



# County of Fairfax, Virginia

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March 1, 2006

## STAFF REPORT

**RZ/FDP 2005-MA-030**

### MASON DISTRICT

**APPLICANT:** Concordia Mason, LLC

**PRESENT ZONING:** R-3

**REQUESTED ZONING:** PDH-8

**PARCEL(S):** 61-4 ((1)) 93, 93A; 61-4 ((18)) 11, 12, 13 and portions of Opah Street to be vacated and/or abandoned.

**ACREAGE:** 3.73 acres (including right-of-way vacation)

**FAR/DENSITY:** 5.1 dwelling units per acre

**OPEN SPACE:** 27%

**PLAN MAP:** Mixed Use

**PROPOSAL:** Rezone the entire site to PDH-8 and approve the FDP to permit the construction of 19 single-family detached dwellings.

### STAFF RECOMMENDATIONS:

Staff recommends approval of RZ/FDP 2005-MA-030, subject to the proffers contained in Appendix 1.

Staff recommends approval of a modification of the trail requirement along Lacy Boulevard in favor of a 5-foot wide concrete sidewalk.

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**Department of Planning and Zoning**  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703 324-1290  
FAX 703 324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

Staff recommends approval of a modification of the Category 1 public street design (as set forth in the PFM) in favor of that shown on the Conceptual/Final Development Plan.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, 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 additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 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, Concordia Mason LLC, requests approval to rezone 3.73 acres from R-3 to the PDH-8 District and approval of the Final Development Plan to permit the development of a total of 19 single-family detached dwelling units. The proposed development would have an overall density of 5.1 dwelling units per acre, with 27% of the site retained as open space. The subject property is within the Baileys Neighborhood Improvement Program and Conservation Plan.

**Waivers and Modifications**

The applicant is requesting a modification of the pedestrian trail requirement along Lacy Boulevard in favor of a five-foot wide concrete sidewalk.

The applicant is requesting a modification of the Category 1 public street design (as set forth in the PFM) in favor of that shown on the plan.

The applicant is requesting a waiver of the requirement of Section 101-2-2 (24) of the Subdivision Ordinance to provide a shared utility easement at the back of the curb in favor of an alternative location that conflicts less with the design of the project's street frontage, which will be addressed during subdivision plan review.

**LOCATION AND CHARACTER**

**Site Description:**

The 3.73 acre subject property is comprised of five parcels located south of Columbia Pike (Route 244) and east of Lacy Boulevard, encompassing the north and south sides of Opah Street, which extends northeast from Lacy Boulevard. (Although Opah Street is depicted as a street on County tax maps, it was never constructed and remains unimproved right-of-way.) The property is developed with two, dilapidated, one-and-a-half story, wood frame houses, both of which are proposed for demolition. The remainder of the site is unimproved.

**Surrounding Area Description:**

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Oakview Gardens Apartments	R-20	16-20 du/ac
<b>West</b>	Single family detached & neighborhood retail	R-3, C-5	3-4 du/ac
<b>South</b>	Jehovah's Witnesses South Congregation Church	R-3	3-4 du/ac
<b>East</b>	Oakview Gardens Apartments	R-20	16-20 du/ac

**BACKGROUND**

The site contains two small single-family detached structures. The dwelling situated on Tax Map 61-4 ((18)) 11 dates from the mid-1930s. The other dwelling, on Tax Map 61-4 ((1)) 93, was constructed in 1945. There is no other relevant land use history for the subject parcels.

The surrounding area is characterized by residential use. The area to the north and east, which is planned for residential use at 16-20 du/acre and zoned R-20, is developed with the three- and four-story Oakview Garden Apartments. The area to the south is planned for residential use at 2-3 du/ac and is zoned R-3. There is a special exception for the existing Jehovah's Witnesses South Congregation Church, which has a floor area ratio (FAR) of 0.5. The area to the west is planned for residential use at 2-3 du/ac and is developed with single-family detached housing, zoned R-3; and Lacy Market, zoned C-5.

**COMPREHENSIVE PLAN PROVISIONS (Appendix 4)**

<b>Plan Area:</b>	I
<b>Planning District:</b>	Baileys Planning District
<b>Planning Sector:</b>	Glasgow Community Planning Sector (B4)
<b>Plan Map:</b>	Residential at 2-3 du/ac

**Plan Text:**

The Fairfax County Comprehensive Plan, 2003 Edition, Area I, Baileys Planning District, as amended through July 25, 2005, B4-Glasgow Community Planning Sector Page 84, states:

- “ 6. The property on Opah Street, Tax Map 61-4 ((1)) 93 and 93A and 61-4 ((18)) 11, 12, and 13, is planned for residential use at 2-3 du/ac. As an option for this area, which is approximately 3.7 acres including the Opah Street right-of-way, single-family detached residential use at 5-6 du/ac may be appropriate with full consolidation, a maximum of 20 dwelling units, provision of a minimum 15 foot landscaped buffer adjacent to the Oakview Garden Apartments on the north and east, and provision of on site [sic] recreational amenities. In addition, prior to developing this property, a phase one archaeological survey should be completed to document any on-site cultural resources. ”

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

**Title of CDP/FDP:** Opah Street Properties  
**Prepared By:** Vika, Inc.

**Original and Revision Dates:** August 31, 2005, with revisions through February 3, 2006

<b>Sheet 1</b>	Title Sheet (includes Index and Vicinity and Soils Maps)
<b>Sheet 2</b>	Notes, Tabulations and Typical Lot Details
<b>Sheet 3</b>	Conceptual/Final Development Plan
<b>Sheet 4</b>	Tree Preservation Plan
<b>Sheet 5</b>	Landscape Plan
<b>Sheet 6-7</b>	Site and Amenity Details
<b>Sheet 8</b>	Site and Amenity Products
<b>Sheet 9</b>	Existing Vegetation Map
<b>Sheets 10</b>	Stormwater Management
<b>Sheet 11-12</b>	Typical Single-family Detached House Elevations

The CDP/FDP proposes a layout as follows:

### *Single-family dwelling units*

A total of 19 single-family dwelling units, at an overall density of 5.1 dwelling units per acre, are proposed. Proffers commit the units to be architecturally consistent with those shown on Sheets 11-12, and made of brick, masonry and/or stone; and/or cementitious or vinyl siding. The elevations show two-car garages, which face the street. All units are shown with driveways, and the typical lot layout shows 5-foot minimum side yards (3 feet where there is an optional chimney or bay window), 18-foot minimum front yards and 15-foot minimum rear yards (3 feet where there is an optional deck). The units are situated facing the proposed, modified, Category I public street.

### *Open Space & Landscaping*

The application provides 27% open space on the site, comprising a combination of buffer yards, stormwater management facilities, a landscaped entrance, and a small pocket park, which is located at the extreme western end of the property (and consists of two play structures, four picnic tables, two park benches and a gazebo). A 5-foot wide sidewalk of brick pavers allows residents to meander through the recreation area and to freely circulate throughout the neighborhood. The landscape plan depicts a planting scheme intended to complement the existing buffer between the proposed development and the adjacent church; and, although the Zoning Ordinance does not require a buffer between single-family dwellings and the adjacent apartments, the 15-foot buffer called for in the Comprehensive Plan is shown. The landscape plan does not show extensive plantings in and around the SWM/BMP facilities. Street trees are provided in front of all units, and a mixture of evergreen, deciduous and ornamental trees are shown throughout the site. The proffers state that both a landscape plan and tree preservation plan approved by Fairfax County Urban Forest Management shall be submitted as part of the first and all subsequent subdivision plan submissions.

### *Access & Parking*

- The CDP/FDP shows 30 feet of right-of-way to be dedicated along Lacy Boulevard.
- Vehicular access to the site will be provided by one entrance on Lacy Boulevard. As shown on the plan, Opah Street will be constructed as a modified Category 1 public street. The proffers state that the applicant will dedicate and convey in fee simple to the Board of Supervisors right-of-way necessary for the construction of the street as shown on the CDP/FDP.
- Two-car garages and driveway space sufficient to accommodate two cars are shown with each unit.

### *Stormwater Management*

- Stormwater management and best management practices (BMPs) will be provided through the provision of a bioretention/infiltration facility in the southwestern corner of the site and with the expansion of an existing dry pond, located south of the subject site on the adjacent church property. The applicant is presently working on this arrangement with the church, and intends to have finalized the agreement by the time of the public hearing. If for some reason an agreement is not reached, the applicant will be required to apply for a proffered condition amendment to provide for adequate stormwater management.

### *Other Details*

- A continuous board-on-board fence running along the perimeter of the site is shown on the plan. According to the details shown on Sheet 6, the fence will measure between approximately 7 feet in height, and reduce to 3-6 feet in height where it enters the front yards of Lots 1 and 19 (adjacent to Lacy Boulevard). The fence will terminate at a masonry pier, measuring no more than 48 inches in height, on each of these lots.
- A 36-inch high, decorative, wrought-iron fence with squared tube pickets, mounted on 42 inch masonry piers, is shown to extend across each unit's frontage.
- Front patio layout alternatives illustrate raised planters, arbors/trellises, private patios laid with brick pavers, planting areas, "bench houses" (sheltered bench seating) and/or tables and chairs.
- Curved monument signs are located on either side of Opah Street at the entrance to the development.

## **RESIDENTIAL DEVELOPMENT CRITERIA**

First, the plan is in general conformance with the Comprehensive Plan. An option for this area with full consolidation of the 3.7 acres including the Opah Street right-of-way (as proposed with this application) is the possibility of single-family detached residential use at 5-6 du/a, up to a maximum of 20 dwelling units. The Plan also calls for a 15-foot landscaped buffer adjacent to the Oakview Garden Apartments, and recreational amenities, both of which have been provided. Finally, prior to developing the property, a phase one archaeological survey should be completed, which, as shown in Appendix 9, has been done.

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.*

As stated, the Comprehensive Plan recommends residential use for the subject property at 2-3 du/ac. Single-family detached residential use at 5-6 du/ac (up to a maximum of 20 dwelling units) is also provided as a possible option for the area with consolidation, including the Opah Street right-of-way. The proposed development comprises all of the remaining parcels in the area, and provides a minimum 15-foot landscape buffer adjacent to the Oakview Garden Apartments on the north and east, as well as recreational amenities, as specifically outlined in the Comprehensive Plan. Therefore, this criterion has been met.

*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 design layout is both logical and functional. Residential uses are oriented on either side of a proposed Category 1 public street, and away from the more heavily traveled Lacy Boulevard. Similarly, the pocket park is located at the opposite end of the site, away from Lacy Boulevard. Front and rear yard setbacks are approximately 18 feet and 15 feet, respectively, providing for usable yard areas. Sidewalks have been provided on either side of the interior street, with transit links available three blocks northwest of the development on Lacy Boulevard.

*Open space should be usable, accessible and integrated. Appropriate landscaping and amenities should be provided.*

The application provides 27% open space. As discussed above in the CDP/FDP description section, this open space consists of a combination of vegetative buffers, a landscaped entrance, and a small pocket park with two play structures, several picnic tables, benches and a gazebo. These amenities are linked by a brick paver sidewalk/walking trail connecting the park to the rest of the neighborhood. Therefore, the open space is generally accessible and integrated.

**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.*

Staff believes that the applicant's proposal fulfills this criterion by affording a transition from the Oakview Gardens Apartments to the north and west, to the Jehovah's Witnesses South Congregation Church to the south. The proposed density of 5.1 du/ac serves as an appropriate transition between the apartment's R-20 zoning (16-20 du/ac) and the church's R-3 zoning (2-3 du/ac), with the use providing a connection to the existing single-family residences that characterize the rest of the neighborhood. Appropriate setbacks offer buffering around the periphery, and ample open space has been provided. As previously stated, the orientation of the dwelling units is such that the proposed units will face the Category 1 public street and away from the more heavily traveled Lacy Boulevard. Sidewalks will be provided on either side of this street, offering linkages to neighboring land uses and transit facilities. Furthermore, the neighborhood is located in the Baileys Neighborhood Improvement Program and Conservation Plan, which is meant to preserve neighborhood vitality and prevent blight. The proposed development furthers this objective by assembling five parcels—two of which contain dilapidated dwellings—to redevelop the property utilizing high standards in design and construction to enhance this portion of the Lacy Boulevard streetscape.

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

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

Soil studies have been performed and the results have shown the soils to be adequate for residential development. In order to protect residents from the impacts of noise, the dwelling units have been situated to face a cul-de-sac; and a board-on-board fence is proposed for the perimeter of the development. Stormwater runoff and adverse water quality impacts have been addressed with the expansion of the adjacent church's detention pond, designed to meet detention/BMP requirements and serve as a filter for runoff, and through the provision of a bioretention/infiltration facility in the southwestern corner of the site. (All other issues described in Appendix 5 have been satisfactorily addressed with the applicant's most recent CDP/FDP submission). Finally, lighting on the site is proposed to be shielded and directed downwards in order to minimize glare. A proffer has also been included to commit the developer to meet the County's adopted lighting and glare regulations.

**Tree Preservation and Tree Cover Requirements** (Development Criterion #4)  
(see 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 plan shows that 16,800 square feet of existing tree canopy will be preserved. However, the preliminary tree cover calculations have been incorrectly calculated, as the area encompassed by Opah Street was deducted even though the Public Facilities Manual does not allow areas of proposed interior streets dedicated to VDOT to be subtracted. As shown on Sheet 4 the CDP/FDP, tree preservation would be provided along portions of the eastern and northern boundaries of the site. Urban Forest Management (UFM) has noted that the mostly sub-climax to climax Virginia pines marked for preservation on the northern and eastern sides of the property are not very tolerant of disturbance. Consequently, these trees would become subject to wind throw after the remaining portions of the site are cleared and, therefore, hazardous to users of the pocket park. For this reason, staff has recommended that these trees not be saved. Instead, staff recommends that small deciduous understory trees and evergreen screening trees of various sizes and species be installed within the tree preservation areas. The applicant has proffered to provide these trees and has also agreed to resubmit a new Tree Preservation Plan (Sheet 4) and Landscape Plan (Sheet 5) reflecting these changes. (At the writing of this report, the revised plans had not yet been submitted.)

Finally, staff has indicated that a large Norway spruce in good condition on the western portion of the property appears to be marked for preservation, yet the limits of clearing and grading have not been adjusted to accommodate it. Therefore, a proffer has been included outlining the specific care that will be taken during demolition of the nearby dwelling unit to minimize the impact to the root system of the spruce, if it is determined that the tree is able to be preserved.

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

*Criterion 5 requires that development provide safe and adequate access to the surrounding road network, and maintain the ability of local streets to safely accommodate traffic; that mass transit and pedestrian and other non-motorized transportation options be encouraged, and that interconnection of streets be provided where possible and appropriate. In addition, public streets are preferred, but alternative street designs may be appropriate where conditions merit. If the applicant uses private streets, justification for such should be provided.*

Access to the site will be provided by one entrance on Lacy Boulevard. Opah Street will be constructed as a modified Category 1 public street, with a right-of-

way width of 35 feet instead of 45 feet so that the meandering sidewalk and street trees will not be in the VDOT right-of-way. The proffers state that the applicant will dedicate and convey in fee simple to the Board of Supervisors the right-of-way necessary for the construction of the street as shown on the CDP/FDP; and that the sidewalk and trees will be maintained by the homeowners' association. As previously stated, sidewalks are provided on either side of this street, offering linkages to neighboring land uses and transit facilities. Staff has noted that there is no guest parking other than in the driveways and along one side of the street and suggests that additional guest parking be provided; the applicant has not addressed this concern.

Relative to Lacy Boulevard, the applicant has proffered to dedicate 30 feet of right-of-way from the centerline along the frontage, and construct the improvements shown on the CDP/FDP.

### **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 Parklawn Elementary School, Glasgow Middle School and Stuart High School. Each of these schools is projected to be below capacity by the 2010-2011 school year. The total number of students generated by this development is anticipated to be 9 students: 5 elementary, 1 middle and 3 high school students. This is an increase of 3 students above that generated by the existing zoning district. An appropriate contribution would be \$22,500 (3 students X \$7,500). The applicant has proffered a contribution of \$22,500 for capital improvements to schools that serve the area.

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

The proposed development will add approximately 55 new residents to the current population of the Mason Magisterial District. The applicant proposes to provide an on-site pocket park and a pedestrian path throughout the site. Because this application is for a Planned Development District (P-District), the Zoning Ordinance requires that \$955 per unit (or \$18,145) be spent on on-site recreational facilities. The open-space improvements shown on the FDP/CDP will qualify towards providing the ordinance-required outdoor recreational amenities.

In addition to on-site resources, the residents of the development will need off-site park and recreational facilities. In order to offset the impact this will have on Park Authority resources, the applicant has been asked to provide an additional \$14,575 (\$265 per estimated resident) to the Park Authority for recreational development off-site but within the development's service area. The applicant has proffered the \$14,575 requested for off-site recreational development.

*Fire and Rescue (Appendix 11)*

The subject property would be serviced by the Fairfax County Fire and Rescue Department Station #410, Baileys Crossroads. The requested rezoning currently meets fire protection guidelines.

*Fairfax County Water Authority (Appendix 12)*

The subject property is located within the Fairfax Water service area. Adequate domestic water service is available to the site from existing 6-inch and 8-inch water mains located at the property.

*Environmental & Site Review Division, Stormwater Management, DPWES (Appendix 13)*

The applicant proposes to provide stormwater management/best management practices (SWM/BMP) by expanding the existing pond on the adjacent church property, and has proffered to be responsible for its maintenance. The applicant also proposes constructing a bioretention facility in the western portion of the property.

*Sanitary Sewer Analysis (Appendix 14)*

The property is located in the Cameron Run Watershed, and would be sewered into the Alexandria Sanitation Authority Treatment Plant. Adequate sanitary sewer capacity is available to the subject property to support the proposed use, from an existing 8-inch line, located in Lacy Boulevard approximately 20 feet from the property.

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

*This Criterion states that a goal of Fairfax County is to ensure an adequate supply of housing for low- and moderate-income families, those with special accessibility requirements, and those with other special needs. This Criterion may be satisfied by the construction of units, dedication of land, or by a contribution to the Housing Trust Fund.*

The applicant is not providing affordable housing dwelling units, but has proffered to contribute a sum equal to 0.5% of the value of all units approved towards affordable housing.

**Heritage Resources** (Development Criterion #8) (Appendix 9 & Appendix 10)

*This Criterion requires that developments address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation.*

A Phase I archaeological survey has been conducted for the entire site. No historical or archaeological resources were identified. Furthermore, neither of the subject parcels is listed in the Fairfax County Inventory of Historic Sites, nor do they appear in the Standing Structures Survey. According to the Historic Preservation Planner, the existing structures have been sheathed in synthetic siding and do not appear to be architecturally significant. Nevertheless, their potential for historic significance is unknown and could only be determined through research.

**ZONING ORDINANCE PROVISIONS** (Appendix 16)

The requested rezoning of the 3.73 acre site to the PDH-8 District must comply with the applicable regulations of the Zoning Ordinance found in Article 6, Planned Development District Regulations and Article 16, Development Plans, among others.

**Article 6**

**Sect. 6-101.** Purpose and Intent: This section states that the PDH District is established to encourage innovative and creative design, to ensure ample provision and efficient use of open space; to promote balanced development of mixed housing types, and to encourage the provision of affordable dwelling units. As stated, the development proposes 19 single family detached units at a total density of 5.1 du/ac. Although the site is narrow, the applicant has attempted a more urban design and has employed creative design elements. By maximizing landscaping and working with the adjacent property owners, more than the minimum requirement for open-space has been provided. Additionally, the type of housing proposed is consistent with that called for in the Plan. Therefore, the application meets the purpose and intent of Article 16.

**Sect. 6-107 (Par. 1)** Minimum District Size: This section states that a minimum of two (2) acres is required for approval of a PDH District. The area of this rezoning application is 3.73 acres. Therefore, this standard has been satisfied.

**Sect. 6-107 (Par. 2)** Minimum Lot Area: There is no specific requirement for a minimum lot size in a “P” District.

**Sect. 6-109.** Maximum Density: The maximum density for the PDH-8 District is 8 dwelling units per acre (du/ac). The proposed density is 5.1 du/ac; therefore, this standard has been satisfied.

**Sect. 6-110.** Open Space: Par. 1 requires a minimum of 25% open space for a PDH-8 District without ADUs. Par. 2 requires recreational facilities be provided in the amount of \$955/unit. The application proposes to provide 27% of the site as open space. The draft proffers include a provision to contribute any remaining funds from the required \$955 per unit to the Park Authority for park facilities in the area. Staff believes this standard has been satisfied.

## **Article 16. Sections 16-101 and 16-102**

### **Sect. 16-101 General Standards**

Par. 1 requires conformance with the Comprehensive Plan recommendations. The Comprehensive Plan states that this area is planned for residential development at 2-3 dwelling units per acre (or, with full consolidation of the Opah Street properties, the possibility of single-family detached residential use at 5-6 du/ac, up to a maximum of 20 dwelling units). The applicant proposes to fully consolidate the Opah Street properties and develop the site with 19 single-family detached units at an overall density of 5.1 du/ac. This meets the Plan criteria for full consolidation of the Opah Street properties. Therefore, this standard has been satisfied.

Par. 2 requires that the proposed design achieve the stated purposes of the PDH district more than would development under a conventional zoning district. As noted, the proposed design allows for a development that provides a transition between higher density to the north and east, and the lower density area to the south. The design of the development is urban, with “Georgetown-style” front patios, wrought iron fences, arbors/trellises and various recreational and leisure amenities that employ a higher standard in design and construction. The curvilinear brick paver sidewalk provides a connection between the units and brings pedestrians closer to their neighbors' patios, encouraging a sense of community within the development. Additionally, the meanders in the path allow for the staggering of street trees to provide more visual interest. In staff’s evaluation, this standard has been met satisfactorily.

Par. 3 requires protection and preservation of scenic assets. The site is generally open and entirely man-made. The CDP/FDP shows two areas of tree preservation and various trees along the perimeter of the property to be protected. However, as previously stated, Urban Forest Management (UFM) has noted that

the mostly sub-climax to climax Virginia pines marked for preservation are not very tolerant of disturbance, and has recommended that the trees not be saved. However, the large Norway spruce that is in good condition on the western portion of the property is marked for preservation, and a proffer to save this tree has been included. The applicant has also proffered to work with UFM to save additional trees on the site that merit preservation. Finally, the CDP/FDP provides for the provision of street trees and landscaping throughout the development. Therefore, staff believes this standard has been satisfied.

Par. 4 requires a design which prevents injury to the use of existing development and does not deter development of undeveloped properties. The proposal is for single family detached residential development, which, as previously mentioned, provides a transition zone between surrounding developments. There are no other unconsolidated parcels available for development. Staff believes this standard has been addressed.

Par. 5 requires that adequate transportation and other public facilities are or will be available to serve the proposed use. The development is proposed to be served by a private road with access to Lacy Boulevard. Brick paver sidewalks are provided along both sides of the internal street, and frontage improvements are provided along Lacy Boulevard. Therefore, staff believes this standard has been adequately addressed.

Par. 6 requires that coordinated linkages among internal facilities and services as well as connections to major external facilities and services be provided at a scale appropriate to the size of the development. As noted, the development plan depicts a pedestrian sidewalk along both sides of the internal roadway leading to the pocket park; and on the public street along the western boundary of the site. Therefore, staff believes this standard has been satisfied.

#### **Sect. 16-102 Design Standards**

Par. 1 states that at the peripheral lot lines, the bulk regulations and landscaping and screening for the proposed development should generally conform to the provisions of the most comparable conventional district. In this instance, the most comparable conventional district is the R-5 District. A comparison of these requirements and the proposed bulk regulations for the lots is shown in the table below.

	<b>R-5 Provisions</b>	<b>Proposed</b>
Lot Size	5,000 sq. ft.	±4,300 sq. ft.
Lot Width	50 feet	±50 feet
Front Yard	20 ft.	±18 feet (with ±18 ft driveways)
Side Yard	8 feet	5 feet
Rear Yard	25 feet	15 feet

While the application does not conform to all of the recommended minimums, a buffer of at least 15 feet exists between the development and the Oakview Garden Apartments on the north and east, in accordance with the Comprehensive Plan. The proposed 10-foot buffer to the south, adjoining the Jehovah's Witnesses South Congregation Church, complements the 20 foot landscaped buffer that exists on the church property.

Par. 2 states that the open space, parking, loading, sign and all other similar regulations shall have general application in all planned developments. This application satisfies all applicable Zoning Ordinance provisions.

Par. 3 states that streets and driveways shall be designed to generally conform to the provisions of the Ordinance. The internal roadway is proposed to be private. The CDP/FDP has driveways with a minimum length of 18 feet. This standard has been satisfied.

Par. 4 states that emphasis should be placed on the provision of recreational amenities and pedestrian access. The development plan includes sidewalks along the internal private street and external public street. The plan also includes a park feature, with an active recreation area. Staff believes this standard has been satisfied.

#### **Highway Corridor Overlay District (Sect. 7-600)**

The provisions of Sect. 7-608, Use Limitations, apply additional standards for users in the HC. These conditions apply to drive-in banks, fast food restaurants, quick-service food stores, service stations and service station/mini-marts. The provisions of the HC do not apply to this application.

#### **Baileys Neighborhood Improvement Program and Conservation Plan**

The basic goal of the Baileys Neighborhood Improvement Program is the preservation in Bailey's of a viable and sound residential community through the

improvement of public facilities and private property. The Conservation Plan provides a legal mechanism for carrying out the activities of the Neighborhood Improvement Program, firmly establishes land-use densities for the Conservation Area, and sets standards for future development and rehabilitation in the community. Staff believes this application satisfies the goal of the Improvement Program and Conservation Plan.

## **WAIVERS AND MODIFICATIONS**

### Modification of the pedestrian trail required along Lacy Boulevard in favor of a five-foot concrete sidewalk.

The Countywide Trails Plan shows a Major Paved Trail along Lacy Boulevard, made of asphalt or concrete and measuring at least 8 feet in width. The applicant is requesting a waiver of this requirement in favor of a five-foot concrete sidewalk to better match the existing four-foot sidewalk. Staff does not object to this request.

### Modification of the Category 1 public street design (as set forth in the PFM) in favor of that shown on the plan.

Opah Street will be constructed as a modified Category 1 public street, with a right-of-way width of 35 feet instead of 45 feet so that the meandering sidewalk and street trees will not be in the VDOT right-of-way. The meandering sidewalk will not be eligible for VDOT maintenance; however, the applicant has included a proffer stating that the homeowners' association will maintain the sidewalk and the proposed street trees.

### A waiver of the requirement of Section 101-2-2 (24) of the Subdivision Ordinance to provide a shared utility easement at the back of the curb in favor of an alternative location that conflicts less with the design of the project's street frontage.

This waiver will be addressed at the time of the subdivision plan. In the event that the waiver is not approved, the applicant acknowledges that a proffered condition amendment may be necessary.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The applicant's request to rezone the 3.73 acre property from the R-3 to the PDH-8 District to permit the development of 19 single-family detached dwelling

units at an overall density of 5.1 dwelling units per acre is in conformance with the density recommendations of the Comprehensive Plan. The CDP/FDP depicts a layout that is generally functional, and provides for 27% open space. The application fulfills all of the Residential Development Criteria, and meets the applicable Zoning Ordinance provisions.

### **Recommendation**

Staff recommends approval of RZ 2005-MA-030, subject to proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDP 2005-MA-030.

Staff recommends approval of a modification of the pedestrian trail required along Lacy Boulevard in favor of a five-foot concrete sidewalk.

Staff recommends approval of a modification of the Category 1 public street design (as set forth in the PFM) in favor of that shown on the CDP/FDP.

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

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

### **APPENDICES**

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Comprehensive Plan Citations
5. Environmental Analysis
6. Forest Conservation Analysis, DPWES
7. Transportation Analysis
8. Fairfax County Public Schools
9. Fairfax County Park Authority
10. Historic Preservation Analysis
11. Fire and Rescue
12. Fairfax County Water Authority
13. Environmental & Site Review Division, SWM, DPWES

**APPENDICES (Cont.)**

14. Sanitary Sewer Analysis
15. Residential Development Criteria
16. Zoning Ordinance Provisions
17. Glossary

PROFFERS  
CONCORDIA MASON LLC

RZ 2005-MA-030

March 1, 2006

Pursuant to Section 15.2-2303(A) of the *Code of Virginia* (1950) as amended, subject to the Board of Supervisors approval of a rezoning to the PDH-8 District affecting development of the application property identified as Tax Map 61-4 ((1)) 93 and 93A and 61-4 ((18)) 11, 12 and 13 and to-be vacated right-of-way associated with Opah Street (hereinafter referred to as the “Property”), Concordia Mason LLC, hereinafter referred to as the “Applicant” proffers for itself, its successors and assigns, the following conditions. These proffers supercede any previous proffers accepted for the Property.

1. Development Plan. Development of the Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP) prepared by VIKA, Incorporated, dated August 31, 2005 and revised through February 3, 2006.
2. CDP Elements. Notwithstanding that the CDP/FDP is presented on Sheets 1 through 12 and said CDP/FDP is the subject of Proffer No. 1 above, it shall be understood that the CDP shall be the entire plan shown on Sheet 3 relative to the point of access, total number of dwelling units, general location of lots, the amount and general location of open space and the dimensions from the peripheral lot lines, and that the Applicant has the option of requesting a Final Development Plan Amendment for elements other than the CDP elements in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance, if in conformance with the approved CDP and proffers.
3. Minor Modifications. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the CDP/FDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the CDP/FDP without requiring approval of an amended FDP provided such changes are in substantial conformance with the CDP/FDP as determined by the Zoning Administrator, agents or assigns and neither increase the density nor decrease the amount of open space.
4. Lacy Boulevard. At the time of final subdivision approval or upon demand, whichever comes first, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way along the Property’s Lacy Boulevard frontage measuring approximately 30 feet from the existing centerline as shown on Sheet 3 of the CDP/FDP. The Applicant shall provide frontage improvements to Lacy Boulevard as shown on the CDP/FDP.

5. Opah Street. At the time of final subdivision approval or upon demand by Fairfax County, whichever shall occur first, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way necessary for the construction of Opah Street as depicted on Sheet 3 of the CDP/FDP. The Applicant shall construct Opah Street as a modified Category 1 public street as shown on the CDP/FDP and as may be approved by VDOT.

Notwithstanding the submission for processing of any applications, plan or plats in furtherance of the development of the Property, the Applicant acknowledges that no such application, plan, or plat shall be approved by Fairfax County until or unless the vacation of right-of-way proposed as part of the Property is approved by the Board of Supervisors and is final. In the event that such vacation is not approved by the Board of Supervisors, or in the event that the Board's approval is overturned by a Court of Competent Jurisdiction, any development of the Property under the PDH-8 District shall require a Proffered Condition Amendment and the Applicant acknowledges that such Amendment may result in a loss of density. The Applicant hereby waives any right to claim or assert a taking or any other Cause of Action that otherwise may have arisen out of a Board decision to deny in whole or in part the right-of-way vacation.

6. Density Credit. Density credit shall be reserved as may be permitted by the provisions of Paragraph 5 of Section 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications described herein, including road dedications, or as may be required by Fairfax County or Virginia Department of Transportation ("VDOT") at the time of site plan approval.
7. Architectural Design. The architectural design of the residential dwellings shall be in general conformance with the character of the elevations shown on Sheets 11 and 12. The Applicant reserves the right to refine the elevations as a result of final architectural design, so long as the character and quality of design remains consistent with those shown, as determined by the Department of Public Works and Environmental Services ("DPWES"). Building materials shall include but not be limited to one or more of the following: masonry, brick, stone, vinyl and cementitious siding. The front facades of all the dwellings and the side elevations facing Lacy Boulevard shall be brick.
8. Landscaping and Tree Preservation. A landscape plan shall be submitted as part of the first and all subsequent submissions of the subdivision plan and shall be coordinated with and approved by Fairfax County Urban Forest Management ("UFM"). This plan shall be in substantial conformance with the landscape concepts plan as to quantity and quality of plantings, and in general conformance with the location of plantings as shown on Sheet 5. The Applicant shall work with UFM to select plant species that in addition to meeting other landscaping requirements such as durability, availability and aesthetics, also aid in the maintenance of air quality. Location of plantings may be modified based on utility location, sight distance easements, and final engineering details as approved by the UFM, but shall

be consistent in the number and type of plantings. Any such modification shall not delete any landscaping shown on the CDP/FDP.

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 spread and condition rating percentage of all trees 10 inches in diameter and greater within 15 feet of 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 trees which 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 Plan 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.
- The Applicant and its certified arborist or landscape architect shall walk the proposed limits of clearing and grading with a representative of UFM to determine if such limits can, and should, be adjusted to minimize disturbance to trees located off-site on adjacent properties.
- 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 occur 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 including the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, multi-flora rose, etc. shall be subject to the review and approval of UFM.
- The use of motorized equipment in tree preservation areas shall 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.
- All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 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 the CDP/FDP.

- All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, UFM shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.
- During any clearing or structure removal on the Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM. Should it be determined that certain trees can be preserved, the Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFM approvals. The monitoring schedule shall be described and detailed in the tree preservation plan and reviewed and approved by UFM.
- If it is determined that the approximately 10-inch diameter Norway spruce located along the frontage of Lacy Boulevard on the south side of the proposed entry road can be preserved, care shall be taken during demolition to minimize impacts to the root system of this tree. To give this tree the greatest possible chance for survival and continued health, the root zone shall be protected during demolition and subsequent development of the Property. The area beneath the front walkway, steps and the existing dwelling shall be considered within the root zone of this tree. Demolition of the existing dwelling shall be performed under the direct supervision of a certified arborist with experience in tree preservation on construction sites. Tree protection fencing shall be initially installed to allow demolition of the house, steps and walkway; however, at no time during demolition shall equipment be positioned on or travel over the ground covered by the steps, walkway or portion of the structure considered to be within the root zone of the tree. Following demolition, tree protection fence shall be relocated to protect the area previously covered by the steps and walkway, or any area within the footprint of the house not affected by grading for the new construction. The entire area within the tree preservation area (the area protected by fencing) shall be left in its natural state where undisturbed; or mulched where the area was previously bare, in turf, or disturbed. The Applicant shall be committed and diligent in following through with tree preservation activities and minimizing construction impacts.

9. Design Details. The site and amenity details shown on the CDP/FDP illustrate the design intent and overall community organization of the proposed development. Landscaping and on-site amenities shall be substantially consistent in terms of character and quantity with the illustrations and details presented on these sheets. Specific features such as exact locations of plantings, walking trails, sidewalks to individual dwellings, etc. are subject to

modification with final engineering and architectural design. Landscaping and on-site amenities shall include:

- A. Installation of streetscape elements and plantings along the Property's Lacy Boulevard as shown on the CDP/FDP. Street trees shall be a minimum of three-inch caliper at the time of planting.
- B. Provision of entry sign walls at the intersection of Lacy Boulevard and Opah Street.
- C. Installation of streetscape elements along Opah Street to include:
  - rhythmic sidewalks on both sides of the street creating a distinctive streetscape with “eyebrow” planting areas accommodating street trees between the sidewalk and the street;
  - street trees a minimum of three inch caliper at the time of planting; and
  - low decorative metal fencing with brick piers separating the public streetscape from private front yards.
- D. Provision of entry courtyards at the front of each dwelling unit as shown on Sheet 7. These courtyards will include specialized paving, fencing, a variety of arbor/trellis structures and landscaping.
- E. Provision of a pocket park at the eastern portion of the Property, as shown on Sheet 5. This park area shall include a walking trail, gazebo, benches, picnic tables, two community play structures and landscaping as generally depicted on Sheets 6 and 8 of the CDP/FDP. A variety of native trees shall be planted to replace the existing trees to be removed in this area.
- F. Provision of landscaping and a barrier along the northern, eastern and southern property lines. A six foot high board on board fence shall be installed along these perimeter property lines. Retention of existing quality trees subject to Proffer 8 above, and installation of a mixture of evergreen, deciduous and ornamental trees shall be provided as shown on Sheet 5.
- G. All outdoor lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. Fixtures used to illuminate streets, parking areas and walkways shall not exceed twenty (20) feet in height, shall be of low intensity design and shall utilize full cut-off fixtures that shall focus directly on the Property.

10. Maintenance Responsibilities. The Applicant and its successors shall be responsible for on-going maintenance of the sidewalk along Opah Street, the pocket park, perimeter fence and common area landscaping. Notice of such maintenance responsibility shall be provided to prospective purchasers prior to entering into a contract of sale. The homeowner association documents shall specify said maintenance responsibilities.
11. Affordable Housing Contribution. The Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to 0.5 percent of the sales price of all units approved on the Property. This contribution shall be payable prior to the issuance of the first building permit. The percentage set forth above shall be based upon the aggregate sales price of all of the units subject to the contribution, as if all of those units were sold at the time of the issuance of the first building permit, and shall be estimated through comparable sales of similar type units.
12. On-Site Recreation. The Applicant shall comply with Paragraph 2 of Section 6-110 of the Zoning Ordinance by contributing \$955 per dwelling unit for developed recreational facilities. The Applicant shall receive credit for the on-site recreational facilities as permitted per the Zoning Ordinance. The on-site recreation shall include, but not be limited to a gazebo, community play structure and walking path in the eastern portion of the Property. Any additional money remaining that is not spent for on-site facilities shall be contributed to the Fairfax County Park Authority (“FCPA”).
13. Park Contribution. In addition to the On-Site Recreation proffer above, prior to the issuance of the first Residential User Permit (RUP) for the Property, the Applicant shall contribute \$14,575 to the Fairfax County Board of Supervisors for the development of park facilities in the vicinity of the Property..
14. School Contribution. Prior to the issuance of the first RUP for the residential dwellings on the Property, the Applicant shall contribute \$22,500 to the Fairfax County Board of Supervisors for the construction of capital improvements to public schools in the vicinity of the Property.
15. Stormwater Management. Unless partially waived or modified, the Applicant shall provide stormwater management and Best Management Practices (“BMPs”) as follows:
  - A. The existing pond on adjacent property identified as Tax Map 61-4 ((18)) 17A shall be expanded and modified as generally shown on Sheet 10 of the CDP/FDP. This off-site pond will be enlarged and modified to provide extended stormwater detention and water quality BMPs.
  - B. A bioretention facility providing stormwater management and BMPs constructed in accordance with the Public Facilities Manual (“PFM”) shall be provided in the western portion of the Property as generally depicted on Sheet 10 of the CDP/FDP.

The Applicant and its successors shall be responsible for maintenance of the joint stormwater management pond. The maintenance responsibility shall be incorporated in an agreement to be approved as to form by the Fairfax County Attorney's office. Notice of such maintenance responsibility shall be provided to the prospective purchasers prior to entering into a contract of sale. The homeowner association documents shall specify said maintenance responsibilities.

16. Geotechnical Study. If required by DPWES, a geotechnical engineering study shall be submitted to DPWES for review and approval prior to final site plan approval, and recommendations generated by this study shall be implemented as required by DPWES.
17. Temporary Signs. No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 of Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on- or off-site by the Applicant or at the Applicants' direction to assist in the initial sale or rental of residential units on the Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale and/or rental of residential units on the Property to adhere to this proffer.
18. These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.
19. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one in the same instrument.
20. The individual sections within the Property may be subject to Proffered Condition Amendments (PCA) and Final Development Plan Amendments without joinder and/or consent of the other property owner of the other sections/buildings.

[SIGNATURES BEGIN ON NEXT PAGE]

APPLICANT/TITLE OWNER OF TAX MAP 61-4  
((1)) 93, 93A AND 61-4 ((8)) 11, 12, 13 AND  
PORTIONS OF OPAH STREET TO BE  
VACATED AND/OR ABANDONED

CONCORDIA MASON LLC

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By: William J. Collins  
Its: Manager/Member

[SIGNATURES CONTINUE ON NEXT PAGE]

CONTRACT PURCHASER OF TAX MAP 61-4  
((1)) 93, 93A AND 61-4 ((8)) 11, 12, 13 AND  
PORTIONS OF OPAH STREET TO BE  
VACATED AND/OR ABANDONED

NEIGHBORHOODS IV, LLC

By: Stanley Martin Companies, Inc., its  
Manager/Member

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER OF PORTIONS OF OPAH  
STREET TO BE VACATED/ABANDONED

BOARD OF SUPERVISORS OF FAIRFAX  
COUNTY

---

Anthony H. Griffin, County Executive

[SIGNATURES END]