



**APPLICATION FILED:** February 3, 2005  
**APPLICATION AMENDED:** December 12, 2005  
**PLANNING COMMISSION:** April 19, 2006  
**BOARD OF SUPERVISORS:** May 1, 2006 at 3:30 P.M.

# County of Fairfax, Virginia

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**April 5, 2006**

## **STAFF REPORT**

**APPLICATION RZ/FDP 2005-DR-009**

### **DRANESVILLE DISTRICT**

**APPLICANT:** Winchester Homes, Inc.

**PRESENT ZONING:** R-1

**REQUESTED ZONING:** PDH-3

**PARCEL(S):** 29-1 ((1)) 33, 33A, 34, 34A, 35, 35A pt., 36, 37, 37A, 38, 39, 40B, 41, Odrick's Lane and a portion of Gordon Lane to be abandoned/vacated

**ACREAGE:** 8.11 acres

**FAR/DENSITY:** 2.34 du/ac

**OPEN SPACE:** 25%

**PLAN MAP:** Residential; 2-3 du/ac

**PROPOSAL:** Rezone the subject site from R-1 to PDH-3 for the development of nineteen (19) single-family detached dwellings.

### **STAFF RECOMMENDATIONS:**

Staff recommends approval of RZ 2005-DR-009 and the Conceptual Development Plan, subject to the draft proffers contained in Appendix 1 of the staff report.

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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 FDP 2005-DR-009, subject to the proposed development conditions contained in Appendix 2 and the Board of Supervisors approval of RZ 2005-DR-009.

Staff recommends that a variance of the maximum height limitation on walls in the side and rear yards be approved to permit an eight (8) foot high wall in the side and rear yards of Lots 1 and 19 as 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.

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 WILL BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATION**

The applicant seeks to rezone the 8.11-acre site from the R-1 to the PDH-3 District, for the development of nineteen (19) single family detached homes for a density of 2.34 dwelling units per acre (du/ac) with 25% open space. One of the portions of property included in the rezoning (part of Parcel 35A) is owned by the Board of Supervisors. The subject site also includes Odrick's Lane and a portion of Gordon Lane, which would be vacated/abandoned.

The applicant has also requested a variance of the maximum height limitation on walls in the side and rear yards of Lots 1 and 19 to permit an eight (8) foot high wall as depicted on the CDP/FDP. Fences and walls in the side and rear yard are limited to a maximum height of seven (7) feet.

**LOCATION AND CHARACTER**

**Site Description:**

The 8.11 acre application property is located on the south side of Lewinsville Road, approximately 200 feet west of its intersection with Spring Hill Road in the Dranesville District. The site is partially forested and contains approximately eleven existing single-family detached residences and outbuildings. The property, which is relatively flat, is located within a portion of the headwaters of the Difficult Run watershed.

The eastern property line contains a mature and high quality 25-foot wide buffer of sub-climax upland hardwood species such as yellow poplar, oak species, and red maple. The northern and central portion of the site is partially open and contains some high quality open grown oaks, maples, ornamentals and turf/grassland. Some of the maples are in poor health or have structural deficits, and a very large southern red oak along Lewinsville Road has substantial heart rot and decay at the base and lower portions of the trunk. The western property line area contains existing Gordon Lane and some early successional hardwood vegetation consisting mostly of red maple and undergrowth. The far southern portion of the property consists mostly of turf/grassland and large open grown red maples.

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Lewinsville Road; Single-family detached residential (Summerwood)	R-1	Residential, 1-2 du/ac
<b>South</b>	Single-family detached residential (Odrick's Corner)	R-1	Residential, 2-3 du/ac
<b>East</b>	Church (Charity Baptist Church); Vacant (BOS-owned property)	R-1	Residential, 2-3 du/ac
<b>West</b>	Single-family detached residential (Bellemeade II)	R-1	Residential, 1-2 du/ac

## **BACKGROUND**

There have been no previous variance, special permit, special exception or rezoning requests on the subject site.

## **COMPREHENSIVE PLAN PROVISIONS**

<b>Plan Area:</b>	II
<b>Planning District:</b>	McLean
<b>Planning Sector:</b>	Spring Hill
<b>Plan Map:</b>	Residential, 2-3 du/ac
<b>Plan Text:</b>	

In the Fairfax County Comprehensive Plan, as amended through July 11, 2005, beginning on page 121, the Plan states:

- Vacant land south of Lewinsville Road and east of Gordons Lane is planned for residential use at 2-3 du/ac. Cluster development is encouraged so that land immediately adjacent to the Dulles Airport Access Road would remain as open space and provide a buffer to the residential area.*

## **ANALYSIS**

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

<b>Title of CDP/FDP:</b>	McLean Glen
<b>Prepared By:</b>	BC Consultants
<b>Original and Revision Dates:</b>	January, 2005, as revised through March 31, 2006

**Description of CDP/FDP**

<b>CDP/FDP McLean Glen</b>	
<b>Sheet #</b>	<b>Description of Sheet</b>
1 of 6	Site layout; Site tabulations; Vicinity map; Lot size table
2 of 6	General notes; CDP comments; FDP comments; Typical single-family detached unit plan; Typical single-family detached landscaping plan; Owner and area tabulation table
3 of 6	Landscaping plan; Legend; Tree cover calculations; Recommended plant list
4 of 6	Community area amenity plan
5 of 6	Entry feature detail; Bench detail; Street light detail; Park structure (gazebo) detail, Fence detail (brick column and metal fence)
6 of 6	Elevation 1 (Belfry); Elevation 2 (Oakmont); Elevation 3 (Pinehurst); Elevation 4 (Innisbrook)
1 of 1	Existing vegetation map (EVM); EVM summary table
1 of 1	Preliminary stormwater (SWM) and best management practices (BMP) design computations; Preliminary SWM and BMP narrative

The following features are depicted on the combined CDP/FDP:

**Site Layout:** The subject site consolidates parcels between the Charity Baptist Church [Tax Map Parcel 29-1 ((1)) 35C] and the western half of the Board of Supervisors-owned property [Tax Map Parcel 29-1 ((1)) 35A part] and the Bellemeade II subdivision with the exception of those two parcels abutting the Dulles Airport Access Road (DAAR) – Tax Map Parcels 29-1 ((1)) 40 and 40A. The site does not include Odrick’s Subdivision located to the east of the subject site.

A total of 19 units are proposed, at a density of 2.34 dwelling units per acre (du/ac). Access to the development would be via realigned Gordon Lane. Under the new site layout, both Gordon Lane and Odrick’s Lane would be abandoned. Gordon Lane would be relocated from its existing location along the western property line of the site (abutting the Bellemeade II subdivision) to run through the center of the site. The proposed single-family detached dwellings would be oriented to relocated Gordon Lane with nine (9) units on the west side of Gordon Lane and 10 units on the east side of Gordon Lane. Gordon Lane would remain a public street and would terminate as a cul-de-sac with a 30-foot radius. Parcels 40 and 40A would have driveway access off of the cul-de-sac. A future interparcel access to the east is shown to be located between proposed Lots 13 and 14.

The average lot area for the proposed units would be 9,930 square feet (SF), with a minimum lot area of 9,020 SF. The typical lot layout indicates that unless otherwise noted, each lot would have a minimum front yard setback of 20 feet and a minimum rear yard setback of 25 feet. For lots on the western side of Gordon Lane, units would have a minimum side yard setback of five (5) feet but a total of 30 feet between units. For lots on the eastern side of Gordon Lane, units would have a minimum side yard setback of five (5) feet but a total of 23 ½ feet between units. Each unit would be front-loaded and four different elevations have been shown. The driveway and garage would each be wide enough for two cars.

**Access and Parking:** All units would have a two-car garage and an 18-foot long driveway to accommodate parking. In addition, on-street parking would be available along Gordon Lane. Four (4) foot wide sidewalks are proposed along both sides of Gordon Lane. An eight-foot wide asphalt trail is proposed along the site's Lewinsville Road frontage. This trail would connect to the trail along Bellemeade's Lewinsville Road frontage, located to the west of the site. The applicant has also proffered to continue this trail off-site along the frontage of the Charity Baptist Church (Parcel 35C).

The applicant proposes to construct a right turn lane from Lewinsville Road into the site, as well as a left turn lane from Lewinsville Road into the site. A future interparcel access to the properties to the east (Odrick's Subdivision) is depicted to be located between proposed Lots 13 and 14.

**Open Space and Landscaping:** Twenty-five percent (25%) open space would be provided, which exceeds the minimum 20% open space requirement for the PDH-3 District. The open space is primarily located in two areas. The first area is located along Lewinsville Road, on either side of relocated Gordon Lane. This area would be furnished with a gazebo and an entry feature. A small area of tree save is depicted within this open space area along the eastern property line. The second area of open space would be located along the site's western property line. This open space will contain two stormwater management (SWM) facilities, located in the northwest and southwest corners of the site. In addition, the applicant plans to landscape the area currently occupied by Gordon Lane in order to provide a landscaped buffer to the existing Bellemeade II subdivision. Finally, a small open space area is located in the southeastern corner of the site, abutting proposed Lot 10

**Stormwater Management:** Two dry pond facilities and an infiltration trench are proposed to provide stormwater management (SWM) and best management practices (BMP) for the site. The first facility would be located in the northwest corner of the site, abutting Lewinsville Road and the Bellemeade II neighborhood. Access to this facility would be provided directly from Lewinsville Road. The second facility would be located in the southwest corner of the site, abutting Bellemeade and an existing single-family detached dwelling. Access to this facility would be provided from a driveway which would abut the existing house on Parcel 40A. The applicant has proffered to landscape the proposed ponds.

**RESIDENTIAL DEVELOPMENT CRITERIA** (Appendix 15)

Fairfax County expects new residential development to enhance the community by: fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on other housing, and being responsive to the unique site specific considerations of the property. To that end, the following criteria are used in evaluating zoning requests for new residential development:

**Development Criterion #1; Site Design (DC1)** requires that the development proposal should address consolidation goals in the plan, further the integration of adjacent parcels, and not preclude adjacent parcels from developing in accordance with the Plan. As noted above, the Plan recommends that development in this area be clustered so that land immediately adjacent to the DAAR can be retained as an open space buffer. The application does not include the two parcels closest to the DAAR or the four parcels in and adjacent to Odrick's subdivision to the east of the subject property. Staff believes that consolidation of these parcels would facilitate the more creative and innovative design solutions characteristic of a P-District, as well as more adequate satisfaction of the Plan recommendations. However, as noted above, these property owners have declined to take part in this rezoning application. The application does provide open space in those portions of the site that are located closest to the DAAR. In addition, the application provides interparcel access, which staff believes will facilitate any development of these parcels in the future.

DC1 states that the development should provide for a logical design with appropriate relationships among the various parcels of the development, including yards, streets, open space, and other dwelling units. The applicant proposes single-family detached dwellings, which will be oriented to the proposed relocated Gordon Lane. The proposed site layout is similar to that of the surrounding developments, which were developed under a conventional zoning district.

DC1 also requires that open space be usable, accessible, and integrated with the development and that appropriate landscaping, amenities, and design treatments be provided. Open space is located along Lewinsville Road, along the western property line and along the site's southern boundary near the DAAR. The open space along Lewinsville Road contains a landscaped entry feature and tree save. The open space in the southeastern corner of the site will be an unprogrammed grassy area, which will serve as a play area for children.

**Development Criterion #2; Neighborhood Context (DC2)** states that, while developments are not expected to be identical to their neighbors, they should fit in the fabric of the adjacent community. DC2 notes that new developments should provide appropriate transitions to abutting and adjacent uses.

Existing Gordon Lane forms the separation between those areas planned for residential development at 1 to 2 du/ac and those areas planned for 2 to 3 du/ac.

Given the site's location in this transition zone, staff believes that it is important for any development of the subject site to be sensitive to the abutting R-1 Cluster development of Bellemeade II. While the lots proposed under the applicant's site layout are smaller than the abutting development of Bellemeade II, the applicant has tried to address this issue by creating a buffer between the two developments. This landscaped buffer would be composed of a single row of Leyland Cypress and some deciduous and evergreen trees. In addition, the lot typical indicates that the minimum setback between units on the west side of Gordon Lane will be 30 feet. While staff believes that larger lots might negate the need for any landscaped buffer, staff believes that the proposed development is compatible with the abutting developments.

A SWM facility (dry pond) is proposed in the southwestern corner of the site. This facility would abut the existing house on Parcel 40A and would be immediately across the proposed new cul-de-sac from the existing house on Parcel 40. A single row of Leyland Cypress trees is proposed to buffer these existing houses from the facility.

**Development Criterion #3: Environment (DC3)** requires that all rezoning applications for residential development, regardless of the proposed density, be consistent with the policies and objectives of the environmental element of the Policy Plan. DC3 recommends that developments conserve natural environmental resources by protecting, enhancing, and/or restoring the habitat value and pollution reduction potential of floodplains, stream valleys, environmental quality corridors (EQCs), resource protection areas (RPAs), woodlands, wetlands and other environmentally sensitive areas. A copy of the Environmental Analysis can be found in Appendix 6.

#### Tree Preservation

DC #3 recommends that developments conserve natural environmental resources by protecting, enhancing, and/or restoring the habitat value and pollution reduction potential of floodplains, stream valleys, EQCs, RPAs, woodlands, wetlands and other environmentally sensitive areas. In addition, Par. 3 of Sect. 16-101 (General Standards for Planned Developments) states that planned developments should protect and preserve to the extent possible all scenic assets and natural features such as trees. The subject site contains several areas of existing trees which Urban Forest Management, DPWES, recommends be preserved. The proposed site layout would preserve a small area of trees in the northeast corner of the site and some existing trees along the eastern property line of the site, behind proposed Lots 17 through 19. This issue is discussed in further detail under Development Criterion #4 (Tree Preservation).

#### Water Quality

DC #3 recommends that developments minimize off-site impacts on water quality by commitments to state-of-the-art best management practices for stormwater management and low impact site design techniques. No low impact development

techniques have been incorporated into the design of this site. The CDP/FDP indicates that the site will be served by two dry ponds to meet detention and water quality requirements for the proposed development. DPWES recommended that the applicant design the facilities to provide additional stormwater detention and water quality control for the 4.88 acres of off-site stormwater runoff that will pass through the pond. The applicant has indicated that the facilities have been redesigned to accommodate this off-site runoff.

#### *Transportation Generated Noise*

DC #3 states that developments should protect future and current residents and others from the adverse impacts of transportation generated noise. The Policy Plan of the Comprehensive Plan recommends that new development should not expose people in their homes, or other noise sensitive environments, to noise in excess of DNL 45 dBA, or to noise in excess of DNL 65 dBA in the outdoor recreation areas of homes. The subject property is within close proximity to the DAAR. The applicant submitted a noise study of the site, which indicates that the site will not be adversely impacted by noise from the DAAR. However, the site will be impacted by noise above 65 dBA from Lewinsville Road. The applicant has proffered to mitigate interior noise levels within all units to 45 dBA or below. The applicant has proffered to install a six (6) to eight (8) foot high solid wall along the side and/or rear yards of proposed Lots 1 and 19 as depicted on the CDP/FDP.

**Development Criterion # 4; Tree Preservation (DC4)** states that developments should take advantage of existing quality tree cover, that preserving existing trees is highly desirable, and that utility crossings should be located, where feasible, so as not to interfere with proposed tree save areas. A copy of the Urban Forest Management Analysis can be found in Appendix 7.

The applicant proposes to preserve a small area of existing trees in the northeast corner of the site, as recommended by Urban Forest Management. The applicant is also depicting a five (5) foot high retaining wall behind the proposed units on proposed Lots 17 through 19 in order to preserve trees along the eastern property line as recommended by Urban Forest Management.

**Development Criterion # 5; Transportation (DC5)** requires that developments provide safe and adequate access to the surrounding road network by providing capacity enhancements to nearby arterial and collector streets. A copy of the Transportation Analysis is found in Appendix 5.

DC #5 states that residential development should provide safe and adequate access to the road network, maintain the ability of local streets to safely accommodate traffic, and offset the impact of additional traffic. Access to the proposed development would be provided from Lewinsville Road. The applicant has proffered to construct a right-turn and left-turn lane into the site prior to the issuance of the first Residential Use Permit (RUP).

DC#5 also recommends that vehicular connections between neighborhoods should be provided. In particular, when appropriate, existing stub streets should be connected to adjoining parcels. Odrick's Lane currently bisects the site. Staff believes that Odrick's Lane should be extended to the properties to the east. The applicant proposes to abandon Odrick's Lane and create a new interparcel access between proposed Lots 13 and 14 to the properties to the east closest to the proposed new cul-de-sac.

Pedestrian circulation for the site is provided via four (4) foot wide sidewalks on either side of Gordon Lane and an eight (8) foot wide asphalt trail along Lewinsville Road. The trail will connect to an existing trail along the Lewinsville Road frontage of the Bellemeade II subdivision to the west. The applicant has also proffered to extend this trail across the frontage of the Charity Baptist Church. Staff notes that the sidewalks along Gordon Lane should be five (5) feet wide. With the implementation of the staff-proposed development condition, this issue is resolved.

### **Public Facilities Analyses (Appendices 8 through 13)**

#### **Sanitary Sewer Analysis (Appendix 8)**

The application property is located in the Scotts Run (E1) Watershed. It would be sewer into the Blue Plains Treatment Plant. An existing eight (8) inch pipe line located within an easement and within the property is adequate for the proposed use at this time. Based on current and committed flow, there is excess capacity in the plant at this time. However, availability of treatment capacity will depend on the current rate of construction and the timing for development of this site.

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

The subject properties are located within the Fairfax Water Service Area. Adequate domestic water service is available at the site from existing 3-inch, 6-inch, 8-inch and 12-inch water mains located at the site.

#### **Fire and Rescue (Appendix 10)**

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #29, Tysons. The requested rezoning currently meets fire protection guidelines, as determined by the Fire and Rescue Department.

#### **Fairfax County Public Schools (Appendix 11)**

The proposed development would be served by Spring Hill Elementary School, Cooper Middle School, and Langley High School. Enrollment in Spring Hill Elementary is projected to be above capacity by the 2010-2011 school year. Enrollment in Cooper Middle and Langley High Schools are projected to be below capacity by the 2010-2011 school year. It should be noted that this analysis does not take into account the potential impact of other pending proposals that could affect the same schools.

According to Fairfax County Public Schools, the proposed zoning would generate a total of nine (9) students, which is six (6) students above the existing zoning. Using the adopted guideline of \$7,500 per additional student over development at the current zoning, this would justify a contribution of \$45,000. The applicant has proffered to contribute \$2,368.42 per unit for the provision of capital improvements to schools located within the area serving the subject site prior to the issuance of the first building permit. Under this formula, a maximum of \$49,999.98 could be contributed based on 19 units.

### **Fairfax County Park Authority (Appendix 12)**

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 \$18,145 is required. In order to offset the additional impact caused by the proposed development, the applicant should provide an additional \$14,625 to the Park Authority 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 \$32,770 to the Park Authority.

The applicant has proffered to provide recreational facilities to serve the subject site. The applicant has also proffered an additional \$10,600 to the FCPA for park purposes and/or facilities in the area. In the event it is demonstrated that the proposed facilities do not have sufficient value to meet the required on-site active recreation contribution, the applicant has proffered to either provide additional on-site recreational amenities within the open space areas shown on the CDP/FDP or to contribute funds in the amount needed to achieve the overall proffered amount of \$955 per unit to the Park Authority.

### **Stormwater Analysis (Appendix 13)**

As noted in the Environmental Analysis, DPWES has recommended that the applicant design the pond to provide additional stormwater detention and water quality control for the 4.88 acres of off-site stormwater runoff that will pass through the pond. The CDP/FDP and proffers reflect this change. In their memo, DPWES also notes that the CDP/FDP indicates that the northernmost pond will discharge through an existing storm drainage easement on the Bellemeade II subdivision, but that this storm drainage easement is in fact a conservation easement. The applicant has since noted that the original subdivision plan for Bellemeade II subdivision initially dedicated a conservation easement over the northernmost corner of their site but later a revised plan was submitted which was approved by the County that dedicated the 23' storm drainage easement and vacated the conservation easement. The storm drainage easement has been verified. The applicant has also amended the CDP/FDP to address the other issues contained within the DPWES memo, including: removing any proposed woody vegetation within the 10 foot wide cleared access easement along the toe of the dam and supplementing the outfall narrative with a description of the outfall conditions,

downstream to a point where the drainage area is at least 100 times the site area or at least one square mile as required by Sect. 16-302 of the Zoning Ordinance.

**Development Criteria #6; Public Facilities (DC6)** states that development impacts on the public facilities systems should be identified, analyzed, and off-set. Two public facilities impacts were identified for this project - parks and schools. The applicant has proffered to contribute the required \$955 per dwelling unit to the Park Authority for recreational facilities in the general vicinity of the subject site minus the funds used for on-site recreation facilities. The applicant has also proffered to contribute \$23,970 to FCPA for park purposes and/or facilities in the area and to contribute a maximum of \$49,999.98 for the provision of capital improvements to schools located within the area serving the subject site.

**Development Criteria #7; Affordable Housing (DC7)**

The applicant has proffered to a contribution of ½% of the sales price of the dwelling units to the Housing Trust Fund, in accordance with County policy.

**Development Criterion # 8; Heritage Resources (DC8)** requires a development to address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation. FCPA notes that the site has been subjected to a Phase I Archaeological Survey, which recorded a late 19<sup>th</sup> to early 20<sup>th</sup> century African American archaeological site (Odrick's Corner). Because African American sites from this period are considered to be of significant archaeological value, FCPA recommends that this site be subject to an intensive Phase II archaeological assessment and, if necessary, a possible Phase II data recovery. The applicant has proffered to conduct a Phase I Archaeological Survey of the site and a Phase II assessment and/or Phase III data recovery if needed.

## **ZONING ORDINANCE PROVISIONS (Appendix 14)**

### **Maximum Density/Bulk Regulations**

The maximum density permitted in the PDH-3 District is three dwelling units per acre (du/ac). The applicant's proposed development is 2.34 du/ac. In the PDH-3 District, there are no minimum lot size requirements or minimum yard requirements for single-family detached dwellings, except that the application is subject to the standards set forth in Part 1 of Article 16, as described further below. The minimum required open space is 20%, and the applicant is proposing to provide 25%.

### **P-District Standards**

The requested proposal must comply with, among others, the Zoning Ordinance provisions found in Section 16-101, General Standards, and Section 16-102, Design Standards.

### 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. This standard also notes that planned developments are not to exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions. The proposed PDH-3 development at a density of 2.34 du/ac would not exceed the density permitted by the Comprehensive Plan of 2-3 du/ac. Staff also believes that the proposed development satisfies the Comprehensive Plan language which recommends that any proposed development be clustered away from the DAAR.

General Standard 2 states that the design should result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district. Development under the PDH-3 zoning district permits a greater level of flexibility for development of a planned community for the purpose of preserving natural features and providing a greater level of quality design and amenities than might be provided with a conventional zoning district. The applicant has requested a P-District zoning in order to cluster the proposed development away from the DAAR, as recommended by the Plan. The applicant has also used the P-District flexibility in order to locate the development away from Lewinsville Road, which generates high levels of noise. Finally, the P-District flexibility allows the applicant to create a buffer along the western property line, where the site will abut the Bellemeade II subdivision. On this last point, staff believes that a buffer between these two developments would be unnecessary if the applicant provided larger lots within the development. Nevertheless, staff believes that the application has satisfied this standard.

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. There is 25% open space provided on-site. The applicant has also committed to preserve a small area of tree save along Lewinsville Road, as recommended by Urban Forest Management. The applicant has also proffered to identify other tree save opportunities in coordination with Urban Forest Management.

General 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 in the Site Design Analysis, the application does not include those parcels located between Odrick's Lane and the DAAR. The proposed site layout does provide an interparcel access to the east to be located in the center of the site, between proposed Lots 13 and 14. Staff believes that this proposed interparcel access will allow the unconsolidated parcels in Odrick's Subdivision to develop to their full potential in the future.

General 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 available. As demonstrated in the public facilities analysis, adequate public facilities infrastructure is generally available to support the proposed development.

General 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 property will be accessed from Lewinsville Road via relocated Gordon Lane. Pedestrian circulation is accommodated via sidewalks along Gordon Lane and an asphalt trail along Lewinsville Road. The trail will connect to existing trail along the Lewinsville Road frontage of the Bellemeade II subdivision to the west. The applicant has also proffered to extend this trail across the frontage of the Charity Baptist Church. However, should the applicant be unable to obtain the necessary easements or permission to install this trail, this proffer would be null and void. No funds would be escrowed for future installation of this trail. Staff also notes that the sidewalks along Gordon Lane should be five (5) feet wide. With the implementation of the staff-proposed development condition, this issue is resolved.

#### 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 PDH-3 District is the R-3 Cluster District. The bulk standards for single-family attached dwellings in the R-3 Cluster District include a minimum front yard setback of 20 feet, a minimum side yard setback of 8 feet but a total minimum of 20 feet, and a minimum rear yard setback of 25 feet. The proposed setbacks of the units at the periphery of this development meet the minimum front and rear yard setbacks for the R-3 Cluster District. As noted, the applicant has proffered a minimum side yard setback of five feet but a total of 30 feet between units located along the western side of Gordon Lane and a total of 23 ½ feet between units located along the eastern side of Gordon Lane. The applicant proposes a greater distance between units on the western side of Gordon Lane in order to transition between the properties planned for 1 to 2 dwelling units per acre and the properties planned for 2 to 3 dwelling units per acre.

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 open space provided is 25%, which meets the PDH-3 District requirement of 20%. The applicant is providing parking

on each residential parcel, with additional on-street parking available along Gordon Lane. All other zoning ordinance requirements are being met with this application; therefore this standard has been satisfied.

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. The applicant proposes sidewalks along Gordon Lane and an asphalt trail along Lewinsville Road. These trails will provide access to surrounding neighborhoods. Vehicular access is provided from Lewinsville Road via relocated Gordon Lane.

### **Waivers and Modifications**

The Zoning Ordinance limits the maximum height of fences and walls in the side yard to seven (7) feet in height. The applicant is seeking a variance per Par. 8 of Sect. 16-401 to permit an eight (8) foot high architecturally solid wall in the side yard of proposed Lots 1 and 19. As noted earlier in this report, this wall is needed in order to mitigate highway noise levels caused by Lewinsville Road in the rear yards of these lots. Staff supports the requested variance.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff finds that the subject application is in conformance with the Comprehensive Plan and the Zoning Ordinance.

### **Recommendation**

Staff recommends approval of RZ 2005-DR-009 and the Conceptual Development Plan, subject to the draft proffers contained in Appendix 1 of the staff report.

Staff recommends approval of FDP 2005-DR-009, subject to the proposed development conditions contained in Appendix 2 and the Board of Supervisors approval of RZ 2005-DR-009.

Staff recommends that a variance of the maximum height limitation on walls in the side and rear yards be approved to permit an eight (8) foot high wall in the side and rear yards of Lots 1 and 19 as 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. Proposed Final Development Plan Conditions
3. Affidavit
4. Statement of Justification
5. Transportation Analysis
6. Environmental Analysis
7. Urban Forest Management Analysis
8. Sanitary Sewer Analysis
9. Fairfax County Water Analysis
10. Fire and Rescue Analysis
11. Fairfax County Public Schools
12. Park Authority Analysis
13. Stormwater Analysis (Environmental and Site Review Division, DPWES)
14. Zoning Ordinance Provisions
15. Residential Development Criteria
16. Glossary

**WINCHESTER HOMES INC.  
RZ/FDP 2005-DR-009  
PROFFERS**

**April 4, 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 29-1-((1))-33, 33A, 34, 34A, 35, 36, 37, 37A, 38, 39, 40B, 41, a portion of 35A, Odrick's Lane (Rte. 3495) to be vacated and/or abandoned, and a portion of Gordon Lane (Rte. 3493) to be vacated and/or abandoned (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 by the Board of Supervisors of Fairfax County, Virginia (the "Board"). In the event said application request is denied or the Board's approval is overturned by a court of competent jurisdiction, 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, 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 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 eight (8) sheets prepared by BC Consultants, dated January 2005, as revised through March 9, 2006.

2. Minor Modifications. Minor modifications from what is shown on the CDP/FDP and these Proffers, which may become occasioned as a part of final architectural and engineering design, may be permitted as determined by the Zoning Administrator in accordance with the provisions set forth in Section 16-403 of the Zoning Ordinance.

3. Lot Yield. The development shall consist of a maximum of nineteen (19) single-family detached units.
4. 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 and other provisions noted in these proffer conditions.
5. Escalation. All monetary contributions required by these proffers shall be adjusted upward or downward based on changes to the Marshall and Swift Building Cost Index occurring subsequent to the date of rezoning approval and up to the date of payment.
6. Length of Driveways. All driveways serving the approved residential units shall be a minimum of eighteen feet (18') in length without overhanging into the sidewalk from the inside of the sidewalk to the edge of the entrance to the garage.
7. Architectural Compliance. The architectural design of all units and open space improvements shall be of the same quality, general appearance and style as depicted on the illustrative perspectives, elevations, and sections shown on the CDP/FDP. The predominant materials used on the front exterior facades shall be brick, stone and/or masonry. Such open space improvements shall include the gazebo, benches, and pedestrian paths shown on the CDP/FDP.
8. 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 disclosed in the HOA documents and recorded among the land records of Fairfax County (the "Land Records") in a form approved by the County Attorney prior to the sale of any lots. Prospective purchasers shall be advised of this use restriction, in writing, prior to entering into a contract of sale.
9. Encroachment of Decks and Similar Appurtenances. Decks, bay windows, patios, chimneys, areaways, mechanical equipment and other similar appurtenances may

encroach into minimum yards as established on the "lot typical" generally described on the CDP/FDP. Further, such appurtenances shall not be included in the measurement of minimum distance between homes, as said minimum distance is stated on the CDP/FDP.

10. Retaining Walls. No retaining walls greater than four feet (4') in height shall be permitted on the Property unless shown and specified to a greater height on the CDP/FDP.

11. Sale of Portion of Parcel 35A. No applications, plans, plats or permits for the development of the Property shall be approved by the Board, its agents, officials, or employees, until the Board has approved the conveyance of the portion of Tax Map 29-1-((1))-35A ("Parcel 35A") that is shown on the CDP/FDP as part of the Property (the "Board Property"). In the event the Board does not approve the conveyance to the Applicant of Board Property, any development of the Application property under RZ 2005-DR-009 shall require a proffered condition amendment and the Applicant acknowledges and accepts 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 arise out of a Board decision not to convey the Board Property to the Applicant.

## **II. TRANSPORTATION**

12. Right-of-Way Abandonment or Vacation. No applications, plans, plats or permits for the development of the Property shall be approved by the Board, its agents, officials, or employees, until the Board has approved the abandonment and/or vacation of the portion of Gordon Lane and the entirety of the Odrick's Lane right-of-way that is shown on the CDP/FDP as part of the Property, and no action challenging the approval has been filed within thirty (30) days of such approval in a court of competent jurisdiction. In the event the Board does not approve the abandonment and/or vacation, or in the event that the Board's approval is overturned by a court of competent jurisdiction, any development of the Application property under RZ 2005-DR-009 shall require a proffered condition amendment and the Applicant acknowledges and accepts 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 arise out of a Board decision to deny in whole or in part the right-of-way abandonment or vacation.

13. Gordon Lane Improvements. Prior to the issuance of the first building permit for any residential unit, the Applicant shall construct and dedicate relocated Gordon Lane to an improved two-lane section PFM Category 2 road as shown on the CDP/FDP. For the purpose of obtaining the first building permit, "construct" shall mean open to traffic and generally completed, but for final "top coating" of the road. To ensure continued availability of access to Tax Map Parcels 29-1-((1))-40 and 40A ("Parcels 40 and 40A) to the south, the Applicant shall a grant a temporary public ingress-egress easement to the Board, in a form acceptable to the County Attorney, to be recorded among the Land Records immediately after the vacation and/or abandonment of right-of-way referred to in Proffer 12. Such temporary public ingress-egress easement and access shall be established in a location on the Property that provides the most convenient and least disruptive means of access to Parcels 40 and 40A, as determined by FCDOT, and shall be improved by the Applicant as required by DPWES so as to provide adequate automobile access to Parcels 40 and 40A. The final location of such access shall be determined at subdivision plan, subject to DPWES review and approval. Until the relocated Gordon Lane is dedicated to the Board and open for traffic, the Applicant shall maintain and remove snow from the temporary public ingress-egress easement. Once relocated Gordon Lane is dedicated to the Board and open to traffic, such easement shall become null and void. The Applicant shall maintain and remove snow from relocated Gordon Lane until it is accepted into the secondary system of state highways by VDOT. Before relocated Gordon Lane is open to traffic, the Applicant shall dedicate, at no cost to the Board, and in fee simple to the Board, the right-of-way comprising the relocated Gordon Lane, as generally shown on the CDP/FDP.

14. Inter-Parcel Connection to the East. Prior to the issuance of the first building permit for any residential unit, the Applicant shall dedicate right-of-way necessary for the construction of a stub street to provide an inter-parcel connection to the parcels to the east of the Property to an improved

two-lane section PFM Category 2 road as shown on the CDP/FDP. Any necessary minor modifications to the final location of the inter-parcel connector road shall be determined prior to subdivision plan approval, subject to FC DOT and DPWES review and approval.

Prior to the issuance of the first building permit for any residential unit, the Applicant shall construct the inter-parcel connector road to the eastern property line. For the purpose of obtaining the first building permit, "construct" shall mean open to traffic and generally completed, but for final "top coating" of the road. The Applicant, prior to issuance of the first RUP, shall post a sign near the terminus of said road stating that there will be a potential future public street connection. The location, form and final wording of the sign shall be subject to approval of DPWES. In order to construct such a road and/or sign, it may be necessary for the Applicant to obtain the permission and/or easement from an off-site owner(s), based on the final location of the road and/or sign. The Applicant shall diligently pursue and use good-faith to obtain such easement or permission, provided that any such easement or permission is obtained at no cost to the Applicant, except for the typical administrative fees and costs associated with preparation, approval, and recordation of deeds, plans, plats. The Applicant shall provide documentation of such efforts to DPWES. If written permission is not granted by the appropriate off-site owner within one (1) month from the first written request by the Applicant, then the Applicant shall construct the road and sign to the extent the road and sign can be constructed on the Property, the public right-of-way and/or an existing public access easement and escrow funds for the remaining, uncompleted portion of the road. In such an event, the Applicant shall be deemed to have satisfied this Proffer.

In the event the parcels to the east of the Property are approved for development by Fairfax County with no inter-parcel connection provided to the Property, then the Applicant shall be permitted to request a vacation of the dedication for the inter-parcel connector road. If the vacation request is granted, then the ownership of such area shall be retained by the HOA, and the HOA or the Applicant shall have the right to remove any existing pavement and landscape such area in order to

maintain such area as passive open space.

15. Right-of-Way Dedication and Associated Frontage Improvements along Lewinsville Road. At the time of subdivision plat recordation, or upon demand by VDOT or Fairfax County, whichever occurs first, the Applicant shall dedicate, at no cost to Fairfax County and in fee simple to the Board, the right-of-way along the site frontage to Lewinsville Road, as generally shown on the CDP/FDP. Prior to issuance of the first RUP for the approved units, the Applicant shall improve the property frontage along Lewinsville Road. Such improvements shall include a right turn lane from eastbound Lewinsville Road and a left turn lane from westbound Lewinsville Road into the Property, all as generally shown on the CDP/FDP. The final configuration of these improvements shall be determined at subdivision plan review, subject to review and approval by VDOT, FCDOT and DPWES. The Applicant reserves the right to make minor modifications to the turn lane improvements shown on the CDP/FDP based on the availability of off-site right-of-way, subject to review and approval by VDOT and DPWES. In the event the turn lane improvements shown on the CDP/FDP cannot be accommodated, as determined by VDOT and FCDOT, the Applicant shall be required to obtain a proffered condition amendment to permit any development on the Property.

16. Gordon Lane Turnaround. The Applicant shall construct a turnaround on the Property in the general location of the stormwater management pond near Lot 9, as generally shown on the CDP/FDP, which turnaround shall be designed in accordance with applicable VDOT requirements, including curb and gutter, and shall be subject to review and approval by VDOT and DPWES.

### **III. ENVIRONMENTAL**

17. Stormwater Management Facilities and Best Management Practices. The Applicant shall implement stormwater management techniques to control the quantity and quality of stormwater runoff from the Property as determined by DPWES. Stormwater management facilities/Best Management Practices (“BMPs”) shall be provided as generally depicted on the CDP/FDP and shall be designed to detain the off-site areas as depicted on the CDP/FDP. Any on-site detention facility shall

be landscaped to the maximum extent possible in accordance with the planting policies of the Board of Supervisors. Adequate outfall shall be demonstrated to the satisfaction of DPWES. In addition, subject to approval by DPWES, the Applicant shall also incorporate an infiltration trench on the Property in the general location shown on the CDP/FDP. The Applicant and DPWES shall determine the final location of said infiltration trench at the time of subdivision plan.

18. Landscaping. Landscaping shall be provided in substantial conformance with the landscaping concepts shown on the CDP/FDP. If, during the process of subdivision plan review, any new landscaping shown on the CDP/FDP cannot be installed in order to locate utility lines, trails, etc., then an area of additional landscaping consisting of trees and/or plant material of a type and size generally consistent with that displaced shall be substituted at an alternate location on the Property, subject to approval by the Urban Forest Management ("UFM"). If it is necessary to install utilities within the limits of clearing shown on the CDP/FDP, they shall be located in the least disruptive manner necessary, as determined by the UFM.

19. Energy Conservation. All homes on the Property shall meet the thermal guidelines of the CABO Model Energy Program for energy-efficient homes, or its equivalent as determined by DPWES, for either gas or electric energy systems as may be applicable.

20. Geotechnical Investigation. If required by DPWES, the Applicant shall submit a geotechnical investigation of the site for the review and approval of DPWES and implement such measures as determined by the investigation, subject to the satisfaction of DPWES.

#### **IV. TREE PRESERVATION**

21. 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 UFM, DPWES. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread

and condition rating percentage of all trees ten inches (10") in diameter and greater, and twenty-five feet (25') to either side of the limits of clearing and grading around the tree preservation area depicted in the northeast corner of the Property on the CDP/FDP, provided that such tree survey shall be limited to trees located on the subject Property. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the *Guide for Plant Appraisal* published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree located on the Property identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

22. 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. Removal of any vegetation, if any, 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-floral rose, etc. shall be subject to the review and approval of UFM, DPWES.

The use of equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaw, 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, DPWES.

23. 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 walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFM, DPWES, representative to determine whether adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading. Any such adjustments shall be implemented, provided they do not result in the loss of any residential lot. Trees that are identified specifically by UFM in writing as dead or dying within the tree preservation area located in the northeast corner of the Property 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 adjacent trees and associated understory vegetation and soil conditions. Applicant shall notify the Dranesville District Supervisor ten (10) days in advance of the tree preservation walk through meeting.

24. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the CDP/FDP, subject to allowances specified in Proffer 23 above to save trees identified by the UFM, and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by UFM, DPWES. A replanting plan shall be developed and implemented, subject to approval by UFM, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

25. Tree Protection Fencing. All trees in the northeast corner of the Property shown to be preserved on the tree preservation plan shall be protected by tree protection fence. 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,

super silt fence, to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected 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 by the Proffer pertaining to “Root Pruning” below. All tree protection fencing around the aforementioned tree preservation area 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 fencing shall be performed under the supervision of a certified arborist and UFM, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Two (2) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFM, DPWES and the Dranesville District Supervisor shall be notified and given the opportunity to inspect the site to ensure 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, DPWES.

26. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by UFM, DPWES, 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 or 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.

- An UFM, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

27. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Property, an agent or 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. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFM approvals. The Dranesville 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.

28. Reforestation Plan. A reforestation plan shall be submitted for: areas disturbed by trail or utility installation; and any areas disturbed for the under-grounding of utilities. This Plan shall be submitted concurrently with the first and all subsequent site plan submissions for review and approval by UFM, DPWES, and shall be implemented as approved. The plan shall propose an appropriate selection of species based on existing and proposed site conditions to restore the area to a native forest cover type. The reforestation plan shall include but not be limited to the following:

- Plant list detailing species, sizes and stock type of trees and other vegetation to be planted;
- Soil treatments if necessary;
- Mulching specifications;
- Methods of installation;
- Maintenance;
- Mortality threshold;
- Monitoring; and
- Replacement schedule.

29. Tree Value Determination. The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees ten inches (10") in diameter or greater located within twenty-five feet (25') of the outer edge of the limits of clearing and grading around the tree preservation area in the northeast corner of the Property, 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 site plan. The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the *Guide for Plan Appraisal* published by the International Society of Arboriculture, subject to review and approval by UFM, DPWES.

30. Tree Bonds. At the time of site plan approval, the Applicant shall both post a cash bond and a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined pursuant to Proffer 30 that die or are dying due to unauthorized construction activities. The letter of credit shall be equal to 50% of the replacement value of the bonded trees. The cash bond shall consist of 33% of the amount of the letter of credit.

At any time prior to final bond release, should any bonded trees die, be removed, or are determined to be dying by UFM due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFM. 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 Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. At the time of approval of the final RUP, the Applicant shall be entitled to request a release of any monies remaining in the cash bond and a reduction in the letter of credit to an amount equal to 20% of the total amounts originally committed. Any funds remaining in the letter of credit or cash bond will be released two (2) years from the date of release of the Applicant's property's conservation escrow, or sooner, if approved

by UFM, DPWES.

## V. RECREATION

31. Parks and Recreation. Pursuant to Section 6-409 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall provide the recreational facilities to serve the Application Property. Per Section 6-409, recreational facilities such as tot lots, fitness courses, gazebos, playgrounds, recreational trails, excluding any trails required by the Comprehensive Plan, and similar features may be used to fulfill this requirement. At the time of subdivision plan review, the Applicant shall demonstrate that the value of any proposed recreational amenities is equivalent to a minimum of \$955.00 per unit as required by Article 6 of the Zoning Ordinance. In the event it is demonstrated that the proposed facilities do not have sufficient value, the Applicant shall contribute funds in the amount needed to achieve the overall proffered amount of \$955.00 per unit to the Fairfax County Park Authority for off-site recreational purposes in location(s) that are reasonably expected to serve the future residents of the approved development.

32. Park Authority Contributions: In addition to Proffer 32, the Applicant shall contribute \$10,600 to the Fairfax County Park Authority, prior to the issuance of the first RUP on the Property, for park purposes and/or facilities in the area.

33. Lewinsville Road Trail. The Applicant shall construct an eight foot (8') wide trail along the south side of Lewinsville Road, connecting to the existing trail west of the Property, continuing to the intersection of Lewinsville Road and Spring Hill Road near the northeast corner of Tax Map Parcel 29-1-((1))-35C (hereinafter "Parcel 35C"). The portion of the trail on the Property shall be in the location generally shown on the CDP/FDP. The trail shall be field located at the time of subdivision plan approval to ensure a connection will be made to the existing off-site trail located along Lewinsville Road to the west of the Property, subject to approval by DPWES. If the final location of the trail requires the permission and/or easement from an off-site owner(s), the Applicant shall diligently pursue and use good-faith to obtain such easement or permission, provided that any such

easement or permission is obtained at no cost to the Applicant, except for the typical administrative fees and costs associated with preparation, approval, and recordation of deeds, plans, plats. The Applicant shall provide documentation of such efforts to DPWES. If written permission is not granted by the appropriate off-site owner within one (1) month from the first written request by the Applicant, then the Applicant shall construct the trail to the extent the final trail location is completely on the Property, the public right-of-way and/or an existing public access easement and the Applicant shall be deemed to have satisfied this Proffer. The Applicant shall grant public access over the trail.

34. Spring Hill Road Trail. The Applicant shall construct a five foot (5') wide asphalt trail along the west side of Spring Hill Road along the frontage of Parcel 35C. Said trail shall connect to the trail constructed in accordance with Proffer 33, near the northeastern corner of Parcel 35C, and be constructed from such connection south, generally along the frontage of Parcel 35C, to the northern property line of Tax Map Parcel 29-1-((4))-1, as generally shown on the CDP/FDP. The Applicant's obligation to construct said trail shall be contingent on the Applicant receiving any and all rights-of-way, easements and/or written consent necessary for the construction of said trail from the owner of Parcel 35C, other property owner(s), utility companies, and/or any governmental agencies (collectively, the "Approving Parties"), which approval(s) shall be granted at no cost to the Applicant, except for typical administrative fees and costs associated with preparation, approval and recordation of deeds, plans and plats. During site plan review, the Applicant shall diligently pursue and make good faith efforts to secure such approvals from the Approving Parties. In the event the Applicant is unable to secure any necessary approvals from the Approving Parties prior to the time of receiving subdivision plan approval, the Applicant shall provide written documentation of such efforts to DPWES and escrow funds for the future construction of the trail and be relieved of any further obligation pursuant to this Proffer. The exact location of said trail and final configuration of these improvements shall be determined at subdivision plan and subject to review and approval by VDOT and DPWES.

## **VI. NOISE ATTENUATION**

35. Exterior Noise. In order to achieve compliance with the permitted maximum exterior noise levels of DNL 65 dBA for any outdoor areas for the dwelling units such as rear yards, a noise barrier shall be constructed along units 1 and 19 in the locations shown on the CDP/FDP, prior to issuance of a RUP for these units. The noise wall(s) will be approximately six feet (6') high (as outlined in the preliminary noise study), with a final height of no more than eight feet (8'), architecturally solid from the ground up, except as necessary in limited locations where drainage must pass under the wall, with no gaps or openings, except for acoustically-solid doors, as may be necessary, and shall be in substantial conformance with the detail contained on the CDP/FDP. The Applicant shall disclose to the purchasers of Lots 1 and 19 that a noise wall will be constructed on their lots to mitigate rear yard noise. Maps depicting the location and height of the noise wall and proximity to the individual units will be provided as part of said disclosure at the time of the contract execution for each such initial sale. If there are changes to the final grading based on final engineering, the Applicant shall demonstrate to DPWES and DPZ, prior to subdivision plan approval, that the final grading of the lots and noise wall location and height will achieve the exterior noise level goal.

36. Interior Noise. In order to mitigate interior noise to approximately DNL 45dBA, each dwelling impacted shall have the following acoustical attributes: Exterior walls should have a laboratory sound transmission class (STC) rating of at least 39; doors and glazing shall have a laboratory STC rating of at least 28 unless glazing constitutes more than 20% of any façade exposed to noise levels of Ldn 65 dBA or above. If glazing constitutes more than 20% of an exposed façade, then the glazing shall have a STC rating of at least 39. All surfaces should be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission. Notwithstanding the foregoing, the Applicant reserves the right, subject to approval by DPZ and DPWES, as appropriate, to pursue other methods of achieving the indoor noise goal, provided these methods are capable of achieving an indoor DNL no higher than 45 dB, as evidenced by a final analysis, with a methodology approved by DPWES.

## VII. OTHER

37. Temporary Signage. No temporary signs (including “popsicle” style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off-site by the Applicant or at the Applicant’s direction to assist in the initial marketing and sale of homes on the subject Property. Furthermore, 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.

38. School Contribution. A contribution of \$2,368.42 per unit shall be made to the Board designated for capital equipment for schools impacted by the proposed development. The required contribution shall be made at the time of, or prior to, issuance of the first RUP for the approved units.

39. Affordable Dwelling Units. At the time of first building permit issuance, the Applicant shall contribute to the Fairfax County Housing Trust Fund the sum equal to one half of one percent (1/2 %) of the estimated sales price for each house to be constructed. The projected sales price shall be determined by the Applicant in consultation with the Fairfax County Department of Housing and Community Development (HCD) and DPWES.

40. Heritage Resources. Prior to any land disturbing activities on the Property, Applicant shall conduct a Phase I archaeological study on those areas of the Property identified by the Heritage Resources Branch of the Fairfax County Park Authority (“Heritage Resources”) and provide the results of such study to Heritage Resources. The study shall be conducted by a qualified archaeological professional. If the Phase I study concludes that an additional Phase II study of the Property is warranted, the Applicant shall complete said study and provide the results to Heritage Resources; however, submission of the Phase II study to Heritage Resources shall not be a pre-condition of site plan approval. If the Phase II study concludes that additional Phase III evaluation and/or recovery is warranted, the Applicant shall also complete said work in consultation and

coordination with Heritage Resources; however, any such Phase III work shall not be a pre-condition of site plan approval.

41. Construction Hours. Construction shall only occur between the hours of 7:00 a.m. until 7:00 p.m. Monday through Friday, 8:00 a.m. until 6:00 p.m. on Saturday and 9:00 a.m. until 6:00 p.m. on Sunday. Construction activities shall not occur on holidays (Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving, Christmas and New Years Day). The construction hours shall be posted on the property. During the development of the site, all contractors shall be informed of the construction hour restrictions.

42. Successors and Assigns. Each reference to “Applicant” in this Proffer Statement shall include within its meaning, and shall be binding upon, Applicant’s successor(s) in interest, assigns, and/or developer(s) of the Property or any portion of the Property.

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

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WINCHESTER HOMES INC.  
(Contract Purchaser of Tax Map Nos. 29-1-((1))-33, 33A,  
34, 34A, 35, 36, 37, 37A, 38, 39, 40B, 41)

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

THOMAS M. GORDON, deceased  
(Title Owner of Tax Map Nos. 29-1-((1))-33, 33A, 37A)

---

Gloria L. Gordon

GLORIA L. GORDON  
(Title Owner of Tax Map Nos. 29-1-((1))-33, 33A, 37A)

---

PAULA C. LYLES  
(Title Owner of Tax Map Nos. 29-1-((1))-34, 34A)

---

MAE WILLIAMS HALL ESTATE  
(Title Owner of Tax Map No. 29-1-((1))-35)

By: \_\_\_\_\_  
Gloria L. Gordon, successor-in-interest to Thomas M. Gordon,  
deceased, Trustee, Beneficiary

MAE WILLIAMS HALL ESTATE  
(Title Owner of Tax Map No. 29-1-((1))-35)

By: \_\_\_\_\_  
Marian G. Miller  
Trustee, Beneficiary

MAE WILLIAMS HALL ESTATE  
(Title Owner of Tax Map No. 29-1-((1))-35)

By: \_\_\_\_\_  
DeLancia G. Weaver  
Trustee, Beneficiary

MOON H. OH  
(Title Owner of Tax Map No. 29-1-((1))-36)

---

JUNG J. OH  
(Title Owner of Tax Map No. 29-1-((1))-36)

---

WILLIAM B. PARK  
(Title Owner of Tax Map No. 29-1-((1))-36)

---

SUE Y. PARK  
(Title Owner of Tax Map No. 29-1-((1))-36)

---

JOHN AUGUSTUS SMITH  
(Title Owner of Tax Map No. 29-1-((1))-37)

---

CLARENCE A. ROBINSON, JR.  
(Title Owner of Tax Map No. 29-1-((1))-38)

---

MAXINE W. ROBINSON  
(Title Owner of Tax Map No. 29-1-((1))-38)

---

WINNIE VERDELL ROBINSON  
(Title Owner of Tax Map No. 29-1-((1))-39)

---

By: CHARLES E. ROBINSON, attorney-in-fact for WINNIE  
VERDELL ROBINSON

CHARLES E. ROBINSON  
(Title Owner of Tax Map No. 29-1-((1))-39)

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ALMA D. BAILEY  
(Title Owner of Tax Map No. 29-1-((1))-39)

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LOLITA M. BRIDGES  
(Title Owner of Tax Map No. 29-1-((1))-40B, 41)

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FAIRFAX COUNTY BOARD OF SUPERVISORS, a body corporate  
and politic  
(Title Owner of Tax Map Nos. 29-1-((1))-35A and Gordon Lane, Rte.  
3493 and Odrick's Lane, Rte. 3495)

Executed and approved on behalf of the Board of Supervisors of Fairfax County, Virginia, by the  
authority granted by said Board.

Approved as to form:

\_\_\_\_\_  
Assistant County Attorney

By: \_\_\_\_\_  
Name: Anthony H. Griffin  
Title: County Executive

Active\3493547.24

**PROPOSED DEVELOPMENT CONDITIONS**

**FDP 2005-DR-009**

**April 5, 2006**

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 2005-DR-009 for residential development located at Tax Map 29-1 ((1)) 33, 33A, 34, 34A, 35, 35A pt., 36, 37, 37A, 38, 39, 40B, 41, Odrick's Lane and a portion of Gordon Lane to be abandoned/vacated, 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 "McLean Glen," prepared by BC Consultants, dated January, 2005, as revised through March 31, 2006.
2. Sidewalks along Gordon Lane shall be a minimum of five feet in width.