



FAIRFAX COUNTY

APPLICATION FILED: April 12, 2005
PLANNING COMMISSION: September 28, 2005
BOARD OF SUPERVISORS: not scheduled

V I R G I N I A

September 14, 2005

STAFF REPORT

APPLICATION RZ/FDP 2005-SU-013

SULLY DISTRICT

APPLICANT: Renaissance Housing Corp. aka Renaissance Holding Corporation

PRESENT ZONING: R-1, HC and WS

REQUESTED ZONING: PDH-3, HC and WS

PARCEL: 45-2 ((1)) 1A

ACREAGE: 30.56 acres

DENSITY: 3.59 du/ac *(including bonus density for the provision of Affordable Dwelling Units (ADUs) and utilizing density credit for previous right-of-way dedication)*

OPEN SPACE: 28.6%

PLAN MAP: Residential, 2-3 du/ac

PROPOSAL: Rezone 30.56 acres from the R-1, HC and WS Districts to the PDH-3, HC and WS Districts to permit the development of a total of 112 dwelling units, including 63 single family detached units, 35 single family attached "great house" units, and 14 single family attached townhouse units (ADUs).

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2005-SU-013, subject to proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDP 2005-SU-013.

Staff recommends approval of a waiver of the service drive requirement along Lee Jackson Memorial Highway (Route 50).

Staff recommends approval of a waiver of the 600 foot maximum length for a private streets.

Staff recommends approval of a modification of the height limitation of fences to permit a noise barrier to exceed 7 feet in height (9 feet maximum).

Staff recommends approval of a modification of the transitional screening requirement in favor of that shown on the CDP/FDP.

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 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 applicant requests approval of a rezoning of 30.56 acres from the R-1, HC and WS Districts to the PDH-5, HC and WS Districts to permit the development of a total of 112 dwelling units, including 63 single family detached units, 35 single family attached “great house” units, and 14 single family attached townhouse units, which will be Affordable Dwelling Units (ADUs). The development, known as Kensington Manor, is proposed at an overall density of 3.59 dwelling units per acre (including bonus density for the provision of ADUs, and utilizing density credit for previous right-of-way dedication) with 28.6% of the site retained as open space.

The applicant is also pursuing RZ 2005-SU-011 [Tax Map 45-2 ((2)) 2-4 and 30), on the same schedule as the subject application. RZ 2005-SU-011 seeks to rezone 6.93 acres from the R-1, HC and WS districts to the R-5, HC and WS districts, to permit the development of 34 single family attached “great house” units. The development, known as Kensington Parc, is proposed at a density of 4.9 du/ac.

Finally, the applicant has the adjacent neighborhood to the east, (Kensington Square), under development, with most of the homes in Phases 1 and 2 complete. This development, permitted under RZ 2001-SU-035 and RZ 2003-SU-024, rezoned a total of 17.61 acres from the R-1, HC, and WS districts to the R-5, HC, and WS districts and includes a total of 87 single family attached “great house” style units and 11 single family attached townhouse units (ADUs), at respective densities of 5.71 du/ac and 4.63 du/ac.

It is the applicant’s stated intention to have all three developments joined under a single Homeowners Association, and able to share in amenities such as recreation facilities, visitor parking, and trail systems.

Waivers and Modifications

- Waiver of the service drive requirement along Lee Jackson Memorial Highway (Route 50).
- Waiver of the 600 foot maximum length for a private street.
- Modification of the height limitation of fences to permit a noise barrier to exceed 7 feet in height (maximum of 9 feet).
- Modification of the transitional screening in favor of that shown on the CDP/FDP.

LOCATION AND CHARACTER

Site Description:

The 30.56 acre subject property is comprised of a single parcel located between Lee Jackson Memorial Highway (Route 50) and the Fairfax County Parkway (Route 7100), to the west of Rugby Road. The parcel is developed with the Fair Oaks Golf Park, which has one access point on Route 50. The existing golf course has screening around the periphery, adjacent to the residential uses, and includes some man-made wetlands as features on the golf course, one area of more significant wetlands near the entrance, and a small area of Resource Protection Area at the northern corner.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Single Family Detached	R-2, WS	Residential 2-3 du/ac
South	Single Family Attached & Multi-family	R-8/R-20, HC & WS	Residential 12-16 du/ac
East	Single Family Attached	PDH-5, HC & WS	Residential 1-2 with option for 4-5 du/ac
West	Single Family Detached	PDH-3, HC & WS	Residential 2-3 du/ac & Private Open Space

BACKGROUND

The site is currently subject to SP 92-Y-017-02, approved on 11/04/1998 for a golf course and golf driving range. Previous applications SP 92-Y-017 and SPA 92-Y-017 were approved on 06/24/1992 and 05/12/1993, respectively. Right-of-way for Route 50 was dedicated with SPA 92-Y-017-02; the current application utilizes the density credit from that dedication.

VC 93-Y-011 (associated with SPA 92-Y-017) was approved on 05/12/1993, to allow a watchman's quarters accessory to the golf driving range / golf course to be located 25 ft. from the front lot line.

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

Plan Area:	III
Planning District:	Upper Potomac Planning District
Planning Sector:	Lee-Jackson (UP8)
Plan Map:	Residential @ 2-3 du/ac

Plan Text:

The Fairfax County Comprehensive Plan, 2003 Edition Area III, Fairfax Center, as amended through July 11, 2005, UP8-Lee-Jackson Community Planning Sector Page 158, states:

- “5. The area between Route 50, Oxlick Branch, the Fairfax County Parkway, the International Town and Country Club and the Murray Farms subdivision (Tax Map 45-2((1))1A, 2 and 3) is planned for residential use at 2-3 dwelling units per acre. ...”

ANALYSIS**Combined Conceptual/Final Development Plan** (Copy at the front of staff report)

Title of GDP: Kensington Manor

Prepared By: Urban Engineering & Associates, Inc.

Original and Revision Dates: March, 2005, with revisions through September 13, 2005

Sheet 1	Title Sheet (with index and vicinity map)
Sheet 2	Notes and Details
Sheet 3	Rezoning Plat
Sheet 4	Existing Vegetation Map
Sheet 5	Combined CDP/FDP; 100 scale (entire site) and Tabulations
Sheet 6	Combined CDP/FDP; 50 scale (southern half of site)
Sheet 7	Combined CDP/FDP; 50 scale (northern half of site)
Sheet 8	Proposed Rugby Road Improvements
Sheet 9	Preliminary Stormwater Management Plan
Sheets 10-11	Preliminary Dam Break Analysis (western SWM pond)
Sheet 12	Landscape Plan
Sheets 13-14	Site Amenities
Sheet 15	Illustrative Section and Site Details
Sheet 16	Architectural Elevations
Sheet 17	Context Map (three related applications)

The GDP proposes a layout as follows:

Residential Units

- A total of 112 single family dwelling units, at an overall density of 3.59 dwelling units per acre (du/ac), density credit from a previous right-of-way dedication is utilized for this density.

- Units include 63 single family detached units, 35 single family attached “great house” style units, and 14 single family townhouse style units.
- *Single Family Detached*: these units are located in the western portion of the site, adjacent to the detached PDH-3 Highland Oaks development to the west. Lot sizes are generally 7,000 square feet (approximately 100 feet deep by 70 feet wide). Proffers commit the units to be of four-side brick or masonry architecture, and elevations show two car garages (some of which are turned so that the garages do not face front). All units are provided with 18 foot minimum driveways, and the typical lot layout shows that 5 foot minimum side yards (6 feet where the side is a “front”), 15 foot minimum front yards and 15 foot minimum rear yards will be provided. The units are located around a large, bisected loop road.
- *Single Family Attached “Great House”*: these units are located in the eastern portion of the site, adjacent to the R-5 Kensington Square development (also comprised of these “great house” units). Each “great house” is designed to resemble a large manor house, but contains four individual single family units (in one case, three units). Each unit has a two car garage (all of which face to the front). All units are provided with 18 foot minimum driveways, and the typical lot layout shows that 7 foot minimum side yards, 15 foot minimum front yards, and 10 foot minimum rear yards will be provided. The rear yards of the individual lots will be partially separated by a 6 foot tall privacy fence, and further enclosed by a 4 foot tall ornamental metal fence. All of the “great house” units are located along a north-south street, running from the entrance on Route 50 to an interparcel access with Kensington Square at the northern end of the eastern boundary.
- *Single Family Attached townhouse ADUs*: these units are located in the very northern portion of the site, adjacent to the R-5 Kensington Square development and the Fairfax County Parkway. The units are typical townhouse units with one car garages, but architectural details provided are intended to make the two sticks of units resemble a large manor house, like the “great house” units. Additionally, driveways have been paired to further resemble the “great house” units, and proffers commit to masonry architecture using materials that are similar to the other units on the site. The typical lot layout provided for the ADUs shows that each unit is provided with an 18 foot minimum driveway, 7 foot minimum side yards, 15 foot minimum front yards, and 15 foot minimum rear yards.

Open Space & Landscaping

- The application provides 28.6% open space on the site, which consists of a combination of buffer yards, stormwater management ponds and three recreation areas. The smallest of the three recreation areas (approximately 4,000 square feet) consists of a tot lot and pavilion located at the northern end of the ADUs, between the units and the sound wall (up to 8 feet in height) along the Fairfax County Parkway. The second area, approximately 10,000 square feet, is located interior to the single family detached units, at

the northern end of the loop road. This is shown as an open lawn area with no equipment, but with landscaping, decorative fencing and seating areas around the edges. A pedestrian connection is shown between Lots 27 and 28, consisting of a six foot wide trail in a 12 foot wide trail easement, to allow residents to freely circulate through the separate portions of the neighborhood. The final and largest recreation area is located near the entrance, and is bisected by the road leading to the attached units (and Kensington Square). To the west of this road, a 1.75 acre wetland area is shown to be preserved, including tree preservation and some trails and seating located on the northern side (outside of the wetlands). To the east of the road, an active play area skirts the boundary of Kensington Square, and joins with an open space / recreation area in that development adjacent to Route 50. This area includes playground equipment and a multi-purpose court, as well as seating areas and walking trails. Pedestrian connections are provided to Kensington Square, and a semi-circle of visitor parking is provided at the northern end of the park area.

- The landscape plan depicts a planting scheme intended to provide a small buffer between the proposed development and the Highland Oaks neighborhood to the west. Street trees are provided in front of all units, and a berm and buffer (approximately 50 feet wide) is provided along Route 50, which will include a noise barrier. The maximum height shown for the noise barrier is nine feet. Attachments to the proffers show that the majority of the fence will be significantly less than 9 feet, but that the fence may reach that height at the ends. The landscape plan does not show extensive plantings in and around the SWM/BMP facilities.

Access & Parking

- The CDP/FDP shows 12 feet of right-of-way to be dedicated along the Fairfax County Parkway, as requested by staff.
- Vehicular access to the site will be provided by an entrance on Route 50 (in the location of the existing golf park entrance) which will allow right turns in and out and left turns in only (no left turns out). An additional interparcel access from the east side will give access to Rugby Road through the Kensington Square development. The application proposes all private streets. From the entrance at Route 50, the proposed street will split, with the left fork entering the single family detached portion of the site, and the right fork accessing the attached units and eventually Kensington Square.
- Parking is provided with garage and driveway spaces (2 each for all units except ADUs, which have one garage and driveway space each). Additionally, approximately 45 visitor parking spaces will be provided in the attached portion of the development, some located adjacent to the southern open space area and the remainder at the northern end, mostly in front of the ADUs.

- This development, in conjunction with the adjacent Kensington Square development and RZ 2005-SU-011, will encompass 75% of the Rugby Road frontage between Route 50 and the Fairfax County Parkway, and all three of the developments will have access onto Rugby Road. The applicant has therefore, at staff's request, shown proposed improvements to Rugby Road (which is planned as a four-lane, divided road). These improvements, as currently shown, consist of right-of-way dedication and construction of frontage improvements to consist of a four-lane section with a median along Rugby Road across the frontage of RZ 2005-SU-011; and construction of a four-lane undivided section on the northern portion of Rugby Road. These improvements are subject to the acquisition of right-of-way from the one remaining undeveloped parcel (directly to the north of RZ 2005-SU-011, owned by the adjacent church).

Stormwater Management

- Stormwater management and best management practices (BMPs) will be provided through the provision of three dry pond facilities. One pond is located along Route 50 at the entrance to the site, a second is located on the western corner of the site, adjacent to Highland Oaks and the wetlands area in that development, and the third is located at the northern end of the single family detached portion of the site, between the detached units and the attached units to the north and east. In response to staff concerns about the western pond, the applicant has included several sheets detailing a dam breach analysis for the western pond.

Other Details

- Retaining walls up to six feet in height are shown as "possible" along the northern and western sides of the tree save / wetland open space area at the entrance to the site. Typical retaining wall details show a stone or masonry face with a metal railing on the top.
- A sound barrier (7–9 feet tall) will be located in the buffer yard along the southern property boundary along Route 50, and along the northern boundary of the site (located just outside the Resource Protection Area). The sound barrier along Route 50 will consist of a solid wood fence with brick piers; the sound barrier along the Fairfax County Parkway will consist of a solid wood fence, brick piers may be provided in some areas.
- A "major" entrance feature at Route 50 will consist of a sign wall with ornamental fencing and brick piers, 6 to 8 feet in height, flanking both sides of the entrance. Two possible "minor" entrance features are shown, one at the entrance to the single family attached units and the other at the entrance to the single family detached units. These "minor" features are shown to be ornamental fencing with brick piers 6 to 8 feet in height (sign panels affixed to piers) flanking the road.

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 12.

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 use for the subject property at 2-3 du/ac. Consolidation is recommended. The subject parcel is the last remaining parcel in the area recommended for consolidation by the Plan. Integration with the adjacent Kensington Square and Kensington Parc applications would further the Plan goal of consolidation, with adequate proffer commitments to such consolidation.

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 CDP/FDP depicts a development with a mixture of three unit types, detached, attached “great houses” and attached townhouse ADUs. The layout provides for the detached units to be located on the western side of the site, adjacent to a similar development to the west. Lot widths and orientation are generally aligned with those to the west. The “great house” and ADU townhouses are located to the east, also generally aligned with similar “great house” units in the Kensington Square development. Lot 13, adjacent to Route 50, is in an undesirable location as it intrudes into the buffer along Route 50 and will likely be subject to noise impacts from the road, as well. It would be appropriate for the applicant to delete this lot. Finally, the lot detail for the single family attached “great house” units shows that these units may have as little as 10 feet in the rear yards, which is undesirable.

Open space should be usable, accessible and integrated. Appropriate landscaping and amenities should be provided.

The application provides 28.6% open space. As discussed in the CDP/FDP description, this open space consists of buffer yards, three park areas, and three stormwater management ponds. Landscaping will be provided to as buffers between the new development and the property boundary to the west. In general, the open space is accessible and integrated; at staff's request, the applicant has provided a pedestrian connection between detached units 28 and 29, to give the residents of the attached units better access to the open space located in the detached portion of the site, and to give all residents better walking access throughout the site (allowing a "loop" walk).

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.

Staff believes that the applicant's proposal fulfills this criteria by aligning detached units on the western half of the site with the adjacent development to the west, and attached units on the east with the Kensington Square development to the east. The proposed density of 3.59 du/ac is an appropriate transition between the R-5 (4.71 du/ac) to the east and the PDH-3 (3.4 du/ac) to the west.

Environment (Development Criterion #3) (see 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.

Fairfax County soils maps indicate the presence of asbestos bearing soils and bedrock on the subject property. Asbestos soils present potential health risks, while the shallow depth to bedrock may necessitate blasting during construction of the proposed development. The applicant has provided appropriate proffers to ensure that appropriate measures will be taken during construction to minimize the health and safety risks associated with asbestos soils and blasting.

As detailed in the noise study, the proposed development will be impacted by transportation generated noise from both Route 50 to the south, and the Fairfax County Parkway to the north, but no lots are located in within the DNL 70 dBA noise contour. The applicant will do a revised study with subdivision/site plan, based on final grades on the site. Those units impacted by the 65 dBA noise contour will utilize appropriate noise mitigation techniques to address interior noise; no units are oriented with their backs to either road. Noise barriers will be installed along the northern and southern frontages of the site, which are shown as up to as much as 9 feet in height. In response to staff's concerns, the applicant has developed a plan (provided as an attachment to the proffers) which

details how the proposed berm and wall will relate, and shows that the highest points of the wall will only be required at the ends, where the berm must transition to the grade of the property line.

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

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 subject property is primarily open, as it is developed with a golf course and driving range. While it would be desirable to preserve the mature vegetation along Route 50, the applicant has indicated it would be difficult to install the required noise berm and also preserve these oak trees. A tree save area located near the entrance and consisting primarily of un-developable wetlands will preserve approximately 1.75 acres of mature trees.

Transportation (Development Criterion #5) (see Appendix 6)

Criterion 5 requires that development provide safe and adequate access to the surrounding road network, and maintain the ability of local streets to safely accommodate traffic; that mass transit and pedestrian and other non-motorize transportation options be encouraged, and that interconnection of streets be provided where possible and appropriate. In addition, public streets are preferred, but alternative street designs may be appropriate where conditions merit. If the applicant uses private streets, justification for such should be provided.

The Comprehensive Plan recommends that Rugby Road between Route 50 and the Fairfax County Parkway be widened to 4 lanes, and provided with a median. As noted, the applicant for the subject rezoning is also pursuing RZ 2005-SU-011 (Kensington Parc) and is the builder of the neighborhood to the east (Kensington Square). Kensington Manor is proposed to access Rugby Road through Kensington Square. Since the applicant is the same for these neighborhoods, which will all access Rugby Road and which encompass 75% of the Rugby Road frontage, Staff has requested that the applicant commit to providing full Rugby Road improvements according to the recommendations of the Plan. As noted in the description of the CDP/FDP, the applicant has prepared a preliminary design for improvements to Rugby Road. These proposed improvements (and related proffers) commit to the following:

- Construction of a four-lane divided (with median) section for the southern portion, across the frontage RZ 2005-SU-011
- Construction of a four-lane undivided (no median) section for the northern portion, with turn lanes at the intersection of Rugby Road with the Fairfax County Parkway

- Proffers include a commitment to construct the full Rugby Road improvements by the time of the 100th RUP of the two applications together is issued

Additional transportation commitments the applicant has made include dedication of 12 feet of right-of-way along the Fairfax County Parkway, connection of interparcel access through Kensington Square, construction of the Route 50 entrance to physically restrict the ability to make a left turn out of the site to address an existing, sub-standard median break, and construction of a right-turn lane into the entrance along the Route 50 frontage.

The applicant is proposing to utilize private streets because of the interconnection with the single family attached development; proffer commitments have been made to construct the streets to a public street standard, and to provide \$2,000 seed money for the maintenance fund.

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 7 – 11).

Fairfax County Public Schools (Appendix 7)

The proposed development would be served by Navy Elementary School, Franklin Middle School and Chantilly High School. Navy Elementary School is projected to exceed capacity through the 2009-2010 school year, while Franklin Middle School and Chantilly High School are projected to be below capacity by the 2009-2010 school year. The total number of students generated by this development is anticipated to be 47 total students: 25 elementary, 5 middle and 15 high school students. This is an increase of 33 students above that generated the existing zoning district. An appropriate contribution would be between \$247,500 and \$352,500. The applicant has proffered a contribution of \$2,210 per dwelling unit, a total contribution of \$247,520 (based on 112 dwelling units) for capital improvements to schools that serve the area.

Fairfax County Park Authority (Appendix 8)

The proposed development will add approximately 323 new residents to the current population of the Sully District. The applicant proposes to provide several on-site park areas and pedestrian connections throughout the site and to the trail along Route 50. Because development of this site will remove 30+ acres of land from the private open space / recreational facilities in this area, the Park Authority has requested that the applicant dedicate 4 to 5 acres of land for a neighborhood

park. The applicant has not provided for such dedication, but because this development will be joined with two others in the immediate area, the park facilities provided will serve a greater population than just that of this development. Because this application is for a Planned Development District (P-District), the Zoning Ordinance requires that \$955 per unit be spent on on-site recreational facilities. In addition to on-site resources, the residents of the development will need and will use off-site park and recreational facilities. In order to offset the impact this will have on Park Authority resources, the applicant has been requested to provide \$85,720 to the Park Authority for recreational development. The applicant has proffered to contribute \$766.35 per unit, or \$85,831.20, to the Park Authority for off-set impacts to the County's recreational facilities.

Fire and Rescue (Appendix 9)

The subject property would be serviced by the Fairfax County Fire and Rescue Department Station #421, Fair Oaks. The requested rezoning currently meets fire protection guidelines.

Sanitary Sewer Analysis (Appendix 12)

The property is located in the Cub Run Watershed, and would be sewered into the UOSA Treatment Plant. Adequate sanitary sewer capacity is available to the subject property to support the proposed use, from an existing 8 inch line, located in Poplar Creek Drive and approximately 120 feet the property.

Fairfax County Water Authority (Appendix 10)

The subject property is located within the Fairfax Water service area. Adequate domestic water service is available to the site from existing 6-inch, 8-inch and 12-inch water mains located at the property.

Environmental & Site Review Division, Stormwater Management, DPWES (Appendix 11)

The applicant proposes to provide three dry stormwater management/best management practices (SWM/BMP) ponds on the site. In response to staff concerns (as noted in the memo) the applicant has provided an appropriate dam breach analysis and outfall details for the western pond. Staff would prefer to see this pond converted to a rain garden (or other innovative facility), given that the pond outfalls into a wetlands area off-site. Because of the need to provide a given quantity of detention, the applicant has indicated that the pond is necessary; proffers commit to provide rain garden facilities throughout the site where appropriate and approved by DPWES.

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 CDP/FDP shows 14 Affordable Dwelling Units, in accordance with the County's 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 historical or archaeological resources have been identified on this site.

ZONING ORDINANCE PROVISIONS (Appendix 14)

The requested rezoning of the 30.56 acre site to the PDH-3 District must comply with the applicable regulations of the Zoning Ordinance found in Article 6, Planned Development District Regulations and Article 16, Development Plans, among others.

Article 6

Sect. 6-101. Purpose and Intent: This section states that the PDH District is established to encourage innovative and creative design, to ensure ample provision and efficient use of open space; to promote balanced development of mixed housing types and to encourage the provision of affordable dwelling units. The development proposes 63 single family detached units and 49 single family attached units at a total density of 3.59 du/ac. The mix of units provided allows a transition of density and unit type between the R-5 attached developments to the east, and the lower density developments to the west. Approximately 28.6% of the site is proposed as open space, scattered in several open space / recreational areas throughout the site. While staff would prefer to see some additional width to the buffer areas, and the removal of Lot 13, in general the application appears to meet the purpose and intent of Article 16.

Sect. 6-107 (Par. 1) Minimum District Size: This section states that a minimum of two (2) acres is required for approval of a PDH District. The area of this rezoning application is 30.56 acres; therefore this standard has been satisfied.

Sect. 6-107 (Par. 2) Minimum Lot Area: There is no specific requirement for a minimum lot size in a "P" District. The lot sizes proposed, approximately 7,000 square feet in area, are comparable to those in the adjacent development to the west, and serve as a transition from the attached developments to the

east. A minimum 200 square foot rear yard is provided with the attached units as required.

Sect. 6-109. Maximum Density: The maximum density for the PDH-3 District is 3 dwelling units per acre (du/ac). The proposed density is 3.59 du/ac, including bonus density for the provision of ADUs and utilizing previous density credit for right-of-way along Route 50 dedicated with the last version of the golf park; therefore, this standard has been satisfied.

Sect. 6-110. Open Space: Par. 1 requires a minimum of 18% open space for a PDH-3 District with ADUs. Par. 2 requires recreational facilities be provided in the amount of \$955/unit. The application proposes to provide 28.6% of the site in open space; the draft proffers include a provision to contribute any remaining funds from the required \$955 per unit to the Park Authority for park facilities in the area. Staff believes this standard has been satisfied.

Article 16. Sections 16-101 and 16-102

Sect. 16-101 General Standards

Par. 1 requires conformance with the Comprehensive Plan recommendations. The Comprehensive Plan states that this area is planned for residential development at 2-3 dwelling units per acre. The applicant proposes to develop the property with 63 single family detached units and 49 single family attached units (35 "great house" units and 14 ADU townhouses) at an overall density of 3.59 du/ac (including bonus density for the provision of ADUs) which meets the Plan recommendation. Therefore, this standard has been satisfied.

Par. 2 requires that the proposed design achieve the stated purposes of the PDH district more than would development under a conventional zoning district. As noted, the proposed design allows for a development that provides a transition between higher density to the east and the lower density areas to the west. The mix of units allows for compatibility to both the west and the east. The development is that it will bring several disparate applications and a mix of unit types under a single, umbrella homeowners' association. This should promote a mix of family types within what is essentially a single development. Any connections between the physical units should be encouraged as it will promote a unified community throughout the development. In response to staff's concerns about pedestrian access, and particularly access to all of the open space areas, the applicant has revised the plat to show a pedestrian connection from the northern end of the attached units between two single family detached units to the open space area interior to the single family detached units. In staff's evaluation, this standard has been satisfied with the latest revisions.

Par. 3 requires protection and preservation of scenic assets. The site is generally open and entirely man-made. The CDP/FDP shows one area of tree cover and wetland to be protected as a preservation area. The CDP/FDP

provides for the provision of street trees and landscaping throughout the development. Staff believes this standard has been satisfied.

Par. 4 requires a design which prevents injury to the use of existing development and does not deter development of undeveloped properties. The proposal is for single family detached and attached residential development which provide a transition zone between surrounding developments as discussed earlier. There are no unconsolidated parcels available for development. Staff believes this standard has been addressed.

Par. 5 requires that adequate transportation and other public facilities are or will be available to serve the proposed use. The development is proposed to be served by a private road system with access to Route 50 and to Rugby Road via the Kensington Square development. Sidewalks are provided along both sides of all internal streets. Right of way and frontage improvements are provided along all external streets, including a trail along Route 50. As noted earlier, the construction of Rugby Road to its ultimate, planned, cross-section is appropriate with this development. With the latest revisions to the plans and proffers, staff believes this standard is adequately addressed.

Par. 6 requires that coordinated linkages among internal facilities and services as well as connections to major external facilities and services be provided. As noted, the development plan depicts pedestrian sidewalks along both sides of the internal roadways and on the public streets surrounding the site. As noted, the applicant has revised the plans to show a crucial, internal pedestrian connection between Lots 28 and 29. With this revision, staff believes this standard has been satisfied.

Sect. 16-102 Design Standards

Par. 1 states that at the peripheral lot lines, the bulk regulations and landscaping and screening for the proposed development should generally conform with the provisions of the most comparable conventional district. In this instance, the most comparable conventional district is the R-3 District with ADUs. A comparison of these requirements and the proposed bulk regulations for those lots at the periphery is shown in the table below.

	R-3 ADU Provisions	Proposed, Periphery of Site
<i>Attached Units – “Great House” Units</i>		
Lot Width	14 feet	Approx. 35 feet
Front Yard	15° ABP (not less than 5 ft)	15 feet (with 18 ft driveways)
Side Yard	15° ABP (not less than 10 ft)	7 feet
Rear Yard	30° ABP (not less than 20 ft)	10 feet
200 sq. ft. privacy yards	Required	Provided

<i>Attached Units -- ADUs</i>		
Lot Width	14 feet	Approx. 18 feet
Front Yard	15° ABP (not less than 5 ft)	15 feet (with 18 ft driveways)
Side Yard	15° ABP (not less than 10 ft)	7 feet
Rear Yard	30° ABP (not less than 20 ft)	15 feet
200 sq. ft. privacy yards	Required	Provided
<i>Detached Units</i>		
Lot Size	8,400 sq. ft.	7,000 sq. ft.
Lot Width	70 feet	70 feet
Front Yard	30 ft.	15 feet (with 18 ft driveways)
Side Yard	8 feet	5 feet
Rear Yard	25 feet	15 feet

While the application does not conform with all of recommended minimums, it should be noted that the adjacent single family detached development to the west has lots which are generally the same size (or smaller) than lots in the proposed development, in addition to a 25 foot buffer between the lots and the property line. To the east, the development adjoins an R-5 ADU development of the same unit type and similar set backs as those proposed with this application.

Par. 2 states that the open space, parking, loading, sign and all other similar regulations shall have application in all planned developments. This application satisfies all applicable Zoning Ordinance provisions.

Par. 3 states that streets and driveways shall be designed to generally conform to the provisions of the Ordinance. The internal roadway system is proposed to be private. The applicant has requested a waiver of the 600 foot maximum length of private streets. The applicant has proffered to driveways with a minimum length of 18 feet. This standard has been satisfied.

Par. 4 states that emphasis should be placed on the provision of recreational amenities and pedestrian access. The development plan includes sidewalks along the internal private streets and external public streets. The plan also includes three park features, including a tot lot and an active recreation area conjoined with the recreation area provided in adjacent Kensington Square. Staff believes this standard has been satisfied.

Highway Corridor Overlay District (Sect. 7-600)

The provisions of Sect. 7-608, Use Limitations, apply additional standards for users in the HC. These conditions apply to drive-in banks, fast food restaurants, quick-service food stores, service stations and service station/mini-marts. The provisions of the HC do not apply to this application.

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 CDP/FDP shows stormwater management and BMPs to be provided through the construction of three dry pond stormwater management facilities scattered around the site. The proposed development will be required to meet the requirements of the WSPOD at the time of site plan approval.

WAIVERS AND MODIFICATIONS**Waiver of the service drive requirement**

The PFM requires that all developments abutting a primary highway shall provide a service drive along the entire frontage of that road. Lee Jackson Memorial Highway (Route 50) forms the southern property boundary of the site; therefore a service drive is required, which the applicant has requested a waiver to provide. Staff does not object a waiver in this case because the developments to either side of the application property did not provide for a service drive, and because the development would also access Rugby Road through the adjacent development.

Waiver of the 600 foot maximum length for a private street

Section 11-302 of the Zoning Ordinance does not permit private streets within a residential development to exceed 600 feet in length. Therefore, the applicant is requesting a waiver of this requirement to permit the private street system to exceed 600 feet in length. Public access easements will be placed on the private streets which will be constructed with a pavement section appropriate for public subdivision streets per the requirements of the PFM. Maintenance responsibilities will be performed by the HOA, which will be disclosed to all purchasers. Therefore, Staff does not object to this request.

Modification of the height limitation of fences to permit a noise barrier to exceed 7 feet in height (maximum 9 feet)

Sect. 10-104 of the Zoning Ordinance permits an increase in height for noise barriers that mitigate the impacts of highway noise on residential properties. The applicant's submitted noise study demonstrates the necessity for a noise barrier of up to nine feet in height along the southern and northern frontages of the property, to adequately mitigate transportation noise generated from Route 50 and the Fairfax County Parkway, respectively. The CDP/FDP shows the location of the noise

barriers, and commits to construction consisting of a solid wood fence with brick piers on a berm, as shown in the attachments to the proffers. With the commitment to provide a berm (as opposed to simply a nine foot tall fence) Staff does not object to this request that will permit the applicant to install a noise barrier that will provide adequate noise mitigation of transportation generated noise.

Modification of Transitional Screening between Attached and Detached units; interior to the site

Transitional screening 1 (25 feet in width) is required between detached and attached units, which may be waived or modified when the units are part of a single development plan. The CDP/FDP shows approximately 20 feet between the detached and attached units provided in this development. The landscape plan shows a row of trees in this area. Because the units are provided under a single P District, and will be part of a single umbrella development, staff would not object to a modification in favor of that shown on the CDP/FDP.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant's request to rezone the 30.56 acre property from the R-1, HC and WS Districts to the PDH-3, HC and WS Districts to permit the development of 112 dwelling units at an overall density of 3.59 is in conformance with the density recommendations of the Comprehensive Plan. The CDP/FDP depicts a layout that is generally functional, and provides for 28.6% open space. While the frontage treatment for Route 50 could be improved by adding additional width, the applicant has addressed the need to provide full improvements to Rugby Road as discussed in the Transportation analysis (a portion of which are off-site). Additional outstanding concerns include the request by the Park Authority for 4-5 acres of dedication for a public, neighborhood park. As noted in the analysis, while it would be preferable for the applicant to provide such dedication, they have in response provided for on-site recreational opportunities to serve the three Kensington projects as a single entity. Additionally, the applicant has proffered to contribute funds to the Park Authority to off-set the impacts expected from this development.

Recommendation

Staff recommends approval of RZ 2005-SU-013, subject to proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDP 2005-SU-013.

Staff recommends approval of a waiver of the service drive requirement along Lee Jackson Memorial Highway (Route 50).

Staff recommends approval of a waiver of the 600 foot maximum length for a private streets.

Staff recommends approval of a modification of the height limitation of fences to permit a noise barrier to exceed 7 feet in height (9 feet maximum).

Staff recommends approval of a modification of the transitional screening requirement in favor of that shown on the CDP/FDP.

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 Citations
5. Environmental Analysis
6. Transportation Analysis
7. Fairfax County Public Schools
8. Fairfax County Park Authority
9. Fire and Rescue
10. Fairfax County Water Authority
11. Environmental & Site Review Division, SWM, DPWES
12. Residential Development Criteria
13. Zoning Ordinance Provisions
14. Glossary

DRAFT

PROFFERED CONDITIONS Renaissance Holdings Corp. a/k/a Renaissance Holdings Corporation

**Kensington Manor
RZ/FDP 2005-SU-013**

September 13, 2005

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owner (the “Owner”) and applicant (the “Applicant”) in this rezoning proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference Nos. 45-2-((1))-1A (hereinafter referred to as the "Property") will be in accordance with the following proffered conditions (the “Proffered Conditions”) if, and only if, said Rezoning request for the PDH-3 and HC Zoning District is granted. In the event said application request is denied, these Proffered Conditions shall be null and void. The Owner and the Applicant, for themselves, their successors and assigns, agree that these Proffered Conditions shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. These Proffered Conditions, if accepted, supersede all previous Proffered Conditions existing on the Property. The Proffered Conditions are:

I. GENERAL

1. Substantial Conformance. Subject to the Proffered Conditions and the provisions of Article 16 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (the

“CDP/FDP”), containing seventeen (17) sheets prepared by Urban Engineering & Associates, Inc., dated March 2005 and revised through September 13, 2005.

2. Lot Yield and Orientation of Units. The development shall consist of sixty-three (63) market rate single family detached residential units, thirty-five (35) market rate single family attached residential units, and fourteen (14) Affordable Dwelling Units (ADUs) as required by Section 2-800 of the Zoning. The specific unit footprints shown on the CDP/FDP are subject to minor modifications and shall further conform to the “Typical Lot/Units Details” (as shown on the CDP/FDP) and/or the requirements of these Proffered Conditions.

3. Establishment of HOA. Prior to record plat approval, the Applicant shall demonstrate that the Property will be governed by a homeowners association (the “HOA”) and be subject to a Declaration of Covenants, Conditions and Restrictions consistent with the requirements of Article 2 of the Zoning Ordinance. Such HOA shall be designed with a structure that provides reciprocal rights of access to trails, amenities, and common areas within the existing development approved under RZ 2001-SU-035 and that associated with RZ 2005-SU-011, if approved.

4. Dedication to HOA. In conjunction with the appropriate site review processes, private streets, sidewalks, and common areas and amenities not otherwise conveyed or dedicated to the County shall be dedicated to the HOA and maintained by the same. Maintenance responsibilities of the HOA, including maintenance of private streets, shall be disclosed to all prospective homeowners in a disclosure memorandum prior to entering into a contract of sale and included in the HOA documents.

5. Public Access Easement. A public access easement in a form approved by the County Attorney shall be placed on the private streets, sidewalks, and trails within the approved development. The requirements of this Proffer Condition shall be disclosed in the HOA Documents.

6. Garage Conversion. Any conversion of garages that will preclude the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the HOA and the Board of Supervisors. This restriction shall also be disclosed in the HOA Documents. Prospective purchasers shall be advised of this use restriction at the time of the contract execution for each such initial sale.

7. Pavement Section. All private streets shall be constructed pursuant to the Public Facilities Manual (the “PFM”) pavement section standards as to the thickness appropriate for public subdivision streets based on level of vehicular traffic consistent with the development shown on the CDP/FDP. The HOA Documents shall include provisions for monthly/annual assessments for private street maintenance. All prospective purchasers shall be advised of the existence of private streets, the associated public access easement and all other associated maintenance obligations required by these Proffered Conditions at the time of the contract execution for each such initial sale. The HOA Documents shall stipulate that a reserve fund to be held by the HOA be established for private street maintenance. The Applicant shall be responsible for placing the sum of \$2,000 in such reserve fund prior to the issuance of the first Residential Use Permit (the “RUP”) for the proposed dwelling units.

8. Length of Driveways. All driveways serving the approved residential units shall be a minimum of eighteen (18) feet in length from the inside of the sidewalk to the edge of the garage door.

9. Signs. No temporary signs (including “popsicle” 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 Applicant or at the Applicant’s direction to assist in the initial sale of homes on the Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale of residential units on the Property to adhere to this proffer.

10. School Contributions. Prior to approval of the first site or subdivision plan for the approved development, the Applicant shall contribute the sum of \$2,210.00 per dwelling unit, for each new dwelling unit approved on the final site or subdivision plan to the Board of Supervisors for capital improvements to schools serving the Property.

11. Energy Conservation. All homes on the Property shall meet the thermal guidelines of the CABO Model Energy Program, or its equivalent as determined by DPWES for either gas or electric energy systems, as may be applicable.

12. ADUs. A minimum of fourteen (14) ADUs will be provided within the development in accordance with Section 2-800 of the Zoning Ordinance.

13. Archaeological Study. Prior to any land disturbing activities, Applicant shall conduct a Phase I archaeological study of the Property, and provide the results of such studies to the Heritage Resources Branch of the Fairfax County Park Authority (“Heritage Resources”). If deemed necessary by Heritage Resources, the Applicant shall

conduct a Phase II and/or Phase III archaeological study on only those areas of the Property identified for further study by Heritage Resources. The studies shall be conducted by a qualified archaeological professional approved by Heritage Resources, and shall be reviewed and approved by Heritage Resources. The studies shall be completed prior to subdivision plat recordation.

II. ENVIRONMENTAL

14. Stormwater Management. Stormwater management and BMP measures shall be provided as shown on the GDP and shall be in accordance with the PFM, as determined by DPWES or modifications thereto as approved by DPWES. Any structural detention ponds shall be landscaped to the maximum extent possible in accordance with the planting policies of Fairfax County. Further, subject to approval by DPWES, the Applicant may also incorporate one or more rain garden facilities on the Property. The Applicant shall determine the location of the possible rain gardens at the time of site plan. Said locations shall not impact the limits of clearing and grading or impact or reduce the number of proposed visitor parking spaces. To the extent any of the items described above impose additional private maintenance obligations on the HOA, including mowing and landscaping responsibilities, the same shall be disclosed to prospective purchasers prior to entering into a contract of sale and shall be incorporated into the HOA covenants.

15. Limits of Clearing and Grading and Landscaping. The Applicant shall strictly conform to the limits of clearing and grading, as shown on the CDP/FDP.

16. Landscaping. Landscaping shall be provided in substantial conformance with the landscaping concepts shown on the CDP/FDP. Evergreen trees shall be at least 6 feet tall, and deciduous trees shall be at least 2 1/2 inch caliper at the time of planting.

If, during the process of site or subdivision plan review, any new landscaping shown on the CDP/FDP cannot be installed in order to locate utility lines, trails, etc., as determined necessary by the Urban Forester, then an area of additional landscaping consisting of trees and/or plant material of a type and size generally consistent with that displaced, shall be substituted at an alternate location on the Property, subject to approval by the Urban Forester.

17. Tree Preservation Plan. The Applicant shall submit a tree preservation plan as part of the first and all subsequent site or subdivision plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forest Management, DPWES (UFM). The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees ten (10”) inches in diameter and greater within twenty (20) feet of the Property limits, or within twenty (20) feet of either side of the limits of clearing and grading as shown on the CDP/FDP, including any area listed as tree save. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown, pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

18. Tree Preservation Walk Through. The Applicant shall retain the services of a certified arborist or landscape architect and 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 Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a UFM representative to determine where minor 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. Trees that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated 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 adjacent trees and associated understory vegetation and soil conditions.

19. Tree Protection Fencing. All trees shown to be preserved on the Tree Preservation Plan shall be protected by tree protection fencing. Tree protection fencing consisting of four foot (4') high, 14 gauge welded wire attached to six foot (6') steel post driven eighteen inches (18") into the ground and placed no further than ten feet (10') apart shall be erected at the limits of clearing and grading as shown on the demolition and phase 1 and 2 erosion and sediment control sheets for the tree save and protection areas delineated on the CDP/FDP, as may be modified by Proffer #18. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures within or adjacent to tree save areas. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist or landscape architect and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to the commencement of any

clearing, grading or demolition activities but subsequent to the installation of the tree protection devices, UFM shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM.

20. Methods of Preserving Existing Trees. The demolition of existing manmade features and structures within identified tree preservation areas 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 tire protection fence, root pruning, mulching, as approved by UFM.

21. Tree Protection Proffer Compliance. During any clearing or tree/vegetation/structure removal on the Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM. The Applicant shall retain the services of a certified arborist or landscape architect to monitor tree preservation efforts in order to ensure conformance with all tree preservation proffers/conditions, and UFM approvals. The monitoring schedule shall be described and detailed in the tree preservation plan, and reviewed and approved by UFM.

22. Asbestos Containing Soils. If, based on the soils analysis submitted as part of the site or subdivision plan approval process, DPWES determines that a potential health risk exists due to the presence and associated disturbance of asbestos-containing rock on the Property, the Applicant shall:

- (a) Take appropriate measures as determined by the Fairfax County Health Department to alert all construction personnel as to the potential health risks; and
- (b) Commit to appropriate construction techniques as determined by DPWES in coordination with the Fairfax County Health Department to minimize this risk. Such techniques may include, but shall not be limited to, dust suppression measures during all blasting and drilling activities and covered transportation of removed materials presenting this risk, and appropriate disposal.

23. Noise Attenuation Measures. As provided in Proffers 24-26 of these Proffered Conditions, noise mitigation measures will be provided to ensure that a maximum exterior noise level of DNL 65 dBA will be achieved for any outdoor areas for the dwelling units and the developed recreation area located east of the site entrance; and that a maximum interior noise level of approximately DNL 45 dBA will be achieved for any dwelling unit that will be exposed to noise levels in excess of DNL 65 dBA.

24. Noise Study. The Applicant will submit a revised noise study using a methodology acceptable to DPZ for review and approval by DPWES and DPZ prior to the approval of the first site or subdivision plan that will document attainment of the noise levels for exterior and interior levels, as stated above, based on final site topography and the best available information regarding future road improvements within the right-of-way of Rt. 50 and the Fairfax County Parkway. In addition, the noise study will provide noise impact projections (in terms of DNL dBA) for all levels of building facades. A “noise mitigation” sheet will be provided within any applicable plan

submission. This sheet will include the following information: a graphic illustration of the locations, design details, and heights of the noise barriers and identify all building facades for which interior noise mitigation measures will be provided; and a synopsis of the recommendations of the noise study(ies) and how mitigation will be accomplished. The Applicant shall demonstrate to DPWES and DPZ prior to site or subdivision plan approval that the selected material for the noise walls will provide the noise mitigation described below. Any units requiring mitigation shall be identified on the site or subdivision plan.

25. Exterior Noise. In order to achieve compliance with the above maximum exterior noise levels, a noise barrier will be constructed along the southern and northern boundaries in the locations shown on the CDP/FDP prior to issuance of any RUPs for the impacted units identified in the revised noise study. The barrier located along the northern boundary along the Fairfax County Parkway shall be architecturally solid from the ground up, with no gaps or openings and shall not exceed a height of eight (8) feet from final grade. The barrier located along the southern boundary along Route 50 shall consist of a berm or berm/wall combination as generally shown on Attachments B, C, and D. The wall portion of the barrier will be architecturally solid from the ground up, with no gaps or openings. The maximum height of the Route 50 barrier shall be consistent with that shown on Exhibits B, C, and D; however, the findings of the revised noise study shall determine the ultimate height of the barrier, which may be subject to change based on final grades at time of site plan.

26. Interior Noise. In order to mitigate interior noise to approximately DNL 45dBA, each dwelling impacted shall have the acoustical attributes set forth in the

approved study. Any units requiring mitigation shall be identified on the site or subdivision plan. Compliance of proposed building materials with these standards shall be demonstrated by the Applicant, to the satisfaction of DPWES, prior to the issuance of building permits for the units.

27. Noise Wall Disclosure. The Applicant shall disclose to all residential purchasers that the development will include noise walls to reduce transportation generated noise. Maps depicting the location and height of the noise wall and proximity to the individual units will be provided as part of said disclosure at the time of the contract execution for each such initial sale. Notification of the height and location of the noise walls, as well as HOA maintenance responsibility for them, shall also be provided in the HOA documents. The disclosure document/HOA disclosure shall also make it clear to any potential purchaser that the noise barrier may not preclude all perceptible traffic generated noise.

28. Parks and Recreation. Pursuant to Section 6-409 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall provide recreational facilities to serve the Application Property to include tot lots, fitness courses, gazebos, playgrounds, and recreational trails as shown on the CDP/FDP. Construction of such facilities shall be completed prior to final bond release. At the time of site or subdivision plan review, the Applicant shall demonstrate that the value of any proposed recreational amenities is equivalent to a minimum of \$955.00 per unit as required by Article 6 of the Zoning Ordinance. In the event it is demonstrated that the proposed facilities do not have sufficient value, the Applicant shall have the option to: (1) provide additional on-site recreational amenities within the open space areas shown on the Plan, if it is determined

that the location would be in substantial conformance with the CDP/FDP; and/or (2) contribute funds in an amount to total \$955.00 per unit to the Fairfax County Park Authority for off-site recreational purposes.

29. Park Authority Contribution. The Applicant shall contribute \$766.35 per dwelling unit to the Fairfax County Park Authority for park purposes and/or facilities in the vicinity of the Subject Property. This contribution shall be made at the time of final site plan approval.

30. Blasting. If blasting is required on-site, the Applicant and its successors will ensure that blasting is done per Fairfax County Fire Marshal requirements and all safety recommendations of the Fire Marshal, including, without limitation, the use of blasting mats shall be implemented. In addition, the Applicant and its successors shall:

- Retain a professional consultant to perform a pre-blast inspection of each house or residential building, to the extent that any of these structures are located within two hundred fifty (250) feet of the blast site.
- Prior to any blasting being done, the Applicant shall provide written confirmation to DPWES that the pre-blast survey has been completed and provide a copy of the survey to Fairfax County upon request.
- Require the blasting consultant to request access, by way of certified mail to the last known address of the owner(s), to any houses, wells, buildings, or swimming pools that are located within said 250 foot range, to, if permitted by owner, determine the pre-blast conditions of these structures. The Applicant's consultant will be required to give a

minimum of fourteen (14) days notice of the scheduling of the pre-blast survey. The Applicant shall provide the residents entitled to pre-blast inspections, the name, address and phone number of the blasting contractor's insurance carrier.

- Require his consultant to place seismographic instruments prior to blasting to monitor shock waves. The Applicant shall provide seismographic monitoring records to County agencies upon their request.
- Notify residences within 250 feet of the blast site, ten (10) days prior to blasting; no blasting shall occur until such notice has been given.
- Upon receipt of a claim of actual damage resulting from said blasting, the Applicant shall cause his consultant to respond within five (5) days of meeting at the site of the alleged damage to confer with the property owner.
- The Applicant will require blasting subcontractors to maintain necessary liability insurance to cover the costs of repairing any damages to structures, which are directly attributable to the blasting activity and shall take necessary action to resolve any valid claims in an expeditious matter.

IV. ARCHITECTURE/DESIGN

31. Architecture. The architectural design of the buildings shall be in substantial conformance with the elevations shown on the CDP/FDP. Modifications may be made with the final architectural designs if in substantial conformance with the

elevations shown on the CDP/FDP. The predominant materials used on the exterior facades, on all four (4) sides of the structure, shall be brick and/or masonry. The trim and architectural detailing on structures may be wood, fypon or similar materials.

32. Specialty Paving Treatment. The Applicant reserves the right to install specialty paving treatment within the private streets and sidewalks, subject to the approval of DPWES. The materials may include but are not limited to unit pavers, brick pavers, stamped concrete or stamped asphalt.

33. Design of Street Furniture. The benches, sitting areas, entrance feature, and light standards shall be in substantial conformance with the illustrations shown on sheets 13 and 14 of the CDP/FDP.

34. Street Lighting. Street light fixtures installed along the private streets shall incorporate lighting elements that are a full cut off type design. The lighting fixtures shall be in substantial conformance with the illustration shown on sheet 13 of the CDP/FDP. All lighting on site shall be provided in accordance with the performance standards of Article 14 of the Zoning Ordinance.

35. Park and Open Space Design Amenities. Notwithstanding Proffer #25, the Applicant shall provide the park and open space amenities as generally depicted on Sheets 12, 13, and 14 of the CDP/FDP. These amenities shall include, but not be limited to, the trails, pavilions, gazebo, benches, seating area, flagstone patio with benches and trellis, sensory garden, multi-use sport court, interpretive signs, and tot lots. The design of these amenities shall be in general conformance with what is shown on the CDP/FDP. Future changes to the type and location of amenities shall be permitted provided they are

in general conformance with what is shown on the CDP/FDP and/or approved by Fairfax County through proffer interpretation.

36. Trail Field Location. In order to minimize site disturbance, any proposed trails shall be field located in consultation with UFM, prior to second submission of the site or subdivision plan. Once the trail is located in the field, it shall be shown on the site or subdivision plan with the limits of clearing and grading reflecting the minimum amount required for access and construction. Tree protection fencing shall be used to protect any trees in the area during construction.

37. Lot Detail. The typical lot/unit details shall be in substantial conformance with what is shown on Sheet 2 of the CDP/FDP. Further, the Applicant shall provide a combination of 6 foot solid wall privacy fencing and 4 foot metal fencing in the side and rear yards for the single-family attached Manor Style Homes in substantial conformance with what is shown on Sheet 15 of the CDP/FDP.

38. Retaining Walls. Retaining walls shall be covered with either brick, stone and/or decorative masonry veneer.

V. TRANSPORTATION

39. Road Connection. Prior to the issuance of the thirtieth (30th) Residential Use Permit ("RUP"), the Applicant shall create a road connection with the existing Kensington Square community as shown on the CDP/FDP. This road connection shall provide vehicular access through Kensington Square to Rugby Road from the subject property. For the purpose of this proffer "road connection" shall mean base paving complete and open to traffic.

40. Right-of-Way. At the time of site plan approval or upon demand, whichever occurs first, the Applicant shall dedicate right-of-way along the site frontage of the Fairfax County Parkway, as generally shown on the CDP/FDP. Right-of-way dedicated in conjunction with these Proffered Conditions shall be conveyed to the Board of Supervisors in fee simple. Further, the Applicant reserves density credit for all dedications of right-of-way, land, or facilities required in connection with these proffered conditions pursuant to Section 2-308 of the Zoning Ordinance.

41. Right Turn Lane Into Site from Route 50. The Applicant shall construct a dedicated right turn lane into the site entrance from Route 50 as shown on the CDP/FDP, as approved by FCDOT, VDOT, and DPWES. The Applicant shall maintain said right turn lane until it is accepted into the state road system.

42. Route 50 Entrance. The Applicant shall design the Route 50 entrance so as to physically restrict left turns from the site onto Route 50 as shown on the CDP/FDP, as approved by FCDOT and DPWES.

43. Rugby Road Improvements. Prior to the issuance of the One Hundredth (100th) Residential Use Permit (“RUP”) approved in connection with this rezoning and/or concurrently filed rezoning RZ 2005-SU-011, the Applicant shall construct improved Rugby Road along the site frontage in the lane configuration that is in substantial conformance with that shown on the GDP as approved by FCDOT, VDOT, and DPWES. For the purpose of this proffer, “construct” shall mean open to traffic and generally completed, but for final “top coating” of the road. Once completed, the road shall be accepted by VDOT for maintenance, prior to final bond release. Upon demonstration by the Applicant that, despite diligent efforts, the improvements have been

delayed as a result of the unavailability of necessary off-site right-of-way or other circumstances, the Zoning Administrator may agree to a later date for the completion of the improvements.

44. Rugby Road Right-of-Way Acquisition/Condemnation. If, one (1) year subsequent to final subdivision plan approval, the Applicant is unable to bring about the dedication (if any) by others and the necessary right-of-way and easements required for any of the proffered improvements along Rugby Road as shown on the CDP/FDP, or to acquire by purchase the right-of-way easements at fair market value, as determined by an MAI (Member of the Appraisal Institute) appraisal, then Applicant shall request the Board of Supervisors to condemn the necessary land and/or easements.

It is understood that the Applicant's request to the Board of Supervisors for condemnation will not be considered until the Applicant has demonstrated to the satisfaction of the County their failed attempts to acquire the right-of-way and easements and the Applicant has forwarded the request in writing to the Division of Land Acquisition or other appropriate County official, accompanied by (1) plans, plats and profiles showing the necessary right-of-way or grading easements to be acquired, including all associated easements and details of the proposed transportation improvements to be located on said right-of-way property; (2) an independent appraisal of the value of the right-of-way property to be acquired and of all damages to the residue of the affected property; (3) a sixty (60) year title search certificate of the right-of-way property to be acquired; and (4) an escrow in an amount equal to the appraised value of the property to be acquired and of all damages to the residue which can be drawn upon by the County. It is also understood that in the event the property owner of the property to

be acquired is awarded with more than the appraised value of the Property and to the damages to the residue in a condemnation suit, the amount of the award in excess of the escrow amount shall be paid to the County by the Applicant within forty-five (45) days of said award. In addition, the Applicant agrees that all reasonable and documented sums expended by the County in acquiring the right-of-way and necessary easements shall be paid to the County by the Applicant within sixty (60) days of written demand.

In the event the County is successful in acquiring the off-site right-of-way and easements necessary to fully complete any or all of the these off-site improvements, the Applicant shall construct the improvement(s) for which right-of-way is available within two years of such right-of-way acquisition. It is expressly understood that in the event the County abandons efforts or does not acquire the aforesaid right-of-way and/or easements by means of its condemnation powers, the Applicant is relieved of any responsibility under this proffer to construct any off-site portion of the aforesaid road improvement specifically affected by the unavailability of the right-of-way.

45. All monetary contribution amounts stated in these proffers shall be adjusted by increases to the *Marshall and Swift Building Cost Index* or similar objective source from the date of the Board of Supervisors' approval of this rezoning application to the date of site plan approval.

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These Proffered Conditions may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

RENAISSANCE HOLDINGS CORP. a/k/a
RENAISSANCE HOLDINGS CORPORATION
Applicant/Contract Purchaser of
Tax Map No. 45-2-((1))-1A

By: _____
Name: _____
Its: _____

ROSE DEVELOPMENT, L.L.C.
Title Owner of Tax Map No. 45-2-((1))-1A

By: _____
Name: _____
Its: _____

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