



APPLICATION FILED: May 30, 2006
APPLICATION AMENDED: November 27, 2006
PLANNING COMMISSION: January 25, 2007
BOARD OF SUPERVISORS: Not Yet Scheduled

County of Fairfax, Virginia

January 10, 2007

STAFF REPORT

APPLICATION RZ 2006-LE-018

LEE DISTRICT

APPLICANT: Fleet Drive, LLC

PRESENT ZONING: R-1 (5.24 acres), R-3 (0.66 acres)

REQUESTED ZONING: R-12

PARCEL(S): 91-1 ((1)) 58, 59A, 59B, 60
91-1 ((5)) 2, 3, 4, 5, 6

ACREAGE: 5.90 acres

DENSITY: 8.31 dwelling units per acre (du/ac)

OPEN SPACE: 28%

PLAN MAP: Residential; 8-12 du/ac

PROPOSAL: Rezone 5.90 acres from the R-1 and R-3 Districts to the R-12 District to permit the development of forty-nine (49) single-family attached dwellings at an overall density of 8.31 dwelling units per acre.

WAIVERS: Waiver of the barrier requirement where the subject site abuts the existing single-family detached dwelling on Parcel 7

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Department of Planning and Zoning

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

Waiver of the trail requirement along Fleet Drive

STAFF RECOMMENDATIONS:

Staff recommends that RZ 2006-LE-018 be denied.

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 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 seeks to rezone the subject 5.90 acre site from the R-1 and R-3 Districts to the R-12 District to permit the development of forty-nine (49) single-family attached dwelling units at an overall density of 8.31 dwelling units per acre (du/ac) with 28% of the site retained as open space. All existing single-family detached dwellings and associated accessory structures will be removed. A single access point to the development is proposed from Fleet Drive. Two emergency access points to the site are proposed along Beulah Street.

The applicant's draft proffers, Affidavit and Statement of Justification can be found in Appendices 1-3, respectively.

Requested Waivers and Modifications:

The applicant has requested the following waivers and modifications with this rezoning application:

- Waiver of the 600-foot maximum length for a private street;
- Modification of the trail requirement along Fleet Drive to permit a 5-foot wide concrete sidewalk; and
- Waiver of the barrier requirement where the site abuts a single-family detached dwelling.

The Generalized Development Plan (GDP) also indicates that the applicant will be seeking the following modifications of the Public Facilities Manual (PFM) at the time of site plan:

- Modification of the required shared utility easement width to allow five-foot easements in the front and rear of the proposed lots; and
- Modification to allow the use of Filterrras as an innovative Best Management Practice (BMP).

LOCATION AND CHARACTER

Site Description:

The subject site is comprised of 5.90 acre subject property is comprised of nine (9) parcels located to the west of Beulah Street and to the east of Fleet Drive and abuts the single-family attached neighborhood of Franconia Commons to the south. The proposed consolidation does not include Tax Map Parcel 91-1 ((5)) 7. Parcel 7

contains a single-family detached dwelling and has driveway access from Fleet Drive (opposite Gravel Avenue).

With the exception of Parcel 4, the site is currently developed with single family residences and associated accessory structures (the single-family detached dwelling on Parcel 4 has been demolished). The site is generally flat and slopes gently from the east to the west. Because the site is located in an older neighborhood, the trees that are present are generally mature specimens. Trees of note include two large willow oaks and one large red oak on Parcels 59A and 59B which are in good to excellent condition, as well as trees along the shared property line with Franconia Commons and Parcel 7. The soils map and data contained in the GDP indicate that the northwestern corner of the site (Parcels 59A and 59B) contain loamy/gravelly sediments, which is classified as a Class A Problem Soil.

Surrounding Area Description:

As noted above, the proposed consolidation does not include Parcel 7, which abuts the site to the south, east and west. Parcel 7 is zoned R-1 and planned for residential use at a density of 8 to 12 dwelling units per acre (du/ac).

Below is a list of the other adjacent properties:

Direction	Use	Zoning	Plan
North	Single-family attached dwellings (Franconia Commons)	R-8	Residential, 8-12 du/ac
Southwest and west (opposite Fleet Drive)	Industrial office park	I-4, I-5	Residential, 8-12 du/ac
Southeast and east (opposite Beulah Street)	Single-family attached dwellings (Autumn Chase); Church (Mt. Calvary)	PDH-4; R-1	Residential, 3-4 du/ac; Public Park

BACKGROUND

On August 28, 2003, a rezoning application (RZ 2003-LE-041) was filed on Tax Map Parcels 91-1 ((1)) 59A and 59B to rezone the site from the R-3 District to the R-12 District. On July 26, 2006, RZ 2003-LE-041 was withdrawn.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: IV

Planning District: Springfield

Planning Sector: Beulah Community Planning Sector

Plan Map: Residential, 8-12 du/ac

There is no specific plan text for the subject site.

ANALYSIS

Generalized Development Plan (GDP) (Copy at the front of staff report)

Title of GDP: Beulah Fleet

Prepared By: Charles P. Johnson & Associates, Inc.

Original and Revision Dates: May 2006, with revisions through November 30, 2006

The GDP consists of eight (8) sheets showing the following information:

Beulah Fleet Generalized Development Plan	
Sheet 1 of 8	Cover sheet, soils map/data, density tabulations, notes, vicinity map, site tabulations
Sheet 2 of 8	Site layout, typical lot layout
Sheet 3 of 8	Landscape plan, tree cover calculations
Sheet 4 of 8	Gazebo landscaping, entrance feature landscaping, landscaping legend, section of the site through Beulah Street (Section A-A)
Sheet 5 of 8	Tree preservation plan
Sheet 6 of 8	Stormwater management and BMP narrative, storm drain design computations, offsite drainage map, location of existing storm sewers, outfall narrative
Sheet 7 of 8	Existing conditions
Sheet 8 of 8	Existing vegetation map, cover type summary, tree cover data

The GDP depicts a site layout as follows:

Site Layout: Under the proposed site layout, a total of forty-nine (49) single-family attached dwelling units at an overall density of 8.31 du/ac are proposed. A single entrance into the site is proposed from Fleet Drive. Two emergency access only entrances are proposed from Beulah Street. All of the proposed internal streets would be private.

The proposed units would be front-loaded with two-car garages. The typical lot layout indicates that the interior units and the end units on Lots 19 and 21 would be 24 feet wide. The remaining end units would be 26 feet wide. The maximum building height proposed is 35 feet. The front yard setback would be a minimum of 18 feet, the rear yard setback would be a minimum of 20 feet and the side yard setback would be a minimum of 10 feet. According to the typical lot layout on Sheet 2, decks are shown extend up to five feet of the rear property line. It should be noted that in accordance with the zoning ordinance only open decks with no part of its floor higher than 3 feet are permitted to encroach into the rear yard as shown on the lot typical in the R-12 District. The FDP should be clarified. Finally, the typical lot layout indicates that there would be a five-foot wide shared utility easement in the front and rear yards of the units. The applicant is requesting a modification of the shared utility easement width to permit these five-foot wide easements.

Open Space: Approximately 28% of the site will remain as open space. The majority of this open space will be the proposed stormwater management/best management practices (SWM/BMP) dry pond proposed along Fleet Drive (and abutting Parcel 7). A small, passive open space area is proposed along the site's shared property line with Franconia Commons, which would be furnished with a gazebo and benches. No active recreational facilities are proposed.

Landscaping: Landscaping, consisting of deciduous and evergreen trees, would be concentrated along the site's periphery with Fleet Drive and Beulah Street. In addition, new landscaping is also proposed along the perimeter of the proposed stormwater management (SWM) pond and Parcel 7. Some additional landscaping is proposed within the open space area located behind proposed units 9 through 13.

Vehicular Access: The site would be served from a single entrance to be located off of Fleet Drive, opposite Parcel 39. Two emergency access points are proposed from Beulah Street (one on the north end and one on the south end). The applicant has proffered to convey an access easement allowing interparcel access between the subject property and Parcel 7 over the area designated on the GDP as part of site plan approval. The applicant has also proffered to place a conspicuous sign at this location stating that this area will be the site of future construction of the road extension by others to provide an interparcel connection.

Pedestrian Access: Four-foot wide sidewalk would be constructed along the frontage of the proposed units. A five-foot wide sidewalk is proposed along the site's Fleet Drive frontage. (There is an existing five-foot wide sidewalk along the site's Beulah Street frontage, which is to remain.)

Road Improvements: All internal streets would be private. The applicant has also proffered that at the time of record plat approval, or upon demand by Fairfax County, whichever occurs first, to dedicate and convey right-of-way along the Beulah Street and Fleet Drive frontages necessary for public street purposes and as shown on the GDP. The applicant has also proffered to construct road widening, with curb gutter and sidewalk along the Fleet Drive frontage of the subject site.

Parking: A total of 122 parking spaces are proposed for the development (approximately 2.49 spaces per unit). However, according to Note #19 on the GDP, the provided parking could be reduced so long as the provided parking “*continued to meet the Zoning Ordinance requirement of 2.3 spaces per unit*”. (In fact, the Zoning Ordinance was recently amended to require 2.7 space per single-family attached unit.) Further, elevations have not been included on the GDP to indicate that two-car garages would be provided. The typical lot layout also indicates that a driveway with minimum dimensions of 18’ by 18’ will be provided. Visitor parking spaces will be provided off of the proposed private streets, including abutting Parcel 7.

Stormwater Management: A dry pond is proposed along Fleet Drive (adjacent to Parcel 7). Access to the pond would be provided via a proposed internal street within the development. The applicant has proffered to landscape the pond, in keeping with the planting policies of Fairfax County.

RESIDENTIAL DEVELOPMENT CRITERIA

Fairfax County expects new residential development to enhance the community by fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. (For the complete Residential Development Criteria text, see Appendix 13.)

Site Design (Development Criterion #1)

This Criterion requires that the development proposal address consolidation goals in the Comprehensive Plan, further the integration of the development with adjacent parcels and not preclude adjacent properties from developing according to the recommendations of the Plan. It also states that the development proposal should provide a logical and functional design with appropriate relationships within the development, including appropriately oriented dwelling units and usable 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. Open space should be usable, accessible and integrated. Appropriate landscaping and amenities should be provided.

Consolidation

The applicant has consolidated all but one of the parcels located between Fleet Drive and Beulah Street and south of Franconia Commons. Staff is concerned that the proposed development might preclude Parcel 7 from developing according to the recommendations of the Plan, especially given the small size of Parcel 7 (29,048 SF). In staff’s opinion, a full consolidation of this triangle of land would result in a better site layout. Given the site’s location near a busy intersection (the site entrance is opposite Gravel Avenue), at the very least, staff believes that this

development should provide interparcel access for Parcel 7 in order to consolidate access points.

Layout

The site layout does not provide for any organizing focus, such as tree save or a central usable open space area. The only usable open space area, which abuts Franconia Commons, is tucked behind the rear yards of several units, rendering it all but invisible. In staff opinion, it appears that the applicant's only design intent with this development was to maximize lot yield without including Parcel 7 – as evidenced by the four lots located within the grading area for the stormwater management pond. Staff believes that the proposed site layout could be much improved with the consolidation of Parcel 7. Alternatively, the applicant could reduce the number of units to provide better spacing and more open area.

Open Space

The GDP indicates that approximately 28% of the site will remain as open space. The majority of the open space is consumed by a stormwater management pond (prominently located at the proposed site entrance). A very small passive open space area is proposed behind proposed units 6 through 18. Staff does not believe that this open space is particularly usable or accessible. The lack of common open space is further exasperated by the small yards. While the rear yards would be a minimum of 20-feet deep, certain decks could be constructed up to 5 feet of the rear property line, leaving only a 5 foot by 24 foot area open - hardly enough space for recreating. The proposed yards would be further encumbered by a proposed five-foot wide utility easement in the front and the rear yards of the units (for which the applicant will be seeking waiver at the time of site plan). Staff strongly recommends that these utility easements be located within common open space. Finally, the rear yards of proposed units 46 through 49 are located on the edge of the proposed SWM pond. Staff is concerned that the grading for the pond might encroach into the rear yards of these units, which is not permitted under the Zoning Ordinance. In staff's opinion, fewer units would permit the applicant to accommodate more open space areas and better spacing between the units and the proposed SWM pond.

Landscaping and Amenities

DPWES staff has noted to the applicant that trees and shrubs cannot be located within five feet of storm drainage easements that contain pipes. The landscaping plan continues to depict landscaping within five feet of the proposed storm drain behind proposed units 45 and 46.

In order to mitigate roadway noise from Beulah Street, the applicant has proffered to provide noise attenuation measures such as acoustical fencing, walls, earthen berms or combinations thereof between Beulah Street and the rear yards of proposed units 19 through 34. The noise study submitted to staff by the applicant recommends the installation of a solid wood wall between 6.5 and 7 feet in height

along the rear yards of proposed units 19 through 34. However, the proffers indicate that different noise mitigation measures could be employed. Without this information, staff cannot assess the visual impact of these measures upon Beulah Street and the Autumn Chase and Franconia Commons neighborhoods. Staff is also concerned about the maintenance of the proposed noise wall. As noted above, a solid wood wall was suggested as a mitigation technique in the noise study. However, in staff's experience, wood walls are not durable as they tend to discolor, warp and break. Staff believes that a brick or masonry wall might be more attractive along Beulah Street if for no other reason than it would be easier to maintain.

A five-foot high retaining wall is depicted along the edge of the proposed SWM pond. According to the applicant, the purpose of this wall is to preserve existing vegetation between the pond and Parcel 7. However, staff is concerned about the visual impact of the wall along the site's Fleet Drive frontage. No detail of the wall has been provided.

Neighborhood Context (Development Criterion #2)

While developments are not expected to be identical with the existing development within which they are to be located, this Criterion states that they should fit into the fabric of the community, as evidenced by an evaluation of bulk/mass of the proposed dwelling units; setbacks; architectural elevations and materials; pedestrian, bicycle and vehicular connections; and proposed changes to the existing topography and vegetative cover.

The subject site abuts the existing single-family attached neighborhood of Franconia Commons to the north. The units within Franconia Commons were constructed in the late 1970s and are two stories in height. Given that new townhouses will be 35 feet in height and bigger than those built in the 1970s, staff expressed concern about the impact that the massing and scale of the proposed units might have upon the existing units within Franconia Commons. Staff requested that the applicant provide a section of the site to illustrate the impact that the units might have upon Franconia Commons. No information was provided. As a result, staff cannot determine whether or not the proposed units will fit into the fabric of the existing community.

Staff also observed that there are several mature trees along the site's shared property line with Franconia Commons that could be adversely impacted by the proposed development. Staff recommended that the applicant adjust the proposed limits of clearing and grading in order to ensure that Franconia Commons' existing vegetated buffer remains. Nevertheless, the applicant continues to propose limits of clearing and grading that will have a negative effect on these trees. (This issue is discussed also under the Tree Preservation section of this report below.) Staff believes that if the applicant were to reduce the amount of units proposed, the limits of clearing and grading could be adjusted in order to preserve the trees along the shared property line with Franconia Commons.

Environment (Development Criterion #3) (Appendix 4 and 12)

This Criterion requires that developments respect the natural environment by conserving natural environmental resources, account for soil and topographic conditions and protect current and future residents from the impacts of noise and light. Developments should minimize off-site impacts from stormwater runoff and adverse water quality impacts.

Water Quality

The applicant has proposed to meet stormwater management requirements via use of an extended detention dry pond. The applicant has also proposed to meet the best management practices (BMP) requirements via use of Filterra vegetated box filters. (Use of Filterras will require approval of a PFM waiver prior to final site plan approval.) It should be noted that the proposed Filterra vegetated box is depicted to be located where interparcel access is proposed to Parcel 7 in the future. The applicant has failed to indicate if and how this Filterra box will be relocated when interparcel access to Parcel 7 occurs.

The site is located within the Accotink Creek watershed. As such, staff recommended that the applicant provide additional water quality and quantity controls above and beyond the minimum requirements of the PFM. The proffers indicate that an “enhanced” extended detention dry pond will be provided on the site. Typically, enhanced extended detention ponds require significantly larger surface areas than standard extended ponds in order to satisfy certain depth limitations. It is not reasonable to assume that an enhanced extended pond will fit in the same area as a standard extended pond. If it is the applicant’s intent to provide an “enhanced” extended detention pond, then staff strongly recommends that the applicant revised the GDP to depict the correct size. (Staff would also note that a reduction in the number of proposed units would open up more space for an “enhanced” extended detention dry pond.)

The GDP depicts a five-foot high retaining wall between the pond and Parcel 7, which has been proposed in order to preserve the existing trees located around Parcel 7. While staff lauds the applicant for trying to preserve these trees, the use of a retaining wall may not be possible. In its analysis, DPWES has noted that if the applicant is to install a retaining wall in this location, then the toe of the retaining wall must be above the elevation of the proposed top of dam (226 feet).

Drainage

The subject site is located downstream of an existing stormwater detention pond serving the Autumn Chase Hunt development. The applicant proposes to replace and relocate an existing storm sewer that serves as the principal spillway from the existing pond for the upstream development. In its review, DPWES notes that the applicant must provide additional information regarding the design capacity requirements of the principal spillway to demonstrate the existing storm sewer

currently has the additional capacity to convey the spillway design flood from the existing pond, or the existing system must also be upgraded. The proposed replacement and relocation of the storm sewer must be sized to match the size of the principal spillway of the existing pond (36-inches). In addition, since the proposed development connects the combined principal and emergency spillway to the same closed conduit system and, due to the proximity and similarity of the ponds, the closed conduit must be sized for coincident peaks of the spillway design floods, not just the 10-year storm.

The location of the overland spillway flow path, or the overtopping breach flow path from the upstream pond must be provided to demonstrate the proposed homes are not located within any flow path associated with the existing pond. Without this information, staff cannot assess whether the relocation of the existing storm sewer is appropriate.

Noise

The Comprehensive Plan recommends that new development not expose people in their homes, or other noise sensitive environments, to noise in excess of DNL 45 dBA, or to noise in excess of DNL 65 dBA in the outdoor recreation areas of homes. The subject property is located between Fleet Drive on the west and Beulah Street. The applicant has provided a preliminary acoustical analysis for the subject property which determined that future unmitigated traffic noise from Beulah Street ranging between 65 dBA L_{dn} will affect the rear yards of proposed lots 19-37. The analysis recommends mitigation of exterior noise by the placement of a noise barrier along the eastern periphery of the development to shield the rear yards of the affected dwellings. A 6.5 to 7-foot high noise wall is depicted on the GDP to mitigate noise in the rear yards of the proposed lots 19-39. The acoustical analysis also determined that noise levels between 65 dBA L_{dn} and 70.6 will affect proposed lots 14-40. The analysis recommends that interior noise mitigation be achieved for these units through the use of building materials for the affected units – both upper and lower stories- so that noise in interior areas is mitigated to 45 decibels or less in accordance with Comprehensive Plan guidance.

Staff is concerned about maintenance of the proposed noise wall. The GDP depicts the wall along the rear and side property lines of the proposed lots. It is unclear to staff if it is the individual lot owners' responsibility to maintain their portion of the wall or if the wall will be the general responsibility of the homeowners' association. Furthermore, as noted earlier in this report, staff is also concerned about the proposed materials of the noise wall. Staff believes that any noise wall should be of a durable, low-maintenance material, such as brick or masonry, in order to ensure that the noise wall remains in good repair. Finally, staff believes that the applicant should commit to a refined acoustical analysis based on future site grading at the time of site plan review to ensure that the mitigation measures which have been committed to by the applicant now will be applicable after final site grading has been determined.

Tree Preservation and Tree Cover Requirements (Development Criterion #4)
(Appendix 5)

This Criterion 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, including the extension of utility improvements to the site. In its review of the application, Urban Forest Management (UFM) noted that there are two large willow oaks and one large red oak in the northeast corner of the site which are in good to excellent condition. UFM recommended that these trees be made a priority for preservation. UFM also recommended that the large trees located along the northern property boundary and along the boundaries with the remaining single family house also be preserved. However, no tree preservation has been proposed with this application. Furthermore, even though the tree preservation plan of the GDP makes specific note of five trees that are located off-site that should be preserved, the applicant proposes to grade within the root zone of these trees, which will adversely impact these off-site trees. Staff strongly recommends that the applicant adjust the limits of clearing and grading appropriately so that no off-site trees will be harmed by development of the subject site and that the on-site trees along the northern property lines are also preserved. It should be noted that the applicant's tree preservation plan states that off-site trees should never be damaged without the owners' written consent. The applicant has not provided evidence that Franconia Commons has consented to the proposed impacts to their trees. Staff strongly recommends that the applicant reduce the number of units in order to adjust the limits of clearing and grading to preserve Franconia Commons' trees.

Transportation (Development Criterion #5) (Appendix 6)

Criterion 5 requires that development provide safe and adequate access to the surrounding road network, and that transit and pedestrian travel and interconnection of streets should be encouraged. In addition, alternative street designs may be appropriate where conditions merit.

Safe Access

The proposed site layout proposes off-street parking adjacent to the stormwater management pond. In staff's opinion, these parking spaces are located too close to the site's intersection with Fleet Drive and could interfere with stacked traffic seeking to exit the site. In order to rectify this situation, staff recommends that these spaces be relocated further from the intersection.

Transit

The subject site is served by the Fairfax Connector Routes 231 and 232 (Kingstowne Line), which provides service to both the Franconia-Springfield Metro Station and the Van Dorn Street Metro Station. There is an existing bus stop near the subject site (located near proposed units 35 through 39). In order to encourage transit usage, staff has requested that the applicant provide a bus shelter (with pad)

at this bus stop. The applicant has only proffered to contribute \$5,000 toward a new bus stop shelter in the general vicinity of the subject property prior to site plan approval.

Pedestrian Travel

The applicant proposes internal sidewalks four feet in width. Staff strongly recommends that these sidewalks be increased to five feet in width in order to comply with the Americans with Disabilities Act. In addition, though Parcel 7 is not included within this rezoning application, staff would encourage the applicant to take steps to align the proposed sidewalk along Fleet Drive in order to connect with the existing sidewalk along Fleet. Such a connection would provide the future residents with easier access to the bus stop along Fleet Drive.

Interconnection of Streets

In order to limit access points along Fleet Drive (particularly in the proximity of its intersection with Beulah Street), staff recommended that the applicant provide interparcel access to Parcel 7. As noted earlier in this report, the applicant has proffered to convey an access easement at the time of site plan approval in order to permit interparcel access between the subject property and Parcel 7 over the area so designated on the GDP. In order to make sure that future residents are aware of this possible street connection, the applicant made the following commitments: (1) to place a conspicuous sign at the location of the interparcel access stating that this area will be the site of future construction of the road extension by others to provide an interparcel connection; (2) to advise all prospective new home purchasers of this future extension prior to entering into a contract of sale; (3) to place notice of the interparcel connection within the HOA documents; and (4) to maintain the sign in good repair in this location until the future road connection is made. In order to ensure that any future development on Parcel 7 does not result in another access point along Fleet Drive, staff strongly recommends that the applicant physically connect the internal street to Parcel 7. However, if this interparcel connection is not provided to Parcel 7, staff believes that the applicant escrow funds for construction of the future connection. Furthermore, as noted earlier in this report, the applicant should relocate the proposed Filterra vegetated box so that it is not in the path of the future interparcel access.

Alternative Street Layouts

The applicant proposes two emergency access points from Beulah Street. It is unclear to staff as to why the applicant cannot provide on-site turnaround areas for emergency vehicles (such as a cul-de-sac or hammerhead), rather than the proposed emergency access points. Staff suspects that the applicant has opted for the emergency access points in order to maximize lot yield. For that reason, staff recommends that the applicant reconfigure the site layout in order to provide on-site turnaround areas, rather than the emergency access points from Beulah Street.

Public Facilities (Development Criterion #6)

Criterion 6 states that residential developments should offset their impacts upon public facility systems (i.e. schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned community facilities). Impacts may be offset by the dedication of land, construction of public facilities, contribution of in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. (Specific Public Facilities issues are discussed in detail in Appendices 7 – 12).

Fairfax County Public Schools (Appendix 7)

The proposed development would be served by Franconia Elementary, Twain Middle and Edison High Schools. Twain Middle School and Edison High School are projected to be below capacity by the 2010-2011 school year; Franconia Elementary School is project to be above capacity by the 201-2011 school year. The total number of students generated by this development is anticipated to be 14 total students: eight elementary, two middle and four high school students. This is an increase of three students above that generated by the existing zoning district. An appropriate contribution would be approximately \$105,000 (14 students x \$7,500 per student).

The applicant has proffered to provide a contribution of \$135,000 prior to the issuance of the first building permit (rather than at the time of site plan approval) 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. In the event that the approved final site plan yields less than 49 market rate units, the applicant has proffered that the proffered contribution amount will be reduced proportionately based upon a ratio of 49 units to \$135,000.

Fairfax County Park Authority (Appendix 8)

No active recreation areas are proposed for this development. In order to offset the additional impact caused by the proposed development, the Fairfax County Park Authority (FCPA) recommends that the applicant contribute \$34,185 to FCPA (or \$265 per estimated resident) for recreational facility development at one or more of the sites located within the service area of this development. The applicant has proffered to contribute the sum of \$955 per unit for the total number of dwelling units (a maximum contribution of \$46,795) on the approved site plan to FCPA for use on recreational facilities at Manchester Lakes Park, subject to a credit for expenditures on-site for a gazebo, benches and a sidewalk within the open space area depicted on the GDP.

Fire and Rescue (Appendix 9)

The subject property would be serviced by the Fairfax County Fire and Rescue Department Station #405, Franconia. The requested rezoning currently meets fire protection guidelines.

Sanitary Sewer Analysis (Appendix 10)

The subject property is located within the Accotink Creek (M6) watershed and would be sewered into the Noman M. Cole, Jr. Pollution Control Plant. A proposed 8-inch line located in an easement and approximately 100 feet from the property is adequate for the proposed use.

Fairfax County Water Authority (Appendix 11)

The subject property is located within the Fairfax County Water Authority service area. Adequate domestic water service is available to the site from existing 12-inch and 24-inch water mains located at the property.

Stormwater Analysis (Appendix 12)

There are no downstream drainage complaints on file relative to the outfalls for this site.

As noted earlier in this report, the applicant has proffered to provide an enhanced extended detention dry pond on the site. However, the GDP has not been revised to depict such a pond, which is typically require significantly larger surface areas than standard extended ponds in order to satisfy certain depth limitations. Given how close the limits of clearing and grading for the current pond are to proposed units 46 through 49 and Parcel 7, a larger pond may significantly impact these lots. The applicant needs to revise the GDP to depict the correct size of the proposed pond. Otherwise, if the size of the pond increases at the time of site plan, the applicant will be required to seek a proffered condition amendment (PCA). Alternatively, the applicant could reduce the number of units to accommodate the larger pond.

The applicant has also proposed to meet BMP requirements via use of Filterra vegetated box filters. The GDP depicts a proposed Filterra vegetated box in the path of the proposed interparcel access to Parcel 7. The applicant has failed to indicate if and how this Filterra box will be relocated when interparcel access to Parcel 7 occurs. Furthermore, it is not clear if the proposed Filterra box can be relocated and how the applicant proposes to meet BMP requirements if the Filterra box must be removed.

Finally, as noted earlier in this report, the applicant proposes to replace and relocate an existing storm sewer that serves as the principal spillway from the existing pond for the Autumn Chase Hunt development. However, the applicant has failed to demonstrate that the existing storm sewer currently has the additional capacity to

convey the spillway design flood from the existing pond. If such capacity does not exist, then the applicant must upgrade the existing system. The applicant has also failed to demonstrate that the proposed homes are not located within any flow path associated with the existing pond.

Affordable Housing (Development Criterion #7)

This Criterion 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 Criterion may be satisfied by the construction of units, dedication of land, or by a contribution to the Housing Trust Fund. The applicant has proffered to contribute one half of one percent (0.5%) of the projected sales price of the new houses to the Fairfax County Housing Trust Fund.

Heritage Resources (Development Criterion #8)

This Criterion requires that developments address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation. The Cultural Resource Management and Protection (CRMP) Section of FCPA has noted that the subject site is located in an area with several known historical architectural resources and is in the vicinity of two churches with adjacent cemeteries. In addition, the 1937 aerial photograph depicts a house on Parcel 60, which is probably the same house visible on the 2002 aerial photograph. For these reasons, CRMP believes that the property has a moderate to high potential for the recovery of significant archaeological resources. CRMP recommends that prior to any land disturbing activities on the site, the applicant should conduct a Phase I archaeological study to determine the presence or absence of significant resources. If potentially significant archaeological remains are found on the property, CRMP recommends that the applicant conduct Phase II archaeological testing. If significant archaeological remains are present, then CRMP recommends that either a Phase III data recovery excavation occur or that the area with significant remains be avoided. The applicant has proffered to conduct the necessary archaeological studies.

ZONING ORDINANCE PROVISIONS

The following chart depicts how the proposed application meets the R-12 District zoning requirements. It should be noted that the proposed application does not meet the current parking requirements for single-family attached dwellings.

R-12 Zoning District		
Standard	Required – R-12	Provided
District Size	4 acres minimum	5.90 acres
Lot Width	18 feet minimum	24 feet minimum (interior)
Building Height	35 feet maximum	35 feet maximum
Front Yard	15 degree angle of bulk plane (9 feet for a 35 foot high structure) but no less than 5 feet	18 feet (per lot typical)
Side Yard	15 degree angle of bulk plane (9 feet for a 35 foot high structure) but no less than 10 feet	15 degree angle of bulk plane or 10 feet
Rear Yard	30 degree angle of bulk plane (17 feet for a 35 foot high structure) but no less than 20 feet	30 degree angle of bulk plane or 20 feet
Density	12 du/ac maximum	8.31 du/ac
Open Space	25% minimum	28%
Parking (2.7 spaces/du) Effective 1-22-07	2.7 x 49 du = 133 spaces	No less than 113 spaces

Waivers and Modifications

Waiver of the Barrier Requirement

The Zoning Ordinance requires Barrier A or B (42-inch to 48-inch high wall) to be located between single-family attached and single-family detached dwellings. The applicant is seeking a waiver of this barrier requirement where the subject site abuts the single-family detached dwelling on Parcel 7. No justification for this waiver request has been provided. Staff believes that the proposed landscaping and tree save could provide enough screening such that a barrier is not necessary. However, given that the size of the SWM may be larger than shown, it is not clear that the proposed existing trees can be preserved as depicted on the GDP. Until the applicant revises the GDP to depict the proffered enhanced extended dry pond, staff cannot support the requested waiver.

Waiver of the 600-foot Maximum Length for a Private Street

The applicant is seeking a waiver of the 600-foot maximum length for a private street in order to permit private streets throughout the proposed development. No justification for this waiver has been provided. The applicant has proffered to construct all private streets on the site to public street standards. Therefore, staff does not object to this waiver request.

Waiver of the Trail Requirement

The applicant is seeking a waiver of the requirement for a minor paved trail (8 feet in width) along Fleet Drive. In lieu of the recommend asphalt trail, the applicant is seeking to install a five-foot wide concrete sidewalk. No justification has been provided for this waiver. Given that the proposed trail serves an existing bus stop, staff believes that an eight-foot wide trail would be preferable to a five-foot wide sidewalk in order to accommodate greater levels of pedestrian traffic.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant seeks to rezone the subject 5.90 acre site from the R-1 and R-3 Districts to the R-12 District to permit the development of forty-nine (49) single-family attached dwelling units at an overall density of 8.31 dwelling units per acre (du/ac) with 28% of the site retained as open space. The subject site consolidated nine (9) parcels located to the west of Beulah Street and to the east of Fleet Drive; however, it does not include one critical parcel (Parcel 7). Staff believes that the resulting site layout is not a high quality design; instead, it is characteristic of a design laid out merely to maximize lot yield.

Other staff concerns with this application include:

- The impact of the proposed shared utility easements on the usability of the yards;
- The lack of tree save;
- The impact of the proposed clearing and grading on abutting trees owned by Franconia Commons;
- Maintenance and visual impact of the proposed noise wall along Beulah Street;
- Inadequate and inconsistent information on the GDP to include the omission of proposed building elevations and discrepancies related to the proposed front yard dimensions, proposed decks and minimum parking requirements.
- Incomplete information on stormwater management, including the size of the enhanced extended dry pond, the fate of the proposed Filterra vegetated box once interparcel access is provided to Parcel 7, the capacity of the existing storm sewer and the overland spillway flow path, or the overtopping breach flow path from the upstream pond location in relation to the location of the proposed homes;

- The use of emergency access points to Beulah Street, rather than on-site turnaround areas; and
- The inadequate provision of parking.

As such, staff does not believe that this application is in conformance with the Residential Development Criteria of the Comprehensive Plan nor does it meet the requirements of the Zoning Ordinance.

However, staff believes that most of these issues could be resolved with the development of fewer units. Fewer units would allow for the provision of more open space. In addition, fewer units would allow the applicant to adjust the limits of clearing and grading to preserve the abutting trees owned by Franconia Commons. Finally, fewer units would allow the applicant the space to accommodate a larger SWM pond. For these reasons, instead of the R-12 District, staff recommends that the property be rezoned to the R-5 District which would permit up to 29 SFA units.

Recommendation

Staff recommends that RZ 2006-LE-018 be denied.

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. Environmental Analysis
5. Urban Forest Management Analysis
6. Transportation Analysis
7. Fairfax County Public Schools
8. Fairfax County Park Authority
9. Fire and Rescue
10. Sanitary Sewer Analysis
11. Fairfax County Water Authority
12. Stormwater Analysis (Environmental and Site Review Division, DPWES)
13. Residential Development Criteria
14. Glossary

PROFFERS

**RZ 2006-LE-018
FLEET DRIVE LLC**

December 5, 2006

Pursuant to Section 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. **Generalized Development Plan.** Development of the property shall be in substantial conformance with the plan entitled “Generalized Development Plan Beulah Fleet” (“GDP”), prepared by Charles P. Johnson & Associates, Inc. (Sheets 1 through 8), revised as of November 30, 2006.
2. **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.
3. **Recreational Facilities.** At the time of site plan approval, the Applicant shall contribute the sum of \$955 per approved dwelling unit for the total number of dwelling units on the approved site plan, to the Fairfax County Park Authority for use on recreational facilities the nearby Manchester Lakes Public Park as determined by the Park Authority, subject, however, to a credit for expenditures on-site for a gazebo, benches and a sidewalk within the open space area depicted on the GDP.
4. **Road Dedication/Construction.** At the time of plat approval, or upon demand by Fairfax County, whichever occurs first, right-of-way along the Fleet Drive road frontage, necessary for public street purposes and as shown on the GDP, shall be dedicated and conveyed to the Board of Supervisors in fee simple. The Applicant shall also construct road widening, with curb gutter and sidewalk along the Fleet Drive frontage of the Subject Property as shown on the GDP.
5. **Stormwater Management Pond Landscaping.** Subject to DPWES approval, the Applicant shall provide an enhanced stormwater management pond on the Property. In order to restore a natural appearance to the proposed stormwater management pond and to plant water-tolerant plants in the bed of the pond, if determined feasible by DPWES, the landscape plan to be submitted as part of the first submission of the site plan shall show the maximum feasible amount of landscaping that will be allowed in the planting areas of the pond, in keeping with the planting policies of Fairfax County.

6. **Homeowners' Association.** The Applicant shall establish a Homeowners' Association ("HOA") for the proposed development to own, manage and maintain the open space areas, private streets, common parking areas, and all other community-owned land and improvements.
7. **Private Streets.** The on-site private streets shall be constructed in conformance with the Public Facilities Manual ("PFM"). Said streets shall be constructed of materials and depth of pavement consistent with the PFM for public streets. Initial purchasers shall be advised in writing, prior to entering into a contract of sale, that the HOA shall be responsible for the maintenance of all the private streets in the development. The HOA documents shall specify that the HOA is responsible for the maintenance of the private streets.
8. **Affordable Housing Contribution.** 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 (.5%) of the projected sales price of the new homes to be built on-site, as 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 dwellings elsewhere in the County.
9. **Density.** All density and intensity of use attributable to land areas dedicated and conveyed to the Board of Supervisors pursuant to these proffers shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and density is hereby reserved to be applied to the residue of the Subject Property.
10. **Tree Preservation.**
 - a. **Tree Protection Fencing.** All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing four (4) feet 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 shall be erected at the limits of clearing and grading as shown on the demolition, and Phase I & II Erosion and Sediment Control Sheets for those tree save areas depicted on the GDP. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing, except super silt fencing, shall be performed under the supervision of a certified arborist. Three (3) days prior to the commencement of any clearing, grading or demolition activities, the Urban Forestry Management Branch (UFMB) shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.
 - b. **Limits of Clearing and Grading.** The Applicant shall conform to the limits of clearing and grading as shown on the GDP, subject to the installation of utilities and/or trails as determined necessary by the Director of DPWES. All utility crossings (including stormwater management outfall facilities and sanitary sewer lines) shall be located so as not to interfere with proposed tree save areas. If it is

determined necessary to install utilities and/or trails within the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by the UFMB. A replanting plan shall be developed and implemented, subject to approval by the UFMB, for any areas within the limits of clearing and grading that must be disturbed.

- c. **Tree Preservation Plan.** The Applicant shall a Tree Preservation in substantial conformance with Sheet 5 of 8 of the GDP as part of the first and all subsequent subdivision plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of UFM, DPWES. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the GDP and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of *The Guide for Plant Appraisal* published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as crown pruning, root pruning, mulching, fertilization and others as necessary, generally indicated in the Preservation Plan.
 - d. **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. During the tree preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a UFM, DPWES representative to determine whether 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. Any such adjustment shall be implemented, provided they do not result in the loss of any residential lot. Trees that are identified specifically by UFM in writing as dead or dying within the tree preservation area located in the northwest corner of the Property 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 the adjacent trees and associated understory vegetation and soil conditions.
11. **Noise Attenuation.** With reference to Beulah Street, the Applicant shall provide the following noise attenuation measures:
- a. In order to achieve a maximum interior noise level of approximately 45 dBA Ldn, the Applicant proffers that all residential units located between 82 feet and 148 feet from the centerline of Beulah Street, impacted by highway noise having levels between 65 and 70 dBA Ldn, shall have the following acoustical attributes:

- (1) Exterior walls shall have a laboratory sound transmission class (“STC”) of at least 39.
 - (2) Doors and glazing shall have a laboratory STC of at least 28. If glazing constitutes more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.
 - (3) 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 achieve a maximum interior noise level of approximately 45 dBA Ldn, the Applicant proffers that all residential units located within 82 feet from the centerline of Beulah Street, impacted by highway noise having levels between 70 and 75 dBA Ldn, shall have the following acoustical attributes:
- (1) Exterior walls shall have a laboratory sound transmission class (“STC”) of at least 45.
 - (2) Doors and glazing shall have a laboratory STC of at least 37. If glazing constitutes more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.
 - (3) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
- c. In order to achieve a maximum exterior noise level of 65 dBA Ldn, noise attenuation measures such as acoustical (architecturally solid, no gaps) fencing, walls, earthen berms, or combinations thereof, shall be provided for rear yard, ground level areas, unshielded by topography or built structures, in accordance with noise wall specifications depicted on the GDP, unless alternative specifications are approved by DPWES and the Department of Planning and Zoning (“DPZ”). Where necessary, utilities or drainage lines may cross under the noise fence or wall.
- d. The Applicant may elect to have a refined acoustical analysis performed to verify or amend the noise levels and impact areas set forth above to revise interior noise attenuation measures as prescribed above and/or to revise exterior noise mitigation in order to determine if the height of the acoustical fencing may be reduced to six (6) feet. The refined acoustical analysis and revisions to noise attenuation measures is subject to the approval of DPWES and the Department of Planning and Zoning. Any refined acoustical analysis shall also be forwarded to the Lee District Planning Commissioner at the time of filing with the County.

12. **School Contribution.** Prior to the issuance of the first building permit, the Applicant shall contribute \$135,000 to the Board of Supervisors ("Board") to be utilized for the provision of capital facilities within the Fairfax County School Board's pyramid of schools serving this development. In the event that the approved final subdivision plan yields less than forty-nine (49) market rate units, this contribution amount shall be reduced proportionately based upon a ratio of forty-nine (49) units to \$135,000.
13. **Landscaping.** Landscaping for the site and landscaping for the individual units shall be in substantial conformance with the landscaping shown on Sheet 3 of 8 of the GDP, subject to minor adjustments approved by the Urban Forest Management Branch ("UFMB").
14. **Architectural Treatment.** The building elevations for the proposed dwelling units shall be generally in character with the illustrative elevations entitled "Ashlawn & Somerset Front Elevations" and "Somerset Rear Elevations & Building Section," prepared by Creaser/O'Brien Architects and dated May 2, 2006. Exterior walls shall be constructed with siding, brick, stucco or stone facings, or a combination thereof. Elevated stoops may be provided to main entrances. The rear of the approved units visible from Beulah Street shall incorporate the use of shutters or decorative trim and related accent materials on windows and portions of the rear façade that are not visually screened by the noise attenuation wall required by these proffers along Beulah Street (generally the second story and above). Such shutters, trim or other accent materials shall be complementary in terms of type and color to those items or materials used on other portions of the façade.
15. **Interparcel Access.** As a part of the subdivision plat approval, the Applicant shall convey an access easement allowing interparcel access between the subject property and Tax Map 91-1((5)) Parcel 7 over the area so designated on the GDP. In addition, the Applicant shall place a conspicuous sign at this location stating that this area will be the site of future construction of the road extension by others to provide an interparcel connection. All prospective new home purchasers shall be advised of this future extension prior to entering into a contract of sale and notice of the interparcel connection shall also be placed within the HOA documents. The sign shall remain in place until the future road connection is made. The HOA shall maintain the sign in good repair.
16. **Temporary Signage.** 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 subject Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or sale of residential units on the subject Property to adhere to this proffer.

17. **Heritage Resources.** Prior to any land disturbing activities on the Property, Applicant shall conduct a Phase I archaeological study on those areas of the Property identified by CRMPS of the Fairfax County Park Authority (“CRMPS”) and provide the results of such study to CRMPS. The study shall be conducted by a qualified archaeological professional. If the Phase I study concludes that an additional Phase II study of the Property is warranted, the Applicant shall complete said study and provide the results to CRMPS; however, submission of the Phase II study to CRMPS shall not be a pre-condition of site plan approval. If the Phase II study concludes that additional Phase III evaluation and/or recovery is warranted, the Applicant shall also complete said work in consultation and coordination with CRMPS; however, any such Phase III work shall not be a pre-condition of site plan approval.
18. **Garage Conversion.** A covenant shall be recorded which provides that garages shall not be used for any purpose that will interfere with the parking of vehicles in the garage. The covenant shall be recorded among the land records of Fairfax County, in a form approved by the County Attorney, prior to the sale of any lots, and shall run to the benefit of the homeowners association, which shall be established, and to Fairfax County. Purchasers shall be advised of the use restriction prior to entering into a contract of sale; this restriction shall also be included in the homeowners association documents.
19. **Bus Stop.** Prior to subdivision plan approval, the Applicant shall contribute \$5,000 to Fairfax County to be utilized for a bus stop shelter in the general vicinity of the subject property.
20. **Geotechnical Investigation.** The Applicant shall submit a geotechnical investigation of the site for the review and approval of DPWES and implement such measures as determined by the investigation, subject to the satisfaction of DPWES.
21. **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.

**APPLICANT/CONTRACT PURCHASER OF TAX MAP
91-5((5)) Parcels 2, 3, 4, 5 and 6; 91-1((1)) Parcels 58, 59A
and 59B; Owner of Tax Map 91-1(91)) parcel 60**

FLEET DRIVE LLC

By:

Ray Smith, III, Managing Member

OWNERS OF TAX MAP 91-1((5)) PARCEL 2

DALLAS R. SMITH

By:

Ray Smith, III, Agent and Attorney in Fact for
Dallas R. Smith

RUTH M. SMITH

By:

Ray Smith, III, Agent and Attorney in Fact for
Ruth M. Smith

OWNER OF TAX MAP 91-1((5)) PARCEL 3

JULIO C. GONZALEZ

By:

Ray Smith, III, Agent and Attorney in Fact for
Julio C. Gonzalez

OWNERS OF TAX MAP 91-1((5)) PARCEL 4

ERIC B. MCGEE

By:

Ray Smith, III, Agent and Attorney in Fact for
Eric B. McGee

GLORIA CARHUANCHO

By:

Ray Smith, III, Agent and Attorney in Fact for
Gloria Carhuancho

OWNERS OF TAX MAP 91-1((5)) PARCELS 5 AND 6

MICHAEL E. MARTIN

By:

Ray Smith, III, Agent and Attorney in Fact for
Michael E. Martin

JOANNE M. MARTIN

By:

Ray Smith, III, Agent and Attorney in Fact for
Joanne M. Martin

OWNER OF TAX MAP 91-1((1)) PARCEL 58

JORGE BERRIOS

By:

Ray Smith, III, Agent and Attorney in Fact for
Jorge Berrios

OWNERS OF TAX MAP 91-1((1)) PARCEL 59A

SUNG SOO KIM

By:

Ray Smith, III, Agent and Attorney in Fact for
Sung Soo Kim

GOH LAI-FOONG

By:

Ray Smith, III, Agent and Attorney in Fact for
Goh Lai-Foong

OWNER OF TAX MAP 91-1((1)) PARCEL 59B

SUNG WOO KIM

By:

Ray Smith, III, Agent and Attorney in Fact for
Sung Woo Kim