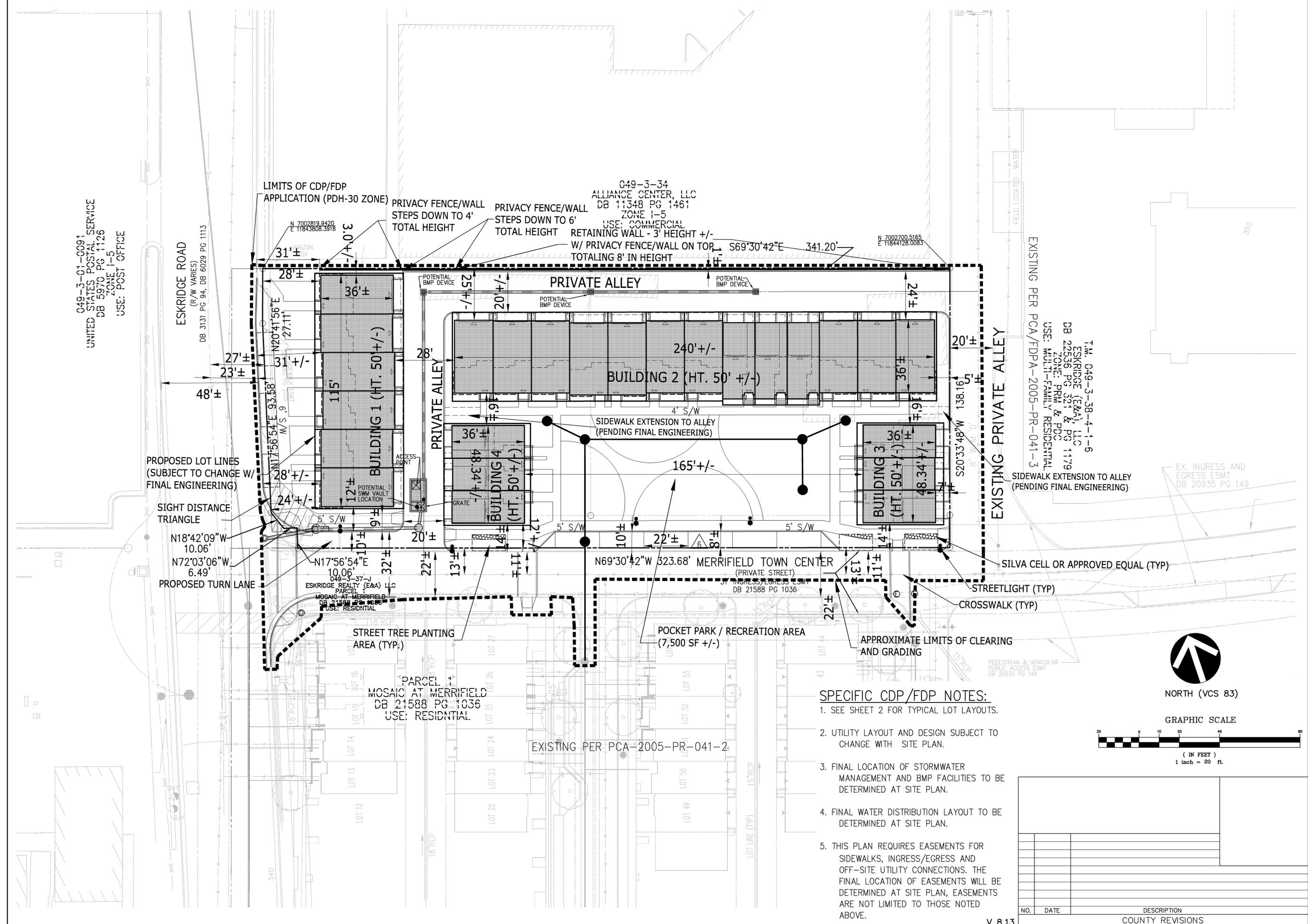
**INDIVIDUAL UNIT DIMENSIONS**



**NOTE:**  
THE APPLICANT RESERVES THE RIGHT TO ADJUST THE TYPICAL UNIT MIX WITHIN THE STICKS AT TIME OF FINAL ENGINEERING. FINAL UNIT MIXES WILL TO CONFORM TO OVERALL DIMENSIONS SHOWN ON THE TYPICAL STICKS.







049-3-01-0091  
UNITED STATES POSTAL SERVICE  
DB 5970 PG 1126  
ZONE: I-5  
USE: POST OFFICE

ESKRIDGE ROAD  
(R/W VARIES)  
DB 3131 PG 94, DB 6029 PG 1113

049-3-34  
ALLIANCE CENTER, LLC  
DB 11348 PG 1461  
ZONE: I-5  
USE: COMMERCIAL  
RETAINING WALL - 3' HEIGHT +/-  
W/ PRIVACY FENCE/WALL ON TOP  
TOTALING 8' IN HEIGHT

T.M. 049-3-38-4-1-6  
ESKRIDGE (E&A), LLC  
DB 22536 PG 321 & PG 1179  
ZONE: PRM & PDC  
USE: MULTI-FAMILY RESIDENTIAL

PROPOSED LOT LINES  
(SUBJECT TO CHANGE W/  
FINAL ENGINEERING)

SIGHT DISTANCE  
TRIANGLE

PROPOSED TURN LANE

STREET TREE PLANTING  
AREA (TYP.)

PARCEL  
MOSAIC AT MERRIFIELD  
DB 21588 PG 1036  
USE: RESIDENTIAL

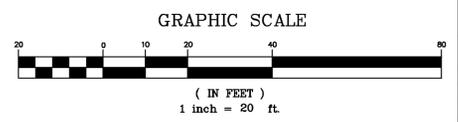
POCKET PARK / RECREATION AREA  
(7,500 SF +/-)

EXISTING PER PCA-2005-PR-041-2

**SPECIFIC CDP/FDP NOTES:**

1. SEE SHEET 2 FOR TYPICAL LOT LAYOUTS.
2. UTILITY LAYOUT AND DESIGN SUBJECT TO CHANGE WITH SITE PLAN.
3. FINAL LOCATION OF STORMWATER MANAGEMENT AND BMP FACILITIES TO BE DETERMINED AT SITE PLAN.
4. FINAL WATER DISTRIBUTION LAYOUT TO BE DETERMINED AT SITE PLAN.
5. THIS PLAN REQUIRES EASEMENTS FOR SIDEWALKS, INGRESS/EGRESS AND OFF-SITE UTILITY CONNECTIONS. THE FINAL LOCATION OF EASEMENTS WILL BE DETERMINED AT SITE PLAN, EASEMENTS ARE NOT LIMITED TO THOSE NOTED ABOVE.

V 8.13



NO.	DATE	DESCRIPTION	COUNTY REVISIONS

**MERRIFIELD TOWN CENTER  
PARCEL K  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA**

**CONCEPTUAL &  
FINAL DEVELOPMENT  
PLAN**

VKA REVISIONS

NO.	DATE	DESCRIPTION

4TH SUB: 8/16/2013  
3RD SUB: 7/17/2013  
2ND SUB: 5/16/2013  
DATE: 02/21/2013

DES.	JMS	DWN.	KY
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SCALE: 1"=20'

PROJECT/FILE NO. VV6575AS

SHEET NO. C-4









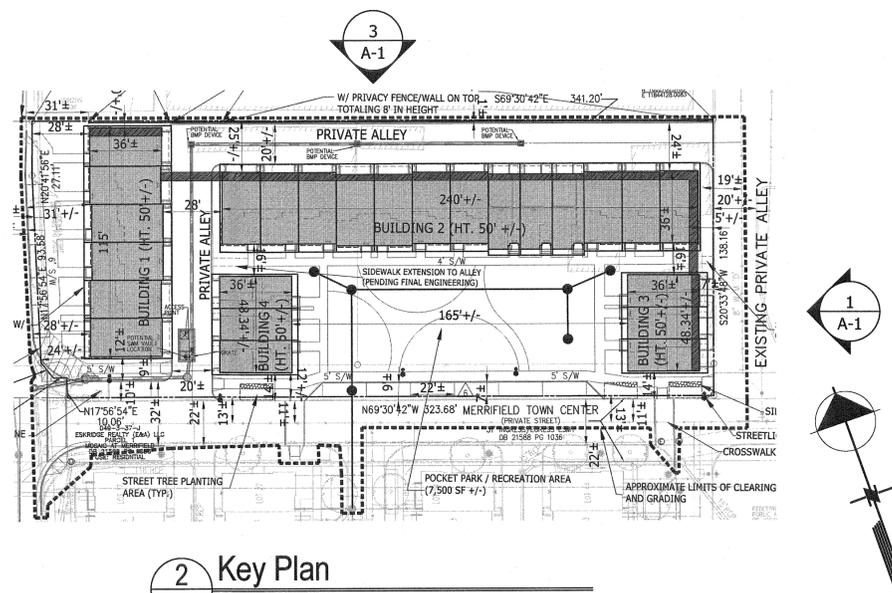






**3 Rear (North) Elevation**

A-1 SCALE: 1/8"=1'-0"  
EYA.006



**2 Key Plan**

A-1 SCALE: 1/32" = 1'-0"  
EYA.006



**1 Side (East) Elevation**

A-1 SCALE: 1/8"=1'-0"  
EYA.006



UNIT B-1  
END - REV.

ARCHITECT:

8521 Leesburg Pike  
Suite 700 | Vienna, VA 22182  
P: 703.596.4486 | F: 703.596.0147  
www.lessarddesign.com

SEAL & SIGNATURE:

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Lic. No. 31768  
PROFESSIONAL ENGINEER

OWNER:

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c/o EYA Inc.  
480 HAMPODEN LANE  
SUITE # 300  
BETHESDA, MD 20814  
301.634.8800  
GREG SHRON  
gshron@eyainc.com

CONSULTANTS:

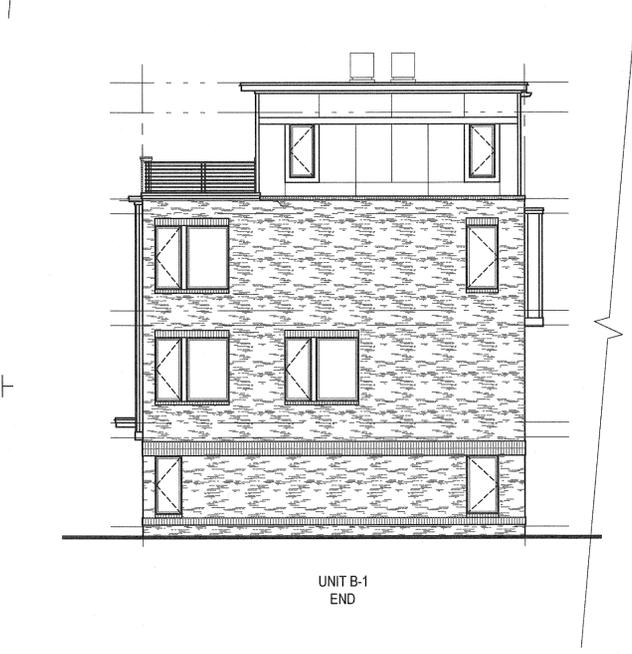
MOSAIC TOWNHOMES  
Fairfax, VA  
MERRIFIELD TOWN CENTER  
PARCEL K  
BUILDING ELEVATION

NO	ISSUE/REVISION	DATE
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	SITE PLAN SUBMISSION	07.17.13
	CLIENT REVISION	07.11.13
	SITE PLAN SUBMISSION	02/08/13
	PROJECT No:	EYA.006b
	FILE NAME:	EYA006b_A413_Embree_v2.dwg
	DRAWN BY:	ABC
	CHECKED BY:	XYZ
	PLOT DATE:	Aug. 15, 2013

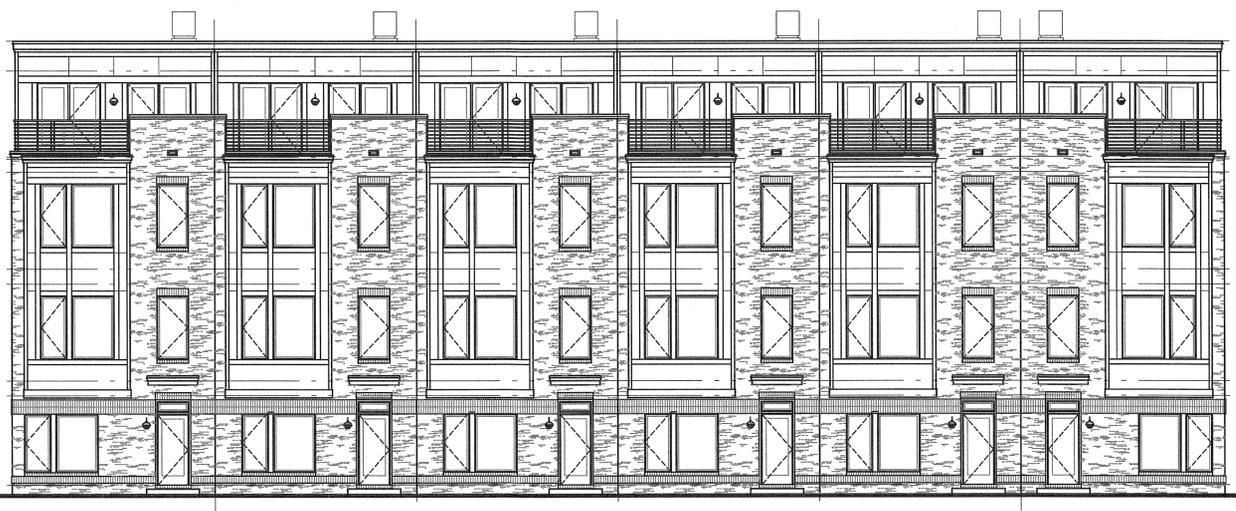
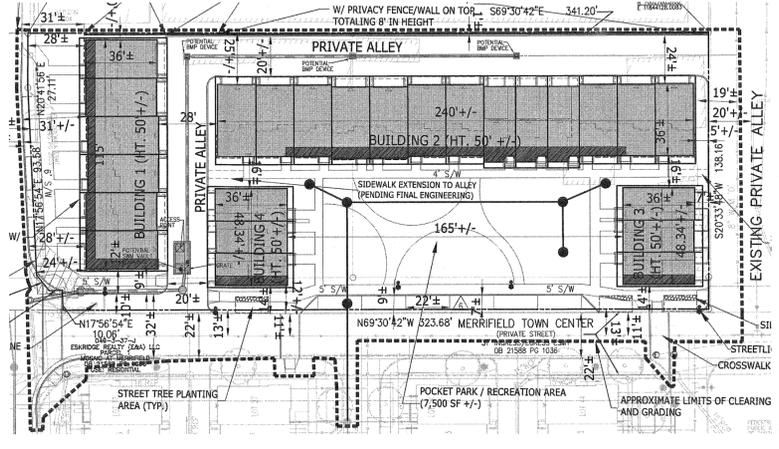
A-1



**3 Front (South) Elevation**  
 A-2 SCALE: 1/8"=1'-0"  
 EYA.006



**2 Key Plan**  
 A-1 SCALE: 1/32" = 1'-0"  
 EYA.006



**1 Side (West) Elevation**  
 A-2 SCALE: 1/8"=1'-0"  
 EYA.006

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CONSULTANTS:

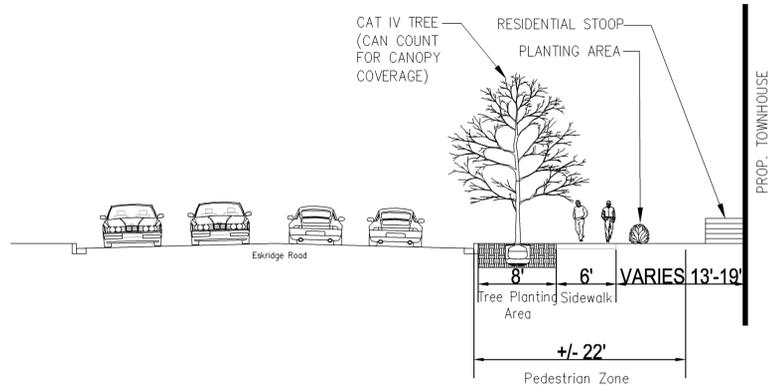
**MOSAIC TOWNHOMES**  
 Fairfax, VA  
**MERRIFIELD TOWN CENTER**  
**PARCEL K**  
**BUILDING ELEVATION**

NO	ISSUE/REVISION	DATE
	SITE PLAN SUBMISSION	08.16.13
	SITE PLAN SUBMISSION	07.17.13
	CLIENT REVISION	07.11.13
	SITE PLAN SUBMISSION	02/08/13
	ISSUE/REVISION	DATE

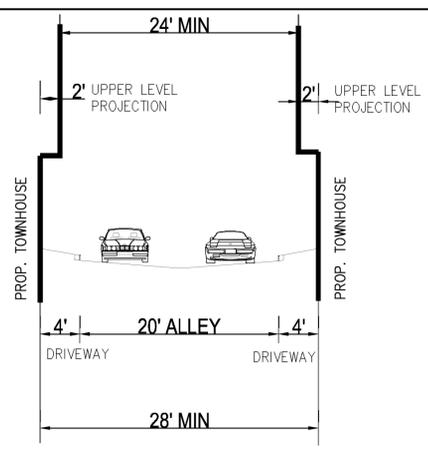
PROJECT No: EYA.006b  
 FILE NAME: EYA006b\_A413\_Embree\_v2.dwg  
 DRAWN BY: ABC  
 CHECKED BY: XYZ  
 PLOT DATE: Aug. 15, 2013

**A-2**

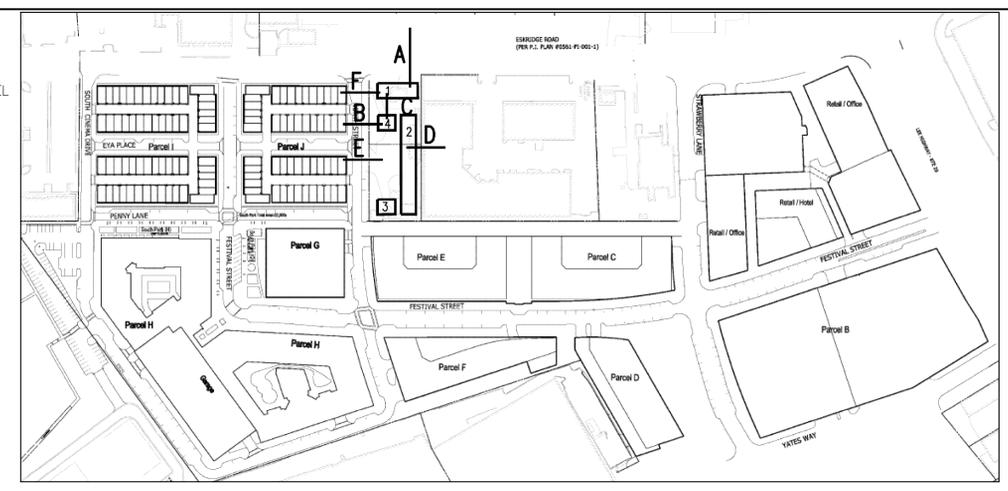




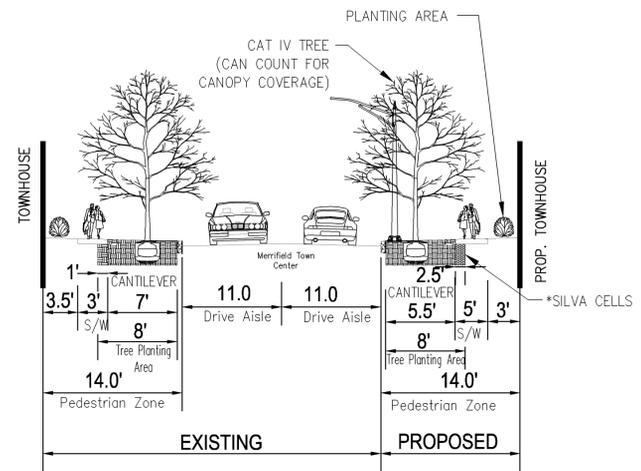
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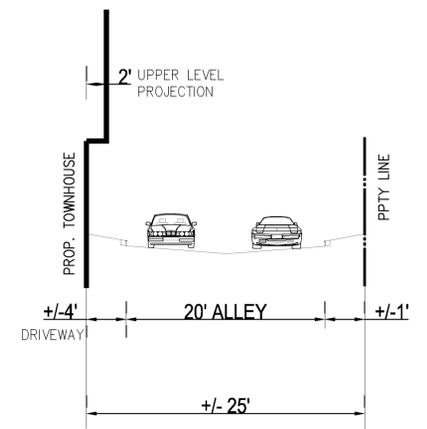
**3 SECTION C-PRIVATE ALLEY BETWEEN TOWNHOUSES**  
SCALE: NOT TO SCALE



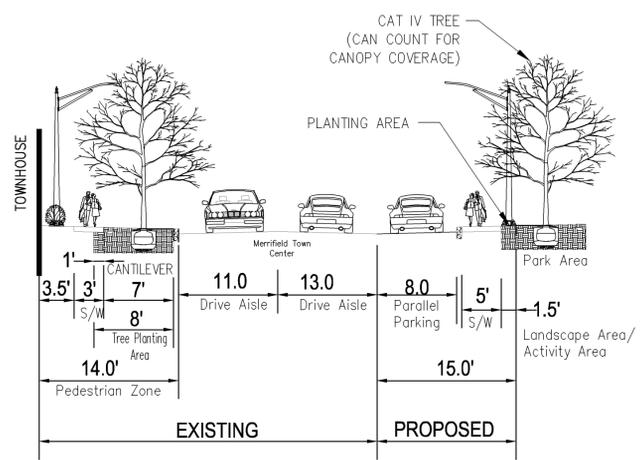
**KEY MAP**



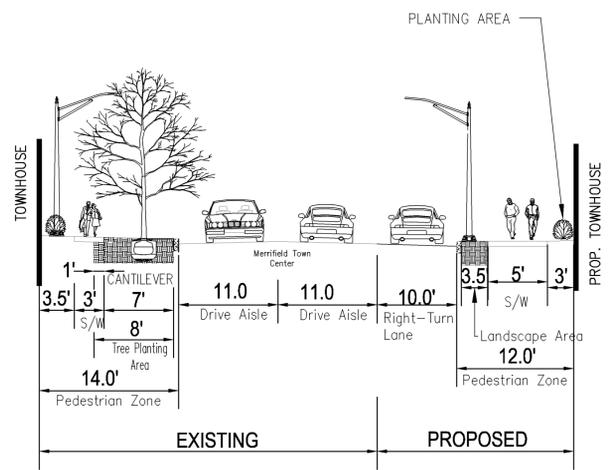
**2 SECTION B-MERRIFIELD TOWN CENTER ADJACENT TO SUBJECT PROPERTY**  
SCALE: NOT TO SCALE  
\*SILVA CELLS OR APPROVED EQUAL.



**4 SECTION D-PRIVATE ALLEY BETWEEN TOWNHOUSES AND PROPERTY LINE**  
SCALE: NOT TO SCALE



**5 SECTION E-MERRIFIELD TOWN CENTER AT PARALLEL PARKING**  
SCALE: NOT TO SCALE



**6 SECTION F-MERRIFIELD TOWN CENTER AT RIGHT-TURN LANE**  
SCALE: NOT TO SCALE

V I K A REVISIONS

4TH SUB:	8/16/2013
3RD SUB:	7/17/2013
2ND SUB:	5/16/2013
DATE:	02/21/2013
DES. JMS	DWN. JMS
SCALE:	AS NOTED
PROJECT/FILE NO.	VV6575AS
SHEET NO.	L-2



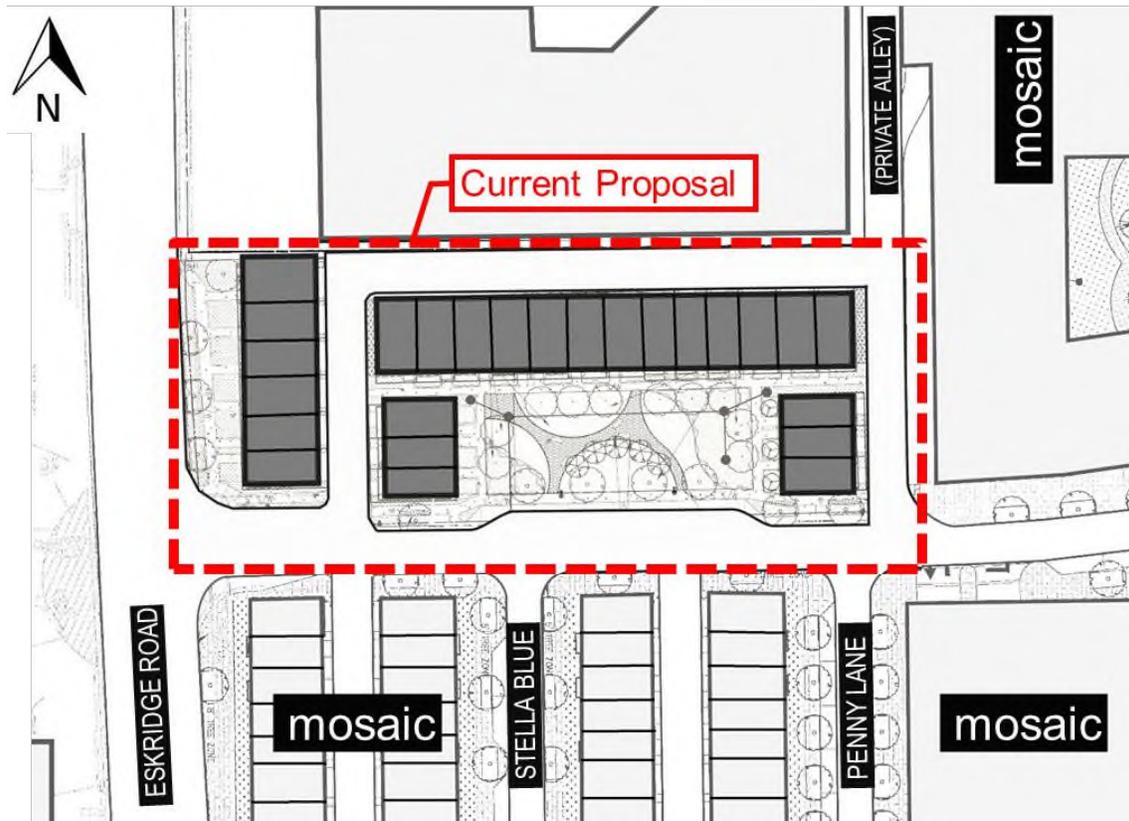




**A GLOSSARY OF TERMS FREQUENTLY  
USED IN STAFF REPORTS WILL BE  
FOUND AT THE BACK OF THIS REPORT**

**APPLICATION DESCRIPTION**

The applicant (Eskridge E&A, LLC) requests approval of a Rezoning (RZ) and Conceptual Development Plan/Final Development Plan (CDP/FDP) for a 1.07-acre site in the Merrifield Town Center area, consisting of Tax Map parcels 49-3 ((1)) 87, 88 and 89B. The project would rezone the parcels from the I-5 to the PDH-30 district and allow the development of 25 single-family attached dwellings, with a resulting density of 22.1 dwelling units(du)/acre, directly adjacent to the townhome portion of the 31-acre Mosaic development (permitted via **PCA 2013-PR-007-002**). Although the proposal represents an entirely separate rezoning application from the Mosaic project, it would act as a functional and aesthetic extension of the existing Mosaic townhome component, and the architecture, building configuration, and proffered commitments are intended to conform to those of the previous approval. The project is being referred to as Merrifield Town Center “Parcel K”, to continue the Mosaic naming convention.



*Figure 1: Proposed development configuration.*

A reduced copy of the proposed Conceptual Development Plan and Final Development Plan (CDP/FDP) is included at the front of this report, and the proposed proffers, proposed FDP conditions, statement of justification, and affidavit are included as Appendices 1 through 4, respectively.

#### **WAIVERS AND MODIFICATIONS REQUESTED:**

- Waiver of Sect. 6-107, Part 1, requiring a minimum district size of 2 acres for a PDH District.
- Modification of Sect. 2-505 to permit structures to encroach within the corner lot limitations, as depicted on the CDP/FDP.
- Modification of Sect. 6-107, Part. 2, requiring 200 square foot privacy yards for single-family attached dwellings, in favor of roof-top terraces.
- Modification of Sect. 6-110, to allow 36% open space, as shown on the plan, in lieu of the 45% requirement for a PDH-30 District.
- Modification of Sect. 10-104 to allow an 8-foot maximum fence height in side and rear yards, as indicated on CDP/FDP.
- Modification of Comprehensive Plan streetscape sections and bulk requirements for Merrifield Suburban Center, in favor of the typical sections shown on plan.
- Modification of Sect. 17-201 to accept the proposed improvements, as shown on the CDP/FDP, as satisfying all immediate streetscape, trail, or interparcel connection requirements at site plan stage.
- Waiver request #561-WPFM-005-1, to allow underground Storm Water Management (SWM) facilities in a residential development, per Sect. 6-0303.8 of the Public Facilities Manual (PFM), as conditioned in Attachment A of the proposed development conditions (Appendix 2).
- Modify the Tree Preservation Target, per Sect. 12-0508 of PFM, in favor of proposed vegetation shown on the CDP/FDP.
- Modify Sect. 12-0510.4E(5) of PFM, to allow a reduction of 8' planting width to 5.5' with 2.5' cantilevered sidewalk, as shown in select areas of FDP.
- Modify Sect. 7-0502 of PFM to permit 20-foot alleys, as indicated on CDP/FDP, in areas with no parking.

(These waivers and modification requests are further discussed in the Zoning Analysis section of this report.)

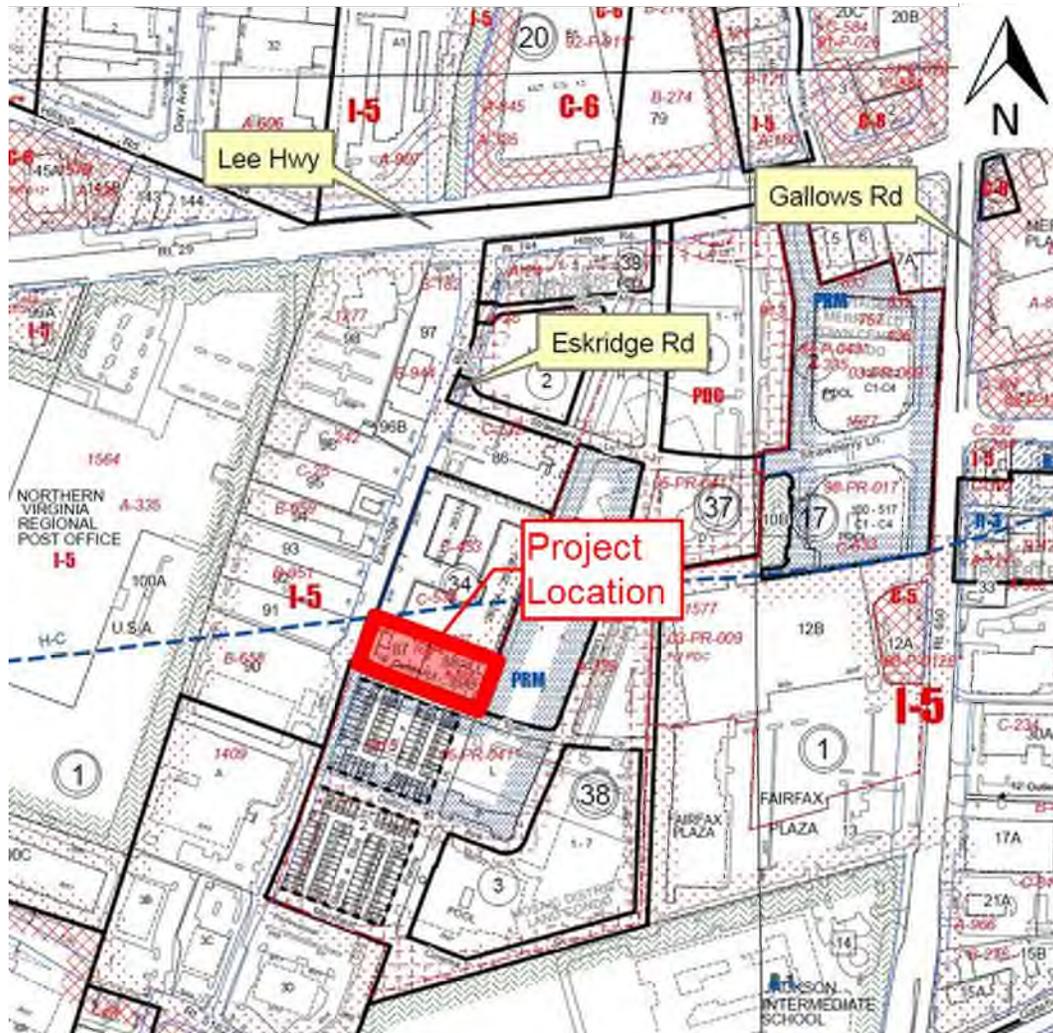
**LOCATION AND CHARACTER:**

Figure 2: County zoning map.

The property is located in the northeast quadrant of the intersection of Eskridge Road and Merrifield Town Center. The property has previously been used as a metal scrap yard, utilizing several structures on site that have recently been demolished. Directly to the south is the existing Mosaic 120-unit townhome development (Parcels I & J of the Mosaic rezoning); to the east is a portion of the Merrifield Town Center project (Parcels C & E of the Mosaic rezoning); to the north is an existing office condominium building; and to the west, across Eskridge Road, is the Four Seasons Tennis Club and various light industrial uses.

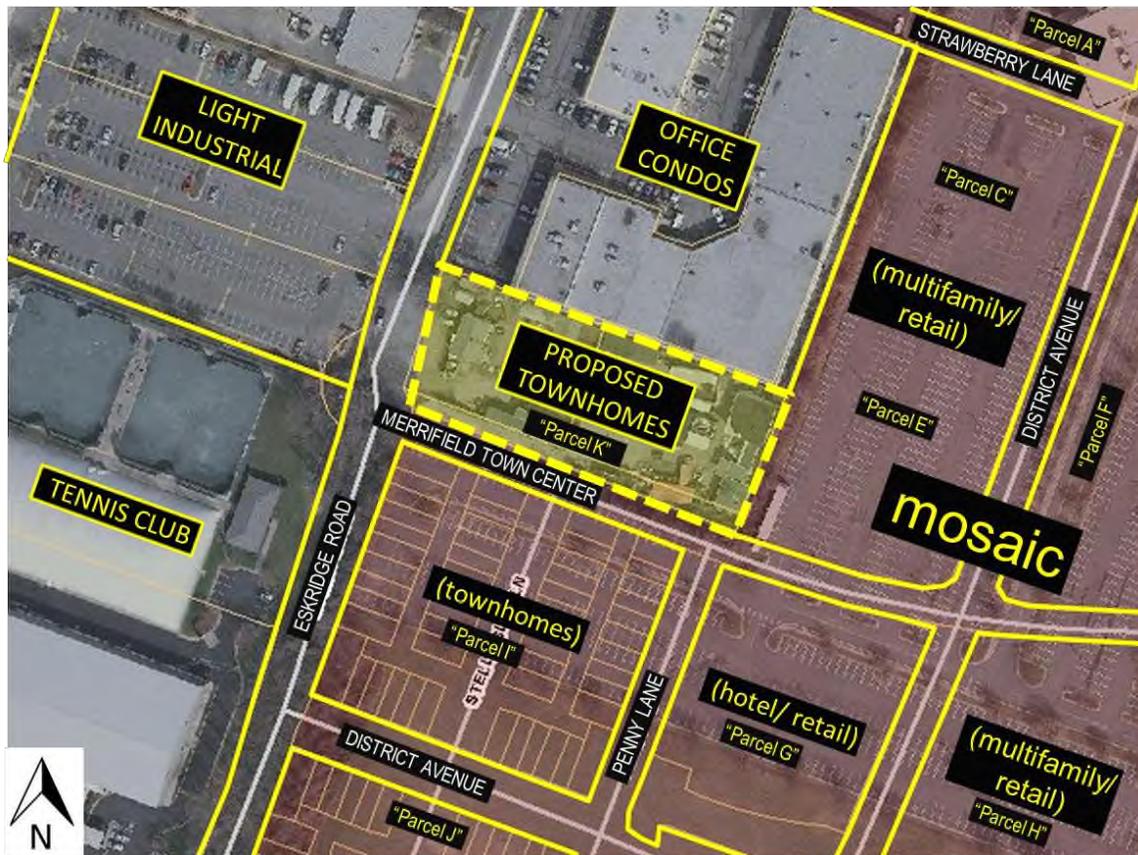


Figure 3: Surrounding uses map.

	Existing Zoning:	Existing Use:	Plan Recommendation:
<b>North:</b>	I-5	Office condominium	Mixed-use Town Center.
<b>East:</b>	PRM	Mixed-use - multifamily residential & retail (under construction)	Plan Option 1: Mixed-use office and retail, up to .65 FAR
<b>South:</b>	PRM	Single-family attached	Plan Option 2: Mixed-use w/residential and/or hotel, up to 1.2 FAR.
<b>West</b>	I-5	Tennis club, industrial	Mixed-use, Public Facilities

Figure 4: Surrounding uses table.

## BACKGROUND

The application property itself is not subject to any prior zoning approvals or proffered conditions. A timeline of the neighboring Mosaic zoning activity relevant to the current application is listed in the following table:

<b>FIGURE 5: TIMELINE OF MOSAIC ZONING APPROVALS</b>		
<b>Date</b>	<b>Zoning Action</b>	
<b>Oct. 15, 2007</b>	<b>RZ 2005-PR-041</b>	Original Mosaic rezoning (31.4 acres)
<b>July 26, 2011</b>	<b>PCA/FDPA 2005-PR-041-2</b>	Amended Mosaic to allow townhome use on parcels redefined as Parcels I & J (just south of current application property)
<b>July 31, 2012</b>	<b>PCA/FDPA 2005-PR-041-3</b>	Amended Mosaic to approve current plan for Parcels C & E (just east of current application property).

## DESCRIPTION OF PROPOSAL:

<b>Title of CDP/FDP:</b>	Merrifield Town Center, Parcel K <i>(copy at front of staff report)</i>
<b>Prepared by:</b>	VIKA Incorporated
<b>Original and Revision Dates:</b>	February 21, 2013, as revised through August 16, 2013
<b>Plat Description:</b>	The CDP/FDP consists of 17 sheets.

### Site Layout and Design:

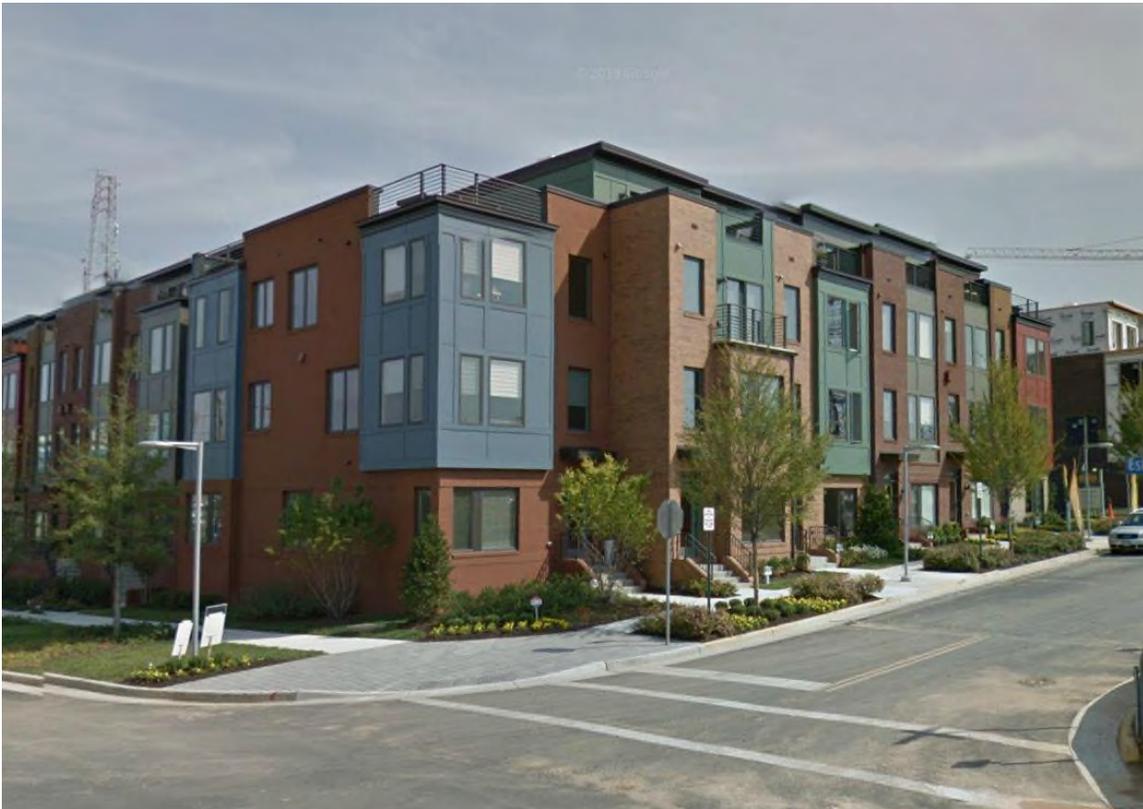
The development plan for the 1.07-acre parcel, referred to as Merrifield Town Center "Parcel K", includes 25 proposed single-family attached dwellings, organized around a central pocket park and along the Eskridge Road frontage. The building layout is intended to blend with that of Mosaic Parcels I & J to the south, and would serve as a "capstone" to the existing townhome layout. Proposed streetscape elements would mirror those of the existing townhome development and the pedestrian facilities would provide additional connectivity to adjacent development.



Figure 6: Proposed townhome layout.

### Architecture:

The architecture of the proposed units would be identical to the existing Mosaic units, being four-story townhomes with front entrances and rear, alley-loaded garages on the ground level. Outdoor terraces would be provided both on the upper floors and on the rear of certain units. Exterior materials would be both brick and fiber-cement, in an alternating color scheme from unit to unit, as with the Mosaic townhomes. Front entrances would be oriented towards either the street or the common open space areas to contribute to a pedestrian-oriented scale and neighborhood atmosphere.



*Figure 7: Photo of existing Mosaic townhomes adjacent to site.*

All townhomes would feature two-car garages, accessed via the rear of each unit, with the exception of one home (exact unit to be determined later), which will be allowed to select a one-car garage option in order to maximize ground-floor living area. Two widths of townhome units are proposed, numbering sixteen 19-foot wide units and nine narrower 16-foot wide units. Wider units would feature side-by-side double garages, while the narrower units would feature an in-line tandem garage/carport design.

#### **Access and Circulation:**

Townhome garages would be accessed via a private two-way alley that enters and exits from both Merrifield Town Center and a private alley that will serve adjacent Buildings C & E of Mosaic (currently under construction). Three units would have garage access directly onto the adjacent alley, and were afforded additional driveway length to ensure visibility when backing into the shared alley. An additional six parallel on-street parking spaces, along Merrifield Town Center, would be reserved exclusively for the use of the residents and their guests.

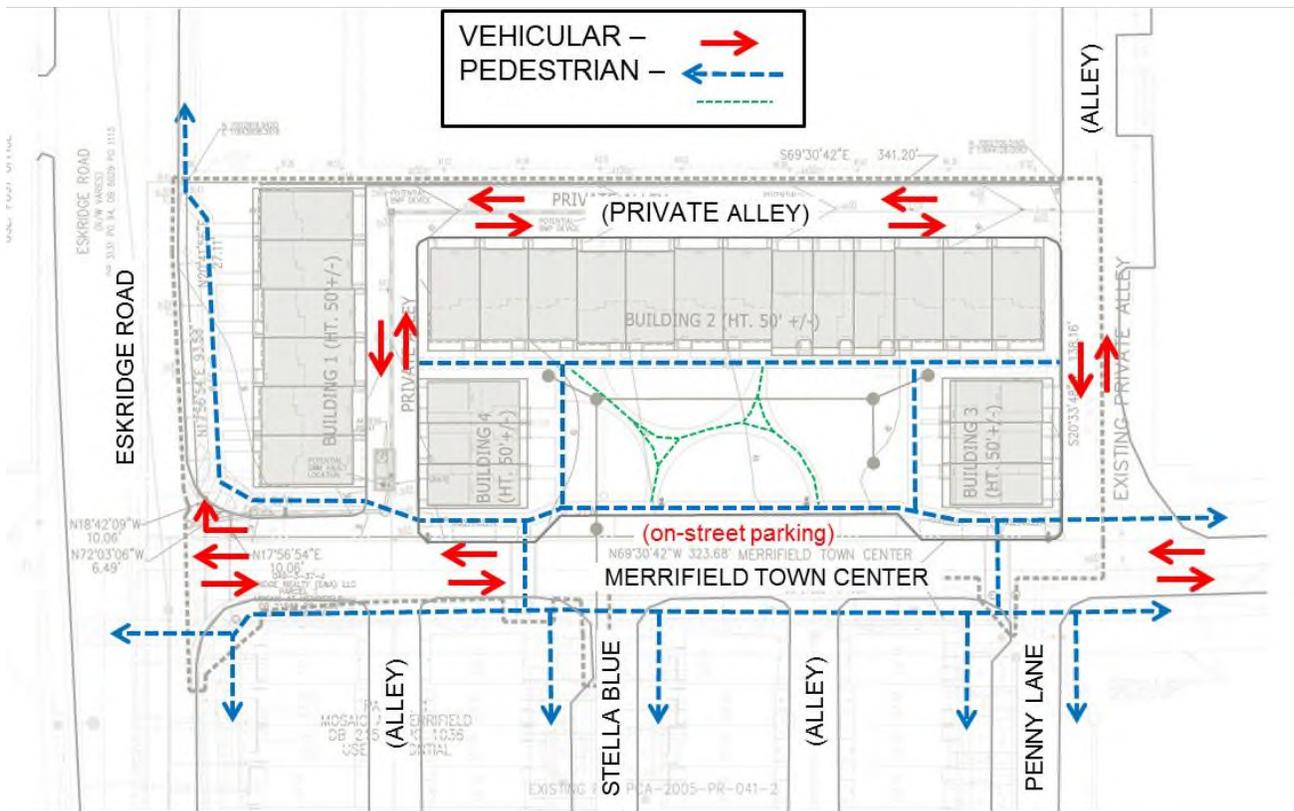


Figure 8: Proposed site circulation.

A dedicated right-turn lane is proposed on Merrifield Town Center, from the new private alley entrance to Eskridge Road, as well as reconstruction of the curb radius on the opposite (south) side of Merrifield Town Center, to restore an area of excess pavement that was previously required to meet a VDOT minimum commercial entrance width requirement of 30 feet. The proposed 32-foot wide two-way street with right-turn lane configuration would continue to meet the VDOT width requirement.

### Stormwater Management:

The proposed plan would reduce impervious coverage on the site compared to the existing paved conditions, which would largely exempt the development from a stormwater detention requirement; however, a proposed stormwater detention vault would be proffered, in excess of Ordinance requirements, to contain a minimum of 500 cubic yards (cy) of storage (shown as 350 cy on plan). The vault would be located beneath the private alley, adjacent to Merrifield Town Center, and would be subject to a separate waiver request to allow such underground detention in a residential district (Appendix 9). Water quality treatment, proffered to a minimum of 20% phosphorus reduction, is proposed via the reduction of impervious surface from existing conditions, the inclusion of permeable pavers and soil amendments in the park area, and other possible BMP measures.

### Open Space/Landscaping:

The proposal would provide 36% dedicated common open space, to include streetscape areas, pedestrian walkways between units, and a +/-7,500 sf pocket park that would include both seating and landscape areas. Shade trees would be provided both along all street frontages and adjacent to on-site pedestrian walkways, while shrubs and other landscaping would be provided in the park area and along the front of the residential units.

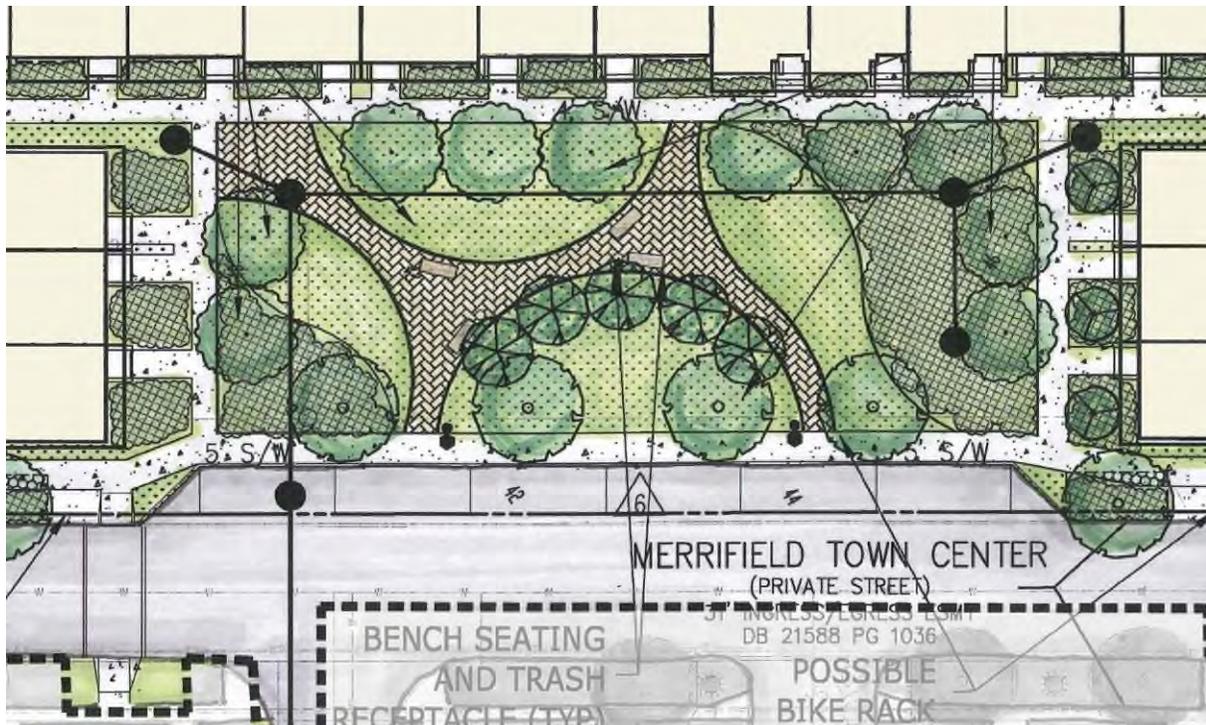


Figure 9: Proposed open space/landscaping.

### Retaining Wall/Screening Fence:

A combination of a retaining wall and screening fence is being proposed along the north property line, in order to screen the view of the neighboring industrial property, which consists of a large concrete-block wall running nearly the full length of the property. The proposed block wall (faced with brick or stone) would be a maximum height of 3 feet, and would be topped with a board-on-board fence, to total approximately 8-feet in total height, stepping down to 4-feet in total height when adjacent to the front yard of the neighboring property, along Eskridge Road. The screening portion of the fence would be a minimum of two colors, matching the color palette of the adjacent townhomes (see Proffer #20, Appendix 1).

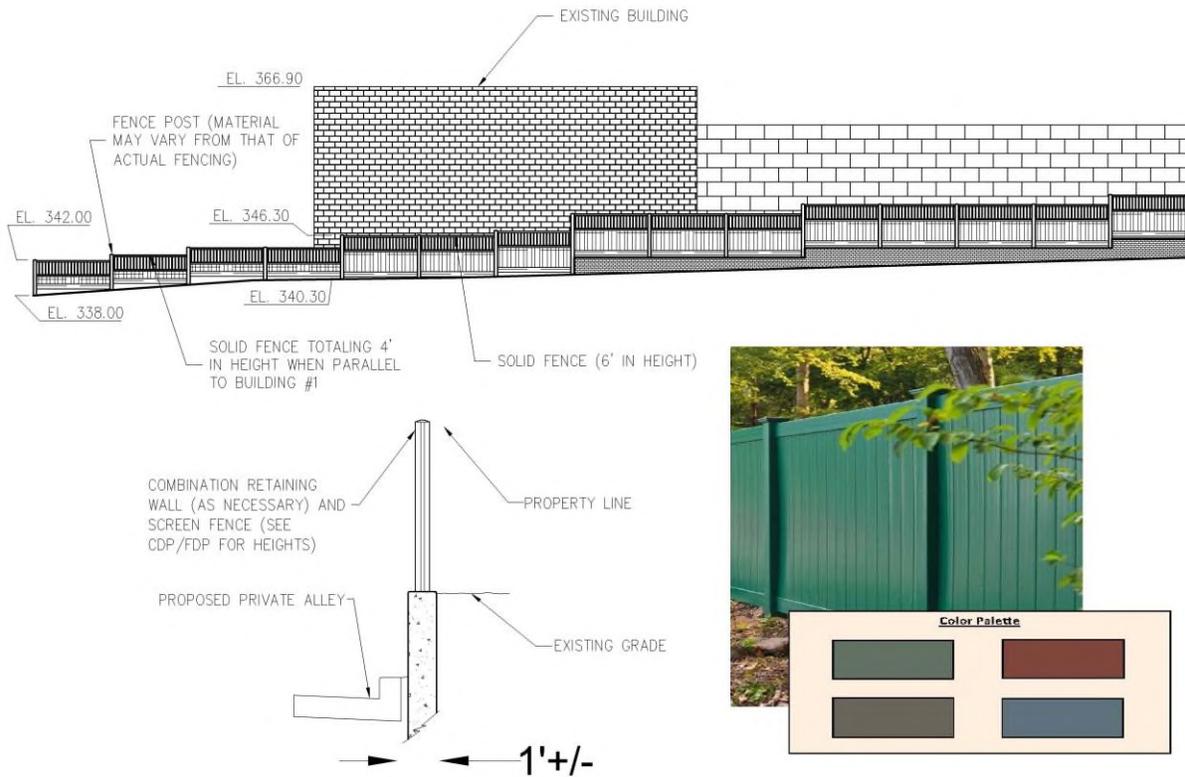


Figure 10: Proposed retaining wall details.

**Proffers:**

In a further effort to integrate this proposal with the larger Mosaic development, the applicant has proffered several elements from the previous Mosaic rezonings with this application, including Transportation Demand Management (TDM), inclusion in the Mosaic Umbrella Owner’s Association (UOA), and a Green Building commitment, among other commitments to be discussed in other sections of this report.

## ZONING ANALYSIS

PDH-30 District Regulations (Sect. 4-600 and 4-800)		
Standard	Required	Provided
Min. District Size	Two (2) acres	1.07 (waiver requested)
Max. Building Height	150 ft. per R-30 zoning, 95 ft. per Comp. Plan	+/- 50 ft.
Front Yards (West and South)	<ul style="list-style-type: none"> <li>25° angle of bulk plane, not less than 20 ft. (per R-30). <b>(=24 ft)</b></li> <li>20° angle of bulk plane, per Comp. Plan. <b>(=19 ft)</b></li> </ul>	<ul style="list-style-type: none"> <li>14 ft from street line (MTC) (12 ft in turn-lane area)</li> <li>24 ft from property line (Eskridge)</li> </ul>
Rear Yard (East)	<ul style="list-style-type: none"> <li>25° angle of bulk plane, not less than 25 ft. (per R-30). <b>(=25 ft)</b></li> <li>20° angle of bulk plane, per Comp. Plan. <b>(=19 ft)</b></li> </ul>	<ul style="list-style-type: none"> <li>7 ft from property line</li> </ul>
Side Yard (North)	<ul style="list-style-type: none"> <li>25° angle of bulk plane, not less than 10 ft. (per R-30). <b>(=24 ft)</b></li> <li>20° angle of bulk plane, per Comp. Plan. <b>(=19 ft)</b></li> </ul>	<ul style="list-style-type: none"> <li>3 ft from property line</li> </ul>
Maximum Density	30 du/acre (33 units)	22.1 du/acre (25 units)
Open Space	45% (40% for ADU development)	36% (waiver requested)
Parking Spaces	68 spaces (2.7 per unit)	55 spaces (2.2 per unit) <sup>1</sup>
Screening / Buffering	None required	Screening wall/fence along northern property line
10-yr Tree Canopy	10% per R-30	10.65%

Figure 11: Comparison of zoning requirements.

1. Separate parking reduction request submitted concurrently.

## Requested Waivers and Modifications

- Waiver of Sect. 6-107, Part 1, requiring a minimum district size of 2 acres for a PDH district.

The current proposal is to rezone three existing I-5 parcels, totaling 1.07 acres, to PDH-30 zoning, which requires a 2-acre minimum district size. The intent of this application is to create a coordinated development with the neighboring Mosaic "Town Center" project, with respect to building layout, architecture, streetscape design, and other proffered elements that would serve to further integrate this development with the Mosaic project. It is impractical to append these parcels into the actual Mosaic rezoning at this late in the development of that project, so a separate but coordinated rezoning was deemed the best approach. Staff supports the requested waiver to minimum district size.

- Modification of Sect. 6-107, Part. 2, requiring 200 square foot privacy yards for single-family attached dwellings, in favor of roof-top terraces.

In keeping with the neighboring Mosaic Parcels I & J townhome project, the proposed housing units are urban in design, featuring no private yard areas, in order to maximize density, but including rooftop terraces and other amenities to provide outdoor private space. Staff also supports this waiver request.

- Modification of Sect. 6-110, to allow 36% open space, as shown on the plan, in lieu of the 45% requirement for a PDH-30 district.

Due to the urban nature of the proposed development, and the inclusion of a park area in the proposal, Staff is comfortable with the applicant's request to modify the open space requirement. Residents will also have access to other open space park areas in the Town Center area.

- Modification of Sect. 10-104 to allow an 8-foot maximum fence height in side and rear yards, as indicated on CDP/FDP.

The included retaining wall/screening fence combination, along the north property line, is proposed to a maximum height of 8-feet, which would require modification of the 6-foot maximum height specified in the Ordinance for side and rear yard areas. The 4-foot proposed wall/fence height in the front yard area of Eskridge Road would be within Ordinance requirements. Staff has no issue with this modification request; a development condition has been proposed to allow the removal of the wall at such time as the adjacent parcel redevelops with a compatible use.

- Modification of Sect. 17-201 to accept the proposed improvements, as shown on the CDP/FDP, as satisfying all immediate streetscape, trail, and interparcel connection requirements at site plan stage.

Staff considers the streetscape and sidewalk conditions shown on the CDP/FDP, and as proffered and conditioned, sufficient to meet the intent of the streetscape

and trail requirements of Sect. 17-201, and would also not require any further interparcel access requirement, at this time. This modification would not be intended to apply to future zoning actions on this property.

- Modification of Comprehensive Plan streetscape sections and bulk requirements of the Merrifield Suburban Center area, in favor of the typical sections shown on plan.

The proposed Merrifield Town Center streetscape cross-section does not conform to the dimensional guidelines specified in the Area Plan for a cross street (to be discussed in more detail later in the report), but is consistent with the dimensions of the previously-approved townhome development to the south. Staff is comfortable with the proposed streetscape, as shown on the CDP/FDP.

- Waiver request #561-WPFM-005-1, to allow underground Storm Water Management (SWM) facilities in a residential development, per Sect. 6-0303.8 of the Public Facilities Manual (PFM), as conditioned in Attachment A of the proposed development conditions (Appendix 2).

The proposed development would be considered a redevelopment with no increase in impervious surface, per the PFM, and would not be required by the PFM to detain additional stormwater runoff. The applicant proposes an underground detention facility, above and beyond the Ordinance requirements, that would require a PFM waiver to be located in a residential development. The tight constraints and urban nature of the proposal would make surface detention of stormwater impractical, and an underground vault is a reasonable alternative. A separate waiver request to allow the underground SWM in a residential development has been submitted, and DPWES recommends approval. Subject to the approval of that waiver, zoning staff has no objection to the request.

- Direction to the Director of DPWES to modify the Tree Preservation Target, per Sect. 12-0508 of PFM, in favor of proposed vegetation shown on the CDP/FDP.

There is little to no quality vegetation on site to preserve, so staff has no objection to the request to modify the Tree Preservation Target, in lieu of the proposed vegetation.

- Direction to the Director of DPWES to modify Sect. 12-0510.4E(5) of PFM, to allow a reduction of 8' planting width to 5.5' with 2.5' cantilevered sidewalk, as shown in select areas of FDP.

In order to maximize sidewalk width, while still allowing sufficient planting area under tight constraints, staff suggested that the applicant utilize structural cells underneath portions of the sidewalk to accommodate tree plantings, as previously detailed on a portion of the neighboring Mosaic application. Staff supports the PFM modification to allow the detail, as shown on the FDP.

- Direction to the Director of DPWES to modify Sect. 7-0502 of PFM to permit 20-foot alleys, as indicated on CDP/FDP, in areas with no parking.

The proposal includes a 20-foot wide access alley that requires a waiver of the typical 24-foot wide PFM minimum width requirement. Due to the urban nature and tight constraints of the site, staff has no issue with the modification request.

### **Parking Standards (Par. 4 of Sect 11-103)**

The Zoning Ordinance would require a minimum of 68 parking spaces for the proposed development (2.7 spaces per unit) and 55 spaces have been proposed (2.2 per unit), consisting of 49 garage spaces located in the individual townhomes, and six parallel on-street spaces, to be posted for the use of residents and their guests only. The justification for the proposed parking reduction is the proximity of the development to mass transit (Dunn-Loring Metro Station, which is approximately one mile away) and the proffered TDM program, which includes Shuttle service to the Metro station. The neighboring Mosaic townhome development was previously granted a similar parking reduction. A possible shared-parking agreement with neighboring properties would also be permitted by the proposed proffers, though no such agreement is currently proposed.

Due to the importance of adequate parking facilities for any new residential units proposed, the parking standards of the Zoning Ordinance are *required* to be met, unless a reduction request is approved. Therefore, the CDP/FDP, as proposed, would be contingent on approval of the parking reduction request or some alternative method of compliance. Staff recognizes that the parking requirements of the Zoning Ordinance are largely based on a suburban model of land development, and the Ordinance does include provisions for parking reductions of up to 20 percent in Commercial Revitalization Districts (CRDs), to encourage a more urban form of development and less reliance on the automobile in areas with proximity to transit. The Merrifield Suburban Center area is not a CRD, but a Commercial Revitalization Area (CRA), which does not automatically qualify for the Ordinance flexibility of a CRD, but *is* intended to develop in much the same manner and does benefit from proximity to transit.

A separate staff report, containing further analysis of the parking reduction request and an official staff recommendation, will be published separately but concurrently with this report. A brief memo on the parking reduction request is included as Appendix 15.

### **Signage Requirements (Article 12)**

There is no signage proposed with this application and the applicant has included a proffer requiring any future signage to be included in a Comprehensive Sign Plan (CSP) that is either incorporated into, or coordinated with, the CSP for the overall Mosaic project. Non-permitted parking and regulatory signage, meeting the restrictions of Sect. 12-103 of the Ordinance, would still be allowed "by-right".

### **Landscaping and Screening Requirements (Article 13)**

There are no applicable parking lot landscaping requirements for the proposal, and requirements to provide transitional screening to neighboring properties would also not apply, due to the more intensive nature of the neighboring uses. It would be in the best interest of the townhome owners, however, to screen the view of the adjacent office use to the north, and a combination of retaining wall and screening fence has been proposed along the north frontage to provide such screening. At such time as the property to the north redevelops with a compatible use, the wall may be removed.

A 10-year tree coverage minimum is required by the Public Facilities Manual (PFM), which would be satisfied by the proposed trees specified on the plan, and additional shrubs and vegetation are also proposed, both in the park area and incorporated into the streetscapes. A waiver request has been included to allow the use of structural cells, beneath portions of the sidewalk, in order to accommodate the required soil volume for the street trees in those locations. A more detailed landscape plan, conforming to all applicable requirements of the PFM, will be required at site plan stage.

All forestry concerns that were identified during review of the proposal have been sufficiently satisfied and there are no further comments or objections.

### **Stormwater Management Analysis (Sect. 6-0000 of PFM) (Appendix 8)**

#### Stormwater Detention

The proposed development would result in a reduction in impervious area and associated stormwater runoff, which would exempt the development from current stormwater detention requirements of the PFM. The Mosaic development, however, which the current project intends to emulate, proffered to a higher standard of Stormwater Management, including reducing the rate of runoff to that of pre-development (forested) conditions by utilizing large underground stormwater vaults.

While the current proposal would not match the higher standard of the Mosaic rezoning, the applicant has proffered to provide additional runoff reduction by including a smaller underground detention vault, with a minimum capacity of 500 cubic yards (cy) of storage capacity. A waiver request to the PFM is required to allow underground stormwater facilities in a residential development, and an associated request (#561-WPFM-005-1) is being reviewed concurrently with the zoning application. DPWES has recommended approval of the proposed waiver request, which is subject to the Board of Supervisors' approval.

#### Water Quality Control

Under the current PFM standards for redevelopment, with no increase of impervious area, this proposal would be subject to a 10% phosphorus reduction target. Once again, the Mosaic project proffered to a higher, 40% phosphorus

reduction commitment, equal to that of new construction (not redevelopment). The current proposal would not meet the level of the Mosaic commitment but would proffer to a 20% phosphorus reduction commitment, and would utilize permeable pavers and soil amendments as BMP devices in the park area, where the runoff would otherwise not be captured by the on-site stormwater management system.

Staff has some concern that the cross slope in the park area, which is not represented well in the two-dimensional plan, might make the utilization of permeable pavers difficult, due to the requirement that those systems be installed on relatively flat ground. The applicant shall be required to make every effort to include the permeable paving BMP, and should be allowed to modify the park design, as needed, to accommodate an alternative (or innovative) approach to maintaining the proffered BMP commitment (whether it be a terraced design, or other configuration), within the intent of the plan. A condition has been proposed that if, at the time of site plan, DPWES finds the utilization of permeable pavers not feasible, due to soil conditions or the topography of the site, alternative BMPs may be utilized to satisfy the proffered 20% phosphorus reduction.



**Horizontal Datum**

*Figure 12: Staff projection of cross slope in park area.*

### Proposed Changes to the Stormwater Ordinance

Upcoming amendments to the County Stormwater Ordinance are anticipated to take effect by July of 2014, and may impose additional requirements if construction permits are not granted by that time. The proposal shall be subject to any current stormwater regulations that apply at the time of site plan review and approval, and would be required to accommodate any additional stormwater measures necessary at that time. Any additional stormwater measures required that would not be in conformance with the approved CDP/FDP may require an additional amendment to the approved development plan.

## **Standards for all Planned Developments (Sect. 16-100) (Appendix 5)**

### General Standards

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1. *The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.*

The proposed addition of 25 single-family attached homes is generally consistent with the Comprehensive Plan's recommendation for mixed-use, including a residential component, in the "Town Center" portion of the Merrifield Suburban Center plan, and is within the density allowance specified (see the "Land-Use Analysis" section of this report for further detail).

2. *The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.*

The proposed PDH-30 zoning designation would allow the design flexibility, not available in a conventional zoning district, that would enable the project to mirror the layout and details of the neighboring Mosaic planned district, and to meet the urban design objectives of the Merrifield Suburban Center area.

3. *The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.*

There are no existing scenic assets or natural features existing on the site, which had previously been a nearly 100% paved industrial parcel. The proposed development would efficiently locate 25 single-family attached homes on the 1.07-acre site, while still allowing for a pocket park and streetscape amenities.

4. *The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.*

The current townhome proposal would be nearly identical to the neighboring development to the south, and would contribute to the residential component of the larger "Town Center" vision. The proposal would provide transportation and streetscape improvements that would further contribute to the urban regeneration of the area.

- 5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.*

All required public services and utilities would be adequate on the site to support the proposed use, and the applicant has proffered to contribute towards schools, parks, transportation and other impacted public uses.

- 6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.*

The proposed townhomes would be provided access via a private alley that connects in two locations with the surrounding properties. Pedestrian linkages would be provided from each townhome to the common areas and to surrounding infrastructure. Residents would have access to a local shuttle system providing access directly to the Dunn-Loring Metro station.

### Design Standards

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:

- 1. In order to complement development on adjacent properties, at all peripheral boundaries of the PDH, PRM, PDC, PRC Districts the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.*

The PDH-30 district would most closely resemble an R-30 conventional district, and would include minimum yard (setback) requirements based on an angle of “bulk-plane” calculation. Comprehensive Plan guidance for the area, recommends that buildings and structures be built close to lot lines, to achieve a pedestrian-oriented, urban streetscape, but does specify a “bulk-plane” requirement, and also recommends buildings on Main Streets and Cross Streets to be setback generally 20 to 25 feet from the curb.

The current proposal would meet both conventional and Comprehensive Plan setback requirements on Eskridge Road, but would fall well short on all other yards, as seen in the comparison table on Page 14 of this report. Per Ordinance definition, the north lot line would be considered a “side yard”, and the east line considered the “rear yard”. While the typical bulk requirements would not be met by the current proposal, the proposed sections do conform to the intent of

Comprehensive Plan guidance for urban, pedestrian-oriented areas, and is consistent with the streetscape dimensions of the neighboring Mosaic development. Staff is comfortable with the dimensions proposed.

Transitional screening requirements would not apply to the current proposal, as mentioned in the Landscaping and Screening Analysis above.

2. *Other than those regulations specifically set forth in Article 6 for a particular P-district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.*

Applicable Zoning Ordinance requirements are discussed in the appropriate Analysis sections of the report (above).

3. *Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.*

The proposal includes a 20-foot wide private alley, which requires a requested PFM waiver, but is consistent with the Mosaic townhome area to the south. The applicant has proffered to join the Mosaic Transportation Demand Management (TDM) system, which includes a local shuttle service to the Metro station, and agrees to provide an area for a bus stop on-site, if needed. Streetscape dimensions and details would also be coordinated with the Mosaic development, and would provide an additional pedestrian access to the Town Center core from Eskridge Road. The proposed pocket park will also be accessible to the public, and will contribute towards a network of open space in the area.

Staff believes that all Standards for Planned Developments would be sufficiently met by the current proposal.

## COMPREHENSIVE PLAN PROVISIONS

<b>Plan Area:</b>	I
<b>Planning District:</b>	Merrifield Suburban Center
<b>Planning Sector:</b>	Land Unit F, Sub-Unit F2
<b>Plan Map:</b>	Mixed-Use Town Center

**Plan Text:**

The **Merrifield Suburban Center (MSC)** “Concept for Future Development” encompasses two core areas, consisting of transit-oriented development near the Dunn-Loring Metro station and a proposed “Town Center” south of Lee Highway. MSC areas outside of each core should transition to the scale of the surrounding area, which would remain suburban in character.

The current application property is located in **Land Unit F2** of the MSC plan, which is a component of the proposed “Town Center” core. Plan language for Land Unit F emphasizes the proposed mixture of uses and ground-level uses that are designed with a pedestrian orientation. An updated street grid is also described, including a main “Festival Street” (now known as District Avenue), and the extension of Eskridge Road, which are already in place at the time of this application.

The plan for **Land Unit F2** (as well as F1) begins with a base recommendation consistent with the current industrial and offices uses currently in the area, and includes two additional “Options” for more intensive future redevelopment, as part of the “Town Center” concept:

- Option 1 would allow a higher-intensity mixture of office and retail uses (up to .65 FAR), as part of the “Town Center” concept, with at least 30% retail.
- Option 2 (which would be utilized here) would allow the addition of residential and/or hotel uses to the mixture (up to 1.2 FAR).

**LAND-USE ANALYSIS** (Appendix 6)

The current proposal would be evaluated under “Option 2” presented for the area, which allows for residential uses as part of the “Town Center” concept, with a density up to 1.2 FAR. The density of single-family residential development is typically evaluated by dwelling units per acre (du/ac), rather than FAR, and the proposed development would equate to a density of 22.1 du/ac, which is below the maximum recommendation of 30 du/ac for a comparable R-30 conventional district. If converted to an FAR value, the square footage of the proposed development would appear to be in the range of 0.9 FAR, which would also be below the “Option 2” recommendation. Additional Plan requirements for any creation of residential development utilizing “Option 2” is for that development to both create an “integral” component of the “Town Center” vision, and to create a “viable” living environment, by providing recreation and other amenities for the residents.

Including a mixture of housing types within close proximity to the retail center is an essential component to the overall Town Center vision, and the current proposal would serve as an extension of the neighboring residential portion of the Mosaic development. Vehicular and pedestrian infrastructure improvements proposed would also contribute towards the fulfillment of the “Town Center” vision. Staff believes that the proposal meets the first requirement described, but does have

concerns over the second requirement for adequate recreation and other amenities, which will be discussed in the following Park Authority Analysis.

### **PARK AUTHORITY ANALYSIS (Appendix 13)**

There are several park-related issues still outstanding at the time of the staff report, which are summarized below. Refer to the full Park Authority memo in Appendix 13 for a more detailed analysis.

#### Onsite Recreation Facilities

Sect. 6-110 and Sect. 16-404 of the Zoning Ordinance require the provision of open space and recreational facilities within Planned Development Districts, to a minimum expenditure of \$1,700 per unit for outdoor recreational facilities. The applicant has proffered to commit the required amount towards on-site recreational facilities (or to forward any unspent funds to the Fairfax County Park Authority (FCPA) to be used at other facilities in the area). An onsite pocket park is proposed, but features no active recreational elements, nor do the related proffers.

Residents of the neighboring townhome portion of Mosaic were provided access to the recreation amenities of Building H of Mosaic (multifamily residential building), which includes a pool, fitness center, and other amenities, in order to satisfy the Comprehensive Plan criteria. Staff requested that a similar arrangement be pursued with the current proposal, possibly in connection with Building C/E – which is an additional multifamily residential building currently under construction adjacent to the proposed site. Mention of such a request was incorporated into the proposed proffers (proffer #44), but only requiring that such a *request* be presented to the UOA and/or property owner, and not that an agreement is actually reached. It is the understanding of staff that such a request has previously been presented, and was denied. Currently, such an arrangement has *not* been reached, which further justifies the need for on-site recreational amenities.

#### Mitigating Off-site Impact

In addition to stressing the importance of including onsite recreation facilities with any new residential development, the Comprehensive Plan also suggests additional contributions for off-site parks serving the area, in order to mitigate the adverse effects of additional development on those facilities. The included Urban Parks Framework specifically cites the need and methods of providing park space within Suburban Centers, such as the MSC. The FCPA has suggested and additional “fair share” contribution amount of \$893 per new resident, in order to offset the impact of the additional development to existing park and recreation service levels. The applicant has not included any additional “fair share” contribution in the proposed proffers to address the anticipated impact of the development on Park infrastructure, but has proffered to contribute \$5,000 to help support the local “Nottoway Nights” concert series, which takes place in nearby Nottoway Park.

Staff would still like to see the applicant either provide on-site recreational amenities or arrange a commitment for shared use of neighboring facilities, and to commit further funds to mitigate the off-site parks impact of the development.

## **ADDITIONAL EVALUATION CRITERIA**

To further evaluate the land-use impacts of the proposed development on the greater community, the Comprehensive Plan contains detailed Residential Development Criteria that to be used as guidance during the evaluation of all proposed residential development. In addition, development proposals in the Merrifield Suburban Center are to be reviewed for conformance with Area-Wide Recommendations for the MSC, the Objectives of the MSC Concept for Future Development, and specific Land Use Guidelines for the MSC, as well as the typical review of County policies and Ordinance requirements.

### **Residential Development Criteria** (*excerpts – see Appendix 5 for full text*)

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. To that end, the following criteria are to be used in evaluating zoning requests for new residential development:

#### **1. Site Design**

*All rezoning applications for residential development should be characterized by high quality site design, and shall be evaluated based upon the following principles:*

##### **a. *Consolidation***

To incorporate the proposed development into the larger Mosaic rezoning would have been problematic, at this stage in the Mosaic project, so a separate, but coordinated, rezoning was determined to be the best approach. Additional parcel consolidation to the north is not feasible, at this time, due to the multiple ownership and stable uses of the existing office condominium. A development condition to allow removal of the screening wall/fence, in the event of future redevelopment of that site, would allow for further integration with adjacent development at that time.

##### **b. *Layout***

The proposed building and street layout is coordinated with the Mosaic townhome project to the south, and serves as a “capstone” to that development. Dwelling units are oriented towards the streets or park space

and provide both vehicular and pedestrian access to the surrounding infrastructure.

c. *Open Space*

The project includes 36% dedicated open space, which falls short of the 45% requirement of the PDH-30 district and for which a waiver request is proposed. The included open space does include a central “pocket park” that would be accessible to neighboring residents and to the public, and would contribute to the park and open-space network within the larger Town Center area.

d. *Landscaping*

Proposed landscaping is described in the “Description of Proposal” section of this report (above), would be consistent with the existing neighboring development, and would be sufficiently distributed throughout the site.

e. *Amenities*

The proposal includes benches and ornamental pavers in the park area, as well as street lighting and one bicycle rack on-site. Staff does feel, however, that there is further potential to provide active recreational amenities for future residents, as outlined in the Park Authority Analysis section (below).

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, and should fit into the fabric of their adjacent neighborhoods.*

As stated above, the proposed development is designed to appear and function as a seamless extension of the neighboring Mosaic townhome development, and will feature identical residential units, setbacks, and streetscape details, in order to ensure that the intent is met. The urban nature of the townhomes proposed would not conflict with other types of mixed-use development that might occur in the future, either across Eskridge Road or to the north of the parcel.

3. Environment (Appendix 7)

*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.*

Site Remediation: There are no existing environmental resources to protect on the site; in fact, the previous industrial use has resulted in measurable soil contamination that is currently undergoing a self-directed remediation by the current owner (Eskridge Realty, LLC), subject to monitoring by the Virginia Department of Environmental Quality (DEQ).

Green Building/LEED: Although the site is not in an area where the Comprehensive Plan explicitly expects green development practices, Objective 13 of the Environment section of the Policy Plan encourages green building design in new construction and redevelopment, and the neighboring Mosaic townhomes were built to LEED standards. The applicant has proffered with this proposal to also commit to either LEED for homes or the Earthcraft green-building standard. Staff is satisfied with this commitment.

#### 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.*

There is no quality vegetation existing on-site, and a waiver has been requested to any preservation requirement. New shade trees are proposed along both the street frontages, and the pedestrian walkways within the site, that will meet the 10-year tree coverage requirement of the Ordinance and provide a valuable natural amenity to the residents and guests.

#### 5. Transportation

*All rezoning applications for residential development should implement measures to address planned transportation improvements and should offset their impacts to the transportation network.*

The proposal includes the addition of a dedicated right-turn lane on Merrifield Town Center, in order to provide for projected future traffic volumes on that road – which is a vital component of the Town Center street grid, and is proposed to connect to Gallows Road in the future. The applicant has also agreed to reconstruct the southern side of Merrifield Town Center, as mentioned in the “Description of Proposal” section (above). The proposed private alley would be built with materials consistent with public street standards, and would be privately maintained by the HOA.

In order to further integrate with the larger Mosaic development, and to provide justification for a requested on-site parking reduction, the applicant has proffered to join the Mosaic TDM program, which includes a shuttle service to/from the Dunn-Loring Metro station, and will provide a bus stop (if needed) at this location.

## 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. 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.*

In addition to construction of the above-mentioned transportation improvements, to mitigate any traffic impact to the street grid, improvements to on-site Stormwater Management would help to mitigate existing water quality issues in the area, and a public school system contribution of \$125,856 would offset the anticipated student load to be generated by the proposal.

An additional opportunity remains to further mitigate the impact of the proposed development on public parks, through a “fair-share” contribution, as is discussed in the “Park Authority Analysis” section (above).

## 7. Affordable Housing

*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, and specifies two methods of satisfying the criteria: 1) Dedication of Units or Land, or 2) Housing Trust Fund Contribution.*

The current application is not required by Part 8 of Article 2 to provide ADUs, since it consists of less than 50 proposed residential units, but is still required to satisfy Criteria #7. The applicant has proffered to contribute 0.5% of the value of all units approved to the Housing Trust Fund, as directed by the criteria.

## 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.*

No heritage resources have been identified on-site that would warrant preservation.

With the exception of the concern about inadequate mitigation of off-site park impacts, outlined in the Criteria #6 (Public Facilities) discussion, staff feels that the applicant has adequately satisfied the remaining Residential Development Criteria.

## **Objectives of the MSC Concept for Future Development**

Objectives for the area encourage revitalization and redevelopment, centered around creating vibrant, urban, pedestrian-oriented commercial and residential areas that reduce reliance on automobiles by virtue of its mix of uses, pedestrian network, and proximity to transit. The development of additional housing in the area is supported, so that employees may live near their workplace and transit services. A cohesive roadway “grid” is also envisioned, as is a unified streetscape hierarchy throughout the MSC that creates a pedestrian-oriented environment.

Staff feels that the proposal integrates with the adjacent development and provides necessary pedestrian infrastructure, as well as upgrades to the vehicular network (right-turn lane), that serve to forward these objectives.

### **Area-Wide Recommendations (*selected*)**

#### Affordable Housing:

One of the Area-Wide Recommendations for the MSC includes provisions for Affordable Housing in all residential development in the MSC.

While the current proposal does not include any designated Affordable Dwelling Units (ADU's), a proposed proffer would contribute to the Fairfax County Housing Trust Fund at rate of 0.5% of the value of the proposed units, as is consistent with County policy for the proposed density.

#### Coordinated Development Plans:

As an alternative to parcel consolidation, coordinated development plans may be allowed.

While the current parcels total less than the normal 2-acre requirement to be considered for coordinated development status, the ability for the applicant to consolidate additional parcels is severely restricted by the multiple-ownership and stable nature of the adjoining office condominium use. The proposal otherwise meets the guidance of this portion of the plan, with regards to integrating with previously-approved applications that did meet minimum consolidation requirements, with utilizing similar architectural materials, and coordinating access and open space layouts with previous applications. Staff feels that the application sufficiently meets the intent of this recommendation and the intent of the Comprehensive Plan for the ongoing phased development of the Town Center vision.

#### Streetscape Design

The MSC plan contains four different categories of street types, with each designation including recommendations for specific streetscape dimensions and improvements to be included with all new development in the MSC area. Eskridge road is considered by the MSC plan as a “main street”, due to its function as a connector to the Transit Station Area via Merrilee Drive, while Merrifield Town

Center is considered to be a “cross street”, intended to connect in the future to Gallows Road and to serve as an important component of the future street grid for the area.

Eskridge Road has recently been reconstructed to meet its future needs as a “main street”, and to provide a through connection to the south. This project’s proposed streetscape along Eskridge meets Comprehensive Plan guidance for dimensional requirements, as well as landscape and sidewalk treatments. The proposed Merrifield Town Center cross-section does not meet the dimensional guidelines specified in the plan for a cross street, but does conform to the dimensions of the previously-approved development to the south. In addition, the applicant has agreed to staff’s request to provide a 5-foot sidewalk along this frontage, as well as to provide additional soil volume for proposed street trees by utilizing structural cells underneath portions of the proposed sidewalk. Due to the proposed streetscape being residential in nature, and at far less density than other cross streets in the Town Center plan, Staff is comfortable with the proposed streetscape, as shown on the CDP/FDP.

#### Building and Site Design Guidelines

Buildings in the MSC core areas are to be located close to the roadways and utilize facades and streetscape amenities that create a pedestrian scale relationship to the street.

The proposal includes rows of townhomes located close to the streets, with front entrances along the roadways, as well as street trees and landscape areas that all would help create a pedestrian scale along both street frontages. Staff feels that this guideline has been satisfied.

#### Transportation Demand Management (TDM)

The County Policy Plan goal for Suburban Centers and Transit Station Areas is a mode split of at least 15% to modes other than single occupancy vehicles, for which new development in these areas must create a plan to achieve. The Mosaic development proffered to an overall TDM program, which includes a shuttle to the Metro station, an educational and informational component, and other provisions.

The current proposal includes proffer language that would integrate this development with the overall Mosaic TDM program, as administered by the Mosaic “Umbrella Owners Association” (UOA), which would satisfy this Comprehensive Plan recommendation.

#### Roadway Improvements

The MSC Guidelines stress the importance of upgrades to the street grid/network, to be provided as new development occurs in the area. Merrifield Town Center (MTC) is proposed as a future connecting street between Eskridge and Gallows Road, as well as a main access road to the Town Center area.

During the review process, staff identified the future need for a right-turn lane on Merrifield Town Center, as it approaches Eskridge Road, in order to accommodate future traffic from its extension to Gallows Road, and future redevelopment of the Fairfax Plaza site to the east. The access alley proposed on the current application could also create a conflict with traffic backed up at the MTC/Eskridge intersection without such a turn lane to relieve congestion. The applicant agreed to provide a right-turn lane, as shown on the CDP/FDP, to alleviate these concerns and to help support the proper function of the larger street grid, as directed in the Comprehensive Plan. Staff feels that this guideline has been satisfied.

### **OFFICE OF COMMUNITY REVITALIZATION (OCR) ANALYSIS (Appendix 12)**

All OCR concerns that were identified during review of the proposal have been sufficiently satisfied and there are no further comments.

### **FAIRFAX COUNTY PUBLIC SCHOOLS (Appendix 14)**

A suggested contribution of \$125,856 has been proffered to offset the anticipated impact of the additional development on surrounding schools. See Appendix 14 for further details.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The proposed rezoning from I-5 to the PDH-30 district to permit 25 single-family attached townhomes would appear as a seamless extension of the Mosaic townhome development to the south and would provide additional residential units within walking distance of local amenities, and easily accessible to public transit. While there might still be additional opportunity to address the anticipated offsite impact to park infrastructure, the proposal would provide additional streetscape, park, and transportation infrastructure, and would participate in the greater Mosaic UOA, all of which would contribute towards the larger "Town Center" vision. Staff finds the proposal, subject to the proposed proffers and development conditions, generally consistent with Zoning Ordinance requirements and the various guidelines of both the Zoning Ordinance and Comprehensive Plan for the area.

### **Recommendations**

Staff recommends approval of RZ 2013-PR-007, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDP 2013-PR-007, subject to proposed development conditions contained in Appendix 2.

Staff recommends that the following waivers and modifications be approved:

- Waiver of Sect. 6-107, Part 1, requiring a minimum district size of 2 acres for a PDH District.
- Modification of Sect. 2-505 to permit structures to encroach within the corner lot limitations, as depicted on the CDP/FDP.
- Modification of Sect. 6-107, Part. 2, requiring 200 square foot privacy yards for single-family attached dwellings, in favor of roof-top terraces.
- Modification of Sect. 6-110, to allow 36% open space, as shown on the plan, in lieu of the 45% requirement for a PDH-30 District.
- Modification of Sect. 10-104 to allow an 8-foot maximum fence height in side and rear yards, as indicated on CDP/FDP.
- Modification of Comprehensive Plan streetscape sections and bulk requirements for Merrifield Suburban Center, in favor of the typical sections shown on plan.
- Modification of Sect. 17-201 to accept the proposed improvements, as shown on the CDP/FDP, as satisfying all immediate streetscape, trail, or interparcel connection requirements at site plan stage.
- Waiver request #561-WPFM-005-1, to allow underground Storm Water Management (SWM) facilities in a residential development, per Sect. 6-0303.8 of the Public Facilities Manual (PFM), as conditioned in Attachment A of the proposed development conditions (Appendix 2).

Direct the Director of DPWES to:

- Modify the Tree Preservation Target, per Sect. 12-0508 of PFM, in favor of proposed vegetation shown on the CDP/FDP.
- Modify Sect. 12-0510.4E(5) of PFM, to allow a reduction of 8' planting width to 5.5' with 2.5' cantilevered sidewalk, as shown in select areas of FDP.
- Modify Sect. 7-0502 of PFM to permit 20-foot alleys, as indicated on CDP/FDP, in areas with no parking.

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

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

## **APPENDICES**

1. Proposed Proffers
2. Proposed FDP Conditions
3. Statement of Justification
4. Applicant's Affidavit
5. Zoning Ordinance/Comprehensive Plan Excerpts
6. DPZ – Land Use Memo
7. DPZ – Environmental Memo
8. DPWES – Stormwater Memo
9. DPWES – Stormwater Waiver Request
10. DPWES – Urban Forestry Memo
11. FCDOT – Transportation Memo
12. OCR – Office of Community Revitalization Memo
13. FCPA - Parks Memo
14. FCPS – Public Schools Memo
15. Glossary of Terms

**ESKRIDGE REALTY (E & A), LLC****RZ/FDP 2013-PR-007  
PROFFERS****October 23, 2013**

Pursuant to Section 15.202303(a) of the Code of Virginia, 1950, as amended, the property owner who is the Applicant in this rezoning proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference – 49-3-((1))-87, 88, 89B (hereinafter referred to as the “Property”) shall be in accordance with the following conditions if, and only if, said rezoning request for the PDH-30 District is granted by the Board of Supervisors of Fairfax County, Virginia (the “Board”). In the event said application request is denied or the Board’s approval is overturned by a court of competent jurisdiction, these proffers shall be null and void. The Owners and the Applicant (“Applicant”), for themselves, their successors and assigns, agree that these proffers shall supersede any and all previously approved proffers or Special Exception conditions and shall be binding on the future development of the Property unless modified, waived, or rescinded in the future by the Board, in accordance with applicable County and State statutory procedures. The proffered conditions are:

**I. GENERAL**

1. **Substantial Conformance.** Subject to the Proffers and the provisions of Sections 6-200 and 6-400 and Article 16 of the Zoning Ordinance, the Property shall be developed in substantial conformance with the Conceptual Development Plan/Final Development Plan (“CDP/FDP”) dated February 21, 2013, and revised through August 16, 2013 consisting of 17 Sheets, and prepared by VIKA Virginia, LLC and Lessard Group, and as further modified by these proffered conditions. This project is designed to be integrated into the

existing Merrifield Town Center Rezoning (latest approval as of the date of these proffers is PCA/FDPA 2005-PR-041-3 and also referred to as “Mosaic”), specifically from both an aesthetic and functional perspective, as an additional phase of the townhouse development approved for Parcels I and J. To that end this Property may also be referred to as “Parcel K” reflecting this intent.

2. **Minor Modifications.** Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the approved CDP/FDP described above encompassing the application Property may be permitted due to final architectural and engineering design, as determined by the Zoning Administrator.
3. **Density Credit.** All intensity/density attributable to land areas dedicated and/or conveyed at no cost to the Board or any other public entity pursuant to these proffers (including, without limitation, the dedications referenced below) shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and is hereby reserved to the Property.
4. **Escalation.** The amounts of each cash contribution set forth in these Proffers shall adjust on a yearly basis (but not to exceed 3% increase for any given calendar year) from the base year of 2013, and change effective each January 1 thereafter, based on the Consumer Price Index as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the “CPI”).
5. **Decks. Decks (including all attached flower boxes, trellises, lattice work and similar embellishments), bay windows, patios, chimneys, areaways, stairs and stoops, mechanical equipment and other similar appurtenances may encroach into minimum**

yards as depicted on the "lot typical" as shown on the CDP/FDP and as permitted by Section 2-412 and Article 10 of the Zoning Ordinance. The restrictions and limitations of this proffer shall be disclosed to purchasers prior to contract ratification and further disclosed in the homeowners association (HOA) documents. The HOA documents required above shall further stipulate that all decks be of a unified design subject to future modifications as determined by the HOA. In addition, all prospective purchasers shall be notified of the applicable County requirements as they pertain to matters of permitting and related construction requirements.

## II. HOMEOWNERS' ASSOCIATIONS

6. **Homeowners' Associations.** Prior to record plat approval, the Applicant shall establish a Homeowners Association (HOA) in accordance with Sect. 2-700 of the Zoning Ordinance for the purpose of, among other things, establishing the necessary residential covenants governing the use and operation of common open space, stormwater management facilities, implementation of a Transportation Demand Management (TDM) program and other common facilities of the approved development and to provide a mechanism for ensuring the ability to complete the maintenance obligations and other provisions noted in these proffer conditions within the Property, except and to the extent that those obligations are assumed by the UOA.
7. **HOA subject to Umbrella Owners' Association (UOA).** As part of the effort to integrate this Parcel K into the existing townhome community on Parcels I and J and the larger Merrifield Town Center Rezoning, prior to issuance of the first RUP on the Property, the Applicant shall demonstrate that the HOA is a member of the UOA required to be established by the Merrifield Town Center Rezoning.

8. **Dedication to an HOA.** At the time of record plat recordation, open space, common areas, private roadways, and amenities not otherwise conveyed or dedicated to the County shall be dedicated to the HOA/UOA (as appropriate based on the agreement between the HOA and UOA) and shall be maintained by the same.
9. **Disclosure.** Prior to entering into a contract of sale, prospective purchasers shall be notified in writing by the Applicants of the land use and parking restraints imposed by the proffers as well as the TDM program, maintenance responsibility for the private roadways; guest parking spaces; painted walkways; stormwater management facilities; common area landscaping and any other open space amenities and shall acknowledge receipt of this information in writing. The initial deeds of conveyance and HOA and/or UOA governing documents, as applicable, shall expressly contain these disclosures.
10. **HOA/UOA Maintenance Obligations.** The Applicant, and then the subsequent HOA and/or UOA, shall have maintenance responsibilities that shall include, but not necessarily be limited to the following:
  - A. Maintenance of private streets, all sidewalks, park area, open-space, stormwater management facilities, recreational facilities and other common areas within the Application Property, including standard cleaning and lawn/landscaping maintenance and removal of snow from streets and all sidewalks (including VDOT sidewalks) within the Application Property. The HOA and/or UOA shall incorporate into its lawn maintenance contracts a prohibition against mowing with gas-powered equipment on Code Red days.
  - B. Repair of surfaces and site furnishings.

C. Replacement of dead, dying, or diseased trees and landscaping within the Property with the same size and similar species as originally approved on the landscape plan.

D. **The TDM Program.** As discussed below, the respective HOA and/or UOA documents shall specify the maintenance obligation as set forth herein with regard to participation in the Mosaic TDM Plan as applicable to the Property. Purchasers shall be advised in writing prior to entering into a contract of sale, and in the HOA/UOA documents, that the HOA/UOA shall be responsible, respectively, for such obligations.

### III. LAND USE

11. **Lot Yield and Uses.** The development shall consist of a maximum of twenty-five (25) single-family attached dwelling units.

### IV. PARKING

12. **Parking Tabulations.** Parking spaces shall be provided in accordance with the “Parking Tabulations” listed on Sheets C-2 of the CDP/FDP. The Applicant may establish surface parking spaces to be located along Merrifield Town Center generally as shown on the CDP/FDP (the “Parallel Spaces”). The Parallel Spaces are part of the total number of required parking spaces to be provided with the Proposed Development. The Applicant may restrict the use of those Parallel Spaces through appropriate signage or such other means as the Applicant determines for use as guest parking spaces specifically for visitors to these single family attached units. The Applicant may utilize such Parallel Spaces along Merrifield Town Center to meet the parking requirements, so long as such spaces are striped and meet the dimension requirements of the PFM and are in the

location shown on the CDP/FDP, subject to receiving approval of any necessary waivers and/or modifications.

13. **Parking Reduction/Agreement.** Notwithstanding the above, the Applicant may request a parking reduction or approval of a shared parking agreement pursuant to Article 11 of the Zoning Ordinance. Any modification of the required parking as approved by such parking reduction or agreement may be accommodated without requiring a PCA, CDPA or FDPA, provided that the location of the parking remains in substantial conformance with that depicted on the CDP/FDP.
14. **No Garage Conversion.** Any conversion of garages or use of garages that precludes the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction shall 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. This restriction shall also be disclosed in the HOA documents. Prospective purchasers shall be advised of this use restriction, in writing, prior to entering into a contract of sale.

#### **V. TRANSPORTATION – GENERAL**

15. **Right-of-Way Dedication.** All road right-of-way (“ROW”) dedicated in conjunction with these proffers and/or as depicted on the CDP/FDP shall be conveyed to the Board of Supervisors in fee simple at the time of recordation of the final record plat for the contiguous development area, or upon written demand by Fairfax County and/or VDOT, which occurs first. All ROW dedication shall be subject to the “Density Credit” proffer in Proffer 3, regarding reservation of development intensity to the resident of the Property.

16. **Definition of “Construct”**. For the purposes of these proffers, “construct” shall mean that the committed road improvement is open to public traffic use whether or not formally accepted into the State road system.
17. **Private Streets**. All private streets shall be constructed with materials and depth of pavement consistent with public street standards in accordance with the Fairfax County Public Facilities Manual (“PFM”) as may be approved by DPWES, except to the extent DPWES may approve a modified section. The above construction standard shall not apply to parking spaces. The Applicant and/or successor HOA/UOA shall be responsible for the maintenance of all private streets on the Property.
18. **Off-Site Private Alley Easement**. A public access easement in a form acceptable to Fairfax County shall be provided over the Existing Private Alley between the Property and Parcel E as shown on the CDP/FDP. Such easement shall be recorded prior to record plat approval.
19. **Service Alleys**. The private alleys shown on the CDP/FDP which provide service and access to the rear of the townhomes shall be constructed by the Applicant consistent with the sections shown on the CDP/FDP and prior to the issuance of the initial RUP on the Property. The Applicant shall provide a public Emergency Vehicle Access easement in a form acceptable to Fairfax County over such private alleys at the time of record plat approval.
20. **Retaining and Screening Fence**. As shown on the CDP/FDP, a retaining wall and screening fence shall be constructed along the north property boundary. Such wall/fence shall be in substantial conformance with the maximum height, design, and pattern distribution shown on the CDP/FDP. Further, the color palette utilized for the screening

fence shall consist of a minimum of two (2) colors from the color exhibit attached hereto as **Exhibit A**.

21. **Bus Stop Facilities**. If deemed necessary by FCDOT, the Applicant shall provide an easement for a future bus stop to be located along the Application Property's frontage on Eskridge Road in a final location coordinated with and approved by FCDOT prior to site/subdivision plan approval. The easement shall be recorded prior to site/subdivision plan approval. If FCDOT determines that such a bus stop is not necessary, then this proffer shall be deemed satisfied.
22. **Traffic Signal Easement**. If deemed necessary by FCDOT, the Applicant shall provide an easement for a traffic signal at the corner of Eskridge Road and Merrifield Town Center in a final location coordinated with and approved by FCDOT prior to site/subdivision plan approval. Such easement shall be located on common association property and not on any future single-family attached lot. The easement shall be recorded prior to site/subdivision plan approval. If FCDOT determines that such an easement is not necessary, then this proffer shall be deemed satisfied.

## **VI. PEDESTRIAN AND BICYCLE CIRCULATION SYSTEM**

23. **Crosswalks across Merrifield Town Center**. The Applicant shall provide pedestrian cross-walks in the locations shown on the CDP/FDP across Merrifield Town Center Drive to integrate the Property into Parcels I and J. Such cross-walks shall be constructed prior to issuance of the first RUP for the Property.
24. **Re-scarify Southeast Corner of Eskridge Road and Merrifield Town Center**. Prior to issuance of the first building permit on the Property, the Applicant shall re-scarify and landscape the southeast corner of Eskridge Road and Merrifield Town Center in

substantial conformance with that shown on the CDP/FDP, including the appropriate curb radius, subject to review and approval by DPWES and FCDOT.

25. **Bicycle Storage/Rack.** At least two (2) bicycle racks consistent in design with the street furniture installed in the Merrifield Town Center Rezoning and Parcels I and J shall be installed on the Property in the general location shown on the CDP/FDP prior to issuance of the first building permit for a townhome on the Property. Such rack may be relocated in the future to other publicly accessible areas on the Property or Parcels I or Parcel J.

## **VII. TRANSPORTATION DEMAND MANAGEMENT PROGRAM**

26. **Transportation Demand Management – Relationship to Mosaic.** Pursuant to Proffer IX of the Merrifield Town Center Rezoning, the Mosaic which includes Parcels I and J, are subject to a comprehensive proffer related to Transportation Demand Management (TDM), including the creation of a TDM program intended to ensure a substantial reduction in the number of single occupant vehicle trips generated by that development beyond the 15% reduction identified in the Comprehensive Plan (the “Mosaic TDM Plan”). Given the relatively low number of units (no more than 25) associated with this application, it is not efficient for this Property to create a stand-alone TDM program. Therefore the intent of this proffer is to integrate Parcel K into the larger Mosaic TDM Plan in order to maximize the residential trip reduction associated with the Property. Unless specifically noted, to the extent these Proffers and the Mosaic TDM Plan proffer conflict, these proffers shall control.
27. **Role of UOA.** As discussed herein, the Property shall become part of the UOA, which is ultimately responsible for implementing the Mosaic TDM Plan. As such, the Property shall be subject to the Mosaic TDM Plan to the extent the Mosaic TDM Plan proffer

requirements apply to the UOA, including but not limited to participation in funding the Mosaic TDM Plan as required by that proffer and the funding of the shuttle service to the Property as if it were part of the Mosaic. Participation in the UOA and the larger Mosaic TDM Plan shall be disclosed in the HOA documents and to every purchaser prior to their purchase of a lot.

28. **Definitions.** Unless otherwise noted in these proffers, the definitions contained in the Mosaic TDM Plan (Proffer IX.2.) shall control and have the same meaning as used herein.
29. **Role of Trip Reduction Goals.** The Mosaic TDM Plan incorporates a number of phased trip reduction goals for both office and residential development based on the availability of shuttle service and/or an area-wide circulator. As applied to the Property and consistent with the Mosaic TDM Plan, the objective of these TDM proffers shall be to reduce the number of baseline vehicle trips generated by the residential uses on the Property during weekday peak hours as set forth below. The number of vehicle trips generated and reduced shall be measured consistent with the Mosaic TDM Plan thus the goal for this Parcel K shall be as follows: Residential Goals. *Phase 1 -Pre-shuttle 7%; Phase 2-Post-shuttle/Pre-build out 13%; Phase 3- Post-shuttle/Post build out 26%; Phase 4- Post-shuttle/Post Areawide circulator 30%.* These TDM Reduction Goals shall remain in place until such time as the Applicant Control Period ends for the Mosaic TDM Plan as such is defined therein.
30. **TDM Plan Elements Applicable to Parcel K.** In order to achieve the trip reduction goals above, the Applicant shall, at minimum, implement the following TDM Plan elements, and may include other elements of the Mosaic TDM Plan:

- A. Prior to issuance of the first initial RUP on the Property, a one-time contribution of \$1,000 towards the establishment of an Areawide circulator to link uses within the Merrifield Suburban Center and Mosaic.
  - B. Pre-wiring of all units for internet access.
  - C. Integrate a targeted-marketing program with Parcels I and J for residential sales that encourages and attracts TDM-oriented people such as one car or no-car individuals and families to live on the property, as well as targeting nearby office/retail workers.
  - D. Prior to issuance of a RUP, the Applicant shall distribute to all initial licensed residents fare media such as a SmarTrip card with a face value of \$25 in order to encourage/incentivize residents to utilize mass transit instead of single occupant vehicles.
  - E. The Applicant shall encourage all residents to participate in Annual Surveys conducted by the Mosaic Program Manager (the “PM”).
  - F. The Applicant shall make a one-time contribution to the Mosaic Remedy fund in the amount of \$1,375 prior to the issuance of the first initial RUP for the Property.
  - G. The Applicant shall make a one-time TDM penalty contribution to the HOA in the amount of \$1,500 prior to the issuance of the last initial RUP for the Property.
31. **Interim TDM Elements.** Besides future participation in the Mosaic TDM Plan as part of the UOA and incorporation of the specific elements above, prior to issuance of the first initial RUP on this Parcel K, the Applicant shall demonstrate to FCDOT that the Property has been integrated into the Mosaic TDM Plan Components to the extent that such

Mosaic TDM Plan Components (see Proffer IX.4 of the Mosaic TDM proffer) have been implemented as of the date of the first initial RUP request.

32. **FCDOT Modification of TDM Plan.** Even though the goal is to achieve an integrated TDM Plan with the Mosaic TDM Plan, there are elements in the administration of a unified TDM plan that may not be achievable or be applicable to both properties. In such an event, the Applicant may seek a written determination from FCDOT for alternative administration of the Mosaic TDM Plan as applied to the Property with the intent of meeting the trip reduction goal stated above for at least the Property.
33. **Trip Counts.** In order to measure the Property's achievement of those residential goals outlined in proffers above, the HOA shall undertake a trip count no earlier than one (1) year after the issuance of the final initial RUP for the Property. Such count shall be coordinated with the Mosaic PM and to the extent possible occur on the same date as those counts conducted for Mosaic. The count shall be conducted on a Tuesday, Wednesday or Thursday during a non-holiday week when area public schools are in session. The results of the trip count shall be submitted to FCDOT and the Mosaic PM within 30 days of completion for their review and comment.

If the results of the trip count referenced above show the applicable goal for the Property has been met (as appropriate based on the status of the Mosaic TDM Plan) then no additional trip counts shall be necessary and the HOA shall continue to implement the TDM program in its normal course and as part of its participation in the UOA.

If the results of the trip count referenced above show the applicable goal for the Property has not been met, then the HOA shall meet with FCDOT and the Mosaic PM within two weeks following submission of the trip counts to discuss additional

incentives/remedies that might be implemented on the Property. In such event, a second count will be conducted one year following the initial trip counts and submitted to FCDOT and the Mosaic PM within 30 days. If the second count reveals the applicable goal has not yet been met then the HOA shall pay to the County, the penalty contribution referenced in Proffer 29.G above. The HOA shall, in such event, continue to work with the Mosaic PM to achieve the goals outlined above but no additional traffic counts, remedy fund contributions, or penalties fund contributions shall be required of the Property beyond those identified by these proffers.

### **VIII. ENVIRONMENTAL**

34. **Stormwater Management Facilities and Best Management Practices.** Stormwater management shall be provided as generally depicted on the CDP/FDP and as approved by DPWES if required at the time of site/subdivision plan approval (see Sheet C-7). The stormwater management techniques may include but are not limited to the following: underground detention vault, permeable pavement, infiltration trench, vegetated swale, filtera systems, or bay filters or other such technique permitted under the PFM and as approved by DPWES. The Applicant shall utilize pervious (jointed) pavers and amended soils (as such are defined in the PFM) in the locations shown on the CDP/FDP. All such facilities shall be located in a manner that is in substantial conformance with the CDP/FDP. Consistent with the BMP Narrative on Sheet C-7, at a minimum the Property shall achieve a reduction of 20% of phosphorous loading.

In addition, even though the PFM requires no additional detention is required as the Property is reducing the existing impervious area, consistent with the Stormwater Narrative on Sheet C-7, through a combination of runoff reduction due to the reduction in

the impervious area on the site and the proposed underground detention facility and other stormwater management techniques, the Applicant anticipates a significant improvement in stormwater volume. At a minimum, at the time of site/subdivision plan approval, the Applicant shall demonstrate a reduction in the impervious area over existing conditions sufficient to support a 600 CF runoff reduction pursuant to the appropriate PFM calculations. In addition to such runoff reduction, the Applicant shall further enhance stormwater detention on the site by installation of an underground stormwater vault of sufficient capacity to detain, at a minimum and notwithstanding potentially smaller detention shown on the CDP/FDP, 500 CF in accordance with the PFM. Such vault shall be installed prior to issuance of the first RUP for the Property. If warranted by final engineering, minor modifications to the size, location and configuration of the underground vault may be made in connection with site/subdivision plan approval. Adequate outfall shall be demonstrated in accordance with the PFM as determined by DPWES.

35. **Stormwater Management and BMP Maintenance.** After establishing the HOA and/or UOA, the Applicant shall provide the HOA and/or UOA and all future homeowners with written materials in the form of a manual describing the proper maintenance of any approved stormwater management facilities, including the need for inspections, cleaning and general maintenance in accordance with County guidelines and the manufacturer's guidelines. The Applicant shall establish an escrow for the HOA and/or UOA to provide for the future maintenance of such improvements as well as a contribution towards a reserve fund for the future replacement of the underground facility which will receive

annual deposits from the HOA and/or UOA based on initial construction costs. The amount of such escrow shall be approved by DPWES.

36. **Lighting**. All on-site outdoor lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.

#### **IX. LANDSCAPING AND OPEN SPACE**

37. **Minimum Open Space**. As depicted on the CDP/FDP, a minimum of 36 percent open space shall be provided in accordance with Zoning Ordinance requirements.
38. **Landscape Design**. Landscaping shall be generally consistent with the quality, quantity and the locations shown on CDP/FDP Sheets L-1 to L-3. Actual types, quantities and species of vegetation shall be determined pursuant to more detailed landscape plans submitted at the time of the first and all subsequent submissions of the site plan, for review and approval by Urban Forest Management. Such landscape plans shall provide tree coverage and species diversity consistent with the PFM criteria, as determined by Urban Forest Management. Landscaping shown on the CDP/FDP may be modified, if in substantial conformance with that shown on the CDP/FDP as approved by the Zoning Administrator and Urban Forest Management, to allow for final engineering considerations, such as final utility locations, low impact development facilities, sight distance requirements and other requirements. The Applicant shall coordinate the location of any utilities within open space areas to allow sufficient planting depth for trees and other landscaping as shown on the CDP/FDP. As a priority, where reasonably feasible as determined by Urban Forestry Management, DPWES, the Applicant shall

install water, sanitary sewer and storm sewer utility lines within the street network to avoid conflicts with open space areas and streetscape elements shown on the CDP/FDP.

39. **Tree Size.** All shade trees provided as a part of the streetscape shall be a minimum of 3 to 3.5 inches in caliper at the time of planting; all new flowering trees shall be a minimum of 2 inch caliper at the time of planting; and all new evergreen trees shall be a minimum of eight (8) feet in height at the time of planting, subject to the review and approval of the Urban Forester as shown on the CDP/FDP.
40. **Non-invasive Plant Materials.** Only non-invasive plant materials, including street trees, shall be used within the streetscape and open space areas, subject to approval by the County Urban Forest Management Division. Further, the intent is to match the species and plant materials utilized on Parcels I and J, thus the Applicant shall utilize similar plant species for comparable planting types (e.g. shrubs, street trees etc.) to create an integrated landscape design.
41. **Pedestrian Access Easement Over Pocket Park.** The Applicant shall grant a pedestrian access easement over those specific open space areas identified on the CDP/FDP as "Pocket Park." Such right of access shall be subject to the right of the Applicant and the successor HOA, as applicable, to establish reasonable rules and regulations pertaining to hours of public access, maintenance and repairs.

## **X. UTILITIES**

42. **Underground Utilities.** The Applicant shall coordinate with utility companies (gas, power, telephone, cable etc.) to co-locate utilities where reasonably feasible. To the extent possible and as permitted by the applicable utilities companies, the Applicant shall place all utilities serving the Property underground. Upon request by the Applicant, the

Zoning Administrator may waive/modify the requirement to place utilities underground without approval of a PCA upon a determination that such requirement (a) is infeasible or impractical or (b) would require the Applicant to secure easements or consents from third-parties that, despite having been diligently pursued by the Applicant, are not available.

## **XI. RECREATIONAL FACILITIES**

43. **On-Site Amenities and Facilities for Residents.** Pursuant to Paragraph 2 of Section 6-110 and Paragraph 2 of Section 16-404 of the Zoning Ordinance, the Applicant shall expend a minimum of \$1,700.00 per single family attached unit for on-site recreation facilities. Prior to final bond release for the Proposed Development, the balance of any funds not expended on-site and/or for the construction of the on-site Pocket Park, shall be contributed to the Fairfax County Park Authority ("FCPA") for the provision of recreation facilities located in proximity to the Property.
44. **On-Site Pocket Park.** An on-site open space amenity area identified at the "Pocket Park" shall be provided on the Property as shown on the CDP/FDP to provide recreational opportunities for future residents of Parcels I, J and K and the larger Mosaic Rezoning. For purposes of these proffers the "Pocket Park" shall be all of the common area, including sidewalks, shown on the CDP/FDP between Buildings 2, 3 and 4 (an area approximately 142' x 60'). It shall include special landscape treatments, pavement treatments, outdoor seating, bike racks and other elements shown on the CDP/FDP and in the general locations shown on the CDP/FDP. In the future, the design of this Pocket Park may be modified as deemed appropriate by the Applicant or HOA provided, at a minimum, an equivalent level of street furniture and landscaping is provided. This area

shall be retained in ownership by the Applicant or successor HOA/UOA, however the residents of Parcels I, J and K shall have access to such park. The Applicant/HOA/UOA shall reserve to the right to restrict access for special events or out of security and/or safety concerns for a limited duration necessary to accommodate such issues. Such Pocket Park shall be completed prior to issuance of a RUP for the first townhome.

45. **Recreational Cooperation with Mosaic.** In addition to the above commitment, prior to the issuance of the first RUP, the Applicant and/or the successor HOA shall submit a written request to the UOA and/or appropriate property owner requesting that the future residents of Parcel K have access to active recreational facilities located in the multi-family residential buildings in Mosaic in a similar manner to the access rights for the existing townhomes on Parcel I and J. It shall be the sole discretion of the UOA and/or such property owner as to the appropriate terms, if any, to allow such access.
46. **Providence District Recreation Contribution.** In addition to the above commitments, prior to issuance of the first RUP, the Applicant shall contribute \$5,000 to Nottoway Nights to support their programs and activities.

## **XII. SCHOOL CONTRIBUTION**

47. A contribution of \$125,856 (12 students X \$10,488 = \$125,856) shall be made to the Board of Supervisors for transfer to Fairfax County Public Schools (FCPS) and designated for capital improvements directed to the schools that service the subject property. The contribution shall be made at the time of, or prior to, issuance of site plan approval. Following approval of this Application and prior to the Applicant's payment of the amount set forth in this Proffer, if Fairfax County should increase the contribution per student, the Applicant shall increase the amount of the contribution for that phase of

development to reflect the then-current contribution. In addition, notification shall be given to FCPS when construction is anticipated to commence to assist FCPS by allowing for the timely projection of future students as a part of the Capital Improvement Program.

### **XIII. URBAN DESIGN**

48. **Architectural Treatments.** The architectural treatment of the subject property is intended to incorporate the elements of the surrounding "Merrifield Town Center" development. Specifically, the architectural treatment shall mirror that already established for Parcels I and J through the use of unifying and similar elements, such as materials, textures, color patterns and distributions, window treatments, decorative details, lighting, landscaping, and roof pitches. Materials shall be brick, Fiber-Cement "Hardie-Panel" and Fiber-Cement "Hardie-Trim." The railings will be painted steel.
49. **Building Elevations.** The architectural design of single family attached dwellings shall be consistent with the quality of the elevations shown on Sheets A-1 and A-2 of the CDP/FDP. The Applicant reserves the right to revise the elevations as a result of final architectural and engineering design, provided the quality of design remains consistent with those shown, as determined by DPWES.
50. **Street Furniture.** All street furniture, including garbage cans, benches and lamp posts, shall be consistent, both in terms of materials and design, with the existing street furniture in Merrifield Town Center and to those used in Parcels I and J. Further, such street furniture shall be consistent in quality and character with the illustrative examples included in the CDP/FDP.
51. **Green Building Principles.** The following green building commitment shall apply to the single-family attached uses shown on the CDP/FDP. For this green building

commitment, the applicant shall utilize one of the choices identified below (LEED for Homes or Earthcraft). Further, in addition to the choices identified herein, the Applicant may submit an alternative third party certification for the single-family attached uses shown on the CDP/FDP that meets the substantive intent of the choices identified below. Such alternative third party certification must be reviewed and approved by DPZ prior to construction that utilizes such alternative certification.

**A.** If the Applicant selects the LEED for Homes option, the approval of the 1<sup>st</sup> Single Family attached Residential Use Permit, the Applicant will post a "green building escrow," in the form of cash or a letter of credit from a financial institute acceptable to DPWES as defined in the Public Facilities Manual, in the amount of \$4,000 per unit based on an average square footage of 2,000 per unit. This escrow will be in addition to and separate from other bond requirements and will be released as a total sum, and not an individual dwelling unit basis, upon demonstration of attainment of certification for each dwelling unit, by the U.S. Green Building Council, under the current version at the time of project registration with the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design for Homes (LEED® for Homes) rating system. The provision to the Environment and Development Review Branch of DPZ of documentation from the U.S. Green Building Council that each dwelling unit has attained LEED certification will be sufficient to satisfy this commitment. If the applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification for each dwelling unit within one year of issuance of the final RUP, a proportion of the escrow related to the number of units failing to achieve

certification will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the Applicant provides to the Environment and Development Review Branch of DPZ, within one year of issuance of the final RUP, documentation demonstrating that LEED certification for any dwelling unit(s) has not been attained but that the dwelling unit(s) has been determined by the U.S. Green Building Council to fall within three points of attainment of LEED certification, 50% of the escrow proportionate to the dwelling unit(s) failing to achieve certification will be released to the applicant; the other 50% will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the Applicant fails to provide, within one year of issuance of the final RUP for the building, documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification or demonstrating that any dwelling unit(s) has fallen short of certification by three points or less, the entirety of the escrow proportionate to the dwelling units failing to achieve certification will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the Applicant provides documentation from the USGBC demonstrating, to the satisfaction of the Environment and Development Review Branch of DPZ, that USGBC completion of the review of the LEED certification for any dwelling unit(s) application has been delayed through no fault of the Applicant, the Applicant's

contractors or subcontractors, the proffered time frame shall be extended until such time as evidence is obtained, and no release of escrowed funds shall be made to the Applicant or to the County during the extension. The time frame may also be extended as determined appropriate by the Zoning Administrator.

### **LEED-AP**

The applicant will include a LEED®-accredited professional as a member of the design team. The LEED-accredited professional will work with the team to incorporate sustainable design elements and innovative technologies into the project with a goal of having the project attain LEED certification. At the time of subdivision plan submission, the applicant will provide documentation to the Environment and Development Review Branch of DPZ demonstrating compliance with the commitment to engage such a professional.

### **Checklist**

The applicant will include, as part of the 1<sup>st</sup> Single Family Attached Residential Use Permit submission and building plan submission, a list of specific credits within the most current version of the US Green Building Council's Leadership in Energy and Environmental Design for Homes (LEED® for Homes) rating system that the applicant anticipates attaining. A professional engineer or licensed architect will provide certification statements at the time of building plan review confirming that the items on the list will meet at least the minimum number of credits necessary to attain LEED certification of the project.

### **Green Building Manual**

Prior to approval of the final RUP, the Applicant will provide to the Environment and Development Review Branch of DPZ a letter from a LEED®-accredited professional certifying that a green building maintenance reference manual has been prepared for use by future residents, that this manual has been written by a LEED-accredited professional, that copies of this manual will be provided to all future residents and that this manual, at a minimum:

- provides a narrative description of each green building component, including a description of the environmental benefits of that component and including information regarding the importance of maintenance and operation in retaining the attributes of a green building;
- provides, where applicable, product manufacturer's manuals or other instructions regarding operations and maintenance needs for each green building component, including operational practices that can enhance energy and water conservation;
- provides, as applicable, either or both of the following: (1) a maintenance staff notification process for improperly functioning equipment; or (2) a list of local service providers that offer regularly scheduled service and maintenance contracts to assure proper performance of green building-related equipment and the structure, to include, where applicable, the HVAC system, water heating equipment, water conservation features, sealants, and caulks; and
- provides contact information that building occupants can use to obtain further guidance on each green building component; and

- the Applicant will, prior to approval of the final RUP, provide an electronic copy of the manual in pdf format to the Environment and Development Review Branch of the Department of Planning and Zoning.

#### **B. EarthCraft:**

If the Applicant selects the EarthCraft option, prior to issuance of the first RUP for a proposed building, the Applicant shall provide documentation to DPWES and DPZ that the building has been awarded certification in accordance with the EarthCraft House Program.

#### **XIV. AFFORDABLE HOUSING**

52. **Affordable Dwelling Units.** Prior to the issuance of the first Residential Use Permit for the single family attached units, the Applicant shall contribute to the Fairfax County Housing Trust Fund the sum equal to one half of one percent (1/2%) of the value of all the units approved on the Property. The one half of one percent (1/2%) contribution shall be based on the aggregate sales price of all of the units subject to the contribution, as if those units were sold at the time of the issuance of the first Residential Use Permit. The projected sales price shall be determined by the Applicant through an evaluation of the sales prices of comparable units in the area, in consultation with the Fairfax County Department of Housing and Community Development (HCD) and Department of Works and Environmental Services (DPWES).

#### **XV. OTHER**

53. **Temporary Signs.** 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 by the Applicant or at the Applicant's direction to assist in the initial sale or rental of residential units on the Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale and/or rental of residential units on the Property to adhere to this proffer.

54. **Future Comprehensive Sign Plan.** At this time no additional permanent signage is proposed on the Property, except for wayfinding and parking signage. Such minor signage shall be consistent in design with that established for Parcel I and J. In the future if permanent signage is desired to be installed, such signage shall only be permitted pursuant to approval of a comprehensive sign plan that is consistent, both in terms of the design of the signs and number, location, and area of the signs, with the applicable approved comprehensive sign plan for Mosaic, if any. If possible, such a future comprehensive sign plan shall be formally incorporated into a larger comprehensive sign plan for the entirety of the Property and Mosaic.
55. **Unreasonable Delay.** Upon demonstration by the Applicant that, despite diligent efforts by the Applicant, provision of an improvement set forth in these proffers has been unreasonably delayed by others or by circumstances beyond the control of the Applicant, the Zoning Administrator may agree to a later date for the completion of each such improvement.
56. **Administrative Review.** Concurrent with the submission to DPWES of site plans, and any major inserts or revisions to said site plans, the Applicant shall submit copies of the same to the Providence District Supervisor and Planning Commissioner for the purpose of administrative review and comment.

57. **Successors and Assigns.** Each reference to "Applicant" in this Proffer Statement shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest, developer(s) of the site or any portion of the site, and the respective Homeowners' Associations described in Proffer XVI.
58. **Counterparts.** To facilitate execution, this Proffer Statement may be executed in as many counter-parts as may be required. It shall not be necessary that the signature on behalf of all the parties to the Proffer Statement appear on each counterpart-part of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.

**[SIGNATURES ON FOLLOWING PAGES]**

**EYA DEVELOPMENT LLC**  
(Contract Purchaser/Applicant  
of Tax Map 49-3 ((1)) 87, 88, 89B)

By: \_\_\_\_\_  
John M. Lester  
Title: Senior Vice President

**ESKRIDGE REALTY (E&A) LLC**  
(Title Owner of Tax Map 49-3 ((1)) 87, 88, 89B)

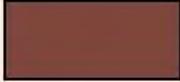
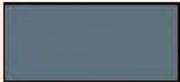
By: Edens Realty, Inc., its Member

By: \_\_\_\_\_  
Jodie W. McLean  
Its: President/Chief Investment Officer

Exhibit A



**Color Palette**

**PROPOSED DEVELOPMENT CONDITIONS**  
**FDP 2013-PR-007**  
**October 23, 2013**

If it is the intent of the Planning Commission to approve FDP 2013-PR-007, located at 2941 Eskridge Road, in conjunction with the rezoning of Tax Parcels 49-3((1))-87,88 and 89B, from I-5 to the PDH-30 District, pursuant to Sect. 16-402 of the Fairfax County Zoning Ordinance, staff recommends that the Commission condition the approval by requiring conformance with the following development conditions, as well as the conditions associated with stormwater management facilities waiver request #561-WPFM-005-1, which are included as Attachment A to these conditions.

1. Any building permit submitted pursuant to this Conceptual Final Development Plan (FDP) shall be in substantial conformance with the approved CDP\FDP Plan entitled "Merrifield Town Center, Parcel K", consisting of seventeen sheets and prepared by VIKA Virginia, LLC, which is dated February 21, 2013, as revised through August 16, 2013, and these conditions. Minor modifications to the approved CDP\FDP may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
2. Any streetscape modifications that are required by DPWES at the time of site plan review shall meet the intent of both the CDP/FDP and Fairfax County's "Merrifield Streetscape Design Manual" (dated June 2008) and may include additional amenities, fixtures or landscaping that are in substantial conformance with those resources, and in harmony with the neighboring Mosaic townhome development.
3. The minimum setback distance for Building 2 from the east property line shall be 7-feet (as depicted graphically on the plan), and not 5-feet (as labeled).
4. In order to avoid any potential issues with locating private parking spaces off-site, the proposed on-street parallel parking spaces on Merrifield Town Center shall be located entirely within the applicant's original property boundary, as shown on the CDP/FDP, which will result in approximately one (1) to two (2) feet of excess pavement between the travel lane and edge of the parking spaces, due to an existing gap between the roadway and property line.
5. At the time of site plan review, DPWES shall allow reasonable modification of the proposed park layout, as required to accommodate the proposed permeable paving BMP on the sloped site. If DPWES determines that the installation of the proffered permeable paving BMP is not technically feasible, due to soil conditions onsite or topographical constraints that would not be reasonable to overcome, the applicant shall be allowed to substitute an alternative approved BMP system(s), as needed, to contribute towards the proffered 20% phosphorus reduction target.
6. Additional amenities may be included in the final park design, to include recreational features, public art, seating elements, or other similar facilities that would serve the public, as approved by DPWES at the time of site plan review.

7. Signage not requiring a permit, per Sect. 12-103 of the Ordinance, shall be allowed, until such time as this property applies for a CSP.
8. The proposed retaining wall/screening fence along the north property line may be removed in the future in coordination with an approved redevelopment plan for the adjacent parcels to the north which provides for a compatible development to be incorporated into the Town Center.
9. Silva Cells<sup>tm</sup> or similar approved technology shall be utilized in the modified planting areas shown on the CDP/FDP along Merrifield Town Center, in order to accommodate a full 5-foot sidewalk cantilevered over the planting areas for the proposed street trees, as approved by UFMD
10. The reconstruction of the curb radius on the south side of Merrifield Town Center, at Eskridge Road, shall be subject to the acquisition of all necessary easements, as well as review and approval from VDOT.
11. The proposed crosswalk on Merrifield Town Center at Eskridge Road shall be designed and marked to VDOT standards.

The above proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Building Permits through established procedures.

## ATTACHMENT A

**Waiver Request #561-WPFM-005-1 Conditions**

Merrifield Town Center Parcel K  
RZ 2013-PR-007  
May 30, 2013

1. The underground facility shall be constructed in accordance with the development plans and these conditions as determined by the Director of the Department of Public Works and Environmental Services (DPWES).
2. To provide greater accessibility for maintenance purposes, the underground facility shall have a minimum height of 72 inches.
3. The underground facilities shall be constructed of reinforced concrete products only.
4. The underground facilities shall incorporate appropriate safety features, such as locking manholes and doors, as determined by DPWES at the time of construction plan submission.
5. The underground facilities shall be privately maintained and shall not be located in a county storm drain easement.
6. A private maintenance agreement for the facility, as reviewed and approved by the Fairfax County Attorney's Office, shall be executed and recorded in the land records of the county prior to final site plan approval. The maintenance agreement shall run with the land, its successors and assigns. The private maintenance agreement shall include:
  - a condition that the property owner and its successors or assigns shall not petition the County to assume the maintenance, or the replacement, of the underground facility;
  - a reference to the establishment of the reserve funds for the maintenance and replacement of the underground facility;
  - a reference to the operation, inspection, and maintenance procedures detailed in the site plan;
  - a condition that the property owner provide and continuously maintain liability insurance; a typical liability insurance amount is at least \$1,000,000 against claims associated with underground facility; and
  - a statement that Fairfax County shall be held harmless from any liability associated with the facility.

## ATTACHMENT A

7. Operation, inspection, and maintenance procedures associated with the underground facility shall be included in the site plan to ensure the safe operation, inspection, and maintenance of the facility. The procedures shall include:

- establishment of procedures to facilitate inspection by the county including, but not limited, to
  - an advance notice procedure,
  - a requirement for inspection of transitional screening,
  - a requirement for contact information,
  - the procedure for obtaining the access keys,
  - the procedure to ensure the access points to the facility are not blocked;
- and
- establishment of operation and maintenance procedures to ensure the facility will continue to control the stormwater generated from the site,
  - continue to minimize the possibility of clogging events, and

8. A financial plan for the property owner to finance regular maintenance and full life-cycle replacement costs shall be established prior to site plan approval. The financial plan shall include:

- a separate line item in the annual budget for operation, inspection, and maintenance shall be established;
- a reserve fund for future replacement of the underground facility shall be established to receive annual deposits based on the initial construction costs and an estimated 50-year lifespan for concrete products; and
- prior to final construction plan approval, the property owner shall escrow sufficient funds which will cover a 20-year maintenance cycle of the underground facility; these monies shall not be made available to the owner until after final bond release.

**Statement of Justification for Merrifield Town Center Parcel K (Townhomes)**

**RZ/CDP/FDP  
February 21, 2013**

**EYA Development, LLC - Applicant**

**I. Introduction**

Since 2005, Eskridge (E & A) LLC, ("E & A") and several subsequent developers have diligently pursued the Comprehensive Plan's vision of a revitalized and animated Town Center in Merrifield. That effort culminated in 2007, with approval of the project known as Merrifield Town Center (RZ # 2005-PR-041), which has been subsequently renamed the Mosaic. The first phase of Mosaic has opened and development is nothing less than a resounding success.

In 2011, E & A sold a portion of the Mosaic (Parcels I and J) to EYA, one of the DC Metro area's premiere townhome developers, to allow development of up to 120 urban townhomes to anchor the southern portion of the project. These townhomes were approved by the Board of Supervisors in 2011 as PCA 2005-PR-041-2. Since this approval, EYA has developed almost the entire Townhome Community, and the entire project itself sold out in a matter of months.

Building on the success of their urban townhome model, EYA has a contract with E & A, to purchase the 1.07 acre former scrap yard sometimes known as the Embree-Love parcel (Tax Map Parcels 49-3-((1))-87, 88 and 89B) (the "Property"), to expand the townhome community. The proposal is for 27 urban townhomes that will be indistinguishable in form and function from the already established community. Ultimately, this new townhome development will serve as a capstone by logically expanding the design benefits established by the Mosaic while expanding the "finished" streetscape along Eskridge Road and Merrifield Town Center.

**II. Overview of the Proposed Application**

This rezoning application is intended as essentially a minor expansion of the Townhome community established by the Townhome PCA. Procedurally, the Property was not formally part the Mosaic approvals, including the Townhome PCA, and thus the Property is being rezoned to its own zoning district (PDH-30). However, the design, density and orientation and commitment to quality established by the Townhome PCA will be maintained with this development and many of the applicable proffer commitments will be carried over from the Townhome PCA with this application. In fact, E & A and EYA refer to the Property as "Parcel K" of Merrifield Town Center to reinforce the linkage to Mosaic proper. EYA further anticipates the proposed 27 townhomes will be part of the same homeowners association as the Townhome PCA.

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Department of Planning & Zoning

FEB 22 2013

Zoning Evaluation Division

### **III. Townhome Application Details**

EYA is one of the première townhome developers in the DC region. EYA's primary focus is on creating urban-infill mixed-use residential communities. In their 18 year history they have established a proven track record with the development of over 3,000 homes and 30 communities. That success is also reflected in the numerous awards EYA has received including ULI's Award of Excellence, NAHB's Project of the Year and America's Best Builder National Builder of the Year (2000 and 2009). They have the unique expertise to successfully integrate into a mixed-use project and they have utilized that expertise with this application.

Up to 27 urban townhomes are proposed within the already established urban street grid, as designated on the RZ/CDP/FDP. This community will mirror the townhome orientation already established by the existing community. This configuration will maintain the urban character, enhancing the vibrancy and attractiveness of the southern project entrance.

Like the already built townhomes, these townhomes will be urban-style townhomes that will present a look, scale and feel that creates an urban street presence. A conceptual rendering showing how the proposed townhomes will present to Eskridge Road is included in the RZ/CDP/FDP. As it shows, the proposed homes will be 4 stories in height with many containing balconies and roof-top terraces, all with an urban roofline.

All townhome units will be rear loaded, with two car garages parked either in parallel or in tandem depending on the particular model. The site's proximity to transit provides EYA and Fairfax County with an opportunity to further promote sustainable communities. Consistent with the existing townhomes, this sustainable goal will be enhanced by utilizing sustainable building techniques and the commitment to providing a high-quality, pedestrian friendly environment. Further, the townhomes will be built to meet the Leadership in Energy and Environmental Design (LEED)-Homes standard.

### **IV. Conformance with the Comprehensive Plan**

As discussed, this application is intended to continue the implementation of the Comprehensive Plan vision endorsed by the original Mosaic rezoning and the Townhome PCA and has been deliberately crafted to reflect the careful balancing of issues that the Comprehensive Plan represents. Obviously, additional details will be provided as the application continues to evolve to ensure this vision is maintained.

### **V. Waivers/Modifications**

As shown on the RZ/CDP/FDP, there are a number of minor waivers requested to allow development consistent with vision already approved with the Townhome PCA. These waivers are similar to those necessary to allow the Mosaic to move forward with the original rezoning and merely reflect the realities of a phased mixed-use development in this location.

## VI. Compliance with Residential Development Criteria

For the reasons stated below, the subject rezoning also fully complies with the applicable Residential Development Criteria contained in Appendix 9 of the Land Use Element of the Policy Plan. Specific compliance with the Criteria is as follows:

### *I. Site Design.*

As shown on the Rezoning/Conceptual/Final Development Plan (RZ/CDP/FDP), high quality site design is proposed to mirror the already established successful first townhome phase, creating a logical lot layout. This is an efficient layout that will enhance the fabric of the community, creating a lasting and logical link to the already established Town Center.

(A) **Layout.** The proposed layout provides fronts of units along the public street frontages, including Eskridge and a combination of fronts and sides of units along Merrifield Town Center. This layout creates an attractive and pedestrian-friendly street presence which will be enhanced by sidewalks and frontage improvements along both Eskridge Road and Merrifield Town Center.

(B) **Open Space.** The site will have more than 42% open space, significantly above the minimum requirement of 20%. This open space has been put to effective use by creating pedestrian-friendly street frontage consistent with that established by the Town Center.

(C) **Landscaping.** Because of the commitment to creating enhanced street frontages and a pedestrian oriented environment, high quality and attractive landscaping will be used to enhance the public realm.

(D) **Amenities.** In addition to the extensive open space, sidewalk improvements and frontage improvements, the site will be effectively incorporated into the Town Center, providing direct access to the surfeit of amenities provided there.

### *II. Neighborhood Context.*

The predominant context of the surrounding developments is the Town Center itself which the site is effectively a capstone for. Uses to the east and north are rapidly depreciating office and light industrial uses with few amenities that may well redevelop over the next decade given the success of the Town Center. In this context, the proposed development is clearly consistent with the "fabric" of the existing community.

### *III. Environment.*

The proposed development will convert what is currently an old industrial site and bring it into conformance with modern environmental regulations including remediation consistent with State law, as well as provide modern stormwater management to significantly improve the impact to

the watershed over its current undetained and untreated state. The new townhomes will also be developed with the environmental standards established by the first phase – namely LEED-Homes.

*IV. Tree Preservation and Tree Cover Requirements.*

As a former recycling yard, the site currently has no effective vegetation or trees worthy of preservation. The high quality streetscape and street trees being proposed will meet the tree cover requirements consistent with the standard established by the Town Center.

*V. Transportation.*

The traffic to be generated by this proposal will be minimal, especially compared to the existing uses permitted by-right under its existing industrial zoning. It will not trigger the requirement for a Chapter 527 Traffic Impact Analysis study. All lots will front on minor streets. The applicant will be making frontage improvements consistent with that shown on the RZ/CDP/FDP.

*VI. Public Facilities.*

Through proffers, EYA will commit to addressing impacts on public schools in accordance with the criteria and methodology adopted by the Board of Supervisors.

*VII. Affordable Housing.*

Through proffers, EYA will provide the appropriate monetary contribution in accordance with the formula adopted by the Board of Supervisors.

**VII. Conclusion**

As discussed above, EYA and E & A are excited to be bringing forward this application that will be an excellent complement to the established success of Mosaic and will help ensure its long-term success and vitality. Therefore, we respectfully request support of this application.



---

David R. Gill  
Agent on behalf of the Applicant



**Rezoning Attachment to Par. 1(a)**

DATE: SEP 17 2013  
 (enter date affidavit is notarized)

for Application No. (s): RZ/FDP 2013-PR-007  
 (enter County-assigned application number (s))

120286a

**(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.

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
McGuireWoods LLP Agents: Scott E. Adams Lianne E. Childress David R. Gill Jonathan P. Rak Gregory A. Riegle Mark M. Viani Kenneth W. Wire Sheri L. Akin Lisa M. Chiblow Lori R. Greenlief	1750 Tysons Boulevard, Suite 1800 McLean, VA 22102	Attorney/Agent for Applicant/Contract Purchaser and Title Owner Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent
M.J. Wells & Associates, Inc. Agent: Robin L. Antonucci Kevin R. Fellin	1420 Spring Hill Road, Suite 600 McLean, VA 22102	Traffic Consultant/Agent for Applicant
Lessard Design, Inc. Agent: John F. McLaurin	8521 Leesburg Pike, Suite 700 Vienna, VA 22182	Architect/Agent for Applicant
VIKA, Inc. Agent: P. Christopher Champagne Michael D. Benton Stephen E. Crowell John F. Amatetti Jeffrey D. Kreps Jason M. Sereno Nelson P. Kirchner	8180 Greensboro Drive, Suite 200 McLean, VA 22102	Engineer/Agent for Applicant
VIKA Virginia, LLC Agent: John F. Amatetti Robert R. Cochran Kyle U. Oliver P. Christopher Champagne	8180 Greensboro Drive, Suite 200 McLean, VA 22102	Engineer/Agent for Applicant

(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

SEP 17 2013

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

for Application No. (s): RZ/FDP 2013-PR-007  
(enter County-assigned application number(s))

120286a

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)

EYA Development LLC  
4800 Hampden Lane, Suite 300  
Bethesda, MD 20814

**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)

Robert D. Youngentob, Manager  
Le Roy Eakin, III, Manager

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

Robert D. Youngentob, President  
Le Roy Eakin, III, Vice President/Secretary/Treasurer

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

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

**Rezoning Attachment to Par. 1(b)**DATE: SEP 17 2013

(enter date affidavit is notarized)

for Application No. (s): RZ/FDP 2013-PR-007  
(enter County-assigned application number (s))120286a**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)Eskridge Realty (E&A), LLC  
1221 Main Street, Suite 1000  
Columbia, SC 29201**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)

Edens Realty, Inc.

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

NONE

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)Edens Realty, Inc.  
1221 Main Street, Suite 1000  
Columbia, SC 29201**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)

Edens Limited Partnership (formerly known as Edens Investments Limited Partnership)

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

Joseph A. Edens, Chairman	Jason K. Tompkins, Chief Financial Officer
Terry S. Brown, Chief Executive Officer	Steven C. Boyle, Managing Director
Jodie W. McLean, Pres. and Chief Investment Officer	William C. Caldwell, Managing Director

(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 Attachment to Par. 1(b)**

DATE: SEP 17 2013

(enter date affidavit is notarized)

for Application No. (s): RZ/FDP 2013-PR-007  
(enter County-assigned application number (s))

120286a

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

Edens Realty, Inc. [CONTINUED]  
1221 Main Street, Suite 1000  
Columbia, SC 29201

**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)

---

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

Lyle E.T. Darnall, Managing Director	Christopher J. Kopecky, Chief Accounting Officer	Kerry M. Cavanaugh, VP, Marketing
Mark P. Garside, Managing Director	Edward B. Senenman, Sr., VP, Investments	John C. Cocker, VP, Investments
Jami R. Passer, Managing Director	Jessica A. Bruner, VP, Retail Leasing	Brian K. Davidson, VP, Investments

---

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

Edens Realty, Inc. [CONTINUED]  
1221 Main Street, Suite 1000  
Columbia, SC 29201

**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.**)

Mark A. Drogalis, VP, Legal	Gregg M. Edelstein, VP, Property Operations	Elizabeth A. Furnelli, VP, Retail Leasing
Bradford M. Dumont, VP, Development	Joseph A. Edens, III, VP, Property Operations	Thomas R. Gallagher, VP, Development
DeAnne C. Dunn, VP, Tax Strategy & Planning	Sara S. Fawcett, VP, Human Resources	Carol H. Hall, VP, Portfolio Mgmt.

(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 Attachment to Par. 1(b)**

DATE: SEP 17 2013  
(enter date affidavit is notarized)

for Application No. (s): RZ/FDP 2013-PR-007  
(enter County-assigned application number (s))

120286a

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

Edens Realty, Inc. [CONTINUED]  
1221 Main Street, Suite 1000  
Columbia, SC 29201

**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)

---

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

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

Samuel E. Judd, VP, Investments	Tina A. Marshall, VP, Retail	Maria A. Smith, VP, Investor Relations & Treasury
Jeffrey S. Kaufman, VP, Development	Peter J. Melmed, VP-Const. & Dev.	Rebecca S. Waters, VP, Retail Leasing
Tom B. Kiler, VP, Development	William M. Ponder IV, VP, Investments	Susan Duke, Assistant Secretary

---

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

Edens Realty, Inc. [CONTINUED]  
1221 Main Street, Suite 1000  
Columbia, SC 29201

**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.)**

Joyce Vonado, Chief Information Officer and Managing Director

(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 Attachment to Par. 1(b)**

DATE: SEP 17 2013  
(enter date affidavit is notarized)

for Application No. (s): RZ/FDP 2013-PR-007  
(enter County-assigned application number (s))

120286a

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

M.J. Wells & Associates, Inc.  
1420 Spring Hill Road, Suite 600  
McLean, VA 22102

**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)

M.J. Wells & Associates, Inc. Employee Stock Ownership Trust (ESOT). All employees are eligible plan participants; however, no one employee owns 10% or more of any class of stock.

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

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

Lessard Design, Inc.  
8521 Leesburg Pike, Suite 700  
Vienna, VA 22182

**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)

Christian J. Lessard	The Christian J. Lessard, Jr. 2004 Trust f/b/o of Christian J. Lessard, Jr.
	The Brandon W. Lessard 2004 Trust f/b/o Brandon W. Lessard
	The Kellie Jean Lessard Brooks 2004 Trust f/b/o Kellie Jean Lessard Brooks
	The Cameron J. Lessard 2004 Trust f/b/o Cameron J. Lessard

**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 Attachment to Par. 1(b)**

DATE: SEP 17 2013  
(enter date affidavit is notarized)

1202869

for Application No. (s): RZ/FDP 2013-PR-007  
(enter County-assigned application number (s))

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

VIKA, Inc.  
8180 Greensboro Drive, Suite 200  
McLean, VA 22102

**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)

John F. Amatetti	Mark G. Morelock
Charles A. Irish, Jr.	Jeffrey B. Amateau
Harry L. Jenkins	Kyle U. Oliver
Robert R. Cochran	P. Christopher Champagne

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

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

VIKA Virginia, LLC  
8180 Greensboro Drive, Suite 200  
McLean, VA 22102

**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)

John F. Amatetti	Mark G. Morelock
Charles A. Irish, Jr.	Jeffrey B. Amateau
Harry L. Jenkins	Kyle U. Oliver
Robert R. Cochran	P. Christopher Champagne

**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: SEP 17 2013  
 (enter date affidavit is notarized)

120286a

for Application No. (s): RZ/FDP 2013-PR-007  
 (enter County-assigned application number(s))

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

## PARTNERSHIP INFORMATION

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

McGuireWoods LLP  
 1750 Tysons Boulevard, Suite 1800  
 Tysons Corner, VA 22102

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

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

## Equity Partners of McGuireWoods LLP

Adams, John D.	Bilik, R. E.	Capwell, Jeffrey R.
Alphonso, Gordon R.	Blank, Jonathan T.	Cason, Alan C.
Anderson, Arthur E., II	Boland, J. W.	Chaffin, Rebecca S.
Anderson, Mark E.	Brenner, Irving M.	Chapman, Jeffrey J.
Andre-Dumont, Hubert	Brooks, Edwin E.	Cockrell, Geoffrey C.
Bagley, Terrence M.	Brose, R. C.	Covington, Peter J.
Barger, Brian D.	Burk, Eric L.	Cramer, Robert W.
Becker, Scott L.	Busch, Stephen D.	Cromwell, Richard J.
Becket, Thomas L.	Cabaniss, Thomas E.	Culbertson, Craig R.
Belcher, Dennis I.	Cacheris, Kimberly Q.	Cullen, Richard (nmi)
Bell, Craig D.	Cairns, Scott S.	Daglio, Michael R.

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

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

**Rezoning Attachment to Par. 1(c)**DATE: SEP 17 2013  
(enter date affidavit is notarized)

120286a

for Application No. (s): RZ/FDP 2013-PR-007  
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
Tysons Corner, VA 22102(check if applicable)  The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,  
**General Partner, Limited Partner, or General and Limited Partner**)

De Ridder, Patrick A.	Grieb, John T.	Kittrell, Steven D.
Dickerman, Dorothea W.	Harmon, Jonathan P.	Kobayashi, Naho (nmi)
DiMattia, Michael J.	Harmon, T. C.	Konia, Charles A.
Dooley, Kathleen H.	Hartsell, David L.	Kratz, Timothy H.
Downing, Scott P.	Hatcher, J. K.	Kromkowski, Mark A.
Edwards, Elizabeth F.	Hayden, Patrick L.	Krueger, Kurt J.
Ensing, Donald A.	Hayes, Dion W.	Kutrow, Bradley R.
Ey, Douglas W., Jr.	Heberton, George H.	La Fratta, Mark J.
Farrell, Thomas M.	Hedrick, James T., Jr.	Lamb, Douglas E.
Feller, Howard (nmi)	Horne, Patrick T.	Lias-Booker, Ava E.
Finkelson, David E.	Hornyak, David J.	Little, Nancy R.
Foley, Douglas M.	Hosmer, Patricia F.	Long, William M.
Fox, Charles D., IV	Hutson, Benne C.	Manning, Amy B.
Franklin, Ronald G.	Isaf, Fred T.	Marianes, William B.
Fratkin, Bryan A.	Jackson, J. B.	Marshall, Gary S.
Freedlander, Mark E.	Jewett, Bryce D., III	Marshall, Harrison L., Jr.
Freeman, Jeremy D.	Jordan, Hilary P.	Marsico, Leonard J.
Fuhr, Joy C.	Justus, J. B.	Martin, Cecil E., III
Gambill, Michael A.	Kahn, Brian A.	Martin, George K.
Gibson, Donald J., Jr.	Kanazawa, Sidney K.	Martinez, Peter W.
Glassman, Margaret M.	Kane, Matthew C.	Mason, Richard J.
Glickson, Scott L.	Kang, Franklin D.	Mathews, Eugene E., III
Gold, Stephen (nmi)	Kannensohn, Kimberly J.	Mayberry, William C.
Goldstein, Philip (nmi)	Katsantonis, Joanne (nmi)	McDonald, John G.
Grant, Richard S.	Keeler, Steven J.	McElligott, James P.
Greenberg, Richard T.	Kerr, James Y., II	McFarland, Robert W.
Greenspan, David L.	Kilpatrick, Gregory R.	McGinnis, Kevin A.
Gresham, A. B.	King, Donald E.	McIntyre, Charles W.

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

**Rezoning Attachment to Par. 1(c)**DATE: SEP 17 2013  
(enter date affidavit is notarized)for Application No. (s): RZ/FDP 2013-PR-007  
(enter County-assigned application number (s))120286a**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
Tysons Corner, VA 22102(check if applicable)  The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,  
**General Partner, Limited Partner, or General and Limited Partner**)

McLean, J. D.	Riley, James B., Jr.	Stein, Marta A.
McRill, Emery B.	Riopelle, Brian C.	Stone, Jacquelyn E.
Milianti, Peter A.	Roberts, Manley W.	Swan, David I.
Miller, Amy E.	Robinson, Stephen W.	Tackley, Michael O.
Moldovan, Victor L.	Roeschenthaler, Michael J.	Tarry, Samuel L., Jr.
Muckenfuss, Robert A.	Rogers, Marvin L.	Thanner, Christopher J.
Murphy, Sean F.	Rohman, Thomas P.	Thornhill, James A.
Natarajan, Rajsekhar (nmi)	Ronn, David L.	Van Horn, James E.
Neale, James F.	Rosen, Gregg M.	Vaughn, Scott P.
Nesbit, Christopher S.	Rust, Dana L.	Vick, Howard C., Jr.
Newhouse, Philip J.	Satterwhite, Rodney A.	Viola, Richard W.
O'Grady, John B.	Scheurer, P. C.	Wade, H. L., Jr.
Oakey, David N.	Schewel, Michael J.	Walker, John T., IV
Older, Stephen E.	Schmidt, Gordon W.	Walker, Thomas R.
Oostdyk, Scott C.	Sellers, Jane W.	Walker, W. K., Jr.
Padgett, John D.	Shelley, Patrick M.	Westwood, Scott E.
Parker, Brian K.	Simmons, L. D., II	Whelpley, David B., Jr.
Perzek, Philip J.	Simmons, Robert W.	White, H. R., III
Phillips, Michael R.	Slaughter, D. F.	White, Walter H., Jr.
Pryor, Robert H.	Slone, Daniel K.	Wilburn, John D.
Pusateri, David P.	Spahn, Thomas E.	Williams, Steven R.
Rak, Jonathan P.	Spitz, Joel H.	Wren, Elizabeth G.
Reid, Joseph K., III	Spivey, Angela M.	Young, Kevin J.
Richardson, David L.	Stallings, Thomas J.	
Riegle, Gregory A.	Steen, Bruce M.	

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

**Rezoning Attachment to Par. 1(c)**

DATE: SEP 17 2013

(enter date affidavit is notarized)

for Application No. (s): RZ/FDP 2013-PR-007

(enter County-assigned application number (s))

120286 a

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

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
Tysons Corner, VA 22102

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

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

(Former Equity Partner List)

Cogbill, John V., III  
Doubet King, Sally  
Nickens, Jacks C.  
O'Hare, James P.

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

**Rezoning Attachment to Par. 1(c)**

DATE: SEP 17 2013

(enter date affidavit is notarized)

for Application No. (s): RZ/FDP 2013-PR-007

(enter County-assigned application number (s))

120286a

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

Edens Limited Partnership (formerly known as Edens Investments Limited Partnership)  
1221 Main Street, Suite 1000  
Columbia, SC 29201

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

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

General Partner: Edens GP, LLC (formerly known as Edens & Avant Administrative LLC) This LLC does not own 10% or more of the Title Owner

Limited Partners: E&A Affiliates, LP ("Affiliates") Neither Affiliates, nor any individuals, partners, or members having a beneficial interests in Affiliates, holds a 10% or greater interest in Title Owner.

Edens Investment Trust (formerly known as Edens & Avant Properties Trust) ("Investment Trust")

- John R. Allen
  - Herbert F. Ames, Jr.
  - Keith A. Angely
  - Richard S. Black
  - Steven C. Boyle
  - Richard T. Brandenburg, Jr.
  - Terry S. Brown
  - Jessica A. Bruner
  - Grace E. Burnside
  - William C. Caldwell
  - Kerry M. Cavanaugh
  - John C. Cocker
  - Matthew R. Crosland
  - Lyle E.T. Darnall
  - Brian K. Davidson
  - Mark A. Drogalis
  - Bradford M. Dumont
  - DeAnne C. Dunn
  - Gregg M. Edelstein
  - Joe A. Edens, III
  - Jason C. Edwards
  - Sara S. Fawcett
  - Elizabeth A. Furnelli
  - Emily C. Gagliardi
  - Thomas R. Gallagher
  - Mark P. Garside
  - David G. Germakian
- None of these named individuals who are limited partners hold a 10% or greater interest in Title Owner.

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

**Rezoning Attachment to Par. 1(c)**

**SEP 17 2013**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

for Application No. (s): RZ/FDP 2013-PR-007  
(enter County-assigned application number (s))

120286a

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

Edens Limited Partnership (formerly known as Edens Investments Limited Partnership) [CONTINUED]  
1221 Main Street, Suite 1000  
Columbia, SC 29201

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

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

Limited Partners [CONTINUED]:

- Brooke L. Gonce
- Keith A. Hague
- Carol H. Hall
- Marguerite S. Harrison
- Albert L. James IV
- Sidney G. Johnston
- Samuel E. Judd
- Jeffrey S. Kaufman
- Michael D. Kenny
- Tom B. Kiler
- Christopher J. Kopecky
- Lynda S. Lange
- Brian J. Maloney
- Tina A. Marshall
- Gerard M. Matelski (deceased 5/12/12)
- Jodie W. McLean
- Peter J. Melmed
- Van B. Monroe
- Jami R. Passer
- William M. Ponder IV
- Edward B. Senenman
- Geoffrey H. Sharpe
- Maria A. Smith
- Jason K. Tompkins
- Rebecca S. Waters
- Robert A. William
- Jared S. Wilson

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

REZONING AFFIDAVIT

DATE: SEP 17 2013  
(enter date affidavit is notarized)

120286a

for Application No. (s): RZ/FDP 2013-PR-007  
(enter County-assigned application number(s))

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

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

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

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

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

NONE

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

REZONING AFFIDAVIT

DATE: SEP 17 2013  
(enter date affidavit is notarized)

120286a

for Application No. (s): RZ/FDP 2013-PR-007  
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

NONE

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

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

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

WITNESS the following signature:

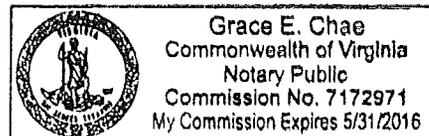
(check one) [ ] Applicant [x] Applicant's Authorized Agent

David R. Gill, Esquire  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 17<sup>th</sup> day of September 2013, in the State/Comm. of Virginia, County/City of Fairfax.

Grace E. Chae  
Notary Public

My commission expires: 5/31/2016



**Excerpts from the Fairfax County Zoning Ordinance (as of September 24, 2013) and the Fairfax County Comprehensive Plan (2013 Edition). For the full, unabridged, resources please visit the website of the Fairfax County Planning and Zoning Department or view copies in person at the Fairfax County Planning and Zoning office.**

**FAIRFAX COUNTY ZONING ORDINANCE,**  
**ARTICLE 16 – DEVELOPMENT PLANS**

**PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS**

**16-101 General Standards**

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

**16-102 Design Standards**

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:

1. In order to complement development on adjacent properties, at all peripheral boundaries of the PDH, PRM, PDC, PRC Districts the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration. In the PTC District, such provisions shall only have general applicability and only at the periphery of the Tysons Corner Urban Center, as designated in the adopted comprehensive plan.
2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

**FAIRFAX COUNTY COMPREHENSIVE PLAN,**  
**POLICY PLAN – LAND USE**

**APPENDIX 9 - 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 better site design and low impact development (LID) 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. Energy efficiency measures should be incorporated into building design and construction.

#### **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. Air quality-sensitive tree preservation and planting efforts (see Objective 1, Policy c in the Environment section of this document) are also encouraged.

#### **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 cutthrough 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 forsale 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.



# County of Fairfax, Virginia

## MEMORANDUM

DATE: August 15, 2013

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division, DPZ

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

**SUBJECT:** **Land Use Analysis:**  
RZ/FDP 2013-PR-007  
Merrifield Town Center – Parcel K

The memorandum, prepared by Bernard Suchicital, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the Rezoning (RZ) and Final Development Plan (FDP) application dated February 21, 2013 as revised through July 17, 2013, and proffers dated May 17, 2013. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

### DESCRIPTION OF THE APPLICATION

The applicant, Eskridge (E & A), LLC, is requesting to rezone a 1.07-acre industrial parcel from I-5 to PDH-30 to allow the construction of 25 single-family attached urban townhomes. The project will be an extension of the neighboring 120-unit townhome development of the Mosaic District, replicating the same design and quality. The development will include rear-loading residential units and a 7,500 public park. The Mosaic District comprises an approximately 31.37 acre land area in the Merrifield Town Center area of the Fairfax County Comprehensive Plan in 2013. This development permits up to 1,893,112 square feet of development at a 1.2 floor area ratio (FAR), (1.39 FAR with the provision of affordable and workforce housing and related bonus units), the maximum recommended by the Comprehensive Plan.

### LOCATION AND CHARACTER OF THE AREA

The Mosaic District is located in one of the two core areas of the Merrifield Suburban Center. The core areas are envisioned to be more pedestrian-oriented and urban in character as they

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redevelop. The property is located in the heart of the Merrifield Commercial Revitalization Area. The site is located on the northeast corner of the intersection of Eskridge Road and Merrifield Town Center, west of District Avenue. Adjacent to the north of the property is an industrial/flex office building. West of Eskridge Road is a surface parking lot for a private fitness center, and south of Merrifield Town Center are existing residential townhomes. To the east is the future site of a midrise, mixed-use residential and retail tower.

## **COMPREHENSIVE PLAN CITATIONS:**

### **Land Use**

In the Fairfax County Comprehensive Plan, 2011 Edition, Area I, The Merrifield Suburban Center, Land Unit Recommendations, Land Unit F, Sub-units F1 and F2, as amended through February 12, 2013, on pages 76 through 81, the Plan states:

#### **“LAND UNIT F**

Land Unit F is comprised of approximately 107 acres and is bounded by Gallows Road on the east, Route 29 on the north, Prosperity Avenue on the west, and Land Unit G on the south. Existing development generally consists of retail uses in the eastern portion primarily along Gallows Road, industrial and office uses in the central portion, and the Merrifield Regional Post Office in the western portion of the Land Unit.

Most of Land Unit F, the portion east of the Merrifield Regional Post Office, is envisioned to redevelop as the “Town Center” for the Merrifield Suburban Center, with a mix of uses including office, retail, hotel, and residential uses. Buildings in the town center are envisioned to have retail and service uses located on the ground levels that are designed with a pedestrian orientation. Primary access points to the Town Center are envisioned to be at Merrilee Drive extension/realignment with Eskridge Road and Route 29, Gallows Road and Strawberry Lane, and Gallows Road and “Main Street/Festival Street”.

The major circulation improvements for this land unit include the extension of Eskridge Road to Williams Drive. Since Williams Drive connects with Route 50, this will complete the link from the Metro station through the “Town Center” to Route 50. Additional circulation improvements include aligning a Merrifield Regional Post Office entrance with the Dorr Avenue Extension to Route 29; the extension of Strawberry Lane west to connect with Eskridge Road; the movie theater access road extension south to connect with Williams Drive and/or Gatehouse Road (connecting with Gatehouse Road would require crossing Luther Jackson Intermediate School property); and an east/west road that connects Prosperity Avenue with Eskridge Road or Williams Drive. Within this area, at least one new road should function as the “Festival Street” as illustrated on Figure 28. The major arterial improvements include the widening of Route 29 and Gallows Road, and the planned improvements at the intersection of the two roads.

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 in the following specific sub-unit recommendations.

Sub-Units F1 and F2 (Town Center Area):

Sub-Unit F1 is the eastern portion of the Land Unit that is oriented to Gallows Road and is planned for community-serving retail up to .35 FAR. Additional freestanding single tenant uses and “drive-through” uses, such as fast-food restaurants and car washes, are discouraged because each may disrupt pedestrian access. Drive-through uses that are low traffic generators, such as financial institutions and drug stores, may be considered provided that the drive-through facility is integrated within a multi-tenant building and is designed in a manner that does not impede pedestrian access. In any new retail center, an office component could be provided, if it does not exceed .10 FAR (or approximately 30% of the development’s gross square feet), with any office component designed as an integral part of the retail center. Furthermore, any new retail center(s) should be designed in a manner that is consistent with the town center concept.

Sub-Unit F2 is the central portion of the Land Unit that is generally between the Post Office property and Sub-Unit F1. Sub-unit F2 is planned for and developed with industrial and office uses up to a .5 FAR, except for the portion of Tax Map 49-3((1))80A that is in Sub-Unit F2.

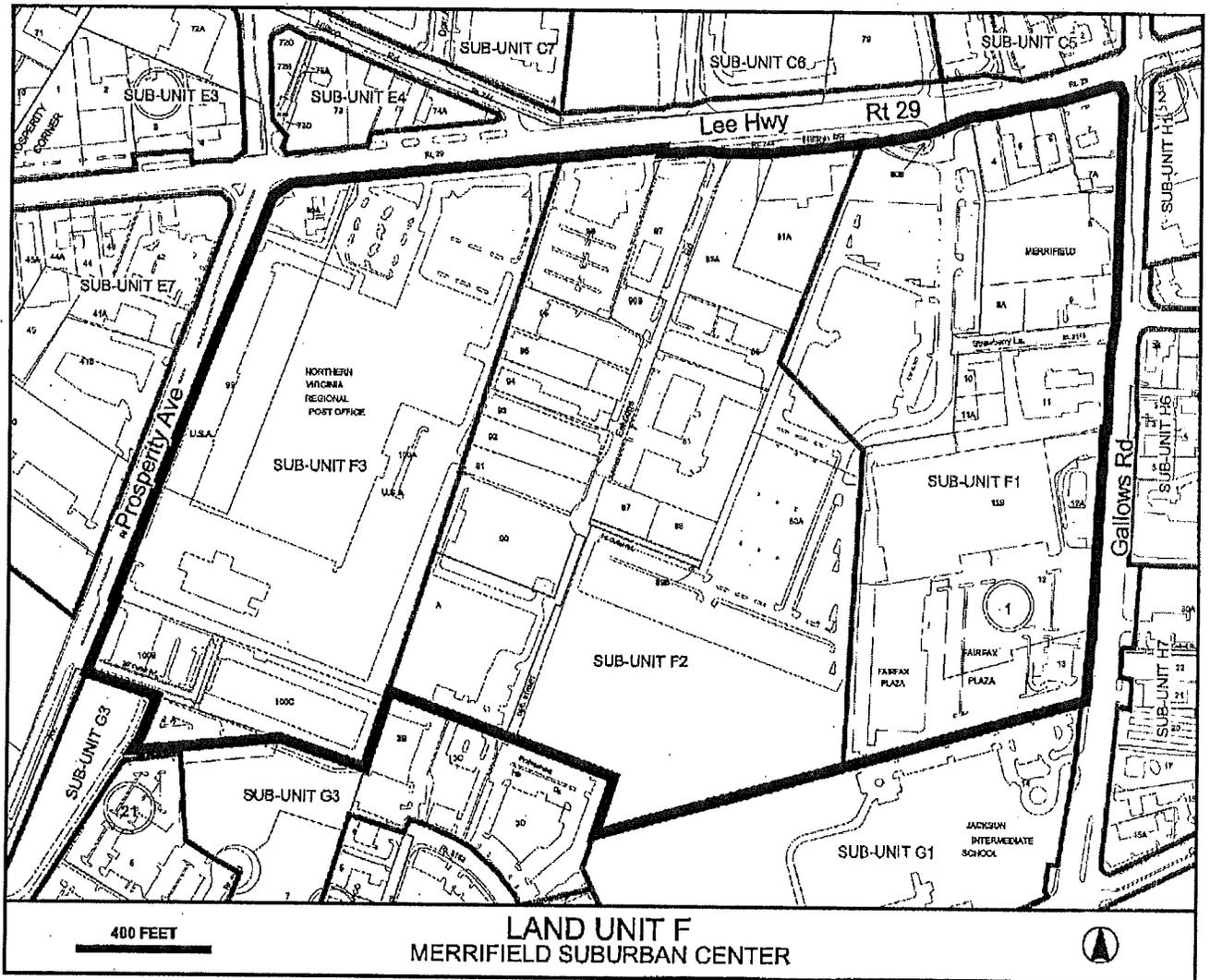


FIGURE 27

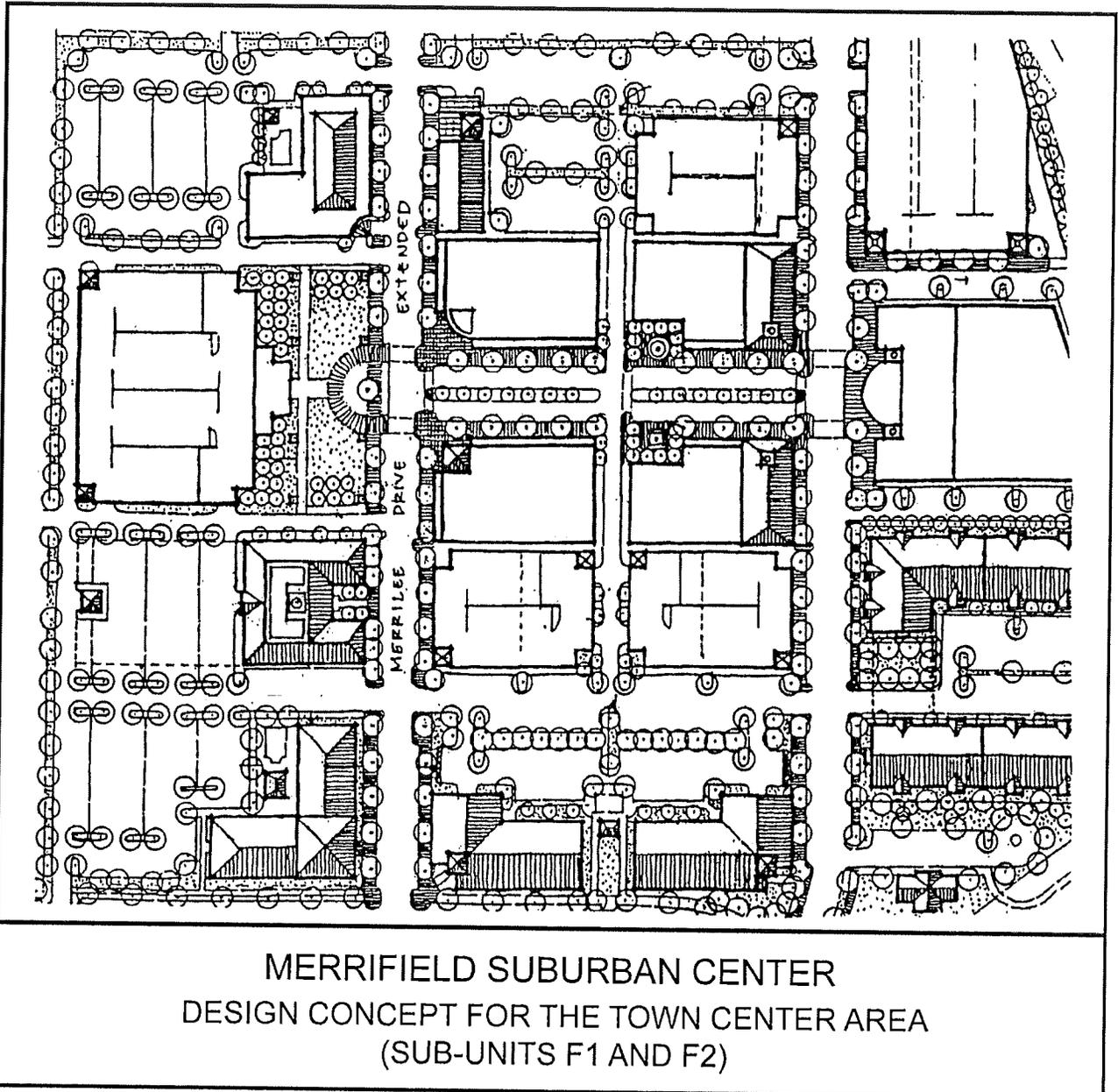


FIGURE 28

This portion of Parcel 80A could be developed with office or a new theater complex. Any new development should be designed in a manner consistent with the town center concept.

Any modification, expansion, and/or reuse of the existing buildings should be consistent with guidelines for Existing Uses and Buildings under the Area-Wide Land Use section. Any additional development in Sub-unit F1 and F2 at this base level should have consolidation or a coordinated development plan that provides for circulation improvements and streetscape improvements, as well as addresses urban design and other planning objectives which include implementing the town center concept. Also for any additional development at this base level on property in Sub-Units F1 and F2 abutting Sub-Unit G1, inter-parcel access between these sub-units should be considered and provided if needed to improve access to the school.

Option 1: As an option, in both Sub-units F1 and F2, redevelopment within these sub-units to office and retail up to .65 FAR may be appropriate if the redevelopment creates a component of the envisioned "Town Center." The retail component should comprise, at a minimum, 30% of the total development. Any development proposal under this option must address all applicable Area-Wide recommendations as well as the following guidelines.

- Consolidations of at least eight contiguous acres are encouraged. As an alternative, coordinated development plans with a combined land area of at least eight acres may be appropriate if the consolidation objectives are met. In any instance, it must be demonstrated that any unconsolidated parcels are able to develop in conformance with the Plan as described under the Land Use Guidelines in the Area-Wide Land Use section.
- Development proposals in these sub-units should provide for or contribute to road improvements as described in the Transportation Section of the Area-Wide recommendations. This area's recommended grid street system includes: the Eskridge Road extension south to Williams Drive and its realignment with Merrilee Drive to the north; the improvement of Strawberry Lane and its extension to Eskridge Road; the movie theater access road to connect with Williams Drive or Gatehouse Road. With the extension of the movie theater access road to either Williams Drive or Gatehouse Road, improvements to the intersection of Route 50/Williams Drive/Service Road should be made. Within this area, at least one road should function as the "Festival Street" that will have a concentration of retail and pedestrian activity (i.e., plazas, retail browsing areas and outdoor dining). See Figure 28 for an illustration of the grid system with the "Festival Street." Since a key transportation issue is the improvement of Eskridge Road and its realignment to Merrilee Drive, all development proposals under this option should contribute towards the Eskridge Road improvement in addition to providing other road improvements that improve circulation within this and adjacent areas as recommended in the Area-wide Transportation section.
- Development proposals should provide for inter-parcel access as well as other improvements that improve circulation within this and adjacent sub-units. For example, development proposals in Sub-Units F1 and F2 that abut Sub-Unit G1 should provide inter-parcel access to Sub-Unit G1 if needed to provide access to the school.
- Buildings should have retail and service uses located on the ground level that are designed to have a pedestrian orientation.

- Development should be designed with a pedestrian orientation, including open space amenities such as public plazas or greens as described under the Pedestrian and Transit Oriented Development Guidelines in the Urban Design section.
- Development should provide or contribute to the purchase of one to two acres of land for a public park within Sub-Units F1 and F2. This urban park should function as a public meeting and gathering place and should have a focal point such as a pavilion and/or fountain. As an alternative, this open space amenity could be a private facility if the space has public access and is available for public activities.
- Development should be designed with parking structures behind and/or under buildings.

Option 2: As an alternative to the office and retail option, mixed-uses with residential use and/or hotel use may be appropriate up to 1.2 FAR, if the redevelopment creates a component of the envisioned “Town Center.” Development proposals should be in conformance with the Area-Wide Recommendations for alternative uses (see the Area-Wide Recommendations, Land Use Guidelines), and development proposals under this option must address the previous option’s guidance, all applicable Area-Wide guidelines, as well as provide for the following:

- The alternative uses appropriate in this sub-unit are limited to residential, institutional, hotel, major entertainment uses, as well as retail and service uses. Only the portions of retail and service uses that exceed 20% of the total development’s square footage are considered alternative uses as described under the Alternative Use Guidelines. Retail and service uses may comprise up to 35% of the development’s square feet and may include employee amenities such as health clubs, day care and food services, all of which should be an integral part of the office, hotel and/or residential buildings.
- Major entertainment uses could include a “theater complex” and/or retail entertainment centers. These uses combined with retail and service uses should not exceed 55% of the development’s total square footage.
- Institutional, cultural, recreational, and/or governmental uses are encouraged within the Town Center and should be provided consistent with the Area-Wide guidance.
- If residential development is proposed, affordable dwelling units should be provided on-site or as indicated under the Land Use Guidelines in the Area-Wide Land Use Section.
- Any proposed residential development should demonstrate that it is an integral component of the Town Center through design, architecture, materials, access and parking and should create a viable living environment by providing recreation and other amenities for the residents as indicated under the Land Use Section of the Area-Wide Recommendations.

Height Limit: Under the options, maximum building height is 95 feet when development is not integrated with structured parking. In order to encourage structured parking to be located

under buildings, a height bonus of up to 20 feet (or a maximum height of 115 feet) is appropriate when at least 2 levels of structured parking are provided under the building, either at or below grade. The building height bonus should be contingent on increasing the amount of open space amenities. See the Building Heights Map, Figure 16, and the Building Height Guidelines under the Area-Wide Urban Design section.

The following illustrative urban design plan shows an approach for creating a “sense of place” for the area south of Route 29 and west of Gallows Road, the new town center for the Merrifield Suburban Center (see Figure 28). The “sense of place” is provided through the creation of a “Festival Street,” which could be anchored at one end by the town green and at the other by a multiple screen theater. The Festival Street has wide sidewalks and pedestrian plazas fronting retail shopping and restaurants on the lower floors of the office buildings. It should be designed to foster both daytime and nighttime activity, reminiscent of the downtowns of earlier times and what has been achieved at other Town Centers such as the Reston Town Center. Residential areas are shown as ringing the southern boundary in this town center illustration. The purpose is to encourage more pedestrian activity by allowing people to live close to the town center’s shops, restaurants, theaters, offices, and parks.

The wide variety of land uses shown in this illustration, are integrated through both landscape and architectural transitions. Buildings front and address the street with finished facades that create the feeling of a mixed-use downtown. With attractive facades, low- to mid-rise building heights, and comparable building masses, non-residential uses can face residential uses across the street with no adverse impact. Where parking decks are located along a street, they are designed to incorporate street level retail as a mask to the garage behind, providing an appropriate transition to other uses. In some locations, formally landscaped green spaces provide transitions between non-residential and residential uses.”

## **COMPREHENSIVE PLAN MAP: Mixed Use**

### **LAND USE ANALYSIS**

The applicant is seeking to make a northward extension of the existing urban townhomes of the Mosaic District with 25 single-family detached units on 1.07 acres, at a density of 23 dwelling units per acre. This rezoning application will not be an amendment to the existing adjacent rezoning case, but will carry over the same density, layout, conditions and proffers to be consistent with the project to the south and to the east. The six western units will front Eskridge Road, and the remaining 19 will be oriented around a 7,500 square foot pocket park. All units will be rear-loading garages, accessible via a private alley. There will be a 6-8 foot retaining wall and fence along the northern boundary to screen the residential units from the adjacent industrial/flex office use.

In reviewing the proposed residential project as infill development within the context of the adjacent existing townhouses and the larger planned, developing and approved mixed use

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development, staff concludes that the proposed application is in general conformance with the land use recommendations of the Comprehensive Plan.

PGN: BSS



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** October 21, 2013

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division, DPZ

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

**SUBJECT:** Environmental Assessment: RZ/FDP 2013-PR-007  
Merrifield Town Center – Parcel K

This memorandum, prepared by John Bell, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the above referenced Rezoning (RZ) and Final Development Plan (FDP) application as revised through August 16, 2013. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

### COMPREHENSIVE PLAN CITATIONS:

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

Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through February 12, 2013, pages 19 and 20:

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

Policy a. Consistent with other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices can include, but are not limited to:

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- Environmentally-sensitive siting and construction of development
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the *Policy Plan*)
- Optimization of energy performance of structures/energy-efficient design
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products
- Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies
- Reuse of existing building materials for redevelopment projects
- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris
- Use of recycled and rapidly renewable building materials
- Use of building materials and products that originate from nearby sources
- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials.

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

Policy c. Ensure that zoning proposals for residential development will qualify for the ENERGY STAR Qualified Homes designation, where such zoning proposals seek development at the high end of the Plan density range and where broader commitments to green building practices are not being applied.

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

## **ENVIRONMENTAL ANALYSIS**

### **Green Building**

The proposed single-family attached units should be designed and constructed in a manner to achieve a third party green building certification. Staff is pleased that the applicant has committed that the townhouses will attain green building certification through LEED for Homes or EarthCraft, as was similarly committed for the neighboring townhouse development in the existing Mosaic District development. The proffers should be written in a manner which is clearly consistent with the application of the Green Building Policy of the Comprehensive Plan.

PGN: JRB



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** May 3, 2013

**TO:** Michael Lynskey, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Durga Kharel, P.E., Senior Engineer III  
Central Branch  
Site Development and Inspections Division  
Department of Public Works and Environmental Services

**SUBJECT:** Rezoning and FDP Application # RZ/FDP 2013-PR-007 (Eskridge Realty (E &A), LLC) for Merrifield Town Center Parcel K; RZ/CDP/FDP Plat dated February 21, 2013; Accotink Creek Watershed; LDS Project # 561-ZONA-006-1; Tax Map #049-3-01-0087, 0088 and 0089B; Providence District

We have reviewed the subject application and offer the following stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)

There are no Resource Protection Areas on the site.

Floodplain

There are no regulated floodplains on the site.

Downstream Drainage Complaints

There are no current downstream drainage complaints on file.

Stormwater Detention

Applicant indicates on sheet C-6 and C-7 that the stormwater detention requirement will be met by an onsite underground detention vault. Approximate storage capacity of the proposed vault is 350 cubic feet. However, the applicant has also proposed permeable pavement/infiltration trench as an alternate stormwater management facility if it is found technically feasible during site plan. Potential locations of vault and infiltration facility are shown on the plan.

Michael Lynskey, Staff Coordinator  
Rezoning and FDP Application # RZ/FDP 2013-PR-007  
Merrifield Town Center Parcel K  
LDS Project # 561-ZONA-006-1  
Page 2 of 2

### Water Quality Control

BMP narrative on sheet C-7 shows a net increase in impervious area by 19% (less than 20%) to qualify the proposed work as redevelopment. 24.1 % of phosphorus removal is proposed to be achieved by tree box filters, infiltration, or the used of structural filter systems. Potential BMP locations are shown on the plan on sheet C-6.

### Downstream Drainage System

Adequate outfall narrative with location of 90% confluence point has been shown on the plan to indicate the fulfillment of PFM requirement. The plan also shows and describes the drainage divide and confluence point with area greater than 100 times the site area to meet the zoning ordinance requirement.

These comments are based on the 2011 version of the Public Facilities Manual (PFM). A new stormwater ordinance and updates to the PFM's stormwater requirements are being developed as a result of changes to state code (see 4VAC50-60 adopted May 24, 2011). The site plan for this application may be required to conform to the updated PFM and the new ordinance.

Please contact me at 703-324-1720 if you require additional information.

cc: Don Demetrius, Chief, Watershed Evaluation Branch, SPD, DPWES  
Fred Rose, Chief, Watershed Planning & Assessment Branch, SPD, DPWES  
Judy Cronauer, Chief, Central Branch, SDID, DPWES  
Hani Fawaz, Senior Engineer III, Chief, Central Branch, SDID, DPWES  
Zoning Application File





# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** May 30, 2013

**TO:** Michael Lynskey, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Durga Kharel, P.E., Senior Engineer III  
Central Branch  
Site Development and Inspection Division (SDID)  
Land Development Services  
Department of Public Works and Environmental Services

**SUBJECT:** Rezoning Application # RZ 2013-PR-007, Merrifield Town Center Parcel K, Tax Map Numbers 049-3-01-0087, 0088 and 0089B; Providence District

**REFERENCE:** Waiver Request #561-WPFM-005-1, for Location of Underground Facility in Residential Development

We have reviewed the referenced submission for consistency with Section 6-0303.8 of the Public Facilities Manual (PFM), which restricts use of underground facilities located in a residential development (Attachment B). The Board of Supervisors (Board) may grant a waiver after taking into consideration possible impacts on public safety and the environment. The proposed development is entirely for a residential use with 27 single family attached residential units. Underground facility located in residential development allowed by the Board:

- shall be privately maintained;
- shall be disclosed as part of the chain of title to all future owners responsible for maintenance of the facilities;
- shall not be located in a County storm drainage easement; and,
- shall have a private maintenance agreement, in a form acceptable to the Director of the Department of Public Works and Environmental Services (DPWES), executed before the construction plan is approved.

The applicant has proposed 1 (one) on-site underground stormwater detention vault with an approximate volume of 350 cubic feet located in a private alley as shown on sheet C-4 of CDP/FDP revised February 21, 2012. The applicant states that the design and location are subject to change at the time of final engineering.

In the waiver application, the applicant states that the urban nature of the proposed development results in a project that necessitates the stormwater detention to be placed underground as shown on the accompanying plans.

**Department of Public Works and Environmental Services**  
**Land Development Services, Site Development and Inspections Division**  
12055 Government Center Parkway, Suite 535  
Fairfax, Virginia 22035-5503  
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359  
[www.fairfaxcounty.gov/dpwes](http://www.fairfaxcounty.gov/dpwes)



Michael Lynskey, Staff Coordinator  
Waiver Request #561-WPFM-005-1  
Page 2

ANALYSIS:

An analysis of the possible impacts on public safety, the environment, and the burden placed on the owners for maintenance is as follows.

Impacts on Public Safety – The design, locations and access points of the stormwater vaults are critical components that are considered when evaluating the potential impact on public safety. The applicant has stated in the waiver request that the access points for the vaults will be typically located in surface parking areas or next to paved areas/travel lanes to address the issue of safety concern associated with vaults in open space areas. Parking lots and travelways are places where children are less likely to play and gain unauthorized access to the facilities. If it is the intent of the Board to approve the waiver request, staff recommends that the approval include a condition that the design of the vault(s), including, but not limited to, the number, size, shape, location, access and function, be subject to approval by DPWES, in accordance with all applicable requirements, policies and procedures in effect at the time of final Site Plan. In any location, locking manhole covers and doors must be provided at each access point.

If it is the intent of the Board to approve the waiver request, the applicant shall provide liability insurance in an amount acceptable to Fairfax County as a waiver condition. A typical liability insurance amount is \$1,000,000 against claims associated with underground facilities. The private maintenance agreement shall also hold Fairfax County harmless from any liability associated with the facilities.

Impacts on the Environment – The surrounding areas are developed and the proposed underground facility will outfall into proposed piped storm drainage systems and ultimately outfall into Accotink Creek. Therefore, staff does not believe there will be any adverse impact on the environment from the proposed underground facility.

Burden Placed on Prospective Owners for Maintenance and Future Replacement – The applicant has provided preliminary estimates of construction cost, annual maintenance costs and annual cost per residential unit for the proposed vault as following:

Michael Lynskey, Staff Coordinator  
 Waiver Request #561-WPFM-005-1  
 Page 3

Merrifield Town Center – CDP/FDP				
Facility Name	SIZE OF VAULT (CF)	CONSTRUCTION COST (TOTAL-\$)	MAINTENANCE COST (PER YEAR-\$/YR)	YEARLY COST (\$/YR)*
SWM Vault	350	\$12,250	\$500	\$745
* yearly cost has been calculated assuming a 50 -year life expectancy for the concrete vault structure				
Facility Name	USE	TOTAL # of Units	COST FOR TOTAL RESIDENTIAL AREA (\$/YR)	COST/RESIDENTIAL UNIT (\$/UNIT/YR)
SWM Vault	RESIDENTIAL	27	\$745.00	\$27.59

*Maintenance:* The engineer has provided an estimate of \$500 as the annual maintenance cost for the proposed facility; staff finds this estimate reasonable. Before site plan approval, sufficient funds should be placed into escrow to fund 20 years of maintenance for the facility. An escrow fund of \$10,000 shall be required for the facility. This fund would not be available to the owner until bond release.

If it is the intent of the Board to approve the waiver request, staff recommends the property owner be required to execute a maintenance agreement prior to site plan approval. Staff further recommends the property owner be required to establish a financial plan for the operation, inspection, and maintenance of the underground facility. The property owner should be required to establish a fund for the annual maintenance. Staff recommends that the property owner provide an initial deposit in an escrow account in an amount equal to the estimated costs for the first 20 years of maintenance for the facility before construction plan approval.

The engineer has estimated the construction cost of the facility as \$ 12,250; staff finds the estimates reasonable. With total numbers of 27 residential units, the burden of cost of maintenance and replacement per residential unit per year is estimated as \$27.59, staff finds it reasonable.

If it is the intent of the Board to approve the waiver request, the property owner should be required, as a waiver condition, to address future replacement of the underground facility as part of its private maintenance agreement with the County. In order to maximize the useful life of the underground facility, the property owner must be required to construct the underground facility with reinforced concrete products only. Replacement cost fund, based on an estimated 50-year lifespan for concrete products, should be established. The replacement reserve fund must be

Michael Lynskey, Staff Coordinator  
Waiver Request #561-WPFM-005-1  
Page 4

separate from the annual maintenance fund to ensure the money is available at the time replacement are necessary and have not been previously spent on maintenance activities.

RECOMMENDATION:

DPWES recommends that the Board approve the waiver to locate the underground facility in the residential development of Merrifield Town Center Parcel K, subject to Waiver #561-WPFM-005-1 Conditions dated May 30, 2013, as contained in Attachment A.

If you have any questions, or need further assistance, please contact me at 703-324-1720.

ATTACHED DOCUMENTS:

Attachment A - Waiver #561-WPFM-005-1 Conditions, Merrifield Town Center Parcel K, May 30, 2013

Attachment B - PFM Section 6-0303.8

cc: Robert A. Stalzer, Deputy County Executive  
James Patteson, Director, DPWES  
Michelle Brickner, Director, Land Development Services, DPWES  
Bill Schell, Acting Director, Maintenance and Stormwater Management Division, DPWES  
Judy Cronauer, Chief, Central Branch, SDID, LDS, DPWES  
Waiver File

## ATTACHMENT A

**Waiver Request #561-WPFM-005-1 Conditions**

Merrifield Town Center Parcel K  
RZ 2013-PR-007  
May 30, 2013

1. The underground facility shall be constructed in accordance with the development plans and these conditions as determined by the Director of the Department of Public Works and Environmental Services (DPWES).
2. To provide greater accessibility for maintenance purposes, the underground facility shall have a minimum height of 72 inches.
3. The underground facilities shall be constructed of reinforced concrete products only.
4. The underground facilities shall incorporate appropriate safety features, such as locking manholes and doors, as determined by DPWES at the time of construction plan submission.
5. The underground facilities shall be privately maintained and shall not be located in a county storm drain easement.
6. A private maintenance agreement for the facility, as reviewed and approved by the Fairfax County Attorney's Office, shall be executed and recorded in the land records of the county prior to final site plan approval. The maintenance agreement shall run with the land, its successors and assigns. The private maintenance agreement shall include:
  - a condition that the property owner and its successors or assigns shall not petition the County to assume the maintenance, or the replacement, of the underground facility;
  - a reference to the establishment of the reserve funds for the maintenance and replacement of the underground facility;
  - a reference to the operation, inspection, and maintenance procedures detailed in the site plan;
  - a condition that the property owner provide and continuously maintain liability insurance; a typical liability insurance amount is at least \$1,000,000 against claims associated with underground facility; and
  - a statement that Fairfax County shall be held harmless from any liability associated with the facility.

## ATTACHMENT A

7. Operation, inspection, and maintenance procedures associated with the underground facility shall be included in the site plan to ensure the safe operation, inspection, and maintenance of the facility. The procedures shall include:

- establishment of procedures to facilitate inspection by the county including, but not limited, to
  - an advance notice procedure,
  - a requirement for inspection of transitional screening,
  - a requirement for contact information,
  - the procedure for obtaining the access keys,
  - the procedure to ensure the access points to the facility are not blocked;
- and
- establishment of operation and maintenance procedures to ensure the facility will continue to control the stormwater generated from the site,
  - continue to minimize the possibility of clogging events, and

8. A financial plan for the property owner to finance regular maintenance and full life-cycle replacement costs shall be established prior to site plan approval. The financial plan shall include:

- a separate line item in the annual budget for operation, inspection, and maintenance shall be established;
- a reserve fund for future replacement of the underground facility shall be established to receive annual deposits based on the initial construction costs and an estimated 50-year lifespan for concrete products; and
- prior to final construction plan approval, the property owner shall escrow sufficient funds which will cover a 20-year maintenance cycle of the underground facility; these monies shall not be made available to the owner until after final bond release.

## ATTACHMENT B

**The Public Facilities Manual (PFM) Section 6-0303.8 (24-88-PFM, 83-04-PFM)**

Underground detention facilities may not be used in residential developments, including rental townhouses, condominiums and apartments, unless specifically waived by the Board of Supervisors (Board) in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment. In addition, after receiving input from the Director regarding a request by the property owner(s) to use underground detention in a residential development, the Board may grant a waiver if an application for rezoning, proffered condition amendment, special exception, and special exception amendment was approved prior to, June 8, 2004, and if an underground detention facility was a feature shown on an approved proffered development plan or on an approved special exception plat. Any decision by the Board to grant a waiver shall take into consideration possible impacts on public safety, the environment, and the burden placed on prospective owners for maintenance of the facilities. Any property owner(s) seeking a waiver shall provide for adequate funding for maintenance of the facilities where deemed appropriate by the Board. Underground detention facilities approved for use in residential developments by the Board shall be privately maintained, shall be disclosed as part of the chain of title to all future homeowners (e.g. individual members of a homeowners or condominium association) responsible for maintenance of the facilities, shall not be located in a County storm drainage easement, and a private maintenance agreement in a form acceptable to the Director must be executed before the construction plan is approved. Underground detention facilities may be used in commercial and industrial developments where private maintenance agreements are executed and the facilities are not located in a County storm drainage easement.



# County of Fairfax, Virginia

## MEMORANDUM

August 2, 2013

**TO:** Michael Lynskey, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Todd Nelson, Urban Forester II   
Forest Conservation Branch, DPWES

**SUBJECT:** Merrifield Town Center Parcel K; RZ/FDP 2013-PR-007

**RE:** Request for assistance dated July 19, 2013

This review is based upon the Conceptual Development Plan/Final Development Plan (CDP/FDP) RZ 2013-PR-007 stamped "Received, Department of Planning and Zoning, March July 18, 2013."

Urban Forest Management Division comments and recommendations on the previously submitted CDP/FDP appear to be adequately addressed and there are no additional comments and recommendations, based on tree and landscape related issues, on this application.

Please contact me at 703-324-1770 should you have any questions.

TLN/  
UFMDID #: 179920

cc: DPZ File

Department of Public Works and Environmental Services  
Urban Forest Management Division  
12055 Government Center Parkway, Suite 518  
Fairfax, Virginia 22035-5503  
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769  
[www.fairfaxcounty.gov/dpwes](http://www.fairfaxcounty.gov/dpwes)





# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** September 25, 2013

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

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

**FILE:** 3-4 (RZ 2013-PR-007)

**SUBJECT:** Transportation Impact Addendum

**REFERENCE:** RZ 2013-PR-007; Merrifield (Mosaic) - Parcel "K"  
Traffic Zone: 1524  
Land ID # 49-3 ((01)) 87, 88, 89B

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based on the proposed conceptual/ final development plan dated August 16, 2013 and submitted September 5, 2013, and revised proffers dated September 18, 2013.

- The applicant should include easements along Eskridge Road and on and along Merrifield Town Center Drive for future traffic signal equipment.

AKR/ak :RZ2013PR007MerrifieldTC-ParcelK Ad

**Fairfax County Department of Transportation**  
4050 Legato Road, Suite 400  
Fairfax, Virginia 22033-2898  
Phone: (703) 877-5600 TTY: 771  
Fax: (703) 877 5723  
[www.fairfaxcounty.gov/fcdot](http://www.fairfaxcounty.gov/fcdot)





# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** August 2, 2013

**TO:** Barbara C. Berlin, Director, Zoning Evaluation Division  
Department of Planning & Zoning

**FROM:** *Barbara Byron*  
Barbara A. Byron, Director  
Office of Community Revitalization

**SUBJECT:** RZ/GDP 2013-PR-007 Merrifield Town Center, Parcel K

The Office of Community Revitalization (OCR) has reviewed the above referenced rezoning application marked "Received" by the Department of Planning and Zoning on July 17, 2013.

The applicant seeks to rezone 1.07 acres of Land Unit F in the Merrifield Suburban Center from I-5 to PDH-30. The site is located along Eskridge Road adjacent to the new Merrifield Town Center and within the Merrifield Commercial Revitalization Area (CRA). The site is planned as a minor expansion of the adjacent Mosaic townhome community with 26 townhomes in four buildings. A 7,500 sq.ft. (0.17 acre) pocket park is also planned. Resident parking for the townhomes is designed within the units and guest parking is provided with six spaces along Merrifield Town Center Drive.

### OCR Comments:

The Office of Community Revitalization appreciates the applicant's willingness to consider revisions to the site that improved the character, function, and quality of urban design for the project. The overall project meets the urban design intent of the Comprehensive Plan for pedestrian-oriented development within Merrifield Town Center area and creates a positive extension of the townhomes and the Mosaic development as a whole. Development of this site will complete the streetscape along the north side of Merrifield Town Center Drive and Eskridge Road and provide high quality amenities for Mosaic's residents.



Office of Community Revitalization  
12055 Government Center Parkway, Suite 1048  
Fairfax, VA 22035  
703-324-9300, TTY 711  
www.fcrevit.org

## Generalized Development Plan (GDP):

1. The proposed pocket park is currently planned as a passive open space with landscaping, sidewalks, and benches. The applicant should consider providing some active recreation functions within the park to offer a variety of uses for residents.
2. The Comprehensive Plan for the Merrifield Suburban Center includes streetscape guidelines for sidewalks, landscaping, street trees, furnishing, lighting, and bus shelters. The site has frontage along two roadways and each has unique standards according to the guidelines. Eskridge Road is identified in the Comprehensive Plan as a Main Street and Merrifield Town Center Drive is labeled a Cross Street. The applicant should proffer to meet the Merrifield Streetscape Design Standards found in the Comprehensive Plan and the Merrifield Streetscape Design Manual as well as commit to maintain the streetscape area within the right-of-way.
3. The applicant should explain in the proffers the relationship between this property's HOA and the overall Mosaic UOA. It should explain which association is responsible for the common area facilities in Parcel K and what, if any community amenities the members of this HOA will have access to.

Cc. Michael Lynskey, Staff Coordinator, DPZ  
OCR Files



**Office of Community Revitalization**  
12055 Government Center Parkway, Suite 1048  
Fairfax, VA 22035  
703-324-9300, TTY 711  
[www.fcrevit.org](http://www.fcrevit.org)



# FAIRFAX COUNTY PARK AUTHORITY



## M E M O R A N D U M

**TO:** Barbara Berlin, AICP, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Sandy Stallman, AICP, Manager  
Park Planning Branch, PDD 

**DATE:** August 21, 2013

**SUBJECT:** RZ-FDP 2013-PR-007, Eskridge Realty (E&A), LLC - Revised  
Tax Map Number(s): 49-3 ((1)) 87, 88, 89B

### BACKGROUND

This memo replaces previous comments provided by the Park Authority in a memo dated April 9, 2013. The Park Authority staff has reviewed the proposed Development Plan dated February 21, 2013, as revised through August 16, 2013, and proffers dated August 15, 2013 for the above referenced application. The Development Plan shows 25 new single family attached units on a 1.07 acre parcel to be rezoned from I-5 to PDH-30 with proffers. Based on an average single family attached household size of 2.69 in the Jefferson Planning District, the development could add 67 new residents to the Providence Supervisory District.

### COMPREHENSIVE PLAN GUIDANCE

The County Comprehensive Plan includes both general and specific guidance regarding parks and resources. The Policy Plan describes the need to mitigate adverse impacts to park and recreation facilities caused by growth and development; it also offers a variety of ways to offset those impacts, including contributions, land dedication, development of facilities, and others (Parks and Recreation, Objective 6, p.8). The Parks and Recreation element of the Policy Plan includes an Urban Parks Framework that provides an urban parkland standard and detailed guidance on urban park development. Resource protection is addressed in multiple objectives, focusing on protection, preservation, and sustainability of resources (Parks and Recreation Objectives 2 and 5, p.5-7).

The area-wide recommendations for the Merrifield Suburban Center specifically address the provision of onsite recreation with new residential development as well as additional contributions for off-site park facilities that serve the area. Pedestrian connectivity and urban parks contribute to the character envisioned for the Merrifield Suburban Area (Area I, Merrifield Suburban Center, Area-Wide Recommendations, Public Facilities/Infrastructure, Parks and Recreation Facilities, pp. 46-47).

## ANALYSIS AND RECOMMENDATIONS

### Urban Park Needs and Accessibility

The Comprehensive Plan was amended in May 2013 to incorporate the Urban Parks Framework into the Policy Plan's Park and Recreation Section. This guidance addresses the need and methods of providing for park space within Tysons, Transit Station Areas, Community Business Centers, and Suburban Centers, such as Merrifield Suburban Center. To establish a balanced park network Appendix 3, Standards and Criteria for Establishment of Park and Recreation Facilities, quantifies the minimum need for parkland in urban areas as 1.5 acres per 1,000 residents and 1 acre per 10,000 employees. Applying the urban park standard to the proposed development, there is a need for 4,377 square feet of publicly accessible urban parkland onsite to serve the proposed development. Although the limits of the pocket park are not defined on the CDP/FDP, the plan proposes a 7,500 square for pocket park.

A key aspect of urban parks is the provision of public accessibility. In draft proffers dated August 15, 2013, the applicant proposes to provide a pedestrian access easement over the area of the pocket park; however, the limits of the proposed easement are not noted on the plan.

*Evaluation:* The application provides ample park spaces in scale with the proposed development and consistent with the guidance of the Comprehensive Plan. The applicant should note the limits of the pocket park and pedestrian access easement on the CDP/FDP.

### Recreational Impact of Residential Development:

The Fairfax County Zoning Ordinance requires provision of open space and recreational features within Planned Development Districts (see Zoning Ordinance Sections 6-110 and 16-404). The minimum expenditure for park and recreational facilities within these districts is set at \$1,700 per non-ADU residential unit for outdoor recreational facilities to serve the development population. Whenever possible, the facilities should be located within the residential development site. With 25 non-ADUs proposed, the Ordinance-required amount to be spent on site is \$42,500. Any portion of this amount not spent onsite should be conveyed to the Park Authority for recreational facility construction at one or more park sites in the service area of the development.

The \$1,700 per unit funds required by Ordinance offset only a portion of the impact to provide recreational facilities for the new residents generated by this development. This onsite expenditure does not compensate the Park Authority for the increased demands caused by residential development for other recreational facilities that the Park Authority must provide. With the Countywide Comprehensive Policy Plan as a guide (Appendix 9, #6 of the Land Use section, as well as Objective 6, Policy a, b and c of the Parks and Recreation section), the Park Authority requests a fair share contribution of \$893 per new resident with any residential rezoning application to offset impacts to park and recreation service levels. This allows the Park Authority to build additional facilities needed as the population increases. To offset the additional impact caused by the proposed development, the applicant should contribute \$59,831 to the Park Authority for recreational facility development at one or more park sites located within the service area of the subject property.

*Evaluation:* In draft proffers dated August 15, 2013, the applicant commits to the required minimum expenditure of \$1700.00 per dwelling unit which satisfies the Zoning Ordinance requirement. As there is no offer of the requested \$893.00 per new resident to offset impacts to Park Authority sites and facilities, the Park Authority continues to request the fair share contribution.

Onsite Facilities:

The proposed development plan does provide a 7,500 square foot pocket park to serve the future townhouse residents. It is centrally located and visually oriented to the end of Stella Blue Lane. The size and quality of this space has improved considerably from the first submission. Other than landscape/hardscape elements, the plan only reflects four benches and two trashcans for residents to use. Draft proffers state that interactive recreational elements will be included “in the general locations shown on the CDP/FDP”, although these features are not reflected on the plan graphic.

Due to the extremely limited opportunity to provide active recreation for the townhomes developed pursuant to PCA 2005-PR-041-2, a proffer commitment extended permission to use the recreational amenities located within Parcel H to the townhouse residents. Although Land Bay K is intended to appear and function as an extension of the existing Land Bays I and J, with similar minimal yard areas, there currently is no commitment to extend similar recreation privileges to the future residents of Land Bay K.

*Evaluation:* The graphic should be updated to reflect potential location of the proffered interactive recreational elements and some level of commitment as to what these features might be. Particularly with the limited provision of recreational facilities proposed with this development, it would be appropriate to extend recreational privileges to the residents of Land Bay K somewhere within the overall Mosaic development if Land Bay K is to truly be “functionally and aesthetically integrated into the Mosaic project”, as stated in the applicant’s comment response letter dated August 16, 2013.

**SUMMARY OF RECOMMENDATIONS**

This section summarizes the recommendations included in the preceding analysis section. Following is a table summarizing required and recommended recreation contribution amounts:

<b>Proposed Uses</b>	<b>P-District Onsite Expenditure</b>	<b>Requested Park Proffer Amount</b>	<b>Total</b>
25 Townhouse units	\$42,500	\$59,831	\$102,331

In addition, the analysis identified the following major issues:

- Note the limits of the pocket park and the pedestrian access easement on the CDP/FDP
- Identify the potential location for the proffered interactive recreational elements and provide some level of commitment as to what these might be

- Seek opportunities to extend recreational facility privileges to the future residents of Land Bay K somewhere within the overall Mosaic development

Please note the Park Authority would like to review and comment on proffers and/or development conditions related to park and recreation issues. We request that draft and final proffers and/or development conditions be submitted to the assigned reviewer noted below for review and comment prior to completion of the staff report and prior to final Board of Supervisors approval.

FCPA Reviewer: Gayle Hooper  
DPZ Coordinator: Michael Lynskey

Copy: Cindy Walsh, Director, Resource Management Division  
Andrea L. Dorlester, Planner IV, Park Planning Branch  
Chron Binder  
File Copy

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FAIRFAX COUNTY  
PUBLIC SCHOOLS

Department of Facilities and Transportation Services

Office of Facilities Planning Services  
8115 Gatehouse Road, Suite 3300  
Falls Church, Virginia 22042

April 30, 2013

**TO:** Barbara Berlin, Director, Zoning Evaluation Division  
Fairfax County Department of Planning & Zoning  
Zoning Evaluation Division

**FROM:** Lee Ann Pender, Director   
Office of Facilities Planning Services

**SUBJECT:** RZ-FDP 2013-PR-007, Eskridge Realty

**ACREAGE:** 1.07 acres

**TAX MAP:** 49-3 ((1)) 87, 88, 89B

**PROPOSAL:**

The application area is located in the Mosaic District (Merrifield Town Center). The existing I-5 site was home to a former scrap yard. This application would rezone the property to PDH-30 to permit the construction of 27 townhouse units; expanding the existing townhouse development along Eskridge Road.

**ANALYSIS:**

School Capacities

The schools serving this area are Fairhill Elementary, Jackson Middle and Falls Church High schools. The chart below shows the existing school capacity, enrollment, and projected enrollment.

School	Capacity 2012 / 2017	Enrollment (9/30/12)	Projected Enrollment 2013-14	Capacity Balance 2013-14	Projected Enrollment 2017-18	Capacity Balance 2017-18
Fairhill ES	593 / 593	616	688	-95	772	-179
Jackson MS	1146 / 1146	1164	1150	-4	1505	-359
Falls Church HS	1954 / 1954	1663	1700	254	2020	-66

*Capacities based on 2014-2018 Capital Improvement Program (November 2012)*  
*Project Enrollments based on 2012-13 to 2017-18 6-Year Projections (April 2012)*

The school capacity chart above shows a snapshot in time for student enrollments and school capacity balances. Student enrollment projections are done on a six year timeframe, currently through school year 2017-18 and are updated annually. At this time, if development occurs within the next six years, all three schools are projected to have capacity deficit; with Fairhill and Jackson severely over capacity. Beyond the six year projection horizon, enrollment projections are not available.

Overcrowding at Jackson could potentially be addressed with a Boundary Adjustment with Thoreau (receiving school) which is anticipated to be at 85% Capacity Utilization in 2017-18 after completion of renovation and capacity enhancements.

Capital Improvement Program Projects

The 2014-18 Capital Improvement Program (CIP) does not recommend any projects at the impacted schools at this time.

Development Impact

Based on the number of residential units proposed, the chart below shows the number of anticipated students by school level based on the current countywide student yield ratio.

School level	Townhouse ratio	Proposed # of units	Proposed Student yield	Townhouse ratio	Existing # of units	Existing Student yield
Elementary	.249	27	7	.249	0	0
Middle	.063	27	2	.063	0	0
High	.128	27	3	.128	0	0
			<b>12 total</b>			<b>0 total</b>

2011 Countywide student yield ratios (August 2012)

**RECOMMENDATIONS:**Proffer Contribution

A total of 12 new students are anticipated (7 Elementary, 2 Middle and 3 High School). Based on the approved Residential Development Criteria, a proffer contribution of \$125,856 (12 x \$10,488) is recommended to offset the impact that new student growth will have on surrounding schools. It is recommended that all proffer contributions be directed to the Falls Church HS pyramid and/or to Cluster II schools that encompass this area at the time of site plan approval or building permit approval. A proffer contribution at the time of occupancy is not recommended since this does not allow the school system adequate time to use the proffer contribution to offset the impact of new students.

In addition, an "escalation" proffer is recommended. The suggested per student proffer contribution is updated on an annual basis to reflect current market conditions. The amount has decreased over the last several years because of the down turn in the economy and lower construction costs for FCPS. As a result, an escalation proffer would allow for payment of the school proffer based on either the current suggested per student proffer contribution at the time of zoning approval or the per student proffer contribution in effect at the time of development, whichever is greater. This would better offset the impact that new student yields will have on surrounding schools at the time of development. For your reference, below is an example of an escalation proffer that was included as part of an approved proffer contribution to FCPS.

*Adjustment to Contribution Amounts. Following approval of this Application and prior to the Applicant's payment of the amount(s) set forth in this Proffer, if Fairfax County should increase the ratio of students per unit or the amount of contribution per student, the Applicant shall increase the amount of the contribution for that phase of development to reflect the then-current ratio and/or contribution. If the County should decrease the ratio or contribution amount, the Applicant shall provide the greater of the two amounts.*

Proffer Notification

It is also recommended that the developer proffer that notification to FCPS will be provided when development is likely to occur or when a site plan has been filed with the County. This will allow the school system adequate time to plan for anticipated student growth to ensure classroom availability.

**ADDITIONAL INFORMATION:**

Falls Church has been included within the scope of the Fairfax/Lanier Boundary Study. Falls Church was identified as a potential receiving school. However, the staff recommendation does not propose changing the attendance area for Falls Church. At this time, it is unlikely the Boundary Study will impact enrollment at the school. However, the final impacts of the Study will not be known until the School Board takes action on the Study; action by the School Board is planned for May 9, 2013.

LAP/gjb

Attachment: Locator Map

cc: Patty Reed, School Board Member, Providence District  
Pat Hynes, Vice-Chairman, Hunter Mill District  
Jane Strauss, School Board Member, Dranesville  
Ilryong Moon, Chairman, School Board Member, At-Large  
Ryan McElveen, School Board Member, At-Large  
Ted Velkoff, School Board Member, At-Large  
Jeffrey Platenberg, Assistant Superintendent, Facilities and Transportation Services  
Jim Kacur, Cluster II, Assistant Superintendent  
Cathy Benner, Principal, Falls Church High School  
Louise H. Porter, Principal, Jackson Middle School  
Pamela E. Clayborne-Morgan, Principal, Fairhill Elementary School



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** October 18, 2013

**TO:** Michael Lynskey  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Jerry Stonefield  
Site Code Research and Development Branch  
Land Development Services  
Department of Public Works and Environmental Services (DPWES)

**SUBJECT:** Merrifield Town Center, Parcel K; RZ 2013-PR-007; Tax Map #049-3  
(01) 0087, 0088, and 0089B; Providence District

**REFERENCE:** Parking Reduction request and Parking Study #0561-PKS-005-1, dated February 21, 2013, revised through September 23, 2013, from Wells and Associates

The referenced parking reduction request and parking study have been submitted on behalf of Eskridge Realty (E&A), LLC, seeking an onsite parking reduction of approximately 18.5% (13 fewer spaces), for the proposed residential development. In accordance with Paragraph 5 of Section 11-102 of the Zoning Ordinance (proximity to mass transit), the parking reduction will require approval by the Board of Supervisors (Board).

The parking reduction request is associated with the pending rezoning application, RZ 2013-PR-007, scheduled for public hearing before the Board on November 19, 2013. DPWES is currently reviewing the parking reduction request and study. Once the review is complete staff will prepare a recommendation for consideration by the Board on the November 19, 2013.

If you have any questions or require additional information, please contact me at 703-324-1780.



## GLOSSARY

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

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

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

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

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

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

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

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

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

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Abbreviations Commonly Used in Staff Reports

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