



**APPLICATION FILED:** August 14, 2006  
**PLANNING COMMISSION:** November 30, 2006  
**BOARD OF SUPERVISORS:** Not Scheduled

# County of Fairfax, Virginia

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November 15, 2006

## STAFF REPORT

**APPLICATION PCA 2002-PR-008-02  
CONCURRENT WITH FDPA 2002-PR-008-02**

### PROVIDENCE DISTRICT

**APPLICANT:** The Christopher Companies DBA Christopher Management, Inc.

**PRESENT ZONING:** PDH-5

**PARCEL(S):** 48-2 ((32)) 12 – 16, 19 – 23, and 47

**ACREAGE:** 60,346 sq. ft. or 1.385 acre portion of the 23.66 acre Briarwood Trace Development

**FAR/DENSITY:** 3.68 du/ac (entire Briarwood Trace Development)

**OPEN SPACE:** 26% (entire Briarwood Trace Development)

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

**PROPOSAL:** To amend the previously approved proffers and final development plan associated with RZ 2002-PR-008, to allow a minimum 5-foot separation between the deck and the rear lot line for lots 12 – 16 and 19 – 23, and to allow the replacement of an existing dwelling unit on Lot 47 with a new single family detached dwelling unit.

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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 RECOMMENDATIONS:**

Staff recommends approval of PCA 2002-PR-008-02 and the Conceptual Development Plan, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDPA 2002-PR-008-02, subject to the Development Conditions set forth in Appendix 2, and subject to the Board of Supervisors approval of PCA 2002-PR-008-02 and the Conceptual Development Plan.

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, the Christopher Companies DBA Christopher Management, Inc., is requesting to amend the approved proffers and Final Development Plan (FDP) associated with RZ 2002-PR-008, for a 1.385 acre portion of the 23.66 acre Briarwood Trace development. The approved proffers for the development require that rear decks on Lots 12 – 16 and 19 – 23 (ten lots totaling 1.185 acres) must maintain a minimum 15-foot setback between the deck and the rear property line. However, a review of current building permits indicates that several homeowners in this area have constructed decks that are located closer than the minimum requirement, with the closest deck being only 5 feet from the rear property line. As such, this application proposes to acknowledge the existing deck encroachments by revising the proffers and the CDP/FDP to reflect a minimum setback distance of 5 feet between a deck and the rear property line. In addition, the approved CDP/FDP for the development indicates that the existing house on Lot 47, consisting of 0.20 acres, is to remain on site. The applicant is proposing to demolish the existing structure in order to construct a new single family detached dwelling unit on the site.

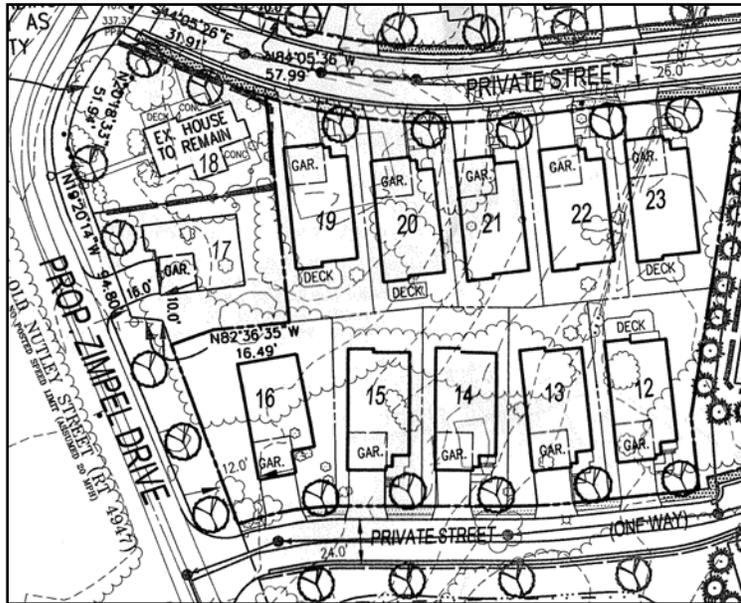
A reduction of the combined Conceptual Development Plan Amendment/Final Development Plan Amendment (CDPA/FDPA) has been included at the front of this report. The applicant's draft proffer statement for PCA 2002-PR-008-02 is included as Appendix 1. The applicant's affidavit is in Appendix 3, and the statement of justification has been included as Appendix 4.

**LOCATION AND CHARACTER:**

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 properties are located, is zoned PDH-5 and 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 is zoned PDH-3 and 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. The neighborhood is comprised of single family detached dwelling units, 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.



The subject property for PCA/FDPA 2002-PR-008-02 consists of eleven lots totaling 1.385 acres, or 60,346 square feet, located within Briarwood Trace. The subject area associated with the request to amend the existing deck setback requirement consists of 10 parcels in two groupings, Lots 12 – 16 and 19 – 23, totaling 1.185 acres. These two groups of parcels are located back to back in the western portion of the development adjacent to Zimpel Drive, with lots 12 – 16 fronting on

Sycamore Crest Drive and lots 19 – 23 fronting on Topaz Street. These parcels are currently zoned PDH-5 and are located in Land Bay A of the development. A review of approved County building permits shows that of the existing units in this area, four of these have decks in the rear yard and each of these decks extends closer to the rear property line than the minimum 15-foot requirement. As follows:

Lot Number	Address	Deck Setback from Rear Property Line
Lot 12	9206 Sycamore Crest Drive	11 feet
Lot 19	9223 Topaz Street	14 feet
Lot 20	9221 Topaz Street	5 feet
Lot 23	9215 Topaz Street	6 feet

Lot 47, which consists of 8,731 square feet, or 0.20 acres, is located in the southern portion of the development on the corner of Swanee Lane and Star Opal Drive, within Land Bay A of the Briarwood Trace development, and is zoned PDH-5. There is an existing single family detached dwelling unit on the lot, which was established prior to the existence of the Briarwood Trace development and was later incorporated into it as a part of the rezoning. This structure was identified to be saved as an affordable dwelling unit (ADU) in the original rezoning application for Briarwood Trace. However, a subsequent rezoning application (RZ 2003-PR-014, concurrent with PCA/FDPA 2002-PR-008),

identified the unit as a market rate unit since the ADU requirement was being fulfilled elsewhere within the development. According to the applicant's justification statement, the existing house was still intended to be retained with the idea that it would serve as a transition between the newer Briarwood Trace Development, and the remainder of the Briarwood Farms neighborhood to the south. However, given its prominent corner location within the new development, the applicant has decided that constructing a unit that is architecturally compatible with that in Briarwood Trace would be more appropriate.

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Interstate 66	---	Right-of-way
<b>South</b>	Residential, single-family detached (Briarwood Trace)	PDH-5/PDH -3	Residential, 1-2 du/ac with an option for residential at 3-4 du/ac
<b>East</b>	Residential, single-family detached (Briarwood Farms)	R-1	Residential, 1-2 du/ac
<b>West</b>	Vienna Metro	PRM/PDH-12	Alternative Use

#### **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 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. Also included as a part of this proposal were the provision of four ADUs, which consisted of two new units on Lots 10 and 11, and two existing units on Lots 18 and 47. The approved proffers provided language that allowed the existing units to be removed in the event that they were not accepted by Fairfax County into its ADU program. In such a circumstance, the ADUs were required to be provided as new units elsewhere in the approved development. Copies of the approved proffers, development conditions, and the CDP/FDP associated with RZ 2002-PR-008 are contained in Appendix 5.

With the approval of RZ 2003-PR-014, concurrent with PCA/FDPA 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 at an overall density of 3.68 du/ac. Although the number of ADUs to be provided in the development did not change pursuant to these approvals, the allocation of the four units was amended. Under the PCA/FDPA, a new ADU was approved to be built on the incoming Parcel 7, and the existing unit on Lot 47 was allowed to be sold at market rate. The original proffers were amended accordingly, and there was also language added at that time to restrict the setback of future deck additions in the rear yards of Lots 12 – 16 and 19 – 23. According to the approved proffers dated August 19, 2003, “rear decks for Lots 19-23 and 12-16 must maintain a total minimum 15-foot separation between the deck and rear lot line.” Appendix 6 contains the approved proffers associated with RZ 2003-PR-014 and PCA 2002-PR-008, and a copy of the CDPA/FDPA.

The remaining unconsolidated lot, Parcel 13, was approved for rezoning, with proffers dated September 8, 2006, by the Board of Supervisors on September 11, 2006. Pursuant to RZ 2005-PR-040, the 0.56 acre parcel was rezoned from R-1 to PDH-4, for the development of two new single family detached dwelling units at a density of 3.59 du/ac. As a part of the proffers associated with RZ 2002-PR-008, these new units will be incorporated into the Briarwood Trace Homeowner’s Association. Copies of the approved proffers, development conditions, and the CDP/FDP associated with RZ 2005-PR-040 are contained in Appendix 7.

### **COMPREHENSIVE PLAN PROVISIONS (Appendix 8)**

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

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:

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 CDPA/FDPA:** Briarwood Trace

**Prepared By:** Urban Engineering & Associates, Inc.

**Original and Revision Dates:** October 2005 as revised and sealed through October 27, 2006

CDPA/FDPA Briarwood Trace	
Sheet #	Description of Sheet
1 of 7	Cover Sheet with Title & Index
2 of 7	General Notes, Vicinity Map, Lot Typical, Soil Map and ADU Tab
3 of 7	Overall Site Layout, Zoning & Parking Tabulations, and Previously Granted Waivers & Modifications
4 of 7	Current CDPA/FDPA Layout & Notes
5 of 7	Landscape Plan & Existing Vegetation Summary
6 of 7	Architectural Elevations
7 of 7	Stormwater Management Plan, Narrative and Outfall Analysis

The following features are depicted on the combined CDPA/FDPA:

*Site Layout:* There are no changes being proposed to the approved number of lots, open space, or density of the Briarwood Trace development. The existing structure on Lot 47 will be demolished and a new single family detached dwelling will be constructed in its place. The new unit will be oriented with frontage on Swanee Lane, a public street, which is in keeping with the orientation of those units that abut the subject property to the north and west. The lot typical for Lot 47 indicates a minimum setback of 4 feet for the front yard, a minimum of 10 feet for the side yard setback, and a minimum of 12 feet for the rear yard setback. The applicant is proposing to construct a new model unit type on the site that will be architecturally compatible with the existing model types in the development. Sheet 6 of the CDPA/FDPA shows the front architectural elevations of the unit. In addition, the approved CDP/FDP shows an entry feature for the neighborhood located in the southwest corner of the subject property. This feature has been retained in the current application, and has been further identified to be located within an easement area.

The CDPA/FDPA also depicts four existing decks constructed within the rear yard area of Lots 12, 19, 20, and 23, as previously identified above. The application proposes to amend the approved proffers associated with Lots 12 – 16 and 19 – 23, in order to change the minimum setback between the deck and the rear property line from 15 feet to 5 feet. This change corresponds to the minimum setback allowed for decks pursuant to Sect. 2-412 of the Zoning Ordinance, which is discussed in more detail later in the report.

*Vehicular Access:* Access to the subject properties will continue to be provided via the existing internal street system of Briarwood Trace, which is a combination of both public and private streets. Specifically, Lot 47 will retain driveway access to Swanee Lane, which is a public right-of-way.

*Pedestrian Access:* Since the subject property is surrounded by the existing Briarwood Trace development, sidewalks were planned for, and have already been constructed around, many of the existing streets. The CDPA/FDPA shows a 4 foot wide sidewalk that extends along both the Swanee Lane and Star Opal Drive frontages of Lot 47.

*Parking:* As depicted on the architectural elevations (Sheet 6 of the CDPA/FDPA), the new unit proposed for Lot 47 has two front loading garage spaces. In addition, approximately 15 feet of driveway space has been provided on site to further accommodate parking on site. There will continue to be street parking along the public streets in the development and there is additional surface parking provided in designated areas along some of the private streets in the community.

*Open Space:* As previously noted, the existing amounts of open space located in Land Bay A and the overall Briarwood Trace development will not be changed by this application.

*Tree Save and Landscaping:* Lot 47 contains a few existing tree specimens, all of which are located along the southwest property boundary. These include two 18-inch beech trees, and a 4-inch dogwood tree, all of which the applicant has proposed to preserve. In addition, there are several mature tulip poplar trees located off-site of the subject property, immediately adjacent to the southwest property boundary. Although no additional landscaping is being proposed for Lot 47 as a part of this request, the CDPA/FDPA does continue to show the additional street trees and supplemental plantings around the entry feature that were approved pursuant to the original rezoning.

*Stormwater Management:* No change is proposed to the approved stormwater management (SWM) plan of the development. Furthermore, the proposed changes associated with this PCA/FDPA will have no additional impact on the existing SWM facilities.

### Comprehensive Plan Analysis

The Comprehensive Plan recommendations for the subject property were deemed satisfied by the Board with the approval of the rezoning for Briarwood Trace, pursuant to RZ 2002-PR-008, and the subsequent amendment PCA/FDPA 2002-PR-008, which was approved concurrently with RZ 2003-PR-014. This current request seeks to amend the previously approved proffers relating to setbacks on Lots 12 – 16 and 19 – 23, and to amend the approved FDP to authorize the demolition of an existing structure on Lot 47 in order to build a new unit, thereby maintaining the same number of units and the overall density of the development. Since the proposed proffer amendment and FDPA associated with this application does not affect the overall use or intensity approved under the original rezoning, these Comprehensive Plan recommendations remain satisfied.

### Land Use Analysis

This application requests to amend the proffers and CDP/FDP relating to the rear setbacks for decks on Lots 12 – 16 and 19 – 23, and to authorize the demolition of an existing structure on Lot 47 in order to build a new unit, thereby maintaining the same number of units and the overall density of the development.

### Issue: Rear Setback for Decks

The approved proffers associated with RZ 2002-PR-008 require that, “rear decks for Lots 19-23 and 12-16 must maintain a total minimum 15-foot separation between the deck and rear lot line.” However, as discussed above, four of the dwelling units in this area, Lots 1, 19, 20, and 23, have existing decks that are constructed closer to the rear lot line than the minimum requirement allows. A review of the house location survey of the ten subject lots indicates the following:

Lot Number	As-built Rear Yard Setback of Dwelling	Maximum Allowable Deck Depth with 15 foot Setback Requirement
Lot 12*	21 feet	6 feet
Lot 13	21.8 feet	6.8 feet
Lot 14	21.8 feet	6.8 feet
Lot 15	17.2 feet	2.2 feet
Lot 16	15.9 feet	0.9 feet
Lot 19*	27 feet	12 feet
Lot 20*	15.8 feet	0.8 feet
Lot 21	14.1 feet	None
Lot 22	17.8 feet	2.8 feet
Lot 23*	17.8 feet	2.8 feet

\*Indicates that the dwelling unit already has a rear deck.

Of the ten lots, only Lots 12 – 14 and 19 have existing rear yard setbacks that could easily accommodate a deck, while the remaining lots have minimum opportunity for deck additions based on the existing house locations in proximity to rear property lines. Of the four parcels with deep rear yards, Lots 12 and 19 already have decks constructed with setbacks of 11 and 14 feet, respectively. The remaining two existing decks in the area have setbacks of 5 feet, Lot 20, and 6 feet, Lot 23.

**Resolution:**

As a result of existing conditions on the site, the applicant is requesting that the minimum separation between a deck and the rear lot be reduced to five (5) feet. The average depth of the decks already constructed on the site is approximately 11 feet. However, none of the lots could accommodate a deck of this size based on the existing rear yard setbacks. By allowing a minimum separation of only 5 feet between a deck and a rear lot line, the remaining lots would be allowed to develop in a manner that is consistent with neighboring dwelling units.

**Environmental Analysis** (Appendices 9 &10)

In its review of the application, Urban Forest Management (UFM), Department of Public Works and Environmental Services (DPWES), had several comments regarding the preservation of the existing trees on Lot 47 (Appendix 8).

**Issue: Protection of Existing Trees On-site**

As previously identified, Lot 47 contains a 4-inch dogwood and two 18-inch beech trees that UFM has identified as a priority for preservation. Although the applicant is proposing to preserve these trees, there is concern regarding the adequacy of this preservation effort due to the limits of clearing and grading as shown on the CDPA/FDPA, and the close proximity of future demolition activities to the trees. In order to minimize the impacts of these activities, specific tree save proffers language was recommended to the applicant.

**Resolution:**

In the proposed proffers found in Appendix 1, the applicant is proposing specific language to ensure adequate preservation of the existing trees on site with respect to the limits of clearing and grading, and the future demolition of the existing features on the site. However, there is little specificity as to what specific measures will be utilized, and the language provided lacks the detail found in the previously approved proffers for RZ 2002-PR-008. In order to ensure that adequate preservation measures will be utilized on Lot 47, staff believes additional proffer language is necessary that either provides more detail as to the preservation methods used for specific trees on the subject property, or more clearly obligates this amendment to the previously approved tree preservation proffers for the entire development. A development condition has been proposed by staff to address this concern.

**Issue: Off-site Trees**

In addition to the existing trees located on Lot 47, UFM also identified several mature tulip poplar trees located off-site, adjacent to the southwest property boundary, which should also be considered a priority for preservation. In order to accomplish the preservation of these trees, a contiguous 15-foot wide undisturbed buffer, measured from the property line, was recommended along the entire southwest property boundary. In addition, proffer language was recommended to deal with any impacts to off-site trees that result from construction activities on the subject property.

**Resolution:**

As stated above, the tree preservation language in the proposed proffers does not adequately address this issue at this time. Therefore, staff has proposed a development condition to more effectively address this concern.

**Transportation Analysis** (Appendix 11)

No transportation issues have been identified in conjunction with this application. The Fairfax County Department of Transportation (DOT) has requested that all previous proffers associated with RZ 2002-PR-008 and RZ 2003-PR-014 be reaffirmed by the applicant and this has been addressed in the proposed proffers for this request. The Virginia Department of Transportation (VDOT) had no objections to the proposed changes since the request will have no adverse impact upon the existing transportation network. However, VDOT's memorandum to County staff did note that any proposed trees along Zimpel Drive will not be permitted within the sight lines or clear zones of the intersection of Zimpel Drive and Star Opal Drive.

**Public Facilities Analysis** (Appendices 12 through 15)

This application bears no impact on existing public facilities.

**ZONING ORDINANCE PROVISIONS** (Appendix 16)

The application 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**

The provisions of Article 6 of the Zoning Ordinance govern the appropriateness of the P-District designation for the subject property. These provisions were deemed satisfied by the Board with the approval of the original rezoning of Briarwood Trace, pursuant to RZ 2002-PR-008 and the subsequent PCA/FDPA 2002-PR-008, which was concurrent with RZ 2003-PR-014. Given the nature of the request associated with this application and the analysis described above, staff concludes that these provisions are still satisfied.

## **ARTICLE 16**

The General Standards for planned developments set forth in Sect. 16-101 of the Ordinance and the Design Standards identified in Sect. 16-102 were satisfied with the original rezoning of the subject property to the PDH District. In staff's opinion, since the new unit proposed for Lot 47 will be architecturally compatible with those in the existing development, the current application will not affect these standards, or adversely impact surrounding properties. In addition, staff also believes that the proposed reduction of the rear yard setbacks for decks will have no adverse impact on surrounding properties.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The applicant, the Christopher Companies DBA Christopher Management, Inc., is requesting to amend the approved proffers and Final Development Plan associated with RZ 2002-PR-008, for a 1.385 acre portion of the 23.66 acre Briarwood Trace development. Specifically, the applicant seeks to amend the previously approved proffers relating to setbacks on Lots 12 – 16 and 19 – 23, and to amend the approved CDP/FDP to authorize the demolition of an existing structure on Lot 47 in order to build a new architecturally compatible unit, thereby maintaining the same number of units and the overall density of the development. Staff has determined that this request still meets the Comprehensive Plan recommendations for this area and that it fulfills all applicable provisions of the Zoning Ordinance. Therefore, staff supports this application.

### **Recommendations**

Staff recommends approval of PCA 2002-PR-008-02 and the Conceptual Development Plan, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDPA 2002-PR-008-02, subject to the Development Conditions set forth in Appendix 2, and subject to the Board of Supervisors approval of PCA 2002-PR-008-02 and the Conceptual Development Plan.

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. Approved Proffers, Development Conditions and CDP/FDP for RZ 2002-PR-008
6. Approved Proffers and CDPA/FDPA for RZ 2003-PR-014/PCA 2002-PR-008
7. Approved Proffers, Development Conditions and CDP/FDP for RZ 2002-PR-008
8. Comprehensive Plan Citations
9. Fairfax County Forest Conservation Section Analysis
10. Stormwater Management Analysis
11. Fairfax County DOT & Virginia DOT Analysis
12. Fairfax County Park Authority Analysis
13. Fairfax County Public Schools Analysis
14. Fairfax County Water Authority Analysis
15. Fire and Rescue Analysis
16. Zoning Ordinance Provisions
17. Glossary of Term

**PROFFERS  
PCA/FDPA 2002-PR-008-02  
November 7, 2006**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in the proffer condition amendment/final development plan amendment application proffer that the development of the parcels shown on Fairfax County Tax Maps as 48-2((32))12,13, 14, 15, 16, 19, 20, 21, 22, 23, 47 (hereinafter referred to as the "Property") will be in accordance with the proffered conditions accepted by the Board of Supervisors in the approval of RZ 2002-PR-008, dated September 16, 2002, and as amended by proffered conditions accepted by the Board of Supervisors in the approval of PCA 2002-PR-008 and RZ 2003-PR-014, dated August 19, 2003, and as amended for the portion of that property subject to this PCA as stated in the proffers below. The reference "these proffers" shall refer to the proffers within this document as well as those accepted with the approval of RZ 2002-PR-008, RZ 2003-PR-014 and PCA 2002-PR-008. In the event this Proffer Condition Amendment request is denied, the proffers which follow shall be null and void. The Owners and the 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 practices. The aforementioned revisions are as follows:

Proffers I. 1 and I. 2 replace in their entirety like numbered proffers accepted with the approval of RZ 2002-PR-008 and PCA 2002-PR-008 and RZ 2003-PR-014.

## I. GENERAL

1. Substantial Conformance. The development of the Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP) approved with RZ 2002-PR-008, dated December 2001 and revised through August 16, 2002 and the Conceptual Development Plan Amendment/Final Development Plan Amendment (CDPA/FDPA) approved with PCA 2002-PR-008 and RZ 2003-PR-014, dated January 2003 and revised through August 18, 2003 and the CDPA/FDPA approved with PCA 2002-PR-008-02, containing seven sheets prepared by Urban Engineering & Associates, Inc., dated October, 2005 and revised through October, 2006. To the extent there is a conflict between either the CDP/FDP dated December 2001 and revised through August 16, 2002 or the CDPA/FDPA dated January 2003 and revised through August 18, 2003, and the CDPA/FDPA associated with PCA 2002-PR-008-2, the CDPA/FDPA associated with PCA 2002-PR-008-2 shall govern. Items or commitments reflected on the approved CDP/FDP and CDPA/FDPA and not affected or amended by the latest CDPA/FDPA shall continue to govern, with the exception of the dwelling on Lot 47 which will be demolished and will be replaced with dwelling on shown on CDPA/FDPA. Pursuant to Par. 1 of Section 17-104, the redevelopment of Lot 47 with a single family detached dwelling shall not require the approval of a minor site plan or site plan amendment.

Notwithstanding the above, it shall be understood that the Applicant has the right to request a Final Development Plan Amendment (FDPA) for elements other than CDP elements for all or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402

of the Zoning Ordinance. For the purpose of this Proffer, CDP elements shall include the overall number and type of units and the general location and orientation of streets, open space and tree save areas and setbacks, although setbacks for Lot 47 shall be modified as shown on the CDPA/FDPA approved with PCA 2002-PR-008-02.

2. Lot Yield and Orientation of Units. The development, subject to RZ 2002-PR-008 and RZ 2003-PR-014, shall consist of a maximum of 87 single family detached residential units (inclusive of the required ADUs) that are generally contained within two land units identified as Land Unit A, consisting of approximately 14.06 acres and 63 residential units; and Land Unit B, consisting of approximately 9.6 acres and 24 residential units. Unit designs shown on the CDPA/FDPA, dated January 2003 and revised through August 18, 2003 for Land Unit A are conceptual and subject to change provided that any such changes shall conform to the “Lot typical” shown on the CDPA/FDPA dated January 2003 and revised through August 18, 2003 and the requirements of these proffers. The general orientation of the front and rear of the units shall be as shown on the CDPA/FDPA dated January 2003 and revised through August 18, 2003, i.e. units 1-9, 40-46, and 51-61 shall be rear loaded units. The entrance for the unit on Lot 87 shall be oriented to the proposed private street (not to Nutley Street). In addition, notwithstanding the lot typical shown on the CDPA/FDPA dated January 2003 and revised through August 18, 2003, and the CDPA/FDPA dated October, 2005 and revised through October, 2006, Units 12-16 and 19-23 shall have rear setbacks as shown on the CDPA/FDPA. Unit 1 shall be a front setback from Swanee Lane Extended that are consistent with the shown on the CDPA/FDPA dated January 2003 and revised through August 18, 2003 (25 feet for Lot 1) and Units 24 and 25 shall have a minimum front setback consistent with Units 32 and 33 as referred on the “Land Bay A Option 2” lot typical. Notwithstanding the lot typical contained

within the CDPA/FDPA dated January 2003 and revised through August 18, 2003, those units on corners lots shall reflect setback as generally shown on the CDPA/FDPA dated January 2003 and revised through August 18, 2003 with the exception of Lot 47 for which the setbacks shall be as shown on the CDPA/FDPA dated October, 2005 and revised through October, 2006. Rear decks for Lots 12-16 and 19-23 must maintain a total minimum 5-foot separation between the deck and rear lot line.

The following proffers are in addition to those accepted with the approvals of RZ 2002-PR-008, PCA 2002-PR-008 and RZ 2003-PR-014 and as such are number with sub-letters or entirely new numbers.

#### I. GENERAL

25. At the time of the issuance of the building permit for the dwelling on Lot 47, the Applicant shall contribute a sum of \$500.00 to the Providence Tree Preservation and Planting Fund.

26. At the time of the issuance of the building permit for the dwelling on Lot 47, the Applicant shall contribute a sum of \$500.00 to the Oakton Library.

#### III. ENVIRONMENTAL

5 (a). Tree Preservation/Limits of Clearing and Grading on Lot 47. The applicant shall make best and reasonable efforts to preserve the 4-inch dogwood and two 18-inch beech trees on Lot 47. Efforts shall include tree protection fencing around the limits of clearing and grading on

Lot 47. Tree protection fencing shall be in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart, or super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees. A site walk with an Urban Forest Management representative shall be conducted on Lot 47 prior to which the limits of clearing and grading as shown on the CDPA/FDPA shall be marked with a continuous line of flagging. The purpose of this walk shall be to maximize the potential to save the trees indicated above. The limits of clearing and grading shown on the CDPA/FDPA dated October, 2005 and revised through October, 2006, for Lot 47 may be modified based on this site walk and on final site grading in order to maximize the potential to save the above referenced trees.

9 (a). Demolition of Existing Structures on Lot 47. The demolition of existing features and structures on Lot 47 shall be conducted in a manner that minimizes the impact in individual trees and groups of trees that are shown within the limits of clearing and grading.

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

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BRIARWOOD TRACE ASSOCIATES, L.L.C.  
Title Owner of TM 48-2((32))47

By: Christopher Management, Inc.  
Its: Manager

By: \_\_\_\_\_  
E. John Regan, Jr.  
Its: Executive Vice President

THE CHRISTOPHER COMPANIES, dba CHRISTOPHER MANAGEMENT, INC.  
Applicant/Agent for TM 48-2((32))14-16, 19-23, 47

By: \_\_\_\_\_  
E. John Regan, Jr.  
Title: Executive Vice President

Jian Zhong Chen  
Title owner of TM 48-2((32))12

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Jian Zhong Chen

Nam Quang Huynh  
Title Owner of TM 48-2((32))13

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Nam Quang Huynh

Charles Yapple  
Susan Dorsey  
Title Owners of TM 48-2((32))14

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Charles Yapple

---

Susan Dorsey

Dun Chao Lin  
Feng Yu Zheng  
Title Owners of 48-2((32))15

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Dun Chao Lin

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Feng Yu Zheng

John B. Strother  
Title Owner of TM 48-2((32))16

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John B. Strother

Jian W. Chen  
Hui Chang Zheng  
Title Owners of TM 48-2((32))19

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Jian W. Chen

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Hui Chang Zheng

Hong Zheng  
Yi Zhou  
Title Owners of TM 48-2((32))20

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Hong Zheng

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Yi Zhou

Marvin D. Bobbitt  
Brenda J. Bobbitt  
Title Owners of TM 48-2((32))21

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Marvin D. Bobbitt

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Brenda J. Bobbitt

Elie K. Rhyu  
Magnus Rhyu  
Title Owners of TM 48-2((32))22

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Elie K. Rhyu

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Magnus Rhyu

Darren E. McClure  
Marinn F. Carlson  
Title Owners of TM 48-2((32))23

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Darren E. McClure

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Marinn F. Carlson

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**PROPOSED DEVELOPMENT CONDITIONS**

**FDPA 2002-PR-008-02**

**November 15, 2006**

If it is the intent of the Planning Commission to approve FDPA 2002-PR-008-02 located at Tax Map 48-2 ((32)) 12 – 16, 19 – 23, and 47, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, in addition to those approved pursuant to FDP 2002-PR-008:

1. 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 Urban Forest Management (UFM), Department of Public Works and Environmental Services (DPWES).

The tree preservation plan shall consist of tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading shown on the GDP for the entire site. 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 GDP and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

2. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFM, DPWES, representative to determine 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 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 under story vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated under story vegetation and soil conditions.

3. The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by UFM, DPWES. A replanting plan shall be developed and implemented, subject to approval by UFM, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
4. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and 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, the UFM, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM, DPWES.

5. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by UFM, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:
  - Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
  - Root pruning shall take place prior to any clearing and grading, or demolition of structures.
  - Root pruning shall be conducted with the supervision of a certified arborist.
  - An UFM, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

6. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFM approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFM, DPWES.
7. Prior to the demolition of the existing dwelling on Lot 47, a meeting shall be held with the UFM representative to review the demolition plan and process. Care shall be taken during demolition to minimize impacts to the root system of tree designated for preservation on the CDPA/FDPA adjacent to the existing dwelling. To give these trees the greatest possible chance of survival and continued health, the root zones shall be protected during demolition. Demolition of the existing dwelling shall be performed under the direct supervisions of a certified arborist with experience in tree preservation on construction sites. The entire area within the tree preservation area protected by tree preservation fencing shall be left in its natural state where undisturbed; or mulched where the area was previously bare or disturbed. The developer shall be committed and shall be diligent in following through with tree preservation activities and minimized construction impacts.

The above proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless, and until, adopted by that Commission.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

