



APPLICATION FILED: June 22, 2005
APPLICATION AMENDED: February 10, 2006
PLANNING COMMISSION: March 29, 2007
BOARD OF SUPERVISORS: TBA

County of Fairfax, Virginia

March 15, 2007

STAFF REPORT

APPLICATION RZ/FDP 2005-LE-021

LEE DISTRICT

APPLICANT: Michael V. Curtiss and Joanne M. Curtiss

PRESENT ZONING: R-3

REQUESTED ZONING: PDH-8

PARCEL(S): 81-4 ((1)) 37, 38 and 39

ACREAGE: 2.368 acres

DENSITY: 7.2 du/ac

OPEN SPACE: 32 %

PLAN MAP: Residential use at 5-8 du/ac

PROPOSAL: Rezone from the R-3 District to the PDH-8 District to permit development of 17 single-family attached dwelling units.

REQUESTED WAIVERS/MODIFICATIONS:

- Waiver of the 200 SF Privacy Yard requirement for single-family attached
- Modification of the minimum width requirement for a private street
- Modification of the height limitation of fences to permit a noise barrier to exceed 7 feet in height (8 foot maximum)

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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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STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2005-LE-021, subject to proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDP 2005-LE-021, subject to development conditions consistent with those contained in Appendix 2.

Staff recommends approval of a waiver of the 200 SF Privacy Yard requirement for single-family attached dwelling units.

Staff recommends that the Board of Supervisors direct the Director of DPWES to approve a PFM Modification of the minimum width requirement for a private street.

Staff recommends approval of a modification of the height limitation of fences to permit a noise barrier to exceed 7 feet in height (8 feet maximum). As shown on the CDP/FDP.

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.

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

DESCRIPTION OF THE APPLICATION

Proposal:

The applicants, Michael V. Curtiss and Joanne M. Curtiss, request approval to rezone approximately 2.37 acres from the R-3 (Residential, 3 dwelling units/acre) District to the PDH-8 (Planned Development Housing, 8 dwelling units/acre) District, and approval of a Conceptual/Final Development Plan, to permit the development of a total of 17 single-family attached homes. The submitted application proposes an overall density of 7.2 dwelling units per acre, with 32% of the site retained as open space.

Waivers and Modifications

- Waiver of the 200 SF Privacy Yard for single-family attached residences within the PDH District.
- Modification of the height limitation of fences to permit a noise barrier to exceed 7 feet in height (maximum of 8 feet).
- Modification of the minimum width requirement for a private street.

LOCATION AND CHARACTER

Site Description:

The 2.37 acre subject property is located at 5939 South Van Dorn Street, less than one-half mile south of the Capital Beltway (I-495), just north of Woodfield Estates Drive, and directly opposite the intersection with Crown Royal Drive. The site is presently developed with three single-family detached dwellings (one of which has a swimming pool) and various frame garages. All of the structures are proposed for demolition with this application.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Residential, Willow Creek (single-family attached residences)	R-8	Residential, 5-8 du/ac
South	Residential, Woodfield Estates (single-family attached residences)	R-8	Residential, 5-8 du/ac
East	Residential, Woodfield Estates (single-family attached residences)	R-8	Residential, 5-8 du/ac
West	Townhouses (across S. Van Dorn Street)	PDH-8	Residential, 5-8 du/ac

BACKGROUND

There have been no previous rezoning, special exception, or special permit applications upon the subject properties.

COMPREHENSIVE PLAN PROVISIONS (See Appendix 5)

Plan Area:	IV
Planning District:	Rose Hill Planning District
Planning Sector:	Bush Hill Community Planning Sector (RH2)
Plan Map:	Residential Use, 5-8 du/ac

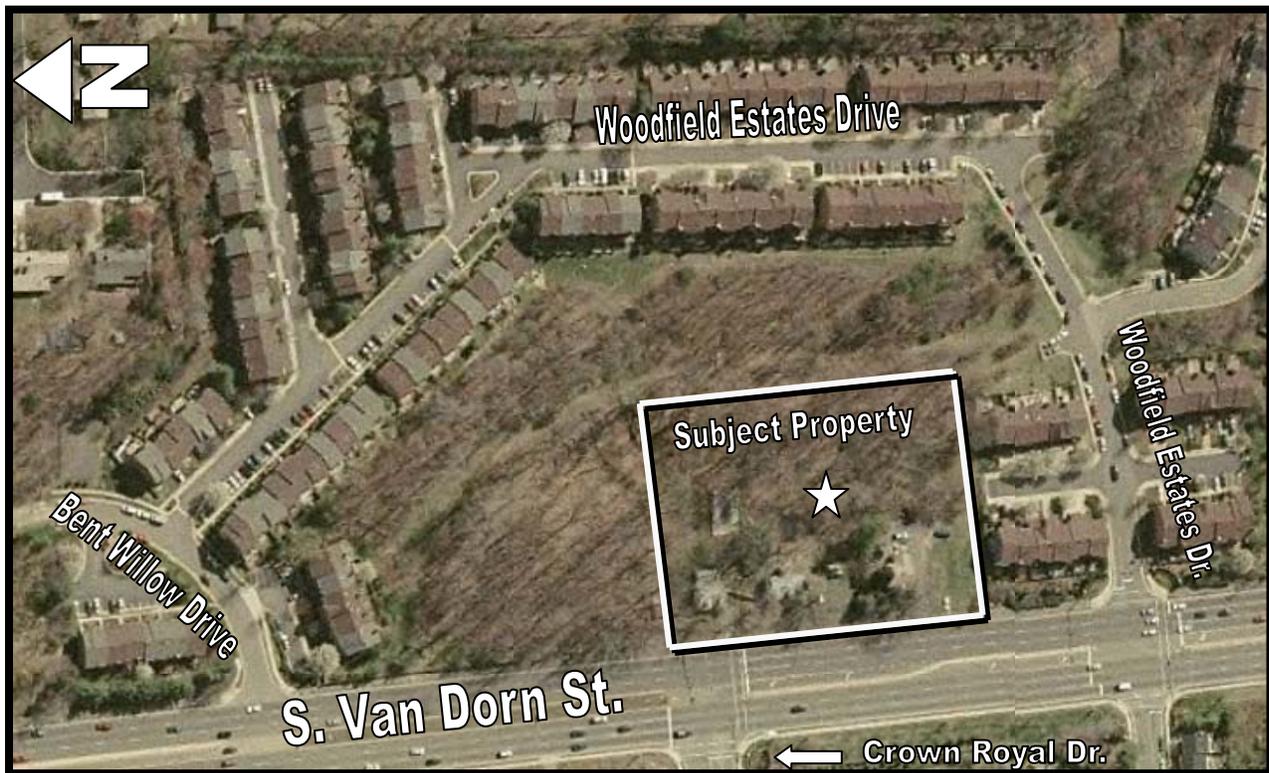
Plan Text:

In the Fairfax County Comprehensive Plan, Area IV volume, 2003 Edition, Rose Hill Planning District, as amended through December 6, 2004, Bush Hill Community Planning Sector (RH2) on pages 39 and 41 of 101, the Plan states:

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

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

- 2. The parcels fronting on South Van Dorn Street between the Woodfield Estates and Willow Creek townhouse developments (Tax Map 81-4 ((1)) 37, 38, and 39) should be consolidated into the adjacent townhouse developments so that adequate design coordination and circulation may be accomplished. With consolidation, development of townhouses of 5-8 dwelling units per acre is planned. If consolidation is not achieved, single-family attached dwelling of compatible design may be considered at a density not to exceed 3 dwelling units per acre. Access to South Van Dorn Street should be provided by means of a roadway connection from the intersection of Crown Royal Drive to the stub street at Woodfield Estates Drive in the lower eastern corner of Parcel 39."*



DESCRIPTION OF CDP/FDP

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

Title of CDP/FDP: Curtiss Property

Prepared By: BC Consultants

Original and Revision Dates: April 1, 2005, with revisions through March 6, 2007

The CDP/FDP consists of nine (9) sheets showing the following information:

	Contents
Sheet 1	Conceptual/Final Development Plan, Site Tabulation, Density Calculations
Sheet 2	Landscape Plan
Sheet 3	Courtyard Layout and Details
Sheet 4	General Notes, Conceptual Development and Final Development Plan Comments, Architectural Elevation, and Typical Single-Family Attached Unit Plan
Sheet 5	Existing Vegetation Map and Summary Table

Sheet 6	Preliminary SWM/BMP Design and Calculations
Sheet 7	Outfall Narrative and Related Maps/Computations
Sheet 8	Site Section Drawings
Sheet 9	Lane Alignment Plan

The CDP/FDP depicts a site layout as follows:

Residential Units

- The applicant is proposing a total of 17 single-family attached dwelling units, at an overall density of 7.2 dwelling units per acre. The proposed residences are connected in four separate rows, to include Lots 1-3, 4-7, 8-11, and 12-17, with each row oriented perpendicular to and east of South Van Dorn Street.
- The architectural elevation provided depicts 4-story attached dwellings with brick façades, gabled dormers, storm shutters, elevated and arched doorways, decorative metal fencing, and other architectural details. Each dwelling will be a maximum of 47 feet tall. The applicant has proffered that the fronts and exposed sides of the dwelling units shall be designed with brick materials, exclusive of windows, doors, shutters and trim, and that no less than twenty-five (25) percent of the rear of each unit shall be designed with brick (for the remaining portions of the rear facade, Hardi-plank or other similar cementitious siding products will be used).
- The newly created lots will each have an approximate lot size of 1,600 square feet, and a building footprint of 960 square feet (24' wide x 40' length). The established minimum yards for the newly created lots consist of eight foot (8) front yards, six (6) foot side yards and thirteen (13) foot rear yards. In order to permit outdoor parking to the rear of each dwelling, the second floor of each unit cantilevers over the first floor by approximately 4 to 5 feet.

Proposed Dedicated Right-of-Way

- The CDP/FDP depicts an approximate 500 linear foot long dedicated public right-of-way, ranging in width from 40-50 feet, traversing through the north and east of the subject property. This proposed right-of-way, for a public road, would be created in order to connect S. Van Dorn Street to Woodfield Estates Drive. The CDP/FDP does not depict the entire road connection as an off-site portion of the road would have to be acquired and/or dedicated from the adjacent Woodfield Estates HOA.

Access & Parking

- Two (2) internal private 18-foot wide alleys will be connected to the proposed public road, and will allow residents to drive their vehicles to rear-loaded garages, located behind their dwelling units.
- Two-car garages, with eighteen-foot long driveways (also providing two (2) parking spaces) are proposed for each newly created lot. Six (6) visitor parking spaces are also being proposed. In summary:

$$\begin{array}{r}
 17 \text{ lots} \times 4 \text{ parking spaces per lot} = 68 \\
 6 \text{ off-lot parking spaces} = \underline{+6} \\
 \hline
 74 \text{ total parking spaces}
 \end{array}$$

The applicant has added a note to the CDP/FDP that in no case may the number of parking spaces be decreased on the site.

Resource Protection Areas and Environmental Quality Corridor and 100 -Year Floodplain

- The applicant's topographical map of the subject property (with 2-foot contour intervals), indicates that the property slopes downward (diagonally) from southwest to northeast, from a high point of 244 feet, to a low point of 204 feet. The subject property is very steep along the site's eastern half, which includes a designated RPA, EQC, and 100-Year Floodplain. The applicant's proposed public road will encroach into the RPA and EQC.

Open Space & Landscaping

- Approximately 32% of the site will remain as open space, to include the remaining RPA and EQC, proposed Tree Save Area and Areas of Revegetation, courtyard, walking path, and amenity areas.
- No active recreation amenities will be provided on-site. However, the CDP/FDP does depict various passive recreational amenities, such as a paved sidewalk that circumnavigates the development and offers gathering opportunities, benches, chairs, tables, grills, and a landscaped courtyard.
- Aside from a portion of the existing RPA/EQC, the majority of the site will be cleared and regraded. Within the existing RPA/EQC area, the landscaping plan designates various "*Tree Save Areas*" and "*Areas of Revegetation*". The "*Areas of Revegetation*" are all located along the east of the proposed public road, in areas that could not be preserved due to the site's steep slopes and the clearing/regrading required for the road.

- The landscape plan depicts the planting of large deciduous trees along the site's northern and western property lines. Scattered ornamental/evergreen trees and shrub massing will be provided along the western property boundary, as well as along the southern property line, and the proposed passive recreational areas. Due to the need to meet adequate vehicular sight distance concerns from VDOT and FCDOT, limited landscaping is proposed along the southern and western portions of the proposed public road.

Barriers and Walls

- The CDP/FDP depicts a maximum eight (8') foot high brick sound wall, split into three (3) individual sections, and located along the west of the proposed dwellings. The wall will act as a noise barrier, and will protect the proposed courtyard and rear yard areas of the development. The development plan calls for increased berming/landscaping between the proposed residences/wall and the S. Van Dorn right-of-way.
- A maximum six (6) foot high retaining wall will be installed along the subject property's southern property line, as the subject site is lower in grade than the adjoining Woodfield Estates development.

Stormwater Management

- In lieu of constructing an on-site stormwater management pond, the applicant has proposed to submit a waiver of on-site stormwater management detention requirements. If the waiver is approved, the subject property would use the adjacent Willow Creek Subdivision stormwater management facility to the north of the site, which is located within the floodplain. If the waiver is not approved, the applicant has proffered to provide a stormwater storage structure (i.e. Raintank), as is depicted on the CDP/FDP, to the east of the proposed residences. If required by DPWES at the time of site plan approval, the structure would be built under a portion of the passive recreational area and off-lot parking area. Best management practices would be provided through the proposed stormwater storage structure, or other innovative BMP measures subject to review and approval by the Fairfax County Department of Public Works and Environmental Services. In the event on-site facilities are required that are not in substantial conformance with the proposed CDP/FDP, a Proffered Condition Amendment/Final Development Plan Amendment will be required.
- The CDP/FDP depicts an approximate thirty (30) foot wide combined storm drain and sewer easement cutting through the RPA/EQC, near the southeast corner of the subject property. The sanitary sewer will connect to an existing 8"-inch line located in an adjacent easement, approximately 50' feet away from the subject property's eastern property line.

ANALYSIS

RESIDENTIAL DEVELOPMENT CRITERIA

As previously cited, in order to be considered for townhouse development at 5-8 dwelling units per acre, the Comprehensive Plan states that the subject property “*should be consolidated into the adjacent townhouse developments so that adequate design coordination and circulation may be accomplished*”. The adjacent land immediately to its north and east of the subject property is inaccessible and undeveloped due to existing environmental constraints (i.e. 100-Year Floodplain, RPA, and EQC). This area, part of the Willow Creek subdivision, was designated as Open Space pursuant to the approval of RZ 82-L 087. The Woodfield Estates subdivision, also apart of this rezoning application RZ 82-L-087, exists to the south of the subject property.

Complicating design coordination and circulation within the Woodfield Estates development are the subject property’s existing topographical/grading/sloping issues, which limit the applicant’s ability to configure their proposed residences in direct alignment with the adjacent development. To compensate for this, the applicant’s design proposal is very similar in scale and architecture to the adjacent single-family attached residential development. With respect to circulation, the applicant has proposed to dedicate and construct a public road through the proposed development which will allow the adjacent subdivisions to access S. Van Dorn Street from Woodfield Estates Drive. The proposed public road will be built in two (2) phases and its construction and connection to the adjacent development will be primarily predicated on the proposed interchange improvements along S. Van Dorn Street. Staff believes that the applicant has met the Intent of the Comprehensive Plan for development within the 5-8 du/ac range.

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, please review Appendix 16.

Site Design (Development Criterion #1)

Consolidation

In Staff’s opinion, the applicant has met the consolidation goals of the Comprehensive Plan by including the three (3) subject property parcels together. The surrounding subdivisions (Willow Creek and Woodfield Estates) have been developed in accordance with the Plan, leaving the three (3) subject property parcels as the only unconsolidated elements. As previously noted, due to serious grading-related issues between the subject property and adjacent developments, physically integrating the properties together would be very difficult, particularly

with the development and dedication of the proposed public road. As the adjacent properties to the north and east (Willow Creek) of the subject property are open space areas associated with the previously approved RZ 82-L-087, and the property to the south (Woodfield Estates) is fully developed, this proposed development will have no impact upon adjacent properties developing per the Plan.

Layout

The existing environmental and topographical conditions on the subject property, as well as the location of the proposed public road, limit the design opportunities for the applicant. Notwithstanding, Staff believes that the proposal works from a logical and functional design point of view, as the applicant was able to design a sufficient public and private road system through the development, to orient the majority of residences away from the noise impacts of the adjacent S. Van Dorn Street, to preserve some environmental features, and to provide a communal passive recreational area/courtyard around the proposed structures.

Open Space, Landscaping, and Amenities

The CDP/FDP indicates that 32% of the site will remain as open space, which exceeds the minimum PDH-8 requirement of 25% open space. The majority of the open space will include the remaining RPA and EQC, the proposed Tree Save Area and Areas of Revegetation, the courtyard, walking paths, and amenity areas. The applicant proposes an accessible, usable, and integrated passive recreational area within the development by providing a 4-foot wide sidewalk that links each residence, open space, amenity area, and courtyard to an onsite circular-designed walking path. The proposed amenity areas consist of three separate gathering places with benches, tables, chairs, and barbeque grills.

Landscaping is proposed along the fronts of each residence, the amenity and courtyard areas, and along the proposed barrier/retention walls. The front yard of each dwelling unit will include almost 150 SF of private open space, as well as a second floor 120 SF outdoor deck in the rear yards. The proffers state that a landscape plan better detailing actual types and species of vegetation shall be submitted for approval by Fairfax County Urban Forest Management at the time of site plan approval. The proposed residences will have brick façades along all fronts and sides, gabled dormers, storm shutters, elevated and arched doorways, and other architectural details. The applicant is requesting a waiver of the 200 SF privacy yard requirement for each single-family attached residence. Staff believes that the applicant has attempted to provide additional amenities and improvements throughout the site to balance this request and that the submitted plan is appropriate as designed.

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.

Staff believes that the applicant's proposal fulfills this criterion, as the proposed density of 7.2 du/ac is compatible with the 5-8 du/ac density of the surrounding residential properties. The layout and design of the site is consistent with that of the adjacent Woodfield Estates development in terms of unit types, internal access to the homes being provided by a private street (alley), buffering along S. Van Dorn Street, the expansive open space to the east, and similar architectural elements. Furthermore, the proposed development assembles three parcels specified for consolidation by the Comprehensive Plan.

Environment (Development Criterion #3) (see Appendix 6)

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.

The proposed development will require encroachment and clearing/grading within the onsite EQC/RPA due to the dedication and construction of a proposed onsite public road and storm drain/sanitary sewer easements. As is more specifically detailed within the subsequent Transportation (Development Criterion #5) section, the principal purposes in constructing the proposed public road are to have it connect S. Van Dorn Street to Woodfield Estates Drive, to improve circulation, and to foster neighborhood connection per the Comprehensive Plan. The proposed connection will be made necessary by the future widening of S. Van Dorn Street, which will change the existing four-way signalized intersection of S. Van Dorn Street and Woodfield Estates Drive into a median-blocked right-in, right-out access for residents driving to/from Woodfield Estates Drive.

The proposed public road will connect to S. Van Dorn Street and will be converted into a new 4-way signalized intersection with S. Van Dorn Street and Crown Royal Drive. The proposed public road will serve residents of the proposed development, as well as from the adjacent Wellington Commons and Woodfield Estates subdivisions, and will allow left-in, left-out access from/to the southbound land of S. Van Dorn Street. Without this permissible encroachment into the RPA/EQC, the proposed public road could not be built, and this would inevitably leave the adjoining residential communities (composed of over 250 units) with limited access opportunities to the southbound lane of S. Van Dorn Street.

The applicant has combined the sanitary sewer and storm drainage easements traversing this area in an effort to limit disturbances. As proffered, all areas shown inside the limits of clearing and grading line on the CDP/FDP, except for that area shown as “area to be cleared and graded when road is extended by others”, shall remain as undisturbed open space, subject to a conservation easement running to the benefit of Fairfax County. The applicant’s submitted soils map indicates that the majority of the proposed residences will be built on Beltsville and Saffafra soil types, which are classified as ‘Good’ with respect to Slope Stability and Foundation Support.

The applicant has proffered to conform to the requirements of the County’s adopted lighting and glare regulations, as well as the County’s maximum interior/exterior noise level requirements. In order to protect residents from the impacts of noise, the planned residences have been setback a minimum of fifteen (15) to twenty (20) feet from the applicant’s dedicated S. Van Dorn St. right-of-way, and only four (4) of the seventeen (17) proposed residences will have direct exposure to S. Van Dorn Street. To ensure compliance with the County’s exterior noise level requirement, the applicant has proposed a decorative brick sound wall/berm (not to exceed eight feet in height) along the western property line of the subject property. In order to mitigate interior noise levels, the Applicant has proffered to employ the following acoustical treatment measures to dwellings #1, 2, 6, 7, 10, 11, 12, and 13: exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39, doors and glazing shall have a laboratory STC rating of at least 28 unless glazing constitutes more than 20 percent of any façade exposed to noise levels of 45 dBA Ldn or above (if glazing constitutes more than 20 percent of the an exposed façade, then the glazing shall have an STC rating of at least 39), and all surfaces shall be sealed and caulked in accordance with methods approved by the American Society of Testing and Materials (ASTM) to minimum sound transmission.

Stormwater runoff is proposed to be addressed with the upgrading of an off-site detention pond located in the Willow Creek subdivision, and through a site design that will continue to discharge runoff and sheet flow through the floodplain and RPA. Water quality impacts will be addressed through on-site BMPs in the form of a conservation easement placed over the RPA and innovative BMP measures, such as an infiltration trench or Filterra system (See Appendix 13). Staff has added a FDP Development Condition that requires the applicant to design the site to continue to discharge runoff as sheet flow to and through the floodplain and RPA. If concentration of runoff is necessary due to the flow rates, a vegetated channel system will be used within and through the floodplain and RPA rather than a storm pipe system. As determined by DPWES.

The applicant may be pursuing a waiver of the standard on-site stormwater detention requirements. In the event the applicant decides against pursuing the waiver or it is denied, they have provided a detail within the CDP/FDP to build a stormwater storage structure (i.e. raintank) to the east of the proposed

residences. As stated within the proffers, Best Management Practices shall be provided through an innovative structure, conservation easements, and/or other innovative BMP measures approved by DPWES. Notwithstanding, the design must meet the minimum standards of the Public Facilities Manual, as determined by DPWES. In the event the final design is not in substantial conformance, a PCA/FDPA will be required.

Tree Preservation and Tree Cover Requirements (Development Criterion #4)
(see Appendix 1 and 7)

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.

The applicant has indicated on their plan that they shall meet the minimum Tree Cover requirement for PDH-8, which is 20%. Due to the clearing and grading uncertainties within the RPA/EQC, specifically related to the proposed public road, exact tree cover credit/assessment will be determined during the development's site plan review phase. As previously discussed, the subject property slopes downward (diagonally) from southwest to northeast, from a high point of 244 feet, to a low point of 204 feet. This steep sloping, in conjunction with a proposed public road that will require clearing/grading in some areas up to ninety (90) feet in width, makes it virtually impossible to avoid impacting the site's existing tree coverage. As noted, the applicant has combined the sanitary sewer and storm drainage easements traversing this area in an effort to limit disturbances.

To ensure that the existing tree cover is preserved as much as possible, the applicant has proffered:

- A tree preservation plan as part of the first and all subsequent site plan submissions;
- A tree value determination by a professional arborist experienced in plant evaluation;
- A tree bond to provide a remedy for any unintended disruption of trees required to be preserved;
- Protection of existing understory vegetation and topsoil in tree preservation areas;
- Restricting the use of motorized equipment in tree preservation areas;
- Root pruning and mulching measures;
- A tree preservation walk-through with a UFM representative, among others, to determine where the limits of clearing and grading can be adjusted to augment the area of tree preservation and ameliorate the survivability of trees at the limits' edge;
- Tree protection fencing;
- Site monitoring during clearing or removal of vegetation or structures within the drip line of trees designated to be saved on the Tree Preservation Plan;

- A replanting/restoration plan shall be developed and implemented for the areas shown as “area of revegetation” within the RPA and/or EQC; and,
- To add supplemental landscaping/berming along the western property line.

Issue:

Staff has requested that the applicant redesign the proposed public road, to pull the limits of clearing south 10' to 15' feet from the north property line to preserve the co-owned or adjacent trees.

Resolution:

As determined by VDOT/FCDOT, the proposed public road's width and centerline have been relocated to the maximum extent possible in order to directly align it with Crown Royal Drive, which is located west and across S. Van Dorn Street.

Transportation (Development Criterion #5) (see Appendix 8)

Criterion 5 requires that developments provide safe and adequate access to the surrounding road network, and maintain the ability of local streets to safely accommodate traffic; that mass transit and pedestrian and other non-motorized transportation options be encouraged, and that interconnection of streets be provided where possible and appropriate. In addition, public streets are preferred, but alternative street designs may be appropriate where conditions merit. If the applicant uses private streets, justification for such should be provided.

As is suggested within the Comprehensive Plan, the applicant will be dedicating right-of-way, constructing, and funding a public road upon their property, which will eventually connect S. Van Dorn Street to Woodfield Estates Drive. The time frame for this eventual connection will depend on a number of factors, to include the schedule for widening S. Van Dorn Street, the acquisition/donation of the necessary right-of-way from the Woodfield Estates HOA to complete the extension thru their open space to the stub, and the funds available for the remaining on-site road construction. As per VDOT/FCDOT's future widening plan (referenced as S. Van Dorn/ Franconia Road Interchange Project # 064246) for S. Van Dorn Street, the existing 4-way signalized intersection at Woodfield Estates Drive and S. Van Dorn Street will be blocked with a median and reduced to a right-in/right-out street entrance/exit. In order to offer residents of Wellington Commons and Woodfield Estates a left-in entrance into their subdivisions or left-out exit onto the southbound lanes of S. Van Dorn Street, VDOT is proposing to move the 4-way signalized intersection to Crown Royal Drive and S. Van Dorn Street, with the applicant's proposed public road becoming the east side connection to the 4-way intersection.

As noted, the applicants have committed to dedicate the necessary on-site right-of-way to the Board of Supervisors, engineer the entire public road from S. Van Dorn Street to Woodfield Estates Drive (per VDOT standards), and construct the

portion of the proposed public road that falls within their property boundaries. The road will be built in the following two (2) phases:

Phase 1: The proposed public road will initially be built with a temporary dead-end (hammer-head type design), and will extend from S. Van Dorn Street to approximately 75' feet short of the subject property's southeast corner. The applicant will escrow funds for the future construction of the remaining un-built portion of right-of-way within their property boundary. A proffer has been added by the applicant that requires that they notify future homeowners of the escrow and possible future road connection. As is outlined within the PFM, the applicant has proffered to place a sign near the temporary dead-end detailing the possible future roadway connection. Lastly, the applicant will construct two (2) on-site private alleys that will connect to the public road, and will serve the proposed seventeen (17) single-family attached residential units.

Phase 2: In order to connect the proposed public road, from the subject property to Woodfield Estates Drive, the County will need to acquire the necessary land from the Woodfield Estates Home Owner's Association. Once acquired, the County would be responsible for constructing the entire unbuilt portion of public road, from the existing Woodfield Estates Drive stub to the proposed subject property terminus (temporary dead-end). The applicant's proffered escrow would be used to pay for the cost of the subject property road improvements, while the County would need to finance the off-site road improvements (from the subject property to the Woodfield Estates Drive stub).

The applicant has proffered to dedicate an approximate 20-foot wide by 280-foot long portion of their property (running parallel along S. Van Dorn Street) to VDOT for future road improvements/expansion, to design and modify the existing traffic signal at S. Van Dorn Street and Crown Royal Drive, to construct a left turn lane into the site from the southbound S. Van Dorn St., and to provide a bus shelter, all in accordance with VDOT standards and approvals.

In Staff's opinion, the applicant is providing safe and adequate access to the surrounding road network by dedicating and constructing the subject property's public road. The proposed right-of-way will provide interconnectivity between the subject property and the surrounding subdivisions, and will help VDOT and the County maintain a left-in/left-out option for the residents along the east side of S. Van Dorn Street. Further, the construction/location of a proposed bus shelter will add transportation convenience to the neighborhood, particularly when the planned 4-way intersection is developed and the Woodfield Estates Drive/S. Van Dorn Street median causes the existing crosswalk at that location to close. The applicant is proposing to construct two (2) private alleys that will run off of the planned public road, and will permit the seventeen (17) new residences access to their rear-loaded two (2) car garages. The proposed private alleys have no value to the general public because they offer no connectivity or destination potential other than access to the rear garages of the subject property's residences.

Issue:

As previously noted, the proposed public road will connect to the east side of S. Van Dorn Street, and will become the fourth leg of a 4-way signalized intersection (with Crown Royal Drive and S. Van Dorn Street). The proposed public road will have a driveway width of over forty (40) feet, which will cross over an existing pedestrian trail on the east side of S. Van Dorn Street. In order to protect existing pedestrian users, as well as proposed residents of the applicant's development, Staff has requested that the applicant provide a crosswalk and pedestrian signal (countdown) heads along the east side of S. Van Dorn Street, across the proposed public road (north/south leg).

Resolution:

Staff has added a FDP development condition requiring the applicant to provide this improvement; therefore, this issue has been addressed.

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 9 – 14).

Fairfax County Public Schools (Appendix 9)

The proposed development would be served by Bush Hill Elementary School, Twain Middle School and Edison High School. Each of these schools are projected to be below capacity by the 2011-2012 school year. The total number of students generated by this development is anticipated to be 7 students: 4 elementary, 1 middle and 2 high school students. This is an increase of 6 students above that generated by the existing zoning district. An appropriate contribution would be \$45,000 (6 students X \$7,500 per student). As requested, the applicant has proffered a contribution of \$45,000 for capital improvements to schools that will serve the residents.

Fairfax County Park Authority (Appendix 10)

According to Fairfax County Park Authority calculations, the proposed development will add approximately 44 new residents to the current population of the Lee Magisterial District. The applicant proposes to provide on-site passive recreation amenities and a pedestrian path throughout the site. Based on the Zoning Ordinance Sections 6-110 and 16-404, a contribution of \$955 per non-ADU (affordable dwelling unit) residential unit is required for outdoor recreational

facilities to serve the development population. With 17 new non-ADUs proposed, the Ordinance-required contribution is \$16,235.

In addition to on-site resources, the residents of the development will need off-site park and recreational facilities, such as ballfields and basketball courts. In order to offset the impact this will have on Park Authority resources, the applicant has offered to provide an additional \$23,320 (\$1,371 per estimated resident) to the Park Authority for recreational development off-site but within the development's service area. In total, the applicant has proffered to contribute \$39,555 to the Park Authority.

Fire and Rescue (Appendix 11)

The subject property would be serviced by the Fairfax County Fire and Rescue Department Station #409, Mount Vernon. The requested rezoning currently meets fire protection guidelines.

Fairfax County Water Authority (Appendix 12)

The subject property is located within the Fairfax Water service area. Adequate domestic water service is available to the site from existing 12-inch and 3-inch water mains located at the property. An off-site water main extension will also be required.

Environmental & Site Review Division, Stormwater Management, DPWES
(Appendix 13)

Chesapeake Bay Preservation Ordinance (CBPO)

The subject property contains 1993 and 2003 mapped Resource Protection Areas (RPA) in its northeast corner and along the eastern side of the Site. The applicant is showing clearing for and location of a public road to be located in the RPA. Public roads are an allowed use within the RPA if the alignment is optimized and erosion and sediment controls are utilized during construction, and that has been done within this case.

The applicant is required to incorporate best management practices (BMPs) into the development plan which achieve a 40% phosphorus removal efficiency, as the proposed improvements are considered 'development' under the CBPO. The applicant indicates that on-site BMPs in the form of a Conservation Easement will be placed over the RPA, and that some type of innovative BMP system utilizing infiltration would be provided. The use of an innovative BMP system may require approval of a PFM modification which will be addressed during site review. A private maintenance agreement is required for innovative BMPs and must be finalized prior to final site plan approval. There is a floodplain associated with the adjacent stream on the site. As is proffered by the applicant, no dwellings are permitted to be located within 15 feet of the floodplain (the closest proposed

dwelling is over 120 feet), and an approved floodplain study and dedicated floodplain easements will be required prior to final site plan approval.

Issue:

The applicant has requested that the Board recommend that DPWES approve the use of an existing off-site pond to meet the on-site detention requirements.

Resolution:

Determination regarding stormwater management waivers are based upon detailed engineering and made by the Director of DPWES at the time of site plan review. The off-site pond is located in the Willow Creek Subdivision, and has a 145-acre drainageshed. This pond has not been designed to provide the required controls for this site. As part of the on-site detention waiver, it is anticipated that the Director will require the applicant to demonstrate permission (i.e. easements) to upgrade the pond so that the allowable discharge will be that from an undeveloped watershed (all 145 acres) in good forested condition. As noted in the SWM analysis contained in Appendix 12, a condition of processing the exception request by the Director of DPWES will be that the applicant upgrade the pond to provide detention and BMP for the entire 145 acres watershed. The best option for stormwater management is for the applicant to upgrade the Willow Creek pond to incorporate detention and water quality control for the Site as well as the contributing pond watershed. The current PFM pond routing and dam sizing criteria shall be used to demonstrate achievement.

Sanitary Sewer Analysis (Appendix 14)

The property is located in the Cameron Run (I-1) Watershed, and would be sewer into the Alexandria Sanitation Authority Treatment Plant. Adequate sanitary sewer capacity from an existing 8-inch line located in an easement approximately 50 feet from the property is available to support the proposed use.

Affordable Housing (Development Criterion #7)

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

The applicant is not subject to the affordable dwelling unit ordinance. Per the proffers, at the time of the first building permit issuance, the Applicant shall contribute a sum equal to one-half of one percent (0.5%) of the projected sales price for each new dwelling unit on the Property to the Fairfax County Housing Trust Fund, as determined by the Department of Housing and Community Development, in consultation with the Applicant.

Heritage Resources (Development Criterion #8) (Appendix 10)

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

The parcel was subject to a reconnaissance level survey. The review indicated that the optimum landforms within the parcel had been previously developed. The property has a low potential for significant archaeological resources, therefore no archaeological work is recommended.

ZONING ORDINANCE PROVISIONS (Appendix 16)

The requested rezoning of the 2.37 acre site to the PDH-8 District must comply with the applicable regulations of the Zoning Ordinance found in Article 6, Planned Development District Regulations and Article 16, Development Plans, among others.

Article 6

Sect. 6-101. Purpose and Intent: This section states that the PDH District is established to encourage innovative and creative design, to ensure ample provision and efficient use of open space; to promote balanced development of mixed housing types, and to encourage the provision of affordable dwelling units. As previously mentioned, the development proposes 17 single-family detached units at a density of 7.2 du/ac. The CDP/FDP indicates that 32% of the site will remain as open space, which exceeds the minimum PDH-8 requirement of 25% minimum open space. The proposed open space will include the remaining RPA and EQC, proposed Tree Save Area and Areas of Revegetation, courtyard, walking path, and amenity areas. As noted, the applicant's proposed design layout is largely controlled by the site's existing environmental and topographical conditions, as well as the location and development of the proposed public road. Despite these constraints, Staff believes that the proposed site design integrates well with the adjacent developments with regard to its architectural design, scale, and compatibility. With respect to the affordable housing provision, the applicant will be contributing a sum equal to one-half of one percent (0.5%) of the projected sales price for each of the subject property's seventeen (17) dwelling units to the Fairfax County Housing Trust Fund. Therefore, the application meets the purpose and intent of Article 16.

Sect. 6-107 (Par. 1) Minimum District Size: This section states that a minimum of two (2) acres is required for approval of a PDH District. The area of this rezoning application is 2.37 acres. Therefore, this standard has been satisfied.

Sect. 6-107 (Par. 2) Minimum Lot Area: There is no specific requirement for a minimum lot size in a “P” District. The lots sizes proposed, which average around 1,600 SF in area, are similar to many of the adjacent Willow Creek and Woodfield Estate residences, which average above 1,800 SF.

Sect. 6-109. Maximum Density: The maximum density for the PDH-8 District is 8 dwelling units per acre (du/ac). Within the Fairfax County Code (Section 2-308 Maximum Density provision) it indicates that maximum density shall be calculated on the gross area of the lot, except when 30% or more of a lot is comprised of any one or all of the following features: floodplains and adjacent slopes in excess of fifteen (15) percent grade, quarries, marine clays, or existing water bodies, unless a water body is a proposed integral design component of an open space system for a given development, in which case total density credit shall be calculated on such areas.

The applicant has indicated that the on-site Environmental Quality Corridor (EQC) would qualify under the previously mentioned “floodplains and adjacent slopes in excess of fifteen (15%) percent grade” provision. Supporting this statement, the Fairfax County Comprehensive Plan’s Chesapeake Bay Supplement sets forth policies regarding Environmental Quality Corridors (EQC), and recommends protection and restoration of environmentally-sensitive lands, including 100-year floodplains, steep slopes (gradients of 15% or greater) in stream valleys, wetlands connected to stream valleys, minimum buffer area, and upland habitats and buffers provided by stream valleys.

To calculate the permitted density, Section 2-308 states that “*fifty (50) percent of the maximum permitted density shall be calculated for that area of the lot which exceeds thirty (30) percent of the total area of the lot.*” As stated, the applicant has indicated on the CDP/FDP that the existing on-site EQC would qualify under this ordinance, and has provided a calculation which list the EQC as being 0.76 acres, of which .06 acres qualifies under this provision.

In summary, the applicant would only receive 50% of the project’s proposed zoning district’s maximum permitted density (PDH-8) for this .06 acre portion of the property, and would calculate maximum density credit on the remaining 2.3 acres of the lot, as follows:

- .06 acres x 4 dwelling units (50% of PDH-8) = 0.24 dwelling units
- 2.3 acres x 8 dwelling units (per PDH-8) = 18.4 dwelling units
- 18.4 + 0.24 dwelling units = 18.64 total dwelling units or 18 units max.

The applicant is proposing 17 maximum dwelling units, at a density of 7.2 du/ac; therefore, this standard has been satisfied.

Sect. 6-110. Open Space: Par. 1 requires a minimum of 25% open space for a PDH-8 District without ADUs. Par. 2 requires recreational facilities be provided in the amount of \$955/unit. The application proposes to dedicate 32% of the site as open space. The applicant’s proffers stipulate that they shall provide \$955 per

non-ADU residential unit for outdoor recreational facilities (all 17 units are non-ADU). Staff believes that this standard has been satisfied.

Article 16. Sections 16-101 and 16-102

Sect. 16-101 General Standards

Standard 1 requires conformance with the Comprehensive Plan recommendations. The Comprehensive Plan states that the subject parcel should be consolidated into the adjacent townhouse development so that adequate design coordination and circulation may be accomplished. With this consolidation, development of townhouses of 5-8 dwelling units per acre is planned. Furthermore, the Plan states that access to South Van Dorn Street should be provided by means of a roadway connection from the intersection of Crown Royal Drive to the stub street at Woodfield Estates Drive in the lower eastern corner of Parcel 39.

The applicant has consolidated their three separate lots, and has linked the property with the adjacent developments by proposing to dedicate and construct a public road. In light of the environmental and topographical constraints, Staff feels that the applicant has met the Plan guidance by consolidating the outstanding parcels, connecting Woodfield Estates Drive to S. Van Dorn Street, and by proposing similarly designed residences that are compatible in scale, design, and lot size as the adjacent developments. Therefore, this standard has been satisfied.

Standard 2 requires that the proposed design achieve the stated purposes of the PDH district more than would development under a conventional zoning district. The P-District affords applicants flexibility in both unit types and bulk regulations. Using this flexibility, the applicant has offered a functional and cohesive design that integrates the site's steep slope, RPA/EQC, proposed public road, and passive recreational areas/amenities, all of which would be very difficult to accomplish using a conventional zoning district. In staff's evaluation, this standard has been met satisfactorily.

Standard 3 requires protection and preservation of scenic assets. As previously noted, aside from a portion of the existing RPA/EQC, the majority of the site will be cleared and regraded due to the need for the proposed public road. Within the existing RPA/EQC area, the landscaping plan designates various "*Tree Save Areas*" and "*Areas of Revegetation*". The "*Areas of Revegetation*" are all located along the east side of the proposed public road, as a venue of clearing/regrading needs for the road. The applicant has proffered to replant/restore the RPA/EQC "*area of revegetation*" as per the Chesapeake Bay Preservation Ordinance, and to submit its review and approval to the Urban Forest Management, DPWES. The applicant has also proffered to provide a tree preservation plan, a tree bond, various tree protection measures, and to work with UFM to save additional trees on the site that merit preservation. Lastly, the CDP/FDP provides for the provision

of supplemental landscaping throughout the development. As such, staff believes that this standard has been satisfied.

Standard 4 requires a design which prevents injury to the use of existing development and does not deter development of undeveloped properties. As with all of the adjacent developments, the subject property is being proposed as a single-family attached subdivision. Likewise, the adjacent properties are developed according to the recommendations of the Comprehensive Plan. There are no other unconsolidated parcels available for development. Staff believes this standard has been addressed.

Standard 5 requires that adequate transportation and other public facilities are or will be available to serve the proposed use. The development will be served by the applicant's proposed public road, which will connect to the east side of S. Van Dorn Street, directly across from Crown Royal Drive. The public road will be built in two (2) phases, with the applicant being responsible for dedicating and constructing the right-of-way within their property lines, and the County being responsible for constructing and connecting the remainder of the public road to Woodfield Estates Drive. With the exception of the requested pedestrian signal heads and crosswalk improvements along the east side of S. Van Dorn Street, the applicant has provided all requested right-of-way dedication and road improvements and has addressed all transportation, public utilities and public facility issues. Staff has added the pedestrian signal heads and crosswalk improvements as a FDP Development Condition, and therefore believes that this standard has been satisfied.

Standard 6 requires that coordinated linkages among internal facilities and services as well as connections to major external facilities and services be provided at a scale appropriate to the size of the development. The applicant's proposed development plan depicts a 6'-ft wide pedestrian sidewalk running along the south and west of the proposed public road. This proposed sidewalk will connect to the development's internal 4'-ft wide passive recreation sidewalk, as well as directly to the asphalt trail running along the east side of S. Van Dorn Street. As mentioned within Standard 5, the applicant will be dedicating and constructing a public road, which will link the subject property to S. Van Dorn Street and eventually to Westfield Estates Drive. Therefore, staff believes this standard has been satisfied.

Sect. 16-102 Design Standards

Design Standard 1 states that at the peripheral lot lines, the bulk regulations and landscaping and screening for the proposed development should generally conform to the provisions of the most comparable conventional district. In this instance, the most comparable conventional district is the R-8 District. A comparison of these requirements and the proposed bulk regulations for the lots is shown in the table below. Staff believes that this Standard has been satisfied.

R-8 Zoning District (per Single-Family Attached regulations)		
Standard	Required R-8	Provided with FDP
District Size	5 acres	2.37 acres
Minimum Lot Area	No requirement	±1,600 SF
Lot Width	18 feet	±24 feet
Front Yard	15° angle of bulk plane, but no less than 5 feet. 47 Feet ABP: 12 feet	10 feet (Peripheral Boundary)
Side Yard	15° angle of bulk plane, but no less than 10 feet. 47 Feet ABP: 12 feet	16 feet (Peripheral Boundary)
Rear Yard	30° angle of bulk plane, but no less than 20 feet. 47 Feet ABP: 26 feet	18 feet (Peripheral Boundary)
Density	8 du/ac	7.2 du/ac
Height	35 feet	47 feet
Open Space	20%	32%
Tree Cover	20%	20%
Parking (2.7 spaces/du)	2.7 x 17 = 46	74

Design Standard 2 states that the open space, parking, loading, sign and all other similar regulations shall have general application in all planned developments. The CDP/FDP depicts that 32% of the site will remain as open space. This area will include the remaining RPA and EQC, proposed Tree Save Area and Areas of Revegetation, courtyard, walking path, and amenity areas. The proposed plan exceeds the minimum parking requirements, has no loading requirement, and proposes no signage. The proposed proffers state that no temporary sign shall be placed on or offsite by the Applicant or at the Applicant’s direction. Regardless, all proposed signage will be required to meet the requirements outlined within Article 12 of the Zoning Ordinance. Staff believes that this standard has been satisfied.

Design Standard 3 states that streets and driveways shall be designed to generally conform to the provisions of the Ordinance, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities. As previously noted, the applicant will be dedicating and constructing a public road upon the subject property which will connect the proposed development to S. Van Dorn Street. The intent in making this road public is to eventually have it act as a connector road between S. Van Dorn Street and Woodfield Estates Drive. The proposed public road will not only have to conform to the provisions of the

Ordinance, but it will also be required to meet all VDOT standards and requirements.

Two (2) internal private 18-foot wide alleys will be connected to the proposed public road, and will allow residents to drive their vehicles to rear-loaded garages, located behind their dwelling units. As is stipulated within the applicant's proffers, the private alleys shall be constructed pursuant to the Public Facilities Manual (PFM) pavement section standards as to the thickness and materials appropriate for public streets, subject to DPWES approval and shall be no less than eighteen (18) feet in width. The applicant has also added that the HOA documents shall include a commitment to keeping the alleys clear of obstructions, to include cars and trashcans, at all times. Lastly, the subject property will offer pedestrian access to the existing 8'-ft wide asphalt trail that runs along the east side of S. Van Dorn Street, as well as to the on-site amenities. Once the public road is connected to Woodfield Estates Drive, it will also be designed with pedestrian access. Staff believes that this standard has been satisfied.

WAIVERS AND MODIFICATIONS

Waiver of the 200 SF Privacy Yard

Section 6-107 of the Zoning Ordinance requires that each single-family attached unit within the PDH District provide a privacy yard having a minimum area of 200 SF, unless waived by the Board in conjunction with the approval of a development plan. As previously mentioned, the applicant's proposed design layout is largely controlled by the existing environmental and topographical conditions on the subject property, as well as the location and development of the proposed public road. In place of the privacy yard, the applicant proposes to preserve 32% of the site as open space, versus the required 25%. This 7% difference/increase will result in over 3,800 SF more land being preserved than the proposed privacy yards would have required. As noted, the applicant proposes to provide an accessible, usable, and integrated passive recreational area within the development by providing a 4-foot wide sidewalk that links each residence, open space, amenity area, and courtyard to an onsite circular-designed walking path. The proposed amenity areas consist of three separate gathering places with benches, tables, chairs, and barbeque grills. Landscaping is proposed along the amenity and courtyard areas, and along the proposed barrier/retention walls. The front yard of each attached dwelling unit will include almost 150 SF of private open space, as well as a second floor 120 SF outdoor deck in the rear yards. As previously noted, the applicant is proposing rear-loaded garages which will be accessed by 18-foot long driveways. The proposed outdoor deck will hang over the proposed driveway of each single-family attached dwelling. Staff believes that this standard has been satisfied.

Modification of the minimum width requirement for a private street

The applicant is proposing two (2) internal private 18-foot wide alleys within their development. The 2 alleys will connect to the planned public road, and will allow residents to drive their vehicles to rear-loaded garages, located behind their dwelling units. The PFM (Plate # 4-7, see Appendix 15) requires that private streets that serve townhouses, generate less than 250 trips per day, and have no on-street parking, be a minimum of twenty-four (24) feet in width. The applicant is requesting an alley reduction to eighteen (18) feet in width.

As a note, the two separate alleys are only nonconforming for a portion of their proposed length. This includes the first alley (serves units 1 through 7), which doesn't meet the width requirement for approximately 80 feet of its total length, and the second alley (serves units 8 through 17), which doesn't meet the width requirement for approximately 115 feet of its total length. The applicant has submitted a proffer which requires the HOA to keep the alleys clear of all obstructions, to include no parking of vehicles, at all times. Staff has consulted with the County's Fire Department and FCDOT, and has been told that they do not object to the width reduction request, so long as it is kept at a minimum of eighteen (18) feet. The reduction in width will also result in a decreased impervious surface ratio. The applicant has proffered this width request; therefore, Staff does not object.

Modification of the height limitation of fences to permit a noise barrier to exceed 7 feet in height (maximum 8 feet)

Sect. 10-104 of the Zoning Ordinance permits an increase in height for noise barriers that mitigate the impacts of highway noise on residential properties. The applicant's submitted noise study demonstrates the necessity for a noise barrier of up to eight feet in height along the western frontage of the property, to adequately mitigate transportation noise generated from S. Van Dorn Street. The CDP/FDP shows the location of the noise barrier and provides a photographic depiction of the proposed "Brick Sound Wall (or equal)", as well as the specific locations where the proposed wall will be located. As depicted, the proposed wall will be a maximum of eight (8) feet in height, split into three (3) separate sections to protect the proposed dwelling courtyard and rear yards, and will be constructed with heavy landscaping and berming along its west side in order to soften its placement and reduce its impact. The applicant has proffered that the wall will not exceed eight (8) feet in height, and that it will be built with berming and extra landscaping. Staff does not object to the applicant's request to install a maximum eight 8'-ft high noise barrier that will provide adequate noise mitigation of transportation generated noise.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant's request to rezone the 2.37 acre property from the R-3 to the PDH-8 District to permit the development of 17 single-family attached dwelling units at an overall density of 7.2 dwelling units per acre is in conformance with the density recommendations of the Comprehensive Plan. The CDP/FDP depicts a layout that is generally functional, and provides for 32% open space. The application fulfills all of the Residential Development Criteria, and meets the applicable Zoning Ordinance provisions.

Recommendations

Staff recommends approval of RZ 2005-LE-021, subject to proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDP 2005-LE-021, subject to development conditions consistent with those contained in Appendix 2.

Staff recommends approval of a waiver of the 200 SF Privacy Yard requirement for single-family attached dwelling units.

Staff recommends that the Board of Supervisors direct the Director of DPWES to approve a PFM Modification of the minimum width requirement for a private street.

Staff recommends approval of a modification of the height limitation of fences to permit a noise barrier to exceed 7 feet in height (8 feet maximum) as shown on the CDP/FDP.

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.

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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.

APPENDICES

1. Draft Proffers
2. Staff proposed FDP Development Conditions

APPENDICES (Continued)

3. Affidavit
4. Statement of Justification
5. Comprehensive Plan Citations
6. Environmental Analysis
7. Urban Forest Management Analysis
8. Transportation Analysis
9. Fairfax County Public Schools
10. Fairfax County Park Authority
11. Fire and Rescue
12. Fairfax County Water Authority
13. Environmental & Site Review Division, SWM, DPWES
14. Sanitary Sewer Analysis
15. Public Facilities Manual (PFM) Plate # 4-7
16. Residential Development Criteria
17. Zoning Ordinance Provisions
18. Glossary

Draft Proffers**Michael V. and Joanne M. Curtiss****RZ 2005-LE-021****March 8, 2007**

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Applicant and Owners, in this rezoning proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Map as Tax Map Reference 81-4((1))37, 38, 39 (hereinafter referred to as the "Property") will be in accordance with the following conditions (the "Proffered Conditions"), if and only if, said rezoning request for the PDH-8 Zoning District is granted. In the event said rezoning request is denied, these Proffered Conditions shall be null and void. The Owners and Applicant, for themselves, their successors and assigns hereby agree that these Proffered Conditions shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The Proffered Conditions are:

I. GENERAL

1. Substantial Conformance. Subject to the provisions of Article 16 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Property shall be in

substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), prepared by BC Consultants and entitled "Curtiss Property", consisting of 9 sheets, dated March 2005, revised through March 6, 2007. The Applicant reserves the right to pursue "minor modifications" to the CDP/FDP in accordance with the Applicable provisions of Article 16 of the Zoning Ordinance.

2. Maximum Lot Yield. The development shall consist of a maximum of 17 single family attached units. Except as may be further qualified by these proffered conditions, minor modifications to the building envelopes including house location and sizes may be permitted in accordance with Section 16-403 of the Zoning Ordinance without requiring approval of a Proffered Condition Amendment (PCA)/Final Development Plan Amendment (FDPA) if such are in substantial conformance with the CDP/FDP.

3. Establishment of HOA. Prior to site plan approval, the Applicant shall demonstrate that the Property will be governed by a Homeowners Association (HOA) and be subject to a Declaration of Covenants, Conditions and Restrictions consistent with the requirements of Article 2 of the Zoning Ordinance. Pursuant to a

mutual agreement with an adjacent HOA, the property may become part of another HOA rather than forming a separate HOA. If such agreement is executed, full disclosure of these proffers shall be made to the adjacent HOA.

4. Dedication to HOA. In conjunction with the appropriate site plan review process, private streets/alleys, open space common areas and amenities not otherwise conveyed or dedicated to the County shall be dedicated to the HOA and maintained by the same.

5. Disclosure. Prior to entering into a contract of sale, prospective purchasers shall be notified in writing by the Applicants of the maintenance responsibility for the private streets/alleys, walls, and common area landscaping and any other open space amenities, and the possible stormwater detention/BMP area and shall acknowledge receipt of this information in writing. The prospective purchasers shall also be notified in writing by the Applicants of the possibility of future interparcel connections to the south and shall acknowledge receipt of this information in writing. Each deed of conveyance and the HOA documents shall expressly contain these disclosures and the HOA documents shall include a commitment to keeping the alleys clear of obstructions to include cars and trashcans at all times.

6. Garages. A minimum of two parking spaces shall be provided within the garage of each dwelling unit. Any conversion of garages that will preclude the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction 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 Board of Supervisors and the HOA and this restriction shall be included in the HOA documents.
7. Energy Conservation. All dwellings 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 Department of Public Works and Environmental Services (DPWES) for either gas or electric energy systems, as may be applicable.
8. Signs. No temporary signs (including “popsicle” style paper or cardboard signs), which are prohibited by Article 12 of the Zoning Ordinance and Chapter 7 of Title 33.1, and Chapter 8 of Title 46.2 of the Code of Virginia, shall be placed on or offsite by the Applicant or at the Applicant’s direction. The Applicant shall

direct its agents and employees involved with the Property to adhere to this proffer.

9. Architecture. The fronts and exposed sides of the dwelling units will be constructed with brick materials, exclusive of windows, doors, shutters and trim, generally as depicted on Sheet 4 of 9 of the CDP/FDP. [No less than twenty-five (25) percent of the rear of each unit shall be constructed of brick]. For remaining portions of the rear facade, Hardi-plank or other similar cementitious siding products shall be used, exclusive of windows, doors, shutters and trim.

II. TRANSPORTATION

10. Street Maintenance. The alleys shall be constructed pursuant to the Public Facilities Manual (PFM) pavement section standards as to the thickness and materials appropriate for public streets, subject to DPWES approval and shall be no less than eighteen (18) feet in width.
11. Public Access Easement. A public access easement in a form approved by the County Attorney shall be recorded on the alleys

and on the sidewalks not located within public right-of-way of the development.

12. Right –of-Way/Road Construction. The public road shall be constructed as shown on the CDP/FDP to public street standards as approved by VDOT. The applicant shall be required to apply for all necessary waivers through DPWES, VDOT and FCDOT. At the time of site plan approval or upon demand, whichever occurs first, the public street and associated right-of-way, which extends to the southeast corner of the Property, shall be dedicated and conveyed to the Board of Supervisors in fee simple with density reserved subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance.

13. Future Street Connection. To provide for future interparcel connection to the south, the Applicant shall, at the time of site plan approval, escrow funds for providing the extension of the public road to the southeast corner of the Property as shown on the CDP/FDP. Such escrow shall be of an amount approved by DPWES based on the unit price schedule or other similar objective standard. The escrow Agreement shall stipulate that such escrow funds be released to the County for the purpose of providing the contemplated interparcel connection. The Applicant shall also

post a sign, (per PRM Section 7-0404, 12A), subject to approval from VDOT, near the turn-around which includes language to the effect that the road may connect in the future. The escrow fund and the potential for a future road connection shall be disclosed to each future homeowner prior to entering a contract of sale and shall be contained within the HOA documents. The Applicant reserves the right to request refund of the escrow amount should the County, at a future date, determine that the road connection is no longer necessary.

14. Length of Driveways. All driveways serving the approved residential units shall be a minimum of 18 ft. in length starting at the entrance to the garage to the edge of pavement of the alley and shall be a minimum of 18 feet in width.

15. Signalization. Prior to the issuance of first Residential Use permit, the applicant shall design and modify the existing traffic signal at Crown Royal Drive and South Van Dorn Street to provide appropriate modifications to the signal. The final design of the traffic signal modification shall be subject to approval by the Virginia Department of Transportation (VDOT).

16. Left Turn Lane. Prior to the issuance of the first Residential Use Permit for the approved units, the Applicant shall construct a left turn lane into the site, in accordance with VDOT standards within the existing median of South Van Dorn Street.

17. Bus Shelter. Prior to the issuance of the first Residential Use Permit, the applicant shall provide a bus shelter (with pad) along the South Van Dorn Street frontage of the site, the exact location to be determined by FCDOT. Also included, shall be additional concrete between the sidewalk and curb (aka the utility strip) for an approximate length of 50 feet for the general purpose of providing secure footing for the pedestrians that board/disembark the bus. The applicant shall be responsible for the general maintenance, including dispensing of the trash in and around the receptacle.

18. Right-of-way/South Van Dorn Street. At the time of site plan review, or upon demand by VDOT or Fairfax County, whichever occurs first, the Applicant shall dedicate in fee simple to the Board of Supervisors, the right-of-way along the site's frontage of South Van Dorn Street as shown on the CDP/FDP.

19. Right-turn lane. Prior to the issuance of the first Residential Use permit, and subject to approval by VDOT and DPWES, the right turn lane from the new public road onto South Van Dorn Street shall be constructed as shown on the CDP/FDP.

III. HOUSING TRUST FUND

20. Housing Trust Fund. Prior to the issuance of the first building permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund (HTF) the sum equal to one half of one percent (1/2%) of the value of all of the units approved on the property. The percentage shall be based on the aggregate sales price of all of the units subject to the contribution, as if all of those units were sold at the time of the issuance of the first building permit, and is estimated through comparable sales of similar type units. The projected sales price shall be proposed by the Applicant in consultation with Fairfax County Department of Housing and Community Development (HCD) and shall be approved by HCD and DPWES.

IV. ENVIRONMENTAL

21. Stormwater Management Facilities and Best Management Practices Techniques. In lieu of constructing an on-site stormwater detention facility, the Applicant reserves the right to process a waiver of standard on-site stormwater detention requirements. If the requested waiver of standard on-site stormwater detention requirements is not approved, then the on-site stormwater detention facility or other comparable detention facility as approved by DPWES shall be provided as shown on the CDP/FDP. Best Management Practices shall be provided through the stormwater facility as shown on the CDP/FDP or other innovative BMP measures approved by DPWES, provided such measure is in substantial conformance with the CDP/FDP. If not, a Proffered Condition Amendment shall be required.
22. Limits of Clearing and Grading. The Applicant shall conform to the limits of clearing and grading as shown on the CDP/FDP subject to the installation of utilities or other features as determined necessary by the Director of DPWES. If it is determined necessary to install utilities or other features outside of the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner possible as determined by Urban Forest Management, DPWES.

23. Restoration of RPA/EQC. A replanting/restoration plan shall be developed and implemented for the areas shown as “area of revegetation” within the RPA and/or EQC. This plan shall be developed and implemented in accordance with the standards specified in Par. (f) of Section 118-3-3 of the Chesapeake Bay Preservation Ordinance and as reviewed and approved by UFM and DPWES.

24. Tree Preservation. The applicant shall submit a tree preservation plan as part of first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forest Management (UFM), DPWES. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater 15 feet to either side of the limits of clearing and grading shown on the CDP/FDP for the entire site. The tree survey shall also include areas of clearing and grading not shown on the CDP/FDP resulting from engineering requirements, such as off-site clearing and grading for utilities or stormwater outfall. The condition analysis 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, shall be included in the plan.

25. Tree Value Determination. The Applicant shall retain a professional arborist with experience in plant evaluation, to determine the replacement value of all trees 10 inches (10”) in diameter or greater and located within twenty feet (20’) of the outer edge of the limits of clearing and grading (i.e. outside the limits of clearing and grading) as shown on the CDP/FDP. 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, DPWES.
26. 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 bond approval, the Applicant shall both post a cash bond and a letter of credit or similar corporate surety 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 (hereinafter the “bonded trees”) that die or are dying due solely to unauthorized construction activities. The Applicant shall have no obligation for trees that die or are dying for reasons unrelated to unauthorized construction activities, or for no apparent reason. 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 or corporate surety.

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. As stated above, the Applicant shall have no obligation to replace trees that die or are dying for causes unrelated to unauthorized activities, or no apparent reason. The replacement trees shall be of equivalent size, species, and ten (10) year canopy cover as approved by UFM and shall incorporate native plant species. Upon release of the bond for the site, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant. 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.

27. Protection of Existing Understory Vegetation and Soil Conditions in Tree Preservation Areas. All tree preservation-related work occurring in or adjacent to tree preservation areas shall be accomplished in a manner that minimizes damage to vegetation to be preserved in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Any removal of any vegetation or soil disturbance in tree preservation areas excluding the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, multi-floral rose, etc. shall be subject to the review and approval of UFM.

28. Use of Equipment. Except as qualified herein, the use of motorized equipment in tree preservation areas will be limited to

hand-operated equipment such as chainsaws, wheel barrows, rake and shovels. Any work that requires the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by UFM.

29. Root Pruning and Mulching. The Applicant shall 1) root prune, 2) mulch, and 3) provide tree protection fencing in the form of four foot (4') high, fourteen (14) gauge welded wire attached to six foot (6') steel posts driven eighteen inches (18") into the ground and placed no further than ten feet (10') apart, or other forms of tree protection fencing approved by UFM, DPWES for all tree preservation relevant areas. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets and demolition plan sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by UFM, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher, vibratory plow to a depth of eighteen inches (18").
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.

- Tree protection fence shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.
- Immediately after the Phase II Erosion and Sedimentation activities are complete, mulch shall be applied at a depth of four inches (4") extending ten feet (10') inside the undisturbed area without the use of motorized equipment.
- A UFM representative shall be informed when all root pruning and tree protection fence installation is complete.

30. 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 pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFM representative and a representative from the Lee District Land Use Committee to determine where adjustments to the clearing limits can be made to increase the area of tree preservation; increase the survivability of trees at the edge of the limits of clearing and grading; facilitate the removal of trees adjacent to the limits of clearing and grading; facilitate tree preservation activities such as root pruning or fencing; or facilitate the installation of erosion and sediment control devices. Such adjustment shall be implemented. Trees that are identified specifically by UFM in writing 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 the adjacent trees and associated understory vegetation and soil conditions.

31. Tree Protection Fencing. All trees shown to be preserved on the Tree Preservation Plan shall be protected by tree protection fencing. Tree protection fencing of a type permitted by UFM shall be erected concurrently with the Phase I Erosion and Sedimentation permit activities. Tree fencing shall be installed prior to any clearing and grading activities including the demolition of any existing structures at the limits of clearing and grading as shown on the demolition, and Phase I & II erosion and sediment control sheets, as may be modified during the tree preservation walk through with an UFM representative. 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 fence types shall be performed under the supervision of a certified arborist, and

accomplished in a manner that does not harm existing vegetation that is to be preserved. Five (5) working days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices including fencing, UFM and Lee District Supervisor staff shall be notified and given the opportunity to inspect the site to assure 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.

32. Site Monitoring. Inspection of the site by a representative of the Applicant during any clearing or tree/vegetation/structure removal on the Applicant Property within the drip line of the trees to be saved as part of the Tree Preservation Plan as described in Proffer 24, shall occur on a scheduled basis to ensure that the activities are conducted as proffered and as approved by UFM. The inspection/monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFM, DPWES. The Lee District Supervisor shall be notified of the name and contact information of the Applicant's representative responsible for site monitoring at the tree preservation walk-through meeting.

33. Conservation Easement All areas shown inside the limits of clearing and grading line on the CDP/FDP, except for that area shown as “area to be cleared and graded when road is extended by others”, shall remain as undisturbed open space, subject to a conservation easement running to the benefit of Fairfax County, in a form approved by the County Attorney, which prohibits removal of trees except those which are dead, diseased, noxious or hazardous except for that area shown within the storm drainage and sanitary sewer easement where clearing and land disturbing activities are necessary. The homeowners’ association covenants shall contain clear language delineating the Conservation Easement area, the restrictions in that area including the prohibition of any structures, fences, etc. and the responsibilities of individual homeowners.
34. Landscaping. Landscaping shall be consistent with the quality, quantity and general location shown on the Landscape Plan on Sheet 2 of the CDP/FDP. At the time of planting, the minimum caliper for deciduous trees shall be three (3) to three and one half (3.5) inches and the minimum height for evergreen trees shall be seven (7) feet. Actual types and species of vegetation shall be determined pursuant to more detailed landscape plans approved by

Urban Forest Management at the time of subdivision plan approval. Such landscape plans shall provide tree coverage and species diversity consistent with the Public Facilities Manual (PFM) criteria, as determined by Urban Forest Management.

35. Streambank Stabilization. The Applicant shall stabilize the stream bank area opposite the proposed outfall within the current floodplain easement through the use of methods contained in the Virginia Erosion and Sediment Control Handbook, as deemed necessary by DPWES. To the extent practical, environmentally friendly methods (rather than hard structures or riprap) shall be utilized, as determined by DPWES.

36. Noise Attenuation Measures. Noise mitigation measures shall be provided to ensure that a maximum exterior noise level of DNL 65dBA shall be achieved for the ground level privacy yards for the dwelling units; and that a maximum interior noise level of approximately DNL 45 dBA shall be achieved for any dwelling unit that will be exposed to noise levels in excess of DNL 65 dBA which, according to the noise study, is specifically units number 1, 2, 6, 7, 10, 11, 12, and 13 as shown on the CDP/FDP. In order to achieve compliance with the above maximum exterior noise levels, a brick wall shall be constructed along the front lot line generally

as shown on the CDP/FDP. The noise wall(s) will be architecturally solid from ground up. The maximum height of the noise barrier from final grade shall be as depicted on Section D-D on Sheet 8 of 9 of the CDP/FDP and may be a maximum of eight ft. (8') in height in those areas shown. The area around the wall shall be landscaped as shown as Sheet 2 of 9 and will be bermed on the South Van Dorn Street side of the wall to the greatest extent possible. The Applicant shall demonstrate to DPWES and DPZ prior to site plan approval that the selected material for the noise wall will provide the noise mitigation described above. Maps depicting the location and height of the noise wall and proximity to the individual units will be provided as part of said disclosure at the time of the contract execution for each such initial sale. Notification of the height and location of the noise wall, as well as HOA maintenance responsibility for it, shall also be provided in the HOA documents. The disclosure document/HOA disclosure shall also make it clear to any potential purchasers that the noise barrier may not preclude all perceptible traffic generated noise from the adjoining road surface. In order to mitigate interior noise levels as described in this proffer, the Applicant shall employ the following acoustical treatment measures to those dwellings indicated in this proffer:

- Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
 - Doors and glazing shall have a laboratory STC rating of at least 28 unless glazing constitutes more than 20 percent of any façade exposed to noise levels of 45 dBA Ldn or above. If glazing constitutes more than 20 percent of the an exposed façade, then the glazing shall have an STC rating of at least 39.
 - All surfaces shall be sealed and caulked in accordance with methods approved by the American Society of Testing and Materials (ASTM) to minimum sound transmission.
37. Lighting. The Applicant reserves the right to install street and common area lighting. Any such fixtures shall be maintained by the HOA and such maintenance obligations shall be disclosed in the HOA documents. All such lighting shall conform to the requirements of Part 9 of Article 14 of the Zoning Ordinance and shall be subject to the approval of the Director, DPWES in accordance with the provisions of the Public Facilities Manual.
38. Floodplain Study. Prior to final site plan approval, the Applicant shall provide an approved floodplain study and dedicate floodplain

easements. No dwelling shall be located within fifteen (15) feet of the floodplain.

V. RECREATION FACILITIES

39. Recreation Contribution. The Applicant shall contribute \$955.00 per residential unit approved on site in accordance with Section 16-404 to the Fairfax County Park Authority for outdoor recreation facilities to serve the development population. Said per unit contributions shall be made prior to the issuance of the first building permit. The Applicant shall receive credit for on-site recreational facilities that may include, but not be limited to, trails/sidewalks (excluding any Comprehensive Plan trails) in the open space (except for those sidewalks parallel to and immediately adjacent to the road), and benches and other features in the plaza area (including a possible fountain or other focal feature) to be located in the open space areas.
40. Park Authority Contribution. In addition to Proffer 39 above, the Applicant shall contribute \$23,320 to the Fairfax County Park Authority prior to the issuance of the first Residential Use Permit for park purposes and/or facilities in the area.

VI. SCHOOLS

41. Schools. Prior to the issuance of the first building permit, the Applicant shall contribute \$45,000 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. If approved by the Fairfax County School Board, the Applicant reserves the right to contribute actual capital equipment in an amount equal to the monetary requirements of this proffer.

VII. SUCCESSORS AND ASSIGNS

These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

VIII. COUNTERPARTS

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

TITLE OWNERS AND APPLICANTS SIGNATURES TO FOLLOW ON THE
NEXT PAGE:

APPLICANT/CO-TITLE OWNER
of TM 81-4((1))37, 38, 39

By: _____

Name: _____

Michael V. Curtiss

APPLICANT/CO-TITLE OWNER
of TM 81-4((1))37, 38, 39

By: _____

Name: _____

Joanne M. Curtiss

FINAL DEVELOPMENT PLAN CONDITIONS

FDP 2005-LE-021

March 15, 2007

If it is the intent of the Planning Commission to approve Final Development Plan Application 2005-LE-021 for residential development located at Tax Map 84 -1 ((1)) 37, 38, and 39, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. At the time of site plan approval, the Applicant shall provide an escrow in the amount to cover the costs associated with the installation of two (2) pedestrian signal heads and one (1) crosswalk to be located across the proposed public road, along the east side of S. Van Dorn Street, directly in front of the subject property as determined by VDOT/ FCDOT.
2. The applicant shall design the site to continue to discharge runoff as sheet flow to and through the floodplain and RPA as determined by DPWES. If concentration of runoff is necessary due to the flow rates, a vegetated channel system may be used within and through the floodplain and RPA rather than a storm pipe system as determined by DPWES.