APPLICATION ACCEPTED: July 24, 2006
PLANNING COMMISION: December 6, 2006
BOARD OF SUPERVISORS: not scheduled

County of Fairfax, Virginia

November 21, 2006

STAFF REPORT

RZ/FDP 2006-SU-021

SULLY DISTRICT

APPLICANT:	NCL XXX, LLC
PRESENT ZONING:	R-1 and WS
PROPOSED ZONING:	PDH-5 and WS
PARCEL(S):	34-4 ((3)) 5
ACREAGE:	23,291 square feet
DENSITY:	3.74 dwelling units/acre (du/ac)
OPEN SPACE:	45%
PLAN MAP:	Residential; 3-4 du/ac
PROPOSAL:	Rezone 23,291 square feet (0.53 acres) from the R-1 District to the PDH-5 District to allow the development of a previously unconsolidated lot as part of the adjacent development (approved under RZ 2004-SU-015)
WAIVERS & MODIFICATIONS:	Waiver of Minimum District Size

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2006-SU-021, subject to the execution of proffers consistent with those contained in Appendix 1.

TDS:N:\NCL Louise Ave RZ 2006 SU 021\RZ FDP 2006-SU-021.doc

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

Staff recommends approval of a waiver of minimum district size.

Staff recommends approval of FDP 2006-SU-021, subject to the Board's approval of the rezoning, and subject to development conditions contained in Appendix 2.

It should be noted that it is not the intent of the 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 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 TTY 711 (Virginia Relay Center).

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 USED FREQUENTLY IN STAFF REPORTS CAN BE FOUND AT THE BACK OF THIS REPORT

DESCRIPTION OF THE APPLICATION

Proposal:

The applicant, NCL XXX, LLC, requests approval to rezone 23,291 square feet from the R-1 (Residential, One Dwelling Unit/Acre) and WS (Water Supply Protection Overlay) Districts to the PDH-5 (Planned Development Housing - Five Dwelling Units/Acre) and WS Districts to permit development of two single family detached homes at an overall density of 3.74 dwelling units per acre (du/ac). The new homes will be consolidated into the surrounding subdivision, currently under development by the applicant. The applicant is requesting approval of a combined Conceptual/Final Development Plan (CDP/FDP).

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

This application must also comply with certain Zoning Ordinance Provisions found in Article 6, Planned Development Districts, and Article 16, Development Plans, excerpts of which are found in Appendix 16.

Waivers and Modifications Requested:

Waiver of minimum district size (2 acres required; 0.53 acres provided)

Waiver of on-site stormwater management and BMPs *(to be addressed at subdivision)*

LOCATION AND CHARACTER

Site Description:

The 0.53 acre application property is located on the eastern side of Lowe Street at its terminus; the parcel was not consolidated when the surrounding neighborhood was rezoned. The existing house on the property dates from the 1970s, and will be removed with this application. A multi-stemmed silver maple in poor health is located in front of the house, a number of cedars, spruces, and maples are located in the rear, adjacent to the house and along the rear lot line.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North & West	Single family detached residential (RZ 2004-SU-015, 4.87 du/ac)	PDH-5	Residential, option for 4-5 du/ac
South & East	Single family detached residential (Chantilly Green, 2.89 du/ac)	PDH-3	Residential, 3-4 du/ac

BACKGROUND

On January 10, 2005, the Board of Supervisors approved RZ 2004-SU-015, which rezoned 19.72 acres from the R-1, WS and HD Districts to the PDH-5, WS and HD Districts, subject to proffers dated December 8, 2004. FDP 2004-SU-015 had been previously approved by the Planning Commission on November 17, 2004, subject to conditions dated November 16, 2004. The application included all of the properties located along Lowe Street, between (but not included in) the Armfield Farms subdivision to the north and the Chantilly Green subdivision to the south, except for a single parcel at the end of Lowe Street (Parcel 5, the subject of the current application). The development under RZ/FDP 2004-SU-015 provided for 87 single family detached units on small lots, and nine single family attached units to be provided as Affordable Dwelling Units, per the ADU Ordinance. The overall density was 4.87 du/ac. Proffers accepted with RZ 2004-SU-015 included a commitment to allow the unconsolidated parcel (Parcel 5) to join the Homeowners Association developed under the larger rezoning. See Appendix 5 for plans, proffers and development conditions accepted with RZ/FDP 2004-SU-015.

COMPREHENSIVE PLAN PROVISIONS (See Appendix 6)

Plan Area: III

Planning District: Upper Potomac Planning District

Planning Sector: Lee-Jackson Community Planning Sector (UP8)

Plan Map: Residential, 3-4 du/ac

Plan Text:

In the Fairfax County Comprehensive Plan, Area III volume, 2003 Edition, Upper Potomac Planning District, as amended through July 10, 2006, Lee-Jackson Community Planning sector (UP8) on pages 157 and 158 of 167, the Plan states:

"4. The area between Armfield Farms and Chantilly Green, Tax Map; 34-4 ((1)) 4, 5, 6; 34-4 ((2)) 1-12; 34-4 ((3)) 1-12, is planned for residential use at 3-4 dwelling units per acre. As an option, residential use at 4-5 dwelling units per acre may be considered under the following conditions:

- At a minimum, the land area found for Tax Map 34-2((1)) 18, 34-4((1)) 4, 5, 6, and 85% of the land area of the Ox Hill subdivision, Tax Map 34-4((2)) 1-12 and ((3)) 1-12) should be consolidated. Consolidation should occur in a manner that provides for the future development of any unconsolidated parcels, either to remain at 1 dwelling unit per acre as zoned, or up to the base level density of 3 dwelling units per acre;

- Single family detached and/or other types of single-family units, such as patio or zero-lot-line, are appropriate. It should be demonstrated that units types other than single family detached can be effectively integrated into the community;

- High quality design is a priority in order to foster compatibility with existing adjacent residential communities; and

- Consider removing the restrictions that allow only emergency vehicle access at the eastern end of Lowe Street, in order to improve traffic circulation. There should be no connection to Springhaven Drive."

ANALYSIS

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

Title of CDP/FDP:	Lot 5 Addition to the Centreville Road Properties
Prepared By:	Bowman Consulting
Original and Revision Dates:	May 24, 2005, as revised through November 16, 2006

The combined CDP/FDP consists of three sheets. **Sheet 1** is a cover sheet including a sheet index, general notes, and a vicinity map. **Sheet 2** shows the site layout of the property, including landscaping, and elevations of the proposed units. Because there are only two lots, no typical lot detail is provided; the minimum dimensions that would be shown on a typical lot detail are provided on the layout itself. Sheet 2 also includes the site tabulations and stormwater management narrative. **Sheet 3** shows the Existing Vegetation Map (EVM) and soils map.

Access & Parking

Lowe Street, which fronts the application property, is a public street; no changes are proposed to Lowe Street. (With RZ 2004-SU-015, a portion of Lowe Street was realigned, but the street was maintained as a public street for the benefit of the unconsolidated parcel, which is the subject of the current application.) Parking will be provided in two car garages and additional driveway spaces, in excess of the two spaces per unit requirement for single family detached houses on public streets.

Site Design

The proposed development consists of two single family detached dwelling units at a density of 3.74 du/ac. Both lots front directly onto Lowe Street, with front loading garages. The notes indicate that the lots will be a minimum of 40 feet wide and 97 feet deep, although the lots shown on the CDP/FDP are 50 feet wide and 110 feet deep. Notes, as well as the illustrated building restriction line, commit to front yards (and therefore driveways) a minimum of 18 feet deep. Side lots are shown to be a minimum of 5 feet in depth (with encroachments such as bay windows and chimneys as allowed by the Ordinance), and rear yards are shown to be a minimum of 20 feet in depth although decks may be allowed to extend into the rear yard per Section 2-412.2 of the Zoning Ordinance. The minimum lot sizes proposed for this development are the same as those in the adjacent subdivision, of which these lots will become a part.

The elevations provided on Sheet 2, are the same style as those in the surrounding subdivision, approved under RZ 2004-SU-015. The elevations show units that are four stories tall, with the 4th story being incorporated into the roof. Two car garages are provided at the ground level.

Open Space & Recreation

Open space (45% of the site area) is located behind the proposed units. This open space is connected to an open space area of the adjoining subdivision, which is shown on the CDP/FDP for that development to have a feature (such as a gazebo), and has a path leading into the open space from Lowe Street. As the new units will become part of the surrounding development, the homeowners will have access to the recreational facilities of the larger development.

It should be noted that the proffers and CDP/FDP include an option to utilize virtually all of this open space area for stormwater management and BMPs; however, staff has proposed an FDP condition that would require the applicant to receive approval of a Final Development Plan Amendment to show the details of such a facility prior to its implementation. (It is the intent of the applicant to provide SWM/BMPs in the adjacent pond approved under RZ 2004-SU-015; a waiver to permit off-site SWM/BMPs will be sought during subdivision review.)

Comprehensive Plan Analysis

The Comprehensive Plan map shows the area as planned for residential development at a density of 3-4 dwelling units per acre, with site specific text allowing 4-5 du/ac with the satisfaction of certain conditions. These conditions required at least 85% of the land area (inclusive of the land rezoned in RZ 2004-SU-015 and this application) to be consolidated to reach the higher density range, with the unconsolidated parcels allowed to redevelop at up to 3 du/ac. As noted, the previous application consolidated all of the available land except for the parcel which is the subject of this application. Because the application property is being developed by the same entity as the surrounding area, and because the

application property will be subsumed into the larger development with all of the same rights and resources of that development, staff believes that a density and development pattern that is similar to the larger development is appropriate, and therefore that the proposed density (3.74 du/ac) and layout is in conformance with the intent of the Comprehensive Plan recommendations.

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 17.

Site Design *(Development Criterion #1)*

This Criterion requires that the development proposal address consolidation goals in the plan, further the integration of adjacent parcels, and not preclude adjacent parcels from developing in accordance with the Plan. The applicant will be integrating this development into the larger, surrounding subdivision, which is being developed by the same entity. There are no remaining unconsolidated properties.

The development should provide for a logical design with appropriate relationships within the development, including appropriately oriented units and usable yards. Access should be provided to transit facilities where available, and utilities should be identified to the extent possible. The proposed layout has small lots (a minimum 3,880 square feet per the tabulations, although the lots shown are 5,500 square feet) with houses which are oriented so that driveways abut in a pair, as in the surrounding development. While the rear yards are not large, these units do back to an open space area, offering the perception of a larger yard. The minimum lot sizes, including setbacks, are identical to those of the surrounding subdivision (to the north and west), of which this development will be a part, and similar to those found in Chantilly Green to the east and south. Limits of clearing and grading are shown to protect trees in the rear yard of the existing house which have been identified by Urban Forest Management as highly desirable for preservation. (See Appendix 9)

Open space should be useable, accessible, and integrated with the development. Appropriate landscaping should be provided. There is a requirement for 35% open space in the PDH-5; the applicant has provided 45%. The open space area has been located so as to connect and enlarge an adjacent open space area (with amenities) that is part of the larger development. As noted, while the yards provided for these two lots are not large, they do offer enough space to construct a deck, and are directly adjacent to open space. When small lots are visually

connected to larger open spaces, the private space does not feel as constrained as would otherwise be the case.

As noted earlier, the applicant has included an option to utilize this open space area for stormwater management purposes, should the requested waiver to utilize the adjacent pond (part of RZ 2004-SU-015) not be approved. While staff does not object to some sort of SWM facility being located in the open space, it is not appropriate to allow the entire open space area to be converted into a facility with no details provided at this time. Therefore, staff has proposed a development condition that would require an FDP to be processed and approved showing the details, should the area be needed for SWM purposes; this will allow staff to review the proposal, if it develops. If the applicant provides appropriate details prior to approval of this application, the condition could be deleted.

Neighborhood Context *(Development Criterion #2)*

While developments are not expected to be identical to their neighbors, this Criterion states that they should fit in the fabric of the area, especially at the interface between the two. As noted, this application directly abuts a larger single-family detached residential development to the north and west which it will become a part. The lots have the same minimum size and setbacks as the larger development. RZ 2006-SU-015 included a proffer to allow Parcel 5 (the property in this application) to join its HOA; the proffers proposed for this application include a commitment to do so.

Environment *(Development Criterion #3)*

This Criterion requires that developments conserve natural environmental features to the extent possible, account for soil conditions, and protect current and future residents from noise and lighting impacts. Developments should minimize off-site impacts from stormwater runoff and adverse water quality impacts. No significant environmental features (other than the existing trees, discussed below) have been identified on the property. Because the property is proposed to be incorporated into the surrounding development, no stormwater management is shown on the site (a waiver is requested). Instead, stormwater management will be provided in the pond located across Lowe Street, under development with the surrounding property. Soils in the area are prone to low depth to bedrock, and the applicant (with the previous, surrounding application) proffered to the standard blasting surveys and precautions. The addition of the application property into the blasting area does not increase the area needing to be notified, although it would be appropriate for the applicant to add that portion of the blasting proffer relating to the remediation of damage caused by blasting. (See Appendix 8)

Tree Preservation & Tree Cover Requirements *(Development Criterion #4)*

This Criterion states that all developments should take advantage of existing quality tree cover—as preserving existing trees is highly desirable to meet the Public Facilities Manual (PFM) requirements—and that, where feasible, utility

crossings should be located so as not to interfere with proposed tree save areas. On this site, most of the quality vegetation is located along the rear of the existing parcel. A representative of Urban Forest Management has reviewed the property, and made recommendations including the removal of a multi-stemmed maple in the front yard (which is in poor health and would likely be further damaged by construction) and the preservation of several trees in the rear yard. The applicant has revised the CDP/FDP and proffers to accommodate most of these requests. See Appendix 9 for the Urban Forest Management memo.

Transportation *(Development Criterion #5)*

This Criterion requires that developments provide safe and adequate access to the surrounding road network, that transit and pedestrian travel be encouraged, and that interconnection of streets be encouraged. In addition, alternative street designs may be appropriate where conditions merit. The application maintains Lowe Street, a public street, as its access. Sidewalks will be provided along Lowe Street as in the surrounding development. No changes to the transportation network of the surrounding development are proposed. See Appendix 7 for the full transportation analysis.

Public Facilities *(Development Criterion #6)*

Criterion 6 states that the impacts on public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management) should be offset by residential development. Impacts may be offset through the dedication of land, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. Specific Public Facilities issues are discussed in detail in Appendices 10-15.

Fairfax County Park Authority (Appendix 15)

The CDP/FDP shows an open space area that will be connected with an open space area in the surrounding development that is directly adjacent to the application property. Additionally, as this site will be incorporated with the surrounding development, the residents will have access to the ”linear park system” and other open space amenities of the larger development.

The development will add a single dwelling unit to the area; no impacts to recreational facilities were identified. The applicant has proffered to contribute the $955 per unit required by the Planned District Standards to the Park Authority (a total of $1,910).

Fairfax County Public Schools (Appendix 13)

The proposed development would be served by the Lees Corner Elementary, Franklin Middle and Chantilly High Schools. Chantilly High is currently the only one of these schools over capacity, but Lees Corner Elementary and Franklin

Middle are very close to capacity. No students are projected to be generated by this development of one additional unit. The applicant has proffered a school contribution $2,413.

Fire and Rescue (Appendix 12)

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #415, Chantilly. The requested rezoning currently meets fire protection guidelines, as determined by the Fire and Rescue Department.

Sanitary Sewer Analysis (Appendix 10)

The subject property is located within the Cub Run (T-2) watershed and would be sewered into the UOSA Treatment Plant. An existing 8 inch line located proximate to the subject property is adequate for the proposed use.

Fairfax County Water Authority (Appendix 11)

The subject property is located within the Fairfax County Water Authority Service Area. Adequate domestic water service is available at the site.

Stormwater Management, DPWES (Appendix 14)

The applicant has requested a waiver of on-site stormwater management, as the site will be incorporated in the surrounding subdivision (this waiver will be processed at the time of subdivision plan approval). No other issues are raised by the application.

Affordable Housing *(Development Criterion #7)*

Criterion 7 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 the County. Satisfaction of this criterion may be achieved by the construction of units, contribution of land, or by a contribution to the Housing Trust Fund. The application is not required to provide affordable dwelling units, and has therefore proffered to provide a contribution to the Housing Trust Fund. In this case, the applicant has proffered to the ½ percent of the purchase price stipulated by the Board's policy for one of the two new units. While the Board's policy is to provide a contribution for all units, in this case, the contribution only on the additional unit is proposed, because if the proposed development was incorporated into the larger, surrounding subdivision (as would have been the case if the lot had be) no additional ADUs would be required.

Heritage Resources *(Development Criterion #8)*

There are no heritage resources noted on the application property.

ZONING ORDINANCE PROVISIONS (Appendix 16)

The requested rezoning of the 0.53 acre site to the PDH-5 District must comply with the applicable regulations of the Zoning Ordinance 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 development proposes two single family detached units, at a density of 3.74 du/ac, which will be incorporated into a larger, surrounding PDH-5 ADU development. Forty-five (45%) of the site is proposed as open space, in a location that allows for the expansion of an existing open space area in the larger development. The development has the same minimum lot sizes and setbacks as the surrounding development, of which it will be a part, and similar building separations and setbacks as the development to the south and east (Chantilly Green). The public street is maintained, as it was in the previous application, and the previously unconsolidated lot is joined seamlessly with the larger neighborhood. Therefore, staff believes the request for rezoning to the PDH-5 District as proposed is appropriate.

Sect. 6-107 (Par. 1) Minimum District Size: This section states that a minimum of two (2) acres is required for approval of a PDH District; the area of this rezoning application is 0.53 acres. The application will consolidate the only remaining parcel in the area into a previously approved, PDH-5, development. The proffers commit the applicant to join these units with the HOA of the surrounding development. Therefore, in this case, staff believes that a waiver is appropriate.

Sect. 6-107 (Par. 2) Minimum Lot Area: There is no specific requirement for a minimum lot size in a “P” District; the notes indicate a minimum lot size of 3,880 square feet. This is the same size as the lots in the surrounding development.

Sect. 6-109. Maximum Density: The maximum density for the PDH-5 District is 5 dwelling units per acre (du/ac). With a proposed density of 3.74 du/ac, this standard has been satisfied.

Sect. 6-110. Open Space: Par. 1 requires a minimum of 35% open space for a PDH-5 District. Par. 2 requires recreational facilities be provided in the amount of $955/unit. The application proposes to provide 45% of the site in open space. A passive recreation area is proposed that will enlarge an existing open space area. The draft proffers include a provision to contribute the required $955 per unit to the Park Authority for park facilities in the vicinity of the site. Staff believes this standard has been satisfied.

Article 16. Sections 16-101 and 16-102

Sect. 16-101 General Standards

Par. 1 requires conformance with the Comprehensive Plan recommendations. The Comprehensive Plan Map shows that this area is planned for residential development at 3-4 dwelling units per acre. A text option for development at 4-5 du/ac, subject to certain conditions, applies to the site. The applicant proposes to develop the property with two single family detached units at a density of 3.74 du/ac, which is consistent with the Plan recommendation. As noted, the bulleted recommendations of the Comprehensive Plan have been satisfied, and staff believes that the conditions for the proposed density have been met. This standard has been satisfied.

Par. 2 requires that the proposed design achieve the stated purposes of the PDH district more than development would under a conventional zoning district. The proposed design allows the new units to be merged seamlessly into the surrounding neighborhood, which is also developed by the same developer under the PDH-5 District with identical minimum setbacks. Under a conventional district, the lots would have much different requirements than the surrounding lots, and would not be as visually integrated with the rest of their neighborhood. In staff's evaluation, this standard has been satisfied.

Par. 3 requires protection and preservation of scenic assets. The development plan allows for the preservation of trees that have been determined to be very desirable by Urban Forest Management. The applicant intends to utilize the SWM facilities already proposed with the surrounding development, which have been designed to accommodate the water from this half acre site. These facilities will be required to meet the standards of the Water Supply Overlay District at the time of subdivision approval. Staff believes this standard has been satisfied.

Par. 4 requires a design which prevents injury to the use of surrounding existing development and does not deter development of undeveloped properties. The proposal is for single family detached residential development which is consistent with the surrounding developments. No remaining property is available for redevelopment. Staff believes this standard has been addressed.

Par. 5 requires that adequate transportation and other public facilities are or will be available to serve the proposed use. This particular parcel will be served by a public street, although some private streets are provided in the neighborhood. The one additional house created (over that existing) by this development will not put additional strain on the transportation network. Staff believes this standard has been satisfied.

Par. 6 requires that coordinated linkages among internal facilities and services as well as connections to major external facilities and services be provided. The development plan depicts a pedestrian sidewalk along Lowe Street to be constructed along with the adjacent neighborhood. This site will have access to

the sidewalks and trails of the larger neighborhood, allowing access to the open space amenities and to the Centreville Road trail. Staff believes that this standard has been satisfied.

Sect. 16-102 Design Standards

Par. 1 states that at the peripheral lot lines, the bulk regulations and landscaping and screening for the proposed development should generally conform with the provisions of the most comparable conventional district. In this instance, the most comparable conventional district is the R-5 District. For single family detached units in the R-5 District, a minimum lot size of 5,000 feet is required with a lot width of 50 feet. The applicant proposes a minimum lot size of 3,880 square feet and a minimum lot width of 40 feet (per the plan notes), although as noted, the lots shown are approximately 50 feet wide and 5,500 square feet in area. Single family detached units in the R-5 District are required to have a 20 foot front yard, an 8 foot side yard and a 25 foot rear yard. The setbacks provided in the notes indicated an 18 foot typical front yard setback, 5 foot typical side yard setback, and an 20 foot typical rear yard setback. Extensions of decks into the rear yard would allow structures to be located as close as 5 feet to the rear lot line on all lots, including those on the periphery. These yards are slightly less than the R-5 District, but similar to the development to the south, and identical to the previously approved surrounding development (RZ 2004-SU-015).

Par. 2 states that the open space, parking, loading, sign and all other similar regulations shall have application in all planned developments. This application, as shown on the CDP/FDP, satisfies these applicable Zoning Ordinance provisions.

Par. 3 states that streets and driveways shall be designed to generally conform to the provisions of the Ordinance. The application is proposed on a public street. The driveways will be a minimum of 18 feet. Staff feels this standard has been satisfied.

Par. 4 states that emphasis should be placed on the provision of recreational amenities and pedestrian access. The surrounding development, of which these units will be a part, includes a proposed trail system, and sidewalks along the internal streets and Centreville Road. That plan also includes passive recreational areas with features including trails and benches. The proposed development in this application will join the open space from this site to an open space area to be developed with the larger site, creating a more viable open space. The proffers also indicate that recreational funds required by the PDH standards will be contributed to the Park Authority for park purposes in the area. Staff believes this standard has been satisfied.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

In staff's evaluation, the proposal is in harmony with the Comprehensive Plan and has satisfied all of the applicable Zoning Ordinance standards.

Staff Recommendations

Staff recommends approval of RZ 2006-SU-021, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of a waiver of minimum district size.

Staff recommends approval of FDP 2006-SU-021, subject to the Board's approval of the rezoning, and subject to development conditions contained in Appendix 2.

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. Final Development Plan Conditions
3. Affidavit
4. Statement of Justification
5. CDP/FDP, Proffers, Development Conditions (RZ/FDP 2004-SU-015)
6. Plan Citations
7. Transportation Analysis
8. Environmental Analysis
9. Urban Forest Management Analysis
10. Sanitary Sewer Analysis
11. Water Service Analysis
12. Fire and Rescue Analysis
13. Schools Analysis
14. Stormwater Management Analysis (DPWES)
15. Park Authority Analysis
16. Applicable Zoning Ordinance Provisions
17. Residential Development Criteria
18. Glossary of Terms

PROFFERS
RZ 2006-SU-021
NCL XXX, LLC
VOSS PROPERTY
DATED: November 17, 2006

Pursuant to Section 15.2-2303 (A) of the Code of Virginia, 1950, as amended, the undersigned Applicant/Owner for itself and it's successors and assigns (hereinafter collectively "Applicant") for property identified as Tax Map 034-4 ((3)) parcel 5 (hereinafter referred to as the "Application Property") hereby agrees to the following Proffers, provided that the rezoning to the PDH-5 District and the Conceptual and Final Development Plan identified below for the Application Property are approved.

CONCEPTUAL AND FINAL DEVELOPMENT PLAN:

1. Development of the Application Property shall be in substantial conformance with the Conceptual and Final Development Plan prepared by Bowman Consulting Group dated May 24, 2006 and last revised on November 16, 2006 ("CDP/FDP").

2. Landscaping shall be in substantial conformance with the amount and type depicted on Sheet 2 of 3 of the CDP/FDP and may vary depending on final engineering but shall be in conformance with provisions of Article 13 of the Zoning Ordinance subject to the approval of the Urban Forest Management("UFM").

MINOR MODIFICATIONS:

3. Pursuant to Par. 4 of Sect. 16-403 of the Fairfax County Zoning Ordinance, minor modifications from the approved CDP/FDP and these Proffers may be permitted as determined by the Zoning Administrator.

4. (a) The Applicant reserves the right to make minor adjustments to the layout, internal lot lines and utility line location on the proposed CDP/FDP at the time of subdivision plat submission based on final engineering and house locations and building footprints, without reducing peripheral setbacks, distance between proposed units, open space, or tree preservation areas, if such are in substantial conformance with the CDP/FDP as determined by the Zoning Administrator. The development shall conform to the lot layouts illustrated on Sheet 2 of 3 of the CDP/FDP: (i) a minimum of eighteen (18) foot front yards; (ii) a minimum of twenty (20) foot rear yards and no deck permitted closer than five (5) feet to the rear lot line; and (iii) a minimum five (5) foot side yards but minor ornamental encroachments such as brick returns and built-out gable roof lines will be permitted.

(b) The Applicant, with Final House Grading Plan submission, shall include the maximum size deck allowed for each unit set forth showing compliance with this Proffer. A copy of these Proffers, including the deck size matrix, shall be provided to every unit purchaser as part of the required documents to be disclosed in the Homeowners Association ("HOA") documents as set forth in Proffer 6(a).

(c) The Applicant will not install any window in any unit that would be opposite, either directly or with any portion of said windows overlapping, a window in an adjacent unit across a side yard unless there is a minimum of sixteen (16) feet between said units. The Applicant will not construct any building extensions (i.e., bay windows, chimneys, mechanical equipment) into the side yards of any unit which has a side yard of less than six (6) feet. Where any two walls of units are within twelve (12) feet or less of each other, the Applicant will construct one wall with material sufficient to withstand fire for a minimum of one hour and no more than 25% of the wall shall be openings such as doors or windows.

DENSITY CREDIT:

5. The Applicant hereby reserves density credit as may be permitted by the Zoning Ordinance for all eligible dedications described herein or as may be reasonably required by Fairfax County or other state or local government organizations at the time of subdivision plat approval.

HOMEOWNERS ASSOCIATION:

6. The Applicant shall prepare all the necessary documentation to include Application Property in the Homeowners Association created for the Centreville Road Homeowners Association, Inc. (“HOA”) and Applicant Property shall be subject to the covenants recorded in the land records of Fairfax County, Virginia and agrees to be bound by them and the by-laws of the HOA, including payment of any dues or special assessments.

7. Prior to approval of the record subdivision plat for the two (2) development lots within the Application Property, the Applicant shall submit the documents bringing the said lots into the HOA to the County of Fairfax (hereinafter “County”) for review and approval. The inclusion of said lots into the HOA shall be established of record prior to approval of the record subdivision plat for the Application Property.

LIMITS OF CLEARING AND GRADING:

8. The Applicant shall substantially conform to the limits of clearing and grading as shown on the CDP/FDP, minor deviations based upon final engineering may be allowed. Placement and positioning of all utilities shall be done in the least disruptive

manner possible, as determined by the Director of Department of Public Works and Environmental Services ("DPWES") or Virginia Department of Transportation if within public right-of-way. In the event that tree preservation areas shown to be protected are damaged, a tree replacement plan shall be submitted for review and approval by the UFM.

TREE PRESERVATION

9. (a) The Applicant shall submit a tree preservation plan as part of the first and all subsequent subdivision plat 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 reviewed and approved by the UFM. The tree preservation plan shall consist of a tree survey which includes the location, species, size, crown spread and condition rating percent of all trees ten (10) inches or greater in diameter. The area to be surveyed shall be twenty (20) feet on either side of the limits of clearing and grading reflected on the approved CDP/FDP, including off-site areas. Individual trees or grouping of trees to be preserved as reflected on the approved CDP/FDP shall be included. The tree survey shall also include areas of clearing and grading not shown on the CDP/FDP resulting from engineering requirements, such as off-site clearing and grading for utilities or stormwater outfall. The condition analysis shall be prepared using methods outlined in the latest edition of the Guide To 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, but not limited to: crown pruning; root pruning; mulching and fertilization and others as necessary, shall be included in the tree preservation plan.

(b) All trees to be preserved in the tree preservation plan shall be protected by fencing. Tree protection fencing shall be erected at the limits of clearing and grading. Materials and installation of tree protection fencing shall conform to the following standard:

> Four foot high fourteen/gauge welded wire attached to six foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart.

The tree protection fencing shall be made clearly visible to all personnel by using fluorescent reflectors or orange coloring to call attention thereto. Fencing shall be installed prior to the performance of any clearing and grading activities on site. All tree preservation activities including the installation of tree protection fencing shall be performed under the supervision of a certified arborist or landscape architect. Prior to the commencement of any clearing and grading activities on the site the UFM shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed.

(c) The demolition of existing features and structures shall be conducted in a manner that minimizes the impact on individual trees and groups of trees that are to be preserved as reviewed and approved by the UFM. The methods to preserve the trees shall be shown on the grading plan submitted with the request for permission to demolish the structures. Methods to preserve existing trees may include, but are not limited to the following: use of super silt fence, welded wire tree protection fence, root pruning, mulching and others.

(d) The Applicant shall retain a professional with experience in plant appraisal, such as a certified arborist or landscape architect, to determine the replacement value of the trees to be preserved in the northeast corner of the site as shown on the CDP/FDP. These trees and their value shall be identified on the tree preservation plan and landscape plan at the time of the first submission of the subdivision plat. The replacement value shall be determined according to the methods contained in the latest edition of the Guide to Plant Appraisal, published by the International Society of Arboriculture, subject to the review and approval of the UFM.

(e) At the time of subdivision plat approval, the Applicant shall post at its election, a cash escrow, bond or letter of credit payable to the County to ensure preservation and/or replacement of the designated trees that die or are dying due to construction activities. The terms of the letter of credit shall be subject to the approval of the County Attorney. The total amount of the cash bond or letter of credit shall be in the amount of the sum of the assigned replacement values of the designated trees.

(f) If the designated trees are found to be dead or dying at the time of final bond release by an UFM representative, the cash escrow, bond or letter of credit shall be used to the fullest extent possible to plant similar species, or species appropriate to the site, in consultation with the UFM and the Applicant's certified arborist. The cash escrow, bond or letter of credit shall not be used for the removal of the dead/dying trees normally required by the PFM and the Conservation Agreement. If the Applicant's certified arborist, in consultation with the UFM representative, determine that only a certain number of trees can be planted due to space constraints which amounts to less than the full extent of the security, the remainder of the monies shall be returned to the Applicant. The cash escrow, bond or letter of credit shall be released at time of release of the projects conservation escrow, or sooner, if approved by the UFM.

OPEN SPACE:

10. All open space areas shown on the CDP/FDP shall be dedicated and conveyed to the HOA and shall be landscaped generally as shown on Sheet 2 of 3 of the CDP/FDP, except for necessary crossings for placement of utilities as approved by DPWES. The Open Space calculation shown on Sheet 2 of 3 of the CDP/FDP is the minimum that will be provided. If the final lot layout results in smaller lots, the excess land will be dedicated to the HOA as Open Space. The areas shown as being outside the clearing and grading limits shall not be disturbed except to plant decorative and/or screening landscaping or to replace or erect barrier fences requested by neighboring property owners.

LANDSCAPING OF STORM WATER MANAGEMENT FACILITIES:

11. (a) Applicant shall comply with DPWES requirements for storm water management facilities as shown on the CDP/FDP, but may request waivers and/or modifications thereto as set forth in Note 6 on Sheet 1 of 3 of the CDP/FDP. Should the waivers and/or modifications be denied, the storm water facilities will be accommodated on site as shown by illustration on Sheet 2 of 3 of the CDP/FDP.

(b) Applicant will employ "low impact development" ("LID"), if appropriate locations within the proposed dedicated open space can be identified. These LID practices may include reducing the discharge velocities leaving the Application Property, increased–flow paths/time of concentration, provisions to promote sheet flow and forested restoration of currently non-wooded and maintained lawn areas located within the proposed dedicated open space.

(c) All utilities on the Application Property shall be located subject to approval by DPWES, so as to not interfere with the landscaping shown on the proffered CDP/FDP, subject to the approval of the UFM.

ENERGY CONSERVATION:

12. All homes on the Application Property will meet the thermal guidelines of the CABO for energy efficient homes or its equivalent, as determined by DPWES for either electric or gas energy systems.

RECREATION FACILITIES:

13. (a) Based upon the Zoning Ordinance, Sections 6-110 and 16-404, the Applicant shall provide $955.00 per residential unit for outdoor recreational facilities to serve the development which yields a one-time contribution of $1,910.00 to the Fairfax County Park Authority. This contribution shall be made at the time of the approval of the subdivision plat.

PUBLIC SCHOOLS:

14. The Applicant shall make a one-time monetary "Public Schools" contribution of $2,413.00 to the Fairfax County Board of Supervisors for the projected increase in students attributed to the approved rezoning. Said contributions shall be directed toward needs at the Lees Corner Elementary, Franklin Middle, and Chantilly High Schools as determined by the Sully District School Board Representative. This contribution shall be made at the time of subdivision plat approval.

SIGNS

15. No temporary signs (including "popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off-site by the Applicant or any builder or at the Applicant's or any builder's direction to assist in the initial marketing and sale of homes on the subject Property. Furthermore, the Applicant and every builder shall direct its agents and employees involved in marketing and/or sale of residential units on the subject Property to adhere to this proffer.

LIGHTING:

16. All lighting installed on the property shall conform to the requirements of Part 9, Outdoor Lighting, of Article 14, Performance Standards, of the Fairfax County Zoning Ordinance.

AFFORDABLE DWELLING UNITS CONTIRBUTION:

17. Applicant shall contribute to the Fairfax County Housing Trust Fund one half (1/2) of one (1) percent of the purchase price of the first of the units to sell at the time of issuance of the Residential Use Permit for that unit.

NCL XXX, LLC

by: _____
John E. Cowles,
its manager

FINAL DEVELOPMENT PLAN CONDITIONS

FDP 2006-SU-021

November 21, 2006

If it is the intent of the Planning Commission to approve Final Development Plan Amendment FDP 2006-SU-021, on property located at Tax Map 34-4 ((3)) 5, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. That area shown on the CDP/FDP as “Possible area of SWM/BMP facility (if needed)” shall not be utilized for such facilities without approval of an FDPA to show the details of such a facility on the FDP.