



# FAIRFAX COUNTY

**APPLICATION FILED:** March 30, 2005  
**PLANNING COMMISSION:** November 9, 2005  
**BOARD OF SUPERVISORS:** November 21, 2005, 3:30 pm

V I R G I N I A

**November 2, 2005**

## **STAFF REPORT**

**APPLICATION RZ 2005-SP-012**

**SPRINGFIELD DISTRICT**

**APPLICANT:** Jeffrey A. Goldberg, Manager,  
Bo-Bud Residential, LLC

**PRESENT ZONING:** R-1 and WS

**REQUESTED ZONING:** R-2 (Cluster) and WS

**PARCEL(S):** 55-2 ((3)) R3

**ACREAGE:** 5.05 acres

**RESIDENTIAL DENSITY:** 1.4 dwelling units per acre (du/ac)

**OPEN SPACE:** 25%

**PLAN MAP:** Fairfax Center Area; Residential @ 2 du/ac at  
the overlay level

**PROPOSAL:** To rezone 5.05 acres from R-1 and WS  
Districts to R-2 (Cluster) and WS Districts to  
permit residential development consisting of  
seven single-family detached units

### **STAFF RECOMMENDATIONS:**

Staff recommends approval of RZ 2005-SP-012 subject to the execution of proffers consistent with those contained in Appendix 1.

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**

<b>Proposal:</b>	To rezone 5.05 acres from R-1 and WS Districts to R-2 (Cluster) and WS Districts to permit a cluster subdivision consisting of seven single family detached dwelling units.
<b>Location:</b>	Southwest quadrant of the intersection of Westbrook Drive and Lincoln Drive
<b>Proposed Density:</b>	1.4 dwelling units per acre (du/ac)
<b>Open Space:</b>	25%
<b>Waivers and Modifications Requested:</b>	none

A reduced copy of the proposed Generalized Development Plan is included at the front of this report. The applicant's draft proffers are included as Appendix 1. The applicant's affidavit is Appendix 2, and the applicant's Statement of Justification regarding the application is included as Appendix 3.

**LOCATION AND CHARACTER**

**Site Description:**

The 5.05 acre site consists of one lot located on the southwest corner of Westbrook Drive and Lincoln Drive. The site currently includes a one-story single family residence along with a separate detached garage structure located in the southwest corner of the property. The two buildings, constructed in 1982, are accessed by an existing asphalt driveway off of Westbrook Drive to the north. The residential structure, detached garage and the asphalt driveway will be removed prior to the construction of the proposed development.

The property's highest point is at the southwest corner of the lot, gradually sloping downward toward the northeast to an existing 41,951 square foot existing man-made pond near the intersection of Lincoln Drive and Westbrook Drive. The pond is proposed to remain as an aesthetic feature. The vegetation, heaviest on the southwestern half of the property, consists of mature trees and shrubs.

**Surrounding Area Description:**

The property is part of the Marshall Farms subdivision, an area that has undergone several rezoning decisions in the last several years to construct various portions of the area as R-2 Cluster and PDH-2 single family detached subdivisions.

<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Residential, Single Family Detached	R-2	Fairfax Center, residential, 2 du/ac @ overlay level
<b>South</b>	Residential, Single Family Detached	R-2	Fairfax Center, residential, 2 du/ac @ overlay level
<b>East</b>	Residential, Single Family Detached	PDH-2	Fairfax Center, residential, 2 du/ac @ overlay level
<b>West</b>	Residential, Single Family Detached	R-2, R-1*	Fairfax Center, residential, 2 du/ac @ overlay level

\* Remaining R-1 lot is 1.0 acre, existing house built 1990

**COMPREHENSIVE PLAN PROVISIONS** (See Appendix 4)

**Plan Area:** Area III

**Planning Sector:** Fairfax Center Area Land Unit M, Sub-unit M2

**Plan Map:** Fairfax Center

**Land Use:**

The property is located in Sub-unit M2 of the Fairfax Center Area. The recommended density for Sub-unit M2 ranges from 1 du/ac at the baseline level, 1.5 du/ac at the intermediate level and 2 du/ac at the overlay level. The proposed residential density of 1.4 du/ac is at the intermediate level of development and is compatible in density with all existing adjacent residential developments.

In the *Fairfax County Comprehensive Plan, 2003 Edition, Area III, Fairfax Center Area, amended through May 19, 2003, Land Unit M, Sub-unit M2, M3*, page 76 states:

**“Sub-units M2, M3**

These sub-units are planned for residential use at 2 dwelling units per acre at the overlay level. See Sub-unit M1 for the option that includes Tax Map 55-2 ((3)) F (north of Westbrook Drive) as part of a Senior Care Community. Any new development proposed in this area must be compatible with the stable Willowmeade residential subdivision and other residential subdivisions. Visual buffering should be provided in any development plan for parcels fronting on Route 29.

Existing spot commercially-zoned parcels along Route 29 should not be expanded or intensified. Redevelopment to uses which are more compatible to the adjacent planned residential areas should be encouraged.”

<b>Land Use Summary Chart for Sub-Unit M2</b>	
Baseline	Residential use at 1 du/ac
Intermediate Level	Residential use at 1.5 du/ac
Overlay Level	Residential use at 2 du/ac

**Generalized Development Plan (GDP)** (Copy at front of staff report):

Title of GDP: Generalized Development Plan: Ethel’s Pond

Prepared By: Walter L. Phillips Incorporated

Original and Revision Dates: February 21, 2005, as revised through October 26, 2005

**Plan Description:**

The GDP consists of five sheets. **Sheet 1** is the Cover Sheet, which includes general notes, zoning tabulation, area tabulation, a sheet index, a copy of the Fairfax County Stormwater Detention Waiver #04606-WSWD-001-1 letter dated July 20, 2005, a vicinity map and a soils map and data table. **Sheet 2** shows the site layout, legend and road

construction dimension controls for Westbrook Drive improvements. **Sheet 3** is the Conceptual Landscape Plan, depicting the landscape improvements proposed for the subdivision and details of hardscape improvements for seating areas near the pond and within the subdivision. **Sheet 4**, Existing Vegetation Map, details the existing plant life and topography, as well as the location of the man-made pond; the location of the existing house, detached garage and asphalt driveway are shown, all of which will be removed. **Sheet 5**, Preliminary SWM and BMP Computations, contains the Storm Water Management Summary-SWM Pond, the BMP Facility Design Calculations and Narrative, the Outfall Narrative, and the conceptual plan with notes for the Regional R-17 storm water management pond.

### **Proposed Use:**

The site layout on the GDP shows the proposed features of the cluster subdivision:

- *Site Layout:* The proposed cluster subdivision consists of seven residential lots and two outlots located around a proposed internal public street. The street, designed as a cul-de-sac, will provide access into the site from Westbrook Drive to the north. The two outlots will function as open space lots. Six of the residential lots have driveway access directly to the new street; the seventh residential lot obtains its driveway access from Lincoln Drive, a public street bordering the subdivision on the east. Pedestrian amenities will be provided in the development with the addition of sidewalks adjacent to the south side of Westbrook Drive, extending east to Lincoln Drive, and within the development adjacent to the east side of the new interior street. Pedestrian trails surround the pond, connecting to the sidewalks and the west side of Lincoln Drive. Tree save areas are proposed to protect existing vegetation and to integrate the natural resources into the open space areas and other amenity areas within the development; additional plantings of trees and shrubs are proposed to supplement existing vegetation. The existing man-made pond on the northeast portion of the site will be maintained as an open space amenity for the site.

## **ANALYSIS**

### **Cluster Development:** (Appendix 4)

The applicant is requesting a single family residential cluster development consisting of seven lots and 25% open space. The cluster development standards are stated in the Fairfax County Comprehensive Plan, 2003 Edition, to serve as guidelines for the development and design of residential subdivisions that will preserve open space, protect environmentally sensitive lands, provide opportunities for active and passive recreation, reduce the impacts of storm water runoff and erosion, achieve a high quality design, and provide for efficient development. The cluster orientation of the individual lots along an interior street on the southwestern quadrant of the property allows minimal disruption of the site's natural drainage and topography. The preservation of the existing pond

features and the surrounding quality trees will be utilized to function as an open space amenity and an aesthetic feature for the residents. The development takes advantage of the existing resources with the addition of trails and seating areas to provide passive recreation opportunities. The arrangement of the residential lots around the existing pond effectively maintains a density that is compatible with surrounding the developments.

**Fairfax Center Design Guidelines:** (Appendix 5)

The application, based on 1.4 du/ac, requires conformance to design and development at the intermediate level. Development at the intermediate level within Fairfax Center Area is based on criteria and requirements that are above the baseline level yet are less than the overlay level. The applicant has provided landscaping design and details for the development, site entrance features and landscaping, street lighting, street furniture (benches), transportation improvements, street trees and focal point details for the site entrance area, pedestrian pathways and sitting areas adjacent to the pond. A proffer requiring building materials and design compatible with the adjacent developments in the area, as stated in the provisions of the Fairfax Center Area plan, has been provided.

In the Fairfax Center Area, a checklist is used to evaluate the proposed development for exceptional design, environmental quality and mitigation of transportation impacts. The application's conformance to the elements with regard to environmental systems, provisions of public facilities, land use site planning and detailed design, are reviewed and evaluated. To qualify for development at the intermediate level, the proposed rezoning application should fulfill at least:

1. all applicable basic elements; plus
2. all applicable minor transportation elements relating to highway improvements; plus
3. all essential elements; plus
4. either of the following:
  - three-fourths of the applicable minor elements, or
  - one-half of the applicable minor elements plus one-fourth of the applicable major elements.

A detailed evaluation of the proposed development with regard to the Fairfax Center Area Checklist is presented in Appendix 5. As indicated in the summary totals at the end of the Checklist, the applicant has satisfied all of the applicable basic elements and applicable essential elements as recommended to justify development at the intermediate level within Fairfax Center.

**Residential Development Criteria** (Appendix 6)

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 other public facilities, while 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. To that end, the Board of Supervisors adopted the Residential Development Criteria, which are contained in the Land Use Section in the Policy Plan to be used in evaluating zoning requests for new residential development.

**Site Design:**

Criterion 1 of the Residential Development Criteria states that all rezoning applications should be characterized by high quality site design based upon the following principles, although not all of the principles may be applicable for all developments.

*Layout:* The layout should provide logical, functional and appropriate relationships among the various parts (e. g. dwelling units, yards, streets, open space, stormwater management facilities, existing vegetation, noise mitigation measures, sidewalks and fences).

The proposed lots are aligned along a public street and cul-de-sac which extends south into the five-acre site and is adjacent to the existing man-made pond on the northeast corner of the site. The lot sizes and development density are compatible with the adjacent existing residential subdivisions. The development will utilize the existing natural resources of the pond and the vegetation as part of the neighborhood amenities, which will be further enhanced by supplemental plantings and the addition of sidewalks and pedestrian trails around the existing pond. The application meets the layout standards of the Residential Development Criteria.

*Open Space:* Developments should provide usable, accessible, and well-integrated open space. This principle is applicable to all projects where open space is required by the Zoning Ordinance, and should be considered, where appropriate, in other circumstances.

The open space requirement for the residential subdivision will be provided in the adjacent open areas around the pond and the entry area, including pedestrian trails and seating areas. The development meets the 25% open space requirement for cluster subdivisions, which is shown within Outlots A and B. Outlot A is a 7,300 square foot lot located in the northwest corner of the site and includes existing trees to be saved. Outlot B is an approximately 1.7 acre lot and includes the existing pond, existing trees to be saved around the pond, and existing grassland areas. The application meets the open space requirements for cluster subdivisions and the open space standard of the Residential Development Criteria.

*Landscaping:* Developments should provide appropriate landscaping, for example, in parking lots, in open space areas, along streets, in and around stormwater management facilities and on individual lots.

Supplemental landscaping will be provided within the existing treed areas along the property boundaries and within the development. The landscape plan for the western boundary of the site includes the existing trees proposed to be saved and proposes additional deciduous trees along both sides of the proposed interior public street. The landscape plan for the southern boundary of the site includes the additional planting of deciduous trees along with existing trees to be saved and replacement of some of the existing diseased trees. The landscape plan for the northern boundary of the site includes the existing trees along Westbrook Drive. Due to the required right-of-way street and sidewalk improvements within Westbrook Drive and the proposed subdivision entry feature improvements, the landscape plan shows additional deciduous and flowering tree plantings and additional shrub plantings interspersed adjacent to the proposed sidewalk along Westbrook Drive and along the proposed interior street. The areas adjacent to the pond will be designed to include additional deciduous tree plantings around the proposed pedestrian trails along the western and southern sides of the pond, and proposed evergreens and flowering trees within the sitting areas. The landscape plan also indicates additional deciduous trees planted along the perimeter of the residential lots. The application satisfies the landscape standards of the Residential Development Criteria.

*Amenities:* Developments should provide amenities such as benches, gazebos, recreational amenities, play areas for children, walls and fences, special paving treatments, street furniture and lighting.

The open space areas will include pedestrian trails connecting to proposed sidewalks along Westbrook Drive and the proposed interior street and extending around the pond area. Benches will be added within two proposed seating areas adjacent to the pond. The existing split-rail fences around and within the property will remain and be repaired as necessary for the development of the subdivision, with additional matching fencing for the amenity areas and for aesthetics within the subdivision. Safety fencing adjacent to the pond will also be provided as required. Due to the location of the site within the Fairfax Center Area as defined by the Comprehensive Plan and discussed elsewhere in this report, the amenities within the development must meet additional standards for streetscape amenities, such as street furniture, lighting, signs and special plantings. The open space areas will include street benches, lighting and flowering trees within the seating areas adjacent to the pond, as illustrated on Sheet 3 of the GDP. The application satisfies the amenity standards of the Residential Development Criteria.

### **Neighborhood Context:**

Criterion 2 of the Residential Development Criteria states that all rezoning applications for residential development, regardless of the proposed density, should be designed to fit into the community, as evidenced by an evaluation of: transitions to abutting and adjacent uses; lot sizes, particularly along the periphery; bulk/mass of the proposed dwelling units; setbacks (front, side and rear); orientation of the proposed dwelling units to adjacent streets and homes; architectural elevations and materials; pedestrian, bicycle and vehicular connections to off-site trails, roadways, transit facilities and land uses; existing topography and vegetative cover and proposed changes to them as a result of clearing and grading.

The residential subdivision will be developed under the R-2 cluster provisions and is designed as a cluster arrangement of the residential lots on the southwestern portion of the site and near the pond. The development is compatible in density with the adjacent properties, which are generally developed in the R-2 district. The proposed lots on the south end of the property--Lots 4, 5 and 6--abutting the existing residential lots to the south are oriented similarly to the rear yards and side yards of those lots. Lot 4 will provide driveway access from Lincoln Drive to the east instead of from the interior cul-de-sac to the west in order to maintain the cluster arrangement of the homes and to minimize disturbance to the south end of the pond, taking into consideration the existing grade and slope of the property. As the builder for the residential development has not been determined and proposed elevations for the exterior of the dwellings are not available, the draft proffers state the construction and exterior of the dwellings will be compatible with the high quality materials, standards and design of the adjacent residential subdivisions, with the review of the exterior materials occurring at subdivision plan review. Therefore, this criterion has been satisfied.

**Environment:**

Criterion 3 of the Residential Development Criteria states that all rezoning applications should respect the environment. Rezoning proposals, regardless of the proposed density, should be consistent with the policies and objectives of the environmental element of the Policy Plan, and will also be evaluated on the following principles, where applicable (see Environmental Analysis in Appendix 7).

*Preservation:* Developments should conserve natural environmental resources by protecting, enhancing, and/or restoring the habitat value and pollution reduction potential of floodplains, stream valleys, EQCs, RPAs, woodlands, wetlands and other environmentally sensitive areas.

The subject site is not within a floodplain, stream valley or RPA, but all necessary measures will be taken to preserve the existing trees, vegetation and pond to allow the features to enhance the development. The existing natural features will be maintained and protected, as stated in the draft proffers and shown on the GDP, by saving quality trees and retaining the pond to serve as an aesthetic feature. Therefore, this criterion has been satisfied.

*Slopes and Soils:* The design of developments should take existing topographic conditions and soil characteristics into consideration.

The topography of the site gently slopes downward from the highest point on the southwest portion of the site toward the existing pond on the northeast portion of the site. The existing trees on the higher southwest elevation will be saved as stated in the draft proffers, as well as the existing pond on the lower northeast elevation of the site for the development. The design incorporates the topography into the design of the site and its open space amenity areas. As indicated on the GDP and stated in the draft proffers, this criterion has been satisfied.

*Water Quality and Water Quantity:* Developments should minimize off-site impacts on water quality by commitments to state of the art best management practices for stormwater management and low-impact site design techniques. The volume and velocity of stormwater runoff from new development should be managed in order to avoid impacts on downstream properties. Where drainage is a particular concern, the applicant should demonstrate that off-site drainage impacts will be mitigated and that stormwater management facilities are designed and sized appropriately. Adequate drainage outfall should be verified, and the location of drainage outfall (onsite or offsite) should be shown on development plans (see Environmental and Site Review-DPWES Analysis in Appendix 8).

The applicant has received a standard on-site stormwater detention waiver from DPWES of on-site stormwater management control measures in favor of utilizing future Regional Pond R-17 (R-17) to the south to accommodate the water quantity impacts. The outfall will flow directly into an existing pipe under Lincoln Drive and will be diverted to future R-17, located south of the site and on the north side of Lee Highway/Route 29. The future R-17 has been redesigned to provide sufficient water quality control for the entire watershed. Construction for R-17 is scheduled to begin as soon as the county site plan is approved, with a target for completion in the summer of 2006.

Once constructed and operational, R-17 would also provide the necessary water quality controls for the subject site, and an on-site BMP facility will not be required. The applicant has proffered to modify the pond as an interim on-site stormwater management and BMP facility until such time as R-17 is constructed, as required and subject to approval by DPWES, and will restore the pond as a scenic community amenity. Maintenance of the pond will be the responsibility of the Homeowners' Association, as stated in the provisions of the draft proffers.

*Noise:* Developments should protect future and current residents and others from the adverse impacts of transportation-generated noise.

Review of this application did not discover any impacts from transportation generated noise.

*Lighting:* Developments should commit to exterior lighting fixtures that minimize neighborhood glare and impacts to the night sky.

This issue is not addressed by the draft proffers; however, all lighting must comply with the current requirements of the Zoning Ordinance which call for lighting fixtures that minimize neighborhood glare and impacts to the night sky.

*Energy:* Developments should use site design techniques such as solar orientation and landscaping to achieve energy savings, and should be designed to encourage and facilitate walking and bicycling.

The proposed GDP does not include any site design techniques to specifically achieve energy savings; the draft proffers do include provisions requiring that the units be built with energy saving construction techniques.

All environmental issues have been resolved with the draft proffers.

### **Tree Preservation and Tree Cover Requirements:**

Criterion 4 of the Residential Development Criteria states that all rezoning applications, regardless of the proposed density, should be designed to take advantage of the existing quality tree cover. If quality tree cover exists on site, it is highly desirable that developments meet most of the tree cover requirement by preserving and, where feasible and appropriate, transplanting existing trees. Tree cover in excess of ordinance requirements is highly desirable. Proposed utilities, including stormwater management and outfall facilities and sanitary sewer lines, should be located to avoid conflicts with tree preservation and planting areas.

Although the majority of the site is not treed, the GDP and draft proffers include preservation of the existing trees along the western and southern boundaries of the development. In addition, several existing specimen trees interspersed throughout the development will be preserved as noted. The draft proffers include the standard commitments with regard to tree preservation (see Urban Forest Management Analysis in Appendix 9).

### **Transportation:**

Criterion 5 of the Residential Development Criteria states that all rezoning applications for residential development should implement measures to address planned transportation improvements and offset their impacts to the transportation network (see Transportation Analysis in Appendix 10).

*Transportation Improvements:* Residential development should provide safe and adequate access to the road network, maintain the ability of local streets to safely accommodate traffic, and offset the impact of additional traffic.

The GDP and draft proffers include improvements along Westbrook Drive, including a dedication of 28.5 foot right-of-way from the street centerline and construction of road-widening improvements to bring it into compliance with applicable VDOT standards, which are reiterated in the draft proffer statement. The applicant should make a good faith effort to secure the off-site easements for the road improvements on Parcel N1, the adjacent property to the west, which also has frontage on Westbrook Drive. Westbrook Drive, which extends west to Stringfellow Road and east to Marshall Drive, provides access for residential subdivisions on the north and south sides of the drive. Roadway improvements on Westbrook Drive are constructed as development occurs on the parcels with frontage. In order to accommodate street improvements along the undeveloped parcels, easements or dedications must be obtained on adjacent properties to provide for future road construction. However, at this time, the street easement has

not been acquired, and the draft proffers do not state a good faith effort has been extended to acquire the easement.

*Streets:* Public streets are preferred.

The proposed internal street will be a public street.

*Non-motorized Facilities:* Non-motorized facilities should be provided.

The GDP includes a sidewalk along the frontage of the site along Westbrook Drive. The proposed interior street will also include adjacent sidewalks. However, the site's eastern boundary frontage on Lincoln Drive is unable to accommodate a sidewalk due to the proximity of the existing pond to the street, the adjacent berm and the proposed safety fencing. Instead, the applicant is proposing a sidewalk on the west side of the pond, extending from the sidewalk on the north along Westbrook Drive and continuing south around the pond, branching west to connect to the sidewalk adjacent to the new interior street and then continuing east to Lincoln Drive, providing an access point for entry. Therefore, this standard has been satisfied.

*Fairfax Center Area Road Fund:* The application site is located within the Fairfax Center Area. Accordingly, a contribution to the Fairfax Center Roadway Fund is required pursuant to BOS guidelines.

The applicant has proffered a contribution to the Fairfax Center Area Road Fund per the Board's adopted guidelines.

### **Public Facilities:**

Criterion 6 of the Residential Development Criteria states that a residential development impacts public facility systems (i.e. schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned community facilities). All rezoning applications are expected to offset their public facility impact and to first address public facility needs near this development.

### **Park Authority Analysis (Appendix 11)**

The future residents of this development will need access to outdoor recreation facilities. Typical recreational needs include playground/tot lots, basketball, tennis and volleyball courts and athletic fields. The impact caused by the proposed development could be offset by a proffered commitment to the Park Authority for the development of recreational facilities at one or more Park Authority facilities in the vicinity of this development.

The proposal will add approximately 24 new residents to the Springfield Supervisory District who will need access to outdoor recreational facilities. In order to offset the impact caused by the proposed development, the applicant will provide \$6,360 to the Park Authority for public recreational facilities in this service area, as stated in the draft proffers.

**Schools Analysis** (Appendix 12)

This development is anticipated to generate one student from the seven single family residential lots. A new elementary school at West Fairfax site will be opened in the school year 2006-2007. The new school will relieve overcrowding at Colin Powell Elementary School.

The draft proffers include a contribution of \$7,500, at the time of issuance of the first building permit, to the DPWES for transfer to the Fairfax County School Board to be utilized for school capital improvements or capacity enhancements for schools serving the property.

**Sanitary Sewer Analysis** (Appendix 13)

The property is located in the Little Rocky Run watershed and will sewer into the UOSA Treatment Plant. The existing eight-inch line, located approximately 30 feet from the property line under Lincoln Drive, is adequate for the proposed use at this time. There is also adequate capacity for the proposed development, when existing uses and proposed development recommended by the Comprehensive Plan are taken into account.

**Fire and Rescue Department Analysis** (Appendix 14)

This property is serviced by Station 417, Centreville. This service currently meets fire protection guidelines.

**Water Service Analysis** (Appendix 15)

The property is located in the service area of the Fairfax County Water Authority. Adequate domestic water service is available from the existing 12-inch main located at the property. Depending on the configuration of the onsite water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

**Affordable Housing:**

Criterion 7 of the Residential Development Criteria 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 the County. The applicant can elect to fulfill this criterion by providing affordable units that are not otherwise required by the ADU Ordinance, land adequate and ready to be developed or by a contribution to the Housing Trust Fund.

The application is not subject to the ADU Ordinance because fewer than fifty dwelling units are proposed. The draft proffers include a commitment to provide a contribution in accordance with the formula adopted by the BOS; the contribution is equal to 0.5% of the value of all the units approved on the property.

**Heritage Resources:**

Criterion 8 of the Residential Development Criteria states that heritage resources are those sites or structures, including their landscape settings that exemplify the cultural, architectural, economic, social, political, or historic heritage of the County or its communities.

There are no heritage resources identified on this property at this time. However, a Phase I archaeological study will be conducted on the property as stated in the draft proffers.

**ZONING ORDINANCE PROVISIONS** (Appendix 16)

This application proposes to rezone 5.05 acres from R-1 to R-2 and to develop a cluster subdivision. A cluster subdivision that exceeds 3.5 acres in size may be approved as part of a rezoning application provided it complies with the cluster subdivision provisions that are applicable to a “by-right” subdivision. As specified in the Zoning Ordinance, these provisions may not be waived.

<b>Bulk Standards (R-2 Cluster District)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Minimum District Size	2 acres	5.05 acres
Lot Area	13,000 square feet	13,000 square feet
Lot Width	Corner lot – 100 feet	Corner lot – 100 feet
Minimum Yard Requirement	Front – 25 feet Side – 8 feet, but a total minimum of 24 feet Rear – 25 feet	Building envelopes are shown with the required setbacks.
Open Space	25%	25%

Cluster Development: (Appendix 16)

The purpose and intent of cluster development is to preserve open space, protect environmentally sensitive lands and provide opportunities for active and passive recreation. Cluster development should also provide for high quality design and efficient development. The applicant has designed the layout of the site to optimize tree

preservation in the southwest quadrant of the site, which contains mature trees, and has enhanced the existing vegetative cover with the addition of trees along the southern and western boundaries. In addition, the applicant has provided for a passive trail system with access to the residential lots around the existing pond, preserving it as an aesthetic feature, and providing additional amenities such as landscaped seating areas with benches. With conventional subdivision design, integration of the existing environmental features as a factor of development would be less significant. Staff believes the application has satisfied the purpose and intent of cluster development by utilizing and enhancing the existing pond and adjacent area as an environmental aesthetic and open space amenity for the residents, and by reducing the impacts on the environment.

### **Other Zoning Ordinance Requirements:**

#### **Overlay District Requirements**

##### Water Supply Protection (WSPOD)

The property is within the Water Supply Protection Overlay District and will be subject to its requirements for compliance at the subdivision plat review level.

#### **Summary of Zoning Ordinance Provisions**

All applicable standards have been satisfied with the proposed development conditions.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff concludes that the request to rezone the property from R-1 to R-2 Cluster is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proffers contained in Appendix 1 of the Staff Report.

### **Staff Recommendations**

Staff recommends approval of RZ 2005-SP-012, subject to the execution of proffers consistent with those set forth in Appendix 1 of the Staff Report.

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. Fairfax Center Area Checklist
6. Residential Development Criteria
7. Environmental Analysis
8. Environmental and Site Review Analysis-DPWES
9. Urban Forestry Analysis & Department of Forestry Analysis
10. Transportation Analysis
11. Park Authority Analysis
12. Schools Analysis
13. Sanitary Sewer Analysis
14. Fire and Rescue Analysis
15. Water Service Analysis
16. Zoning Ordinance Provisions
17. Glossary of Terms

**DRAFT**  
**PROFFER STATEMENT**  
**ETHEL'S POND**  
**RZ 2005-SP-012**  
**June 30, 2005**  
**September 13, 2005**  
**October 14, 2005**  
**October 24, 2005**  
**October 26, 2005**

Pursuant to Section 15.2-2303(A) of the Code of Virginia, as amended, and subject to the Board of Supervisors approval of rezoning application RZ 2005-SP-012, as proposed, for rezoning from the R-1 and WSPOD Districts to the R-2 (Cluster) and WSPOD Districts, Bo-Bud Residential, LLC (the "Applicant"), for itself and its successors and assigns, hereby proffers that development of Tax Map Parcel 55-2((3))-000R-3 (the "Property"), containing approximately 5.0519 acres, shall be in accordance with the following proffered conditions. In the event the above-referenced rezoning is not granted as applied for by the Applicant, then these proffers shall be deemed withdrawn and shall be null and void.

The term "Applicant" as referenced herein shall include within its meaning all successors and assigns of the Applicant. The term "Generalized Development Plan" or "GDP" as referenced herein shall include the plan entitled Generalized Development Plan Ethel's Pond, dated 2/21/05, as last revised October 26, 2005 and containing five sheets.

## **1. DEVELOPMENT AND USE**

1.1 Substantial Conformity to GDP. Subject to provisions of Section 18-204 of the Zoning Ordinance, the Property shall be developed in substantial conformance with the Generalized Development Plan as further modified by these proffered conditions. There shall be no common or shared driveways on the Property. Applicant may revise the house and driveway footprints shown for lots 3, 5, 6 and 7 at final plan and building permit approvals provided that the limits of clearing shown on the GDP shall not be diminished.

1.2 Minor Modifications to Design. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, the Applicant may make minor adjustments which may be required as a result of final engineering to modify the layout, if such changes are in substantial conformance with the GDP and these proffers, and if the changes do not increase the total number of units, decrease the minimum amount of open space, or decrease the effectiveness of landscaping along the Property lines or in common open space areas.

1.3 Maximum Density. A maximum of seven (7) single family detached dwelling units shall be permitted on the Property.

1.4 Architectural Theme. In order to insure a consistent theme and character throughout the Property, Applicant shall utilize a combination of building materials and architectural design features for all building facades (front, side and rear) which are compatible with the facades shown on Exhibit A hereto; Applicant shall incorporate common landscaping features, walkways, signage, lighting and other common design elements. Applicant shall show compliance with this proffer at or prior to final site plan approval by submission of architectural elevations to the DPWES. Applicant shall adopt restrictive covenants applicable to all lots within the Property with the objective to create a coordinated image for the Property.

## **2. TRANSPORTATION**

2.1 Fairfax Center Area Roadway Contribution. The Applicant shall contribute to the Fairfax Center Area Road Fund in accordance with the "Procedural Guidelines" adopted by the Board of Supervisors of Fairfax County (the "Board") on November 22, 1982, as amended, subject to a credit for all creditable expenses (as determined by the Fairfax County Office of Transportation and the Fairfax County Department of Public Works and Environmental Services).

2.2 Right-of-Way Dedication. All right-of-way dedicated in conjunction with these proffers and as depicted on the GDP shall be conveyed to the Board in fee simple upon demand by the County or at the time of recordation of the final subdivision plat, whichever occurs first.

2.3 Westbrook Drive Improvements. The Applicant shall dedicate and convey in fee simple to the Board right-of-way up to twenty-eight and one-half (28.5) feet from the presently existing centerline along the Westbrook Drive frontage of the Property as depicted on the GDP. In addition, the Applicant shall (i) construct a one-half section of frontage improvements along the Property's Westbrook Drive frontage as shown on the GDP, and (ii) construct road frontage improvements along the frontage of tax map parcel 55-2((3))-00N-1 ("Parcel N1"). Notwithstanding the edge of pavement transition shown on the GDP, said Parcel N1 road frontage improvements shall include curb and gutter (no sidewalk), with curb face set at up to nineteen (19) feet from the presently existing centerline in order to match existing Westbrook Drive frontage improvements to the west of Parcel N1. Applicant shall not be responsible for actual construction of said frontage improvements for Parcel N1 unless all necessary right-of-way and ancillary easements are available.

### **3. ENVIRONMENT/OPEN SPACE**

3.1 Limits of Clearing. The Applicant shall conform to the limits of clearing and grading shown on the GDP, subject to installation of sidewalks, trails, storm drainage facilities and utility lines, as necessary and as approved by DPWES. These sidewalks, trails, storm drainage facilities and utilities shall be installed in the least disruptive manner practicable, as determined by the County Urban Forester, considering reasonable engineering and construction cost constraints. A replanting plan shall be developed and implemented, as approved by the County Urban Forester, for any areas located within the limits of clearing and grading that must be disturbed due to the installation of sidewalks, utility lines, trails and storm drainage facilities.

3.2 Open Space Areas. All common open space depicted on the GDP shall be conveyed to a private homeowners' association ("HOA") at the time of recordation of the final subdivision plat. All common open space areas and any amenities therein shall be owned and maintained by said private HOA.

3.3 Open Space Improvements. At the time of recordation of the subdivision plat, the Applicant shall convey Outlots A and B, as generally depicted on the GDP, to a HOA for use as a common open space. All common open space areas will be maintained by the HOA. The Applicant shall provide a four (4) foot wide natural surface trail, benches and sitting areas, for use by both HOA members and residents of the surrounding community, within the common open space area located on the Property, as generally depicted on sheet 3 of the GDP. A public trail or access easement shall be established on the subdivision plat for the Property to allow such use by the surrounding community.

3.4 Landscaping, Fencing and Other Design Amenities. Subject to approval by the County Urban Forester, landscaping shall be provided as generally shown on the GDP. Street trees indicated on the GDP shall have a minimum caliper of 3 to 3 ½ inches. The entrance feature, street lighting, split rail wood fencing,

wooden board on board privacy fencing, benches and sitting areas shall all be provided as generally shown on sheet 3 of the GDP.

3.5 Stormwater Management. The Applicant shall conform to the waiver of on-site stormwater management requirements issued by DPWES, by utilizing Regional Stormwater Management Pond R-17 ("Pond R-17") for stormwater management and BMP purposes, which will allow the existing wet pond to be restored and remain solely as a community amenity. In the event Pond R-17 is not yet constructed by the County at the time the Property is initially developed, Applicant shall retrofit the wet pond as an interim on-site stormwater management and BMP facility until such time as Pond R-17 is constructed, subject to approval by DPWES. The applicant shall take all reasonable measures to restore the pond as a scenic community amenity, such as aeration and goose proof landscaping.

3.6 Tree Protection. The Applicant shall submit a tree preservation plan and a landscaping plan as part of the final subdivision plan submission, which provide for the identification of individual tree save areas in which existing trees shall be protected to the greatest extent possible during construction activities. These trees shall be protected with fencing that shall be placed prior to grading and clearing activities. Prior to commencement of any clearing or grading on the Property, the Applicant shall confirm to County staff that tree protection fencing has been properly installed to protect these trees. On or before the preconstruction conference, the Applicant shall offer to walk the limits of clearing and grading with the County Urban Forester to determine whether adjustments are required to increase the survivability of said trees shown on the landscaping plan.

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 10 inches in diameter and greater, and 20 feet to either side of the limits of clearing and grading shown on the GDP for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the GDP, and those additional areas in which trees can be preserved as a result of final engineering. 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.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets and shall consist of four foot high, orange plastic fence attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 6 feet apart.

All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, 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, Urban Forest Management, DPWES and the District Supervisor shall be notified and given the opportunity to inspect the site to assure 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 Urban Forest Management, DPWES.

The Applicant shall retain a professional with experience in plant appraisal, such as a certified arborist or landscape architect, to determine the replacement value of all healthy trees greater than 24 inches in diameter shown to be saved on said tree preservation plan. These trees and their value shall be identified on the tree preservation plan at the time of the first submission of the subdivision plan. The replacement value shall take into consideration the age, condition and size of the trees and shall be determined according to the methods contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by Urban Forest Management, DPWES.

At the time of subdivision plan approval, the Applicant shall post a cash bond or letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the designated trees that die or are dying due to normal construction activities permitted on the approved plan. The terms of the letter of credit shall be subject to approval by the County Attorney. The total amount of the cash bond or letter of credit shall be in the amount of the sum of the assigned replacement values of the designated trees.

If, at the time of final bond release, trees are found to be dead or dying because of construction activity, despite adherence to approved construction activities by Urban Forest Management, DPWES, the cash bond or letter of credit shall be used as necessary to plant similar size and species, or species appropriate to the site, in consultation with Urban Forest Management, DPWES, and the developer's certified arborist. The cash bond or letter of credit shall not be used for the removal of the dead/dying trees normally required by the PFM and the Conservation Agreement.

3.7 Heritage Resources. Prior to any land disturbing activities on the Property, Applicant shall conduct a Phase I archaeological study of the Property, and provide the results of such studies to the Cultural Resource Management & Protection Section of the Fairfax County Park Authority ("CRMP"). If deemed necessary by CRMP, the Applicant shall conduct a Phase II and/or Phase III archaeological study on only those areas of the Application Property identified for further study by the Phase I study. These studies shall be conducted by a qualified archaeological professional approved by CRMP, and shall be reviewed and approved by CRMP. These studies shall be completed prior to subdivision plat recordation.

#### **4. PARKS AND RECREATION CONTRIBUTION**

The Applicant shall provide a cash contribution of \$6,360 to the Fairfax County Park Authority to be used for maintenance, acquisition, or development of park and/or public recreational facilities serving residents of the Springfield district and this development. This one-time cash contribution shall be made prior to recordation of the record plat.

#### **5. ENERGY CONSERVATION**

All homes constructed on the Property shall meet the thermal standards of the Virginia Power Energy Saver Program for energy efficient homes or its equivalent, as determined by DPWES, for either electric or gas energy systems.

#### **6. HOUSING TRUST FUND CONTRIBUTION**

Prior to recordation of the final record plat, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one-half (1/2) percent of the projected base sales price of each unit to assist Fairfax County's low and moderate income housing goals. The projected sales price shall be determined by the Applicant in consultation with the staff of the Fairfax County Department of Housing and Community Development.

## 7. CONSTRUCTION ACTIVITY LIMITATIONS

7.1 Construction Traffic. No construction traffic shall be parked on Westbrook Drive. No motorized heavy construction equipment shall be transported to or from the Property between the hours of 6:45 a.m. and 8:15 a.m. and the hours of 2:00 p.m. and 3:30 p.m. on days when Fairfax County public schools are open to students.

7.2 Blasting. In the event blasting is necessary on the Property, before any blasting occurs, the Applicant shall ensure that the Fairfax County Fire Marshal has reviewed the blasting plans and that the construction contractor will follow all safety recommendations made by the Fire Marshal; including, without limitation, the use of blasting mats if such are recommended. In addition, the applicant or its successors shall:

- (i) Provide an independent qualified consultant (approved by DPWES) to perform a pre-blast survey of any wells within 250 feet of the blast site any residential building located within 150 feet of the blast site. Written confirmation that this has been done will be given to Fairfax County prior to any blasting on the Property.
- (ii) Require its consultant to request access to houses, buildings, swimming pools or wells that are located within said ranges and, if permitted by their owner, to determine the preblast conditions of these structures. All owners of structures entitled to pre-blast inspections shall be provided with adequate notice of the scheduling of the pre-blast survey, as well as the name, address, and phone number of the blasting contractor's insurance carrier.
- (iii) The consultant shall be required to place seismographic instruments prior to blasting to monitor the shock waves. Seismographic monitoring shall be provided to the County agencies upon their request.
- (iv) Residences within 150 feet of the blast site shall be notified ten days prior to blasting, no blasting shall occur until such notice has been given.
- (v) Upon receipt of a claim of actual damage resulting from said blasting, the consultant shall respond within 5 days by meeting at the site of the alleged damage to confer with the property owner. Any claims determined by the inspector to have been damaged as a result of blasting on the Property shall be expeditiously resolved. The blasting subcontractor or Applicant shall maintain liability insurance to cover the cost of repairing any damages to the structures that are directly attributed to the blasting activity for a period of one year after the blasting ceases.
- (vi) The consultant shall be required to provide an analysis of the potential for gas migration from the site to the Fire Marshall for review and approval prior to blasting. Any appropriate mitigation or notification required by the Fire Marshall shall be implemented.

**8. PUBLIC SCHOOLS**

Applicant shall contribute the sum of \$7,500 to the DPWES for transfer to the Fairfax County School Board to be utilized for school capital improvements or capacity enhancements within the school pyramid then serving the Property. Said contribution shall be made prior to recordation of the final subdivision plat.

**9. MISCELLANEOUS**

9.1 Density Credit. All intensity of use attributable to land areas dedicated and conveyed to the Board pursuant to these proffers shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and is hereby reserved to the residue of the Property.

9.2 Demolition. All existing buildings and structures shall be demolished and disposed of in accordance with all federal, state and Fairfax County requirements.

9.3 Pond Maintenance Disclosure. Applicant shall disclose to all potential purchasers before sales contracts are finalized the fact that (i) the homeowners association established for the seven lot subdivision will be solely responsible for the ownership, maintenance and repair of the pond amenity located on the Property; and (ii) an HOA Maintenance Fund in the amount of not less than \$5,000 shall be maintained each year to ensure future maintenance of the pond. Applicant shall provide a one-time contribution of \$5,000 to the HOA to establish said Maintenance Fund prior to bond release.

9.4 Popsicle Signs. No temporary signs (including “Popsicle” style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by chapter 7 of the Title 33.1 or Chapter 8 of Title 46.2 of the code of Virginia, shall be placed on or offsite to assist in the initial sale of homes on the Application Property. Furthermore, the agents and employees involved in the marketing and sale of the residential units on the Application Property shall be directed to adhere to this proffer.

**Bo-Bud Residential, LLC**

By: \_\_\_\_\_  
Jeffrey A. Goldberg, Manager