



FAIRFAX COUNTY

APPLICATION FILED: June 6, 2001
APPLICATION AMENDED: September 16, 2005
PLANNING COMMISSION: November 30, 2005
BOARD OF SUPERVISORS: Not yet scheduled

V I R G I N I A

November 16, 2005

STAFF REPORT ADDENDUM

APPLICATION RZ 2001-MA-031

MASON DISTRICT

APPLICANT: Townes at Madison Lane, LLC

PRESENT ZONING: R-3, HC

REQUESTED ZONING: R-12, HC

PARCELS: 61-4 ((1)) 10, 11

ACREAGE: 1.20 acres

DU/AC: 8.3 du/ac

OPEN SPACE: 25% Option A
31% Option B

PLAN MAP: Residential, 8-12 du/ac

PROPOSAL: Request to rezone 1.20 acres from the R-3 and HC Districts to the R-12 and HC Districts for the development of ten single family attached dwelling units.

WAIVER: Minimum District Size

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2002-MA-031 for Option A only, subject to the execution of proffers consistent with those contained in Attachment 1. If the rezoning is approved, staff recommends approval to waive the minimum district size.

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).

BACKGROUND

The original applicant, Tam Thanh Nguyen, requested approval to rezone two parcels (Tax Maps 61-4 ((1)) 10 and 11) that together consisted of 1.20 acres from the R-3 (Residential, three dwelling units per acre) and HC (Highway Corridor Overlay) Districts to the R-12 (Residential, twelve dwelling units per acre) and HC Districts for the development of eleven single family attached (SFA) units, at 9.2 dwelling units per acre (du/ac) and 31% open space. In addition, the applicant requested a waiver of the minimum district size of four acres. Staff published a Staff Report recommending denial of the application on November 20, 2002. The denial recommendation was based on staff concerns about the density, absence of an interparcel access and lack of amenities. The applicant deferred the application prior to the scheduled Planning Commission public hearing. Since the publication of the Staff Report, the application has been amended to reflect the new applicant, Townes at Madison Lane, LLC, who is now the contract purchaser of the property. In addition, the new applicant has made several revisions to the Generalized Development Plan (GDP), a copy of which is contained at the front of this addendum. Four revisions are shown on the current plan from the previous plan: the number of lots has been reduced by one (from 11 to 10), reducing the proposed density from 9.2 du/ac to 8.3 du/ac, which is now at the low end of the residential density range recommended in the Plan; two-car garages with driveways in front have been added to accommodate two vehicles, which allows relocation and re-orientation of the off-street parking to facilitate screening adjacent to the development on the south; the height of the units has been increased from twenty-five feet to thirty-five feet; and the interparcel access requirement to the west with the adjacent development has been addressed by providing two site layout options. Option A, required by Ordinance and Policy Plan and supported by staff, proposes the private street extending into the property from Madison Lane connecting to an off-site access easement to the west, previously proffered by the adjacent property owner (Tax Map 61-4 ((1)) 157) with the development of the adjacent residential subdivision (RZ 2000-MA-055). Option B, shows the private street extending into the property from Madison Lane on the east, continuing west and north and ending within the subdivision, providing no interparcel connection with the adjacent subdivision. Copies of the draft proffers and affidavit are contained in Attachments 1 and 2, respectively.

DISCUSSION

Since the deferral in 2002, the surrounding area has continued to develop with residential townhouse and condominium units. To the north is the Madison Place townhouse development zoned PDH-20; south of the subject site is the Jefferson Hill townhouse and condo development zoned R-12; to the east is the Madison Place townhouse development zoned PDH-20; the property to the west was rezoned from C-8 to PDH-12 and is developed as the Madison Lane townhouse development.

The adjacent properties in the area have developed independently from each other, resulting in limited vehicular access to main roadways and few provisions for interconnectivity between developments. Madison Lane, a dead end street, provides vehicular access for the subject site and adjacent developments to Columbia Pike/Route 244, a signalized intersection. Powell Lane, a similar single-ended street to the west,

also provides access to Columbia Pike for its adjacent developments; however, this intersection has no traffic signal and does not allow left turns.

The GDP shows two options for the site layout. Option A includes a proposed interparcel access to connect the subject site with the development to the west, providing additional access for residential developments to the west to utilize Madison Lane and to gain access to a signalized intersection. Option B depicts no interparcel access, resulting in no access to a signalized intersection for the adjacent residential developments.

The Comprehensive Plan recommends interconnectivity of streets to improve neighborhood circulation, to provide residents with safe access to thoroughfares and to reduce restricted access through the neighborhoods. An interconnected street network also allows safe vehicle disbursement in case of an emergency and provides an efficient traffic pattern for service vehicles. Consequently, staff believes that Option A provides superior design and better addresses the policies of the Comprehensive Plan.

Residential Development Criteria (Attachment 3)

Due to the lengthy deferral, this application is now being reviewed under the Comprehensive Plan's Residential Development Criteria adopted by the Board of Supervisors on September 9, 2002, with an effective date of January 7, 2003 (see Attachment 3, 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 other 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. To that end, the following criteria are 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. Rezoning proposals, regardless of the proposed density, will be evaluated based upon the following principles, although not all of the principles may be applicable for all developments.

Consolidation: Developments should provide parcel consolidation in conformance with any site specific text and applicable policy recommendations of the Comprehensive Plan and not preclude nearby properties from developing as recommended by the Plan.

The two parcels proposed for development with this application are the last remaining undeveloped parcels in this general area. The 1.2 acre site obtains its frontage and access from Madison Lane on the eastern boundary. The other three boundaries of the property are adjacent to existing developed neighborhoods. With the redevelopment of the remaining parcels, the applicant is proposing two layout options addressing the integration of the subject site with the adjacent existing residential developments.

The Option A layout provides an interparcel connection to integrate the site with the adjacent townhouse development to the west by utilizing an interparcel access easement which was proffered and approved by RZ 2000-MA-055. The Option B layout provides a single access into the site via an interior private street connection to Madison Lane and no interparcel connection to the adjacent development.

Option A, depicts the interparcel connector with the adjacent property to the west, and, as previously discussed, is the alternative supported by staff, as it would provide a second access for the entire surrounding area to the traffic signal on Columbia Pike at Madison Lane. Since there are no vacant, undeveloped properties adjacent to this site, the application does not preclude nearby properties from developing as recommended by the Plan.

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); provide dwelling units that are oriented appropriately to adjacent streets and homes; include usable yard areas within the individual lots that accommodate the future construction of decks, sunrooms, porches, and/or accessory structures in the layout of the lots, and that provide space for landscaping to thrive and for maintenance activities; provide logical and appropriate relationships among the proposed lots including the relationships of yards, the orientation of the dwelling units, and the use of pipestem lots; provide convenient access to transit facilities; identify all existing utilities and make every effort to identify all proposed utilities and stormwater management outfall areas; and encourage utility co-location where feasible.

The Comprehensive Plan states: “If omitted parcels are small or awkwardly configured, the appropriate density for these parcels if they are developed with surface parking will normally be the low end of the density range shown on the Plan map (8-12 dwelling units per acre).” The applicant has revised the plan to provide for a development density in the low end of the Plan range. The proposed density of 8.3 du/ac is compatible with the existing development to the south (8.04 du/ac) and is less dense than the existing adjacent townhouse developments to the north (18.3 du/ac) and west (11.6 du/ac). As previously stated, the applicant has provided two options for the site layout. With Option A (with interparcel access), the proposed townhouses are divided into two groups of dwelling units, in a straight line facing south, with frontage on the north side of the east-west oriented private street and with 20-foot rear-yard setbacks from the north property line. The proposed townhouses meet the minimum yard requirements of the Zoning Ordinance. The revised plan has relocated the off-street parking area to provide for two small landscaped open space areas—the first along the western portion of the site, and a second area across the private street on the south side of the development, adjacent to the southern boundary line.

With Option B (without interparcel access), one group of dwelling units faces south with frontage on the east-west oriented private street and a 20-foot rear-yard setback from the north property line. The second group of units is perpendicular to these units and

faces east fronting on the private street's north-south spur; a 10 x 10 ft. sunroom is located at the rear of each of these four units, with 20-foot minimum rear-yards adjacent to the open space on the western portion of the site (which is not readily accessible to the units not backing onto it). With both options, the applicant has depicted a stormwater management facility on the western portion of the site and has proffered to provide the SWM facility if the requested waiver of on-site detention is not approved.

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.

Both alternative plans provide for landscaped open space areas which are improved from the previous plan. However, the size and accessibility of the open space for each layout is dictated by the private street orientation options. Option A (with interparcel access) provides open space located in the northwestern portion of the site which is more open and accessible for the residents. The secondary open space on the south side of the private street (adjacent to the parking area), extends along the southern boundary and includes a landscaped seating area near the subdivision entry.

Option B (without interparcel access) provides open space primarily in the western portion of the site, isolated by the four units perpendicularly oriented to the east. A second, smaller area of open space, which includes a small landscaped seating area, is located in the southeast portion of the site near the entry of the development. Staff still has a concern that the open space area located in the western portion of the site lacks the continuity and open access recommended to provide maximum benefits for recreational uses for the future residents.

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.

The applicant relocated the visitor parking area to provide additional landscape screening along the southern perimeter of the site with both options, to better integrate the development with the surrounding community. Since few significant trees exist on the site and none will be saved, the landscape plan and the draft proffers for both layout options indicate plantings of several large deciduous trees along Madison Lane, within the entry area at Madison Lane, along the north and south boundaries of the development, within the residential lots and within the larger open space area on the west. The supplemental plantings will be a mixture of ornamental trees, evergreen trees and shrubs.

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.

Other than the two small open areas for passive recreation, there are minimal on-site amenities proposed on either layout option. The landscaped open space located in the southeast portion of the site provides a seating area and includes enhanced landscaping with both options. However, the primary open space, as shown in Option A, is located to the west and is easily accessible with frontage on the private street. The primary open space as shown in Option B layout, with no interparcel access, is located behind a group of four units on the west, resulting in a less visible and less accessible open space amenity.

Neighborhood Context

Criterion 2 of the Residential Development Criteria states that all rezoning applications, regardless of the proposed density, should be designed to fit into the community within which the development is to be located. Developments should fit into the fabric of their adjacent neighborhoods, 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; and 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. It is not expected that developments will be identical to their neighbors, but that the development fit into the fabric of the community.

The revised plans for both layout options provide for a unit type and height that are compatible with the adjacent developments. Elevations of the proposed units have been provided to illustrate similar materials and architectural style with the adjacent developments. The applicant has proffered to submit final elevations for the proposed units as well as elevations of the existing units within the adjacent developments to demonstrate that compatible and consistent exterior materials and architectural design will be employed, as part of the site plan review approval process. The applicant has also proffered to provide sidewalks along Madison Lane and within the development.

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.

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.

There are no environmental resources worthy of preservation; therefore, this principal is not applicable in this case.

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

The topography information, shown on the GDP, indicates a downward slope on the southwestern corner of the site. The slopes and the soil characteristics of the site will be reviewed as part of the geotechnical investigation submission as required with the applicant's site plan review process.

Water Quality and Drainage: 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 GDP depicts the location of an on-site stormwater detention pond, in both layout options, in the western portion of site within the open space area. The applicant has requested a waiver of the on-site stormwater management facility from DPWES. In the event the waiver is not approved, the applicant has proffered to implement stormwater management as required by DPWES.

The applicant will accommodate BMPs on both layout options by incorporating LID measures (such as a Filterra system) as shown on the GDP in the western portion of the site, adjacent to the south side of the private street. The proposed BMP is proffered by the applicant and is subject to approval by DPWES.

The site also contains one or more home heating oil tanks on site, and may also contain individual water wells. Since improperly abandoned fuel tanks and wells can contaminate surface and ground water, the applicant has proffered to the removal of the fuel tanks and to cap the wells.

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

Transportation generated noise does not affect this site.

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

The applicant has proffered to comply with all outdoor lighting standards as required by the Zoning Ordinance.

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 applicant has proffered to provide energy efficient homes.

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 as determined by the County, it is highly desirable that developments meet most or all of their 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.

Urban Forest Management does not believe there are significant opportunities on site for tree preservation and recommends extensive landscaping and replanting. The applicant has revised the Generalized Development Plan and proffered to implement the landscaping plans as recommended by the Urban Forest Management. The landscape plan for both options indicates extensive landscape plantings, including large deciduous trees, evergreens, and ornamental trees and shrubs, at the entry area; site boundaries, and within the open space areas and front yards.

Transportation

Criterion 5 of the Residential Development Criteria states that all rezoning applications should implement measures to address planned transportation improvements and applicants should offset their impacts to the transportation network. Regardless of the proposed density, applications will be evaluated based upon the following principles, although not all of the principles may be applicable.

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 through commitments to the following: capacity enhancements to nearby arterial and collector streets; street design features that improve safety and mobility for non-motorized forms of transportation; signals and other traffic control measures; development phasing to coincide with identified transportation improvements; right-of-way dedication; construction of other improvements beyond ordinance requirements; and monetary contributions for improvements in the vicinity of the development.

The applicant will provide right-of-way dedication on Madison Lane on both layout options as indicated on the GDP, and has proffered construction of the frontage improvements on Madison Lane to match the existing cross section dimensions of the right-of-way, as requested by staff.

Transit/Transportation Management: Mass transit usage and other transportation measures to reduce vehicular trips should be encouraged by: provision of bus shelters; implementation and/or participation in a shuttle bus service; participation in programs designed to reduce vehicular trips; incorporation of transit facilities within the

development and integration of transit with adjacent areas; and the provision of trails and facilities that increase safety and mobility for non-motorized travel.

As shown on both layout options, the applicant provides for sidewalks within the development; a sidewalk along the development's frontage adjacent to Madison Lane will link with adjacent developments to the north and south, as shown on the GDP and stated in the draft proffers. However, no sidewalk connection is proposed to the west.

Interconnection of the Street Network: Vehicular connections between neighborhoods should be provided, as follows: local streets within the development should be connected with adjacent local streets to improve neighborhood circulation; when appropriate, existing stub streets should be connected to adjoining parcels. If street connections are dedicated but not constructed with development, they should be identified with signage that indicates the street is to be extended; streets should be designed and constructed to accommodate safe and convenient usage by buses and non-motorized forms of transportation; and traffic calming measures should be implemented where needed to discourage cut-through traffic, increase safety and reduce vehicular speed; the number and length of long, single-ended roadways should be minimized; sufficient access for public safety vehicles should be ensured.

The Land Use element of the Policy Plan and Par. 3 of Sect. 17-201 of the Zoning Ordinance set forth guidelines and requirements for interparcel access. The adjacent property to the west (Holmes Run Overlook) was rezoned (RZ 2000-MA-055) for a single family attached development, at which time the approved development plan proposed an interparcel access easement to this parcel. The development to the south was rezoned (RZ 82-M-058) to provide single family attached units and proffered to provide interparcel connections to the subject site. The development to the north (RZ 88-M-077) had the potential to provide interparcel connections, but none are provided with the existing development. Option A shows a private street extending from the Madison Lane right-of-way on the east, continuing west through the site to connect with the existing adjacent off-site access easement within the residential subdivision to the west. The adjacent developer to the west has proffered an interparcel access easement, but not construction of the roadway connection.

Option B is proposed by the applicant as an alternative; this option shows an L-shaped interior street connecting to Madison Lane, continuing west into the site and turning north into a stub. The applicant has stated that discussions with the adjacent developer to the west have been unsuccessful in obtaining construction provisions for the alignment of the interparcel access connection and that the adjacent developer has also declined to revise his site's development plan to accommodate a slightly modified road design for the access easement connection, which would be required due to the existing slope and topography of the properties and compliance with the street standards.

Staff continues to express a strong preference for Option A (with interparcel access) to connect with the adjacent property to the west, since it would satisfy the requirements of Par. 3 of Sect. 17-201, of the Zoning Ordinance and the Comprehensive Plan recommendations to provide interparcel access between developments. Connecting neighborhood streets is an essential element of infill development and, in this case, the connection would provide access for the adjacent residential development to the traffic

signal at Columbia Pike. The previous waiver of the service drive along Columbia Pike for the adjacent development leaves the proffered interparcel connection as the only means for those residents to access a signalized intersection in order to make safe left turns onto Columbia Pike (see Transportation Analysis Addendum, Attachment 4).

Streets: Public streets are preferred. However, if private streets are proposed in single family detached developments, the applicant shall demonstrate the benefits for such streets. Furthermore, convenience and safety issues such as parking on private streets should be considered during the review process.

A private street will provide access into the development. With both layout options, the applicant has proffered to construct the private street to PFM standards, with maintenance provided by the HOA.

Non-motorized Facilities: Non-motorized facilities, such as those listed below, should be provided: connections to transit facilities; connections between adjoining neighborhoods; connections to existing non-motorized facilities; connections to off-site retail/commercial uses, public/community facilities, and natural and recreational areas; an internal non-motorized facility network with pedestrian and natural amenities, particularly those included in the Comprehensive Plan; offsite non-motorized facilities, particularly those included in the Comprehensive Plan; driveways to residences should be of adequate length to accommodate passenger vehicles without blocking walkways; and construction of non-motorized facilities on both sides of the street is preferred. If construction on a single side of the street is proposed, the applicant shall demonstrate the public benefit of a limited facility.

As shown in both layout options, the applicant provides for sidewalks within and along the frontage of the development to link with adjacent developments to the north and south; however, no connection is proposed to the development to the west. Driveways, 20 feet in length are provided for each dwelling unit. Passive recreation areas within the development, including seating areas and sidewalks along the frontage for pedestrian access to the open spaces, are provided by both options. The Transportation Analysis addendum has noted concern with the location of the sidewalks adjacent to the private street, the relocation of which would more easily accommodate the alignment of an interparcel access (see Transportation Analysis Addendum, Attachment 4).

Alternative Street Designs: Under specific design conditions for individual sites or where existing features such as trees, topography, etc. are important elements, modifications to the public street standards may be considered.

There are no alternative street design considerations or situations applicable to this development.

Public Facilities

Criterion 6 of the Residential Design Criteria states that 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 in the vicinity of the proposed development. Impact offset may be accomplished through the dedication of land suitable for the construction of an identified public facility need, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. Selection of the appropriate offset mechanism should maximize the public benefit of the contribution.

The Fairfax County Public School Facilities Planning Branch estimates that the proposed rezoning will result in an additional four students, of which three are additional to those anticipated to be generated by a potential by-right development. To address this, the applicant has proffered to a sum of \$27,300 to the BOS for area schools.

The Fairfax County Park Authority (FCPA) has determined the proposed rezoning will add approximately 24 residents to the current population of Mason District. Based on the previous estimate by FCPA, the applicant has proffered to provide \$4,920 in recreational uses on-site or contribute the money to the Park Authority for recreational uses in the area.

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. An applicant can elect to fulfill this criterion by providing affordable units that are not otherwise required by the ADU Ordinance or as an alternative land. Satisfaction of this criterion may also be achieved by a contribution to the Housing Trust Fund equal to 0.5% of the value of all of the units approved on the property.

Since the application is for ten dwellings, it is not subject to the Affordable Dwelling Unit Ordinance. However, the applicant has proffered to provide a 0.5% contribution of the value of all the units to the Housing Trust Fund.

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 resource areas identified on the site; therefore, this criterion is not applicable.

ZONING ORDINANCE PROVISIONS

Bulk Standards (R-12)		
Standard	Required	Provided
District Size	4 acres	1.2 acres ¹
Lot Width	18 feet	24 Feet
Building Height	35 feet	35 feet
Front Yard	15° ABP, but not less than 5 feet = 9 feet	22 Feet
Side Yard	15° ABP, but not less than 10 feet = 9 feet	10 Feet
Rear Yard	30° ABP, but not less than 20 feet = 20 feet	20 Feet
Max. Density	12 du/ac	8.3 du/ac
Open Space	25%	Option A = 25% Option B = 30%
Parking Spaces	26 Spaces ²	Option A = 30 Spaces Option B = 29 Spaces

¹The applicant requested a waiver of the minimum district size

² Spaces per unit required

Waiver of the Minimum District Size

The Zoning Ordinance requires a minimum district size of four acres for the R-12 District. The applicant’s parcel measures 1.20 acres; thus the applicant is requesting approval of the waiver. Sect. 9-610 of the Zoning Ordinance requires the applicant to demonstrate that the development of the subject lot will not have any deleterious effects on the adjacent properties in order to waive the minimum district size. The applicant is proposing to develop 10 dwelling units at 8.3 du/ac, complying with the Plan recommendation that the low end of the density range should be provided. The adjacent properties have been developed or are currently proposed to be developed with single family attached units, and there are no logical areas for further consolidation. In staff’s opinion, the proposed development is compatible with the adjacent developments in density. However, interparcel access as shown in Option A would achieve integration of the neighborhood and would eliminate the detrimental effects of limited internal traffic circulation. Option A, as recommended by staff, is in conformance with the Zoning Ordinance; therefore, staff supports the waiver.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The applicant is requesting to rezone 1.2 acres from R-3 to R-12 for the development of ten single family attached dwelling units. The applicant has revised the plan to show two layouts. Option A, which is recommended by staff, meets the Zoning Ordinance and Plan requirements by providing interparcel access and visible and accessible open space. The interparcel access is essential for the connection of neighborhood streets to accommodate safe access to main roadways and to provide a less restricted and more efficient roadway network through the area. Option B, proposes no interparcel access, and consists of an L-shaped private street interior to the site, with perpendicular orientation of the buildings. With this layout, the open space is disconnected from residents by orienting the open space area to the rear of the units, with limited visibility or accessibility for the neighborhood.

Recommendations

Staff recommends approval of RZ 2002-MA-031 for Option A only, and that such approval be subject to the execution of proffers consistent with those contained in Attachment 1. If the rezoning is approved, staff recommends approval of a waiver of the minimum district size.

ATTACHMENTS

1. Proffers
2. Power of Attorney and Affidavit
3. Residential Development Criteria
4. Transportation Analysis Addendum

Draft Proffers

Townes at Madison Lane, LLC

RZ 2001-MA-031

November 14, 2005

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Applicant and Owners, in this rezoning proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference 61-4((1))10, 11 (hereinafter referred to as the “Property”) will be in accordance with the following conditions (the “Proffered Conditions”), if and only if, said rezoning request for the R-12 Zoning District is granted. In the event said rezoning request is denied, these Proffered Conditions shall be null and void. The Owners and Applicant, for themselves, their successors and assigns hereby 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. The Proffered Conditions are:

I. Generalized Development Plan

1. Substantial Conformance. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the “Zoning Ordinance”), development of the Property shall be in substantial conformance with the Generalized Development Plan (GDP), prepared by The BC Consultants, Inc., consisting of 5 sheets, dated August 2005, revised through September 22, 2005. Development shall occur in conformance with either Option A or Option B as shown on Sheets 1, 2 and 5 of the GDP and these proffers as determined by the Board of Supervisor’s approval of one option or the other.

2. Minor Modifications. Pursuant to Section 18-204 of the Zoning Ordinance, minor modifications from the approved GDP may be permitted as determined by the Zoning Administrator. Minor adjustments to internal lot lines of the development may be made at the time of site plan submission based on final house location and building footprints, as long as the minimum amount of required open space is still provided and there is no increase in the total number of units. Any decks constructed shall conform with the location regulations of Sect. 2-412 of Article 2 of the Zoning Ordinance.

II. Transportation

1. Private Streets. The private street shall be constructed by the Applicant to the pavement thickness standard of public streets as set forth in the Public Facilities Manual, subject to Department of Public Works and Environmental Services (DPEWS) approval. Prior to entering into a contract of sale, prospective purchasers shall be notified of the existence of the private street and associated maintenance obligations required by these Proffered Conditions and such information shall be included in the HOA documents.
2. Sidewalks. Sidewalks shall be constructed as shown on the GDP in accordance with the Public Facilities Manual (PFM) standards. Prior to entering into a contract of sale, prospective purchasers shall be notified of the existence of the sidewalks and associated maintenance obligations required by these Proffered Conditions and such information shall be included in the HOA documents.
3. Right-of-Way Dedication. At the time of site plan approval or upon demand, whichever occurs first, right-of-way along the site's Madison Lane frontage as shown on the GDP shall be dedicated and conveyed to the Board of Supervisors in fee simple with density

reserved subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance.

4. Frontage Improvements. Prior to the issuance of the first residential use permit (RUP), the Applicant shall construct frontage improvements along Madison Lane to match the existing cross section and curb and gutter on the adjacent property, subject to Virginia Department of Transportation (VDOT) and DPWES approval.

III. Housing Trust Fund

1. At the time of the first building permit issuance, the Applicant shall contribute a sum equal to one-half of one percent (0.5%) of the projected sales price for each new dwelling unit on the Property to the Fairfax County Housing Trust Fund, as determined by the Department of Housing and Community Development in consultation with the Applicant to assist the County in its goal to provide affordable dwellings elsewhere in the County.

IV. Homeowner's Association

1. Establishment of Homeowner's Association (HOA). Prior to site plan approval, the Applicant shall demonstrate that the Property will be governed by an HOA and be subject to a Declaration of Covenants, Conditions and Restrictions consistent with the requirements of Article 2 of the Zoning Ordinance. Prior to site plan approval, the Applicant shall provide a written request to the Madison Place HOA that governs the existing development to the north, to be included in that HOA. Full disclosure of these proffers shall be made to the Madison Place HOA as part of this request. Absent a mutual agreement on the terms and conditions of such incorporation within 8 weeks of the request to Madison Place HOA, the Applicant shall establish an individual HOA for the approved development.

2. Dedication to HOA. In conjunction with the appropriate site plan review process, private streets, sidewalks, and open space common areas and amenities not otherwise conveyed or dedicated to the County shall be dedicated to the HOA and maintained by the same.

3. Disclosure. Prior to entering into a contract of sale, prospective purchasers shall be notified in writing by the Applicants of the maintenance responsibility for the private street, private sidewalks, open space improvements and landscaping, and water quality system and shall acknowledge receipt of this information in writing. The applicant shall record a covenant running to the benefit of the Homeowners Association (HOA) and Fairfax County in a form as approved by the County Attorney setting the maintenance responsibility for the private streets, private sidewalks, open space improvements and landscaping and water quality system by the HOA among the land records of Fairfax County. Each deed of conveyance shall expressly contain these disclosures.

V. Environmental

1. Wells/Storage Tanks. Prior to the issuance of the first building permit, the applicant shall cap all wells and remove underground storage tanks in accordance with Health Department Regulations.

2. Low Impact Development (LID) Measures. Best Management Practices (BMP's) shall be provided by the incorporation of LID measures in the form of a filterra system or other LID as approved by DPWES. The maintenance responsibilities of such LID measures shall be the responsibility of the HOA, incorporated into the HOA documents and shall be disclosed in the initial sales contract for each lot.

3. Stormwater Management. If the requested waiver of on-site detention is not approved, the Applicant shall implement stormwater management techniques to control the quantity of stormwater runoff from the Property as approved by DPWES. Such facility shall be located on the Property as shown on the GDP. If adequate stormwater management cannot be provided by the facility as depicted on the GDP, as determined by DPWES, a proffered condition amendment shall be required. To the extent any facility imposes 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.

VI. Landscaping

1. Landscaping. Landscaping shall be consistent with the quality, quantity and general location shown on the Landscape Plan on Sheet 2 of the GDP. At the time of planting, the minimum caliper for deciduous trees shall be two and one-half (2.5) to three (3) inches and the minimum height for evergreen trees shall be six (6) feet. Actual types and species of vegetation shall be determined pursuant to more detailed landscape plans approved by Urban Forest Management at the time of site plan approval. Such landscape plans shall provide tree coverage and species diversity consistent with the Public Facilities Manual (PFM) criteria, as determined by Urban Forest Management.

VII. Recreation Facilities

1. Park Authority. At the time of site plan approval, the Applicant shall contribute the sum of \$4,920 to the Fairfax County Park Authority for recreational facility development or for acquisition of parkland within the service area of this development.

VIII. Architecture

1. Façade. The façade of the houses in terms of building materials shall be brick fronts which will be compatible with the existing adjacent subdivision to the north, Madison Place. The elevations shall be in substantial conformance with that shown on Sheet 3 of 5 of the GDP.
2. Lighting. All on-site outdoor lighting shall comply with the Outdoor Lighting Standards set forth in Part 9 of Article 14 of the Zoning Ordinance. Decorative street lighting shall be provided in the open space area shown in the eastern portion of the site.

IX. Schools

1. At the time of site plan approval, the Applicant shall contribute a sum of \$27,300 to the Board of Supervisors for public schools in the Mason District. The Applicant shall provide documentation of the donation to DPWES at that time.

X. Miscellaneous

1. Energy Conservation. All dwellings on the Property shall meet the thermal guidelines of the CABO Model Energy Program for energy efficient homes, or its equivalent as determined by DPWES for either gas or electric energy systems, as may be applicable.
2. Signs. No temporary signs (including “popsicle” style paper or cardboard signs), which are prohibited by Article 12 of the Zoning Ordinance and Chapter 7 of Title 33.1, and Chapter 8 of Title 46.2 of the Code of Virginia, shall be placed on or offsite by the Applicant or at the Applicant’s direction. The Applicant shall direct its agents and employees involved with the Property to adhere to this proffer.
3. Construction Hours. All exterior construction activity shall be limited to between 7:00 am

and 6:00 pm, Monday through Saturday. Construction activity on Sunday shall be limited to interior work only. This proffer shall only apply to the initial construction of each house.

4. Garage Conversion. A minimum of two parking spaces shall be provided within the garage of each dwelling unit. 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 Board of Supervisors and the HOA. Prospective purchasers shall be advised of this use restriction, in writing, prior to entering into a contract of sale.

XI. Successors and Assigns

These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

XII. Counterparts

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute
but
one and the same instrument.

TITLE OWNERS AND APPLICANTS SIGNATURES TO FOLLOW ON THE NEXT PAGE:

Son H. Nguyen
(Title Owner of TM 61-4 ((1))10, 11)

Tam T. Do
(Title Owner of 61-4((1))10,11)

TOWNES OF MADISON LANE, LLC
(Contract Purchaser of TM 61-4((1))10,11)

By: _____

Name: _____

Moiz B. Doriwala
Title: Managing Member