



APPLICATION FILED: January 25, 2006
PLANNING COMMISSION: May 3, 2006
BOARD OF SUPERVISORS: to be scheduled

County of Fairfax, Virginia

April 19, 2006

STAFF REPORT

APPLICATION PCA 1998-SP-054

SPRINGFIELD DISTRICT

APPLICANT: James R. & Linda Holbein and
Guy Kirk & Sandra Curran

ZONING: R-3 (cluster)

PARCEL(S): 78-3 ((26)) 17 and 18

ACREAGE: 20,196 square feet

PLAN MAP: Residential, 2-3 du/ac

PROPOSAL: To amend RZ 1998-SP-054 previously approved for residential development to permit the deletion of a trail shown on the proffered GDP.

STAFF RECOMMENDATIONS:

Staff recommends denial of PCA 1998-SP-054. However, if it is the intent of the Board of Supervisors to approve PCA 1998-SP-054, staff recommends that such approval be subject to the execution of proffers consistent with those contained in Appendix 1.

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.

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

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



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

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

DESCRIPTION OF THE APPLICATION

Proposal:

The applicants, James R. and Linda Holbein and Guy Kirk and Sandra Curran, are requesting to amend RZ 1998-SP-054, previously approved for residential development, to permit the deletion of a pedestrian trail and access easement shown on the proffered GDP. The pedestrian trail, located in the Timarron Cove single-family residential subdivision, is situated on the property boundary line between the two single-family residential properties, Lots 17 and 18, owned by the applicants. The proffered GDP (RZ 1998-SP-054) shows a ten-foot wide pedestrian trail access easement containing a four-foot wide woodchip trail connecting from the sidewalk on Timarron Cove Lane within the Timarron Cove development to the adjacent Summerday development's stub street, Summerday Drive. The public access easement has been recorded in the land records. The applicants' request to remove the trail easement is based upon the surrounding communities' concerns that the required pedestrian access poses security concerns, is not utilized by pedestrians and is, therefore, unnecessary.

The draft proffers, the applicant's affidavit and statement of justification are contained in Appendices 1-3 respectively.

LOCATION AND CHARACTER

Site Description:

The subject property, consisting of two residential lots, is located within a 21-acre 49-lot single-family detached residential subdivision approved by RZ 1998-SP-054 and known as Timarron Cove. The lots are accessed by a public street system with two entrances into the subdivision from Burke Lake Road. Timarron Cove Lane provides the main access directly into the subdivision. A second point of access to Burke Lake Road is provided through the extension of Wilmington Drive through the Woodridge subdivision to the west. Both streets provide access to Burke Lake Road only, and no vehicular access is available to either Lee Chapel Road to the north or Old Keene Mill Road to the south. The rezoning of the property to R-3 cluster utilized the concept of reducing lot size requirements for the provision of open space, which is provided by four parcels totaling 162,000 square feet. The subdivision contains dense mature trees and a natural drainage way traversing the center of the site from northeast to southwest.

BACKGROUND:

On April 5, 1999, the Board of Supervisors approved RZ 1998-SP-054 to rezone approximately 21 acres from the R-1 to the R-3 District (cluster). With the rezoning, the

Board also approved a Generalized Development Plan (GDP) subject to the March 15, 1999 proffers. The GDP proffered plan depicts the layout of the residential lots, open spaces and public streets, and also depicts the subject 10-foot wide trail easement between Lots 17 and 18. The easement was provided at the time of the public hearing in lieu of the provision for a through street connection via Summerday Drive, which was not desired. See Appendix 4 for approved proffers and GDP for RZ 1998-SP-054.

In 2002, the applicants requested an interpretation from staff regarding the trail easement requirement. The applicant proposed to escrow \$3,000 with the Fairfax County Department of Public Works and Environmental Services (DPWES) for future installation of the trail due to the fact that the new residents of the community did not want the trail to be constructed. On March 12, 2002, an interpretation was rendered determining that escrowing funds in lieu of construction of the four-foot wide woodchip path would not be in substantial conformance with the GDP. In order to eliminate the trail, the submission of a Proffered Condition Amendment application and its approval by the Board of Supervisors would be required (see Appendix 5).

Surrounding Area Description:

The subdivision is generally located in the southeastern quadrant of the intersection of Burke Lake Road and Lee Chapel Road and is surrounded generally by single family residential neighborhoods. In addition, Burke Ridge Park abuts the site to the northeast, a church and a day care center are across Burke Lake Road to the northwest, and a church abuts the subdivision to the southeast.

Direction	Use	Zoning	Plan
Northeast	Burke Ridge Park	R-1	Residential 2-3 du/ac
	Single-family detached (Burke Ridge)	R-2	Residential 2-3 du/ac
Northwest	Burke Lake Road ROW		
	Day Care Center	R-3	Alternative Uses *
	Church	R-1	Residential 2-3 du/ac
	Single-family detached (Spring Garden)	PRC	Residential 2-3 du/ac
Southeast	Church	R-1	Residential 2-3 du/ac
Southwest	Residential Single-Family Detached (Summerday)	R-3	Residential 2-3 du/ac
East	Residential Single-Family Detached (Britford)	PDH-5	Residential 2-3 du/ac
West	Residential-Single Family Detached (Woodridge)	R-3	Residential 1-2 du/ac

* Areas where the Plan recommends more than one land use option. This parcel is approved for inclusion into the Burke Centre PRC or residential use at 2-3 du/ac.

COMPREHENSIVE PLAN PROVISIONS (See Appendix 6)

Plan Area:	Area III
Planning Sector:	Middle Run Community Planning Sector (P6) of the Pohick Planning District
Plan Map:	Residential Use at 2-3 dwelling units/acre

ANALYSIS**Proposed Use**

As stated, the applicants are proposing to eliminate a proffered 10-foot wide public pedestrian access easement containing a four-foot wide woodchip path located along the boundary line between two single-family residential properties, Lots 17 and 18; no other changes are proposed. A copy of the Generalized Development Plan (GDP) is attached to the front of this report for reference.

Interparcel Access (Appendices 6 & 7)Issue:

The Comprehensive Plan recommends residential areas provide usable and accessible areas and pathways for the residents. The original zoning was evaluated for provisions of these types of access for the residential development through extensions of existing public streets and/or trails and connections. The pedestrian trail requirement between the Timarron Cove and Summerday neighborhoods was included as part of the evaluation of the original zoning request (RZ 1998-SP-054). The Timarron Cove subdivision is surrounded by single family residential neighborhoods, as well as Burke Ridge Park to the northeast and two church developments to the northwest and the southeast. In order to provide for usable and accessible areas within the development as recommended in the Comprehensive Plan, a street connection to Summerday Drive was recommended. In lieu of the street connection for access, which was considered undesirable by the community at the time of the public hearing, a pedestrian trail access easement was provided between Lots 17 and 18.

Also, a waiver of the sidewalk requirement along Burke Lake Road was granted by BOS to avoid conflicts with the VDOT road widening project at that time. With the absence of sidewalks along Burke Lake Road, the subject trail connection provides pedestrians safe access to areas in the vicinity with public streets and pathways through the neighborhoods rather than through private property and along Burke Lake Road, which does not contain sidewalks.

As indicated by the photo below taken in February, 2006, the pedestrian trail access easement appears to be utilized by area residents, as indicated by the footprints in the snow within the path. The view is facing northeast from the bollards at the terminus of Summerday Dr. through the pedestrian trail access easement connecting to Timarron Cove Lane.



Resolution:

It is preferable that the trail remain to provide safe public pedestrian access between the neighborhoods. With the proposed deletion of the pedestrian trail access easement, no shared access will be available to the adjacent residential community. There are no existing associated street connections or pathways between the Timarron Cove neighborhood and the adjacent residential subdivisions to the north, south and east, thus limiting vehicular and pedestrian access within the development and to Burke Lake Road only. With the deletion of the 10-foot wide pedestrian trail access easement, there will be no legal access between the residential neighborhoods and to the general surrounding area.

ZONING ORDINANCE PROVISIONS

With the original rezoning of the property per RZ 1998-SP-054 from R-1 to R-3 (cluster), the development site was evaluated according to the Zoning Ordinance provisions found in Article 9, Sect. 615, Provisions for a Cluster Subdivision, among others. The R-3 (cluster) zoning was established for this development to preserve the environmental integrity of the site, preserve the character of the area and preserve the area for usable

and accessible open space for the community. At the time of the original zoning, the site satisfied the applicable standards.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

PCA 1998-SP-054 requests approval to permit the deletion of a proffered 10-foot wide pedestrian trail access easement containing a four-foot wide woodchip path along the adjoining boundary line between Lots 17 and 18.

The layout and design of the original development included the subject pedestrian access easement in order to provide safe pedestrian access between the residential neighborhoods, schools, parks and churches within the vicinity. The request to delete the pedestrian trail access eliminates all legal access to the adjacent residential community, forcing pedestrians to trespass. Therefore, staff recommends denial of the request.

Staff Recommendations

Staff recommends denial of PCA 1998-SP-054. However, if it is the intent of the Board of Supervisors to approve PCA 1998-SP-054, staff recommends that such approval be subject to the execution of proffers consistent with those contained in Appendix 1.

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. Clerk's Letter, GDP and Proffers for RZ 1998-SP-054
5. Interpretation, March 12, 2002
6. Plan Citations and Land Use Analysis
7. Transportation Analysis
8. Glossary of Terms

DRAFT PROFFER STATEMENT

**James R. and Linda Holbein
and
Guy K. and Sandra Curran**

PCA 1998-SP-054

April 13, 2006

Pursuant to Section 15.2-2303A, Code of Virginia, 1950 as amended, Holbein and Curran (hereinafter referred to as the "Applicant") for the owners, themselves, successors and assigns in PCA 1998-SP-054, filed for property identified as Tax Map 78-3 ((1)) 24, 25 (hereinafter referred to as the "Application Property") agrees to the following proffers subject to the Board of Supervisors approval of Proffered Condition Amendment (PCA) 1998-SP-054, wherefore the applicants hereby reaffirm the previous proffers accepted by the Board of Supervisors (the "Previous Proffers"). Irrespective to any references on the GDP to a 10-foot public pedestrian access easement on the boundary of Lots 17 and 18, such trail shall be deleted and is no longer required. In the event this application is denied, these revised proffers shall immediately be null and void and the Previous Proffers shall remain in full force and effect. In the event this application is approved, all of the Previous Proffers remain in full force and effect except as hereby amended.

OWNERS LOT 17

OWNERS LOT 18

By:

By:

Name: Guy K. Curran

Name: James R. Holbein

By:

By:

Name: Sandra Curran

Name: Linda Holbein