



FAIRFAX COUNTY

APPLICATIONS FILED: December 3, 2004
APPLICATIONS AMENDED: May 4, 2005
PLANNING COMMISSION: October 6, 2005
BOARD OF SUPERVISORS: Not yet scheduled

V I R G I N I A

September 29, 2005

STAFF REPORT ADDENDUM
APPLICATION RZ/FDP 2004-MV-041
Concurrent with SE 2004-MV-035
MOUNT VERNON DISTRICT

APPLICANT: MHI Huntington LLC

PRESENT ZONING: R-4, R-8, HC

REQUEST: PDH-8, HC

PARCELS: 83-1 ((1)) 56, 57, 62A, 62B, 63-65, 67-74, 76, 76A, 78-80, 82, 83, 85;
83-1 ((18)) 1, 2, 3, 4; 83-3 ((1)) 95-99;
and portions of Foley Street public right-of-way to be vacated and a private alley

ACREAGE: 13.46 acres:
12.92 acres zoned R-4,
23,669 sq. ft. zoned R-8

DENSITY: 6.32 du/ac

OPEN SPACE: 64%

PLAN MAP: Residential; 3-4 du/ac
(text includes options for 16-20 du/ac)

REZONING PROPOSAL: The applicant is requesting to rezone the property from the R-4, R-8, and HC Districts to the PDH-8 and HC Districts, to permit the construction of 85 single-family attached dwellings.

SE PROPOSAL: Category 6, Sect. 2-904 Special Exception for uses in a floodplain, to permit disturbance within a floodplain for removal of existing

structures and pavement, to construct a stormwater outfall channel, and for installation of a pervious surface trail, with an overall net reduction in impervious area within the floodplain.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2004-MV-041 and the Conceptual Development Plan, subject to the construction of the westernmost entrance along Huntington Avenue and subject to the execution of proffers consistent with those contained in Attachment 1, with the deletion of proffer #1(d) and subject to the proposed CDP conditions contained in Attachment 2.

Staff recommends approval of FDP 2004-MV-041, subject to the Board of Supervisors' approval of RZ 2004-MV-041 and the Conceptual Development Plan.

Staff recommends approval of modification of transitional screening and barrier requirements adjacent to single-family detached dwelling units, in favor of that illustrated on the CDP/FDP/SE Plat.

Staff recommends approval of waiver of the requirement for a minimum 200 square foot privacy yard for single-family attached dwelling units.

Staff recommends approval of SE 2004-MV-035, subject to the proposed development conditions contained in Attachment 3.

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 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 WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

Background:

The applicant, MHI Huntington LLC, is requesting to rezone the subject property from the R-4, R-8, and HC Districts to the PDH-8 and HC Districts, to permit the construction of 85 single-family attached dwellings, at a density of 6.32 du/ac. The proposed dwellings are a mixture of rear-load style and front-load style units with two-car garages and no intended driveway parking. A total of 64% open space (or approximately 8.4 acres) is proposed.

Approval of a concurrent Special Exception is also requested for the subject property, to permit uses in a floodplain. The applicant is proposing to disturb portions of the floodplain/RPA/EQC at the rear of the property to remove existing pavement and structures, construct drainage outfall facilities, and construct a pervious surface recreational trail, which would result in an overall net decrease in impervious surface located within the floodplain/RPA/EQC.

The following waivers and modifications are included with the request:

- Modification of transitional screening and barrier requirements adjacent to the single-family detached dwellings, in favor of that illustrated on the CDP/FDP/SE Plat.
- Waiver of the requirement for a minimum 200 square foot privacy yard for single-family attached dwelling units.

A staff report was published on July 14, 2005 which recommended approval of the applications subject to proffers and the staff proposed development conditions contained in the original staff report. The originally scheduled public hearing before the Planning Commission was deferred from July 28, 2005, to October 6, 2005, in order to facilitate additional coordination between the applicant team and the community.

On September 12, 2005, the applicant submitted a revised CDP/FDP/SE Plat which continues to propose 85 single family attached units at a density of 6.32 dwelling units per acre in substantially the same design as discussed in the original staff report. However, the revised CDP/FDP/SE Plat proposes an alternative access design that would reduce the number of access points into the development from Huntington Avenue from three (3) to two (2). The primary option, which is identical to the design included in the original staff report is shown on Sheet #4 and Sheet #5 of the CDP/FDP/SE Plat, continues to depict an indirect access to the site from Huntington Avenue via its existing

intersection with Hunting Creek Road, a public street along the eastern perimeter of the site that allows for full turning movements (left-turns and right-turns). Several direct access points to the proposed development are located along Hunting Creek Road, which would be terminated in a cul-de-sac. The second access via Huntington Avenue is a direct access to the site at the existing intersection of Huntington Avenue with Foley Street that will allow right-in and right-out only turning movements. The third access is located along the Huntington Avenue frontage of the site near the western perimeter of the site that would allow for full turning movements at the intersection. Staff continues to support this multiple access design.

The alternative access design as shown on Sheets #4A and #5A of the revised CDP/FDP/SE Plat eliminates the access point previously shown near the western perimeter of the site and redesigns the on-site road network in this area to create a private loop road configuration in order to maintain access to the proposed units in a layout that is consistent with either retention or elimination of the westernmost access. The staff concerns with this proposed alternative are discussed below.

A reduction of the revised CDP/FDP/SE Plat is included at the front of this addendum. The applicant's draft proffers, staff proposed CDP conditions, staff proposed SE development conditions, are contained in Attachment 1-3, respectively.

Transportation Analysis (Attachment 4)

Alternative to Eliminate the Westernmost Access:

The Fairfax County Office of Transportation and VDOT cannot support the alternative access configuration shown on Sheet #4A and #5A of the revised CDP/FDP/SE which eliminates the western most access to the site. Eliminating this access point shifts all left turn access to the site to the Huntington Avenue intersection with Hunting Creek Road. The resultant increase in left turn movements will require a left turn lane at this intersection. A left turn lane at this location is not possible without the necessary right-of-way dedication along the frontage of Lots #93 and #94 (not included in this application) and a commitment from this applicant to construct the required off-site improvements. Further, staff feels the increased stacking for left turns at this location may conflict with the proposed relocation of the existing Foley Street crosswalk which is to be moved closer to Hunting Creek Road. Therefore, staff strongly recommends construction of the westernmost entrance and deletion of Proffer #1(d) pertaining to an alternative access design.

Interparcel Access:

The applicant should construct the interparcel access connection from Foley Street, internal to the development, to the western property line in the vicinity of Farrington Avenue and barricade it until such time as the adjacent parcels in the

vicinity of Farrington Avenue redevelop. This interconnection of streets will be most beneficial in the future by providing alternative access points to Huntington Avenue at intersections with better sight distance and possible future traffic signals to improve the safety of the roadway.

The applicant has proffered to record a public access easement from the terminus of Foley Street to the western property line along the sanitary sewer easement. The applicant has not proffered to construct the interparcel connection on the application property. Staff has included a proposed development condition to require the escrow of funds sufficient to cover the cost of construction of the interparcel access from the western property line to Foley Street in the future, by others, in the event the applicant does not construct the interparcel connection.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff believes that the proposal is in conformance with the Comprehensive Plan and is in conformance with the applicable Zoning Ordinance provisions, with the implementation of the proposed proffers and development conditions.

Recommendations

Staff recommends approval of RZ 2004-MV-041 and the Conceptual Development Plan, subject to the construction of the westernmost entrance along Huntington Avenue and subject to the execution of proffers consistent with those contained in Attachment 1, with the deletion of proffer #1(d) and subject to the proposed CDP conditions contained in Attachment 2.

Staff recommends approval of FDP 2004-MV-041, subject to the Board of Supervisors' approval of RZ 2004-MV-041 and the Conceptual Development Plan.

Staff recommends approval of modification of transitional screening and barrier requirements adjacent to the single-family detached dwellings, in favor of that illustrated on the CDP/FDP/SE Plat.

Staff recommends approval of waiver of the requirement for a minimum 200 square foot privacy yard for single-family attached dwelling units.

Staff recommends approval of SE 2004-MV-035, subject to the proposed development conditions contained in Attachment 3.

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.

ATTACHMENTS

1. Draft Proffers
2. Proposed CDP Conditions
3. Proposed SE Development Conditions
4. Transportation Analysis
5. Locator Map

PROPOSED CONCEPTUAL DEVELOPMENT PLAN CONDITIONS**CDP 2004-MV-041****September 29, 2005**

If it is the intent of the Board of Supervisors to approve Conceptual Development Plan associates with RZ 2004-MV-041, staff recommends that the Board of Supervisors condition the approval by requiring conformance with the following development conditions.

1. The applicant shall record a public access easement and escrow funds prior to site plan approval, as determined by DPWES, sufficient to cover the cost of construction of an interparcel access from the right-of-way of Foley Street west to the Huntington Community in the vicinity of existing the sanitary sewer line as shown on the CDP/FDP/SE plat in order to provide for a future interparcel connection between the proposed development and the Huntington Community. Disclosure of the location of the future interparcel connection shall be included in the HOA documents and provided in writing to all prospective purchasers.
2. The westernmost direct access to the site from Huntington Avenue shall be provided subject to the review and approval of VDOT and the Fairfax County Department of Transportation, as shown on Sheet #4 and Sheet #5 of the CDP/FDP/SE Plat entitled Huntington Mews, prepared by Christopher Consultants containing (10) sheets, each containing an engineer's seal date and revision date of September 12, 2005, except for sheet #3 which is revised through July 11, 2005 and sealed September 12, 2005. Sheets 4A and 5A of the CDP/FDP/SE shall be omitted and shall not be submitted to DPWES with the site plan or any subsequent submissions.

PROPOSED DEVELOPMENT CONDITIONS**SE 2004-MV-035****September 29, 2005**

If it is the intent of the Board of Supervisors to approve SE 2004-MV-041 located at Tax Maps 83-1 ((1)) 56, 57, 62A, 62B, 63-65, 67-74, 76, 76A, 78-80, 82, 83, 85; 83-1 ((18)) 1, 2, 3, 4; 83-3 ((1)) 95-99; and portions of Foley Street public right-of-way to be vacated and a private alley, to allow uses in a floodplain to permit disturbance within a floodplain for removal of existing structures and pavement, to construct a stormwater outfall channel, and for installation of a pervious surface trail, with an overall net reduction in impervious area within the floodplain, pursuant to Sect. 2-904 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved CDP/FDP/SE plat **entitled Conceptual/Final Development Plan & Special Exception Plat, entitled Huntington Mews, prepared by Christopher Consultants, which is dated May 21, 2004, as sealed and revised through September 12, 2005** and these conditions.
4. A Hold Harmless agreement shall be executed with the County for all adverse effects which may arise as a result of the location of the site within a floodplain area, prior to approval of a grading plan.
5. Trees and other indigenous vegetation shall be preserved on the site during the construction process to the maximum extent feasible, as determined by Urban Forest Management.
6. No more land shall be disturbed than is necessary to provide for the removal of existing structures and pavement, to construct the stormwater outfall channel, and for installation of the pervious surface trail, as determined by DPWES.
7. If deemed necessary by DPWES, a geotechnical report and a grading plan shall be submitted to DPWES prior to site plan approval. Plans shall be implemented as required by DPWES.
8. The US Army Corps of Engineers shall be consulted in writing prior to the submission of a grading plan to determine whether or not any action is required to ensure compliance with § 404 of the Clean Water Act. Any required actions shall be completed prior to grading the site. If any necessary permissions are not granted or the required actions are not completed, this Special Exception shall be null and void.

9. Stormwater drainage shall be directed to ditches through the use of pipes, swales, or other devices, as determined by DPWES. All fill areas shall be stabilized, graded, or have drains installed such that normal rainfall will not flow over the filled area onto adjacent properties, as determined by DPWES.
10. Prior to approval of a grading plan, it shall be demonstrated to DPWES that the proposed disturbance, when combined with all other existing, anticipated, and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream.
11. Disclosure of potential flood hazards due to the location of a portion of the site within the 100-year floodplain shall be made in writing to any potential home buyers prior to establishment of a sales contract and be included in the HOA Documents.
12. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., within the floodplain.
13. Prior to the issuance of any plan approval, a Water Quality Impact Assessment and demonstration of conformance with the water quality control requirements of the CBPO shall be submitted subject to the review and approval of this DPWES.
14. In accordance with Par. 2 of Sect. 2-905 of the Zoning Ordinance, the elevation of the lowest part of the lowest floor of dwellings proposed on the property shall be not less than 12.5 feet, 18 inches above the base flood elevation of 11.0 feet. In addition, all mechanical, electrical, and utility equipment must be at or above the flood level.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.