



APPLICATION FILED: May 11, 2005  
PLANNING COMMISSION: June 15, 2006  
BOARD OF SUPERVISORS: Not yet scheduled

# County of Fairfax, Virginia

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June 1, 2006

## STAFF REPORT

**RZ/FDP 2005-DR-015**

### DRANESVILLE DISTRICT

<b>APPLICANT:</b>	Christopher Management, Inc.
<b>PRESENT ZONING:</b>	R-1
<b>REQUESTED ZONING:</b>	PDH-3
<b>PARCELS:</b>	10-2 ((5)) A, 1, 3, 4, 5, 6, 7
<b>ACREAGE:</b>	13.14 acres
<b>DENSITY:</b>	2.43 du/ac
<b>OPEN SPACE:</b>	61%
<b>PLAN MAP:</b>	Residential, 2-3 du/ac
<b>PROPOSAL:</b>	Rezone 13.14 acres from the R-1 District to the PDH-3 District to permit the development of 32 single family detached dwelling units

### STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2005-DR-015, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDP 2005-DR-015, subject to development conditions contained in Appendix 2 and the Board of Supervisors approval of RZ 2005-DR-015.

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#### Department of Planning and Zoning

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

Staff recommends approval of a waiver of the 600 foot maximum length of private streets.

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 and final development plan of 13.14 acres from the R-1 District to the PDH-3 District to permit the development of thirty two single family detached dwelling units at an overall density of 2.43 dwelling units per acre (du/ac), with 61% of the site retained as open space.

The applicant's draft proffers, staff's proposed development conditions, and the applicant's Affidavit and Statement of Justification can be found in Appendices 1-4, respectively.

The application must also comply with certain Zoning Ordinance Provisions found in Article 6, Planned Development Districts, and Article 16, Development Plans (among other Fairfax County requirements); excerpts of which are found in Appendix 14.

**Waivers and Modifications:**

- Waiver of the 600 foot maximum length for private streets

**LOCATION AND CHARACTER**

**Site Description:**

The 13.14 acre rezoning area consists of seven properties located on the west side of Dranesville Road; north of the Town of Herndon's Chestnut Grove Cemetery; west of the Baptist Temple Church and Herndon High School; and east and south of the Herndon Chase neighborhood. Each of the seven lots that comprise the rezoning area contain dwellings and associated residential structures, while one of the lots (TM 10-2 ((5)) 1) also contains agricultural buildings. A Resource Protection Area (RPA) and an Environmental Quality Corridor (EQC) bisect the site, which slopes into the RPA, with the most dramatic changes in elevation located in the southwest and southeast portions of the site. The majority of the site consists of landscaped residential lots, with upland forest species (tulip, red/black/white/scarlet oaks, ash, hickory and black gum) located in the western portion of the site and bottomland forest species (red maple, silver maple, tulip, black cherry and mulberry) located within the RPA/EQC.

**Surrounding Area Description:**

Direction	Use	Zoning	Plan
North	SFD (RZ 1999-DR-063)	R-3	Residential; 2-3 du/ac
South	Chestnut Grove Cemetery & SFD	N/A	Town of Herndon
East	Baptist Temple Church & Herndon High School	R-3	Residential; 2-3 du/ac & Public Facilities
West	SFD & HOA open space	R-3 & R-1	Residential; 2-3 du/ac

**BACKGROUND**

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

**COMPREHENSIVE PLAN PROVISIONS**

<b>Plan Area:</b>	III
<b>Planning District:</b>	Upper Potomac
<b>Planning Sector:</b>	Greater Herndon Community (UP4)
<b>Plan Map:</b>	Residential, 2-3 du/ac
<b>Plan Text:</b>	

There is no site specific Comprehensive Plan text for the application property.

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

<b>Title of CDP/FDP:</b>	Dranesville Estates
<b>Prepared By:</b>	Urban Engineering & Assoc., Inc.
<b>Original and Revision Dates:</b>	March, 2005, with revisions through May 19, 2006

The combined CDP/FDP consists of eleven sheets showing the following information:

	<b>Contents</b>
<b>Sheet 1</b>	Cover Sheet
<b>Sheet 2</b>	Notes & Details
<b>Sheet 3</b>	Rezoning Plat
<b>Sheet 4</b>	Existing Vegetation Map
<b>Sheet 5</b>	CDP/FDP
<b>Sheet 6</b>	Landscape Plan
<b>Sheet 7</b>	Stormwater Management Plan
<b>Sheet 8</b>	Stormwater Management Plan
<b>Sheet 9</b>	Architectural Elevations
<b>Sheet 10</b>	Amenities & Details
<b>Sheet 11</b>	Chestnut Grove Cemetery Site Plan

The CDP/FDP depicts a site layout as follows:

#### *Residential Units*

- 32 single family detached dwelling units with an average lot area of 4,950 square feet will be located along a 24 foot wide private street that avoids all conflicts with the Resource Protection Area (RPA) that bisects the site. The private street will cross the Environmental Quality Corridor (EQC) in the eastern portion of the site; no portions of any of the proposed lots will be located within the EQC.
- 6 lots will be located on the north side of the RPA that bisects the property, while 26 lots will be located on the south side of the RPA.
- The 6 lots located on the north side of the site will have minimum yard areas of 15 feet (front), 10 feet (side), and 15 feet (rear). The 26 lots located on the south side of the site will have minimum yard areas of 15 feet (front), 8 feet (side), and 15 feet (rear). All lots will have 18 foot minimum driveways. The front yard of Lot 28 will have a 10 foot front yard due to its orientation towards the street. Lots 12-17 will have minimum rear yards of 10 feet that will abut the EQC; Lots 25-27 will also have rear yards of 10 feet. Lots 1-12 will have side yards of 7.5 feet.
- Each lot is shown with a building footprint of approximately 40 feet x 50 feet, with a maximum height of 35 feet for the dwellings. A two car garage will be provided in each dwelling.
- Three options for dwellings have been provided by the applicant. Each design is a variation of a 3 story dwelling with a gable, gambrel or hip roof. The colonial architectural theme for the development will consist of symmetrically placed Georgian architectural elements such as dormers, columns, pilasters and keystones. The eastern façade of the dwellings located on Lots 1 and 32 will reflect the architectural details and proportions of the fronts of the other dwellings so as to provide an aesthetically pleasing presentation of these two dwellings that will face Dranesville Road.

- The rear yards of Lots 13-26 will abut the EQC associated with the RPA that bisects the site.

#### *Open Space & Landscaping*

- 61% of the site will remain as open space, which will primarily consist of RPA, EQC and a small neighborhood gathering area.
- A RPA and EQC associated with an unnamed tributary of Folly Lick Branch bisect the property from the northwest to southeast. The EQC encumbers the entire RPA, and extends to the eastern property boundary.
- The structures and pavement located within the RPA/EQC will be removed and those areas will be replanted according to a RPA replanting plan.
- No transitional screening or barriers are required for the proposed use.
- A single row of evergreen and shade trees will buffer Lots 27-32 from the existing residential neighborhood to the north, while Lots 1-6 will be buffered from the adjacent cemetery in the same manner. Evergreen, shade and ornamental trees will buffer the southwestern portion of the property from the existing residential neighborhood to the south. Evergreen, shade and ornamental trees will be planted along Dranesville Road outside of the EQC.
- Individual shade trees will be located in the front yard of each lot.
- A retaining wall with a maximum height of 6 feet will be located north of Lots 16 and 17.
- A small recreation facility that will consist of a covered seating/picnic area will be located west of Lot 27 on the north side of the RPA/EQC.

#### *Access & Parking*

- A right turn taper lane will be provided along Dranesville Road allowing southbound traffic on Dranesville Road to access the site.
- A 24 foot wide private street will circulate traffic through the site that will cross the EQC, but not the RPA, in the eastern portion of the site. The private street will terminate on the north and south sides of the RPA between Lots 27 and 28 and in front of Lot 13.
- A 4 foot wide sidewalk will be located on the north side of the private street only, and will connect to the sidewalk along Dranesville Road.
- Each dwelling will have a two car garage and an 18 foot driveway that will accommodate 2 additional automobile parking spaces for a total of 4 spaces per lot.
- 18 visitor parking spaces will be located throughout the site to provide additional parking accommodations for residents and their guests.

#### *Stormwater Management*

- At the time of subdivision plan submission, the applicant intends to request approval of a waiver of PFM Section 6-0301.3 to provide stormwater detention off-site in downstream Regional Pond S-4, which is located to the west of the

- application area within the Ridgeway Woods neighborhood. If this waiver is not approved, the applicant will need to obtain a PCA to provide stormwater detention capabilities on site.
- Water quality requirements for the proposed development will be met through the dedication of approximately 3.3 acres of conservation easements on-site that are intended to work in cooperation with credit from Regional Pond S-4 to meet the 40% phosphorous removal requirement.

## **RESIDENTIAL DEVELOPMENT CRITERIA**

Fairfax County expects new residential development to enhance the community by fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. For the complete Residential Development Criteria text, see Appendix 15.

### **Site Design (Development Criterion #1)**

*This Criterion requires that the development proposal address consolidation goals in the Comprehensive Plan, further the integration of the development with adjacent parcels and not preclude adjacent properties from developing according to the recommendations of the Plan.* The application area consists of an appropriate and logical consolidation of seven parcels, for a cumulative total of 13.14 acres. Each parcel is currently developed with a residential dwelling and accessory structures (swimming pools and sheds), while one of the lots contains agricultural outbuildings. The surrounding properties are developed with single family detached dwelling units to the north, south and west, while the Town of Herndon's Chestnut Grove Cemetery is located to the south; the property fronts on Dranesville Road to the east. All of the surrounding residential lots are developed according to the recommendations of the Comprehensive Plan. The Town of Herndon has proposed a future expansion of the Chestnut Grove Cemetery, which will not be precluded by the applicant's proposed development of the subject property.

*The development proposal should provide a logical and functional design with appropriate relationships within the development, including appropriately oriented dwelling units and usable yard areas within the individual lots. Convenient access to transit facilities should be provided where available, and all aspects pertaining to utilities shall be identified.* The CDP/FDP depicts a layout of thirty two single family detached dwelling units oriented on a private street with two terminus points. The layout has been designed to provide as minimal an impact as possible to the RPA and EQC which bisect the application area from northwest to southeast. The private road will cross the EQC in the eastern portion of the site, and a trail, if approved by DPWES, will be located within the RPA/EQC, but no portions of any of the individual lots will be located within these environmentally sensitive areas. Each dwelling unit will have a building footprint of approximately 40 feet x 50 feet and a maximum

height of 35 feet. On the north side of the RPA/EQC, the dwellings will be located 20 feet apart, with minimum yards of 15 feet (front), 10 feet (side) and 15 feet (rear). Individual dwelling units on the south side of the RPA/EQC will be located 16 feet apart, with minimum yards of 15 feet (front), 8 feet (side) and 15 feet (rear). Exceptions to these yards include the front yard of Lot 28 that will be reduced to 10 feet; rear yards of 10 feet for Lots 12-17 and Lots 25-27; and side yards of 7.5 feet for Lots 1-12. All of the dwellings will contain a two car garage located at the end of an eighteen foot driveway. Overflow parking has been strategically located to accommodate additional parking needs of the community. Sanitary sewer will be extended to the site from the west through the RPA and water will be provided to the site from the west through an existing water main located in Judd Court and from the east through an existing water main located in Dranesville Road. Staff believes that the layout is environmentally sensitive, as demonstrated by the adherence to County policies that prohibit the location of dwellings and individual yard areas within RPA and EQC areas, though it would be desirable if fewer dwelling units were proposed so as to reduce the number of vehicular trips entering and exiting the site onto Dranesville Road.

*Open space should be usable, accessible and integrated. Appropriate landscaping and amenities should be provided.* Approximately 61% of the development will remain as open space consisting of RPA, EQC, trails and a small recreation facility. A four foot wide sidewalk will be located on the north side of the private street and a four foot wide trail is proposed through the RPA/EQC that will connect the two termination points of the private street. The majority of the open space consists of the RPA in the center of the property that will be accessible by a trail, but is usable primarily as a visual amenity because of topographic constraints and the presence of drainage ditches that will convey stormwater runoff to a downstream regional pond. The site will be appropriately landscaped, and a RPA reforestation plan will be implemented to restore those portions of the RPA that will be disturbed to remove existing structures and to install utilities.

### **Neighborhood Context** (Development Criterion #2)

*While developments are not expected to be identical with the existing development within which they are to be located, this Criterion states that they should fit into the fabric of the community.* The surrounding properties to the north, west and southwest are developed with single family detached dwellings. The property's eastern boundary fronts on Dranesville Road and the Chestnut Grove Cemetery is located to the south. The applicant's proposal to redevelop the seven lots that currently contain single family dwellings with thirty two new dwellings is in conformance with the Comprehensive Plan recommended density range, and the type of residential development (single family detached dwellings) is in harmony with that existing on the surrounding properties. The residential neighborhood to the north and west is classified R-3 Cluster and contains lots with minimum yard areas of 20 feet (front), 8 feet (side) and 25 feet (rear). The applicant's development proposes similarly sized yards, with the exception of the rear yards which will be smaller than those on the adjacent lots to the north and south. Whereas staff appreciates the applicant's environmentally sensitive layout and

neighborhood compatibility of the unit type (single family detached), it would be desirable for the development to include fewer units so as to reduce the transportation impact on Dranesville Road.

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

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

A RPA and EQC associated with an unnamed tributary of Folly Lick Branch traverses the 13.14 application area from the northwest to southeast. The EQC encompasses the entire RPA as well as additional land containing steep slopes (15% or greater) that extend beyond the RPA boundaries. The limits of the RPA and EQC are delineated on the CDP/FDP, and all proposed dwellings and individual yards are located outside of these boundaries. Dwelling units, associated structures and pavement are currently located within the RPA/EQC, which will be removed and those disturbed areas restored. The applicant proposes intrusions into the RPA/EQC that include the extension of sanitary sewer to the site, trail construction and drainage ditches that will convey stormwater to a downstream regional pond. All of the proposed impacts to the RPA are permitted uses subject to a written determination by the Director of DPWES, which is an issue that will be addressed during subdivision plan review.

**Tree Preservation and Tree Cover Requirements** (Development Criterion #4) (Appendix 6)

*This Criterion states that all developments should be designed to take advantage of existing tree cover and developed appropriately to disturb as little existing tree cover as possible, including the extension of utility improvements to the site.*

The 13.14 acre application area consists of seven lots that contain typical suburban landscape plantings. The northeast portion of the property contains upland hardwood species in good condition; the central portion of the site (RPA) contains bottomland species in poor to fair condition, as well as invasive understory plantings; and the southern portion of the property contains upland forest species in good condition. Urban Forest Management (UFM) has identified a stand of upland hardwood trees along the southern property boundary with the Chestnut Grove Cemetery as a prime candidate for tree preservation activities, considering its ability to provide an effective buffer between the existing cemetery use and the proposed residential development. The applicant has committed to tree preservation activities only within the RPA and EQC, and to implement a RPA restoration plan for those areas within the RPA that will be disturbed to remove existing structures, extend sanitary sewer to the site, provide a trail connection and construct drainage ditches.

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

*Criterion 5 requires that development provide safe and adequate access to the surrounding road network, and that transit and pedestrian travel and interconnection of streets should be encouraged. In addition, alternative street designs may be appropriate where conditions merit.*

The Comprehensive Plan recommends that the subject properties be developed with residential uses at a density of 2-3 dwelling units per acre. The site is located on the west side of Dranesville Road in a section where no median break exists; therefore, staff has insisted that access to this development be consolidated to one point at the northern portion of the site with a deceleration lane on the southbound side of Dranesville Road to provide the safest and most efficient access to the proposed development. Because of the necessity to control access to the site in this location, all traffic desiring to enter or exit the site will be forced into U-turn movements on Dranesville Road at its signalized intersection with Bennett Street or at its uncontrolled intersection with Ridgegate Drive. No median break is possible on Dranesville Road opposite the site entrance; which will cause conflicting movements between through traffic on Dranesville Road and those vehicles entering and exiting the proposed development. Therefore, it would be desirable that the site only be developed at the low end of the Plan range so as to ensure safe and efficient movement of vehicles entering and exiting the site onto Dranesville Road. The applicant proposes to develop the site below the middle range of the Plan, but above the low end.

**Public Facilities** (Development Criterion #6)

*Criterion 6 states that residential developments should offset their impacts upon public facility systems (i.e. schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned community facilities). Impacts may be offset by the dedication of land, construction of public facilities, contribution of in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. (Specific Public Facilities issues are discussed in detail in Appendices 8 – 13).*

**Fairfax County Public Schools** (Appendix 8)

The proposed development would be served by Dranesville Elementary School, Herndon Middle School and Herndon High School. Herndon Middle School is projected to exceed capacity through the 2009-2010 school year, while Dranesville Elementary School and Herndon High School are projected to have excess capacity through the 2009-2010 school year. The total number of students generated by this development is anticipated to be fifteen students total: eight elementary, two middle and five high school students. This is an increase of ten students above that generated by the existing zoning district. The applicant has been requested to provide a contribution of \$75,000 for improvements to Fairfax County schools; the applicant has proffered to provide \$2,110 per dwelling unit for a total contribution of

\$67,520, which is \$7,480 less than that recommended by the Fairfax County Public Schools Facilities Planning Services.

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

The proposed development would add approximately 108 new residents to the current population of the Dranesville District; all of the new residents will need access to recreational facilities. The Zoning Ordinance requires that \$955 per non-ADU unit be expended on recreational facilities (32 units x \$955=\$30,560). The CDP/FDP depicts an area for development as a small recreational area west of Lot 27 along the northern property boundary that will consist of a covered seating/picnic area. A four foot wide trail is shown to be constructed within the RPA to serve as a nature trail and pedestrian connection between the two terminus points of the private street. The Fairfax County Park Authority (FCPA) has requested a monetary contribution of \$28,620 to offset the additional impact caused by this proposed development. The applicant has not committed to provide any additional funds to the FCPA.

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

The subject property would be serviced by the Fairfax County Fire and Rescue Department Station #404, Herndon. The requested rezoning currently meets fire protection guidelines.

#### **Sanitary Sewer Analysis (Appendix 11)**

The subject property is located within the Sugarland (B2) watershed and would be sewered into the Blue Plains Treatment Plant. An existing eight inch pipeline located in an easement approximately 150 feet from the property is adequate for the proposed use.

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

The subject property is located within the Fairfax County Water Authority service area. Adequate fire flow coverage is not currently available to the site at this time. An off-site water main connection will be required to provide adequate domestic water service.

#### **Stormwater Management/Best Management Practices (Appendix 13)**

The applicant proposes to meet the stormwater management requirements of the PFM by installing drainage ditches within the RPA to convey stormwater runoff downstream to Regional Pond S-4, which is located within Ridgegate Woods Section 1. The applicant's proposal to meet the water quantity requirements off-site will require the approval of a waiver from DPWES prior to subdivision approval. Three storm sewer outfalls are proposed to discharge into the RPA, which will require the applicant to obtain approval of a Water Quality Impact Assessment prior

to final subdivision plan approval. Water quality requirements are proposed to be met through a combination of credit earned from using Regional Pond S-4 and dedication of conservation easements on site. In order for the conservation easements to be counted for BMP credit, they must be perpetually undisturbed with no encumbrances, which the applicant must clarify prior to subdivision plan approval.

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

*This Criterion states that ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of Fairfax County. This Criterion may be satisfied by the construction of units, dedication of land, or by a contribution to the Housing Trust Fund.* The applicant has proffered to provide a monetary contribution equivalent to 0.5% of the projected sales price of each new dwelling unit to the Fairfax County Housing Trust Fund in accordance with the Board of Supervisors policy, or to another similar non-profit organization determined to be appropriate by the Board of Supervisors.

**Heritage Resources** (Development Criterion #14) (Appendix 9)

*This Criterion requires that developments address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation.* The Fairfax County Park Authority has indicated that the subject property has a moderate potential for yielding significant prehistoric archeological sites on terraces and uplands adjacent to the stream that runs through the property. The applicant has proffered to conduct a Phase I archaeological study prior to the commencement of any land disturbing activities, and will present the results to the FCPA Cultural Resource Management and Planning Branch. The proffer further states that a Phase II/III study will be conducted if warranted.

**ZONING ORDINANCE PROVISIONS** (Appendix 14)

**WAIVERS AND MODIFICATIONS**

Section 11-302 of the Zoning Ordinance does not permit private streets within a residential development to exceed 600 feet in length. Therefore, the applicant is requesting a waiver of this requirement to permit the private street system to exceed 600 feet in length. The private street will terminate on the north and south sides of the RPA so as to not cross this environmentally sensitive feature, though the road will cross the EQC along the eastern portion of the site. The applicant has proffered to record a public access easement on the private street and to contribute \$16,000 to the HOA for maintenance purposes. Staff supports this requested waiver.

## OTHER ZONING ORDINANCE REQUIREMENTS

### **P-District Standards**

The requested rezoning of the 13.14 acre site to the PDH-3 District must comply with the Zoning Ordinance provisions found in Article 6, Planned Development District Regulations and Article 16, Development Plans, among others.

### **Article 6**

#### Sect. 6-101 Purpose and Intent

*This section states that the PDH District is established to encourage innovative and creative design, to ensure ample provision and efficient use of open space; to promote balanced development of mixed housing types and to encourage the provision of affordable dwelling units.* The presence of RPA/EQC that bisects the site from northwest to southeast creates a design constraint for the proposed development. The applicant has avoided all development within that area. The CDP/FDP depicts a layout consisting of thirty two single family detached dwelling units located outside of the RPA/EQC on the north and south sides of these environmental features. The lots on either side of the RPA/EQC will be connected by a private street that crosses the EQC in the eastern portion of the site. A trail will traverse the RPA/EQC in the western portion of the site providing a pedestrian connection between the northern and southern lots. Though 61% of the site will remain as open space, this area is primarily contained within the RPA/EQC. A small pocket recreational facility is proposed to be located west of Lot 27, which will consist of a covered seating/picnic area. The RPA/EQC is a substantial portion of the property, but aside from the proposed nature trail that crosses the stream, this feature is usable primarily for aesthetic and environmental purposes. Employment of the P District standards has allowed the applicant to design a layout with minimal intrusions into the RPA/EQC that will include trail construction, drainage ditches, stormwater outfall, sanitary sewer extension, removal of existing structures and RPA restoration activities, but no portions of any of the lots will be located within these environmentally sensitive areas.

#### Sect. 6-107 Lot Size Requirements

*This section states that a minimum of two acres is required for approval of a PDH District.* The 13.14 acre application area consists of a consolidation of seven parcels that are currently developed with residential structures.

#### Sect. 6-109 Maximum Density

*This section states that the maximum density for the PDH-3 District is three dwelling units per acre (du/ac).* The applicant proposes to develop the application area with thirty two single family dwelling units at an overall density of 2.43 dwelling units per acre.

### Sect 6-110 Open Space

*Par. 1 of this section requires a minimum of 20% of the gross area as open space in the PDH-3 District. Par. 2 of this section requires that recreational amenities be provided in the amount of \$955/du. As previously stated, approximately 70% of the application area will remain as open space, with the majority of the open space contained within RPA/EQC. A trail and a small recreational facility are proposed to be installed as part of the proposed development. The applicant has presented a proffer that \$955 per dwelling unit will be expended for on-site recreational amenities; if those amenities are not sufficient to satisfy this requirement, the applicant will contribute the remaining funds to the Fairfax County Park Authority for park use within the Dranesville District.*

## **Article 16**

### Section 16-101 General Standards

*General Standard 1 states that the planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions. The Comprehensive Plan recommends that the subject property be developed with residential uses at a density of two to three dwelling units per acre (2-3 du/ac). This Plan recommendation indicates that the property be developed with single family detached dwellings units in a manner consistent with the surrounding residential properties. The applicant proposes a residential development consisting of thirty two single family detached dwellings at an overall density of 2.43 du/ac, which is consistent with the housing type and density recommendations of the Plan and surrounding residential properties.*

*General Standard 2 states that the planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district. Considering the extent of the RPA and EQC that bisect the site, and in order to achieve a development within the density range recommended by the Comprehensive Plan (2-3 du/ac), the applicant has designed the site as a PDH-3 District, which permits lots smaller than permitted by a R-3 District. Furthermore, the R-3 District has no open space requirement while the PDH-3 District does. The PDH-3 District allows for a layout that respects the limits of the RPA/EQC, while still permitting a lot yield within the density range recommended by the Plan.*

*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. The 13.14 acre application area has been designed to avoid conflicts with the RPA and EQC*

that bisect the site. The only intrusions into these environmentally sensitive areas include those uses permitted by approval from DPWES that include a road, trail, sanitary sewer, stormwater management infrastructure, structure removal and RPA restoration activities. The RPA/EQC consume a large amount of the site, therefore the individual lots have been clustered in the only areas of the site where housing development is permitted. Six dwelling units will be located on the north site of the RPA while the remaining twenty six units will be located on the south side of the RPA. Those areas of the RPA that will be disturbed through the removal of existing structures and to extend utilities to the site will be restored according to a RPA reforestation plan that will be submitted with the subdivision plan. Portions of the RPA (approximately 3.3 acres) will be used as a conservation easement for BMP purposes.

*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.* The surrounding properties to the north, west and south have been developed with single family residential uses according to the recommendations of the Comprehensive Plan, while the Town of Herndon's Chestnut Grove Cemetery is located to the south. Sheet 11 of the CDP/FDP depicts the proposed expansion of the cemetery property that includes the installation of a stormwater management dry pond facility. The applicant's residential development proposal will not prohibit any of the surroundings from developing in conformance with the recommendations of the Plan. Lots 6 and 7 have been separated by a distance that should be located outside of the dam breach path of the proposed stormwater management facility associated with the cemetery expansion. Staff recommends that the applicant work with the Town of Herndon to ensure that the dam breach path of any stormwater management facility constructed in connection with the proposed expansion of the Chestnut Grove Cemetery be located in such a manner so as to not impact any of the residential lots proposed by this rezoning application.

*Standard 5 states that the planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently developed.* Sanitary sewer will be extended to the site through the RPA, which will require approval by Director of DPWES, while water will be provided from Dranesville Road and Judd Court to the west. If approved by DPWES, stormwater management water quantity requirements are proposed to be accommodated in an off-site regional pond, while water quality requirements will be met through the dedication of a conservation easement on-site and through credit from the off-site regional pond. The site has acceptable levels police and fire protection services. As previously discussed, access to and from the site are constrained due to the entrance which will permit right-in/right-out access; thereby requiring U-turn movements at intersections on Dranesville Road to travel in an opposite direction. The absence of a median break opposite the entrance to the site

coupled with the required U-turn movements on Dranesville Road has lead the Fairfax County Department of Transportation (FCDOT) to recommend that the site on be developed at the low end of the Plan range (2-3 du/ac).

*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.* A sidewalk will be located on the north side of the private street, while a trail will cross the RPA/EQC in lots on the north and south sides of the RPA.

### 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.* Transitional screening and barriers are not required with this development that proposes a layout composed of thirty two single family detached dwelling units, which is the same housing type located on the properties to the north, west and south. Landscaped buffer yards will be provided along the northeastern, southern and southwestern property boundaries, while supplemental plantings will be located in the front yards of the individual lots and along the eastern property frontage on Dranesville Road. The yard requirements proposed by the applicant through the PDH-3 District are much smaller than those that would be required under the provisions of the R-3 District. The PDH-3 District offers the applicant the ability to design the site around the RPA/EQC while achieving a desired density range that is in conformance with the recommendations of the Comprehensive Plan.

<b>P District Comparison</b>			
<b>Regulation</b>	<b>PDH-3 (proposed)</b>	<b>R-3</b>	<b>R-3 Cluster</b>
<b>Front Yard</b>	15 feet <sup>1</sup>	30 feet	20 feet
<b>Side Yard</b>	10 feet (Lots 27-32) 8 feet (Lots 1-26) <sup>2</sup>	12 feet	8 feet, total of 20 feet
<b>Rear Yard</b>	15 feet <sup>3</sup>	25 feet	25 feet
<b>Open Space</b>	61%	N/A	25%

1. Lot 28 will have a 10 foot front yard
2. Lots 1-12 will have 7.5 foot side yards
3. Lots 12-17 and Lots 25-27 will have 10 foot rear yards

*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. Approximately 61% of the site will remain as open space contained within the RPA and EQC. A proposed trail will cross the RPA in the western portion of the site. Additional surface parking spaces will be provided throughout the site for use as overflow/guest parking. An entry sign will be located on the south side of the entrance to the site.*

*Design Standard 3 states that streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities. The private street width will be between twenty four and twenty six feet, and a public access easement will be placed on it. A sidewalk will be located on the north side of the private street that will connect to the existing sidewalk and bike lane on the west side of Dranesville Road. A trail is proposed to cross the RPA in the western portion of the property that will provide a pedestrian connection between the two terminus points of the private street. Maintenance of the private street will be the responsibility of the Homeowner's Association (HOA). Fairfax County Department of Transportation (FCDOT) staff has expressed their concern that the property should only be developed at the low end of the Plan range because of the right-in/right-out access. Considering the absence of a median break across from the site entrance, all vehicles entering or exiting the site from an opposite direction will be forced into U-turn movements on Dranesville Road.*

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

As proposed, staff believes that the applicant's proposal to develop the subject 13.14 acres with thirty two single family detached dwelling units at an overall density of 2.43 du/ac is in conformance with the recommendations of the Comprehensive Plan. Staff commends the applicant for designing a layout that respects the significant environmental resources that bisect the site. Access to the site will be constrained due to the lack of a median break along Dranesville Road, which will require all vehicles entering and exiting the site from Dranesville Road to perform U-turn movements at the signalized Bennet Street intersection and/or at the un-signalized Ridgegate Drive intersection. Therefore, it would be desirable that the site be developed at the low end of the Plan range (2-3 du/ac). Staff continues to recommend that the proffers be modified to provide greater assurances regarding tree preservation efforts, as well as to provide greater contributions that will off-set the impact that the development will have upon existing park resources within the vicinity.

### **Recommendation**

Staff recommends approval of RZ 2005-DR-015, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDP 2005-DR-015, subject to development conditions contained in Appendix 2 and the Board of Supervisors approval of RZ 2005-DR-015.

Staff recommends approval of a waiver of the 600 foot maximum length of private streets.

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. Environmental Analysis
6. Urban Forestry Analysis
7. Transportation Analysis
8. Fairfax County Public Schools
9. Fairfax County Park Authority
10. Fire and Rescue
11. Sanitary Sewer Analysis
12. Fairfax County Water Authority
13. Stormwater Management Analysis
14. Zoning Ordinance Provisions
15. Residential Development Criteria
16. Glossary

**PROFFERS**  
**Christopher Management, Inc – Dranesville Road**  
**RZ 2005-DR-015**

**May 24, 2006**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in this rezoning proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference No. 10-2-((5))-A, 1, 3, 4, 5, 6, 7 (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Rezoning request for the PDH-3 District is granted. In the event said application request is denied, these proffers shall be null and void. The Owners and the Applicant ("Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The proffered conditions are:

I. GENERAL

1. Substantial Conformance. Subject to the proffers and the provisions of Article 16, Paragraph 4 of Section 16-403 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development shall be in substantial conformance with the Conceptual Development Plan / Final Development Plan (CDP/FDP), containing eleven (11) sheets prepared by Urban Engineering & Associates, Inc. dated March 25, 2005 as revised through May \_\_, 2006.

2. Maximum Lot Yield and Configuration. The development shall consist of a maximum of thirty two (32) units. Except as may be further qualified by these proffered conditions, minor modifications to the house locations and sizes may be permitted in accordance

with Section 16-403 of the Zoning Ordinance. Notice of this proffer shall be disclosed in the initial sales contract and shall be included in the Homeowners Association (HOA) documents.

3. Extension into Minimum Yards. Bay windows and accessory features may encroach up to two feet (2') into the side setbacks and up to five feet (5') into the front and rear setbacks defined in the CDP/FDP. Bay windows and masonry chimney units shall be staggered so they are not directly opposite one another on side yards. HVAC units for directly adjacent dwelling units shall be prohibited from being located on their abutting side yards. Decks, patios and porches may encroach into specified setbacks as shown on the lot typical on sheet 2 of the CDP/FDP. Notice of this proffer shall be disclosed in the initial sales contract and shall be included in the Homeowners Association (HOA) documents. Prospective purchasers shall be advised of this use restriction prior to entering into a contract of sale.

4. Establishment of HOA. Concurrent with the recording of the required record plat, the Applicant shall establish a Homeowners Association (HOA) for the purpose of establishing the necessary residential covenants governing the design and operation of the approved development and to provide a mechanism for ensuring the ability to complete certain maintenance obligations of these proffer conditions and other provisions noted below in these proffers.

5. Homeowner Notice of Cemetery Expansion. The HOA documents and the initial sales contract for each new dwelling unit shall provide notice of both the existence and planned expansion for the Chestnut Grove Cemetery located directly to the south of the subject property.

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

7. Garage Conversion. Any conversion of garages that will preclude the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction shall be incorporated into the HOA Documents and recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the homeowners association, which shall be established, and to the Fairfax County Board of Supervisors. Prospective purchasers shall be advised of this use restriction, in writing, prior to entering into a contract of sale.

8. Architecture. The final architecture of the front façade of the approved dwellings shall be in substantial conformance with the type, quality and proportion of building materials described in the illustrative renderings contained in CDP/FDP. As generally depicted on the CDP/FDP, building exteriors shall be finished with materials that include: brick, stone and similar masonry type materials; hardi-plank and similar cementitious siding products; vinyl siding; and combinations of such materials. The sides of units 1 and 32 which are visible from Dranesville Road shall be designed so that they will have the same architectural details and same proportion of building materials as the fronts of the dwellings.

9. Privacy Fence. The Applicant reserves the right to install privacy and/or decorative fences as shown on the CDP/FDP. Such fences shall not exceed six (6') feet in height.

10. Retaining Walls. The Applicant reserves the right to install retaining walls as generally located throughout the site of heights that are in substantial conformance with that

detailed on the CDP/FDP. Any retaining wall above four (4') feet in height shall be described on the CDP/FDP. Retaining walls shall be constructed of, or faced with brick, stone or decorative pre-cast concrete, as generally shown on the CDP/FDP. The existence of retaining walls, their height and the associated maintenance shall be disclosed to prospective purchasers, documented in the initial sales contract and shall be included in the HOA documents.

## II. TRANSPORTATION

11. Dranesville Road Frontage Improvements. The Applicant shall construct a taper lane along Dranesville Road at the north end of the property and extend the median along the subject property's eastern frontage along Dranesville Road as generally shown on the CDP/FDP. The final design and configuration of such improvements shall be subject to approval by the Department of Transportation (DOT), Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES). These improvements shall be completed prior to issuance of the first Residential Use Permit (RUP) for the purpose of this proffer "completed" shall mean open to traffic.

However, upon demonstration by the Applicant that, despite diligent efforts, the improvements have been delayed, the Zoning Administrator may agree to a later date for the completion of the improvements. Diligent pursuit shall include submitting applications for all necessary approvals from the Virginia Department of Transportation (VDOT), the Fairfax County Department of Transportation (FCDOT) and the Department of Public Works and Environmental Services (DPWES).

12. Extension of Median Along Bennett Road. Prior to issuance of the first RUP, the Applicant shall replace the currently painted median along Dranesville Road north of the

intersection with Bennett Road with a raised concrete median, or a similar traffic control device, in order to prohibit left turn movement from the subject property. These improvements shall be designed to VDOT standards and be subject to VDOT review and approval. The Applicant shall diligently pursue the necessary approvals for the improvement. Should VDOT fail to approve the proposed improvement in the manner generally described herein, the Applicant shall have no further obligation.

However, upon demonstration by the Applicant that, despite diligent efforts, the improvements have been delayed, the Zoning Administrator may agree to a later date for the completion of the improvements. Diligent pursuit shall include submitting applications for all necessary approvals from the Virginia Department of Transportation (VDOT), the Fairfax County Department of Transportation (FCDOT) and the Department of Public Works and Environmental Services (DPWES).

13. No U-Turn Sign at Bennett Road. Prior to the issuance of the first RUP the Applicant shall install a no u-turn sign at the intersection of Bennett Street and Dranesville Road. The Applicant shall diligently pursue the necessary approvals for the improvement. Should VDOT fail to approve the proposed improvement in the manner generally described herein, the Applicant shall have no further obligation.

14. No U-Turn Sign at Ridgeway Road. Prior to the issuance of the first RUP, the Applicant shall install the following within the existing right-of-way: 1) no u-turn sign along Dranesville Road at the intersection with Ridgeway Road; 2) restriping of Ridgeway Road to have three lanes (dedicated left turn lane and dedicated right turn lane); 3) construct a raised concrete median divider along Ridgeway Drive. The Applicant shall diligently pursue the approvals needed for each of these improvements. Should VDOT fail to approve the proposed

improvement in the manner generally described herein, the Applicant shall have no further obligation.

15. Public Access Easement. A public access easement in a form approved by the County Attorney shall be placed on the private streets, sidewalks and trails within the approved development. The requirements of this proffer condition shall be disclosed in the HOA documents.

16. Private Street Maintenance. The private street shall be constructed pursuant to the PFM pavement design standards applicable to public subdivision streets based on level of vehicular traffic consistent with the development shown on the CDP/FDP as determined by DPWES. The HOA Documents shall include provisions for monthly/annual assessments for private street maintenance. All prospective purchasers shall be advised of the existence of the private street, the associated public access easement and all other associated maintenance obligations required by these proffered conditions prior to entering into a contract of sale and such information shall be included in the HOA Documents. The HOA Documents shall stipulate that a reserve fund to be held by the HOA be established for the private street maintenance. The Applicant shall be responsible for placing the sum of \$16,000 in such reserve fund prior to the issuance of the first Residential Use Permit (the "RUP") for the proposed single family dwelling units.

### III. ENVIRONMENTAL

17. Stormwater Management Facilities and Best Management Practices (BMP's). The Applicant shall implement stormwater management techniques to control the quantity and quality of stormwater runoff from the Property, subject to approval by DPWES. The Applicant

intends to utilize an existing regional stormwater pond (Regional Pond S-4) for detention and BMP's.

Notwithstanding the limits of clearing and grading on the CDP/FDP and associated tree preservation commitments contained within these Proffered Conditions, the Applicant reserves the right to construct off-site/on-site drainage improvements (i.e. armor the drainage channel) as may be necessary to comply with the applicable statutory requirements for adequate outfall. All such improvements shall be in substantial conformance with the CDP/FDP and shall be subject to review and approval by DPWES.

The Applicant shall obtain approval of a waiver from DPWES to utilize this off-site facility prior to subdivision plan approval. Should this waiver not be approved, a Proffered Condition Amendment may be necessary to provide stormwater management techniques on-site in substantial conformance with the CDP/FDP.

18. Resource Protection Area (RPA) Preservation. The area of the RPA as identified on the CDP/FDP shall be preserved in accordance with Chapter 18 of the County Code. Notwithstanding the proffered limits of clearing and grading, the Applicant reserves the right to enter or perform work within the RPA as needed to implement the approved development and comply with the proffered conditions and any related codes, ordinances or regulations, but only if such is approved by UFM and/or DPWES. Such work, if approved, may include: supplemental plantings and reforestation, removal of dead or dying vegetation, removal of invasive plant species, removal of debris or existing outbuildings or structures, installation/maintenance of utilities, installation/use of pedestrian trail and drainage improvements. To the extent practicable, and if permitted by DPWES, the pedestrian trail and utility easements shall be co-located. The Applicant shall seek approval of a Water Quality

Impact Assessment (WQIA) for all permitted disturbances within the RPA prior to final subdivision plan approval.

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

20. Reforestation Plan for RPA. At the time of the first and all subsequent subdivision plan submission, the Applicant shall submit a reforestation plan for the disturbed limits of the RPA, as identified on the CDP/FDP, as required in Chapter 12, Paragraph 0704.4 and Table 12.4 of the Public Facilities Manual, for review and approval by UFM, 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 and amendments if necessary
- mulching specifications
- methods of installation
- maintenance
- mortality threshold
- monitoring
- replacement schedule

21. Landscaping. Landscaping shall be provided in substantial conformance with the landscaping concepts shown on the CDP/FDP, subject to review and approval by UFM. 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., as determined necessary by the Director, DPWES, then an area of additional landscaping consisting of trees and/or plant materials of a type and size consistent with that displaced, shall be substituted at an alternate location on the site, as determined by the UFM. In accordance with PFM policies, native or recommended species shall be used in all landscaped areas as approved by the UFM.

#### IV. TREE PRESERVATION

22. Tree Preservation Plan. The Applicant shall submit a tree preservation plan as part of the first and all subsequent subdivision plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the UFM. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown radius and condition rating percentage of all trees 10 inches (10”) in diameter and greater, and 20 feet of the limits of clearing and grading shown on the CDP/FDP for the entire site. Trees 10 inches in diameter and greater within 20 feet of the outside of any temporary limits of clearing established within the RPA for purposes of demolition of structures shall also be included in the tree survey. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the CDP/FDP 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 9th edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees

identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

23. Tree Value Determination. The Applicant shall retain a professional arborist with experience in plant evaluation, to determine the replacement value of all trees 10 inches (10”) in diameter or greater and located within twenty feet (20’) of the outer edge of the limits of clearing and grading (i.e. outside the limits of clearing and grading) as shown on the CDP/FDP and as established for purposes of demolition of structures within the RPA. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the Subdivision Plan. The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the ten year canopy calculations as a basis for determining replacement value in conjunction with methods outlined in the 9<sup>th</sup> edition of the Guide for Plant Appraisal using the Cost of Cure Method.

24. Tree Bonds. In order to provide a remedy for any unintended disruption to trees required to be preserved under these proffers, at the time of bond approval, the Applicant shall both post a cash bond and a letter of credit or similar corporate surety payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the previous proffer (hereinafter the “bonded trees”) that die or are dying due to unauthorized construction activities. The Applicant shall have no obligation for trees that die or are dying for reasons unrelated to unauthorized construction activities, or for no apparent reason. The letter of credit shall be equal to fifty percent (50%) of the value of the bonded trees. The cash bond shall consist of thirty three percent (33%) of the amount of the letter of credit, but in no instance shall this amount exceed \$60,000.00.

During the time period in which the Tree Bond is required to be held, should unauthorized construction activity cause any bonded trees to die, or be removed, the Applicant shall replace such trees at its expense. As stated above, the Applicant shall have no obligation to replace trees that die or are dying for causes unrelated to unauthorized activities, or no apparent reason. The replacement trees shall be of a size, species, and/or canopy cover as approved by UFM and shall incorporate native plant species. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized activity. This payment shall be determined based on the valuation methodology described in Proffer 23 above and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond for the site, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant. At the time of approval of the final RUP, the Applicant may request a release of any monies remaining in the cash bond and a reduction in the letter of credit to an amount up to twenty percent (20%) of the total amounts originally committed provided they are in good standing with the tree proffer commitments.

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

25. Protection of Existing Understory Vegetation and Soil Conditions in Tree Preservation Areas. All tree preservation-related work occurring in or adjacent to tree preservation areas shall be accomplished in a manner that minimizes damage to vegetation to be preserved including any woody, herbaceous or vine plant species that occurs in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Any removal of any vegetation or soil disturbance in tree

preservation areas excluding the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, multi-floral rose, etc. shall be subject to the review and approval of UFM.

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

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

- Root pruning shall be done with a trencher 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.
- Tree protection fence shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.
- Immediately after the phase II E&S activities are complete, mulch shall be applied at a depth of four inches (4") extending ten feet (10') inside the undisturbed area without the use of motorized equipment.

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

28. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a UFM representative to determine where 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, and such adjustment shall be implemented. Trees that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions.

29. Tree Protection Fencing. All trees shown to be preserved on the Tree Preservation Plan shall be protected by tree protection fencing. Tree protection fencing of a type permitted by UFM shall be erected concurrently with the Phase I Erosion and Sedimentation permit activities. Tree fencing shall be installed prior to any clearing and grading activities including the demolition of any existing structures at the limits of clearing and grading as shown on the demolition, and Phase I & II erosion and sediment control sheets, as may be modified during the tree preservation walk through with an UFM representative. The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three

(3) days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, UFM and the District Supervisor shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM.

30. Tree Transplanting. The Applicant shall provide a transplanting plan as part of the first and all subsequent submissions of the subdivision plan for review and approval by UFM, and shall implement the plan as approved. The plan shall be prepared by a professional with experience in the preparation of tree transplanting plans, such as a certified arborist or landscape architect. Transplanted trees shall not be subject to the bonding requirements of proffer 22 above. Depending upon site constraints, the plan shall address one or all of the following items, as determined by UFM:

- the species and sizes to be transplanted;
- the existing locations of the trees;
- the proposed final locations of the trees;
- the proposed time of year when the trees will be moved;
- the transplant methods to be used, including tree spade size if applicable;
- details regarding after-transplant care, including mulching and watering, and, if necessary, support measures such as cabling, guying or staking; and
- details regarding equipment to be used to transport plant materials.

31. Site Inspection. Inspection of the site by a representative of the Applicant during any clearing or tree/vegetation/structure removal on the Applicant Property within the drip line of the trees to be saved as part of the Tree Preservation Plan described above, shall occur on a weekly basis to ensure that the activities are conducted as proffered and as approved by UFM. The inspection/monitoring schedule shall be described and detailed in the Landscaping and tree preservation plan, and reviewed and approved by UFM. 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.

#### V. AFFORDABLE HOUSING

32. Housing Trust Fund. 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 projected sales price for each dwelling unit on the subject property. In the alternative, the Applicant reserves the right to make an equivalent contribution to a bonafide non-profit housing provider should such alternative contribution be deemed consistent with adopted policies for such contributions. The appropriateness of such contribution shall be determined by the Board of Supervisors. The projected sales price shall be based upon the aggregate sales price of all of the units, as if those units were sold at the time of the issuance of the first building permit and is estimated through comparable sales of similar type units. This sales price information shall be provided to and approved by the Fairfax County Department of Housing and Community Development (HCD).

#### VI. PARKS AND RECREATION

33. Park Authority – On-Site Recreation. At the time of subdivision plan approval, the Applicant shall demonstrate to the satisfaction of DPWES that the value of on-site recreational facilities is equal to or exceeds \$955.00 per unit in accordance with Section 16-404 of the Zoning Ordinance. The Applicant reserves the right to be credited for up to \$955.00 per unit for the on-site installation of active or passive recreational facilities to include but not be limited to gazebos, playgrounds, recreational trails and similar facilities, in open space areas

shown on the CDP/FDP. In the event the on-site facilities are not of sufficient value to fulfill the requirements of this proffer, the Applicant shall make a contribution of equivalent value to the Fairfax County Park Authority to be used for parks in the Dranesville District. If applicable, the required contribution shall be made at the time of subdivision plan approval for the approved development.

#### VII. SCHOOL CONTRIBUTION

34. School Contribution. At the time of subdivision plan approval, the Applicant shall contribute the sum of \$2,344.00 per dwelling unit, for each dwelling unit approved on the final subdivision plan to the Board of Supervisors for capital improvements to schools serving the Property.

#### VIII. OTHER

35. Archeological Study. Prior to any land disturbing activity, the Applicant shall conduct a Phase I Archeological Study of the Property and provide the results of the study to the Cultural Resource Management and Protection Section of the Fairfax County Park Authority (“Cultural Resources”). If warranted by the Phase I study, the Applicant shall conduct a Phase II and/or Phase III Archeological Study on those areas of the Property identified for further study by Cultural Resources. The studies shall be conducted by a qualified archeological professional approved by Cultural Resources, and the studies shall be reviewed and approved by Cultural Resources. The studies shall be completed prior to final subdivision plan approval.

36. Signage. Temporary signs (including “popsicle” style paper or cardboard signs) shall be prohibited in accordance with Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia

shall be placed on or off-site by the Applicant or at the Applicant's representative. The Applicant shall direct its agents and employees involved in marketing and/or sale of residential units on the subject Property to adhere to this proffer.

37. Energy Efficiency. All homes on the Property shall meet the energy efficiency guidelines of the International Building Code for energy-efficient homes, or its equivalent as determined by DPWES, for either gas or electric energy systems as may be applicable

38. Construction Parking. The staging and parking of construction vehicles shall occur on-site, including personal vehicles utilized by construction workers. No parking shall occur on adjacent roadways or within the adjacent residential communities.

39. Escalation. All monetary construction amounts stated in these proffers shall be adjusted by increases in the Consumer Price Index (CPI) from the date of this rezoning approval to the date of subdivision plan approval.

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

CHRISTOPHER MANAGEMENT, INC.  
(Contract Purchaser of Tax Map Nos.  
10-2-((5))-A, 1, 3, 4, 5, 6, 7)

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

JUDITH A. TURNER  
(Title Owner of Tax Map No. 10-2-((5))-A)

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MANUEL G. REED  
(Title Owner of Tax Map No. 10-2-((5))-1)

---

MARILYN J. REED  
(Title Owner of Tax Map No. 10-2-((5))-1)

---

HERBERT C. KEMP  
(Title Owner of Tax Map No. 10-3-((5))-3)

---

FRANCINE D. KEMP  
(Title Owner of Tax Map No. 10-3-((5))-3)

---

RICHARD A. SEPPALA  
(Title Owner of Tax Map No. 10-2-((5))-4)

---

NANCY J. SEPPALA  
(Title Owner of Tax Map No. 10-2-((5))-4)

---

EUGENE F. FOURNIER  
(Title Owner of Tax Map No. 10-2-((5))-5)

---

SHARON K. FOURNIER  
(Title Owner of Tax Map No. 10-2-((5))-5)

---

ROBERT R. KLAISS  
(Title Owner of Tax Map No. 10-2-((5))-6)

---

DONNA E. KLAISS  
(Title Owner of Tax Map No. 10-2-((5))-6)

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RALPH H. HARRISON, JR.  
(Title Owner of Tax Map No. 10-2-((5))-7)

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ELIZABETH R. HARRISON  
(Title Owner of Tax Map No. 10-2-((5))-7)

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**PROPOSED DEVELOPMENT CONDITIONS**

**FDP 2005-DR-015**

**June 1, 2006**

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 2005-DR-015 for residential development located at Tax Maps 10-2 ((5)) A, 1, 3, 4, 5, 6, 7, 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 "Dranesville Estates," prepared by Urban Engineering & Assoc., Inc., dated March 2005, as revised through May 19, 2006.
2. Prior to subdivision plan approval, the Applicant shall obtain approval of a Water Quality Impact Analysis (WQIA) from the Department of Public Works and Environmental Services (DPWES), for storm sewer outfall in the Resource Protection Area (RPA), as shown on the FDP.
3. Prior to subdivision plan approval, the Applicant shall obtain a written determination by the Director of DPWES that permits the installation of a trail in the RPA, as shown on the FDP.
4. Construction of retaining walls shall be limited to those depicted on the CDP/FDP.