



County of Fairfax, Virginia

January 4, 2007

STAFF REPORT

APPLICATION RZ 2006-HM-024

HUNTER MILL DISTRICT

APPLICANT:	Sekas Homes, Ltd.
PRESENT ZONING:	R-1
REQUESTED ZONING:	R-3
PARCEL(S):	28-3 ((1)) 31
ACREAGE:	3.995 acres
FAR/DENSITY:	2.75 du/ac
PLAN MAP:	Residential; 2-3 du/ac
PROPOSAL:	To rezone from the R-1 District to the R-3 District to permit residential development consisting of eleven (11) single family detached dwelling units.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2006-HM-024, subject to the execution of proffers consistent with those contained in Appendix 1 of this staff report.

Staff recommends approval of the waiver of the sidewalk requirement and a modification of the trail requirement along Beulah Road in favor of a proposed 6-foot wide asphalt trail.

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

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

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

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



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

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

DESCRIPTION OF APPLICATION

Proposal:

The applicant, Sekas Homes, Ltd., requests approval of a rezoning of approximately 3.995 acres from the R-1 District to the R-3 District. The purpose of the application is to allow subdivision of the existing land area into eleven (11) lots for the development of single family detached dwelling units on the site, at an overall density of 2.75 dwelling units per acre (du/ac). The subject property is located at 1838 Beulah Road, which is on the west side of Beulah Road and is bounded by the Hawthorne Estates subdivision to the north, south and west. The site is currently developed with two single family detached structures and two accessory structures, all of which are proposed to be demolished as a part of this application.

The applicant also seeks approval of the following waivers and modifications:

- Waiver of the sidewalk requirement along Beulah Road in favor of a proposed 6-foot wide asphalt trail. (Public Facilities Manual Requirement).
- Modification of the 8-foot wide trail requirement along Beulah Road in favor of a proposed 6-foot wide asphalt trail. (Comprehensive Plan Requirement).

LOCATION AND CHARACTER:

The subject property associated with RZ 2006-HM-024 consists of a single parcel, Tax Map # 28-3 ((1)) 31, and is 3.995 acres in size. This parcel is located on the west side of Beulah Road and is surrounded on the north, south and west by the Hawthorne Estates subdivision, which is zoned R-2 Cluster and is characterized by single family detached dwelling units and developed at a density of 2.23 du/ac. To the east, across Beulah Road are the existing Spring Lake and Martin subdivisions, both of which are zoned R-1 and characterized by single family detached dwellings. The parcel is currently zoned R-1 and is developed with two single family detached dwelling units, a 2-story accessory building, and a shed, all of which are located on the eastern portion of the lot with orientation towards Beulah Road. Both dwelling units have access to Beulah Road via an existing driveway located in the center of the parcel. As identified above, all existing structures on the site are proposed to be demolished as a part of this application.

BACKGROUND:

Staff has identified no other previous requests for special permits, rezonings or variances on the subject property.

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

Plan Area:	Area II
Planning District:	Vienna Planning District
Planning Sector:	Spring Lake Community Planning Sector – V3
Plan Map:	Residential, 2-3 du/ac
Plan Text:	

On page 62 in the Area II text, Vienna Planning District, the Spring Lake Community Planning Sector (V-3), the 2003 Edition of the Fairfax County Comprehensive Plan States the following:

CONCEPT FOR FUTURE DEVELOPMENT

The Concept for Future Development recommends the areas of Spring Lake Planning Sector develop as Suburban Neighborhoods.

*RECOMMENDATIONS**Land Use*

The Spring Lake sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-designed, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.

ANALYSIS**Generalized Development Plan** (Reduction at front of staff report)

Title of GDP:	Young Property
Prepared By:	Land Design Consultants

Original and Revision Dates: July 2006, as revised through
December 21, 2006

GDP: Young Property	
Sheet #	Description of Sheet
1 of 4	Waivers & Modifications; Stormwater Management Information & Calculations; Outfall Narrative; Bulk Regulations; Tree Cover Calculations; Planting Schedule; Lot Typical; Fence Detail; Notes
2 of 4	Proposed Site Layout
3 of 4	Existing Vegetation Plan & Existing Site Conditions
4 of 4	Architectural Elevations

The following features are depicted on the proposed GDP:

Site Layout: The proposed layout includes the division of the subject property into eleven (11) separate residential lots, for the purpose of constructing 11 single-family detached dwelling units at density of 2.75 du/ac. As a result, all existing structures on the property are proposed to be demolished. The proposed lots range in total square footage from 10,680 square feet (Lot 7) to 13,560 square feet (Lot 5), and, therefore, all exceed the 10,500 square foot minimum for the R-3 District. The average lot size for the proposal is 11,562 square feet, which exceeds the minimum R-3 District average lot size of 11,500 square feet.

The lot typicals shown on Sheet 1 of the GDP indicate a minimum front yard setback of thirty (30) feet, a side yard setback of twelve (12) feet, and a rear yard setback of twenty-five (25) feet; these meet the required setbacks for the R-3 District. There are three different unit types identified in the lot typicals, and elevations for each have been provided on Sheet 4 of the GDP. Access to each unit will be provided via a public street, and all of the units will be oriented towards the new road. Although proposed Lots 1 & 11 appear to be corner lots with frontage on the new public street and Beulah Road, these are considered interior lots due to the location of two outlots, A & B, which are located in between the parcels and Beulah Road. These outlots are approximately 290 square feet and 270 square feet in area, respectively, and are proposed to be landscaped to provide a buffer between Lots 1 & 11 and Beulah Road. In addition, a noise study conducted by the applicant indicates that Lots 1 & 11 will be affected by the projected future traffic noise from Beulah Road. As a result, 7-foot masonry fences are proposed on Lots 1 & 11 as noise attenuation measures.

In addition, another out lot, Parcel A, is located in the northwest corner of the site. This 9,770 square foot lot will be developed with an infiltration trench in order to fulfill stormwater management (SWM) and best management practices (BMPs) for the development. The trench is proposed to be designed to include the majority of Parcel A, but will still allow the area to be used as open space. As such, the GDP and the proposed proffers have identified this area as being designated as a passive play area for residents in the development.

Vehicular Access: As discussed above, a public street off of Beulah Road will provide access to all of the new dwelling units. The Category 1 public street will have a 47-foot wide right-of-way that includes curb, gutter and sidewalk.

Parking: Each lot is to have two parking spaces in the driveway area, and two spaces within an attached garage. The proposed proffers include language prohibiting the conversion of the garages in any way that precludes motor vehicle storage. Furthermore, the proffers include language stating that the driveway for each unit will be a minimum of 18-feet in length to permit adequate space for vehicle parking on the individual lots.

Pedestrian Access: Pedestrian access has been provided both on-site and off-site of the development. A 5-foot wide sidewalk has been provided on both sides of the internal public street, allowing pedestrian access to the recreation area on Parcel A, and out to Beulah Road. In addition, the applicant is proposing a 6-foot wide asphalt trail along the site's entire Beulah Road frontage. To the north, this trail will transition into the 4-foot existing sidewalk that extends into the Hawthorne Estates subdivision via Liberty Tree Lane.

Off-site improvements include the extension of the 6-foot trail from the southeast corner of the subject property to the north side of State Street. This allows the trail to continue an additional 205 feet south along Beulah Road. In the event that the County or the Virginia Department of Transportation (VDOT) does not desire the trail at this time, the applicant has proffered to escrow the cost of the trail for construction at a later date.

Tree Save and Landscaping: The existing site has a significant amount of upland forest that covers the western half of the subject property, with primary species being oak and elm. The eastern half of the subject property, adjacent to Beulah Road, is the currently developed portion of the site and is sparsely populated with existing trees. There are, however, several pockets of mature tree growth located along the northern and southern property lines in this area.

Due to the scope of the proposed development, most of the existing trees on the site will be removed. The applicant is proposing to provide a tree preservation area around the perimeter of the parcel, which follows the limits of clearing and grading as depicted on Sheet 2 of the GDP. In addition, the applicant has identified specific specimens that will be preserved along the northern and

southern property boundaries, mostly on the eastern portion of the site. In order to meet the 20% tree cover requirement for the site, which is a total of 34,804 square feet of coverage for the subject property, the applicant has provided additional landscaping. This includes the supplemental planting of various evergreen and deciduous species around the entire perimeter of the existing subject property, and additional plantings along the new public street and within the front yard areas of the proposed dwelling units.

Stormwater Management: The application proposes that SWM and BMP requirements will be achieved through the use of an infiltration trench that will be located on Parcel A in the northwest corner of the site. The trench will be designed for a 1-year storm in accordance with the Fairfax County Public Facilities Manual and privately maintained by the homeowner's association of the development. As discussed above, the trench is proposed to be designed to include the majority of Parcel A, but will still allow the area to be used as a passive play area for residents in the development.

The post-development run-off will be conveyed through a closed storm sewer system that will connect to an existing closed system that was approved as a part of the Hawthorne Estates subdivision to the north. The outfall of this system is an existing SWM pond that is also associated with Hawthorne Estates, and is located in the northwest corner of that subdivision.

ANALYSIS

Comprehensive Plan

The application proposes to rezone the subject property from R-1 to R-3, for the purpose of developing the site with 11 single family detached dwelling units at a density of 2.75 du/ac. The Comprehensive Plan Map shows that the area which includes the subject property is planned for residential uses at 2-3 du/ac. Since the proposed density of 2.75 du/ac is within the range identified in the Plan, this request is in conformance with the recommendation of the Comprehensive Plan.

Residential Development Criteria & Analysis (Appendix 13)

Fairfax County expects new residential development to enhance the community by fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on public facilities, respecting the County's historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. To that end, the following criteria are used in evaluating zoning requests for new residential development:

Site Design (Development Criterion #1)

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

The Comprehensive Plan does not specifically identify a consolidation goal for this specific area. For this reason, the proposed development must be evaluated based on its ability to integrate with adjacent parcels. The proposed development density of 2.75 du/ac is higher than the density of the existing Hawthorne Estates subdivision that surrounds the subject property to the north, south and west, at a density of 2.23 du/ac. Although the proposed density is higher, the lot sizes proposed as a part of this application are comparable to those of the adjacent neighborhood and therefore provide a smooth transition to the area. This will be discussed in more detail in Development Criterion #2 below. Only two parcels located to the south of the subject property, along the eastern portion of the site, are not included in the Hawthorne Estates subdivisions. Although these lots are larger, at approximately 39,500 square feet each, staff believes that the proposed development will not preclude these lots from further developing in accordance with the Comprehensive Plan.

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

The proposed site layout shows an average lot size of 11,562 square feet and a range of lot sizes from 10,680 square feet (Lot 7) to 13,560 square feet (Lot 5). The lot typicals shown on Sheet 1 of the GDP indicate a minimum front yard setback of thirty (30) feet, a side yard setback of twelve (12) feet, and a rear yard setback of twenty-five (25) feet. These setbacks meet the required setbacks for the R-3 District and provide adequate, useable yard areas. In addition, the dwelling units are appropriately oriented towards the new public road, including the corner parcels, Lots 1 and 11, which are oriented towards the new road instead of Beulah Road.

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

Although the R-3 District does not have an open space requirement for conventional subdivisions, the proposed site layout includes Parcel A, which is located in the northwest corner of the site. This 9,770 square foot lot will be

developed with an infiltration trench in order to fulfill stormwater management (SWM) and best management practices (BMPs) for the development. This particular design improvement will allow the parcel to be used as open space, and the GDP and the proposed proffers have identified this area as a passive recreation area for residents in the development.

Neighborhood Context (Development Criterion #2)

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

As noted above in Development Criterion #1, although the proposed density is higher than that of the neighboring Hawthorne Estates subdivision, staff believes that the proposed site layout is compatible with this subdivision. A review of the adjacent lots within the Hawthorne Estates subdivision, Lots 11 – 22, 27 and 28, shows that the average lot size for this area is 11,963 square feet, which is only slightly larger than the proposed average lot size of 11,562 square feet. The smallest adjacent lot in Hawthorne Estates is 10,588 square feet and the largest is 15,176, compared to a lot range of 10,680 to 13,560 square feet for the proposed development. Furthermore, since the surrounding area is similarly characterized by single-family detached dwellings with comparable dwelling sizes and setbacks, staff believes that the new development will fit into the fabric of the adjacent area.

Environment & Preservation and Tree Cover Requirements (Development Criterion #3 & 4) (Appendices 5 through 7)

Development Criterion #3 requires that the development respect the natural environment by: conserving natural environmental resources to the extent possible; designing development while considering existing topographic and soil conditions; minimizing off-site impacts from stormwater runoff and adverse water quality impacts; protecting current and future residents from noise and lighting impacts; and, providing a site layout which encourages and facilitates energy preservation. (Appendices 5 and 6)

The subject site abuts Beulah Road, and a noise study submitted by the applicant indicated noise contour projections of 65 dBA DNL at 130 feet from the centerline of Beulah Road, and 70 dBA DNL at 60 feet from the centerline. Therefore, Lots 1 and 11 will be affected by the projected future traffic noise from Beulah Road. In response to staff's concern regarding this issue, the applicant has proffered to mitigate interior noise levels to 45 dBA DNL or less through the use of sound rated exterior walls and windows, and through the use of other

sound minimizing measures. To mitigate exterior noise levels to 65 dBA DNL or less, the applicant will be constructing 7-foot tall masonry fences along portions of Lots 1 and 11. These fences will be located on parcels 1 and 11, adjacent to out lots A and B with orientation towards Beulah Road. In this way, it can be assured that the future residents of this development are not adversely impacted by the future traffic noise of Beulah Road.

This criterion also recommends that any off-site impacts from stormwater runoff and adverse water quality impacts be minimized. The application proposes that SWM and BMP requirements will be achieved through the use of an infiltration trench, a Low Impact Development (LID) technique, which will be located on Parcel A in the northwest corner of the site. The trench will be designed for a 1-year storm in accordance with the Fairfax County Public Facilities manual and privately maintained by the homeowner's association of the development. The post-development run-off will be conveyed through a closed storm sewer system that will connect to an existing closed system that was approved as a part of the Hawthorne Estates subdivision to the north. The outfall of this system is an existing SWM pond that is also associated with Hawthorne Estates, and is located in the northwest corner of that subdivision.

Staff has expressed two concerns regarding this proposal due to its design and outfall. First, the applicant must demonstrate that the design of the infiltration trench is adequate and that its location will not adversely impact the existing houses in the adjacent subdivision. Second, due to complaints regarding the existing SWM pond in the Hawthorne Estates subdivision for which this system will outfall into to, the applicant will need to further demonstrate that the pond has adequate capacity to handle the additional SWM for this project. At this time, the applicant has submitted the requested information to the Department of Public Works and Environmental Services (DPWES) and it is currently under review.

Criterion #4 states that all developments should be designed to take advantage of existing tree cover and developed appropriately to disturb as little existing tree cover as possible. Furthermore, the extension of utility improvements to the site should be located in a manner that does not interfere with proposed tree save and landscape areas. (Appendix 7)

The existing site has a significant amount of upland forest that covers the western half of the subject property, with primary species being oak and elm. The eastern half of the subject property, adjacent to Beulah Road, is the currently developed portion of the site and is sparsely populated with existing trees. There are, however, several pockets of mature tree growth located along the northern and southern property lines in this area.

As previously discussed, most of the existing trees on the site will be removed. The applicant is proposing to provide a tree preservation area around the perimeter of the parcel, which follows the limits of clearing and grading as depicted on Sheet 2 of the GDP. In addition, the applicant has identified specific specimens that will be preserved along the northern and southern property boundaries, mostly on the eastern portion of the site. This will provide an immediate buffer between the new development and a portion of the existing residences located to the north and south.

In order to meet the 20% tree cover requirement for the site, which is a total of 34,804 square feet of coverage for the subject property, the applicant will be providing additional landscaping. This includes the supplemental planting of various evergreen and deciduous species around the entire perimeter of the existing subject property, and additional plantings along the new public street and within the front yard areas of the proposed dwelling units.

Transportation (Development Criterion #5) (Appendix 8)

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

As previously discussed, the applicant is proposing to serve the subject site via a Category 1 public street, which will allow access to the development off of Beulah Road. This new public street will have a 47-foot wide right-of-way that includes curb, gutter and a 5-foot wide sidewalk on both sides to encourage pedestrian travel. While there was some initial staff concern regarding adequate site distance at the intersection of the cul-de-sac and Beulah Road due to the location of the 7-foot masonry fences on Lots 1 and 11, this issue has been addressed. The GDP shows that the overall length of the fences on each lot has been reduced in order to provide adequate site distance at the intersection.

Along the subject property's Beulah Road frontage, the applicant has proposed frontage improvements including right-of-way dedication and the installation of curb and gutter along the site's frontage, per the Fairfax County Department of Transportation's comments. In lieu of the sidewalk requirement, the applicant is seeking a waiver of the Public Facilities Manual (PFM) in order to provide a 6-foot wide asphalt trail along the Beulah Road frontage within the public right-of-way. While staff supports the waiver of the sidewalk requirement, an 8-foot asphalt trail is required in this area per the Countywide Trails Plan Map of the Comprehensive Plan. Therefore, the applicant is also seeking a modification of this Comprehensive Plan requirement in order to allow the 6-foot asphalt trail as shown on the GDP.

In addition to the on-site transportation improvements, the applicant is also proposing off-site improvements by way of the extension of the 6-foot trail from the southeast corner of the subject property to the north side of State Street. This allows the trail to continue an additional 205 feet south along Beulah Road. In the event that the County or the Virginia Department of Transportation (VDOT) does not desire the extension of the trail at this time, the applicant has proffered to escrow the cost of the trail for construction at a later date. Furthermore, the proposed proffers also include language regarding an additional \$10,000 contribution that will be made to the County for off-site trail development within one mile of the subject property.

Public Facilities (Development Criterion #6)

Residential development should offset its impacts on public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned facilities). Development Criterion #6 states that impacts may be offset through the dedication of land, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. Phasing of development may be required to ensure mitigation of impacts. (Specific Public Facilities issues are discussed in detail in Appendices 9 through 12).

Fairfax County Park Authority Analysis (Appendix 9)

The proposed development has the potential to generate 27 additional residents in the Hunter Mill District, which will require access to outdoor recreational facilities. In order to offset the additional impact caused by this development, the Fairfax County Park Authority has determined that a proffered contribution of \$7,155.00 (\$265.00 per estimated resident) would be appropriate for recreational facility development at one or more of the existing park sites that is located within the service area of the subject property. The proposed proffers associated with this application reflect this request.

Fairfax County Public Schools Analysis (Appendix 10)

The proposed redevelopment would be served by Wolftrap Elementary, Kilmer Middle, and Madison High School.

According to the Fairfax County Public Schools Analysis, the rezoning and subsequent redevelopment of the subject property with 11 single-family detached dwelling units could generate four (4) additional students above what the existing zoning designation would allow. As such, the Fairfax County Public Schools, Office of Facilities Planning Services, has determined that a proffered contribution of \$46,530, or \$11,630 per student, is appropriate to offset the

potential impact on student membership in the area. As a part of this application, the applicant has proffered to make a contribution in this amount.

Fire and Rescue Analysis (Appendix 11)

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #402, Vienna. In addition, the requested rezoning currently meets fire protection guidelines, as determined by the Information Technology Section of the Fire and Rescue Department, and the Fire Prevention Division.

Fairfax County Water Authority Analysis (Appendix 12)

The subject property is located within the Fairfax County Water Authority Service Area. Although there are no issues associated with this application at this time, the applicant must fully comply with all applicable standards and regulations at the time of site plan.

Affordable Housing (Development Criterion #7)

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

Given that the proposed residential development does not exceed fifty (50) dwelling units, Part 8 of Article 2 of the Zoning Ordinance does not require that affordable dwelling units be provided. However, the applicant has agreed to proffer a contribution to the Fairfax County Housing Trust Fund, in the amount equal to 0.5% of the projected sales price value of each new residential unit approved on the property.

Heritage Resources (Development Criterion #8)

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

According to the Fairfax County Park Authority's analysis, the western half of the subject property has a moderate to high potential for prehistoric archeological resources. Therefore, the Park Authority has recommended that the subject property be subjected to a tight interval Phase I Archeological Survey, the scope of which should be approved by the Authority's Cultural Resource Management and Protection Section (CRMP). Any archeological resources that are found during a Phase I study may require further phased assessments.

The applicant has not addressed this issue at this time. Therefore, this criterion has not been satisfied.

ZONING ORDINANCE PROVISIONS

The requested rezoning of the subject property from R-1 to the R-3 District must comply with the applicable regulations of the Zoning Ordinance. A comparison of the R-3 District requirements and those proposed for the new development are as follows:

Bulk Requirements for the R-3 District (For Conventional Subdivision Lots)		
Standard	Requirement	Proposed
Maximum Density	3.0 du/ac	2.75 du/ac
Minimum Lot Area	10,500 sq. ft.	Minimum of 10,500 sq. ft.
Average Lot Area	11,500 sq. ft.	11,500 sq. ft.
Minimum Lot Width	Interior: 80 feet Corner: 105 feet	Interior: Minimum of 80 feet Corner: Minimum of 105 feet
Building Height	35 feet	Maximum of 35 feet
Front Yard Setback	30 feet	Minimum of 35 feet
Side Yard Setback	12 feet	Minimum of 15 feet
Rear Yard Setback	25 feet	Minimum of 25 feet

Based on the site layout that is depicted on the GDP, all applicable Zoning Ordinance Provisions have been satisfied for the subject property.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant, Sekas Homes, Ltd., requests approval of a rezoning of approximately 3.995 acres from the R-1 District to the R-3 District. The purpose of the application is to allow subdivision of the existing land area into eleven (11) separate building lots, and to permit the construction of single family detached dwelling units on the site, at an overall density of 2.75 dwelling units per acre (du/ac). The Comprehensive Plan map shows the area in which the subject property is located to be developed with residential uses at 2-3 du/ac.

In staff's evaluation, the proposal is in harmony with the intent of the Comprehensive Plan and meets all applicable provisions of the Zoning Ordinance. Furthermore, the applicant has satisfactorily satisfied the Residential Development Criteria, assuming that DPWES finds that the additional stormwater management information provided by the applicant adequately addresses staff concerns.

Recommendations

Staff recommends approval of RZ 2006-HM-024, subject to the execution of proffers consistent with those contained in Appendix 1 of this staff report.

Staff recommends approval of the waiver of the sidewalk requirement and a modification of the trail requirement along Beulah Road in favor of a proposed 6-foot wide asphalt trail.

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. Comprehensive Plan Citations
5. Environmental Analysis
6. Stormwater Management Analysis
7. Urban Forest Management Analysis
8. Transportation Analysis
9. Park Authority Analysis
10. Schools Analysis
11. Fire and Rescue Analysis
12. Water Authority Analysis
13. Residential Development Criteria
14. Glossary of Terms

PROFFERS

Sekas Homes, Ltd.
Young Property

RZ 2006-HM-024

December 21, 2006

Pursuant to Section 15.2-2303(A) of the 1950 Code of Virginia, as amended, the Applicant, for himself and his successors or assigns (herein collectively referred to as the "Applicant") in this rezoning application filed on property identified on the Fairfax County Tax Map 28-3 ((1)), Parcel 31 (hereinafter referred to as the "Application Property"), agrees to the following proffers, provided that the Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves the rezoning of the Application Property from the R-1 zoning district to the R-3 district.

1. Development Plan

- a) Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance ("the Ordinance"), development of the portion of the Application Property identified on the Fairfax County Tax Map 28-3 ((1)), Parcel 31 shall be in substantial conformance with the Generalized Development Plan ("GDP") entitled "Young Property" containing four sheets and prepared by Land Design Consultants, Inc., dated July, 2006 and revised through December 21, 2006.
- b) Pursuant to Paragraph 2 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. These modifications shall include only the locations of utilities, minor adjustment of property lines, and the general location of dwellings on the proposed lots provided that the total area of open space is not decreased from that shown hereon, the building setbacks outlined on the GDP are honored, and the limits of clearing and grading are adhered to.

2. Homeowners Association

The applicant shall establish a homeowner's association for the proposed development to own, manage and maintain the open space areas, including tree save areas and all other community land and improvements and infiltration trench. Restrictions placed on the use of the open space/buffer areas, minimum setbacks and the maintenance responsibilities of the homeowner's association shall be disclosed to all prospective homeowners in a disclosure memorandum prior to entering into a contract of sale and included in the homeowner's association documents.

3. Transportation

- a) Density credit shall be reserved as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Ordinance for all eligible dedications described herein.
- b) At the time of subdivision plan approval or upon demand by Fairfax County or the Virginia Department of Transportation ("VDOT"), whichever occurs first, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors, right-of-way up to 35 feet along the site's southern frontage of Beulah Road and up to 39' along the site's northern frontage of Beulah Road from the existing centerline and construct improvements along the property's Beulah Road frontage up to 26 feet and 31 feet, respectively, from centerline as generally shown on the GDP subject to the approval of VDOT and the Fairfax County Department of Public Works and Environmental Services ("DPWES"). The Applicant will be constructing

these improvements along a majority of the subject property, which is in excess of that required by VDOT or Fairfax County for a minimum entrance.

- c) Garages and Driveways. The Applicant shall place a covenant on each residential lot that prohibits the use of the garage for any purpose, which would preclude motor vehicle storage. This covenant shall be recorded among the land records of Fairfax County prior to the sale of lots and shall run to the benefit of the HOA and to the Board of Supervisors. Prior to recordation, the covenant shall be approved by the Fairfax County Attorney's office. The HOA documents shall expressly state this use restriction. The driveway provided for each unit shall be a minimum of eighteen (18) feet in length to permit the parking of two (2) vehicles without overhanging onto the sidewalk. Garages shall be designed to accommodate two (2) vehicles.
- d) The Applicant shall provide five-foot wide sidewalks along both sides of the proposed public street and an 6' asphalt trail along the entire Beulah Road frontage as generally shown on the GDP.
- e) The Applicant shall also provide a 6' asphalt trail from the subject property's southern boundary to the northern boundary of State Street. The trail will be located within the existing right-of-way of Beulah Road and will be coordinated with VDOT, if required. If VDOT or the County does not want the trail at the time of final subdivision plan approval, the Applicant will escrow the cost of the trail in accordance with the prices listed in the County's Unit Price List.

4. Open Space Dedication

- a) As a condition of final subdivision plan approval, the Applicant shall dedicate Parcel A and Outlots A and B, as shown on the GDP, to the Homeowner's Association. The Applicant shall reserve any density credit associated with this dedication.
- b) As noted on the GDP, Parcel A shall be designated as a "Passive Play Area" and shall be used for passive recreation. The Applicant shall covenant in the deed of subdivision that this area will not contain any structures used for recreation.

5. Landscaping

- a) Landscaping and on-site amenities shall be generally consistent in terms of character and materials with the GDP. Specific features such as the exact locations of plantings, driveways, sidewalk connections, lead walks, etc., are subject to minor modification with final engineering and architectural design, as approved by Urban Forest Management, Department of Public Works and Environmental Services (DPWES). A landscape plan will be submitted with the subdivision plan, which details the quantity and types of trees to be planted on site in order to meet tree coverage requirements. The Applicant will also include mulch beds with plantings in front of the proposed houses as generally shown on the GDP.
- b) The first submission of the subdivision plan shall include a landscape plan and specifications, for review and approval by the Urban Forest Management Division. The landscape plan and specifications shall incorporate techniques designed to reduce maintenance requirements; and create a cleaner and healthier environment maximizing the levels of social, economic, and environmental benefits that can be provided by these resources. Such techniques include, but are not limited to, reduced turf areas to minimize mowing operations and the resulting air pollution, topsoil replacement, mulched planting beds incorporating groups of trees and other plants; and a diverse selection of native and non-invasive plants to reduce

the need for supplemental watering, and the use of chemical fertilizers, herbicides, and chemical control of insects and diseases.

6. Tree Preservation

Tree Preservation: The applicant shall submit a Tree Preservation plan as part of the first and all subsequent subdivision plan submissions to address the preservation of the trees located within the Tree Preservation Area and noted "To Be Saved", as shown on the Generalized Development Plan. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of Urban Forest Management, DPWES.

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

Tree Value Determination: The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of the trees located within the Tree Preservation Area and noted "To Be Saved", as shown on the Generalized Development Plan, and all trees ten inches (10") in diameter or greater and having a condition rating of 75 or higher located within twenty feet (20') of the northern, southern, and western property boundary (i.e the trees located off-site) as shown on the Generalized Development Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the subdivision plan. The replacement value shall take into consideration the age, size, and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM.

Tree Bonds: In order to provide a remedy for any unintended disruption to trees required to be preserved under these proffers, at the time of final subdivision plan approval, the Applicant shall both post a cash bond and a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the previous proffer (herein the "bonded trees") that die or are dying due to unauthorized construction activities. The letter of credit shall be equal to fifty percent (50%) of the replacement value of the bonded trees. The cash bond shall consist of thirty three percent (33%) of the amount of the letter of credit.

During the time period in which the Tree Bond is required to be held, should unauthorized construction activity cause any bonded trees to die, or be removed, the Applicant shall replace such trees at its expense. The replacement trees shall be selected to provide canopy cover equivalent to those trees that are lost and shall incorporate native species. At the time of approval of the final RUP, the Applicant may request a release of any monies remaining in the cash bond and a reduction in the letter of credit to an amount up to twenty percent (20%) of the total amounts originally committed provided they are in good standing with the tree proffer commitments. Any funds remaining in the letter of credit or cash bond will be released concurrently with the site performance bond release, or sooner, if approved by UFM.

Tree Preservation Walk-Through: The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. This walk through meeting shall occur prior to final subdivision plan approval. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFM, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and to determine which, if any trees, can be transplanted onsite and such adjustments shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

Limits of Clearing and Grading: The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP, subject to allowances specified in these proffered conditions and for the installation of utilities as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities in areas protected by the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by UFM, DPWES. A replanting plan shall be developed and implemented, subject to approval by UFM, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such utilities. Prior to construction and in consultation with the Applicant's landscape architect or certified arborist and UFM, the Applicant shall attempt to adjust the limits of clearing as generally shown on the GDP to save the 48" oak on the rear of Lot 11.

Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I and II erosion and sediment control sheets.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFM, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM, DPWES.

Site Monitoring: During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM.

The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFM approvals. The monitoring

schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFM, DPWES.

7. Storm Water Management

- a) If approved by DPWES, stormwater management and Best Management Practices (BMP's) shall be accomplished through the provision of one infiltration trench or alternative Low Impact Development techniques, as generally shown on the GDP and in accordance with the requirements of the Fairfax County Public Facilities Manual (PFM). The size and location of the facility may be subject to final modifications based on final engineering provided they are in substantial conformance with the GDP. This facility will be designed for the one-year storm in accordance with the PFM and will provide additional detention for the site, over and above that required by the PFM.

8. Contributions

- a) At the time of subdivision plan approval, the Applicant shall contribute \$10,000 to the construction of trails within one mile of the subject property. The Applicant will place this money in an escrow account with Fairfax County..
- b) At the time of subdivision plan approval, the Applicant shall contribute \$7,155 to the Fairfax County Park Authority for its use in establishing and maintaining parks and recreational facilities in the Hunter Mill District of Fairfax County.
- c) At the time of issuance of the first building permit, Applicant shall contribute to Fairfax County \$46,530 for capital improvements to nearby public schools. Said contribution shall be deposited by DPWES into the County Schools Proffer Account for distribution by the Board of Supervisors to the Fairfax County Public Schools for application to public school construction projects in the vicinity of the Application property.
- d) Prior to the issuance of the first Building Permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one-half of one percent (0.5%) of the projected sales price of each of the new residential unit to be built on-site, as determined by the Department of Housing and Community Development (HCD) and DPWES in consultation with the Applicant to assist the County in its goal to provide affordable dwellings elsewhere in the County.

9. Architecture

The design and architecture of the approved units shall be in substantial conformance with the illustrative elevations contained in the GDP, 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. The sides of the houses on Lots 1 and 11 facing Beulah Road will be constructed of brick. The Applicant agrees that the architecture/building materials for the proposed dwellings will be compatible with one another and consist of the materials described herein. All units shall be limited to thirty-five (35) feet in height as measured in the Fairfax County Zoning Ordinance.

10. Energy Saver Program

All homes constructed on the property shall meet the thermal guidelines of the CABO Model Energy Program for energy-efficient homes or its equivalent, as determined by the DPWES for either electric or gas energy systems, as applicable.

11. Lighting and Signs

- a) All exterior lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
- b) 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 marketing and sale of homes on the Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or home sales for the Property to adhere to this Proffer.

12. Noise

The Applicant shall provide the following noise attenuation measures:

- a) In order to reduce the maximum interior noise to a level of approximately 45 dBA Ldn or less, the Applicant proffers that the front, side, and rear walls of all facades of the residential units facing the direction of Beulah Road shall have the following acoustical attributes:
 - i) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45;
 - ii) Windows shall have a STC of 35, exterior doors shall have a STC of 35 and sliding doors shall have a STC of 35. If glazing constitutes more than 20% of any façade exposed to highway noise levels greater than 65dBA Ldn it shall have the same laboratory STC ratings as walls; and
 - iii) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for testing and Materials to minimize sound transmission.
- b) In order to reduce the maximum exterior noise to a level of approximately 65 dBA Ldn or less, a 7' tall masonry fence, as shown on Sheet 1 of the GDP, will be provided in the locations shown on Sheet 2 of the GDP.

13. Telecommuting

All dwellings shall be pre-wired with broadband, high capacity data/network connections in multiple rooms, in addition to standard phone lines.

14. Other

- a) During development of the subject site, the telephone number of the site superintendent that will be present on-site during construction shall be provided to representatives of the Hawthorne Estates communities and to the Hunter Mill District Supervisor's Office.
- b) Outdoor construction activity will be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturdays. No outdoor construction activities will be permitted on Sundays or on federal holidays. The site superintendent shall notify all employees and subcontractors of these hours of operation and shall ensure that the hours of operation are respected by all employees and subcontractors. Construction hours shall be posted on-site in both English and Spanish. This proffer applies to the original construction only and not to future additions and renovations by homeowners.

Signatures:

Sekas Homes, Ltd.

By: _____

John P. Sekas, its Manager
Developer, Tax Map Parcel 28-3 ((1)), Parcel 31

Judith A. Young, Trustee

By: _____

Judith A. Young, Trustee
Owner, Tax Map Parcel 28-3 ((1)), Parcel 31

Brenda Noel, Trustee

By: _____

Brenda Noel, Trustee
Owner, Tax Map Parcel 28-3 ((1)), Parcel 31

Cheryl Kidd, Trustee

By: _____

Cheryl Kidd, Trustee
Owner, Tax Map Parcel 28-3 ((1)), Parcel 31

