



APPLICATION FILED: May 18, 2005
PLANNING COMMISSION: February 22, 2006
BOARD OF SUPERVISORS: Not Yet Scheduled

County of Fairfax, Virginia

February 8, 2006

STAFF REPORT

APPLICATION RZ/FDP 2005-LE-017

LEE DISTRICT

APPLICANT:	Christopher Management, Inc.
PRESENT ZONING:	R-1, NR
REQUESTED ZONING:	PDH-3, NR
PARCEL(S):	91-3 ((1)) 66, 67, 68
ACREAGE:	3.00 acres
DENSITY:	2.67 dwelling units per acre (du/ac)
OPEN SPACE:	58%
PLAN MAP:	Residential; 2-3 du/ac
PROPOSAL:	Rezone 3.00 acres from the R-1 District to the PDH-3 District to permit the development of eight (8) single-family detached dwelling units at an overall density of 2.67 dwelling units per acre.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2005-LE-017 and the Conceptual Development Plan, subject to the proffers consistent with those contained in Appendix 1.

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Department of Planning and Zoning

Zoning Evaluation Division
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Staff recommends approval of FDP 2005-LE-017, subject to the proposed development conditions contained in Appendix 2 and the Board of Supervisors approval of RZ 2005-LE-017 and the associated CDP.

Staff recommends that the requested variance of the fence height limitation in the front yard per Par. 8 of Sect. 16-404 be denied.

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 seeks to rezone 3.00 acres from the R-1 District to the PDH-3 District to permit the development of eight (8) single-family detached dwelling units at an overall density of 2.67 dwelling units per acre (du/ac) with 58% of the site retained as open space. There are three (3) existing single-family detached dwellings on the subject site which will be removed. Access will be provided to the development from a new private street which would access from Old Telegraph Road.

The application seeks a variance pursuant to par. 8 of Sect. 16-404 to permit six foot high fencing in the front yards of proposed units that abut Old Telegraph Road.

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 13.

LOCATION AND CHARACTER

Site Description:

The 3.00 acre subject property is comprised of three parcels located along Old Telegraph Road, approximately 1,400 feet south of Hayfield Road and immediately opposite Hayfield Secondary School. The three parcels each contain a single-family detached dwelling; all of these dwellings will be removed under the proposed development.

The subject property contains an existing pond within a portion of the Piney Run watershed which is currently delineated as a Resource Protection Area (RPA) on the County's Chesapeake Bay Preservation Area maps. The site also contains a mixture of mature trees, which are primarily concentrated within the RPA. The applicant has provided a preliminary soils study which indicates that the site is comprised primarily of Lunt soil, which is classified as a Class A Problem Soil. In addition, that portion of the site abutting the existing pond consists of fill. This area of the county was mined and quarried extensively in the past, primarily for sand and gravel.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Park	R-1	Public Park
South	Park	R-1	Public Park
East	Hayfield Intermediate and High Schools	R-3	Public Facilities, Governmental & Institutional
West	Park	R-1	Public Park

BACKGROUND

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

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	IV
Planning District:	Rose Hill
Planning Sector:	Lehigh Community Planning Sector
Plan Map:	Residential, 2-3 du/ac
Plan Text:	

Parcels 91-3 ((1)) 66, 67, 68 are planned for residential development at 2-3 dwelling units per acre. The area has numerous environmental constraints, including some slippage-prone marine clay soils and some areas in the Chesapeake Bay Resource Protection Area. Development of this area should occur at the low end of the plan range unless significant consolidation and environmental mitigation is provided.

ANALYSIS**Conceptual/Final Development Plan (CDP/FDP) (Copy at the front of staff report)**

Title of CDP/FDP:	Old Telegraph Road
Prepared By:	Urban Engineering and Associates, Inc.
Original and Revision Dates:	May 2005, with revisions through January 5, 2006

The CDP/FDP consists of ten (10) sheets showing the following information:

Old Telegraph Road Conceptual/Final Development Plan	
Sheet 1 of 10	Cover sheet
Sheet 2 of 10	Notes, soils map, typical lot layout, elevations, entry feature detail
Sheet 3 of 10	Rezoning plat
Sheet 4 of 10	Existing vegetation map
Sheet 5 of 10	Site layout Alternative A (with raingarden), site tabulations, parking tabulations, sight line road profile
Sheet 6 of 10	Site layout Alternative B (with stormwater management pond), site tabulations, parking tabulations, sight line road profile
Sheet 7 of 10	Landscape plan and details for Alternative A site layout
Sheet 8 of 10	Landscape plan and details for Alternative B site layout
Sheet 9 of 10	Preliminary stormwater management plan
Sheet 10 of 10	Preliminary stormwater management information sheets

The CDP/FDP depicts a site layout as follows:

Site Layout: Under the proposed site layout, a total of eight single-family detached dwelling units at an overall density of 2.67 du/ac are proposed. A single entrance into the site is proposed from Old Telegraph Road. All of the proposed units would front on the proposed new private street and would back up to open space.

The average lot size for the proposed lots has not been provided. However, the CDP/FDP indicates that each lot will have a 40 x 50 foot maximum building footprint with a maximum building height of forty (40) feet. The established minimum yards for the proposed lots would consist of a minimum of a 15 foot front yard setback (though a minimum of an 18-foot driveway will be provided), five (5) foot side yard setback and ten (10) foot rear yard setback. Under the typical lot layout, decks and porches may encroach into the rear yard setback but shall be no closer than five feet from the property line. The typical lot layout also notes that bay windows, fireplaces and HVAC units may encroach up to two feet into the side setbacks and up to five feet into the front and rear yard setbacks. The architectural elevations contained in the CDP/FDP indicate that the proposed units would have a two-car garage.

Two alternative layouts have been proposed to depict the site layout with and without a stormwater management (SWM) pond. Under Alternative B, a SWM pond is shown to be located in the southern portion of the site, between proposed Lots 6 and 7 and immediately east of the RPA. A proposed "meandering drainage ditch" is shown to channel the outfall from the SWM pond through the RPA to the existing pond to the west of the site. Under Alternative A, the SWM pond would be replaced with a rain garden. However, there would be no grading within the RPA.

Resource Protection Area: The subject property contains an existing pond within a portion of the Piney Run watershed which is currently delineated as a Resource Protection Area (RPA) on the County's Chesapeake Bay Preservation Area maps. The RPA depicted on the CDP/FDP is less restrictive from that on the County maps. The applicant sought a redelineation of the RPA from DPWES, which was approved on November 11, 2005. This issue is discussed under the Environmental Analysis section of this report. The applicant has proffered to place a conservation easement over the RPA, which would run to the benefit of Fairfax County. Under the terms of the conservation easement, the removal of trees except those which are dead, diseased, noxious or hazardous would be prohibited, as would any structures and fences. These restrictions would be placed in the homeowners' association covenants.

Open Space: Approximately 58% of the site will remain as open space. The majority of this open space will be within Resource Protection Area (RPA) associated with Piney Run. The CDP/FDP indicates that a four (4) foot wide loop trail will be constructed to meander through the RPA. A pavilion is also proposed within the open space area located between proposed Lots 1 and 2; the pavilion will be located outside of the RPA. In addition to the trees within the RPA, the proffers also indicate that the applicant will try to save two existing oaks, including a 39-inch diameter at breast height (dbh) oak between Lots 1 and 2 and a 45-inch dbh oak at the rear of Lot 8. The applicant also proposes a four-foot wide circular nature trail through the RPA. The material of the trail is unspecified.

Landscaping: The landscaping plan depicts evergreen, shade and ornamental trees along the site's Old Telegraph Road frontage. A row of evergreen and ornamental trees is proposed between Lot 6 and the proposed SWM pond. A fence or wall is depicted along those side yards of proposed Lots 1 and 8 which abut Old Telegraph Road. No detail is provided for the proposed fence or wall; however, the applicant has proffered that these walls will be solid and six feet (6') high and consist of low-maintenance vinyl, wood, stone, brick or similar masonry material or any combination of these listed materials. Fences within front yards are limited to four feet in height. The applicant has requested that the Board of Supervisors grant a variance of this provision per Par. 8 of Sect. 16-404 in order to permit the proposed six (6) foot high fences.

Access: The site would be served from a single entrance to be located on the west side of Old Telegraph Road. A proposed 24-foot wide private street would be provided. This private street would have a cul-de-sac with a landscaped center (and mountable curb). A four-foot wide sidewalk would be constructed along the western side of the site's internal street. Additional right-of-way and frontage improvements will be provided along the site's Old Telegraph Road frontage. Right-of-way approximately 29 feet from the centerline of Old Telegraph Road to face of curb will be dedicated at the time of record plat recording or upon demand by Fairfax County, whichever comes first. Frontage improvements along Old Telegraph Road consist of a five-foot wide sidewalk and curb and gutter. A painted crosswalk is proposed across Old Telegraph Road to connect the site with the existing sidewalk on the eastern side of Old Telegraph Road and Hayfield Secondary School.

Parking: As noted earlier, the elevations on the CDP/FDP indicate that two-car garages would be provided. The typical lot layout also indicates that a minimum of an 18-foot long driveway will be provided. Seven visitor parking spaces will be provided.

Stormwater Management: The applicant has indicated an intent to seek a waiver of stormwater management (SWM) at the time of subdivision plan approval. As such, the applicant has proposed two site layouts – one with a SWM facility and one without. The proposed SWM facility would be a dry pond located along the southern property line of the site, between proposed Lots 6 and 7. A proposed “meandering drainage ditch” is shown to channel the outfall from the SWM pond through the RPA to the existing pond to the west of the site. Under Alternative A, the SWM pond would be replaced with a rain garden.

CONFORMANCE WITH COMPREHENSIVE PLAN

The subject site is planned for residential use at 2 to 3 dwelling units per acre. The Plan text for the subject site notes that “development of this area should occur at the low end of the plan range unless significant consolidation and environmental mitigation is provided.” The application consolidates all three parcels and proposes to preserve the on-site Resource Protection Area. Geotechnical studies have indicated that there are no marine clays present on the site. (The applicant’s commitments to address other soils issues are discussed in the Environmental Analysis section of this report.) For these reasons, staff believes that the requested density is appropriate under the Plan language.

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 14.)

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 three parcels for a total of 3.00 acres that contain three single-family detached dwellings. These three (3) parcels are surrounded by parkland. Staff does not believe that the proposed development will preclude adjacent properties from developing according to the recommendations of the Plan.

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 eight lots. All of the proposed units would front along the proposed private street and would back up to open space areas. No pipestem lots are proposed. The proposed yards for the newly created lots consist of fifteen (15) foot minimum front yards, five (5) foot minimum side yards and ten (10) foot minimum rear yards. Because the proposed lots back up to open space, staff does not believe that the 10-foot minimum rear yards are an issue. However, staff believes that the open feel of the site layout is hindered by the lack of sufficient separation between units. For that reason, staff strongly recommends that the applicant increase the distance between units.

In order to mitigate any roadway noise and view of Old Telegraph Road, the applicant has proposed a fence or wall, which will extend along the side property line from the house to the rear property line. The applicant has proffered that the fence/wall for Lots 1 and 8 will be solid, six (6) feet high and consist of low-maintenance vinyl, wood, stone, brick or similar masonry material or any combination of said materials. Because the side yard for Lots 1 and 8 fronts along Old Telegraph Road, it is considered a front yard per the Zoning Ordinance. The Zoning Ordinance limits fences within front yards to six (6) feet in height. The applicant has requested that the Board of Supervisors grant a variance of this provision per Par. 8 of Sect. 16-404 in order to permit the proposed six (6) foot high fences.

Staff does not support the requested variance. While the proposed fence will help mitigate roadway noise, it should be noted the noise generated by Old Telegraph Road does not exceed acceptable levels (they do not exceed 65 dBA). Par. 8 of Sect. 16-404 states that the Board may authorize a variance of specific zoning district regulations when strict application of the regulation would inhibit or frustrate the purpose and intent for establishing such zoning district and the variance would promote and comply with the P-District regulations. Staff does not believe that the applicant has shown that a fence height of four feet particularly if it is used in conjunction with an up to 2 foot berm treatment would not achieve the same mitigation as a six foot fence. It is staff's opinion that the proposed six (6) foot high fences would blemish the proposed development's streetscape along Old Telegraph Road. For that reason, staff recommends that the Board deny the requested variance.

Open space should be usable, accessible and integrated. Appropriate landscaping and amenities should be provided. The CDP/FDP indicates that approximately 58% of the site will remain as open space. The majority of the open space will be located within the RPA. The subject property abuts parkland to the north, west and south.

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. As noted earlier in the report, the subject site is surrounded by publicly-owned property, including open space to the north, west and south and a high school to the east. Given the site's isolation, staff does not believe that the proposed development will have an adverse impact on the surrounding neighborhoods. However, as noted, staff believes that the site layout would be better served if the distance between units was increased. Furthermore, staff is concerned as to whether the proposed six foot fence along Old Telegraph Road will be visually appealing. The proposed architecture, as depicted on the CDP/FDP, is similar to the architectural style found in the surrounding neighborhoods.

Environment (Development Criterion #3) (Appendix 5 and 13)

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.

Soils

Fairfax County soils maps indicate that the subject site is comprised primarily, if not entirely, of fill. The subject site is located in an area of the County that was mined and quarried extensively in the past, primarily for sand and gravel. In October 2005, the applicant conducted a geotechnical review and soil mapping for the site. This study concluded that the unmapped soils on the property are Lunt, which is a Class A Problem Soil. Issues found with this soil include a high seasonal water table, marginal to low bearing capacity, high shrink-swell clays and marginal to poor subsurface drainage. The applicant will be required to prepare a geotechnical study for the review and approval of DPWES. As recommended by DPWES, the applicant has proffered to design the proposed structures to avoid wet basement issues and adequate drainage measures for the yard areas.

RPA

A portion of the 1993 RPA lies over the northeast portion of the site. There are some outbuildings within the RPA, which the applicant proposes to remove. As noted previously, the applicant has submitted an RPA redelineation to DPWES on September 7, 2005. This redelineation (13408 RPA) was approved on November 11, 2005. The approved RPA redelineation is depicted on the CDP/FDP.

To minimize the adverse effects of human activities on the RPA, state waters, and aquatic life, a buffer area that is effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff will be required. In particular, the entire portion of the RPA should be supplemented with vegetation to the density as

described in Chesapeake Bay Preservation Ordinance (CBPO) 118-3-3(f), especially in those areas of the site where the outbuildings are to be removed. The applicant has proffered to preserve the existing vegetation within the RPA and to revegetate those areas which are devoid of any vegetation.

However, as part of the proposed SWM pond, the applicant has proposed a meandering drainage ditch outfall from the pond. This meandering drainage ditch outfall is an allowed use in the RPA and will require a Water Quality Impact Assessment (WQIA) prior to subdivision plan approval for the disturbance in the RPA.

The applicant has proffered to place a conservation easement over the RPA, which would run to the benefit of Fairfax County. Under the terms of the conservation easement, the removal of trees except those which are dead, diseased, noxious or hazardous would be prohibited, as would any structures and fences. These restrictions would be placed in the homeowners' association covenants. Nevertheless, a four (4) foot wide circular trail is shown to be located within the RPA; it is not proposed to be connected to any adjacent properties. Because the trail is limited to four (4) feet in width, it does not require an RPA exception.

Stormwater Management

The applicant has indicated his intention to seek a waiver of stormwater management (SWM) at the time of subdivision plan approval. As such, the applicant has proposed two site layouts – one with a SWM facility and one without. The proposed SWM facility would be a dry pond located along the southern property line of the site, between proposed Lots 6 and 7. A proposed “meandering drainage ditch” is shown to channel the outfall from the SWM pond through the RPA to the existing pond to the west of the site. Under Alternative A, the SWM pond would be replaced with a rain garden.

Noise

The applicant has proposed six (6) foot height solid privacy fences where Lots 1 and 8 abut Old Telegraph Road. The site is not impacted by highway noise above 65 dBA; therefore, no noise mitigation is required. Nevertheless, the applicant has requested a variance of the Zoning Ordinance height limitation on fences in the front yard for the proposed fences within Lots 1 and 8. Staff does not believe that the requested variance is justified. Staff believes that four (4) foot high, solid privacy fences for Lots 1 and 8 in conjunction with a 2 foot berm will ensure that the future residents of these homes can utilize their yards in relative peace without ruining the streetscape along Old Telegraph Road.

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, yellow poplars, and red maples, as well as a variety of landscape trees (dogwood, spruce, holly and cherry). The majority of the existing trees are located within the RPA and, as such, these trees will be preserved. Urban Forest Management notes that proposed Lots 2 and 5 and are well situated to take advantage of energy conservation opportunities offered by the existing trees within the RPA. In addition to the trees within the RPA, the applicant has proffered to try and save a 39-inch in diameter oak along the northern property line, abutting proposed Lot 1, and a 45-inch in diameter oak along the southern property line, abutting proposed Lots 7 and 8. Staff, however, strongly recommends that the applicant eliminate the proposed cost limitation placed on the cash bond. The purpose of the tree bonds is to provide a remedy for unintended disruption to the trees proffered to be preserved. Placing an arbitrary cost limitation on the cash bond defeats this purpose.

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 has proffered to dedicate the necessary right-of-way dedication along Old Telegraph Road. Frontage improvements along Old Telegraph will consist of connecting curb and gutter and sidewalk. Sheets 5 and 6 of the CDP/FDP illustrate adequate sight distance along Old Telegraph Road. A painted crosswalk is proposed across Old Telegraph Road to provide access to Hayfield Secondary School and the sidewalk along the east side of Old Telegraph Road. The internal street will be private. The applicant has proffered to pay the future homeowners' association \$2,000 for the purpose of private street maintenance.

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 Hayfield Elementary and Secondary Schools. Both Hayfield Elementary and Secondary Schools 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 three total students: two elementary, one middle and one high school students. This is an increase of three students above that generated by the existing zoning district. An appropriate contribution would be approximately \$22,500 (3 students x \$7,500 per student).

The applicant has proffered to provide a contribution of \$2,813 per dwelling unit approved on the final subdivision plan for capital improvements to Fairfax County schools. Under this formula, the maximum contribution that could be expected is \$22,504 (8 units x \$2,813).

Fairfax County Park Authority (Appendix 9)

The required on-site active recreation contribution for P-Districts per the Zoning Ordinance is \$955 per dwelling unit. Therefore, with this proposal a contribution of \$7,640 is required. In order to offset the additional impact caused by the proposed development, the applicant should provide an additional \$6,095 to the Park Authority (or \$265 per estimated resident) for recreational facility development at one or more of the sites located within the service area of this development. If no qualifying outdoor recreational amenities are provided on-site, the Park Authority recommends that the applicant contribute the full \$13,735 to the Park Authority.

The applicant has proffered to provide on-site recreation facilities equal to or above \$955 per unit. The on-site recreational facilities for the site appear to consist of a gazebo and a nature trail through the RPA. In the event that these on-site facilities are not of sufficient value to meet this requirement, the applicant has proffered to contribute the difference in funds to FCPA. No additional funds have been proffered.

Fire and Rescue (Appendix 10)

The subject property would be serviced by the Fairfax County Fire and Rescue Department Station #437, Kingstowne. The requested rezoning currently meets fire protection guidelines.

Sanitary Sewer Analysis (Appendix 11)

The subject property is located within the Dogue Creek (L) watershed and would be sewer into the Noman M. Cole, Jr. Pollution Control Plant. An existing 24-inch line located in an easement and approximately 50 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 eight inch water main located at the property.

Stormwater Analysis (Appendix 13)

There are no downstream drainage complaints on file relative to the outfalls for this site.

As noted earlier in this report, the applicant intends to seek a SWM waiver at the time of subdivision plan approval. In the meantime, the applicant has proposed two site layouts – one with a SWM facility and one without.

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 aggregate sales price of the houses to Habitat for Humanity of Northern Virginia.

Heritage Resources (Development Criterion #8)

This Criterion requires that developments address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation. No historical or archaeological resources have been identified on this site.

ZONING ORDINANCE PROVISIONS (Appendix 14)**P-District Standards**

The requested rezoning of the 3.00 acre site to the PDH-3 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 6Sect. 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 eight single family

detached dwelling units at an overall density of 2.67 du/ac with approximately 58% of the site as open space. The PDH-3 site design allows the applicant to cluster the proposed development away from the existing RPA. The proposed site layout allows all units to back up to open space area. However, as noted earlier in this report, the minimal distance between units (10 feet) hinders the open feel of the site layout. In staff's opinion, the site layout would be better served if the minimum distance between units was increased. Alternatively, the applicant could curve the layout more to make it more closely resemble a "U", which would help to increase the spacing between units.

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 3.00 acres; therefore this standard has been satisfied.

Sect. 6-109 Maximum Density

This section states that the maximum density for the PDH-3 District is three dwelling units per acre (du/ac). The applicant proposes a density of 2.67 du/ac; therefore this standard has been satisfied. It should be noted that this site is not subject to a density penalty per Sect. 2-308 of the Zoning Ordinance. As stated in the Zoning and Area Tabulations of the CDP/FDP, 0.77 acres or 26% of the site is located within floodplain. There are no marine clays on the subject site.

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-3 District. Par. 2 of this section requires that recreational amenities be provided in the amount of \$955 per non-affordable dwelling unit. The applicant proposes to retain 58% of the site as open space. The applicant has proffered to provide on-site recreation facilities equal to or above \$955 per unit. The on-site recreational facilities for the site appear to consist of a gazebo and a nature trail through the RPA. In the event that these on-site facilities are not of sufficient value to meet this requirement, the applicant has proffered to contribute the difference in funds to 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. As noted previously, the Plan text for the subject site states that "development of this area should occur at the low end of the plan range [2-3 du/ac] unless significant consolidation and environmental

mitigation is provided.” The applicant proposes to develop the property with 8 single family detached dwellings at an overall density of 2.67 du/ac. Because the application consolidates all three parcels and proposes to preserve the on-site Resource Protection Area, staff believes that the proposed density conforms with the Comprehensive Plan. 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. The use of the P-District allows the applicant to preserve the RPA. Therefore, 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. Under the proposed site layout, the RPA would be preserved, as would two large oaks, which are located outside of the RPA. In addition, the applicant has proffered to revegetate the RPA.

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. As noted earlier in this report, the site is surrounded by parkland. Because of the site's relative isolation, staff does not believe that it will have any impact on surrounding developments. However, staff believes that a six (6) foot high fence along Old Telegraph Road would spoil the streetscape. For that reason, staff does not support the requested variance of the fence height limitation in the front yard.

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.

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 access from Old Telegraph Road. Because the subject site is surrounded by parkland, no other street connections are necessary. A five-foot wide sidewalk will be provided along the site's frontage. In addition, the applicant proposes a painted crosswalk to connect the site to the sidewalk on the eastern side of Old Telegraph Road and to provide access to Hayfield Secondary School and surrounding services (Hayfield Shopping Center). Finally, a trail loop is proposed within the RPA to provide access to the surrounding open space. Therefore, this standard has been satisfied.

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-3 Cluster District, which requires minimum yards of 20 feet (front), 8 feet but a total minimum of 20 feet (side) and 25 feet (rear). The applicant's PDH-3 development proposes minimum yards of 15 feet (front), 5 feet (side) and 10 feet (rear). Because the proposed development is surrounded by parkland, staff does not believe that the proposed front and rear yard setbacks will have any impact on the surrounding developments. However, as noted earlier in this report, staff believes that the proposed site layout would be better served if the distance between units was increased. Furthermore, staff does not believe that the applicant has justified the requested variance of the fence height limitation in the front yard. Staff believes that a six (6) foot high fence in the front yard would not be complimentary to the development along Old Telegraph Road.

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 58% of the site will remain as open space. The majority of the open space is located within RPA.

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. The site will be accessed from Old Telegraph Road. The applicant proposes a sidewalk along the site's frontage and a painted crosswalk to connect the site with the existing sidewalk on the other side of Old Telegraph Road, as well as to Hayfield Secondary School. This crosswalk will also enable commuters to access the bus service (Fairfax Connector Route 301) along Hayfield Road at Old Telegraph Road or along Telegraph Road at Broadmoor Street.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant's request to rezone the 3.00 acre property from the R-1 and NR Districts to the PDH-3 and NR Districts to permit the development of eight (8) single-family detached dwelling units at an overall density of 2.67 is in conformance with the density recommendations of the Comprehensive Plan. The CDP/FDP depicts a layout which consolidates all three parcels as recommended by the Plan and

preserves the existing RPA within the western portion of the site. While the site layout could be improved by increasing the distance between units, staff believes that the application is in conformance with the Comprehensive Plan and the Zoning Ordinance. However, staff would strongly recommend that the two issues described below be addressed by the applicant:

- Fence height. The applicant seeks a variance of the fence height limitation in the front yards to permit a six (6) foot high fence for those yards of Lots 1 and 8 which abut Old Telegraph Road. Staff does not believe that this requested variance has been justified. Noise generated by Old Telegraph Road is below 65 dBA and therefore, no noise mitigation is required. Staff believes that four (4) foot high fences in conjunction with 2 foot berming will provide the future residents of Lots 1 and 8 with adequate privacy without ruining the streetscape along Old Telegraph Road.
- Tree Bonds. The applicant seeks to place a \$25,000 cost limitation on the cash bond portion of the proffered tree bond. The purpose of the tree bonds is to provide a remedy for unintended disruption to the trees proffered to be preserved. Placing a cost limitation on the cash bond defeats this purpose. For that reason, staff believes that it should be eliminated.

Recommendation

Staff recommends approval of RZ 2005-LE-017 and the Conceptual Development Plan, subject to the proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDP 2005-LE-017, subject to the proposed development conditions contained in Appendix 2 and the Board of Supervisors approval of RZ 2005-LE-017 and the associated CDP.

Staff recommends that the requested variance of the fence height limitation in the front yard per Par. 8 of Sect. 16-404 be denied.

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

APPENDICES (Continued)

5. Environmental Analysis
6. Urban Forest Management Analysis
7. Transportation Analysis
8. Fairfax County Public Schools
9. Fairfax County Park Authority
10. Fire and Rescue
11. Sanitary Sewer Analysis
12. Fairfax County Water Authority
13. Stormwater Analysis (Environmental and Site Review Division, DPWES)
14. Zoning Ordinance Provisions
15. Residential Development Criteria
16. Glossary

PROFFERS
Christopher Management, Inc. – Old Telegraph Road
RZ 2005-LE-017

February 7, 2006

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in this rezoning proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference No. 91-3-((1))-66, 67 and 68 (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Rezoning request for the PDH-3 District is granted. In the event said application request is denied, these proffers shall be null and void. The Owners and the Applicant ("Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The proffered conditions are:

I. GENERAL

1. Substantial Conformance. Subject to the proffers and the provisions of Article 16 of the Zoning Ordinance, under which minor modifications per section Par. 4 of Sect.16-403 of the Zoning Ordinance to an approved final development plan are permitted, the development shall be in substantial conformance with the Conceptual Development Plan / Final Development Plan (CDP/FDP), containing ten (10) sheets prepared by Urban Engineering & Associates, Inc. dated March 25, 2005 as revised through January 5, 2006.

2. Maximum Density. The development shall consist of a maximum of eight (8) single family detached residential units. Except as may be further qualified by these proffered conditions, minor modifications to the house locations and sizes may be permitted in accordance with Section 16-403 of the Zoning Ordinance.

3. Establishment of HOA. Prior to record plat approval, the Applicant shall establish a Homeowners Association (HOA) in accordance with Sect. 2-700 of the Zoning Ordinance for the purpose of establishing the necessary residential covenants governing the design and operation of the approved development and to provide a mechanism for ensuring the ability to complete certain maintenance obligations of these proffer conditions and other provisions noted below in these proffers.

4. Length of Driveways. All driveways serving the approved residential units shall extend outward a minimum of eighteen feet (18') in length from the face of the garage door to the edge of sidewalk or face of curb (if no sidewalk is provided) whichever is applicable.

5. Garage Conversion. Any conversion of garages that will preclude the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction shall be incorporated into the Homeowners Association (HOA) Documents and 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 HOA, and to the Fairfax County Board of Supervisors. Prospective purchasers shall be advised of this use restriction, in writing, prior to entering into a contract of sale.

6. Architecture. The architecture will be in substantial conformance with the elevations depicted on the CDP/FDP. The sides of Lots 1 and 8 which are visible from Old Telegraph Road will be architecturally designed so that the façade will have a type and proportion of materials that are consistent the fronts of the units. At a minimum, the sides of the units on Lots 1 and 8 shall be faced with sixty five percent (65%) brick or similar masonry material. The fence/wall for Lots 1 and 8 shall be a maximum of six feet (6') high. The fence materials may consist of vinyl, wood, stone, brick or similar masonry material or any combination of these listed low maintenance materials.

II. TRANSPORTATION

7. Old Telegraph Road Frontage Improvements. In conjunction with the development of the site, the Applicant shall improve twenty feet (20') of right of way from the centerline to face of curb along Old Telegraph Road, as generally shown on the CDP/FDP. The final design and configuration of such improvements shall be subject to approval by the Virginia Department of Transportation (VDOT) and the Department of Public Works and Environmental Services (DPWES). These improvements shall be completed prior to bond release.

8. 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.

9. Right-of-Way Dedication. At the time of record plat recording, the Applicant shall dedicate at no cost to the County in fee simple to the Board of Supervisors of Fairfax County, the right-of-way along Old Telegraph Road equal to nineteen feet (19') from the property line to the face of curb, notwithstanding that shown on the CDP/FDP. This dedication area shall be conveyed to the Board of Supervisors in fee simple subject to the provisions of Paragraph 5 of Section 2-308 of the Zoning Ordinance.

10. Private Street Maintenance. The private street shall be constructed pursuant to the Public Facilities Manual (PFM) pavement design standards applicable to public subdivision streets based on level of vehicular traffic consistent with the development shown on the CDP/FDP as determined by DPWES. The HOA documents shall include provisions for monthly/annual assessments for private street maintenance. All prospective purchasers shall be advised of the existence of the private street, the associated public access easement and all other associated maintenance obligations required by these Proffered Conditions prior to entering into a contract of sale and such information shall be included in the HOA Documents. The HOA Documents shall stipulate that a reserve fund to be held by the HOA be established for the private street maintenance.

The Applicant shall pay the HOA the sum of two thousand dollars (\$2,000) for the purpose of private street maintenance.

III. ENVIRONMENTAL

11. Stormwater Management Facilities and Best Management Practices. Stormwater management (SWM) and Best Management Practices (BMP) shall be provided as approved by DPWES. Concurrent with this rezoning application, the Applicant is seeking a waiver from the requirement to construct an on-site dry stormwater detention pond. The Applicant understands a final determination on this waiver request cannot be made until after the rezoning is approved. Should this waiver be approved, CDP/FDP–Alternative A as shown on the CDP/FDP shall be implemented. If such waiver is not approved, the Applicant shall implement CDP/FDP-Alternative B and construct a dry pond north of Lot 7 in substantial conformance with that shown on CDP/FDP-Alternative B. In addition, the Applicant reserves the right to utilize “Low Impact Development” (LID) measures to fulfill all or part of the of the stormwater management plan requirement(s). Such LID measures may include but are not limited to: a rain garden and/or other similar bio-retention facilities, grass swales and forestation or reforestation of open space areas as generally depicted on the CDP/FDP. The Applicant shall enter into a maintenance agreement for any such facilities as required by the PFM at the time of final subdivision plan approval. Any private maintenance responsibilities for any stormwater management facilities shall be disclosed in the HOA documents and disclosed in the sales contract for each dwelling. At a minimum the specifications shall be generally consistent with those detailed in Attachment A.

12. Resource Protection Area (RPA) Conservation Easement The area of the RPA as identified on the CDP/FDP (redelineation of RPA approved by DPWES on November 11, 2005) shall remain as undisturbed open space, subject to a conservation easement running to the benefit of Fairfax County, in a form approved by the County Attorney, which prohibits removal of trees except those which are dead, diseased, noxious or hazardous. The homeowners’ association

covenants shall contain clear language delineating the RPA, the restrictions in that area including the prohibition of any structures, fences, etc. and the responsibility of individual homeowners.

13. RPA Vegetation Removal and Replanting. Notwithstanding the limits of clearing shown on the CDP/FDP, the Applicant shall remove the bamboo located in the RPA and remove debris and existing outbuilding(s) or structures as permitted by Chapter 118 of the Fairfax County Code of Ordinances and restore the RPA by planting native plant species in the disturbed areas using machinery as reasonably necessary. The use of equipment and methods employed within the RPA for demolition and bamboo removal must be reviewed and approved by UFM prior to any equipment entering the RPA.

As a component of the required landscape plan submitted to UFM and as part of subdivision plan review, the Applicant shall submit and implement a restoration plan for the disturbed limits of the RPA as required in Chapter 12, Paragraph 0704.4 and Table 12.14 of the Public Facilities Manual. Such restoration plan shall include the planting of supplemental native plant species including tall grasses and or shrubs along the water's edge within the RPA for a minimum distance of fifteen feet in order to create a landscaped riparian buffer area as reviewed and permitted by DPWES.

14. Landscaping. The Applicant shall submit a landscape plan in substantial conformance with the landscape plan depicted on the CDP/FDP as part of the first and all subsequent subdivision plan submissions. This plan shall be subject to the review and approval of Urban Forest Management, DPWES (UFM). If it is determined that it is necessary to install utilities within the landscaped areas, then an area of alternative landscaping consistent with that displaced, shall be substituted at an alternate location on the site, as approved by the UFM. In accordance with PFM, native or recommended species shall be used in all landscaped areas as approved by the UFM.

15. Geotechnical Report. Prior to subdivision approval, the Applicant shall submit a geotechnical report to DPWES and implement the recommendations outlined in the approved report. There shall be no retaining walls over four feet (4') in height located on the subject property.

16. Removal of Fill. If encountered on any future house pad site, any existing fill and debris shall be removed and replaced with fill acceptable to DPWES. Prior to the issuance of each Residential Use Permit (RUP), any foundation or soil problem identified during inspections shall be resolved to the satisfaction of DPWES.

17. Supplemental Drainage Measures. If warranted by any geotechnical analysis required herein, the Applicant shall incorporate design methods to prevent wet basements and standing water in yards. If warranted by soil conditions, final engineering and final site grading, interior and exterior drain pipes, sump pumps, slopes away from the dwellings and/or similar measures shall be utilized as approved by DPWES.

18. Limits of Clearing and Grading. Except as otherwise permitted by these proffered conditions including but not limited to Proffer 13 which describes the removal of bamboo and existing buildings/structure(s) within the RPA or required by law or State, the Applicant shall conform to the limits of clearing and grading as shown on the CDP/FDP. The remedy for any disturbance of the clearing limits by any unauthorized construction activity shall be those penalties specified in Proffers 19-21 below.

IV TREE PRESERVATION

19. 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 with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the UFM. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown radius and condition rating percentage of all trees 10 inches (10”) in diameter and greater, and 20 feet to either side of the limits of clearing and grading shown on the CDP/FDP for the entire site. The Tree Preservation Plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the CDP/FDP. The condition analysis ratings shall be prepared using methods outlined in the 9th 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.

20. Tree Value Determination. The Applicant shall retain a professional arborist with experience in plant evaluation, to determine the replacement value of all trees 10 inches (10”) in diameter or greater and located within twenty feet (20’) of the outer edge of the limits of clearing and grading (i.e. outside the limits of clearing and grading) as shown on the CDP/FDP. 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, size and condition of these trees and shall be determined by the ten year canopy calculations as a basis for determining replacement value in conjunction with methods outlined in the 9th edition of the Guide for Plant Appraisal using the Cost of Cure Method.

21. Tree Bonds. In order to provide a remedy for any unintended disruption to trees required to be preserved under these proffers, at the time of bond approval, the Applicant shall both post a cash bond and a letter of credit or similar corporate surety payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the previous proffer (hereinafter the “bonded trees”) that die or are dying due solely to unauthorized construction activities. The Applicant shall have no obligation for trees that die or are dying for reasons unrelated to unauthorized construction activities, or for no apparent reason. The letter of credit shall be equal to fifty percent (50%) of the replacement value of the bonded trees. The cash bond shall consist of thirty three percent (33%) of the amount of the letter of credit, but in no instance shall this amount exceed \$25,000.00.

During the time period in which the Tree Bond is required to be held, should unauthorized construction activity cause any bonded trees to die, or be removed, the Applicant shall replace such trees at its expense. The Applicant shall have no obligation to replace trees that die or are dying for causes unrelated to unauthorized activities, or no apparent reason. The replacement trees shall be of

equivalent size, species, and/or canopy cover as approved by UFM and shall incorporate native plant species. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized activity. This payment shall be determined based on the valuation methodology described in Proffer 20 above and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond for the site, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant. At the time of approval of the final RUP, the Applicant may request a release of any monies remaining in the cash bond and a reduction in the letter of credit to an amount up to twenty percent (20%) of the total amounts originally committed provided they are in good standing with the tree proffer commitments.

Any funds remaining in the letter of credit or cash bond will be released concurrently with the site performance bond release, or sooner, if approved by UFM.

22. Possible Preservation of Existing Oak Trees. Notwithstanding the limits of clearing shown on the CDP/FDP, at the time of subdivision plan approval, the Applicant, in consultation with UFM, shall use its best and most reasonable efforts to preserve the two trees identified on the CDP/FDP as “existing 45’ oak” and “existing 39” oak”. Each of these two trees shall not be subject to the bonding, valuation and penalty requirements of Proffers 19-21 above.

23. Protection of Existing Understory Vegetation and Soil Conditions in Tree Preservation Areas. All tree preservation-related work occurring in or adjacent to tree preservation areas shall be accomplished in a manner that minimizes damage to vegetation to be preserved including any woody, herbaceous or vine plant species that occurs in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Any removal of any vegetation or soil disturbance in tree preservation areas excluding the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, multi-floral rose, etc. shall be subject to the review and approval of UFM.

24. Use of Equipment. Except as qualified herein including Proffer 13, the use of motorized equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaws, wheel barrows, rake and shovels. Any work that requires the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by UFM.

25. Root Pruning and Mulching. The Applicant shall 1) root prune, 2) mulch, and 3) provide tree protection fencing in the form of four foot (4') high, fourteen (14) gauge welded wire attached to six foot (6') steel posts driven eighteen inches (18") into the ground and placed no further than ten feet (10') apart, or other forms of tree protection fencing approved by UFM, DPWES for all tree preservation relevant areas. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets and demolition plan sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by UFM, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher, vibratory plow to a depth of eighteen inches (18").
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- Tree protection fence shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.
- Immediately after the Phase II Erosion and Sedimentation activities are complete, mulch shall be applied at a depth of four inches (4") extending ten feet (10') inside the undisturbed area without the use of motorized equipment.
- An UFM, representative shall be informed when all root pruning and tree protection fence installation is complete.

26. 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 an UFM representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation; increase the survivability of trees at the edge of the limits of clearing and grading; facilitate the removal of trees adjacent to the limits of clearing and grading; facilitate tree preservation activities such as root pruning or fencing; or facilitate the installation of erosion and sediment control devices. Such adjustment 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 associated understory vegetation and soil conditions.

27. Tree Protection Fencing. All trees shown to be preserved on the Tree Preservation Plan shall be protected by tree protection fencing. Tree protection fencing of a type permitted by UFM shall be erected concurrently with the Phase I Erosion and Sedimentation permit activities. Tree fencing shall be installed prior to any clearing and grading activities including the demolition of any existing structures at the limits of clearing and grading as shown on the demolition, and Phase I & II erosion and sediment control sheets, as may be modified during the tree preservation walk through with an UFM representative. Five (5) working days notice shall be given for UFM and Lee District Supervisor staff to visit the site to verify that the tree protection fence has been installed correctly before clearing and demolition operations commence. All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Five (5) working days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, UFM and the District Supervisor shall be notified and

given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM.

28. Site Monitoring. Inspection of the site by a representative of the Applicant during any clearing or tree/vegetation/structure removal on the Applicant Property within the drip line of the trees to be saved as part of the Tree Preservation Plan as described in Proffer 18, shall occur on a weekly basis to ensure that the activities are conducted as proffered and as approved by UFM. The inspection/monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFM, DPWES. The Lee District Supervisor shall be notified of the name and contact information of the Applicant's representative responsible for site monitoring at the tree preservation walk-through meeting.

V. AFFORDABLE HOUSING

29. Affordable Housing Contribution. At the time of first building permit issuance, the Applicant shall contribute to Habitat of Humanity of Northern Virginia, the sum equal to one half of one percent (1/2 %) of the projected sales price for each new dwelling unit on the subject Property for the purpose of affordable housing in Fairfax County. The projected sales price shall be based upon the aggregate sales price of all of the units, as if those units were sold at the time of the issuance of the first building permit and is estimated through comparable sales of similar type units. This sales price information shall be provided to and approved by the Fairfax County Department of Housing and Community Development (HCD).

VI. PARKS AND RECREATION

30. Recreational Contributions - On-Site. At the time of subdivision plan approval, the Applicant shall demonstrate to the satisfaction of DPWES that the value of on-site recreational facilities is equal to or exceeds \$955.00 per unit in accordance with Section 16-404 of the Zoning Ordinance. The Applicant reserves the right to be credited for up to \$955.00 per unit for the on-site installation of active or passive recreational facilities to include but not be limited to gazebos, playgrounds, recreational trails and similar facilities, in open space areas shown on the CDP/FDP. In the event the on-site facilities are not of sufficient value to fulfill the requirements of this proffer, the Applicant shall make a contribution of equivalent value to the Fairfax County Park Authority. If applicable, the required contribution shall be made at the time of subdivision plan approval for the approved development.

VII. SCHOOL CONTRIBUTION

31. School Contribution. Prior to approval of the subdivision plan for the approved development, the Applicant shall contribute the sum of \$2,813 per dwelling unit, for each dwelling unit approved on the final subdivision plan to the Board of Supervisors for capital improvements to schools serving the Property.

VIII. OTHER

32. Signage. Temporary signs (including “popsicle” style paper or cardboard signs) shall be prohibited in accordance with 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 by the Applicant or at the Applicant’s representative. The Applicant shall direct its agents and employees involved in marketing and/or sale of residential units on the subject Property to adhere to this proffer.

33. Energy Efficiency. All homes on the Property shall meet the energy guidelines of the International Building Code for energy-efficient homes for either gas or electric energy systems as may be applicable.

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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
Remove stakes after one year	By hand	One time	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

These proffers may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

CHRISTOPHER MANAGEMENT, INC.
(Contract Purchaser of Tax Map Nos.
91-3-((1))-66, 67, 78)

By: _____
Name: _____
Its: _____

NORMAN S. ODEN, JR.
(Title Owner of Tax Map No. 91-3-((1))-66)

RUTH E. ODEN
(Title Owner of Tax Map No. 91-1-((1))-67)

DEANNA C. CRUMP
(Title Owner of Tax Map No. 91-1-((1))-67

HELEN A. HARDIN
(Title Owners of Tax Map No. 91-3-((1))-68)

ROBERT E. HARDIN
(Title Owner of Tax Map No. 91-3-((1))-68)

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PROPOSED DEVELOPMENT CONDITIONS

RZ 2005-LE-017

February 8, 2006

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 2005-LE-017 for residential development located at Tax 91-3 ((1)) 66, 67 and 68, 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 "Old Telegraph Road," prepared by Urban Engineering and Associates, Inc, dated May, 2005, as revised through January 5, 2006.
2. The limits of clearing and grading as depicted on the CDP/FDP shall be strictly enforced.
3. HVAC units shall not be located within the front yards.