



# County of Fairfax, Virginia

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July 5, 2016

## STAFF REPORT

APPLICATION RZ 2016-MV-008

MOUNT VERNON DISTRICT



**APPLICANT:** JR Land LLC

**ZONING:** I-6 (Heavy Industrial)

**PARCEL:** 113-2 ((1)) 18 (pt.)

**ACREAGE:** 0.35 acres

**PLAN MAP:** Industrial/Alternate Uses

**PROPOSAL:** To rezone 0.35 acres of land from R-1 to I-6 to correct a mapping error pursuant to RZ 877.

### STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2016-MV-008, without proffers, to correct a County mapping error.

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

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

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

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Wanda S. Suder

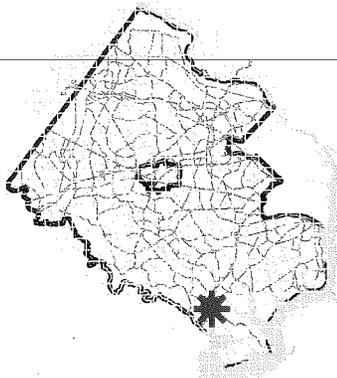
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



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).

# Rezoning Application

RZ 2016-MV-008

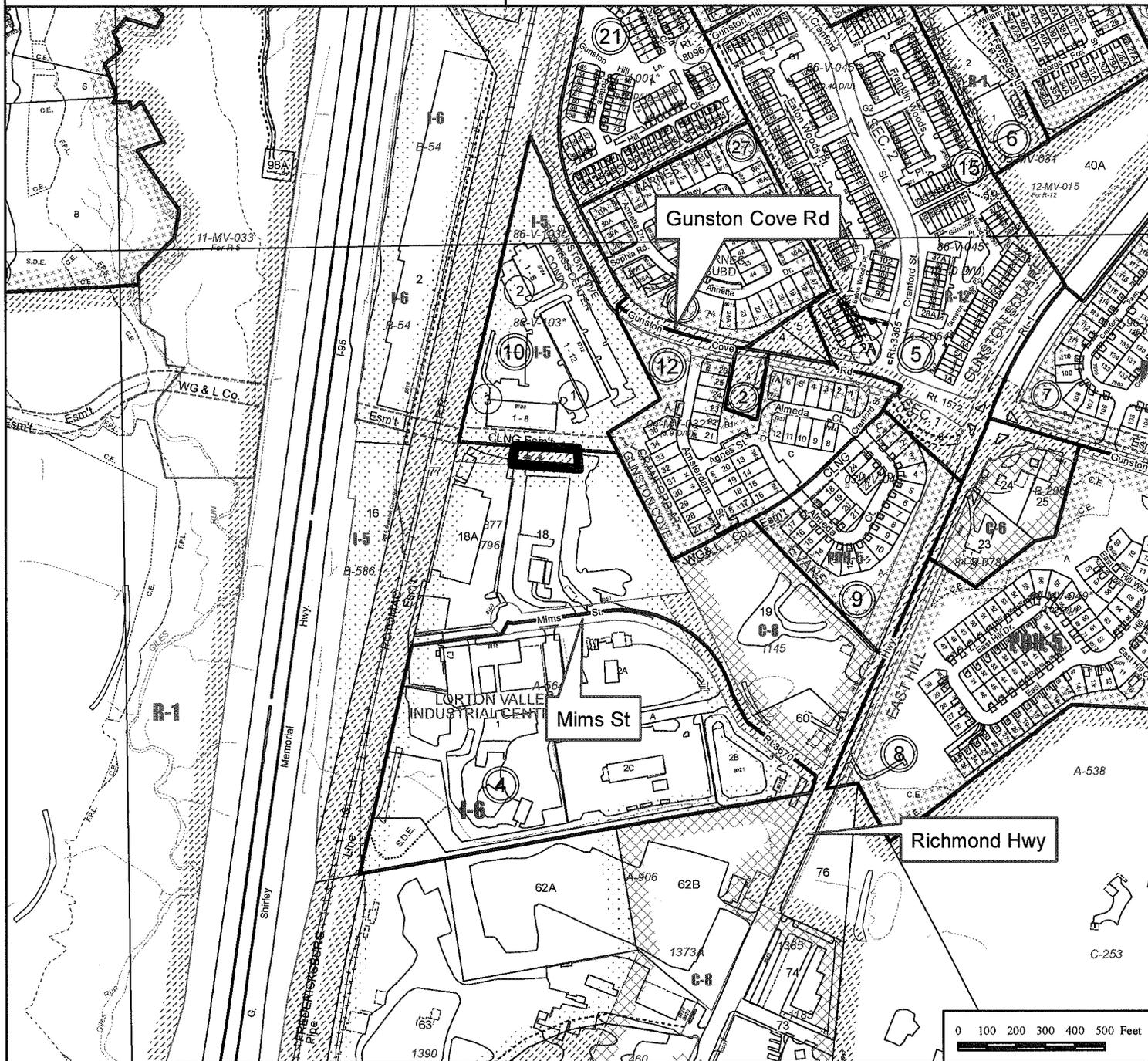


Applicant: JR LAND, LLC  
Accepted: 04/08/2016  
Proposed: RECLASSIFYING VACANT LAND FROM THE R-1 ZONING DISTRICT TO THE I-6 ZONING DISTRICT

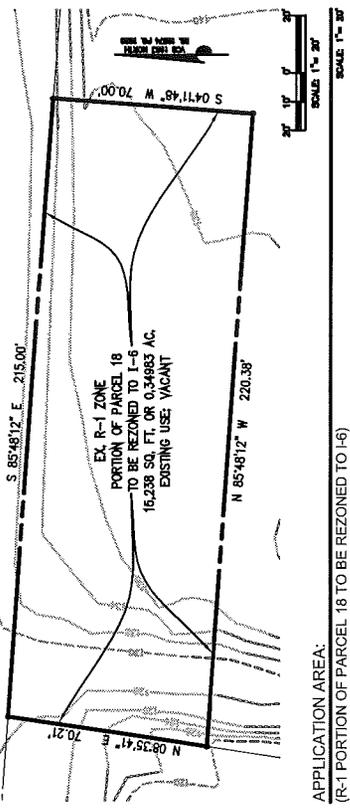
Area: 15238 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect:  
Located: ON THE NORTH SIDE OF MIMS STREET APPROX. 800 FEET NORTHWEST OF ITS INTERSECTION WITH RICHMOND HIGHWAY

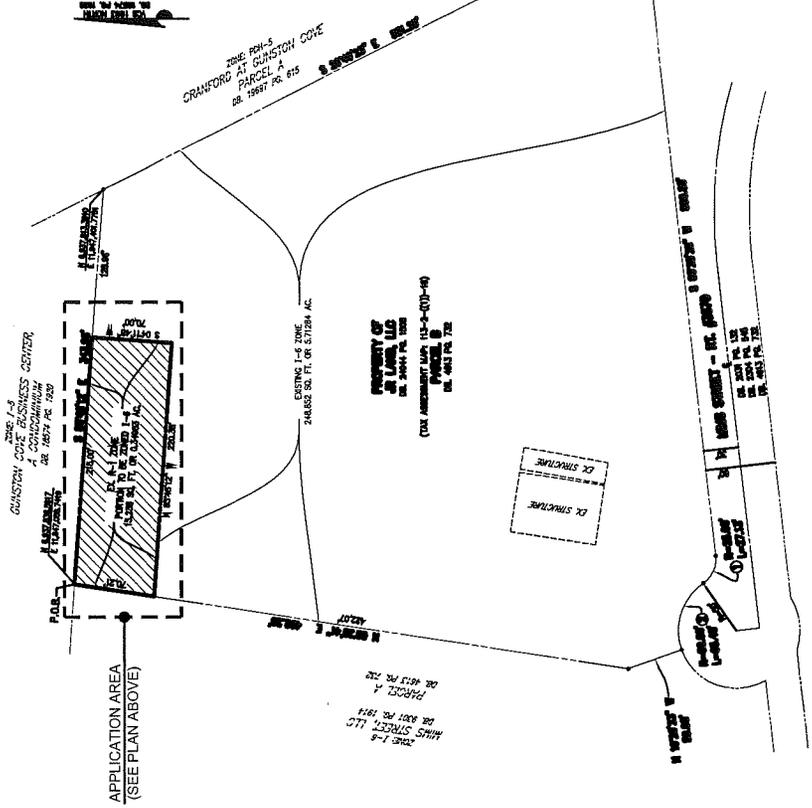
Zoning: FROM R- 1 TO I- 6  
Overlay Dist:  
Map Ref Num: 113-2- /01/ /0018 (pt.)



Zoning Evaluation Division



APPLICATION AREA:  
(R-1 PORTION OF PARCEL 18 TO BE REZONED TO I-6)



APPLICATION AREA  
(R-1 PORTION OF PARCEL 18 TO BE REZONED TO I-6)

SCALE 1" = 50'

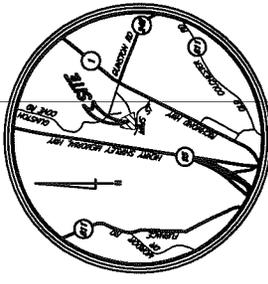
SCALE 1" = 50'

SITE/APPLICATION AREA TABULATIONS:

EXISTING ZONE:	1625B S.D. or 0.3485 AC. S
PROPOSED ZONE:	I-6 (I)
EXISTING USE:	VACANT
PROPOSED USE:	RES. EX.
OPEN SPACE REQUIRED (VAL. OF G.S.A.):	1.6M S.D. or 0.3485 AC. S
OPEN SPACE PROVIDED (VAL. OF G.S.A.):	1.6M S.D. or 0.3485 AC. S
PARKING SPACES REQUIRED:	NONE
PARKING SPACES PROVIDED:	NONE

(1) THE PROPOSED REZONING APPLICATION IS SUBJECT TO THE REQUIREMENTS OF THE ZONING ORDINANCE THAT APPLY TO THE PROPOSED ZONE. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES WITHIN THE JURISDICTION OF THE LOCAL GOVERNMENT. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES WITHIN THE JURISDICTION OF THE LOCAL GOVERNMENT.

(2) NO USES OF LAND OR STRUCTURES ARE PROPOSED WITHIN THE GENERALIZED DEVELOPMENT PLAN. THE PROPOSED REZONING APPLICATION IS SUBJECT TO THE REQUIREMENTS OF THE ZONING ORDINANCE THAT APPLY TO THE PROPOSED ZONE. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES WITHIN THE JURISDICTION OF THE LOCAL GOVERNMENT.



VICINITY MAP  
SCALE: 1" = 200'

GENERAL NOTES:

- THE PROPERTY DELINEATED ON THIS GENERALIZED DEVELOPMENT PLAN (GDP) IS IDENTIFIED ON FAIRFAX COUNTY TAX ASSESSMENT MAP NO. 113-2 (11) PART OF PARCEL 18 AND IS ZONED I-6.
- THE DELINEATED INFORMATION SHOWN HEREON IS BASED UPON RECORDS AND AVAILABLE INFORMATION AND SHOULD NOT BE CONSIDERED A FIELD BOUNDARY SURVEY. BOUNDARY INFORMATION IS INTERPOLATED FROM FAIRFAX COUNTY GIS AERIAL PHOTOGRAPHY AND IS SHOWN AT TWO (2) FEET CONTOUR INTERVALS.
- THE TOPOGRAPHIC INFORMATION SHOWN HEREON IS INTERPOLATED FROM FAIRFAX COUNTY GIS AERIAL PHOTOGRAPHY AND IS SHOWN AT TWO (2) FEET CONTOUR INTERVALS.
- TO THE BEST OF OUR KNOWLEDGE THIS DEVELOPMENT 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 FOLLOWING:
  - RELOCATE A NUMBER OF THE NEARBY DISTRICT (LOT) SIZE.
- ACCORDING TO THE FAIRFAX COUNTY-COUNTY-WIDE TRAILS PLAN (ADOPTED BY THE BOARD OF SUPERVISORS JUNE 17, 2002), NO COMPENSATING PLAN TRAILS ARE ADJUSTED TO THE SUBJECT SITE.
- ACCORDING TO THE RECORDS AND INFORMATION OF RECORDS, THERE ARE NO EXISTING UNDERGROUND UTILITIES (ELECTRIC OR CABLE TELEVISION) UTILITIES EXISTING OR TO BE ADJUSTED TO THE SUBJECT SITE. NO TITLE REPORT HAS BEEN FURNISHED.
- THESE ARE NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES ON THE SUBJECT SITE. IF ANY SUBSTANCES ARE FOUND THEY WILL BE REMOVED TO THE EXTENT OF FEDERAL, STATE, OR FEDERAL REGULATIONS. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES WITHIN THE JURISDICTION OF THE LOCAL GOVERNMENT.
- THE APPLICATION AREA IS NOT WITHIN OR ADJACENT TO A HISTORICAL OVERLAY DISTRICT.

ZONING ORDINANCE ARTICLE 18-202. PARAGRAPH 10 COMMENTS:

- SCALE AND NORTH ARROW SHOWN ON PLAN.
- ANGLE OF BEAM PLANE NOT APPLICABLE.
- THE APPLICATION AREA IS NOT ADJACENT TO ANY MAJOR STREET AND MAJOR HIGHWAY. THE MAJOR STREET AND MAJOR HIGHWAY ARE NOT ADJACENT TO THE APPLICATION AREA.
- NO MAJOR OPEN SPACE AREAS AND NO COMMUNITY AND PUBLIC FACILITIES ARE PROPOSED WITHIN THE APPLICATION.
- NO BARRIERS TO VISIBILITY ARE PROPOSED WITHIN THE APPLICATION.
- NO LAND USES OR STRUCTURES ARE PROPOSED WITHIN THE APPLICATION. A REVIEW FOR ALL EXISTING UNDERGROUND UTILITIES (ELECTRIC OR CABLE TELEVISION) UTILITIES EXISTING OR TO BE ADJUSTED TO THE APPLICATION AREA.
- NO UTILITY EASEMENTS (INCLUDING ANY MAJOR UNDERGROUND UTILITY EASEMENTS) ARE EXISTING OR PROPOSED WITHIN THE APPLICATION AREA.
- NO PARKING SPACES ARE REQUIRED WITHIN THE APPLICATION.
- EXISTING TOPOGRAPHIC INFORMATION IS SHOWN AT TWO (2) FEET CONTOUR INTERVALS AND WAS OBTAINED FROM FAIRFAX COUNTY GIS AERIAL PHOTOGRAPHY.
- THESE ARE NO SOILING ASPECTS OR NATURAL FEATURES (DESIGNATION OF PROTECTION AND PRESERVATION WITHIN THE APPLICATION AREA).
- NO USES ARE PROPOSED WITHIN THE APPLICATION. ADJACENT AREAS AND NEIGHBORING PROPERTIES WILL NOT BE ADVERSELY IMPACTED BY THE RECORDING OF THE APPLICATION AREA. TOPOGRAPHY, TRAILS ARE NOT REQUIRED.
- THESE ARE NO EXISTING STRUCTURES IN THE APPLICATION AREA.
- DOOR FLOOR AREA AND FLOOR AREA RATIO ARE NOT APPLICABLE.
- NO SIGNAGE OR OTHER MARKINGS OR OTHER USES ARE PROPOSED WITHIN THE APPLICATION. A NUMBER OF USES OF THE SUBJECT SITE AREA SHALL BE PROVIDED AS OTHER SPACES IN ACCORDANCE WITH THE REQUIREMENTS OF THE I-6 DISTRICT.
- NO SPECIAL AMENITIES ARE PROPOSED WITHIN THE APPLICATION AREA.
- NO PUBLIC IMPROVEMENTS OR DEDICATION ARE PROPOSED WITHIN THE APPLICATION.
- DEVELOPMENT SCHEDULE NOT APPLICABLE.
- THESE ARE NO FLOODPLAINS IDENTIFIED BY FEMA, THE UNITED STATES GEOLOGICAL SURVEY OR FAIRFAX COUNTY WITHIN THE APPLICATION AREA. NO REQUIREMENTS FOR PROTECTION AREAS OR ENVIRONMENTAL QUALITY CONTROLS ARE WITHIN THE APPLICATION AREA. THE EXISTING APPLICATION AREA IS A RESOURCE MANAGEMENT AREA.
- THESE ARE NO PROPOSED IMPROVEMENTS TO THE PUBLIC RIGHT-OF-WAY WITHIN THE APPLICATION. NO EXISTING STREETS ABUT THE APPLICATION AREA.
- NO LAND DISTURBANCE OR USES ARE PROPOSED WITHIN THE APPLICATION. NO LANDSCAPING, TRANSMISSION TOWERING AND/OR SIGNAGE ARE PROPOSED. THE SUBJECT SITE IS NOT OF ANY NEEDS OR OTHER NATURAL VEGETATION. A NUMBER OF USES OF THE SUBJECT SITE AREA SHALL BE PROVIDED AS OTHER SPACES IN ACCORDANCE WITH THE REQUIREMENTS OF THE I-6 DISTRICT.
- THESE ARE NO EXISTING UNDERGROUND UTILITY (ELECTRIC OR CABLE TELEVISION) UTILITIES EXISTING OR TO BE ADJUSTED TO THE APPLICATION AREA.
- THESE ARE NO KNOWN GRABES OR OTHER BURIAL LOTS WITHIN THE APPLICATION AREA.
- OWNER AND APPLICANT: MIMS STREET, LLC  
LORTON, VA 22079

PARCEL 18 TABULATION:

EXISTING I-4 ZONE:	24,865 SQ. FT. OR 0.57128 AC.
EXISTING I-6 ZONE TO BE REZONED I-6:	1,625 SQ. FT. OR 0.3485 AC.
TOTAL PARCEL 18 (TOTAL I-6):	26,490 SQ. FT. OR 0.60577 AC.

\* BASED ON MATHEMATICAL CALCULATION OF DOUBLE RECORD

SCALE 1" = 50'

SCALE 1" = 50'

TAX MAP 113-2 (11) PARCEL 18:  
(FOR REFERENCE ONLY)



DESIGNED BY: M.A.
DRAWN BY: M.A.
CHECKED BY: M.A.
DATE: 04/07/2016
SCALE: 1" = 50'
SHEET 1 OF 1
CD NO. 0000-20-00
CAD NAME: MIMS.DWG
LAYOUT: EXP
FILE NO.: 100001

## DESCRIPTION OF THE APPLICATION

The applicant, JR Land LLC, requests approval of RZ 2016-MV-008 to correct the mapped Zoning District for the 0.35 acre subject property (the “subject property”) from the R-1 District to the I-6 District to create a uniformly zoned parcel. The subject property comprises a small portion of Tax Map 113-2((1)) 18 (the “Parent Parcel”). No new development is contemplated at this time.

A reduced copy of the Generalized Development Plan (GDP) is included in the front of this report. The applicant’s statement of justification and affidavit are found at Appendix 1 and 2, respectively.

## LOCATION AND CHARACTER

The vacant subject property, zoned R-1, is located at 8050 Mims Street in Lorton. Richmond Highway lies approximately 1,000 feet to the east of the subject property and the CSX railroad line is located approximately 400 feet to the west. Access to the I-6 zoned Parent Parcel and, thus, the subject property, along Mims Street, runs through an industrial area. The Parent Parcel contains a large warehouse structure along the western property line and numerous freight storage boxes located behind the warehouse. These spaces are predominantly filled with items left by the previous owner. Additionally, there are a number of boats and pieces of heavy equipment stored on the Parent Property some of which are being used by the applicant to clean up the site. Gunston Cove Business Center, located to the north, is zoned I-5 and developed with office/warehouse buildings. To the south, across Mims Street, the land is zoned I-6 and developed with warehouses and outdoor storage. The parcel located immediately to the west is zoned R-1 and I-6 and is developed with a warehouse. About 125 feet east of the subject property, across the Parent Parcel, is a property zoned PDH-5 and developed with residential dwellings.



## BACKGROUND

In 1953, the Board of Supervisors approved RZ 877. The purpose of RZ 877 was to rezone Tax Map 113-2((1)) 18 (the “Parent Parcel”) and 113-2((1)) 18A to the Industrial (“I”) District. The majority of the Parent Parcel was correctly mapped pursuant to RZ 877. However, the subject property, a 0.35 acre portion, was mapped to the Agricultural (“A”) District. The remainder of the Parent Parcel was rezoned to the I-G (Industrial – General) zoning district in 1963, by approval of the Board of Supervisors of RZ A-564. Subsequently, in 1959 and 1978, the Board of Supervisors reaffirmed the above zoning classifications with the adoption of each new County Zoning Ordinance and corresponding County Zoning Map. The zoning district classifications were changed in accordance with the appropriate corresponding revised/new zoning district nomenclature.

On December 18, 2001, the Zoning Administration Division (ZAD) addressed a letter of response to Mr. Philip B. Mims, the previous owner of the subject property (Appendix 3). Mr. Mims requested a determination of the correct zoning of the subject property, being a portion of Tax Map 113-2((1)) 18, stating that the subject property should be zoned I-6. Research conducted by ZAD concluded that, in fact, the subject property had been rezoned to the Industrial zoning district in 1953, however, the subsequent zoning mapping of the subject property by the County was incorrect. This incorrect notation was reconfirmed by the adoption of the 1959 and 1978 revised Zoning Ordinances and the accompanying Zoning Map. The Zoning Administration Division stated that the only means to correct the mapping error is by the approval of a rezoning application by the Board of Supervisors.

The applicant purchased the subject property in April 2015. During the ensuing year, the applicant has worked diligently to clean up the site and address outstanding complaints. As of the writing of this staff report, it appears that the complaint files are closed. The applicant continues to remove debris and equipment from the subject property which were present at the time the subject property was conveyed. There are no specific plans for new development or improvements to the subject property at this time.

## COMPREHENSIVE PLAN PROVISIONS

<b>Plan Area:</b>	Area IV
<b>Planning District:</b>	Lower Potomac
<b>Planning Sector:</b>	Lorton-South Route 1 Community

The Comprehensive Plan provides the following guidance on the land use and the intensity/density for the subject property. On page 1 of the Lower Potomac Planning District of the 2013 edition of the Area IV Plan amended through October 20, 2015, under the heading, “Lower Potomac Planning District Overview,” the Plan states:

*“Industrial uses are located along portions of the CSX railroad tracks, near Lockport Place, and south of Gunston Cove Road between Interstate 95 (I-95) and Old Colchester Road.”*

The Comprehensive Plan Map shows the subject property to be planned for “Alternative Uses.” The Plan Map indicates that these are areas where the adopted Plan recommends more than one option.

The subject property is located in the Lorton-South Route 1 Community Planning Sector. The “Character” description of the area, found on page 60 of the Sector Plan states that

*“Another industrial area is generally located south of Gunston Cove Road along Richmond Highway and Giles Run Road. Existing uses include junkyards, warehouses, storage yards for heavy equipment, cars, boats and lumber, a recycling facility, concrete and paving services, and truck terminal.”*

Further, Land Unit F, where the subject property is located, is described as follows in the Lower Potomac Planning District policies, as amended through October 20, 2015:

*“Land Unit F Includes established and developing industrial uses adjacent to the CSX Railroad tracks and continues south of Mims Street to Hassett Street, incorporating properties fronting on both sides of Richmond Highway (See Figure 30). Existing uses include storage yards, warehouse/wholesale activities, a concrete batching plant and a metals recycling facility.”*

## **DESCRIPTION OF THE PLAT**

The Plat, entitled “Plat Showing Proposed I-6 Zone on a Portion of the subject property of JR Land, LLC,” is prepared by BC Consultants and dated January 15, 2016 (reduction at front of staff report). Shown in the upper northwest corner of Tax Map 113-2((1)) 18, the subject property measures approximately 70 feet wide on the east and west sides, about 215 feet long on the northern side and 220 feet along southern side. Access to the subject property will continue to be through Tax Map 113-2((1)) 18 from Mims Street, located approximately 460 feet south.

## **ZONING ORDINANCE PROVISIONS**

It is anticipated that development on the subject property will be accomplished in conjunction with development on the balance of Tax Map 113-2((1)) 18. Regulations of the I-6 (Heavy Industry) District for appropriate uses, bulk standards, parking, transitional screening and barriers will apply to all such development activities.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions. The need for this application resulted from a mapping error made by the County in 1953. The research conducted by the Zoning Administration Division shows that the decision by the Board of Supervisors, in 1953, intended and included the change in zoning classification of not only the Parent Parcel, but also of the subject property.

There were no proffer commitments made with the approval of RZ 877. Staff recommends approval of RZ 2016-MV-008 without proffer commitments as well since the need for this application is directly the result of a County mapping error.

### **Recommendations**

Staff recommends approval of RZ 2016-MV-008, without proffers, to correct a County mapping error.

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

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

## **APPENDICES**

1. Applicant's Statement of Justification
2. Affidavit
3. December 18, 2001 Zoning Administration Division Correspondence and determination request received September 21, 2001
4. Glossary

FEB 22 2016

Zoning Evaluation Division

**PROPOSED REZONING OF A PORTION OF  
FAIRFAX COUNTY TAX MAP 113-2 ((1)) PARCEL 18  
DUE TO A MAPPING ERROR**

**STATEMENT OF JUSTIFICATION**

**February 19, 2016**

**Project Justification:**

Fairfax County Tax Map 113-2 ((1)) Parcel 18 (“Parcel 18”) is located in the Mount Vernon District at 8050 Mims Street in Lorton, Virginia. Parcel 18 encompasses 6.06 acres (264,090 square feet). 5.71 acres (248,852 square feet) of the site is zoned I-6 with the remaining 0.35 acres (15,238 square feet) zoned R-1. The R-1 portion of the site (“Subject Site”) is located in the northwestern corner of Parcel 18 and is the subject of this rezoning request.

On July 16, 1953 the Fairfax County Board of Supervisors (“BOS”) approved Rezoning RZ-877 which included a portion of Parcel 18. The approval rezoned the land from the Agricultural District to the Industrial District; the applicable district designations established at that time. The Agricultural District was rezoned to the RE-1 Residential District and the Industrial District was rezoned to the I-G District with adoption of the 1959 Fairfax County Zoning Ordinance. On April 17, 1963 the BOS approved Rezoning RZ A-564 which rezoned the remaining portion of Parcel 18 to the I-G District. The I-G District was rezoned to the I-6 District and the RE-1 Residential District was rezoned to the R-1 District with adoption of the 1978 Zoning Ordinance.

Although the 1953 approval rezoned part of Parcel 18 to the subsequent I-6 District, a portion of the rezoned area was incorrectly mapped at that time. The mapping error excluded a portion of the rezoned area and incorrectly identified the excluded area as part of the original Agricultural District (i.e., the subsequent R-1 District). The mapping error was never corrected. The inaccurate map was adopted as part of the BOS’s approval of the 1959 and 1978 Zoning Ordinances and the corresponding County Zoning Maps. The incorrectly mapped area is that portion of Parcel 18 that is currently zoned R-1, the Subject Site.

Since the mapping error was unintentionally approved by the BOS, the error can only be corrected by their approval of a rezoning of the incorrectly mapped area. The

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proposed rezoning application is intended to correct the error and rezone the Subject Site, from its current R-1 District to the I-6 District.

**Conformance with the Fairfax County Comprehensive Plan:**

The Subject Site is located in the Lower Potomac Planning District of Area IV of the Fairfax County Comprehensive Plan. More specifically, the property is located in Land Bay "F" of the LP-2 Lorton-South Route 1 Community Planning Sector. While there is no specific plan text for Parcel 18, the parcel is referenced as part of an existing industrial use area adjacent to the CSX Railroad tracks. The existing industrial uses include storage yards, warehouse/wholesale activities, a concrete batching plant and a metals recycling facility.

The Subject Site is currently vacant and is in conformance with the provisions of its current zone, the R-1 District. The R-1 District itself is not in conformance with the objectives of the Comprehensive Plan for this particular site. The remaining portion of Parcel 18 is currently used as a storage yard with associated office and maintenance buildings and is in conformance with the Comprehensive Plan.

The proposed rezoning of the Subject Site is in conformance with the goals and objectives of the adopted Comprehensive Plan. It maintains the stability of non-residential uses in established industrial areas identified in the Comprehensive Plan and consolidates compatible land uses in existing service areas.

**Existing Conditions:**

Parcel 18 is located on the north side of Mims Street approximate 800 feet west/northwest of the intersection of Mims Street, Route 3670 and Richmond Highway, Route 1. It is currently used as a storage yard. The Subject Site is located in the northwest corner of Parcel 18 and is not adjacent to any streets or right-of-ways. The Subject Site was used by the previous owners as a mulching operation. When the current owner and Applicant, JR Land, LLC purchased the property in 2015, the mulching operation was removed and the Subject Site was restored to a natural state. It is currently a vacant field devoid of any trees or other substantial vegetation.

A manufacturing facility is located to the west of Parcel 18. It is zoned I-6 with a similarly incorrectly mapped portion of the R-1 District. A concrete batching operation and a building materials storage yard are located to the south across Mims Street. Both are zoned I-6. An I-5 zoned industrial/flex use condominium complex is located to the north. Most of the eastern property line is adjacent to a single family detached residential development that is zoned PDH 5. A small portion of the eastern property line near the southeastern corner of Parcel 18 is adjacent to a C-8 zoned building materials storage facility.

**Validation of Original Approval:**

As previously noted, this rezoning request is intended to correct a mapping error that occurred in 1953. The Subject Site was originally approved as part of RZ-877 for rezoning to the Industrial District; subsequently adopted by BOS's approval to the current I-6 District. The mapping error incorrectly identified the Subject Site as part of the land not included in the original rezoning and through succeeding BOS's approvals became that part of Parcel 18 that is zoned R-1.

As time progressed, the properties surrounding the Subject Site were rezoned to districts that allowed industrial and commercial uses as envisioned by the Comprehensive Plan. The R-1 District limits utilization of the Subject Site to uses that are not compatible with the existing operations adjacent to the site and are not in conformance with the existing uses outlined in the current Comprehensive Plan.

No land disturbance or uses are proposed with the Generalized Development Plan. The proposed rezoning is intended to correct the mapping error only. Approval would preserve the Applicant's right to future use and development of the Subject Site in accordance with the provisions of the I-6 District. Approval of this rezoning application would correct the mapping error and validate the original intent of RZ-877.

**Zoning Ordinance and Submission Requirements Waiver Requests:**

Based on the intent of the proposed rezoning, the Applicant requests the waiver of certain Zoning Ordinance and submission requirements that would otherwise be required of any subsequent approvals.

- Board of Supervisors approval of a waiver of the minimum district (lot) size.
- Zoning Evaluation Division waiver of the Stormwater Management/Best Management Practices submission requirements of Zoning Ordinance, Article 18-202, Paragraph 10A.
- Zoning Evaluation Division waiver of the landscaping (10-year tree canopy, transitional screening and/or barriers requirements), Existing Vegetation Map and any possible tree preservation submission requirements of Zoning Ordinance, Article 18-202, Paragraph 10T.

**REZONING AFFIDAVIT**

DATE: January 28, 2016  
 (enter date affidavit is notarized)

134432

I, Jon Redman (JR Land, LLC), do hereby state that I am an  
 (enter name of applicant or authorized agent)

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

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

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

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

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
JR Land, LLC  Agent: Jon Redman	8050 Mims Street Lorton, VA 22079	Applicant/Owner
BC Consultants, Inc.  Agents: Peter L. Rinck Dennis D. Dixon	12600 Fair Lakes Circle Suite 100 Fairfax, VA 22033	Engineers/Agent

(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 28, 2016  
(enter date affidavit is notarized)

134432

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

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

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

CORPORATION INFORMATION

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
JR Land, LLC  
8050 Mims Street  
Lorton, VA 22079

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

Jon JS Redman  
Robin S Redman

**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 29, 2016  
(enter date affidavit is notarized)

134432

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

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

The BC Consultants, Inc.  
12600 Fair Lakes Circle  
Suite 100  
Fairfax, VA 22033

**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)

James H. Scanlon  
Daniel M. Collier

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

James H. Scanlon, President

**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 28, 2016  
(enter date affidavit is notarized)

134432

for Application No. (s): \_\_\_\_\_  
(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)

(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 28, 2016  
(enter date affidavit is notarized)

134432

for Application No. (s): \_\_\_\_\_  
(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 28, 2016  
(enter date affidavit is notarized)

134432

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

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

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

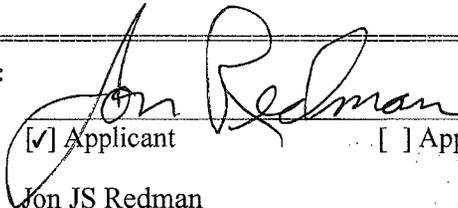
(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

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

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

WITNESS the following signature:

(check one)



Applicant [ ] Applicant's Authorized Agent

Jon JS Redman

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

Subscribed and sworn to before me this 4th day of February, 2016, in the State/Comm. of Virginia, County/City of Fairfax

  
Notary Public

My commission expires: 09/30/2016

THERESA S. CALTRIDER  
NOTARY PUBLIC  
REGISTRATION # 287564  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
SEPTEMBER 30, 2016



# FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING  
Zoning Administration Division  
Ordinance Administration Branch  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5505

V I R G I N I A

(703) 324-1314

Fax (703) 803-6372

December 18, 2001

Mr. Philip B. Mims  
Mimsco Steel Corporation  
8050 Mims Street  
Lorton, Virginia 22199-0036

Re: Zoning District Status  
8050 & 8100 Mims Street  
Tax Map Reference: 113-2 ((1)) 18, 18A  
Zoning Districts: R-1, I-6

Dear Mr. Mims:

This is in response to your letter to Jane Gwinn, received on September 21, 2001, requesting a determination of the correct zoning of the portion of the referenced Lots 18 and 18A designated R-1 on the Official Zoning Map - Fairfax County, Virginia, section sheet 113-2. It is your position that Lots 18 and 18A, in their entirety, should be zoned I-6. I apologize for the tardiness of this reply, however, extensive research was required.

The County's Zoning Map 113-2 indicates that both Lots 18 and 18A are zoned I-6, Heavy Industrial District and R-1, Residential District, One Dwelling Unit/Acre, with the I-6 District comprising the majority of the lots and the R-1 District comprising a strip approximately 70 feet wide along much of the northern lot line of the two lots. A review of the rezoning actions applicable to Lots 18 and 18A was undertaken to determine how the present zoning district designations occurred. According to our records the land area comprised of what is currently Lot 18A and a portion of Lot 18, which area encompasses the R-1 zoned land in question, was subject to Rezoning RZ 877, which was approved by the Board of Supervisors on July 16, 1953 and rezoned 5.8 acres from the Agricultural District to the Industrial District. It is noted that the Industrial District designation established by Rezoning RZ 877, was rezoned to the I-G District and the Agricultural District was rezoned to the RE-1 Residential District with the implementation of the 1959 Fairfax County Zoning Ordinance. Further, the I-G District was rezoned to the I-6 District and the RE-1 District was rezoned to the R-1 District with the implementation of the 1978 Zoning Ordinance. Though not germane to your request, it is further noted that the remainder of Lot 18, which is currently zoned I-6, was subject to Rezoning RZ A-564, which was approved by the Board of Supervisors on April 17, 1963 and rezoned approximately 26 acres from the RE-1 Residential District to the I-G General Industrial District.

The legal description of the area included in Rezoning RZ 877 indicates that the northern lot line was the lot line shared with the abutting Grigsby property to the north. However, the original mapping of Rezoning RZ 877 on the Zoning Map section sheet suggests that the lot line was

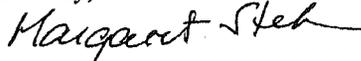
Philip B. Mims  
December 18, 2001  
Page 2

depicted in a location somewhat south of the Grigsby property and, as a result, Rezoning RZ 877 appears to have been incorrectly mapped in 1953. This mapping error would account for the narrow R-1 zoned strip located along the northern lot lines of Lots 18 and 18A. In an effort to verify whether a mapping error had occurred, staff of the Geographic Information Services (GIS)/Mapping Services Branch plotted the legal description associated with Rezoning RZ 877 onto the current zoning map using current computer technology. This effort indicated that a mapping error had been made and that the portion of Lot 18 and Lot 18A that is currently zoned R-1 District was rezoned to the Industrial District in 1953.

Unfortunately, although a mistake in 1953 resulted in the incorrect mapping of Rezoning RZ 877, the mapping error was approved by the Board of Supervisors with the adoption of a new County Zoning Ordinance and corresponding County Zoning Map in 1959 and, again, in 1978. Since the mapping error was approved by the Board of Supervisors in the adoption of the new Zoning Ordinance, it is not possible to administratively change the Zoning Map to correct the 1953 mapping error. Rather, the mapping error can be corrected only through the approval by the Board of Supervisors of a rezoning application. The rezoning process includes submission of an application package and fee, notice to adjacent property owners and posting of the property, and two public hearings, one before the Planning Commission and, the second before the Board of Supervisors. For your information, I am enclosing a rezoning application package. Additional information regarding the rezoning process may be obtained by calling the Zoning Evaluation Division at 703-324-1290. You may want to meet with Supervisor Hyland on this issue prior to filing a rezoning application.

I hope this adequately addresses your concern and regret that a simpler resolution is not possible. Should you have additional questions, please feel free to call me at 703-324-1314.

Sincerely,



Margaret E. Stehman  
Senior Assistant to the Zoning Administrator

MS

Attachments: A/S

cc: Gerald W. Hyland, Supervisor  
Mount Vernon District  
Jane W. Gwinn, Zoning Administrator  
Eileen M. McLane, Deputy Zoning Administrator  
for Ordinance Administration Branch  
Michael R. Congleton, Deputy Zoning Administrator  
for Zoning Permit Review Branch  
Robert Farrimond, Supervisor  
Base Property Mapping/Overlay Division, DIT

**MIMSCO STEEL CORPORATION**

P. O. BOX 36 - 8050 MIMS STREET  
LORTON, VIRGINIA 22079  
(703) 550-7600

FAIRFAX COUNTY  
RECEIVED

SEP 21 2001

DIVISION OF  
ZONING ADMINISTRATION

*2001-0684*

June W. Gwinn, Zoning Administrator  
Dept. of Planning & Zoning  
Suite 807  
12055 Govt. Center Pkwy.  
Fairfax, Va. 22035

Re: Map Reference No. 113 201  
0018B (Encl. 6)

Dear Miss Gwinn:

Sometime prior to Nov. 1962 Mimsco Steel Corp. purchased approximately ten acres of land, all in one parcel No. 18, from Myron Davies. Approximately six acres along the RF & P Railroad were zoned IG and the remaining four acres were zoned RE-1. Subsequently Mimsco Steel purchased nineteen adjacent acres from Charles Reeve which was also zoned RE-1. Subsequent to the above acquisitions, Mimsco Steel borrowed money from the Smith Corp. to be used for construction purposes on lot 18. Mimsco Steel gave titles for both properties to the Smith Corp. as collateral for the above loan. In order for the value of the collateral to be increased, the Smith Corp. required Mimsco Steel to have the RE-1 areas of the properties re-zoned to IG. (Encl. 1). Mimsco complied and had plat for re-zoning, dtd. Nov. 24, 1962 submitted to Fairfax County along with an application for re-zoning to IG. (Encl. 1 & 2).

On April 17, 1963 the Board of County Supervisors granted IG zoning to proposal A-564. (Encl. 3)

Sometime prior to July 17, 1963 Mimsco improved the access road from Highway No. 1 and brought it into the condition required for a future dedication to the State Highway System. Note that the width of the road (Encl. 4) dedication is shown as 60 feet. Ms. Jayne Collins, Dept. of Planning & Zoning, has determined that 60 feet is approximately the width of the R1 zone now shown along the northern boundary of our parcel No. 18-B which had been previously re-zoned to IG in its entirety. (Encl. 3)

On or about July 11, 1978, Mimsco Steel Corp. received approval of Site Plan No. 2175-SP-01-A-1. (Encl. 5) Ms. Vanessa Sye, Dept. of Information Technology, has determined that the 60 foot strip of R-1 zoning appeared on zoning maps at the time of the above site plan approval. We were not aware of the erroneous 60 foot wide R-1 zoning and have been utilizing the area for storage of inventory and vehicle parking for the subsequent twenty three years.

The septic system plan herewith, pertaining to subject parcel 18-B, also shows Mims St. (State Route 3670) as built from Hwy. 1 to the line of the RF & P railroad. It also shows the line of the Reeve property which Mimsco later sold to the Richmond Land Corporation. (Encl. 8)

Ltr: June W. Gwinn, Zoning Administrator, Fairfax Co.

The Deed Description (Encl. 3) for re-zoning Reeve and the Smith Corp. properties shows that the lot 18-B boundary line from south to north and ending at the R-1 zoning of Grigsby was 558 feet. (Encl. 2) The opinion of Ms. Jayne Collins in the zoning evaluation division was that when preparing the plans for 60 feet of road dedication the 558 foot dimension was then taken from the south side of the 60 foot dedication instead of the north side. This of course resulted in the IG zoning line stopping 60 feet short of the northern boundary line of parcel 18-B and now shown incorrectly on zoning maps as a 60 foot wide strip of R-1 zone. (Encl. 7)

It was recently brought to my attention by a tenant on lot 18-B that they were parking their trucks in area of R-1 zoning. They then showed me a copy of the zoning map and I told them that I would take immediate action to have what was an obvious error corrected.

Because of the above error our tenant has now moved from parcel 18-B and Mimsco Steel has lost \$36,000.00 per year in revenue as a result of the tax map incorrectly showing R-1 zoning. (Encl. 7)

Mimsco Steel Corp. was authorized by site plan No. 2175-SP-01-A-1, approved 9-11-78, to erect a craneway on the 60 foot wide portion of parcel 18-B incorrectly shown as R-1. (Encl. 5) I can only assume that the site plan reviewers must have realized that the R-1 was incorrect or they would not have approved a crane runway being erected thereon.

As matters stand now, Mimsco Steel Corp. is being deprived of a minimum of \$36,000.00 per year in revenue until this discrepancy is corrected on the zoning map to reflect the proper I-6 zoning.

We are currently holding conversations with the Handyman Concrete Co. relative to their desire to lease a portion of parcel 18-B from Mimsco Steel Corp. (Encl. 9) Negotiations must be held in abeyance until we have an acknowledgement from the County that the R-1 zoning on parcel 18-B is incorrect and that future zoning maps will show parcel 18-B as having been zoned I-6 in its entirety.

Please send Mimsco Steel Corp. a letter from the County that will alleviate any concerns that our prospective tenant may have concerning use of our parcel 18-B in its entirety.

Thank you for your favorable consideration in this regard.

Sincerely yours,

  
Philip B. Mims  
President

Mimsco Steel Corp.

- Encl: No. 1 Plat for Rezoning  
" 2 Plat of Reeve and Smith properties acquired by Mimsco.  
" 3 Resolution granting rezoning of land to IG.  
" 4 Building location on parcel 18.  
" 5 Approved site plan of parcel 18-B.  
" 6 Assessment change on parcel 18-B  
" 7 Current zoning map.  
" 8 Septic system plan which also shows the dimensions of Mims St  
" 9 Handy Man letter of lease proposal

**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		