



APPLICATION FILED: March 14, 2006
PLANNING COMMISSION: March 15, 2007
BOARD OF SUPERVISORS: To Be Scheduled

County of Fairfax, Virginia

March 15, 2007

STAFF REPORT ADDENDUM

APPLICATION RZ 2006-PR-012

PROVIDENCE DISTRICT

APPLICANT:	CB Companies, LLC
PRESENT ZONING:	R-1
REQUESTED ZONING:	R-2; originally filed as R-3
PARCEL(S):	39-4 ((1)) 219
ACREAGE:	1.0 acre
FAR/DENSITY:	2.0 du/acre
PLAN MAP:	Residential; 2-3 du/acre
PROPOSAL:	To rezone from the R-1 District to the R-2 District to permit residential development of two single-family detached lots at a density of 2.0 du/ac.

STAFF RECOMMENDATIONS:

Staff recommends denial of the request for rezoning to the R-3 District.

Staff recommends approval of RZ 2006-PR-012 as a rezoning to the R-2 District, subject to the execution of proffers consistent with those contained in Attachment 1.

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Department of Planning and Zoning

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

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

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

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.



BACKGROUND AND DISCUSSION

The applicant, CB Companies, requests approval to rezone 1.0 acre located near the southeast quadrant of the intersection of Providence Street and Helena Drive. The application request was filed to rezone the property from the R-1 District to the R-3 District for the development of two single-family detached dwellings. As the application otherwise meets the R-2 District requirements, the applicant has modified the Generalized Development Plan and proffers to request the R-2 District.

A staff report was published on February 1, 2007. Since that time, the applicant has continued working with staff to address revisions and additions with the proffers.

Pursuant to the staff's new policy relating to publication dates and hearing dates, this staff report addendum has been provided with the revised proffers, now dated March 15, 2007.

Changes to the proffers from those in the previous staff report are shown in black line in Attachment 1. Changes are generally minor and provided updated proffer language and clarified existing commitments.

- **Changed: Proffer #5:** to update the school contribution proffer to reflect the current methodology for student yield ratio and the formula for calculation of the contribution;
- **Changed: Proffer #11. d.:** to include protection in the Tree Save area for the portion of the site which includes the demolition and removal of the existing structures and the existing gravel driveway;
- **Added: Proffer #14:** to provide for a contribution to the Providence District Tree Fund; and
- **Added: Proffer #15:** to provide for an architectural commitment to exterior materials.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions:

The revisions for clarifications and edits and the two additional proffers do not substantially change the proposal or the staff's recommendation.

Staff Recommendations

Staff recommends denial of the request for rezoning to the R-3 District.

Staff recommends approval of RZ 2005-SP-012 as a rezoning to the R-2 District, subject to the execution of proffers consistent with those contained in Attachment 1.

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

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

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.

ATTACHMENTS

1. Draft Proffers

PROFFERS

RZ 2006 PR-012 CB Companies L.L.C.

March ~~12~~,15, 2007

Pursuant to Section 15-2.2303A of the 1950 Code of Virginia, as amended, the undersigned applicant and owners, for themselves and their successors or assigns (hereinafter referred to as "Applicant"), hereby proffer the following conditions provided the Subject Property is rezoned to the R-2 District as proffered herein.

1. **Generalized Development Plan.** Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance, development of the property shall be in substantial conformance with the plan entitled "Generalized Development Plan Helena Drive ("GDP")," consisting of five (5) sheets prepared by Charles P. Johnson and Associates, Inc., revised as of January 29, 2007.
2. **Minor Modifications.** Pursuant to Section 18-204 of the Zoning Ordinance, minor modifications to the GDP may be permitted where it is determined by the Zoning Administrator that such are in substantial conformance with the proffered GDP.
3. **Energy Efficiency.** All homes constructed on the property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by the Department of Public Works and Environmental Services ("DPWES") for either electric or gas energy homes, as applicable.
4. **Landscaping.** Landscaping for the site and landscaping for the individual units shall be in substantial conformance with the landscaping shown on Sheets 3 and 4 of the GDP, subject to minor adjustments approved by Urban Forest Management ("UFM").
5. **School Contribution.** Per the Residential Development Criteria Implementation Motion adopted by the Board of Supervisors on September 9, 2002, effective January 7, 2003, at the time of issuance of the first building permit, the Applicant shall contribute a sum of \$5,500.99 (.473 x \$11,630) to the Board of Supervisors for transfer to the Fairfax County School Board. These funds shall be allocated by the Board of Supervisors for specific capital improvement(s) identified in the adopted Capital Improvement Program ("CIP") for the schools serving this development or for other capacity enhancement(s) for these schools, whether or not identified in the adopted CIP, such as the installation of modular classroom facilities.
6. **Density Credit.** All density and intensity of use attributable to land areas dedicated and conveyed to the Board pursuant to these proffers shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and such density is hereby reserved to be applied to the residue of the Subject Property.

7. **Affordable Housing Contribution.** At the time of the first building permit approval, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one half of one percent (0.5%) of the projected sales price of the new homes to be built on-site, as determined by the Department of Housing and Community Development and DPWES in consultation with the Applicant to assist the County in its goal to provide affordable dwellings elsewhere in the County.
8. **Idylwood Road.** The applicant shall dedicate right of way along the frontage of Idylwood Road as shown on the GDP. Said dedication shall be made at the time of recordation of the subdivision plat or upon demand of the Board of Supervisors, whichever event first occurs. The applicant intends to seek a waiver of the trail requirement along Idylwood Road. If the waiver is granted, the applicant shall contribute the cost of constructing a 10-foot wide trail as shown on the GDP, in lieu of constructing said trail. The cost of said construction shall be determined by using standard DPWES bonding estimates. Said contribution shall be made to the Providence District Trail Fund for use in the vicinity of the subject property, as determined by DPWES. In the event that the waiver is denied, the applicant shall construct the 10-foot wide trail as shown on the GDP and provide an escrowed amount to complete the trails to the property line, when trails are constructed on the adjacent properties that are designed to connect to the trail on the subject property.
9. **Helena Drive.** The applicant shall dedicate right-of-way twenty-five feet (25') from centerline along the frontage of Helena Drive and construct road improvements with face of curb fifteen feet (15') from centerline along the road frontage as shown on the GDP. Said dedication shall be made at the time of recordation of the Subdivision plat, or upon demand of the Board of Supervisors, whichever event first occurs.
10. **Driveways.** All driveways shall be a minimum of eighteen (18) feet in length from the property line to the garage door.
11. **Tree Preservation.**
 - a. **Tree Preservation Plan.** The Applicant shall submit a tree preservation plan as part of the first and all subsequent subdivision plan submissions. The preservation plan shall be prepared by a professional experienced in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and the plan shall be reviewed and approved by UFM. 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 ten (10) inches in diameter and greater within twenty (20) feet to either side of the limits of clearing and grading shown on the GDP for the entire site. The tree survey shall also include areas of clearing and grading not shown on the GDP resulting from engineering requirements, such as off-site clearing and grading for utilities or stormwater outfall. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of

clearing and grading shown on the GDP and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of *The Guide for Plant Appraisal* published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as crown pruning, root pruning, mulching, fertilization and others as necessary, shall be included in the plan.

- b. **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 a UFM representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustments 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 the associated understory vegetation and soil conditions.
- c. **Tree Protection Fencing.** All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing consisting of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart, shall be erected at the limits of clearing and grading as shown on the demolition and Phase I and II erosion and sediment control sheets, as may be modified by Paragraph b of this proffer. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing 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. Three (3) days prior to the commencement of any clearing, grading or demolition activities, and subsequent to the installation of the tree protection fencing, the UFM 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.
- d. **Limits of Clearing and Grading.** The Applicant shall conform to the limits of clearing and grading as shown on the GDP, subject to the installation of utilities and/or trails as determined necessary by the Director of DPWES. All utility

crossings (including stormwater management outfall facilities and sanitary sewer lines) shall be located so as not to interfere with proposed tree save areas. If it is determined necessary to install utilities and/or trails outside of the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by UFM. Likewise, the removal of the existing structures and the gravel driveway shall also be implemented in the least disruptive manner as determined by DPWES. A replanting plan shall be developed and implemented, subject to approval by UFM, for any areas outside of the limits of clearing and grading that must be disturbed.

- e. **Root Pruning.** Prior to the commencement of any clearing, grading or other demolition activities, the limits of clearing and grading adjacent to all tree save areas depicted on the CDP/FDP shall be root-pruned to a depth of eighteen (18) inches with a trencher or vibratory plow. The Applicant's certified arborist shall verify in writing that the root pruning has taken place.
- f. **Replacement Value.** The Applicant shall retain a professional with experience in plant appraisal, such as a certified arborist or landscape architect, to determine the replacement value of trees designated to be preserved as shown on the CDP/FDP ("designated trees"). These trees and their value shall be identified on the tree preservation plan at the time of the first submission of the subdivision plan. The replacement value shall be determined according to the methods contained in the latest edition of the *Guide for Plant Appraisal* published by the International Society of Arboriculture, subject to review and approval by the Urban Forestry Division.

At the time of subdivision plan approval, the Applicant will post a cash bond or letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the designated trees that die or are dying due to construction activities. The terms of the letter of credit shall be subject to approval by the County Attorney. The total amount of the cash bond or letter of credit shall be in the amount of the sum of the assigned replacement values of the designated trees.

At the time of bond release, if any designated trees are determined to be dead or dying due to construction activities, funds from the cash bond, or letter of credit, shall be used to plant similar species, or species appropriate to the site, in consultation with the Urban Forestry Division and the Applicant's certified arborist. The cash bond or letter of credit shall not be used for the removal of the dead/dying trees normally required by the PFM and the Conservation Agreement. If the Applicant's certified arborist or landscape architect, in consultation with the Urban Forestry Division representative, determines that only a certain number of trees can be planted due to space constraints, which amounts to less than the full extent of the security, the remainder of the moneys shall be returned to the Applicant.

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

12. **Stormwater Management.** A waiver of the stormwater detention/stormwater management (“SWM”) and a partial waiver of the BMP requirement will be requested from DPWES. Subject to the approval of the SWM and BMP waivers, rain gardens will be provided as shown on the GDP or other alternative BMP measures may be provided, subject to DPWES approval. In the event that rain gardens are utilized, they shall be maintained in accordance with the Specifications For Maintenance of Rain Gardens set forth in Attachment A, which is incorporated herein by reference. Replanting shall be implemented in accordance with Sheet 3 of 5 of the GDP, subject to approval of UFM. At the time of recordation of the record plat for the subdivision, a covenant shall be recorded among the land records requiring the owner of each lot to maintain the BMP facilities on their lot in accordance with the requirements of DPWES. The covenant shall stipulate that it runs with the land of each lot.
13. **Noise Attenuation.** The Applicant obtained a noise impact analysis that was prepared by Hush Associates LLC, a noise consultant approved by the Department of Planning and Zoning (“DPZ”). The noise impact analysis, dated October 10, 2006, was prepared in accordance with DPZ requirements to determine the noise impact levels on the site as a result of traffic on Idylwood Road and I-495.

In accordance with the findings of said noise impact analysis, the Applicant shall provide the following noise attenuation measures:

- a. The residential units on the site are impacted by highway noise having levels between 65 and 70 dBA Ldn. These units shall be constructed so as to have the following acoustical attributes in order to achieve a maximum interior noise level of approximately 45 dBA Ldn:
 - (1) Exterior walls shall have a laboratory sound transmission class (“STC”) of at least 39.
 - (2) Doors and glazing shall have a laboratory STC of at least 28. If glazing constitutes more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.
 - (3) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
- b. Prior to issuance of building permits, alternative interior noise attenuation measures may be provided subject to the implementation of a refined noise study as reviewed and approved by DPWES after consultation with DPZ.

- c. In order to achieve a maximum exterior noise level of 65 dBA Ldn, noise attenuation measures such as acoustical (architecturally solid, no gaps) fencing, walls, earthen berms, or combinations thereof, shall be provided for rear yard, ground level areas, unshielded by topography or built structures, in accordance with noise wall specifications dictated by the noise impact analysis, as determined by DPWES and DPZ. Where necessary, utilities or drainage lines may cross under the noise fence or wall
14. **Providence District Tree Fund.** At the time of Building Permit approval, the Applicant shall contribute ~~One~~Two Hundred Fifty Dollars (~~\$150.00~~250.00) to the Providence District Tree Fund.
15. **Architecture.** The exterior facades of the new homes constructed on the site shall be covered with brick, stone or cementitious siding (e.g., HardiPlank by James Hardie Building Products), or a combination thereof.

[SIGNATURES ON THE FOLLOWING PAGE]

OWNERS OF TAX MAP 39-4 ((1)) PARCEL 219:

Paul Wheeler

Carter Boehm

APPLICANT:

CB COMPANIES L.L.C.

By: _____
Carter Boehm
Sole Manager and Member