



County of Fairfax, Virginia

February 15, 2007

STAFF REPORT ADDENDUM

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 Attachment 1 of this staff report addendum.

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
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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).

BACKGROUND

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.

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).

On January 4, 2007, the Staff Report for RZ 2006-HM-024 was published. In this report, staff concluded that the proposal is in harmony with the intent of the Comprehensive Plan and meets all applicable provisions of the Zoning Ordinance. Furthermore, staff concluded that the applicant had satisfactorily satisfied the Residential Development Criteria, assuming that the Department of Public Works and Environmental Services (DPWES) finds that the proposed stormwater management plan satisfies all applicable rules and regulations.

To address DPWES comments regarding the proposed stormwater management plan, and additional concerns of members of the adjacent community, the applicant has submitted a revised General Development Plan (GDP), dated January 24, 2007, included at the front of the staff report addendum. In addition, revised draft proffers have been provided and are also dated January 24, 2007.

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 January 24, 2007

The applicant's revised GDP plat and proffers incorporate the following design changes:

- The single infiltration trench, approximately 9,770 square feet in size, located in the northwest corner of the site has been deleted in favor of two smaller infiltration trenches. These trenches, identified as Parcels A & B on the revised GDP, will be 5,016 square feet and 4,304 square feet in size, respectively. Parcel A will be located on the north side of the proposed public street, in between Lots 7 & 8, and Parcel B will be located on the south side of the public street in between Lots 4 & 5.
- The revised proffers indicate that Parcels A & B will no longer be designated as a "Passive Play Area" and therefore not available for use for passive recreational purposes.
- Although the average lot size has not changed, the range of lot sizes has changed due to the adjustment of several lots to accommodate the relocation of the infiltration trenches. The smallest lot is now 10,505 square feet (Lot 8), as opposed to 10,680 square feet (Lot 7) previously. The largest lot is now 14,834 square feet (Lot 5), as opposed to 13,560 square feet (Lot 5) previously. All proposed lots still exceed the minimum R-3 District requirements.
- The applicant is proposing a conservation easement along the western property boundary of the subject property, behind proposed Lots 5, 6 and 7. The draft proffers indicate the conservation easement will be twenty-five (25) feet in width behind Lot 5 & 7, and fifteen (15) feet in width behind Lot 6.
- As a part of the proposed proffers, the applicant is proposing to save the existing 15" Holly and 12" Maple located within the existing right-of-way of Beulah Road, approximately 125' north of its intersection with State Street. The ability to save these trees will be subject to final engineering, the approval of the Virginia Department of Transportation (VDOT) and/or available sight distance.
- The tree preservation area around the perimeter of the subject property has been reduced in some areas and additional supplemental landscaping has been provided around the perimeter of the subject property.

The revisions identified above successfully address previous staff concerns identified in the published staff report. The applicant has provided the requested information regarding the design of the proposed stormwater management plan, for which DPWES has reviewed and determined that all previous comments identified in its September 20, 2006 and December 14, 2006 memorandums

have been addressed (Attachment 2). Furthermore, the revised layout provides additional opportunity for tree preservation along the western property boundary in order to provide an adequate buffer between the proposed development and the existing neighborhood to the. Although the tree preservation area around the perimeter of the subject property has been reduced in some areas, additional supplemental landscaping has been provided around the perimeter of the subject property. Similar to the revisions occurring along the western property line, these additional plantings, once mature, will effectively buffer the new development from the existing areas to the north and south.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The applicant has revised the application to address the outstanding concerns regarding the proposed stormwater management plan. In addition, the redesign of the site to accommodate the proposed infiltration trenches allows an opportunity to provide additional tree save area along the western property boundary of the subject property. As a result, the proposed conservation easement located along the western property boundary behind Lots 5, 6 and 7, will provide a buffer of existing vegetation between the proposed development and the existing neighborhood to the west. Additional plantings are also being proposed around the perimeter of the subject property.

With these revisions, staff continues to believe that the proposal is in harmony with the intent of the Comprehensive Plan and meets all applicable provisions of the Zoning Ordinance. Furthermore, staff concludes that the applicant has satisfactorily satisfied the Residential Development Criteria.

Recommendations

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

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 the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

ATTACHMENTS

1. Draft Proffers
2. Stormwater Management Analysis

PROFFERS

Sekas Homes, Ltd.
Young Property

RZ 2006-HM-024

January 24, 2007

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 January 24, 2007.
- 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 feet 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 construct these improvements along a majority of the subject property as generally shown on Sheet 2

- 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 a 6' asphalt trail along the entire Beulah Road frontage as generally shown on the GDP.
- e) The Applicant shall 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 Parcels A and B and Outlots A and B, as shown on the GDP, to the Homeowner's Association.
- b)

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. Such techniques include, but are not limited to, no more than twenty percent (20%) of the open space of each lot in turf areas, mulched planting beds incorporating groups of trees and other plants; and a diverse selection of native and non-invasive plants.

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 Plant 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 two infiltration trenches 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 \$46,530 for capital improvements to the public schools served by the subdivision. Said contribution shall be deposited with DPWES for transfer to Fairfax County Public Schools.
- 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 on lots 1 and 11 as generally 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.
- c) As part of the development of the subject property, the Applicant will attempt to save the existing 15" Holly and 12" Maple located within the existing right-of-way of Beulah Road, Rt. 675, approximately 125' north of its intersection with State Street. The ability to save these trees will be subject to final engineering, the approval of the Virginia Department of Transportation (VDOT) and/or available sight distance.
- d) As part of the development of the subject property, the Applicant will record a 15' and 25' private conservation easement behind lots 5-7 and as generally shown on the GDP. This easement will be recorded in the Land Records of Fairfax County. No disturbance will occur in this easement except for normal utility construction, as required by Fairfax County.

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