



**APPLICATION ACCEPTED:** July 7, 2015  
**PLANNING COMMISSION:** January 21, 2016

# County of Fairfax, Virginia

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**January 6, 2016**

## **STAFF REPORT**

**FDPA 2003-LE-025-05**

### **LEE DISTRICT**

**APPLICANT:** Jeffrey D. Cline

**ZONING:** PDH-5, HC

**PARCEL(S):** 81-4 ((48)) 85

**ACREAGE:** 3,720 square feet

**PLAN MAP:** Residential; 2-3 du/ac

**PROPOSAL:** Amend FDP 2003-LE-025, previously approved for residential development on 18.26 acres, to permit a reduction of certain yard requirements on a single-family detached dwelling lot (Lot 85) to permit construction of a patio 1.1 feet from the side lot line and five feet from the rear lot line.

### **STAFF RECOMMENDATIONS:**

Staff recommends approval of FDPA 2003-LE-025-05, subject to the proposed development conditions contained in Appendix 1 of this report.

It should be noted that it is not the intent of staff to recommend that the Planning Commission, 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.

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**Bob H. Katai**

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



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

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.

O:\bkatai\Cline FDPA\Staff Report and Conditions\00 – Consolidated Staff Report for Cline FDPA 2003-LE-025-05



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

# Final Development Plan Amendment

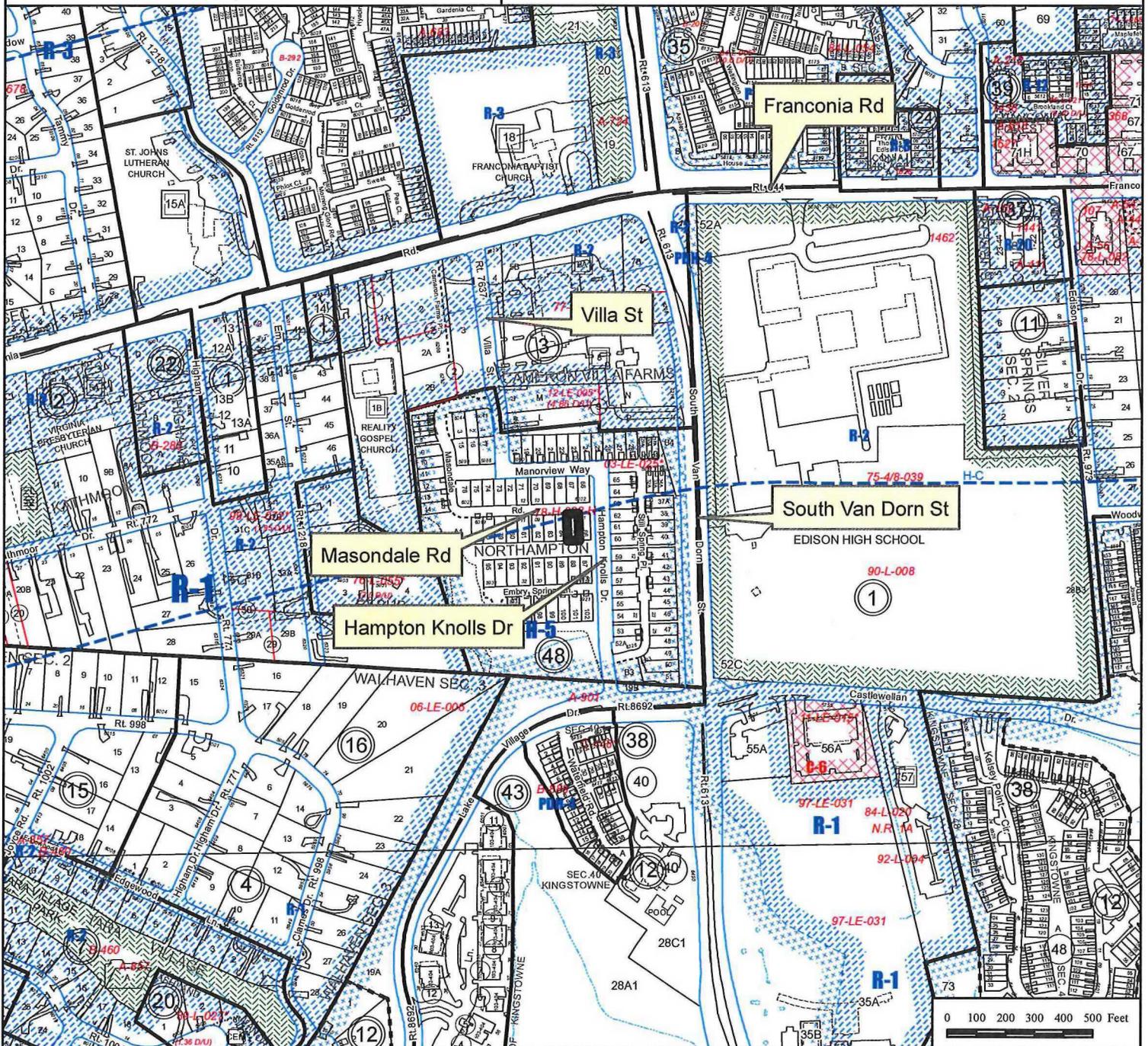
FDPA 2003-LE-025-05



Applicant: JEFFREY D. CLINE  
Accepted: 07/07/2015  
Proposed: AMEND FDP 2003-LE-025 PREVIOUSLY APPROVED FOR RESIDENTIAL TO ALLOW MODIFICATIONS OF YARD REQUIREMENTS FOR LOT 85

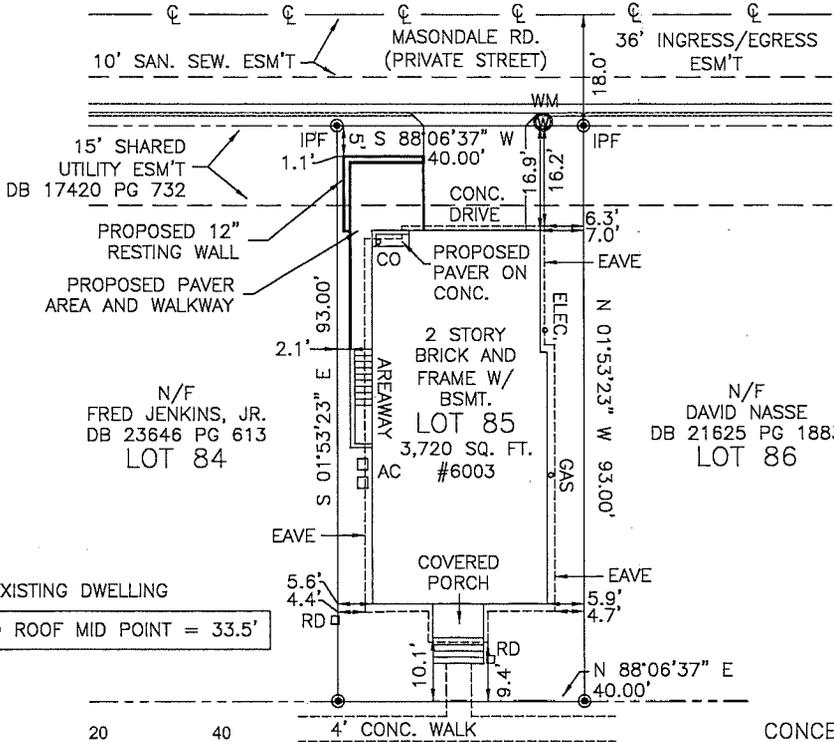
Area: 3720 SF OF LAND; DISTRICT - LEE  
Zoning Dist Sect:  
Located: APPROXIMATELY 1200 FEET SOUTH OF THE INTERSECTION OF SOUTH VAN DORN STREET AND FRANCONIA ROAD

Zoning: PDH- 5  
Overlay Dist: HC  
Map Ref Num: 081-4- /48/ /0085

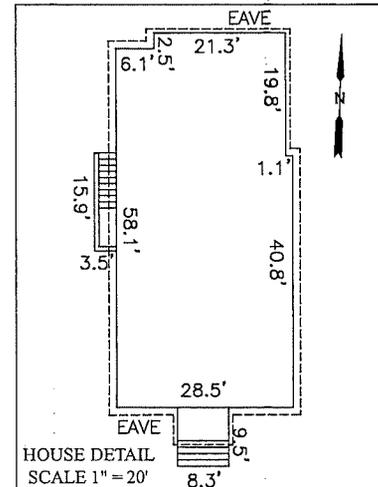
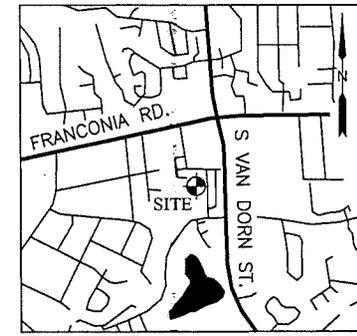


**NOTES:**

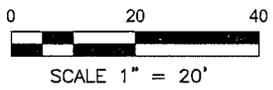
1. THE PROPERTY DELINEATED ON THIS PLAN IS LOCATED ON FAIRFAX COUNTY TAX ASSESSMENT MAP NUMBER 81-4((48))85
2. THE PROPERTY HEREON IS CURRENTLY UNDER THE OWNERSHIP OF JEFFREY D. CLINE IN DEED BOOK 23786 AT PAGE 1392 AMONG THE LAND RECORDS OF FAIRFAX COUNTY
3. ALL EASEMENTS SHOWN HEREON ARE RECORDED IN DEED BOOK 18133 AT PAGE 2148 UNLESS OTHERWISE NOTED
4. THE BOUNDARY INFORMATION TAKEN FROM A FIELD RUN SURVEY PREPARED BY MERESTONE GEOMATICS, LLC
5. THERE ARE NO 100-YEAR FLOODPLAINS ON-SITE. NO FLOODPLAIN OR DRAINAGE STUDIES ARE REQUIRED FOR THIS PROJECT.
6. THERE ARE NO RESOURCE PROTECTION AREAS OR ENVIRONMENTAL QUALITY CORRIDORS ON THIS SITE. WATER QUALITY IMPACT ASSESSMENT WILL NOT BE REQUIRED
7. TO THE BEST OF OUR KNOWLEDGE, THE SITE HAS NO SCENIC ASSETS OR NATURAL FEATURES DESERVING OF PROTECTION OR PRESERVATION
8. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO KNOWN GRAVES, OBJECTS, OR STRUCTURES MARKING A PLACE OF BURIAL
9. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF 25' OR GREATER, NOR ANY MAJOR UNDERGROUND UTILITY EASEMENTS LOCATED WITHIN THE SITE
10. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO HAZARDOUS OR TOXIC SUBSTANCES AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 116.4, 302.4, AND 355; ALL HAZARDOUS WASTE AS SET FORTH IN COMMONWEALTH OF VIRGINIA/DEPARTMENT OF WASTE MANAGEMENT VR 672-10-1 - VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS; AND/OR PETROLEUM PRODUCTS AS DEFINED IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 280; TO BE GENERATED, UTILIZED, STORED, TREATED, AND/OR DISPOSED OF ON-SITE, AND THE SIZE AND CONTENTS OF ANY EXISTING OR PROPOSED STORAGE TANKS OR CONTAINERS
11. THIS PROJECT WILL CONFORM TO ALL APPLICABLE ORDINANCES, REGULATIONS, AND ADOPTED STANDARDS, IN ACCORDANCE WITH THE ADOPTED COMPREHENSIVE PLAN
12. EXISTING IMPROVEMENTS:  
 -WATER SERVICE IS BEING PROVIDED BY AN EXISTING 8" MAIN LOCATED IN MASONDALE ROAD  
 -SANITARY SERVICE IS BEING PROVIDED BY AN EXISTING 8" MAIN LOCATED IN MASONDALE ROAD



DB 18133 PG 2148



EXISTING DWELLING  
 HEIGHT TO ROOF MID POINT = 33.5'



RECEIVED  
 Department of Planning & Zoning  
 JUN 19 2015  
 Zoning Evaluation Division

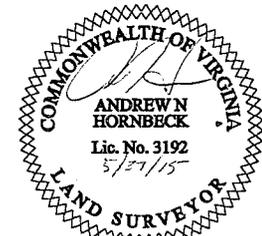
NOTE: BEARINGS BASED NORTHAMPTON, RECORDED AT DB 18133 PG 2148, FAIRFAX COUNTY, VIRGINIA

N/F KINGSTOWNE RESIDENTIAL OWNERS CORP.  
 DB 18740 PG 375  
 ZONE PDH-5 USE: OPEN SPACE

N/F DAVID NASSE  
 DB 21625 PG 1883  
 LOT 86

N/F FRED JENKINS, JR.  
 DB 23646 PG 613  
 LOT 84

CONCEPTUAL / FINAL  
 DEVELOPMENT PLAN AMENDMENT  
 NORTHAMPTON  
 LOT 85  
 MAP# 0814-48-0085  
 ZONED PDH-5  
 LEE DISTRICT  
 FAIRFAX COUNTY, VIRGINIA



ANDREW HORNBECK, LS #3192

DATE:	05/27/2015
REVISIONS:	
CONCEPTUAL/FINAL	FINAL
JN: 2015-1196	SCALE: 1" = 20'
SHEET	1 OF 1
MERESTONE GEOMATICS, LLC LAND SURVEYING 9404 SECCA DR., FREDERICKSBURG, VA: 22407 540-877-8722 WWW.MERESTONEGEOMATICS.COM	

## DESCRIPTION OF THE APPLICATION

The applicant, Jeffrey D. Cline, requests amendment of the Final Development Plan (FDP) associated with RZ 2003-LE-025 for a 3,720 square foot portion (Lot 85) of the Northampton Subdivision. Pursuant to RZ 2003-LE-025, the 18.26 acre subdivision site was rezoned from the R-1 District to the PDH-5 District to permit the development of 102 dwelling units, containing a mix of 30 single-family attached dwelling units and 61 single-family detached dwelling units, at an overall density of 5.59 dwelling units per acre (du/ac), including 11 affordable dwelling units. The applicant is requesting a reduction to the minimum side and rear yard requirements on Lot 85 to permit the addition of a 14'4" x 13'1" (186 square feet) patio onto the rear of the existing single-family detached dwelling. The patio will be constructed 1.1 feet from the west side lot line and 5 feet from the rear lot line. At its highest point, near the west side lot line, the surface of the patio will be approximately 12 inches above grade, with a 12-inch high resting wall along its west and north sides. The patio will be constructed of red/brown patio pavers.

A reduced copy of the Final Development Plan Amendment (FDPA) is included at the front of this report. The proposed development conditions, the applicant's affidavit and the Statement of Justification are contained in Appendices 1, 2 and 3, respectively.

## LOCATION AND CHARACTER

The property is located one lot west of the southwest corner of the of Hampton Knoll Drive and Masondale Road intersection in the Northampton Subdivision in the Lee District. The interior 3,720 square foot lot is developed with a single-family detached dwelling. The property is zoned PDH-5 and is located within the Highway Corridor (HC) Overlay District. The subject property, as well as the other properties on the south side of Masondale Road, are identified as "rear-loaded" lots on the Final Development Plan, as their attached garages, located in the rear yards, are accessed by a private street adjoining the rear lot line.



Figure 1: Aerial View of Site

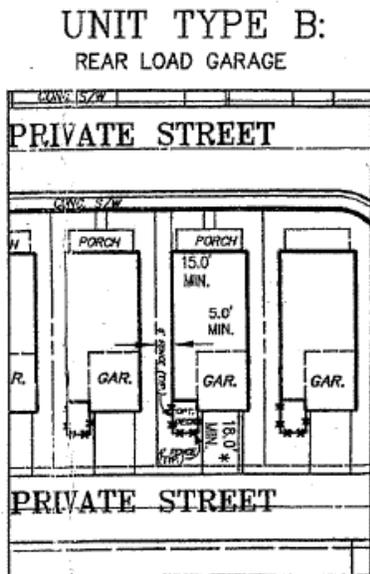
Surrounding Conditions			
	Existing Zoning:	Existing Use:	Plan Recommendation:
North:	PDH-5	Single-family Detached (Northampton)	Residential (2-3 du/ac) (Base Density)

<b>East:</b>	PDH-5	Single-family Detached (Northampton)	Residential (2-3 du/ac) (Base Density)
<b>South:</b>	PDH-5	Single-family Detached (Northampton)	Residential (2-3 du/ac) (Base Density)
<b>West</b>	PDH-5	Single-family Detached (Northampton)	Residential (2-3 du/ac) (Base Density)

**BACKGROUND**

On October 27, 2003, the Board of Supervisors approved RZ/FDP 2003-LE-025, which rezoned 18.26 acres of land from the R-1 District and Highway Corridor (HC) Overlay District to the PDH-5 District and HC Overlay District, subject to proffers dated October 22, 2003, and development conditions dated October 21, 2003. A copy of the adopted proffers and development conditions are provided in Appendix 4 of this staff report. Copies of the complete approval documents are available with the Zoning Evaluation Division of the Department of Planning and Zoning as well as at the following link: <http://ldsnet.fairfaxcounty.gov/ldsnet/ZAPSMMain.aspx?cde=RZ&seq=4033730>.

A detail on the CDP/FDP established the following yard setbacks for rear-loaded units: 15 feet for front yards; 5 feet for side yards; and 18 feet for rear yards. Accessory structures such as decks and porches were lists as permitted encroachments into the specified setbacks.



NOTE: DECKS, PORCHES, BAY WINDOWS, FIREPLACES AND HVAC UNITS MAY ENCROACH INTO SPECIFIED SETBACKS (LISTED ABOVE) AND PERIMETER SETBACKS AS SHOWN ON CDP/FDP LAYOUT SHEETS.

\* DRIVEWAYS FOR ALL DUPLEX AND DETACHED UNITS SHALL BE 20 FEET IN LENGTH FROM THE INSIDE OF ANY SIDE/WALK OR FACE OF CURB, PROVIDED THE SAME CAN BE ACCOMPLISHED IN SUBSTANTIAL CONFORMANCE WITH THIS CDP/FDP. MINOR MODIFICATIONS TO THE CONFIGURATION OF THE DEVELOPMENT ON THIS CDP/FDP, THE LOT TYPICALS, AND THE OPEN SPACE CALCULATIONS MY BE MADE AS NEEDED TO ACCOMMODATE ANY ADDITIONAL DRIVEWAY LENGTH.

Figure 2: Lot Typical as shown on original approved CDP/ FDP

Between July 2010 and July 2015, the County received the following FDPA requests involving deck, porch, or patio intrusions into yards shown on the Northampton Plat, FDP 2003-LE-025:

FDPA Applications Associated with RZ 2003-LE-025	Property	Request	Status
FDPA 2003-LE-025	Masondale Road	Deck and porch locations 5.7 feet from rear lot line	Approved on 7/15/2010
FDPA 2003-LE-025-02	Still Spring Place	Porch location 5.4 feet from front lot line	Approved on 2/23/12
FDPA 2003-LE-025-03	Masondale Road (This property is located immediately east of the current subject site.)	Patio location 2.2 feet from side lot line and 2.4 feet from rear lot line	Approved on 10/7/15
FDPA 2003-LE-025-04	Masondale Road	Patio location 1.1 feet from side property line	Approved on 10/7/15
FDPA 2003-LE-025-05 (Subject Property)	Masondale Road	Patio located 1.1 feet from side property line	PC public hearing scheduled for December 3, 2015

## COMPREHENSIVE PLAN PROVISIONS

**Plan Area:** IV

**Planning District:** Rose Hill

**Planning Sector:** RH-4 Lehigh

**Plan Map:** Residential @ 2-3 du/ac

### Plan Text:

In the Fairfax County Comprehensive Plan, 2013 Edition, Area IV, Rose Hill Planning District, Amended through 10-28-2014, RH4-Lehigh Community Planning Sector, Page 63, the Plan, as applied to the application area, states the following:

*The approximately 34-acre area fronting on the south side of Franconia Road from South Van Dorn Street west to the existing institutional use and extending south along the western edge of the lettered parcels to the northern boundary of Kingstowne is planned for 2-3 dwelling units per acre. As an option, residential development at 4-5 dwelling units per acre or a mix of institutional*

*uses at up to .35 FAR and residential use at a density of 4-5 dwelling units per acre may be considered...*

**FINAL DEVELOPMENT PLAN AMENDMENT ANALYSIS**

**Final Development Plan Amendment (FDPA) (Copy at front of report)**

**Title of FDPA:** Conceptual/Final Development Plan Amendment  
Northampton Lot 85

**Prepared By:** Merestone Geomatics, LLC

**Original and Revision Dates:** May 27, 2015

**Description of FDPA:**

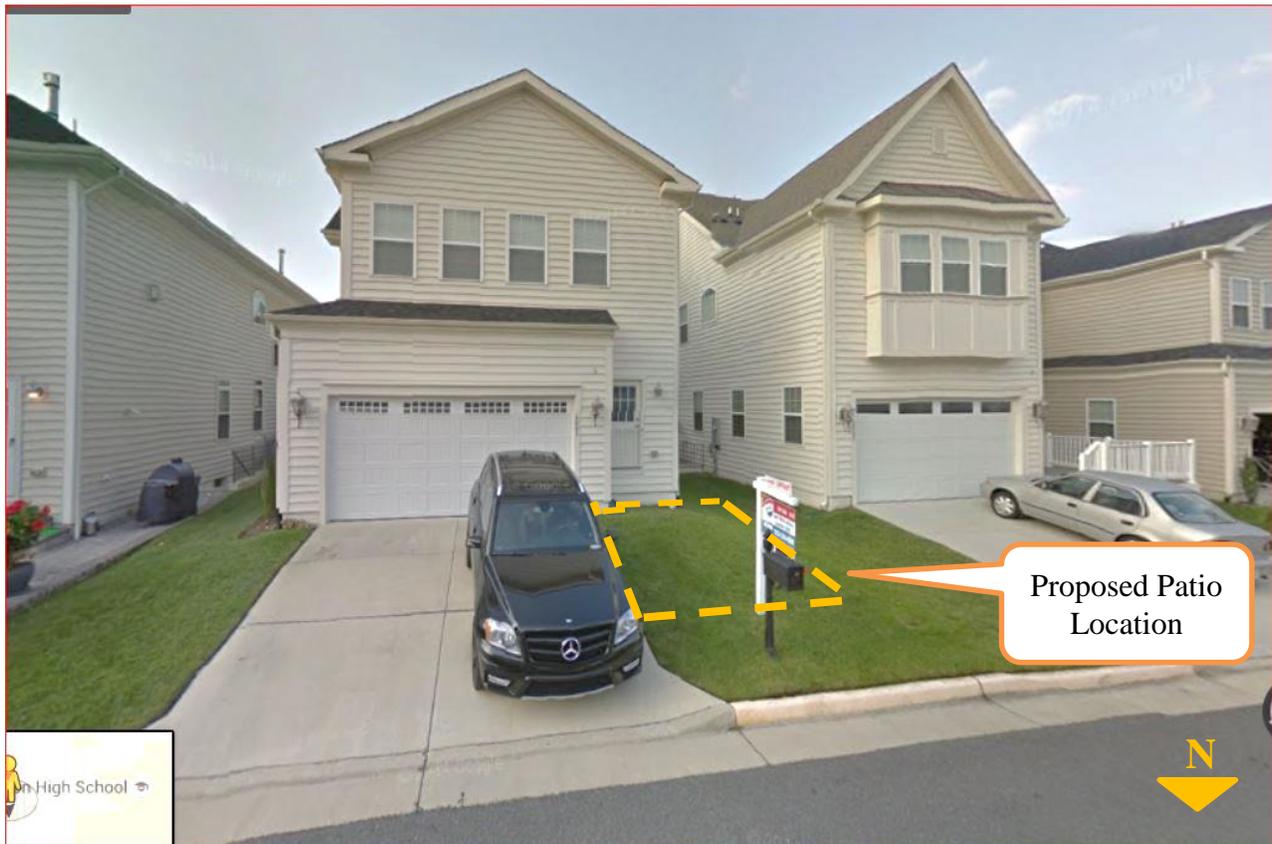


Figure 3: Location of Proposed Patio

The applicant has submitted a FDPA to permit the construction of a patio at the rear of the single-family detached dwelling, adjacent to the driveway. The approved FDP established the side and rear yard requirements for rear-loaded single-family detached dwellings in this PDH-5 District development at 5 feet and 18 feet, respectively. The proposed patio will be 14'4" x 13'1" and is no more than 12 inches above grade at its highest point. The applicant is requesting to construct the proposed patio 1.1 feet from the side lot line and 5 feet from the rear lot line, triggering this FDPA.

Currently, the rear door of the dwelling cannot be utilized as no access stairs were installed at time of construction. The rear yard is currently accessed via the attached, two-car garage. As part of the patio improvement, a staircase to the rear door will be installed, as well as a 3.5-foot wide walkway along the west side of the dwelling to the existing staircase that accesses the basement door. Aligning the western edge of the proposed patio with the west edge of the proposed narrow walkway is the basis for the 3.9-foot intrusion into the 5-foot side yard minimum. Upon completion, the patio will provide convenient access to the rear of the dwelling and from the side basement door, as well as an outdoor area for repose. The patio will be constructed of red/brown patio pavers.

### **Land Use Analysis**

Staff has determined that the proposed patio is in character with the existing dwelling in terms of location, height, bulk and scale of the dwelling. The patio will be constructed in the general vicinity for decks and building extensions depicted on the approved lot typical. Staff believes that the proposed patio will not have a deleterious impact on the adjacent residences.

### **Urban Forest Management Analysis (Appendix 5)**

Urban Forest Management Division (UFMD) staff recommended that if any plantings had been placed in the location of the proposed patio since August 2014 (after final landscape inspection of the subdivision), the applicant should take reasonable steps to transplant the plantings to a different location. In this particular instance, the affected area is covered by lawn and no trees or shrubs will be removed by the construction of the patio.

### **Transportation Analysis**

The Fairfax County Department of Transportation reviewed the subject application and had no issues with the proposal.

### **ZONING ORDINANCE PROVISIONS (Appendix 6)**

#### **Planned Development District Standards**

The subject site, which is zoned PDH-5 and HC, must comply with the Zoning Ordinance provisions found in Article 6, Planned Development District Regulations, and Article 16, Development Plans. The Residential Development Criteria are not being reviewed with this application as this FDPA does not propose new residential development.

#### **Article 6**

The property is currently zoned PDH-5 and continues to meet the PDH District regulations set forth in Part 1 of Article 6, Planned Development Districts, of the Zoning Ordinance. The applicant is seeking approval of an FDPA to permit a reduction of the side and rear yard requirements to permit construction of an at-grade patio that will be 1.1 feet from the side

property line and 5 feet from the rear property line. Section 6-108 of the Zoning Ordinance states that the maximum building height, minimum rear yard requirements and maximum floor area ratio shall be controlled by the standards set forth in Part 1 of Article 16. The applicant seeks to modify the FDP for this particular lot to permit the proposed patio to encroach into the proffered side and rear yard setback.

## **Article 16**

### **Section 16-101 General Standards**

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

Staff visited the community and noticed that a number of the yards (both front and rear) were improved with patios similar to one being proposed. Staff determined that the request is in character with the community. The request does not affect the intensity or density established by the adopted comprehensive plan. The character of the proposal conforms to the adopted Comprehensive Plan and does not propose to increase the density permitted by the Comprehensive Plan.

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

The proposal maintains the purpose and intent of the planned development district.

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

The patio is located in the general vicinity depicted on the approved lot typical for decks and building extensions. The proposed patio will replace an area covered by lawn and will not affect any trees. Staff finds that this standard is satisfied.

*General Standard 4 states that the planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted Comprehensive Plan.*

Staff believes that the proposed 186-square foot patio will not injure the use or value of adjacent properties, which have all been developed with single-family detached residences on similar lots.

*General Standard 5 states that the planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including*

*sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently developed.*

The planned development is located where public facilities are accessible and adequate for the use.

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

The existing development provides coordinated linkages and connections at a scale appropriate to the development. Staff found that the general standards were satisfied with the original rezoning of the site to the PDH-5 District. The side and rear yard setback modifications to permit the proposed patio do not affect the fulfillment of these standards.

### **Section 16-102 Design Standards**

*Design Standard 1 states that in order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.*

At the time of the rezoning, staff determined that the most similar conventional rezoning district to the governing PDH-5 District is the R-5 District. The subject patio is internal to the planned development and located in the rear yard of the subject lot. It does not modify the bulk regulations, landscaping or screening along the peripheral boundaries of the planned development.

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

Staff believes that this standard has been satisfied under the previous application, RZ/FDP 2003-LE-025.

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

Staff believes that this standard has been satisfied under the previous application, RZ/FDP 2003-LE-025.

## **Section 7-600 Highway Corridor Overlay District**

Residential uses are not regulated within the Highway Corridor Overlay District.

## **CONCLUSION AND RECOMMENDATIONS**

### **Conclusion**

It is staff's opinion that the proposed application is in conformance with the Comprehensive Plan and with the applicable Zoning Ordinance provisions.

### **Staff Recommendations**

Staff recommends that the Planning Commission approve FDPA 2003-LE-025-05 subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Planning Commission, in adopting any development conditions or conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Planning Commission.

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Clerk's Letter, Accepted Proffers and Development Conditions for RZ 2003-LE-025
5. Urban Forest Management Analysis
6. Zoning Ordinance Provisions
7. Glossary

**PROPOSED DEVELOPMENT CONDITIONS**

**FDPA 2003-LE-025-05**

**January 6, 2016**

If it is the intent of the Planning Commission to approve FDPA 2003-LE-025-05 located at 6003 Masondale Road [Tax Map 81-4 ((48)) 85] to permit a reduction of certain yard requirements on a single-family lot, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions. This condition shall be in addition to all previously approved development conditions applicable to the site.

1. Development of the property shall be in substantial conformance with the FDPA titled "Conceptual/Final Development Plan Amendment Northampton, Lot 85", consisting of one sheet, prepared by Merestone Geomatics, LLC and dated May 27, 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:** October 6, 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.: FDPA 2003-LE-025-05  
Applicant: Jeffrey D. Cline  
PC Hearing Date: 12/3/15  
BOS Hearing Date: Not required

**REF.:** 130929

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 9/30/15, which bears my initials and is numbered 130929, 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: September 30, 2015
(enter date affidavit is notarized)

130929

I, Jeffrey D. Cline, do hereby state that I am an
(enter name of applicant or authorized agent)

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

in Application No.(s): FDPA 2003-LE-025-05
(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.)

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Rows include Jeffrey D. Cline and Lynsey W. Cline with their respective addresses and relationships.

(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 AFFIDAVIT

DATE: September 30, 2015  
(enter date affidavit is notarized)

130929

for Application No. (s): FDPA 2003-LE-025-05  
(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)

**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)

**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 AFFIDAVIT

DATE: September 30, 2015  
(enter date affidavit is notarized)

130929

for Application No. (s): FDPA 2003-LE-025-05  
(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)

N/A

(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)

N/A

(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: September 30, 2015  
(enter date affidavit is notarized)

130929

for Application No. (s): FDPA 2003-LE-025-05  
(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: September 30, 2015  
(enter date affidavit is notarized)

130929

for Application No. (s): FDPA 2003-LE-025-05  
(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)

Jeffrey D. Cline  
 Applicant [ ] Applicant's Authorized Agent

Jeffrey D. Cline Applicant / Co-Title Owner  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 30 day of September 2015, in the State/Comm. of Virginia, County/City of Fairfax.

Muhammad Nauman Shaukat

Notary Public

My commission expires: 12/31/2018

MUHAMMAD NAUMAN SHAUKAT

NOTARY PUBLIC 7616122

COMMONWEALTH OF VIRGINIA

MY COMMISSION EXPIRES 12-31-2018

MUHAMMAD NAUMAN SHAUKAT

NOTARY PUBLIC 7616122

COMMONWEALTH OF VIRGINIA

MY COMMISSION EXPIRES 12-31-2018

RECEIVED  
Department of Planning & Zoning

JUN 19 2015

Zoning Evaluation Division

Statement of Justification  
In the Case of FDPA for Jeffrey D. Cline  
Northampton, Lot 85  
6003 Masondale Road, Alexandria, VA 22315  
May 26, 2015

This document fulfills the Final Development Plan Amendment (FDPA) requirement for the applicant to describe the proposed use, and other pertinent data, including:

- a) Type of Location: **Leisure and personal use.**
- b) Hours of Operation: **It is expected that the patio will be available for use year round 24 hours a day.**
- c) Estimated number of patrons, client, patients, pupils, etc.: **N/A**
- d) Proposed number of employees, attendants, teachers, etc.: **N/A**
- e) Estimate of traffic impact of the proposed use, including the maximum expected trip generation, and the distribution of such trips by mode and time of day: **No expected impact.**
- f) Vicinity or general area to be served by the used: **rear of private residence.**
- g) Description of building facade and architecture of proposed new building or additions: **Approximately 14'4" x 13'1" patio leading from the back of the house. At the highest point the surface of the patio will be approximately 12 inches above grade with an additional approximately 12 inch resting wall on two sides. The patio will be constructed of red/brown patio pavers and its size, location, design, and overall appearance will be consistent with all other patios in the neighborhood.**
- h) A listing, if known of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and contents of any existing or proposed storage tanks or containers: **None.**
- i) A statement of how the proposed use conforms to the provisions of all applicable ordinance regulations, adopted standards, and any applicable conditions, or if any waiver, exception, variance is sought by the applicant from such ordinances, regulations, standards and conditions such shall be specifically noted with the justification for any such modifications.
  - a. **The patio will be constructed in a very similar manner to many other patios in the neighborhood. Although the county zoning ordinances state that the baseline setback for patios from a rear and side lot lines is 5 feet this patio, along with many others, will encroach on these setback requirements.**

- b. **Discussions with Fairfax County Zoning and Planning staff have indicated that we may be eligible for a reduction of certain yard requirements in the final development plan. This Final Development Plan Amendment (FDPA) requests a waiver of these limitations to allow for the patio to be built consistent with other patios in the neighborhood on similarly sized and situated lots. In addition to providing outdoor leisure area the patio significantly improves the access to/from rear door and basement egress.**

### Additional Questions & Answers

1. Will the structure be clearly subordinate in purpose, scale, use, and intent to the principal structure on the site?

**Yes. The structure will be subordinate in purpose, scale, use, and intent to the principal structure on the site.**

**The patio will be used exclusively by my family for occasional outdoor leisure activities during seasonal periods. The home is a detached single-family residence with red/brown brick and off-white vinyl siding exterior. The patio will be constructed of red/brown pavers to match the brick exterior and the top of the patio resting wall will lie approximately 24 inches above grade. In addition to providing outdoor leisure area the patio improves the egress from rear door and basement exit. The rear edge of the patio is approximately 5' from the curb and extends approximately 4' 5" from the west side of the home.**

2. Will the structure be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot?

**Yes, the structure is in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.**

**The location of the patio is exclusively to the rear of the home consistent with all other patios in the neighborhood. The patio will be constructed of red/brown patio pavers to match the original brick exterior and look as though it was built at the time of the home's original construction. As evidenced by the photos of other patios in the Northampton neighborhood the patio will be very similar to many other patios in the neighborhood.**

3. Will the proposed structure be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees?

**Yes, the patio will be harmonious with the surrounding offsite uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees. The patio footprint will not remove any established trees or bushes. The patio will be built essential at grade**

**so it cannot block sunlight to any existing trees or other vegetation. The patio will be intentionally built as low as possible while being functionally level to minimize any impact on adjacent lots or any sight lines. Compared to other neighborhood structures, the patio is smaller in scale.**

4. Will the structure adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and storm water runoff?

**No. The patio will not adversely impact the use and/or enjoyment of the adjacent property with regard to issues such as noise, light, air, safety, erosion, and storm water runoff.**

**The patio will be attached to the house and will not impact neighbors' vistas, sunlight, or safety in any way.**

5. Is the proposed reduction of the yard the minimum amount of reduction necessary to accommodate the proposed structure on the lot?

**Yes. The proposed reduction of the yard is the minimum amount of reduction necessary to accommodate the proposed structure on the lot. We have taken into account the specific factors of the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas ("RPAs"); preservation of existing vegetation and significant trees; location of a well and/or septic field; location of major easements; and/or preservation of historic resources.**

**The proposed reduction of the yard is based on the need to build a patio of usable size and improve access to the rear and basement egress. There are no alternate locations or orientations on the lot. There are no steep slopes, floodplains, RPAs, wells, major utility easements, or septic fields on the lot. There are no trees or bushes impacted by the patio's footprint.**

**Additionally, the proposed structure will not disturb any trees on other parts of our lot or adjacent lots to include access to sunlight and moisture. Finally, the proposed structure will not affect preservation of historic resources.**

26 May 2015

Zoning Evaluations Division of the Department of Planning and Zoning,

Please allow a modification of the submission requirements to allow the plat submitted in lieu of a full FDP plat. Given the scope of the request I believe this plat meets the needs of the County.

Thanks,



Jeffrey D. Cline

RECEIVED  
Department of Planning & Zoning

JUN 19 2015

Zoning Evaluation Division



# FAIRFAX COUNTY

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

Tel: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3903

V I R G I N I A

[www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm](http://www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm)  
Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)

December 3, 2003

Gregory A. Riegle, Esquire  
McGuire, Woods, LLC  
1750 Tysons Boulevard, Suite 1800  
McLean, Virginia 22102-4215

RE: Rezoning Application Number RZ 2003-LE-025  
(Concurrent with PCA C-448-29)

Dear Mr. Riegle:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on October 27, 2003, granting Rezoning Application Number RZ 2003-LE-025 in the name of Christopher Management, Incorporated to rezone certain property in the Lee District from the R-1 District and Highway Corridor Overlay District to the PDH-5 District and Highway Corridor Overlay District, located on the west side of South Van Dorn Street, east and west sides of Villa Street, Tax Map 81-4 ((3)) A, A1, B-H, J, K, R, S, 2C, 10A, 10B, 11, 12, 12A, 12B, 12C and a portion of Villa Street public right-of-way to be vacated and/or abandoned, subject to the proffers dated October 22, 2003, consisting of approximately 18.26 acres. (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Villa Street to proceed under Section 15.2-2272 (2) of the Code of Virginia).

The Board also approved the Conceptual Development Plan was approved subject to the proffers dated October 22, 2003; the Planning Commission having previously approved Final Development Plan FDP 2003-LE-025, on October 23, 2003, subject to the Board's approval of RZ 2003-LE-025.

**The Board also:**

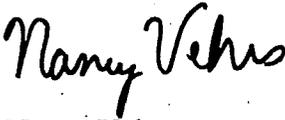
- **Modified the transitional screening yard and barrier requirements along the northern boundary and adjacent to the affordable dwelling units in the northwestern corner of the property that is shown on the Conceptual Development Plan Amendment/Final Development Plan Amendment (CDPA/FDPA).**

RZ 2003-LE-025  
December 3, 2003

- 2 -

- **Modification as to limitation of the length of a private street.**
- **Modified the Public Facilities Manual requirements with regard to the radius and width of public streets as shown on the CDPA/FDPA.**

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Katherine K. Hanley  
Supervisor Kauffman, Lee District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Enforcement Branch  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Thomas Conry, Dept. Mgr. – GIS - Mapping/Overlay  
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,  
Charles Strunk, Project Planning Section, Dept. of Transportation  
Michelle Brickner, Deputy Director, DPWES  
Kenny King, Proffer Administrator, Plans & Document Control, OSDS, DPWES  
Department of Highways - VDOT  
Land Acqu. & Planning Div., Park Authority  
District Planning Commissioner  
James Patteson, Director, Facilities Mgmt. Div., DPWES  
Barbara J. Lippa, Executive Director, Planning Commission  
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 27th day of October, 2003, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROPOSAL NUMBER RZ 2003-LE-025  
(CONCURRENT WITH PCA C-448-29)

WHEREAS, Christopher Management, Incorporated filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 District and Highway Corridor Overlay District to the PDH-5 District and Highway Corridor District, and

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

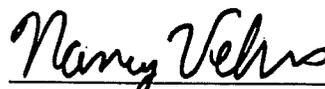
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Lee District, and more particularly described as follows (see attached legal description):

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

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

GIVEN under my hand this 27th day of October, 2003.



Nancy Vehrns

Clerk to the Board of Supervisors

**PROFFERED CONDITIONS**  
**"Villa Street" Rezoning**

**RZ/FDP 2003-LE-025**  
**October 22, 2003**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in this rezoning proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference 81-4-((3))-A, A1, B, C, D, E, F, G, H, J, K, R, S, 2C, 10A, 10B, 11, 12, 12A, 12B, 12C, a portion of public right-of-way for Villa Street (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Rezoning request for the PDH-5 Zoning District is granted. In the event said application request is denied, these proffers shall be null and void. The Owners and the Applicant ("Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The proffered conditions are:

I. GENERAL

1. Substantial Conformance. Subject to the proffers and the provisions of Article 16 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), containing nine (9) sheets prepared by Urban Engineering & Associates, Inc., dated February, 2003 and revised through October 20, 2003.

Notwithstanding the above, it shall be understood that the Applicant has the right to request a Final Development Plan Amendment (FDPA) for elements other than CDP elements for all or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance. For the purpose of this Proffer, CDP elements shall include the overall number and type of units and the general location and orientation of streets, open space and tree save areas.

2. Lot Yield and Orientation of Units. The development shall consist of a maximum of 102 single family residential units (inclusive of the required ADUs which shall be developed as single family attached units). The specific unit footprints shown on the CDP/FDP are subject to minor modifications provided that any such changes shall not change the identified unit type and shall further conform to the "Typical Lot/Units Details" shown on the CDP/FDP and/or the requirements of these proffers.

3. Establishment of HOA. Prior to record plat approval, the Applicant shall demonstrate that the Property will be governed by a homeowners association (HOA) and subject to a Declaration of Covenants, Conditions and Restrictions consistent with the requirements of Article 2 of the Zoning Ordinance. In fulfillment of this requirement, the Property may be incorporated into an existing homeowners association to potentially include that operated by the Kingstowne Residential Owners Corporation ("KROC") or a "sub-association" organized in accordance with the governing documents of the same. In the alternative, a single independent HOA shall be established for the entire property. For the purposes of these proffers, a sub-association of KROC or an independently established association shall be known as "the HOA" and any associated Declaration of Covenants and related documents shall be known as "the HOA Documents."

4. Dedication to HOA. In conjunction with the appropriate site/subdivision review processes, private streets, sidewalks/trails, and common areas and amenities not otherwise conveyed or dedicated to the County and/or VDOT (i.e. right-of-way shown as to be dedicated for public streets or future road widening) shall be dedicated to the HOA and maintained by the same.

5. Public Access Easement. A public access easement in a form approved by the County Attorney shall be placed on the private streets, sidewalks, and trails within the approved development. The requirements of this proffer shall be disclosed in the HOA documents.

6. Garage Conversion. Any conversion of garages that will preclude the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the homeowners' association (HOA) and the Board of Supervisors. This restriction shall also be disclosed in the HOA documents. Prospective purchasers shall be advised of this use restriction, in writing, prior to entering into a contract of sale.

7. South Van Dorn Street Trail. The trail located parallel to South Van Dorn Street shall be maintained by the HOA. A public access easement shall be placed over this trail in a form approved by the County Attorney. Prospective purchasers of lots abutting this trail shall be notified of its existence, the associated public access easement and maintenance obligation prior to entering into a Contract of Sale. These requirements shall also be placed in the HOA documents.

8. Pavement Section. All private streets shall be constructed pursuant to PFM pavement section standards as to the thickness appropriate for public subdivision streets based on level of vehicular traffic consistent with the development shown on the CDP/FDP. The HOA documents shall include provisions for monthly/annual assessments for private street maintenance. All prospective purchasers shall be advised of the existence of private streets, the associated public access easement and all other associated maintenance obligations required by these Proffers prior to entering into a contract of sale.

9. Right of Way Vacation. Notwithstanding the submission for processing of any applications, plans or plats in furtherance of the development of the Application Property, the Applicant acknowledges that no such application, plan or plat shall be approved by Fairfax County until or unless the vacation of right-of-way proposed as part of the Application Property is approved by the Board of Supervisors. In the event that such vacation is not approved by the Board of Supervisors, or in the event that Board's approval is overturned by a court of competent jurisdiction, any development of the Application property under the PDH-5 District shall require a proffered condition amendment and the Applicant acknowledges that such amendment may result in a loss of density. The Applicant hereby waives any right to claim or assert a taking or any other cause of action that otherwise may have arisen out of a Board decision to deny in whole or in part the right-of-way vacation.

10. Length of Driveways. All driveways serving the approved residential units shall be a minimum of 18 feet in length from the inside of the sidewalk, or face of curb for rear load units, to the edge of the entrance to the garage. Driveway lengths shall

further be subject to the notes regarding the same contained within the Typical Lot Unit Detail, on Sheet 2 of the CDP/FDP. Driveways for Duplex and Detached units shall be of a width that can accommodate two (2) cars.

11. Signs. No temporary signs (including "popsicle" paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off-site, by the Applicant or at the Applicant's direction to assist in the initial sale of homes on the Subject Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale of residential units on the Subject Property to adhere to this proffer.

12. School Contributions. Prior to approval of the first site/subdivision plat for the approved development, the Applicant shall provide documentation to DPWES that the Applicant has donated the sum of \$3,225 per market rate dwelling unit, for each new dwelling unit approved on the final site/subdivision plan to the Board of Supervisors for capital improvements to schools, serving the application property.

13. Energy Conservation. All homes on the Property shall meet the thermal guidelines of the CABO Model Energy Program, or its equivalent as determined by DPWES for either gas or electric energy systems, as may be applicable.

14. Community Coordination. A copy of the first submission of any site/subdivision plan and any subsequent revisions shall be sent to the President of the Kingstowne Residential Owners Corporation for review and written comment.

## II. RECREATION

1. Construction of Facilities. Prior to site/subdivision plan approval, the Applicant shall demonstrate that the value of any proposed recreational amenities have a value equivalent to \$955.00 per unit as required by Article 6 of the Zoning Ordinance. Within the "active recreation" areas identified on the CDP/FDP, the Applicant reserves the right to install active or passive recreational facilities, to include but not be limited to tot lots, tennis courts, multi-purpose courts, fitness courses, gazebos, playgrounds and similar facilities, provided that the installation of such facilities shall conform to the requirements of these proffers and to the provisions of Article 6 of the Zoning Ordinance. In the event it is demonstrated that the proposed on-site facilities do not have sufficient value, the Applicant shall contribute the balance of the \$955 per unit contribution to the Fairfax County Park Authority for off-site recreational purposes.

## III. ENVIRONMENTAL

1. Archeological. Prior to land disturbing activity, the Applicant shall conduct a Phase I archeological survey conducted in substantial conformance with methodology approved by County Archeological Services. As part of the required Phase I survey, the Applicant's archeologist shall use reasonable efforts to interview and obtain documentary evidence from any landowners that have resided on the application for more than 50 years. On completion, all such studies shall be forwarded to County Archeological Services. If warranted by the initial Phase I survey, as determined by the County Archeologist, subsequent Phase II and/or Phase III evaluation and recovery shall occur, with the scope of work of such potential Phase II and Phase III analyses being subject to review and approval by County Archeological Services.

2. Stormwater Management. Stormwater management and BMP measures shall be provided in accordance with the PFM, as determined by DPWES. It is the Applicant's intention to fulfill all or a portion of such requirements using an off-site facility located at Tax Map 91-2-((1))-28A1 and commonly known as "Kingstowne Lake." Prior to site/subdivision plan approval, the Applicant shall demonstrate, to the satisfaction of DPWES, the existence of the easements and rights necessary to direct run-off into such off-site facility. The Applicant shall further be responsible for any improvements/restoration to the drainage ways serving Kingstowne Lake, as determined necessary by DPWES to ensure proper transmission of run-off into the lake. In the event it is determined by DPWES that the off-site facility does not have sufficient capacity to fulfill the applicable quantity or BMP requirements, the Applicant shall install an alternative facility, subject to the approval of DPWES. Such alternative may be administratively approved if in substantial conformance with the CDP/FDP as determined by DPZ, or may necessitate a PCA, which may result in a loss of density.

3. Stream Restoration. In an effort to properly manage the volume and velocity of water traveling through the stream, generally located near the western boundary, and enhance the overall environmental quality of the stream corridor, prior to and concurrent with the site/subdivision plan review process, the Applicant shall coordinate with the Stormwater Planning Division and the Urban Forestry Division of DPWES to identify and implement means to protect and/or restore the stream that generally forms a portion of the southwest boundary of the site. Means to accomplish these objectives may include, but shall not be limited to: (a) alterations to the stream course, (b) bio-remediation as determined feasible by the Applicant and DPWES; (c)

alterations to the stream bed or bank using natural materials to better manage the velocity of water; (d) re-vegetation of the area adjacent to the stream with native species.

4. Erosion/Sedimentation. The functioning and integrity of all erosion and sedimentation controls (e & s controls) required by DPWES shall be inspected the next day following each storm event during the period of construction on site. If the e & s controls have been damaged or breached, the e & s controls shall be repaired within two days of the storm event.

5. Low Impact Development Techniques. In order to protect the existing stream from small, frequent rain events, and in consultation with the Stormwater Planning Division, prior to the submission of a site/subdivision plan, the Applicant shall incorporate some or all of the following low impact development approaches subject to approval by DPWES:

- The elimination of curbing along portions of the internal streets;
- The use of bio-retention facilities and/or rain garden(s), as needed;
- Directing roof drains and downspouts to vegetated areas to the extent practical;
- The incorporation of grassed swales in locations determined feasible by DPWES.

To the extent any of the items described above impose additional private maintenance obligations on the HOA, the same shall be disclosed in the HOA documents and in writing to prospective purchasers prior to entering into a contract of sale.

6. Landscaping. Landscaping shall be provided in substantial conformance with the landscaping shown on sheet 7 of the CDP/FDP. If, during the process of

site/subdivision plan review, any new landscaping shown on the CDP/FDP cannot be installed in order to locate utility lines, trails, etc., as determined necessary by the Urban Forestry Division, then an area of additional landscaping consisting of trees and/or plant material of a type and size generally consistent with that displaced, shall be substituted at an alternate location on the Property, subject to approval by the Urban Forestry Division. Native species shall be used in connection with all new landscaping. Any areas of the EQC delineated on the CDP/FDP that are not protected by the limits of clearing shall be re-vegetated to the extent determined feasible by the Urban Forestry Division following any restoration of the stream. Such vegetation shall be reflected on the landscape plans required by these Proffers.

7. Limits of Clearing. Notwithstanding any notation to the contrary on the CDP/FDP, the limits of clearing and grading as shown on the CDP/FDP and required pursuant to these proffers, shall be strictly adhered to and be considered maximum limits. Such limits shall not preclude the stream restoration measures required by Proffer III-3. Other than such stream restoration measures, there shall be no clearing and grading or placement of utilities in the portions of the southwest corner of the property protected by the limits of clearing and grading.

8. Tree Preservation. The Applicant shall submit a tree preservation plan as part of the first and all subsequent site/subdivision plan submissions. Preservation plans shall be prepared by a professional with experience in the preparation of tree preservation plans such as a certified arborist or landscape architect for the review and approval of the Urban Forestry Division.

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 twelve (12) inches in diameter and greater that are within ten (10) feet that are to be protected on either side of the limits of clearing and grading as shown on the CDP/FDP. The condition analysis rating 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.

9. 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 or any demolition of units. Before or during the pre-construction meeting or any demolition activities, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an Urban Forestry Division representative and invite a representative of the Lee District Land Use Advisory Committee to the same, to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading and/or provide additional areas for re-vegetation at the Property boundary or adjacent to preserved open space areas. To the extent areas for additional landscaping/re-vegetation are identified, they shall be landscaped with native species of a size and type consistent with that shown on the approved landscape plan. Trees not likely to survive construction due to their species and/or proximity of disturbance will also be identified at this time and the

Applicant shall also be given the option of removing them as part of the clearing operation. Any tree designated for removal at the edge of the limits of clearing and grading or within tree preservation area shall be removed using a chain saw to avoid damage to surrounding trees. 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 adjacent trees.

10. Tree Protection Fencing. All trees shown to be preserved on the Tree Preservation Plan shall be protected by tree protection fencing. Tree protection fencing consisting of four foot high, 14 gauge welded wire attached to six foot steel post driven 18 inches into the ground and placed no further than ten feet apart shall be erected at the limits of clearing and grading as shown on the demolition and phase 1 and 2 erosion and sediment control sheets for the tree save and protection areas generally delineated on the CDP/FDP. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures within or adjacent to tree save areas. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist. Three days prior to the commencement of any clearing, grading or demolition activities, the Urban Forestry Division shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed.

11. Tree Transplanting. The Applicant shall provide a transplanting plan as part of the Rough Grading Plan required in connection with the demolition of units and the prior to first and all subsequent site or subdivision plan submissions. The tree preservation plan shall identify the shrubs and trees that are appropriate for transplanting.

within the area of the application property that is not protected by limits of clearing and grading as determined by the Urban Forestry Branch. Such plan shall be approved by the Urban Forestry Division before any demolition activity. The plan shall be prepared by a professional with experience in the preparation of tree transplanting plans such as a certified arborist or landscape architect. The plan shall generally address the following items:

- The species and sizes to be transplanted
- The existing location of the trees
- The final location of the trees
- The proposed time of the year when the trees will be moved
- The transplant methods to be used
- Details regarding after transplant care, including mulching, watering and if necessary, support measures such as cabling or staking.

12. Demolition of Existing Structures. The demolition of existing features and structures shall be conducted in a manner that minimizes the impact on individual trees and groups of trees that are shown to be preserved on the CDP/FDP, as determined by the Urban Forestry Division. Methods to preserve existing trees may include, but are not limited to, the use of supersilt fencing, root pruning, mulching, wire-welded tree protection fence, and other similar means. The rough grading plan associated with the approval of the required demolition permits shall be prepared in compliance with the tree preservation and transplanting requirements of these proffers.

13. Exterior Noise Attenuation. Concurrent with the site/subdivision review and approval process, the Applicant shall demonstrate, through a noise study approved

by DPWES, in coordination with the Environmental and Design Review Branch, and DPWES, that exterior noise levels for rear privacy yards (herein defined for rear load units, as those areas located adjacent to the garage and behind the principal dwelling and identified as "Opt. Deck" on the Lot Typical, contained within the CDP/FDP) are 65 dBA or below. Should mitigation be needed to bring the noise levels to 65 dBA or below, additional acoustical fencing having a maximum height of six (6) feet as measured from grade shall be installed on the periphery of the rear privacy yard as generally shown on the Lot Typical.. Any acoustical fencing required by these proffers shall be architecturally solid from the ground up with no gaps or openings, except as may be needed for gates or drainage. Any units requiring mitigation shall be identified on the site/subdivision plan.

14. Interior Noise. In order to mitigate interior noise to 45dBA, each dwelling shall have the following acoustical attributes: (1) exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39; (2) doors (excluding garage doors) and windows shall have an STC rating of at least 28. If glazing (excluding garage doors) constitutes more than 20% of any facade, then such windows shall have the same STC rating as the facade; and (3) materials to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission. The Applicant reserves the right to pursue less restrictive methods if the refined acoustical analysis noted in Proffer Number 13 above demonstrates to the satisfaction of DPWES that less restrictive means are appropriate to mitigate interior noise to 45 dBA or lower. Any units requiring mitigation shall be identified on the site/subdivision plan.

15. Conservation Easement. Subject to approval by the Office of the County Attorney, those areas protected by the limits of clearing shall be placed in a Conservation Easement in a form approved by the County Attorney. Such easement shall run to the benefit of the County or an organization approved by the County Attorney that is authorized to hold or benefit from such easement under the Code of Virginia. The Conservation Easement may be recorded subsequent to the stream restoration and related requirements of this Section III.

#### IV. ARCHITECTURE/DESIGN

1. Architecture. The architecture and design of the approved units shall be in substantial conformance with the architectural renderings attached to the CDP/FDP as Sheets 8 and 9, or of generally comparable quality, as determined by DPWES. For the purpose of this proffer, substantial conformance shall mean retaining the general facade design and retaining the front porches, if any, identified on the CDP/FDP. The ADU units shall be designed with an architecture that offers a type and proportion of materials that is consistent with that used in the market rate units. All market rate units shall incorporate stone, brick, or similar material on a portion of the façade. At the time the building plans for the ADUs are submitted, the applicant shall provide DPWES with illustrations and materials listing of the market rate housing for comparison. If the Property is ultimately governed by the KROC, the architecture shall further be subject to requirements of the so-called "New Construction Panel" of the KROC Architecture Review Committee and related architectural controls.

2. Design of Street Furniture. The benches, sitting areas and light standards generally described on the CDP/FDP shall be of a consistent and unified design throughout the community as shown on the CDP/FDP.

3. Street lighting. Street light fixtures installed along the private streets shall incorporate lighting elements that are a full cut off type design.

4. Retaining Walls. Retaining walls shall be covered with a brick, stone and/or decorative masonry veneer. The retaining walls may be terraced and if so, the area between each terrace shall be landscaped. Handrails and/or guardrails at the top of the retaining walls shall be provided as required by DPWES. Retaining wall sizes and locations may be subject to change upon final engineering. Individual retaining walls shall not exceed a height of fifteen (15) feet. The Applicant agrees that a geotechnical engineer shall be present during the construction/installation of the retaining walls and shall monitor such construction/installation for compliance with approved specifications and shall prepare a certification of compliance to be submitted to DPWES.

## V. TRANSPORTATION

1. Dedication of Right-of-Way – South Van Dorn Street. Right-of-way up to 40 feet from the centerline of South Van Dorn Street, as generally shown on the CDP/FDP shall be dedicated and conveyed in fee simple to the Board of Supervisors upon demand by Fairfax County or VDOT or at the time of site plan/subdivision plan approval, whichever first occurs. Until such time as the dedicated right-of-way is needed for road improvements, the dedication area shall be maintained in a manner consistent with all other common open space located within the development. Notice of the

dedication and maintenance obligations shall be contained in the Homeowners' Association documents.

2. Construction of Right Turn Lane. As part of the site/subdivision plan approval process, the Applicant shall commit to install a right turn lane from southbound South Van Dorn Street to Lake Village Drive. The design and configuration of this turn lane shall be subject to review and approval by VDOT and DPWES and shall be installed prior to the first Residential Use Permit.

3. Traffic Calming Measures on Proposed Public Street. In connection with the site/subdivision review and approval process, the Applicant shall, in good faith, diligently pursue approval from VDOT to install the optional traffic calming measures generally shown on the CDP/FDP ("traffic tables", "speed humps", and decorative paving), or similar measures that may be acceptable to VDOT. The final election to install any such traffic calming measures shall be at the discretion of the Lee District Supervisor. Any such features shall be designed to standards required by VDOT. Should VDOT or the Lee District Supervisor not approve any or all of the proposed traffic calming measures, the same shall no longer be a requirement of this proffer.

4. Concurrent with the site/subdivision review process, the Applicant shall coordinate and conduct a meeting with representatives of VDOT, County DOT, the KROC and the office of the Lee District Supervisor for the purpose of evaluating the need for any other reasonable improvements to Lake Village Drive and/or the intersection of the public street serving the application property and Lake Village Drive that can be made in connection with the development of the property to ensure/improve efficiency in the operation of Lake Village Drive and its intersection (s).

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These proffers may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

Contract Purchaser:

Tax Map # 81-4-((3))-A, A1, B, C, D,  
E, F, G, H, J, K, R, S, 2C, 10A, 10B,  
11, 12, 12A,  
12B, 12C

CHRISTOPHER MANAGEMENT, INC.

By: 

Name: E. JOHN REGAN JR

Title: EXECUTIVE VICE PRESIDENT

Title Owners – Tax Map 81-4-((3))-A

HEIRS OF OLIVIA L. TRUITT



Ronald G. Truitt

Wanda Jean Sturgill

Ricky A. Truitt

Sharyn D. Payne

~~Robert E. Truitt~~ Robert E. Truitt

~~Brenda Johnson~~ Brenda Johnson

~~Audrey L. Johnson~~ Audrey L. Johnson



Title Owners – Tax Map 81-4-((3))-A

HEIRS OF OLIVIA L. TRUITT

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Ronald G. Truitt

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Wanda Jean Sturgill

*Ricky A. Truitt*

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Ricky A. Truitt

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Sharyn D. Payne

Title Owners - Tax Map 81-4-((3))-A

HEIRS OF OLIVIA L. TRUITT

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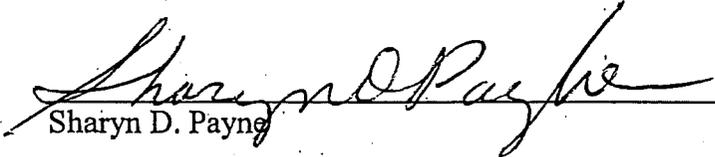
Ronald G. Truitt

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Wanda Jean Sturgill

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Ricky A. Truitt

  
Sharyn D. Payne

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~~Robert E. Truitt~~ Robert E. Truitt

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~~Brenda Johnson~~  
Brenda Johnson  
Brenda Johnson

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~~Audrey L. Johnson~~ Audrey L. Johnson

Title Owners – Tax Map 81-4-((3))-A

HEIRS OF OLIVIA L. TRUITT

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Ronald G. Truitt

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Wanda Jean Sturgill

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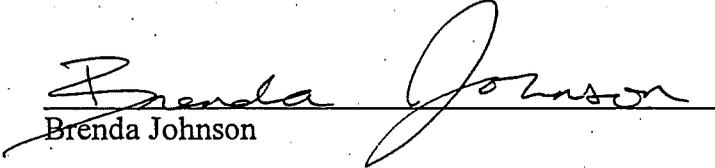
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Sharyn D. Payne

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~~XXXXXXXXXX~~ Robert E. Truitt

  
Brenda Johnson

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~~XXXXXXXXXX~~ Audrey L. Johnson

Title Owners – Tax Map 81-4-((3))-A

HEIRS OF OLIVIA L. TRUITT

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Ronald G. Truitt

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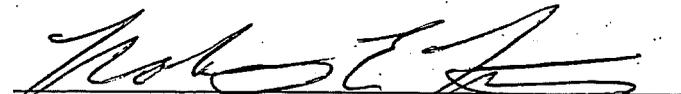
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~~Audrey Johnson~~ Audrey L. Johnson

Title Owners – Tax Map 81-4-((3))-A

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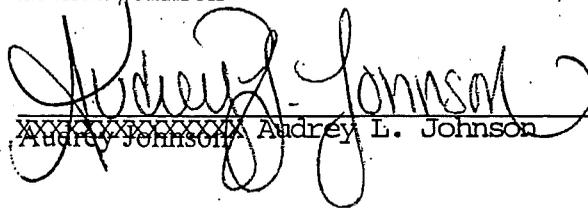
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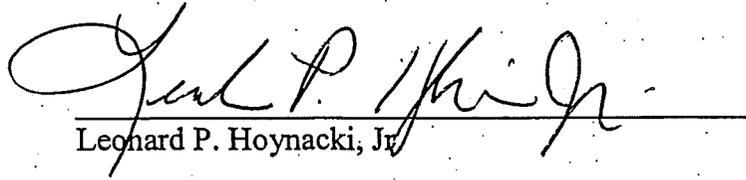
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~~Audrey Johnson~~ Audrey L. Johnson



Title Owner Tax Map 81-4-((3))-A1

  
Leonard P. Hoynacki, Jr.

Title Owner Tax Map 81-4-((3))-B

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Harold Thomas Royall

*James W. Royall by Allen Kase, his  
attorney in fact*

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James W. Royall

**PROPOSED DEVELOPMENT CONDITIONS**

**October 21, 2003**

**FDP 2003-LE-025**

If it is the intent of the Planning Commission to approve Final Development Plan FDP 2003-LE-025 for residential development on property located at Tax Maps 81-4 ((3)), A, A1, B, C, D, E, F, G, H, J, K, R, S, 2C, 10A, 10B, 11, 12, 12A, 12B, 12C and a portion of Villa Street, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. Prior to subdivision/site plan approval, architectural drawings of the proposed affordable dwelling units (Lots 7 through 11 and Lots 97 through 102) shall be submitted to the Planning Commission for their review and approval to determine whether the proposed architecture for those units meets the provisions of the draft proffers.



## County of Fairfax, Virginia

## MEMORANDUM

**DATE:** July 23, 2015

**TO:** Bobby Katai, Staff Coordinator  
Department of Planning and Zoning

**FROM:** Samantha Wangsgard, Urban Forester II  
Forest Conservation Branch, DPWES

**SUBJECT:** Northampton Lot 85.FDPA 2003-LE-025-05

I have reviewed the above referenced Final Development Plan Amendment including a Statement of Justification and a Rezoning Affidavit of the subject property, stamped as received by the Zoning Evaluation Division on June 19, 2015 and July 6, 2015 respectively.

The Urban Forest Management Division (UFMD) does not have any specific comments with regards to this application and its associated Statement of Justification. If any plantings have been placed in the location of the proposed paver area and walkway since August 2014, the Urban Forest Management Division recommends that the applicant take reasonable steps to transplant the plantings to a different location.

Please contact me should you have any questions.

SW/nb

UFMDID #: 202405

cc: DPZ File

Department of Public Works and Environmental Services  
Urban Forest Management Division  
12055 Government Center Parkway, Suite 518  
Fairfax, Virginia 22035-5503  
Phone 703-324-1770, TTY: 711, Fax: 703-653-9550  
[www.fairfaxcounty.gov/dpwes](http://www.fairfaxcounty.gov/dpwes)



**ARTICLE 16****DEVELOPMENT PLANS****PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS****16-101 General Standards**

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

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

**16-102 Design Standards**

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

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

of development under consideration. In the PTC District, such provisions shall only have general applicability and only at the periphery of the Tysons Corner Urban Center, as designated in the adopted comprehensive plan.

2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

### 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		