



FAIRFAX COUNTY

APPLICATION FILED: September 29, 2004
APPLICATION AMENDED: August 10, 2005
PLANNING COMMISSION: January 18, 2006
BOARD OF SUPERVISORS: not scheduled

V I R G I N I A

January 4, 2006

STAFF REPORT

APPLICATION RZ 2004-SU-029 Addendum

SULLY DISTRICT

APPLICANT: NVP, Inc.
(previously Stanley Martin Homebuilding, LLC)

PRESENT ZONING: R-1, WS

REQUESTED ZONING: R-3, WS

PARCELS: 54-4 ((1)) 23 and 54-4 ((4)) 3A

ACREAGE: 3.68 acres

RESIDENTIAL DENSITY: 2.45 dwelling units per acre (du/ac)

OPEN SPACE: 17.4%

PLAN MAP: Residential; 2-3 du/ac

PROPOSAL: To rezone from the R-1 District to the R-3 District to permit residential development consisting of nine single family detached units.

STAFF RECOMMENDATION:

Staff recommends approval of RZ 2004-SU-029, subject to the execution of proffers consistent with those found in Attachment 1 of this report.

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

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

For additional information, call the Zoning Evaluation Division, Department of Planning and Zoning at 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035, (703) 324-1290 TTY 711 (Virginia Relay Center).



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

RZ 2004-SU-029 is a proposal to rezone 3.68 acres from the R-1 and WS Districts to the R-3 and WS Districts for the development of a conventional subdivision of nine single family detached units, at an overall density of 2.45 dwelling units per acre (du/ac).

The rezoning application was originally filed on September 29, 2004, in the name of Stanley Martin Homebuilding, LLC. The development, as shown in the staff report published on March 16, 2005, showed a public cul-de-sac entering from Wharton Lane with five lots on the south side of the proposed new street and four lots on the north side. Stormwater management was proposed in a dry pond abutting Wharton Lane and an outlot adjacent to the southern boundary, behind Lot 5. Lot 5, which fronts on both Wharton Lane and the proposed new cul-de-sac, was shown with a house footprint on an angle, facing the corner with the drive-way from the new street.

The staff report recommended denial based on neighborhood compatibility. Specifically, staff recommended that additional details be provided for the stormwater management pond as it was in a prominent location, and that the house on Lot 5 be re-oriented so that its front would face Wharton Lane with a side-loading garage so that the access remains on the new interior street. This would offer improved compatibility with the recently constructed PDH-8 neighborhood across the street, which has single family homes with porches fronting on Wharton Lane.

On August 2, 2004, the Board of Supervisors had authorized a review of the Centreville Historic District, to assess the feasibility of expanding the Historic District, amending the Zoning Ordinance provisions controlling the District, and modifying the Comprehensive Plan recommendations for the area.

The Historic District review was ongoing during the review of the rezoning application, and prior to the Planning Commission public hearing for the rezoning, scheduled for March 31, 2005, the applicant requested an indefinite deferral of the rezoning application, until such time as at least preliminary results of the Centreville Historic District study were available.

On August 10, 2005, RZ 2004-SU-029 was amended to change the applicant from Stanley Martin Homebuilding, LLC, to NVP, Inc. No other changes were made to the application at that time.

On October 24, 2005, NVP reactivated the application, and submitted a revised Generalized Development Plan (GDP) with changes as discussed below.

DISCUSSION

Centreville Historic District Study

The study is not complete, however, at this time, staff's recommendation would be to include the two parcels which comprise the application property in any expansion of the Centreville Historic District. Additionally, at this time, it appears that the Comprehensive Plan recommendation for the application property (residential, 2-3 du/ac) will remain unchanged.

Development Layout

As noted, staff originally recommended denial of the application based primarily on compatibility with the surrounding neighborhood and the Centreville Historical District. The revised GDP, dated June 2004, as revised through November 23, 2005, provides additional details on the proposed stormwater management pond, showing the locations of BMP orifice, outlet riser pipe, and rip rap. The revised GDP also shows the house on Lot 5 (at the corner) oriented to face Wharton Lane, with a side-loaded garage.

Proffers

Because the Centreville Historic District study is not complete, but the indication is that the application property will eventually be incorporated into the District, the applicant has proposed proffers to accept the imposition of some of the additional restrictions of the Historic District. These include:

- Proffer to conduct Phase I and Phase II archaeological surveys of the site
- Proffer that the colors of the materials used on the units shall approved by the Architectural Review Board
- Proffer that the applicant shall comply with the Historic Overlay District requirements, including any amendments approved within nine months from the date of the proffers
- Proffer to notify all prospective purchasers of the obligation to comply with the Historic Overlay District requirements, and include said obligation in the HOA documents

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

With the revisions to the GDP and the proffers, staff believes that the application will be compatible with the surrounding neighborhood, specifically the Centreville Historic District, by relating the houses to Wharton Lane, rather than just internally. Additionally, the applicant has proffered to voluntarily submit to some of the additional restrictions which would have applied had the Historic District already been expanded. With the revised GDP and proposed proffers, staff believes that

the application is in conformance with the Comprehensive Plan and the Zoning Ordinance.

Staff Recommendations

Staff recommends approval of RZ 2004-SU-029, subject to the execution of proffers consistent with those found in Attachment 1 of this Staff Report Addendum, and dated October 25, 2005.

ATTACHMENTS

1. Draft Proffers
2. Affidavit
3. Land Use Analysis Addendum

PROFFERS

RZ 2004-SU-029
NVP, INC.

December 29, 2005

Pursuant to Section 15-2.2303A of the 1950 Code of Virginia, as amended, the undersigned applicant and owner, for themselves and their successors or assigns (hereinafter referred to as "Applicant"), hereby proffer the following conditions provided the Subject Property is rezoned as proffered herein.

1. **Generalized Development Plan.** Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance, development of the property shall be in substantial conformance with the plan entitled "Generalized Development Wharton Lane Assemblage ("GDP")," consisting of five (5) sheets prepared by BC Consultants, revised as of December 28, 2005.
2. **Minor Modifications.** Pursuant to Section 18-204 of the Zoning Ordinance, minor modifications to the GDP may be permitted where it is determined by the Zoning Administrator that such are in substantial conformance with the proffered GDP.
3. **Energy Efficiency.** All homes constructed on the property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by the Department of Public Works and Environmental Services ("DPWES") for either electric or gas energy homes, as applicable.
4. **Landscaping.** Landscaping for the site and landscaping for the individual units shall be in substantial conformance with the landscaping shown on Sheets 1 and 2 of the GDP, subject to minor adjustments approved by Urban Forest Management ("UFM").
5. **School Contribution.** Prior to subdivision plat approval, the Applicant shall contribute \$30,000 to the Fairfax County School Board to be utilized for the provision of capital facilities within the Fairfax County School Board's pyramid of schools serving this development. The allocation of these funds shall be made as determined by the Sully District School Board representative, in consultation with the Sully District Supervisor. In the event that the approved final subdivision plan yields less than nine (9) units, this contribution amount shall be reduced proportionately based upon a ratio of nine (9) units to \$30,000.
6. **Density Credit.** All density and intensity of use attributable to land areas dedicated and conveyed to the Board pursuant to these proffers shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and such density is hereby reserved to be applied to the residue of the Subject Property.

7. **Homeowners' Association.** A Homeowner's Association ("HOA") shall be established to own and maintain the common areas and to maintain the Rain Garden shown on the GDP, subject to DPWES approval. If the Rain Garden is approved by DPWES, maintenance of the Rain Garden shall be accomplished consistent with the standards set forth in Attachment A. All prospective purchasers shall be advised of those maintenance obligations prior to entering into a contract of sale and said obligations shall be disclosed in the HOA documents. At the time of final subdivision plan approval, the Applicant shall establish an escrow fund in the amount of \$5,000 to cover the estimated costs for the initial maintenance of the common areas after Bond release. Said escrow fund shall be maintained and managed by the HOA. The Applicant shall be responsible for this maintenance prior to bond release.
8. **Affordable Housing Contribution.** At the time of the first building permit approval, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one half of one percent (0.5%) of the projected sales price of the new homes to be built on-site, as determined by the Department of Housing and Community Development and DPWES in consultation with the Applicant to assist the County in its goal to provide affordable dwellings elsewhere in the County.
9. **Archaeological Survey.** The Applicant shall conduct Phase I and Phase II archaeological surveys of the site to identify potential historic resources on-site and provide the results of such studies to the DPWES, Cultural Resource and Protection Section, Fairfax County Park Authority and to the Sully District Supervisor, concurrently with the first submission of the subdivision plan. The Applicant shall also conduct a Phase III survey if determined necessary by DPWES. All studies shall be conducted by a qualified archaeological professional approved by DPWES and shall be reviewed and approved by DPWES.
10. **Architectural Design-Centreville Historic District.** The applicant shall comply with the Historic Overlay District requirements set forth in Article 7, Part 2 of the Zoning Ordinance (Section 7-200 et. seq.), including any amendments to Part 2 approved by the Board of Supervisors within nine months from the date of these proffers. All prospective purchasers will be advised in writing of the obligation to comply with the Historic Overlay District requirements and said obligation shall be disclosed in the HOA documents. The general design and architecture of the approved units shall be in substantial conformance with the illustrative elevations and building materials attached as Sheet 5 of the GDP, or of comparable quality, as determined by the Architectural Review Board for the Centreville Historic District ("ARB"). All units shall have architecturally treated (brick or stone) front facades, except for the eave areas above the gutterline. The external side wall of Unit 1, facing the site's entrance from Wharton Lane, shall also be clad with brick or stone, except for the eave areas above the gutterline. These eave areas, for the front facades and the referenced side walls, shall be covered with a cementitious siding. The rear walls of all of the units shall be also clad with cementitious siding. On all of the rear walls, a four (4) inch trim shall be provided around the windows and doors and architectural headers will be provided on these windows. The colors of the materials used on the units shall also be subject to approval by the ARB. The unit on lot 5 shall be

sited to face Wharton Lane. This unit shall contain a front porch extending the full width of the front façade.

11. **Interparcel Access.** Prior to subdivision plan approval, the Applicant shall post a cash escrow with DPWES to cover the cost of removal of the temporary turn-around and construction of curb gutter and sidewalk to the property line at such time as the public road is extended offsite to the adjacent parcel. The Applicant shall install a temporary barricade where the public street ends as shown on the GDP. In addition, the Applicant shall place a conspicuous sign at this location stating that this area will be the site of a future extension of the road by others to provide an interparcel connection. All prospective new home purchasers shall be advised of this future extension prior to entering into a contract of sale and notice of the interparcel connection shall also be placed within the HOA documents. Both the barricade and the sign shall remain in place until the future road connection is made. The HOA shall maintain the sign in good repair.
12. **Driveways.** All driveways shall be a minimum of eighteen (18) feet in length from the inside edge of the sidewalk to the garage door.
13. **Tree Preservation.**
 - a. **Tree Preservation Plan.** The Applicant shall submit a tree preservation plan as part of the first and all subsequent subdivision plan submissions. The preservation plan shall be prepared by a professional experienced in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and the plan 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 ten (10) inches in diameter and greater within twenty (20) feet to either side of the limits of clearing and grading shown on the GDP for the entire site. The tree survey shall also include areas of clearing and grading not shown on the GDP resulting from engineering requirements, such as off-site clearing and grading for utilities or stormwater outfall. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the GDP and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of *The Guide for Plant Appraisal* published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as crown pruning, root pruning, mulching, fertilization and others as necessary, shall be included in the plan.
 - b. **Tree Preservation Walk-Through.** The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified

arborist or landscape architect shall walk the limits of clearing and grading with a UFM representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustments shall be implemented. Trees that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to the adjacent trees and the associated understory vegetation and soil conditions.

- c. **Tree Protection Fencing.** All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing consisting of four (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 demolition and Phase I and II erosion and sediment control sheets, as may be modified by Paragraph b of this proffer. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, and subsequent to the installation of the tree protection fencing, the UFM shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM.
 - d. **Limits of Clearing and Grading.** The Applicant shall conform to the limits of clearing and grading as shown on the GDP, subject to the installation of utilities and/or trails as determined necessary by the Director of DPWES. All utility crossings (including stormwater management outfall facilities and sanitary sewer lines) shall be located so as not to interfere with proposed tree save areas. If it is determined necessary to install utilities and/or trails outside of the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by UFM. A replanting plan shall be developed and implemented, subject to approval by UFM, for any areas outside of the limits of clearing and grading that must be disturbed.
14. **Park Authority.** Prior to subdivision plan approval, the Applicant shall contribute \$8,595 to the Fairfax County Park Authority for use on facilities within the Centreville Historic District.

15. **Centreville Area Road Fund.** At the time of subdivision plan approval, the Applicant shall contribute One Thousand Seven Hundred Seventy-Eight Dollars and No Cents (\$1,778.00) per dwelling unit shown on said approved subdivision plan to the Board. Said funds shall be utilized as determined by the Board for road improvements within the Centreville area that will benefit the residents of the immediate area. Said contribution amounts shall be adjusted by increases to the *Marshall and Swift Building Cost Index* from the date of Board approval of this rezoning application to the date of payment.
16. **Stormwater Management.** Stormwater management and BMPs will be provided in the stormwater management dry pond depicted on the GDP, as approved by DPWES. In addition, a rain garden shall be provided in the general location shown in the GDP, subject to approval by DPWES. The structures within the stormwater management pond shall generally conform to the inlet and outlet structures shown on sheet 1 of the GDP. A concrete trickle ditch shall not be provided.
17. **Stormwater Management Pond Landscaping.** In order to restore a natural appearance to the proposed stormwater management pond, the landscape plan submitted as part of the first submission of the subdivision plan shall show the restrictive planting easement for the pond and the maximum feasible amount of landscaping that will be allowed in the planting areas of the pond outside of that restrictive planting easement, in keeping with the planting policies of Fairfax County. Pursuant to Proffer 10, the final design of the landscaping for the pond shall be subject to the review and approval of the ARB. The Applicant shall install said landscaping in accordance with said plan, subject to DPWES and UFMB approval. The pond bottom shall be maintained as a lawn area except for the structures referenced in Proffer 16 and depicted on the GDP. The HOA shall provide regular mowing and seeding maintenance for this lawn area.
18. **Blasting.** There shall be no blasting on Saturdays or Sundays. In the event blasting is necessary on other days, before any blasting occurs on the Subject Property, the Applicant shall:
 - a. Insure that the Fairfax County Fire Marshal has reviewed the blasting plans prior to blasting;
 - b. Follow all safety recommendations, including the use of blasting mats, made by the Fire Marshal;
 - c. To determine the pre-blast conditions of nearby structures, and subject to receiving permission from the applicable property owners, the Applicant shall retain professional consultants to perform a pre-blast survey of each house or residential building, to the extent that any of these structures are located within one hundred fifty (150) feet of the boundary of the Subject Property and perform a pre-blast survey of St. John's Church, its Historic Chapel and the Church's cemetery. The Church shall be given a copy of such survey by the Applicant. In addition, the Applicant shall retain qualified inspection consultants approved by DPWES to do pre-blast and post-blast surveys of wells located within two-

hundred fifty (250) feet of the blasting site where access is granted by the property owner to implement this proffer (the “Inspected Wells”).

- d. The consultant shall be required to request access by way of certified mail addressed to St. John’s Church and to the last known address of the owner(s) of any house, buildings, swimming pools or wells that are located within the aforesaid ranges if permitted by owner, to determine the pre-blast conditions of these structures. All owners of structures entitled to pre-blast inspections shall be provided with the name, address and phone number of the blasting contractor’s insurance carrier. Prior to the commencement of blasting, the applicant shall provide to DPWES a map showing the 250 foot radius area, a copy of the notice sent to each landowner, and an explanatory table setting forth as to each property whether the survey was conducted or the survey was not conducted because the owner refused;
- e. The qualified inspectors shall check the flow rate for each of the Inspected Wells immediately before and immediately after blasting and conduct a pre-blast assessment of bacterial contamination, followed by a post-blast bacterial assessment two (2) months after blasting within two hundred-fifty (250) feet of the Inspected Wells. The results of these surveys shall be set forth in written survey summaries prepared by the inspection consultants for each house, St. John’s Church, its Historic Chapel and its cemetery, and the Inspected Wells, all as described above;
- f. The Applicant’s inspection consultants will be required to give a minimum of fourteen (14) days written notice of the scheduling of each pre-blast survey;
- g. Require that the professional inspection consultants place seismographic instruments prior to blasting to monitor the shock waves. These seismographic instruments will be placed at St. John’s Church, its Historic Chapel and its cemetery, and at other appropriate locations as determined by said consultants. The Applicant shall provide seismographic monitoring records to the Fire Marshal and to St. John’s Church;
- h. Signs shall be placed at the property lines of the site prior to blasting advising of blasting activities;
- i. Notify in writing, St. John’s Church, as well as residents within two hundred fifty (250) feet of the blast site, ten (10) days prior to blasting; no blasting shall occur until such notice has been given;
- j. Have the same professional inspection consultants who prepared the written pre-blast survey prepare a written post-blast survey of St. John’s Church, its Historic Chapel and its cemetery, to determine each item’s status. The Church shall be given a copy of such survey by the Applicant;
- k. Upon receipt by the Applicant of a claim of actual damage resulting from said blasting, the Applicant shall respond within five (5) days by meeting at the site of

John's Church proposal to seek Fairfax County approval for expansion of the Church through the legislative process, and the Church's intention to continue utilizing the church bell on Sundays and other special occasions. This notification shall also be provided in the HOA documents for this subdivision.

[SIGNATURE ON THE FOLLOWING PAGE]

**APPLICANT/OWNER OF TAX MAP
54-4 ((1)) PARCEL 23 AND TAX MAP 54-4 ((4)) PARCEL 3A**

By: _____
Harry S. Ghadban, President

ATTACHMENT A

SPECIFICATIONS FOR MAINTENANCE OF RAIN GARDENS

DESCRIPTION	METHOD	FREQUENCY	TIME OF THE YEAR
Soil			
Inspect and Repair Erosion	Visual	Monthly	Monthly
Organic Layer			
Remulch any void areas	By hand	Whenever needed	Whenever needed
Remove previous mulch layer before applying new layer (optional)	By hand	Once every two to three years	Spring
Any additional mulch added (optional)	By hand	Once a year	Spring
Plants			
Removal and replacement of all dead and diseased vegetation considered beyond treatment	See planting specifications	Twice a year	3/15 to 4/30 and 10/1 to 11/30
Treat all diseased trees and shrubs	Mechanical or by hand	N/A	Varies, depends on insect or disease infestation
Watering of plant material shall take place at the end of each day for fourteen consecutive days after planting has been completed	By hand	Immediately after completion of project	N/A
Replace stakes after one year	By hand	Once a year	Only remove stakes in the Spring
Replace any deficient stakes or wires	By hand	N/A	Whenever needed
Check for accumulated sediments	Visual	Monthly	Monthly

