



County of Fairfax, Virginia

MEMORANDUM

DATE: April 17, 2018

TO: Board of Supervisors

FROM: Marianne Gardner, Director, Planning Division, *MG*
Department of Planning and Zoning

SUBJECT: Recent Comprehensive Plan Amendments Related to Proffer Legislation

Virginia code section, 15.2-2303.4 (*Provisions Applicable to Certain Conditional Rezoning Proffers*) took effect on July 1, 2016 and applies to all rezoning and proffered condition amendment applications filed on and after that date. This memo provides updated Comprehensive Plan guidance relating to the legislation and supersedes the March 30, 2017 memo.

The following Comprehensive Plan Amendments were adopted by the Board of Supervisors and pertain to the 2016 legislation:

- 2016-II-M2 (November 1, 2016) replanned a portion of the McLean Community Business Center by adding an option for an intensity of 3.0 FAR.
- 2016-CW-3CP (March 14, 2017) provided clarity to the Comprehensive Plan regarding the proffer legislation and established a list of exempt areas.
- 2017-IV-S1 (October 24, 2017) expanded the Franconia-Springfield Transit Station Area, an exempt area from the legislation.
- 2013-I-L1 (March 6, 2018) established the Lincolnia Community Business Center and added an option for an intensity of 3.0 FAR.

Please note the following summary and excerpts from the Comprehensive Plan that are relevant to the legislation:

- 1) Recommendations in the Comprehensive Plan are not a request for, requirement of, or suggestion of a proffer within areas subject to the proffer legislation:

“On July 1, 2016, Code of Virginia Section 15.2-2303.4 became law. This statute applies to certain applications for rezoning and proffered condition amendments related to new residential development and uses, including those that are part of mixed-use development. Although there are recommendations and guidance for residential development and uses throughout the Comprehensive Plan, the Comprehensive Plan does not—and should not be read to—suggest, request, or require any proffered condition for any particular site, development, or use.”

2) Definition of Small Area Plan:

“SMALL AREA PLAN: A geographic subcategory of the Comprehensive Plan. Small Area Plans provide recommendations for defined areas to accommodate and guide future growth consistent with the Concept for Future Development.”

3) Areas within the Comprehensive Plan that are exempt from the provisions of the legislation:

“Section 15.2-2303.4 exempts new residential development or use when it occurs within a small area plan, approved as part of the Comprehensive Plan that meets certain criteria set out in the statute. The following areas meet those criteria and are exempt:

1. Tysons Urban Center
2. Reston (includes the Herndon Transit Station Area, Reston Town Center Transit Station Area, and Wiehle-Reston East Transit Station Area)
3. Merrifield Suburban Center (includes the Dunn Loring Transit Station Area)
4. Franconia-Springfield Area (includes the Springfield Community Business Center and Franconia-Springfield Transit Station Area)
5. Dulles Suburban Center (includes the Innovation Center Transit Station Area)
6. Huntington Transit Station Area
7. Vienna Transit Station Area
8. Van Dorn Transit Station Area
9. West Falls Church Transit Station Area
10. Fairfax Center Area (includes Fairfax Center Suburban Center)
11. Annandale Community Business Center

12. Baileys Crossroads Community Business Center
 13. Seven Corners Community Business Center
 14. Richmond Highway Corridor Area (includes the Community Business Centers of North Gateway, Penn Daw, Beacon/Groveton, Hybla Valley/Gum Springs, South County Center, and Woodlawn, and adjacent Suburban Neighborhoods)
 15. McLean Community Business Center
 16. Lincolnia Community Business Center”
- 4) The following mixed use areas are not exempt from the provisions of the proffer legislation because they currently do not fall within one of the exemption categories provided in the legislation:
1. Centreville Suburban Center
 2. Flint Hill Suburban Center
 3. Lorton-South Route 1 Suburban Center
 4. Kingstowne Community Business Center
- 5) Maps, text, and graphics in the Comprehensive Plan show and describe certain small area plans as fully encompassing existing or planned Metrorail stations or as adjacent to Metrorail stations located in neighboring localities.
- 6) The attached map shows the locations of each of the exempt mixed use areas. Larger scale versions of this map will be provided upon request.

Any questions regarding this memorandum should be directed to me or Kristen Hushour, Senior Planner, Planning Division. We can both be reached at 703-324-1380.

Enc: Proffer Legislation Exempt Mixed-Use Small Areas Map

cc: Fairfax County Planning Commission
Bryan Hill, County Executive
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Department of Transportation
Barbara Byron, Director, Office of Community Revitalization
Thomas Fleetwood, Director, Department of Housing and Community Development
Bill Hicks, Director, Land Development Services
Kirk Kincannon, Director, Fairfax County Park Authority
James Patteson, Director, Department of Public Works and Environmental Services

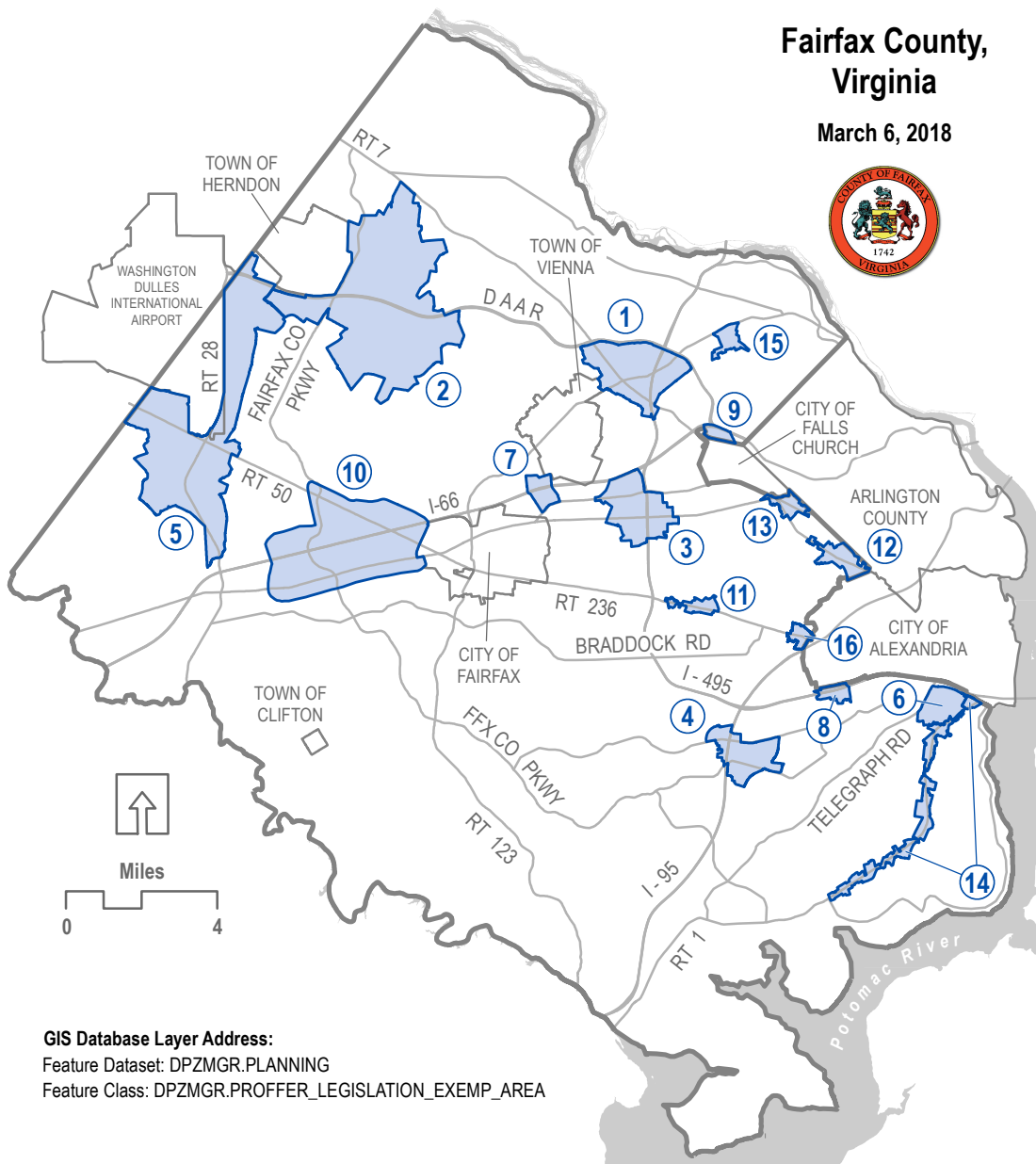
David Stoner, Deputy County Attorney, County Attorney Office
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Leslie Johnson, Zoning Administrator, DPZ
Tracy Strunk, Director, Zoning Evaluation Division, DPZ
Kristen Hushour, Senior Planner, Planning Division, DPZ

Fairfax County, Virginia

March 6, 2018



Proffer Legislation Exempt Mixed-Use Small Areas



GIS Database Layer Address:

Feature Dataset: DPZMGR.PLANNING

Feature Class: DPZMGR.PROFFER_LEGISLATION_EXEMP_AREA

- 1) Tysons Urban Center
- 2) Reston
Includes Herndon Transit Station Area, Reston Town Center Transit Station Area, and Wiehle-Reston East Transit Station Area
- 3) Merrifield Suburban Center
Includes Dunn Loring Transit Station Area
- 4) Franconia-Springfield Area
Includes Springfield Community Business Center and Franconia-Springfield Transit Station Area
- 5) Dulles Suburban Center
Includes Innovation Center Transit Station Area
- 6) Huntington Transit Station Area
- 7) Vienna Transit Station Area
- 8) Van Dorn Transit Station Area
- 9) West Falls Church Transit Station Area
- 10) Fairfax Center Area
Includes Fairfax Center Suburban Center
- 11) Annandale Community Business Center
- 12) Baileys Crossroads Community Business Center
- 13) Seven Corners Community Business Center
- 14) Richmond Highway Corridor Area
Includes:
North Gateway Community Business Center
Penn Daw Community Business Center
Beacon/Groveton Community Business Center
Hybla Valley/Gum Springs Community Business Center
South County Center Community Business Center
Woodlawn Community Business Center
and adjacent Suburban Neighborhoods
- 15) McLean Community Business Center
- 16) Lincolnia Community Business Center

Map prepared by the Fairfax County Department of Planning & Zoning. It includes boundary changes resulting from Plan Amendment 2017-07, adopted March 6, 2018.