



FAIRFAX COUNTY

APPLICATION FILED: March 1, 2005
PLANNING COMMISSION: September 22, 2005
BOARD OF SUPERVISORS: Not yet scheduled

V I R G I N I A

September 7, 2005

STAFF REPORT

APPLICATION RZ 2005-SU-007

SULLY DISTRICT

APPLICANTS: Carl Bernstein, Trustee and Horacio Magalhaes, Trustee

PRESENT ZONING: R-1 and WS

REQUESTED ZONING: R-8 and WS

PARCEL: 54-3 ((2)) 47

ACREAGE: 1.75 acres

DENSITY: 5.71 du/ac

OPEN SPACE: 37%

PLAN MAP: Residential, 5-8 du/ac and Public Park

PROPOSAL: Rezone 1.75 acres from the R-1 and WS Districts to the R-8 and WS Districts to permit the development of 10 single family attached dwelling units

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2005-SU-007 subject to the proffers consistent with those contained in Appendix 1.

Staff recommends approval of a waiver of the minimum district size.

Staff recommends approval of a modification of the transitional screening and barrier requirements along a portion of the southern property boundary.

It should be noted that it is not the intent of the 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.

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 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS MAY BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF APPLICATION

Proposal

The applicants, Carl Bernstein, Trustee and Horacio Magalhaes, Trustee, request approval of a rezoning of a 1.75 acre property from the R-1 and WS Districts to the R-8 and WS Districts to permit the development of 10 single family attached dwelling units at an overall density of 5.71 dwelling units per acre (du/ac).

Waivers and Modifications

- Waiver of the minimum district size (5 acres)
- Modification of the Transitional Screening and barrier requirements (TS 1, Barrier B or A) along a portion of the southern property boundary.

LOCATION AND CHARACTER

Site Description:

The 1.75 acre property is located on the east side of O’Day Drive, approximately 1,000 feet north of its intersection with Lee Highway. The 150 foot wide property is currently occupied by a single family detached dwelling. The site drains to the northeast where an EQC associated with Big Rocky Run is located. Existing vegetation is in good condition and consists of primarily tulip poplar trees located along the northern and eastern property boundaries.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Single Family Attached	PDH-8 & WS	Residential ; 5-8 du/ac & Public Park
South	Single Family Attached (HCD) and Single Family Detached	R-8 & WS	Residential ; 5-8 du/ac & Public Park
East	Cub Run Floodplain (FCPA)	PDH-12 & WS	Public Park
West	Single Family Attached	R-8 & WS	Residential ; 5-8 du/ac

BACKGROUND

Site History:

- RZ 90-Y-053 was indefinitely deferred on April 18, 1991 and dismissed on October 5, 1994. The application requested to rezone the subject property to the R-8 District to permit the development of 13 single family attached dwelling units at an overall density of 7.47 dwelling units per acre.

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

In the Fairfax County Comprehensive Plan, 2003 Edition, Area III, Bull Run Planning District, Centreville Area and Suburban Center, as amended through December 6, 2004, Land Unit G-1, pages 26 and 27 states:

“Land Unit G (245 Acres)

The upper portion of this land unit is in an area of existing and planned residential use at 2-3 dwelling units per acre. The lower portion of the land unit has good access to the regional highway network (Route 29) and is adjacent to the London Towne townhouse development. Townhouses are also being developed in the area around O'Day Drive.

G-1 (129 Acres)

The Center Heights subdivision in Land Unit G-1 has existing residential development and significant undeveloped land. Part of the Big Rocky Run Environmental Quality Corridor is located in this land unit. This area includes property along Battery Ridge Lane and south to Route 29. Residential use at 5-8 dwelling units per acre is planned. The upper end of the density range is appropriate only with substantial consolidation of lots into a single parcel not smaller than 10 acres. Development under the Planned Development Housing (PDH) district requirements of the Zoning Ordinance is encouraged.”

ANALYSIS

Generalized Development Plat (Copy at the front of staff report)

Title of GDP: O'Day Drive Property

Prepared By: Land Design Consultants

Original and Revision Dates: December, 2004, with revisions through August 17, 2005

Contents	
Sheet 1	Notes, Vicinity Map, Soils Map, Stormwater Management Information
Sheet 2	Generalized Development Plan Detail, Tabulations, Modifications Requested, Tree Cover Calculations, Planting Schedule, Typical Lot Detail, Sanitary Sewer Connection Option
Sheet 3	Existing Vegetation Map
Sheet 3A	Landscape Plan, Planting Notes, Bench Detail and Cross-Section Between Proposed Lot 1 and Parcel 13

The GDP proposes a layout as follows:

- Ten (10) single family attached dwelling units arranged in two rows of 5 units, at an overall density of 5.71 dwelling units per acre with 37% open space.
- The units will front on the private street, with the rear yards oriented towards the southern property boundary. The side yard of proposed Lot 1 will be located 41 feet east of the property boundary along O'Day Drive.
- The units will be offset two feet from each other to provide visual depth to the two rows of attached units.
- Each dwelling unit will be approximately 24 feet wide and 38 feet deep, with a maximum building height of 35 feet.
- Each lot will have an 18 or 20 foot long driveway (front yard), 10 foot side yards for end units and 20 or 22 foot rear yards.
- Each rear yard of the proposed dwelling units will be separated by a six foot tall board fence to be located along the common side yard lot lines.
- An additional five feet of right-of-way will be provided on O'Day Drive, resulting in the property boundary located 30 feet from the centerline of O'Day Drive.
- Frontage improvements consisting of curb and gutter will be provided to extend to that existing on the adjacent properties to the north and south along O'Day Drive. A 5 foot wide sidewalk will be provided along O'Day Drive that will enter the site and continue along the south side of the private road and continue east as an asphalt trail south of the stormwater management facility and connect to the asphalt trail on the Fairfax County Park Authority property to the east. A four foot wide path will extend from the east side of the sidewalk along O'Day Drive and enter the site through the streetscape elements in the western portion of the property.

- Five visitor parking spaces will be provided between the stormwater management facility and proposed Lot 10. The proposed turn around area will be surfaced with grasscrete or another similar pervious material subject to the approval of DPWES. If grasscrete or a similar material is not approved by DPWES, the turn around area will be paved with asphalt.
- An extended detention dry stormwater management facility will be provided in the southeast portion of the property outside of the EQC and RPA. The outfall pipe is depicted as discharging in a northeasterly direction into the natural channel that leads to the floodplain. A 12 x 12 foot gravel access road is proposed at the eastern terminus of the turnaround area.
- The limits of clearing and grading have been designed to preserve an approximately 20 foot wide buffer of existing vegetation along the northern property boundary and along the southern property boundary behind proposed Lots 7–10 (approximately 5 feet wide behind proposed Lot 7 that tapers down to approximately 2 feet in width behind proposed Lot 10). The EQC and RPA in the eastern portion of the site will be preserved, with the exception of the necessary clearing to permit the proposed stormwater management facility to outfall into the natural channel.
- Retaining walls will be located behind the rear yards of the proposed lots (4-8 feet in height) and on the north side of the private road, south of the existing vegetation to be preserved (4-6 feet in height).
- Landscaping elements are depicted to complement the preservation of existing vegetation to provide a vegetated buffer around the 10 proposed dwelling units. Dogwoods and Red Maple trees will be planted along the frontage of O'Day Drive, between the sticks of attached units and between the private road and proposed Lot 10; Hedge Maples will be planted in the rear yards of each proposed Lot;, while Hollies will separate the visitor parking spaces from the stormwater management facility; and Dogwoods and Hollies will buffer the EQC from the proposed attached units in the northeastern corner of the property. A path and bench will be located within the streetscape elements in the western portion of the property along O'Day Drive.
- As depicted in the cross-section on Sheet 3A of the GDP, proposed Lots 1-3 will be buffered from the single family detached dwelling unit on the adjacent lot to the southwest of the subject property. A row of Hollies will be planted along the shared property boundary, with a seven foot tall masonry wall located on the north side of the Hollies approximately 8 feet from the property boundary. A row of shrubs will be planted between the proposed masonry wall and the retaining wall located behind the rear yards of the proposed Lots.
- Option B depicts how sanitary sewer could be provided to the site while preserving a Poplar tree in the southeast corner of the property, which would require the acquisition of an off-site easement with the property owner

(Fairfax County Redevelopment and Housing Authority) of Tax Map 54 -3 ((12)) N. If this easement is not acquired, sanitary sewer would be provided through an existing easement that would require the removal of this Poplar tree.

- Illustrations A-D are attached to the proffers which portray the proposed architectural composition of the dwellings. Each dwelling unit will have a two car garage with front and side facades constructed of brick while the rear facades will be sheathed in vinyl.

COMPREHENSIVE PLAN ANALYSIS

The applicants proposes to rezone the 1.75 acre property to the R-8 District to permit the development of 10 single family attached dwelling units, at an overall density of 5.71 du/ac, with 37% of the site as open space. The Comprehensive Plan recommends residential development at 5-8 du/ac for Land Unit G-1, but states that the high end of this range (6.8 du/ac) should only be applicable to developments of properties consolidated into a single parcel of not less than 10 acres. The subject property is the last remaining undeveloped property within the vicinity, and because it was not consolidated with adjacent parcels as they developed with residential uses, staff believes that the property should only be developed below the high end of the Plan density range. The applicants initially proposed a development with 13 dwelling units, which has now been revised to request approval to permit the development of 10 dwelling units at 5.71 du/ac which is below the high end of the range, while preserving the EQC, RPA and healthy vegetation worthy of preservation. Therefore, staff believes that the applicants' proposal is in conformance with the recommendations of the Comprehensive Plan.

RESIDENTIAL DEVELOPMENT CRITERIA

Fairfax County expects new residential development to enhance the community by fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. For the complete Residential Development Criteria text, see Appendix 14.

Site Design (Development Criterion #1)

This Criterion requires that the development proposal address consolidation goals in the Comprehensive Plan, further the integration of the development with adjacent parcels and not preclude adjacent properties from developing according to the recommendations of the Plan. The Comprehensive Plan recommends residential development at 5-8 du/ac for the subject property, but states that the

high end of this range (6.8 du/ac) should only be applicable to developments of properties consisting of a single parcel of not less than 10 acres. As stated, since the subject property is the last remaining undeveloped property within the vicinity. The applicants propose to develop the property below the high end of the Plan density range at an overall density of 5.71 dwelling units, which staff believes is in conformance with the Comprehensive Plan. Surrounding properties are developed according to the Plan recommendations with residential uses at the PDH-8 District (north), R-8 District (south), PDH-12 District (east) and R-8 District (west).

The development proposal should provide a logical and functional design with appropriate relationships within the development, including appropriately oriented dwelling units and usable yard areas within the individual lots. Convenient access to transit facilities should be provided where available, and all aspects pertaining to utilities shall be identified. The GDP depicts a layout of ten single family attached dwelling units arranged in two rows of five units each. The proposed dwellings will be oriented towards the private street, with minimum eighteen foot front yards, ten foot side yards and twenty foot rear yards. As proposed, dwelling units will be located approximately 78 feet from the northern property boundary, 190 feet from the eastern property boundary (Lot 10), 35 feet from the southern property boundary (Lots 1-10) and 51 feet from the western property boundary (Lot 1). The rear yards (20-22 feet) of the proposed dwelling units will provide usable yards with sufficient room for future additions to the dwelling units in accordance with the applicable provisions of the Zoning Ordinance. Sidewalk improvements will be provided along the property's frontage on O'Day Drive to connect to that existing on the adjacent properties, which will connect to the sidewalk on the south side of the private road. An asphalt trail will continue from the sidewalk interior to the site and connect to the asphalt trail on the Park Authority property to the east. The applicants have proffered to provide an extension of the trail on the Park Authority property across the eastern frontage of the subject property. As shown on Sheet 3A of the GDP, a proposed path will enter the site from the southwest corner of the property and traverse the streetscape and seating area in the western portion of the property. Water will be provided to the site through an extension of an existing eight inch water main located under O'Day Drive. Sanitary sewer will be provided to the site through a connection to the existing easement on the adjacent property to the southeast. Option B on Sheet 2 of the GDP illustrates the applicants' intentions to attempt to acquire an off-site easement from the owner of the property to the south, which would permit sanitary sewer to be provided to the site while preserving a Poplar tree.

Open space should be usable, accessible and integrated. Appropriate landscaping and amenities should be provided. Thirty seven percent (37%) of the site will be retained as open space. Pedestrian connections will be provided from the sidewalk along O'Day Drive through the property to connect with the existing trail on the Park Authority property to the east. A bench will be provided within the streetscape and seating area in the western portion of the property. The applicants have proffered to provide an extension of the trail on the Park

Authority property across the eastern frontage of the subject property. The trail on the Park Authority property currently terminates at the northeastern corner of the property. Landscaping will be provided to complement the proposed preservation of existing vegetation to provide a buffer between the proposed dwelling units and the existing residential neighborhoods to the north, south and west.

Neighborhood Context (Development Criterion #2)

While developments are not expected to be identical with the existing development within which they are to be located, this Criterion states that they should fit into the fabric of the community. The applicants propose to develop the subject property with 10 single family attached dwelling units at an overall density of 5.71 du/ac. The proposed density is less than that existing on the adjacent properties. Single family attached units are located on the properties to the north and south, and across O'Day Drive to the west. Multi-family dwelling units exist on the property to the south and across the Cub Run stream valley to the east. Single family detached dwelling units are located to the southwest of the subject property fronting on O'Day Drive. The proposed unit type is compatible with the surrounding development, although the proposed size of the individual units (24 feet x 38 feet; 35 feet tall) is significantly larger than those existing within the adjacent residential neighborhoods. Staff believes that the proposed tree preservation and supplemental landscaping will provide sufficient screening between the proposed development and the adjacent residential uses.

Environment (Development Criterion #3) (Appendix 5)

This Criterion requires that developments respect the natural environment by conserving natural environmental resources, account for soil and topographic conditions and protect current and future residents from the impacts of noise and light. Developments should minimize off-site impacts from stormwater runoff and adverse water quality impacts.

The original submission of the GDP failed to depict the presence of a RPA on the eastern portion of the property and illustrated extensive limits of clearing and grading that appeared greater than that necessary to accommodate the outfall from the proposed stormwater management facility. Staff requested that the GDP be revised to show the presence and extent of the RPA and EQC on the property along with relocating the stormwater management facility in connection with the reduction of units. The applicants satisfactorily revised the proposed layout according to staff's recommendations, which included a reduction in the number of proposed dwelling units that allowed for the relocation of the stormwater management facility further upland, tighter limits of clearing and grading around the outfall and the depiction of the RPA and EQC on site, which will remain as open space. Ultimate approval of any stormwater management facilities constructed on site must be approved by DPWES; this issue is discussed below.

Tree Preservation and Tree Cover Requirements (Development Criterion #4)
(Appendix 6)

This Criterion states that all developments should be designed to take advantage of existing tree cover and developed appropriately to disturb as little existing tree cover as possible, including the extension of utility improvements to the site.

The applicants revised the GDP and have proffered to preserve healthy vegetation along the northern, eastern and southern property boundaries. Supplemental landscaping will be planted to provide a buffer for the proposed dwelling units from adjacent residential developments and O'Day Drive. The GDP illustrates an option to provide sanitary sewer to the site in a manner that would ensure the preservation of a large Tulip Poplar tree in the southeast corner of the property. This would only be possible if the applicants successfully acquire an easement from the owner of the property to the south. If this easement is not attained, then sanitary sewer will be provided to the site through the existing easement, which would require the removal of the Tulip Poplar tree.

Transportation (Development Criterion #5) (Appendix 7)

Criterion 5 requires that development provide safe and adequate access to the surrounding road network, and that transit and pedestrian travel and interconnection of streets should be encouraged. In addition, alternative street designs may be appropriate where conditions merit.

The applicants have committed to dedicate right-of-way along the property's frontage 30 feet from the centerline of O'Day Drive, and to construct sidewalk improvements along the frontage that connect to the internal sidewalk and the trail on the Park Authority property to the east. The subject property is located within the Centreville Area Road Fund and the applicants have proffered to contribute \$2,017 per dwelling unit to the Board of Supervisors to be used for transportation improvements within the Centreville area. Adequate sight distance from the proposed entrance has been demonstrated to the satisfaction of the Virginia Department of Transportation (VDOT).

Public Facilities (Development Criterion #6)

Criterion 6 states that residential developments should offset their impacts upon public facility systems (i.e. schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned community facilities). Impacts may be offset by the dedication of land, construction of public facilities, contribution of in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. (Specific Public Facilities issues are discussed in detail in Appendices 8 – 13).

Fairfax County Public Schools (Appendix 8)

The proposed development would be served by Bull Run Elementary School, Stone Middle School and Westfield High School. Bull Run Elementary School is projected to exceed capacity through the 2009-2010 school year, while Stone Middle School and Westfield High School are projected to be under capacity by the 2009-2010 school year. The total number of students generated by this development is anticipated to be 4 total students: 2 elementary, 1 middle and 1 high school student. This is an increase of 4 students above that generated by the existing zoning district. An appropriate contribution would be between \$7,500 and \$30,000 (4 students x \$7,500 per student). The applicant has proffered a contribution of \$30,000 to provide for capital improvements to schools that serve the area.

Fairfax County Park Authority (Appendix 9)

The proposed development would add approximately 36 persons to the current population of the Sully District. The GDP depicts sidewalk frontage improvements that will connect to the internal sidewalk and continue to the trail on the Park Authority property to the east. The applicants have proffered to construct an extension of the trail on the Park Authority property across the eastern frontage of the subject property. Aside from a seating bench and trail connections, no recreational facilities are proposed on-site. The applicants have proffered to provide \$9,570 to the Fairfax County Park Authority for off-site park facility development.

Fire and Rescue (Appendix 10)

The subject property would be serviced by the Fairfax County Fire and Rescue Department Station #38, West Centreville. The requested rezoning currently meets fire protection guidelines.

Sanitary Sewer Analysis (Appendix 11)

The subject property is located within the Cub (T5) Watershed and would be sewered into the UOSA Pollution Control Plant. An existing 8 inch line located in an easement approximately 70 feet from the property is adequate for the proposed use.

Fairfax County Water Authority (Appendix 12)

The subject property is located within the Fairfax County Water Authority service area. Adequate domestic water service is available at the site from an existing 8-inch water main located at the property.

Utilities Planning and Design, DPWES (Appendix 13)

The applicants' proposal to provide an extended detention dry stormwater management facility that will discharge into an existing channel appears to satisfy the water quality and quantity requirements of the PFM.

Affordable Housing (Development Criterion #7)

This Criterion states that ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of Fairfax County. This Criterion may be satisfied by the construction of units, dedication of land, or by a contribution to the Housing Trust Fund. The applicant has proffered to contribute one half of one percent (½%) of the projected sales price of the houses to the Housing Trust Fund, in accordance with Fairfax County policy.

Heritage Resources (Development Criterion #8)

This Criterion requires that developments address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation. No heritage resources have been identified on this site.

ZONING ORDINANCE PROVISIONS

Bulk Standards (R-8)		
Standard	Required	Provided
District Size	5 acres	1.75 acres ¹
Building Height	35 feet	35 feet
Front Yard	15° ABP (Angle of Bulk Plane), but not less than 5 feet (9 feet minimum)	18 feet minimum
Side Yard	15° ABP, but not less than 10 feet (9 feet minimum)	10 feet minimum
Rear Yard	30° ABP, but not less than 20 feet (20 feet minimum)	20 feet minimum
Open Space	20%	37%
Parking Spaces	23 spaces	25 spaces
Maximum Density	8 dwelling units per acre	5.71 du/ac
Tree Cover	20%	20%

1. Waiver of the minimum district size requested.

Watershed Protection Overlay District (Sect. 7-800)

The provisions of Sect. 7-808, Use Limitations, apply additional standards for uses in the WSPOD. Any use requiring a site plan must provide water quality control measures designed to reduce by one-half the projected phosphorus runoff pollution for the proposed use. Such water quality control measures or Best Management Practices (BMPs) shall be reviewed, modified, waived and/or approved by the Director in accordance with the Public Facilities Manual. The GDP shows stormwater management and BMPs to be provided through the construction of an extended detention dry stormwater management facility in the southeast corner of the property that will outfall into an existing channel within an easement located on the property to the north. The proposed use must meet the requirements of the WSPOD at the time of site plan approval.

WAIVERS AND MODIFICATIONS

Waiver of the minimum district size

The applicants request a waiver of the 5 acre minimum district size of the R-8 District. The 1.75 acre subject property is proposed to be developed with 10 single family attached dwelling units at an overall density of 5.71 du/ac. As proposed, the development conforms to all of the R-8 District bulk regulations and lot size requirements, with the exception of minimum district size. As previously stated, the Comprehensive Plan recommends residential uses for the subject property at a density of 5-8 du/ac, but reserves the upper end of the Plan range (6.8 du/ac) for developments greater than 10 acres. All of the surrounding properties are developed with residential uses in conformance with the Plan. The subject property was not consolidated with previous developments and is currently occupied by a single family detached dwelling unit constructed in 1951. Staff supports this waiver request because there are no logical consolidation possibilities at the current time, and that the applicants propose to develop the property in conformance with the Comprehensive Plan below the high end of the Plan range.

Modification of the Transitional Screening and barrier requirements

The applicants request modifications of the Transitional Screening (TS 1) and barrier requirements (B or A) along the shared southern property boundary with that property identified as Tax Map 54-3 ((12)) 13 which is occupied by a single family detached dwelling unit. The Zoning Ordinance permits modifications of the Transitional Screening requirement when the land between the building and the property line has been designed to minimize adverse impacts through a combination of architectural and landscaping techniques. As depicted on Sheet 3A of the GDP, the rear yards of proposed dwelling units 1-3 will be separated from the adjacent property to the south by a 13 foot wide buffer yard consisting of an 8 foot wide row of Holly trees, 7 foot tall masonry wall, row of shrubs and retaining wall. The dwelling unit on proposed Lot 1 will be located approximately

42 feet from the single family detached dwelling unit on the adjacent lot. Staff believes that the applicants' proposal to install a fence with screening on both sides, will provide an adequate buffer yard between the proposed attached dwelling units and the existing detached dwelling unit on the property to the south. Therefore, staff supports the applicants requested modifications of the Transitional Screening and barrier requirements along a portion of the southern property boundary.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicants request to rezone the subject 1.75 acre property from the R-1 and WS Districts to the R-8 and WS Districts to permit the development of 10 single family attached dwelling units at an overall density of 5.71 du/ac with 37% of the site remaining as open space. The property is planned for residential uses at 5-8 du/ac. Staff believes that the proposal is in conformance with the Comprehensive Plan and applicable Zoning Ordinance provisions.

Recommendation

Staff recommends approval of RZ 2005-SU-007, subject to the execution of proffers consistent with those found in Appendix 1 of this report.

Staff recommends approval of a waiver of the minimum district size.

Staff recommends approval of a modification of the Transitional Screening and barrier requirements along a portion of the southern property boundary in favor of the treatment depicted on the GDP.

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. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Plan Analysis
5. Environmental Analysis
6. Urban Forest Management Analysis

APPENDICES (Cont.)

7. Transportation Analysis
8. Fairfax County Public Schools
9. Fairfax County Park Authority
10. Fire and Rescue
11. Sanitary Sewer Analysis
12. Fairfax County Water Authority
13. Utilities Planning and Design, DPWES
14. Residential Development Criteria
15. Glossary

PROFFERS

RZ 2005-SU-007

September 06, 2005

Pursuant to Section 15.2-2303(A), Code of Virginia (1950), as amended, Lloyd P. Given as the owner of Tax Map No. 54-3((2))-47 (the "Subject Property"), and Carl Bernstein, Trustee, and Horacio Magalhaes, Trustee, as the Applicants and Contract Purchaser, for themselves and their respective successors and assigns, hereby proffer to develop the Subject Property in accordance with the following conditions, provided that the Board of Supervisors rezones the Subject Property to the R-8 and WS Zoning Districts for the development of ten (10) single family attached dwelling units. For the purpose of these Proffers, the term "Developer" refers to the Applicant, its successors and assigns.

1. GDP. Development of the Subject Property shall be in substantial conformance with the generalized development plan entitled "Generalized Development Plan", consisting of three sheets, prepared by Land Design Consultants, dated December 2004 and revised through August 17, 2005 (the "GDP"). Minor modifications to the GDP shall be permitted as determined by the Zoning Administrator in accordance with Section 18-204 (5) of the Fairfax County Zoning Ordinance (the "Ordinance") The Applicant reserves the right to make minor adjustments to the layout, internal lot lines, and lot sizes during site plan review based on final

house locations, building footprints, and utility locations, provided that any adjustments are in substantial conformance with the GDP and that there is no decrease to the amount of open space, tree save, limits of clearing and grading, or distances to peripheral lot lines as dimensioned on the GDP.

2. Architecture.

(A) Illustrations A, B, C, and D attached to these Proffers are provided to show the design intent for the proposed single family attached dwelling units. The front elevations shall be generally consistent with the character and quality of the options shown on Illustrations A and B. The front elevations of the residential dwellings shall be brick as shown on Illustrations A and B, but with vinyl and wood trim and other materials for features such as roofs, doors, windows, entrance steps and garage doors. Illustration C depicts side elevation options for those proposed dwelling units with an exposed side elevation . The side elevations shall be brick as shown on Illustration C, but with vinyl and wood trim and other materials for features such as roofs, gables, doors, windows, entrance steps, and garage doors. The primary materials for the rear elevations of the single family attached dwelling units shall be vinyl, as shown on Illustration D, but such elevations shall incorporate other materials, such as wood, in trim work such as soffits, friezeboards, and corner boards, and shall incorporate architectural features, generally as shown on Illustrations C and D. Specific features for the single family attached dwelling units, such as the exact location and size of windows, doors, shutters and roofline, are subject to modification by the Developer upon final engineering and final architectural design,.

(B) The development shall include the following elements:

(1) The number and spacing of exterior lights near the driveways for some of the single family attached dwelling units shall be as determined by the Developer during site plan review. These lights shall be shielded downward to prevent extraneous glare. All exterior lighting shall comply with the applicable performance standards in Article 14 of the Zoning Ordinance.

(2) The Developer may construct two (2) small monument style entrance features at the locations indicated on the GDP. The heights and dimensions of these shall be in conformance with Article 12 of the Zoning Ordinance. Any lighted entrance feature shall be lit in accordance with the performance standards in Article 14 of the Zoning Ordinance.

3. Tree Preservation and Landscaping.

(A) Subject to the provisions of this Proffer No. 3, the Developer shall preserve the existing trees and vegetation outside of the limits of clearing and grading as shown on the GDP. (the “Tree Preservation Areas.”) The Applicant shall submit a tree preservation plan, prepared by an International Society of Arboriculture Certified Arborist or the equivalent (hereafter sometimes referred to as “Developer’s Arborist,”) with the first and all subsequent site plan submissions. The tree preservation plan shall show locations of all trees ten inches in

diameter at four and one-half feet above the soil line (referred to as diameter at breast height or “DBH” and a tree that is of this size may be referred to as a “DBH tree”) within twenty feet of either side of the limits of clearing and grading. The tree preservation plan shall adhere to PFM requirements, as approved by Fairfax County Urban Forest Management (hereafter referred to as “Urban Forest Management” or “UFM”). The condition of each DBH tree will be rated using the latest edition of the *Guide for Plant Appraisal*. The tree preservation plan shall be subject to the review and approval of UFM.

The tree preservation plan shall specify tree preservation practices to be employed to preserve trees, including but not limited to, root pruning, crown pruning, mulching, and suppression of invasive exotics.

Supplemental plantings using indigenous species shall be used where necessary and practical, as approved by UFM, to improve density and longevity of the Tree Preservation Areas along the northern, eastern, and southern property boundaries, as shown on the GDP. Plantings to be so used shall be listed and described on the landscape plan. At least seventy-five percent of the supplemental trees to be planted in the tree preservation areas shall be rated at seventy-five percent or higher in the Mid-Atlantic Chapter of the International Society of Arboriculture *Species Rating Guide*.

(B) All tree preservation-related work occurring in or adjacent to tree preservation areas shall be accomplished in a manner that minimizes any potential for damage to vegetation to be preserved, including any woody, herbaceous, or vine plant species that occur in

the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Any removal of any vegetation or any soil disturbance in Tree Preservation Areas, including the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, or multi-floral rose, shall be subject to the review and approval of UFM.

(C) For all Tree Preservation Areas, the Developer shall provide tree protection fencing during construction of the improvements contemplated by the GDP in the form of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, or other forms of tree protection fencing approved by UFM. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures.

(D) The Developer shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Developer's Arborist shall walk the limits of clearing and grading with a UFM representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. The Developer's Arborist shall at this time also identify trees within Tree Preservation Areas that may be dead or dying or that will be unlikely to survive construction. Upon approval by the UFM, any such trees may be removed by the Developer and need not be bonded. Any tree to be removed by the Developer shall be removed using a chain saw and such removal shall be accomplished in a

manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions.

(E) In order to minimize site disturbance, the private trail within the Subject Property, as shown on the GDP, shall be field located in consultation with UFM, prior to the first submission of the site plan. Once the trail is located in the field, it shall be shown on the site plan with the limits of clearing and grading reflecting the minimum amount required for access and construction.

(F) The area of disturbance of the SWM/BMP facility shown on the GDP shall be minimized to the greatest extent possible, given site and engineering constraints.

(G) Along with the tree preservation plan, the Developer shall submit a landscape plan to provide the additional landscaping as shown on the GDP. In order to restore a natural appearance to the proposed stormwater management pond, as shown on the GDP, the landscape plan shall show a restrictive planting easement for the pond, and extensive landscaping in all areas outside of that restrictive planting easement, to the maximum extent feasible in accordance with the planting policies of Fairfax County.

(H) The limits of clearing and grading as shown on the GDP shall be subject to the necessary installation of utilities and/or trails. If it is determined necessary to install utilities and/or trails outside of the limits of clearing and grading as shown on the GDP they shall be located in the least disruptive manner necessary as determined by UFM. A replanting plan shall be developed and implemented, subject to approval by UFM, for any areas outside the limits of clearing and grading that must be disturbed.

(I) The Developer shall pursue an off-site easement, depicted as Option B on the GDP, with the owner of the property abutting to the south, which is the Fairfax County Redevelopment and Housing Authority (hereinafter, the "Parcel N Owner"), (Tax Map # 54-3((12))-N). The purpose of this easement is to locate the sanitary sewer connection for the Subject Property in order to protect a large tree in or near the southwest corner of the subject Property, as indicated on the GDP. If requested by the Parcel N Owner, the Developer shall pay a reasonable appraised value of the easement in order to obtain the easement. The exact location of the easement shall be determined during site plan review in consultation with the UFB, DPWES. If the offsite easement cannot be obtained within sixty (60) days of a written request, sent by certified mail, return receipt requested, from the Developer to the Parcel N Owner, then the sanitary sewer may be located as shown on the GDP (excluding Option B). Copies of the request for the easement, any appraisal, all offers by the Developer, all responses by the Parcel N Owner, and all other information regarding this easement shall be contemporaneously delivered to DPWES.

(J) Trees and other vegetation shown to be protected shall be subject to the requirements of the PFM, including requirements for conservation deposits and public improvement bonds, and such requirements generally obligate the Developer to remedial actions if the Developer, or any of its agents or contractors, damage any trees beyond the limits of clearing and grading. The Developer proffers additional obligations relating to tree preservation as set out in this Proffer No. 3(J).

The Developer's Arborist shall submit the replacement value of the DBH trees within the Tree Preservation Areas at the time of the first submission of the site plan, subject to the review and approval by UFM. The replacement value shall take into consideration the age and size of the trees and shall be determined according to the methods contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by the UFM.

At the time of final site plan approval, the Developer shall post a cash bond or letter of credit, payable to the County of Fairfax, to ensure preservation and/or replacement of the DBH trees (excluding those specified pursuant to Proffer 3(D)) in accordance with this Proffer No. 3(K). The total amount of the cash bond or letter of credit shall be in the amount of the sum of the assigned replacement values of the DBH trees.

If, at the time of final bond release, DBH trees (excluding those specified pursuant to Proffer 3(D)) are found to be dead or dying (such trees hereafter called the "impacted trees") as a result of the impacts of development and construction on the Subject Property, despite adherence by the Developer to approved construction practices, as determined by UFM, then the

cash bond or letter of credit shall be used as necessary to fund the costs to plant trees of similar size (or if a similar size is not feasible, trees that are appropriate substitutes) and species to the impacted trees, in consultation with UFM and the Developer. The cash bond or letter of credit shall not be used for the removal of the dead and/or dying trees normally required by the Fairfax County in accordance with the typical conservation escrow required pursuant to the PFM

Any funds remaining in the letter of credit or cash bond will be released to the Developer two years from the date of release of the project's conservation escrow, or sooner, if approved by the UFM.

(K) The demolition of existing features and structures shall be conducted in a manner that does not impact on individual trees and/or groups of trees that are to be preserved as reviewed and approved by UFM. Methods to preserve existing trees may include, but not be limited to the use of super silt fence, welded wire tree protection fence, root pruning, mulching, as approved by the UFM.

4. Stormwater Management A stormwater management/Best Management Practices (SWM/BMP) facility shall be provided in the location shown on the GDP and in accordance with the requirements of the Public Facilities Manual and the Chesapeake Bay Preservation Ordinance, unless waived or modified by DPWES. In the event that a SWM/BMP facility is not required to be provided on-site, the area depicted on the GDP as SWM/BMP facility shall remain as open space. If an on-site SWM/BMP facility is required, the tree preservation/landscape plan shall show extensive landscaping in all possible planting areas of the pond, in keeping with the planting policies of the PFM, as determined by Urban Forest Management and approved by DPWES.

5. Energy Efficiency All residential units constructed on the Subject Property shall meet the thermal standards of the CABO Model Energy Program of energy efficient homes, or its equivalent, as determined by DPWES, for either electrical or gas systems.

6. Transportation.

(A) The Developer shall dedicate and convey in fee simple to the Board of Supervisors right-of-way along the O'Day Drive frontage of the Subject Property, 30 feet from the centerline of O'Day Drive, as shown on the GDP. Such dedication and conveyance shall be made upon demand by Fairfax County or VDOT, or at the time of site plan approval, whichever occurs first. All density related to such dedication is hereby reserved pursuant to paragraph 4 of Section 2-308 of the Zoning Ordinance. Subject to VDOT and DPWES approval, Applicant shall construct frontage improvements on O'Day Drive to PFM standards as shown on the GDP.

(B) At the time of final site plan approval, the Applicant shall make a monetary contribution to the Fairfax County Board of Supervisors in the amount of (\$2,017) per approved single family attached dwelling unit. Said funds shall be utilized as determined by the Board of Supervisors for road improvements in the Centreville area. Using the approval date of this application as the base date, this monetary contribution shall be adjusted yearly in accordance with the construction cost index as published in the Marshall and Swift Building Cost Index.

(C) At the time of site plan submission, the Applicant shall demonstrate adequate sight distance at the entrance to the development from O'Day Drive in accordance with applicable VDOT and Fairfax County standards.

7. Schools. The Developer shall contribute the sum of \$30,000 to the Board of Supervisors for capital improvements to the schools in the vicinity of the Subject Property. This contribution shall be made at the time of the final site plan approval.

8. Affordable Housing. At the time of the building permit approval for the first single family attached dwelling unit, a contribution shall be made to the Fairfax County Housing Trust Fund of one-half of one percent (0.5%) of the projected sales price of each new single family attached dwelling unit actually constructed on the Subject Property, to assist Fairfax County's low and moderate income housing goals. The Developer, in consultation with the staff of the Fairfax County Department of Housing and Community Development, shall determine the estimated sales price.

9. Recreation.

(A) The Subject Property abuts the Big Rocky Run Stream Valley Park, the land for which is titled to the Fairfax County Park Authority ("Park Authority"). An asphalt trail within the Park, running north to south, terminates near the northeast boundary of the Subject Property. The Developer shall extend this trail (sometimes referred to as the "Park Authority Trail") from its current terminus southerly, along the eastern boundary of the Subject Property, to a point near the southeast corner of the Subject Property as shown on the GDP. The surface of this trail extension shall be asphalt. This trail extension shall be approved by the Park Authority's Trail Coordinator prior to site plan approval. If the Park Authority does not approve

this trail extension, then the Developer shall escrow funds, with Fairfax County, in the amount of the estimated construction cost of the trail extension, for construction of other trails in the Sully District.

(B) As a private amenity for the Subject Property, the Developer shall install on the Subject Property a trail connection to the Park Authority trail, as shown on the GDP. The surface of this internal trail shall be asphalt.

(C) The Developer shall contribute \$9,570.00 to the Fairfax County Park Authority for capital improvements to recreational facilities in the vicinity of the Subject Property. This contribution shall be made at the time of final site plan approval.

10. Hours of Construction .

(A) Construction activity for the installation of site improvements and construction of single family attached dwelling units shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.

(B) Construction activity on Sundays shall be limited to interior work only and to the hours between 7:00 a.m. and 6:00 p.m.

11. Signs. No temporary signs (including “popsicle” style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia, shall be placed on

or off-site by the Developer or at the Developer's direction to assist in the initial sale of homes on the Property. Furthermore, the Developer shall direct its agents and employees involved with marketing and/or home sales for the Subject Property to adhere to this Proffer.

12. Homeowners Association.

(A) The Developer shall establish a homeowners association ("HOA") for the proposed development to own, manage, and maintain the open space, including the private street, and all other community-owned land and improvements within the Subject Property. Purchasers of residential units shall be advised in writing prior to entering into a contract as to the responsibilities of the homeowners association.

(B) Garages shall be utilized only for those uses that will not interfere with the intended purposes of the garages, namely, the parking of vehicles. A restrictive covenant to that effect, approved by the County Attorney, and running to the homeowners association and Fairfax County, shall be recorded among the land records of Fairfax County and in the homeowners association documents.

13. Miscellaneous. These Proffers shall bind and inure to the benefit of the Owner and the Applicant, and their respective successors and assigns. These Proffers may be executed in one or more counterparts, each of one when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but the same instrument.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

Signature Page to Proffers

RZ 2002-SU-021

OWNER:

Lloyd P. Given

Date Signed: _____

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

Signature Page to Proffers

RZ 2002-SU-021

DEVELOPER/CONTRACT PURCHASER:

Carl Bernstein, Trustee

Date Signed: _____

Horacio Magalhaes, Trustee

Date Signed: _____

[FINAL PAGE]

