



APPLICATIONS ACCEPTED: March 5, 2014
APPLICATION AMENDED: June 16, 2014, August 8, 2014, October 7, 2014, February 6, 2015, April 8, 2015, May 8, 2015, and May 15 2015
PLANNING COMMISSION: June 11, 2015
BOARD OF SUPERVISORS: June 23, 2015

County of Fairfax, Virginia

May 27, 2015

STAFF REPORT

RZ 2014-LE-010, SEA 2005-LE-028 and SEA 2005-LE-027-02

LEE DISTRICT

APPLICANT: Piney Run Elm Investments, LC

EXISTING ZONING: R-1, NR

PROPOSED ZONING: R-1, NR

PARCEL(S): RZ 2014-LE-010: Tax Map 100-1 ((1)) 9B pt., 19, 20, 23A, 24 & 25
SEA 2005-LE-028: Tax Map 100-1((1)) 9B pt., 19, 20, 23A, 24 & 25
SEA 2005-LE-027-02: Tax Map 100-1 ((1)) 9B pt., 17 & 23A pt.

ACREAGE: RZ 2014-LE-010: 47.40 acres
SEA 2005-LE-028: 47.40 acres
SEA 2005-LE-027-02: 79.20 acres

FAR/DENSITY: RZ 2014-LE-010: 5.46 units/acre

PLAN MAP: Private Recreation and Residential, 3-4 du/ac

PROPOSAL:

The applicant seeks a rezoning and two special exception amendments to permit development of Piney Run, a 259-unit independent living community for residents over 55 years of age. The development will contain single-family detached dwellings, single-family attached dwellings, multi-family dwellings, as well as 39 affordable dwelling units (15 percent). The overall density of the project will be 5.46 du/ac.

Bob Katai

RZ 2014-LE-010 will amend an existing, approved set of proffers and expand its applicability to additional, adjoining parcels so that the entire 47.40-acre Piney Run site is covered by the single set of amended proffers. SEA 2005-LE-028 seeks to expand the boundaries of a previously approved special exception that permitted an independent living development (unbuilt) on a portion of the subject property. SEA 2005-LE-027-02 removes acreage from the existing Hilltop Golf Course special exception so that the property can be incorporated into the proposed Piney Run development.

Along with the above zoning application, a Water Quality Impact Assessment Request, #7239-WQ-002-1, and a Resource Protection Area Encroachment Exception Request, #7239-WRPA-004-1, has been filed permit construction of stormwater management/best management practices facilities in the Resource Protection Area/Environmental Quality Corridor.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2014-LE-010, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of SEA 2005-LE-028, subject to development conditions consistent with those contained in Appendix 2.

Staff recommends approval of SEA 2005-LE-027-02, subject to development conditions consistent with those contained in Appendix 3.

Staff recommends approval of Water Quality Impact Assessment Request #7239-WQ-002-1 and Resource Protection Area Encroachment Exception Request #7239-WRPA-004-1, subject to the proposed development conditions contained in Exhibit A of Appendix 15.

Staff recommends approval of the following modifications and waivers for RZ 2014-LE-010:

- Waiver of Sect. 11-302 of the ZO to allow a private street to exceed 600 feet in length as shown on the GDP/SEA Plat.
- Modification of the transitional screening requirements of Sect. 13-303 and waiver of the barrier requirements of Sect. 13-304, respectively, of the Zoning Ordinance, to permit the retention of the existing vegetation supplemented by the landscaping shown on the GDP/SEA Plat.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other subject to this agreement between parties, as they may apply to the property application.

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

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 TTY 711 (Virginia Relay Center).

O:\BKATA\Piney Run\Staff Report and Conditions\01 - Staff Report Cover.docx



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Rezoning Application

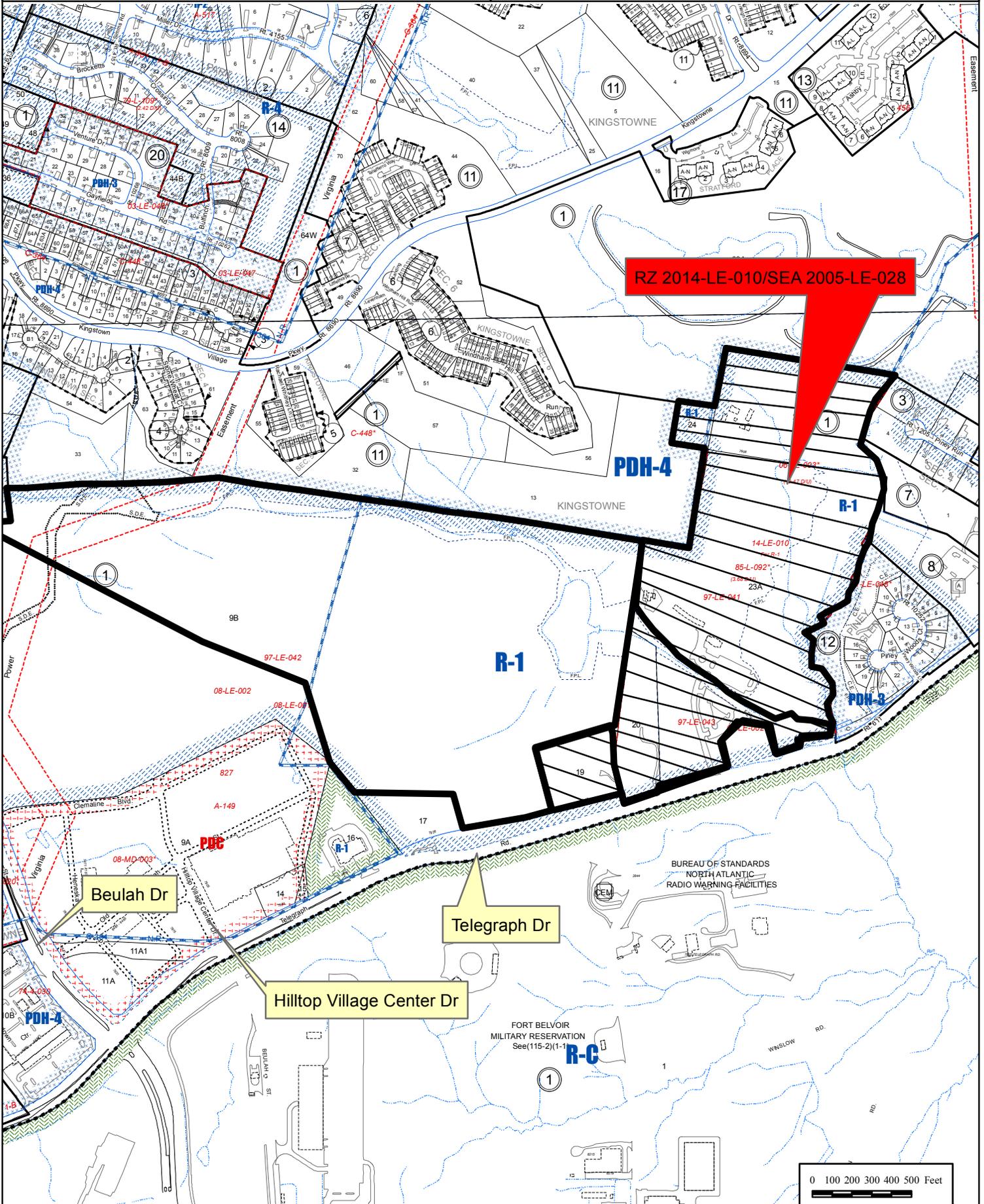
RZ 2014-LE-010

PINEY RUN ELM INVESTMENTS LC

Special Exception Amendment

SEA 2005-LE-028

PINEY RUN ELM INVESTMENTS LC



Special Exception Amendment

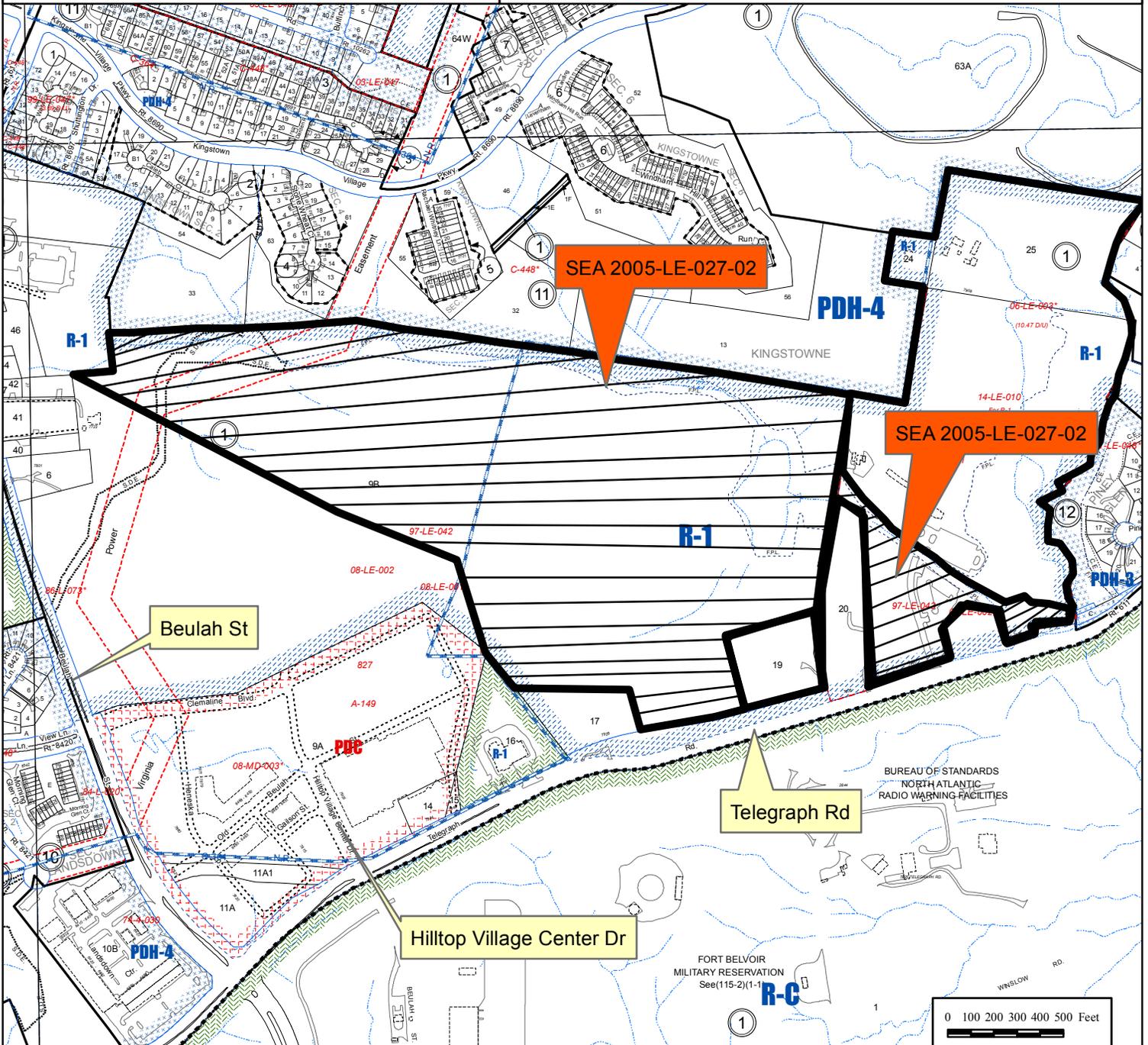
SEA 2005-LE-027-02



Applicant: PINEY RUN ELM INVESTMENTS LC
Accepted: 03/03/2015- AMENDED 03/25/2014
Proposed: AMENDMENT TO SE 2005-LE-027 TO DELETE LAND AREA

Area: 79.2 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect: 03-0104
Located: 7928 AND 7836 TELEGRAPH ROAD, ALEXANDRIA, VA 22315

Zoning: R- 1
Plan Area: 4,
Overlay Dist: NR
Map Ref Num: 100-1- /01/ /009B /01/ /0017 /01/ /0023A

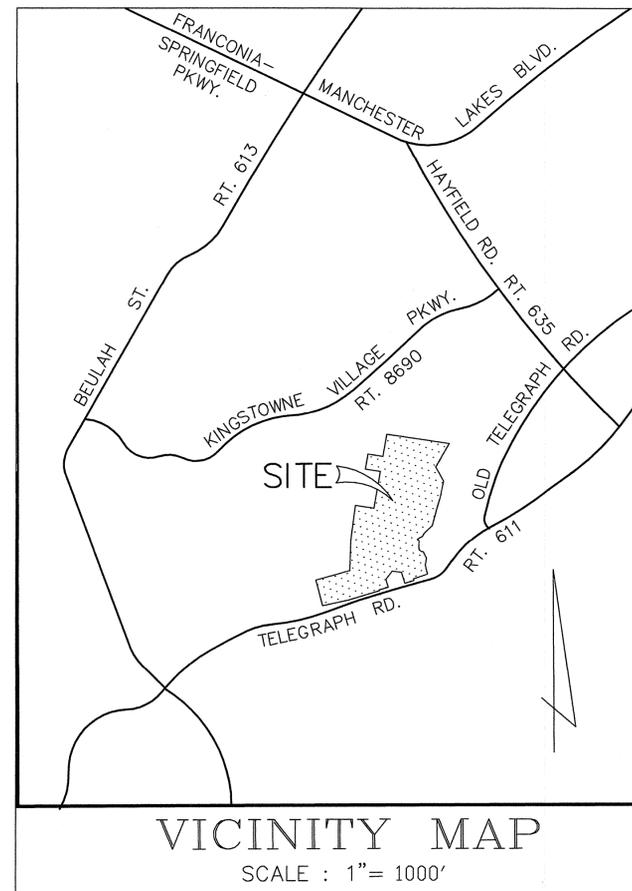


ELM STREET DEVELOPMENT PINEY RUN

Lee District Fairfax County, Virginia

GENERALIZED DEVELOPMENT PLAN / SPECIAL EXCEPTION AMENDMENT PLAT

RZ 2014 - LE - 010 ; SEA 2005 - LE - 027 - 02 ; SEA 2005 - LE - 028



SHEET INDEX:

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APPLICANT:
Piney Run Elm Investments, LC

**ELM STREET DEVELOPMENT
PINEY RUN**
Generalized Development Plan /
Special Exception Amendment Plat



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FAIRFAX, VA 22031
PHONE: 703.849.0100
FAX: 703.849.0518

SEAL



- Rev. May 15, 2015
- Rev. May 8, 2015
- Rev. April 8, 2015
- Rev. February 6, 2015
- Rev. October 7, 2014
- Rev. Aug. 8, 2014
- Rev. June 16, 2014

March 5, 2014

NOTES

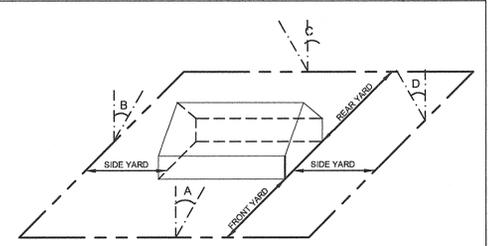
- THE PROPERTY THAT IS THE SUBJECT OF THIS GENERALIZED DEVELOPMENT PLAN / SPECIAL EXCEPTION AMENDMENT PLAN IS IDENTIFIED ON THE FAIRFAX COUNTY ZONING MAP AS 100-1 (11) 9B (PART), 19, 20, 23A, 24, AND 25. THE OVERALL GDP/SEA LAND AREA CONTAINS APPROXIMATELY 47.40 ACRES.
- THE GDP/SEA HAS BEEN FILED TO REVISE THE UNIT COUNT AND ADD LAND AREA TO THE SUBJECT PROPERTY THAT WAS PREVIOUSLY APPROVED ON JULY 10, 2006, PURSUANT TO THE FOLLOWING APPLICATIONS: RZ 2006-LE-002, RZ 2006-LE-003, SE 2005-LE-027, AND SE 2005-LE-028. THE PROPOSED DEVELOPMENT PROGRAM WILL CONTINUE TO BE AN AGE RESTRICTED HOUSING COMMUNITY (INDEPENDENT LIVING) WITH A DIVERSIFIED HOUSING MIX CONSISTING OF 32 SFD, 103 SFA, AND 124 MULTI-FAMILY UNITS.
- THE BOUNDARY INFORMATION SHOWN ON THE GRAPHIC IS PARTIALLY BY DEEDS & RECORDS AND PARTIALLY BY A FIELD SURVEY BY DEWBERRY CONSULTANTS LLC.
- THE TOPOGRAPHY SHOWN ON THE GRAPHIC IS AT A CONTOUR INTERVAL OF TWO (2) FEET FROM AN AERIAL SURVEY TAKEN 1-3-05 BY VIRGINIA RESOURCE MAPPING.
- PUBLIC WATER AND SEWER ARE CURRENTLY AVAILABLE IN PROXIMITY TO THE SITE AND WILL BE EXTENDED ON SITE TO SERVE THE PROPOSED DEVELOPMENT PROGRAM.
- THERE IS A GRAVE SITE LOCATED AT THE NORTHWEST CORNER OF PARCEL 25, APPROXIMATELY 300 FEET FROM THE DEVELOPMENT AREA OF THIS APPLICATION. THIS AREA WILL NOT BE DISTURBED BY THE PROPOSED DEVELOPMENT. THERE ARE NO KNOWN HISTORIC STRUCTURES ON THIS SITE.
- TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE LOCATED ON THE SUBJECT PROPERTY.
- ALL EXISTING STRUCTURES ARE TO BE REMOVED.
- STORMWATER MANAGEMENT (SWM) AND BEST MANAGEMENT PRACTICES (BMPs) FOR THE PROPOSED DEVELOPMENT PROGRAM HAVE BEEN PROVIDED AS SHOWN ON THE GRAPHIC.
- A GRAPHIC DEPICTION OF THE ANGLE OF BULK PLANE IS PRESENTED ON SHEET 2.
- AT THIS TIME, IT IS ANTICIPATED THAT DEVELOPMENT OF THIS PROJECT WILL COMMENCE AS SOON AS ALL NECESSARY APPROVALS AND PERMITS ARE OBTAINED. HOWEVER, CONSTRUCTION OF THE SITE MAY BE PHASED. IF PHASED, INTERIM IMPROVEMENTS, SUCH AS TEMPORARY SURFACE PARKING AREAS MAY BE PROVIDED AT THE TIME OF FINAL ENGINEERING.
- PARKING SPACES FOR THE PROPOSED DEVELOPMENT PROGRAM ON THE SUBJECT PROPERTY WILL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN ARTICLE 11 OF THE ZONING ORDINANCE. IN ADDITION, THE APPLICANT RESERVES THE RIGHT TO INCREASE OR DECREASE THE NUMBER OF PARKING SPACES AS REPRESENTED IN THE TABULATION SO LONG AS THE RESULTING NUMBER OF SPACES SATISFIES THE MINIMUM NUMBER PRESCRIBED BY THE ZONING ORDINANCE AND/OR THE AMOUNT OF OPEN SPACE AND THE MINIMUM DISTANCES TO THE PERIPHERAL LOT LINES ARE NOT DIMINISHED.
- THE LIMITS OF CLEARING AND GRADING SHOWN HEREON ARE SUBJECT TO MINOR MODIFICATIONS WITH FINAL ENGINEERING AND DESIGN.
- TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE PROPOSED BUILDING PROGRAM WILL NOT GENERATE, UTILIZE, STORE, TREAT OR DISPOSE 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 COMMONWEALTH OF VIRGINIA/DEPARTMENT OF WASTE MANAGEMENT VR 672-10-1 - VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS; AND/OR ANY PETROLEUM PRODUCTS AS DEFINED IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 280. TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE SUBSTANCES THAT MAY BE UTILIZED, STORED AND DISPOSED OF IN CONJUNCTION WITH THE PROPOSED BUILDING PROGRAM AND/OR THE MAINTENANCE OF THE BUILDING PROGRAM AND GROUNDS WILL BE IN ACCORDANCE WITH SAID REGULATIONS.
- THE APPLICANT RESERVES THE RIGHT TO ADD ADDITIONAL SITE FEATURES WITHIN THE LIMITS OF CLEARING AND GRADING SUCH AS PLAZAS, FENCING, WALLS, PLANTERS, TRELLISES, GAZEBOS, AND RECREATION AMENITIES.
- ALL SIGNS WILL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN ARTICLE 12 OF THE ZONING ORDINANCE, UNLESS MODIFIED BY THE BOARD.
- THE FOOTPRINTS OF THE STRUCTURES SHOWN HEREON MAY BE MODIFIED IN ACCORDANCE WITH THE PROVISIONS OF THE ZONING ORDINANCE SO LONG AS THE OPEN SPACE REPRESENTED IN THE TABULATION AND THE DIMENSIONS TO THE PERIPHERAL LOT LINES ARE NOT DIMINISHED. THE SIZE AND SHAPE OF THE BUILDINGS ARE PRELIMINARY AND MAY VARY AND THE EXACT LOCATIONS OF THE BUILDINGS MAY CHANGE AS A RESULT OF FINAL ENGINEERING, ARCHITECTURAL DESIGN AND/OR FINAL DEVELOPMENT PROGRAM REFINEMENTS. BUILDING FOOTPRINTS WILL, HOWEVER, BE IN GENERAL CONFORMANCE WITH THOSE REPRESENTED ON THESE PLANS.

- THE DENSITY, BUILDING HEIGHTS, AND GARAGE LEVELS SHOWN HEREON ARE TO BE CONSIDERED MAXIMUMS. THE APPLICANT RESERVES THE RIGHT TO DEVELOP A LESSE NUMBER OF UNITS FROM THE TOTAL REPRESENTED IN THE TABULATIONS; THE BUILDING FOOTPRINTS AND PARKING/ACCESS LAYOUTS MAY BE MODIFIED ACCORDINGLY.
- APPROXIMATE LOCATIONS OF ON-SITE NATURE TRAILS ARE SHOWN ON THE PLANS. TRAILS SHALL BE FIELD LOCATED TO MINIMIZE DAMAGE TO EXISTING VEGETATION. TRAIL MATERIALS MAY CONSIST OF WOOD CHIPS, MULCH, COMPACTED EARTH, GRAVEL, ASPHALT, ETC.
 - THERE ARE NO TRAILS REQUIRED BY THE COMPREHENSIVE PLAN WITHIN THE LIMITS OF THIS APPLICATION. THE TRAILS REQUIRED BY THE COMPREHENSIVE PLAN ALONG TELEGRAPH ROAD ARE TO BE PROVIDED BY OTHERS.
 - TO THE BEST OF OUR KNOWLEDGE, THE PROPOSED DEVELOPMENT OF THE SUBJECT PROPERTY CONFORMS TO ALL CURRENT APPLICABLE LAND DEVELOPMENT ORDINANCES, REGULATIONS AND ADOPTED STANDARDS EXCEPT AS MAY BE QUALIFIED ABOVE AND AS FOLLOW:

- THE APPLICANT REQUESTS A REAFFIRMATION OF THE PREVIOUSLY APPROVED MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS TO PERMIT THE EXISTING CONDITIONS SUPPLEMENTED BY THE LANDSCAPING SHOWN ON THESE PLANS TO ACT AS TRANSITIONAL SCREENING FOR THIS DEVELOPMENT.
- THE APPLICANT REQUESTS A WAIVER OF PAR. 2 OF SECTION 11-302 OF THE ZONING ORDINANCE TO ALLOW PRIVATE STREETS TO EXCEED SIX HUNDRED (600) FEET IN LENGTH.
- THE APPLICANT REQUESTS A WAIVER OF THE MINIMUM LOT SIZE REQUIREMENT IN ACCORDANCE WITH SECTION 9-610 OF THE ZONING ORDINANCE.

TABULATION

| | |
|---|--|
| LAND AREA (TOTAL) | 47.40± AC |
| RZ ON PARCELS 9B (PART), 19, 20, 23A, 24, AND 25 | 47.40± AC |
| SEA ON PARCELS 9B (PART), 19, 20, 23A, 24, AND 25 | 47.40± AC |
| EXISTING ZONING | R-1 |
| PROPOSED ZONING | R-1 |
| MAXIMUM BUILDING HEIGHTS | 50 FT. |
| TOTAL NUMBER OF DWELLING UNITS | 259 |
| MULTI-FAMILY | 124 (48%) |
| 24' SFA FRONT LOAD | 63 (24.3%) |
| 24' SFA REAR LOAD | 40 (15.4%) |
| SFD REAR LOAD | 30 (11.5%) |
| SFD FRONT LOAD | 2 (0.8%) |
| ADUS (TO BE PROVIDED IN THE MULTI-FAMILY UNITS) | 39 (15%) |
| GROSS LAND AREA | 47.40± AC |
| GROSS DENSITY | 5.46 DU/AC |
| NET LAND AREA (PER DENSITY PENALTY FOR AREA IN FLOODPLAIN, ADJACENT STEEP SLOPES AND AREAS OF MARINE CLAY EXISTING ON SITE) | 22.09± AC |
| NET DENSITY | 11.7 DU/AC |
| TOTAL PARKING SPACES REQUIRED | 751 SPACES |
| SFD (32 DU x 3 SP/DU) | 96 SPACES |
| SFA (103 DU x 2.7 SP/DU) | 279 SPACES |
| MULTIPLE FAMILY (124 x 1.6 SP/DU) | 376 SPACES |
| TOTAL PARKING SPACES PROPOSED | 787 |
| SFD | 64 GARAGE SPACES |
| SFA (FRONT LOAD) | 126 GARAGE SPACES 126 DRIVEWAY SPACES |
| SFA (REAR LOAD) | 80 GARAGE SPACES |
| MULTIPLE FAMILY | 120 GARAGE PARKING 122 SURFACE PARKING SPACES |
| STREET PARKING | 141 SPACES |
| COMMUNITY BUILDING | 8 SPACES |
| OPEN SPACE REQUIRED/PROPOSED | |
| REQUIRED | 28.44± AC (60%) |
| PROPOSED | 29.36 ±AC (APPROX 62%) |



FRONT YARD: $\angle A$ 50° WITH A BUILDING HEIGHT OF 50', THE FRONT YARD = 60' BUT NOT LESS THAN 40'

SIDE YARD: $\angle B$ 45° WITH A BUILDING HEIGHT OF 50', THE SIDE YARD = 50' BUT NOT LESS THAN 25'

REAR YARD: $\angle C$ 45° WITH A BUILDING HEIGHT OF 50', THE REAR YARD = 50' BUT NOT LESS THAN 25'

ANGLE OF BULK PLANE
MINIMUM REQUIRED YARD FOR BUILDING WITH 50' HEIGHT
NOTE: A 50' MINIMUM YARD IS REQUIRED PER 9-306.10A

DENSITY PENALTY CALCULATIONS

| | ACRES OR % | ACRES |
|--|------------|-------|
| PARCEL 23 (A) ORIGINAL | | |
| A AREA IN FLOODPLAIN & ADJ STEEP SLOPES | 25.39 | 10.41 |
| B QUARRIES ON SITE | 0 | 0 |
| C AREAS OF MARINE CLAY ON SITE | 2.75 | 0 |
| D BODIES OF WATER OUTSIDE FLOODPLAIN | 0 | 0 |
| AREAS OF A-D | 13.16 | |
| % OF SITE CONSISTING OF A-D | 51.8% | |
| 30% OF SITE | 7.617 | |
| % OF SITE CONSISTING OF A-D IN EXCESS OF 30% OF TOTAL SITE | 21.8% | 5.543 |

| | ACRES OR % | ACRES |
|--|------------|--------|
| PARCEL 23 (A) NEW | | |
| A AREA IN FLOODPLAIN & ADJ STEEP SLOPES | 5.28 | 0.727 |
| B QUARRIES ON SITE | 0 | 0 |
| C AREAS OF MARINE CLAY ON SITE | 0 | 0 |
| D BODIES OF WATER OUTSIDE FLOODPLAIN | 0 | 0 |
| AREAS OF A-D | 0.727 | |
| % OF SITE CONSISTING OF A-D | 13.8% | |
| 30% OF SITE | 1.584 | |
| % OF SITE CONSISTING OF A-D IN EXCESS OF 30% OF TOTAL SITE | -16.2% | -0.857 |

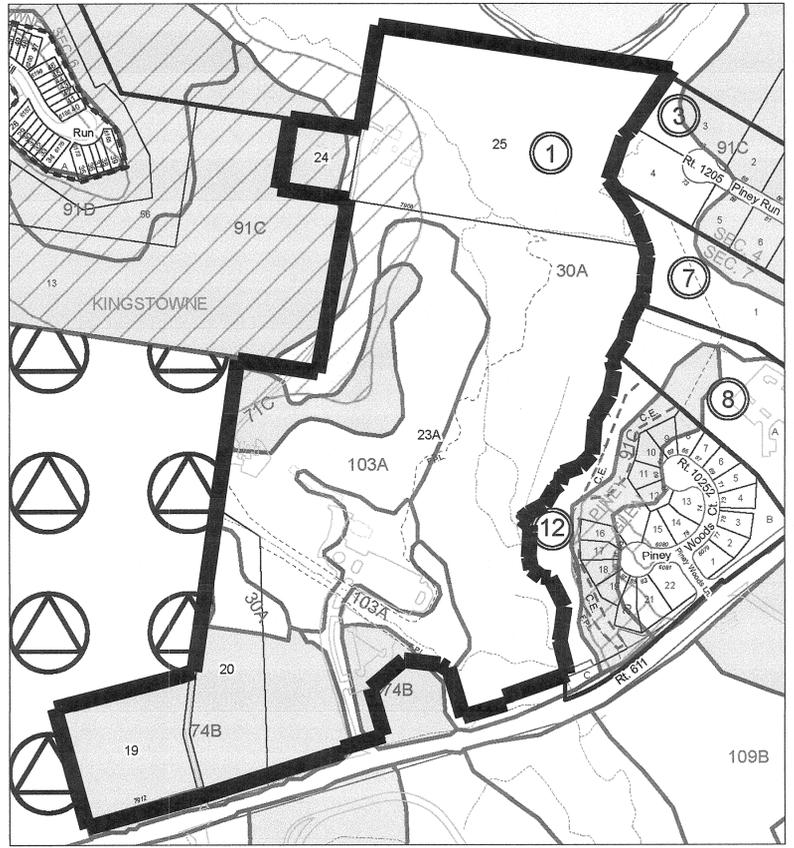
| | ACRES OR % | ACRES |
|--|------------|--------|
| PARCEL 23 (A) ALL | | |
| A AREA IN FLOODPLAIN & ADJ STEEP SLOPES | 30.67 | 11.137 |
| B QUARRIES ON SITE | 0 | 0 |
| C AREAS OF MARINE CLAY ON SITE | 2.75 | 0 |
| D BODIES OF WATER OUTSIDE FLOODPLAIN | 0 | 0 |
| AREAS OF A-D | 13.887 | |
| % OF SITE CONSISTING OF A-D | 45.3% | |
| 30% OF SITE | 9.201 | |
| % OF SITE CONSISTING OF A-D IN EXCESS OF 30% OF TOTAL SITE | 15.3% | 4.686 |

| | ACRES OR % | ACRES |
|--|------------|----------|
| PARCEL 20 | | |
| A AREA IN FLOODPLAIN & ADJ STEEP SLOPES | 3.2235 | 0.208 |
| B QUARRIES ON SITE | 0 | 0 |
| C AREAS OF MARINE CLAY ON SITE | 0 | 0 |
| D BODIES OF WATER OUTSIDE FLOODPLAIN | 0 | 0 |
| AREAS OF A-D | 0.208 | |
| % OF SITE CONSISTING OF A-D | 6.5% | |
| 30% OF SITE | 0.96705 | |
| % OF SITE CONSISTING OF A-D IN EXCESS OF 30% OF TOTAL SITE | -23.5% | -0.75905 |

| | ACRES OR % | ACRES | LOW | HIGH |
|---|-------------------|-----------|-------------------|---------|
| PARCEL 20 & 23A | | | | |
| A AREA IN FLOODPLAIN & ADJ STEEP SLOPE | 11.345 | 11.345 | | |
| B QUARRIES ON SITE | 0 | 0 | | |
| C AREAS OF MARINE CLAY ON SITE | 2.75 | 0 | | |
| D BODIES OF WATER OUTSIDE FLOODPLAIN | 0 | 0 | | |
| AREAS OF A-D | 14.095 | | | |
| % OF SITE CONSISTING OF A-D | 41.6% | | | |
| 30% OF SITE | 10.1805 | | | |
| % OF SITE CONSISTING OF A-D IN EXCESS OF 30% OF TOTAL SITE | 11.6% | 3.92695 | | |
| ASSUMING DENSITY RANGE OF 8-12: MAX. DENSITY SHOULD BE CALCULATED AS: | | | | |
| | 11.6% OF 33.894 = | 3.92695 @ | 50% (8-12 DU/AC) | 15.71 |
| | 88.4% OF 33.894 = | 29.9655 @ | 100% (8-12 DU/AC) | 239.73 |
| TOTAL PERMITTED DWELLING UNITS | | | | 255 383 |

| | ACRES OR % | ACRES | LOW | HIGH |
|---|------------------|---------|--------------------|---------|
| PARCEL 24 & 25 | | | | |
| A AREA IN FLOODPLAIN & ADJ STEEP SLOPE | 10.52 | 4.45 | | |
| B QUARRIES ON SITE | 0 | 0 | | |
| C AREAS OF MARINE CLAY ON SITE | 2.17 | 0 | | |
| D BODIES OF WATER OUTSIDE FLOODPLAIN | 0 | 0 | | |
| AREAS OF A-D | 6.62 | | | |
| % OF SITE CONSISTING OF A-D | 62.9% | | | |
| 30% OF SITE | 3.156 | | | |
| % OF SITE CONSISTING OF A-D IN EXCESS OF 30% OF TOTAL SITE | 32.9% | 3.464 | | |
| ASSUMING DENSITY RANGE OF 8-12: MAX. DENSITY SHOULD BE CALCULATED AS: | | | | |
| | 32.9% OF 10.52 = | 3.464 @ | 50% (12-16 DU/AC) | 20.78 |
| | 67.1% OF 10.52 = | 7.056 @ | 100% (12-16 DU/AC) | 84.67 |
| TOTAL PERMITTED DWELLING UNITS | | | | 105 141 |

| | ACRES OR % | ACRES | LOW | HIGH |
|---|----------------|--------|-------------------|-------|
| PARCEL 19 & 9B(PART) | | | | |
| A AREA IN FLOODPLAIN & ADJ STEEP SLOPE | 2.99 | 0 | | |
| B QUARRIES ON SITE | 0 | 0 | | |
| C AREAS OF MARINE CLAY ON SITE | 0 | 0 | | |
| D BODIES OF WATER OUTSIDE FLOODPLAIN | 0 | 0 | | |
| AREAS OF A-D | 0 | | | |
| % OF SITE CONSISTING OF A-D | 0.0% | | | |
| 30% OF SITE | 0 | | | |
| % OF SITE CONSISTING OF A-D IN EXCESS OF 30% OF TOTAL SITE | 0.0% | | | |
| ASSUMING DENSITY RANGE OF 8-12: MAX. DENSITY SHOULD BE CALCULATED AS: | | | | |
| | 100% OF 2.99 = | 2.99 @ | 100% (8-12 DU/AC) | 23.92 |
| TOTAL PERMITTED DWELLING UNITS | | | | 24 36 |



SOILS LEGEND
30A- Codorus and Hatboro soils
74B- Lunt-Marumsc complex
91C- Sassafras-Marumsc complex
103A- Wheaton Codorus complex
71C- Kingstowne-Marumsc-Sassafras complex

| | ACRES OR % | ACRES |
|--|------------|--------|
| TOTAL SITE AREA | | 47.400 |
| A AREA IN FLOODPLAIN & ADJ STEEP SLOPE | 15.795 | |
| B QUARRIES ON SITE | 0 | |
| C AREAS OF MARINE CLAY ON SITE | 4.920 | |
| D BODIES OF WATER OUTSIDE FLOODPLAIN | 0 | |
| AREAS OF A-D | 20.715 | |
| % OF SITE CONSISTING OF A-D | 43.70% | |
| 30% OF SITE | 14.22 | |
| % OF SITE CONSISTING OF A-D IN EXCESS OF 30% OF TOTAL SITE | 13.7% | 6.4938 |

BASED ON ABOVE, WITH ASSUMED DENSITY RANGES AS NOTED, THE MAXIMUM DENSITY SHOULD BE:

| PARCELS | LOW | HIGH |
|-----------------------|------------|------------|
| PARCELS 20 & 23A | 255 | 383 |
| PARCELS 24 & 25 | 105 | 141 |
| PARCELS 19 & 9B(PART) | 24 | 36 |
| TOTAL | 384 | 560 |



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ELM STREET / PINEY RUN
Generalized Development Plan
Special Exception Amendment Plat
LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA



KEY PLAN

SCALE

| No. | DATE | BY | Description |
|-----|---------|-----|-------------|
| 7 | 5/15/15 | | |
| 6 | 5/8/15 | | |
| 5 | 4/8/15 | | |
| 4 | 2/8/15 | KAF | |
| 3 | 10/7/14 | | |
| 2 | 8/8/14 | | |
| 1 | 6/16/14 | JMC | |

REVISIONS

DRAWN BY JMC

APPROVED BY JMC

CHECKED BY

DATE March 5, 2014

TITLE

Notes & Tabulation

PROJECT NO.

LEGEND

-  AREA OF SE 2005-LE-027
-  AREA OF SE 2005-LE-028
-  AREA OF PROPOSED REZONING
-  LIMITS OF PROPOSED SEA



ELM STREET / PINEY RUN
 Generalized Development Plan
 Special Exception Amendment Plat
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA



KEY PLAN

SCALE

| No. | DATE | BY | Description |
|-----|---------|-----|-------------|
| 7 | 5/15/15 | | |
| 6 | 5/8/15 | | |
| 5 | 4/8/15 | | |
| 4 | 2/6/15 | KAF | |
| 3 | 10/7/14 | | |
| 2 | 8/8/14 | | |
| 1 | 6/16/14 | JMC | |

REVISIONS

DRAWN BY: JMC

APPROVED BY: JMC

CHECKED BY: _____

DATE: March 5, 2014

TITLE

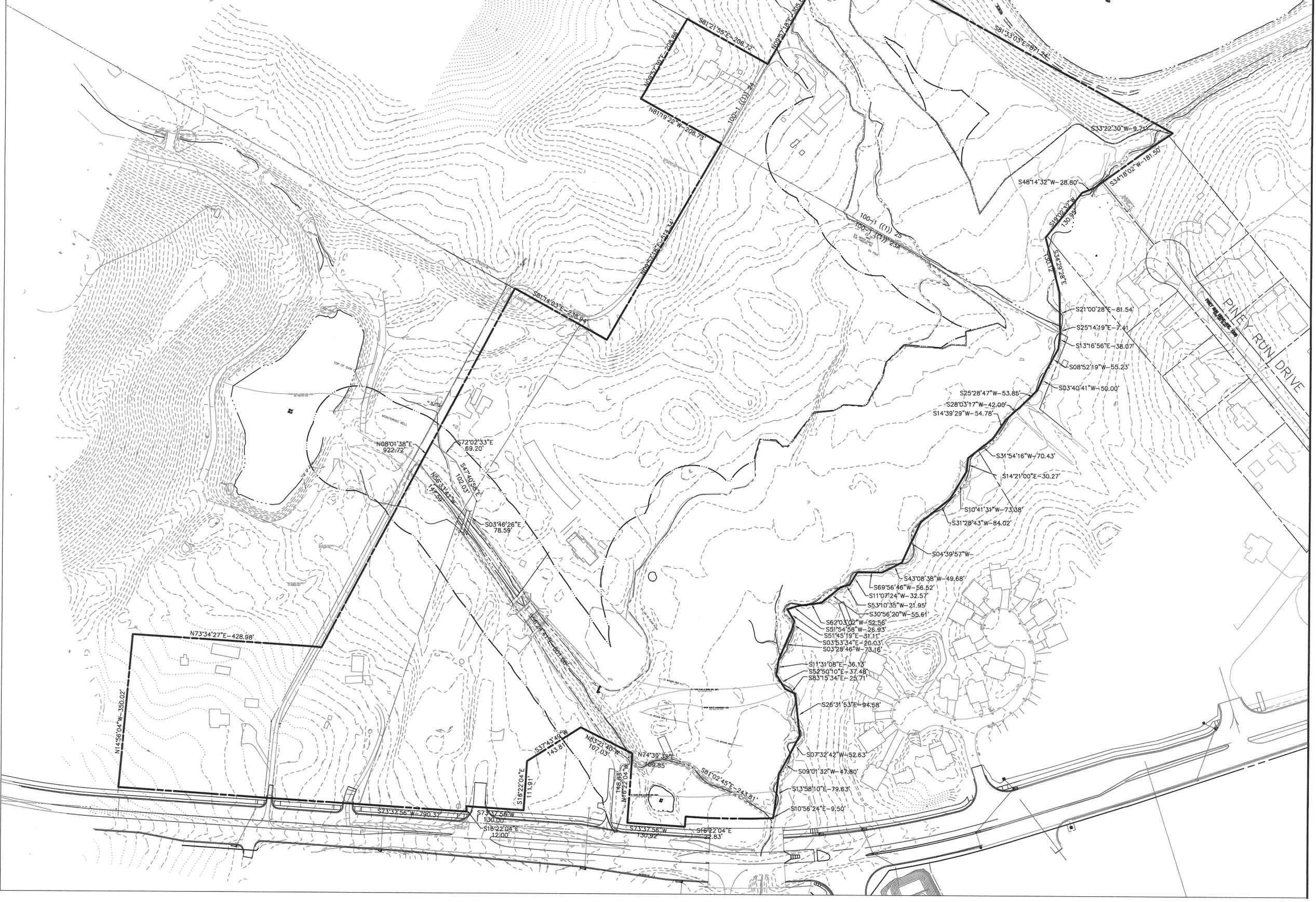
Application
Identification

PROJECT NO. _____

LEGEND:

-  Field Located RPA
-  Existing Floodplain per 7239-FP-03
-  Existing 100-yr Floodplain

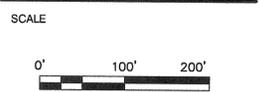
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D
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ELM STREET / PINEY RUN
 Generalized Development Plan
 Special Exception Amendment Plat
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA



KEY PLAN



| No. | DATE | BY | Description |
|-----|---------|-----|-------------|
| 7 | 5/15/15 | | |
| 6 | 5/8/15 | | |
| 5 | 4/8/15 | | |
| 4 | 2/6/15 | KAF | |
| 3 | 10/7/14 | | |
| 2 | 8/8/14 | | |
| 1 | 6/16/14 | JMC | |

REVISIONS

DRAWN BY JMC

APPROVED BY JMC

CHECKED BY _____

DATE March 5, 2014

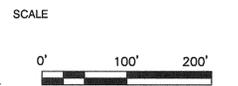
TITLE
Existing Conditions Plan

PROJECT NO. _____

ELM STREET / PINEY RUN
 Generalized Development Plan
 Special Exception Amendment Plat
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA



KEY PLAN



| No. | DATE | BY | Description |
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| 1 | 6/16/14 | JMC | |

REVISIONS

DRAWN BY: JMC
 APPROVED BY: JMC
 CHECKED BY:
 DATE: March 5, 2014

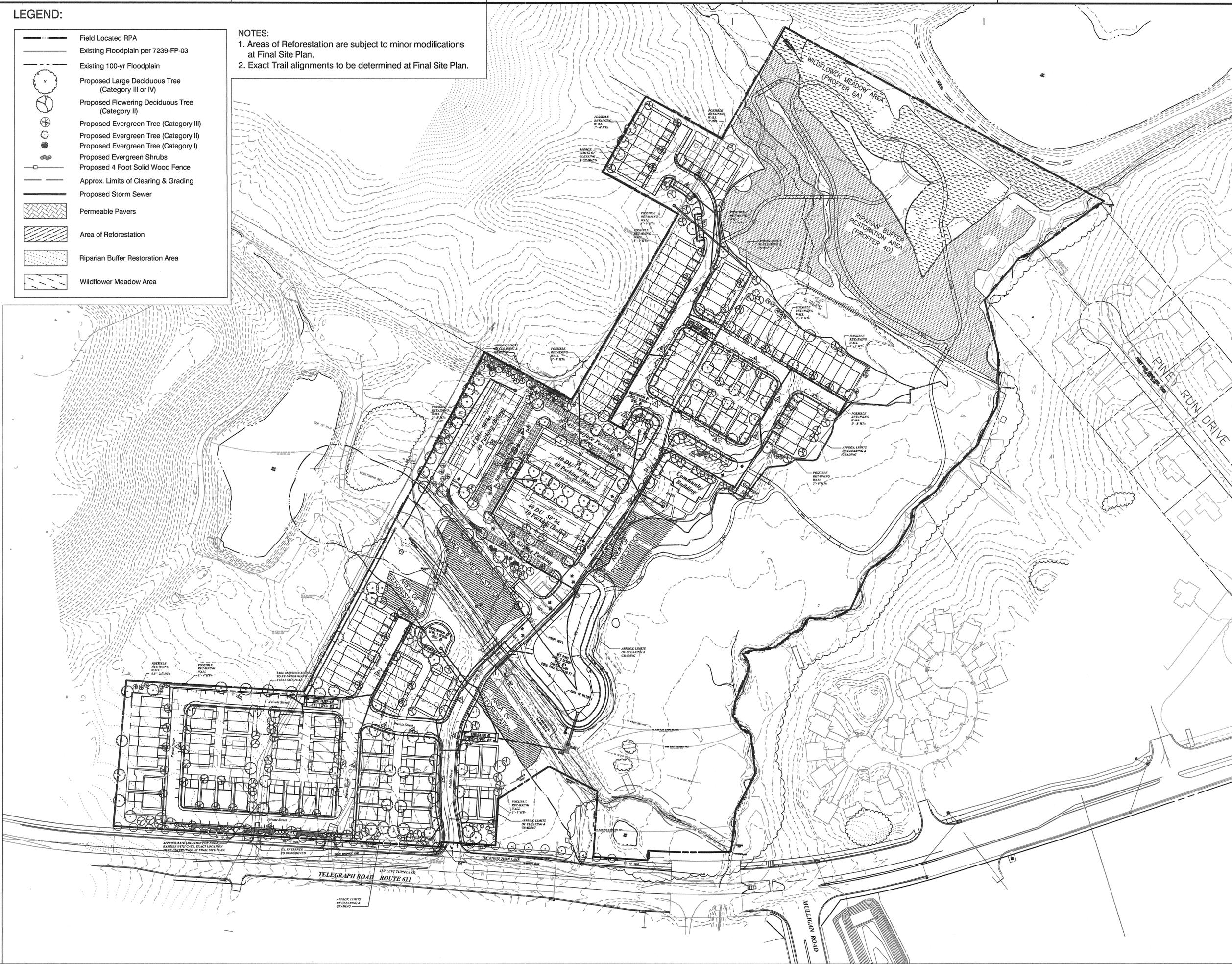
TITLE
**GDP/SEA
 Overall**

PROJECT NO.

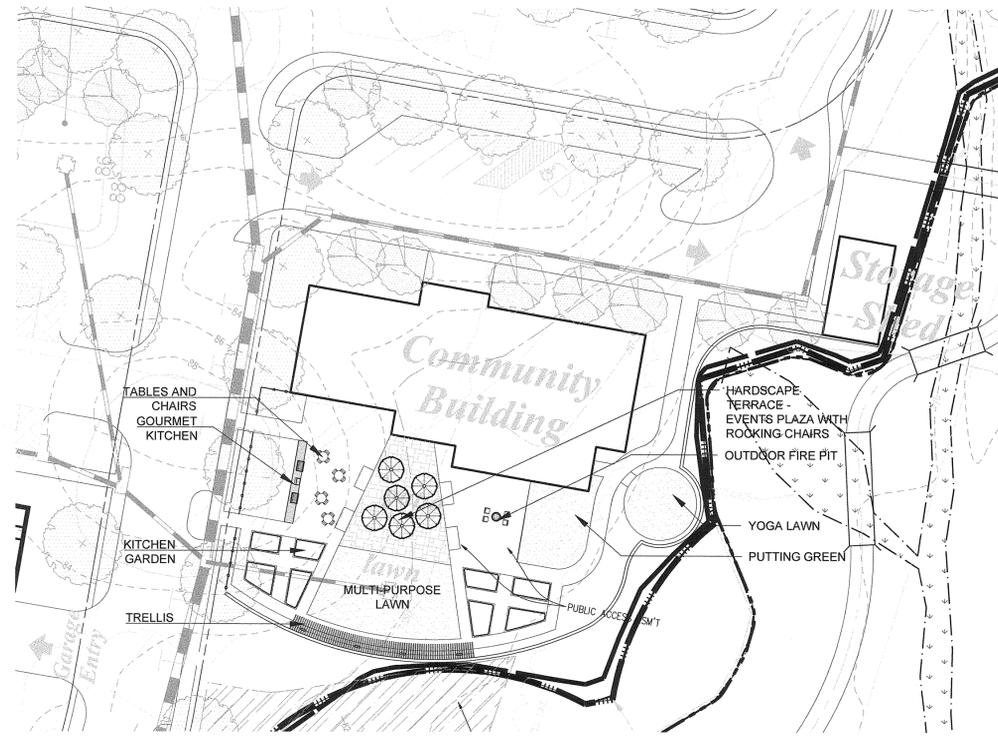
LEGEND:

- Field Located RPA
- Existing Floodplain per 7239-FP-03
- Existing 100-yr Floodplain
- Proposed Large Deciduous Tree (Category III or IV)
- Proposed Flowering Deciduous Tree (Category II)
- Proposed Evergreen Tree (Category III)
- Proposed Evergreen Tree (Category II)
- Proposed Evergreen Tree (Category I)
- Proposed Evergreen Shrubs
- Proposed 4 Foot Solid Wood Fence
- Approx. Limits of Clearing & Grading
- Proposed Storm Sewer
- Permeable Pavers
- Area of Reforestation
- Riparian Buffer Restoration Area
- Wildflower Meadow Area

NOTES:
 1. Areas of Reforestation are subject to minor modifications at Final Site Plan.
 2. Exact Trail alignments to be determined at Final Site Plan.



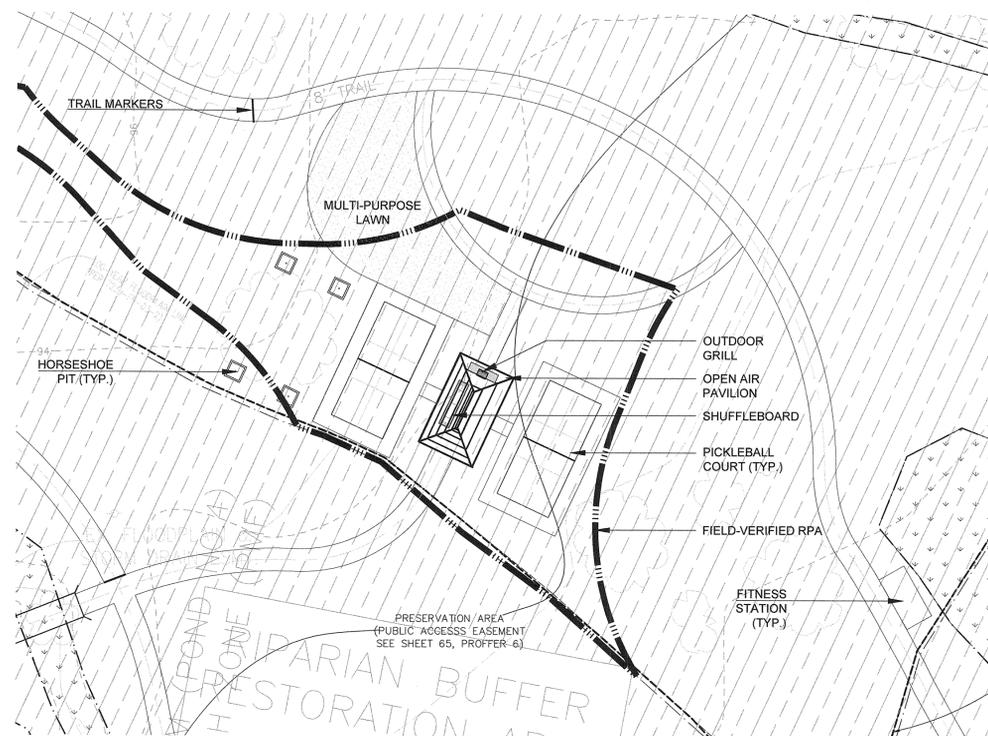
E
D
C
B
A



1 CLUBHOUSE ENLARGEMENT PLAN

L-1.1 PLAN

1"=30'



2 DESTINATION RECREATION ENLARGEMENT PLAN

L-1.1 PLAN

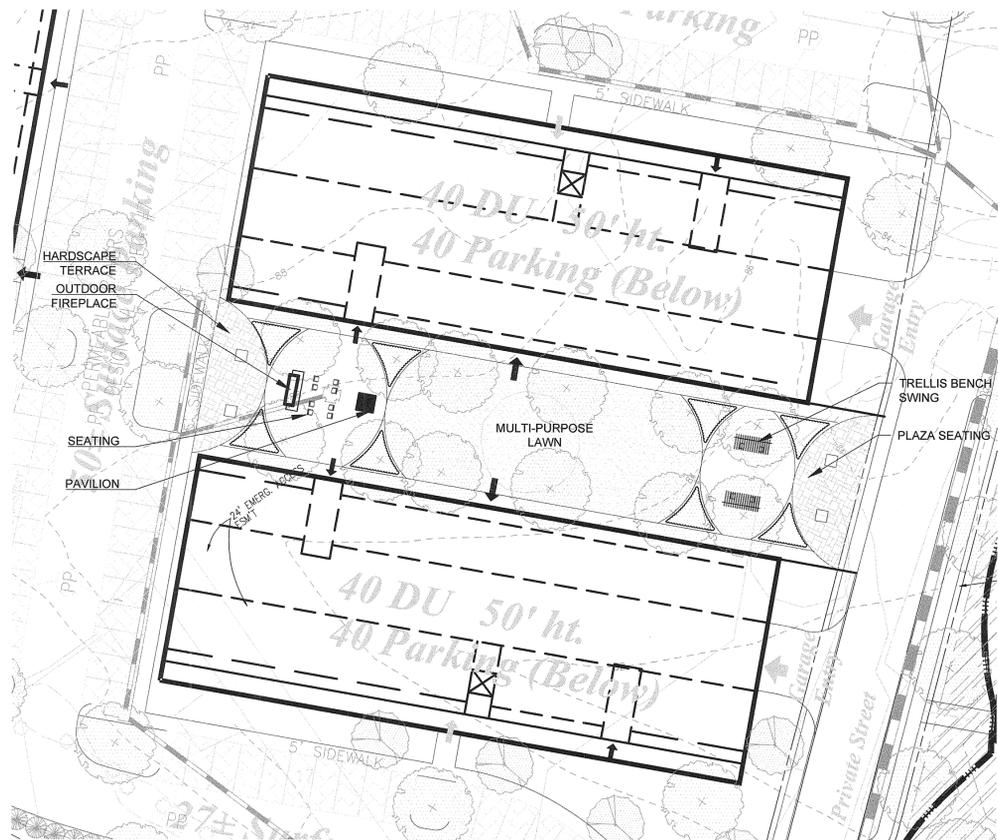
1"=30'

GENERAL NOTES:

1. THE ENLARGEMENTS SHOWN ARE CONCEPTUAL IN NATURE AND ARE INTENDED TO ILLUSTRATE THE DESIGN INTENT OF EACH SPACE AND TO PROVIDE A REPRESENTATIVE SAMPLE OF THE TYPES OF IMPROVEMENTS TO BE INCLUDED IN EACH SPACE. THE FINAL DESIGN OF EACH SPACE AND THE EXACT IMPROVEMENTS TO BE PROVIDED WILL BE DETERMINED AT FINAL SITE PLAN.

2. MULTI-PURPOSE LAWNS MAY INCLUDE A VARIETY OF ACTIVE RECREATION USES INCLUDING, BUT NOT LIMITED TO, BOCCIE BALL, CROQUET, LAWN BILLIARDS, OR SIMILAR LAWN GAMES.

3. THIS SHEET FOR AMENITY INFORMATION ONLY. SEE SHEETS 7-9 FOR THE GDP LAYOUT.



3 FORMAL GARDEN

L-1.1 PLAN

1"=30'



4 FORMAL GARDEN

L-1.1 PLAN

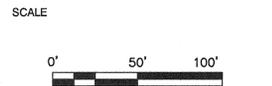
1"=30'

REVISIONS:

DATE: 12/6/2013
 DRAWN BY: KC
 CHECKED BY: PC
 SCALE: 1" = 30'
 PROJECT #: 2013091
 SHEET NUMBER:
L-1.1



KEY PLAN



| No. | DATE | BY | Description |
|-----|---------|-----|-------------|
| 7 | 5/15/15 | | |
| 6 | 5/8/15 | | |
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| 2 | 8/8/14 | | |
| 1 | 6/16/14 | JMC | |

DRAWN BY JMC
 APPROVED BY JMC
 CHECKED BY
 DATE March 5, 2014

TITLE
GDP/SEA
50 Scale Enlargement

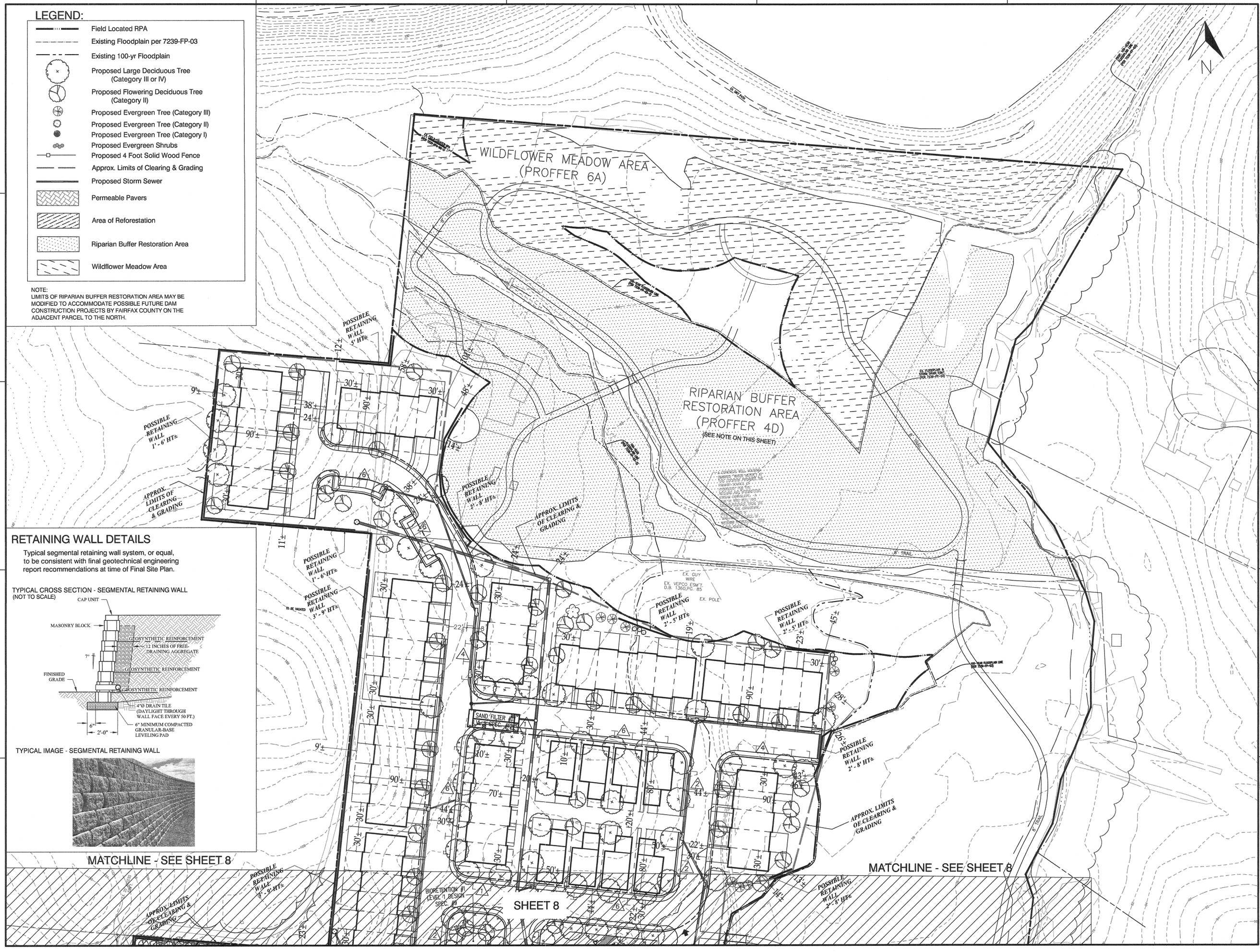
PROJECT NO.

SHEET NO. **7** OF 16

LEGEND:

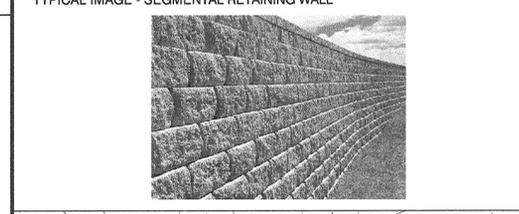
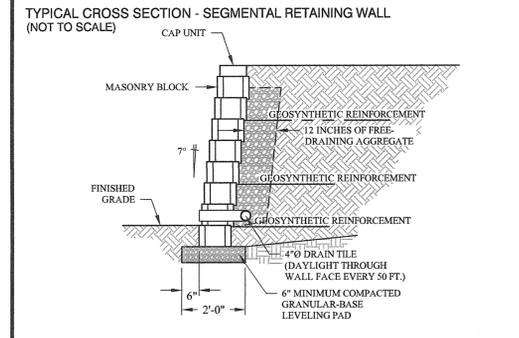
- Field Located RPA
- Existing Floodplain per 7239-FP-03
- Existing 100-yr Floodplain
- Proposed Large Deciduous Tree (Category III or IV)
- Proposed Flowering Deciduous Tree (Category II)
- Proposed Evergreen Tree (Category III)
- Proposed Evergreen Tree (Category II)
- Proposed Evergreen Tree (Category I)
- Proposed Evergreen Shrubs
- Proposed 4 Foot Solid Wood Fence
- Approx. Limits of Clearing & Grading
- Proposed Storm Sewer
- Permeable Pavers
- Area of Reforestation
- Riparian Buffer Restoration Area
- Wildflower Meadow Area

NOTE:
 LIMITS OF RIPARIAN BUFFER RESTORATION AREA MAY BE MODIFIED TO ACCOMMODATE POSSIBLE FUTURE DAM CONSTRUCTION PROJECTS BY FAIRFAX COUNTY ON THE ADJACENT PARCEL TO THE NORTH.



RETAINING WALL DETAILS

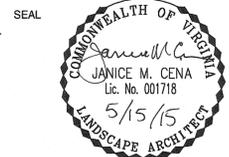
Typical segmental retaining wall system, or equal, to be consistent with final geotechnical engineering report recommendations at time of Final Site Plan.



MATCHLINE - SEE SHEET 8

MATCHLINE - SEE SHEET 8

SHEET 8



KEY PLAN



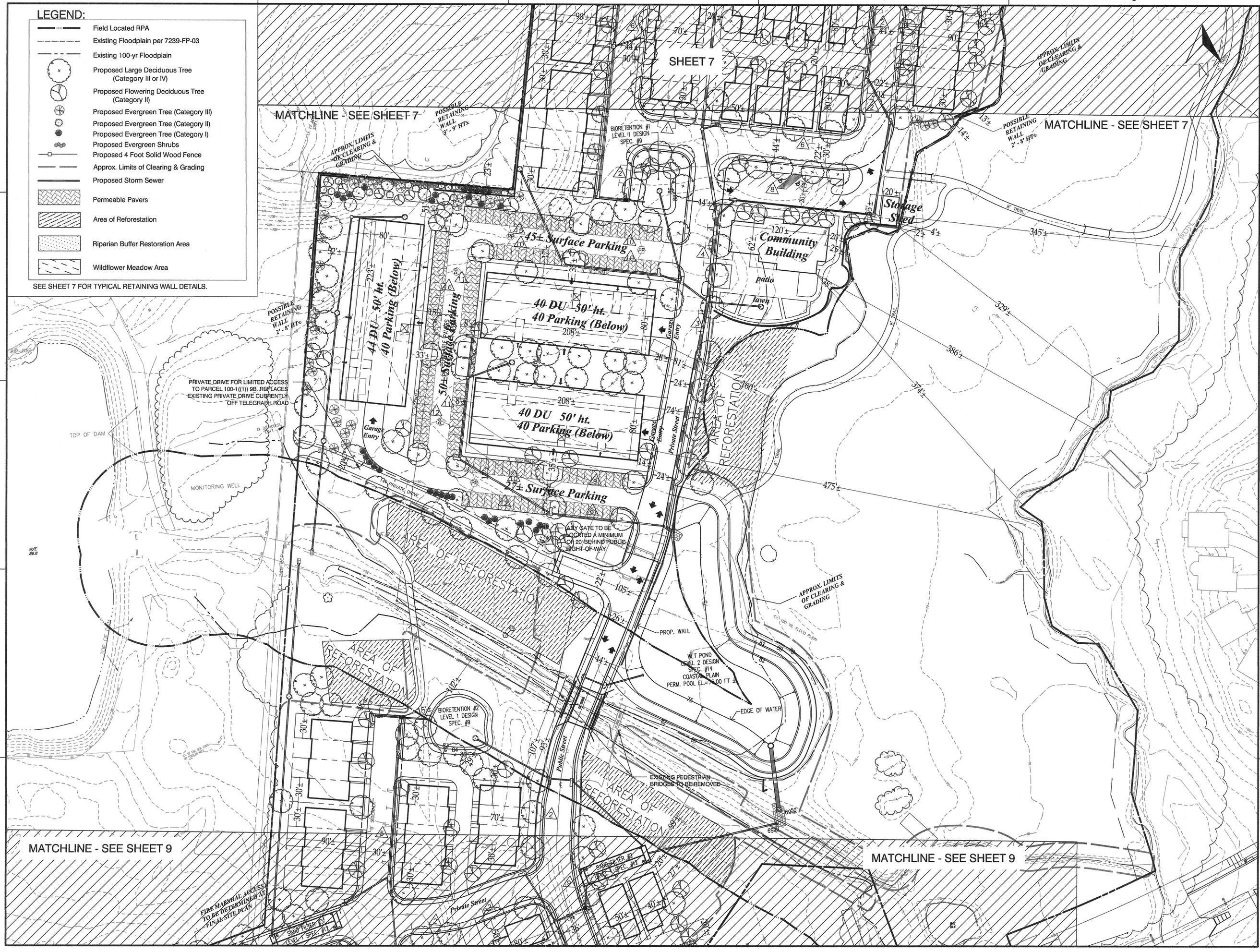
| No. | DATE | BY | Description |
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| 1 | 6/16/14 | JMC | |

REVISIONS

DRAWN BY JMC
 APPROVED BY JMC
 CHECKED BY
 DATE March 5, 2014

TITLE
GDP/SEA
50 Scale Enlargement

PROJECT NO.



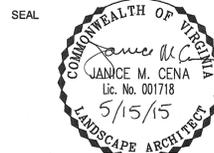
LEGEND:

- Field Located RPA
- Existing Floodplain per 7239-FP-03
- Existing 100-yr Floodplain
- Proposed Large Deciduous Tree (Category III or IV)
- Proposed Flowering Deciduous Tree (Category II)
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- Proposed Evergreen Tree (Category II)
- Proposed Evergreen Shrubs
- Proposed 4 Foot Solid Wood Fence
- Approx. Limits of Clearing & Grading
- Proposed Storm Sewer
- Permeable Pavers
- Area of Reforestation
- Riparian Buffer Restoration Area
- Wildflower Meadow Area

SEE SHEET 7 FOR TYPICAL RETAINING WALL DETAILS.

MATCHLINE - SEE SHEET 7

MATCHLINE - SEE SHEET 9



KEY PLAN

SCALE



| No. | DATE | BY | Description |
|-----|---------|-----|-------------|
| 7 | 5/15/15 | | |
| 6 | 5/8/15 | | |
| 5 | 4/8/15 | | |
| 4 | 2/6/15 | KAF | |
| 3 | 10/7/14 | | |
| 2 | 8/8/14 | | |
| 1 | 6/16/14 | JMC | |

REVISIONS

DRAWN BY JMC

APPROVED BY JMC

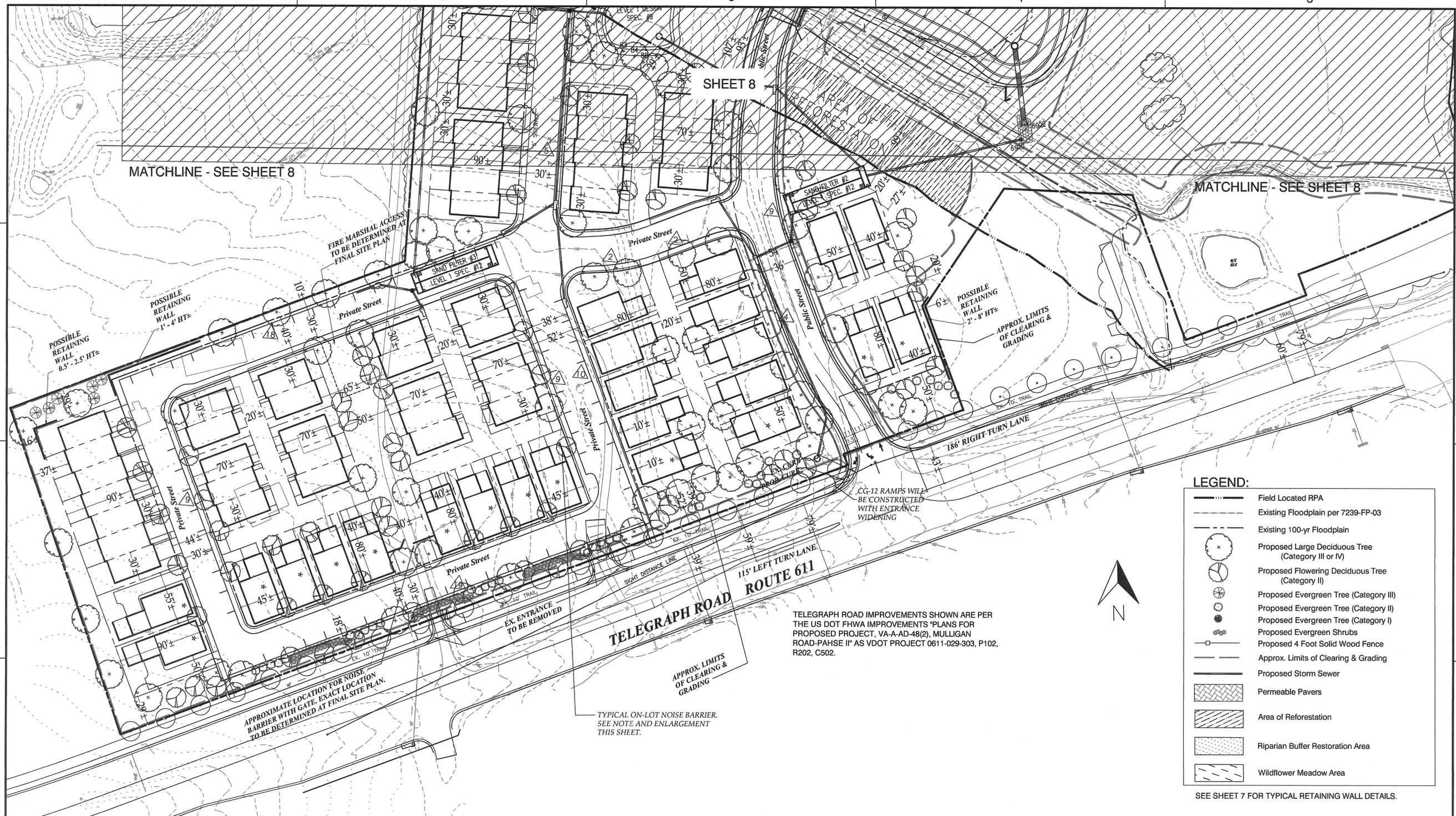
CHECKED BY

DATE March 5, 2014

TITLE

GDP/SEA
 50 Scale Enlargement

PROJECT NO.

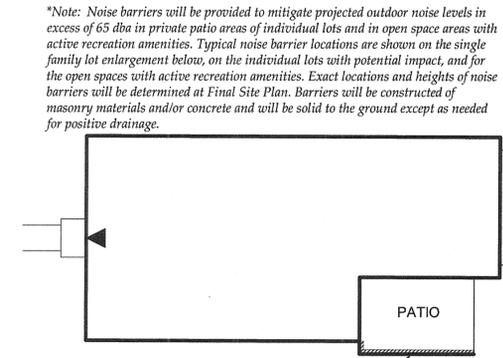


LEGEND:

- Field Located RPA
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- Existing 100-yr Floodplain
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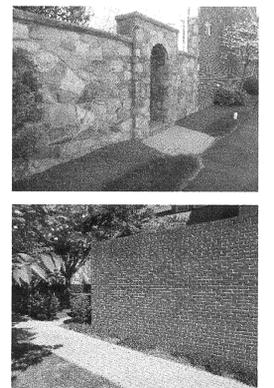
SEE SHEET 7 FOR TYPICAL RETAINING WALL DETAILS.

TYPICAL NOISE BARRIER

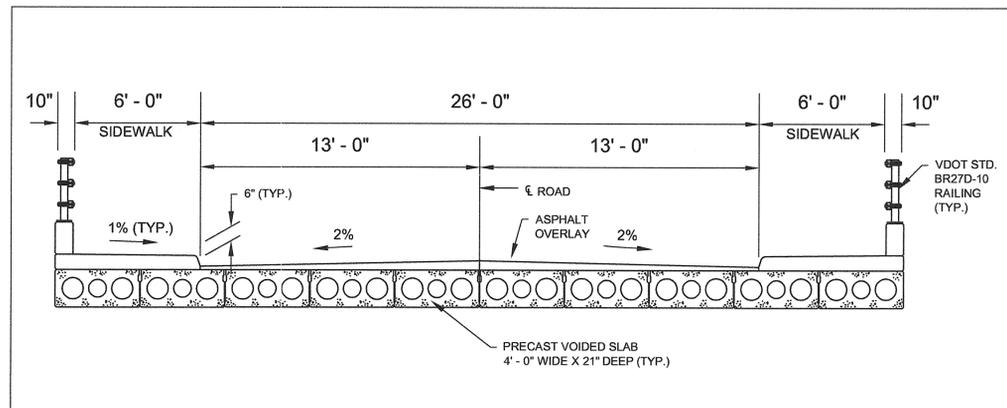


TYPICAL NOISE BARRIER LOCATION. BARRIERS TO BE CONSTRUCTED OF MASONRY MATERIALS AND/OR CONCRETE.

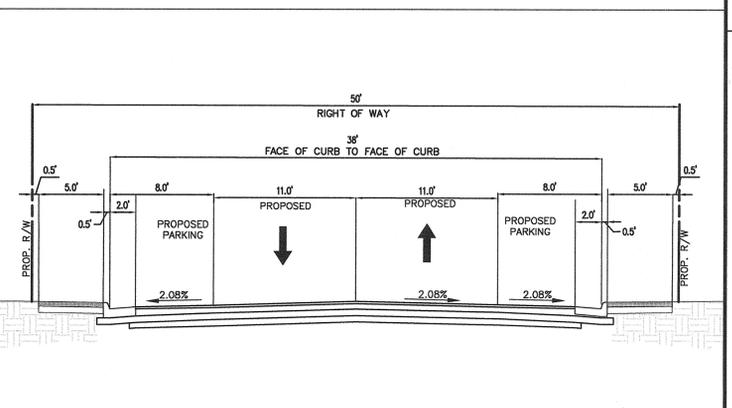
Illustrative examples of typical masonry noise barriers.



BRIDGE TYPICAL SECTION
 NOT TO SCALE



PUBLIC STREET - WITH PARKING TYPICAL SECTION
 NOT TO SCALE



TELEGRAPH ROAD IMPROVEMENTS SHOWN ARE PER THE US DOT FHWA IMPROVEMENTS "PLANS FOR PROPOSED PROJECT, VA-A-AD-48(2), MULLIGAN ROAD-PAHSE II" AS VDOT PROJECT 0611-029-303, P102, R202, C502.

POSSIBLE RETAINING WALL 0.5' - 2.5' HT±

FIRE MARSHAL ACCESS TO BE DETERMINED AT FINAL SITE PLAN

POSSIBLE RETAINING WALL 2' - 8' HT±

CG-12 RAMPS WILL BE CONSTRUCTED WITH ENTRANCE WIDENING

TYPICAL ON-LOT NOISE BARRIER. SEE NOTE AND ENLARGEMENT THIS SHEET.

APPROXIMATE LOCATION FOR NOISE BARRIER WITH GATE. EXACT LOCATION TO BE DETERMINED AT FINAL SITE PLAN.

APPROX. LIMITS OF CLEARING & GRADING

MATCHLINE - SEE SHEET 8

MATCHLINE - SEE SHEET 8

SHEET 8

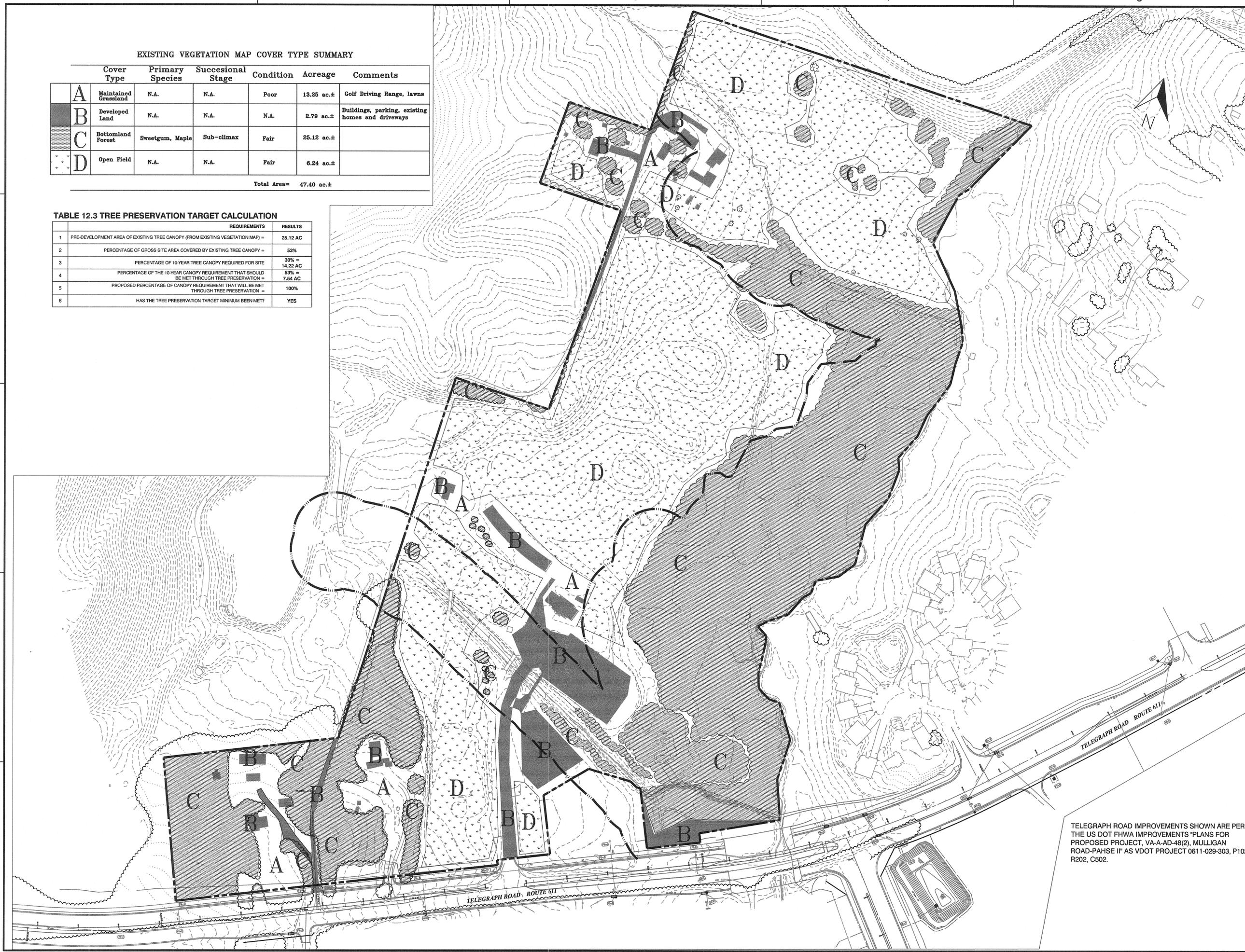
EXISTING VEGETATION MAP COVER TYPE SUMMARY

| Cover Type | Primary Species | Successional Stage | Condition | Acreage | Comments |
|------------|----------------------|--------------------|-----------|--------------------|--|
| A | Maintained Grassland | N.A. | Poor | 13.25 ac.± | Golf Driving Range, lawns |
| B | Developed Land | N.A. | N.A. | 2.79 ac.± | Buildings, parking, existing homes and driveways |
| C | Bottomland Forest | Sweetgum, Maple | Fair | 25.12 ac.± | |
| D | Open Field | N.A. | Fair | 6.24 ac.± | |
| | | | | Total Area= | 47.40 ac.± |

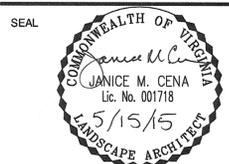
TABLE 12.3 TREE PRESERVATION TARGET CALCULATION

| | REQUIREMENTS | RESULTS |
|---|---|----------------|
| 1 | PRE-DEVELOPMENT AREA OF EXISTING TREE CANOPY (FROM EXISTING VEGETATION MAP) = | 25.12 AC |
| 2 | PERCENTAGE OF GROSS SITE AREA COVERED BY EXISTING TREE CANOPY = | 53% |
| 3 | PERCENTAGE OF 10-YEAR TREE CANOPY REQUIRED FOR SITE = | 30% = 14.22 AC |
| 4 | PERCENTAGE OF THE 10-YEAR CANOPY REQUIREMENT THAT SHOULD BE MET THROUGH TREE PRESERVATION = | 53% = 7.54 AC |
| 5 | PROPOSED PERCENTAGE OF CANOPY REQUIREMENT THAT WILL BE MET THROUGH TREE PRESERVATION = | 100% |
| 6 | HAS THE TREE PRESERVATION TARGET MINIMUM BEEN MET? | YES |

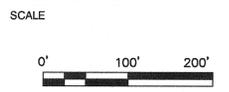
E
D
C
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ELM STREET / PINEY RUN
 Generalized Development Plan
 Special Exception Amendment Plat
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA



KEY PLAN



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| 7 | 5/15/15 | | |
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| 4 | 2/6/15 | KAF | |
| 3 | 10/7/14 | | |
| 2 | 8/8/14 | | |
| 1 | 6/16/14 | JMC | |

DRAWN BY: JMC
 APPROVED BY: JMC
 CHECKED BY:
 DATE: March 5, 2014
 TITLE:

Existing Vegetation Map

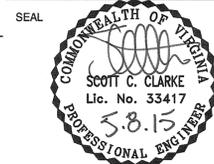
PROJECT NO.

10

TELEGRAPH ROAD IMPROVEMENTS SHOWN ARE PER THE US DOT FHWA IMPROVEMENTS "PLANS FOR PROPOSED PROJECT, VA-A-AD-48(2), MULLIGAN ROAD-PAHSE II" AS VDOT PROJECT 0611-029-303, P102, R202, C502.

NOTE:
 DRAINAGE AREAS SHOWN ARE
 APPROXIMATE AND SUBJECT TO
 ALTERATION AT FINAL
 ENGINEERING AND SITE PLAN.

ELM STREET / PINEY RUN
 Generalized Development Plan
 Special Exception Amendment Plat
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA



KEY PLAN



| No. | DATE | BY | Description |
|-----|---------|-----|-------------|
| 6 | 5/8/15 | | |
| 5 | 4/8/15 | | |
| 4 | 2/6/15 | KAF | |
| 3 | 10/7/14 | | |
| 2 | 8/8/14 | | |
| 1 | 6/16/14 | JMC | |

REVISIONS

DRAWN BY: JMC
 APPROVED BY: JMC
 CHECKED BY:
 DATE: March 5, 2014

TITLE

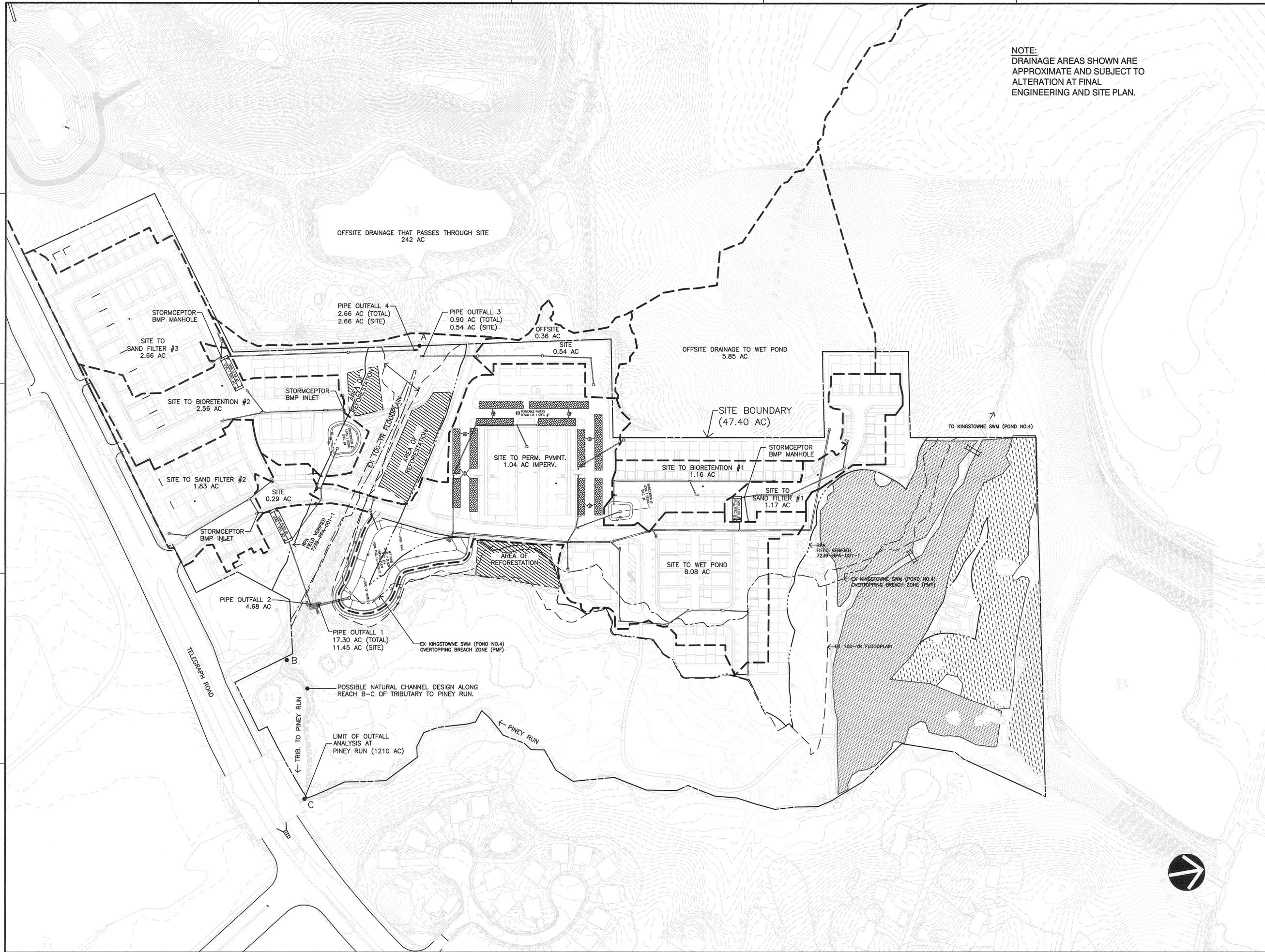
**Stormwater
 Mangement
 Plan**

PROJECT NO.

11

SHEET NO. OF 16

M-10841





KEY PLAN

SCALE

| | | | |
|-----|---------|-----|-------------|
| 6 | 5/8/15 | | |
| 5 | 4/8/15 | | |
| 4 | 2/6/15 | KAF | |
| 3 | 10/7/14 | | |
| 2 | 8/8/14 | | |
| 1 | 6/16/14 | JMC | |
| No. | DATE | BY | DESCRIPTION |

REVISIONS
 DRAWN BY JMC
 APPROVED BY JMC
 CHECKED BY
 DATE March 5, 2014

TITLE
Stormwater Management Plan Narrative

PROJECT NO.

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

The following information is required to be shown or provided in all zoning applications, or a waiver request of the submission requirement with justification shall be attached. Note: Waivers will be acted upon separately. Failure to adequately address the required submission information may result in a delay in processing this application.

This information is required under the following Zoning Ordinance paragraphs:
 Special Permits (8-011 2J & 2L) Special Exceptions (9-011 2J & 2L)
 Cluster Subdivision (9-615 1G & 1N) Commercial Revitalization Districts (9-622 2A (12) & (14))
 Development Plans PRC District (16-302 3 & 4L) PRC Plan (16-303 1E & 1O)
 FDP P Districts (except PRC) (16-502 1F & 1Q) Amendments (18-202 10F & 10I)

- 1. Plat is at a minimum scale of 1"=50' (unless it is depicted on one sheet with a minimum scale of 1"=100').
- 2. A graphic depicting the stormwater management facility(ies) and limits of clearing and grading accommodate the stormwater management facility(ies), storm drainage pipe systems and outlet protection, pond spillways, access roads, site outfalls, energy dissipation devices, and stream stabilization measures as shown on Sheet 5,11.
- 3. Provide:

| Facility Name/ Type & No. | On-site area served (acres) | Off-site area served (acres) | Drainage area (acres) | Footprint area (sf) | Storage Volume (cf) | If pond, dam height (ft) |
|------------------------------|--------------------------------|---------------------------------|--------------------------|------------------------|------------------------|-----------------------------|
| (SEE TABLE 1 BELOW) | | | | | | |
| Totals | | | | | | |
- 4. Onsite drainage channels, outfalls and pipe systems are shown on Sheet 5,11.
Pond inlet and outlet pipe systems are shown on Sheet 5,11.
- 5. Maintenance access (road) to stormwater management facility(ies) are shown on Sheet 5.
Type of maintenance access road surface noted on the plat is ASPHALT (asphalt, geoblock, gravel, etc.).
- 6. Landscaping and tree preservation shown in and near the stormwater management facility is shown on Sheet ?.
- 7. A 'stormwater management narrative' which contains a description of how detention and best management practices requirements will be met is provided on Sheet 12.
- 8. A description of the existing conditions of each numbered site outfall extended downstream from the site to a point which is at least 100 times the site area or which has a drainage area of at least one square mile (640 acres) is provided on Sheet 12.
- 9. A description of how the outfall requirements, including contributing drainage areas of the Public Facilities Manual will be satisfied is provided on Sheet 12.
- 10. Existing topography with maximum contour intervals of two (2) feet and a note as to whether it is an air survey or field run is provided on Sheets 5,7,8,9.
- 11. A submission waiver is requested for USE OF UNDERGROUND SWM/BMP FACILITIES IN A RESIDENTIAL DEVELOPMENT.
- 12. Stormwater management is not required because N/A.

TABLE 1

| Facility Name/ Type & No. | On-site area served (ac) | Off-site area served (ac) | Drainage area (ac) | Footprint ** area (sf) | Storage volume (cf) | If pond, dam height (ft) |
|------------------------------|-----------------------------|------------------------------|-----------------------|---------------------------|------------------------|-----------------------------|
| Wet Pond | 11.45 | 0 | 17.30 | 18,936 | 36,693 | 12.5 |
| Bioretention #1 | 1.16 | 0 | 1.16 | 1,425 | 1,925 | na |
| Bioretention #2 | 2.56 | 0 | 2.56 | 3,500 | 3,117 | na |
| Sand Filter #1 | 1.17 | 0 | 1.17 | 1,000 | 3,389 | na |
| Sand Filter #2 | 1.83 | 0 | 1.83 | 1,500 | 4,490 | na |
| Sand Filter #3 | 2.66 | 0 | 2.66 | 1,500 | 4,490 | na |
| Perm. Pvmnt. | 1.04 | 0 | 1.04 | 22,351 | 2,048 | na |
| Stormceptor at SF#1 | 1.17 | 0 | 1.17 | 4' dia | na | na |
| Stormceptor at SF#2 | 1.83 | 0 | 1.83 | 4' dia | na | na |
| Stormceptor at SF#3 | 2.66 | 0 | 2.66 | 4' dia | na | na |
| Stormceptor at Bio#2 | 2.56 | 0 | 2.56 | 4' dia | na | na |

** = BMP surface area

TABLE 2

| Site = 47.40 acres | RCN | T _e (min) | Peak Flow Rate (cfs) | |
|---|-----|----------------------|----------------------|-----------------|
| | | | 2-year 24-hour | 10-year 24-hour |
| Post-development | 84 | 15 | 88 | 149 |
| Pre-development | 81 | 15 | 76 | 136 |
| Approx. peak flow rate reduction required (cfs) | | | 12 | 13 |
| Approx total detention volume required (ac-ft) | | | 1.77 | 4.12 |

STORMWATER MANAGEMENT PLAN NARRATIVE

The Stormwater Management Plan for this development application has been prepared in accordance with the Fairfax County Stormwater Management Ordinance and Public Facilities Manual.

I. Site Area

The site area evaluated for Water Quality and Water Quantity is 47.40 ac. The site boundary is called out on Sheet 11.

II. Water Quality

The site qualifies under the New Development criterion with a required target phosphorus load of 0.41 lb/ac/yr or 19.4 lb/yr for the 47.40 ac site. The developed site without BMP controls generates 40.7 lb/yr of phosphorus so a total of 21.3 lb/yr of phosphorus must be removed using BMPs. Compliance with this criterion has been determined using the Virginia Runoff Reduction (VRR) Method. A summary print of the VRR worksheet is provided on Sheet 13.

All BMPs proposed have been preliminary sized and sited using standards and specifications provided on the Virginia Stormwater BMP Clearinghouse Website and in accordance with applicable restrictions and conditions of the PFM.

The location of all proposed SWM/BMP facilities are shown on Sheet 11 with a summary of each facility provided in Table 1 on this sheet.

III. Water Quantity

A. Description of outfall

There are four (4) proposed pipe outfalls where concentrated flow leaves the developed site. As shown on Sheet 11, these all outfall into Reach A-B of an existing tributary to Piney Run. Reach A-B consists of a manmade grass lined trapezoidal channel, which appears stable with no significant signs of erosion. There are three footbridges and one vehicular bridge that span the channel and 100-year floodplain along Reach A-B. Reach B-C is classified as a natural channel. The existing tributary conveys approximately 242 ac of drainage from developed lands to the west before passing through the site and discharging into Piney Run. The total drainage area at the confluence of Piney Run and the existing tributary is approximately 1210 ac. By definition in the Stormwater Management Ordinance, this point is the downstream limit of analysis for outfall evaluation as the largest contributing drainage area from the site occurs at pipe outfall 1 (10.57 ac), which is less than or equal to 1% of the total watershed area at the confluence (1210 ac).

Areas of flow that are not concentrated will leave the developed site as sheet flow into the adjacent RPA. Because the proposed SWM/BMP practices intercept most of the drainage from the developed site, there will be a decrease in sheet flow volume compared to existing conditions. Sheet flow is expected to occur in common areas and backyards of the residential lots. Because sheet flow volume will be reduced overall, no further water quantity controls are required provided these areas are properly stabilized to prevent erosion, sedimentation, and/or flooding, which is the intent.

B. How outfall requirements will be satisfied

Reach A-B (manmade channel) will be required to convey the 2-year 24-hour storm without causing erosion of the system and also confines the 10-year 24-hour storm to the channel. It appears Reach A-B has adequate capacity to convey the required developed peak flows without causing erosion or flooding. There are no existing or proposed buildings located in the 100-year floodplain of Reach A-B. Erosion control stone is proposed at pipe outfalls 1, 2, 3 and 4. If 2-year flow velocities exceed the permissible allowed then a combination of stream stabilization techniques and/or detention will be provided to make the manmade channel adequate.

Reach B-C (natural channel) may need to be restored using natural channel design concepts to comply with the channel protection and flooding requirements of the Stormwater Management Ordinance. There are no existing or proposed buildings located in the 100-year floodplain of Reach B-C. Reach B-C is located entirely in the Piney Run 100-year floodplain.

C. Drainage diversion justification

Runoff from the existing site generally sheet flows into either Piney Run or Tributary to Piney Run. Under developed conditions, runoff will be collected in storm drainage systems and conveyed to the proposed BMPs for treatment and runoff reduction. Runoff that is not collected in storm drain will continue to sheet flow into either Piney Run or Tributary to Piney Run. In order to comply with the Fairfax County Stormwater Management Ordinance, runoff will need to be diverted to BMPs at different parts of the site; however, natural drainage divides of the Dogue Creek watershed will be honored. Piney Run and Tributary to Piney Run are both located in the Dogue Creek watershed, which is considered a major watershed in Fairfax County.

D. Detention

Site post-development peak flows will be released at a rate that is equal to or less than site pre-development peak flow rates for the 2- and 10-year 24-hour storm events, respectively. This project is not located in the Four Mile Run Watershed so 100-year detention is not required.

Table 2 summarizes the approximate reduction in peak flow rates required for the site as well as the approximate total detention volume required. Detention will be provided as needed by proposed onsite BMP facilities.

IV. Request for Waiver

In accordance with Section 6-0303.8 of the PFM, this development application will require a waiver from the Board of Supervisors for the use of underground SWM/BMP facilities in a residential development. The preliminary size and location of these underground facilities, identified as Sand Filter 1, Sand Filter 2 and Sand Filter 3, are shown on Sheet 11. These facilities are proposed in order to meet the water quantity and water quality requirements of the Fairfax County Stormwater Management Ordinance. These facilities will only control onsite drainage and will be privately owned and maintained. Access into these facilities will be from finished grade via 2 ft diameter manhole covers and 4 ft x 4ft Bilco Doors or equivalent. Manhole covers will be per VDOT specifications and Bilco Doors will remain locked at all times when not in use by the owner.

V. LTI 09-10, Development within Mapped Dam Break Inundation Zones

As shown on sheet 11, part of the site is located in the PMF Overtopping Breach Zone of State-Regulated Dam, Kingstowne SWM (Pond No.4). According to Fairfax County DPWES Stormwater Planning Division, this facility is a high hazard dam that is capable of passing the required spillway design flood. Based on our understanding of LTI 09-10, this development application does not change the spillway design flood standards for this impoundment and in accordance with LTI 09-10 is not required to upgrade spillway capacity for the facility or contribute any payments for such upgrades.

VI. Disclaimer

The type, size and location of all SWM/BMP practices reflected on this plan are preliminary and subject to adjustment at final engineering and site plan. The applicant also reserves the right to consider offsite compliance options in accordance with the Stormwater Management Ordinance (i.e. Chapter 124-4-5).

Virginia Runoff Reduction Method Worksheet

Virginia Runoff Reduction Method New Development Worksheet -- v2.7 Revised April 2013

Site Data Summary

Total Rainfall = 43 Inches

Site Land Cover Summary

| | A Soils | B Soils | C Soils | D Soils | Total | % of Total |
|--------------------|---------|---------|---------|---------|-------|------------|
| Forest (acres) | 0.00 | 0.00 | 0.00 | 21.25 | 21.25 | 44.83 |
| Turf (acres) | 0.00 | 0.00 | 0.00 | 11.49 | 11.49 | 24.24 |
| Impervious (acres) | 0.00 | 0.00 | 0.00 | 14.66 | 14.66 | 30.93 |
| | | | | 47.40 | 47.40 | 100.00 |

| | |
|--|--------|
| Site Rv | 0.38 |
| Post Development Treatment Volume (ft ³) | 64839 |
| Post Development TP Load (lb/yr) | 40.74 |
| Post Development TN Load (lb/yr) | 291.43 |
| Total TP Load Reduction Required (lb/yr) | 21.30 |

| | |
|---|-------|
| Total Runoff Volume Reduction (ft ³) | 8089 |
| Total TP Load Reduction Achieved (lb/yr) | 23 |
| Total TN Load Reduction Achieved (lb/yr) | 67.15 |
| Adjusted Post Development TP Load (lb/yr) | 18.21 |
| Remaining Phosphorous Load Reduction (lb/yr) Required | 0.00 |

Drainage Area Summary

| | D.A. A | D.A. B | D.A. C | D.A. D | D.A. E | Total |
|--------------------|--------|--------|--------|--------|--------|-------|
| Forest (acres) | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Turf (acres) | 3.43 | 0.79 | 0.77 | 0.90 | 0.00 | 5.89 |
| Impervious (acres) | 8.02 | 1.77 | 1.06 | 1.76 | 0.00 | 12.61 |
| | | | | | | 18.50 |

Drainage Area Compliance Summary

| | D.A. A | D.A. B | D.A. C | D.A. D | D.A. E | Total |
|----------------------|--------|--------|--------|--------|--------|-------|
| TP Load Red. (lb/yr) | 13.92 | 3.81 | 1.86 | 2.94 | 0.00 | 22.53 |
| TN Load Red. (lb/yr) | 57.06 | 0.00 | 3.91 | 6.18 | 0.00 | 67.15 |

Summary Print

Virginia Runoff Reduction Method Worksheet

Drainage Area A Summary

Land Cover Summary

| | A Soils | B Soils | C Soils | D Soils | Total | % of Total |
|--------------------|---------|---------|---------|---------|-------|------------|
| Forest (acres) | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Turf (acres) | 0.00 | 0.00 | 0.00 | 3.43 | 3.43 | 29.92 |
| Impervious (acres) | 0.00 | 0.00 | 0.00 | 8.02 | 8.02 | 70.04 |
| | | | | 11.45 | 11.45 | |

BMP Selections

| Practice | Credit Area (acres) | Downstream Practice |
|--|--|-----------------------------------|
| 3.a. Permeable Pavement #1 (Spec #7) | acres of permeable pavement + acres of "external" (upgradient) impervious pavement | 13.d. Wet Pond #2 (Coastal Plain) |
| 6.a. Bioretention #1 or Urban Bioretention (Spec #9) | Impervious: 0.87 Turf (Pervious): 0.29 | 13.d. Wet Pond #2 (Coastal Plain) |
| 11.a. Filtering Practice #1 (Spec #12) | Impervious: 0 Turf (Pervious): 0 | 13.d. Wet Pond #2 (Coastal Plain) |
| 13.d. Wet Pond #2 (Coastal Plain) (Spec #14) | Impervious: 5.19 Turf (Pervious): 2.89 | |
| 14. STORMCEPTOR | Impervious: 0.92 Turf (Pervious): 0.25 | 11.a. Filtering Practice #1 |

| | |
|--|-------|
| Total Impervious Cover Treated (acres) | 8.02 |
| Total Turf Area Treated (acres) | 3.43 |
| Total TP Load Reduction Achieved in D.A. A (lb/yr) | 13.92 |
| Total TN Load Reduction Achieved in D.A. A (lb/yr) | 57.06 |

Summary Print

Virginia Runoff Reduction Method Worksheet

Drainage Area B Summary

Land Cover Summary

| | A Soils | B Soils | C Soils | D Soils | Total | % of Total |
|--------------------|---------|---------|---------|---------|-------|------------|
| Forest (acres) | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Turf (acres) | 0.00 | 0.00 | 0.00 | 0.79 | 0.79 | 6.90 |
| Impervious (acres) | 0.00 | 0.00 | 0.00 | 1.77 | 1.77 | 15.46 |
| | | | | 2.56 | 2.56 | |

BMP Selections

| Practice | Credit Area (acres) | Downstream Practice |
|--------------------------------|---|----------------------|
| 6.b. Bioretention #2 (Spec #9) | Impervious: 0 Turf (Pervious): 0 | |
| 14. STORMCEPTOR | Impervious: 1.77 Turf (Pervious): 0.79 | 6.b. Bioretention #2 |

| | |
|--|------|
| Total Impervious Cover Treated (acres) | 1.77 |
| Total Turf Area Treated (acres) | 0.79 |
| Total TP Load Reduction Achieved in D.A. B (lb/yr) | 3.81 |
| Total TN Load Reduction Achieved in D.A. B (lb/yr) | 0.00 |

Summary Print

Virginia Runoff Reduction Method Worksheet

Drainage Area C Summary

Land Cover Summary

| | A Soils | B Soils | C Soils | D Soils | Total | % of Total |
|--------------------|---------|---------|---------|---------|-------|------------|
| Forest (acres) | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Turf (acres) | 0.00 | 0.00 | 0.00 | 0.77 | 0.77 | 6.72 |
| Impervious (acres) | 0.00 | 0.00 | 0.00 | 1.06 | 1.06 | 9.25 |
| | | | | 1.83 | 1.83 | |

BMP Selections

| Practice | Credit Area (acres) | Downstream Practice |
|--|---|-----------------------------|
| 11.a. Filtering Practice #1 (Spec #12) | Impervious: 0 Turf (Pervious): 0 | |
| 14. STORMCEPTOR | Impervious: 1.06 Turf (Pervious): 0.77 | 11.a. Filtering Practice #1 |

| | |
|--|------|
| Total Impervious Cover Treated (acres) | 1.06 |
| Total Turf Area Treated (acres) | 0.77 |
| Total TP Load Reduction Achieved in D.A. C (lb/yr) | 1.86 |
| Total TN Load Reduction Achieved in D.A. C (lb/yr) | 3.91 |

Summary Print

Virginia Runoff Reduction Method Worksheet

Drainage Area D Summary

Land Cover Summary

| | A Soils | B Soils | C Soils | D Soils | Total | % of Total |
|--------------------|---------|---------|---------|---------|-------|------------|
| Forest (acres) | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Turf (acres) | 0.00 | 0.00 | 0.00 | 0.90 | 0.90 | 7.86 |
| Impervious (acres) | 0.00 | 0.00 | 0.00 | 1.76 | 1.76 | 15.37 |
| | | | | 2.66 | 2.66 | |

BMP Selections

| Practice | Credit Area (acres) | Downstream Practice |
|--|--|-----------------------------|
| 11.a. Filtering Practice #1 (Spec #12) | Impervious: 0 Turf (Pervious): 0 | |
| 14. STORMCEPTOR | Impervious: 1.76 Turf (Pervious): 0.9 | 11.a. Filtering Practice #1 |

| | |
|--|------|
| Total Impervious Cover Treated (acres) | 1.76 |
| Total Turf Area Treated (acres) | 0.90 |
| Total TP Load Reduction Achieved in D.A. D (lb/yr) | 2.94 |
| Total TN Load Reduction Achieved in D.A. D (lb/yr) | 6.18 |

Summary Print

Virginia Runoff Reduction Method Worksheet

Channel and Flood Protection

| | Weighted CN | 1-year storm Adjusted CN | 2-year storm Adjusted CN | 10-year storm Adjusted CN |
|----------------------------|-------------|--------------------------|--------------------------|---------------------------|
| Target Rainfall Event (in) | | 2.70 | 3.20 | 5.20 |
| D.A. A CN | 93 | 92 | 92 | 92 |
| D.A. B CN | 92 | 85 | 85 | 87 |
| D.A. C CN | 90 | 90 | 90 | 90 |
| D.A. D CN | 92 | 92 | 92 | 92 |
| D.A. E CN | 0 | #N/A | #N/A | #N/A |



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 FAX: 703.849.0518

ELM STREET / PINEY RUN
 Generalized Development Plan
 Special Exception Amendment Plat
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA



KEY PLAN

SCALE

| No. | DATE | BY | Description |
|-----|---------|-----|-------------|
| 6 | 5/8/15 | | |
| 5 | 4/8/15 | | |
| 4 | 2/6/15 | KAF | |
| 3 | 10/7/14 | | |
| 2 | 8/8/14 | | |
| 1 | 6/16/14 | JMC | |

REVISIONS

DRAWN BY JMC
 APPROVED BY JMC
 CHECKED BY
 DATE March 5, 2014

TITLE

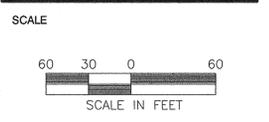
VRR Method
 Worksheet Summary
 For BMP Compliance

PROJECT NO.

ELM STREET / PINEY RUN
 Generalized Development Plan
 Special Exception Amendment Plat
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA



KEY PLAN



| No. | DATE | BY | Description |
|-----|---------|-----|-------------|
| 7 | 5/15/15 | | |
| 6 | 5/8/15 | | |
| 5 | 4/8/15 | | |
| 4 | 2/6/15 | KAF | |
| 3 | 10/7/14 | | |
| 2 | 8/8/14 | | |
| 1 | 6/16/14 | JMC | |

REVISIONS

DRAWN BY JMC

APPROVED BY JMC

CHECKED BY

DATE March 5, 2014

TITLE

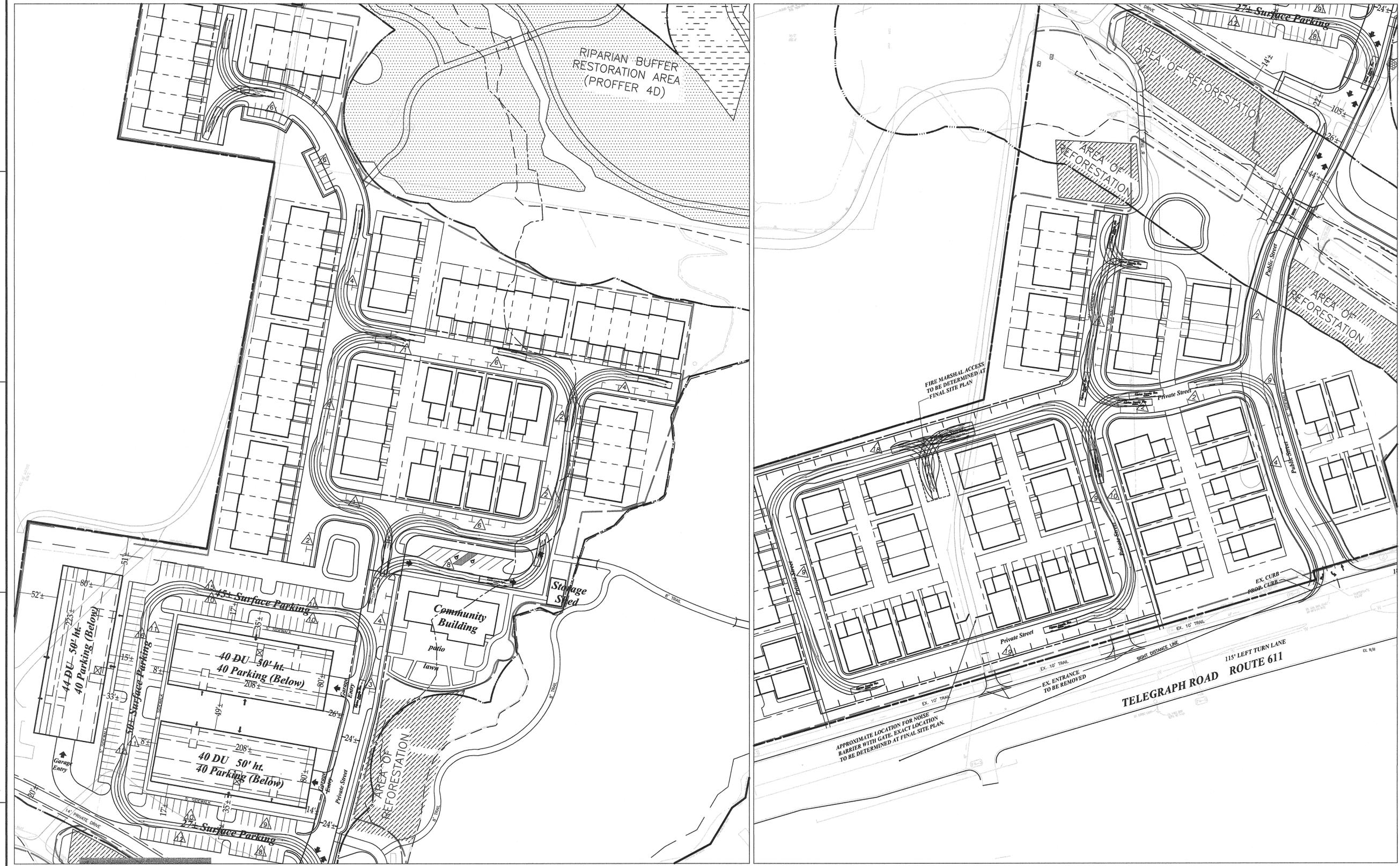
FIRE TRUCK TURNING RADII

PROJECT NO.

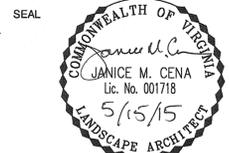
MATCH LINE THIS SHEET

MATCH LINE THIS SHEET

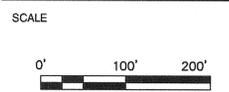
- NOTES:
- ALL AREAS IDENTIFIED AS FIRE LANES, FIRE DEPARTMENT TURNAROUNDS, FIRE DEPARTMENT ACCESS AREAS OR OTHER RESTRICTED AREAS WILL HAVE BOLLARDS, PAINT, SIGNAGE AND OTHER REQUIRED IDENTIFICATION INSTALLED AS REQUIRED PRIOR TO STRUCTURE OCCUPANCY.
 - MINOR REVISIONS MAY BE MADE AT TIME OF FINAL SITE PLAN TO ADDRESS UPDATED TURNING MOVEMENT REQUIREMENTS OR TRUCK TEMPLATES AS PROVIDED BY THE FIRE MARSHAL.



ELM STREET / PINEY RUN
 Generalized Development Plan
 Special Exception Amendment Plat
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA



KEY PLAN



| No. | DATE | BY | Description |
|-----|---------|-----|-------------|
| 7 | 5/15/15 | | |
| 6 | 5/8/15 | | |
| 5 | 4/8/15 | | |
| 4 | 2/6/15 | KAF | |
| 3 | 10/7/14 | | |
| 2 | 8/8/14 | | |
| 1 | 6/16/14 | JMC | |

DRAWN BY JMC
 APPROVED BY JMC
 CHECKED BY
 DATE March 5, 2014

TITLE
Landscape Calculations

PROJECT NO.

LEGEND:

- Field Located RPA
- Existing Floodplain per 7239-FP-03
- Existing 100-yr Floodplain
- Proposed Large Deciduous Tree (Category III or IV)
- Proposed Flowering Deciduous Tree (Category II)
- Proposed Evergreen Tree (Category III)
- Proposed Evergreen Tree (Category II)
- Proposed Evergreen Tree (Category I)
- Proposed Evergreen Shrubs
- Approx. Limits of Clearing & Grading
- Proposed Storm Sewer
- Area of Parking Lot
- Tree Counted Toward Parking Lot Landscaping Requirement

TSY 1 REQUIRED: 240 LF

| Required | Provided |
|---|-----------------------------|
| - 25' width min. | - 4 Cat IV Dec. @ 200 sf |
| - mix of medium and small evergreen trees and large deciduous trees | - 6 Cat II Dec. @ 125 sf |
| - 75% canopy coverage or 4,500 sf | - 10 Cat III Evrgm @ 125 sf |
| | - 15 Cat II Evrgm @ 75 sf |
| | - 15 Cat I Evrgm @ 40 sf |
| | 4,525 sf |
| - 3 shrubs/10' = 72 shrubs | - 72 shrubs |

No barrier required.

PARKING LOT AREA.....143,400 ±SF
 PARKING LOT LANDSCAPING REQ'D (5%)7,170 ±SF
 PARKING LOT LANDSCAPING PROV'D (7%) 10,800 ±SF



TSY 1 REQUIRED: 2063 LF

| Required | Provided |
|---|---|
| - 25' width min. | - A buffer of existing mature trees is to remain undisturbed. The existing trees buffer ranges in depth from 50'± to 400'±. |
| - mix of medium and small evergreen trees and large deciduous trees | |
| - 75% canopy coverage or 38,682 sf | |
| - 3 shrubs/10' = 619 shrubs | |

Barrier A or B reqd
 42-48" wall or solid wood fence

Barrier provided
 - none proposed



KEY PLAN

SCALE

| No. | DATE | BY | Description |
|-----|---------|-----|-------------|
| 7 | 5/15/15 | | |
| 6 | 5/8/15 | | |
| 5 | 4/8/15 | | |
| 4 | 2/6/15 | KAF | |
| 3 | 10/7/14 | | |
| 2 | 8/8/14 | | |
| 1 | 6/16/14 | JMC | |

REVISIONS

DRAWN BY JMC

APPROVED BY JMC

CHECKED BY

DATE March 5, 2014

TITLE

Architectural Elevations

PROJECT NO.



1 TOWNHOUSE- FRONT LOAD OPTION 1



2 TOWNHOUSE- FRONT LOAD OPTION 2



3 TOWNHOUSE- REAR LOAD



4 SINGLE FAMILY DETACHED- FRONT ELEVATION



Scheme 1 "Traditional" Main Entrance



Scheme 2 "Contemporary" Main Entrance

5 MULTIFAMILY

PINEY RUN ARCHITECTURAL NOTE

Architectural elevations shown are illustrative in nature and illustrate: 1) a commitment to a general type, character, and quality of architectural design and detailing, and 2) the types of architectural and decorative elements and features that may be included. Actual building elevations to be constructed must meet the quality of architectural design and detailing illustrated.

Devereaux & Associates, PC
 ARCHITECTS AND LANDSCAPE ARCHITECTS



DESCRIPTION OF THE APPLICATION

The applicant, Piney Run Elm Investment, LC, is proposing to develop an independent living development, Piney Run, with 259 units for residents over 55 years of age. The development proposes a mix of single-family detached dwellings, single-family attached dwellings (townhouse), multi-family dwellings as well as 39 affordable dwelling units (15 percent). The overall density of the project will be 5.46 du/ac. Open space will cover approximately 29.36 acres of the 47.40-acre site. A total of 787 parking spaces is proposed, or 3.04 spaces per unit (includes 141 street parking spaces and eight parking spaces for the community building). The parking spaces will be provided in private garages attached to the individual units, under-building garages, street parking, and surface parking lots.



Exhibit 1: GDP/SEA Plat

The specific applications include:

RZ 2014-LE-010. This rezoning, from R-1 to R-1, covers the entire 47.40-acre Piney Run property and is the mechanism being used to amend an existing, approved set of proffers and expand its applicability to additional, adjoining parcels so that the entire Piney Run site is covered by the single set of amended proffers.

SEA 2005-LE-027-02. A golf course is a special exception use in the R-1 district. This special exception amendment (SEA) removes land area from the existing Hilltop Golf Course special exception so that the property can be incorporated into the proposed Piney Run development. Once this land is incorporated into the proposed Piney Run development, the golf course will cease operations.

SEA 2005-LE-028. An independent living development is a special exception use in the R-1 District. This SEA seeks to expand the boundaries of a previously approved special exception that permitted an independent living development (unbuilt) on a portion of the subject property.

Water Quality Impact Assessment Request #7239-WQ-002-1 and Resource Protection Area Encroachment Exception Request #7239-WRPA-004-1. In conformance with Chapter 118 (Chesapeake Bay Preservation Ordinance) of the County Code, these applications have been filed to permit construction of stormwater management/best management practices facilities in the Resource Protection Area/Environmental Quality Corridor (RPA/EQC).

Along with the above applications, the applicant is requesting the following waivers from Zoning Ordinance requirements.

- Waiver of Par. 2 of Sect. 11-302 of the Zoning Ordinance to allow private streets to exceed 600 feet in length; and
- Modification of the transitional screening requirements of Sect. 13-303 and waiver of the barrier requirements of Sect. 13-304, respectively, of the Zoning Ordinance, to permit retention of the existing vegetation supplemented by the landscaping as shown on the GDP/SEA Plat.

A reduced copy of the combined, proposed Generalized Development Plan/Special Exception Plat (GDP/SEA Plat) for the proposed independent living development is included in the front of this report. The draft proffers for RZ 2014-LE-010 are contained Appendix 1. The proposed development conditions for SEA 2005-LE-028 are included as Appendix 2. The proposed development conditions for SEA 2005-LE-027-02 are included as Appendix 3. The applicant's affidavit is attached as Appendix 4 and the applicant's statements of justification are included as Appendix 5.

LOCATION AND CHARACTER

The subject property is located along the north side of Telegraph Road, about 3,000 feet (just over half a mile) west of its intersection with Beulah Street. The site is immediately east of the Hilltop Golf Course. The project site is composed of six parcels [Tax Map Parcels 100-1 ((1)) 17, 19, 20, 23A, 24, and 25] and a portion of a seventh parcel [Tax Map 100-1 ((1)) 9B]. Of these parcels, five are affiliated with the current golf course operation; these properties contain the clubhouse, parking lot, driving range, putting green, maintenance facilities, remnant farm structures, and access and

maintenance roads. The two remaining properties are developed with single-family detached dwellings.

Piney Run forms the eastern boundary of the application property. Generally, the eastern third of the site, in the vicinity of Piney Run, is relatively flat and is delineated as floodplain and Resource Protection Area (RPA). As the site progresses westward, it increases in slope. Areas exceeding 15 percent slope are generally limited to portions of site's western boundary. The site's developable land lies between the Piney Run floodplain/RPA and the western boundary. The developable area is further defined by two unnamed tributaries to Piney Run which traverse the site from west to the southeast. The southern tributary (which will be called Tributary A in this report) separates the southern fifth of the property (the area along Telegraph Road) from the remainder of the site by its stream channel and adjoining 250-foot wide RPA. The RPA associated with the northern tributary (Tributary B) extends to the northern property boundary and defines the northern boundary of the site's developable area.

Much of the central portions of the site, including areas along Tributary A, are covered with turf associated with the driving range and other golf related practice facilities. Also, significant areas are paved or covered with buildings to accommodate golf course related activities (clubhouse, parking lots, maintenance vehicle storage). The eastern portion of the site, along Piney Run, and the westernmost portions of the site have been left in bottomland forest vegetation.

To the west of the subject property is the Hilltop Golf Course. The course's stormwater management pond that feeds Tributary A is immediately west of the project boundary. To the northwest is the forested common open space of the Kingstowne Section 6 townhouses. The separation between the closest townhouse and the Piney Run development boundary is 475 feet. To the north are the five Kingstowne Park ponds. To the east, on the opposite side of the Piney Run RPA, are the single-family detached dwellings of the Piney Run and the Piney Glen Subdivisions. Approximately 100 east of the development's proposed access road, adjoining the north side of Telegraph Road, is a one-acre parcel owned by the Virginia Department of Transportation (VDOT). This parcel is developed as a dry pond for stormwater management purposes.

| SURROUNDING AREA DESCRIPTION | | | |
|-------------------------------------|---------------------------------------|---------------|---|
| Direction | Use | Zoning | Plan |
| North | Kingstowne Park | PDH-4 | Public Park |
| Northwest | Kingstowne, Section 6 | PDH-4 | Residential – 3-4 du/ac |
| West | Hilltop Golf Course | R-1 | Private Recreation |
| South | Fort Belvoir | R-C | Public Facility, Governmental, Institutional |
| East | Single-family Detached Dwelling Units | PDH-3; R-1 | Residential – 2-3 du/ac; Residential – 1-2 du/ac |

Background

On September 29, 1986, a portion of the subject property, Parcel 23A, was rezoned from R-1 to PDH-4 to allow the development of 50 single-family detached dwelling units. These units were never constructed. Subsequently, on June 5, 1995, PCA 85-L-092 was approved to permit a reduction in the number of dwelling units and allow a driving range as a secondary use in the PDH-4. Only the driving range was constructed.

On July 27, 1998, pursuant to RZ 1997-LE-041, a portion of the PDH-4 on Parcel 23A was rezoned to R-1 to allow the previously constructed driving range to be incorporated into adjoining properties for a proposed golf course and the remainder of Parcel 23A, under RZ 1997-LE-043, was rezoned to C-6 to permit a miniature golf course facility. Concurrent with these two rezonings, SP 97-L-037 was approved to allow the aforementioned golf course, miniature golf course facility, driving range, and associated parking and related facilities. The miniature golf course facility was never constructed.

In January 2006, RZ 2006-LE-003 and SE 2005-LE-028 were filed to develop an independent living facility with 376 dwelling units on the 35.91-acre portion of the subject property that is located north of the tributary to Piney Run. (RZ 2006-LE-003 was filed to replace proffers on the R-1 zoned property.) The proposed units were all proposed as multi-family dwellings and were to be located in two 65-foot tall buildings. The two concurrent applications were approved by the Board of Supervisors on July 10, 2006. The approved proffers and development conditions are provided under Appendix 6 and Appendix 7, respectively. The project was subsequently not constructed. The 2006 review also included approval of the project's related RPA Exception and Water Quality Impact Assessment for construction of stormwater facilities in the site's RPA.

On March 9, 2009, the Board of Supervisors approved RZ 2008-LE-001 and SEA 2005-LE-027. The rezoning reclassified 0.73 acres from I-3 to R-1 and the SEA amended the existing golf course special exception to permit incorporation of the rezoned 0.73 acres into the golf course, as well as other site modifications to the facility. The rezoning's

0.73 acres were located on the western side of the Hilltop Golf Course, adjoining the site of the present-day Wegmans grocery store.

COMPREHENSIVE PLAN PROVISIONS

| | |
|---------------------------|---|
| Plan Area: | Area IV |
| Planning District: | Rose Hill |
| Planning Sector: | RH-4 Lehigh Community |
| Plan Map: | Private Recreation and Residential, 3-4 du/ac |

Plan Text:

Parcels 100-1((1)) 17, 19, 20, and 23A are planned for private recreation with an option for residential use at 2-3 dwelling units per acre. It is recommended that they be consolidated, with any private recreation development that takes place on the site of the Hilltop landfill. A commercial recreation facility may be appropriate on the southern part of parcel 23A with screening sufficient to minimize its off-site impacts. If parcels 19 & 20 are consolidated and develop independently of the recreational area, interparcel access to parcel 23A should be provided.

There is no specific plan text for Parcels 24 and 25, the parcels designated as Residential, 3-4 du/ac.

In Appendix 1 of the Policy Plan (amended though 4-29-2014), the Comprehensive Plan provides the following guidance with regard to the review of multi-family residential development and elderly housing in areas, such as the subject property, identified in the Comprehensive Plan as Suburban Neighborhoods.

APPENDIX 1 GUIDELINES FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT

The following guidelines are desirable characteristics for sites to be considered for multifamily development. Although the guidelines outline desired characteristics, certain circumstances might warrant multifamily development on a site even when these guidelines are not entirely met.

Guidelines for Suburban Neighborhoods:

- 1. Multifamily sites in designated Suburban Neighborhood areas should be in close proximity to community-serving retail. In addition, multifamily sites should be centrally located with respect to community services such as libraries, houses of worship, park/recreational facilities, and schools.*
- 2. To accommodate traffic flow, the site should have adequate access to an arterial or to a collector street. An appropriate transportation analysis should be performed in conjunction with proposed multifamily development, with approval made contingent on the satisfactory resolution of identified transportation issues.*

3. *Sites for multifamily residential development should be located where it is county policy to provide public water and sewer service.*
4. *The required site size for multifamily development in Suburban Neighborhoods is dependent upon density, setback requirements, open space, parking, social and recreational amenities to be provided, and building height. These factors will tend to determine minimum site size. Generally, in areas of the county which have a reasonable supply of vacant or underutilized land, sites should be above the size necessary to meet Zoning Ordinance requirements (a minimum of 200 units). This enhances the ability to support a package of private amenities such as swimming pools, tennis courts, a clubhouse, etc. If proposed multifamily projects contain more than 600 units, diversity in architectural style, layout and transition should be encouraged.*
5. *Environmental concerns should be considered in site selection. Multifamily development is not appropriate in areas designated as Low Density Residential Areas. Environmental Quality Corridors and areas subject to airport noise greater than DNL 60 dBA generally should be avoided.*

Guidelines for Multifamily Residential Development for the Elderly:

Locational guidelines for housing for the elderly should recognize the needs of the elderly as well as site characteristics. With regard to residents for whom health and mobility have become a concern, guidelines for the location of multifamily residential development should be modified as described below. With regard to residential facilities such as congregate housing and nursing homes, which are designed to serve the elderly population in need of continuous medical/nursing care, these developments are less location sensitive than other elderly residential developments.

1. *Public transportation and community services should be located within a reasonable walking distance and should be accessible via paved walkways that are lighted, secure, and well maintained. Crosswalks should be delineated, and adequate provisions should be made for crossing heavy traffic (e.g., pedestrian crossing signals). If neither public transportation nor community services are located within a short walking distance (i.e., a 5-7 minute walk), the elderly housing development should provide shuttle bus service which can offer residents comparable access to community services.*
2. *The topography of the site, and that between the site and nearby destinations, should be taken into consideration when siting residential development for the elderly. Pedestrian facilities should not be located on slopes greater than 5-8%, and such maximum slopes should not be continuous for more than 75 feet.*
3. *Safety and security are of particular concern to the elderly. To the extent possible, the architecture and site design for multifamily residential development for the elderly should incorporate features which reduce the potential for crime and enhance the security of residents.*

ANALYSIS**Generalized Development Plan (GDP)/Special Exception (SE) Plat**
(Copy at front of staff report)

Title of Plan: Elm Street Development Piney Run

Prepared By: Dewberry Consultants, LLC

Original & Revision Dates: March 5, 2014, as revised through May 15, 2015

| Combined GDP/SEA Plat (Piney Run Independent Living Facility) | |
|---|---|
| Sheet # | Description of Sheet |
| | |
| 1 | Cover Sheet, including Vicinity Map and Sheet Index |
| 2 | Notes and Tabulation Sheet, includes Soils Map and Density Penalty Calculations |
| 3 | Application Identification (Schematic representation of the areas covered by the various applications.) |
| 4 | Existing Conditions Plan |
| 5 | GDP/SEA – Overall |
| 6A | GDP/SEA - Amenity Package Diagram |
| 6B | GDP/SEA - Amenity Package Enlargement Plans |
| 7 | GDP/SEA – Enlargement – Northern Third |
| 8 | GDP/SEA – Enlargement – Central Third |
| 9 | GDP/SEA – Enlargement – Southern Third |
| 10 | Existing Vegetation Map |
| 11 | Stormwater Management Plan |
| 12 | Stormwater Management Plan Narrative |
| 13 | Stormwater Management – VRR Method Worksheet Summary for BMP Compliance |
| 14 | Fire Truck Access |
| 15 | Landscape Plan, includes Landscape Calculations |
| 16 | Architectural Elevations |

The following features are depicted on the combined GDP/SEA Plat for the proposed independent living facility.

Site Layout. The independent living development will contain 259 dwelling units consisting of 32 single-family detached dwellings, 103 single-family attached dwellings (townhouses), 124 multi-family dwellings, and a 5,000 square foot community building. The single-family detached residences will be two to three stories in height and the townhouses will be three to four stories in height. The multi-family units will be single level dwellings located in three four-story buildings. In general, the single-family detached dwellings are clustered along the site's Telegraph Road frontage, with an eight-lot cluster in the center of the northern portion of the development. The three multi-family dwelling buildings are clustered in the central portion of the development, immediately north of Tributary A. The townhouses are scattered throughout the

remainder of the site. The community building will be located near the mid-point of the proposed community, overlooking the Piney Run RPA open space. The proposed buildings will not intrude into any of the site's delineated RPAs.

Vehicular Access. The development's main road will form a "T" intersection with Telegraph Road. The development's main road and its crossing of Tributary A will be constructed to VDOT standards and will be offered for dedication into the state road system. After its crossing of Tributary A, this road will become a private road like the other proposed roads within the development. The street layout is a series of blocks and cul-de-sacs radiating from the main roadway.

Parking. A total of 787 parking spaces are shown on the GDP/SEA Plat as follows:

| Structure or Facility | Number of Spaces |
|--|------------------|
| Single-family Detached (32 units, each with 2-car garages) | 64 |
| Townhouse (103 units, each with 2-car garages) | 206 |
| Additional Front Load Townhouse Parking (63 units, each with 2 driveway spaces) | 126 |
| Multi-family (120 under-building garage spaces supplemented by 122 surface spaces) | 242 |
| Street Parking | 141 |
| Community Building | 8 |
| Total | 787 |

Recreation Facilities. The primary recreation facility is the 5,000 square community building which will contain a concierge desk, meeting room, fitness room, and indoor kitchen, and adjoining terrace, outdoor kitchen, and lawn that can accommodate small outdoor events, a putting green and outdoor exercise classes. The large open space area adjoining Piney Run is to be improved with a network of trails, interpretive signage, fitness stations, grills, and game tables (the latter items would be located outside of the designated RPA). Supplementing these two major amenities would be several formal gardens and small pocket parks with naturescape play areas, horseshoe pits, seating areas, and grills.

Pedestrian Facilities. In addition to the aforementioned trail network in the open space along Piney Run, the development's streets will be lined with five-foot wide sidewalks on both sides. These sidewalks will also provide access to the recently installed 10-foot wide asphalt pedestrian trail along Telegraph Road.

Open Space. The open space reflects the boundaries of the site's RPAs. Draft Proffer 6 commits to preserving approximately 22 acres along Piney Run and Tributary B as open space. That proffer further provides that the applicant will construct the pedestrian trails shown on the GDP/SEA Plat through the open space and then make the trails accessible to the public through the recordation of a public access easement over said trails. In addition, subject to approval by the Board of Supervisors, the applicant may provide a trail connection to the existing Kingstowne Park trail system. The proffers

further provide that the approximately two acres of open pasture will be restored in cooperation with the Audubon Society (specifically, removal of the invasive grasses). The applicant has also proffered a tree preservation plan for the area within the RPA. Lastly, the applicant commits to record a conservation easement on the 22-acre preservation area to benefit the Northern Virginia Conservation Trust once all proffered open space improvements and commitments are fulfilled, but prior to final bond release.

Landscaping. The applicant has identified a three-acre riparian buffer restoration area that is addressed in Proffer 4D. Landscaping efforts for the proposed area of development are focused on the planting of street trees, installation of vegetative screening along Telegraph Road and portions of the western property line, and landscaping of the small green spaces. Sheet 15 of the GDP/SEA Plat shows the placement of the various types of trees and shrubs. Staff points out that the GDP/SEA Plat shows four areas of reforestation (separate from the riparian buffer restoration area) that does not indicate the type or siting of plantings.

Building Elevations and Lots Sizes. The architectural elevations are shown on Sheet 16 of the GDP/SEA Plat. The single-family detached dwellings and townhouses are depicted as having gable and/or hip roofs, while the multi-family building will have flat roofs. The garages for the detached dwellings will be located behind the homes and accessed via alleys. The townhomes will be either front or rear loading. Specific siding materials are not identified.

The detached dwelling lots will range in size from 3,200 square feet to 4,950 square feet. The townhouse lots will range in size from 2,100 square feet to 2,700 square feet.

Stormwater Management. Stormwater management (SWM) and Best Management Practices (BMP) requirements will be satisfied by the construction of two stormwater facilities partially located within Tributary A's RPA. A wet pond is proposed on the northside of the tributary and a smaller bioretention pond is proposed on the southside of the tributary. These intrusions require an RPA Encroachment Exemption and a Water Quality Impact Assessment (WQIA). The wet pond would replace an existing surface parking lot and the bioretention pond would replace an existing practice field that currently extends to the top of the bank of the tributary. Subject to conditions, including reforestation, the RPA Exemption and WQIA for the wet pond were reviewed and approved concurrent with the 2006 proposal. At this time, the applicant has submitted an amended RPA Exemption and WQIA request that reflects the current proposal. This amendment request is scheduled to be heard concurrently with the zoning applications.

Land Use Analysis

The southern three-quarters of the subject property is designated on the Land Use Map of the Comprehensive Plan as Private Recreation, with the remainder designated as residential use at a density of 3-4 du/ac. The Private Recreation designation reflects the current golf course development. However, the Plan text provides for a residential option for the Private Recreation designated area at a density of 2-3 dwelling units per acre. There are no specific plan text recommendations for the portion of the subject property designated for residential at 3-4 du/ac.

For the subject property, its permitted density is derived from its Comprehensive Plan density ranges and the special exception provisions (Sect. 9-306) for an independent living development. In seeking Comprehensive Plan guidance in reviewing this independent living development, staff reviewed the proposal against the applicable Comprehensive Plan guidelines. Although the proposal includes a mix of housing types, including multi-family, townhouses, and single-family detached dwellings, the proposed lots of the subject project's townhouses and single-family detached dwellings create a situation where the Comprehensive Plan's Appendix 1 Guidelines for Multi-family Residential Development - Guidelines for Suburban Neighborhoods and Guidelines for Multi-family Residential Development for the Elderly - are relevant to this application. The guidelines are discussed below and presented in full under the Comprehensive Plan Provisions section of this staff report.

This proposal satisfies the Guidelines for Suburban Neighborhoods as follows:

- The site is within a mile of two shopping centers, a library, a bank, several churches, and several schools, and a park. However, active recreation facilities will require a 10 to 15 minute drive. Nonetheless, the site appears to be in close proximity to community-serving retail and services.
- The property has access to Telegraph Road, an arterial road and thereby satisfies the second guideline.
- Sewer and water service are available at this site, as recommended by the third guideline.
- The subject property is large enough to allow the flexibility in site layout to provide more than half of its land area as open space and yet provide a range of housing types. This ability demonstrates that the parcel is of adequate size for the development. Although the proposal provides a mix of amenities, staff continues to encourage the applicant to provide additional active recreational facilities (this issue is further discussed later in this report).
- The fifth guideline states that multi-family developments should not be located in areas designated for low density residential development nor on sites affected by airport noise greater than 60 dBA. Neither of these situations applies in this instance.

The proposal meets the Guidelines for Multi-family Residential Development for the Elderly as follows:

Public transit (bus service) is not available on the segment of Telegraph Road immediately in front of the proposed development. It is available about a third of a mile to the east, at Telegraph Road and Leaf Road and about three-quarters of a mile to the west, at Telegraph Road and Beulah Street. The applicant had considered provision of very limited shuttle service for the residents, but given the envisioned twice a day trips, the viability of such a service was low and not supported by staff. Although the available public transit service may be further than the preferred five to seven minute walk, staff notes that a new, asphalt pedestrian path has been installed along Telegraph Road. The length of the walk to reach public transit is not ideal, but the GDP/SEA Plat

shows multiple connections to the Telegraph Road path from the development's internal sidewalk network, which would shorten amount of necessary walking where possible.

The topography of the site is such that the community's walking paths and sidewalks are generally level or have little grade and thereby satisfy the second guideline.

This will not be a gated community. The security of the future residents will need to be addressed by having on-site staff such as the concierge and by creating voluntary security associations such as a neighbor watch group.

Environmental Analysis (Appendix 8)

Issue: Intrusions in the RPA

The subject property includes a portion of the Piney Run stream valley. The GDP/SEA Plat delineates a field-verified RPA for the subject property. The RPA delineation was approved by the Department of Public Works and Environmental Services (DPWES) under plan number 7239-RPA-001-1. Areas of the RPA along Tributary A are currently developed with surface parking and practice fields. These disturbed areas will be removed as part of the proposal. Some of the disturbed areas will be replaced with stormwater facilities and the remainder will be reforested. This proposed work in the RPA is the subject of WQIA Request #7239-WQ-002-1 and RPA Encroachment Exception Request #7239-WRPA-004-1, which are being reviewed concurrently with these zoning applications. The Board of Supervisors approved the RPA Exemption and WQIA for the wet pond with the 2006 zoning proposal.

Resolution:

DPWES has reviewed the requested amendment of the previously approved RPA Exception permits, which reflect inclusion of the expanded disturbed area and improvements associated with the current proposal and recommends approval subject to conditions. The DPWES staff determined that replacing a portion of the disturbed RPA with stormwater facilities and reforestation of other segments of the RPA was supportable. The DPWES staff report and recommended conditions of approval are attached as Appendix 15.

Issue: Timing of Restoration Plan

The GDP/SEA Plat and the draft proffers include a commitment to establish a 22-acre preservation area in the northern and eastern sections of the site. A two-acre portion of this area will be restored to a more natural state in coordination with guidance from the Audubon Society of Northern Virginia. The draft proffers also state that the entire 22 acres will be placed in a conservation easement in the name of the Northern Virginia Conservation Trust prior to bond release. The draft proffers also include a commitment to prepare and implement a riparian buffer restoration plan for approximately three acres for the northern portion the site's Piney Run RPA. The riparian buffer restoration plan shall be prepared in coordination with DPWES, the Army Corps of Engineers, and the Virginia Department Environmental Quality. The restoration plan would be provided

at time of site plan submission. Staff noted that it would prefer that this restoration plan be submitted as part of the consideration of the zoning applications to ensure that the plan is ultimately viable and sustainable.

Resolution:

The riparian buffer restoration plan was not provided for review. Staff would have preferred the opportunity to review the restoration plan during the zoning review.

Issue: Green Building Measures

The applicant has agreed to pursue a variety of green building options. For the single-family attached and detached dwellings, the draft proffers provide certification through Earthcraft House Program or certification in accordance with the 2012 National Green Building Standard (NGBS) using the Energy Star path for energy performance. For the multi-family dwelling, the draft proffers include commitments to retain a LEED-AP as part of the design team and commitments to a list of green building measures, including priority parking for low-emissions vehicles, a reflective roof, a prohibition on the use of chlorofluorocarbon based refrigerants in the buildings' systems, a waste management and recycling plan, and natural lighting through the use of windows and/or skylights to a minimum of 65 percent of the spaces.

When the 2006 rezoning was approved, this area of the County was not subject to recommendation for green building certification for multi-family dwellings. Since that time, the Comprehensive Plan has been revised to recommend that all zoning proposals for residential development attain green building certification. Given this guidance, staff strongly encourages that the applicant commit to attain green building certification such as Earthcraft or NGBS using the Energy Star path for energy performance for the multi-family buildings.

Resolution:

The applicant has not committed to attain green building certification for the multi-family buildings. Instead, the applicant has proffered to provide a number of specific green building measures.

Issue: Noise

The Comprehensive Plan recommends that exterior noise levels for usable outdoor areas should not exceed 65 dBA Ldn. It also recommends that interior noise levels for dwellings should not exceed 45 dBA. The subject property is accessed via Telegraph Road. The posted speed limit is 35 miles per hour and the roadway has recently been widened to four lanes. Some of the proposed residential units will abut Telegraph Road. As such, staff requested that the applicant provide a noise study to measure the impact that this road noise may have on the proposed units.

The applicant submitted a noise study, prepared by Polysonics and dated August 12, 2014. The noise measurements were conducted over a 24-hour period through July 22 and July 23, 2014. The study concluded that project year 2034 noise level of 65-70 dBA Ldn would impact portions of the site adjacent to Telegraph Road. Exterior noise impacts in this area would reach levels of approximately 69 dBA Ldn, which would result in some residential units having unmitigated interior noise levels as high as 49 dBA. The noise study concludes that “[a] noise barrier will be required, either along the rear of unit property lines or along the roadway.” Staff’s preferred approach is to locate a barrier along the roadway, within homeowners association open space, to safeguard that long-term maintenance costs do not become a burden to individual property owners and to further ensure that the effectiveness of the barrier is not dependent the actions of a single homeowner. Additionally, staff recommended that these barriers be constructed of durable materials, with preferences for landscaped berms or masonry or concrete walls. No acceptable barrier design had been submitted as part of the GDP/SEA Plat.

Resolution:

The applicant has since revised the GDP/SEA Plat and included the locations and details of the noise barriers on Sheet 9. The barriers will be constructed of masonry material and/or concrete. With the proposed layout, private yards requiring noise barriers will be limited to walls along one side of the rear/side yard patios of the 14 single-family dwellings in the vicinity of Telegraph Road. Staff notes that given this configuration, should a single home owner not be diligent in maintaining his/her noise barrier, such lack of due diligence will not adversely affect the integrity of the noise attenuation efforts of the entire community.

Issue: Piney Run Sewer Line Extension in the RPA

Under Piney Run Sanitary Sewer Extension and Improvement Project No. X00826, the Board of Supervisors authorized funding to extend sewer service to the nine lots with the Piney Run Subdivision in response to a petition by homeowners. During the feasibility review, five different alignments were examined and the route though the Piney Run RPA to connect to the existing line at the golf course was found to be the best option to serve all nine dwellings, while meeting ground cover requirements. The approved 2006 proffers included a commitment to construct the sewer line, to provide a connection on-site, and to grant the associated easement to the edge of the Piney Run subdivision provided that all necessary approvals can be obtained.

Resolution:

The provisions from the 2006 proffers have been carried forward in the current proffers. However, it is not clear whether the construction of the sewer line will affect the acceptance of the conservation easement over this portion of the RPA by the Northern Virginia Conservation Trust.

Transportation Analysis (Appendix 9)

Since the previous applications were approved in 2006, Telegraph Road was widened to four lanes and a 10-foot wide pedestrian path was installed along the widened roadway in the vicinity of the subject property. Additionally, Jeff Todd Way, which provides a connection between Telegraph Road and Richmond Highway through Fort Belvoir, was constructed. The northern terminus of Jeff Todd Way is a signalized intersection at Telegraph Road located approximately 900 feet east of the subject property's entrance off of Telegraph Road. The applicant provided a traffic analysis for trip generation and distribution, as well as an operational analysis for a traffic control signal at the site's entrance point on Telegraph Road. In its review of this project's Updated Traffic Analysis for Telegraph Road Access, the Virginia Department of Transportation (VDOT) found the project's traffic analysis conclusions to be acceptable in not warranting a traffic signal at the intersection of Telegraph Road and the site's entrance. Given these improvements, several of the road improvements originally proffered with RZ 2006-LE-003 were determined to no longer be necessary or warranted. Therefore, as part of this review, the Fairfax County and the Virginia Departments of Transportation reviewed the previous proffers and recommended deletions of some of the previously-made commitments. The current set of proffers reflects these deletions.

Included among the deletions is the provision of funds toward a traffic signal at the project's Telegraph Road entrance. With the installation of a new traffic signal at the Telegraph Road/Jeff Todd Way intersection less than 1,000 feet to the east, a signal at the project's entrance was deemed unnecessary. Therefore, currently proposed Proffer 2H now commits to redirect the previously committed funds to Fairfax County for the installation of a trail along Telegraph Road from Hayfield Road to South Kings Highway and for other transportation improvements in the vicinity of the project site.

In addition to the aforementioned transportation improvements, the applicant has committed to several Transportation Demand Management (TDM) strategies to reduce vehicle trips from the proposed independent living development. These include: 1) the provision of \$35,000 in an escrow account to the homeowners' association to be used for the establishment of TDM strategies, enhancing/providing multi-modal facilities with and proximate to the subject property, and/or for providing on-site private street maintenance; 2) the pre-wiring of all dwelling units with high capacity data/network connections in addition to standard phone lines; 3) the establishment and maintenance of a concierge service whereby residents can arrange services such as dry cleaning, pharmacy, grocery, and package deliveries; and 4) if, at the time of first site plan approval, bus service is scheduled or planned along Telegraph Road in front the subject property, the applicant shall install a bus shelter along each side of Telegraph Road with

the existing right-of-way at the entrance to the subject property, subject to the approval of FCDOT and/or VDOT. (If the bus shelters are not approved, off-site easements/right-of-way is not available, or bus service is not scheduled or planned, the applicant shall contribute \$40,000 to Fairfax County at time of site plan approval for the installation of bus shelters along Telegraph Road in the vicinity of the subject property.)

Issue: Private Road Network for the Development

When the current application was submitted in March 2014, the development's entire road network was proposed to be private, including the crossing of Tributary A. That initial iteration proposed retention of an existing private bridge over Tributary A which was to serve as the only vehicular crossing within the proposed development. Staff was concerned that the existing bridge was most likely constructed to standards for light duty usage and not for a high volume of vehicles as substantiated by its posted weight limit of 20 tons. Additionally, under the applicant's initially-proposed scenario, the seasonal and long-term maintenance of the existing bridge would be borne by the future homeowners association, as part of the private roadway maintenance costs. Therefore, staff strongly opposed incorporation of the existing bridge into the independent living development, due to concerns about the weight capacity limitations and risk of safe passage of emergency vehicles over Tributary A (County fire trucks can weigh more than 40 tons). Staff was also concerned that should the existing bridge, which is not constructed to current VDOT standards, need to be replaced in the future, the replacement costs would place a substantial financial burden on the homeowners of the independent living development.



Exhibit 2: Existing Bridge over Tributary A

Resolution:

The current application designates that the project's main roadway, from its intersection with Telegraph Road to a point just north of its crossing of Tributary A, as a public road. As such, the existing bridge crossing of Tributary A is proposed to be replaced with one that meets current VDOT bridge design standards. Once accepted into the State roadway system, this segment of the main roadway, including the bridge, will be maintained by VDOT. The remaining roads of the development will be private and will be maintained by the community's future homeowners association.

Given that that target home buyers/renters of the proposed independent living development may be on fixed incomes, staff is still concerned with the costs for maintenance of the extensive road network, even without having to contend with the maintenance costs of the bridge. Staff strongly suggests that the applicant commit seed money for the homeowners association towards future maintenance of the project's infrastructure.

Issue: Timing for the Construction of the Replacement Bridge

As noted above, the applicant has committed to replace the bridge crossing Tributary A. However, the draft proffers indicate that the bridge replacement would occur subsequent to substantial site work and construction activity occurring north of Tributary A. This timing means that a large number of construction vehicles, which can weigh substantially more than the existing 20-ton bridge weight limit, would utilize the existing bridge to access the areas north of Tributary A. Staff was concerned that the existing bridge would not be structurally safe to support the weight of construction and emergency vehicles. Therefore, staff requested that the applicant commit to replacement of the bridge earlier in the process, prior to any construction activities north of Tributary A.

Resolution:

The applicant is reluctant to set construction contingent upon VDOT approval of the design of the bridge and upon acceptance of the bridge, once constructed, by VDOT into the State roadway system. However, given staff's concerns about the integrity of the bridge, the applicant has amended the proffers to provide the following commitments:

- Approval of the bridge design shall be sought concurrent with the project's site plan approval.
- The bridge shall be constructed, but not necessarily accepted by VDOT for public maintenance, prior to the issuance of the first Residential Use Permit (RUP) or Non-RUP for that portion of the subject property north of Tributary A.
- A construction traffic management plan shall be submitted that will identify the type of construction vehicles that will be allowed to use the existing bridge.
- The applicant shall submit documentation certifying the existing bridge will support the construction vehicles identified by said construction management

plan, as well as certifying the existing bridge will support emergency vehicles;
and

- During replacement of the existing bridge, the applicant shall provide a temporary stream crossing for emergency and construction vehicles, as approved by DPWES, within the limits of disturbance shown on the GDP/SEA Plat. (The applicant envisions the replacement of the existing bridge may take as few as 60 days, which is within the timeframe for a temporary stream crossing within an RPA.)

While staff would prefer that the bridge be replaced prior to construction, staff believes that the amended proffers have responded to staff's safety concerns. That said, staff notes that the applicant should consult with the Fire Department regarding the parameters for an acceptable temporary stream crossing.

Issue: Undersized Parking Spaces

Staff identified two issues with regard to parking. First, three to six of the proposed on-street parking spaces appear to be undersized or otherwise in conflict with the Public Facilities Manual (PFM) standards. As such, staff noted that these spaces would need to be removed from the project's parking calculations.

Second, the minimum widths for the proposed individual garages and driveways for the townhouses and the single-family detached dwellings were not provided. However, according to the scaled GDP/SEA Plat, the driveways to the townhouses measure 17 to 18 feet wide and the driveways to the single-family detached dwellings measure 18 feet wide. The interior spaces for the abutting garages will most likely be similarly sized. Staff notes that issues have arisen with recent residential projects as to whether the width of the individual garages and driveways in fact provided parking for the indicated number of vehicles (in this case two spaces per garage and two spaces per front load driveway).

Resolution:

The first issue can be resolved by a minor revision to the proposal prior to site plan review. Removal of the noncomplying on-street parking spaces will not significantly affect the project as the overall required number of parking spaces is 751 spaces and the project, as shown, would have provided 787.

Regarding the second issue, the draft proffers require the recordation of a covenant that provides that the garages shall only be used for the parking of vehicles. However, this proffer does not resolve staff's concern about whether two cars can physically be parked in the garages and driveways. As such, staff is recommending a condition that the individual garage and front-load driveway parking spaces comply with minimum PFM parking space dimensions. With the implementation of the staff-proposed development condition, staff believes that this issue is resolved.

Issue: Pedestrian Bridges

Currently, the project site contains three pedestrian bridges that cross Tributary A. Two of the bridges adjoin the existing vehicular bridge and the third bridge is located in close proximity to the western property line. The GDP/SEA Plat indicated that these bridges would be retained and incorporated into the proposed independent living community. Staff noted, however, that these bridges appear to be in disrepair. Staff recommended that if these bridges are to be retained and incorporated into the new development, a commitment should be made to repair them for long-term use or to reconstruct them from more durable materials.

Resolution:

The applicant now proposes to remove two of the existing pedestrian bridges closest to the vehicular bridge. Staff is recommending a development condition that the existing pedestrian bridge over Tributary A, which is proposed to be retained, be repaired to provide a safe walking environment to the satisfaction of DPWES prior to the issuance of the first RUP.

Issue: Sidewalks that Terminate at Open Space

The sidewalks lining the private streets, in many cases, abruptly terminate at the open space boundary. Rather than abruptly terminating, staff recommends that these sidewalks be continued into the open space as trails, unless precluded by grade differences.

Resolution:

Staff has proposed a development condition which would require that the sidewalks lining the private streets be extended into the open space as trails, unless precluded by grade differences. With the implementation of this condition, this issue is resolved.

Urban Forest Management Analysis (Appendix 10)

The Urban Forest Management Division reviewed the GDP/SEA Plat and the proffers and determined that the PFM standards related to tree preservation, tree canopy, and landscaping had been adequately addressed.

Park Authority Analysis (Appendix 11)

The GDP/SEA Plat proposes on-site recreational facilities to include a 5,000 square foot clubhouse containing a meeting and exercise rooms, an adjoining outdoor terrace with room to accommodate outdoor performances, a putting green, and exercise classes, a network of trails in a 22-acre open space, and several small formal gardens and pocket parks. However, noting that the future residents will result in an increased demand on Park Authority recreation facilities, the Park Authority has requested that \$534,014 be provided to address the future residents' need for passive and active recreational facilities within the park system. The requested contribution amount is based on the

Park Authority's assessment of the area's recreational facility needs and the anticipated number of new residents generated by the proposal. The draft proffers include a commitment to provide a contribution of \$35,000 to the Park Authority prior to the issuance of the first building permit.

In the Rose Hill Planning District, the recreational facilities in greatest need include basketball courts, playgrounds, diamond fields, rectangle fields, dog parks, a neighborhood skate park, and trails. Of these types of facilities, the proposal will be limited to providing trails. Given that this independent living development will be marketed to people 55 years and older, active recreation demands are anticipated to be high as this age group tends to have more leisure time. While the proposed development does contain recreational facilities, a number of the facilities are on-site amenities that are expected to be provided in an active lifestyle community. Future residents will most likely seek additional recreational opportunities within the surrounding community.

The subject property is currently served by three major County parks: Lee District Park and RECenter (which includes many senior programs, indoor aquatics and gym); Huntley Meadows Park; and Greendale Golf Course. These facilities are heavily utilized by active adults and will likely be impacted by the additional residents of the proposed community. To meet this demand, the Park Authority is seeking a commitment of funds to aid in the construction of area recreation facilities. While \$35,000 is a positive action, it is insufficient to meet the anticipated demand. For its part, staff is re-examining the assumptions underlying the multipliers in the formula as it applies to such independent living developments. In turn, the applicant is reassessing the proposed on-site amenities to the extent that any of the on-site facilities that are publicly accessible may be considered an offset to public park impacts. Staff continues to work with the applicant to provide additional facilities and/or funds to better address the anticipated recreational needs.

In addition to recreational facilities, the draft proffers include a commitment to undertake a Phase 1 archeological survey, which, if warranted, would be expanded to include Phase 2 or Phase 3 surveys, if necessary, as determined by the County. The draft proffers also include a commitment to provide \$2,500 to either the Fairfax County History Commission or the Franconia Museum for the fabrication and installation of an historic marker identifying the location of Patter Hill School and Civil War activity in the area of Beulah Street and Telegraph Road.

Stormwater Analysis (Appendix 12)

The stormwater system will consist of a wet pond, bioretention basins, sand filters and permeable pavement. According to the applicant's stormwater narrative, these facilities will provide adequate stormwater detention for the development. Furthermore, the outfall analysis indicates that sufficient outfall capacity exists to accommodate the runoff generated by the proposed development.

As a portion of the wet pond and a portion of one of the bioretention basis is located in the RPA, a WQIA Request, #7239-WQ-002-1 and a RPA Encroachment Exception

Request, #7239-WRPA-004-1, are being considered concurrently with the zoning applications. Based on the analysis presented in its report attached in Appendix 15, DPWES staff is recommending approval of the RPA encroachment request. As provided in that report, DPWES staff found that as conditioned the facilities: are the minimum intrusions necessary; will not cause substantial detriment to water quality; and will provide a water quality benefit (in this case, a reduction in phosphorus load that exceeds standard requirements).

Most of the property lies within the mapped dam breach inundation zone of a state regulated dam, Kingstowne SWM Pond No. 4. Therefore, compliance with the requirements stipulated in LT109-10 will be required at site plan review.

Sanitary Sewer Analysis (Appendix 13)

The subject property is located in the Dogue Creek watershed and will be sewered into the Noman M. Cole, Jr. Pollution Control Plant. The existing 10-inch located on the property is adequate for the proposed use at this time. Based on current and committed flow, there appears to be adequate capacity for the proposed development at this time. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.

Water Service Analysis (Appendix 14)

The property is located in the Fairfax County Water Authority service area. Adequate domestic water service is available from the existing 30-inch main located in Telegraph Road. As part of its comments, the Water Authority wished to inform the applicant that it operates two 30-inch transmission mains in Telegraph Road and any developer proposed relocations of Water Authority transmission mains greater than 16-inches in diameter require the approval of the Fairfax Water Board. Depending on the configuration of the on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and to accommodate water quality concerns.

ZONING ORDINANCE PROVISIONS (Appendix 16)

Proposed Independent Living Facility in the R-1 Zone

The bulk requirements of building height, yards, and density/intensity are specified in the Additional Standards for Independent Living Facilities contained in Sect. 9-306 of the Zoning Ordinance. These additional standards supersede the bulk requirements for the R-1 District. However, this is not the case for the lot size and lot width requirements. As such, the applicant has requested waiver of the minimum lot size and lot width R-1 requirements for the proposed single-family lots. The chart below compares the proposed development to the applicable requirements.

| Bulk Standards Independent Living Facility in R-1 | | |
|--|--|--|
| Standard | Required | Provided |
| Lot Area | 36,000 square feet | 2,100 square feet (waiver requested) |
| Lot Width <ul style="list-style-type: none"> • Interior Lot • Corner Lot | 150 feet 175 feet | 30 feet (waiver requested) |
| Building Height | 50 feet maximum | 50 feet |
| Front/Side/Rear Yard (Project Perimeter) | 50 feet minimum | 18 feet (waiver requested) |
| Front/Side/Rear Yard (Within Project) | 50 feet minimum or R-1 yard requirements for SFD units | 0 feet (waiver requested) |
| Open Space | 60% open space | 62% |
| Parking Spaces | 751 | 787 (781-784 as refined under PFM) |
| Loading Space <ul style="list-style-type: none"> • Multi-family Buildings | One space per building | None shown, recommended as development condition |
| Density (See Determination of Allowable Density Below) | 567 units maximum | 259 units |

Determination of Allowable Density (Par. 6, Sect. 9-306, and Par. 2, Sect. 2-308)

Pursuant to the provisions of Par. 6 of Sect. 9-306, the allowable density for an independent living facility is based on the residential density ranges recommended by the Comprehensive Plan rather than the underlying residential zoning district. The residential density range recommend by the Plan is then adjusted by a multiplier of four, with the higher end of the adjusted range increased by 20 percent if 15 percent of the proposed independent living dwelling units are committed to be affordable units. In this case, the subject property has two different recommended residential density ranges within its boundaries. The northern 10.52 acres (Parcels 24 and 25) are recommended for development at a density of 3-4 du/ac. The remainder of the property (37.15 acres) is recommended for a density of 2-3 du/ac. The draft proffers commit the applicant to provide 15 percent of the units as affordable dwelling units.

However, in excess of 30 percent of the property within each of the two Plan recommended density ranges is characterized by floodplains with adjacent steep slopes and areas with marine clay soils. Therefore, the allowable density on the subject

property is limited by the provisions of Par. 2, Sect. 2-308, which limits the density on those portions of the constrained areas that exceed 30 percent of the site to one-half of the density that would otherwise be allowed.

Within the northern 10.52 acres of the subject property (Parcels 24 and 25), 62.9 percent of the area is contains marine clay soils or are covered by floodplains or adjacent steep slopes. Accordingly, the number of independent living facility units attributable to this portion of the site is determined as follows:

| | |
|--|-------------|
| High End of Recommended Plan Range: | 4 du/ac |
| High End of Recommended Plan Range with Multiplier: | 16 du/ac |
| Total Acreage: | 10.52 acres |
| Portion of Area Affected Floodplains, Slopes, Soils: | 6.62 acres |
| Portion of Area Subject to Density Penalty: | 3.46 acres |
| Portion of Area not Subject to Density Penalty: | 7.06 acres |

$$(3.46 \text{ acres} \times 8 \text{ du/ac}) + (7.06 \text{ acres} \times 16 \text{ du/ac}) = 140 \text{ independent dwelling units.}$$

For the remainder of the subject property, 38.21 percent of the area is contains marine clay soils or are covered by floodplains or adjacent steep slopes. Accordingly, the number of independent living facility units attributable to this portion of the site is determined as follows:

| | |
|--|-------------|
| High End of Recommended Plan Range: | 3 du/ac |
| High End of Recommended Plan Range with Multiplier: | 12 du/ac |
| Total Acreage: | 37.15 acres |
| Portion of Area Affected Floodplains, Slopes, Soils: | 11.07 acres |
| Portion of Area Subject to Density Penalty: | 3.03 acres |
| Portion of Area not Subject to Density Penalty: | 34.12 acres |

$$(3.03 \text{ acres} \times 6 \text{ du/ac}) + (34.13 \text{ acres} \times 12 \text{ du/ac}) = 427 \text{ independent dwelling units.}$$

Based on the above calculations, the maximum total number of permitted independent dwelling units on the 47.40 acre subject property is 567. (The previous special exception approval, SE 2005-LE-028, permitted 376 multi-family units on 35.91 acres.)

Special Exception

The applicant is requesting amendment of two previously approved Special Exception (SE) applications. SEA 2005-LE-028 involves modifying the provisions of an SE permitting an independent living facility and expanding its project boundaries while SEA 2005-LE-027-02 involves removing acreage from an existing, adjoining golf course. SEA 2005-LE-028 must satisfy the General Special Exception Standards (Sect. 9-006), the Standards for all Category 3 uses (Sect. 9-304), and the Additional Standards for Independent Living Facilities (Sect. 9-306). These standards and provisions are summarized and addressed below and contained in full in Appendix 16.

With the deletion of this acreage, the golf course will cease to operate as noted in the

Statement of Justification. After the golf course use ceases, establishment of another golf course use on the property, in its truncated form, or with the addition of adjoining properties, would require a new SE. Therefore, reviewing SEA 2005-LE-027-02 against the various Special Exception Standards is moot and is not being undertaken as part of this review. However, as the golf course may continue in its present form until work commences on the independent living facility, the previous development conditions should be carried forward should this SEA be granted.

General Special Exception Standards (Sect. 9-006)

Paragraph 1 requires that the proposed use (independent living facility) be in harmony with the Comprehensive Plan.

As discussed in the Land Use Analysis section of this report, the independent living facility satisfies the recommendations of the Comprehensive Plan with regard to suburban neighborhoods and multi-family development for elderly housing. Based on that discussion, staff believes that the application satisfies this standard.

Paragraph 2 requires that the independent living facility be in harmony with the purpose and intent of the applicable zoning district regulations. The R-1 District was established to provide locations for single-family detached dwellings at a density of one dwelling unit per acre. The provisions of this District also allow approval of an independent living facility with the approval of an SE. Pursuant to the provisions of Sect 9-306, the density of this use is determined by the density recommendations of the Comprehensive Plan, rather than by the provisions of the R-1 District. In addition, as noted in the following sections of this report, this project satisfies the additional standards for an independent living facility and meets the purpose and intent of the Zoning Ordinance with regard to such a use.

Paragraph 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with applicable zoning district regulations and the adopted Comprehensive Plan. It further states that the location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

Two design features help make the proposal compatible with surrounding development:

- The development consists of mix of housing types (single-family detached dwellings, townhouses, and multi-family units), with the multi-family units to be located in the central portion of the 47.40-acre site. Locating the single-family detached dwellings along Telegraph Road and siting the townhouses on the north and east perimeters of the development area presents a community that is compatible with the nearby residential development, which is a mix of single-family detached dwellings and townhouses.

- The subject property is located in an area that is largely surrounded by open space, including the Piney Run flood plain to the east, Kingstowne Park to the north, the Kingstowne open space to the northwest, and the Hilltop Golf Course to the west. Except for the golf course, much of this surrounding open space is covered with forest. Therefore, the proposed development will not adversely impact the development and use of adjacent or nearby land.

For these reasons, staff believes that the proposed applicant satisfies this standard.

Paragraph 4 states that the proposed use shall be such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

The GDP/SEA Plat contains a circulation network where the southern segment of the development's main road, including the bridge crossing of Tributary A, will be constructed and maintained as a public street, and the other streets will be private streets. This public/private division adequately responds to concerns regarding construction standards and maintenance of the bridge. All on-site streets shall be lined with sidewalks and a pedestrian path has been recently constructed along Telegraph Road. The proffers commit to spending up to \$200,000 on off-site trail and transportation improvements in the vicinity of the project. Therefore, staff finds that the application satisfies this standard.

Paragraph 5 states that in addition to the standards which may be set forth in this Article for a particular category or use, the Board of Supervisors shall require landscaping and screening in accordance with the provisions of Article 13.

As discussed in the Analysis and the Waivers and Modifications section of this report, the applicant has requested modification of the required transitional screening and waiver of the required barrier. The sole barrier requirement is fencing along the east property line, which is formed by the Piney Run stream channel. Given the existing stands of forest and adjoining open space, as well as the desire not to obstruct the Piney Run stream channel, staff is recommending approval of the requested modification and waiver. With these approvals, staff believes that the application meets this standard.

Paragraph 6 states that open space should be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. Based on the Comprehensive Plan's recommended residential density, the proposal should provide a minimum of 60 percent open space. Sixty-two percent of the subject property will be maintained as open space under the proposal. Staff believes that the application meets this standard.

Paragraph 7 states that adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Utilities are in place to serve the proposed development. In addition, the applicant has proffered to extend sewer service across Piney Run to serve the Piney Run subdivision. The application's

proposed stormwater system meets retention and water quality requirements. The stormwater system includes construction of facilities in the RPA. DPWES has reviewed the requisite RPA Encroachment Exception and WQIA Request and recommended that these requests be approved subject to conditions. Adequate parking will be provided in under-building parking garages, surface parking lots, private two-car garages, and on-street parking. As conditioned, a minimum of one loading space per each of the three multi-family buildings will be provided. With implementation of these recommended conditions, staff believes that the application satisfies this standard.

Paragraph 8 states that signs shall be regulated by the provisions of Article 12; however, the Board of Supervisors may impose more strict requirements for a given use than those set forth in this Ordinance. No signs are being proposed as part of this application. The GDP/SEA Plat addresses signage with a note that states that all signage for the project will be required to conform to the provision of Article 12, Signs.

9-304 Standards for all Category 3 Uses

Paragraph 1 addresses establishment of public uses through the SE process and is not applicable to this application.

Paragraph 2 requires that uses shall comply with the lot size requirements of the zoning district in which located. The applicant is requesting a waiver from the minimum R-1 lot size and width requirements. This waiver is discussed below, in the Minimum Lot Size and Width Requirements section of this report.

Paragraph 3 requires that all uses shall comply with the bulk regulations of the zoning district in which located. As detailed earlier in this report, the R-1 bulk regulations are superseded for by the Additional Standards for Independent Living Facilities contained in Sect. 9-306 of the Zoning Ordinance.

Paragraph 4 requires that all uses shall comply with the performance standards specified for the zoning district in which they are located. Staff is recommending a development condition reiterating the requirement that the proposal comply with the applicable standards of Article 14, Performance Standards.

Paragraph 5 requires that before establishment, all uses shall be subject to the provisions of Article 17, Site Plans. Staff is recommending a development condition reiterating the requirement that site plan approval will be required prior to commencement of construction activities.

Additional Standards for Independent Living Facilities (Sect. 9-306)

Paragraph 1 addresses the age and/or disability occupancy restriction required for an independent living facility. As part of its approval of SE 2005-LE-028, the applicant requested and the Board approved a modification in age limitation to reflect the federal age limitation for adult communities, which is 55 years rather than 62 years. The applicant has requested that this modification be carried forward with this SEA. Staff concurs with this request.

Paragraph 2 requires that the Board find that applications for independent living facilities adequately and satisfactorily take into account the needs of the residents for transportation, health, recreation, and other similar facilities. The paragraph further states that the Board shall impose such reasonable conditions upon any exception granted as may be necessary or expedient to ensure provisions of such facilities. As noted in the Analysis portion of this staff report, staff believes that the special exception amendment for the independent living development, as proffered and conditioned, meets this standard. Additionally, as noted in the Analysis section, staff and the applicant are continuing to work together to better address the recreational needs of the future residents.

Paragraph 3 addresses the compatibility of the proposed development with the surrounding neighborhood, the development's impact on the health or safety of persons residing or working in the neighborhood, and any determinations as to whether the proposed use would be detrimental to the public welfare or injurious to property or improvements in the neighborhood. As noted throughout this report, staff has shown that the proposed development will be compatible with the surrounding neighborhood and not be detrimental to the uses or improvements to the area.

Paragraph 4 requires that a floor area ratio (FAR) calculation be provided to assist the Board in determining if the project is consistent with the scale of the surrounding neighborhood. Because the proposed independent living development is not comprised of a limited number of large buildings, staff does not believe that the FAR is necessary in this instance for staff to determine consistency of scale. The project contains a mix of housing types including a substantial number (52 percent of the units) of single-family detached dwellings and townhouses, all located along the southern, eastern, and northern perimeters of the site's developable area. Given this design, staff finds the proposal is consistent with the scale of the nearby housing, which consists primarily of townhouses and single-family detached dwellings. As such, staff believes that the project is consistent in scale with the surrounding neighborhood.

Paragraph 5 requires that such a project be located on land fronting on or with direct access to a collector street or major thoroughfare. The project is located on Telegraph Road, a principal arterial as defined by the Zoning Ordinance.

Paragraph 6 addresses the density limitations and open space requirements for an independent living facility. As detailed in the above section of the report titled Determination of Allowable Density, the application meets the requirements of this paragraph. In addition, the proposed development exceeds the requirement open space.

Paragraph 7 provides that independent living facilities may include assisted living facilities and skilled nursing facilities designed solely for the residents as an accessory use. This application does not propose inclusion of such facilities and therefore, this provision is not applicable.

Paragraph 8 provides that all facilities of the development shall be solely for the use of the residents, employees and invited guests, but not for the general public. The clubhouse and landscaped gardens and pocket parks will be solely for use by the development's residents. However, the trail network, proposed for the 22-acre open space within the Piney Run RPA, will be overlain by public access easements. In addition, subject to Board approval, this trail network may tie into the existing trails in Kingstowne Park to the north. Staff feels that public use of the trails is appropriate. Additionally, the applicant has committed to placing the open space under a conservation easement, possibly to a third party such as the Northern Virginia Conservation Trust. Staff believes that, this application meets the requirement of this paragraph.

Paragraph 9 provides that the maximum building height shall be 50 feet. The proposed buildings, including the four-story multi-story buildings, will comply with this height limit.

Paragraph 10 addresses the yard requirements for independent living facilities. In general, the perimeter yard requirement is 50 feet. This standard does not address other yard requirements, except to note that for independent living units that are located in a structure designed to look like a single-family detached dwelling, the Board may permit compliance with the applicable single-family detached minimum yard requirements of the zoning district in which located. The standard further states that in any event, the Board may modify such yard requirements to ensure compatibility with the surrounding neighborhood. For the proposed application, the applicant has requested that the Board modify the yard requirement to those shown on the GDP/SEA Plat. To accommodate the proposed townhouses, the side yards would be reduced to zero. The perimeter yards along Telegraph Road and the east and north boundaries would be a minimum of 50 feet. The perimeter yards along the multi-family buildings along the site's western boundary would also be 50 feet. The perimeter rear yards of the townhouses along the site's western boundary would be 30 feet, while two of those units' perimeter side yards would be approximately 18 feet. These units will adjoin the open space of the Kingstowne Section 6 townhomes. As previously noted, the proposed townhouses will be approximately 475 feet, down a forested slope, from the existing townhouses. With the distance, existing vegetation, and slope, staff does not object to modification of the yard requirement for the proposed townhomes as shown on the GDP/SEA Plat.

Paragraph 11 requires that transitional screening be provided in accordance with the purpose and provisions of Article 13, Landscaping, of the Zoning Ordinance. The applicant is requesting modification of the transitional screening requirement which staff supports subject to implementation of a development condition regarding submittal and approval of a landscape plan in conformance with the GDP/SEA Plat at site plan review. With implementation of this recommended condition, staff believes that the application satisfies this standard.

Paragraph 12 addresses potential impacts to projects approved prior to 2003 and is not applicable to this application.

Paragraphs 13 and 14 address regulations for live-in aides and resident care providers. Staff is including the applicable operational provisions in the recommended development conditions. With this incorporation, these standards have been duly addressed.

Paragraph 15 contains additional standards for independent living facilities that are entirely marketed for low income tenants. This standard is not applicable to this application.

Provisions for Waiving Minimum Lot Size Requirements (Sect. 9-610)

As previously noted, the proposal is comprised of a mix of housing types, all clustered on the western portion of the subject property, outside of the site's Piney Run RPA. To accomplish this housing mix and development configuration, the applicant has proposed small lots for the single-family detached dwellings and townhouses. These lots, some as small as 2,100 square feet, are substantially smaller than the standard minimum lot size of 36,000 square feet required in the R-1 zone. Therefore, the applicant has requested a waiver, as permitted under this section of the Zoning Ordinance.

Per Sect. 9-610, the Board may approve, either in conjunction with the approval of a rezoning or as a special exception, the waiving of the minimum lot size and/or lot width requirement for an R District. Below is an analysis of the proposal's conformance with the provisions of Sect. 9-610:

1. *Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.* The various parcels that comprise the subject property have not been reduced in width area since the effective date of the Zoning Ordinance.
2. *The applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.* The proposed site layout and lot configuration associated with the proposed townhouses and the single-family detached dwellings permit the proposed independent living units to be clustered in the western portion of the site, allowing the eastern portion of the property to be preserved as open space. The 22-acre plus open space contains bottomland forest and other riparian habitats. The applicant has committed to placing the open space under a conservation easement for perpetuity. As such, staff finds this standard satisfied.
3. *It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways.* As discussed in the Analysis portion of this report, the proposal will not have any deleterious impacts on existing or planned development of adjacent properties or roadways with the implementation of the recommended development conditions

4. *Such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied.* The applicable provisions of the Zoning Ordinance have been satisfied or the appropriate modifications or waivers have been requested.

Waivers and Modifications

- Waiver of Sect. 11-302 of the ZO to allow a private street to exceed 600 feet in length as shown on the GDP/SEA Plat.

Several of the proposed private streets will exceed 600 feet in length. These private streets branch off from the project's main roadway, which will be constructed to public street standards and offered for dedication for inclusion into the State street system. The longest of the private streets will be approximately 1,100 feet in length and will connect the terminus of the public street turnaround with the northernmost residential unit. The development's proposed intersections provide the necessary turning radii clearances for emergency vehicle access. Additionally, the layout appears to supply areas for snow storage during times of heavy snowfall. Therefore, staff supports the requested waiver. However, staff would continue to recommend that the applicant provide seed money for the homeowners association towards future maintenance of the project's infrastructure.

- Modification of the transitional screening requirements of Sect. 13-303 and waiver of the barrier requirements of Sect. 13-304, respectively, of the Zoning Ordinance, to permit retention of the existing vegetation supplemented by the landscaping shown on the GDP/SEA Plat.

Par. 11 of Sect 9-306 of the Zoning Ordinance requires that transitional screening for independent living facilities be provided in accordance with that which is required for multi-family dwellings. To the northwest is the forested common open space for the Kingstowne, Section 6 townhouses. For this portion of the subject property's boundary, the Zoning Ordinance requires Type 1 Transitional Screening (25-foot wide vegetated strip). However, given that the distance between the closest existing townhouse and the subject property is approximately 475 feet of forested land, staff can support the requested modification to permit the existing and proposed landscaping shown on the GDP/SEA Plat. To the east, adjoining the subject property's RPA are the single-family detached dwellings of the Piney Run and the Piney Glen Subdivisions. For this portion of the subject property's boundary, the Zoning Ordinance requires Type 1 Transitional Screening (25-foot wide vegetated strip). Given the more than 400 feet of forested lands separating the proposed development and the existing homes, staff supports the requested modification to permit the existing landscaping as shown on the GDP/SEA Plat.

Of the project's west, north, and east boundaries, only the east property line, co-incident with the Piney Run streambed, requires a barrier. Per the Zoning

Ordinance, the barrier could consist of either a 42 to 48-inch high chain link fence or a six-foot high brick or wood fence. Given the streambed and the environmentally sensitive nature of the RPA, staff supports waiver of this barrier requirement.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff believes that the proposal is conformance with the Comprehensive Plan and with all applicable Zoning Ordinance provisions as proffered and conditioned.

Staff Recommendations

Staff recommends approval of RZ 2014-LE-010, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of SEA 2005-LE-028, subject to development conditions consistent with those contained in Appendix 2.

Staff recommends approval of SEA 2005-LE-027-02, subject to development conditions consistent with those contained in Appendix 3.

Staff recommends approval of Water Quality Impact Assessment Request #7239-WQ-002-1 and Resource Protection Area Encroachment Exception Request #7239-WRPA-004-1, subject to the proposed development conditions contained in Exhibit A of Appendix 15.

Staff recommends approval of the following modifications and waivers for RZ 2014-LE-010:

- Waiver of Sect. 11-302 of the ZO to allow a private street to exceed 600 feet in length as shown on the GDP/SEA Plat.
- Modification of the transitional screening requirements of Sect. 13-303 and waiver of the barrier requirements of Sect. 13-304, respectively, of the Zoning Ordinance, to permit retention of the existing vegetation supplemented by the landscaping shown on the GDP/SEA Plat.

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.

The approval of this special exception 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.

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

APPENDICES

1. Draft Proffers
2. Proposed Development Conditions for SEA 2005-LE-028
3. Proposed Development Conditions for SEA 2005-LE-027-02
4. Affidavits
5. Applicant's Statement of Justification
6. Proffers for RZ 2006-LE-003
7. Development Conditions for SE 2005-LE-028 and SEA 2005-LE-027
8. Environmental Analysis
9. Transportation Analysis
10. Urban Forestry Analysis
11. Park Authority Analysis
12. Stormwater Management Analysis
13. Sanitary Sewer Analysis
14. Water Service Analysis
15. DPWES Staff Report for Water Quality Impact Assessment Request #7239-WQ-002-1 and Resource Protection Area Encroachment Exception Request #7239-WRPA-004-1
16. Selected Excerpts from the Zoning Ordinance
17. Glossary of Terms

PROFFERS**PINEY RUN ELM INVESTMENTS LC****RZ 2014-LE-010****May 22, 2015**

Pursuant to Section 15.2-2303(a), Code of Virginia, 1950, as amended, Piney Run Elm Investments LC (hereinafter referred to as the “Applicant”), for the owners, itself, and its successors and assigns in RZ 2014-LE-010, filed on property identified as Fairfax County Tax Map reference 100-1 ((1)) 9B pt., 19, 20, 23A, 24 and 25 (hereinafter referred to as the “Application Property”), hereby proffers to the following, provided that the Fairfax County Board of Supervisors (hereinafter referred to the “Board”) approves a rezoning of the Application Property, containing approximately 47.4 acres, from the R-1 District to the R-1 District, in conjunction with a Generalized Development Plan/Special Exception Amendment Plat (hereinafter referred to as the “GDP/SEA Plat”) for an age-restricted community and accessory uses. If accepted, these proffers shall supersede and replace any previous proffers approved on the Application Property.

1. GENERALIZED DEVELOPMENT PLAN/SPECIAL EXCEPTION AMENDMENT PLAT (GDP/SEA PLAT)
 - A. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the “Zoning Ordinance”) development of the Application Property shall be in substantial conformance with the GDP/SEA Plat, entitled “Piney Run,” containing sixteen (16) sheets prepared by Dewberry, dated March 5, 2014 as revised through May 15, 2015.
 - B. Pursuant to Section 18-204 of the Zoning Ordinance, minor modifications from the GDP/SEA Plat may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor modifications to the building footprints shown on the GDP/SEA Plat, and make other modifications provided that such modifications are in substantial conformance with the GDP/SEA Plat as determined by the Zoning Administrator and do not increase the number of dwelling units, decrease required setbacks to the periphery, increase the building height shown on the GDP/SEA Plat, or decrease open space.
2. TRANSPORTATION
 - A. The private streets shown on the GDP/SEA Plat shall be constructed of materials with a depth of pavement consistent with the Public Facilities Manual (“PFM”) standards for public streets. Purchasers shall be advised of the requirement to maintain the private streets, including curb and gutter, and pedestrian facilities, including the estimated costs, prior to entering into a contract of sale. The requirement to maintain the street as constructed and the estimated maintenance

costs shall be included in the owners' association documents prepared for the Application Property.

- B. The Applicant shall grant a public access easement over the private streets as shown on the GDP/SEA Plat. Said easement shall be in a form as reviewed and approved by the Fairfax County Attorney's office, and recorded among the Fairfax County land records.
- C. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, the Applicant shall dedicate at no cost and convey in fee simple with no encumbrance to the Board right-of-way measuring between forty-four (44) feet and fifty-four (54) feet from Telegraph Road to the turnaround north of the Resource Protection Area (RPA) and designated on the GDP/SEA Plat as "Public Street." Dedication shall be made at time of final site plan approval.
- D. Subject to VDOT and DPWES approval, the Applicant shall construct improvements within the dedicated right-of-way consisting of a public street, with curb/gutter, turn lanes, and sidewalks as shown on the GDP/SEA Plat. Said improvements shall be constructed and open to traffic from Telegraph Road to the first private street connection, but not necessarily accepted by VDOT, prior to the issuance of the first Residential Use Permit (RUP) on the Application Property. Said improvements shall be constructed and open to traffic from the first private street connection to the turnaround north of the RPA as shown on the GDP/SEA Plat, but not necessarily accepted by VDOT, prior to the issuance of the first RUP for that portion of the Application Property located north of the RPA.
- E. Subject to VDOT and DPWES approval, the Applicant shall replace an existing bridge with a bridge constructed to HL 93 Loading using AASHTO LRFD Bridge Design Specifications within the dedicated right-of-way as shown on the GDP/SEA Plat in accordance with the following:
 - (i) The approval of the bridge design shall be pursued concurrently with site plan approval;
 - (ii) The bridge shall be constructed and open to traffic, but not necessarily accepted by VDOT for public maintenance, prior to the issuance of the first RUP or Non-RUP for that portion of the Application Property located north of the bridge;
 - (iii) At time of site plan approval, the Applicant shall submit to DPWES a construction traffic management plan certified by a professional engineer registered with the Commonwealth of Virginia identifying the type of

construction vehicles that will be using the existing bridge and/or temporary stream crossing described herein;

- (iv) Prior to commencement of construction on that portion of the Application Property located north of the bridge, the Applicant shall submit documentation prepared by a professional engineer registered with the Commonwealth of Virginia certifying that the existing bridge will support emergency vehicles and construction vehicles, as identified in the construction management plan, and may be safely used during construction on the Application Property. As an alternative, the Applicant may construct a temporary stream crossing for emergency and construction vehicles or designate an alternative vehicular route, as approved by DPWES, to access that portion of the Application Property located north of the bridge; and
 - (v) The limits of disturbance associated with the bridge construction and possible temporary stream crossing is shown on the GDP/SEA Plat.
- F. The Applicant shall construct a fourteen (14) foot private drive within a twenty (20) foot privately owned strip of land from the public street north of the RPA to the western property line as shown on the GDP/SEA Plat. The Applicant shall install a gate at the terminus of the public street as shown on the GDP/SEA Plat to preclude public access.
- G. The Applicant shall construct sidewalks, a minimum of five (5) feet in width with ADA curb ramps and curb and gutter, along the internal street network, as shown on the GDP/SEA Plat to connect the residential buildings to Telegraph Road, prior to the issuance of the first RUP for each phase of road construction. These improvements shall be designed to meet VDOT and/or PFM standards.
- H. At time of site plan approval, the Applicant shall contribute two hundred thousand dollars (\$200,000.00) to Fairfax County for the installation of a trail along Telegraph Road from Hayfield Road to South Kings Highway and for other transportation improvements in the vicinity of the Application Property, as determined by Fairfax County.
- I. Subject to VDOT and DPWES approval, the Applicant shall install curb, gutter and trail improvements within those areas where existing driveway connections to Telegraph Road are removed as shown on the GDP/SEA Plat.
- J. A covenant shall be recorded which provides that garages shall only be used for a purpose that will not interfere with the intended purpose of garages (e.g., parking of vehicles). The covenant 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 owners associations established for the community and the

Board. Purchasers shall be advised in writing of the use restriction prior to entering into a contract of sale.

3. TRANSPORTATION DEMAND MANAGEMENT STRATEGIES

The Applicant shall implement the following transportation demand management (TDM) strategies to reduce vehicle trips from the Application Property during the AM and PM peak hours. The TDM strategies shall be implemented prior to issuance of the first RUP for the Application Property. Strategies shall include the following:

- A. Prior to the issuance of the first RUP, the Applicant shall escrow a sum of \$35,000.00 with the owners associations established for the Application Property to be used for the establishment of TDM strategies, enhancing/providing multi-modal facilities within and proximate to the Application Property, and/or for providing on-site private street maintenance.
- B. The Applicant shall pre-wire all dwelling units with high capacity data/network connections in addition to standard phone lines.
- C. The Applicant shall establish and maintain a concierge service whereby residents can arrange services such as dry cleaning, pharmacy, grocery and package deliveries. Residents shall not be charged any additional fees for utilizing concierge services other than what may be included in homeowners' or condominium association dues and/or fees.
- D. The Applicant shall provide SmarTrip cards to each resident on a one time basis at settlement for the initial purchase of dwellings on the Application Property. The Applicant shall provide, for a period of one year, SmarTrip cards to each employee at the time of initial employment. SmarTrip cards for each resident shall include a pre-paid value of (Seventy-Five) Dollars (\$75.00). SmarTrip cards for each employee shall include a pre-paid value of One Hundred Twenty-Five Dollars (\$125.00).
- E. The Applicant shall provide Metro maps, schedules and forms, including routes and stop locations, ridesharing and other relevant transit option information available to residents and employees in a common area; such as a central lobby or community room.
- F. If, at the time of first site plan approval, bus service is scheduled or planned along Telegraph Road in front of this site, the Applicant shall install one (1) bus shelter along each side of Telegraph Road within existing right-of-way at the entrance to the Application Property, subject to the approval of Fairfax County and/or VDOT. If the bus shelters are not approved, off-site easements/right-of-way is not available, or bus service is not scheduled or planned, the Applicant shall contribute the amount of

Forty Thousand Dollars (\$40,000.00) to Fairfax County at time of site plan approval for the installation of bus shelters along Telegraph Road in the vicinity of the Application Property, if any. Prior to submittal of the first site plan, the Applicant shall contact FCDOT for a determination as to the location of the proffered shelters and/or whether the monetary contribution is appropriate.

- G. The Applicant shall employ or appoint a TDM Program Manager (TPM) for the Application Property. If not previously appointed, the TPM shall be appointed prior to the issuance of the first RUP. The TPM duties may be performed by the property manager retained by the owners associations established for this community. The TPM shall notify FCDOT in writing within ten (10) days of the appointment of the TPM, and within ten (10) days of any change in the appointment.

4. STORMWATER MANAGEMENT/BEST MANAGEMENT PRACTICES

- A. The Applicant shall implement a Stormwater Management (SWM) and Best Management Practices (BMPs) Plan on the Application Property which emphasizes Low Impact Development (LID) practices to control the quantity and quality of stormwater runoff from the Application Property. The SWM/BMP Plan shall conform to Chapter 124 (SWM Ordinance) of the 1976 Code of the County of Fairfax, Virginia and Public Facilities Manual (PFM) Amendment, 117-14-PFM, both adopted January 28, 2014. Standard and/or Manufactured LID/BMP practices used for the SWM/BMP Plan shall be in conformance with applicable practices and specifications listed on the Virginia Stormwater Clearinghouse Website, and in accordance with all applicable requirements of the PFM Amendment. LID/BMP facilities anticipated for the development program are shown in the GDP/SEA Plat, which includes a wet pond, 2 bioretention facilities, 3 underground sand filters, permeable pavement and 3 areas of reforestation. The design and type of facilities may be modified by the Applicant at time of site plan subject to the approval of DPWES.
- B. The proposed SWM wet pond, including its perimeter, and/or the bioretention facilities or other low impact development techniques shall be landscaped to the maximum extent possible as determined by Urban Forestry Management, DPWES (UFM), pursuant to the policy adopted by the Board, using native or other appropriate hydrophilic vegetation species. It is understood that no trees or other woody vegetation will be permitted on the embankments of the wet pond or bioretention facilities in accordance with the PFM. The landscaping plan for the SWM facility shall be submitted with the first site plan for review and approval by UFM.
- C. Should the U.S. Environmental Protection Agency, or its designee, issue new stormwater management regulations affecting the Application Property, the Applicant shall have the right to accommodate necessary changes to its SWM/BMP

facility designs without the requirement to amend the GDP/SEA Plat and/or these proffers or gain approval of an administrative modification to the GDP/SEA Plat and/or these proffers, provided the facility designs substantially conform with the GDP/SEA Plat.

- D. At time of site plan approval, the Applicant, in coordination with DPWES, the Army Corps of Engineers (COE), and the Virginia Department of Environmental Quality (DEQ), shall prepare and implement a riparian buffer restoration plan of approximately three (3) acres for that portion of Piney Run that crosses the Application Property which is located between the RPA to the south and the 100-year floodplain to the north. Said restoration shall include a monitoring program in accordance with COE and DEQ requirements, be consistent with the requirements of the Chesapeake Bay Preservation Ordinance, and generally in conformance with the riparian buffer restoration limits shown on Sheet 5 of the GDP/SEA Plat.

5. TREE PRESERVATION, LANDSCAPING, AND OPEN SPACE

The Applicant shall submit a tree preservation plan and narrative as part of the first and all subsequent site submissions as follows:

- A. Tree Preservation Plan. The tree preservation plan and narrative shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the UFM. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater (measured at 4 ½ feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading shown on the GDP/SEA Plat. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the GDP/SEA Plat, and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509.
- B. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a UFM representative and a representative of the Lee District Land Use and Transportation Advisory Committee to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be

implemented. Trees that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions.

- C. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP/SEA Plat, subject to allowances specified in the proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the GDP/SEA Plat, they shall be located in the least disruptive manner necessary as determined by UFM. A replanting plan shall be developed and implemented, subject to approval by UFM, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
- D. Tree Protection Fencing All trees shown to be preserved on the tree preservation plan shall be protected by a tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting or trees shall be erected on the limits of clearing and grading as shown on the demolition, and phase I and II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, UFM, the Lee District Supervisor, and representative of the Lee District Land Use and Transportation Advisory Committee shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM.

- E. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatment shall be clearly identified,

labeled, and detailed on the erosion and sediment control sheets and demolition plan sheets of the site plan submission. The details for these treatments shall be reviewed and approved by UFM, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to, the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFM representative shall be informed when all root pruning and tree protection fence installation is complete.

F. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation proffers and UFM approvals. The monitoring schedule shall be described and detailed in the landscaping and tree preservation plan, and reviewed and approved by UFM.

G. Use of Native Species. The Applicant shall exclusively use native and non-invasive species for landscaping and other plantings on the Application Property. The Applicant shall provide planting lists showing species and location of plantings.

6. PRESERVATION AREA

A. The Applicant shall create an approximately 22 acre preservation area on the north and east side of the Application Property as shown on the GDP/SEA Plat that shall be open to the public through the recordation of a public access easement. The Applicant shall coordinate with the Audubon Society of Northern Virginia (the "Audubon Society") to remove invasive grasses from approximately two (2) acres of open pasture. Applicant shall improve the soil quality and replant the two (2) acres as a natural wildflower meadow. The Applicant may install structures to enhance the preservation area, which may include bridges over streams and brooks, park benches, gazebos and/or pavilions, recreation amenities, and informative nature signs. These structures shall be installed in a manner that minimizes disturbance of the preservation area, as approved by UFM. The acreage and public access associated with the preservation area, the riparian buffer area, and the natural wildflower meadow may be modified to accommodate existing and potential future dam

improvement projects by Fairfax County to the existing dam located adjacent to the Application Property to the north.

- B. The Applicant shall construct pedestrian trails, as shown on the GDP/SEA Plat within the preservation area of the Application Property between Telegraph Road and the Kingstowne Park property identified as Fairfax County Tax Map reference 91-3 ((1)) 63A. A connection from the open space to the existing Kingstowne Park trail system may be provided, subject to any necessary approvals from the Board of Supervisors at no cost, exclusive of administrative costs. Improvements shall be constructed as follows:
- (i) The Applicant shall repair or replace an existing wooden pedestrian bridge that crosses over the RPA.
 - (ii) The pedestrian trails shall be either five (5) feet wide or eight (8) feet wide, as shown on the GDP/SEA Plat, and shall be improved with materials that may include stone-dust, asphalt, or a combination thereof, subject to the approval of DPWES. Final location of the pedestrian trails shall be determined at the time of site plan approval and shall be subject to the approval of UFM and the trails planner.
 - (iii) The Applicant shall record a public ingress-egress easement over the pedestrian trails. Said easement shall be in a form as reviewed and approved by the Fairfax County Attorney's Office, and recorded among the Fairfax County land records.
- C. Subsequent to the construction of any structures, installation of any public improvements, and recordation of easements, but prior to final bond release, the Applicant shall record a conservation easement on the preservation area to benefit the Northern Virginia Conservation Trust (NVCT). Said conservation easement shall provide for the preservation in perpetuity of approximately 22 acres of open space that includes structures, improvements, and pedestrian trails as described herein and as shown on the GDP/SEA Plat. Said easement shall provide for the maintenance of the improvements and the open space, including the removal of dead, dying or diseased trees and invasive vegetation, and replanting of vegetation as necessary. Said easement shall also include the maintenance of trails to ensure pedestrian safety and maintenance of those structures described in Proffer 6.a.

7. RECREATION

The Applicant shall provide the following active and passive recreation amenities as described on Sheets 6 and 6A of the GDP/SEA Plat:

- A. A community clubhouse that will include a community room, a fitness room that will be a minimum of 800 square feet and include exercise equipment, and a yoga/pilates area.
- B. Active outdoor recreation areas that will include facilities such as pickleball courts, horseshoe pits and shuffleboard.
- C. Walking trails with fitness stations.
- D. Multipurpose lawn areas suitable for bocce ball, croquet, lawn billiards and similar games.
- E. Outdoor landscaped patios/terraces that will include an outdoor kitchen, fireplace, benches, tables, and chairs.

8. PARKS

Prior to the issuance of the first building permit, the Applicant shall make a contribution in the amount of Thirty-Five Thousand Dollars (\$35,000.00) to the Fairfax County Park Authority for recreational facilities located in the vicinity of the Application Property.

9. PUBLIC IMPROVEMENT

- A. Subject to the approval of DPWES and the Corps, the Applicant shall diligently process any required plans and/or permits prepared in accordance with sound engineering practices and all applicable regulations, which shall include providing appropriate responses to normal review comments provided by DPWES and/or the Corps in the plan and/or permit review process, and subsequently construct a sanitary sewer line to serve existing dwellings located in the Piney Run subdivision to the east of the Application Property, identified as Fairfax County Tax Map reference 100-1 ((3)) 1 through 8. The location of the proposed sanitary sewer easement shall be coordinated with the Lee District Supervisor, a representative of the Lee District Land Use and Transportation Advisory Committee, and NVCT. The Applicant shall not be obligated to either construct, or pay costs associated with, sanitary sewer connections to individual dwelling units within the Piney Run subdivision. If the sanitary sewer line is approved and constructed, the Applicant shall revegetate, to the extent feasible, in coordination with UFM, the disturbed area with seedlings of native plant species.
- B. Should the plans and/or permits necessary to construct the sanitary sewer line be disapproved by DPWES and/or the Corps, despite the Applicant's diligent efforts to submit and process plans and/or permits prepared in accordance with sound engineering practices and all applicable regulations, the Applicant's obligation to construct said public improvement shall be null and void.

10. HERITAGE RESOURCES

- A. The Applicant shall conduct a Phase I archaeological study of the Application Property and submit it to the Cultural Resource Protection Section of the Fairfax County Park Authority (FCCRPS) for review and approval, prior to final site plan approval. If warranted by the Phase I study, the Applicant shall undertake Phase II and Phase III archaeological studies for FCCRPS review and approval prior to any land-disturbing activities on the Application Property.
- B. Prior to the issuance of the first RUP, the Applicant shall make a contribution in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) to either the Fairfax County History Commission (the "History Commission") or the Franconia Museum, as determined by the Lee District Supervisor, for the fabrication and installation of an historical marker identifying the location of Potter Hill School and Civil War Activity in the area of Beulah Street and Telegraph Road. The final location of the historical marker shall be determined by the History Commission or the Franconia Museum. If the location selected is not on the Application Property, the Applicant shall work diligently, as demonstrated to DPWES, to obtain an easement at no cost from the property owner that will allow installation and maintenance of the historical marker on said property by others. If an easement is not granted, the marker shall be installed on the Application Property by others in a location as agreed to by the Applicant. The Applicant shall not be responsible for research or preparation of text for the historical marker.

11. AFFORDABLE HOUSING

In accordance with Section 9-306(2) of the Zoning Ordinance, 15% of all constructed dwelling units shall be Affordable Dwelling Units (ADUs). The ADUs shall be administered in accordance with the provisions of Part 8 of Article 2 of the Zoning Ordinance, except as may be modified by the ADU Advisory Board. Within the Applicant's discretion, all of the ADUs may be provided within the multi-family portion of the community.

12. DESIGN

- A. Each multi-family independent living unit shall meet the definition of a dwelling unit per the Zoning Ordinance and shall include a kitchen.
- B. The multi-family buildings shall conform to HUD's Fair Housing Accessibility Guidelines. Public and common use portions of the multi-family buildings will be readily accessible to and useable by persons with handicaps. All doors within multi-family units will be sufficiently wide to allow passage by persons with wheelchairs. All multi-family dwellings shall contain the following universal design features:
 - (i) An accessible route into the dwelling;

- (ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (iii) Reinforcements in bathroom walls to allow the installation of grab bars; and
 - (iv) Kitchens and bathrooms that allow an individual in a wheelchair to maneuver about the space.
 - C. The community clubhouse located on the Application Property and all open space improvements shall be constructed in accordance with the Americans with Disabilities Act (ADA).
 - D. The single family attached units shall be designed to accommodate the installation of an elevator within the unit as an option for the initial purchaser.
 - E. For the single family attached and detached units, the following universal design features shall be provided as standard features:
 - (i) Front entrance doors that are a minimum of 36" wide;
 - (ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (iii) Reinforcements in bathroom walls to allow for the installation of grab bars;
 - (iv) Elevated (comfort height) toilets; and
 - (v) Lever door handles on all hinged doors.
 - F. To prevent lighting from adversely impacting adjacent properties, exterior building lighting shall be shielded in a manner which prevents light spillage. All exterior lighting fixtures shall be equipped with "cut-off" luminaires and all parking lot lighting shall also be a maximum of twelve (12) feet in height. All lighting standards shall comply with Zoning Ordinance Article 14, Part 9, Outdoor Lighting Standards.
13. OWNERS ASSOCIATION
- A. Formation of Condominium Owner Association and Homeowners Association.
 - (i) Prior to the issuance of the first RUP for the multi-family dwelling units located on the Application Property, the Applicant shall establish a Condominium Owners Association (COA), as necessary for each phase of owner-occupied condominium units in accordance with Virginia law.

- (ii) Prior to the recordation of a subdivision plat for the Application Property, a Homeowners Association (HOA) shall be established for the single family attached and detached dwelling units.

B. Maintenance Obligations

- (i) The COA and the HOA shall own, manage, and maintain open space, including the common tree save areas and all other community owned land and improvements, such as private streets, pedestrian bridges, retaining walls and acoustical walls located in common areas.
- (ii) Maintenance obligations may be shared by the COA and HOA pursuant to a shared maintenance agreement.
- (iii) Purchasers of individual condominium units and individual single family attached and detached units shall be advised prior to entering into a contract of sale, and in the COA and/or HOA documents, that the COA and/or HOA shall be responsible for those obligations listed in these proffers and the restrictions placed on the use of open space/buffer areas, including the preservation area described in Proffer 6.a.

14. SUSTAINABLE DESIGN

- A. In order to promote energy conservation and green building techniques, the Applicant shall select one of the following programs, within its sole discretion at time of site plan submission, to be implemented in the construction of the single-family attached and detached dwelling units on the Application Property:
 - (i) Certification in accordance with the Earthcraft House Program, or its equivalent, as demonstrated through documentation provided to DPWES and DPZ prior to the issuance of a RUP;
 - (ii) Certification in accordance with the 2012 National Green Building Standard (NGBS) using the ENERGY STAR® Qualified Homes path for energy performance, as demonstrated through documentation submitted to DPWES and the Environment and Development Review Branch of DPZ from a home energy rater certified through Home Innovation Research Labs that demonstrates that the dwelling unit has attained the certification prior to the issuance of the RUP for each dwelling unit/building.
- B. In order to promote energy conservation and green building techniques, the following measures shall be taken in conjunction with the construction of the multi-family buildings on the Application Property:

- (i) The Applicant shall, at the time of site plan review and building plan review, provide a certification statement from a LEED-AP who is also a professional engineer or licensed architect confirming that the green building elements listed below shall be incorporated into the design and construction of the buildings.
- (ii) Green building elements for inclusion in the multi-family buildings:
 - a. The Applicant shall 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. At the time of site plan submission, the applicant will provide documentation to the EDRB demonstrating compliance with the commitment to engage such a professional.
 - b. The Applicant shall provide secure bicycle racks and/or storage within each garage for a minimum of five (5) bicycles, and an outside bicycle rack for each multi-family building and the community clubhouse. Bicycle racks for residents and visitors shall be located within (fifty) 50 feet of a building entrance. Prior to site plan approval, the Applicant shall provide the type, location and number of bicycle racks to be provided to FCDOT for review. The Applicant shall provide proof of installation and plan location.
 - c. The Applicant shall provide preferred parking for low-emissions vehicles parking for two (2) spaces in each multi-family building. The location of the spaces shall be labeled on the site plan and the spaces shall be demarked with Reserved for Low-Emissions Vehicle Parking sign. The Applicant shall provide proof of installation and plan location.
 - d. The Applicant shall install a roofing membrane with a Solar Reflectance Index (SRI) appropriate to the slope of the roof (i.e. for a low-sloped roof ($\leq 2:12$) equal to or greater than 78 for a minimum of 75% of the total roof area, and for a high-sloped roof ($> 2:12$) equal to or greater than 29). The Applicant shall provide proof of installation, roof area calculations and manufacturers' product data.
 - e. The buildings shall not have any chlorofluorocarbon (CFC) based refrigerants in any of the building systems, or not use refrigerants. The Applicant shall provide manufacturer's specification sheets for any refrigerant installed in the building

- f. The Applicant shall provide an area for the separation, collection and storage of glass, paper, metal, plastic and cardboard generated by both residents and employees. There shall be a dedicated area on the Application Property for the storage of the recycled materials. The Applicant shall provide proof of installation, installation locations and a copy of the Applicant's recycling hauling contract.
- g. The Applicant shall have a construction waste management plan that consists of hiring a waste removal and diversion company to process all construction waste at a recycling center. The Applicant shall provide a copy of the waste removal contract as proof of compliance.
- h. The Applicant shall use low-emitting materials for all adhesives, sealants, paints, coatings, flooring systems, composite wood, and agrifiber products.
- i. The Applicant shall provide natural lighting through the use of windows and/or skylights to a minimum of 65% of the spaces. Areas excluded are the mechanical room and storage. The Applicant shall provide proof of installation, installation locations on the architectural plans and installation area calculation indicating 65% of the building area.
- j. The Applicant shall install only LED or fluorescent lamps in all interior building lighting fixtures.
- k. The Applicant shall install Energy Star appliances and equipment for all refrigerators, dishwashers, water heaters, computers, monitors, televisions, vending machines, water coolers, and other appliances and office equipment (if available). The Applicant shall provide proof of installation, installation locations, and manufacturers' product data, including the Energy Star energy guide.

15. NOISE ATTENUATION

At the time of each site plan submission, the Applicant shall submit a refined acoustical analysis for that portion of the Application Property impacted by traffic noise from Telegraph Road having levels in excess of 65 dBA Ldn. If the noise study concludes that specific dwelling units will be affected by noise levels that require mitigation, then the refined acoustical analysis will incorporate findings from a building analysis based on the building plans to determine what noise attenuation measures may be needed. Such study shall be submitted to the Environment and Development Review Branch of DPZ and DPWES for review. Based on the findings of that report, the Applicant shall show any noise

impacted units on the site plan and shall provide the following noise attenuation measures, unless otherwise modified by the findings of the building analysis.

- A. In order to reduce interior noise to a level of approximately 45 dBA Ldn, residential dwellings anticipated to be impacted by traffic noise from Telegraph Road having levels projected to be between 65-70 dBA Ldn, shall have the following acoustical treatments measures:
- (i) Exterior walls shall have a laboratory Sound Transmission Classification (STC) rating of at least 39.
 - (ii) Doors, windows and glazing shall have a laboratory STC rating of at least 28 unless glazing constitutes more than 20% of any façade exposed to noise levels between 65 and 70 dBA Ldn. If doors, windows and other glazed areas constitute more than 20% of any facade impacted by noise, they shall have the same laboratory STC ratings specified for exterior walls.
 - (iii) Adequate measures to seal and caulk between surfaces shall be provided in accordance with methods approved by the American Society for Testing and Materials ("ASTM") to minimize sound transmission.
- B. In order to reduce interior noise to a level of approximately 45 dBA Ldn, residential dwellings anticipated to be impacted by traffic noise from Telegraph Road having levels projected to be between 70-75 dBA Ldn, shall have the following acoustical treatment measures.
- (i) Exterior walls shall have a laboratory Sound Transmission Class (STC) rating of at least 45.
 - (ii) Doors, windows and glazing shall have a laboratory STC rating of at least 37 unless glazing constitutes more than 20% of any façade exposed to noise levels above 70 dBA Ldn. If doors, windows and other glazed areas constitute more than 20% of any façade impacted by noise, they shall have the same laboratory STC rating specified by exterior walls.
 - (iii) Adequate measures to seal and caulk between surfaces shall be provided in accordance with methods approved by the American Society for Testing and materials ("ASTM") to minimize sound transmission.
- C. For private patios and outdoor recreation areas anticipated to be impacted by traffic noise from Telegraph Road in excess of 65 dBA Ldn, the Applicant shall construct acoustical walls to mitigate exterior noise levels. Acoustical walls shall be constructed of masonry materials and/or concrete and will be solid to the ground except as needed for positive drainage. The location and heights of acoustical walls

shall be determined at the time of site plan. Acoustical walls located in common areas shall be maintained by the HOA.

- D. The Applicant reserves the right to pursue other methods of mitigating highway noise impacts that can be demonstrated prior to the filing of a building permit through an independent noise study as reviewed and approved by DPWES and the DPZ, provided that these methods will be effective in reducing interior noise levels to approximately 45 dBA Ldn and exterior noise within outdoor recreation areas to approximately 65 dBA Ldn.

16. GEOTECHNICAL

Prior to site plan approval, the Applicant shall submit a geotechnical study for the Application Property prepared in accordance with the provisions of the Public Facilities Manual to the Geotechnical Review Board through DPWES. The Applicant shall incorporate appropriate engineering practices as recommended by the Geotechnical Review Board and DPWES to alleviate potential structural and land stability problems, to the satisfaction of DPWES. The recommendations of the Geotechnical Review Board shall be implemented.

17. 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 to assist in the initial sale of residences on the Application Property. Furthermore, the agents and employees involved in the marketing and sale of the residential units on the Application Property shall be directed to adhere to this proffer.

18. SUCCESSORS AND ASSIGNS

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

19. COUNTERPARTS

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which when taken together shall constitute one and the same instrument.

20. MISCELLANEOUS

- A. The community shall conform with the U.S. Department of Housing and Urban Development's *Housing for Older Persons Act of 1995* as implemented at 24 CFR

Part 100 which generally provides that each dwelling shall have an occupant that is 55 years or older and that no one under the age of 19 may be a permanent resident. This restriction regarding occupancy shall be included in the homeowners' association documents prepared for the Application Property.

- B. The construction of the residential dwelling units on the Application Property may be phased.
- C. The individual sections/buildings within the Application Property may be subject to Proffered Condition Amendments without joinder and/or consent of other property owners of the other sections/buildings.

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[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

APPLICANT/CONTRACT PURCHASER OF
TAX MAP 100-1 ((1)) 9B pt., 19, 20, 23A, 24, 25

PINEY RUN ELM INVESTMENTS LC

By: James L. Perry
Its: Manager

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER OF
TAX MAP 100-1 ((1)) 19

Glenn S. Ovrevik

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNERS OF
TAX MAP 100-1 ((1)) 20

Herman W. Lutz, Trustee

Julia S. Lutz, Trustee

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER OF
TAX MAP 100-1 ((1)) 23A, 24, 25

PINEY RUN HILLTOP, LLC

By: Hilltop Sand and Gravel Company, Inc., its sole member

By: Michael C. Gailliot
Its: President

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER OF
TAX MAP 100-1 ((1)) 9B

HILLTOP SAND & GRAVEL COMPANY, INC.

By: Michael C. Gailliot
Its: President

[SIGNATURES END]

Proposed Development Conditions

SEA 2005-LE-028

Piney Run Elm Investments LC

June 11, 2015

If it is the intent of the Board of Supervisors to approve Special Exception Amendment SEA 2005-LE-028 located at 7906,7908, 7912, and 7836 Telegraph Road [Tax Map No. 100-1 ((1)) 9B pt., 19, 20, 23A, 24, and 25] for an independent living residential development under Sect. 3-104 and a waiver of minimum lot size requirements pursuant to Sect. 9-501 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions. Those conditions carried forward from the previous approval are marked with an asterisk (*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.*
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled Elm Street Development Piney Run, prepared by Dewberry Consultants, LLC and dated March 5, 2014 as revised through May 8, 2015, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Sidewalks lining the private streets that terminate at the open space shall be extended as trails that connect to the trail system proposed within the open space unless such extensions cannot be accommodated due to abrupt changes in grade between the streets and the open space.
5. All on-street parking spaces shall comply with minimum Public Facility Manual (PFM) dimensions. Compliance with this provision shall be verified at site plan review.

6. All individual garage and front load driveway parking spaces shall comply with minimum PFM dimensions contained in Table 7.7 of Sect. 7-0802.2 Universal Size Car Spaces of the PFM for a 90-degree angle, head-in parking space. Compliance with this provision shall be verified at site plan and/or building permit review.
7. The existing pedestrian bridge over Tributary A that is to be retained shall be repaired to provide a safe walking environment to the satisfaction of DPWES prior to the issuance of the first Residential Use Permit (RUP).
8. The site plan(s) for the independent living development shall comply with the conditions of approval of Water Quality Impact Assessment Request #7239-WQ-002-1 and Resource Protection Area Encroachment Exception Request #7239-WRPA-004-1.

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 Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Proposed Development Conditions

SEA 2005-LE-027-02

Piney Run Elm Investments LC

June 11, 2015

If it is the intent of the Board of Supervisors to approve Special Exception Amendment SEA 2005-LE-027-02 located at 7928 and 7836 Telegraph Road [Tax Map Parcel 100-1 ((1)) 9Bpt, 17 and 23A pt.] previously approved for outdoor recreation facility uses (including a golf course, short game practice area and putting green) pursuant to Sect. 3-104 of the Fairfax County Zoning Ordinance to reduce land area, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions. Those conditions carried forward from the previous approval are marked with an asterisk (*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.*
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception amendment shall be in substantial conformance with the approved Special Exception Plat, which is a combined Generalized Development Plan/Special Exception Amendment Plat, entitled Hilltop Golf Course, prepared by Dewberry & Davis and dated February 12, 2008 as revised through January 16, 2009, and these conditions. Minor modifications to the approved special exception amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.*
4. Transportation/Parking
 - a. A continuous pedestrian travel-way shall be provided from Telegraph Road to the proposed clubhouse as shown on the GDP/SEA Plat.*
 - b. The proposed parking surfaces shall be maintained and landscaped in accordance with PFM standards and the GDP/SEA Plat as determined by the Director, DPWES. Interior and peripheral parking lot landscaping shall be

installed prior to the issuance of the non-RUP for the clubhouse and maintained as determine by UFM, DPWES.*

5. Environment

- a. A water quality impact assessment for the proposed new SWM/BMP facility which demonstrates that the proposed uses will not exceed runoff and nutrient loading requirements for the Chesapeake Bay Preservation Ordinance shall be provided to the Director, DPWES, prior to site plan approval.*
- b. An integrated fertilizer, herbicide and pesticide management program and turf maintenance plan for limiting excessive chemicals and protecting water quality shall continue to be implemented for this use. This program and plan shall include maintenance of the lawn areas on the site and shall provide for periodic monitoring and adjustment that demonstrates an intent to reduce amounts of fertilizers, herbicides and pesticides applied to the property over time. The design of this program and all monitoring parameters shall be consistent with the most current Virginia Cooperative Extension Test Management Guide and reviewed by the Virginia Cooperative Extension, Fairfax County Office, as determined by DPWES prior to site plan approval. Following site plan review, a copy of the approved management program shall be kept on site at all times. Records of all applications of pesticides and herbicides shall be kept and made available to County staff on demand.*
- c. The Resource Protection Area (RPA) associated with Piney Run shall remain undisturbed. The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP/SEA Plat, subject to the installation of fences, utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install fences, utilities and/or trails in areas protected by the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by UFM. A replanting plan shall be developed and implemented, subject to approval by UFM for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities. The RPA area shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading adjacent to the tree preservation areas as shown on the phase I & II erosion and sediment control sheets. All tree protection fencing shall be installed prior to any clearing and grading activities. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist and UFM, and accomplished in a manner that does not harm existing vegetation that is to be preserved. At least ten (10) days prior to the

commencement of any clearing or grading activities adjacent to the tree preservation areas, but subsequent to the installation of the tree protection devices, the UFM, DPWES shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM.*

6. Lights

- a. All lighting on the application site shall conform to Group I standards as defined in Sect. 14-900 of the Fairfax County Zoning Ordinance.*
- b. A maximum of thirty-one (31), twelve (12)-foot high lights, as measured from the ground to the top of the fixture, shall be permitted within the parking areas. Each pole shall contain no more than two (2) lumieres with a maximum of one-hundred-seventy-five 175 watts each.*
- c. A maximum of eighteen (18), twelve (12)-foot high lights shall line the travel lanes. Each pole shall contains no more than one (1) lumiere with a maximum of one-hundred-seventy-five (175) watts.*
- d. All lights on the application property, with the exception of necessary security lighting, shall be extinguished at closing of the facility.*
- e. No lighting of these facilities shall be permitted in the morning. There shall be no lighting associated with the golf course portion.*

7. Design/Style

- a. The proposed club house shall be constructed as illustrated in the combined GDP/SE Plat.*
- b. All signs shall be designed and installed in accordance with Article 12 of the Fairfax County Zoning Ordinance.*

8. Additional Landscaping

In addition to the landscaping shown on the GDP/SEA Plat, the following landscaping shall be added to the golf course facilities:

- a. The amount of setback between the proposed golf course and Telegraph Road shall be a minimum of fifty (50) feet in depth. However, the amount of landscaping within the fifty foot deep transitional screening yard shall be the equivalent of the amount of plantings required for Transitional Screening Yard 1 and shall be subject to the approval of Urban Forest Management.*

- b. A continuous row of large deciduous and/or evergreen trees shall be planted along the western boundary with the exception of those areas where the landfill closure plan precludes such plantings. The location, types and species of all landscaping material shall be subject to the approval of Urban Forestry Management.*
- c. All deciduous trees required by this condition shall be a minimum size of 3-3.5 inch caliper at the time of planting. All evergreen trees will be a minimum of six feet in height at the time of planting.*

9. Hours of Operation, etc.

- a. The hours of operation of the nine-hole golf course, the short game practice area and the pitching and putting green shall be limited to a maximum from 6:00 a.m. until dusk, seven (7) days a week.*
- b. The mechanical equipment used for maintenance of the golfing facilities shall not be operated outside of normal operating hours of the facilities, except, however maintenance equipment may operate for one (1) hour before operating hours, but no earlier than 6:00 a.m. Operation of mechanical equipment shall be in compliance with the noise standards established in Article 14-700 of the Fairfax County Zoning Ordinance.*
- c. No loud speakers or amplification devices shall be permitted with the exception of announcements by the starter for golf course tee times. No amplified announcement shall be loud enough to be heard off-site.*
- d. Vending machines shall not be visible from Telegraph Road.*

10. General

- a. Two (2) foul weather shelters, not to exceed two-hundred (200) square feet each, may be provided in the vicinity of the commercial golf course. These shelters shall provide adequate ventilation in order to prevent the collection of methane gases and shall not be constructed on top of the area formerly used as a landfill.*
- b. Sufficient green or black safety netting (containment structures) shall be provided in order to protect Parcels 19 and 20 from errant golf balls. Netting poles shall be of a natural wood color.*

11. Termination of Operations.

At such time as the clubhouse ceases operation, this Special Exception Amendment shall become null and void.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board. 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 Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished. The approval of this special exception does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless construction upon the proposed improvements has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: April 29, 2015

TO: Bob Katai, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Jo Ellen Groves, Paralegal *JEG*
Office of the County Attorney

SUBJECT: Affidavit
Application No.: RZ 2014-LE-010
Applicant: Piney Run Elm Investments LC
PC Hearing Date: 6/11/15
BOS Hearing Date: 6/23/15

REF.: 124886

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 4/27/15, which bears my initials and is numbered 124886d, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Domenic Scavuzzo, Planning Technician I (Sent via e-mail)
Zoning Evaluation Division
Department of Planning and Zoning

REZONING AFFIDAVIT

DATE: April 27, 2015
(enter date affidavit is notarized)

124886 d

I, Lynne J. Strobel, attorney/agent, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): RZ 2014-LE-010
(enter County-assigned application number(s), e.g. RZ 88-V-001)

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

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

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

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|--|---|--|
| Piney Run Elm Investments LC Agents: James L. Perry Jack B. Perkins | 1355 Beverly Road, #240 McLean, VA 22101 | Applicant/Contract Purchaser of Tax Map 100-1 ((1)) 9B pt., 19, 20, 23A, 24, 25 |
| Herman W. Lutz Trust f/b/o Herman W. Lutz and Julia S. Lutz | 109 S. Fairfax Street Alexandria, VA 22314 | Title Owner of Tax Map 100-1 ((1)) 20 |
| Herman W. Lutz and Julia S. Lutz, Trustees | | |
| Glenn S. Ovrevik | 578 Grant Road Brooks, GA 30205 | Title Owner of Tax Map 100-1 ((1)) 19 |

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

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

Rezoning Attachment to Par. 1(a)

124886d

DATE: April 27, 2015
(enter date affidavit is notarized)

for Application No. (s): RZ 2014-LE-010
(enter County-assigned application number (s))

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

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|---|---|--|
| Piney Run Hilltop, LLC Agents: J. Brent Clarke, III Michael C. Gailliot | 8245-D2 Backlick Road Lorton, VA 22079 | Title Owner of Tax Map 100-1 ((1)) 23A, 24 and 25 |
| Hilltop Sand & Gravel Company, Inc. Agents: J. Brent Clarke, III Michael C. Gailliot | 8245-D2 Backlick Road Lorton, VA 22079 | Title Owner of Tax Map 100-1 ((1)) 9B pt. |
| Walsh, Colucci, Lubeley & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson (former) M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Andrew A. Painter Matthew J. Allman Jeffrey R. Sunderland Elizabeth D. Baker Inda E. Stagg Amy E. Friedlander | 2200 Clarendon Boulevard Suite 1300 Arlington, Virginia 22201 | Attorneys/Planners/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney*/Agent Planner/Agent Planner/Agent Planner/Agent |

*Admitted in New York and California. Admission to Virginia Bar pending.

(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 Attachment to Par. 1(a)

DATE: April 27, 2015
 (enter date affidavit is notarized)

124886 d

for Application No. (s): RZ 2014-LE-010
 (enter County-assigned application number (s))

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

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|---|---|---|
| Dewberry Consultants LLC Agents: · Janice M. Cena · Dennis M. Couture · John William Ewing · Scott C. Clarke · Anthony R. Polk · Mark G. Unterkofler · Cody A. Pennetti | 8401 Arlington Boulevard Fairfax, Virginia 22031 | Engineers/Planners/Agent |
| · Pennoni Associates, Inc. Agents: · Douglas R. Kennedy · George R. Phillips · Craig S. Eddy | 14532 Lee Road Chantilly, Virginia 20151 | Transportation Engineers/Agent |
| · Wetland Studies and Solutions, Inc. Agents: · Michael S. Rolband · Frank R. Graziano · Jennifer D. Feese · Daniel C. Lucey | 5300 Wellington Branch Drive, #100 Gainesville, Virginia 20155 | Environmental Consultant/Agent |
| · Polysonics Corp. Agent: · Christopher J. Karner | 405 Belle Air Lane Warrenton, VA 20186 | Noise Consultant/Agent |

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

REZONING AFFIDAVIT

DATE: April 27, 2015
(enter date affidavit is notarized)

124886d

for Application No. (s): RZ 2014-LE-010
(enter County-assigned application number(s))

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

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

CORPORATION INFORMATION

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

Piney Run Elm Investments LC
1355 Beverly Road, #240
McLean, VA 22101

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Managers: ESDC II, Inc., James L. Perry, Jack B. Perkins, Jeffrey P. Rice, Catherine L. Griffin
Members: ESDC II, Inc., Elm Street Communities, Inc.

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

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

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

Rezoning Attachment to Par. 1(b)

DATE: April 27, 2015
(enter date affidavit is notarized)

124886d

for Application No. (s): RZ 2014-LE-010
(enter County-assigned application number (s))

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

ESDC II, Inc.
1355 Beverly Road, #240
McLean, VA 22101

DESCRIPTION OF CORPORATION: (check one statement)

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

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

David D. Flanagan

=====

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

James L. Perry, VP; Jeffrey P. Rice, VP-Finance; Catherine L. Griffin, Secretary/Treasurer; David D. Flanagan, CEO

=====

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

Elm Street Communities, Inc.
1355 Beverly Road, #240
McLean, VA 22101

DESCRIPTION OF CORPORATION: (check one statement)

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

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

David D. Flanagan
ESDC II, Inc.

=====

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: April 27, 2015
(enter date affidavit is notarized)

124886d

for Application No. (s): RZ 2014-LE-010
(enter County-assigned application number (s))

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

Dewberry Consultants LLC
8401 Arlington Boulevard
Fairfax, Virginia 22031

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)

The Dewberry Companies LC, Member
James L. Beight, Member
Dennis M. Couture, Member

=====

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

=====

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

The Dewberry Companies LC
8401 Arlington Boulevard
Fairfax, Virginia 22031

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)

Members: Barry K. Dewberry; Karen S. Grand Pre; Thomas L. Dewberry; Michael S. Dewberry Credit Shelter Trust u/a/d 11/23/05 (f/b/o Michael S. Dewberry II, Katie Anne Dewberry, John M. Dewberry and one other minor child)

=====

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: April 27, 2015
(enter date affidavit is notarized)

124886d

for Application No. (s): RZ 2014-LE-010
(enter County-assigned application number (s))

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

Pennoni Associates, Inc.
14532 Lee Road
Chantilly, Virginia 20151

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Celestino R. Pennoni
Pennoni Associates, Inc. (PAI) Employee Stock Option Plan (ESOP). 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)

Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Wendy A. Alexander, David J. Bomgardner, E. Andrew Burcher, Thomas J. Colucci, Michael J. Coughlin, Peter M. Dolan, Jr., Jay du Von, William A. Fogarty, John H. Foote, H. Mark Goetzman, Bryan H. Guidash, Michael J. Kalish, J. Randall Minchew, Andrew A. Painter, G. Evan Pritchard, M. Catharine Puskar, John E. Rinaldi, Kathleen H. Smith, Lynne J. Strobel, Garth M. Wainman, Nan E. Walsh

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

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

Rezoning Attachment to Par. 1(b)

DATE: April 27, 2015
(enter date affidavit is notarized)

124886d

for Application No. (s): RZ 2014-LE-010
(enter County-assigned application number (s))

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

Wetland Studies and Solutions, Inc.
5300 Wellington Branch Drive, #100
Gainesville, Virginia 20155

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)

Sole Shareholder: The Davey Tree Expert Company

=====

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)

The Davey Tree Expert Company
1500 N Mantua Street
Kent, OH 44240

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)

An employee-owned company with the only shareholder that owns 10% or more is The Reliance Trust Company, as trustee for the Davey 401(k) SOP and ESOP. There are in excess of thousands of members in this pension fund, none of whom own 10% or more of The Davey Tree Expert Company.

=====

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: April 27, 2015
(enter date affidavit is notarized)

124886 d

for Application No. (s): RZ 2014-LE-010
(enter County-assigned application number (s))

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

· Piney Run Hilltop, LLC
8245-D2 Backlick Road
Lorton, VA 22079

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)

· Hilltop Sand & Gravel Company, Inc., Sole Member

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

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

· Hilltop Sand & Gravel Company, Inc.
8245-D2 Backlick Road
Lorton, VA 22079

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)

· Clemens S. Gailliot Sr. Trust f/b/o Thomas H. Gailliot, Sr.; Clemens S. Gailliot Sr. Trust f/b/o Clemens S. Gailliot, Jr.; Martin A. Gailliot, Sr. By-Pass Trust f/b/o Theresa A. Gailliot; Martin A. Gailliot, Sr., Wife's Exempt Trust f/b/o Theresa A. Gailliot; Martin A. Gailliot, Sr., Wife's Non-Exempt Trust f/b/o Theresa A. Gailliot; Elizabeth M. Gailliot-Hilltop Inheritance Trust f/b/o Elizabeth M. Gailliot; Robert V. Gailliot, III, Greta J. Gailliot

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

· Michael C. Gailliot, President; Elizabeth M. Gailliot, VP, Director; Clemens S. Gailliot, Jr., VP, Director; Thomas H. Gailliot, Sr., VP, Director; William A. Fritz, Jr., Secretary, Director; Martin A. Gailliot, Jr., 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: April 27, 2015
(enter date affidavit is notarized)

124886d

for Application No. (s): RZ 2014-LE-010
(enter County-assigned application number (s))

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

Polysonics Corp.
405 Belle Air Lane
Warrenton, VA 20186

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)

Gordon E. Jacobs, Denise A. Jacobs

=====

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

=====

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

=====

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

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

REZONING AFFIDAVIT

DATE: April 27, 2015
(enter date affidavit is notarized)

124886d

for Application No. (s): RZ 2014-LE-010
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)
None

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

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

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

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

REZONING AFFIDAVIT

DATE: April 27, 2015
(enter date affidavit is notarized)

124886d

for Application No. (s): RZ 2014-LE-010
(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: April 27, 2015
(enter date affidavit is notarized)

124886 d

for Application No. (s): RZ 2014-LE-010
(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

Lynne J. Strobel

[x] Applicant's Authorized Agent

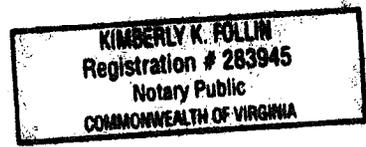
Lynne J. Strobel, attorney/agent

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

Subscribed and sworn to before me this 27 day of April 2015, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2015





County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: April 29, 2015

TO: Bob Katai, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Jo Ellen Groves, Paralegal 
Office of the County Attorney

SUBJECT: Affidavit
Application No.: SEA 2005-LE-028
Applicant: Piney Run Elm Investments LC
PC Hearing Date: 6/11/15
BOS Hearing Date: 6/23/15

REF.: 124885

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 4/27/15, which bears my initials and is numbered 124885c, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Domenic Scavuzzo, Planning Technician I (Sent via e-mail)
Zoning Evaluation Division
Department of Planning and Zoning

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 27, 2015
(enter date affidavit is notarized)

124885 c

I, Lynne J. Strobel, attorney/agent, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): SEA 2005-LE-028
(enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|--|---|--|
| \ Piney Run Elm Investments LC Agents: James L. Perry Jack B. Perkins | 1355 Beverly Road, #240 McLean, VA 22101 | Applicant/Contract Purchaser of Tax Map 100-1 ((1)) 9B pt., 19, 20, 23A, 24, 25 |
| \ Piney Run Hilltop, LLC Agents: J. Brent Clarke, III Michael C. Gailliot | 8245-D2 Backlick Road Lorton, VA 22079 | Title Owner of Tax Map 100-1 ((1)) 23A, 24, 25 |
| \ Herman W. Lutz Trust f/b/o Herman W. Lutz and Julia S. Lutz | 109 S. Fairfax Street Alexandria, VA 22314 | Title Owner of Tax Map 100-1 ((1)) 20 |
| \ Herman W. Lutz and Julia S. Lutz, Trustees | | |

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

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

Special Exception Attachment to Par. 1(a)DATE: April 27, 2015
(enter date affidavit is notarized)

124885 C

for Application No. (s): SEA 2005-LE-028
(enter County-assigned application number (s))

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

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|---|---|--|
| · Glenn S. Ovrevik | 578 Grant Road Brooks, GA 30205 | Title Owner of Tax Map 100-1 ((1)) 19 |
| · Hilltop Sand & Gravel Company, Inc. Agents: J. Brent Clarke, III · Michael C. Gailliot | 8245-D2 Backlick Road Lorton, VA 22079 | Title Owner of Tax Map 100-1 ((1)) 9B pt. |
| · Walsh, Colucci, Lubeley & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel · Timothy S. Sampson (former) M. Catharine Puskar Sara V. Mariska G. Evan Pritchard · Andrew A. Painter Matthew J. Allman Jeffrey R. Sunderland Elizabeth D. Baker Inda E. Stagg · Amy E. Friedlander | 2200 Clarendon Boulevard Suite 1300 Arlington, Virginia 22201 | Attorneys/Planners/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney*/Agent Planner/Agent Planner/Agent Planner/Agent |
| · Dewberry Consultants LLC Agents: · Janice M. Cena Dennis M. Couture John William Ewing Scott C. Clarke Anthony R. Polk Mark G. Unterkoffer · Cody A. Pennetti | 8401 Arlington Boulevard Fairfax, Virginia 22031 | Engineers/Planners/Agent |

*Admitted in New York and California.
Admission to Virginia Bar pending.

(check if applicable)

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

Special Exception Attachment to Par. 1(a)

DATE: April 27, 2015
 (enter date affidavit is notarized)

124885c

for Application No. (s): SEA 2005-LE-028
 (enter County-assigned application number (s))

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

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|---|---|--|
| Pennoni Associates, Inc. Agents: Douglas R. Kennedy George R. Phillips Craig S. Eddy | 14532 Lee Road Chantilly, Virginia 20151 | Transportation Engineers/Agent |
| Wetland Studies and Solutions, Inc. Agents: Michael S. Rolband Frank R. Graziano Jennifer D. Feese Daniel C. Lucey | 5300 Wellington Branch Drive, #100 Gainesville, Virginia 20155 | Environmental Consultant/Agent |
| Polysonics Corp. Agent: Christopher J. Karner | 405 Belle Air Lane Warrenton, VA 20186 | Noise Consultant/Agent |

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 27, 2015
(enter date affidavit is notarized)

124885 C

for Application No. (s): SEA 2005-LE-028
(enter County-assigned application number(s))

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

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

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)
Piney Run Elm Investments LC
1355 Beverly Road, #240
McLean, VA 22101

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Managers: ESDC II, Inc., James L. Perry, Members: ESDC II, Inc., Elm Street
Jack B. Perkins, Jeffrey P. Rice, Catherine Communities, Inc.
L. Griffin

(check if applicable) [x] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit 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.

Special Exception Attachment to Par. 1(b)

DATE: April 27, 2015
(enter date affidavit is notarized)

124885 c

for Application No. (s): SEA 2005-LE-028
(enter County-assigned application number (s))

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

ESDC II, Inc.
1355 Beverly Road, #240
McLean, VA 22101

DESCRIPTION OF CORPORATION: (check one statement)

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

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

David D. Flanagan

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

Elm Street Communities, Inc.
1355 Beverly Road, #240
McLean, VA 22101

DESCRIPTION OF CORPORATION: (check one statement)

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

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

David D. Flanagan
ESDC II, Inc.

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

Special Exception Attachment to Par. 1(b)

DATE: April 27, 2015
(enter date affidavit is notarized)

124885c

for Application No. (s): SEA 2005-LE-028
(enter County-assigned application number (s))

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

Piney Run Hilltop, LLC
8245-D2 Backlick Road
Lorton, VA 22079

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)

Hilltop Sand & Gravel Company, Inc., Sole Member

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

Hilltop Sand & Gravel Company, Inc.
8245-D2 Backlick Road
Lorton, VA 22079

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)

| | | |
|--|---|--|
| Clemens S. Gailliot Sr. Trust f/b/o Thomas | Exempt Trust f/b/o Theresa A. Gailliot; | Robert V. Gailliot, III, Greta J. Gailliot |
| H. Gailliot, Sr.; Clemens S. Gailliot Sr. | Martin A. Gailliot, Sr., Wife's Non-Exempt | |
| Trust f/b/o Clemens S. Gailliot, Jr.; Martin | Trust f/b/o Theresa A. Gailliot; Elizabeth M. | |
| A. Gailliot, Sr. By-Pass Trust f/b/o Theresa | Gailliot-Hilltop Inheritance Trust f/b/o | |
| A. Gailliot; Martin A. Gailliot, Sr., Wife's | Elizabeth M. Gailliot; | |

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

Special Exception Attachment to Par. 1(b)

DATE: April 27, 2015
(enter date affidavit is notarized)

124885c

for Application No. (s): SEA 2005-LE-028
(enter County-assigned application number (s))

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

Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

DESCRIPTION OF CORPORATION: (check one statement)

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

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

| | |
|---|---|
| Wendy A. Alexander, David J. Bomgardner, | Bryan H. Guidash, Michael J. Kalish, J. |
| E. Andrew Burcher, Thomas J. Colucci, | Randall Minchew, Andrew A. Painter, G. |
| Michael J. Coughlin, Peter M. Dolan, Jr., | Evan Pritchard, M. Catharine Puskar, John |
| Jay du Von, William A. Fogarty, John H. | E. Rinaldi, Kathleen H. Smith, Lynne J. |
| Foote, H. Mark Goetzman, | Strobel, Garth M. Wainman, Nan E. Walsh |

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

Pennoni Associates, Inc.
14532 Lee Road
Chantilly, Virginia 20151

DESCRIPTION OF CORPORATION: (check one statement)

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

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

| | |
|----------------------|--|
| Celestino R. Pennoni | Pennoni Associates, Inc. (PAI) Employee Stock Option Plan (ESOP). All employees are eligible plan participants; however, no one employee owns 10% or more of any class of stock. |
|----------------------|--|

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

Special Exception Attachment to Par. 1(b)

DATE: April 27, 2015
(enter date affidavit is notarized)

124885 c

for Application No. (s): SEA 2005-LE-028
(enter County-assigned application number (s))

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

Dewberry Consultants LLC
8401 Arlington Boulevard
Fairfax, Virginia 22031

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)

The Dewberry Companies LC, Member
James L. Beight, Member
Dennis M. Couture, Member

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

The Dewberry Companies LC
8401 Arlington Boulevard
Fairfax, Virginia 22031

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)

Members: Barry K. Dewberry; Karen S. \ Katie Anne Dewberry, John M. Dewberry
Grand Pre; Thomas L. Dewberry; Michael and one other minor child)
S. Dewberry Credit Shelter Trust u/a/d
11/23/05 (f/b/o Michael S. Dewberry II,

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

Special Exception Attachment to Par. 1(b)

DATE: April 27, 2015
(enter date affidavit is notarized)

124885 c

for Application No. (s): SEA 2005-LE-028
(enter County-assigned application number (s))

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

Wetland Studies and Solutions, Inc.
5300 Wellington Branch Drive, #100
Gainesville, Virginia 20155

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)

Sole Shareholder:
The Davey Tree Expert Company

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

The Davey Tree Expert Company
1500 N Mantua Street
Kent, OH 44240

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)

An employee-owned company with the only shareholder that owns 10% or more is The Reliance Trust Company, as trustee for the Davey 401(k) SOP and ESOP. There are in excess of thousands of members in this pension fund, none of whom own 10% or more of The Davey Tree Expert Company.

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

Special Exception Attachment to Par. 1(b)

DATE: April 27, 2015
(enter date affidavit is notarized)

124885 C

for Application No. (s): SEA 2005-LE-028
(enter County-assigned application number (s))

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

Polysonics Corp.
405 Belle Air Lane
Warrenton, VA 20186

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)

Gordon E. Jacobs, Denise A. Jacobs

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 27, 2015
(enter date affidavit is notarized)

124885c

for Application No. (s): SEA 2005-LE-028
(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, and number, street, city, state, and zip code)
None

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

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

(check if applicable) [] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 27, 2015
(enter date affidavit is notarized)

124885 c

for Application No. (s): SEA 2005-LE-028
(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 "Special Exception Attachment to Par. 2" form.

Application No.(s): SEA 2005-LE-028
(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 27, 2015
(enter date affidavit is notarized)

124885c

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 "Special Exception 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:

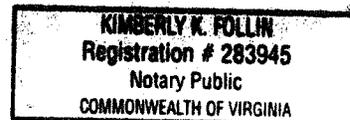
(check one) [] Applicant *Lynne J. Strobel* [X] Applicant's Authorized Agent

Lynne J. Strobel, attorney/agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 27 day of April, 2015, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2015





County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: April 29, 2015

TO: Bob Katai, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Jo Ellen Groves, Paralegal 
Office of the County Attorney

SUBJECT: Affidavit
Application No.: SEA 2005-LE-027-02
Applicant: Piney Run Elm Investments LC
PC Hearing Date: 6/11/15
BOS Hearing Date: 6/23/15

REF.: 124884

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 4/27/15, which bears my initials and is numbered 124884c, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Domenic Scavuzzo, Planning Technician I (Sent via e-mail)
Zoning Evaluation Division
Department of Planning and Zoning

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 27, 2015
(enter date affidavit is notarized)

124884c

I, Lynne J. Strobel, attorney/agent, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): SEA 2005-LE-027-02
(enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|---|---|--|
| Piney Run Elm Investments LC Agents: James L. Perry Jack B. Perkins | 1355 Beverly Road, #240 McLean, VA 22101 | Applicant/Contract Purchaser of Tax Map 100-1 ((1)) 23A pt., 9B pt. |
| Hilltop Sand & Gravel Company, Inc. Agents: J. Brent Clarke, III Michael C. Gailliot | 8245-D2 Backlick Road Lorton, VA 22079 | Title Owner of Tax Map 100-1 ((1)) 17, 9B pt. |
| Piney Run Hilltop, LLC Agents: J. Brent Clarke, III Michael C. Gailliot | 8245-D2 Backlick Road Lorton, VA 22079 | Title Owner of Tax Map 100-1 ((1)) 23A pt. |

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

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

Special Exception Attachment to Par. 1(a)DATE: April 27, 2015
(enter date affidavit is notarized)

124884c

for Application No. (s): SEA 2005-LE-027-02
(enter County-assigned application number (s))

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

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|---|---|--|
| Walsh, Colucci, Lubeley & Walsh, P.C. (formerly Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.) | 2200 Clarendon Boulevard Suite 1300 Arlington, Virginia 22201 | Attorneys/Planners/Agent |
| Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson (former) M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Jonathan D. Puvak (former) Andrew A. Painter Matthew J. Allman Jeffrey R. Sunderland Elizabeth D. Baker Inda E. Stagg Elizabeth A. Nicholson (former) Amy E. Friedlander | | Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney*/Agent Planner/Agent Planner/Agent Planner/Agent Planner/Agent |
| Dewberry Consultants LLC | 8401 Arlington Boulevard Fairfax, Virginia 22031 | Engineers/Planners/Agent |
| Agents: Janice M. Cena Dennis M. Couture John William Ewing Scott C. Clarke Anthony R. Polk Mark G. Unterkofler Cody A. Pennetti | | |
| Pennoni Associates, Inc. | 14532 Lee Road Chantilly, Virginia 20151 | Transportation Engineers/Agent |
| Agents: Douglas R. Kennedy George R. Phillips Craig S. Eddy | | |

*Admitted in New York and California.
Admission to Virginia Bar pending.

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

Special Exception Attachment to Par. 1(a)

DATE: April 27, 2015
 (enter date affidavit is notarized)

124884c

for Application No. (s): SEA 2005-LE-027-02
 (enter County-assigned application number (s))

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

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|---|---|--|
| Wetland Studies and Solutions, Inc. Agents: Michael S. Rolband Frank R. Graziano Jennifer D. Feese Daniel C. Lucey | 5300 Wellington Branch Drive, #100 Gainesville, Virginia 20155 | Environmental Consultant/Agent |
| Polysonics Corp. Agent: Christopher J. Karner | 405 Belle Air Lane Warrenton, VA 20186 | Noise Consultant/Agent |

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 27, 2015
(enter date affidavit is notarized)

124884c

for Application No. (s): SEA 2005-LE-027-02
(enter County-assigned application number(s))

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

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

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)
Piney Run Elm Investments LC
1355 Beverly Road, #240
McLean, VA 22101

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Managers: ESDC II, Inc., James L. Perry, Members: ESDC II, Inc., Elm Street
Jack B. Perkins, Jeffrey P. Rice, Catherine Communities, Inc.
L. Griffin

(check if applicable) [x] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit 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.

Special Exception Attachment to Par. 1(b)

DATE: April 27, 2015
(enter date affidavit is notarized)

124884c

for Application No. (s): SEA 2005-LE-027-02
(enter County-assigned application number (s))

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

ESDC II, Inc.
1355 Beverly Road, #240
McLean, VA 22101

DESCRIPTION OF CORPORATION: (check one statement)

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

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

David D. Flanagan

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

Elm Street Communities, Inc.
1355 Beverly Road, #240
McLean, VA 22101

DESCRIPTION OF CORPORATION: (check one statement)

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

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

David D. Flanagan
ESDC II, Inc.

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

Special Exception Attachment to Par. 1(b)

DATE: April 27, 2015
(enter date affidavit is notarized)

124884c

for Application No. (s): SEA 2005-LE-027-02
(enter County-assigned application number (s))

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

Wetland Studies and Solutions, Inc.
5300 Wellington Branch Drive, #100
Gainesville, Virginia 20155

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)

| | |
|---|--|
| Michael S. Rolband, Former Sole Shareholder | Sole Shareholder: The Davey Tree Expert Company |
|---|--|

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

Hilltop Sand & Gravel Company, Inc.
8245-D2 Backlick Road
Lorton, VA 22079

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)

| | | |
|---|--|--|
| Clemens S. Gailliot Sr. Trust f/b/o Thomas H. Gailliot, Sr.; Clemens S. Gailliot Sr. Trust f/b/o Clemens S. Gailliot, Jr.; Martin A. Gailliot, Sr. By-Pass Trust f/b/o Theresa A. Gailliot; Martin A. Gailliot, Sr., Wife's | Exempt Trust f/b/o Theresa A. Gailliot; Martin A. Gailliot, Sr., Wife's Non-Exempt Trust f/b/o Theresa A. Gailliot; Elizabeth M. Gailliot-Hilltop Inheritance Trust f/b/o Elizabeth M. Gailliot; | Robert V. Gailliot, III, Greta J. Gailliot |
|---|--|--|

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

Special Exception Attachment to Par. 1(b)

DATE: April 27, 2015
(enter date affidavit is notarized)

124884c

for Application No. (s): SEA 2005-LE-027-02
(enter County-assigned application number (s))

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

Walsh, Colucci, Lubeley & Walsh, P.C. (f/k/a Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.)
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

DESCRIPTION OF CORPORATION: (check one statement)

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

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

| | | |
|---|--|-------------------------------------|
| David J. Bomgardner, E. Andrew Burcher, | J. Randall Minchew, G. Evan Pritchard, | Former Shareholders: |
| Thomas J. Colucci, Michael J. Coughlin, | M. Catharine Puskar, John E. Rinaldi, | Michael D. Lubeley, Martin D. Walsh |
| Peter M. Dolan, Jr., Jay du Von, William A. | Kathleen H. Smith, Lynne J. Strobel, | |
| Fogarty, John H. Foote, H. Mark Goetzman, | Garth M. Wainman, Nan E. Walsh, | |
| Bryan H. Guidash, Michael J. Kalish | Wendy A. Alexander, Andrew A. Painter | |

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

Pennoni Associates, Inc.
14532 Lee Road
Chantilly, Virginia 20151

DESCRIPTION OF CORPORATION: (check one statement)

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

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

| | |
|----------------------|--|
| Celestino R. Pennoni | Pennoni Associates, Inc. (PAI) Employee Stock Option Plan (ESOP). All employees are eligible plan participants; however, no one employee owns 10% or more of any class of stock. |
|----------------------|--|

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

Special Exception Attachment to Par. 1(b)

DATE: April 27, 2015
(enter date affidavit is notarized)

124884c

for Application No. (s): SEA 2005-LE-027-02
(enter County-assigned application number (s))

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

Dewberry Consultants LLC
8401 Arlington Boulevard
Fairfax, Virginia 22031

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)

The Dewberry Companies LC, Member
James L. Beight, Member
Dennis M. Couture, Member

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

The Dewberry Companies LC
8401 Arlington Boulevard
Fairfax, Virginia 22031

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)

Members: Barry K. Dewberry; Karen S. Katie Anne Dewberry, John M. Dewberry
Grand Pre; Thomas L. Dewberry; Michael and one other minor child)
S. Dewberry Credit Shelter Trust u/a/d
11/23/05 (f/b/o Michael S. Dewberry II,

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

Special Exception Attachment to Par. 1(b)

DATE: April 27, 2015
(enter date affidavit is notarized)

124884c

for Application No. (s): SEA 2005-LE-027-02
(enter County-assigned application number (s))

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

Piney Run Hilltop, LLC
8245-D2 Backlick Road
Lorton, VA 22079

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)

Hilltop Sand & Gravel Company, Inc., Sole Member

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

The Davey Tree Expert Company
1500 N Mantua Street
Kent, OH 44240

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)

An employee-owned company with the only pension fund, none of whom own 10% or more of The Davey Tree Expert Company. Reliance Trust Company, as trustee for the Davey 401(k) SOP and ESOP. There are in excess of thousands of members in this

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

Special Exception Attachment to Par. 1(b)

DATE: April 27, 2015
(enter date affidavit is notarized)

124884c

for Application No. (s): SEA 2005-LE-027-02
(enter County-assigned application number (s))

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

Polysonics Corp.
405 Belle Air Lane
Warrenton, VA 20186

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)

Gordon E. Jacobs, Denise A. Jacobs

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 27, 2015
(enter date affidavit is notarized)

124884c

for Application No. (s): SEA 2005-LE-027-02
(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, and number, street, city, state, and zip code)
None

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

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

(check if applicable) [] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 27, 2015
(enter date affidavit is notarized)

124884c

for Application No. (s): SEA 2005-LE-027-02
(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 "Special Exception Attachment to Par. 2" form.

Application No.(s): SEA 2005-LE-027-02
(county-assigned application number(s), to be entered by County Staff)

124884 C

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 27, 2015
(enter date affidavit is notarized)

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 "Special Exception 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.

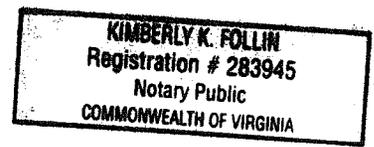
WITNESS the following signature:

(check one) [] Applicant *Lynne J. Strobel* [X] Applicant's Authorized Agent
Lynne J. Strobel, attorney/agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 27 day of April, 2015, in the State/Comm. of Virginia, County/City of Arlington.

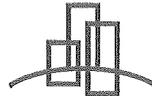
Kimberly K. Follin
Notary Public

My commission expires: 11/30/2015



MAY 18 2015

Zoning Evaluation Division



Lynne J. Strobel
(703) 528-4700 Ext. 5418
lstrobel@thelandlawyers.com

**WALSH COLUCCI
LUBELEY & WALSH PC**

AMENDED
May 15, 2015

Via E-mail and Hand Delivery

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

Re: Proposed Rezoning and Special Exception Amendment Applications
Fairfax County Tax Map Reference: 100-1 ((1)) 9B (part), 17, 19, 20, 23A, 24 and
25 (the "Subject Property")
Applicant: Piney Run Elm Investments LC

Dear Ms. Berlin:

Please accept the following as a statement of justification for the referenced applications. The Applicant proposes a rezoning and two special exception amendment applications to diversify the unit mix and to add land area to a previously approved age-restricted independent living community. The proposed development includes a consolidation of approved commercial uses and additional land area, while reducing the approved number of residential dwelling units.

The Applicant is the contract purchaser of approximately 47.40 acres located in the Lee Magisterial District on the north side of Telegraph Road, east of its intersection with Beulah Street. The Subject Property is zoned R-1 and the surrounding area is largely residentially zoned. A majority of the Subject Property has been the subject of a number of prior land use approvals. Most recently, on July 10, 2006, the Board of Supervisors (the "Board") approved four concurrent land use applications: RZ 2006-LE-003; SE 2005-LE-028; RZ 2006-LE-002; and SE 2005-LE-027. In accordance with SE 2005-LE-028 and RZ 2006-LE-003, a 35.91 acre portion of the Subject Property, identified as parcels 23A pt., 24 and 25, is approved for the development of independent living facilities. More specifically, the prior approval permits an independent living community consisting of a total of 376 multi-family units, including fifteen percent of the total units as affordable dwelling units. The remainder of Parcel 23A and that portion of the Subject Property identified as parcels 9B pt. and 17 are approved for a new clubhouse and golf course related activities, including a short game practice area in accordance with SE 2005-LE-027 and RZ 2006-LE-002.

ATTORNEYS AT LAW

703 528 4700 ■ WWW.THELANDLAWYERS.COM
2200 CLARENDON BLVD. ■ SUITE 1300 ■ ARLINGTON, VA 22201-3359

LOUDOUN 703 737 3633 ■ WOODBRIDGE 703 680 4664

The Applicant proposes a series of applications to permit the development of the previously approved age-restricted independent living community with a diversified range of housing types. The Applicant has consolidated additional land area, including the land previously approved for commercial uses, into the proposed development. The Applicant has prepared a Generalized Development Plan/Special Exception Amendment Plat (the "GDP/SEA Plat") which illustrates the proposed development. All housing on the Subject Property will be limited to persons 55 years of age and older. The development plan proposes a total of 259 dwelling units, consisting of 124 multi-family units in three buildings, 103 single family attached units, and 32 single family detached units. Fifteen percent of the total number of units will be affordable dwelling units, which will be provided within the multi-family buildings. Parking for the multi-family units will be provided in a combination of surface and structured garage spaces, while parking for the single family attached and detached units will be provided in individual driveways and garages. A total of 141 street parking spaces are proposed to ensure sufficient parking and to accommodate guests and visitors. A number of community amenities are proposed to serve the residents including: an approximately 5,000 square foot clubhouse, outdoor fitness stations, walking trails, picnic areas and multi-purpose lawns with space for bocce courts, benches and gardens. The clubhouse and surrounding grounds will include: a community meeting room, kitchen, gym/exercise facilities, office, outdoor kitchen, outdoor fireplace and multi-purpose lawns. An additional eight (8) parking spaces are proposed in proximity to the clubhouse.

In order to construct the proposed development, a number of amendments to the current approvals are required. The Applicant proposes a rezoning and two special exception amendments. The Applicant has consolidated adjacent Parcels 19 and 20 and proposes to rezone Parcels 9B (pt.), 19, 20, 23A, 24, and 25 from the R-1 District to the R-1 District in order to bring all of the parcels under a single set of proffers, similar to those associated with RZ 2006-LE-003. An amendment to SE 2005-LE-027 is proposed to delete Parcel 9B pt. and Parcel 23A pt. from the previously approved special exception area. With the deletion of this land area, the previously approved golf course is no longer feasible and the special exception is no longer valid. Lastly, the Applicant proposes an amendment to SE 2005-LE-028 to increase the land area to include Parcels 9B pt., 19, 20 and the remainder of Parcel 23A. Notably, the site area of Parcel 23A has decreased since the prior approvals as a result of right-of-way dedication associated with the widening of Telegraph Road. In addition, the area of Parcel 9B pt. included in the rezoning and amendment to SE 2005-LE-028 is a small strip of land located between Parcels 19 and 20.

The Applicant has thoughtfully designed its proposed development to respect the mature vegetation and environmental features of the Subject Property consistent with prior approvals. A Resource Protection Area (RPA) exists along the northern and eastern portions of the Subject Property and along a stream that bisects the southern portion of the Subject Property. Consistent with the prior approvals, the Applicant proposes to encroach into the RPA with a single road to provide access from Telegraph Road and to permit a storm water management facility. A majority of the main access road will be a public street that terminates in a turnaround on the north side of the bridge that crosses the RPA. The remainder of the roads in the community will be private. The GDP/SEA Plat illustrates approximately 29 acres of open space, which is

approximately sixty-two percent of the total land area. To address market demand, the Applicant has diversified the type of proposed dwelling units. The approved independent living community is comprised of 376 multifamily units. The Applicant has modified the unit mix to incorporate single family attached and detached dwelling units. The result is a reduction in density to 259 dwelling units, an increase in open space, and a reduction in estimated vehicle trips.

The Subject Property is located within the RH-4 Lehigh Community Planning Sector of the Rose Hill Planning District. The Plan text, in recommendation 46 for Planning Sector RH-4, recommends an option for the development of Parcels 100-1 ((1)) 17, 19, 20 and 23A with residential use at two (2) to three (3) dwelling units per acre. Those parcels identified as 100-1 ((1)) 24 and 25 are not specifically identified in the Plan text. The Plan map for these two (2) parcels recommends residential development at three (3) to four (4) dwelling units per acre. As the proposed development is consistent with the Plan's recommendation and density ranges, the proposal is in conformance with the Plan.

In accordance with the Fairfax County Zoning Ordinance (the "Zoning Ordinance") requirements of Section 9-011, please accept the following information regarding the Applicant's proposal.

- Type of operation: Independent living (age-restricted housing community).
- Hours of operation: 24 hours per day, 7 days per week.
- Estimated number of residents: The estimated number of residents will range from 221 to 442.
- Proposed number of employees: Two to five Building Managers/Maintenance Personnel.
- Total number of vehicle trips: As an age-restricted community, the impact on peak travel hours should be minimal. The estimated number of trips per day is approximately 1,126 vehicles. The peak trip generation for the Subject Property is anticipated between the hours of 7:00 a.m. and 8:00 a.m. in the morning and 4:00 p.m. to 6:00 p.m. in the evening. Based on the *Institute of Transportation Engineers (ITE) Trip Generation*, 7th Edition for senior adult housing, the trip estimates are approximately 32 a.m. peak hour trips and 39 p.m. peak hour trips. These estimates are below the trip estimates associated with the previously approved development and not anticipated to have a significant impact on the surrounding road network.
- The community will attract residents from Fairfax County who wish to down-size from a traditional home.

- The proposed architecture will be traditional and building materials will be of high quality and will include brick, stone, siding and pre-cast materials.
- To the best of the Applicant's knowledge, there are no hazardous materials used, generated, or stored on the Subject Property.
- The proposed use conforms to all provisions of applicable ordinances, regulations and adopted standards except as may be noted on the GDP/SEA Plat and as follows:
 - Reaffirmation of the modification of the transitional screening requirements along the northern, eastern and western boundaries of the Subject Property in favor of the existing vegetation and the landscaping on the GDP/SEA Plat;
 - Reaffirmation of the waiver of the barrier requirements along all boundaries of the Subject Property.

In addition to the special exception to permit an age-restricted independent living community, the Applicant requests a special exception to permit a waiver of minimum lot size requirements. A waiver is requested to allow development of the Subject Property consistent with the lot layout shown on the GDP/SEA Plat. In accordance with the provisions of Section 9-610 of the Zoning Ordinance, please accept the following information regarding the Applicant's proposal:

- The lot that comprises the Subject Property has not been reduced in width or area since the effective date of the Zoning Ordinance.
- The waiver will result in a development that maximizes preservation of existing vegetation and other environmental features. The creation of smaller lots allows the residential units to be clustered in a manner that preserves the RPA on the Subject Property and maximizes open space as described herein. The GDP/SEA Plat provides for approximately 29 acres of open space, which is approximately 62% of the total land area. In addition, the Applicant is providing stormwater management measures to ensure adequate detention and water quality. Lastly, the Applicant has proffered to prepare and implement a riparian buffer restoration plan for that portion of Piney Run that crosses the Subject Property.
- The development of the Subject Property will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways. The Applicant has consolidated the two (2) remaining adjacent single family lots into the proposed development so there is no impact on adjacent properties. In addition, the Applicant's proposal is in compliance with the recommendations of the Fairfax County Comprehensive Plan and the number of dwelling units proposed with this application has been reduced from 376, that were previously approved, to 259. With a reduction of over a 100 residential units, the overall

impact on the area roadway is greatly decreased. Lastly, the Applicant has proffered to transportation improvements and traffic demand management strategies to mitigate any impacts on the road network.

- Remaining provisions of the Zoning Ordinance can be satisfied as demonstrated on the GDP/SEA Plat.

The proposed development continues to meet the policy plan guidelines for multi-family residential development that will serve an older population, as well as the additional standards for independent living facilities. The Applicant's proposal will allow active adults to choose from a range of housing types and continue to live in Fairfax County.

Should you have any questions regarding the above, or require additional information, please do not hesitate to contact me.

Very truly yours,

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



Lynne J. Strobel

cc: Cathy Lewis
Bob Katai
Jim Perry
Jack Perkins
Janice Cena
Doug Kennedy
Lynne Strobel
Martin D. Walsh

PROFFERS**Piney Run Development, LLC****RZ 2006-LE-003****July 6, 2006**

Pursuant to Section 15.2-2303(a), Code of Virginia, 1950, as amended, the owners and Piney Run Development, LLC (hereinafter referred to as the "Applicant"), for themselves, their successors and assigns in RZ 2006-LE-003, filed on property identified as Fairfax County Tax Map reference 100-1 ((1)) 23A, part, 24 and 25 (hereinafter referred to as the "Application Property"), hereby proffer to the following, provided that the Fairfax County Board of Supervisors (hereinafter referred to the "Board") approves a rezoning of the Application Property, containing approximately 35.91 acres, from the R-1 District to the R-1 District, in conjunction with a Generalized Development Plan/Special Exception Plat (hereinafter referred to as the "GDP/SE Plat") for an independent living facility and accessory uses. If accepted, these proffers shall supersede and replace any previous proffers approved on the Application Property.

1. GENERALIZED DEVELOPMENT PLAN/SPECIAL EXCEPTION PLAT (GDP/SE PLAT)

- a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance") development of the Application Property shall be in substantial conformance with the GDP/SE Plat, entitled "Piney Run," containing eighteen (18) sheets prepared by Urban Engineering and Associates, Inc., dated June 30, 2005 as revised through May 26, 2006.
- b. Pursuant to Section 18-204 of the Zoning Ordinance, minor modifications from the GDP/SE Plat may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor modifications to the building footprints shown on the GDP/SE Plat, and make other modifications provided that such modifications are in substantial conformance with the GDP/SE Plat as determined by the Zoning Administrator and do not increase the number of dwelling units, decrease required setbacks to the periphery, increase the building height shown on the GDP/SE Plat, or decrease open space.

2. TRANSPORTATION

- a. The private street shown on the GDP/SE Plat shall be constructed of materials with a depth of pavement consistent with the Public Facilities Manual ("PFM") standards for public streets. The access road shall be open for use prior to the issuance of the first Residential Use Permit ("RUP"). Purchasers shall be advised of the requirement to maintain the private street, including the portion of the private street located off site on the property identified as Fairfax County Tax Map reference 100-1 ((1)) 23A, part, that is not a part of the Application Property, and the estimated costs prior to

entering into a contract of sale. This requirement to maintain the street as constructed and the estimated maintenance costs shall be included in the homeowners' association documents prepared for the Application Property.

- b. That portion of the private street located off-site on Parcel 100-1 ((1)) 23A part, and shown on the GDP/SE Plat for RZ 2006-LE-003 and SE 2005-LE-027, as described in Proffer 2.a., shall be constructed concurrently with the development of the Application Property and be open to traffic prior to the issuance of the first RUP for the independent living facility. The private street shall be landscaped as shown on the GDP/SE Plat. The Applicant shall provide to the Department of Public Works and Environmental Services (DPWES) at the time of site plan approval evidence of a right to ingress/egress to Telegraph Road. Said ingress/egress shall be for the benefit of the residents of the proposed independent living facility on the Application Property.
- c. The Applicant shall construct sidewalks, a minimum of five (5) feet in width, along the internal street network, as shown on the GDP/SE Plat to connect the residential buildings to Telegraph Road, prior to the issuance of the first RUP. The Applicant shall record a public ingress-egress easement over the portions of the sidewalks that are adjacent to the access road described in Proffer 2.b. Said easement shall be in a form as reviewed and approved by the Fairfax County Attorney's office, and recorded among the Fairfax County land records.
- d. Prior to the time of the first site plan submission, the Applicant shall consult with the Fairfax County Department of Transportation ("FCDOT") to determine the status of planned improvements to widen Telegraph Road to four (4) lanes divided south of Hayfield Road, identified as Virginia Department of Transportation ("VDOT") Project Number 0611-029-303-C502. Unless directed not to do so by FCDOT because of the imminent widening of Telegraph Road, the Applicant shall design and construct the improvements outlined below.

Subject to Fairfax County and VDOT approval, the Applicant shall reconfigure the intersection at Telegraph Road and Hayfield Road to increase its capacity as an interim improvement, as shown in the attached exhibit, entitled "Piney Run/Telegraph Road; Roadway Striping at Hayfield Traffic Signal", prepared by Patton, Harris, Rust and Associates, as revised through May 2006. Said improvements shall consist of: a) restriping the southbound right turn lane on Telegraph Road for a shared through/right traffic operation, b) new signs and pavement markings, c) corresponding modification of the traffic signal, and d) the elimination of on-street parking on the west side of Telegraph Road adjacent to Hayfield High School. Said improvements are to be designed within the existing VDOT right-of-way and easements. The improvements shall be completed prior to the issuance of the two hundredth (200th) RUP. If FCDOT determines that the interim improvements described above should not be constructed, or if the improvements cannot be implemented within the existing VDOT right-of-way and/or

casements, the Applicant shall provide an equivalent monetary contribution to Fairfax County, not to exceed \$200,000.00, at the time of issuance of the two hundredth (200th) RUP. The monetary contribution shall be allocated to the traffic signal described in Proffer 2.e. Any remaining funds, or the entire amount if said signal does not meet necessary traffic warrants, shall be allocated to other road improvements in the vicinity of the Application Property, as determined by Fairfax County. Using the approval date of this rezoning application as the base date, this contribution shall be adjusted according to the *Marshall and Swift Cost Index*.

- e. The Applicant shall perform a traffic signal warrant study at the entrance to the Application Property on Telegraph Road prior to the issuance of the one hundred and fifty-eight (158th) RUP in first residential building that is constructed. If the traffic volumes, including trips associated with the undeveloped units, satisfy VDOT signal warrants, the Applicant shall, subject to the approval of FCDOT and VDOT, design and install a traffic signal, including pedestrian activated crossings, at the Telegraph Road entrance, utilizing the monetary contribution described in Proffer 2.d. In the event that the monetary contribution described in Proffer 2.d is not sufficient to design and construct the traffic signal, the Applicant shall nevertheless install the signal.
- f. Prior to the first site plan submission, the Applicant shall coordinate with representatives of FCDOT, VDOT, the Federal Highway Administration ("the Highway Authority"), Fort Belvoir ("Belvoir") and the Lee District Supervisor's office regarding the design status of improvements by others associated with the Richmond Highway/Telegraph Road Connector (the "Connector Road"). At the time of the first site plan submission, the Applicant shall document in writing to DPWES the status of the Connector Road improvements, including whether left turn access in and/or out of the site will be maintained with funded transportation improvements. The Applicant shall disclose that left turn access in and/or out of the Application Property to Telegraph Road may be prohibited in conjunction with the planned Connector Road/Telegraph Road improvements to all prospective purchasers in a disclosure memorandum prior to entering a contract of sale and in the homeowners' association documents.
- g. Prior to site plan approval, the Applicant shall continue to meet with representatives of FCDOT, VDOT, the Highway Authority, Belvoir and the Lee District Supervisor's office in an effort to align the Connector Road with the Application Property's access to Telegraph Road. If a mutual agreement is reached between FCDOT, VDOT, FHA Belvoir and the Lee District Supervisor's office regarding the realignment prior to site plan approval, the Applicant, who shall be granted reasonable review, shall prepare appropriate modifications to the site plan that shall be diligently pursued with Fairfax County. All site plans submitted by the Applicant shall be reviewed in the normal course. A relocated access to Telegraph Road from the Application Property shall be the subject of administrative review and approval by Fairfax County, and shall not necessitate an amendment to the GDP/SE Plat or

these proffers. The Applicant shall disclose that the access road may be realigned to all prospective purchases in a disclosure memorandum prior to entering a contract of sale and in the homeowners' association documents.

- h. Residents of the independent living facility shall be prohibited from utilizing the twenty foot (20') outlet road that is located on the Application Property, and established by recordations among the land records of Fairfax County in Deed Book V-9 at page 571, Deed Book M-15 at page 369 and Deed Book 10064 at page 758 (the "Outlet Road"). Notwithstanding the improvements shown on the GDP/SE Plat, the Applicant shall install a landscaped barrier between asphalt cart part and the private street, prior to the issuance of the first RUP, to prevent vehicular access to the Outlet Road. The Applicant shall disclose this prohibition to all prospective homeowners in a disclosure to memorandum prior to entering a contract of sale and in the homeowners' association documents.

3. TRANSPORTATION DEMAND MANAGEMENT STRATEGIES

The Applicant shall implement the following transportation demand management (TDM) strategies to reduce vehicle trips from the Application Property during the AM and PM peak hours. The TDM strategies shall be implemented prior to issuance of the first RUP for the Application Property. Strategies shall include the following:

- a. The Applicant shall establish a shuttle van service for residents and employees to provide access to the Springfield-Franconia Metro Station, local shopping, and medical care offices. Said shuttle shall provide, at a minimum, five (5) round trips per day. Said shuttle shall be operated by the homeowners association established for the residential development. Prospective purchasers shall be made aware of the cost of this service prior to entering into a contract for sale and in the homeowners association documents.
- b. The Applicant shall provide a teleworking center wired with high capacity data/network connections available for the use of all residents.
- c. The Applicant shall pre-wire all dwelling units with high capacity data/network connections in addition to standard phone lines.
- d. The Applicant shall establish and maintain a concierge service whereby residents can arrange services such as dry cleaning, pharmacy, grocery and package deliveries. Residents shall not be charged any additional fees for utilizing concierge services other than what may be included in homeowners' or condominium association dues and/or fees.
- c. The Applicant shall provide SmarTrip cards to each resident on a one time basis at settlement for the initial purchase of dwellings on the Application Property. The Applicant shall provide, for a period of one year, SmarTrip cards to each employee

at the time of initial employment. SmarTrip cards for each resident shall include a pre-paid value of Fifty Dollars (\$50.00). SmarTrip cards for each employee shall include a pre-paid value of One Hundred Dollars (\$100.00).

- f. The Applicant shall provide Metro maps, schedules and forms, ridesharing and other relevant transit option information available to residents and employees in a common area; such as a central lobby or community room.
- g. If, at the time of first site plan approval, bus service is scheduled or planned along Telegraph Road in front of this site, the Applicant shall install one (1) bus shelter along each side of Telegraph Road at the entrance to the Application Property, subject to the approval of Fairfax County and/or VDOT. If the bus shelters are not approved, or bus service is not scheduled or planned, the Applicant shall contribute the amount of Forty Thousand Dollars (\$40,000.00) to Fairfax County at time of site plan approval for the installation of bus shelters along Telegraph Road in the vicinity of the Application Property. Prior to submittal of the first site plan, the Applicant shall contact FCDOT for a determination as to the location of the proffered shelters or whether the monetary contribution is appropriate.
- h. Prior to the issuance of the first RUP, the Applicant shall assign transportation coordination duties to one of the property managers, who will implement the TDM strategies described in Proffers 3.a and 3.d through 3.f.

4. STORMWATER MANAGEMENT/BEST MANAGEMENT PRACTICES

- a. The Applicant shall provide a stormwater management (SWM) wet pond and best management practices (BMPs) on the Application Property in the general location on the GDP/SE Plat and in accordance with the requirements of the PFM and the Chesapeake Bay Preservation Ordinance, unless waived or modified by the DPWES. The Applicant shall also utilize, if acceptable to DPWES, low impact development techniques, including, but not limited to, bioretention facilities, rain gardens and infiltration trenches on the remainder of the Application Property, as applicable, to minimize the amount of impervious area on the Application Property, reduce discharge velocities leaving the Application Property, increase time of concentration on the Application Property, increase infiltration into the ground, and reduce the concentration of run-off from impervious areas. The number, type and location of said facilities shall be coordinated with DPWES at the time of first site plan submission.
- b. The proposed SWM wet pond, including its perimeter, and/or the rain garden or other low impact development techniques shall be landscaped to the maximum extent possible as determined by Urban Forestry Management, DPWES (UFM), pursuant to the policy adopted by the Board, using native or other desirable hydrophilic vegetation species. The landscaping plan for the SWM facility shall be submitted with the first site plan for review and approval by UFM.

- c. The Applicant shall construct the maintenance access road for the SWM pond as shown on the GDP/SE Plat of a permeable material subject to the approval of DPWES. Portions of this road may also be used as the trail referenced in Proffer 6.b.
- d. The Applicant, in coordination with DPWES, the Army Corps of Engineers (the "Corps"), the Virginia Department of Environmental Quality and the Northern Virginia Soil and Water Conservation District, shall prepare and implement a stream restoration plan for that portion of Piney Run that crosses the Application Property. Restoration measures used to mitigate on-site development impacts may include bio-engineering techniques, such as regrading of the channel overbank areas, selective placement of riprap/fiber rolls, and stabilization plantings.

5. TREE PRESERVATION, LANDSCAPING, AND OPEN SPACE

A tree preservation plan shall be submitted as part of the first and all subsequent site submissions as follows:

- a. Tree Preservation Plan. The tree preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of UFM. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 20 feet to either side of the limits of clearing and grading shown on the GDP/SE Plat. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the GDP/SE Plat, and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan. The use of motorized equipment in the forested portion that is protected by the limits of clearing and grading for each phase of the project shall be limited to hand-operated equipment such as chainsaws, wheel barrows, rakes, and shovels. Any work that requires the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless previously approved by UFM.
- b. Protection of Existing Understory Vegetation and Soil Conditions in Tree Preservation Areas. All tree preservation-related work occurring in or adjacent to tree preservation areas shall be accomplished in a manner that minimizes damage to vegetation to be preserved, including any woody, herbaceous or vine plant species

that occur in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Any removal of any vegetation or soil disturbance in tree preservation areas, including the removal of plant species that may be perceived as noxious or invasive, such as English ivy, greenbrier, multi-floral rose, etc., shall be subject to the review and approval of UFM.

The use of motorized equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaws, wheel barrows, rakes and shovels. Any work that requires the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by UFM.

- c. Root Pruning and Mulching. The Applicant shall: 1) root prune, 2) mulch, and 3) provide tree protection fencing in the form of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, or other forms of tree protection fencing approved by UFM for all tree preservation areas. All treatment shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets and demolition plan sheets of the site plan submission. The details for these treatments shall be reviewed and approved by UFM, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to, the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- Tree protection fencing shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.
- Immediately after the phase II erosion and sedimentation ("E&S") activities are complete, mulch shall be applied at a depth of 4 inches extending 10 feet inside the undisturbed area without the use of motorized equipment.
- Mulch shall consist of hardwood mulch or an approved equivalent.
- An UFM representative shall be informed when all root pruning and tree protection fence installation is complete.

d. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a UFM representative and a representative of the Lee District Land Use and Transportation Advisory Committee to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions.

e. Tree Protection Fencing All trees shown to be preserved on the tree preservation plan shall be protected by a tree protection fence. Tree protection fencing (super silt fence) shall be erected at the limits of clearing and grading as shown on the phase I and phase II E&S control sheets. Trenching for the super silt fence shall not sever or wound compression roots which can lead to structural failure and/or uprooting of trees.

All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, UFM, the Lee District Supervisor, and representative of the Lee District Land Use and Transportation Advisory Committee shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM.

f. Site Monitoring. During any clearing or tree/vegetation/structure removal or transplantation of vegetation on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation proffers and UFM approvals. The monitoring schedule shall be described and detailed in the landscaping plan, and reviewed and approved by UFM.

- g. Replacement Value. A professional with experience in plant appraisal, such as a certified arborist or landscape architect, shall be retained to determine the replacement value of trees noted "to be saved" on the tree preservation plan. These trees and their value shall be identified on the tree preservation plan at the time of the first submission of the site plan. The replacement value shall take into consideration the age and size of the trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM.

At the time of site plan approval, a cash bond or letter of credit payable to the County of Fairfax shall be posted to ensure preservation and/or replacement of the designated trees that die or are dying due to normal construction activities permitted on the approved plan. The letter of credit shall be equal to fifty percent (50%) of the replacement value of the bonded trees. The cash bond shall consist of thirty-three (33%) of the amount of the letter of credit. In addition to this replacement obligation, a payment equal to the value of any bonded tree that is dead or dying or improperly removed due to unauthorized construction activity shall be paid. At the time of the issuance of the final RUP, the Applicant shall be entitled to request a release of any monies remaining in the cash bond and a reduction in the letter of credit to any amount up to twenty percent (20%) of the total amounts originally committed. The amount of funds to be released shall be determined by UFM. Any funds remaining in the letter of credit or cash bond will be released two (2) years from the date of release of the conservation escrow, or sooner, if approved by UFM.

If, at the time of final bond release, trees are found to be dead or dying despite adherence to approved construction activities by UFM, the cash bond or letter of credit shall be used as necessary to plant similar size and species, or species appropriate to the site, in consultation with UFM, and the Applicant's certified arborist. The cash bond or letter of credit shall not be used for the removal of the dead/dying trees normally required by the PFM and the Conservation Agreement. In addition to the replacement obligation, the Applicant shall also make a payment to the Fairfax County equal to the value of any tree shown to be preserved on the GDP/SE Plat that is determined by UFM to be dead or dying due to unauthorized construction activities. This payment shall be based on the "Trunk Formula Method" noted above and be paid to a fund established by the County for furtherance of tree preservation objectives.

6. PRESERVATION AREA

- a. The Applicant shall create a 25 acre preservation area on the north and east side of the Application Property as shown on the GDP/SE Plat that shall be open to the public through the recordation of a public access easement. The Applicant shall coordinate with the Audubon Society of Northern Virginia (the "Audubon Society") to remove invasive grasses from approximately 10 acres of open pasture, improve

the soil quality and replant the 10 acres as a natural wildflower meadow. Further, the Applicant shall utilize existing structure(s) for an outdoor pavilion/nature area, open to residents, their guests and invitees. The Applicant may install other structures to enhance the preservation area, which may include bridges over streams and brooks, park benches, a single gazebo and informative nature signs, as coordinated with the Audubon Society and as approved by UFM. These structures shall be installed in a manner that minimizes disturbance of the preservation area, as approved by UFM.

- b. The Applicant shall construct pedestrian trails, as shown on the GDP/SE Plat within the preservation area of the Application Property between Telegraph Road and the Kingstowne Park property identified as Fairfax County Tax Map reference 91-3 ((1)) 63A to connect said open space to the existing Kingstowne Park trail system, subject to any necessary approvals, in accordance with the following:
 - i. The pedestrian trails shall be either five (5) feet wide or eight (8) feet wide, as shown on the GDP/SE Plat, and shall be improved with materials that may include stone-dust, asphalt, or a combination thereof, subject to the approval of DPWES. Final location of the pedestrian trails shall be determined at the time of site plan approval and shall be subject to the approval of UFM and the trails planner.
 - ii. The Applicant shall record a public ingress-egress easement over the pedestrian trails. Said easement shall be in a form as reviewed and approved by the Fairfax County Attorney's Office, and recorded among the Fairfax County land records.
- c. Subsequent to the construction of the outdoor pavilion/nature area, installation of any public improvements, and recordation of easements, but prior to final bond release, the Applicant shall record a conservation easement on the preservation area to benefit the Northern Virginia Conservation Trust (NVCT). Said conservation easement shall provide for the preservation in perpetuity of approximately 25 acres of open space, that includes structures and pedestrian trails as described herein. Said easement shall provide for the maintenance of the open space, including the removal of dead, dying or diseased trees and invasive vegetation, and replanting of vegetation as necessary. Said easement shall also include the maintenance of trails to ensure pedestrian safety and maintenance of those structures described in Proffer 6.a.

7. RECREATION

The Applicant shall provide the following amenities, which shall be available for use prior to the issuance of the first RUP for the building(s) in which the amenity is located:

- a. A community room for the use of the residents shall be provided in Building 1.

- b. A swimming pool shall be provided adjacent to the community room.
- c. Outdoor landscaped terraces/gardens shall be provided as generally shown on Sheets 6-9 of the GDP/SE Plat. Outdoor facilities shall include specialty paving, benches, tables, and chairs.

8. PARKS

Prior to the issuance of the first building permit, the Applicant shall make a contribution in the amount of Twenty-Five Thousand Dollars (\$25,000.00) to the Fairfax County Park Authority for recreational facilities located in the vicinity of the Application Property.

9. PUBLIC IMPROVEMENT

- a. Subject to the approval of DPWES and the Corps, the Applicant shall diligently process any required plans and/or permits prepared in accordance with sound engineering practices and all applicable regulations, which shall include providing appropriate responses to normal review comments provided by DPWES and/or the Corps in the plan and/or permit review process, and subsequently construct a sanitary sewer line to serve existing dwellings located in the Piney Run subdivision to the east of the Application Property, identified as Fairfax County Tax Map reference 100-1 ((3)) 1 through 8. The location of the proposed sanitary sewer easement shall be coordinated with the Lee District Supervisor, a representative of the Lee District Land Use and Transportation Advisory Committee, and NVCT. The Applicant shall not be obligated to either construct, or pay costs associated with, sanitary sewer connections to individual dwelling units within the Piney Run subdivision. If the sanitary sewer line is approved and constructed, the Applicant shall revegetate, to the extent feasible, in coordination with UFM, the disturbed area with seedlings of native plant species.
- b. Should the plans and/or permits necessary to construct the sanitary sewer line be disapproved by DPWES and/or the Corps, despite the Applicant's diligent efforts to submit and process plans and/or permits prepared in accordance with sound engineering practices and all applicable regulations, the Applicant's obligation to construct said public improvement shall be null and void.

10. HERITAGE RESOURCES

- a. The Applicant shall conduct a Phase I archaeological study of the Application Property and submit it to the Cultural Resource Protection Section of the Fairfax County Park Authority (FCCRPS) for review and approval, prior to final site plan approval. If warranted by the Phase I study, the Applicant shall undertake Phase II and Phase III archaeological studies for FCCRPS review and approval prior to any land-disturbing activities on the Application Property.

- b. Prior to the issuance of the first RUP, the Applicant shall make a contribution in the amount of Sixteen Hundred Dollars (\$1,600.00) to either the Fairfax County History Commission (the "History Commission") or the Franconia Museum for the installation of a historical marker identifying the location of Potter Hill School and Civil War Activity in the area of Bculah Street and Telegraph Road. The final location of the historical marker shall be determined by the History Commission and the Franconia Museum. If necessary, the Applicant shall work diligently, as demonstrated to DPWES, to obtain an easement from the owner of the property identified as Fairfax County Tax Map reference 100-1 ((1)) 11A or other location as approved by the History Commission that will allow installation and maintenance of the historical marker on said property by others. The Applicant shall not be responsible for research or preparation of text for the historical marker.

11. AFFORDABLE HOUSING

In accordance with Section 9-306(2) of the Zoning Ordinance, 15% of all constructed dwelling units shall be Affordable Dwelling Units (ADUs). The ADUs shall be administered in accordance with the provisions of Part 8 of Article 2 of the Zoning Ordinance.

12. DESIGN

- a. The architectural design of the buildings shall be in general conformance with the style and character of the building elevations shown on Sheets A1 and A2 of the GDP/SE Plat. Buildings shall be constructed primarily with a combination of masonry, siding, and glass materials. Vinyl siding shall not exceed 20% of total building surfaces. All buildings shall be served by an elevator.
- b. Each independent living unit shall meet the definition of a dwelling unit per the Zoning Ordinance and shall include a kitchen. The units shall be constructed in accordance with Americans with Disabilities Act (ADA) and Federal Housing Act (FHA) requirements for housing for seniors. All public areas and public doorways shall be wheelchair accessible. All resident units shall be FHA adaptable and have lever hardware, doorways wide enough for wheelchairs, low profile thresholds, an emergency call system, large print unit identification system, non-glare lighting and structural blocking within the unit bathrooms to accommodate ready conversion to an adaptable unit. The initial purchaser shall have the option to include accessible features within the unit such as railings, grab bars, accessible kitchen and bathroom features.
- c. The community room described in Proffer 7.a above, and all common areas within the buildings, shall be wheelchair accessible through features such as, but not limited to, low pile carpeting, low profile thresholds, lever door hardware, non-glare lighting and emergency call buttons. Bathrooms that serve the common areas shall be fully accessible.

- d. To prevent lighting from adversely impacting adjacent properties, exterior building lighting shall be shielded in a manner which prevents light spillage. All exterior lighting fixtures shall be equipped with "cut-off" luminaries and all parking lot lighting shall also be a maximum of twelve (12) feet in height. The fixtures shall be generally consistent with that shown on Sheet A1 of the GDP/SE Plat or an approved equivalent. All lighting standards shall comply with Zoning Ordinance Article 14, Part 9, Outdoor Lighting Standards.

13. HOMEOWNERS ASSOCIATION

The Applicant shall establish a homeowners' association (HOA) for the proposed development to own, manage, and maintain any open space areas not encompassed by the preservation area described in Proffer 6, including the common tree save areas and all other community owned land and improvements. Restrictions placed on the use of open space/buffer areas, including the preservation area described in Proffer 6.a; the restriction on vehicular access described in Proffer 2.h; the potential realignment of the access road described in Proffer 2.g; the potential restriction on left turn access in and/or out of the Application Property described in Proffer 2.f; and the maintenance responsibilities of the HOA, including the conservation easement described in Proffer 6.c., shall be disclosed to all prospective homeowners in a disclosure memorandum prior to entering into a contract of sale and included in the HOA documents.

14. GEOTECHNICAL

Prior to site plan approval, if required by DPWES, and in accordance with the provisions of the Public Facilities Manual, the Applicant shall submit a geotechnical study of the Application Property to the Geotechnical Review Board through DPWES and shall incorporate appropriate engineering practices as recommended by the Geotechnical Review Board and DPWES to alleviate potential structural problems, to the satisfaction of DPWES. The recommendations of the Geotechnical Review Board shall be implemented.

15. 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 to assist in the initial sale of residences on the Application Property. Furthermore, the agents and employees involved in the marketing and sale of the residential units on the Application Property shall be directed to adhere to this proffer.

16. SUCCESSORS AND ASSIGNS

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

17. COUNTERPARTS

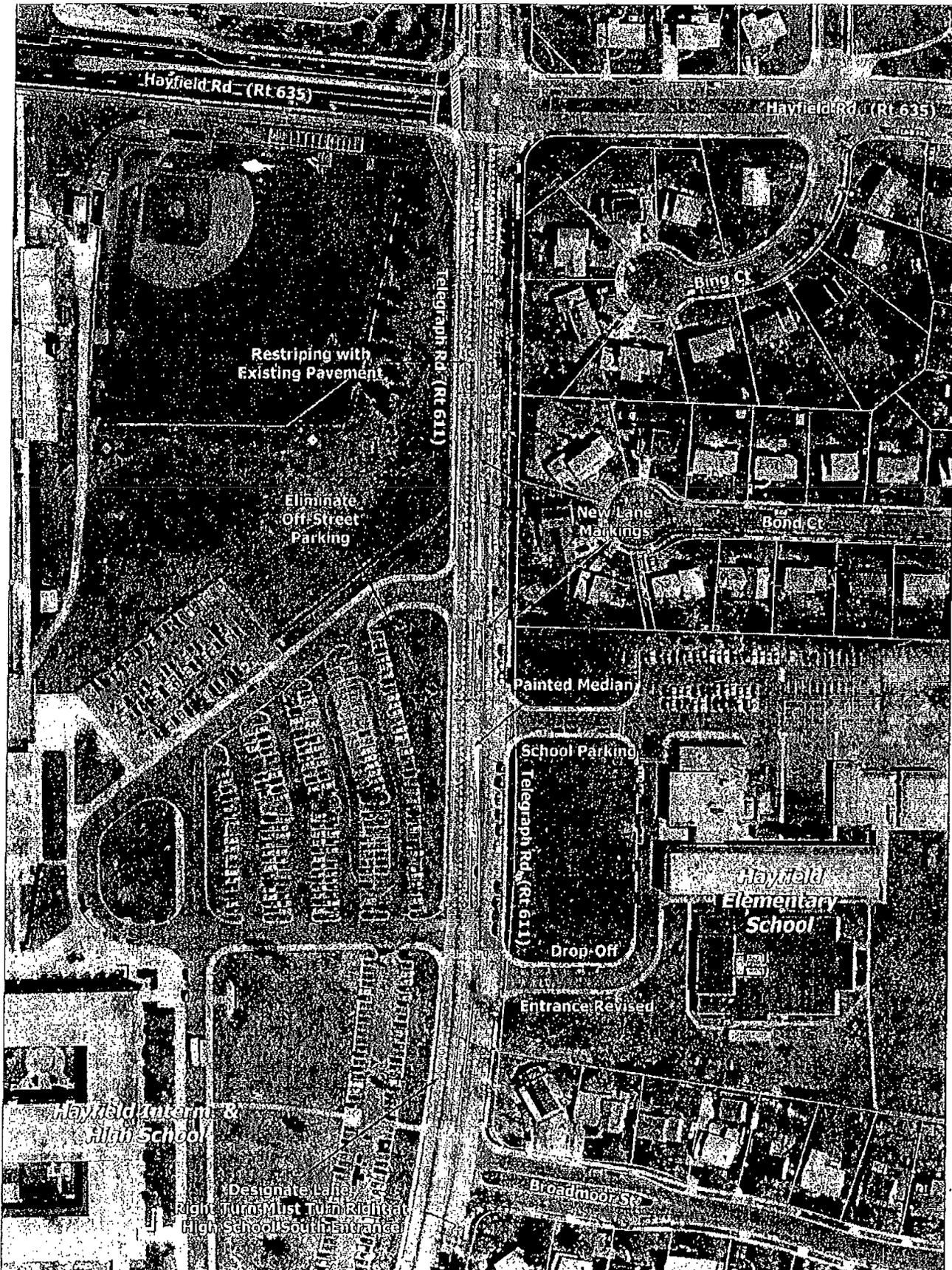
These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which when taken together shall constitute one and the same instrument.

18. MISCELLANEOUS

- a. The residents shall be restricted to those who are fifty-five (55) years of age or older and couples where either the husband or the wife is fifty-five (55) years of age or older, in accordance with the Fair Housing Act (FHA).
- b. The construction of the buildings on the Application Property may be phased.
- c. The individual sections/buildings within the Application Property may be subject to Proffered Condition Amendments without joinder and/or consent of other property owners of the other sections/buildings.

{A0087318.DOC / 1 PROFFERS Piney Run 7-6-06 CLN 000699 000045}

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]



Piney Run/Telegraph Road

Roadway Striping At Hayfield Traffic Signal

PIRA
 Patton Harris Rust & Associates
 11111 Piney Run Road
 Suite 100
 Fairfax, VA 22030
 703.261.1111
 www.pira.com


 Scale: 1" = 50'
 Photomicro Spring 1995

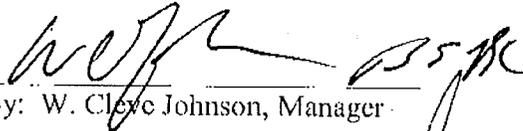
Legend
 New Lane Markings
 Tax Parcels
 * Interim Improvements to increase capacity at signal. Subject to VDOT and Fairfax County DOT approval.

Revised: May 2006

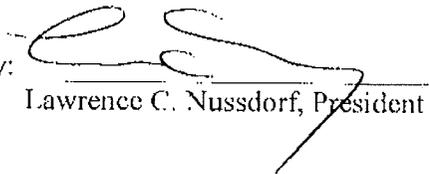
APPLICANT / CONTRACT PURCHASER OF TAX MAP
100-1 ((1)) 23A PT., 24 AND 25

PINEY RUN DEVELOPMENT LLC

By: Clark Realty Capital, L.L.C., its Manager


By: W. Cleve Johnson, Manager

By: CEI Realty, Inc., Manager


By: Lawrence C. Nussdorf, President

By: Hilltop Sand & Gravel Company, Inc., its Manager

By: Clemens S. Gailliot, Jr.
Its: President

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

APPLICANT / CONTRACT PURCHASER OF TAX MAP
100-1 ((1)) 23A PT., 24 AND 25

PINEY RUN DEVELOPMENT LLC

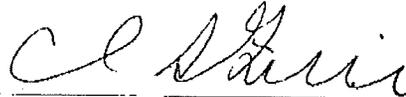
By: Clark Realty Capital, L.L.C., its Manager

By: W. Cleve Johnson, Manager

By: CEI Realty, Inc., Manager

By: Lawrence C. Nussdorf, President

By: Hilltop Sand & Gravel Company, Inc., its Manager



By: Clemens S. Gailliot, Jr.
Its: President

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

TITLE OWNER OF TAX MAP 100-1 ((1)) 23A PT., 24 AND
25

HILLTOP SAND & GRAVEL COMPANY, INC.



By: Clemens S. Gailliot, Jr.
Its: President

[SIGNATURES END]

DEVELOPMENT CONDITIONS

SE 2005-LE-028

June 21, 2006

The Board of Supervisors approved SE 2005-LE-028 located at Tax Map 100-1 ((1)) 23A pt., 24 and 25 (7836 and 7908 Telegraph Road) for an independent living facility and a golf course pursuant to Sect. 3-104 of the Fairfax County Zoning Ordinance by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled Piney Run, prepared by Urban Engineering & Associates, Inc. and dated June 30, 2005 as revised through May 26, 2006, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. At such time as an expansion of the Hilltop Golf Course is expanded, the green for the existing first hole shall be removed or converted to become a recreation facility for the use of the residents and guests only.

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 Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

PROPOSED DEVELOPMENT CONDITIONS

SEA 2005-LE-027

February 12, 2009

If it is the intent of the Board of Supervisors to approve SEA 2005-LE-027 located at Tax Map 100-1 ((1)) 9 pt., 17 and 23A (7928, 7836 and 7950 Telegraph Road) on 82.87 acres for the following outdoor recreation facilities uses: golf course, short game practice area and putting green; pursuant to Sect. 3-104 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions (the conditions marked with an * have been carried forward from the previously approved special exception for these uses):

- 1) This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
- 2) This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
- 3) This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception amendment shall be in substantial conformance with the approved Special Exception Plat, which is a combined Generalized Development Plan/Special Exception Amendment Plat, entitled Hilltop Golf Course, prepared by Dewberry & Davis and dated February 12, 2008 as revised through January 16, 2009, and these conditions. Minor modifications to the approved special exception amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
- 4) Transportation/Parking
 - a. A continuous pedestrian travel-way shall be provided from Telegraph Road to the proposed clubhouse as shown on the GDP/SEA Plat.*
 - b. The proposed parking surfaces shall be maintained and landscaped in accordance with PFM standards and the GDP/SEA Plat as determined by the Director, DPWES. Interior and peripheral parking lot landscaping shall be installed prior to the issuance of the non-RUP for the clubhouse and maintained as determine by UFM, DPWES.*

5) Environment

- a. A water quality impact assessment for the proposed new SWM/BMP facility which demonstrates that the proposed uses will not exceed runoff and nutrient loading requirements for the Chesapeake Bay Preservation Ordinance shall be provided to the Director, DPWES, prior to site plan approval.*
- b. An integrated fertilizer, herbicide and pesticide management program and turf maintenance plan for limiting excessive chemicals and protecting water quality shall continue to be implemented for this use. This program and plan shall include maintenance of the lawn areas on the site and shall provide for periodic monitoring and adjustment that demonstrates an intent to reduce amounts of fertilizers, herbicides and pesticides applied to the property over time. The design of this program and all monitoring parameters shall be consistent with the most current Virginia Cooperative Extension Test Management Guide and reviewed by the Virginia Cooperative Extension, Fairfax County Office, as determined by DPWES prior to site plan approval. Following site plan review, a copy of the approved management program shall be kept on site at all times. Records of all applications of pesticides and herbicides shall be kept and made available to County staff on demand.
- c. The Resource Protection Area (RPA) associated with Piney Run shall remain undisturbed. The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP/SEA Plat, subject to the installation of fences, utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install fences, utilities and/or trails in areas protected by the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by UFM. A replanting plan shall be developed and implemented, subject to approval by UFM for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities. The RPA area shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading adjacent to the tree preservation areas as shown on the phase I & II erosion and sediment control sheets. All tree protection fencing shall be installed prior to any clearing and grading activities. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist and UFM, and accomplished in a manner that does not harm existing vegetation that is to be preserved. At least ten

(10) days prior to the commencement of any clearing or grading activities adjacent to the tree preservation areas, but subsequent to the installation of the tree protection devices, the UFM, DPWES shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM.*

6) Lights

- a. All lighting on the application site shall conform to Group I standards as defined in Sect. 14-900 of the Fairfax County Zoning Ordinance.*
- b. A maximum of thirty-one (31), twelve (12)-foot high lights, as measured from the ground to the top of the fixture, shall be permitted within the parking areas. Each pole shall contain no more than two (2) lumieres with a maximum of one-hundred-seventy-five 175 watts each.*
- c. A maximum of eighteen (18), twelve (12)-foot high lights shall line the travel lanes. Each pole shall contains no more than one (1) lumiere with a maximum of one-hundred-seventy-five (175) watts.*
- d. All lights on the application property, with the exception of necessary security lighting, shall be extinguished at closing of the facility.*
- e. No lighting of these facilities shall be permitted in the morning. There shall be no lighting associated with the golf course portion.*

7) Design/Style

- a. The proposed club house shall be constructed as illustrated in the combined GDP/SE Plat.
- b. All signs shall be designed and installed in accordance with Article 12 of the Fairfax County Zoning Ordinance.*

8) Additional Landscaping

In addition to the landscaping shown on the GDP/SEA Plat, the following landscaping shall be added to the golf course facilities:

- a. The amount of setback between the proposed golf course and Telegraph Road shall be a minimum of fifty (50) feet in depth. However, the amount of landscaping within the fifty foot deep transitional screening yard shall be the equivalent of the amount of plantings required for Transitional

Screening Yard 1 and shall be subject to the approval of Urban Forest Management.

- b. A continuous row of large deciduous and/or evergreen trees shall be planted along the western boundary with the exception of those areas where the landfill closure plan precludes such plantings.
- c. The location, types and species of all landscaping material shall be subject to the approval of Urban Forestry Management.
- d. All deciduous trees required by this condition shall be a minimum size of 3-3.5 inch caliper at the time of planting. All evergreen trees will be a minimum of six feet in height at the time of planting.

9) Hours of Operation, etc.

- a. The hours of operation of the nine-hole golf course, the short game practice area and the pitching and putting green shall be limited to a maximum from 6:00 a.m. until dusk, seven (7) days a week.*
- b. The mechanical equipment used for maintenance of the golfing facilities shall not be operated outside of normal operating hours of the facilities, except, however maintenance equipment may operate for one (1) hour before operating hours, but no earlier than 6:00 a.m. Operation of mechanical equipment shall be in compliance with the noise standards established in Article 14-700 of the Fairfax County Zoning Ordinance.*
- c. No loud speakers or amplification devices shall be permitted with the exception of announcements by the starter for golf course tee times. No amplified announcement shall be loud enough to be heard off-site.*
- d. Vending machines shall not be visible from Telegraph Road.*

10) General

- a. Two (2) foul weather shelters, not to exceed two-hundred (200) square feet each, may be provided in the vicinity of the commercial golf course. These shelters shall provide adequate ventilation in order to prevent the collection of methane gases and shall not be constructed on top of the area formerly used as a landfill.*
- b. Sufficient green or black safety netting (containment structures) shall be provided in order to protect Parcels 19 and 20 from errant golf balls. Netting poles shall be of a natural wood color.*

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board. 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 Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished. The approval of this special exception does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless construction upon the proposed improvements has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



County of Fairfax, Virginia

MEMORANDUM

DATE: March 26, 2015

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Environmental Assessment: RZ 2014-LE-010
SEA 2005-LE-028
SEA 2005-LE-027-02

Piney Run

This memorandum, prepared by John R. Bell, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the above referenced development plans as revised through February 27, 2015. 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:

In the Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Environment section as amended through July 1, 2014, on page 7 through 9, the Plan states:

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

..

Policy k. For new development and redevelopment, apply better site design and low impact development techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and

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redevelopment projects may have on the County's streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives:

- Minimize the amount of impervious surface created. . . .
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
- Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements. . . .
- Maximize the use of infiltration landscaping within streetscapes consistent with County and State requirements. . . .

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

In the Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Environment section as amended through July 1, 2014, on page 13 through 17, the Plan states:

“Objective 9: Identify, protect and enhance an integrated network of ecologically valuable land and surface waters for present and future residents of Fairfax County.

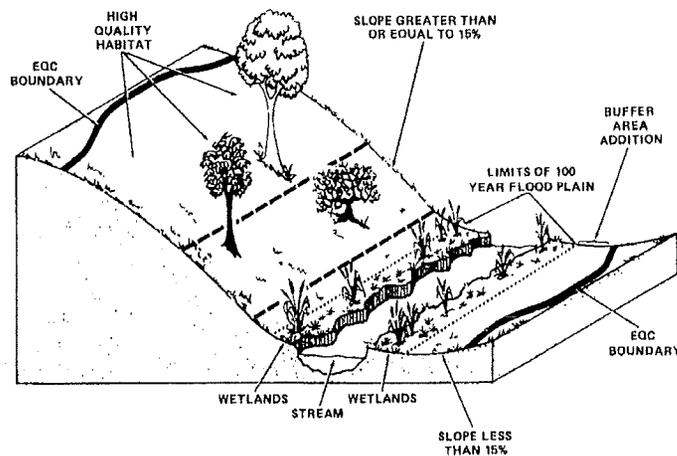
Policy a: Identify, protect and restore an Environmental Quality Corridor system (EQC). (See Figure 4.) Lands may be included within the EQC system if they can achieve any of the following purposes:

- **Habitat Quality:** The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest. This may include: habitat for species that have been identified by state or federal agencies as being rare, threatened or endangered; rare vegetative communities; unfragmented vegetated areas that are large enough to support interior forest dwelling species; and aquatic and wetland breeding habitats (i.e., seeps, vernal pools) that are connected to and in close proximity to other EQC areas.
- **Connectivity:** This segment of open space could become a part of a corridor to facilitate the movement of wildlife and/or conserve biodiversity. This may include natural corridors that are wide enough to

facilitate wildlife movement and/or the transfer of genetic material between core habitat areas.

- Hydrology/Stream Buffering/Stream Protection: The land provides, or could provide, protection to one or more streams through: the provision of shade; vegetative stabilization of stream banks; moderation of sheet flow stormwater runoff velocities and volumes; trapping of pollutants from stormwater runoff and/or flood waters; flood control through temporary storage of flood waters and dissipation of stream energy; separation of potential pollution sources from streams; accommodation of stream channel evolution/migration; and protection of steeply sloping areas near streams from denudation.
- Pollution Reduction Capabilities: Preservation of this land would result in significant pollutant reductions. Water pollution, for example, may be reduced through: trapping of nutrients, sediment and/or other pollutants from runoff from adjacent areas; trapping of nutrients, sediment and/or other pollutants from flood waters; protection of highly erodible soils and/or steeply sloping areas from denudation; and/or separation of potential pollution sources from streams.

The core of the EQC system will be the county's stream valleys. Additions to the stream valleys should be selected to augment the habitats and buffers provided by the stream valleys, and to add representative elements of the landscapes that are not represented within stream valleys. The stream valley component of the EQC system shall include the following elements (See Figure 4):



A TYPICAL
ENVIRONMENTAL QUALITY CORRIDOR

Source: Fairfax County Office of Comprehensive Planning

FIGURE 4

- All 100 year flood plains as defined by the Zoning Ordinance;
- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or greater slopes that begin within 50 feet of the stream channel;
- All wetlands connected to the stream valleys; and
- All the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to the stream bank. The % slope used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the flood plain. This measurement should be taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation.

Modifications to the boundaries so delineated may be appropriate if the area designated does not benefit any of the EQC purposes as described above. In addition, some disturbances that serve a public purpose such as unavoidable public infrastructure easements and rights of way may be appropriate. Disturbances for access roads should not be supported unless there are no viable alternatives to providing access to a buildable portion of a site or adjacent parcel. The above disturbances should be minimized and occur perpendicular to the corridor's alignment, if practical, and disturbed areas should be restored to the greatest extent possible

In general, stormwater management facilities should not be provided within EQCs unless they meet one of the following conditions:

- They are consistent with recommendations of a watershed management plan that has been adopted by the Fairfax County Board of Supervisors; or
- They will:
 - Either:
 - Be more effective in protecting streams and better support goals of watershed management plans than stormwater management measures that otherwise would be provided outside of EQCs; or
 - Contribute to achieving pollutant reduction necessary to bring waters identified as impaired into compliance with state water quality standards or into compliance with a Municipal Separate Storm Sewer System (MS4) permit in a manner that would be more effective and/or less environmentally-disruptive than approaches that would be pursued outside of EQCs;

and

- Replace, enhance and/or be provided along with other efforts to compensate for any of the EQC purposes, as described above, that would be affected by the facilities.

When stormwater management facilities within the EQC are determined to be appropriate, encourage the construction of facilities that minimize clearing and grading, such as embankment-only ponds, or facilities that are otherwise designed to maximize pollutant removal while protecting, enhancing, and/or restoring the ecological integrity of the EQC.

The following efforts within EQCs support the EQC policy and should be encouraged:

- Stream stabilization and restoration efforts where such efforts are needed to improve the ecological conditions of degraded streams. Natural channel design methods should be applied to the greatest extent possible and native species of vegetation should be used.
- Replanting efforts in EQCs that would restore or enhance the environmental values of areas that have been subject to clearing; native species of vegetation should be applied.
- Wetland and floodplain restoration efforts.
- Removal of non-native invasive species of vegetation from EQCs to the extent that such efforts would not be in conflict with county ordinances; such efforts should be pursued in a manner that is least disruptive to the EQCs.

Other disturbances to EQCs should only be considered in extraordinary circumstances and only where mitigation/compensation measures are provided that will result in a clear and substantial net environmental benefit. In addition, there should be net benefits relating to most, if not all, of the EQC purposes listed above that are applicable to the proposed disturbances. . . .

In order to protect the Chesapeake Bay and other waters of Virginia from degradation resulting from runoff pollution, the Commonwealth has enacted regulations requiring localities within Tidewater Virginia (including Fairfax County) to designate "Chesapeake Bay Preservation Areas", within which land uses are either restricted or water quality measures must be provided. Fairfax County has adopted a Chesapeake Bay Preservation Ordinance pursuant to these regulations.

The more restrictive type of Chesapeake Bay Preservation Area is known as the "Resource Protection Area (RPA)." With a few exceptions (e.g. water wells, recreation, infrastructure improvements, "water dependent" activities, and redevelopment), new development is prohibited in these areas. In Fairfax County, RPAs include the following features:

- water bodies with perennial flow;
- tidal wetlands;
- tidal shores;
- nontidal wetlands contiguous with and connected by surface flow to tidal wetlands or water bodies with perennial flow;
- a buffer area not less than 100 feet in width around the above features; and
- as part of the buffer area, any land within a major floodplain.

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

In the Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Environment section as amended through July 1, 2014, on page 11-12, the Plan states:

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

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

New development should not expose people in their homes, or other noise sensitive environments, to noise in excess of DNL 45 dBA, or to noise in excess of DNL 65 dBA in the outdoor recreation areas of homes. To achieve these standards new residential development in areas impacted by highway noise between DNL 65 and 75 dBA will require mitigation. New residential development should not occur in areas with projected highway noise exposures exceeding DNL 75 dBA. . .”

In the Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Environment section as amended through July 1, 2014, on page 19-21, the Plan states:

“**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. In consideration of 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 may include, but are not limited to:

- Environmentally-sensitive siting and construction of development;
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the *Policy Plan*);
- Optimization of energy performance of structures/energy-efficient design;
- Use of renewable energy resources;
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products;
- Application of best practices for water conservation, such as water efficient landscaping and innovative wastewater technologies, that can serve to reduce the use of potable water and/or reduce stormwater runoff volumes;
- 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;
- Reuse, preservation and conservation of existing buildings, including historic structures;
- Retrofitting of other green building practices within existing structures to be preserved, conserved and reused;
- Energy and water usage data collection and performance monitoring;
- Solid waste and recycling management practices; and
- Natural lighting for occupants.

Encourage commitments to implementation of green building practices through certification under established green building rating systems for individual buildings (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design for New Construction [LEED-NC[®]] or the U.S. Green Building Council's Leadership in Energy and Environmental Design for Core and Shell [LEED-CS[®]] program or other equivalent programs with third party certification). An equivalent program is one that is independent, third-party verified, and has regional or national recognition or one that otherwise includes multiple green building concepts and overall levels of green building performance that are at least similar in scope to the applicable LEED rating system. Encourage commitments to the attainment of the ENERGY STAR[®] rating where available. Encourage certification of new homes through an established residential green building rating system that incorporates multiple green building concepts and has a level of energy performance that is comparable to or exceeds 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 that are not otherwise addressed in Policy b above will incorporate green building practices sufficient to attain certification under an established residential green building rating system that incorporates multiple green building concepts and that includes an ENERGY STAR Qualified Homes designation or a comparable level of energy performance. Where such zoning proposals seek development at or above the mid-point of the

Plan density range, ensure that county expectations regarding the incorporation of green building practices are exceeded in two or more of the following measurable categories: energy efficiency; water conservation; reusable and recycled building materials; pedestrian orientation and alternative transportation strategies; healthier indoor air quality; open space and habitat conservation and restoration; and greenhouse gas emission reduction. As intensity or density increases, the expectations for achievement in the area of green building practices would commensurately increase.

In the Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Environment section as amended through July 1, 2014, on pages 12 and 13, the Plan states:

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

Policy a: Limit densities on slippage soils, and cluster development away from slopes and potential problem areas.

Policy b: Require new development on problem soils to provide appropriate engineering measures to ensure against geotechnical hazards.”

In the Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Environment section as amended through July 1, 2014, on page 13, the Plan states:

“Objective 7: Minimize the exposure of new development to the potential of flood impacts.

Policy a: Prohibit new residential structures within flood impact hazard areas.”

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions.

Water Quality

The development plan depicts a variety of measures to manage water quality and quantity control issues related to stormwater runoff associated with the proposed development. Those measures include bioretention areas, sand filters, porous pavers and conventional dry ponds. However, it should be noted that some of these proposed facilities are located within portions of the Resource Protection Area. The applicant has indicated that these facilities are to be located in areas which are currently disturbed, and as such feels that locating them within the RPA does not conflict with standards typically requiring them to be located outside of the RPA. Any final

determination regarding the location of SWM facilities within the RPA and the overall plan for addressing SWM for the proposed development will be made by DPWES. These facilities are also located within an area which would be classified as Environmental Quality Corridor (EQC) under most circumstances. However, the proposed stormwater management pond is located in an area which is currently developed with facilities related to the existing golf driving range. While the preferred approach would be to restore this area, given the existing uses in this area it appears that it will be permitted under the existing ordinance standards. It is our understanding that DPWES will allow the proposed stormwater management facility to remain in this location. However, at this time no final comments have been provided by DPWES regarding this issue.

Environmental Quality Corridors (EQC)/Resource Protection Areas (RPA)

The property includes a portion of the Piney Run stream. This stream is part of the Dogue Creek watershed. The stream channel comprises the eastern boundary of the subject property. There is a sizable RPA/EQC area associated with this stream on the subject property which is comprised of the stream channels, 100-year floodplain and wetland areas. The applicant is proposing SWM areas within this area, which are the subject of review by staff in DPWES. The applicant is also proposing a stream crossing of the unnamed tributary on the site in order to provide access to the northern portion of the proposed development. The applicant has also noted that a portion of this area will be dedicated to the Northern Virginia Conservation Trust for the establishment of a conservation easement. Portion of the stream channel and RPA had been designated for restoration under the previous application, however those commitments were not included as part of this application. While the applicant has provided a proffer noting that a plan for the restoration of this segment of Piney Run will be provided at the time of site plan submission, staff feels that this restoration plan should be provided now to ensure that the plan is ultimately viable and sustainable. The applicant will also need to resolve questions regarding the location of SWM facilities within the RPA based on a determination by staff in DPWES.

Problem Soils

The subject property includes a number of areas which raise concerns regarding problem soils and the previous use of a portion of the site area as a debris landfill. The applicant was asked to submit a geotechnical study for review by the Department of Public Works and Environmental Services (DPWES) in order to address concerns regarding the presence of Marumsco – Marine Clay soils over much of the site area. At this time the geotechnical study has been completed to the satisfaction of staff in DPWES. Any further action which might be required on this issue should be coordinated with staff in that agency.

Green Building Measures

The applicant has agreed to pursue a variety of green building options for the proposed development. According to the proffers, dated August 8, 2014, the proposed single-family attached and detached portion of the development will achieve certification through Earthcraft,

National Green Building Standards (NGBS) using the Energy Star path for energy performance or Energy Star Qualified Homes. However, the Energy Star Qualified Homes approach is no longer considered appropriate as the Comprehensive Policy Plan was revised to support only rating systems with multiple green building concepts and therefore, the Energy Star Qualified Homes approach should be removed as an option. The multi-family dwellings will include commitments to retain a LEED-AP as part of the design team and commitments to a list of green building measures, including priority parking for low-emission vehicles, a reflective roof, prohibit the use of chlorofluorocarbon based refrigerants in the buildings systems, a waste management and recycling plan, and other measure including the use of Energy Star appliances and office equipment. When the original rezoning was approved, this area was not subject to recommendations for green building certification for multi-family dwellings. Since that time, the Comprehensive Plan has been revised to recommend that all zoning proposals for residential development attain green building certification. Given the current Comprehensive Plan guidance, staff strongly encourages that the applicant commit to attainment of green building certification such as Earthcraft or NGBS using the Energy Star path for energy performance.

Noise

The subject property is accessed via a portion of Telegraph Road. The current posted speed limit is thirty-five miles per hour. This portion of Telegraph Road is being widened in order to accommodate increased traffic volume in the area. Some of the proposed residential units abut the right-of-way for Telegraph Road. The applicant has been asked to provide a noise study to demonstrate noise levels from the roadway and potential impacts to the proposed residential development. Exterior noise levels for rear privacy yards and useable open space should not exceed 65 dBA Ldn. Interior noise levels for the proposed dwellings should not exceed 45 dBA.

A noise study for the proposed development, prepared by Polysonics and dated August 12, 2014, concluded that projected year 2034 noise levels of 65-70 dBA Ldn would impacts portions of the site adjacent to Telegraph Road. Exterior impacts in this area would reach levels of approximately 69 dBA Ldn, which would result in some residential units having unmitigated interior noise levels of as much as 49 dBA. While these results are consistent with staff expectations for the site, there are currently no proffers to address the noise issues. It should also be noted that the noise study concludes noting that, “[a] noise barrier will be required, either along the rear of unit property lines or along the roadway.” The preferred staff approach is to locate the barrier along the roadway within Homeowners Association open space in order to ensure that the long-term maintenance costs do not become a burden to individual property owners and to ensure that any maintenance can be carried-out as needed in order to ensure that projected noise impacts are not expanded subject to the removal or loss of a portion of the barrier by a single homeowner. No barrier design has been offered by the applicant at this time. While a wooden barrier may be designed to meet the minimum requirements based on HUD guidance for such structures, these barriers are often poorly or improperly constructed and typically less durable than barriers constructed of other materials, such as, landscaped berms, masonry and concrete. Staff feels that the barrier design should be depicted as part of the approved

Barbara Berlin
RZ 2014-LE-010, Piney Run
SEA 2005-LE-028
SEA 2005-LE-027-02
Page 11

development plans in order to avoid confusion during construction and inspection phases of the proposed development.

PGN: JRB



County of Fairfax, Virginia

MEMORANDUM

DATE: May 5, 2015

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

CC: Bob Katai, Staff Coordinator
Zoning Evaluation Division, Department of Planning & Zoning

FROM: Michael A. Davis, Acting Chief 
Site Analysis Section, Department of Transportation

FILE: RZ 2014-LE-010, SE 2005-LE-028, SE 2005-LE-027

SUBJECT: **ADDENDUM** RZ 2014-LE-010, SEA 2005-LE-028, SEA 2005-LE-027-02
Piney Run Elm Investments, LC
7836, 7906, 7908 Telegraph Road, Alexandria, VA 22315
Tax Map: 100-1 ((1)) 20, 23A, 24 and 25

This Department has reviewed the subject application and Generalized Development Plan/Special Exception Amendment Plat (GDP/SEA Plat) dated March 5, 2014, revised through April 8, 2015, and the Proffers, revised through April 8, 2015, and offer the comments below. Proffer comments are provided under separate cover.

- Applicant should replace the existing onsite roadway bridge during construction of the site's infrastructure and roadways. The applicant proposes to replace the bridge prior to issuance of 1st RUP for residential areas north of the RPA; however, the existing bridge may not support the weight of emergency and construction vehicles. The proffer commitment should reflect replacement of the bridge during site construction.
- All on-street parking and parking spaces provided within the community should meet VDOT and PFM standards. The parking calculations should be revised as some private road on-street parking is depicted as undersized and included in the parking count. Parking should not preclude safe vehicle travel for the through lanes and drive aisles.
- The applicant should provide a plan to repair or replace the wooden pedestrian bridge that is proposed to remain for use as a pedestrian pathway. This bridge may be in disrepair.
- The applicant should connect pedestrian walkways near the attached residential units, as depicted on Sheet 7 of the GDP/SEA Plat, to the 8-foot wide community trail system.

MAD/RP

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May 4, 2015

MEMORANDUM

TO: Land Development

FROM: Traffic Engineering

CC: file

SUBJECT: Piney Run
Telegraph Road Access Updated Traffic Analysis
RZ 2014-LE-010

We have completed our review of the Updated Traffic Analysis for Telegraph Road Access. Conclusions made in the updated traffic analysis report are found to be acceptable.



County of Fairfax, Virginia

MEMORANDUM

DATE: August 27, 2014

TO: Bobby Katai, Staff Coordinator
Department of Planning and Zoning

FROM: Samantha Wangsgard, Urban Forester II
Forest Conservation Branch, DPWESW

SUBJECT: Elm Street Development Piney Run; RZ 2014-LE-010

RE: Request for Assistance dated August 11, 2014

This review is based on the resubmission of the Elm Street Development Piney Run RZ date stamped, "Received, Department of Planning and Zoning, August 8, 2014."

Based on this review all tree and landscape related comments from the memo dated July 2, 2014 and all previous memos appear to have been adequately addressed and the Urban forest Management Division does not have any further comments at this time.

SW/

UFMDID #: 189681

cc: DPZ File

Department of Public Works and Environmental Services
Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
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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: March 19, 2015

SUBJECT: RZ 2014-LE-010 with SEA 2005-LE-028 & SEA 2005-LE-027-02, Elm Street Development
Tax Map Number(s): 100-1((1)) 9B, 17, 19, 20, 23A, 24, 25

BACKGROUND

The Park Authority staff has reviewed the proposed Development Plan dated February 02, 2015, for the above referenced application. The rezoning and special exception amendments are to consolidate parcel and disassociate others parcels from previous related cases (RZ 2006-LE-002, concurrent with RZ 2006-LE-003, SE 2005-LE-027 & 028, PCA 1997-LE-041, and SEA 2005-LE-027 & 028, previously known as Hill Top). This is an updated submission based upon a previous submission submitted on March 5, 2014. The Development Plan shows 124 new multi-family dwelling units (15 percent are ADUs), 103 single family attached units, and 32 single family detached units on a 47.4 acre site. Based on an average multi-family household size of 1.86, single family attached of 2.69, and single family detached of 2.83 in the Rose Hill Planning District, the development could add 598 new residents $[(124 \times 1.86 = 230.64) + (103 \times 2.69 = 277.07) + (32 \times 2.83 = 90.56) = 598.27]$ to the Lee 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). 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 Rose Hill Planning District recommendations in the Area IV Plan state that if parcels are consolidated and develop independently of the recreational area, interparcel access to parcel 23A

should be provided (Area IV, Rose Hill Planning District, RH-4 Lehigh Community Planning Sector Recommendations, pp. 69).

ANALYSIS AND RECOMMENDATIONS

Park Needs:

Using adopted service level standards, staff has identified a need for all types of parkland and recreational facilities in this area. Existing nearby parks (Amberleigh, Banks, Beulah, Hayfield, Huntley Meadows, Island Creek, Kingstowne, Loisdale, Levelle Dupell, and Mount Air Historic Site) meet only a portion of the demand for parkland generated by residential development in the Rose Hill Planning District. In addition to parkland, the recreational facilities in greatest need in this area include basketball courts, playgrounds, diamond fields, rectangle fields, dog park, a neighborhood skate park, and trails.

Recreational Impact of Residential Development:

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 \$534,014 to the Park Authority for recreational facility development at one or more park sites located within the service area of the subject property.

Onsite Facilities:

The applicant is proposing to provide a number of private community amenities to serve the new residents including an approximately 5,000 square foot clubhouse, outdoor fitness stations, walking trails, picnic areas, and multi-purpose lawns with space for bocce courts, benches, and gardens. The clubhouse and surrounding grounds will include a community meeting room, kitchen, gym / exercise facilities, office, outdoor kitchen, outdoor fireplace, and multi-purpose lawns. Of these amenities, the community room, landscaped terraces, gardens, paving, benches, and trails were carried over from previous RZ 2006-LE-002 & 003, while an outdoor swimming pool has been removed from the plan. The clubhouse is retained from the closing of the 9 hole golf course on the adjacent parcels 9B & 17 (also subject to SEA 2005-LE-027-02 to remove these parcels from this development).

Cultural Resources Impact:

The parcels were subjected to cultural resources review, which indicates that the site has an extremely high potential to contain significant historical archaeological sites. In addition, the parcels contain structures on 1937 aerial photography. The Park Authority recommend a Phase I archaeological survey, including architectural assessments and documentation of any structures older than 50 years by qualified historic architects. If significant sites are found, Phase II archaeological testing is recommended in order to determine if sites are eligible for inclusion on the National Register of Historic Places. If sites are found eligible, avoidance or Phase III archaeological data recovery is recommended.

At the completion of any cultural resource studies, The Park Authority requests that the applicant provide one copy of the archaeology report as well as field notes, photographs, and artifacts to the Park Authority's Resource Management Division (Attention: Liz Crowell) within 30 days of completion of the study.

SUMMARY OF RECOMMENDATIONS

This section summarizes the recommendations included in the preceding analysis section, including recreation contribution amounts consistent with the Zoning Ordinance and Comprehensive Plan guidance:

- Contribute \$534,014 to the Park Authority for recreational facility development to offset the additional impact caused by the proposed development.
- Conduct a Phase I archaeological study and any needed follow up studies.

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: Andy Galusha
DPZ Coordinator: Bob Katai

Copy: Cindy Walsh, Director, Resource Management Division
Liz Crowell, Manager, Cultural Resource Management & Protection Section
Bob Katai, DPZ Coordinator
Chron File
File Copy



County of Fairfax, Virginia

MEMORANDUM

DATE: September 8, 2014

TO: Bobby Katai
Staff Coordinator, Zoning Evaluation Division
Department of Planning and Zoning

FROM: Bel Pachhai, PE, CFM, Senior Engineer III Bel Pachhai
Site Development and Inspections Division
Department of Public Works and Environmental Services

SUBJECT: Re-Zoning #RZ 2014-LE-010; Special Exception Amendment #SEA 2005-LE-028; Special Exception Amendment #SEA 2005-LE-027-02; Elm Street Development/Piney Run; SEA Plat dated March 5, 2014; Dogue Creek Watershed; LDS Project # 25753-ZONA-001-1; Tax Map #100-1-01-20,23A,24,25; Lee District

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

Chesapeake Bay Preservation Ordinance (CBPO)

There is Resource Protection Area (RPA) on this site. RPA delineation for this property was approved in December 2013.

Most part of Bioretention Basin #2 and Wet Pond for water quantity and quality control are located within the RPA. BMPs treating stormwater from single development project is not allowed in the RPA. There is a proposed private road crossing and stormwater outfall in the RPA.

Applicant has submitted a RPA exception request and Water Quality Impact Assessment and is under review.

Floodplain

There is a major flood plain located within the property. Generally a floodplain study shall be submitted separately and approved prior to site plan approval (PFM 6-1401.1). As the extent of floodplain and the flood elevation has effect on the overall site layout and design of crossing structures, a floodplain study should be done and flood elevation established prior to re-zoning approval.

Downstream Drainage Complaints

There are no recent downstream drainage complaints on file.

Bobby Katai, Staff Coordinator
Re-Zoning #RZ 2014-LE-010; Special Exception Amendment Plat #SEA-2005-LE-028/SEA
2005-LE-027-02; Elm Street/Piney Run
LDS Project #25753-ZONA-001-1
Page 2 of 3

Stormwater Detention

Applicant indicated on Sheet 12 that the detention requirement will be met by utilizing all proposed onsite BMP facilities. In the site plan submission, detailed stormwater runoff computations must be shown to address the stormwater detention requirements.

Water Quality Control

Applicant stated on sheet 12 that the stormwater quality control requirements will be met for this development by using various BMPs (Wet Pond, Bioretention Basins, Sand Filters and Permeable Pavement). The tentative locations of BMPs have been depicted and Virginia Runoff Reduction (VRR) summary worksheet has been incorporated on the plan.

Applicant has submitted request for WPFM to allow underground sand filters and is under review.

In site plan submission, a detail BMP computation must be provided. Furthermore, every effort shall be made to provide BMP more than that of minimum necessary.

Onsite Major Storm Drainage System and Overland Relief

Applicant needs to provide an overland relief narrative and arrows showing runoff flow path of the 100-year storm event. Cross-sections at key locations must be shown on the plan.

Downstream Drainage System

An outfall narrative has been provided. Adequacy of outfall system shall be shown on the site plan.

Drainage Diversion

During the development, the natural drainage divide shall be honored. If natural drainage divides cannot be honored, a drainage diversion justification narrative must be provided. The increase and decrease in discharge rates, volumes, and durations of concentrated and non-concentrated Stormwater runoff leaving a development site due to the diverted flow shall not have an adverse impact (e.g., soil erosion; sedimentation; yard, dwelling, building, or private structure flooding; duration of ponding water; inadequate overland relief) on adjacent or downstream properties. (PFM 6-0202.2A)

Stormwater Planning Comments

This case is located in the Dogue Creek Watershed. Please visit <http://www.fairfaxcounty.gov/dpwes/watersheds/doguecreek.htm> for more details.



Bobby Katai, Staff Coordinator
Re-Zoning #RZ 2014-LE-010; Special Exception Amendment Plat #SEA-2005-LE-028/SEA
2005-LE-027-02; Elm Street/Piney Run
LDS Project #25753-ZONA-001-1
Page 3 of 3

Dam Breach

The most part of the subject property is within mapped dam breach inundation zone of a state regulated dam (Kingstowne SWM Pond No. 4). Compliance with the requirements stipulated in LTI 09-10 is required.

Stormwater Management Proffers

Comments on the draft proffers will be provided separately once we receive the draft proffers.

Please contact me at 703-324-1698 if you require additional information.

BP/

cc: Fred Rose, Chief, Watershed Planning & Assessment Branch, Stormwater Planning
Division, DPWES
Don Demetrius, Chief, Watershed Evaluation Branch, SPD, DPWES
Bijan Sistani, Chief, South Branch, SDID, DPWES
Zoning Application File





County of Fairfax, Virginia

MEMORANDUM

DATE: April 22, 2014

TO: Bobby Katai
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sharad Regmi, P.E.
Engineering Analysis and Planning Branch

SUBJECT: Sanitary Sewer Analysis Report

REF: Application No. RZ 2014-LE-010/SEA 2005-LE-028/SEA 2005-LE-027-02
Tax Map No. 100-1-((01))-(1)-0020, 0023-A, 0024, & 0025

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

- The application property is located in Dogue Creek (L) watershed. It would be sewerred into the Noman M. Cole Pollution Control Plant (NMCPCP).
- Based upon current and committed flow, there is excess capacity in the NMCPCP. For purposes of this report, committed flow shall be deemed that for which fees have been paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
- An existing 10 inch line located on the property is adequate for the proposed use at this time.
- The following table indicates the condition of all related sewer facilities and the total effect of this application.

| <u>Sewer Network</u> | <u>Existing Use +Application</u> | | <u>Existing Use + Application +Previous Applications</u> | | <u>Existing Use + Application + Comp Plan</u> | |
|----------------------|--------------------------------------|---------------|--|---------------|---|---------------|
| | <u>Adeq.</u> | <u>Inadeq</u> | <u>Adeq.</u> | <u>Inadeq</u> | <u>Adeq.</u> | <u>Inadeq</u> |
| Collector | X | | X | | X | |
| Submain | X | | X | | X | |
| Main/Trunk | X | | X | | X | |

- Other pertinent comments:**

FAIRFAX COUNTY
WASTEWATER MANAGEMENT



Quality of Water = Quality of Life

Department of Public Works and Environmental Services
Wastewater Planning & Monitoring Division
12000 Government Center Parkway, Suite 358
Fairfax, VA 22035
Phone: 703-324-5030, Fax: 703-803-3297
www.fairfaxcounty.gov/dpwes





FAIRFAX COUNTY WATER AUTHORITY
8560 Arlington Boulevard, Fairfax, Virginia 22031
www.fairfaxwater.org

**PLANNING & ENGINEERING
DIVISION**

Jamie Bain Hedges, P.E.
Director
(703) 289-6325
Fax (703) 289-6382

March 28, 2014

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

Re: SEA 2005-LE-028
RZ 2014-LE-010
SEA 2005-LE-027-02
Elm Street/Piney Run
Tax Map: 100-1

Dear Ms. Berlin:

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

1. The property can be served by Fairfax Water.
2. Adequate domestic water service is available at the site from an existing 30-inch water main located in Telegraph Road. See the enclosed water system map.
3. Please be aware that Fairfax Water operates two 30-inch transmission main in Telegraph Road. In accordance with Fairfax Water policy (copy enclosed) all developer proposed relocations of Fairfax Water transmission mains greater than 16-inches in diameter require the approval of the Fairfax Water Board. If it is determined that the proposed construction requires relocation of this transmission main, the applicant must submit a letter to the attention of Ms. Jamie Bain Hedges, P.E., Director, Planning and Engineering, requesting permission to relocate the existing transmission main. Submission of such a request, if necessary, is recommended as soon as possible to avoid subsequent project delays or rework. Relocation of the transmission main, if approved, will be at the owner's expense. After staff review, the request will be forwarded to the Board for consideration.

4. Depending upon the configuration of the on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

If you have any questions regarding this information please contact Ross Stilling at (703) 289-6385.

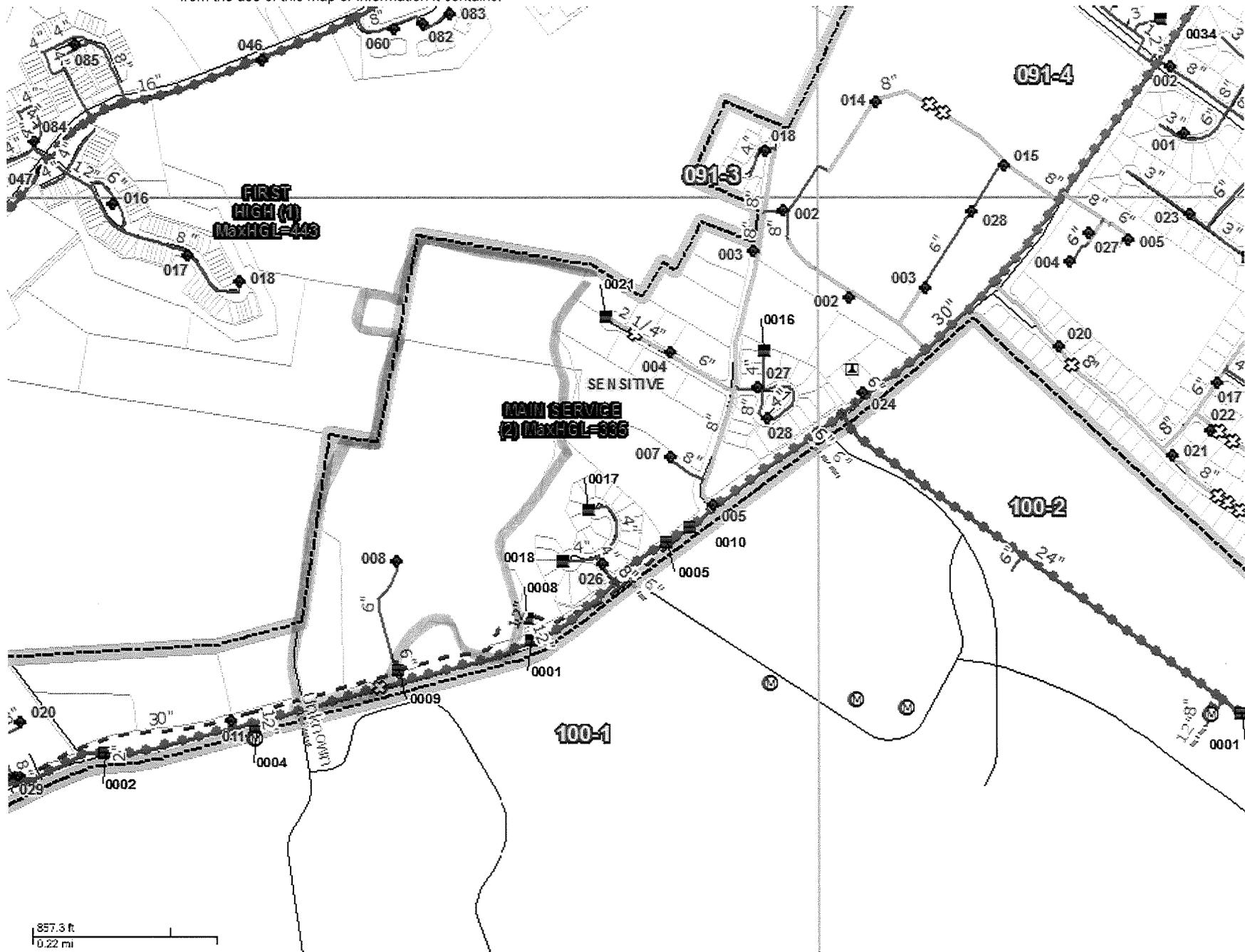
Sincerely,



Traci K. Goldberg, P.E.
Manager, Planning Department

Enclosure

The information contained on this page is NOT to be construed or used as a "legal description". Fairfax Water does not provide any guaranty of accuracy or completeness regarding the map information. Any errors or omissions should be reported to the Technical Services Branch of the Planning and Engineering Division. In no event will Fairfax Water be liable for any damages, including but not limited to loss of data, lost profits, business interruption, loss of business information or any other pecuniary loss that might arise from the use of this map or information it contains.



857.3 ft
0.22 mi

(note: scalebar is approximate)



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

May 11, 2015

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

ENVIRONMENTAL AND SITE REVIEW DIVISION

REVISED STAFF REPORT

AMENDMENT TO RESOURCE PROTECTION AREA (RPA) ENCROACHMENT EXCEPTION #7239-WRPA-004-1 and WATER QUALITY IMPACT ASSESSMENT (WQIA) #7239-WQ-002-1

IN CONJUNCTION WITH REZONING AND SPECIAL EXCEPTION AMENDMENT RZ 2014-LE-010

LEE DISTRICT

APPLICANT: Wetland Studies and Solutions, Inc.

PROPERTY OWNER: Piney Run Elm Investments, LC

PROJECT LOCATION: 7836 Telegraph Road, Alexandria, VA

TAX MAP REFERENCE: 100-1-01-0009B (part), 19, 20, 23A, 24, and 25

APPLICATION FILED: June 13, 2014

APPLICATION ACCEPTED: June 13, 2014

WATERSHED: Dogue Creek

RPA EXCEPTION REQUEST: General RPA Encroachment Request Modification under Chesapeake Bay Preservation Ordinance (CBPO) Section 118-6-9

Department of Public Works and Environmental Services
Land Development Services
12055 Government Center Parkway, Suite 444
Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359



Resource Protection Area Encroachment Exception #1183-WRPA-004-1 and Water Quality Impact Assessment Request #1183-WQ-002-1

PROPOSAL: Amendment to approved RPA Exception to remove an existing parking lot, construct a wet pond, maintenance access road, bioretention basin, storm system outfall, and trail within the RPA.

LOT SIZE: 47.4 acres

ENCROACHMENT AREA REQUESTED:

The proposed disturbance within the RPA is approximately 2.23 acres (97,090 sf). This includes 0.24 acres (10,560 sf) for rerouting of existing private road, 1.30 acres (56,630 sf) for wet pond including access road, 0.15 acres (6,600 sf) for bioretention basin and 0.54 acres (23,300 sf) for stormwater and utility pipes.

The 220 linear feet of paved private driveway surface within the RPA are an allowed use within the RPA and the pedestrian trail is an exempt use. The storm sewer outfall requires approval of a Water Quality Impact Assessment and does not require additional disturbance within the RPA as it will lie within the disturbance necessary for construction of the pond.

PUBLIC HEARING: General RPA Encroachment Amendment Request under CBPO 118-6-9 with an associated rezoning or special exception application require approval by the Board of Supervisors (Board) through a public hearing held concurrent with the public hearing for the rezoning or special exception application, per procedures outlined in CBPO 118-6-1.

DESCRIPTION: This application proposes to construct a wet stormwater management pond and bioretention basin for a residential independent living facility in an R-1 district, partially within the RPA. The site's eastern boundary is along Dogue Creek. The site currently has minor and major floodplain areas, which lie, within the Dogue Creek watershed.

As part of the development project, the applicant proposes to replace a parking lot with a wet pond, construct bioretention basin and sand filters. Proposed

Resource Protection Area Encroachment Exception #1183-WRPA-004-1 and Water
Quality Impact Assessment Request #1183-WQ-002-1

BMPs will provide water quality treatment for the entire 47.4 acres project area. A net of 0.02 acres (850 sf) of impervious surfaces will be removed from within the RPA and 2.23 acres (97,090 sf) will be restored with native vegetation within the RPA; an additional 0.09 acres (3,910 sf) land immediately adjacent to the RPA will also be reforested.

Trails (passive recreation) are exempt uses when located within the RPA; therefore, it is not part of this exception request. The location and construction of trails proposed on this property require separate written approval by the Director, in addition to a grading plan, which demonstrates minimization of disturbed area to the degree possible. The applicant is responsible for obtaining any required State or federal permits prior to commencement of construction of the trails. The utility lines are exempt uses from the CBPO and are required only to comply with Erosion and Sediment Control requirements through approval of a grading plan when located within an RPA.

Driveway and private road crossings in the RPA are allowed uses under the CBPO subject to optimizing the crossing location and approval of a Water Quality Impact Assessment. Therefore, the private road crossing is not part of this exception request.

As a new dam and grading within the 100-year floodplain are proposed, the applicant will be required to conduct, submit and obtain approval of a floodplain study along the tributary stream and Dogue Creek. The major floodplain, by definition, is a buffer component of the RPA, as well as the area within 100 feet of the perennial stream. Thus, the results of a new floodplain study may alter the fringe areas of the RPA boundary.

The applicant proposes to restore 97,090 square feet of RPA and 3,910 square feet land immediately adjacent to the RPA with trees and shrubs to mitigate the effects from the encroachment.

Resource Protection Area Encroachment Exception #1183-WRPA-004-1 and Water Quality Impact Assessment Request #1183-WQ-002-1

BACKGROUND:

The site currently contains a dwelling with storage type accessory structures such as a barn, a parking lot, and a portion of a golf course with a driving range.

The RPA, along Dogue Creek and the tributary, was designated during 1993 when the CBPO first became effective. An RPA re-delineation study, #3365-RPA-001, was approved on January 5, 1996 and another one, #7239-RPA-001-1, was approved June 15, 2005, to adjust the RPA boundary to match the definition in the CBPO.

Establishment of the dwelling and its accessory structures in the RPA was prior to adoption of the CBPO in 1993.

A resource protection Area Exception was previously granted for Piney Run on July 10, 2006 (007239-WRPA-003-1) with only 0.23 acres (10,032 sf) of reforestation. The project was put on hiatus because of housing market collapse following the approval.

The applicant has now begun to proceed the project with plans similar to what was previously proposed. However, Virginia DEQ stormwater regulations have changed during the interim, necessitating additional stormwater facilities on site.

While majority of proposed stormwater facilities are located outside of the RPA, one of the proposed bioretention basins is partially within the RPA. Other encroachments have been modified since previous RPAE approval (several impacts have been reduced relative to what was previously proposed) in order to meet the new requirements for stormwater management.

DOCUMENTS AND CORRESPONDENCE:

In addition to the April 8, 2015, SEA plan, the following information is part of this application:

- Amendment request to previously approved RPA Encroachment Exception and Water Quality Impact

Resource Protection Area Encroachment Exception #1183-WRPA-004-1 and Water Quality Impact Assessment Request #1183-WQ-002-1

Assessment prepared by WSSI signed and dated June 13, 2014 and revised on May 7, 2015 (Exhibit 1),

- Statement of justification received June 13, 2014 and revised on May 7, 2015 (Exhibit 3) and
- Proposed Conditions Map/RPAE Plat dated May 6, 2015 (Exhibit 8)
- Previously approved Proposed conditions Map/RPAE Plat (Exhibit 11)

ANALYSIS:

The total RPA encroachment proposed in the previously approved RPA exception was 2.36 acre (102,800 sf). In the amendment to approved RPA exception, 2.23 acre (97,090 sf) of RPA is proposed for encroachment.

There are new encroachments for bioretention basin and slight rerouting of the existing private road, addition to encroachment for wet pond access road, and reduction to encroachments for wet pond and outfall, and earthwork necessary to install stormwater pipes in comparison to the previously approved RPA exception.

To mitigate the disturbance to the RPA, the applicant has proposed to remove the existing impervious area within the county-mapped RPA, and reforestation of manicured areas within the county-mapped RPA.

The proposed SWM/BMP facilities will provide treatment for the entire 47.4 acres project area. Overall, the post-development phosphorus load will be reduced to 0.38 lbs./ac/yr. (lower than the target phosphorus loading of 0.41 lbs./ac/yr.)

Furthermore, the applicant has proposed to reforest 97,090 sf (2.23 acres) of currently disturbed and impervious areas within the RPA and an additional 3,910 sf (0.09 acres) of land immediately adjacent to the RPA. This reforestation effort represents a significant increase in mitigation relative to the 10,030 sf (0.23 acres) of reforestation previously proposed in the RPAE approved for this project in 2006.

REQUIRED FINDINGS:

General RPA Encroachment Exceptions under CBPO 118-6-9 may be granted based upon the findings listed in CBPO Section 118-6-6 and the additional finding in CBPO Section 118-6-9. It is the opinion of county staff that the required findings, as discussed below, have been fully satisfied in this application.

(a) *The requested exception to the criteria is the minimum necessary to afford relief:*

An exception for the larger of the two stormwater facilities (i.e., the wet pond and its appurtenant structures) was previously granted under WRPA-007239-003-1. The County saw fit to grant this exception request given the degraded nature of the existing RPA (an asphalt parking lot) and proposed mitigation (proposed buffer reestablishment.) The newly proposed encroachment will accommodate a bioretention basin within the RPA. This new encroachment is significantly smaller (6,600 sf or 0.15 acre for the basin) compared to the wet pond, which will cover 48,600 sf (1.12 acres) within the RPA. Both proposed BMPs are located partially outside of the RPA. The newly proposed bioretention basin was sited partially within the RPA only after consideration of two other options, both of which were deemed infeasible:

- The proposed bioretention could not be located further upland (i.e. outside of the RPA) and still capture a significant portion of the drainage area. Steepness of grades on the project site made locating a flat infiltration basin such as a bioretention impractical outside of the RPA. The existing golf green area therefore presented a logical choice, because riparian buffer conditions will be improved by growing larger vegetation relative to existing golf grass and ceasing to fertilize.

Resource Protection Area Encroachment Exception #1183-WRPA-004-1 and Water Quality Impact Assessment Request #1183-WQ-002-1

- A sand filter was originally proposed instead of the bioretention basin within the RPA. However, three other sand filters are already proposed on-site, and concerns over the community's long-term ability to continue maintenance at 3 underground facilities in a residential community led the Engineer to develop a bioretention basin partially within the RPA as the preferred alternative.

A copy of the Piney Run Stormwater Management Plan, prepared for the Piney Run General Development Plan, is provided in Exhibit 3A. Drainage areas and VRRM worksheets showing compliance with DEQ requirements are included herein.

Given the developed nature of the existing RPA, the applicant has proposed to improve the quality of riparian buffer on site in the least intrusive manner practicable. Water quality benefits will be realized by removal of impervious surfaces (a net reduction of 850 sf (0.02 acre) within the RPA relative to existing conditions,) reforestation of 97,090 sf (2.23 acres) of disturbed/impervious area within the RPA and an additional 3,910 sf (0.09 acre) of reforestation immediately adjacent, and the establishment of two stormwater control measures – a wet pond and a bioretention basin, where there is currently an asphalt parking lot and golf tee area. Care will be taken during construction to avoid compaction of existing pervious surfaces.

New impervious areas within the RPA are necessitated by the two stormwater control measures. The wet pond requires an access road, riser, and outfall. The bioretention basin will require a riser and outfall as well. To minimize impervious area within the RPA, the width of the access road has been kept as narrow as possible (12') to allow for maintenance, and the two outfalls have been combined. Details are shown in Exhibit 8. The stormwater treatment

Resource Protection Area Encroachment Exception #1183-WRPA-004-1 and Water Quality Impact Assessment Request #1183-WQ-002-1

facilities could not be located outside of the RPA due to site constraints, however four other stormwater management facilities are proposed outside the RPA where suitable sites were found.

(b) *Granting the exception will not confer upon the applicant any privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated:*

Granting of this exception will not confer any special privileges upon the property Owner – the environmental benefits that will be realized by allowing this exception are well documented in this RPAE and these merits should be recognized by any similar such application presented for consideration. The RPA currently contains several non-forested areas and impervious surfaces.

(c) *The exception is in harmony with the purpose and intent of this Chapter and is not of substantial detriment to water quality:*

Granting this RPAE would result in a net improvement in the quality of water leaving the site. It is thus in full compliance with the purpose and intent of this Chapter.

(d) *The exception request is not based upon conditions or circumstances that are self-created or self-imposed:*

Given the existing poor condition of the RPA, characterized by 62,900 sf of existing impervious area and fertilization of short grasses in pervious areas, the proposed activities within the RPA are necessary in order to achieve environmental improvements for the site. The previously approved RPAE recognized this situation as such, and granted approval for installation of the larger of the two currently proposed SWM facilities. The currently proposed RPAE request has been prepared in response to a situation created by

Resource Protection Area Encroachment Exception #1183-WRPA-004-1 and Water Quality Impact Assessment Request #1183-WQ-002-1

new stormwater regulations from Virginia DEQ, which will require more expansive treatment. A second SWM facility has therefore been proposed in the RPA (along with several others located outside the RPA where possible), however significantly more reforestation in the RPA has also been proposed in the current RPAE request (97,090 sf currently proposed relative to 10,032 sf proposed for reforestation previously.)

(e) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality:

As demonstrated in this RPAE, the proposed project represents no significant detriment to water quality. As discussed in the WQIA section of this report, the proposed project will reduce the phosphorus load below the Ordinance's required limit of 0.41lb/ac/yr. In addition, the project proposes to reforest 97,090 sf (2.23 acres) of existing disturbed and impervious area within the RPA and an additional 3,910 sf (0.09 acre) of land immediately adjacent.

(f) Other findings, as appropriate and required herein, are met:

It is the opinion of staff the requirements of a Water Quality Impact Assessment, CBPO 118-4-3, have been provided.

(g) Exceptions under CBPO 118-6-9 are subject to the additional finding that the water quality benefits resulting from the proposed construction exceed the associated water quality detriments:

The applicant has demonstrated that the project will provide a quantifiable benefit. Calculations using the Virginia Runoff Reduction Spreadsheet showing the phosphorus load reduction after the improvements would be more than that required have been

Resource Protection Area Encroachment Exception #1183-WRPA-004-1 and Water Quality Impact Assessment Request #1183-WQ-002-1

submitted. With the inclusion of various BMPs, these calculations demonstrate that the proposed work will benefit water quality more than a detriment to the water quality from the proposed disturbance. It is the opinion of Staff that this exception request has met this finding.

STAFF RECOMMENDATION: Staff recommends approval of Modification to RPA Encroachment Exception #7239-WRPA-004-1 and Water Quality Impact Assessment #7239-WQ-002-1. If it is the intent of the Board of Supervisors to approve the Modification to RPA Encroachment Exception and the WQIA, staff recommends that such approval be subject to the proposed development conditions contained in Exhibit A, which were drafted with the intent to meet the required findings of CBPO Sections 118-4-3, 118-6-6 and 118-6-9.

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

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board. For further information, contact the Site Development and Inspections Division, Land Development Services, Department of Public Works and Environmental Services, 12055 Government Center Parkway, Suite 535, Fairfax, Virginia 22035-5503, 703-324-1720.

PROPOSED DEVELOPMENT CONDITIONS**7239-WRPA-004-1 and 7239-WQ-002-1****May 11, 2015**

If it is the intent of the Board of Supervisors to approve Resource Protection Area (RPA) Encroachment Exception #7239-WRPA-004-1 and Water Quality Impact Assessment #7239-WQ-002-1 for the property located at Tax Map #100-1-01-0009B (part), 19, 20, 23A, 24, and 25 to allow encroachment in the RPA pursuant to Section 118-6-9 of the Fairfax County Chesapeake Bay Preservation Ordinance (CBPO), staff recommends that the Board condition the approval by requiring conformance with the following conditions:

1. This RPA Encroachment Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This RPA Encroachment Exception is granted only for the purposes, structures or uses indicated on the plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to this RPA Exception shall be in substantial conformance with the approved plat entitled *Piney Run Independent Living Facility Proposed Conditions/RPAE Plat* prepared by Wetland Studies and Solutions, Inc., dated May 6, 2015, and these conditions.
4. In order that the land disturbed within the RPA can be considered to be the minimum necessary to afford relief for the proposed construction, indigenous vegetation shall be preserved to the maximum extent possible, the limits of clearing and grading must be clearly shown on any development plan, and adequate access and areas for stockpiles must be included. Any development plan will be subject to approval by the Department of Public Works and Environmental Services (DPWES). The limits of clearing and grading must be strictly observed and enforced. Any encroachment into, and/or disturbance of, the RPA not shown on the approved plan will be considered a violation of the CBPO and is subject to the penalties of CBPO Article 9.
5. In order that the project is in harmony with the purpose and intent of the CBPO, does not have a substantial detriment to water quality, and meets the additional performance criteria for RPAs, vegetated buffer area(s) shall be established in the disturbed areas of at least 2.23 acres (97,090 sf) within the RPA and 0.09 acre (3,910 sf) adjacent to the RPA on the property. The size, species, density and locations shall be consistent with the planting requirements of CBPO Section 118-3-3(f), or a vegetation plan that is equally effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff, as determined by the Department of Public Works and Environmental Services (DPWES). The vegetation shall be randomly placed to achieve a relatively even

spacing throughout the buffer. Notwithstanding any statements on the Plat and in the Water Quality Impact Assessment (WQIA), the size, species, density, and locations of the trees, shrubs, and groundcover will be subject to approval of the Director of the DPWES.

6. In order that the proposed construction activity does not degrade water quality, adequate erosion and sediment control measures, including, but not limited to, a super-silt fence shall be employed during construction within the RPA, and shall remain in place, and be properly maintained, for the duration of the land disturbing activity within the RPA until such time that the disturbed area is completely stabilized.

This approval, contingent on the above noted conditions, does not relieve the applicant from compliance with the provisions of any applicable Federal, State, or County ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the approval of any required plans and permits through established procedures, and this RPA Exception shall not be valid until this has been accomplished.

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

9-304 Standards for all Category 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 3 special exception uses shall satisfy the following standards:

1. For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.
2. Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.
3. Except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.
4. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

9-306 Additional Standards for Independent Living Facilities

1. Housing and general care shall be provided only for persons who are sixty-two (62) years of age or over, couples where either the husband or wife is sixty-two (62) years of age or over and/or persons with handicaps (disabilities), as defined in the Federal Fair Housing Act Amendments of 1988, who are eighteen (18) years of age or older and with a spouse, if any. In addition, any dwelling unit within the facility may include a live-in aide. For the purposes of this Section, a live-in aide is any person who meets the definition set forth in the U.S. Department of Housing and Urban Development (HUD) regulations, Article 24, of the Code of Federal Regulations, Section CFR 5.403 and 982.316, and is further subject to Public and Indian Housing Notices PIH 2008-20 and 2009-22, and any future applicable notices issued by HUD.

An independent living facility may also provide for a resident care provider(s), subject to the provisions of this Section. A resident care provider is any person who lives in a separate dwelling unit within the independent living facility, who provides services that are determined to be essential to the care and well-being of one or more elderly or disabled persons living within the same facility and is further subject to the provisions of this Section.

The owner/manager of the facility shall be responsible for ensuring compliance with this occupancy criterion and shall, upon specific request by the Zoning Administrator, provide a copy of the document(s) used to verify occupancy qualifications of residents, live-in aides, and/or care providers.

2. The Board specifically shall find that applications under this Section adequately and satisfactorily take into account the needs of elderly persons and/or persons with handicaps (disabilities) for transportation, shopping, health, recreational and other similar such facilities and shall consider any specific facility maintenance and operating requirements to ensure that the facility meets the needs of the residents and is compatible with the neighborhood. The Board shall impose such reasonable conditions upon any exception granted as may be necessary or expedient to insure provisions of such facilities.
3. The Board shall find that such development shall be compatible with the surrounding neighborhood, shall not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use and shall not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
4. To assist in assessing whether the overall intensity of the proposed use is consistent with the scale of the surrounding neighborhood, the total gross floor area, including the dwelling unit area and all non-dwelling unit areas, the floor area ratio and the number of dwelling units shall be shown on the plat submitted with the application.

5. No such use shall be established except on a parcel of land fronting on, and with direct access to, a collector street or major thoroughfare.

6. The density of such use shall be based upon the density of the land use recommendation set forth in the adopted comprehensive plan and as further modified by the corresponding multiplier and open space requirements set forth in the schedule provided below. Where the adopted comprehensive plan does not specify a density range in terms of dwelling units per acre, the density range shall be determined in accordance with Sect. 2-804. A minimum of fifteen (15) percent of the total number of dwelling units shall be Affordable Dwelling Units (ADUs). When 100 percent of the dwelling units are ADUs, the total number of units should be calculated using the high end of the residential density range as set forth in the adopted comprehensive plan plus the addition of a twenty (20) percent density bonus. All ADUs shall be administered in accordance with the provisions of Part 8 of Article 2. When not less than seventy (70) percent of the dwelling units are to be provided for those residents whose annual household income is not more than fifty (50) percent of the median income for the Washington Metropolitan Statistical Area (WMSA) and not more than thirty (30) percent of the dwelling units are provided for residents whose annual income is not more than seventy (70) percent of the median income for the WMSA, shall not be applicable and the total number of units may be calculated using the high end of the residential density range, as set forth in the adopted comprehensive plan, plus the addition of a twenty-five (25) percent density bonus.

| Comprehensive Plan Residential Density | Maximum Number of Units Per Acre* | Required Open Space |
|---|---|----------------------------|
| 0.2 unit per acre | Not to exceed 5 times unit per acre | 75% |
| 0.5 unit per acre | Not to exceed 4 times unit(s) per acre | 70% |
| 1 unit per acre | “ | 65% |
| 2 units per acre | “ | 60% |
| 3 units per acre | “ | 55% |
| 4 units per acre | “ | 50% |
| 5 units per acre | “ | 35% |
| 8 units per acre | “ | 25% |
| 12 units per acre or more | “ | 35% |
| PRC District | In accordance with an approved Development Plan | |

*Excluding nursing facilities and assisted living facilities

7. Independent living facilities may include assisted living facilities and skilled nursing facilities designed solely for the residents as an accessory use.

8. All facilities of the development shall be solely for the use of the residents, employees and invited guests, but not for the general public.
9. In residential districts, the maximum building height shall be 50 feet, except that the maximum building height shall be 35 feet when the structure is designed to look like a single family detached dwelling and utilizes the applicable residential district minimum yard requirements, as set forth below, subject to further limitations by the Board to ensure neighborhood compatibility. For independent living facilities in commercial districts the maximum building height shall be as set forth in the district in which they are located.
10. For independent living units that are located in a structure designed to look like a single family detached dwelling unit and is located in the R-E through R-8 Districts, the Board may permit compliance with the applicable single family detached minimum yard requirements of the zoning district in which located. For independent living facilities located in any other structure or district, the minimum front, side and rear yard requirements shall be as follows:
 - A. Where the yard abuts or is across a street from an area adopted in the comprehensive plan for 0.2 to 8 dwelling units per acre - 50 feet.
 - B. Where the yard abuts or is across a street from an area adopted in the comprehensive plan for a residential use having a density greater than 8 dwelling units per acre or any commercial, office or industrial use - 30 feet.In any event, the Board may modify such yard requirements to ensure compatibility with the surrounding neighborhood.
11. Transitional screening shall be provided in accordance with the provisions of Article 13, and for the purpose of that Article, an independent living facility shall be deemed a multiple family dwelling.
12. The provisions of Par. 6 above shall not be applicable to proffered rezoning and approved special exception applications or amendments thereto approved prior to May 20, 2003 or for special exception applications approved prior to May 20, 2003 for which a request for additional time to commence construction is subsequently requested in accordance with Sect. 9-015. Additionally, Par. 6 above shall not be applicable, unless requested by the applicant to rezoning and special exception amendment applications filed on or after May 20, 2003, which propose no increase in density over the previously approved density.
13. Live-in aides, as defined in Par. 1 above, shall not be subject to the income limitations and/or the age/disability occupancy requirements set forth in this Section. For the purposes of this Section, the "annual household income" shall not include the income of any live-in aide when determining the eligibility of the qualified resident.
14. Resident care providers, as defined in Par. 1 above, may be provided in independent living facilities located in single family attached units or multiple

family dwelling unit buildings, limited to not more than twenty-five (25) percent of the total number of dwelling units within the facility. Such resident care providers shall not be subject to the income limitations and/or age/disability occupancy requirements set forth in this Section; however, rental occupancy shall be limited to a maximum six (6) month term, subject to renewal for additional six (6) month maximum terms upon confirmation that the care provider continues to provide services to the primary resident(s) of the development. At such time that it is determined that an individual is no longer providing care services to a resident, such individual shall vacate the rental unit at the end of the lease term.

15. For independent living facilities for low income tenants in which not less than seventy (70) percent of the dwelling units are to be provided for those residents whose annual household income is not more than fifty (50) percent of the median income for the Washington Metropolitan Statistical Area (WMSA) and not more than thirty (30) percent of the dwelling units are provided for residents whose annual income is not more than seventy (70) percent of the median income for the WMSA, the following additional standards shall also apply:

A. All occupancy shall be on a rental basis only. Maximum rental prices shall be established in accordance with the following formula, based on the appropriate median income for the WMSA. The base figure shall be adjusted by the following factors for different dwelling unit sizes based on bedroom count:

| Number of Bedrooms | Adjustment Factor |
|--------------------------------|-------------------|
| 0 bedrooms (efficiency/studio) | 70% |
| 1 bedroom | 85% |
| 2 or more bedrooms | 100% |

The result of this calculation for each size dwelling unit shall then be divided by twelve (12), then multiplied by twenty-five (25) percent and rounded to the nearest whole number to establish the maximum rent for the unit, which may or may not include utilities, at the developer's option. Resident care provider units shall not be subject to this calculation.

Initial lease terms shall be for not less than six (6) months and not more than one (1) year. Renewal terms may be on a month-to-month or other time basis, but shall not be longer than one (1) year for each renewal period.

B. The owner or manager shall monitor the income level of tenants at the time of initiation and renewal of any lease term and shall establish that any live-in aide or resident care provider continues to meet the applicable requirements of this Section. The results of such monitoring shall be provided to the Zoning Administrator on an annual basis to assure on-going compliance with the tenancy and income limits. Such report shall include the dwelling unit number/address, date of lease renewal, term of lease renewal, and tenant's income. Should a tenant become over-qualified with regard to income at any time during a lease term, such tenant shall vacate the unit at the end of the

- lease term in effect at the time of such over-qualification or within nine (9) months of such over-qualification, whichever time period is longer.
- C. Prior to the issuance of the first Residential Use Permit for any unit in the independent living facility, the owner shall record a covenant, on a form provided and approved by the Fairfax County Department of Housing and Community Development, to address at a minimum the income limitations; rental price restrictions; the perpetuity of such controls; and any other relevant limits that are imposed by the Board.
 - D. Such independent living facilities for low income residents shall not be subject to Part 8 of Article 2 of the Zoning Ordinance, the ADU Program, nor shall they be subject to the Board's policy for Workforce Dwelling Units.

9-610 Provisions for Waiving Minimum Lot Size Requirements

The Board may approve, either in conjunction with the approval of a rezoning or as a special exception, the waiving of the minimum district size and/or lot width requirement for an R District, except for all cluster subdivisions, the minimum lot area and/or lot width requirements for a C district or the minimum district size requirement for the C-9 District, and the minimum district size, lot area and/or lot width requirements for an I district, but only in accordance with the following:

1. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.
2. The applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.
3. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways.
4. Such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied

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 | | |