



APPLICATION FILED: December 20, 2005
APPLICATION AMENDED: March 2, 2006
PLANNING COMMISSION: May 18, 2006
BOARD OF SUPERVISORS: Not Scheduled

County of Fairfax, Virginia

May 3, 2006

STAFF REPORT

APPLICATION RZ/FDP 2005-PR-040

PROVIDENCE DISTRICT

APPLICANT: Watermark Two, LLC

PRESENT ZONING: R-1

REQUESTED ZONING: PDH-4

PARCEL(S): 48-2 ((7)) (34)13

ACREAGE: 0.56 acres, or 24,203 square feet

FAR/DENSITY: 3.59 du/ac

OPEN SPACE: 9%

COMPREHENSIVE PLAN: Residential, 1-2 du/ac with an option of Residential, 4-5 du/ac

PROPOSAL: Request to rezone to the PDH-4 District for the development of 2 single family detached dwelling units

WAIVERS/MODIFICATIONS: Waiver of Minimum District Size
Modification of Open Space Requirement

STAFF RECOMMENDATIONS:

Staff recommends that RZ 2005-PR-040 and the Conceptual Development Plan be approved subject to the execution of proffers consistent with those 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/

Staff recommends the approval of FDP 2005-PR-040, subject to the development conditions set forth in Appendix 2 of the staff report and subject to the Board's approval of RZ 2005-PR-040 and the Conceptual Development Plan.

Staff recommends that the minimum district size of two (2) acres for a PDH District be waived.

Staff recommends that the open space requirement for the PDH-4 District be modified 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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

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



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

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

DESCRIPTION OF APPLICATION

Proposal:

The applicant requests approval of a rezoning of 0.556 acres, or 24,203 square feet, from the R-1 District to the PDH-4 District. The purpose of the application is to permit the development of 2 single family detached dwelling units at an overall density of 3.59 dwelling units per acre (du/ac), with approximately 9% of the site, or 2,249 square feet, retained as open space. The subject property is identified as Tax Map Parcel 48-2 ((7)) (34) 13 and is located on the corner of Topaz Street and Citrine Drive. The subject parcel is completely surrounded by the Briarwood Trace development but was not included in the original subdivision when it was rezoned from R-1 to PDH-5 and PDH-3 in September 2002 pursuant to the approval of RZ 2002-PR-008. However, the approved proffers for that project contain language addressing the future addition of Parcel 13 into the development, and the Home Owner's Association (HOA). This application seeks to fulfill that provision and develop the subject parcel in a way that is generally consistent with the surrounding Briarwood Trace community.

The applicant also seeks approval of the following waivers:

- Waiver of the minimum district size of two (2) acres for a PDH District;
- Modification of the 20% open space requirement for the PDH-4 District;
- Waiver of on-site stormwater management and best management practices requirements in lieu of an off-site SWM/BMP pond.

LOCATION AND CHARACTER:

The subject property for RZ 2005-PR-040 consists of a single parcel, Tax Map # 48-2 ((7)) (34) 13, which is 0.556 acres, or 24,203 square feet, in size. This parcel is located within, and completely surrounded by, Land Bay A of the existing Briarwood Trace development, at the southwest quadrant of the intersection of Topaz Street and Citrine Drive. The parcel is currently zoned R-1 and is developed with a single family detached dwelling. The site also contains significant landscape areas of bottomland forest along its eastern, western, and southern property boundaries. The parcel possesses a small amount of frontage along Topaz Street to the north, but the remainder of its perimeter is surrounded by open space, "Parcel A", which is a part of the Briarwood Trace development.

The Briarwood Trace development is comprised of 23.66 acres, rezoned from R-1 to PDH-5 and PDH-3 pursuant to RZ 2002-PR-008 and RZ 2003-PR-014, and collectively consists of 87 single family detached dwellings with an overall density

of 3.68 du/ac for both PDH districts. In addition, the overall open space constitutes 26% of the site, which also includes both the PDH-5 and PDH-3 portions of the development. It is located in the southeastern quadrant of the intersection of Interstate 66, to the north, and Nutley Street, to the west. The development is bounded to the east by Hideaway Road and the Briarwood neighborhood, an older, previously established single family detached residential area. Properties to the south, in the area of Hermosa Drive and Beau Lane, are also characterized by older, single family detached dwellings.

Briarwood Trace is divided into two distinct land bays. Land Bay A, where the subject property is located, consists of 63 single family detached dwelling units on 14.06 acres, with 23% open space. The average lot size in Land Bay A is 5,000 square feet and the overall density is 4.48 du/ac. Land Bay B consists of 24 single family detached dwellings, on 9.60 acres with 33% open space. The average lot size in this area is 6,000 square feet and the overall density is 2.5 du/ac. As previously stated, all of the units are single family detached dwellings. The dwellings are characterized by both rear and front loading layouts with minimum front and rear yards ranging from 15 to 18 feet depending on unit type, and side yard separation ranging from 12 to 15 feet between units.

BACKGROUND:

On September 23, 2002, the Board of Supervisors approved RZ 2002-PR-008 and the Conceptual Development Plan (CDP) subject to proffers dated September 16, 2002. The approval of Briarwood Trace allowed the collective development of 86 dwelling units, of which four were designated affordable dwelling units (ADUs), on a consolidation of 23.43 acres that was rezoned as two separate land areas. (Land Bay A was rezoned to PDH-5 and Land Bay B was rezoned to PDH-3). The development resulted in an overall density of 3.67 du/ac and total open space of 26%. At the time of consolidation, there were two parcels, 48-2 ((7)) (34) 7 and 13, which were not included in the development. However, the applicant did propose layouts depicting how these two lots could be redeveloped at a similar density and character of the development. In addition, the approved proffers contain language specifically structuring the HOA documents to allow the future inclusion of the subject property, Parcel 13. Copies of the conceptual layout for Parcel 13 and the approved proffers and development conditions associated with RZ 2002-PR-008 are contained in Appendices 4 and 5, respectively.

With the approval of RZ 2003-PR-014, concurrent with PCA 2002-PR-008, on September 15, 2003, the unconsolidated Parcel 7 was rezoned from R-1 to PDH-5 and formally incorporated into the Briarwood Trace development. The addition of this lot increased the number of units within Land Bay A from 62 to 63, and raised the number of single family detached dwelling units to 87 for the whole development. In addition, the overall density for Briarwood Trace slightly

increased from 3.67 du/ac to 3.68 du/ac. Appendix 6 contains the approved proffers associated with RZ 2003-PR-014 and PCA 2002-PR-008, dated July 8, 2003, and the portion of the CDPA/FDPA illustrating the approved changes to Briarwood Trace.

COMPREHENSIVE PLAN PROVISIONS (Appendix 8)

Plan Area:	Area II
Planning District:	Vienna Planning District
Planning Sector:	Lee Community Planning Sector – V1
Plan Map:	Residential, 1-2 du/ac
Plan Text:	

On pages 41-2 in the Area II text, Vienna Planning District, the Lee Community Planning Sector (V-1), the 2003 Edition of the Fairfax County Comprehensive Plan States the following, emphasis added:

6. *“Residential infill in the portion of the sector east of Nutley Street and north of frontage property on Lee Highway should be limited to residential uses at a density of 1-2 dwelling units per acre. As an option, the Topaz Street/Hideaway Road/Suteki Road [Tax Map 48-2((7))(33) 1, 2, 3, 7A, 9A, 10; (34) 1, 3, 5, 7, 9, 11, 13, 14, 16, B, A; (35) 2-5; and (36) 1] may be considered for residential use at 4-5 dwelling units per acre and [Tax Map 48-2((7))(36) 2-5, 5A, 5B, 9, 36A, 36B may be considered for residential use at 2-3 dwelling units per acre under the following conditions:*
 - *Substantial and logical consolidation is achieved. In addition, within the option area, a proposed consolidation must show how any unconsolidated properties within the consolidation area can redevelop at a similar density and character;*
 - *Access for those portions planned 4-5 du/ac is limited to the intersection of Swanee Lane with Nutley Street through a road built to VDOT design standards. There should be no extension of Hideaway Road beyond its current paved terminus near the southwestern boundary of the property generally known as Tax Map 48-2((7))(37)43A, nor should there be any connection by public or private road to Hideaway Road;*
 - *Suteki Road should remain open as a public road and should maintain the connection between Hideaway Road and Beau Lane;*

- *New development should address the need for convenient pedestrian access to the crosswalk at Nutley Street and Swanee Lane for these residents and those to the east;*
- *Buffering and screening are provided to mitigate impacts on adjacent properties;*
- *The new development creates a quality living environment for its residents and provides usable open space;*
- *Townhouse uses are not permitted as market rate or ADU units; only single-family, detached units may be constructed;*
- *Noise attenuation measures are provided as determined appropriate by the County; and*
- *Existing mature trees should be retained to the greatest extent possible. The area adjacent to I-66 has substantial mature trees and vegetation that should be retained and preserved as open space adjacent to I-66;*
- *In order to help enhance compatibility with existing and planned uses on the adjacent lands, within the areas planned 4-5 du/ac and 2-3 du/ac, densities inclusive of ADU's and bonus units, should not occur above the "mid point" of the density range;*
- *At the edges of the development, in areas where the assembled property abuts existing development planned and/or zoned for lower density, the new development should be designed with units having a general orientation, location, building materials, and spacing that is compatible with the established development pattern; and*
- *To further enhance compatibility with existing uses, new development should use design features such as street lighting, landscaping and entry features as a way to improve the transition from the new development to the existing and established residential uses."*

ANALYSIS

Conceptual/Final Development Plan (Reduction at front of staff report)

Title of CDP/FDP: Briarwood

Prepared By: Charles P. Johnson & Associates, Inc.

Original and Revision Dates: November 28, 2005 as revised and sealed through April 28, 2006

CDP/FDP Briarwood	
Sheet #	Description of Sheet
1 of 4	Cover Sheet with General Notes
2 of 4	Overall Site Layout; Landscape Plan and Schedule; Limits of Clearing and Grading
3 of 4	Existing Conditions and Vegetation Map
4 of 4	Stormwater Management; BMP Narrative; Outfall Analysis

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

Site Layout: The proposed layout includes the division of the subject property into two residential lots and an additional out lot. All existing structures on the property will be demolished, and the applicant is proposing to construct two single family detached dwelling units on Proposed Lots 1 & 2. Lot 1 will be approximately 10,970 square feet and Lot 2 will contain approximately 10,983 square feet. The average lot size for single family detached dwelling units in Land Bay A of Briarwood Trace is 5,000 square feet. The remainder of the lot area, 0.052 acres or 2,249 square feet, will be a separate open space lot (Parcel A). If the subdivision is incorporated into the Briarwood Trace HOA, it will be conveyed to Briarwood Trace and consolidated into the existing open space to the south of the subject property.

The applicant is proposing to orient the new structures with building entrances fronting onto Topaz Street. There will be shared vehicular access to both lots from Topaz Street, with direct access to Lot 1 and vehicular entry provided to Lot 2 via a proposed ingress/egress easement across the northernmost portion of Lot 1. The plan identifies attached garages on the front façade of each unit, providing indoor storage for three vehicles per unit. The footprints depicted on Sheet 2 of the CDP/FDP show minimum front yard setbacks of 25 feet, minimum rear yard setbacks of 20 feet, and minimum 8 foot side yard setbacks. As such, the new units' orientation to Topaz Street and proposed setbacks complement those of the adjacent units in Briarwood Trace.

The proposed architecture and building materials for the two new units are also compatible with other unit types found throughout the entire Briarwood Trace development. The architecture for this project was designed by the same architect who completed the original development, for the purpose of developing a complimentary project. Another feature is the proposal of in-ground swimming pools in the rear yard of each unit, which will require the need for retaining walls in this area of the property. The height of these walls varies; although both a letter dated March 31, 2006 from the agent of the applicant, and the CDP/FDP indicate that overall wall height will not exceed 6 feet. The walls will be constructed of

masonry materials to match those already existing in the Briarwood Trace development. Copies of the architectural elevations and the above referenced letter have been included as Appendices 9 and 10 respectively.

Vehicular Access: As previously stated, vehicular access for both of the new units will be provided off of Topaz Street. Pursuant to the approved proffers for RZ 2002-PR-008, Parcel 13 was authorized access to the private road system associated with Briarwood Trace. At the time of dedication of Topaz Street, a twenty-five foot ingress/egress easement was established at the northwest corner of the subject property for the benefit of access to the lot and any future development. This is the only point of access for the subject property, as it possesses no actual frontage onto Topaz Street due to the open space parcel that separates it from the right-of-way. Likewise, the lot possesses no access to Citrine Drive or Sycamore Crest Drive due to the same open space area, which also surrounds the parcel along its eastern and southern property boundaries.

Therefore, access to the two lots will be provided through the ingress/egress easement located in the northwest corner of the subject property. This existing easement will provide direct vehicular access to Lot 1, and entry to Lot 2 will be provided via an additional ingress/egress easement across the northernmost portion of Lot 1. The CDP/FDP also depicts driveway areas that provide ample turnaround opportunity for vehicles exiting each lot.

Pedestrian Access: Since the subject property is surrounded by the existing Briarwood Trace development, sidewalks were planned for, and have already been constructed around, the existing streets. As a result, a 4 foot wide sidewalk extends along Topaz Street and Citrine Drive, and terminates shortly beyond the subject property on Sycamore Crest Drive.

Parking: The proposed dwellings on Lots 1 & 2 are designed to have garage space for up to three vehicles, as well as sufficient driveway space to accommodate on site parking. As depicted on the front elevations (Appendix 9), each unit has two front loading garage spaces. In addition, the side elevations show a single side loading garage space for each unit. There also exist areas of street parking directly adjacent to the subject property along the Topaz Street, Citrine Drive and Sycamore Crest Drive frontages.

Open Space: Pursuant to the provisions for the PDH-4 district, the applicant is required to provide a minimum of 20% open space. However, the applicant is only proposing 9% open space and must therefore request a waiver of this provision. The proposed open space is comprised of the 0.052 acres, or 2,249 square feet, out lot (Parcel A) that will be subdivided off of the southern portion of the subject property. The applicant is proposing to convey this area to the Briarwood Trace HOA, whereby it will be consolidated into the existing development's open space that surrounds the subject property.

Tree Save and Landscaping: The existing site is characterized by areas of bottomland forest along the eastern and western property boundaries, and the rear yard portion of the lot. The primary species is tulip poplar, in addition to several others such as red oak, white oak, and Siberian elm. Furthermore, the rear yard area immediately adjacent to the southern property boundary contains several unique tree species such as hickory, American holly, ash and dogwood. Based on the CDP/FDP, the development of the subject property will result in the removal of the majority of the existing landscaping on site. The applicant is proposing to supplement the out lot, Parcel A, with new landscaping comprised of both deciduous and evergreen trees, and enhance areas along the western and northeastern corner of the subject property with new hardwood, evergreen, and ornamental trees as a tree replacement measure.

Stormwater Management: The applicant is proposing to satisfy stormwater management by use of the existing downstream extended detention pond associated with Briarwood Trace Section 1, and located along the southwestern boundary of Land Bay A at the corner of Zimpel and Sycamore Crest Drives. The dry pond currently provides storm water management and best management practices (BMPs) for the 39.30 acre area, which includes the 0.56 acre subject property. Based on these existing conditions, the applicant is requesting a waiver of on-site stormwater management and BMP requirements. A final determination on this waiver request will be made by DPWES at the time of subdivision plan review. In the event that on-site facilities are required, a proffer condition amendment (PCA) may be required.

Comprehensive Plan Analysis

The proposal to rezone Parcel 13 from the R-1 to the PDH-4 District will result in a density of 3.59 dwelling units per acre. The Comprehensive Plan designates infill areas east of Nutley Street and north of frontage property on Lee Highway for residential development at a density of 1-2 du/ac. However, the Plan does allow an option to increase density in the Topaz Street, Hideaway and Suteki Roads area to 4-5 du/ac when the following provisions have been met:

- *Substantial and logical consolidation is achieved. In addition, within the option area, a proposed consolidation must show how any unconsolidated properties within the consolidation area can redevelop at a similar density and character;*

Since the subject property is completely surrounded by the Briarwood Trace development, there is no opportunity for further consolidation in this area. Moreover, it should be noted that the parcel was an unconsolidated property associated with the approval of Briarwood Trace pursuant to RZ 2002-PR-008. At that time, a layout was provided showing how the parcel could redevelop at a similar density and character of the development (Appendix 4). Although the applicant is proposing larger lot sizes with this application, the general layout is

similar and the request does represent an opportunity to achieve consolidation through the appropriate redevelopment of the lot in harmony with the existing neighborhood.

- *Access for those portions planned 4-5 du/ac is limited to the intersection of Swanee Lane with Nutley Street through a road built to VDOT design standards. There should be no extension of Hideaway Road beyond its current paved terminus near the southwestern boundary of the property generally known as Tax Map 48-2((7))(37)43A, nor should there be any connection by public or private road to Hideaway Road;*

The layout for Briarwood Trace provided no extension of Hideaway Road beyond that which exists now nor did it provide any connection by private or public road to Hideaway Road. There are no changes proposed with this application.

- *Suteki Road should remain open as a public road and should maintain the connection between Hideaway Road and Beau Lane;*

The site layout also retained Suteki Road's public road status, and maintained the connection between Hideaway Road and Beau Lane. There are no changes proposed with this application.

- *New development should address the need for convenient pedestrian access to the crosswalk at Nutley Street and Swanee Lane for these residents and those to the east;*

The approvals associated with RZ 2002-PR-008, RZ 2003-PR-014 and PCA 2002-PR-008 required the construction of sidewalks along all new and existing streets in order to provide convenient pedestrian access to the crosswalk at Nutley Street and Swanee Lane. Pedestrian signals at the intersections of Nutley Street with Hermosa Drive and Swanee Lane were included in the original proffers to make access to the Vienna Metro safer.

As previously stated, the subject property is completely surrounded by the Briarwood Trace development, the approval of which required both vehicular and pedestrian transportation improvements in the vicinity of the subject property. The proposed development associated with this application will not affect the existing road or sidewalk networks associated with the area.

- *Buffering and screening are provided to mitigate impacts on adjacent properties;*

In order to mitigate the impacts of the proposed development, the applicant is proposing buffering and screening, consisting of existing and new landscaping, along the periphery of the subject property. Along the western property line, adjacent to Lot 23 of Briarwood Trace, the applicant is proposing to replace the

existing landscape barrier with a row of evergreen trees. The southern most portion of the subject property where the out lot, Parcel A, will be located is proposed to be landscaped with both evergreen and deciduous trees. The remaining property boundaries to the north and east will be screened from Topaz Street and Citrine Drive by way of the existing landscaping, and new plantings in these areas.

- *The new development creates a quality living environment for its residents and provides usable open space;*

The site layout for Briarwood Trace provides several areas of open space, including a community park, smaller open space areas with seating, and several tree save areas. In addition, a streetscape design was proffered for the development and landscaping was provided for individual lots. To add to the quality living environment and open space areas, the applicant is proposing two primary features. First, the subject property will be divided into three lots, two of which will be building lots and the third a separate, landscaped open space lot. The applicant has agreed in the proposed proffers to convey the 0.052 acre parcel to the Briarwood Trace HOA to add to the existing open space area which surrounds the subject property. The CDP/FDP also shows additional landscape plantings on each of the lot layouts, which will create attractive yard areas.

The second feature of the proposal is the proposed architecture. The applicant has retained the services of the same architect that provided design service for the Briarwood Trace development. The intent is to ensure that the design and building materials for the two new units will be compatible with the other unit types found in Land Bay A, and appropriate for the overall development.

- *Townhouse uses are not permitted as market rate or ADU units; only single-family, detached units may be constructed;*

The development proposal does not feature any townhouse units. The CDP/FDP shows the construction of two single family detached dwelling units.

- *In order to help enhance compatibility with existing and planned uses on the adjacent lands, within the areas planned 4-5 du/ac and 2-3 du/ac, densities inclusive of ADU's and bonus units, should not occur above the "mid point" of the density range;*

Since the provision of affordable dwelling units (ADUs) is not applicable to this development, the applicant is not proposing any additional ADUs. *However, the applicant has proffered a contribution to the housing trust fund.*

- *Noise attenuation measures are provided as determined appropriate by the County;*

The subject property is not located in the adverse noise contours for Interstate 66 to the north, or in the area adjacent to Interstate 66 that is affected by this recommendation.

- *Existing mature trees should be retained to the greatest extent possible. The area adjacent to I-66 has substantial mature trees and vegetation that should be retained and preserved as open space adjacent to I-66;*

Pursuant to the recommendation of the Forest Conservation Section of DPWES, the applicant is proposing to save the 9-inch American holly that is located along the southern boundary of the subject property.

- *At the edges of the development, in areas where the assembled property abuts existing development planned and/or zoned for lower density, the new development should be designed with units having a general orientation, location, building materials, and spacing that is compatible with the established development pattern; and*

Since the subject property is located in the center of the Briarwood Trace development, the intent of the applicant is to develop the property in a manner that is similar in character to that of the existing community. The two new units will be oriented to Topaz Street similar to those adjacent to the west and north, and will be architecturally compatible in both design and building materials with the other unit types found in the vicinity. In addition, proposed setbacks for the new units are in keeping with those on adjacent lots.

- *To further enhance compatibility with existing uses, new development should use design features such as street lighting, landscaping and entry features as a way to improve the transition from the new development to the existing and established residential uses.”*

Existing and proposed landscaping will serve to provide both a buffer and a smooth transition area between the new development and the surrounding community.

In summary, staff believes that the proposed CDP/FDP is in substantial conformance with the Comprehensive Plan provisions. The redevelopment represents an opportunity to achieve consolidation of the remaining parcel associated with the Briarwood Trace community, in a manner that is in keeping with the character and density of the surrounding community. Furthermore, when considering the improvements in the vicinity of the subject property that were performed pursuant to RZ 2002-PR-008, many of the Plan provisions have already been fulfilled.

Residential Development Criteria & Analysis

Fairfax County expects new residential development to enhance the community by fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on public facilities, respecting the County's historic heritage, contributing to the provision of affordable 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:

Site Design (Development Criterion #1)

Development Criterion #1 requires that the development proposal address consolidation goals in the Comprehensive Plan, or when consolidation is not specifically identified, further the integration of the development with adjacent parcels. In any case, the consolidation of the development should not preclude adjacent parcels from developing in accordance with the Plan.

The subject property is completely surrounded by the Briarwood Trace development; therefore, there are no further adjacent properties that could be considered for consolidation. In addition, the development of the subject property for two single family detached dwellings is appropriate, and will integrate well with the Briarwood Trace community.

The development proposal should provide logical, functional, and appropriate design relationships within the development, including appropriately oriented units and useable yard areas within the individual lots. Convenient access to transit facilities should be provided where available, and all aspects pertaining to utilities shall be identified.

The applicant's proposal was designed to complement the surrounding development pattern and includes a site layout with two 10,000 square foot single family residential lots, with frontage and access to Topaz Street, and a separate 2,249 square foot out lot that is intended to be incorporated into the existing open space of Briarwood Trace. The proposed setbacks for the new units are similar to those on adjacent lots, which also front with access to Topaz Street, and allow useable rear yard areas that will incorporate the use of in-ground swimming pools. In addition, the new single family detached units will be architecturally compatible in both design and building materials with the other unit types found in the vicinity.

Open space should be usable, accessible and integrated. Appropriate landscaping should be provided, as should amenities such as benches, recreational amenities, and special design treatments.

The proposed site layout will provide sufficient open space area available to the new dwelling units. In addition to the useable yard areas, the applicant has also proposed to convey the 2,249 square foot out lot to the Briarwood Trace HOA for consolidation into the existing open space area. This area will be landscaped with both deciduous and evergreen trees, and will be accessible to both current and future residents. The applicant has also proffered to preserve the 9-inch American Holly found on the lot. Although the majority of this landscaping will be removed for construction purposes, a new landscaping will be installed.

Neighborhood Context (Development Criterion #2)

While new development is not expected to be identical to neighboring developments within which it is located, this Criterion states that they should fit in the fabric of the area as evidenced by an evaluation of: transitions to abutting and adjacent uses; bulk/mass of the proposed dwelling units; building setbacks and orientation; architectural elevations and materials; pedestrian, bicycle and vehicular connections to off-site trails, roadways, transit facilities and land uses.

As noted above in Development Criterion #1, the proposed site layout and building architecture was designed to complement the surrounding development and provide a high level of compatibility that would adequately integrate the new development into the community. In terms of character, staff finds that the proposed building design, setbacks and lot sizes are appropriate with respect to those dwellings in the immediate area. Although the overall size of the proposed unit footprints are slightly larger than what was originally envisioned for the subject property, staff believes that the proposed layout will result in development that fits into the fabric of the surrounding neighborhood.

Environment & Preservation and Tree Cover Requirements (Development Criterion #3 & 4)

Development Criterion #3 requires that the development respect the natural environment by: conserving natural environmental resources to the extent possible; designing development while considering existing topographic and soil conditions; minimizing off-site impacts from stormwater runoff and adverse water quality impacts; protecting current and future residents from noise and lighting impacts; and, providing a site layout which encourages and facilitates energy preservation.

The CDP/FDP indicates that the majority of the trees on site will be removed in order to accommodate the proposed development on site. In addition, the plan also depicts retaining walls in the rear yard areas to accommodate the proposed grading and development in this area of the subject property. County staff has worked with the applicant to minimize the use of retaining walls in these areas out of both aesthetic concerns and their affect on stormwater management on

the site. As a result, the overall use of retaining walls has been reduced on the site, and the heights have been limited to a maximum of six (6) feet in height as noted in the proposed development conditions.

As a part of this application, the applicant is also requesting a waiver of on-site stormwater management and BMP requirements. The applicant is proposing to satisfy stormwater management by use of the existing downstream extended detention pond associated with Briarwood Trace Section 1, which is located along the southwestern boundary of Land Bay A at the corner of Zimpel and Sycamore Crest Drives. The dry pond currently provides storm water management and BMPs for the 39.30 acre area, including the 0.56 acre subject property. However, the Environmental and Site Review Division notes that the dry pond for this site was designed using a lower runoff C-factor and, therefore, the applicant must provide additional calculations at the time of subdivision plan review to prove that the detention requirements for the subject property will be met. It should again be noted that in the event that an on-site SWM waiver is not granted, then approval of a PCA may be required.

There are no downstream drainage complaints on file with the Stormwater Planning Division, DPWES, relevant to the proposed development, neither are there any regulated floodplains or Resource Protection Areas (RPAs) on the subject property.

The subject property is located outside of the adverse noise contours for Interstate 66 to the north. Further, there is an existing VDOT noise wall along the northern boundary of the Briarwood Trace development, which includes a portion of the entrance ramp from Nutley Street.

Criterion #4 states that all developments should be designed to take advantage of existing tree cover and developed appropriately to disturb as little existing tree cover as possible. Furthermore, the extension of utility improvements to the site should be located in a manner that does not interfere with proposed tree save and landscape areas.

Although the predominant natural feature of the existing site is the significant areas of bottomland forest consisting primarily of tulip poplars, the proposed grading and development of the site will require removing the majority of these trees. The applicant has proposed to save a few of the existing trees on the lot, the most significant being a 9-inch American holly tree located along the southern property boundary that was noted by the Forest Conservation Section of DPWES as a priority for preservation. The applicant has proposed to replant the site with new landscaping to offset the removal of the existing trees. A copy of the Forest Conservation Section's report has been provided in Appendix 13.

Transportation (Development Criterion #5) (Appendix 14)

This Criterion requires that developments provide safe and adequate access to the surrounding road network, and encourages transit and pedestrian travel and the interconnection of streets. While public streets are preferred, private streets are allowed but the applicant shall demonstrate their benefit. In addition, alternative street designs may be appropriate where conditions merit.

As previously stated, the approval of the Briarwood Trace development required both vehicular and pedestrian transportation improvements in the vicinity of the subject property. The proposed development associated with this application maintains safe and adequate access to this transportation network, and bears no adverse affects on the existing roads and sidewalks.

Public Facilities (Development Criterion #6)

Residential development should offset its impacts on public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned facilities). Development Criterion #6 states that impacts may be offset through the dedication of land, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. Phasing of development may be required to ensure mitigation of impacts. (Specific Public Facilities issues are discussed in detail in Appendices 15 through 18).

Fairfax County Park Authority Analysis (Appendix 15)

The proposed application bears no adverse impact on land or resources of the Fairfax County Park Authority.

Fairfax County Public Schools Analysis (Appendix 16)

The proposed development would be served by Fairhill Elementary, Jackson Middle, and Falls Church High School. The proposed rezoning application would not generate any additional students above the current zoning, and, therefore, a zero impact on student membership in the area is expected.

Fire and Rescue Analysis (Appendix 17)

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #430, Merrifield. In addition, the requested rezoning currently meets fire protection guidelines, as determined by the Information Technology Section of the Fire and Rescue Department.

Fairfax County Water Authority Analysis (Appendix 18)

The subject property is not located within the Fairfax County Water Authority Service Area, but is located in the City of Falls Church service area.

Affordable Housing (Development Criterion #7)

Development Criterion #7 is applicable to all rezonings and states that ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of Fairfax County. This may be satisfied by the construction of units, dedication of land, or by a contribution to the Housing Trust Fund.

Since the provision of affordable dwelling units (ADUs) is not applicable to this development, the applicant is not proposing any additional ADUs. However, the applicant has agreed to proffer a contribution to the Fairfax County Housing Trust Fund, in the amount equal to 0.5% of the value of the new residential units approved on the property.

Heritage Resources (Development Criterion #8)

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

There are no known historical and/or archaeological resources on the subject property.

ZONING ORDINANCE PROVISIONS

The requested rezoning of the subject property from R-1 to the PDH-4 District must comply with the applicable regulations of the Zoning Ordinance. Specifically, among others, are the provisions found in Article 6, Planned Development District Regulations, and Article 16, Development Plans.

ARTICLE 6

Section 6-101 – Purpose and Intent. *The PDH District is established to encourage innovative and creative design and to facilitate use of the most advantageous construction techniques in the development of land for residential use. The district regulations have been designed to insure ample provision and efficient use of open space; to promote high standards in the layout, design and construction of residential development; to promote balanced developments of mixed housing types; and to encourage the provision of dwellings within the means of families of low and moderate income.*

The development proposes two single family detached dwelling units at a density of 3.59 du/ac, and 9% open space that will be later added to the existing open space that surrounds the property. While this application does not provide mixed housing types or affordable dwelling units, the proposed infill development is consistent with the surrounding Briarwood Trace development. The applicant has also proffered to contribute to the Fairfax County Housing Trust Fund. In staff's evaluation, the proposed design achieves the intent of an infill development, is suitable within the existing community, and allows the site to be developed in accordance with the Comprehensive Plan. Therefore, staff believes the request for rezoning to the PDH-4 District is appropriate.

Section 6-107(1) – Lot Size Requirements. *Minimum District Size: Land shall be classified in the PDH District only on a parcel of two (2) acres or larger.*

The applicant is proposing to rezone a small, infill lot consisting of 0.556 acres, or 24,203 square feet. Therefore, the applicant must seek a waiver of the Minimum District Size of two (2) acres for the PDH District. Pursuant to Section 9-610 of the Zoning Ordinance, the Board may approve a waiver of the minimum district size if the subject lot has not been reduced in width or area since the effective date of the ordinance, if the development of the subject property will not have a deleterious effect on existing or planned development of adjacent properties, and if the remaining provisions of the Ordinance can be satisfied. Given the age of the lot, the complimentary design of the proposed units with those in the existing community, and the fulfillment of the PDH District criteria, staff believes that these standards have been satisfied.

Section 6-109(1) – Maximum Density. *The PDH-4 District has a maximum density of four (4) dwelling units per acre.*

The applicant is proposing a density of 3.59 dwelling units per acre, which is under the maximum density of four (4) dwelling units per acre. Therefore, this standard has been met.

Section 6-110(1) – Open Space. *The PDH-4 District requires that a minimum of 20% of the gross area of the subject property be provided as open space.*

The application proposes an out lot, Parcel A, consisting of 0.052 acres, or 2,249 square feet, to be dedicated as open space. This constitutes 9% of the gross area of the subject property and does not meet the standard of Section 6-110(1). Therefore, the applicant requests a waiver of the 20% open space requirement for the PDH-4 District. Pursuant to Section 9-612 of the Zoning Ordinance, the Board may approve a waiver of open space requirements if it will further the intent of the Ordinance, the Comprehensive Plan, and other adopted policies; if the resultant development will be harmonious with the adjacent development; and if the

provisions of the Article 13 of the Zoning Ordinance are satisfied. Staff believes that the contribution of Parcel A to the existing Briarwood Trace open space will satisfy the intent of the Zoning Ordinance and the Comprehensive Plan, in that it will provide additional open space for the entire community. In addition, the complimentary design of the proposed units with those in the existing community and the proposed landscape plantings fulfill the requirements for open space waiver.

Section 6-110(2) – Open Space. *As part of the open space to be provided in accordance with the Zoning Ordinance, there shall be a requirement to provide recreational facilities in all PDH Districts. The provision of such facilities shall be subject to the provisions of Section 16-404 of the Ordinance, and shall be based on a minimum expenditure of \$955.00 per dwelling unit. The facilities shall be provided on-site by the developer, or the Board of Supervisors may approve provision on land which is not part of the subject PDH District.*

The applicant is proposing an in-ground swimming pool for each of the new dwelling units, to be located in the rear yard area. The Swimming pools will provide on-site recreational opportunities for both homeowners and fulfills the provisions of Section 16-404 of the Zoning Ordinance. Therefore, staff feels that this provision has been satisfied.

ARTICLE 16

Section 16-101 – General Standards. *A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:*

1. *The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.*

As noted previously, the proposed development for the subject property conforms to both the intent and applicable provisions of the Fairfax County Comprehensive Plan.

2. *The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.*

When the Briarwood Trace development was approved in September 2002, it was planned that the two unconsolidated parcels, Lots 7 & 13, would eventually become a part of the community. Provisions were made in the approved proffers dated September 16, 2002 that provided the opportunity for the subject property to become a part of the HOA in the event that it was ever redeveloped in a character and density that is consistent with the existing community. In considering the intent of the original proffers that allowed for future inclusion of the property, and the compatible architectural plans proposed for the two new units, staff believes that this standard has been adequately fulfilled.

3. *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.*

Although the applicant is providing additional land area to the existing open space surrounding the subject property, the large majority of the trees on the site will be removed as a result of the proposed development. Of the existing trees on the site, the applicant is proposing to save the 9-inch American holly along the southern property boundary that was identified by the Forest Conservation Section of DPWES as a priority for preservation.

4. *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.*

The layout and architecture of the proposed residential development was designed to be compatible with, and appropriate for, the surrounding Briarwood Trace community. The design services for the two single family detached dwelling units related to this application were provided by the same architect associated with Briarwood Trace, and will have no negative impacts on the surrounding development. Furthermore, since the subject property was an unconsolidated lot associated with the Briarwood Trace development, there are no undeveloped properties remaining in the vicinity.

5. *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.*

No transportation, rescue or public facilities issues have been raised in the review process of this application. Adequate service is available for the proposed development.

6. *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.*

Since the proposal is an infill development project in an existing subdivision, it will

take advantage of the existing infrastructure that is already in place. Therefore, staff believes this standard has been addressed.

Section 16-102 - Design Standards. *Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:*

1. *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.*

In this case, the proposed development is most closely characterized by the R-4 district. The setbacks proposed for the two single family detached dwelling units generally conform to those of a cluster subdivision in the R-4 District. This complements the development in the surrounding community, which was developed under the PDH-5 District, with comparable bulk regulations to those in the R-5 District.

2. *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.*

With the exception of the minimum district size and the open space requirements for which the applicant is requesting waivers, staff feels that the proposed CDP/FDP generally conforms to all other regulations set forth in the Zoning Ordinance.

3. *Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.*

Since the proposal is a minor infill development project in an existing subdivision, it will take advantage of the existing transportation infrastructure that is already in place. Therefore, staff believes that this particular standard is not applicable to the request.

WAIVERS/MODIFICATIONS

Waiver of the Minimum District Size for PDH Districts

The minimum district size for a PDH development is two (2) acres. The subject property, Parcel 13, associated with this application is 0.556 acres, or 24,203 square feet. The proposal effectively consolidates the remaining parcel that was left out of the surrounding Briarwood Trace development. The redevelopment of the subject property in a character and density similar to that of the surrounding community fulfills the intent of the Comprehensive Plan, and staff therefore supports this request for waiver.

Waiver of the 20% Open Space Requirement for the PDH-4

Section 6-110 of the Zoning Ordinance requires that 20% open space be provided for the PDH-4 District. As discussed previously, the applicant is only proposing 9% open space, comprised of the 0.052 acres, or 2,249 square feet, out lot (Parcel A) that will be subdivided off of the southern portion of the subject property. The applicant is proposing to convey this area to the Briarwood Trace HOA, whereby it will be consolidated into the existing Briarwood Trace development open space that surrounds the subject property.

The justification for this waiver is rationalized by the relationship between the subject property and the Briarwood Trace development. When Briarwood Trace was created, it was intended that the subject property be included in the development at some point in time. Although the original rezoning application is not being proposed for amendment to formally consolidate the subject property, the approved proffers do extend the right to include the parcel into the HOA in the event it ever redevelops independently. Based on this provision, the parcel could be viewed as a part of the overall existing community, which already satisfies, and exceeds, the open space requirement in the Zoning Ordinance. As such, by proposing to contribute the 0.052 acre area to the existing open space of Land Bay A, the applicant would slightly increase this open space and enhance the overall development by providing additional area that is both accessible and usable to all future residents. For this reason, staff supports waiver of this requirement.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The subject application proposes to rezone 0.56 acres, or 24,203 square feet, from the R-1 District to the PDH-4 District, in order to redevelop an infill lot for the purposes of constructing 2 single family detached dwelling units. The applicant is

also proffering to add 0.052 acres, or 2,249 square feet of land to the existing Briarwood Trace open space that surrounds the subject property. Staff believes that the development of the subject property is in keeping with that of the adjacent residential neighborhoods, and is generally consistent with the surrounding Briarwood Trace community. In addition, staff concludes that RZ 2005-PR-040 is in substantial conformance with the Fairfax Comprehensive Plan and the Zoning Ordinance. As such, staff supports this application for approval.

Recommendations

Staff recommends that RZ 2005-PR-040 and the Conceptual Development Plan be approved subject to the execution of proffers consistent with those contained in Appendix 1 of the Staff Report.

Staff recommends the approval of FDP 2005-PR-040, subject to the development conditions set forth in Appendix 2 of the staff report and subject to the Board's approval of RZ 2005-PR-040 and the Conceptual Development Plan.

Staff recommends that the minimum district size of two (2) acres for a PDH District be waived.

Staff recommends that the open space requirement for the PDH-4 District be modified 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 Development Conditions
3. Affidavit
4. Statement of Justification
5. Conceptual Layout for Future Development of Parcel 13 (RZ 2002-PR-008)
6. Approved Proffers and Development Conditions for RZ 2002-PR-008
7. Approved Proffers for RZ 2003-PR-014/PCA 2002-PR-008 and CDPA/FDPA Excerpt
8. Comprehensive Plan Citations
9. Proposed Elevations

APPENDICES (Continued)

10. Applicant Letter: March 31, 2006
11. Fairfax County Environmental and Development Review Analysis
12. Stormwater Management Analysis
13. Fairfax County Forest Conservation Section Analysis
14. Fairfax County DOT & Virginia DOT Analysis
15. Fairfax County Park Authority Analysis
16. Fairfax County Public Schools Analysis
17. Fire and Rescue Analysis
18. Fairfax County Water Authority Analysis
19. Zoning Ordinance Provisions
20. Residential Development Criteria
21. Glossary of Terms

Draft Proffers

Watermark Two, LLC

RZ 2005-PR-040

April 4, 2006

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Applicant and Owners, in this rezoning proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Map as Tax Map Reference 48-2((7))(34)13 (hereinafter referred to as the “Property”) will be in accordance with the following conditions (the “Proffered Conditions”), if and only if, said rezoning request for the PDH-4 Zoning District is granted. In the event said rezoning request is denied, these Proffered Conditions shall be null and void. The Owners and Applicant, for themselves, their successors and assigns hereby agree that these Proffered Conditions shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The Proffered Conditions are:

I. GENERAL

1. Substantial Conformance. Subject to the provisions of Article 16 of the Fairfax County Zoning Ordinance (hereinafter referred to as the “Zoning Ordinance”), development of the Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), prepared by CPJ Associates consisting of 4 sheets, dated February 17, 2006, revised through March 30, 2006.

2. Maximum Lot Yield. The development shall consist of a maximum of 2 single family detached units. Except as may be further qualified by these proffered conditions, minor modifications to the building footprints including house location and sizes may be permitted in accordance with Section 16-403 of the Zoning Ordinance without requiring approval of a Proffered Condition Amendment (PCA)/Final Development Plan Amendment (FDPA).

3. Establishment of HOA. Prior to record plat approval, the Applicant shall provide a written request to the Briarwood Trace HOA to be included in that HOA. Full disclosure of these proffers shall be made to the Briarwood Trace HOA as part of this request. Absent a mutual agreement on the terms and conditions of such incorporation within 8 weeks of the request to Briarwood Trace HOA, the Applicant shall establish an individual HOA for the approved development.

4. Dedication to HOA. The area designated as open space on the CDP/FDP shall be conveyed to the Briarwood Trace HOA if incorporation into that HOA is completed as outlined in Proffer I.3. If such incorporation is not completed, the open space shall be dedicated to the newly formed HOA and maintained by the same.

5. Disclosure. Prior to entering into a contract of sale, prospective purchasers shall be notified in writing by the Applicants of the maintenance responsibility for the open space whether as part of the Briarwood Trace HOA or a newly formed HOA, as well as being notified of the possible inclusion in the Briarwood Trace HOA and shall acknowledge receipt of this information in writing. The applicant shall a

record covenant running to the benefit of the appropriate HOA and Fairfax County in a form as approved by the County Attorney setting the maintenance responsibility for the open space by the HOA among the land records of Fairfax County. Each deed of conveyance shall expressly contain these disclosures.

6. Garages. A minimum of two parking spaces shall be provided within the garage of each dwelling unit. Any conversion of garages that will preclude the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the Board of Supervisors and the HOA and this restriction shall be included in the HOA documents.
7. Energy Conservation. All newly constructed dwellings on the Property shall meet the thermal guidelines of the CABO Model Energy Program for energy efficient homes, or its equivalent as determined by the Department of Public Works and Environmental Services (DPWES) for either gas or electric energy systems, as may be applicable.
8. Signs. No temporary signs (including “popsicle” style paper or cardboard signs), which are prohibited by Article 12 of the Zoning Ordinance and Chapter 7 of Title 33.1, and Chapter 8 of Title 46.2 of the Code of Virginia, shall be placed on or offsite by the Applicant or at the Applicant’s direction. The Applicant shall direct its agents and employees involved with the Property to adhere to this proffer.

9. Architecture. The primary building material exclusive of trim and doors shall be a combination of stone, brick and vinyl siding to be compatible with that of the existing homes in Briarwood Trace subdivision.

II. TRANSPORTATION

1. Public Access Easement. A public access easement in a form approved by the County Attorney shall be placed on the entrance as shown on the CDP/FDP. All prospective purchasers shall be advised of the existence of the easement prior to entering into a contract of sale and such information shall be included in the HOA documents.

III. HOUSING TRUST FUND

1. At the time of the first building permit issuance, the Applicant shall contribute a sum equal to one-half of one percent (0.5%) of the projected sales price for each new dwelling unit on the Property to the Fairfax County Housing Trust Fund, as determined by the Department of Housing and Community Development in consultation with the Applicant to assist the County in its goal to provide affordable dwellings elsewhere in the County.

IV. ENVIRONMENTAL

1. Stormwater Management (SWM) and Best Management Practices (BMP). In lieu of constructing an on-site stormwater management facility, the Applicant intends to process a waiver of standard on-site stormwater management detention and BMP requirements. If the requested waiver of standard on-site stormwater management detention and BMP requirements is not approved, an amendment to

the CDP/FDP shall be required to show the location of on-site Stormwater Management detention and BMP practices.

2. Tree Preservation. The applicant shall preserve the 9-inch American holly along the southern lot line. The holly shall be shown as preserved on the landscape plan discussed in proffer IV.3.

3. Landscaping. Landscaping shall be consistent with the quality, quantity and general location shown on the Landscape Plan on Sheet 2 of the CDP/FDP. At the time of planting, the minimum caliper for deciduous trees shall be two (2) inches and the minimum height for evergreen trees shall be eight (8) feet. Actual types and species of vegetation shall be determined pursuant to more detailed landscape plans approved by Urban Forest Management at the time of subdivision plan approval. Such landscape plans shall provide tree coverage and species diversity consistent with the Public Facilities Manual (PFM) criteria, as determined by Urban Forest Management.

VII. SUCCESSORS AND ASSIGNS

These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

VIII. COUNTERPARTS

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument

TITLE OWNERS AND APPLICANTS SIGNATURES TO FOLLOW ON THE NEXT PAGE:

Jean Francois Ramos
Title Owner
of TM 48-2((7))(34)13

Jean Francois Ramos

WATERMARK TWO LLC
APPLICANT/CONTRACT PURCHASER
of TM 48-2((7))(34)13

By: _____

Name: Andrew Lindsey

Title: Vice-President, Watermark Development Group, Inc.

WATERMARK TWO LLC
APPLICANT/CONTRACT PURCHASER
of TM 48-2((7))(34)13

By: _____

Name: James F. Snyder

Title: President, Watermark Development Group, Inc.

PROPOSED DEVELOPMENT CONDITIONS

FDP 2005-PR-040

May 3, 2006

If it is the intent of the Planning Commission to approve Final Development Plan 2005-PR-040 located at Tax Map 48-2 ((07)) (34) 13, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. The architecture of the proposed single family detached dwelling units shall be in substantial conformance with the elevations depicted on the five (5) sheets dated April 5, 2006, and identified as the "Watermark Resort Homes Villa Topaz", prepared by Snyder & Egbue Design Group, Inc., included herein as Attachment 1.
2. At the time of site plan review, the applicant shall supply a concurrent landscape plan depicting the provision of additional landscape plantings in the Briarwood Trace Open Space, Tax Map 48-2 ((32)) A1, in the general area located to the south of the subject property. These plantings, and their subsequent installation, shall be subject to review and approval of Urban Forestry and Management. In addition, the landscape plan shall also depict the number and sizes of trees and plantings consistent with that shown on the Conceptual/Final Development Plan for RZ 2005-PR-040.
3. The retaining walls shown on the CDP/FDP shall be limited a maximum height of six (6) feet.