



# FAIRFAX COUNTY

**APPLICATION FILED:** April 29, 2005  
**PLANNING COMMISSION:** November 30, 2005  
**BOARD OF SUPERVISORS:** December 5, 2005  
@ 4:00 PM

V I R G I N I A

November 16, 2005

## STAFF REPORT

**APPLICATION RZ/FDP 2005-MA-014**

### MASON DISTRICT

**APPLICANT:** Robert A. Young of Bannerwood Investments, LLC

**PRESENT ZONING:** R-2

**REQUESTED ZONING:** PDH-4

**PARCEL(S):** 59-2 ((1)) 8, 9, 10 and 11

**ACREAGE:** 4.54 acres

**DENSITY:** 3.08 dwelling units per acre (du/ac)

**OPEN SPACE:** 30%

**PLAN MAP:** Residential; 3-4 du/ac

**PROPOSAL:** Rezoning to permit the development of twelve (12) single family detached dwelling units while retaining two (2) existing single family detached dwelling units, for a total of fourteen (14) dwelling units.

### WAIVERS/MODIFICATIONS:

Waiver of the 600 foot maximum length for a private street

Waiver of the sidewalk requirements to permit construction of a sidewalk on only one side of the private street

Waiver of the frontage improvements along a portion of Bannerwood Drive

Modification of the private street requirements to permit a 20 foot wide private street

## **STAFF RECOMMENDATIONS:**

Staff recommends denial of RZ 2005-MA-014. However, if it is the intent of the Board of Supervisors to approve RZ 2005-MA-014, staff recommends that such approval be subject to the proffers consistent with those contained in Appendix 1.

Staff recommends denial of FDP 2005-MA-014 as submitted. However, if it is the intent of the Planning Commission to approve FDP 2005-MA-014, staff recommends that such approval be subject to the proposed final development plan conditions contained in Appendix 2 and the Board of Supervisors approval of RZ 2005-MA-014.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

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

**DESCRIPTION OF APPLICATION**

**Proposal:**

The applicant requests approval of a rezoning of 4.54 acres from the R-2 District to the PDH-4 District to permit the development of 12 single family detached dwelling units in addition to 2 existing single family detached dwelling units, for a total of 14 units at an overall density of 3.08 dwelling units per acre (du/ac), with 30% of the site retained as open space. Stormwater management and Best Management Practice (BMP) requirements are proposed to be satisfied through 3 bioretention/infiltration areas and 3 conservation areas. Access will be provided to the development from Holly Road to the east and Bannerwood Drive to the west through a modified cul-de-sac within the Bannerwood Drive right-of-way.

The applicant's draft proffers, staff's proposed development conditions, and the applicant's Affidavit and Statement of Justification can be found in Appendices 1-4, respectively.

The application must also comply with certain Zoning Ordinance Provisions found in Article 6, Planned Development Districts, and Article 16, Development Plans (among other Fairfax County requirements); excerpts of which are found in Appendix 14.

**Waivers and Modifications:**

- Waiver of the 600 foot maximum length for private streets
- Waiver of the sidewalk requirements to permit construction of a sidewalk on only one side of the private street
- Waiver of the frontage improvements along a portion of Bannerwood Drive
- Modification of the private street requirement to permit a 20 foot wide private street in lieu of the 24 foot wide private street requirement of the PFM.
- *The applicant requests a modification of the PFM standard to allow a cul-de-sac with a 30 foot radius on Bannerwood Drive. This issue will be addressed by the applicant, DPWES, and the Fire Marshal, during subdivision plan review. If this modification request is not approved during subdivision plan review, and if the street can not be built in substantial conformance with that shown on the CDP/FDP, then a PCA will be necessary.*
- *The applicant requests a waiver of the stormwater management requirements to permit bioretention/infiltration areas as shown on the CDP/FDP to satisfy the detention requirements. This issue will be addressed by the applicant and*

*DPWES during subdivision plan review. If these waiver requests are not approved during subdivision plan review, and if the stormwater management requirements can not be provided in substantial conformance with the CDP/FDP, then a PCA will be necessary.*

## LOCATION AND CHARACTER

### Site Description:

The 4.54 acre subject property is comprised of four parcels located between Holly Road and Bannerwood Drive, south of Woodburn Road. Two of the parcels contain single family detached dwelling units; the other two parcels are vacant. The vacant parcels are vegetated with upland forest species in good to poor condition. The property has multiple drainage divides that slope to the southwest and southeast.

### Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Office	C-2	Office
South	Single Family Detached	R-3	Residential; 2-3 du/ac
East	Single Family Detached	R-2	Residential; 1-2 du/ac
West	Pine Ridge Park	R-2	Public Facilities, Governmental & Institutional

## BACKGROUND

There is no relevant zoning history associated with the subject property.

## COMPREHENSIVE PLAN PROVISIONS

<b>Plan Area:</b>	I
<b>Planning District:</b>	Annandale
<b>Planning Sector:</b>	Pine Ridge (A8)
<b>Plan Map:</b>	Residential, 3-4 du/ac
<b>Plan Text:</b>	

There is no site specific Comprehensive Plan text for the application property.

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

**Title of CDP/FDP:** Bannerwood Estates

**Prepared By:** Walter Phillips, Inc.

**Original and Revision Dates:** March 18, 2005, with revisions through October 27, 2005

The CDP/FDP consists of eight (8) sheets showing the following information:

	<b>Contents</b>
<b>Sheet 1</b>	Cover Sheet
<b>Sheet 2</b>	Conceptual/Final Development Plan
<b>Sheet 3</b>	Tree Preservation/Conceptual Landscape Plan
<b>Sheet 4</b>	Existing Vegetation Map
<b>Sheet 5</b>	Preliminary SWM/BMP Plan, Outfall Computations and Narratives
<b>Sheet 5A</b>	SWM/BMP Alternate Scenario
<b>Sheet 6</b>	Outfall Analysis
<b>Sheet 7</b>	Sight Distance Profile
<b>Sheet 8</b>	Architectural Elevations

The CDP/FDP depicts a site layout as follows:

*Residential Units*

- A total of fourteen single family detached dwelling units at an overall density of 3.08 du/ac.
- The twelve newly created lots consist of Lots 1-10 arranged on the north side of the private road and Lots 12-13 located on the south side of the private street east of Outlot B and west of Lot 14.
- Two existing dwellings, each currently contained on approximately one acre lots, will be retained on Lot 11 (17,600 square feet) on the southeast side of the cul-de-sac on Bannerwood Drive and Lot 14 (30,660 square feet) located on the southwest side of the site entrance from Holly Road. A new garage will be located in the rear yard of Lot 14. Per the proffers, the owners of these lots would be able to replace the existing dwellings with only one new dwelling per lot.
- The newly created lots will have an average lot size of 5,463 square feet; the average lot size for all fourteen lots will be 8,130 square feet. Each lot will have a 42 x 44 foot building footprint and an improvement envelope that will permit additions such as decks and patios to be added to each dwelling. The established minimum yards for the newly created lots consist of eighteen foot six inch (18.5) front yards, eight (8) foot side yards and ten (10) foot rear yards.

- Each dwelling will be a maximum of 35 feet tall with a two car garage and an eighteen foot six inch long driveway. The dwelling unit types will vary between center and side-passage dwellings sheathed in brick or a cementitious siding material.

#### *Open Space & Landscaping*

- Approximately 30% of the site will remain as open space consisting of the walkway on the north side of the private road, SWM/BMP areas and Outlots A, B and C, as described below.
- Retaining walls that will be covered with stone or brick, a maximum 3 feet in height from finished grade will be located in the rear yards of Lots 2-5 and within Outlot A.
- A board on board privacy fence with two foot wide brick piers interspersed 26 feet on center will be installed along the northern property boundary. The fence will be a maximum of 6 feet tall and will taper to 4 feet in height in the front yards along Holly Road and Bannerwood Drive.
- Outlot A (11,600 square feet) located in the northeastern corner of the property will consist of a small tree save area (6,800 square feet ), Outlot B (39,600 square feet) located along the southern property boundary will also contain a small tree save area (8,700 square feet) and two raingardens. Outlot C (6,000 square feet) located in the northwestern corner of the property will be planted with deciduous trees.
- The landscaping plan depicts deciduous trees lining the entrance from Holly Road and within Outlot C at the entrance from Bannerwood Drive. Scattered deciduous and evergreen trees will be provided along the northern property boundary within the 10 foot minimum rear yards; additional deciduous trees will be clustered within the front yards of the newly created lots along the private drive.
- No active recreation amenities will be provided on-site. A small neighborhood gathering area will be provided within Outlot A.

#### *Access & Parking*

- The primary entrance to the development will be from the west side of Holly Road. A cul-de-sac will be constructed within the Bannerwood Drive right-of-way, providing a second point of access to the development. A 20 foot wide private street will connect the two points of access. A four foot wide walkway consisting of porous pavers will be located on the north side of the private street.
- Two-car garages, with eighteen foot six inch long driveways will be provided for each newly created lot. No off-lot visitor parking will be provided.
- The driveway entrance from Holly Road that currently provides access to the dwelling on Lot 14 will be removed. Access to Lot 14 will be provided from the

south side of the private street in two places; one will access the existing driveway, and the westernmost driveway will provide access to the proposed new garage in the rear yard of Lot 14. The existing driveway entrance from Bannerwood Drive that provides access to Lot 11 will be retained.

- Right-of-way approximately 30 feet from the centerline of Holly Road and approximately 25 feet from the centerline of Bannerwood Drive will be dedicated at the time of subdivision plan approval. Frontage improvements along Holly Road consist of a five foot wide sidewalk and curb and gutter that will connect to that existing to the north and south of the subject property. Improvements to Bannerwood Drive include the construction of a modified cul-de-sac with a 30 foot radius within the public right-of-way and an extension of the state maintained road up to the cul-de-sac.

### *Stormwater Management*

- Three low impact development (LID) stormwater management/Best Management Practices (SWM/BMP) facilities will be dispersed throughout the site. The three bioretention and/or infiltration areas (raingardens) will be approximately 4,200 square feet, 4,200 square feet and 1,330 square feet in area.
- The 40% phosphorous removal requirement will be achieved through the use of the raingardens in combination with the Outlots that will consist of tree save areas and supplemental landscaping.
- The stormwater management requirement is proposed to be satisfied through the use of the 6-inch ponding area of each raingarden that will detain stormwater runoff.
- Outfall from the site will be conveyed downstream via a combination of a closed conduit pipe system and natural channel flow. A portion of the natural channel is located within Pine Ridge Park and will require channel improvements to reduce the velocity of stormwater runoff flowing through this channel.
- Should the LID SWM/BMP facilities not be approved during subdivision plan review, the applicant has proposed an alternate scenario. As depicted on Sheet 5A of 8, a 5,700 square foot extended detention dry pond will be constructed within Outlot B and used in coordination with the conservation easements to meet the water quality and quantity control requirements of the PFM.

## **RESIDENTIAL DEVELOPMENT CRITERIA**

Fairfax County expects new residential development to enhance the community by fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. For the complete Residential Development Criteria text, see Appendix 15.

**Site Design** (Development Criterion #1)

*This Criterion requires that the development proposal address consolidation goals in the Comprehensive Plan, further the integration of the development with adjacent parcels and not preclude adjacent properties from developing according to the recommendations of the Plan.* The applicant has consolidated four parcels for a total of 4.54 acres that contain two single family detached dwellings that are located between office development to the north and single family detached dwellings to the south. Staff is concerned about the lot sizes of the two lots that will contain the existing dwellings that are to remain. Lot 11 (17,600 square feet) and Lot 14 (30,660 square feet) are considerably larger than the average lot size of the proposed twelve newly created lots (5,463 square feet). The retention of these two dwellings on such large lots severely constrains the site design, and eliminates the benefits and effectiveness of full consolidation of these four parcels. Staff is concerned that the site design is overcrowded as evidenced by the number of lots with dwellings placed close together with effectively no usable open space. Therefore, staff does not believe that this portion of the Criterion has been satisfied.

*The development proposal should provide a logical and functional design with appropriate relationships within the development, including appropriately oriented dwelling units and usable yard areas within the individual lots. Convenient access to transit facilities should be provided where available, and all aspects pertaining to utilities shall be identified.* The applicant's development proposal includes a site design with ten lots located along the northern property boundary fronting on the private street, two lots along the southern property boundary fronting on the private street and two large lots for the existing dwellings to remain in the southeast and southwest corners of the development. The proposed yards for the newly created lots consist of eighteen foot six inch minimum front yards, eight foot minimum side yards and ten foot minimum rear yards. The typical lot schematic on Sheet 2 of the CDP/FDP indicates a large 42 foot x 44 foot building footprint and a building envelope that will permit building additions that will not encroach upon the minimum yards. As proposed, each dwelling unit will be located sixteen feet apart, with the dwellings on Lots 12 and 13 located twenty feet apart. Sanitary sewer and water connections will be extended to the site from Holly Road, and will be located underneath the private road. Keeping the two existing dwellings on oversized lots, combined with the locations for the stormwater management facilities and the long and narrow shape of the site constrains the development potential of the property, resulting in an awkward design. Staff does not believe that the proposed lot sizes provide usable yard areas, which is an issue with greater importance because there is essentially no usable open space provided within the development. Therefore, staff does not believe that this portion of this Criterion has been satisfied.

*Open space should be usable, accessible and integrated. Appropriate landscaping and amenities should be provided.* The CDP/FDP indicates that approximately 30% of the site will remain as open space (which includes the walkway and bio-retention areas); or 25% excluding the bio-retention areas. The majority of the open space will be contained within Outlots A, B and C, which will exist as wooded areas intended to provide water quality control features. The development does not provide usable open space for future residents to utilize, nor are there any recreational amenities provided on-site aside from a small neighborhood gathering

area located within Outlot A. Each three-story dwelling will be either a center or side passage unit with a two car garage and no porch. The buildings will have a consistent architectural treatment on all four sides that will be sheathed in brick or a cementitious siding material. The subject property is located adjacent to Pine Ridge Park, and the applicant has proffered to provide an extension of the walkway on-site to this park, subject to the approval of the Fairfax County Park Authority (FCPA) which owns and operates this county facility. Staff does not believe that this portion of the Criterion has been satisfied.

### **Neighborhood Context** (Development Criterion #2)

*While developments are not expected to be identical with the existing development within which they are to be located, this Criterion states that they should fit into the fabric of the community.* The property to the north is developed with medical offices and a parking structure; Pine Ridge Park is located to the west. Single family detached dwellings are located to the south (R-3 District) and east (R-2 District) of the site. The newly constructed dwellings will be a maximum of 35 feet tall with a 42 foot X 44 foot building footprint. These dwellings will be located sixteen feet apart, except for the dwellings on Lots 12 and 13 which will be located twenty feet apart. Staff does not object to the proposed size of the dwellings, but does not believe that the lot sizes provide realistic usable space. The proposed development is buffered from the office buildings and parking structure to the north by a thirty-five foot transitional screening yard located on the adjacent property, while the rear yards of Lots 12 and 13 will be located fifteen feet from the southern property boundary. Staff does not believe that the site design mitigates the potential impacts that this development may have on the existing residential development to the south. The average lot size of the proposed dwelling units (5,463 square feet) is substantially smaller than the average lot size of the existing dwellings to the south (15,605 square feet), which increases the need for a better transition which could occur through the retention of exiting vegetation along the southern property boundary between Lots 11 and 14. Staff has requested that Lots 12 and 13 be removed along the southern property boundary so as to provide a greater tree save area that would provide a better transition between the applicant's proposed development and those existing dwellings to the south. Staff does not believe that this Criterion has been satisfied.

### **Environment** (Development Criterion #3) (Appendix 5)

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

The applicant proposes to meet the water quality and quantity control requirements through the provision of undisturbed open space, Outlots A, B and C, and three bioretention facilities. If approved, the applicant's low impact development (LID) proposal will use these features, along with a narrow private street (20 feet wide) and a single walkway consisting of porous pavers to reduce the amount of impervious surface, which will permit the bioretention facilities and Outlots to function. Final determination of these facilities will be made by the Department of

Public Works and Environmental Services (DPWES) during subdivision plan review. The applicant has provided an alternate situation that would use a dry pond stormwater management facility in the area of Outlot B instead of the bioretention areas should DPWES not approve the use of the LIDs. Staff has expressed concern about the private maintenance responsibility of these LID facilities. The applicant has proffered to sign a ten year maintenance contract, and will provide the Homeowners Association (HOA) with \$39,000 to be used solely for maintenance of the bioretention facilities.

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

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

The site is currently wooded with a variety of oaks, tulip poplar, black cherries and maples. The CDP/FDP indicates two tree save areas, Outlots A and B, consisting of a total of approximately 15,500 square feet. Appropriate proffer commitments have been made to ensure the survivability of these areas during construction, which will remain as undisturbed private open space once construction of the proposed development is complete. Staff continues to recommend that Lots 12 and 13 be removed to improve the layout, which will also have a positive effect on the development by increasing the tree save area and buffer along the southern property boundary.

**Transportation** (Development Criterion #5) (Appendix 7)

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

The applicant will provide necessary right-of-way dedication along Holly Road and Bannerwood Drive. Frontage improvements along Holly Road will consist of connecting curb and gutter and sidewalk to that existing to the north and south of the site. A modified cul-de-sac with a 30 foot radius is proposed to be constructed within the Bannerwood Drive right-of-way, which will not preclude an ultimate extension of this street to Woodburn Road, if deemed necessary in the future. (The PFM requires a 45 foot radius for cul-de-sacs; the applicant has requested a waiver of this PFM requirement which is an issue that is addressed later in this report.) A four foot wide walkway consisting of porous pavers will be located on the north side of the private street. Sheet 7 of the CDP/FDP illustrates adequate sight distance along Holly Road. Staff has continued to express concern over the 20 foot wide private street (as discussed later in the report) and the lack of any off-lot visitor parking spaces on-site, though staff recognizes that a major component of the applicant's LID site design is to limit the amount of impervious surface, which is accomplished by the proposed road width, walkway on only one side of the private street, and lack of visitor parking. Parking for the development will be accommodated within the garages and driveways of the individual lots or off-site on the public streets.

The Virginia Department of Transportation (VDOT) has indicated that the applicant's proposed treatment along Bannerwood Drive is acceptable. Staff has encouraged the applicant to improve Bannerwood Drive along the full frontage of the property and to locate the cul-de-sac within the boundaries of the property, not within the public right-of-way.

**Public Facilities** (Development Criterion #6)

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

**Fairfax County Public Schools** (Appendix 8)

The proposed development would be served by Camelot Elementary School, Jackson Middle School and Falls Church High School. Camelot Elementary School is projected to exceed capacity through the 2009-2010 school year, while Jackson Middle School and Falls Church High School are projected to be below capacity by the 2009-2010 school year. The total number of students generated by this development is anticipated to be eight students total: four elementary, one middle and three high school students. This is an increase of six students above that generated by the existing zoning district. The applicant has proffered to provide a \$45,000 contribution for capital improvements to Fairfax County schools.

**Fairfax County Park Authority** (Appendix 9)

The proposed development would add approximately 46 residents to the current population of the Mason District. The applicant proposes no recreational amenities on-site for future residents to utilize aside from a small neighborhood gathering area in Outlot A. In order to offset the impact this development will have on Fairfax County Park Authority (FCPA) resources, the applicant has been requested to provide \$27,470 to the FCPA for recreation development (\$15,280 per the P-District Zoning Ordinance requirement plus an additional \$12,190 for recreational facilities to offset the impact of this development on FCPA resources). The applicant has proffered to provide \$27,470 to the FCPA at the time of subdivision plan approval. The FCPA has also indicated an objection to granting the easements necessary to construct the channel improvements proposed by the applicant to provide adequate outfall from the site through the Pine Ridge Park. While this issue will be addressed during subdivision review, should these easements not be granted, the applicant will be required to provide adequate outfall for the development in accordance with the PFM or else a PCA may be required.

**Fire and Rescue** (Appendix 10)

The subject property would be serviced by the Fairfax County Fire and Rescue Department Station #423, West Annandale. The requested rezoning currently meets fire protection guidelines.

**Sanitary Sewer Analysis** (Appendix 11)

The subject property is located within the Accotink Creek (M2) watershed and would be sewerer into the Norman M. Cole, Jr. Pollution Control Plant. An existing eight inch line located in Bannerwood Drive, approximately 20 feet from the property is adequate for the proposed use.

**Fairfax County Water Authority** (Appendix 12)

The subject property is located within the Fairfax County Water Authority service area. Adequate domestic water service is available to the site from existing six inch and eight inch water mains located at the property.

**Utilities Planning and Design, DPWES** (Appendix 13)

As previously stated, the applicant proposes to incorporate LID principles into the site design to meet the water quality and quantity control requirements. As part of this proposal, the applicant must obtain a modification of the Fairfax County Public Facilities Manual (PFM) to permit the use of the proposed bioretention facilities to meet detention requirements; this issue will be addressed during subdivision plan review. The applicant has proffered that any bioretention facility installed on-site will meet the minimum state standards as described in the Virginia Stormwater Management Handbook, and that these facilities will be privately maintained by the HOA. If the PFM modifications are not approved by DPWES during subdivision review, the applicant will incorporate the alternate stormwater management facility as shown on Sheet 5A of the CDP/FDP. The alternate stormwater management facility will completely eliminate the tree preservation area and buffer along the southern property boundary. Staff strongly opposes the alternate stormwater management design because it will locate a stormwater management facility behind the rear yards of the existing dwellings to the south and will eliminate the tree save area of Outlot B.

**Affordable Housing** (Development Criterion #7)

*This Criterion states that ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of Fairfax County. This Criterion may be satisfied by the construction of units, dedication of land, or by a contribution to the Housing Trust Fund. The applicant has proffered to contribute one half of one percent (0.5%) of the projected sales price of the houses to the Housing Trust Fund, in accordance with Fairfax County policy.*

**Heritage Resources** (Development Criterion #14)

*This Criterion requires that developments address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation.* The Fairfax County Park Authority has indicated that the subject property has a moderate potential for yielding significant historic and prehistoric Native American archaeological resources. The applicant has proffered to conduct a Phase I archaeological study prior to the commencement of any land disturbing activities, and will present the results to the FCPA Cultural Resource Management and Planning Branch. The proffer further states that a Phase II/III study will be conducted if warranted.

**ZONING ORDINANCE PROVISIONS** (Appendix 14)**WAIVERS AND MODIFICATIONS**

Section 11-302 of the Zoning Ordinance does not permit private streets within a residential development to exceed 600 feet in length. Therefore, the applicant is requesting a waiver of this requirement to permit the private street system to exceed 600 feet in length. As shown on the CDP/FDP, the private street system will connect Holly Road to the proposed cul-de-sac within Bannerwood Drive. The applicant has proffered to record a public access easement over the private street system. Staff is not opposed to this waiver request.

Public Facilities Manual (PFM) Sections 8-0101 (Subdivisions Containing Lots Averaging 1208 m<sup>2</sup> or Less) and 8-0104 (Subdivisions in Proximity of Elementary, Intermediate and High Schools) require sidewalk construction on both sides of the private street internal to the development. The applicant has proposed to construct a four foot wide walkway on only the northern portion of the private street; therefore the applicant requests a waiver of these requirements. The walkway will be composed of permeable pavers, which reduce the amount of impervious surface on site. Furthermore, the walkway will connect to that existing on Holly Road and will connect to the trailhead to Pine Ridge Park, subject to the approval of the Fairfax County Park Authority. Staff does not object to this waiver request.

The applicant requests a waiver of the frontage improvement requirement along a portion of Bannerwood Drive. The CDP/FDP depicts right-of-way dedication along this road and proposes to construct a modified cul-de-sac with a 30 foot radius within the right-of-way of Bannerwood Drive. The Virginia Department of Transportation (VDOT) has indicated that this treatment is acceptable because it will not preclude an extension of Bannerwood Drive to Woodburn Road, if deemed necessary in the future. With the proposed treatment to Bannerwood Drive, staff is not opposed to this waiver request.

The applicant requests approval of a modification of the private street requirements to permit a 20 foot wide private street where 24 feet is required by the PFM. The proposed street width will reduce the amount impervious surface on-site, and is a component of the low impact development (LID) techniques to be incorporated into the site design. The applicant has proffered to provide a public access easement on

the private street and to restrict on-street parking. However, the 20 foot wide street results in two 10 foot wide travel lanes, which makes passing difficult; combined with a lack of visitor parking, this proposal results in the increased potential for vehicular conflict.

Section 7-0406.8A of the PFM requires a 45 foot cul-de-sac radius. The applicant requests approval of a modification of the cul-de-sac standard to allow a cul-de-sac with a 30 foot radius within the Bannerwood Drive right-of-way. The applicant has proffered to provide a public access easement on the cul-de-sac and to restrict on-street parking within it. While this modification request will be addressed during subdivision plan review, if it is not approved, a Proffered Condition Amendment would be necessary to revise the site design to accommodate sufficient movement of emergency vehicles through the development. Staff has encouraged the applicant to get approval from the Fire Marshall, which has not been done.

The applicant requests a waiver of the stormwater management requirements to permit bioretention/infiltration areas as shown on the CDP/FDP to satisfy the detention requirements. This issue will be addressed by the applicant during subdivision plan review. If this waiver is not approved, the applicant would be required to construct the alternate stormwater management facilities depicted on Sheet 5A of the CDP/FDP, which staff does not support as previously stated.

## **OTHER ZONING ORDINANCE REQUIREMENTS**

### **P-District Standards**

The requested rezoning of the 4.54 acre site to the PDH-4 District must comply with, among others, the Zoning Ordinance provisions found in Article 6, Planned Development District Regulations and Article 16, Development Plans, among others.

### **Article 6**

#### **Sect. 6-101 Purpose and Intent**

*This section states that the PDH District is established to encourage innovative and creative design, to ensure ample provision and efficient use of open space; to promote balanced development of mixed housing types and to encourage the provision of affordable dwelling units.* The development proposes fourteen single family detached dwelling units at an overall density of 3.08 du/ac with approximately 30% of the site as open space. The LID friendly site design is the applicant's justification of an innovative and creative design. Staff appreciates the applicant's LID design, but continues to believe that the proposed development does not adequately buffer or complement the existing residential units to the south and provides no usable open space. Furthermore, the size of Lots 11 and 14 limit the development potential of the remainder of the property, and create an awkward development consisting of twelve lots with an average lot size of 5,463 square feet and two substantially larger lots (17,600 and 30,660 square feet) that will contain the two existing dwellings. In addition, the application requests multiple waivers and modifications of the PFM, which if not approved by DPWES during subdivision plan

review would require a PCA. Therefore, staff does not believe that the applicant's proposal meets the purpose and intent of the PDH District.

#### Sect. 6-107 Lot Size Requirements

*This section states that a minimum of two acres is required for approval of a PDH District. The area of this rezoning application is 4.54 acres; therefore this standard has been satisfied.*

#### Sect. 6-109 Maximum Density

*This section states that the maximum density for the PDH-4 District is 4 dwelling units per acre (du/ac). The applicant proposes a density of 3.08 du/ac; therefore this standard has been satisfied.*

#### Sect 6-110 Open Space

*Par. 1 of this section requires a minimum of 20% of the gross area as open space in the PDH-4 District. Par. 2 of this section requires that recreational amenities be provided in the amount of \$955/du. The applicant proposes to retain 30% of the site as open space, which includes the bioretention areas and internal walkway. Aside from a small neighborhood gathering area within Outlot A, no usable open space is provided within the development. The applicant has proffered to provide the required monetary contribution to the FCPA.*

### **Article 16**

#### Section 16-101 General Standards

*General Standard 1 states that the planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions. The applicant proposes to develop the property with 14 single family detached dwellings at an overall density of 3.08 du/ac, which meets the Plan recommendation of 3-4 du/ac. Therefore, this standard has been satisfied.*

*General Standard 2 states that the planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district. As previously stated, Staff does not believe that the applicant's proposal satisfies the stated purpose and intent of the planned development district due to the overcrowded site design and lack of usable open space. Staff recognizes, and applauds, the intent of the low impact development (LID) design of the property, but the narrowness of the site and the retention of the two large lots limit the potential for an innovative design. Therefore, staff does not believe that this standard has been satisfied.*

*General Standard 3 states that the planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features. As previously discussed, two dwellings will be retained on lots sufficiently larger than the average lot size of the twelve newly created lots (5,463 square feet). Staff believes that the size of Lots 11 and 14 reduces the amount of available land, resulting in an ineffective consolidation of the 4.54 acre site. Though the CDP/FDP depicts two tree save areas (15,500 square feet), the site design represents a layout that is overcrowded, and aside from a small neighborhood gathering area, provides no on-site amenities for future residents. Staff recommends that Lots 12 and 13 be removed which would increase the tree save area, and provide a buffer between the proposed lots along the northern portion of the site and the existing dwellings south of the property. Therefore, this standard has not been satisfied.*

*Standard 4 states that the planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted Comprehensive Plan. The surrounding properties are developed according to the recommendations of the Comprehensive Plan, and the applicant has committed to provide the necessary right-of-way dedication and a cul-de-sac within the Bannerwood Drive right-of-way that would permit a future connection to Woodburn Road, if deemed necessary in the future. Outfall for the stormwater management facilities will be provided through an open channel partially located in Pine Ridge Park. The applicant is currently working with staff and the FCPA to identify possible mitigation efforts for this channel that is already subject to unacceptable velocity levels of water passing through this channel. Therefore, this standard has not yet been satisfied.*

*Standard 5 states that the planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently developed. The applicant has committed to road improvements that staff feels are necessary to support this development while not precluding a future extension of Bannerwood Drive to Woodburn Road, if deemed necessary in the future. Adequate public facilities are available and the applicant has made appropriate monetary contributions to offset potential impacts to area schools and parks. As previously stated, the applicant will need to acquire a waiver of the PFM cul-de-sac radius requirement to permit a 30 foot radius as shown on the CDP/FDP. This issue will be addressed by the applicant, the Fire Marshal, and DPWES during subdivision plan review. If this waiver is not approved, the applicant will need to apply for a PCA to alter the layout. Therefore, this standard has not been satisfied.*

*Standard 6 states that the planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development. The CDP/FDP depicts a private road internal to the site that will connect the site entrance from Holly Road to the cul-de-sac to be constructed within the Bannerwood Drive right-of-way. A walkway consisting of porous pavers will be constructed on the north side of*

this private street, which will be extended to the trail head for Pine Ridge Park, subject to the approval of the FCPA.

#### Section 16-102 Design Standards

*Design Standard 1 states that in order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.* The most similar conventional zoning district to the applicant's proposal is the R-4 District, which requires minimum yards of 30 feet (front), 10 feet (side) and 25 feet (rear) with an average lot area of 8,800 square feet. The applicant's PDH-4 development proposes minimum yards of 18 feet six inches (front), 8 feet (side) and 10 feet (rear), with an average lot size of 8,130 square feet, but only 5,463 square feet for the twelve newly created lots. Staff is concerned that the minimally sized yards create a development that is overcrowded, providing little usable open space within the individual lots. Furthermore, an insufficient buffer is provided along the southern property boundary separating the proposed newly created lots from the existing lots to the south, which are sufficiently larger (15,605 square foot average lot size) than the average lot size of the newly created lots.

*Design Standard 2 states that other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.* The CDP/FDP depicts that 30% of the site will remain as open space, though this area will be comprised of small wooded and landscaped outlots, stormwater management facilities and walkways that are not usable for recreational purposes. No off-lot visitor parking spaces are provided within the development, and no on-street parking will be permitted within the development or on the cul-de-sac within Bannerwood Drive.

*Design Standard 3 states that streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.* A 20 foot wide private street will be located within the development connecting Holly Road to the proposed cul-de-sac within Bannerwood Drive, which will require the approval of a waiver of the PFM cul-de-sac standard. A four foot wide walkway composed of permeable pavers will be constructed on the north side of the private street and will connect to the trailhead at Pine Ridge Park to the west, subject to the approval of the Fairfax County Park Authority.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

As proposed, staff believes that the proposed PDH-4 development fails to satisfy P District General Standards 2, 3, 4 and 5, and does not meet the intent of the Comprehensive Plan Residential Development Criteria particularly for Site Design and Neighborhood Context. The CDP/FDP depicts a development of a fourteen lot residential neighborhood (12 newly created lots and 2 existing dwellings) in a layout that is overcrowded on a narrow site that provides minimally sized yards and an insufficient buffer to the existing residential neighborhood to the south. Furthermore, the sizes of the lots that will contain the existing dwellings (17,600 and 30,660 square feet) are incompatible with the average size of the newly created lots (5,463 square feet), and aside from a small neighborhood gathering area within Outlot A, no usable open space or recreational amenities are provided on-site. Another concern is the multiple PFM waivers and modifications requested by the applicant, which, if not approved during subdivision plan review, will require a PCA.

### **Recommendation**

Staff recommends denial of RZ 2005-MA-014 and the Conceptual Development Plan as submitted. However, if it is the intent of the Board of Supervisors to approve RZ 2005-MA-014 and the Conceptual Development Plan, staff recommends that such approval be made subject to proffers consistent with those contained in Attachment 1 of this staff report.

Staff recommends denial of FDP 2005-MA-014. However, if it is the intent of the Planning Commission to approve FDP 2005-MA-014, staff recommends that such approval be made subject to the FDP conditions contained in Attachment 2 and subject to the Board of Supervisors approval of RZ 2005-MA-014 and the Conceptual Development Plan.

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. Proposed Development Conditions
3. Affidavit
4. Statement of Justification
5. Environmental Analysis
6. Urban Forestry Analysis
7. Transportation Analysis
8. Fairfax County Public Schools
9. Fairfax County Park Authority

**APPENDICES** (Continued)

10. Fire and Rescue
11. Sanitary Sewer Analysis
12. Fairfax County Water Authority
13. Utilities Planning and Design, DPWES
14. Zoning Ordinance Provisions
15. Residential Development Criteria
16. Glossary

**PROFFERS**  
**BANNERWOOD ESTATES**  
**RZ 2005-MA-014**

September 15, 2005

Revised September 27, 2005

Revised September 28, 2005

Staff Comments November 1, 2005

Pursuant to Section 15.2-2303 (a), Code of Virginia, 1950 as amended, Bannerwood Investments, LLC, the applicant in RZ 2005-MA-014, filed for the property identified as Tax Map # 0592-01-0008, 0009, 0010 & 0011 (hereinafter referred to as "Subject Property"), proffers the following for itself and any successors and assigns, provided that the Board of Supervisors approve a rezoning of the Subject Property to the PDH-4 District.

1. Development Plan: Development of the Subject Property shall be in substantial conformance with the Conceptual Development Plan/ Final Development Plan ("CDP/FDP") prepared by Walter L. Phillips dated March 18, 2005 as revised through October 27, 2005.
2. Minor Deviation: Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications to the CDP/FDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the layout, internal lot lines, and lot sizes of the proposed subdivision, without requiring approval of a Proffered Condition Amendment ("PCA")/Final Development Plan Amendment ("FDPA") at time of subdivision plan submission based on final house locations, building footprints, and utility locations, provided that there is no decrease to the amount of the open space, tree save, limits of clearing and grading, yard setbacks, or distances to peripheral lot lines as dimensioned on the CDP/FDP and the proposed minor modifications are in substantial conformance with the CDP/FDP.
3. Existing Dwelling Units: The existing dwelling units located on Lots 12 and 16 on the Subject Property shall be retained as shown on the CDP/FDP; however, the dwelling units may be enlarged or replaced without a Proffered Condition Amendment, so long as all of the PDH-4 District provisions as described in these proffers are met.
4. Limits of Clearing: The applicant shall conform to the limits of clearing and grading as shown on the CDP/FDP subject to the installation of utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install utilities outside of the limits of clearing and grading as shown on the CDP/FDP they shall be located in the least disruptive manner necessary as determined by the Urban Forestry Management. A replanting plan shall be developed and implemented to landscape any areas outside the limits of clearing and grading that must be disturbed, subject to approval by Urban Forest Management (UFM).
5. Outlots "A", "B", and "C": The area designated as Outlots "A", "B" and "C" shall be conveyed to the Homeowner Association (HOA) referenced in paragraph 6 below, and shall be maintained by the HOA as undisturbed open space.
6. Homeowner Association: The Applicant shall establish a homeowners association for the proposed development to own, manage and maintain the SWM/BMP facilities, Outlots A, B and C, the private streets and sidewalks, as well as the fences and retaining walls, as shown

on the CDP/FDP. Maintenance obligations and estimated costs including those associated with the SWM/BMP facilities, sidewalks, the private road, and retaining walls and fences shall be disclosed to contract purchasers of residential units within the proposed development prior to entering into a contract of sale, and shall be disclosed in the homeowners' association documents prepared for the Application Property. In addition, Applicant shall sign a 10 year maintenance contract with a landscape maintenance firm for the SWM/BMP facilities and provide the referenced HOA with a minimum of \$39,000 to be used solely for that purpose.

7. Typical Lot Details: All newly created lots shall conform to the Typical Lot Schematic shown on Sheet 2 of the CDP/FDP. No building additions shall be permitted outside of the improvements envelope. Building restrictions as shown on the CDP/FDP shall be disclosed to all contract purchasers of residential units with the proposed development prior to entering into a contract of sale, and shall be disclosed in the HOA documents.
8. Sidewalks: Applicant shall construct a sidewalk consisting of permeable pavers on one side of the proposed private road, which is a minimum of four (4) feet wide, within the Application Property as shown on the CDP/FDP.
9. Fairfax County Park Authority Contribution: The Applicant shall contribute \$27,470 to the Fairfax County Park Authority at the time of subdivision plan approval.
10. Fairfax County Schools Contribution: The Applicant shall contribute \$45,000 to the Fairfax County Board of Supervisors for transfer to the Fairfax County School Board at the time of subdivision plan approval to be utilized for projects contained in the CIP for public schools within Fairfax County that serve the subject property, as determined by the Board of Supervisors.
11. Landscaping: The Applicant shall provide landscaping on the Application Property as generally shown on the CDP/FDP, in accordance with the recommendations of the Urban Forestry Management. Evergreen trees shall be a minimum height of eight (8) feet and shade trees shall have a minimum caliper of two and one-half (2-1/2) inches at the time of planting.
12. Tree Preservation Plan. The Applicant shall submit a tree preservation plan as part of the first and all subsequent subdivision plan submissions. The tree preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be reviewed and approved by UFM. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread, and condition rating percentage of all trees that are ten (10) inches or greater in diameter and located within twenty (20) feet on either side of the limits of clearing and grading and within the Tree Save Area, as more specifically shown on Sheets 2 and 3 of 8 of the CDP/FDP. 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, as shown on the CDP/FDP, and other 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 to be preserved, such as crown pruning, root pruning, mulching, fertilization, and others, as necessary, shall be included in the plan.

- 1) The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a UFM representative to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Trees that are not likely to survive construction due to their species and/or their proximity to disturbance will also be identified at this time, and the Applicant shall be given the option of removing them as part of the clearing operation. Any tree that is designated for removal at the edge of the limits of clearing and grading or within the tree preservation area, shall be removed using a chain saw to avoid damage to surrounding trees. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees.
- 2) All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing consisting of four (4)-foot high, fourteen (14)-gauge welded wire attached to six (6) foot steel posts, driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart, shall be erected at the limits of clearing and grading, as shown on the phase I & II erosion and sediment control sheets in all areas.
- 3) The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the site, including the demolition of any existing structures. The installation of tree protection fencing shall be performed under the supervision of a certified arborist or landscape architect. Three days prior to the commencement of any clearing, grading, or demolition activities, UFM and the District Supervisor shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed and the project's certified arborist or landscape architect shall verify, in writing, that the tree protection fencing has been properly installed. No grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM. During any clearing or tree/vegetation/structure removal on the Subject Property, a representative of the Applicant shall be present to monitor the process and ensure that activities are conducted as proffered and as approved by UFM. The Applicant's certified arborist or landscape architect shall monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation proffers and UFM approvals. The monitoring schedule shall be detailed in the tree preservation plan, and reviewed and approved by UFM.
- 4) The demolition of existing features and structures shall be conducted in a manner that minimizes the impact on individual trees and groups of trees to be preserved, as approved by the UFM.
- 5) The applicant's certified arborist or landscape architect shall determine the replacement value of those trees shown for preservation on the 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 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 UFM.

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 replacement of the designated trees that die or are dying due to normal construction activities permitted on the approved plan. Any trees shown to be preserved on the tree preservation plan that die or are dying due to construction activities NOT permitted on the approved plan shall be replaced with trees of equivalent species and **ten (10) year canopy cover as approved by UFM**. 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 despite adherence to approved construction activities by UFM, the cash bond or letter of credit shall be used as necessary to plant **trees of a similar ten (10) year canopy cover** and species, or species appropriate to the site, in consultation with UFM, 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.

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

13. Stormwater Management/BMP: SWM/BMPs shall be provided to the satisfaction of the Director, DPWES. If the waivers needed for the proposed innovative stormwater management and/or Best Management Practices are applied for but not granted, stormwater management and/or BMPs shall be provided as shown on Sheet 5A of the CDP/FDP in accordance with the requirements of the PFM. If the alternate stormwater management and/or BMP facilities are not in substantial conformance with the proffered CDP/FDP, the applicant shall be required to obtain a proffered condition amendment. The innovative stormwater management facilities shown on the CDP/FDP shall be subject to the review and approval of the Director, DPWES. The size of the storage pipes may be reduced based on final engineering if approved by DPWES. A private maintenance agreement addressing the maintenance of the SWM/BMP shall be executed to the satisfaction of the Director, DPWES prior to subdivision plan approval. All innovative stormwater management facilities constructed on site as shown on the CDP/FDP shall meet the minimum state standards per the Virginia Stormwater Management Handbook. Any raingarden installed on the Subject Property shall be maintained by the HOA in general conformance with the maintenance schedule detailed in Attachment A, as approved by DPWES.
14. Housing Trust Fund Contribution: At the time of issuance of the first building permit, a contribution shall be made to the Fairfax County Housing Trust Fund of in the amount of 0.5% of the projected sales price of each single family dwelling to be constructed. The amount of said contribution shall be determined by the Department of Housing and

## Community Development.

15. Covenant on Use of Garages: A covenant shall be recorded which provides that garages shall only be used for a purpose that will not interfere with the intended purpose of garages (e.g. parking of vehicles). This covenant 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 homeowners' association, which shall be established, and the Fairfax County Board of Supervisors. This restriction shall be stated in the HOA documents, and initial purchasers shall be advised of the use restriction prior to entering into contract of sale.
16. Energy Conservation: All homes constructed on the Application Property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent as determined by DPWES, for either electric or gas energy systems.
17. Architecture: The architectural design of individual units shall substantially conform to the architectural style of the elevations shown on the CDP/FDP. The exterior façade materials used on all four sides of the units shall be either brick or a cementitious siding material, or some mix thereof.
18. Specialty Paving Treatment: The Applicant reserves the right to install specialty paving materials within the sidewalk, subject to the approval of DPWES. The materials may include but are not limited to brick or concrete pavers.
19. Trail Connection: The applicant shall provide a trail connection from the cul-de-sac on Bannerwood Drive to the Pine Ridge Park trailhead, as shown on the CDP/FDP. This trail extension shall be approved by the Park Authority's Trail Coordinator prior to site plan approval. If the Park Authority does not approve this trail extension, then the Applicant shall escrow funds, with Fairfax County, in the amount of the estimated construction of the trail extension, for construction of other trails in the Mason District. The amount of this escrow shall be determined in consultation with the Fairfax County Park Authority and DPWES.
20. Right-of-Way Dedication: At the time of subdivision plan approval or upon demand, whichever occurs first, the Applicant shall dedicate to the Board of Supervisors right-of-way approximately 30 feet from the centerline of Holly Road and approximately 25 feet from the centerline Bannerwood Drive, as generally shown on the CDP/FDP. The Applicant reserves density credit for all dedications of right-of-way, land, or facilities required in connection with these proffered conditions pursuant to Section 2-308 of the Zoning Ordinance.
21. Frontage Improvements: Subject to VDOT and DPWES approval, the Applicant shall construct frontage improvements to Bannerwood Drive and Holly Road, as shown on the CDP/FDP.
22. Public Access Easement: A public access easement in a form approved by the County Attorney shall be placed on the private streets and sidewalks within the approved development. The requirements of this Proffer Condition shall be disclosed in the HOA Documents.
23. Parking: There shall be no parking of vehicles on the private street within the development. This restriction shall be stated in the HOA documents, and initial purchasers shall be advised of the parking restriction prior to entering into contract of sale.

24. Retaining Walls: Retaining Walls shall be covered with stone and/or brick and shall be a maximum of 3 feet above finished grade, as shown on the CDP/FDP.
25. Fences: A board-on-board fence with brick piers interspaced 26 feet on center shall be constructed along the northern property boundary with a maximum height of 6 feet above finished grade that shall taper to a maximum height of 4 feet above finished grade in the front yard along Holly Road, as shown on the CDP/FDP.
26. Escalation: The monetary contribution amounts stated in these proffers shall be adjusted by increases to the *Marshall and Swift Building Cost Index*, or similar objective source, from the date of the Board of Supervisors' approval of this rezoning application to the date of site plan approval.
27. Temporary Signs: No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia, shall be placed on or off-site 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.
28. Construction of Improvements: All of the improvements described herein shall be constructed concurrent with development of the Application Property.
29. Temporary Cul-de-Sac. Bannerwood Drive improvements shall terminate in a temporary cul-de-sac as shown on the CDP/FDP. "No Parking" signs shall be posted and applicant shall post a cash escrow in an amount to be determined by the Director, DPWES for removal of said temporary cul-de-sac at such time as it may be required.
30. Successors and Assigns. These proffers will bind and inure to the benefit of the applicant and all successors and assigns.

OWNER OF  
TAX MAP 0592-01-0008 and 0011

Date:			By:	
				Angelina E. Koulizakis
Date:			By:	
				Agnee Breitweiser
Date:			By:	
				Athena Koulizakis
Date:			By:	
				Nikki Koulizakis
Date:			By:	
				Eugenia Koulizakis

OWNER OF  
TAX MAP 0592-01-0009

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Deborah A. Halling

OWNER OF  
TAX MAP 0592-01-0010

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Pauline V. Gray, Trustee

CONTRACT PURCHSER:

Bannerwood Investments, LLC  
By: The Young Group, Inc.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Robert A. Young, President

**DEVELOPMENT CONDITIONS**

**FDP 2005-MA-014**

**November 16, 2005**

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 2004-MA-014 for residential development located at Tax 59-2 ((1)) 8, 9, 10 and 11, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. Development of the subject property shall be in substantial conformance, as defined by Section 16-403 of the Zoning Ordinance, with the Final Development Plan entitled "Bannerwood Estates," prepared by Walter L. Phillips, Inc, dated March 18, 2005, as revised through October 27, 2005.
2. If a waiver of Section 7-0406.8A is not approved during subdivision plan review, the Applicant shall acquire a Proffered Condition Amendment (PCA) to redesign the site to provide adequate emergency vehicle access in accordance with the requirements of the PFM.
3. If the requested waivers and/or modifications of the stormwater management requirements of the Public Facilities Manual (PFM) are not approved during subdivision plan review, and if stormwater management/Best Management Practices (SWM/BMPs) can not be provided in substantial conformance with the CDP/FDP, then the Applicant shall acquire a Proffered Condition Amendment (PCA) to provide SWM/BMPs in accordance with the requirements of the PFM.
4. If the Applicant is unable to acquire an easement from the Fairfax County Park Authority (FCPA) during subdivision plan review to provide adequate outfall from the site, and if adequate outfall can not be provided in substantial conformance with the CDP/FDP, then the Applicant shall acquire a Proffered Condition Amendment (PCA) to provide adequate outfall in accordance with the requirements of the Public Facilities Manual (PFM).