



APPLICATION FILED: August 11, 2006
APPLICATION AMENDED: November 27, 2006
PLANNING COMMISSION: January 18, 2007
BOARD OF SUPERVISORS: Not Yet Scheduled

County of Fairfax, Virginia

January 4, 2007

STAFF REPORT

RZ/FDP 2006-PR-022

PROVIDENCE DISTRICT

APPLICANT: Van Metre Homes at Suncrest, L.L.C.

PRESENT ZONING: R-1 (0.81 acres), PDH-3 (12.35 acres)

REQUESTED ZONING: PDH-3

PARCEL(S): 39-1 ((49) B, C, 6-11, 18-25
39-3 ((50) A, E, F, 1-5, 12-17, 26-33
39-3 ((1)) 57

ACREAGE: 13.16 acres

FAR/DENSITY: 2.81 dwelling units per acre (du/ac)

OPEN SPACE: 34%

PLAN MAP: Residential, 2-3 du/ac

PROPOSAL: Rezone the subject site from R-1 and PDH-3 to PDH-3 for the development of 37 new single-family detached dwellings

WAIVERS: Waiver of the 600-foot maximum length for a private street

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Department of Planning and Zoning

Zoning Evaluation Division
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STAFF RECOMMENDATIONS:

Staff recommends that RZ 2006-PR-022 and the Conceptual Development Plan be denied; however, if it is the intent of the Board of Supervisors to approve RZ 2006-PR-022, staff recommends that the approval be subject to the draft proffers contained in Appendix 1 of the staff report.

Staff recommends denial of FDP 2006-PR-022.

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 WILL
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

Proposal

The subject site is located to the north of Electric Avenue, to the west of Frank Street, and to the east of Woodford Road in the Providence District. The applicant seeks to rezone the subject 13.16 acre site from the R-1 and PDH-3 Districts to the PDH-3 District for the development of 37 single-family detached dwellings. The overall proposed density would be 2.81 dwelling units per acre (du/ac) with 34% open space.

It should be noted that the majority of the site (12.35 acres) was rezoned to PDH-3 in 2004 with approval of RZ/FDP 2003-PR-043 and is known as Vienna Estates at Suncrest. No changes are proposed to that portion of the site. The subject application brings in Tax Map Parcel 39-3 ((1)) 57, which was not previously included in the application. This parcel, which is located immediately north of Electric Avenue and west of Frank Street and Suncrest Lane, is currently vacant. The applicant also proposes to redevelop Lot 33, which contains an existing single-family detached dwelling. This dwelling had been proposed to remain under RZ/FDP 2003-PR-043. While the proffers for the proposed application anticipate this dwelling remaining for a period of time, the proposed new site layout depicts how this lot could be redeveloped into two lots (proposed Lots 36 and 37) in the future.

Requested Waivers and Modifications

The applicant has requested a waiver of the 600-foot maximum length for the existing private street (Amber Meadows Drive). This waiver was previously granted under RZ/FDP 2003-PR-043.

LOCATION AND CHARACTER

The application site is generally located south of Tysons Corner and north and east of the Town of Vienna. The majority of the site has been cleared and graded for the 33-unit development approved under RZ/FDP 2003-PR-043. There are two single-family detached dwellings on-site. The dwelling located on the corner of Woodford Road and Falcone Pointe Way (depicted as proposed Lot 21) serves as the model home for the new development. The other existing dwelling, which was proposed to remain under RZ/FDP 2003-PR-043, is located off of Electric Avenue in the area depicted on the CDP/FDP as proposed Lots 36 and 37. Parcel 57, which was not included with RZ/FDP 2003-PR-043, had been improved with a single-family detached dwelling; that dwelling was recently demolished.

A stream associated with Wolftrap Run traverses the site. In 1995, the channel was stabilized with rip-rap and stormwater infrastructure was placed within the stream to avoid flooding on surrounding property. As approved under RZ/FDP 2003-PR-043, the stream alignment was relocated further to the west and south. In addition, the new stream channel was made wider, less deep and more meandering. Furthermore, the applicant has planted on either side of the stream in order to create a vegetated floodplain within the channel and a forested riparian buffer along the sides of the stream channel. A very small portion of the site, located in the northeastern tip of the site, is designated floodplain and Resource Protection Area (RPA). The floodplain and RPA is associated with Wolftrap Run, which is located immediately north of the site.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Residential, single-family detached (Sherman Wells, Anne C. William Heights, Robin Glen Section 3)	R-1; R-3	Residential, 2-3 du/ac
South	Residential, single-family detached (Williams Hill, Old Courthouse Hill, Madrillon Estates)	PDH-3; R-1; R-3	Residential, 2-3 du/ac
East	Residential, single-family detached (Campbell's Landing, East Woodford)	PDH-3; R-1	Residential, 2-3 du/ac
West	Residential, single-family detached (Tysons Woods, Westwood Village, Woodford)	R-3; R-1	Residential, 2-3 du/ac

BACKGROUND (Appendix 4)

Site History

On July 26, 2004, the Board of Supervisors (BOS) approved RZ 2003-PR-043 to rezone 12.35 acres of the site from R-1 to PDH-3 for the development 33 single-family detached dwellings at a density of 2.67 dwelling units per acre with 37% open space. This rezoning was subject to proffers dated July 7, 2004, and Conceptual Development Plan Conditions dated July 26, 2004. Copies of the executed proffers and CDP conditions are contained in Appendix 4.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Vienna Planning District, Area II
Planning Sector:	Spring Lake Community Planning Sector
Plan Map:	Residential, 2-3 dwelling units per acre with an option for residential at 3-4 du/ac

Plan Text:

On page 50 in the Area II text, the Vienna Planning District, Spring Lake Community Planning Sector (V3), LAND USE RECOMMENDATIONS, the 2000 Comprehensive Plan states:

2. *The area west of Cedar Lane, east of Woodford Road, south of Wolftrap Road and north of Electric Avenue, is planned for single-family, detached residential use at 2-3 dwelling units per acre. As an option, in the event of substantial land consolidation, single family detached residential uses at 3-4 dwelling units per acre may be appropriate for this area.*

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

Title of CDP/FDP: Vienna Estates at Suncrest
Prepared By: Land Design Consultants
Original and Revision Dates: June 16, 2006, as revised through December 27, 2006

Description of CDP/FDP

CDP/FDP Vienna Estates at Suncrest	
Sheet #	Description of Sheet
1 of 11	Cover Sheet; Vicinity Map; Soils Map; Sheet Index
2 of 11	Overall Site Layout; Typical Lot Layouts
3 of 11	Notes, Stormwater Management Narratives, Zoning Tabulations, Tree Cover Calculations, Planting Schedule; Peripheral Lot Setbacks
4 of 11	Proposed Front Elevations
5 of 11	Existing Vegetation Map
6 of 11	Existing Conditions Plan
7 of 11	Existing Easement Plan
8 of 11	Previously-Proffered CDP/FDP (RZ/FDP 2003-PR-043)
9 of 11 (8A)	Details (Entrance Features, Gazebo)
10 of 11 (8B)	Stream Relocation Cross Sections (Typical Straight Section & Typical Meander Section) As Approved Under RZ/FDP 2003-PR-043
11 of 11 (8C)	Planting Schedule for Stream Relocation

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

Previously-Approved Site Layout: The majority of the site was previously rezoned to the PDH-3 District pursuant to RZ/FDP 2003-PR-043. A copy of this approved site layout is included on Sheet 8 of the CDP/FDP. Note 15 on Sheet 3 states that this area of the site is currently being developed in accordance with approved subdivision plan, 8352-SD-002-2. No changes to this previously rezoned area are proposed, with the exception of the existing single-family detached home depicted as proposed Lots 36 and 37 on the proposed CDP/FDP.

Proposed Site Layout Changes: The proposed changes are limited to the area located immediately north of Electric Avenue and west of Suncrest Lane at the current terminus of the public street (Falcone Pointe Way). This area is highlighted on the CDP/FDP. The applicant proposes to terminate Falcone Pointe Way as a cul-de-sac. The four proposed additional lots would be located around the cul-de-sac. The lots in this area would range in size from 6,050 square feet (SF) to 17,240 SF. With the proposed added land area, the proposed density for the overall development would increase from 2.67 du/ac to 2.81 du/ac (33 to 37 dwellings) and the proposed open space would decrease from 37% to 34%. No change to the lot setbacks proffered under RZ/FDP 2003-PR-043 is proposed. As previously proffered, all lots would have minimum setbacks of 18 feet in the front yard and 20 feet in the rear yard. Each unit would be separated from one another on the side by at least 14 feet.

Access: Access to the site would continue to be off of Woodford Road via Falcone Pointe Way (a public street). No change to the location of this entrance is proposed. The CDP/FDP proffered under RZ/FDP 2003-PR-043 had depicted Falcone Pointe Way ending in a temporary cul-de-sac in the southeastern corner of the site. The CDP/FDP had also indicated that once Parcel 57 redeveloped, Falcone Pointe Way would be connected to Electric Avenue. The proposed site layout no longer proposes to make that connection; instead, Falcone Pointe Way would end in a permanent cul-de-sac.

The existing single-family detached dwelling located on Lot 31 will retain its current driveway access to Electric Avenue. The proposed CDP/FDP indicates that once this lot is redeveloped (into proposed Lots 36 and 37), the proposed two new lots would access from Falcone Pointe Way via a shared driveway.

Parking: A total of 148 parking spaces will be provided within garages (2 spaces) and driveways (2 spaces). An additional six surface spaces will be provided along Amber Meadows Drive (the site's internal private street).

Sidewalks: Four (4) foot wide sidewalks will be provided on both sides of the Falcone Pointe Way and on one side of Amber Meadows Drive. In order to meet the requirements of the Americans with Disabilities Act (ADA), the applicant has indicated that "passing areas" will be added every so often in accordance with

Virginia Department of Transportation (VDOT) guidelines and subject to VDOT approval (these passing areas have not been shown on the CDP/FDP). A direct pedestrian connection from the proposed cul-de-sac of Falcone Pointe Way to Electric Avenue continues to be proposed.

Frontage Improvements: According to Note 16 on Sheet 3, the dedication and construction of frontage improvements along Woodford Road (including a right turn lane into the site) that were previously proffered under RZ/FDP 2003-PR-043, have already been provided.

Stream Relocation: The Wolftrap Run Resource Protection Area (RPA) traverses the northern portion of the subject property from east to west. An unnamed tributary of Wolftrap Run, which is not part of the RPA, branches south from the main stream and runs through the center of the property from north to south. As previously proffered under RZ/FDP 2003-PR-043, the applicant has relocated this stream. A portion of the tributary continues to be piped underneath the area depicted as proposed Lots 36 and 37. This piped portion of the tributary is proposed to remain.

Open Space: The open space continues to be primarily located in four areas, including: a large open space area (Parcel A) in the western portion of the site; the stormwater management/best management practices (SWM/BMP) facility (Parcel B) in the northwestern portion of the site; a small gathering area with gazebo (Parcel C) in the center of the site; and an open space area (Parcel E) in the eastern portion of the site, between Lots 3-6 and Frank Street. No additional open space areas are proposed with the consolidation of Parcel 57 into this development. Therefore, with the additional land area, the overall open space provided with the development is reduced from 37% to 34%. The open space requirement for the PDH-3 District is twenty percent (20%).

Landscaping/Tree Save: The applicant continues to propose to plant trees throughout the site, including evergreen, deciduous, and ornamental trees, including a 10 to 20-foot wide buffer is proposed along the perimeter of the site. The applicant continues to commit to the previously-proffered tree save areas; no new tree save areas are proposed with the addition of Parcel 57.

Stormwater Management: A stormwater management/best management practices (SWM/BMP) facility has been constructed in the northeastern corner of the site. This SWM/BMP facility has been designed to take into account development of Parcel 57; therefore, no additional facilities or changes to the existing facility are proposed.

Analysis

The proposed development of 37 single-family dwellings at a density of 2.81 dwelling units per acre falls within the planned use and density recommendations (2-3 du/ac) of the Comprehensive Plan. 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 other housing, and being responsive to the unique site specific considerations of the property. To that end, the following criteria are used in evaluating zoning requests for new residential development:

Development Criterion #1; Site Design (DC1) requires that the development proposal should 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 application includes Parcel 57, which was left out of the previously approved rezoning (RZ/FDP 2003-PR-043). It proposes the redevelopment of Lot 31, which contains an existing single-family detached dwelling, into two lots (depicted as Lots 36 and 37 on the CDP/FDP). This dwelling had been shown to remain under RZ/FDP 2003-PR-043. The applicant has now proffered that the dwelling could remain for an unspecified period of time and redevelop into two lots in the future. If the house is proposed to remain, staff believes that the CDP/FDP should also depict the proposed site layout with the house remaining (including the location of the pedestrian access to Electric Avenue).

DC1 states that the development should provide for a logical design with appropriate relationships among the various parcels of the development, including yards, streets, open space, and other dwelling units. Staff does not believe that the proposed new lots provide these relationships. Namely, the proposed lots do not include usable yard areas within the individual lots, which could accommodate the future construction of decks, sunroom, porches and/or access structures. Some lots, such as Lots 1, 31, 32, 34 and 35 appear to have no usable yard at all. The problems with Lots 1 and 35 appear to be related to the fact that the applicant seeks to divide previously approved Lot 1 into two lots (Lots 1 and 35). Lot 31 is also problematic in that its rear yard is the front yard of Lot 37, essentially ensuring that the proposed unit has no privacy at all. Given the shared driveway for Lots 36 and 37, it is not clear which way the units would be oriented. In summary, staff believes that the lots are laid out in an undesirable fashion for the sole purpose of maximizing lot yield. Staff believes that with a second point of access into the site along Electric Avenue (as originally contemplated under RZ/FDP 2003-PR-043), the site layout would greatly improve because it would create a better lot orientation in the new section. Alternatively, the applicant could eliminate some of the lots in this area and provide better spacing of the lots around the cul-de-sac.

Development Criterion #2; Neighborhood Context (DC2) states that, while developments are not expected to be identical to their neighbors, they should fit in the fabric of the adjacent community. DC2 notes that new developments should provide appropriate transitions to abutting and adjacent uses. As noted earlier in this report, the applicant does not propose to change the site layout of that portion of the site, previously rezoned to PDH-3 under RZ/FDP 2003-PR-043. In staff's opinion, the previously-approved layout proposed lots which had a logical relationship to the street and to one another; no pipestem lots were proposed.

However, this orderly pattern is broken with the proposed new section. Shared driveways and pipestems are proposed seemingly to fit in as many lots as possible without regard for their relationship to one another or the future residents' need for privacy and usable yards. As such, staff does not believe that the proposed new section of this development fits in with the pattern established with the previous site layout.

Development Criterion #3; Environment (DC3) requires that all rezoning applications for residential development, regardless of the proposed density, should be consistent with the policies and objectives of the environmental element of the Policy Plan. DC3 recommends that developments conserve natural environmental resources by protecting, enhancing, and/or restoring the habitat value and pollution reduction potential of floodplains, stream valleys, environmental quality corridors (EQCs), resource protection areas (RPAs), woodlands, wetlands and other environmentally sensitive areas. A copy of the Environmental Analysis is found in Appendix 5.

As noted earlier in this report, the applicant has relocated the stream that runs through the center of the property from north to south. The applicant has carried forward proffer commitments to bond the cost of the stream relocation project separately for five years beyond completion of the project and to post a performance bond in the amount of \$200,000 to guarantee maintenance of the restored stream and associated riparian plantings for a five (5) year period after completion of the stream relocation and plantings within the stream relocation area.

No additional environmental issues are raised with the proposed addition of Parcel 57 to the Vienna Estates at Suncrest development or the redevelopment of the existing single-family detached dwelling.

Development Criterion # 4; Tree Preservation (DC4) states that developments should take advantage of existing quality tree cover, that preserving existing trees is highly desirable, and that utility crossings should be located, where feasible, so as not to interfere with proposed tree save areas. A copy of the Urban Forest Management (UFM) Analysis is found in Appendix 6. The applicant proposes to carry forward the tree save commitments proffered under RZ/FDP 2003-PR-043.

No tree save is proposed with the development of Parcel 57 and the redevelopment of the existing single-family detached dwelling into proposed Lots 36 and 37. UFM specifically recommends that the existing large white oak tree, located in the southeast corner of Parcel 57, be considered for preservation (along with the surrounding understory). UFM also recommends that the existing vegetation along the southern property line (adjacent to Electric Avenue), which consists of white oak, eastern white pine and a variety of saplings, be preserved. Staff believes that preservation of the existing on-site mature trees, particularly on the edges of the subject site, would help this proposed development to fit in better with the surrounding community. In addition, preservation of the existing trees will help improve water quality.

Development Criterion # 5; Transportation (DC5) requires that developments provide safe and adequate access to the surrounding road network by providing capacity enhancements to nearby arterial and collector streets. A copy of the Transportation Analysis is found in Appendix 7. As part of the approved subdivision plan for Vienna Estates at Suncrest (8352-SD-002-2), the applicant has dedicated 45 feet from centerline on Woodford Road and constructed a right turn lane into the development. Under the original rezoning (RZ/FDP 2003-PR-043), Falcone Pointe Way was originally proposed to end in a temporary cul-de-sac south of proposed Lot 31. The site layout anticipated that with the development of Parcel 57, the temporary cul-de-sac would be removed and Lot 32 developed. In the staff report of RZ/FDP 2003-PR-043, staff wrote that:

Waiting until development of Parcel 57 creates uncertainty that the road will ever be extended. It would be preferable to extend the road to Electric Avenue with this application, if possible, in order to provide the proposed development with two points of access. While the applicant has agreed to place a conspicuous sign at this location stating that this area will be the site of a future extension of the road by others to provide an interparcel connection, staff believes that the applicant should also provide funds for the removal of the cul-de-sac once the future road is extended.

Under the proposed application, the applicant seeks to eliminate the second point of access and to end Falcone Pointe Way in a permanent cul-de-sac. Staff does not support this proposal because staff still believes that it is important to provide this development with two points of access for the safety and convenience of the future residents. With only one access, all turning movements into and out of the site are at a single point on Woodford Road. With two access points, the trip distribution is divided. Furthermore, if for any reason, one access is blocked, there is another way in and out of the site – a vital option in cases of emergency.

DC5 recommends that mass transit usage and other transportation measures to reduce vehicular trips be encouraged by the provision of bus shelters and the provision of trails and facilities that increase safety and mobility for non-motorized travel. As part of the previously-approved development, sidewalks are to be constructed along the proposed internal streets. Sidewalks would also be provided around the proposed cul-de-sac. In addition, the applicant continues to propose a pedestrian path from the end of the cul-de-sac for Falcone Pointe Way to Electric Avenue to provide a shortcut to the existing bus stop. This bus stop is serviced by Fairfax Connector Route 403, which provides service to the Vienna Metro Station along Electric Avenue. While staff believes that a direct pedestrian connection to Electric Avenue is desirable, staff believes that this path should not be located across an individual lot. Rather, it should be located within common open space. Finally, in order to encourage telecommuting among the future residents, the applicant has carried forward the proffer commitment to wire houses to accommodate Internet access.

The applicant has requested a waiver of the 600-foot maximum length for the existing private street (Amber Meadows Drive). This waiver was previously granted under RZ/FDP 2003-PR-043. Staff has no objection to a reaffirmation of this waiver.

Public Facilities Analyses (Appendices 8 through 13)

Fairfax County Park Authority (Appendix 8)

The required active recreation contribution for P-Districts per the Zoning Ordinance is \$955 per dwelling unit. Therefore, with this proposal a total contribution of \$35,335 is required. In order to offset the additional impact caused by the proposed development, the applicant should provide an additional \$28,533 to the Park Authority for recreational facility development at one or more of the sites located within the service area of this development. If no qualifying outdoor recreational amenities are provided on-site, the Park Authority recommends that the applicant contribute the full \$63,868 to the Park Authority.

Fairfax County Public Schools (Appendix 9)

The proposed development would be served by Stenwood Elementary School, Kilmer Middle School, and Marshall High School. Stenwood Elementary and Marshall High Schools are projected to exceed capacity through the 2010-2011 school year; however, Kilmer Middle School is not. It should be noted that this analysis does not take into account the potential impact of other pending proposals that could affect the same schools, including RZ 2004-PR-044 and RZ 2005-PR-039.

According to Fairfax County Public Schools, the proposed zoning would generate a total of 18 students, which is twelve (12) students above the existing zoning. Using the adopted guideline, this would justify a contribution of \$139,560 and \$209,340.

Fire and Rescue (Appendix 10)

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #13, Dunn Loring. The requested rezoning currently meets fire protection guidelines, as determined by the Fire and Rescue Department.

Sanitary Sewer Analysis (Appendix 11)

The application property is located in the Difficult Run (D3) Watershed. It would be sewer into the Blue Plains Treatment Plant. A proposed 8-inch line located in an easement and on the property is adequate for the proposed use. Based on current and committed flow, there is excess capacity in the plant at this time. However, availability of treatment capacity will depend on the current rate of construction and the timing for development of this site.

Fairfax County Water Authority (Appendix 12)

The subject property is located within the City of Falls Church Service Area.

Stormwater Planning Division, DPWES (Appendix 13)

There are downstream complaints on file along the outfall of the proposed development related to erosion, channel blockages and overgrown vegetation, but these complaints were filed prior to the construction of the stormwater management pond for this proposed development. Water quality control requirements for the proposed development will be met through the dedication of on-site conservation easements and through an on-site extended detention dry pond. The construction of the pond was approved with the Vienna Estates at Suncrest subdivision plan (8352-SD-002-2). The pond was designed to take into account the development of Parcel 57, which the applicant seeks to development under this rezoning application. Therefore, no changes are needed to the approved pond.

Development Criteria #6; Public Facilities (DC6) states that development impacts on the public facilities systems should be identified, analyzed, and off-set. Two public facilities impacts were identified for this project - parks and schools. With regard to the park impact, the applicant has proffered to contribute \$955 for each additional lot created in excess of the 33 lots approved under RZ/FDP 2003-PR-043 for use at recreational facilities in the general vicinity of the subject site. Under RZ/FDP 2003-PR-043, the applicant had committed to contribute the Zoning Ordinance requirement of \$955 per approved dwelling unit for the total number of dwelling units on the record plat prior to subdivision approval. These funds were contributed at the previous subdivision plan approval.

Under RZ/FDP 2003-PR-043, the applicant had proffered a contribution of \$82,500 prior to the issuance of the first building permit. The applicant has supplied documentation to show that this proffer commitment was fulfilled. With regard to the impact created by the additional units, the applicant has proffered that prior to the first building permit for the additional units, to contribute \$10,250 to the Board of Supervisors to be utilized for the provision of capital facilities within the Fairfax County School Board's pyramid of schools serving the proposed development. The applicant has also proffered that prior to the recordation of a record plat creating Lot 37 to contribute an additional \$3,750 to be utilized for the provision of capital facilities within the Fairfax County School Board's pyramid of schools serving the proposed development.

Development Criteria #7; Affordable Housing (DC7)

The applicant has proffered to a contribution of ½% of the sales price of each additional dwelling unit to be built in the development to the Housing Trust Fund. The applicant has made the contribution to the Housing Trust Fund as proffered under the previous zoning RZ/FDP 2003-PR-043.

Development Criterion # 8; Heritage Resources (DC8) requires a development to address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation. On July 12, 2005, the applicant submitted a Phase I archaeological survey to the Cultural Resources Branch, FCPA. On July 28, 2005, FCPA notified the applicant via letter that no further archaeological work was warranted on the site. However, the FCPA memo mentions that Parcel 57 (which was not part of the previous rezoning) also has moderate potential for prehistoric archaeological resources. The applicant has carried forward the previous proffer commitment to perform a Phase I archaeological study on undisturbed portions of the site. Staff believes that this proffer extends to Parcel 57.

Under the proffers approved as part of the previous rezoning (RZ/FDP 2003-PR-043), the applicant had committed to a contribution of \$1,500 towards the establishment of a commemorative sign off-site regarding the history of the Anne C. Williams Heights Subdivision, with the location and text of the sign will be determined by the Fairfax County History Commission. The applicant has provided documentation which shows that this contribution has been made.

ZONING ORDINANCE PROVISIONS (Appendix 15)

Maximum Density/Bulk Regulations

The maximum density permitted in the PDH-3 District is three dwelling units per acre (du/ac). The applicant's proposed development is 2.81 du/ac. In the PDH-3 District, there are no minimum lot size requirements or minimum yard requirements for single-family detached dwellings, except that the application is subject to the standards set forth in Part 1 of Article 16, as described further below. The required open space is 20%, and the applicant is proposing to provide 34%.

P-District Standards

The requested proposal must comply with, among others, the Zoning Ordinance provisions found in Section 16-101, General Standards, and Section 16-102, Design Standards.

Section 16-101- General Standards

General Standard 1 states that the planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. This standard also notes that planned developments are not to exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions. The proposed PDH-3 development at a density of 2.81 du/ac would not exceed the density permitted by the Comprehensive Plan of 2-3 du/ac.

General Standard 2 states that the design should result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district. Development under the PDH-3 zoning district permits a greater level of flexibility for development of a planned community for the purpose of preserving natural features and providing a greater level of quality design and amenities than might be provided with a conventional zoning district. With RZ/FDP 2003-PR-043, the applicant had employed the P-District previously in order to create a site layout in which homes are clustered away from a stream channel (albeit a relocated channel). However, as noted earlier in this report under DC1, staff believes that the applicant is only seeking the P-District within the new section in order to maximize lot yield. Staff believes that the use of a conventional district would provide better configured lots.

General Standard 3 states that the planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features. Under the proposed layout, there would be approximately 34% open space provided on-site, which represents a decrease from the amount of open space provided under RZ/FDP 2003-PR-043 (37%). As noted under DC 4, staff believes that the applicant should preserve and protect the mature trees located on Parcel 57 as recommended by Urban Forest Management. Staff believes that these mature trees would help provide a buffer between the proposed new homes and Electric Avenue, as well as help the development fit into the fabric of the existing community.

General Standard 4 states that the planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan. As noted earlier in this report, the application brings in one of the parcels previously left out of the development.

General Standard 5 states that the planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available. As demonstrated in the public facilities analysis, adequate public facilities infrastructure is generally available to support the proposed development.

General Standard 6 states that the planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development. The property will be accessed from Woodford Road via a proposed public street. Pedestrian circulation is accommodated via sidewalks throughout the site and a direct pedestrian connection to Electric Avenue. As discussed in DC5, staff believes that the applicant should connect Falcone Pointe Way with Electric

Avenue as originally proposed under RZ/FDP 2003-PR-043 in order to provide a second point of access for the development.

Section 16-102 Design Standards

Design Standard 1 states that in order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration. The most similar conventional zoning district to the PDH-3 District is the R-3 Cluster District. The bulk standards for single-family detached dwellings in the R-3 Cluster District include front yard setbacks of 20 feet, side yard setbacks of 8 feet (but a total of 20 feet), and rear yard setbacks of 25 feet. The proposed setbacks of units at the periphery of this development meet the R-3 Cluster District setbacks.

Design Standard 2 states that other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments. The open space provided is approximately 34%, which exceeds the requirement of 20%. The applicant is providing parking on each residential parcel, with additional visitor parking available. All zoning ordinance requirements are being met with this application; therefore, this standard has been satisfied.

Design Standard 3 states that streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities. Vehicular access is provided from Woodford Road via a proposed public street. However, as noted earlier in DC5, staff believes that a second entrance to the site should be provided as originally proposed under RZ/FDP 2003-PR-043 for reasons of both safety and convenience of the future residents.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

In staff's opinion, the new lots proposed under RZ/FDP 2006-PR-022 fail to provide logical, functional and appropriate relationships among the various parts. These lots do not include usable yard areas within the individual lots nor does the lot configuration afford the residents of these units privacy. The layout does not

preserve any of the existing trees, including the existing large white oak tree in the southeast corner of Parcel 57 and the existing vegetation along the southern property line (adjacent to Electric Avenue). Instead, staff believes that these new lots have been laid out in a haphazard fashion for the sole purpose of maximizing lot yield. For that reason, staff does not believe that the subject application is in conformance with the Comprehensive Plan and the Zoning Ordinance.

Recommendation

Staff recommends that RZ 2006-PR-022 and the Conceptual Development Plan be denied; however, if it is the intent of the Board of Supervisors to approve RZ 2006-PR-022, staff recommends that the approval be subject to the draft proffers contained in Appendix 1 of the staff report.

Staff recommends denial of FDP 2006-PR-022.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

APPENDICES

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Approved Proffers and Development Conditions for RZ 2003-PR-043
5. Environmental Analysis
6. Urban Forestry Analysis
7. Transportation Analysis
8. Park Authority Analysis
9. Fairfax County Public Schools Analysis
10. Fire and Rescue Analysis
11. Sanitary Sewer Analysis
12. Fairfax County Water Analysis
13. Stormwater Planning and Design, DPWES
14. Zoning Ordinance Provisions
15. Residential Development Criteria
16. Glossary

PROFFERS

RZ 2006-PR-022

VAN METRE HOMES AT SUNCREST, L.L.C.

December 27, 2006

Pursuant to Sect. 15.2-2303A of the 1950 Code of Virginia, as amended, the undersigned applicant and owners, for themselves and their successors or assigns (hereinafter referred to as "Applicant"), hereby proffer the following conditions provided the Subject Property is rezoned as proffered herein.

1. **Prior Rezoning (RZ 2003-PR-043) Superseded.** A major portion of the subject property was rezoned to the PDH-3 District in RZ 2003-PR-043 on July 26, 2004. Subsequent thereto, a subdivision plat was created and reviewed and approved by the County. The approved Subdivision Plat was recorded in Deed Book 18714 at Page 177 among the land records of Fairfax County. The proffers provided herein supersede the proffers in RZ 2003-PR-043. However, to the extent that the proffers in RZ 2003-PR-043 have been performed by the Applicant, or its predecessor in title, credit shall be applied to the performance requirements of the proffers set forth herein, as determined by DPWES.
2. **Conceptual/Final Development Plan.** Development of the property shall be in substantial conformance with the plan entitled "Vienna Estates at Suncrest Conceptual Development Plan/Final Development Plan" ("CDP/FDP"), consisting of eight (8) sheets prepared by Land Design Consultants, Inc., revised as of December 27, 2006. The CDP portion of the CDP/FDP shall constitute the entire plan relative to the points of access, the total number of units, type of units and general location of common open space areas and general location and orientation of streets. However, the unit constructed on Lot 5 shall be constructed as a Unit A building instead of a Unit B building (see Typical Lot diagram on Sheet 2 of 8 of the CDP/FDP). The Applicant shall have the option to request Final Development Plan Amendments ("FDPAs") from the Planning Commission for portions of the plan in accordance with the provisions set forth in Sect. 16-402 of the Zoning Ordinance.
3. **Minor Modifications.** Pursuant to Paragraph 4 of Sect. 16-403 of the Zoning Ordinance, minor modifications to the FDP may be permitted where it is determined by the Zoning Administrator that such are in substantial conformance with the approved FDP. The Applicant shall have the right to make minor adjustments to the building footprints, lot sizes and driveways, and parking configurations, provided such changes are in substantial conformance with the FDP and do not increase the number of units or decrease the amount of open space, peripheral setbacks, access or parking spaces, without requiring approval of an amended FDP.

4. **Side Yard Setbacks.** All dwellings shall have minimum side yards of five (5) feet. However, the minimum distance between two dwellings with contiguous side yards shall be no less than fourteen (14) feet (less and except bump-outs where bay windows or fireplaces are installed), provided further, however, that the minimum distance between the dwellings on Lots 6 and 7 and the minimum distance between the dwellings on Lots 8 and 7 shall be twenty-two (22) feet.
5. **Lots 36 and 37.** The dwelling currently existing on proposed Lots 36 and 37 may be expanded, modified or reconstructed without a Proffered Condition Amendment within the building envelope depicted on the insert shown on sheet 2 of 8 of the CDP/FDP. Said existing dwelling shall continue as lot 36 with access to Electric Avenue via a private driveway until lots 36 and 37 are created by recordation of a record plat. Thereafter, access to these lots shall be oriented to and limited to the subdivision public street (Falcone Pointe Way, extended), as depicted on the CDP/FDP.
6. **Energy Efficiency.** All homes constructed on the property shall meet the thermal standards of the Cabo Model Energy Program for energy efficient homes, or its equivalent, as determined by the Department of Public Works and Environmental Services ("DPWES") for either electric or gas energy homes, as applicable.
7. **Architectural Design.** The design and architecture of the approved units shall be in substantial conformance with the illustrative elevations attached as Sheet 4 of the CDP/FDP, or of comparable quality as determined by DPWES. The exterior facades of the new homes constructed on the site shall be covered with brick, stone or cementitious siding (e.g., HardiPlank by James Hardie Building Products), or a combination thereof. Each front facade shall have a minimum of sixty percent (60%) brick or stone veneer covering. In addition, the side exterior facade of the unit on Lot 21 facing Woodford Road shall consist of the same building materials and shall have a consistent pattern of architectural detailing and percentage of building materials as the front facade on this unit. The roof slopes of the units from front to rear shall not exceed an 8:12 pitch. All units shall be limited to thirty-five (35) feet in height. No walk-out basements will be provided. However, areaways to meet building and fire code requirements are permitted. Notwithstanding the note on Sheet 2 of the CDP/FDP referencing Sect. 2-412(2) of the Zoning Ordinance, any deck constructed within a required rear yard shall be limited to a maximum height of four (4) feet above finished ground level and no closer than twelve (12) feet from the rear property line. Notice of this restriction shall be enclosed in the Homeowners' Association documents. The Applicant will also provide prospective purchasers with written information as to the size and height of decks that are permitted on each lot. Units installed on Lots 5 through 8 shall be limited to the size of the building footprints shown on the CDP/FDP.
8. **Private Street.** The on-site private street shall be constructed in conformance with the Public Facilities Manual ("PFM") and shall be constructed of materials and depth of pavement consistent with Sect. 7-0502 of the PFM, subject to any design modifications approved by the Director of DPWES. The Homeowners' Association shall be responsible for the maintenance of the on-site private street. All prospective purchasers shall be advised of this maintenance obligation prior to

entering into a contract of sale and said obligation will be disclosed in the Homeowners' Association documents.

9. **Tree Preservation.**

- a. **Tree Preservation.** 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 reviewed and approved by the Urban Forestry Division. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees twelve (12) inches or greater in diameter, ten (10) feet to either side of the proposed limits of clearing and grading as shown on the approved CDP/FDP. 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 for Plant Appraisal*. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching and fertilization.
- b. **Tree Transplantation.** The Applicant shall provide a transplantation plan as part of the first and all subsequent submissions of the subdivision plan. The plan shall be prepared by a professional with experience in the preparation of tree transplanting plans, such as a certified arborist or landscape architect. Depending upon site constraints, the plan shall address one or all of the following items: (i) the species and sizes to be transplanted; (ii) the existing locations of the trees; (iii) the proposed final locations of the trees; (iv) the proposed time of year when the trees will be moved; (v) the transplant methods to be used, including tree spade size, if applicable; and (vi) details regarding after-transplant care, including mulching and watering, and, if necessary, support measures such as cabling, guying or staking.
- c. **Tree Preservation Walk-Through.** The Applicant shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant shall walk the limits of clearing and grading with an Urban Forestry Division representative and the developer's certified arborist to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Trees that are not likely to survive construction due to their species and/or their proximity to disturbance will also be identified at this time and the Applicant shall be given the option of removing them as part of the clearing operation. Any tree that is designated for removal, at the edge of the limits of clearing and grading or within a tree preservation area, shall be removed using a chain saw to avoid damage to surrounding trees. If a

stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to the adjacent trees.

- d. **Tree Preservation Fencing.** All areas of tree save depicted on the CDP/FDP shall be protected by tree protection fencing in the form of four (4) foot high, 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. This fence type shall be shown on the Phase I and II erosion and sediment control sheets. The tree protection fencing shall be made clearly visible to all construction personnel, and shall be installed immediately after root pruning has taken place and prior to any clearing and grading activities on the site, including the demolition of any existing structures. The installation of the tree protection fencing shall be performed under the supervision of a certified arborist. Prior to the commencement of any clearing, grading or demolition activities, the Applicant's certified arborist shall verify in writing that the tree protection fencing has been properly installed.
- e. **Root Pruning.** Prior to the commencement of any clearing, grading or other demolition activities, the limits of clearing and grading adjacent to all tree save areas depicted on the CDP/FDP shall be root-pruned to a depth of eighteen (18) inches with a trencher or vibratory plow. The Applicant's certified arborist shall verify in writing that the root pruning has taken place.
- f. **Mulching.** Immediately after the Phase I erosion and sediment controls have been installed, all areas of tree save shall be mulched ten (10) feet inside the limits of clearing and grading with four (4) inches of shredded hardwood bark mulch or equivalent.
- g. **Site Monitoring.** The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts in order to ensure conformance with this Proffer No. 9. The monitoring schedule shall be described in detail in the tree preservation plan, and reviewed and approved by the Urban Forestry Division.
- h. **Replacement Value.** 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 abutting off-site trees as shown on the CDP/FDP ("designated trees"). These trees and their value shall be identified on the tree preservation plan at the time of the first submission of the subdivision plan. The replacement value shall be determined according to the methods contained in the latest edition of the *Guide for Plant Appraisal* published by the International Society of Arboriculture, subject to review and approval by the Urban Forestry Division.

At the time of subdivision plan approval, the Applicant will post a cash bond or letter of credit payable to the County of Fairfax 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

approval by 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, but in any event shall not exceed \$20,000.

At the time of bond release, if any designated trees are determined to be dead or dying due to construction activities, funds from the cash bond, or letter of credit, shall be used to plant similar species, or species appropriate to the site, in consultation with the Urban Forestry Division and the Applicant's certified arborist. The cash 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 or landscape architect, in consultation with the Urban Forestry Division representative, determines 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 moneys shall be returned to the Applicant.

The letter of credit or cash bond will be released two (2) years from the date of release of the project's conservation escrow, or sooner, if approved by the Urban Forestry Division.

10. **Stream Restoration.**

- a. **Design Requirements.** The Applicant shall remove the existing rip-rapped ditch traversing the site in a manner subject to the approval of DPWES. In its stead, the Applicant shall relocate and restore the stream in the general location shown on the CDP/FDP. Subject to review and approval of DPWES, the streambed shall be constructed and restored in substantial conformance with the specifications set forth on Sheets 8a and 8b and 8c of the CDP/FDP (the "Stream Restoration Plan"). The final stream design shall utilize flow rates developed using either HEC-1, HEC-HMS, TR-20 or TR-55. HEC-RAS shall be used to determine velocities and shear stresses from the design flow rates in the channel bed and overbank flow area (i.e., floodplain). Substrate materials for the stream shall be specified based upon these results. Non-erosive velocities of the substrate material in the stream channel during the two (2) year storm (or top of the bank, whichever is greater) event shall be demonstrated by the design, and velocities in the overbank portion of the stream valley (outside of the "ordinary" stream channel flow area) shall be less than or equal to the allowable velocity for the proposed vegetative cover conditions in the 100-year event. Allowable velocities shall be based upon requirements of the PFM or by other accepted engineering methods as determined by DPWES. The design shall also provide incipient motion, scour, limiting slope criteria and bed armoring calculations to demonstrate the adequacy of the specified cobble size in the streambed. Calculations shall also be provided to check for toe and bank stability. Final design characteristics shall be subject to review and modification by DPWES.

- b. **Bonding.** Contemporaneously with either the release of the performance bond, or the reduction of that portion of the performance bond, whichever is applicable, attributable to completion and final approval of the Stream Restoration Plan (the "Completion Date"), the Applicant shall post a performance bond with Fairfax County in the amount of \$200,000 (the "Maintenance Bond"), to guarantee maintenance of the restored stream and associated riparian plantings for a five (5) year period. The amount of the Maintenance Bond shall be adjusted annually based on changes to the Construction Cost Index, published by the *Engineering News Record*, from the date of approval of the rezoning to the actual date of payment. The Maintenance Bond shall be subject to annual reductions as provided in paragraph 9.c(3).
- c. **Monitoring Requirements.** Within forty-five (45) days of the Completion Date, representatives of the Applicant, OSDS and the Northern Virginia Soil and Water Conservation District ("NVSWCD") shall meet on site and select eight (8) locations for survey cross-sections of the channel and eight (8) locations for installation of photographic monuments. Within forty-five (45) days of the date of this meeting, the Developer shall prepare and submit to OSDS and NVSWCD for review and approval, the initial baseline stream monitoring report (the "Monitoring Report"). The Monitoring Report shall be sealed by a licensed, professional engineer (the "Engineer") retained by the Applicant.
- (1) The Monitoring Report shall include:
 - (a) The location of the cross-sections;
 - (b) Cross-section survey data, consisting of a graphical section drawing, coordinates of surveyed points (with an average spacing of two [2] feet or less) and the area of the channel below the plan formed by the section monuments;
 - (c) Photographs of the stream from each photo monument;
 - (d) Analysis of the riparian buffer condition relative to the survival rate and plant density specified on the construction plans approved by DPWES; and
 - (e) A narrative statement describing the status of the stream channel.
 - (2) On the date that is one year after the Completion Date, and on each anniversary date thereafter for the next four (4) years, the Applicant shall prepare and submit to DPWES and NVSWCD for review and approval, an annual Monitoring Report sealed by the Engineer. All survey data shall be compared graphically and numerically to the initial Monitoring Report. The narrative statement shall address whether corrective action is required under the Criteria, as

hereinafter defined. The Applicant shall complete corrective actions recommended in the annual Monitoring Report.

- (3) The Maintenance Bond amount shall be subject to a \$40,000 reduction each year, as follows: upon the date of the earlier to occur (i) approval of the annual Monitoring Report by DPWES and NVSWCD for a given year with no corrective action required; or (ii) completion and approval by DPWES and NVSWCD of any required corrective action, Fairfax County shall reduce the Maintenance Bond by \$40,000. Upon submission of the final annual Monitoring Report on the fifth anniversary date, the Applicant shall complete required corrective actions, if any. If no corrective action is required, or upon approval of required corrective actions by DPWES and NVSWCD, Fairfax County shall release the balance of the Maintenance Bond.

11. **Recreational Facilities.** Pursuant to Sect. 6-110 of the Zoning Ordinance, at the time of subdivision plan approval for each additional lot created in excess of the thirty-three (33) lots approved by the Subdivision Plan recorded in Deed Book 18714 at Page 177 of the land records of Fairfax County (the "Additional Units"), the Applicant shall contribute the sum of \$955 for each additional dwelling unit to the Fairfax County Park Authority ("Park Authority") for use on recreational facilities in the general vicinity of the Subject Property, subject, however, to a credit pursuant to Sect. 6-160 and Sect. 16-404 of the Zoning Ordinance for expenditures for on-site recreational facilities.
12. **Density Credit.** All density and intensity of use attributable to land areas dedicated and conveyed to the Board pursuant to these proffers shall be subject to the provisions of Paragraph 4 of Sect. 2-308 of the Zoning Ordinance and density hereby reserved to be applied to the residue of the Subject Property.
13. **Homeowners' Association.** As evidenced by its execution hereof, a Homeowners' Association ("HOA") for the proposed development has been established by the Applicant to own, manage and maintain the open space areas, including trees planted in these open space areas and the buffer areas on lots referenced in Proffer No. 23 hereinafter and all other community-owned land and improvements, including the private road. The HOA shall also maintain the perimeter fencing shown on the CDP/FDP. In cases where this fencing is installed on a lot, the conveyance of that lot shall be subject to an easement to the benefit of the HOA permitting the HOA access to maintain the perimeter fence on that lot. This easement shall be a covenant running with the land. The HOA documents shall disclose these maintenance responsibilities. The HOA shall establish an architectural review committee to ensure that all additions/renovations or outbuildings are architecturally compatible.
14. **Stormwater Management.** Stormwater management and Best Management Practices ("BMPs") shall be accomplished through the provision of a dry pond in the area generally shown on the CDP/FDP. Said pond shall be constructed in accordance with the PFM unless otherwise waived or modified by DPWES but in no event shall the pond extend beyond the limits of clearing and grading. In order to restore a natural appearance to the proposed stormwater management pond, a

landscape plan shall be submitted as part of the first submission of the subdivision plan showing extensive landscaping in all possible planting areas of the pond, in keeping with the planting policy of the County.

15. **Landscaping.** As part of the first submission of the subdivision plan, the Applicant shall submit to DPWES a landscape plan in substantial conformance with the landscaping shown on the CDP/FDP. This plan shall be subject to Urban Forestry Division review and approval. This landscape plan may be subject to minor adjustments approved by the Urban Forestry Division due to final engineering and utility layout. In order to curtail the spread of disease or insect infestation, this landscape plan shall include a variety of native tree species (including white oak, red maple, red oak, American holly, American beech, willow oak and dogwood) planted throughout the site where plantings are specified on the CDP/FDP. The Applicant shall also work with the Urban Forester to select plant species that in addition to meeting other landscaping requirements such as durability, availability and aesthetics, also aid in the maintenance of air quality.
16. **Affordable Housing Contribution.** The Applicant has already made the affordable housing contribution for the thirty-three (33) lots created with the approval of subdivision plan 8352-SD-002-2. Prior to the issuance of the first building permit for the Additional Units, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one half of one percent (.5%) of the projected sales price of each Additional Unit created by the record plat. In the event that lot 37 is not created until the recordation of a subsequent record plat, the Applicant shall, prior to the issuance of the first building permit for lot 37, also contribute a sum equal to one half of one percent (.5%) of the projected sales prices for the new unit on lot 37. In each instance, the projected sales price for the additional units shall be determined by the Department of Housing and Community Development and DPWES in consultation with the Applicant to assist the County in its goal to provide affordable dwelling elsewhere in the County.
17. **School Contribution.** The Applicant has already made the proffered school contribution for the thirty-three (33) lots created with the approval of subdivision plan 8352-SD-002-2. Prior to the issuance of the first building permit for the Additional Units, the Applicant shall contribute \$10,250 to the Board of Supervisors to be utilized for the provision of capital facilities within the Fairfax County School Board's pyramid of schools serving this development. Prior to the recordation of a record plat creating lot 37, the Applicant shall contribute an additional \$3,750 to be utilized for the provision of capital facilities within the Fairfax County School Board's pyramid of schools serving this development.
18. **Archeology.** Prior to clearing and grading activity, the Applicant shall perform a Phase I survey in accordance with the Virginia Department of Historic Resources Guidelines, in the forested and undisturbed portions of the site. If based on the Phase I survey, the County Archeologist concludes that a Phase II and/or Phase III archeological study is warranted, the Applicant shall conduct such study or studies. Artifacts found during the survey process that are deemed significant by the County Archeologist may be removed by the County.
19. **Geotechnical Analysis.** The Applicant shall submit a geotechnical analysis of the soils and surface and sub-surface drainage conditions in accordance with the PFM

and subject to the review and approval by DPWES. The Applicant shall implement the recommendations of the study to the satisfaction of DPWES. All foundations shall have sump pumps with interior and exterior drain tile. All exterior walls that are to be backfilled shall be treated with the "Epro" or an equivalent water proofing system.

20. **Driveways.** Driveways shall be a minimum of eighteen (18) feet in length so that vehicles may park within the driveway without overhanging into the sidewalk. In addition, said driveways shall also be of a width that can accommodate two vehicles. The Association Disclosure Package shall include a statement that discloses the maintenance obligations of the owners of Lots 36 and 37 of the common driveway that serves those lots as provided in the Supplementary Declaration for Tysons Chase.
21. **Telecommuting.** All new dwellings shall be pre-wired with broadband, high capacity data/network connections in multiple rooms, in addition to standard phone lines.
22. **Construction Hours.** Construction activity will be limited on weekdays from 7:00 a.m. to 9:00 p.m. Monday through Friday. Construction activity after 7:00 p.m. will be limited to indoor work and light equipment operations. Construction activity will be limited to 8:00 a.m. to 5:00 p.m. on Saturdays. No construction activities will be permitted on Sundays, or on Federal holidays. This proffer applies to the original construction only and not to future additions and renovations by homeowners.
23. **Buffer Area.** Prior to entering into a contract of sale, prospective purchasers of houses on Lots 5, 17, 18, 19 and 20 shall be notified in writing by the Applicant that the vegetation provided on the fifteen (15) foot wide buffer planting area shown along their property lines shall not be disturbed or removed and said purchasers shall be required to acknowledge receipt of this information in writing. The HOA shall maintain the landscaping in the buffer areas on these lots, as well as the common open space areas. In cases where the buffer area is located on a lot, the conveyance of that lot shall be subject to an easement to the benefit of the HOA, permitting the HOA access to maintain the perimeter landscaped buffer. This easement shall be a covenant running with the land. The HOA documents shall disclose these maintenance responsibilities. This covenant shall also contain a provision limiting the use of the buffer planting area to passive open space and shall prohibit play equipment, above ground structures of any type and/or storage of materials within the buffer planting area. This covenant shall also run to the benefit of the Homeowners' Association and the form of these covenants shall be reviewed and approved by the County Attorney, prior to recordation. Each deed of conveyance for said lots shall expressly contain these disclosures and these disclosures shall be contained in the Homeowners' Association documents.
24. **Trail.** The Applicant shall construct a six (6) foot wide asphalt trail extending from the on-site public street to Electric Avenue through Lots 32 and 36 as generally shown on the CDP/FDP. The Applicant shall also construct a four (4) foot wide trail in the stream relocation area within the trail easement shown on the CDP/FDP. The Association Disclosure Package shall include a disclosure regarding the existence of the trail on Lot 32 and Lot 36.

25. **Signs.** 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 at the Applicant's direction to assist in the initial sale of homes on the Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale of residential units on the Property to adhere to this proffer.
26. **Resource Protection Area ("RPA").** Unless determined appropriate by DPWES, no construction activity or clearing shall occur within the on-site RPA depicted on the CDP/FDP.
27. **Parking.** On-street parking spaces shall be located a minimum of ten (10) feet from driveway entrances or street intersections.
28. **Fencing.** In addition to the fencing depicted on the CDP/FDP, the Applicant shall construct a seven (7) foot high wooden fence along the common boundary with Tax Map 39-3 ((1)) Parcel 63 and along the common boundary with Tax Map 39-3 ((1)) Parcel 52 (less and except that portion of the common boundary line that is located within a front yard).
29. **Plan Submission.** With each submission of plans to the County, a set of said plans shall be forwarded by the Applicant to the office of the Supervisor for Providence District for review and comment by the Providence District Planning Commissioner and the Providence District Supervisor.
30. **Counterparts.** These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

[SIGNATURES ON THE FOLLOWING PAGES]

**APPLICANT, OWNER OF TAX MAP 39-1 ((49))
PARCELS 6-11, AND 18-25, TAX MAP 39-3 ((50))
PARCELS 1-5, 12-17, 26-32 AND F**

VAN METRE HOMES AT SUNCREST, L.L.C.

By: Van Metre Financial Associates, Inc.
Its: Manager

By:

Name:

Title:

**CONTRACT PURCHASER OF TAX MAP 39-1 ((49))
PARCEL 26**

HEE-SUN KIM

By: VAN METRE HOMES AT SUNCREST,
L.L.C., Principal by Special Power of
Attorney

By: Van Metre Financial Associates, Inc.
Its: Manager

By:

Name:

Title:

**OWNER OF TAX MAP 39-1((49)) PARCELS B AND
C AND TAX MAP 39-3 ((50)) PARCELS A AND E**

TYSONS CHASE AT SUNCREST
HOMEOWNERS ASSOCIATION, INC.

By:

Name:

Title:

OWNER OF TAX MAP 39-3 ((50)) PARCEL 33

CHRISTIAN RELIEF SERVICES OF VIRGINIA, INC.

By: _____
Bryan L. Krizek, Vice President of Housing