



2009-2010 SOUTH COUNTY AREA PLANS REVIEW GUIDE

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: Martin D. Walsh on behalf of OVD Associates LLC Daytime Phone: 703-528-4700
Address: Walsh, Colucci, Lubeley, Emrich & Walsh, PC
2200 Clarendon Blvd., Suite 1300, Arlington, VA 22201
Nominator E-mail Address: mw Walsh@arl.thelandlawyers.com emckeeby@arl.thelandlawyers.com

Signature of Nominator (NOTE: There can be only one nominator per nomination):

Martin D. Walsh by em

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.) See attached Property Information Table for owner signature.

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

THIS BOX FOR STAFF USE ONLY
Date Received: 9/16/09
Date Accepted: 9-24-09 ARR
Planning District:
Special Area:

PART 2. GENERAL INFORMATION

Check appropriate supervisor district(s): [] Braddock [x] Lee [] Mason [] Mount Vernon [] Springfield

Total number of parcels nominated: 1

Total aggregate size of all nominated parcels (in acres and square feet): 12.05 acres 525,046 square feet

Is the nomination a Neighborhood Consolidation Proposal? [] Yes [x] 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.) [x] Yes [] No

PART 3: PROPERTY INFORMATION - Attach either the Property Information Table found at the end of this application form or a separate 8 1/2 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: Please see Attachment 1.

b. CURRENT PLAN MAP RECOMMENDATION: Office

c. CURRENT ZONING DESIGNATION: PDC - Planned Development Commercial

d. PROPOSED COMPREHENSIVE PLAN RECOMMENDATION: (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). Retain current base plan and flexibility for timing of potential residential component for mixed-use options.

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?) Mixed-use buildings up to 12 stories or 150 feet in height with combination of structured and surface parking.

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: 1.56* TOTAL Gross Square Feet: 850,000
 *Per existing zoning approval; see Attachment 2

Categories	Percent of Total FAR	Square feet
Office **	50%	425,000
Retail		
Public Facility, Govt & Institutional		
Private Recreation/Open Space		
Industrial		
Residential*	50%	425,000
TOTAL	100%	850,000

*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 (Circle the appropriate density range proposed and complete the table to the right):

- (see Attachment 2)
- .1 - .2 du/ac (5-10 acre lots) 5 - 8 du/ac
 - .2 - .5 du/ac (2-5 acre lots) 8 - 12 du/ac
 - .5 - 1 du/ac (1 - 2 acre lots) 12 - 16 du/ac
 - 1 - 2 du/ac 16 - 20 du/ac
 - 2 - 3 du/ac 20+ (specify 10 unit density range)
 - 3 - 4 du/ac
 - 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)	472	900	425,000
High-Rise Multifamily (9 + stories)	472	900	425,000
TOTAL:	472	900	425,000

**Please note that existing zoning approval permits office development up to 850,000 sf of GFA

*Based on 900 sf average unit

Continued

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 August 3, 2009 and September 16, 2009 to:



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

PROPERTY INFORMATION TABLE

All subject property owners must be sent written notice of the nomination by certified mail unless their signature appears in Part 1 of this application. If you are required to notify more than one property owner, you must provide all the information requested below.

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.

Tax Map Number	Street Address of Parcel if available	Name of Property Owner	Mailing Address of Owner	Parcel Size in Acres	Signature of Owner or Certified Receipt Number
81-2-((3)) -12A	5708 Oakwood Rd.	OVD Associates LLC	15th Floor 7500 Old Georgetown Rd. Bethesda, MD 20814	12.05	<i>Lawrence C. Nussdorf</i>

*OVD Associates, LLC
BY: CEI Realty, Inc., Manager
Lawrence C. Nussdorf, President



Map Scale: 1" = 100 Feet
Map Date: 01-01-2000
Map Title: PROPERTY MAP ZONING 81-2
Map Author: Planning Department

GENERAL NOTES

- 1. This map is a part of the City of Norfolk's zoning ordinance.
- 2. The zoning ordinance is available for review at the Planning Department, 1000 Independence Boulevard, Norfolk, VA 23510.
- 3. The zoning ordinance is available for review at the City Clerk's Office, 1000 Independence Boulevard, Norfolk, VA 23510.
- 4. The zoning ordinance is available for review at the City Manager's Office, 1000 Independence Boulevard, Norfolk, VA 23510.
- 5. The zoning ordinance is available for review at the City Council's Office, 1000 Independence Boulevard, Norfolk, VA 23510.
- 6. The zoning ordinance is available for review at the City's website, www.norfolkva.gov.
- 7. The zoning ordinance is available for review at the City's public library, 1000 Independence Boulevard, Norfolk, VA 23510.
- 8. The zoning ordinance is available for review at the City's public library, 1000 Independence Boulevard, Norfolk, VA 23510.
- 9. The zoning ordinance is available for review at the City's public library, 1000 Independence Boulevard, Norfolk, VA 23510.
- 10. The zoning ordinance is available for review at the City's public library, 1000 Independence Boulevard, Norfolk, VA 23510.



ADMINISTRATIVE INDEX

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81-1	82-1
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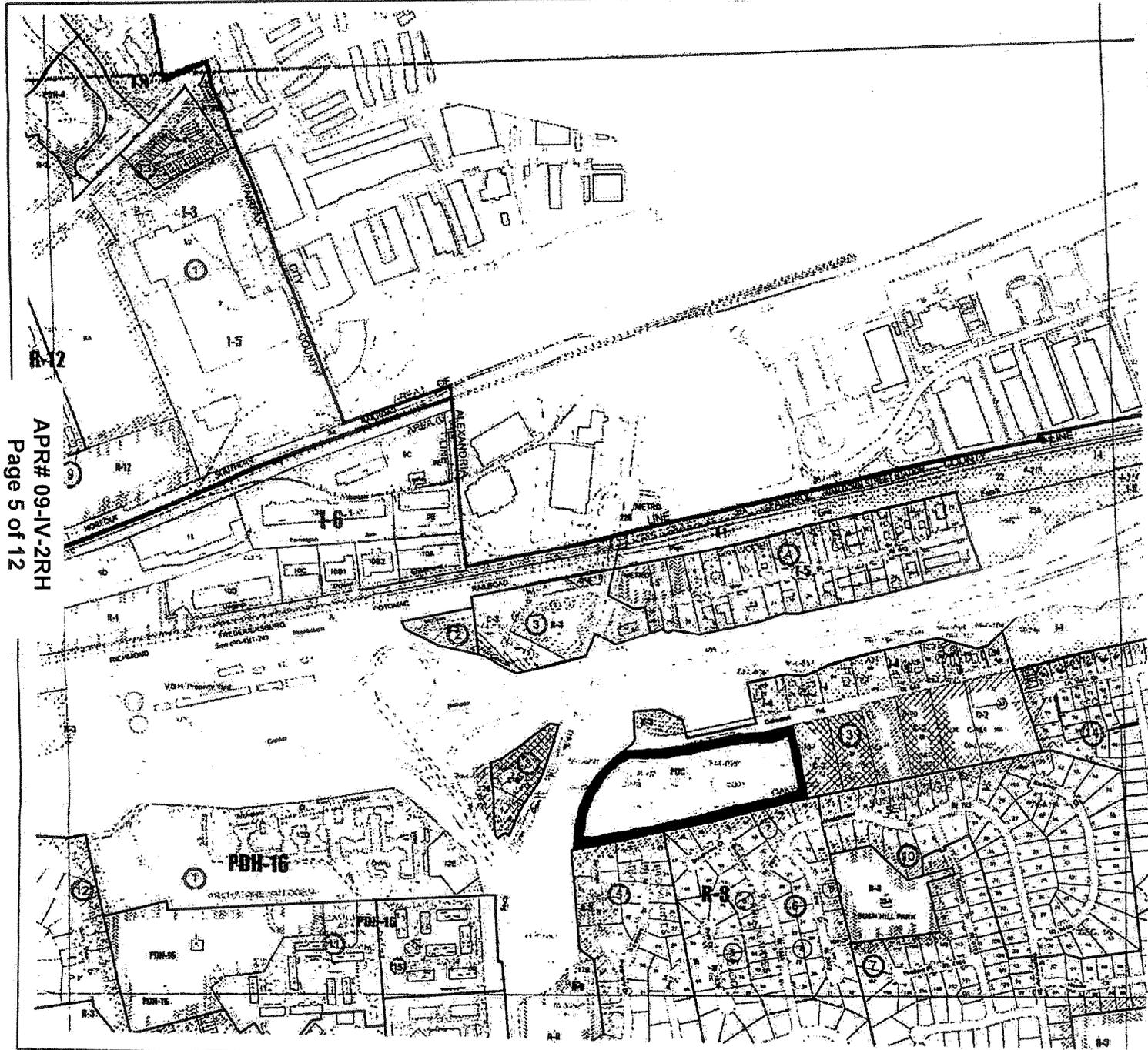
SHEET INDEX

PROPERTY MAP ZONING 81-2

Revised by: 01-01-2000

Prepared by:
PLANNING DEPARTMENT
1000 INDEPENDENCE BOULEVARD
NORFOLK, VIRGINIA 23510
757-620-1111
FAX 757-620-1112

www.norfolkva.gov
Map No. 81-2



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Proposed Plan Text

(shown as blackline over current Comprehensive Plan text)

Revised October 23, 2009

Land Unit D

Traffic capacity in Land Unit D is limited, thus constraining the extent and character of development until suitable road improvements are made. Until this limitation is resolved, parcels in this land unit should continue in their current uses. Infill development of low intensity industrial or office uses up to .25 FAR on the north side of Oakwood Road, and office uses up to .50 FAR on the south side is planned.

Contingent upon provision of adequate roadway and transit access and (dependent primarily on non-automobile forms of transportation), a mix of office/hotel/retail uses at overall intensities up to 1.0 FAR, consistent with the guidelines for Transit Station Areas in the Concept for Future Development, may be considered for this land unit. Residential development may be considered as a component of mixed-use development, subject to adequate noise mitigation. The design concepts outlined above should be incorporated into development of the land unit, and the following conditions are met:

- It is important that mixed-use projects that include residential use be phased to ensure development of both the residential and non-residential components occurs. This phasing requires that the residential and non-residential components be developed at the same time or that a substantial portion of the non-residential development be in place prior to residential development;
- Development promotes transit utilization in the land unit through design and Transportation Demand Management (TDM) techniques. A transportation study demonstrating that access and road capacity are adequate to support office or mixed-use development at an acceptable level of service must be provided in conjunction with implementation of enforceable TDM measures based on demonstrated success in other areas should be encouraged;
- Substantial parcel consolidation of the land unit is achieved, especially of the small parcels with terrain variations in the eastern portion of the land unit;
- Development provides high quality site and architectural design, landscaping, and development amenities with a strong pedestrian focus. Amenities including usable open space in the form of urban plazas with benches and other outdoor furniture are encouraged;
- Screening and buffering to protect nearby residential areas to the south is provided;
- Building heights taper down toward adjacent lower density residential areas and form a compatible transition; and
- Attenuation measures to reduce noise impacts from I-95/495 traffic and other sources are provided.

Parcel 81-2-((3))-12A may be developed up to a 1.62 FAR per its existing zoning approval for office, as well as up to 1.62 FAR for residential or mixed-use. Residential development may be considered as a component of mixed-use development, subject to adequate noise mitigation. The design concepts outlined above should be incorporated into development of the land unit, and the following conditions are met:

- Development promotes transit utilization in the land unit through design and Transportation Demand Management (TDM) techniques. A transportation study demonstrating that access and road capacity are adequate to support office or mixed-use development at an acceptable level of service must be provided in conjunction with implementation of enforceable TDM measures based on demonstrated success in other areas should be encouraged;
- Efforts are made toward substantial parcel consolidation of the land unit, especially of the small parcels with terrain variations in the eastern portion of the land unit;
- Development provides high quality site and architectural design, landscaping, and development amenities with a strong pedestrian focus. Amenities including usable open space in the form of urban plazas with benches and other outdoor furniture are encouraged;
- Screening and buffering to protect nearby residential areas to the south is provided;
- Building heights taper down toward adjacent lower density residential areas and form a compatible transition; and
- Attenuation measures to reduce noise impacts from I-95/495 traffic and other sources are provided.

Part 6: Justification

The approximately 12.05 acre "Nomination Property" (Fairfax County Tax Map Parcel 81-2-((3))-12A) is located within the Comprehensive Plan's Van Dorn Transit Station Area, and more specifically, within Land Unit D of the Transit Station Area. The current Comprehensive Plan text for Land Unit D provides an option for mixed-use development to include office, hotel and retail uses as well as potentially residential use. You may be aware that the Nomination Property is presently governed by an approved Conceptual/Final Development Plan consisting of approximately 850,000 square feet of primarily office development and the proposed Plan language would retain that option.

As indicated above, this Nomination proposes to maintain the current base plan for the Nomination Property which allows the possibility for a mix of office/hotel/retail. The current Plan language also states that residential use may be considered as a component of mixed-use development. With this Nomination, the Nominator requests additional flexibility as to the phasing for a possible residential component of future mixed-use development via the deletion of the current criteria relative to the phasing of the residential and non-residential components. While the Nominator understands that the intent of the current Plan is to assure that both residential and non-residential portions of any future mixed-use development are ultimately constructed, this Nomination requests some flexibility by not specifying the amount of non-residential development that must be constructed prior to, or concurrently with, the construction of potential residential development.

The widely recognized principles for "smart growth" as well as County planning policy that supports transit-oriented mixed-use development within proximity to mass transit facilities. The Nomination Property is located approximately one mile from the Van Dorn Metrorail Station. In addition, the 12-acre size of the Nomination Property offers the opportunity for a mixed-use development plan that provides high-quality design, site layout and circulation. In summary, with this Nomination, the Nominator requests that the phasing recommendation as currently written in the Comprehensive Plan be removed to acknowledge the current economic conditions and allow the possibility for residential development to be constructed prior to a large portion of non-residential development.

We look forward to working with Staff on this APR nomination. Please do not hesitate to call me if you have any questions or require additional information for this nomination.

Note – Part ‘G’ and ‘H’ of Application Form – Use and FAR Matrix Charts

The following paragraph serves to supplement the matrix charts on Part ‘G’ and Part ‘H’ of the APR Nomination application form. We have provided the charts to state proposed maximum development square footages that may be associated with this proposed APR nomination. It is important to note, that these numbers are provided solely as the baseline for Staff’s analysis of the APR Nomination and do not represent a specific zoning proposal or site plan. There is already zoning approval on the Nomination Property for approximately 850,000 square feet of office development and this Nomination would retain the option to develop under the existing zoning approval for office use.

Rybold, Kimberly M.

From: McKeeby, Elizabeth [emckeeby@arl.thelandlawyers.com]
Sent: Friday, October 16, 2009 3:56 PM
To: Rybold, Kimberly M.
Cc: Walsh, Martin D.; Jeff.Salinetti@clarkus.com
Subject: RE: 2009-2010 South County APR Nomination PC 2009-032
Categories: SC APR

Good afternoon Kimberly:

Per our telephone conversation earlier in the week, I am following up with an email per your request. As we discussed, there appears to be a minor discrepancy between the land area for this parcel as stated in the current County Tax Records and on the CDP/FDP that was approved in 1994. The current County Tax Records state the land area as 12.05 acres and the prior zoning approval states the land area (post the required dedication) as 12.45 acres. We understand that using the Tax Records information with the presently approved 850,000 square feet results in a 1.62 FAR, rather than the 1.56 stated on the APR nomination form. Please be aware that we are not requesting any additional density beyond that which was approved in 1994, but acknowledge the small site area discrepancy and know that Staff uses the Tax Record land areas as the basis for analysis of APR Nominations.

Please let me know if you need any additional clarification to review this nomination. Thank you.

Elizabeth A. McKeeby, AICP, LEED AP
Land Use Planner

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
 2200 Clarendon Boulevard, 13th Floor
 Arlington, VA 22201-3359
 emckeeby@arl.thelandlawyers.com
 P (703) 528-4700
 F (703) 525-3197

From: Walsh, Martin D.
Sent: Tuesday, October 13, 2009 9:10 PM
To: McKeeby, Elizabeth
Subject: FW: 2009-2010 South County APR Nomination PC 2009-032

From: Rybold, Kimberly M. [mailto:Kimberly.Rybold@fairfaxcounty.gov]
Sent: Tuesday, October 13, 2009 2:50 PM
To: Walsh, Martin D.
Subject: 2009-2010 South County APR Nomination PC 2009-032

Martin D. Walsh
 Walsh, Colucci, Lubeley, Emrich & Walsh, PC
 2200 Clarendon Boulevard, Suite 1300

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Arlington, VA 22201

RE: South County APR Nomination: 12.05 acres in the Van Dorn Transit Station Area, Land Unit D

Dear Mr. Walsh:

The purpose of this e-mail (a copy of which will be retained for the record) is to formally advise you that the above referenced South County APR Nomination, assigned a temporary ID number of PC 2009-032, 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 *2009-2010 South County Area Plans Review Guide* and have the following concerns:

- In Part 4g: Total Floor Area Ratio and Gross Square Feet Proposed, you have indicated that the proposed floor area ratio (FAR) is 1.56, with 850,000 total gross square feet of development proposed. However, 850,000 square feet on 12.05 acres is calculated to be 1.62 FAR. Please advise me if you would like to change the intensity to 1.62 FAR to reflect 850,000 square feet of development or if you would like to reduce the square footage to 819,072 proposed to be consistent with a 1.56 FAR.

This information should be provided to the Department of Planning and Zoning as soon as possible. Failure to do so by October 27, 2009 may cause the nomination to be rejected.

I am the Department of Planning and Zoning staff member assigned to review your nomination for technical compliance with the application. Please address your response or questions to me at kimberly.rybold@fairfaxcounty.gov.

Sincerely,

Kimberly M. Rybold

Fairfax County Department of Planning & Zoning
Planning Division
12055 Government Center Pkwy, Suite 730
Fairfax, Virginia 22035
703.324.1380 (office)
703.324.3056 (fax)

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10/16/2009

Rybold, Kimberly M.

From: McKeeby, Elizabeth [emckeeby@arl.thelandlawyers.com]
Sent: Friday, October 23, 2009 2:34 PM
To: Rybold, Kimberly M.
Cc: Walsh, Martin D.; Jeff.Salinetti@clarkus.com
Subject: Clark - Oakwood Van Dorn APR clarification
Attachments: Proposed Plan Text Revised 10-23-09 (A0178571).DOC

Kim: Per our discussion earlier this week about building heights, I am confirming that the intent of our nomination was that any future building, office or residential, may be up to the 12 stories or 150' stated in the application.

Also, per your request, please see the revised proposed draft Plan language attached. This version should be more clear that we are only amending the bullets as related to Parcel 12A, and not the whole Sub-unit. Thanks and let me know if you need anything else.

<<Proposed Plan Text Revised 10-23-09 (A0178571).DOC>>

**Elizabeth A. McKeeby, AICP, LEED AP
Land Use Planner**

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201-3359
emckeeby@arl.thelandlawyers.com
P (703) 528-4700
F (703) 525-3197

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