



APPLICATION ACCEPTED: September 21, 2015
PLANNING COMMISSION: April 20, 2016
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

April 6, 2016

STAFF REPORT

APPLICATION PCA 87-P-109

PROVIDENCE DISTRICT



APPLICANT: David Peete, Jr.
Karen Peete

PRESENT ZONING: R-2 and R-4 (split-zoned)

LOCATION: 10206 Oakton Station Ct., Oakton

PARCELS: R-2: 47-2 ((39)) 4A
R-4: 47-2 ((6)) 3 (part), 4 (part)

SITE AREA: R-2: 30,146 square feet
R-4: 12,746 square feet
Total: 42,892 square feet

PLAN MAP: Residential, 2 – 3 du/ac

PCA Proposal: The applicant seeks approval of a Proffered Condition Amendment (PCA) application to amend the proffers associated with RZ 87-P-109.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 87-P-109, subject to the execution of proffers consistent with those contained in Appendix 1.

It should be noted that it is not the intent of the staff to recommend that the Board, in

Casey Gresham

adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

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



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).

Proffered Condition Amendment

PCA 87-P-109

Applicant:
Accepted:
Proposed:

DAVID PEETE, JR. AND KAREN PEETE
09/10/2015
MODIFY THE PROFFERS ASSOCIATED WITH RZ 87-P-109

Area:

42892 SF OF LAND; DISTRICT - PROVIDENCE

Zoning Dist Sect:

Located:

NORTH SIDE OF OAKTON STATION COURT
APPROXIMATELY 250 FEET FROM ITS
INTERSECTION WITH PALMER STREET

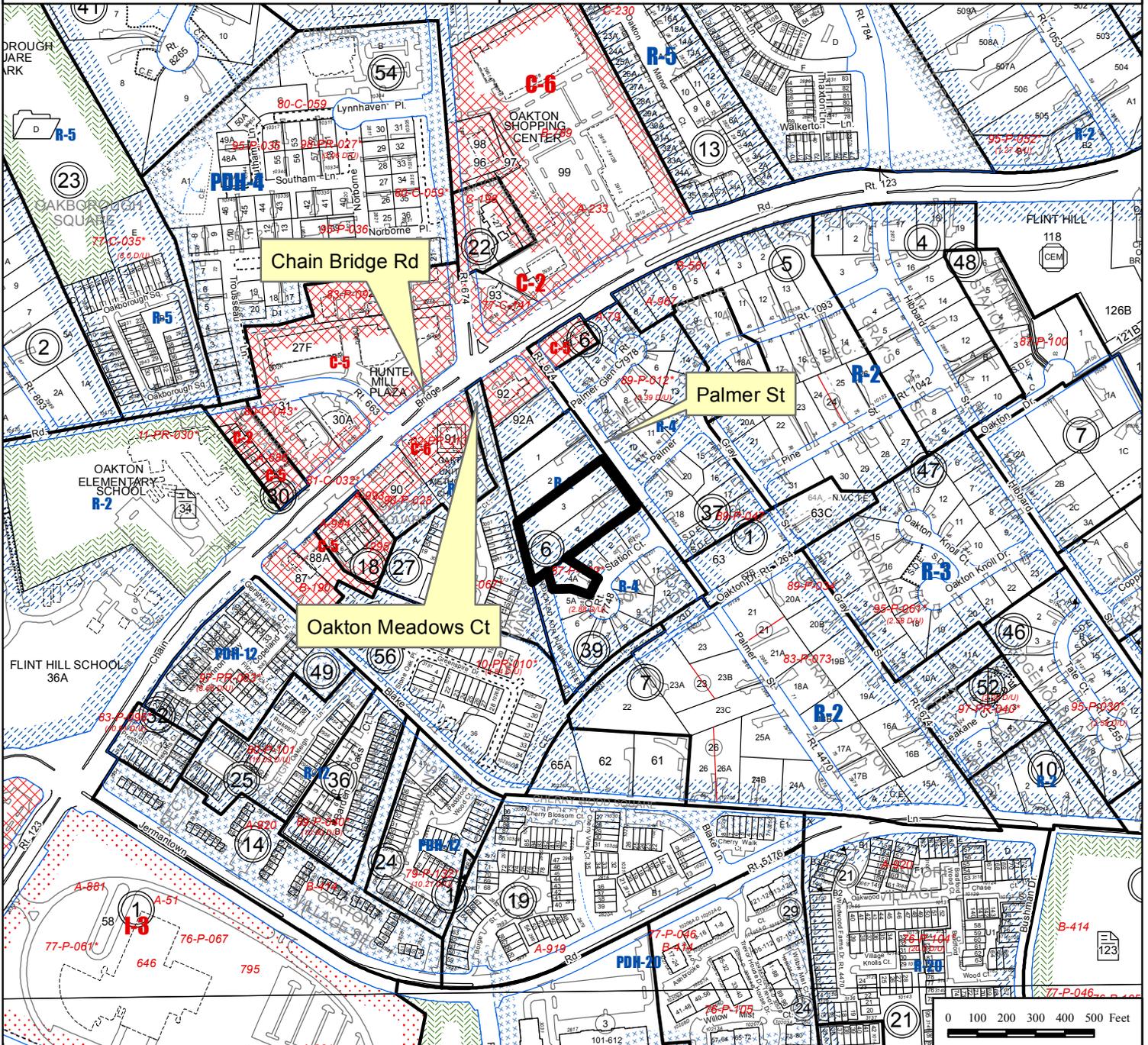
Zoning:

R-4

Overlay Dist:

Map Ref Num:

047-2- /06/ /0003 /06/ /0004
/39/ /0004A



OAKTON STATION PARCEL 5, LTD.

PROFFER CONDITION AMENDMENT (PCA)

PCA # 87-P-109

RESUBDIVISION ON THE PROPERTY OF PARCEL 5, LTD. (ALSO KNOWN AS OAKTON STATION)
AND OUTLOT "B", SECTION 4, GRAY'S SUBDIVISION

FAIRFAX COUNTY, VIRGINIA

VICINITY MAP

SCALE: 1"=500'



ZONING MAP

SCALE: 1"=500'



SHEET INDEX:

1. COVER SHEET
2. NOTES AND TABULATIONS
3. APPROVED GENERAL DEVELOPMENT PLAN
4. PROFFER CONDITIONS AND PROFFER IN EFFECT
5. EXISTING CONDITIONS - OAKTON STATION
6. PROFFERED CONDITIONS AMENDMENT PLAT (SHEET 1 OF 2)
7. PROFFERED CONDITIONS AMENDMENT PLAT (SHEET 2 OF 2)
8. SUBDIVISION, R.O.W & STREET DEDICATION PLAT OAKTON STATION
9. BOUNDARY ADJUSTMENT PLAT ON LOTS 4 & 5 OAKTON STATION

APPLICANT

OWNERS:
DAVID D. Jr. PEETE
KAREN L. PEETE

ADDRESS:
10206 OAKTON STATION CT.
OAKTON, VA 22124

CIVIL ENGINEER

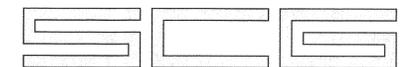
SANIE CONSULTING GROUP LLC, SUITE 401
4248-A CHAIN BRIDGE ROAD, FAIRFAX, VA. 22030
703-865-7630 (24) (TEL)
703-865-7632 (FAX)

ATTORNEY

FREDERICK R. TAYLOR, AICP
BEAN, KINNEY & KORMAN ATTORNEYS,
2300 WILSON BLVD., 7th FLOOR
ARLINGTON, VA 22201
703.525.4000 (TEL)
703.525.2207 (FAX)



ENGINEER/PLANNER



SANIE CONSULTING GROUP, LLC

LAND DEVELOPMENT CONSULTING
4248-A CHAIN BRIDGE ROAD
FAIRFAX, VA 22030
PH. (703) 865-7630
FAX (703) 865-7632
WWW.SANIECG.COM

GENERAL NOTES

- THE PROPERTIES DELINEATED ON THIS PROFFER CONDITION AMENDMENT PLAN (PCA) ARE IDENTIFIED ON THE FAIRFAX COUNTY TAX MAP AS FOLLOWS:
 TM # 0472-39-0001 THROUGH 0003, ZONE R-4.
 TM # 0472-39-0004A & 0005A, ZONE R-4.
 TM # 0472-39-0006 THROUGH 0012, ZONE R-4.
 TM # 0472-06-0003, ZONE R-2.
 TM # 0472-06-0004, ZONE R-2.
- THE PURPOSE OF THIS PCA IS TO ADD 30,146 SQUARE FEET, OUTLOT "B", SECTION 4, GRAY'S SUBDIVISION TO LOT 4A PARCEL 5, LTD. (OAKTON STATION). PEETE PROPERTY, LOT 4A, PARCELS, (OAKTON STATION) IS ACQUIRING THIS PROPERTY FOR THE PURPOSE OF AN ADDITION TO THE EXISTING HOUSE, OUTDOOR RECREATION PURPOSES AND OPEN SPACE.
- THE BOUNDARY INFORMATION SHOWN HEREIN, IS COMPILED FROM DEEDS OF RECORD FOR GRAY'S SUBDIVISION, SECTION 4 WHICH WAS RECORDED IN DEED BOOK 709 AT PAGE 525 AND PARCEL 5, LTD. (OAKTON STATION) WHICH WAS RECORDED IN DEED BOOK 8492 AT PAGE 1640, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
- THE TOPOGRAPHIC INFORMATION SHOWN HEREON IS COMPILED FROM A FIELD SURVEY DONE BY SANIE CONSULTING GROUP, LLC DATED 05-10-2013. THE TOPOGRAPHY IS SHOWN AT A TWO-FOOT CONTOUR INTERVAL. ADDITIONAL INFORMATION COMPILED FOR EXISTING RECORDS.
- THE PROPERTIES SHOWN ON THIS PLAT ARE IN THE PROVIDENCE MAGISTERIAL DISTRICT, DIFFICULT RUN D-3 SANITARY SEWER DISTRICT AND DIFFICULT RUN WATERSHED.
- THIS PLAT IS IN CONFORMANCE WITH THE FAIRFAX COUNTY COMPREHENSIVE PLAN AND WILL CONFORM TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS AND CONDITIONS WITH THE EXCEPTION OF THE MODIFICATION STATED ON THIS PLAT.
- THE COUNTY OF FAIRFAX IS THE SANITARY SEWER AND PUBLIC WATER SUPPLY AGENCY FOR THIS DEVELOPMENT.
- THIS PLAT DOES NOT PURPORT TO SHOW ALL EXISTING UNDERGROUND UTILITIES AND THOSE SHOWN ARE APPROXIMATED. THERE ARE NO KNOWN EXISTING UNDERGROUND UTILITY EASEMENTS HAVING A 25 FEET OR MORE WIDTH ON THESE PARCELS.
- THIS PLAT DOES NOT SHOW UTILITIES. ALL NECESSARY PUBLIC UTILITIES ARE READILY ACCESSIBLE OR CONNECTED TO THE SITE. UTILITY EXTENSION SHALL BE DONE UNDER SEPARATE APPROVED CONSTRUCTION PLAN. SANIE CONSULTING GROUP, LLC ASSUMES NO RESPONSIBILITY FOR CONSTRUCTION BASED ON THIS PLAT.
- THERE ARE NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES ON THESE LOTS. IF ANY SUBSTANCES ARE FOUND, THE METHODS FOR DISPOSAL SHALL ADHERE TO COUNTY, STATE OR FEDERAL LAW.
- THERE ARE NO KNOWN BURIAL SITES OR EXISTING STRUCTURES FOUND ON THESE LOTS.
- THERE ARE NO FLOOD PLAINS OR RPA EXISTING ON THESE LOTS.
- ALL EXISTING EASEMENTS SHOWN HEREON ARE RECORDED IN DEED BOOK OR LAND RECORDS AS SHOWN. EASEMENTS NOT SHOWN MAY EXIST.
- THESE LOTS ARE SERVED BY PUBLIC UTILITIES.
- THIS PCA PLAN IS NOT PROPOSING ANY ADDITIONAL DISTURBANCE OR IMPROVEMENTS. THEREFORE THERE WILL BE NO ADDITIONAL REQUIREMENTS FOR STORM WATER MANAGEMENT (SWM) OR BEST MANAGEMENT PRACTICES (BMP).

 IF ANY SUCH DISTURBANCES EXCEEDING THE 2,500 S.F. LIMIT SHOULD OCCUR, ALL APPROPRIATE SWM AND BMP REQUIREMENTS WILL BE APPLIED PER THE CURRENT PUBLIC FACILITIES MANUAL AT THAT TIME.
- NO DISTURBANCES OR ADDITIONS ARE PROPOSED WITH THIS APPLICATION AND THEREFORE NO OUTFALL ANALYSIS IS REQUIRED.
- THE PROPOSED PROFFER CONDITION AMMENDMENT PLAN OF THESE PROPERTIES WILL HAVE NO EFFECT ON THE ADJACENT PROPERTIES.
- TRAILS ARE NOT REQUIRED AS PER THE FAIRFAX COUNTY TRAILS MAP.
- THERE ARE NO AREAS THAT HAVE SCENIC ASSETS OR NATURAL FEATURES DESERVING OF PROTECTION OR PRESERVATION ON THE SITE.

UTILITY NOTE:

ALL PROPOSED LOTS WILL BE SERVED BY PUBLIC UTILITIES.

ENVIRONMENTAL STATEMENT:

NO ENVIRONMENT ASSESSMENT / IMPACT STATEMENT IS REQUIRED IN ACCORDANCE TO SEC. 18-500 OF FAIRFAX COUNTY ZONING ORDINANCE.

STATEMENT OF JUSTIFICATION

INTRODUCTION

APPLICATION TYPE: PCA
 PROPOSED USE: RESIDENTIAL
 ZONING DISTRICT: R-4
 OVERLAY DISTRICT: NONE
 SITE AREA: 0.2962 ACRES
 PROPOSED FAR: NO CHANGE TO FAR

ZONING

THIS IS AN APPLICATION FILED PURSUANT TO PROFFER # 2, AS IT RELATES TO WHAT IS NOW LOT 4A OF OAKTON STATION SUBDIVISION, CREATED BY RZ 87-P-109, DATED OCTOBER 31, 1986. LOT 4 WAS INCREASED IN SIZE PURSUANT TO A DEED OF BOUNDARY LINE ADJUSTMENT WITH THE OWNER OF LOTS 5, OAKTON STATION SUBDIVISION. THE BOARD OF SUPERVISORS APPROVED AN APPLICATION REZONING 4.33 ACRES FROM THE R-2 DISTRICT TO THE R-4 DISTRICT. IN CONNECTION WITH THE REZONING, A NUMBER OF PROFFERS WERE IMPOSED UPON THE PROPERTY.

THE EFFECT OF THIS APPLICATION IS TO ALLOW AN INCREASE IN PARCEL SIZE WHICH WILL RESULT BY THE SUBJECT PROPERTY TO BEING CONSOLIDATED WITH SUBDIVIDED PORTIONS OF TWO NEIGHBORING PROPERTIES THAT WERE FORMALLY PART OF THE GRAY SUBDIVISION. LOCATED AT THE REAR OF THE SUBJECT PROPERTY (PARCELS 0472-06-0003 ("LOT 3") AND 0472-06-0004 ("LOT 4"). A DEED OF CONSOLIDATION WILL BE PREPARED UPON APPROVAL OF THIS PROFFER CONDITION AMENDMENT FOR TAX PARCEL 0472 39 0004A TO MEMORIALIZE THE DIVISION OF THE PROPERTY. THE CONSOLIDATION INTO ONE LOT WILL HAVE THE CONSEQUENCE OF PROHIBITING ANY FURTHER DWELLINGS ON THE NEWLY CREATED LOT

THE SUBJECT PROPERTY IS 0.2962 ACRES AND IS NOT LOCATED WITHIN ANY OVERLAY DISTRICTS.

PROPOSED USE

THE USE OF THE PROPERTY WILL BE LIMITED TO RECREATIONAL ACCESSORY USES ASSOCIATED WITH LOT 4A, OAKTON STATION SUBDIVISION.

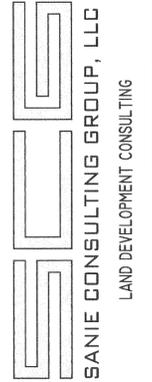
STORMWATER MANAGEMENT STATEMENT

LOT 4A CONSISTS OF 0.293 ACRES. THERE WILL BE NO NEW IMPERVIOUS AREAS ADDED TO THE EXISTING. THE EXISTING STORMWATER RUNOFF SHEET FLOWS OVERLAND ACROSS THE LOT IN A WESTERLY DIRECTION TOWARDS THE REAR AS WELL AS IN AN EASTERLY DIRECTION TOWARDS THE FRONT OF THE PROPERTY.

THERE WILL BE NO CHANGE TO THE DRAINAGE PATTERN OF THE PORTION OF LAND IDENTIFIED AS A PERPETUAL EASEMENT (0.692 ACRES) AT THE REAR OF LOTS 3 AND 4 OF GRAY'S SUBDIVISION. THE EXISTING RUNOFF FROM BOTH LOTS IS IN A WESTERLY DIRECTION AND TOWARDS THE NORTHEASTERN BOUNDARY OF LOT 4A. THERE ARE NO IMPERVIOUS AREAS EXISTING ON THIS PORTION OF LAND.

THE ADDITION OF THIS PERPETUAL EASEMENT AREA TO LOT 4A WILL ADD NO ADVERSE EFFECT TO THE EXISTING DRAINAGE SYSTEM.

IN THE EVENT THAT THERE IS CHANGE IN THE STORMWATER COMDITIONS, THEN THE LOT SHALL BE DEVELOPED IN ACCORDANCE WITH THE APPROVED STORMWATER MANAGEMENT PLAN FOR THE SUBDIVISION.



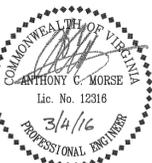
4248A CHAIN BRIDGE ROAD
 FAIRFAX COUNTY, VIRGINIA 22030
 PH: (703) 865-7831
 FAX: (703) 865-7832
 WWW.SANIECG.COM

REUSE OF DOCUMENTS
 THIS DOCUMENT IS AN INSTRUMENT OF PROFESSIONAL SERVICE. IT IS THE PROPERTY OF SANIE CONSULTING GROUP, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SANIE CONSULTING GROUP, LLC.

NOTES AND TABULATIONS

PROFFER CONDITION AMENDMENT PLAN
 PROVIDENCE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

PLAN STATUS	DATE	DESCRIPTION
	7/10/15	1ST COUNTY SUBMISSION
	9/9/15	REVISION
	12/21/15	2ND COUNTY SUBMISSION
	03/04/16	3 RD. COUNTY SUBMISSION



DATE : 12/21/2015
 PROJECT COORDINATOR:
 SOHAILA S SHEKIB

DESIGN	DRAWN	CHKD
SSS	WS	SSS

SCALE
 H: N/A
 V: N/A

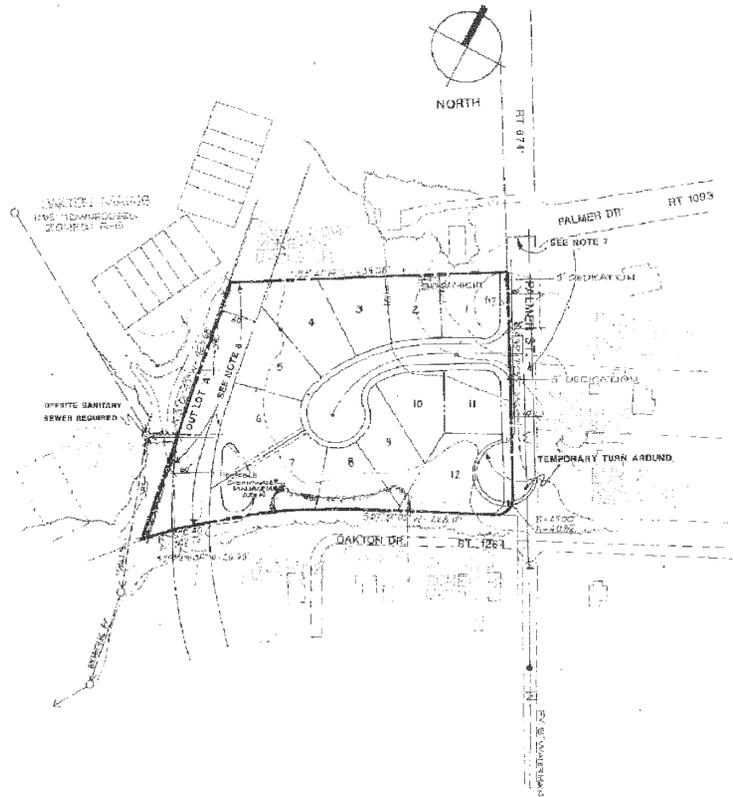
JOB No. VA-12-108
 FILE No. 100-PCA-SCG

SHEET 2 OF 9

Z:\SCG\PROJECTS\ENGINEERING\VA-12-108 PEETE PROPERTY, 10206 OAKTON COURT\DWG\PROFFER CONDITION AMENDMENT PLAN SET (REV. 06-01-15)\PROFFER COND AMEND PLAN SET (REV)02.VA-12-108 OAKTON STN NOTES.dwg - 3/2/2016 3:28:30 PM, User: h4047, 1:1

NOTES

- 1) THE PROPERTY SHOWN IN THE SUBJECT OF THIS GENERALIZED DEVELOPMENT PLAN IS IDENTIFIED ON THE FAIRFAX COUNTY ZONING MAP AS 47-2 (16) S.
- 2) THE TEMPORARY SPERM HEREIN IS AT A CONTIGUOUS INTERVAL OF FIVE (5) FEET FROM SHOWN BY OTHERS. DEWBERRY & DAVIS ASSUMES NO RESPONSIBILITY FOR DESIGN OR CONSTRUCTION CHANGES ORDERED BY THE COURTS IN SAID SAID DISCREPANCY SPERM HEREIN.
- 3) THE BOUNDARY INFORMATION SHOWN HEREIN IS BY DEWBERRY & DAVIS.
- 4) SURVEYOR'S REVISION AND/OR REVISIONS WILL BE PROVIDED IN ACCORDANCE WITH FAIRFAX COUNTY ORDINANCES AND PRACTICES.
- 5) THE STATEMENT AND ATTACHED INFORMATION REQUIRED BY THE PROVISIONS OF PARAGRAPH 10 OF SECTION 16-000 OF THE ZONING ORDINANCE ARE FURNISHED IN A SEPARATE ASSOCIATED DOCUMENT.
- 6) EXCEPT WHERE NOTED, THE PROPOSED DEVELOPMENT OF THE SUBJECT PROPERTY CONFORMS TO ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS.
- 7) SUBJECT TO VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) REQUIREMENTS, THE APPLICANT WILL CONSTRUCT CURB AND GUTTER ON THE WESTERN SIDE OF PALMER STREET ALONG A PORTION OF THE EASTERN EXEMPTION OF THE PROPERTY, FROM THURSDAY SIX FEET (6') OF PALMER STREET WITHIN THE EXISTING RIGHT-OF-WAY FROM THE INTERSECTION OF ROUTE 574 AND PALMER STREET TO THE PROPOSED CHAIN BRIDGE ROAD AND CONSIDER THE TEMPORARY TURN AROUND.
- 8) THIS AREA WILL BE CONSIDERED TO BE OPEN FOR RIGHT OF WAY FOR THE PROPOSED CHAIN BRIDGE ROAD. IF IT IS DETERMINED NOT TO USE THIS AREA FOR THE EXEMPTION BY JANUARY 1, 2000, THE PROPERTY WILL REVERT TO THE APPLICANT.

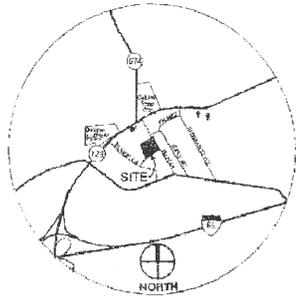


LEGEND

	LIMITS OF CLEARING AND GRADING <small>(SUBJECT TO FINAL GRADINGS)</small>
	EXISTING SANITARY SEWER
	PROPOSED SANITARY SEWER
	PROPOSED WATERMAIN
	EXISTING WATERMAIN

TABULATION

TOTAL AREA:	4.34 AC
EXCLUDING SPERM:	0.2
EXEMPTION ZONING:	7.4
NUMBER OF LOTS/ACRES PROPOSED:	12
DENSITY:	2.8 DPA/AC
MINIMUM LOT SIZE:	0.8 AC/0.35
AVERAGE LOT SIZE:	0.36 AC



VICINITY MAP
SCALE 1"=2000'

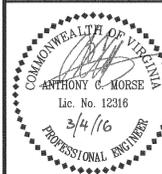


Dewberry & Davis
Architects Engineers Planners Surveyors
8401 Arlington Blvd., Fairfax, VA 22031
703 998 4700

GENERALIZED DEVELOPMENT PLAN
FAIRFAX PROPERTY / PALMER STREET / LOT 5
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

Scale	1"=100'
Sheet	1 OF 2
Code	1-B-88 REV. B-2-88 REV. 10-17-88
File Number	M-6883

PLAN STATUS	DATE	DESCRIPTION
1ST COUNTY SUBMISSION	7/10/15	
REVISION	9/9/15	
2ND COUNTY SUBMISSION	12/21/15	
3. RD. COUNTY SUBMISSION	03/04/16	



DATE :	12/21/2015
PROJECT COORDINATOR:	SOHAILA S SHEKIB
DESIGN	SSS
DRAWN	WS
CHKD	SSS
SCALE	H: N/A V: N/A
JOB No.	VA-12-108
FILE No.	100-PCA-SCG
SHEET	3 OF 9

SANIE CONSULTING GROUP, LLC
LAND DEVELOPMENT CONSULTING

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WWW.SANIECG.COM

APPROVED GENERAL DEVELOPMENT PLAN
(FZ 87-P-109)
OAKTON STATION
PROFFER CONDITION AMENDMENT PLAN
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

William Barnes Lawson, Sr., Esquire
4141 North Henderson Road - Suite 5
Arlington, Virginia 22203

Re: Rezoning Application
Number RZ 87-P-109

Dear Mr. Lawson:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on October 31, 1988, granting, as proffered, Rezoning Application RZ 87-P-109 in the name of Fairfax Properties, A Virginia General Partnership, to rezone certain property in the Providence District from the R-2 District to the R-4 District, subject to proffers dated October 28, 1988, on subject parcels 47-2 ((6)) 5 consisting of approximately 4.33 acres.

Sincerely,

Theodore Austell, III
Theodore Austell, III
Clerk to the Board of Supervisors (Acting)

TAIII:ms

cc: Joseph T. Hix
Real Estate Division, Assessments
Gilbert R. Knowlton, Deputy
Zoning Administrator
Barbara A. Byron, Director
Zoning Evaluation Division
Fred R. Beales, Supervisor
Base Property Mapping/Overlay
Robert Moore, Transportation Planning Division,
Office of Transportation
Kathy Ichter, Transportation Road Bond Division,
Office of Transportation
Department of Environmental Management
A. V. Bailey, Resident Engineer
Virginia Department of Transportation

PROFFERS

RZ 87-P-109

FAIRFAX PROPERTIES

OCTOBER 28, 1988

Pursuant to Section 15.1-491 (a) of the Code of Virginia, 1950 edition as amended, upon approval by the Board of Supervisors of application RZ 87-P-109 to permit the development of a maximum of twelve (12) single family detached dwelling units in accordance with the provisions of the R-4 District and the Generalized Development Plan last dated October 17, 1988 prepared by Dewberry & Davis, the undersigned hereby proffers the following conditions:

- Each reference to "Applicant" in this proffer will include within its meaning, and will be binding upon, applicant's successor(s) in interest and/or the developer(s) of the subject property or any portion thereof.
- Development of the subject property will be in conformance with the Generalized Development Plan (GDP), which consists of one (1) sheet, prepared by Dewberry & Davis, and last dated October 17, 1988.
- All rights-of-way dedicated in conjunction with these proffers will be subject to the provisions of Par. 5 of Sect. 2-308 of the Zoning Ordinance, and all density/floor area ratio related to the land area of these dedications is hereby reserved for the development of the subject property.
- The total number of dwelling units will not exceed twelve (12).
- The proposed single family dwelling units will not exceed the maximum height allowed in the R-4 District.

- The applicant will present a detailed landscape plan(s) to accompany the required site plan that will be in substantial conformance with the Generalized Development Plan, and the applicant will implement the plan subject to the approval of the County Arborist.
- Prior to subdivision approval, the applicant shall submit for prompt and timely review and approval by the County Arborist a tree preservation plan and limits of clearing plan. The Arborist may require modification of such proposed plans to the extent these modifications do not alter the number of dwelling units as shown on the Development Plan, reduce the size of the proposed units, move their location on the lots or require the installation of retaining walls. At a minimum, the tree preservation and limits of clearing plan shall protect trees to the extent shown on the Development Plan.
- The applicant will dedicate and convey in fee simple to the Board of Supervisors a five (5) foot right-of-way along the eastern property line of the subject site.
- Subject to Virginia Department of Transportation (VDOT) approval, the applicant will construct curb and gutter on the western side of Palmer Street along a portion of the eastern boundary of the property, pave thirty six feet (36') of Palmer Street within the existing right-of-way from the intersection of Route 674 and Palmer Street to the temporary cul-de-sac and construct the temporary cul-de-sac.
- Immediately after the subdivision plat of the property has been recorded among the land records of Fairfax County, or at any time prior thereto, if requested by Fairfax County, the applicant will convey to the Board of Supervisors in fee simple an area sixty feet (60') wide generally adjacent to the western property line as shown on the Generalized Development Plan dated October 17, 1988, also shown as Outlot A, exclusively for possible future public right of way purposes. This conveyance shall be made subject to a reversionary clause to be approved by the Fairfax County Attorney that provides that if the determination of the location of Hunter Mill Road Extension or the determination of the need for the area described herein for public right of way purposes has not been made by the Board of Supervisors by January 1, 2000, or if any time prior thereto an alternate route for such road has been selected by the Board of Supervisors, title shall automatically revert to the grantor of the deed, its successors or assigns. If the need for the area for public right of way purposes is determined prior to January 1, 2000 or if the location of Hunter Mill Road Extension is determined prior to January 1, 2000 and requires the use of this area, the reversionary clause shall automatically become null and void.
- The applicant will achieve a 45 dBA Ldn in all units located with 170 feet from the centerline of the future Hunter Mill Road Extension. All units within this impacted area will have the following acoustical attributes.
 - Exterior walls shall have a laboratory sound transmission class (STC) of at least 39.

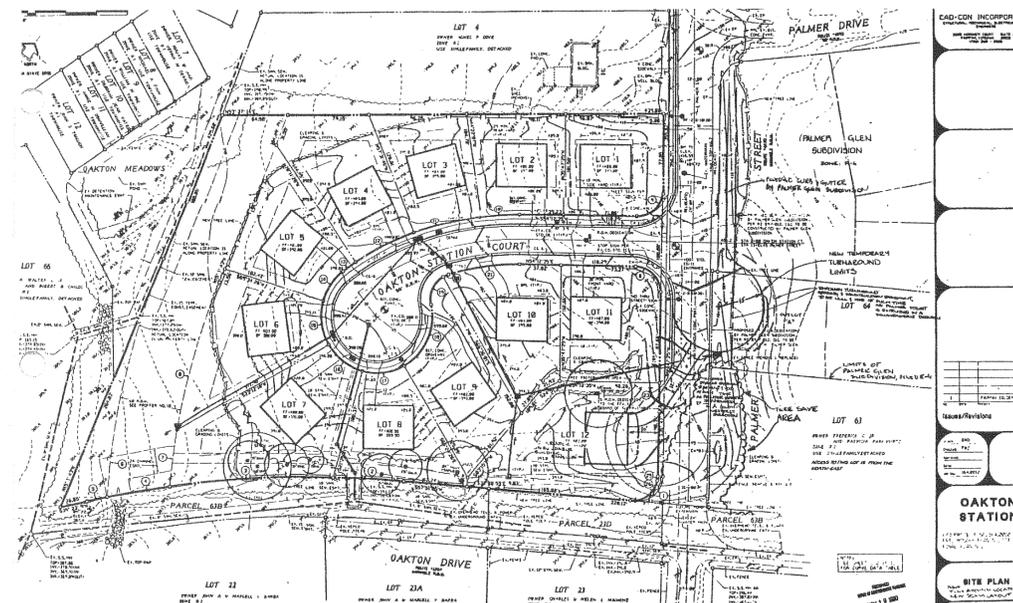
- Doors and windows shall have an STC of at least 28, if "windows" function as the walls, then they will have the STC specified for exterior walls.
 - Adequate measures to seal and caulk between surfaces will be provided.
- The applicant commits to the Virginia Home Builders Energy Savers program for energy conservation insulation, or an equivalent thereof, for all dwellings to be constructed on the subject property.
 - The applicant will notify in writing all prospective purchasers of lots in the subdivision of the possibility of the construction of Hunter Mill Road Extension along the westerly boundary of the property and will record among the land records a covenant indicating the same.
 - If required by the Department of Environmental Management, the applicant will have a geotechnical engineering study performed which meets the requirements of the Public Facilities Manual and the applicant will implement the study's recommendation as determined by the Department of Environmental Management (DEM).
 - The applicant will provide on site stormwater management in accordance with Fairfax County Ordinances or if applicable as determined by the Department of Environmental Management (DEM), the applicant will contribute a pro-rata share to a stormwater management system in lieu of providing on site stormwater management.

FAIRFAX PROPERTIES, a Virginia General Partnership

By: *Timothy J. Pearson*
Timothy J. Pearson, General Partner

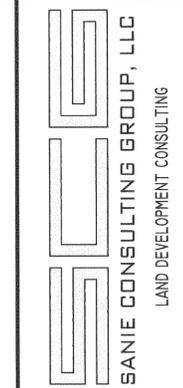
Ray E. Biggs
Ray E. Biggs

Peggy Ann Biggs
Peggy Ann Biggs



PROFFERS IN EFFECT AND HOW THEY EFFECT BY PROPOSED PCA

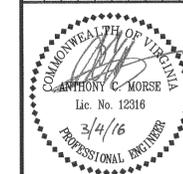
- NO AFFECT
- THIS PCA HAS NO AFFECT ON EXISTING PROFFER #2.
- NO AFFECT
- THE TOTAL NUMBER OF UNITS WILL REMAIN AS 12 LOTS.
- HEIGHTS OF STRUCTURES WILL NOT EXCEED THOSE ALLOWED IN THE R-4 ZONING REGULATIONS.
- THERE ARE NO CHANGES PROPOSED TO THE APPROVED FINAL SITE PLAN. DETAILS FOR THE SUBDIVISION LOTS HAVE BEEN PROVIDED TO SHOW THAT THE LOTS COMPLY WITH THE EXISTING REGULATIONS.
- NO EFFECT TO THE EXISTING REZONING.
- NO EFFECT TO THE EXISTING REZONING.
- ALL IMPROVEMENTS WERE ZONE STRUCTURED WITH THE ORIGINAL APPROVED SITE PLAN.
- 60' DEDICATION WAS CONVEYED TO THE BOARD OF SUPERVISORS AS REQUESTED.
- THIS PCA IS NOT EFFECTED BY THIS REQUIREMENT AT THE TIME; BUT WILL COMPLY IF SUCH EXTENSION OF HUNTER MILL ROAD IS GRANTED.
- THIS PROFFER HAS NO EFFECT ON THIS AREA.
- APPLICANT IS AWARE OF THE FUTURE EXTENSION.
- ANY ADDITIONAL REQUIREMENTS FOR GEOTECHNICAL STUDIES WILL BE PROVIDED IF REQUIRED, THIS PCA DOES NOT AFFECT THIS PROFFER.
- ANY ADDITIONAL REQUIREMENTS FOR STORMWATER MANAGEMENT WILL BE MET PER THE EXISTING PFM.



4248-A CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030
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PROFFER CONDITIONS AND PROFFER IN EFFECT
PROFFER CONDITION AMENDMENT PLAN
FAIRFAX COUNTY, VIRGINIA
PROVIDENCE DISTRICT

DATE	DESCRIPTION	1ST COUNTY SUBMISSION	2ND COUNTY SUBMISSION	3RD COUNTY SUBMISSION
9/9/15	PROFFER			
12/21/15	REVISION			
03/04/16	REVISION			



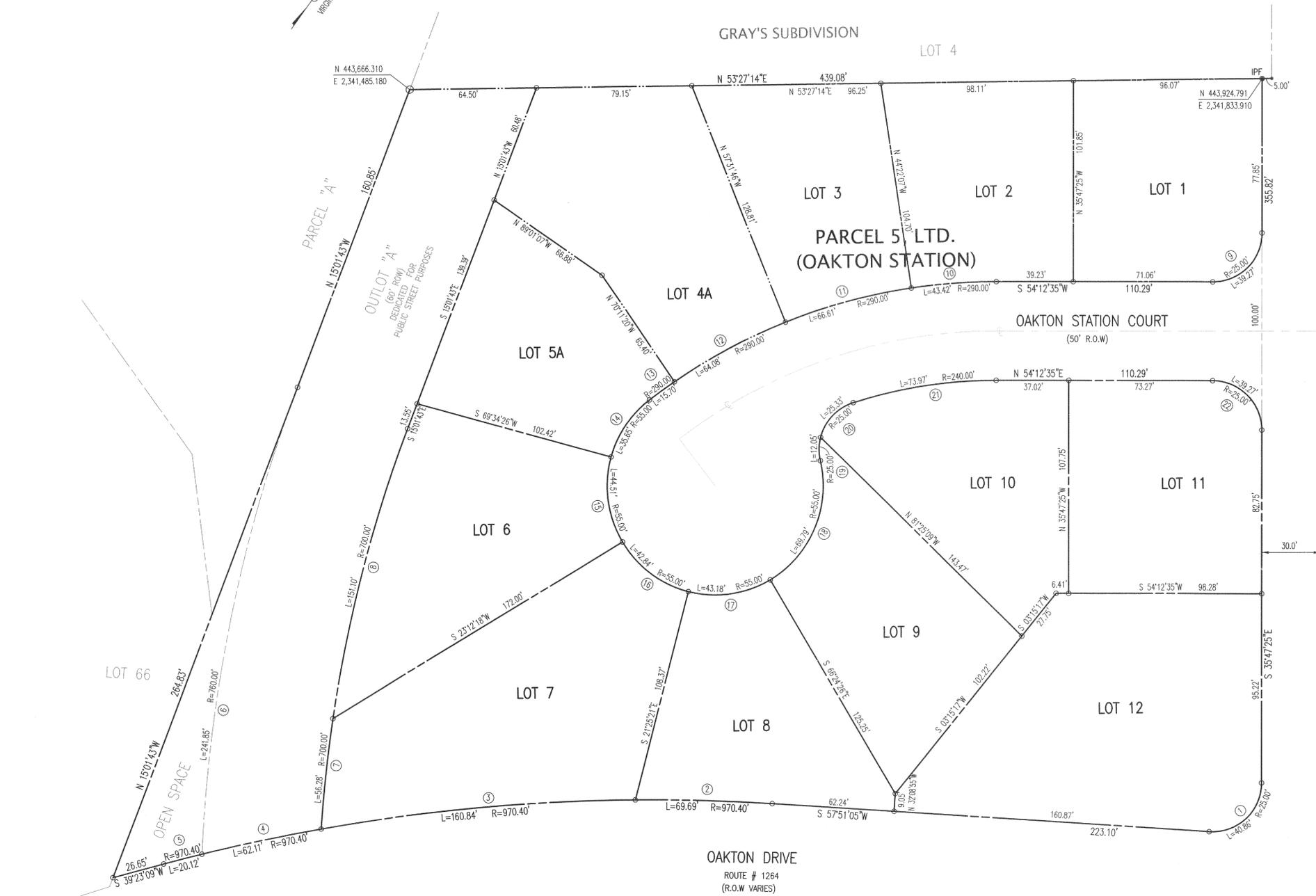
DATE: 12/21/2015
PROJECT COORDINATOR:
SOHAILA S SHEKIB

DESIGN	SSS	DRAWN	WS	CHKD	SSS
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SCALE: H: N/A
V: N/A

JOB No. VA-12-108
FILE No. 100-PCA-SCG
SHEET 4 OF 9

Z:\SCG\PROJECTS\ENGINEERING\VA-12-088_PETE REITE PROPERTY\2008 OAKTON COURT TOWNSHIP PROFFER CONDITION AMENDMENT PLAN (REV. 05-01-15) PROFFER COND AMEND PLAN SET (REV. 05-12-10) OAKTON SITE LEX CONDITIONS.dwg, 3/2/2016 3:24:44 PM, Version: 6.0.0.11



CURVE TABLE						
CURVE	RADIUS	DELTA	TANGENT	ARC	CHORD	BEARING
1	25.00'	90°00'00"	25.00'	39.27'	35.36'	S 09°12'35"W
2	970.40'	0°40'54"	34.86'	69.69'	69.68'	S 55°47'42"W
3	970.40'	0°29'47"	80.60'	160.84'	160.65'	S 48°59'22"W
4	970.40'	0°34'02"	121.96'	62.11'	62.10'	S 42°24'27"W
5	970.40'	0°11'17"	10.06'	20.12'	20.12'	S 39°58'48"W
6	760.00'	1°13'58"	121.96'	241.85'	240.83'	S 24°08'42"E
7	700.00'	0°43'25"	28.16'	56.28'	56.27'	N 29°41'50"W
8	700.00'	1°22'03"	75.84'	151.10'	150.81'	N 21°12'45"W
9	25.00'	90°00'00"	25.00'	39.27'	35.36'	S 09°12'35"W
10	290.00'	0°8'34"42"	21.75'	43.42'	43.38'	S 49°55'14"W
11	290.00'	1°30'39"	33.45'	66.61'	66.47'	S 39°03'04"W
12	290.00'	1°23'39"34"	32.17'	64.08'	63.95'	S 26°08'27"W
13	290.00'	0°30'6"10"	7.85'	15.70'	15.70'	S 18°15'35"W
14	55.00'	3°70'8"04"	18.47'	35.65'	35.03'	S 01°51'32"E
15	55.00'	4°6'22"07"	23.56'	44.51'	43.31'	S 43°36'38"E
16	55.00'	4°43'7"39"	22.57'	42.84'	41.76'	S 89°06'31"E
17	55.00'	4°49'05"	22.77'	43.18'	42.08'	N 46°05'06"E
18	55.00'	7°24'2"23"	40.48'	69.79'	65.20'	N 12°45'38"W
19	25.00'	27°37'00"	6.14'	12.05'	11.93'	N 35°18'19"W
20	25.00'	5°8'02"56"	13.87'	25.33'	24.26'	N 07°31'39"E
21	240.00'	1°73'9"29"	37.28'	73.97'	73.67'	N 45°22'51"E
22	25.00'	90°00'00"	25.00'	39.27'	35.26'	S 80°47'25"E
23	25.00'	93°38'30"	26.64'	40.86'	36.46'	S 11°01'50"W

**OAKTON STATION AREA SUMMARY
(PER LOTS 4 & 5 BOUNDARY LINE ADJUSTMENT)**

LOT 1	9,685 SQ.FT.	0.2223 AC.
LOT 2	9,191 SQ.FT.	0.2110 AC.
LOT 3	9,160 SQ.FT.	0.2103 AC.
LOT 4A	12,746 SQ.FT.	0.2926 AC.
LOT 5A	9,490 SQ.FT.	0.2179 AC.
LOT 6	12,227 SQ.FT.	0.2807 AC.
LOT 7	15,943 SQ.FT.	0.3660 AC.
LOT 8	9,709 SQ.FT.	0.2229 AC.
LOT 9	10,358 SQ.FT.	0.2378 AC.
LOT 10	10,324 SQ.FT.	0.2370 AC.
LOT 11	10,454 SQ.FT.	0.2400 AC.
LOT 12	17,341 SQ.FT.	0.3981 AC.
OAKTON STATION CT. DEDICATION	23,126 SQ.FT.	0.5309 AC.
5' PALMER ST. DEDICATION	1,913 SQ.FT.	0.0439 AC.
OUTLOT "A" (RESERVED FUTURE 60' R.O.W.)	23,817 SQ.FT.	0.5468 AC.
OPEN SPACE SITE AREA	3,506 SQ.FT.	0.0805 AC.
TOTAL SUBDIVISION AREA	188,990 SQ.FT.	4.3386 AC.

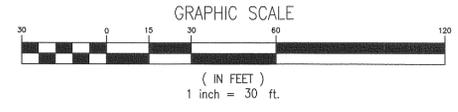
PARCEL 5, LTD. (OAKTON STATION) SITE TABULATIONS

- AS PER APPROVED PLAN No. 7743-SD-01-03**
- SITE AREA 4.34 ACRES OR 188,990.40 SQ.FT.
 - NUMBER OF LOTS 12
 - AREA OF LOTS 3.10 ACRES OR 134,878.51 SQ.FT.
 - OUTLOT "A" 0.55 ACRE OR 23,816.76 SQ.FT.
 - TOTAL AREA OF OPEN SPACE 0.08 ACRE OR 3,505.95 SQ.FT.
 - AREA OF STREET DEDICATION 0.57 ACRE OR 25,039.38 SQ.FT.
 - DENSITY (LOTS PER ACRE) 2.76 DV/AC

DATED 10-06-2014, AMONG THE LAND RECORDS OF FAIRFAX COUNTY.

NOTE:

LEGEND
 ● IPF = IRON PIN FOUND
 ○ = PROPERTY CORNER

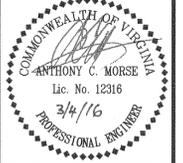


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 LAND DEVELOPMENT CONSULTING

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 FAIRFAX, VIRGINIA 22030
 TEL: (703) 865-7831
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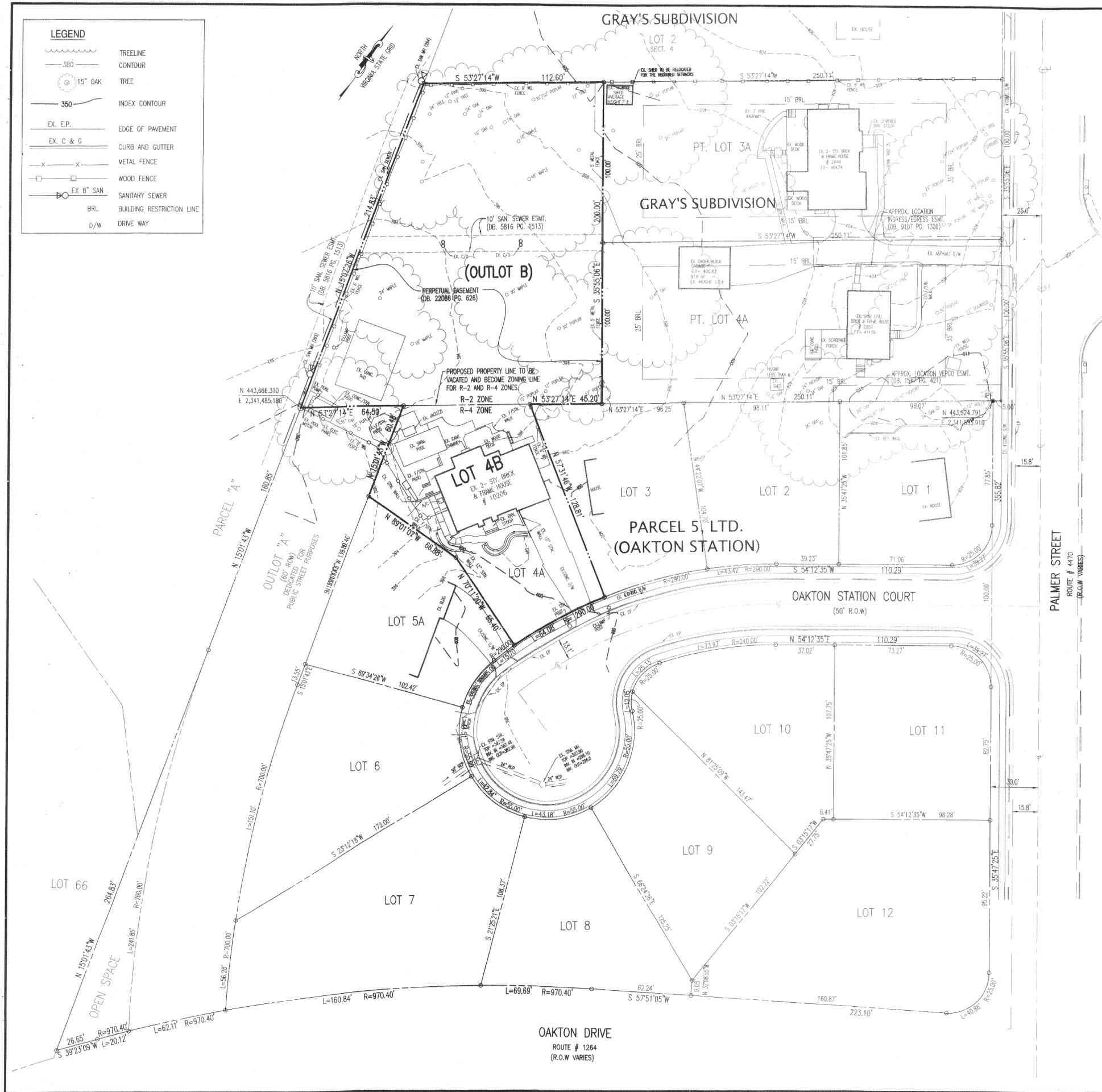
EXISTING CONDITIONS
OAKTON STATION
PROFFER CONDITION AMENDMENT PLAN
 FAIRFAX COUNTY, VIRGINIA
 PROVIDENCE DISTRICT

PLAN STATUS	DATE	DESCRIPTION
	7/10/15	1ST COUNTY SUBMISSION
	9/9/15	REVISION
	12/21/15	2ND COUNTY SUBMISSION
	03/04/16	3 RD. COUNTY SUBMISSION



DATE : 12/21/2015
 PROJECT COORDINATOR:
 SOHAILA S SHEKIB
 DESIGN SSS DRAWN WS CHKD SSS
 SCALE H: 1" = 30'
 V: N/A
 JOB No. VA-12-108
 FILE No. 100-PCA-SCG
 SHEET 5 OF 9

LEGEND	
	TREELINE
	CONTOUR
	15" OAK TREE
	INDEX CONTOUR
	EX. E.P.
	EX. C. & G.
	METAL FENCE
	WOOD FENCE
	EX. 8" SAN. SANITARY SEWER
	BRL BUILDING RESTRICTION LINE
	D/W DRIVE WAY



OAKTON STATION SUBDIVISION AREA TABULATION PER PCA

LOT 1	9,885 SQ.FT.	0.2223 AC.
LOT 2	9,191 SQ.FT.	0.2110 AC.
LOT 3	9,160 SQ.FT.	0.2103 AC.
LOT 4B	42,892 SQ.FT.	0.9847 AC.
LOT 5A	9,490 SQ.FT.	0.2179 AC.
LOT 6	12,227 SQ.FT.	0.2807 AC.
LOT 7	15,943 SQ.FT.	0.3660 AC.
LOT 8	9,709 SQ.FT.	0.2229 AC.
LOT 9	10,358 SQ.FT.	0.2378 AC.
LOT 10	10,324 SQ.FT.	0.2370 AC.
LOT 11	10,454 SQ.FT.	0.2400 AC.
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5 PALMER ST. DEDICATION	1,913 SQ.FT.	0.0439 AC.
OUTLOT "A" (RESERVED FUTURE 60' R.O.W.)	23,817 SQ.FT.	0.5488 AC.
OPEN SPACE SITE AREA	3,506 SQ.FT.	0.0805 AC.
TOTAL	219,136.00 SQ.FT.	5.03067 AC.

OAKTON STATION SUBDIVISION TREE CANOPY CALCULATIONS PER PCA

A. GROSS SITE AREA AFTER ROW DEDICATION	170,280 SF
B. PERCENTAGE OF TREE COVER REQUIRED	0.20
C. TREE COVER REQUIRED	28,027 SF
D. EXISTING TREE AREA BEFORE PCA	28,027 SF
E. EXISTING TREE AREA FROM GRAY SUBDIVISION ADDITION PER PCA	20,310 SF
TOTAL TREE COVER PROVIDED WITH PCA	48,337 SF

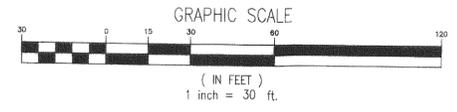
GRAY'S SUBDIVISION TREE CANOPY CALCULATIONS PER PCA

A. GROSS SITE AREA	80,018 SF
B. PERCENTAGE OF TREE COVER REQUIRED	0.20
C. TREE COVER REQUIRED	10,004 SF
D. EXISTING TREE AREA	23,739 SF
TOTAL TREE COVER PROVIDED	23,739 SF

NOTE:
THIS PCA PROPOSES TO ADD OUTLOT "B" OF GRAY'S SUBDIVISION TO EXISTING LOT 4A AND CREATE LOT 4B WITH TOTAL AREA OF 42,892 SQ.FT. OR 0.9847 ACRES WITH NO DISTRICT ZONING CHANGES.

SHAPE FACTOR CALCULATIONS:
REQUIRED = $P^2/A \leq 35$
P = LOT PERIMETER (FT.)
A = LOT AREA (SF.)
LOT 4B:
P = 1,022.78 FT.
A = 42,892 SF.
SHAPE FACTOR = $P^2/A = (1,022.78)^2 / 42,892 = 24.39 < 35$

NOTE:
SEE SHEET 7 FOR ADDITIONAL PCA DETAIL

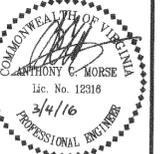


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LAND DEVELOPMENT CONSULTING

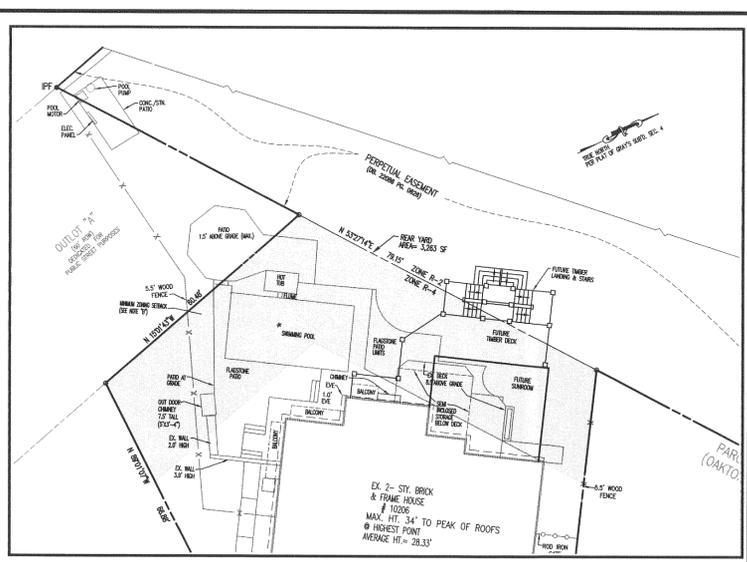
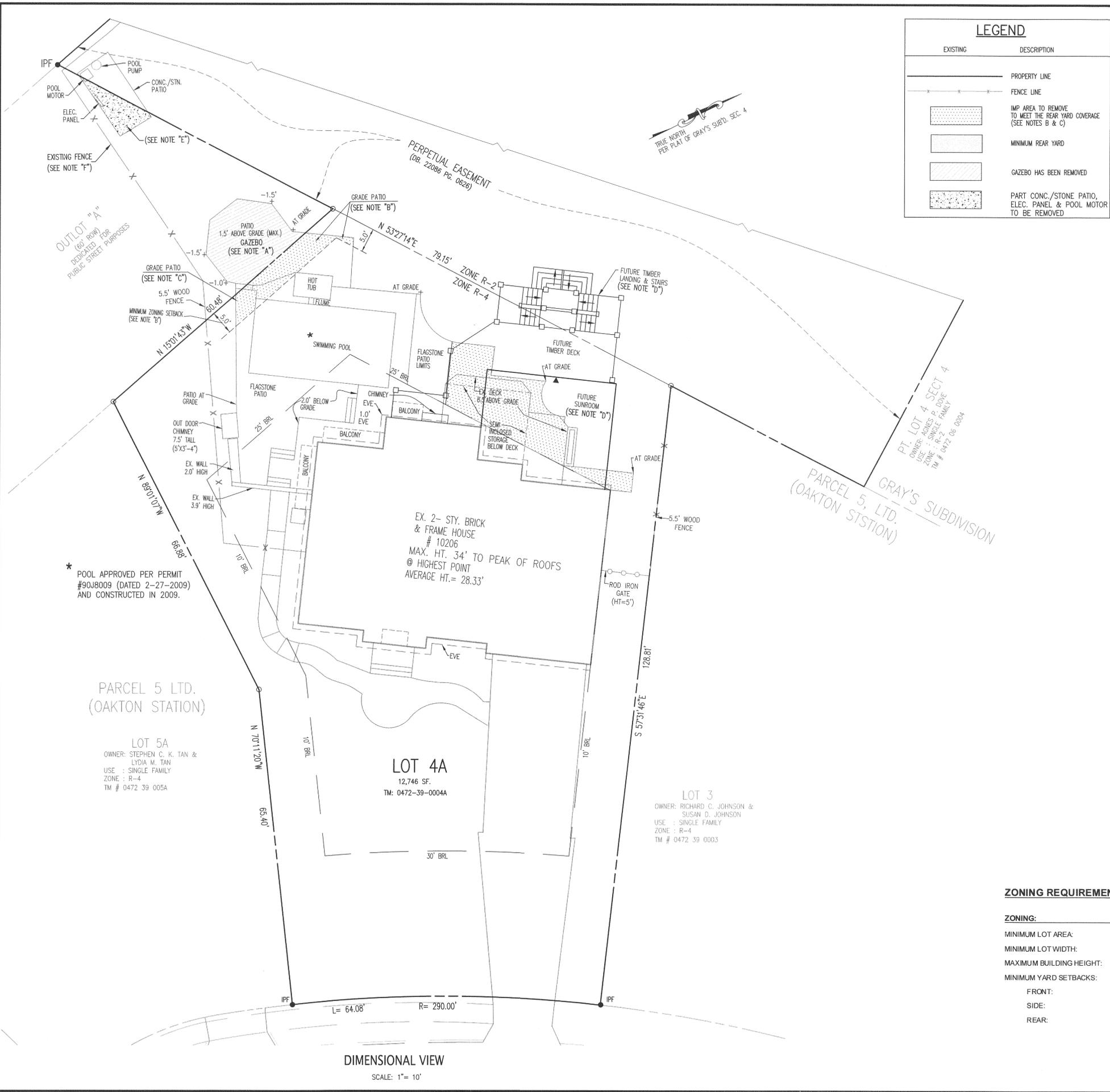
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FAIRFAX, VIRGINIA 22030
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FAX: (703) 865-7601
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PROFFERED CONDITION AMENDMENT PLAT (PCA)
(SHEET 1 OF 2)
LOT 4A, OAKTON STATION AND OUTLOT "B" GRAY'S SUBDIVISION
PROFFER CONDITION AMENDMENT PLAN
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

PLAN STATUS	DATE	DESCRIPTION
1ST COUNTY SUBMISSION	7/10/15	
REVISION	9/9/15	
2ND COUNTY SUBMISSION	12/21/15	
3RD COUNTY SUBMISSION	03/04/16	



DATE :	12/21/2015				
PROJECT COORDINATOR:	SOHAILA S SHEKIB				
DESIGN	SSS	DRAWN	WS	CHKD	SSS
SCALE	H: 1" = 30'	V: N/A			
JOB No.	VA-12-108				
FILE No.	100-PCA-SCG				
SHEET	6	OF	9		



CURRENT REAR YARD IMPERVIOUS AREAS:

F/STONE PATIO	= 526 SF.
F/STONE WALKWAY	= 482 SF.
SWIMMING POOL	= 399 SF.
CHIMNEY	= 17 SF.
TOTAL IMPERVIOUS AREA	= 1,424 SF.

REAR YARD COVERAGE CALCULATIONS:

REQUIRED REAR YARD	25 FT.
REAR YARD AREA	3,263 SF.
REAR YARD PERMISSIBLE IMPERVIOUS PERCENTAGE = 30%	
MAXIMUM LOT COVERAGE ALLOWED	984.9 SF.

CURRENT REAR YARD COVERAGE:

IMPERVIOUS AREA	1,424 SF
PERCENTAGE OF IMPERVIOUS AREA	44.3%

NEW REAR YARD COVERAGE AFTER IMPERVIOUS AREA REMOVAL:

IMPERVIOUS AREA TO BE REMOVED	484 SF
REAR YARD COVERAGE AFTER REMOVAL OF IMPERVIOUS AREA	29.4%

NOTE: REAR YARD PERMISSIBLE IMPERVIOUS PERCENTAGE IS MET AFTER REMOVAL OF 484 SF IMPERVIOUS AREA.

NOTE A:
THE GAZEBO HAS BEEN REMOVED.

NOTE B:
PART OF THE GRADE PATIO WITHIN THE MINIMUM 5' YARD SETBACK WILL BE REMOVED PRIOR TO PCA APPROVAL TO MEET MINIMUM ZONING SETBACK.

NOTE C:
PART OF THE GRADE PATIO (AS SHADED) LOCATED WITHIN MINIMUM SIDE SETBACK WILL BE REMOVED TO MEET MINIMUM ZONING SETBACK, PRIOR TO PCA APPROVAL.

NOTE D:
THE FUTURE SUNROOM AND WOODEN DECK TO BE CONSTRUCTED AFTER THE PROFFERED CONDITION AMENDMENT (PCA) HAS BEEN APPROVED.

NOTE E:
PART OF THE CONCRETE AND STONE PATIO, ELECTRICAL PANEL AND POOL MOTOR (AS SHADED), LOCATED WITHIN OUTLOT "A", WILL BE REMOVED PRIOR TO PCA APPROVAL.

NOTE F:
PART OF THE EXISTING FENCE THAT IS LOCATED WITHIN OUTLOT "A" WILL BE REMOVED PRIOR TO PCA APPROVAL.

PROFFERED CONDITION AMENDMENT PLAT (PCA)
(SHEET 1 OF 2)

LOT 4A, OAKTON STATION AND OUTLOT "B" GRAY'S SUBDIVISION
PROFFER CONDITION AMENDMENT PLAN

FAIRFAX COUNTY, VIRGINIA
PROVIDENCE DISTRICT

4248-A CHAIN BRIDGE ROAD
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2ND COUNTY SUBMISSION	12/21/15	
3RD COUNTY SUBMISSION	03/04/16	

ANTHONY G. MORSE
Lic. No. 12316
3/4/16
PROFESSIONAL ENGINEER

DATE: 12/21/2015
PROJECT COORDINATOR: SOHAILA S SHEKIB
DESIGN: SSS
DRAWN: WS
CHKD: SSS

SCALE: H: V:
JOB No. VA-12-108
FILE No. 100-PCA-SCG

SHEET 7 OF 9

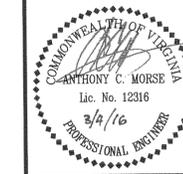
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SUBDIVISION, R.O.W. & STREET DEDICATION PLAN
OAKTON STATION
DEED BOOK 8492 PAGE 1640

PROFFER CONDITION AMENDMENT PLAN
FAIRFAX COUNTY, VIRGINIA
PROVIDENCE DISTRICT

PLAN STATUS	DESCRIPTION	DATE
	1ST COUNTY SUBMISSION	7/10/15
	REVISION	9/9/15
	2ND COUNTY SUBMISSION	12/21/15
	3RD COUNTY SUBMISSION	03/04/16



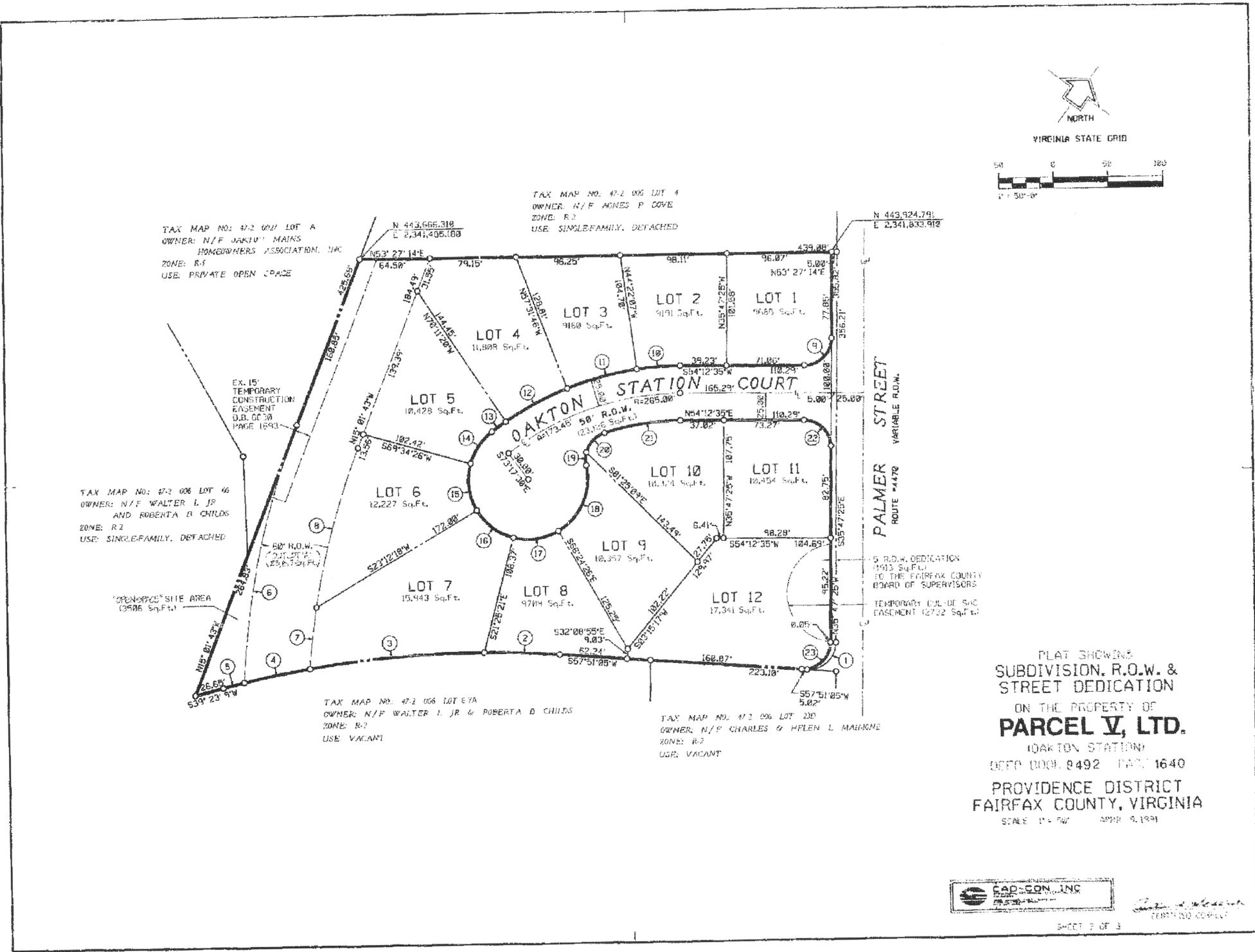
DATE : 12/21/2015
PROJECT COORDINATOR:
SOHAILA S SHEKIB

DESIGN SSS DRAWN WS CHKD SSS

SCALE H: N/A
V: N/A

JOB No. VA-12-108
FILE No. 100-PCA-SCG

SHEET 8 OF 9



SANIE CONSULTING GROUP, LLC
ANTHONY C. MORSE
Lic. No. 12316
3/2/16
PROFESSIONAL ENGINEER

SHEET 8 OF 9

I:\SCG\PROJECTS\ENGINEERING\VA-12-108 PROFFER COND AMEND PLAN SET (REV)03-08-09 VA-12-108 (APPROVED PLATS) 03-20-2015 3:30:30 PM, Name: SCG, L1

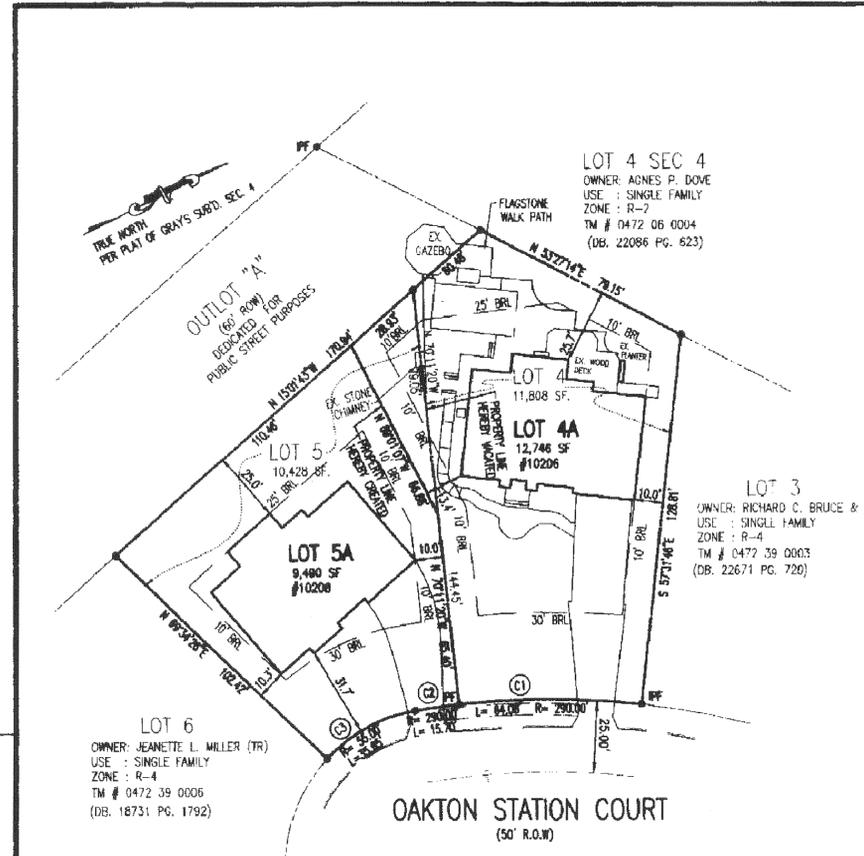
BK 23823 0285



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

November 22, 2013



Frederick R. Taylor
 Bean Kinney & Korman PC
 2300 Wilson Boulevard, 7th Floor
 Arlington, VA 22201

Re: Interpretation for RZ 87-P-109, Oakton Station, Tax Map 47-2 (6) 4 and 5;
 10206 and 10208 Oakton Station Court; Lot Line Adjustment

Dear Mr. Taylor:

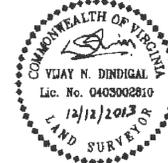
This is in response to your letter of August 27, 2013, requesting an interpretation of the Proffers and Generalized Development Plan (GDP) accepted by the Board of Supervisors, in conjunction with the approval of Rezoning RZ 87-P-109. As I understand it, the question is whether the proposed lot line adjustment between Lot 4 and Lot 5 would be in substantial conformance with the proffers and the GDP. This determination is based on your letter and attached exhibit, titled "Plat Showing Lots 4A and 5A, Property of Parcel 5, LTD.," prepared by Sanie Consulting Group, LLC, dated April 26, 2013. Copies of your letter and exhibit are attached.

The Board of Supervisors approved RZ 87-P-109, subject to proffers, on October 31, 1986, to rezone 4.33 acres from the R-2 District to the R-4 District. The Generalized Development Plan (GDP) depicts twelve residential lots and one outlot. The subject parcels, Lots 4 and 5, are located in the northwest corner of the development. The required minimum lot size is 8,500 square feet.

According to your letter, the owner of Lot 4 discovered that improvements they had constructed in the side yard adjacent to the south common boundary line encroached into Lot 5. The constructed improvements, which include a fireplace/grill and decorative wall, were built based upon a location established in error by a civil engineer. Rather than demolish the improvements, the owner of Lot 4 proposes to purchase 528 square feet of the adjacent Lot 5 to allow the existing improvements to be located within Lot 4 and to comply with the 10' side yard setback requirements for accessory structures. Your exhibit plus depicts the proposed adjustment of the common boundary line between Lot 4 and Lot 5 to shift the rear segment of the boundary line south approximately 28 feet to encompass 528 square feet of the side and rear yards on Lot 5. The proposed Lot 4 would be increased from 11,808 square feet to 12,476 square feet, and proposed Lot 5 would be reduced from 10,428 square feet to 9,490 square feet. You state that the proposed lot line adjustment maintains the minimum lot size requirement of 8,500 square feet established with RZ 87-P-109, does not increase the density of the subdivision, and maintains required setbacks for both lots. You indicate that both property owners consent to the lot line adjustment.

It is my determination that the proposed revised lot line between Lot 4 and Lot 5 is in substantial conformance with the GDP and proffers for RZ 87-P-109, subject to final approval by DPWES. This

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/planz



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Frederick R. Taylor
 Page 2

determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please contact Carrie Lee at (703) 324-1290.

Sincerely,
Barbara C. Berlin

Barbara C. Berlin, AICP, Director
 Zoning Evaluation Division, DPZ

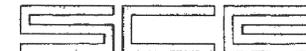
0:\Cust\Interprets\102110208 Oakton Station Ct. Lot Line Adjustment\Interpretation.Dwg

Attachments: A/S

cc: Linda Q. Smyth, Supervisor, Providence District
 Kenneth Lawrence, Planning Commissioner, Providence District
 Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
 Ken Williams, Plan Control, Land Development Services, DPWES
 Kevin Gulaarv, Chief, Special Projects/Applications Management Branch, ZED, DPZ
 File: RZ 87-P-109, P1 13 08 087, Imaging

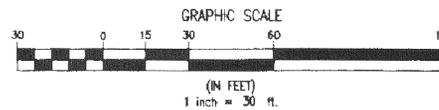
PLAT
 SHOWING
 LOTS 4A AND 5A
 PROPERTY OF
PARCEL 5, LTD.
 (ALSO KNOWN AS OAKTON STATION)
 BEING A BOUNDARY LINE ADJUSTMENT
 OF

LOTS 4 AND 5
 DB. 8785 PG. 307
 PROPERTY OF
PARCEL 5, LTD.
 (ALSO KNOWN AS OAKTON STATION)
 PROVIDENCE DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 30'
 DECEMBER 11, 2013

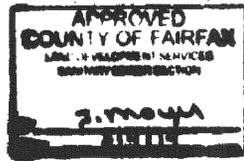


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 FAX: (703) 865-7832
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SHEET 2 OF 2



LEGEND
 ● PF = IRON PIN FOUND
 ○ = PROPERTY CORNER



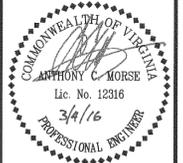
CURVE	RADIUS (FT)	DELTA	TANGENT (FT)	ARC (FT)	CHORD (FT)	BEARING
C1	290.00	12°36'34"	32.17	64.08	63.95	S 26°08'27"W
C2	290.00	37°08'10"	7.85	15.70	15.70	S 18°15'35"W
C3	55.00	37°08'04"	18.47	35.85	35.03	S 91°51'32"E

SANIE CONSULTING GROUP, LLC
 LAND DEVELOPMENT CONSULTING

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 FAIRFAX, VIRGINIA 22030
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BOUNDARY LINE ADJUSTMENT PLAT
 LOTS 4 & 5
 OAKTON STATION
 DEED BOOK 23823 PAGE 0279
 PROFFER CONDITION AMENDMENT PLAN
 FAIRFAX COUNTY, VIRGINIA
 PROVIDENCE DISTRICT

PLAN STATUS	DATE	DESCRIPTION
	7/10/15	1ST COUNTY SUBMISSION
	9/9/15	REVISION
	12/21/15	2ND COUNTY SUBMISSION
	03/04/16	3 RD. COUNTY SUBMISSION



DATE : 12/21/2015
 PROJECT COORDINATOR:
 SOHAILA S SHEKIB
 DESIGN SSS
 DRAWN WS
 CHKD SSS
 SCALE H: N/A
 V: N/A
 JOB No. VA-12-108
 FILE No. 100-PCA-SCG
 SHEET 9 OF 9

DESCRIPTION OF THE APPLICATION

The applicant seeks approval of a partial Proffered Condition Amendment (PCA) application to amend the proffers approved with RZ 87-P-109, which was approved on October 31, 1988, to rezone approximately 4.33 acres from the R-2 District to the R-4 District. In this PCA, the applicant proposes to modify Proffer #2 of RZ 87-P-109, which requires development of the subject property to be in conformance with the Generalized Development Plan (GDP). The proposed proffer amendment would allow the applicant to add portions of Tax Map Parcels 47-2 ((6)) 3 and 4 (to be known as Outlot B) of the Gray's Subdivision to the subject property. The subject property is currently 12,746 square feet; following the PCA, the overall square footage of the lot would be increased to 42,892 square feet. The inclusion of Outlot B would facilitate an addition to the existing single family detached home as well as recreational space which would serve the property owner of Lot 4A. The removal of the portions of Parcels 3 and 4 from Gray's Subdivision would not negatively affect its abilities to meet the requirements for the Zoning Ordinance.

If the applicant receives PCA approval, Outlot B would officially be subdivided to memorialize its division from Lot 3 and Lot 4 within the Gray's Subdivision. Following this subdivision, a deed of consolidation would be prepared to formally consolidate Outlot B with Parcel 4A of the Oakton Station subdivision. The consolidated property would remain split-zoned, with Lot 4A remaining in the R-4 District and Outlot B remaining zoned R-2.

The proposed proffers, statement of justification, and affidavit are contained in Appendices 1 – 3, respectively.

LOCATION AND CHARACTER

The 42,892 square foot consolidated subject property is located on the north side of Oakton Station Court, approximately 250 feet from its intersection with Palmer Street. Lot 4A is located in the Oakton Station subdivision. Outlot B would be formed from the rear lots of Parcels 3 and 4 of the Gray's subdivision. The applicant placed an easement over this land in 2012 to use the area for recreational purposes, and he has since constructed a sports court (see Appendix 5 for the Deed of Exclusive Easement). Lot 4A is developed with a two-story single-family detached home, while Outlot B contains the sports court and open space. Multiple accessory structures are also located on Lot 4A, including a swimming pool and hot tub, an at-grade flagstone patio, an outdoor chimney, and a deck 8.5 feet above grade. This lot is enclosed by a wooden fence ranging from 5.5 feet to 6 feet in height; Outlot B is enclosed by a wrought iron fence ranging from 5 feet to 6 feet in height. Access to Lot 4A is provided by a concrete driveway on the northern side of the lot, which connects to Oakton Station Court and terminates at an attached two-car garage.



Figure 1: Aerial view of site (Source: Fairfax County Pictometry)

The following table provides an overview of surrounding uses:

	Existing Zoning:	Existing Use:	Plan Recommendation:
North:	R-2	Single Family Detached Residential	Residential at 2-3 du/ac
East:	R-5	Single Family Attached Residential	Residential at 4-5 du/ac
South:	R-4	Single Family Detached Residential	Residential at 2-3 du/ac
West	R-4	Dedicated Right-Of-Way	Residential at 2-3 du/ac

Figure 2: Surrounding zoning and uses

BACKGROUND

On October 31, 1988, the Board of Supervisors approved RZ 87-P-109, which created the Oakton Station Subdivision and rezoned the 4.33 acre site from the R-2 District to the R-4 District. A portion of the subject property (Lot 4A) was included in this rezoning. Along with a number of proffers, Proffer #2 states “Development of the subject property will be in conformance with the Generalized Development Plan (GDP)...” The proffers and approved GDP are included in Appendix 4.

On April 27, 1994, a building permit was approved for the construction of a new single family dwelling unit on the property.

On January 20, 2012, a deed of exclusive use easement was recorded, which granted the applicant a perpetual easement of the rear portion of Lots 3 and 4 of the Gray's Subdivision. This easement allowed "exclusive use, enjoyment, and access" to these portions of Lot 3 and 4 (now known as Outlot B). This deed is included as Appendix 5.

On November 22, 2013, the applicant filed for an interpretation and was granted a boundary line adjustment from the adjacent property to the southeast. This boundary line was adjusted to account for the construction of a fireplace and decorative wall off-site on adjacent Lot 5. This action increased the size of Lot 4A by 828 square feet. This interpretation is included as Appendix 6.

On April 4, 2014, the applicant applied for a Variance application to permit rear yard coverage in an excess of 30 percent (with 46.94 percent rear yard coverage proposed).

On July 22, 2014, the applicant also applied for a Special Permit to permit an error in building location to allow a corner of the pool and decking to remain 3.4 feet from a side lot line.

On April 23, 2014, the applicant placed the applications on indefinite deferral.

On April 27, 2015, a vested rights determination was granted for the location of the pool and pool decking. However, the rear yard coverage in excess of 30 percent was not vested. This removed the need for a Special Permit application for an error in building location. This vested rights determination is included as Appendix 7.

On July 21, 2015, the applicant applied for a Proffered Condition Amendment (PCA) application, with the understanding that all rear yard coverage in excess of 30 percent would be removed prior to a public hearing.

On September 10, 2015, PCA 87-P-109 was accepted for processing.

COMPREHENSIVE PLAN PROVISIONS (Appendix 8)

Plan Area:	II
Planning District:	Fairfax
Planning Sector:	Mosby Woods Planning Sector (F3)
Plan Map:	Residential @ 2-3 du/ac
Plan Text:	

In the Fairfax County Comprehensive Plan, 2013 Edition, Area II, Fairfax Planning District, as amended through 10-20-2015, F3- Mosby Woods Community Planning Sector Recommendations, Pages 41 – 49, the Plan, as applied to the application area, states the following:

“There are older single-family detached residential subdivisions in the remaining portions of the sector, developed generally at a density of 1-3 dwelling units per acre. The major subdivisions of this type are Fairfax Acres, near I-66 and Spruce Street, east of Jermantown Road; and Grays/Grays Oakton and Old Courthouse Woods, located between Blake Lane and Chain Bridge Road. Five Oaks Estates and Villa D'Este are single-family detached subdivisions south of I-66 and Blake Lane near the City of Fairfax.

The Mosby Woods sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be compatible with existing development in the vicinity in terms of use, type and intensity, in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.”

The complete Comprehensive Plan text can be found at the following link:
<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/area2/fairfax.pdf> .

DESCRIPTION OF THE GENERALIZED DEVELOPMENT PLAN (GDP)

The GDP titled “Oakton Station, Parcel 5, LTD., Proffer Condition Amendment (PCA), PCA #87-P-109,” prepared by Sanie Consulting Group, LLC, consisting of 9 sheets dated July 10, 2015, as revised through March 4, 2016, is reviewed below.

Site Layout

The GDP depicts a proposed consolidation of Lot 4A and Outlot B to establish a 42,892 square foot lot known as Lot 4B. The site currently contains a single family detached dwelling with approximately 3,955 square feet of above-grade living space. This dwelling will be modified following subdivision and consolidation of Outlot B in order to add a sunroom. The GDP details this proposed sunroom and deck which, following PCA approval, would be constructed by-right. In addition, a significant amount of impervious area has been removed from the existing flagstone patio and deck. The mechanical equipment for the pool and a portion of the wooden fence shown partially within the Fairfax County right-of-way has since been relocated. Outlot B contains a sports court, but the remainder of this parcel remains largely undisturbed.

Vehicular Access and Parking

Vehicular access to the site will continue to be provided via a concrete driveway accessing Oakton Station Court. No new vehicular access will be provided to Outlot B. Parking will be provided within the existing two-car garage and driveway.

Tree Preservation and Plantings

No removal of trees or existing vegetation will occur as a result of this PCA application. As such, no tree preservation plan was required.

The 10-year tree canopy requirement in both the Oakton Station and Gray's Subdivisions is 20 percent. In the Oakton Station subdivision, the required canopy is 28,027 square feet; following this PCA application, the new tree cover will be increased to 48,337 square feet. The required canopy for the Gray's Subdivision is 10,004 square feet; following the PCA application, the new tree cover will be 23,739 square feet. Despite the conveyance of Outlot B to the Oakton Station subdivision, Gray's Subdivision continues to be in conformance with the 10-year tree canopy requirements.

ANALYSIS

Urban Forestry Analysis (Appendix 9)

The Urban Forestry Management Division (UFMD) reviewed this application, and all questions and comments were addressed.

Transportation Analysis (Appendix 10)

Staff from the Fairfax County Department of Transportation (FCDOT) reviewed the application and noted that the right-of-way dedicated for the planned future extension of Hunter Mill Road must be maintained, as the extension of the roadway is included in the Comprehensive Plan proposed transportation improvements. Pool mechanical equipment and a portion of an existing fence previously located within the ROW has since been relocated to the subject property.

Stormwater Management Division

The Stormwater Management Division reviewed the application and found that any proposed disturbance seems to be below 2,500 square feet; as such, no stormwater management plan was required. If disturbance does exceed 2,500 square feet, the applicant will be required to submit a grading plan and to meet all stormwater requirements. At this time, there are no outstanding concerns.

ZONING ORDINANCE PROVISIONS (Appendix 11)

A site visit was conducted on March 16, 2016 with the applicant and Zoning Evaluation Division staff. At this site visit, it was determined that the property does not exceed the 30 percent rear yard coverage provision of the Zoning Ordinance. All pavement, decking, gazebo structures, fencing, and mechanical pool equipment has been removed.

During the review of this application, staff also received a yard determination from the Zoning Administration Division, which determined the yards adjacent to the ROW to be side yards. As such, all structures currently located adjacent to the ROW dedication meet the Zoning Ordinance Requirements.

As shown in the table below, the proposed dwelling meets the bulk requirements of the R-2 and R-4 District.

Bulk Requirements			
Standard	R-2 Requirements	R-4 Requirements	Provided
Lot Size	15,000 sf.	8,400 sf.	42,892 sf.
Lot Width	Interior: 100 feet	Interior: 70 feet	R-4: 70 feet R-2: 145 feet
Building Height	35 feet max.	35 feet max.	28 feet
Front Yard	Min. 35 feet	Min. 30 feet	69.7 feet
Side Yard	Min. 15 feet	Min. 10 feet	10 feet
Rear Yard	Min. 25 feet	Min. 25 feet	>25 feet

Figure 3: Zoning Bulk Regulations

Off-Site Structures:

As shown on the GDP, the locations of two accessory structures constructed on Lot 3A and Lot 4A of the Gray's Subdivision were not in conformance with the location regulations of the Zoning Ordinance. Since the most recent resubmission, the shed located on Lot 3A has been removed. A vested rights determination has been submitted for the cinder block garage located on Lot 4A, as the garage was most likely constructed prior to the 1978 Zoning Ordinance.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff finds that the proposed application does not adversely affect either the Oakton Station Subdivision or Gray's Subdivision to satisfy the Zoning Ordinance. The preservation of existing vegetation will maintain the tree canopy and exceed the tree canopy requirements in both subdivisions. Staff finds that the application is in harmony with the Comprehensive Plan and conforms to all applicable Zoning Ordinance provisions.

Recommendation

Staff recommends approval of PCA 87-P-109, subject to the execution of proffers consistent with those contained in Appendix 1.

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

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

APPENDICES

1. Proffers for PCA 86-D-108
2. Rezoning Affidavit
3. Statement of Justification
4. Previous Rezoning Approval
5. Deed of Exclusive Use Easement, Dated January 20, 2012
6. Lot Line Boundary Adjustment
7. Vested Rights Determination
8. Comprehensive Plan Provisions
9. Urban Forestry Management Analysis
10. FCDOT Analysis
11. Applicable Zoning Ordinance Provisions
12. Glossary

DAVID PEETE, JR. AND KAREN PEETE

DRAFT PROFFER STATEMENT

PCA 87-P-109

April 5, 2016

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, David Peete, Jr. and Karen Peete (hereinafter referred to as the “Applicant”) for themselves and successors in PCA 87-P-109, filed for property identified as Tax Map 47-2 ((39)) 4A, 47-2 ((6)) 3 (part), 4 (part) (hereinafter referred to as the “Application Property”) hereby proffers that the development of the Application Property shall be in accordance with the following proffers, provided that the Board of Supervisors approves PCA 87-P-109. All other existing proffers affecting the Application Property shall remain in full force and effect and are not modified by these proffers except where inconsistent, in which case these proffers shall supersede. Previously approved proffers are attached as Exhibit 1.

1. Subject to the Proffers and the Zoning Ordinance of Fairfax County, as amended, the subject property of PCA 87-P-109 shall be developed in substantial conformance with the Generalized Development Plan (GDP), titled “Oakton Station, Parcel 5, LTD., Proffered Condition Amendment (PCA), PCA #87-P-109” which consists of nine (9) pages, prepared by Sanie Consulting Group, LLC, dated July 10, 2015, as revised through March 4, 2016. The previously-approved Generalized Development Plan (GDP), which consists of one (1) sheet, prepared by Dewberry Davis, and last dated October 17, 1988, shall continue to apply for all other land area which was part of RZ 87-P-109. Notwithstanding the above provisions, these proffers shall not restrict by-right development of the subject property, as permitted under the Zoning Ordinance.

Insert Signature Page

REZONING AFFIDAVIT

131920

DATE: January 19, 2016
(enter date affidavit is notarized)

I, Zachary G. Williams, Esquire, do hereby state that I am an
(enter name of applicant or authorized agent)

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

in Application No.(s): PCA 87-P-109
(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 David D. Peete, Jr., Bean, Kinney & Korman, PC, Sanie Consulting Group, LLC, and Agnes P. Dove.

(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: January 19, 2016
(enter date affidavit is notarized)

131920

for Application No. (s): PCA 87-P-109
(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)

· Bean, Kinney & Korman, P.C.
2300 Wilson Boulevard, 7th Floor
Arlington, Virginia 22201

DESCRIPTION OF CORPORATION: (check one statement)

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

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

· Jonathan C. Kinney
· James W. Korman

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

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

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

Rezoning Attachment to Par. 1(b)

DATE: January 19, 2016
(enter date affidavit is notarized)

131920

for Application No. (s): PCA 87-P-109
(enter County-assigned application number (s))

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

Sanie Consulting Group, LLC
11166 Fairfax Boulevard, Suite 401
Fairfax, VA 22030

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Sohaila S. Shekib

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

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

REZONING AFFIDAVIT

DATE: January 19, 2016
(enter date affidavit is notarized)

131920

for Application No. (s): PCA 87-P-109
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

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

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

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

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

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

REZONING AFFIDAVIT

DATE: January 19, 2016
(enter date affidavit is notarized)

131920

for Application No. (s): PCA 87-P-109
(enter County-assigned application number(s))

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

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

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

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

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

None

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

REZONING AFFIDAVIT

DATE: January 19, 2016
(enter date affidavit is notarized)

131920

for Application No. (s): PCA 87-P-109
(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.)

- Frederick R. Taylor, Esq. of Bean, Kinney & Korman P.C. made contributions in excess of \$100 to Penelope A. Gross within the past twelve months.
- Jerry William Boykin, Esq. of Bean, Kinney & Korman P.C. made contributions in excess of \$100 to Pat Herry and John C. Cook within the last twelve months.

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

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

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

WITNESS the following signature:

(check one)

[] Applicant [X] Applicant's Authorized Agent

Zachary G. Williams, Esquire

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

Subscribed and sworn to before me this 19th day of January 2016, in the State/Comm. of Virginia, County/City of Arlington.

[Signature]
Notary Public

My commission expires: 5-31-16



JUL 21 2015

Zoning Evaluation Division



STATEMENT OF JUSTIFICATION
June 16, 2015

PCA Application
Application of David and Karen Peete
Case Name: Oakton Station Subdivision Lot 4
GPIN#s: 0472-39-0004

1. *Introduction*

Application type:	PCA
Proposed Use:	Residential
Zoning District:	R-4
Overlay District:	None
Site Area:	0.2962 acres
Proposed FAR:	No change to FAR

2. *Zoning*

This is an application filed pursuant to Proffer #2, as it relates to what is now Lot 4A of Oakton Station Subdivision, created by RZ 87-P-109, dated October 31, 1986. Lot 4 was increased in size pursuant to a Deed of Boundary Line Adjustment with the owner of Lot 5, Oakton Station Subdivision. The Board of Supervisors approved an application rezoning 4.33 acres from the R-2 District to the R-4 District. In connection with the rezoning, a number of proffers were imposed upon the property.

The effect of this application is to allow an increase in parcel size which will result by the subject property to being consolidated with subdivided portions of two neighboring properties that were formally part of the Gray Subdivision located at the rear of the subject property (parcels 0472-06-0003 ("Lot 3") and 0472-06-0004 ("Lot 4")). A deed of consolidation will be prepared upon approval of this proffer condition amendment for tax parcel 0472 39 0004A to memorialize the division of the property. The consolidation into one lot will have the consequence of prohibiting any further dwellings on the newly created lot.

The subject property is 0.2962 acres and is not located within any overlay districts.

3. *Proposed Use*

The use of the property will be limited to recreational accessory uses associated with Lot 4A, Oakton Station Subdivision.



JUL 21 2015

Zoning Evaluation Division

4. *Location of Property and Current Use*

The subject property is located along the northern edge of the Oakton Station Court cul-de-sac approximately 250 feet from the intersection of Oakton Station Court and Palmer Street. Presently, Lot 4A is improved with a single family home.

5. *Surrounding Area*

The property is surrounded on all sides by residentially zoned properties improved with single family homes and townhouses.

6. *PCA Application*

The proposed lot configurations are subject to final engineering, but will remain in substantial conformance as depicted on the Proffer Condition Amendment Plat which includes nine sheets:

- Sheet One: Cover Sheet
- Sheet Two: Notes and Tabulations
- Sheet Three: Approved Generalized Development Plan
- Sheet Four: Proffer Conditions and Proffers in Effect
- Sheet Five: Existing Conditions Plan
- Sheet Six: Proffered Conditions Amendment Plat
- Sheet Seven: Resubdivision on Lot 4A Oakton Station and Outlot "B", Section Four, Grays Subdivision
- Sheet Eight: Subdivision, R.O.W. and Street Dedication Plat, Oakton Station
- Sheet Nine: Boundary Adjustment Plat on Lots 4 & 5, Oakton Station

7. *Traffic Impact of Proposed Use*

The property is landlocked and will have no impact on traffic.

8. *Conformity to Comprehensive Plan Provisions, Applicable Ordinances and Waivers*

The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or for the waiver, exception or variance sought by the applicant, from such ordinances, regulations, standards and conditions, as are specifically noted with this justification.

The subject property is located in the F3 Mosby Woods Community Planning Sector of the Fairfax Planning District. This planning sector states that stability of this Suburban Area should be encouraged.



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Department of Planning & Zoning

JUL 21 2015

Zoning Evaluation Division

Waivers and Modifications

A. Because no building will be constructed on the property, no waivers or modifications are believed to be required at this time. An eventual consolidation will be sought in order to satisfy certain set back and rear yard requirements associated with Lot 4A, Oakton Station.

9. *Environment*

At the time of this application, no construction is proposed and, therefore, there will be no impact to the surrounding environment.

10. *Landscaping*

There are no proposed changes to the existing landscaping.

A handwritten signature in blue ink, appearing to read 'Frederick R. Taylor', written over a horizontal line.

Frederick R. Taylor, Esquire
Attorney and Agent for the Applicant



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030



November 16, 1988

William Barnes Lawson, Sr., Esquire
4141 North Henderson Road - Suite 5
Arlington, Virginia 22203

Re: Rezoning Application
Number RZ 87-P-109

Dear Mr. Lawson:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on October 31, 1988, granting, as proffered, Rezoning Application RZ 87-P-109 in the name of Fairfax Properties, A Virginia General Partnership, to rezone certain property in the Providence District from the R-2 District to the R-4 District, subject to proffers dated October 28, 1988, on subject parcels 47-2 ((6)) 5 consisting of approximately 4.33 acres.

Sincerely,

Theodore Austell, III
Clerk to the Board of Supervisors (Acting)

TAIII:ns

- cc: Joseph T. Hix
Real Estate Division, Assessments
- Gilbert R. Knowlton, Deputy
Zoning Administrator
- Barbara A. Byron, Director
Zoning Evaluation Division
- Fred R. Beales, Supervisor
Base Property Mapping/Overlay
- Robert Moore, Transportation Planning Division,
Office of Transportation
- Kathy Ichter, Transportation Road Bond Division,
Office of Transportation
- Department of Environmental Management
- A. V. Bailey, Resident Engineer
Virginia Department of Transportation

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia, on the 31st day of October, 1988, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NO. RZ 87-P-109

WHEREAS, Fairfax Properties, A Virginia General Partnership, filed in the proper form, an application requesting the zoning of a certain parcel of land hereinafter described, from the R-2 District to the R-4 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

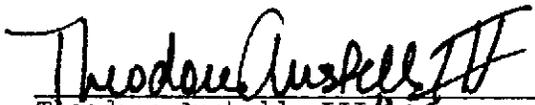
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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

Be, and hereby is, zoned to the R-4 District, and said property is subject to the use regulations of said R-4 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects 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 parcels.

GIVEN under my hand this 31st day of October, 1988.


Theodore Austell, III
Clerk to the Board of Supervisors (Acting)

PROFFERS

RZ 87-P-109

FAIRFAX PROPERTIES

OCTOBER 28, 1988

Pursuant to Section 15.1-491 (a) of the Code of Virginia, 1950 edition as amended, upon approval by the Board of Supervisors of application RZ 87-P-109 to permit the development of a maximum of twelve (12) single family detached dwelling units in accordance with the provisions of the R-4 District and the Generalized Development Plan last dated October 17, 1988 prepared by Dewberry & Davis, the undersigned hereby proffers the following conditions:

1. Each reference to "Applicant" in this proffer will include within its meaning, and will be binding upon, applicant's successor(s) in interest and/or the developer(s) of the subject property or any portion thereof.
2. Development of the subject property will be in conformance with the Generalized Development Plan (GDP), which consists of one (1) sheet, prepared by Dewberry & Davis, and last dated October 17, 1988.
3. All rights-of-way dedicated in conjunction with these proffers will be subject to the provisions of Par. 5 of Sect. 2-308 of the Zoning Ordinance, and all density/floor area ratio related to the land area of these dedications is hereby reserved for the development of the subject property.
4. The total number of dwelling units will not exceed twelve (12).
5. The proposed single family dwelling units will not exceed the maximum height allowed in the R-4 District.
6. The applicant will present a detailed landscape plan(s) to accompany the required site plan that will be in substantial conformance with the Generalized Development Plan, and the applicant will implement the plan subject to the approval of the County Arborist.

7. Prior to subdivision approval, the applicant shall submit for prompt and timely review and approval by the County Arborist a tree preservation plan and limits of clearing plan. The Arborist may require modification of such proposed plans to the extent these modifications do not alter the number of dwelling units as shown on the Development Plan, reduce the size of the proposed units, move their location on the lots or require the installation of retaining walls. At a minimum, the tree preservation and limits of clearing plan shall protect trees to the extent shown on the Development Plan.
8. The applicant will dedicate and convey in fee simple to the Board of Supervisors a five (5) foot right-of-way along the eastern property line of the subject site.
9. Subject to Virginia Department of Transportation (VDOT) approval, the applicant will construct curb and gutter on the western side of Palmer Street along a portion of the eastern boundary of the property, pave thirty six feet (36') of Palmer Street within the existing right-of-way from the intersection of Route 674 and Palmer Street to the temporary cul-de-sac and construct the temporary cul-de-sac.
10. Immediately after the subdivision plat of the property has been recorded among the land records of Fairfax County, or at any time prior thereto, if requested by Fairfax County, the applicant will convey to the Board of Supervisors in fee simple an area sixty feet

(60') wide generally adjacent to the western property line as shown on the Generalized Development Plan dated October 17, 1988, also shown as Outlot A, exclusively for possible future public right of way purposes. This conveyance shall be made subject to a reversionary clause to be approved by the Fairfax County Attorney that provides that if the determination of the location of Hunter Mill Road Extension or the determination of the need for the area described herein for public right of way purposes has not been made by the Board of Supervisors by January 1, 2000, or if any time prior thereto an alternate route for such road has been selected by the Board of Supervisors, title shall automatically revert to the grantor of the deed, its successors or assigns. If the need for the area for public right of way purposes is determined prior to January 1, 2000 or if the location of Hunter Mill Road Extension is determined prior to January 1, 2000 and requires the use of this area, the reversionary clause shall automatically become null and void.

11. The applicant will achieve a 45 dBA Ldn in all units located with 170 feet from the centerline of the future Hunter Mill Road Extension. All units within this impacted area will have the following acoustical attributes.
 - (a) Exterior walls shall have a laboratory sound transmission class (STC) of at least 39.
 - (b) Doors and windows shall have an STC of at least 28, if "windows" function as the walls, then they will have the STC specified for exterior walls.

(c) Adequate measures to seal and caulk between surfaces will be provided.

-
12. The applicant commits to the Virginia Home Builders Energy Savers program for energy conservation insulation, or an equivalent thereof, for all dwellings to be constructed on the subject property.
 13. The applicant will notify in writing all prospective purchasers of lots in the subdivision of the possibility of the construction of Hunter Mill Road Extension along the westerly boundary of the property and will record among the land records a covenant indicating the same.
 14. If required by the Department of Environmental Management, the applicant will have a geotechnical engineering study performed which meets the requirements of the Public Facilities Manual and the applicant will implement the study's recommendation as determined by the Department of Environmental Management (DEM).
 15. The applicant will provide on site stormwater management in accordance with Fairfax County Ordinances or if applicable as determined by the Department of Environmental Management (DEM), the applicant will contribute a pro-rata share to a stormwater management system in lieu of providing on site stormwater management.

RZ 87-P-109

Proffers
October 28, 1988

FAIRFAX PROPERTIES, a Virginia General Partnership

By:

Timothy J. Pearson
Timothy J. Pearson, General Partner

Roy E. Biggs
Roy E. Biggs

Peggy Ann Biggs
Peggy Ann Biggs

dln869

BK 22086 0627

Box
234

This instrument prepared by,
and return after recording to: Bean, Kinney & Korman, P.C.
2300 Wilson Boulevard, 7th Floor
Arlington, Virginia 22201

Tax Map Parcel Nos.: 0472-06-0003
0472-06-0004

Consideration: \$850,000.00

DEED OF EXCLUSIVE USE EASEMENT

THIS DEED OF EXCLUSIVE USE EASEMENT ("**Deed**") is made effective as of the 20 day of January, 2012, by and among Agnes P. DOVE ("**Grantor**") for recordation indexing purposes, and hereinafter referred to as "**Dove**"; Kathleen M. O'BRIEN ("**Grantor**") for recordation indexing purposes, and hereinafter referred to as "**O'Brien**"; and David D. PEETE, JR., and Karen L. PEETE (collectively, "**Grantees**").

Charles Rainey
404 Pine St. JSE
Vienna, VA 22180

RECITALS:

R-1. Dove and O'Brien are the owners as tenants in common of that certain lot or parcel of land located in Fairfax County, Virginia, more particularly described as Lot 3, Section 4, GRAY'S SUBDIVISION, as the same appears duly dedicated, platted and recorded in Deed Book 709 at Page 525 among the land records of Fairfax County, Virginia ("**Lot 3**").

R-2. Dove is the sole owner of that certain lot or parcel of land adjoining Lot 3, and more particularly described as Lot 4, Section 4, GRAY'S SUBDIVISION, as the same appears duly dedicated, platted and recorded in Deed Book 709 at Page 525 among the land records of Fairfax County, Virginia ("**Lot 4**").

R-3. Grantees are the owners of that certain lot or parcel of land located in Fairfax County, Virginia, adjoining Lot 4, and more particularly described as follows:

Lot 4, OAKTON STATION Subdivision, more particularly shown and depicted on the plat entitled "Plat Showing SUBDIVISION, R.O.W. STREET DEDICATION & VARIOUS EASEMENTS, on the Property of Parcel 5, Ltd. (Oakton Station) Deed Book 8492 at Page 1640, Providence District, Fairfax County, Virginia" attached to and incorporated by reference into the Deed of Dedication, Subdivision and Easements recorded in Deed Book 8785 at Page 307, among the land records of Fairfax County, Virginia.

(hereinafter referred to as "**Grantees' Lot**").

R-4. Grantees desire to obtain from Dove and O'Brien a perpetual easement upon, over, under, across and through a portion of Lot 3 and a portion of Lot 4 as more particularly described hereinafter for the exclusive use, enjoyment and access upon, over and through, and

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for all other purposes, by and for which Grantees and their successors in interest to Grantees' Lot may desire to undertake or exercise; and Dove and O'Brien are willing to grant such an easement upon the terms of this instrument.

NOW THEREFORE, for and in consideration of the premises stated, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. The foregoing Recitals are adopted and incorporated by reference as a part of the agreements made hereinafter as though fully set forth herein.

2. Dove and O'Brien hereby create, grant and convey upon, over and across Lot 3 for the benefit of Grantees and Grantees' Lot a permanent easement encumbering that portion of Lot 3 depicted on the plat attached hereto as Exhibit A, entitled "Plat Showing House Location on Lots 3 & 4, Section Four, GRAY'S SUBDIVISION (Deed Book 709, Page 525) and Proposed Perpetual Easements," made by Dominion Surveyors, Inc., last revision dated January 3, 2012 (the "Plat"), and identified thereon as "Perpetual Easement, Lot 3, 0.3023 Acre or 13,166 SF" (the "Lot 3 Easement").

3. Dove hereby creates, grants and conveys upon, over and across Lot 4 for the benefit of Grantees and the Grantees' Lot a permanent easement encumbering that portion of Lot 4 depicted on the Plat, and identified thereon as "Perpetual Easement, Lot 4, 0.3898 Acre or 16,980 SF" (the "Lot 4 Easement").

4. The Lot 3 Easement and the Lot 4 Easement (collectively, the "Easements", and the portions of Lot 3 and Lot 4 upon which the Easements are imposed, as more particularly described on Exhibit B attached hereto, the "Use Easement Area") are granted upon the following terms:

(a) All terms and conditions of the Easements set forth herein referencing "Grantees" shall be binding upon and inure to the benefit of Grantees, jointly and severally, and all successor owners of the Grantees' Lot. All terms and conditions of the Easements set forth herein referencing "Dove and O'Brien" or "Dove or O'Brien" shall be binding upon and inure to the benefit of Dove and O'Brien jointly and severally with respect to Lot 3 and all successor owners of Lot 3, and Dove separately with respect to Lot 4 and all successor owners of Lot 4.

(b) The Easements shall be in perpetuity, and shall and are intended to grant to Grantees the exclusive right of use, enjoyment and access upon, over and through the Use Easement Area, and for all other purposes by and for which Grantees may desire to undertake or exercise, subject to the other terms and conditions of this Deed.

(c) Without limiting the foregoing, Grantees shall have the right to construct improvements in the Use Easement Area, to erect fences, plant trees, shrubs and other vegetation enclosing the Use Easement Area, and to construct tennis courts, swimming pools and other recreational facilities, and any other buildings, structures and landscaping, as Grantees may desire, without requiring the consent, approval or any other action by Dove or O'Brien; subject

DPB. *[Signature]*
KLP

however, to compliance with all requirements of public laws, ordinances and regulations applicable to such improvements.

(d) Grantees shall have the exclusive rights to control access of others to the Use Easement Area, including without limitation, but subject to subparagraph 4(g) following, the right to exclude Dove and O'Brien from the Use Easement Area, and shall be entitled to permit any of their guests, invitees, contractors, agents or representatives to enter upon the Use Easement Area.

(e) Except to the extent set forth in subparagraph 4(g) following, neither Dove nor O'Brien shall have any obligation or liability for the maintenance, upkeep or condition of the Use Easement Area, Grantees assuming all responsibility therefor. Grantees shall be responsible for compliance with all requirements of public laws, ordinances and regulations applicable to the condition of the Use Easement Area.

(f) Grantees shall indemnify, protect, defend and hold harmless Dove and O'Brien from and against all liabilities, claims, demands, suits or fines (including, without limitation, actual attorneys' fees and costs) arising out of any use of the Use Easement Area by Grantees, except to the extent any of such liabilities, claims, demands, suits or fines result from any act or omission of Dove or O'Brien.

(g) Anything in this Deed to the contrary notwithstanding, Dove and O'Brien reserve the following rights and privileges with respect to the Use Easement Area:

(i) For so long as sanitary sewer service is provided to the dwellings on Lot 3 and Lot 4 by service lines crossing the Use Easement Area, Dove and O'Brien reserve the right to keep and maintain such service lines, and to access such service lines within and upon an easement ten feet (10') in width, with centerline as depicted on the Plat, and identified thereon and hereinafter as the "10' Sanitary Lateral Easement." Dove and O'Brien shall have rights of use of the 10' Sanitary Lateral Easement for the purposes described herein, and shall have all rights and privileges reasonably necessary to the enjoyment and exercise of the 10' Sanitary Lateral Easement, including the following:

(A) the right to maintain and replace, as necessary, within the 10' Sanitary Lateral Easement sanitary sewage lines, together with necessary structures, cleanout access and appurtenant facilities, in compliance with all applicable laws and ordinances, and to keep and maintain such lines, structures and facilities in serviceable condition;

(B) the right to trim, cut and remove trees, shrubbery, fences, structures or other obstructions or facilities in or near the 10' Sanitary Lateral Easement, but only to the extent necessary to preserve the proper and efficient operation of said sanitary sewage lines; provided however, that such actions shall be undertaken only after reasonable advance notice given to Grantees, and any proposed removal or permanent alteration of vegetation or improvements shall be

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and
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subject to Grantees' consent, not to be unreasonably withheld, conditioned or delayed. Dove and O'Brien, at their expense, shall restore, as nearly as possible, the surface of the land to its original condition, such restoration to include the backfilling of trenches, the replacement of curb, gutter, asphalt, trees, shrubbery and the seeding or sodding of lawns or pasture areas, and the replacement of structures or improvements; and

(C) the right of reasonable access to and from the 10' Sanitary Lateral Easement and the right to use adjoining land where necessary; provided however, that this right to use adjoining land shall be exercised only during periods of actual surveying, construction, reconstruction or maintenance; and further, this right shall not be construed to allow Dove or O'Brien to erect any building or structure of a permanent nature on such adjoining land.

Dove and O'Brien shall be solely responsible for all costs and expenses of maintaining, repairing and replacing any improvement made within the 10' Sanitary Lateral Easement in the exercise of their rights hereunder. All sewers, manholes, cleanout structures and appurtenant facilities which are installed within the 10' Sanitary Lateral Easement shall be and remain the property of Dove and O'Brien. Grantees shall have the right to relocate the 10' Sanitary Lateral Easement within the Use Easement Area and relocate the sewage lines, structures, cleanout access and appurtenant facilities in compliance with all applicable laws and ordinances, all at Grantees' sole expense, provided that such relocation does not interrupt sanitary sewer service to the dwellings on Lot 3 and Lot 4 (other than to the extent occurring incidental to sewage line reconnection) and that the sanitary sewer service capacity and function is at least operationally equivalent to the service existing immediately prior to such relocation.

(ii) In the event any enforcement action by any public authority is brought against Dove or O'Brien as a consequence of any event or condition occurring upon or existing within the Use Easement Area, Dove and O'Brien shall be entitled to enter upon the Use Easement Area and undertake such measures as necessary to resolve such enforcement action; provided however, that unless the event or condition is in the nature of an emergency presenting imminent threat of injury to person or public health, Dove and O'Brien shall first give written notice to Grantees of the enforcement action and allow Grantees a reasonable period of time to resolve such action prior to exercising their rights of entry hereunder.

(iii) Provided that Grantees are given at least five (5) business days' advance notice, Grantees shall allow access to the Use Easement Area by surveyors, appraisers and other professionals entering at the request of Dove and O'Brien for the purpose of surveying, viewing and otherwise conducting informational investigations of Lot 3 and Lot 4; provided that such activities shall not include any soils boring, sampling or other physical disturbance of the Use Easement Area without Grantees' consent.

5. If at any time prior to December 31, 2040, Dove and/or O'Brien desire to sell either of Lot 3 or Lot 4 (whichever is first considered for sale, the "Offered Lot," and if both are

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considered for sale simultaneously, then the parcel selected by Grantees shall constitute the Offered Lot), they shall first offer the Offered Lot to Grantees for purchase by written notice to Grantees (the "Offer Notice"), either proposing a purchase price, or identifying a proposed independent appraiser to establish a purchase price. Dove and O'Brien and Grantees thereafter shall endeavor to agree upon either a purchase price or an independent appraiser to establish a purchase price, and if unable to agree, any of them shall have the right to apply to the Circuit Court of Fairfax County to have an independent appraiser appointed to establish a purchase price. Grantees shall be entitled to exercise the right to purchase the Option Lot by written notice given to Dove and O'Brien within forty-five (45) days following the later of (i) the date of the Offer Notice or (ii) the date upon which a purchase price is either agreed upon or established by an independent appraiser. The terms of sale shall be consistent with customary terms of sale for improved residential properties in Fairfax County, Virginia, and title to the Offered Lot shall be marketable and free of encumbrances. Unless otherwise agreed, closing shall occur within sixty (60) days following Grantees' exercise of their right to purchase. If Grantees decline to exercise their right to purchase, or upon conveyance of the Offered Lot to Grantees occurring, this first offer right shall lapse and be of no further force or effect.

6. Dove and O'Brien and Grantees shall each grant such further assurances and shall execute such instruments as may be reasonably necessary to effect the intent and agreements contained herein, or to confirm the existence of the rights created hereby.

7. This Deed shall be binding upon and shall inure to the benefit of Dove and O'Brien, and Grantees, and their respective successors and assigns. The covenants set forth herein shall be construed as running with Lot 3 and Lot 4 to and against its subsequent owners and Dove and O'Brien's successors in interest, for the benefit of Grantees' Lot and Grantees' successors in interest thereto.

8. If any term or provision of this Deed or the application thereof to any person or circumstance shall be invalid or unenforceable to any extent, the remainder of this Deed and the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Deed shall be valid and be enforceable to the fullest extent permitted by law.

9. All notices required or permitted under this Deed shall be given in writing and either (i) personally delivered with a signed acknowledgment of receipt, or (ii) sent by postal or reputable commercial overnight delivery service with tracking record and signed receipt acknowledgment, addressed as follows:

If to Dove and O'Brien:

Agnes P. Dove
2952 Palmer Street
Oakton, VA 22124

and

DDP:J.
klp
Qmas
2008

Kathleen M. O'Brien
2948 Palmer Street
Oakton, VA 22124

with a copy (not constituting
notice) to:

Charles R. Rainey, Jr., Esq.
404 Pine Street, S.E., #203
Vienna, VA 22180

If to Grantees:

David D. Peete, Jr., and
Karen L. Peete
10206 Oakton Station court
Oakton, VA 22124

with a copy (not constituting
notice) to:

David C. Canfield, Esq.
Bean, Kinney & Korman, P.C.
2300 Wilson Boulevard, 7th Floor
Arlington, VA 22201

For purposes of determining whether notice has been given within a specified period of time, notice shall be deemed to have been given as of the date of personal delivery, or as of the date of deposit with a postal or commercial overnight delivery service. For purposes of computing a period of time following notice, notice shall be deemed to have been given as of the first business day following personal delivery or deposit with a postal or commercial overnight delivery service. Any party may designate other notice addresses by written notice given to the others.

10. This Deed shall be governed by and interpreted in accordance with the laws of the Commonwealth of Virginia, without regard to conflicts of laws principles.

[SIGNATURE PAGE FOLLOWS]

DDPST. #MUB
kep 2/10/02

EXECUTED EFFECTIVE the date first above stated.

DOVE:

Agnes P. Dove (SEAL)
Agnes P. Dove

O'BRIEN:

Kathleen M. O'Brien (SEAL)
Kathleen M. O'Brien

GRANTEES:

David D. Peete, Jr. (SEAL)
David D. Peete, Jr.

Karen L. Peete (SEAL)
Karen L. Peete

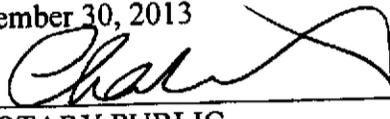
[NOTARY ACKNOWLEDGMENTS FOLLOW]

STATE OF VIRGINIA
COUNTY OF FAIRFAX, to wit:

The foregoing Deed of Exclusive Use Easement was signed and acknowledged before me, the undersigned authority, in my County and State aforementioned, by AGNES P. DOVE, KATHLEEN M. O'BRIEN, DAVID D. PEETE, JR. and KAREN L. PEETE this the 20th day of January, 2012.

My Commission Expires: September 30, 2013

Charles R. Rainey, Jr.
Notary Public
Commonwealth of Virginia
124240
My Commission Expires Sept 30, 2013



NOTARY PUBLIC

DDPJr.
KLP

2/20/12


EXHIBIT A

Plat

Attached

DDP, Jr.
kep

~~DDP, Jr.~~
apl

EXHIBIT B

Use Easement Area

Beginning at a corner common to Lot 4, Section 4, Gray's Subdivision and Outlot "A", Subdivision of the Property of Parcel 5, LTD (known as Oakton Station) and in the line of Parcel "A", Oakton Mains; thence running with the line of Parcel "A" N 14° 17' 20" W 214.83 feet to a corner common to Lots 2 & 3, Section 4, Gray's Subdivision; thence running with the line of Lots 2 & 3 N 54° 17' 20" E 144.90 feet to a point; thence running through Lot 3 and continuing through Lot 4, Section 4, Gray's Subdivision S 35° 05' 00" E 200.00 feet to a point in the line of Lot 3, Subdivision of the Property of Parcel 5, LTD (known as Oakton Station); thence running with the line of Lot 3 and continuing with the line of Lot 4 and Outlot "A"; subdivision of the Property of Parcel 5, LTD (known as Oakton Station) S 54° 17' 20" W 221.18 feet to the point of beginning, encompassing 30,146 square feet, more or less.

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DDP, JV.

~~AMO~~

KJP

2012



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

November 22, 2013

Frederick R. Taylor
 Bean Kinney & Korman PC
 2300 Wilson Boulevard, 7th Floor
 Arlington, VA 22201

Re: Interpretation for RZ 87-P-109, Oakton Station, Tax Map 47-2 ((6)) 4 and 5;
 10206 and 10208 Oakton Station Court: Lot Line Adjustment

Dear Mr. Taylor:

This is in response to your letter of August 27, 2013, requesting an interpretation of the Proffers and Generalized Development Plan (GDP) accepted by the Board of Supervisors, in conjunction with the approval of Rezoning RZ 87-P-109. As I understand it, the question is whether the proposed lot line adjustment between Lot 4 and Lot 5 would be in substantial conformance with the proffers and the GDP. This determination is based on your letter and attached exhibit, titled "Plat Showing Lots 4A and 5A, Property of Parcel 5, LTD," prepared by Sanie Consulting Group, LLC, dated April 26, 2013. Copies of your letter and exhibit are attached.

The Board of Supervisors approved RZ 87-P-109, subject to proffers, on October 31, 1986, to rezone 4.33 acres from the R-2 District to the R-4 District. The Generalized Development Plan (GDP) depicts twelve residential lots and one outlot. The subject parcels, Lots 4 and 5, are located in the northwest corner of the development. The required minimum lot size is 8,500 square feet.

According to your letter, the owner of Lot 4 discovered that improvements they had constructed in the side yard adjacent to the south common boundary line encroached into Lot 5. The constructed improvements, which include a fireplace/grill and decorative wall, were built based upon a location established in error by a civil engineer. Rather than demolish the improvements, the owner of Lot 4 proposes to purchase 828 square feet of the adjacent Lot 5 to allow the existing improvements to be located within Lot 4 and to comply with the 10' side yard setback requirements for accessory structures. Your exhibit plat depicts the proposed adjustment of the common boundary line between Lot 4 and Lot 5 to shift the rear segment of the boundary line south approximately 28 feet to encompass 938 square feet of the side and rear yards on Lot 5. The proposed Lot 4 would be increased from 11,808 square feet to 12,746 square feet, and proposed Lot 5 would be reduced from 10,428 square feet to 9,490 square feet. You state that the proposed lot line adjustment maintains the minimum lot size requirement of 8,500 square feet established with RZ 87-P-109, does not increase the density of the subdivision, and maintains required setbacks for both lots. You indicate that both property owners consent to the lot line adjustment.

It is my determination that the proposed revised lot line between Lot 4 and Lot 5 is in substantial conformance with the GDP and proffers for RZ 87-P-109, subject to final approval by DPWES. This

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/



Frederick R. Taylor
Page 2

determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please contact Carrie Lee at (703) 324-1290.

Sincerely,



Barbara C. Berlin, AICP, Director
Zoning Evaluation Division, DPZ

O:\Clec01\Interpretations\RZ\10206 Oakton Station Ct. _Lot Line Adjustment\Interpretation.Docx

Attachments: A/S

cc: Linda Q. Smyth, Supervisor, Providence District
Kenneth Lawrence, Planning Commissioner, Providence District
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Ken Williams, Plan Control, Land Development Services, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ
File: RZ 87-P-109, PI 13 08 087; imaging



RECEIVED
Department of Planning & Zoning

AUG 30 2013

Zoning Evaluation Division

taylor@beankinney.com

12055 GOVERNMENT CENTER PARKWAY, SUITE 807
FAIRFAX, VIRGINIA 22035
703.441.1100
WWW.BEANKINNEY.COM

August 27, 2013

Ms. Eileen McLane
Zoning Administrator
Fairfax County
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035

Re: Request for Zoning Interpretation – 10206 and 10206 Oakton Station Court, Oakton, VA

Dear Ms. McLane:

Our clients, David and Karen Peete (the "Peetes") are seeking a zoning interpretation concerning a boundary line adjustment of the Lots 4 and 5 of the Oakton Station subdivision. This request is being made because as part of the rezoning process for the subdivision, a development plan was proffered.

The Peetes discovered that improvements that they had constructed along a common property line actually encroached onto Lot 5. These improvements, a decorative wall and a fireplace or grill, had been originally built based upon a location established by a civil engineer. Rather than demolish the improvements, the Peetes reached an agreement with their neighbor for the sale of 838 square feet of Lot 5, so as to allow the improvements to be located within the boundary of the new Peete lot. The adjustment as depicted on the attached plat does not violate minimum lot size or setback requirements for the R-4 District.

We respectfully request that you opine that the boundary line adjustment does not violate the proffers associated with the rezoning and is substantial conformance with the proffers and the development plan.

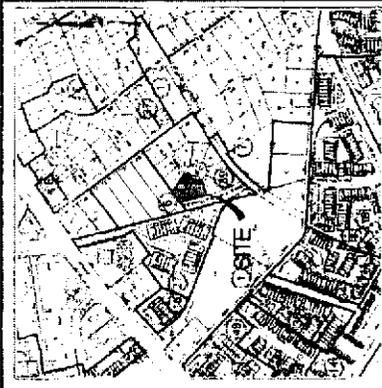
The filing fee is attached.

Sincerely,

Frederick R. Taylor

Enclosures

00088870-6



VICINITY MAP
SCALE 1" = 500'

AREA TABULATION

BY THE: [Signature]

DATE: 07/10/2013

LOT 4: 12,746 SQ FT (0.29 AC)

LOT 5: 10,039 SQ FT (0.23 AC)

TOTAL: 22,785 SQ FT (0.52 AC)

UNIMPAVED LOT AREA: 10,039 SQ FT (0.23 AC)

PAVED LOT AREA: 12,746 SQ FT (0.29 AC)

WITH LANDS STATEMENT

THESE LANDS HAVE BEEN EXAMINED BY THE SURVEYOR AND FOUND TO BE FREE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT MIGHT AFFECT THE PROJECT.

DATE: 07/10/2013

PLAT

SHOWING
LOTS 4A AND 5A
PROPERTY OF
PARCEL 5, LTD.
(ALSO KNOWN AS OAKTON STATION)
BEING A BOUNDARY LINE ADJUSTMENT
OF
LOTS 4 AND 5
PROPERTY OF
PARCEL 5, LTD.
(ALSO KNOWN AS OAKTON STATION)

PREPARED BY:
[Signature]
DATE: 07/10/2013

FOR THE:
[Signature]
DATE: 07/10/2013

FOR THE:
[Signature]
DATE: 07/10/2013

GENERAL NOTES:

1. THE PROPERTY IS LOCATED IN THE DISTRICT OF OAKTON, FAIRFAX COUNTY, VIRGINIA.
2. THE PROPERTY IS ZONED R-100 (RESIDENTIAL SINGLE-FAMILY).
3. THE PROPERTY IS CURRENTLY UNDEVELOPED.
4. THE PROPERTY IS SUBJECT TO A DEED RESTRICTION WHICH REQUIRES THAT THE PROPERTY BE USED FOR RESIDENTIAL PURPOSES ONLY.
5. THE PROPERTY IS SUBJECT TO A DEED RESTRICTION WHICH REQUIRES THAT THE PROPERTY BE USED FOR RESIDENTIAL PURPOSES ONLY.
6. THE PROPERTY IS SUBJECT TO A DEED RESTRICTION WHICH REQUIRES THAT THE PROPERTY BE USED FOR RESIDENTIAL PURPOSES ONLY.
7. THE PROPERTY IS SUBJECT TO A DEED RESTRICTION WHICH REQUIRES THAT THE PROPERTY BE USED FOR RESIDENTIAL PURPOSES ONLY.
8. THE PROPERTY IS SUBJECT TO A DEED RESTRICTION WHICH REQUIRES THAT THE PROPERTY BE USED FOR RESIDENTIAL PURPOSES ONLY.

OWNER'S CONSENT AND DEDICATION

I, the undersigned, owner of the above described land, do hereby consent to the dedication of the land to the public for the use and purpose of a public sanitary sewer.

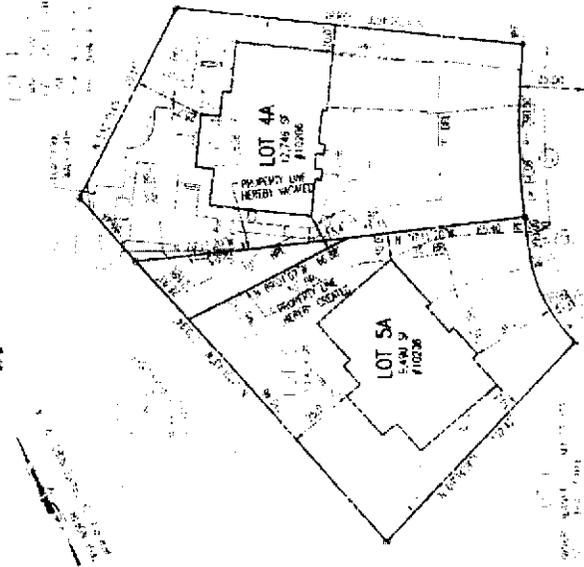
DATE: 07/10/2013

[Signature]

APPROVED:
[Signature]
DATE: 07/10/2013

THIS APPROVAL IS NOT A
COMMITMENT TO PROVIDE
PUBLIC SANITARY SEWER

DEPARTMENT OF PUBLIC WORKS
AND
ENVIRONMENTAL SERVICES
OFFICE OF SITE DEVELOPMENT SERVICES
1200 COMMONWEALTH AVENUE, SUITE 200
FAIRFAX COUNTY, VIRGINIA 22031



OAKTON STATION COURT
(64' P&M)

LEGEND

- BOUNDARY LINE
- EASEMENT
- EASEMENT CORNER

LINE	BEARING	DISTANCE	AREA	PERCENT	SECURE
1	S 89° 28' 00" E	127.46	127.46	0.001	0.001
2	S 89° 28' 00" E	100.39	100.39	0.001	0.001
3	S 89° 28' 00" E	127.46	127.46	0.001	0.001
4	S 89° 28' 00" E	100.39	100.39	0.001	0.001

SURVEYOR'S CERTIFICATE:

I, the undersigned, a duly licensed Professional Surveyor in the State of Virginia, do hereby certify that the above described land is the property of Parcel 5, Ltd. and that the same is being dedicated to the public for the use and purpose of a public sanitary sewer.

DATE: 07/10/2013

APPROVED:
[Signature]
DATE: 07/10/2013

FOR THE:
[Signature]
DATE: 07/10/2013

FOR THE:
[Signature]
DATE: 07/10/2013



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Vested Rights Determination under §15.2-2307 of the Code of Virginia

Property Tax Map Number:	47-2 ((39)) 4A
Property Address:	10206 Oakton Station Court
Requestor's Name:	Fred Taylor
Requestors Address: (if different than above)	2300 Wilson Boulevard, 7 th Floor Arlington, VA 22201
Requestor's Phone Number:	703-525-4000
Current Zoning:	R-4
Magisterial District:	Providence
Subdivision Name/Section/Block/Lot No.:	Oakton Station, Lot 4A

Written Description of Structure that may be vested under §15.2-2307 of the Code of Virginia

The referenced property consists of 12,746 square feet zoned to the R-4 District, and is developed with a single family detached dwelling and accessory structures, which include a swimming pool that is the subject of this request. Provided by the requestor is a "Vested Rights Determination Plat" for the property prepared by Sanie Consulting Group, LLC dated April 20, 2015, which shows that the swimming pool is located 3.4 feet from the southwestern side lot line and the jacuzzi is located 4.7 feet from the southwestern side lot line.

According to the real estate assessment records, the dwelling was constructed in 1994 and was remodeled in 2009. The minimum required yards for the R-4 District are 30 feet for the front yard, 10 feet for side yards, and 25 feet for the rear yard. The pool is attached via ground level decking to the dwelling, and is therefore subject to Par. 2A of Sect. 2-412 of the Fairfax County Zoning Ordinance, which states that open decks with no part of the floor higher than 4 feet above finished ground level may extend into the minimum required side yard by up to 5 feet, but may not be located closer than 5 feet to the side lot line, and may extend into the minimum required rear yard by up to 20 feet, provided it is located no closer than 5 feet to the rear lot line. In this instance, the pool is located 3.4 feet from the side lot line at the closest point, which encroaches into the minimum required 5 feet.

Background Summary (check all that are applicable):

- A Building Permit was issued for the swimming pool, and according to our records, the swimming pool passed final inspection.
- A Building Permit for the structure(s) was not located in our files.

Department of Planning and Zoning
Zoning Administration Division
Ordinance Administration Branch
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505
Phone 703-324-1314 FAX 703-803-6372
www.fairfaxcounty.gov/dpz/

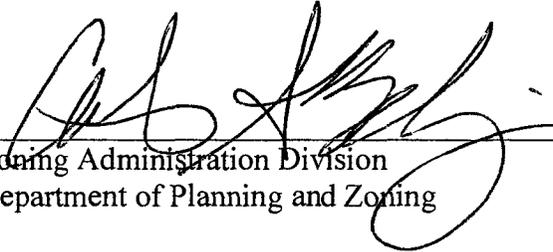


- Department of Tax Administration records indicate that the structure(s) has been taxed for at least 15 years.
- Department of Tax Administration records do not indicate that the structure(s) has been taxed for at least 15 years.

Staff Determination:

- §15.2-2307 of the Code of Virginia is applicable for the swimming pool and the swimming pool may remain. The swimming pool may not be replaced or enlarged unless the replacement or enlargement complies with all regulations of the district in which located. This determination applies **only** to the swimming pool itself and no other associated decking or structures.
- §15.2-2307 of the Code of Virginia is applicable for the structure(s) and the structure(s) may remain; however, §15.2-2307 is not applicable for the use of the structure. A separate letter explaining the status and use of the structure(s) will be issued.
- §15.2-2307 of the Code of Virginia is not applicable for the structure(s). A separate letter explaining the status of the structure in question will be issued.

Reviewer's Signature:


Zoning Administration Division
Department of Planning and Zoning

Date:

4/27/15

cc: Howard Goodie, Assistant Real Estate Director, DTA
Leslie B. Johnson, Zoning Administrator
Andrew Hushour, Deputy Zoning Administrator for Ordinance Administration Branch
Diane Johnson-Quinn, Deputy Zoning Administrator, for Zoning Permit Review Branch
✓Casey Gresham, Staff Coordinator, Zoning Evaluation Division

FAIRFAX COUNTY
RECEIVED
MAR 27 2015
DIVISION OF
ZONING ADMINISTRATION

2015-0387

Vested Rights Determination (or "2307") Request
(Pursuant to §15.2-2307 of the Code of Virginia)

Property Address and/or Tax Map #:	10206 CARTON STATION Ct, CARTON	
Requestor's Name:	Frederick Taylor	
Requestor's Address:	2300 Wilbur Blvd, #401, Arlington 22201	
Requestor's Phone Number and/or Email:	703-525-4000 ftaylor@benking.com	
Description of Structure(s) in Question to include the date of construction if known (i.e. carport enclosure in 1974):	in ground swimming pool - s/w corner encroaches on 5' minimum setback	
Does the structure(s) in question have a building permit?:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
If currently applying for a building permit, please provide the building permit number:		
Is there a current zoning violation on the property?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

REQUIRED SUBMISSION MATERIALS:

- *If building permit application has been submitted, copy of the submitted plat.
- *Or, a plat of the property, to scale, which shows the location of all existing structures, distance of structures from all property lines and the height of any detached accessory structures (garages, sheds, etc.).
- *Photographs of the interior and exterior of the structure in question.

SUBMIT TO:

Department of Planning & Zoning
Zoning Administration Division
Attn: Leslie Johnson, Zoning Administrator
12055 Government Center Pkwy, Suite 807
Fairfax, Virginia 22035

A parcel being removed to buy lot with new lot coverage request

04/14

F3 MOSBY WOODS COMMUNITY PLANNING SECTOR

CHARACTER

The Mosby Woods Community Planning Sector is bounded by the City of Fairfax on the south, Jermantown Road and Chain Bridge Road (Route 123) on the west and north, and Edgelea Road and Blake Lane on the east.

This sector is predominantly developed with higher density residential use and medium intensity office use, which has occurred primarily since 1980. These higher intensity uses are located near the intersection of Chain Bridge Road and Interstate 66 (I-66) and south of Blake Lane which extends from Chain Bridge Road to Lee Highway (Route 29) near Fairfax Circle.

Oakton Gable, Four Winds at Oakton, the Oakton, Trevor House, and the Vistas of Vienna are apartment and condominium developments located north of I-66. The Oakton Park Apartments are located south of I-66 and east of Chain Bridge Road. Hawthorne Village and Fairfax Circle Villa are apartment complexes near Fairfax Circle. Densities are upwards of 20 dwelling units per acre.

There are numerous townhouse developments in the same two areas, including Villa D'Este Village, Tudor Hall, Cedar Grove Park, Cyrandall Valley, Blake Lee, Oakton Village, Concord Village, Cherrywood Square, and Treebrook. These have densities in the range of 5-12 dwelling units per acre.

There are older single-family detached residential subdivisions in the remaining portions of the sector, developed generally at a density of 1-3 dwelling units per acre. The major subdivisions of this type are Fairfax Acres, near I-66 and Spruce Street, east of Jermantown Road; and Grays/Grays Oakton and Old Courthouse Woods, located between Blake Lane and Chain Bridge Road. Five Oaks Estates and Villa D'Este are single-family detached subdivisions south of I-66 and Blake Lane near the City of Fairfax.

The Flint Hill Suburban Center is completely contained in this planning sector; plan recommendations for the suburban center are found in a previous section of the Fairfax Planning District guidance, following the Overview section. Other nonresidential uses include a number of highway-oriented, neighborhood-serving retail uses located along Chain Bridge Road between Blake Lane and the Oakton Shopping Center at Hunter Mill Road. A number of light industrial uses are located on Draper Drive near Kingsbridge Drive.

Oakton Trolley Station and Oakton United Methodist Church are significant heritage resources in this sector. The trolley station is listed in the Fairfax County Inventory of Historic Sites, Virginia Landmarks Register and the National Register of Historic Places. An open space/conservation easement has been placed on the trolley station property. A list and map of these heritage resources are included in the Fairfax Planning District Overview section, Figures 4 and 5.

CONCEPT FOR FUTURE DEVELOPMENT

The Concept for Future Development recommends that most of this sector be identified as a Suburban Neighborhood. The Flint Hill Suburban Center is located in this sector (see the Flint Hill Suburban Center).

RECOMMENDATIONS

Land Use

The Mosby Woods sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be compatible with existing development in the vicinity in terms of use, type and intensity, in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-designed, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.

Figure 17 indicates the geographic locations of land use recommendations for this sector. Where recommendations are not shown on the General Locator Map, it is so noted.

1. Neighborhoods containing older, more moderately priced housing should be maintained and protected in order to provide affordable housing opportunities. Some of these areas include Fairfax Acres, Dudley Heights and Grays/Grays Oakton.
2. Bannockbairn Estates north of I-66, planned for residential use at 5-8 dwelling units per acre, is an older single-family detached residential subdivision that was bisected by I-66. The portion north of I-66 [(Tax Map 48-3((18)) and ((31)))] may be considered for redevelopment at 8-12 dwelling units per acre with substantial parcel consolidation. This density would be compatible with adjacent development, which is built at a density between 8 and 20 dwelling units per acre.
3. Commercial development in this sector should be limited to those areas designated for commercial use on the Plan map. Existing commercial uses generally should not be intensified, except minimally for modernization or beautification. Additional landscaping and buffering between commercial and residential uses and carefully designed pedestrian connections to adjacent residential areas are strongly encouraged where appropriate. [Not shown]
4. There is a small industrial area on Draper Drive that is planned and developed in a manner similar to adjacent land in Fairfax City. The intensity of development on this land should not exceed .50 FAR. Adjacent to this area is a vacant parcel that is owned by Virginia Power (Tax Map 48-3((1))25), which is programmed for a substation. The substation should be designed with a substantial buffer area (at a minimum - 50 feet) adjacent to residential neighborhoods to the north and east. The buffer area should include berms, barrier walls and landscaping designed to minimize the visual impact of the substation. Transmission lines should access the property from the industrial area to the south or west or be provided underground to minimize the visual impact on the adjoining residential area.

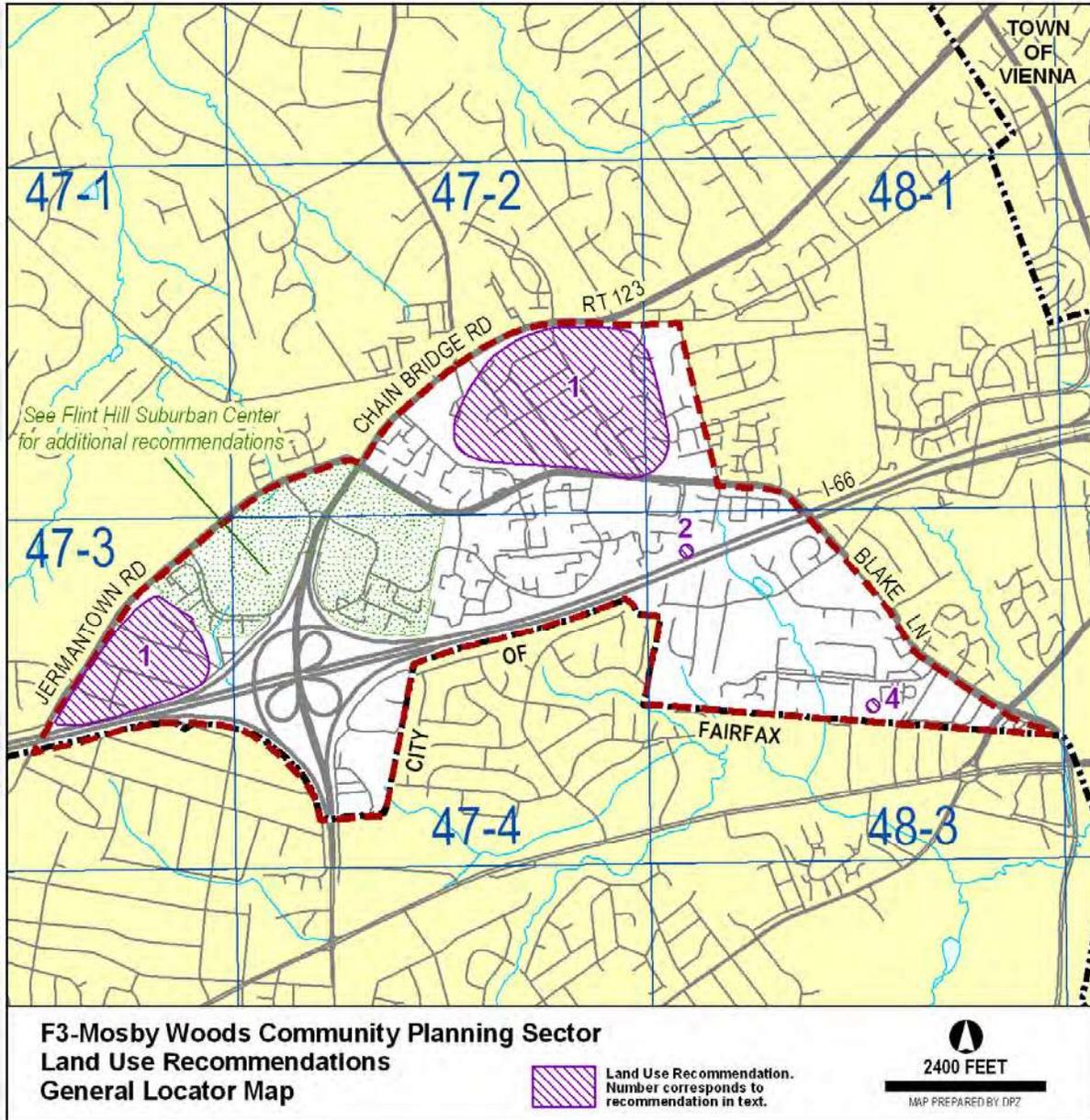


FIGURE 17

Any interim use of the property should provide substantial buffering and screening to residential areas.

As an option, should Virginia Power determine that this site is no longer viable for a substation, the site may be considered for residential use at 16-20 dwelling units per acre. Adequate buffering and screening should be provided between any residential development and the adjacent industrial area.

Transportation

Transportation recommendations for this sector are shown on Figures 18, 19 and 20. In some instances, site-specific transportation recommendations are included in the land use recommendations section. The figures show access orientation, circulation plans, interchange impact areas and generalized locations of proposed transit facilities. The recommendations contained in the Area Plan text and maps, the Policy Plan and Transportation Plan map, policies and requirements in the Public Facilities Manual, the Zoning Ordinance, and other standards will be utilized in the evaluation of development proposals.

Heritage Resources

Reports of Civil War period camps suggest the potential for unrecorded heritage resources to exist in this sector. Efforts should be made to identify and preserve significant heritage resources in this sector. Any development or ground disturbance in this sector, both on private and public land, should be preceded by heritage resource studies, and alternatives should be explored for the avoidance, preservation or recovery of significant heritage resources that are found. In those areas where significant heritage resources have been recorded, an effort should be made to preserve them. If preservation is not feasible, then, in accordance with countywide objectives and policies as cited in the Heritage Resources section of the Policy Plan, the threatened resource should be thoroughly recorded and in the case of archaeological resources, the artifacts recovered.

Public Facilities

1. Expand by approximately 1,250 square feet the existing Oakton Fire Station.
2. Construct six additional classrooms to Mosby Elementary School.

Parks and Recreation

Park and recreation recommendations for this sector are shown on Figure 21. The column "Park Classification" includes existing park facilities. The "Recommendations" column includes entries for both existing and proposed facilities. Prior to developing parkland, the Fairfax County Park Authority initiates a master planning process to determine the appropriate facilities and design for that park. This process involves extensive citizen review and participation. If an existing park is listed but no recommendation appears on that line, it means the park has been developed in accordance with its master plan.



County of Fairfax, Virginia

MEMORANDUM

DATE: January 27, 2016

TO: Casey Gresham, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Jay Banks, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Oakton Station Lots 3, 4, 4A, PCA 87-P-109

I have reviewed the above referenced Proffer Condition Amendment Plan Set stamped "Received, Department of Planning and Zoning, December 22, 2015.

All previous comments and recommendations have been addressed. Forest Conservation Branch staff has no further comments regarding this application.

If there are any questions, please contact me at (703)324-1770.

JSB/

UFMDID #: 204124

cc: DPZ File





County of Fairfax, Virginia

MEMORANDUM

DATE: March 15, 2016

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

FROM: Michael A. Davis, Acting Chief 
Site Analysis Section, Department of Transportation

FILE: RZ 87-P-109

SUBJECT: PCA 87-P-109 – David and Karen Peete
Tax Maps: 47-2 ((39)) 4A, 47-2 ((6)) 3, 4 (partial)

This department has reviewed the subject application and plans, dated September 2, 2015. The application requests approval to allow an increase in parcel size, which will result by the subject property being consolidated with subdivided portions of two neighboring properties, located at the rear of the property.

FCDOT asserts that the right-of-way dedicated for the planned future extension of Hunter Mill Road as a part of the approval of RZ 87-P-109, located adjacent to the subject parcels, should be maintained, as the extension of the roadway is still included in the Comprehensive Plan. FCDOT does not otherwise object to approval of the subject application.

MAD/VLH

cc: Casey Gresham/DPZ

FAIRFAX COUNTY ZONING ORDINANCE

Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval, for provisions which may qualify or supplement these district regulations.

3-205 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.
2. All uses shall comply with the performance standards set forth in Article 14.
3. Cluster subdivisions may be permitted in accordance with the provisions of Sect. 2-421.

3-206 Lot Size Requirements

1. Minimum district size for cluster subdivisions: 2 acres
2. Average lot area
 - A. Conventional subdivision lot: 18,000 sq. ft.
 - B. Cluster subdivision lot: No Requirement
3. Minimum lot area
 - A. Conventional subdivision lot: 15,000 sq. ft.
 - B. Cluster subdivision lot: 13,000 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision, and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 2 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 15,000 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-2 District or to an R-2 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 13,000 square feet.
4. Minimum lot width
 - A. Conventional subdivision lot:
 - (1) Interior lot - 100 feet
 - (2) Corner lot - 125 feet
 - B. Except as qualified below, cluster subdivision lot:
 - (1) Interior lot - No Requirement

RESIDENTIAL DISTRICT REGULATIONS

(2) Corner lot - 100 feet

If any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision, and any portion of any lot located outside of the cluster subdivision that is contiguous to that peripheral cluster subdivision's boundary is zoned to a district that permits a maximum density equal to or less than 2 dwelling units per acre and contain a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot width of 100 feet for interior lots and 125 feet for corner lots. Notwithstanding the above, when the contiguous development is zoned to the PDH-2 District or to an R-2 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall have no minimum required lot width for interior lots and shall contain a minimum lot width of 100 feet for corner lots.

3-207 Bulk Regulations

1. Maximum building height
 - A. Single family dwellings: 35 feet
 - B. All other structures: 60 feet
2. Minimum yard requirements
 - A. Single family dwellings
 - (1) Conventional subdivision lot
 - (a) Front yard: 35 feet
 - (b) Side yard: 15 feet
 - (c) Rear yard: 25 feet
 - (2) Cluster subdivision lot
 - (a) Front yard: 25 feet
 - (b) Side yard: 8 feet, but a total minimum of 24 feet
 - (c) Rear yard: 25 feet
 - B. All other structures
 - (1) Front yard: Controlled by a 45° angle of bulk plane, but not less than 35 feet
 - (2) Side yard: Controlled by a 40° angle of bulk plane, but not less than 15 feet

FAIRFAX COUNTY ZONING ORDINANCE

- (3) Rear yard: Controlled by a 40° angle of bulk plane, but not less than 25 feet

- 3. Maximum floor area ratio:
 - A. 0.20 for uses other than residential or public
 - B. 0.25 for public uses

3-208 Maximum Density

Two (2) dwelling units per acre

3-209 Open Space

In subdivisions approved for cluster development, 25% of the gross area shall be open space

3-210 Affordable Dwelling Unit Developments

Affordable dwelling unit developments may consist of single family detached dwelling units, either in a conventional subdivision or cluster subdivision. Cluster subdivisions shall be subject to the approval of the Director in accordance with Sect. 2-421. In addition, single family attached dwelling units are permitted, provided that no more than thirty-five (35) percent of the total number of dwelling units allowed within the development shall be single family attached dwelling units. The following regulations shall apply to dwelling units in affordable dwelling unit developments:

- 1. Minimum lot area
 - A. Single family detached conventional subdivision lot: 12,000 sq. ft.
 - B. Single family detached cluster subdivision lot: 10,400 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 2 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 12,000 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-2 District or to an R-2 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 10,400 square feet.
 - C. Single family attached: No Requirement
- 2. Minimum lot width
 - A. Single family detached conventional subdivision lot:

RESIDENTIAL DISTRICT REGULATIONS

3-405 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.
2. All uses shall comply with the performance standards set forth in Article 14.
3. Cluster subdivisions may be permitted in accordance with the provisions of Sect. 9-615 when the cluster subdivision has a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres, and with the provisions of Sect. 2-421 when the cluster subdivision has a minimum district size of three and one-half (3.5) acres or greater.

3-406 Lot Size Requirements

1. Minimum district size for cluster subdivisions:
 - A. Cluster subdivisions containing a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres shall be subject to special exception approval.
 - B. Cluster subdivisions containing a minimum district size of three and one-half acres (3.5) acres or greater shall be subject to approval by the Director.
2. Average lot area
 - A. Conventional subdivision lot: 8,800 sq. ft.
 - B. Cluster subdivision lot: No Requirement
3. Minimum lot area
 - A. Conventional subdivision lot: 8,400 sq. ft.
 - B. Cluster subdivision lot approved by the Director: 6,000 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 4 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 8,000 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-4 District or to an R-4 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 6,000 square feet.
 - C. Cluster subdivision lot approved by special exception: 6,000 sq. ft.
4. Minimum lot width
 - A. Conventional subdivision lot:

FAIRFAX COUNTY ZONING ORDINANCE

(1) Interior lot - 70 feet

(2) Corner lot - 95 feet

B. Except as qualified below, cluster subdivision lot approved by the Director:

(1) Interior lot - No Requirement

(2) Corner lot - 70 feet

If any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that peripheral cluster subdivision's boundary is zoned to a district that permits a maximum density equal to or less than 4 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot width of 70 feet for interior lots and 95 feet for corner lots. Notwithstanding the above, when the contiguous development is zoned to the PDH-4 District or to an R-4 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall have no minimum required lot width for interior lots and shall contain a minimum lot width of 70 feet for corner lots.

C. Cluster subdivision lot approved by special exception:

(1) Interior lot – No Requirement

(2) Corner lot – 70 feet

3-407

Bulk Regulations

1. Maximum building height

A. Single family dwellings: 35 feet

B. All other structures: 60 feet

2. Minimum yard requirements

A. Single family dwellings

(1) Conventional subdivision lot

(a) Front yard: 30 feet

(b) Side yard: 10 feet

(c) Rear yard 25 feet

(2) Cluster subdivision lot

RESIDENTIAL DISTRICT REGULATIONS

- (a) Front yard: 20 feet
 - (b) Side yard: 8 feet
 - (c) Rear yard: 25 feet
- B. All other structures
- (1) Front yard: Controlled by a 35° angle of bulk plane, but not less than 25 feet
 - (2) Side yard: Controlled by a 30° angle of bulk plane, but not less than 10 feet
 - (3) Rear yard: Controlled by a 30° angle of bulk plane, but not less than 25 feet
3. Maximum floor area ratio:
- A. 0.30 for uses other than residential or public
 - B. 0.35 for public uses

3-408 Maximum Density

- 1. Conventional subdivisions: Four (4) dwelling units per acre.
- 2. Cluster subdivisions:
 - A. Four (4) dwelling units per acre for cluster subdivisions approved by the Director in accordance with Sect. 2-421, or that are the result of proffered rezoning from a district that allows a permitted maximum density of less than four (4) dwelling units per acre.
 - B. Four dwelling units per acre plus one (1) bonus dwelling unit for cluster subdivisions containing a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres and approved by special exception.

3-409 Open Space

In subdivisions approved for cluster development, 25% of the gross area shall be open space.

3-410 Affordable Dwelling Unit Developments

Affordable dwelling unit developments may consist of single family detached dwelling units, either in a conventional subdivision or cluster subdivision. Cluster subdivisions shall be subject to the approval of the Director in accordance with Sect. 2-421. In addition, single family attached dwelling units are permitted, provided that no more than forty-five (45) percent of the

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		