

NOMINATION FORM

TYPE OR PRINT RESPONSES IN BLACK INK

Incomplete forms will not be accepted for review and will be returned to the nominator. Staff reserves the right to correct errors in street address, tax map number, acreage or current Plan designation. Be sure to attach required map and original certified mail receipts as proof of property owner notification.

PART 1. NOMINATOR/AGENT INFORMATION

Name: David R. Gill, Esquire Daytime Phone: 703-712-5039
 Address: McGuireWoods LLP, 1750 Tysons Boulevard, Suite 1800
McLean, VA 22102
 Nominator E-mail Address: dgill@mcguirewoods.com
 Signature of Nominator (NOTE: There can be only one nominator per nomination):
[Signature]

THIS BOX FOR STAFF USE ONLY	
Date Received:	<u>6/27/08</u>
Date Accepted:	<u>7-21-08 CBR</u>
Planning District:	<u>HM</u>
Special Area:	_____

Signature of Owner(s) if applicable: (NOTE: Attach an additional sheet if necessary. Each owner of a nominated parcel must either sign the nomination or be sent a certified letter.) _____

Anyone signing on behalf of a business entity must state the relationship to that organization below or on an attached page.

Agent on behalf of Kettler, Inc.

PART 2. GENERAL INFORMATION

Check appropriate supervisor district: Dranesville Hunter Mill Providence Sully

Total number of parcels nominated: 5

Total aggregate size of all nominated parcels (in acres and square feet): 74.3 acres 3,236,655 square feet

Is the nomination a Neighborhood Consolidation Proposal? Yes No

Are you aware that proposals that generate more than 5,000 vehicle trips per day over the current adopted Comprehensive Plan will trigger additional VDOT review? (See pages 8-9 for more information.) Yes No

PART 3: PROPERTY INFORMATION – Attach either the Property Information Table found at the end of this application form or a separate 8½ x 11 page (landscape format) identifying all the nominated parcels utilizing the format as shown in the Table found at the end of this application.

All subject property owners must be sent written notice of the nomination by certified mail unless their signature(s) appears in Part 1 (above).

IMPORTANT NOTE: Any nomination submitted without originals or copies of all the postmarked certified mail receipt(s) and copies of each notification letter and map will not be accepted.

PART 4: CURRENT AND PROPOSED COMPREHENSIVE PLAN AND ZONING DESIGNATIONS

See Section IV of the APR Guide for instructions.

a. CURRENT COMPREHENSIVE PLAN TEXT for nominated property: Use the Plan on the Web (www.fairfaxcounty.gov/dpz/) for your citation. It is the most current version: See attachment for Land Unit D-1

b. CURRENT PLAN MAP DESIGNATION: office and public park

c. CURRENT ZONING DESIGNATION: R-1

d. PROPOSED COMPREHENSIVE PLAN DESIGNATION: (NOTE: The proposal you submit with your nomination is the proposal that is to be presented to the task force and will be the subject of their consideration and vote). See attached suggested plan language.

e. DESCRIBE what development under the new plan would look like. (What uses? Type of buildings? Building heights? Surface or structured parking? Typical unit size?) Minor textual revisions and an incremental increase in FAR to provide appropriate incentive to complete key roadway and develop active recreational facility.

f. NON-RESIDENTIAL: Check the appropriate use Office Retail Government/Institutional
 Industrial Open Space
 Mixed Use (specify uses in table)

g. TOTAL Floor Area Ratio (FAR) Proposed: 0.4 TOTAL Gross Square Feet: _____

Categories	Percent of Total FAR	Square feet
Office	No change to existing planning	except for addition of service
Retail	retail.	
Public Facility, Govt & Institutional		
Private Recreation/Open Space		
Industrial		
Residential*		
TOTAL	100%	

*If residential is a component, provide the approximate number and size of each type of dwelling unit proposed in the chart below based on the approximate square footage.

h. RESIDENTIAL COMPONENT (Select the appropriate density range proposed and complete the table to the right):

- | | |
|---|--|
| <input type="checkbox"/> .1 - .2 du/ac (5-10 acre lots) | <input type="checkbox"/> 5 - 8 du/ac |
| <input type="checkbox"/> .2 - .5 du/ac (2-5 acre lots) | <input type="checkbox"/> 8 - 12 du/ac |
| <input type="checkbox"/> .5 - 1 du/ac (1 - 2 acre lots) | <input type="checkbox"/> 12 - 16 du/ac |
| <input type="checkbox"/> 1 - 2 du/ac | <input type="checkbox"/> 16 - 20 du/ac |
| <input type="checkbox"/> 2 - 3 du/ac | <input type="checkbox"/> 20+ (specify 10 unit density range) |
| <input type="checkbox"/> 3 - 4 du/ac | _____ |
| <input type="checkbox"/> 4 - 5 du/ac | |

Residential Unit Types			
Unit Type	Number of Units	Unit Size (sq ft)	Total Square Feet
Single Family Detached			
Townhouse			
Low-Rise Multifamily (1-4 stories)			
Mid-Rise Multifamily (5-8 stories)			
High-Rise Multifamily (9 + stories)			
TOTAL			

PART 5: MAP OF SUBJECT PROPERTY

Attach a map clearly outlining in black ink the property of the proposed Plan amendment. The map must be no larger than 8½ x 11 inches and clearly legible. Maps in color will not be accepted.

PART 6: JUSTIFICATION

Each nomination must conform to the Policy Plan and must meet at least one of the following guidelines. Check the appropriate box and provide a written justification that explains why your nomination should be considered, based on the guidelines below (two-page limit).

- The proposal would better achieve the Plan objectives than what is currently in the adopted Plan.
- There are oversights or land use related inequities in the adopted Plan that affect the area of concern.

All completed nomination forms must be submitted between May 1, 2008 and June 27, 2008 to:



Fairfax County Planning Commission Office
Government Center Building
12000 Government Center Parkway, Suite 330
Fairfax, Virginia 22035-5505

Middleton Farm APR
Property Information Table

Tax Map Number	Name of Property Owner	Street Address of Parcel	Mailing Address of Owner	Parcel Size In Acres	Parcel Size in Sq. Ft.	Signature of Owner or Certified Receipt Number
1	Horsepen Run, LLC	13801 Frying Pan Road	Horsepen Run, LLC c/o KSI Services, Inc. 8081 Wolftrap Road, Suite 300, Vienna VA 22182	66.0671	2,877,884	7004 2510 0000 1595 8755
2	Dick L. Jackson ET UX, Mark H. Henderson ET UX	NA	351 Talon Dr., Rexburg ID 83440 5248	4.3466	189,340	7004 2510 0000 1595 8748
3	Dick L. Jackson ET UX, Mark H. Henderson ET UX	13717 Frying Pan Road	351 Talon Dr., Rexburg ID 83440 5248	0.6431	28,013	7004 2510 0000 1595 8748
4	Dick L. Jackson ET UX, Mark H. Henderson ET UX	NA	351 Talon Dr., Rexburg ID 83440 5248	2.3569	102,667	7004 2510 0000 1595 8748
5	Horsepen Run, LLC	13713 Frying Pan Road	Horsepen Run, LLC c/o KSI Services, Inc. 8081 Wolftrap Road, Suite 300, Vienna VA 22182	0.8896	38,751	7004 2510 0000 1595 8755
TOTAL				74.30	3,236,655	

Doc. 6368141.1

Administrative Index

15-2	16-1
15-3	16-3
24-1	24-2 25-1

PROPERTY MAP ZONING 15-4

Revised to : 04 - 29 - 2008

PROPERTY MAP ZONING 15-4

Revised to : 04 - 29 - 2008

GENERAL NOTES

1. This map is a preliminary map and is subject to change without notice.

2. The zoning districts shown on this map are based on the zoning ordinance in effect on the date of the map.

3. The zoning districts shown on this map are subject to change without notice.

4. The zoning districts shown on this map are subject to change without notice.

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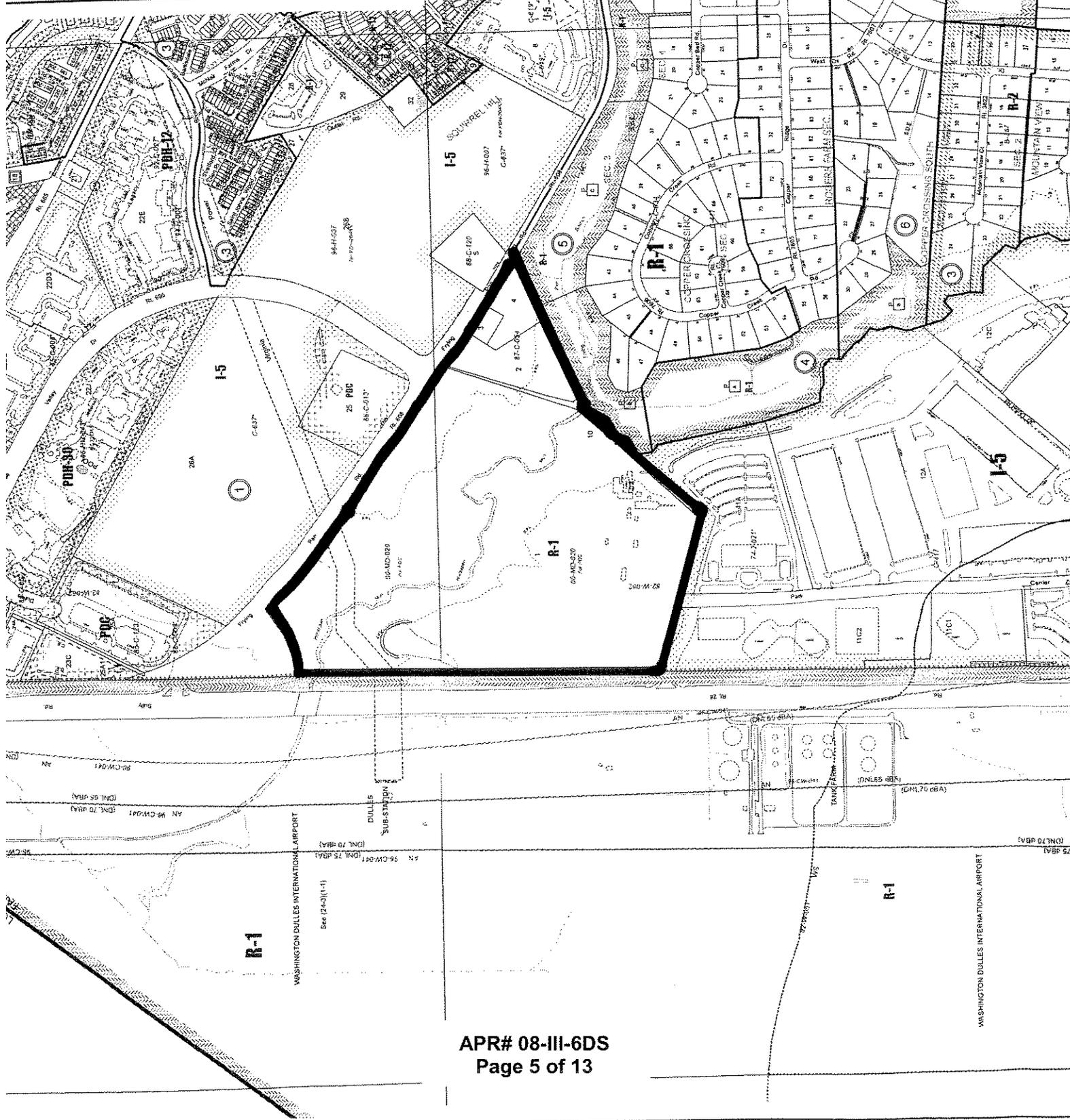
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Part 6: Justification (Middleton Farm)

Overview

This nomination is centered on the 67 acre tract commonly known as Middleton Farm (the "site"). Historically, prior efforts to replan this tract have focused on incorporating a mixed-use concept with a residential component. However, the community has expressed concern about the potential impact that residential would create. Therefore, in recognition of the community's concerns, this nomination is proposing minor textual revisions to the existing planning guidance to better encourage a proper mix of commercial uses, to preclude residential uses, and provide the appropriate incentive to construct the key roadway link between Horse Pen Road and Park Center Road.

In summary form and for the reasons stated below, this nomination proposes to: 1) make an incremental adjustment to the maximum FAR to reflect changing construction costs associated with the construction of a key roadway and create the incentives needed to facilitate roadway construction and dedication of parkland historically reflected in the plan; 2) eliminate the requirement to consolidate property at Tax Map 24-2((1)) 2, 3, 4 which is disaggregated by the required road construction and has numerous reasonable independent development options; and 3) add a strategic option for certain retail uses.

In consideration of these requests, the nominator is retaining all historic guidance with respect to issues of land dedication, environmental protection and road dedication. The nominator proposes enhanced or new language that, in connection with achieving the proposed maximum density of .40 FAR would require: 1) actual construction of recreational facilities on dedicated lands; and 2) providing reasonable funds for the acquisition of other lands for park and open space. This could include acquisition of the earlier referenced Tax Map 24-2((1)) 2, 3, 4.

Site Context

The nomination area is Land Unit D-1 of Dulles Suburban Center. The site is one of the few remaining undeveloped sites left in the Route 28 corridor. The site contains Middleton Farm and a few additional out buildings and is bisected by Horsepen Run. This means the site is also encumbered by an Environmental Quality Corridor (EQC) related to Horsepen Run. Thus, the southern portion of the site is the logical developable area. The nomination proposes no changes to historical guidance concerning the general orientation of the development away from environmentally-sensitive areas and the dedication of the same.

As importantly, the existing commercial and industrial areas to north and south of the site are already planned and zoned for development above that being proposed by this nomination. To the north, across Frying Pan Road, are several tracts zoned I-5 and PDC, both of which allow density higher than the current nomination, including the tract directly across Frying Pan Road which is approved for up to a 1.0 FAR. To the south is the former Redskin Park, which also zoned I-5 and would allow 0.5 FAR by-right. This surrounding density is well above the density contemplated for this site. The Copper Crossing community is the single-family subdivision to the east of the site and is largely buffered from the developable area of the site by Horsepen Run.

Critical Transportation Improvements

One of the key elements of the existing planning guidance that is retained is the provision of a roadway to link between Horse Pen Road and Park Center Road. The proposed adjustments to

the Comprehensive Plan are essential to being able to bear the costs of this critical link. This road would establish a local-serving transportation link from Dulles Corner to the north to Westfields and other commercial developments to the south. This long-planned and long-sought link would create viable access between these significant commercial areas and keep these local trips from being forced on to Route 28. As stated, the intent of this nomination is to create the proper incentive to ensure that this critical roadway connection will actually be built.

Further, as reflected in the attached proposed language, this nomination encourages that a transit stop will be included with development. This creates the potential to successfully implement meaningful Transportation Demand Management (TDM) measures to reduce transportation impact, consistent with the Transportation Policy Plan Objective 5, which states the County's goal is to "[p]romote TDM to support efficient use of the County's transportation system."

Better Mix of Uses

While historic discussion has focused on providing a residential component on the site, there remains a need and opportunity to provide meaningful service retail that will serve not only the development but also the larger community. Currently, service retail is not permitted under the existing planning guidance. This nomination will allow for that amenity to be provided. In the decades that have passed since the property was last replanned, the growth of residential in the area warrants consideration of additional retail options. Further, by creating the incentives needed to encourage commercial development, the County's tax base will continue to diversify while requiring significantly fewer County services than residential would. This is consistent with the County Economic Development Policy, Objective 1, which calls for "an environment where businesses flourish and jobs are created."

Conclusion

This nomination retains all logical and historic guidance regarding the preservation of environmental features and the construction of a critical road link. Any incremental impact of the very minor adjustment in FAR is more than offset by the benefits gained by ensuring completion of the road, and the new proposed requirements for dedication and development of needed active recreation facilities and possible funding for other open space acquisition in the area.

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PROPOSED PLAN LANGUAGE

DULLES SUBURBAN CENTER: LAND UNIT D-1

CHARACTER

Land Unit D-1 consists of approximately 75 acres and is bounded on the north by Frying Pan Road, the east by Frying Pan Branch Stream Valley Park, on the west by Route 28 and on the south by Land Unit D-2 (Figure 16). Horse Pen Run traverses the land unit, with approximately 50 percent of the land unit within the floodplain of the stream valley. The land unit contains the Middleton Farm and a few other structures and otherwise is not developed.

RECOMMENDATIONS

Land Use

1. The majority of this land unit is part of a working farm. The land unit has a considerable amount of EQC. Horse Pen Run Stream Valley traverses the northern portion of the area and is planned for public park use. Should the agricultural use be discontinued, the land unit is planned for office use up to .15 FAR with dedication of the right-of-way for the planned roadway extension between Park Center Road and Horse Pen Road and dedication of EQC lands to the Fairfax County Park Authority, to provide for development that is compatible with existing and planned adjacent land uses in Land Units D-2 and C.
2. As an option, office **and complimentary service retail** uses may be appropriate up to ~~.25~~**.35** FAR with construction of the planned roadway extension between Park Center Road and Horse Pen Road ~~and dedication of the right-of-way for transit~~ and the following additional conditions should be met:
 - Substantial **and logical** consolidation of ~~all five~~ parcels located within Land Unit D-1 is achieved which **allows for these recommendations to be implemented while** providing for the development of any unconsolidated parcels in conformance with the Comprehensive Plan **and shall have access to the planned roadway extension;**
 - Development is located **primarily concentrated** south of the Horse Pen Run EQC;
 - All EQCs are dedicated to the Fairfax County Park Authority and the land north of Horse Pen Run Stream Valley is developed for active recreational **or office/mixed-use** uses to serve residential and employment uses in the general area. Trails should be provided to connect this area with the development within the remainder of Land Unit D-1. It is also

desirable for additional land south of the EQC to be dedicated for active recreation uses to serve the immediate area;

- Appropriate screening is provided between any office development in this land unit and the existing residential development in Land Unit C to protect these stable residential communities; and
- A study of heritage resources should be conducted. ~~Preservation, or, at a minimum,~~ Recordation of significant heritage resources should occur. **Preservation of significant heritage resources is encouraged.**

If a transit stop is provided in or adjacent to Land Unit D-1 as a part of the transit system to serve the area, office use may be appropriate up to ~~.35~~ **0.4** FAR, if all the above conditions are met **and the following conditions are also met.** ~~and if the density above the .25 FAR is permanently transferred from land already zoned for commercial or industrial development within the Route 28 Tax District where lower intensity is planned.~~

- **Lands dedicated for active recreation uses are reasonably developed with appropriate facilities to serve residential and employment uses in the larger community as well as the proposed development; and**
- **Establish a mechanism for a reasonable contribution to help fund County acquisition of land for park or open space purposes and/or the development of recreational facilities on existing parking land in the vicinity. Such contributions should increase proportionately based on the amount of FAR approved above 0.35.**

Hotel and cultural facilities as described in Land Unit D-2, Land Use Recommendation #2, may also be appropriate in this land unit, subject to the conditions for office **and complimentary service retail** uses outlined above.

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Suchicital, Bernard S.

From: Suchicital, Bernard S.
Sent: Friday, August 22, 2008 4:13 PM
To: 'dgill@mcguirewoods.com'
Subject: North County APR nomination

David R. Gill, Esquire
McGuire-Woods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

2008-2009 North County APR Nomination: 74.3 acres in the Dulles Suburban Center, Land Unit D-1

Dear Mr. Gill:

The purpose of this email (a copy of which will be retained for the record) is to formally advise you that the above referenced 2008-2009 North County APR nomination, assigned a temporary ID number of PC-2008-033, has been received by the Department of Planning and Zoning. I have reviewed the nomination as to its compliance with the submission requirements as set forth in the *Guide to the 2008-2009 North County Area Plans Review*. The following information is missing from your submission and will be needed for review in the APR process:

- In Part 4f: Non-Residential, check the appropriate use/uses.
- In Part 4g: provide the total gross square feet, and fill out the table to reflect the addition of service retail.

Please respond to this email and provide the additional information requested for Parts 4f and 4g.

This information should be provided to the Department of Planning and Zoning by September 5th. Failure to do so will cause the nomination to be rejected.

I am the Department of Planning and Zoning staff member assigned to review your nomination. Please address your response or questions to me at bernard.suchicital@fairfaxcounty.gov.

Sincerely,
Bernie

Bernard S Suchicital

Planner II
Policy & Plan Development Branch
Department of Planning & Zoning
County of Fairfax, Virginia
P: 703-324-1254
F: 703-324-3056

**APR# 08-III-6DS
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8/22/2008

Suchicital, Bernard S.

From: Gill, David Robert-Jan [dgill@mcguirewoods.com]
Sent: Wednesday, September 03, 2008 7:37 PM
To: Suchicital, Bernard S.
Subject: RE: North County APR nomination

Take a look at our suggested plan text, really it is only the highest option that is changing, from the current recommendation 0.35 FAR to 0.4 FAR. The remaining options are staying the same, please let me know if you really need me to provide additional information for the base recommendation, which stays the same under our suggested plan text.

From: Suchicital, Bernard S. [mailto:Bernard.Suchicital@fairfaxcounty.gov]
Sent: Wed 9/3/2008 4:30 PM
To: Gill, David Robert-Jan
Subject: RE: North County APR nomination

Hey David,

I have a new question after going over this one more time. The table that you provided, I assume it's for the highest intensity level of .40 FAR; is that correct? If so, is the mix of uses the same percentage for the lower development options? Can you provide a table showing the different proposed levels?

Thanks,
Bernie

Bernard S Suchicital

Planner II
Planning Division

From: Gill, David Robert-Jan [mailto:dgill@mcguirewoods.com]
Sent: Wednesday, September 03, 2008 11:47 AM
To: Suchicital, Bernard S.
Subject: RE: North County APR nomination

Perfect, let me know if you need anything else before it goes to PC for final acceptance.

David R. Gill
McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102-4215
703.712.5039 (Direct Line)
703.712.5297 (Direct FAX)
dgill@mcguirewoods.com

This e-mail may contain confidential or privileged information. If you are not the intended recipient, please advise by return e-mail and delete immediately without reading or forwarding to others.

APR# 08-III-6DS
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-----Original Message-----

From: Suchicital, Bernard S. [mailto:Bernard.Suchicital@fairfaxcounty.gov]

9/4/2008

Sent: Wednesday, September 03, 2008 11:45 AM
To: Gill, David Robert-Jan
Subject: RE: North County APR nomination

Thanks David!

I have updated the application you have submitted. I'll get in touch with you within the next few weeks regarding the next steps of the APR process.

Bernie

Bernard S Suchicital

Planner II
 Planning Division

From: Gill, David Robert-Jan [mailto:dgill@mcguirewoods.com]
Sent: Tuesday, September 02, 2008 11:22 AM
To: Suchicital, Bernard S.
Cc: Riegler, Gregory A.; Charlie Kieler; Eddie Byrne; james.martin@clarkadvisors.com
Subject: RE: North County APR nomination

Bernie,

Below please find a table summarizing the response to your questions and to create a specific alternative for staff to analyze.

	% of Total FAR	Sq. Ft.	Max. Rooms
Office	81%	Up to 1,050,463	
Hotel	15%	Up to 194,199	500
Retail	4%	Up to 50,000	
Total		1,294,662	

Note that, consistent with statement of justification and the suggested plan text, the nominator controls 67 acres of the 74 acres that were nominated. The intent of nominator is to pursue development at up to a 0.4 FAR over the 67 acres they control, in accordance with the suggested plan text. Please let me know if you need any additional information to deem this nomination complete.

Thank you.

David R. Gill
 McGuireWoods LLP
 1750 Tysons Boulevard, Suite 1800
 McLean, VA 22102-4215
 703.712.5039 (Direct Line)
 703.712.5297 (Direct FAX)
 dgill@mcguirewoods.com

This e-mail may contain confidential or privileged information. If you are not the intended recipient, please advise by return e-mail and delete immediately without reading or forwarding to others.

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APR# 08-III-6DS
Page 12 of 13

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I am the Department of Planning and Zoning staff member assigned to review your nomination. Please address your response or questions to me at bernard.suchicital@fairfaxcounty.gov.

Sincerely,
Bernie

Bernard S Suchicital

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