



APPLICATION FILED: February 8, 2007
APPLICATION AMENDED: May 8, 2007
PLANNING COMMISSION: July 11, 2007
BOARD OF SUPERVISORS: To Be Scheduled

County of Fairfax, Virginia

June 27, 2007

STAFF REPORT

APPLICATION RZ 2007-SU-005

SULLY DISTRICT

APPLICANT:	John J. Schlick
PRESENT ZONING:	R-1
REQUESTED ZONING:	R-2
PARCEL(S):	35-2 ((1)) 38
ACREAGE:	2.11 ac
FAR/DENSITY:	1.42 du/ac
PLAN MAP:	Residential; 0.5-1 du/ac with option for 2 du/ac
PROPOSAL:	To rezone from the R-1 District to the R-2 District to permit residential development of three single-family detached units at a density of 1.42 du/ac.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2007-SU-005, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of a modification of the 10 foot wide trail requirement in favor of the existing 8 foot wide asphalt trail along West Ox Road.

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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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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.



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

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

DESCRIPTION OF THE APPLICATION

Proposal:	The application request was filed to rezone the property from the R-1 District (Residential, 1 dwelling unit per acre) to the R-2 District (Residential, 2 dwelling units per acre) for the development of three single family detached dwellings. The existing single family detached dwelling unit will be demolished.
Location:	West side of West Ox Road between the Franklin Corner Subdivision to the north and the Franklin Farms Subdivision to the south.
Acreage:	2.11 acres
Proposed Density:	1.42 du/ac
Waivers:	Waiver of the 10 foot wide trail requirement in favor of the existing 8 foot wide asphalt trail along West Ox Road.

The applicant's draft proffers, affidavit and statement of justification are included in Appendices 1, 2 and 3, respectively.

LOCATION AND CHARACTER

Site Description:

The subject property, located at 3068 West Ox Road in the Sully District, is a 2.11 parcel consisting of one single family dwelling unit. This dwelling unit is located on west side of West Ox Road between the Franklin Corner Subdivision to the north and the Franklin Farms Subdivision to the south. Lot sizes within the adjacent residential neighborhoods range in size from 11,000 to 37,000 square feet. This site is 2.11 acres (91,911 square feet) and is generally flat, with mature trees and vegetation along the northern property line. Access is provided from West Ox Road.

Surrounding Area Description:

The subject property is located on the west side of West Ox Road in between the Franklin Corner and Franklin Farms Subdivisions and is surrounded by the following uses:

DIRECTION	USE	ZONING	PLAN
North	Single Family Detached Dwelling (Franklin Corner)	PDH-2	Residential: 0.5-1 du/ac
South	Single Family Detached Dwelling (Franklin Farms)	PDH-2	Residential: 0.5-1 du/ac
East	Single Family Detached Dwelling	PDH-1	Residential: 0.5-1 du/ac
West	Single Family Detached Dwelling	PDH-2	Residential: 0.5-1 du/ac

BACKGROUND

The existing dwelling was constructed in 1975. The Property is zoned R-1, and is not subject to proffers or development conditions.

COMPREHENSIVE PLAN PROVISIONS (See Appendix 4)

Plan Area:	Area III
Planning District:	Upper Potomac
Planning Sector:	UP7 - West Ox Community Planning Sector
Plan Map:	Residential; 0.5-1 du/ac

In the *Fairfax County Comprehensive Plan, 2007 Edition, Area III, Upper Potomac Planning District, as amended through July 10, 2006, UP7 - West Ox Community Planning Sector*, on page 145, the Plan states:

“5. The area bounded by Fox Mill Road, Bennett Road, West Ox Road, Thompson Road, and Lawyers Road is planned for residential use at .5-1 dwelling unit per acre. As an option, up to 2 dwelling units per acre may be appropriate for the portion south and southeast of the Franklin Farm community and west of West Ox Road (Tax Map 35-2 ((1)) 38, 51, 52, 53, 54 and 54A; 35-2 ((12)) inclusive (Franklin Corner) and 35-2 ((17)) inclusive (Still Oaks); 35-4 ((1)) 4, 4A, 4B, 4C, 4D and 10) provided that:

- Substantial parcel consolidation is achieved to ensure that the property is developed under the planned development concept;
- The property is developed within a planned development concept, with substantial open space to foster compatibility. The higher density single-family lots should be concentrated internally to the development. Larger lots should be located along the peripheries to provide the transition between densities. It is anticipated that this option area will be developed in single-family detached dwelling units; and
- Access to the northern portion of the option area south of Franklin Farm (Tax Map 35-2((12))inclusive) is provided via Pond Crest and Willow Glen Drive to Franklin Farm Road; access to the southern portion of that option area is provided from West Ox Road and Oxon Road. Access to the northernmost area adjacent to Franklin Farm (Tax Map 35-2((1))38 and 35-2((17))inclusive) is provided by an entrance at the northeast end of the property that does not interfere with traffic flow at the intersection of West Ox Road, Folkstone Road, and Lawyer's Road. (See Figure 54.) “

ANALYSIS

Generalized Development Plan (Copy at front of staff report)

Title of GDP: 3068 West Ox Road, Generalized Development Plan, (Sully District Fairfax County, VA)

Prepared By: Walter L. Philips Inc.

Original and Revision Dates: September 29, 2006, as revised through June 6, 2006

The GDP consists of six sheets.

GDP: 3068 West Ox Road	
Sheet #	Description of Sheet
1 of 6	Project title, General notes, Sheet index, Vicinity map, Soils map and data chart, Zoning tabulations, and Developer information
2 of 6	Generalized Development Plan (GDP) and Proposed Site Layout
3 of 6	Conceptual Landscape Plan, Tree Cover Calculations and Tree Type Legend
4 of 6	Existing Vegetation Map
5 of 6	Stormwater Management Calculations, and Bio-retention computations
6 of 6	Outfall Analysis

The following features are depicted on the proposed GDP:

Site Layout: The proposed layout includes a subdivision of the subject property into three (3) separate residential lots, for the purpose of constructing 3 single-family detached dwelling units at density of 1.42 du/ac. All existing structures on the property will be demolished. The proposed lot sizes will range in size from approximately 19,000 square feet to 28,000 square feet, which exceeds the 15,000 square foot minimum lot size requirement for the R-2 District. In addition, the average lot size of the proposed subdivision, 22,860 square feet, exceeds the minimum R-2 District average lot size requirement of 18,000 square feet.

Sheet 2 of the GDP depicts a subdivision layout oriented around a new cul-de-sac that results from an extension of Jonquilla Court south into the center of the subject property. The applicant has proffered right of way dedication within the site for the cul-de-sac and has committed to scarify and remove the pavement of the temporary turnaround on Jonquilla Court in the Franklin Corner subdivision. Three single family detached dwelling units are proposed to face the new cul-de-sac. Building footprints, building restriction lines and minimum yard setbacks are shown on Sheet 2. The proposed building footprints may be located anywhere within the building restriction lines. These restriction lines govern the site and meet the minimum yard setbacks for the R-2 District, which include a minimum front yard setback of thirty-five (35) feet, a side yard setback of fifteen (15) feet, and a rear yard setback of twenty-five (25) feet. Although the applicant has not

provided architectural elevations as a part of this application, the applicant has proffered to design all of the units to be of the same quality, general appearance, style and proportion of materials as the abutting houses in Franklin Corner and Franklin Farm. In addition, the GDP indicates that each unit will have a maximum height of thirty-five (35) feet, which meets the maximum building height of the R-2 District.

A retaining wall is also shown on Sheet 2 of the GDP with a potential range in size of approximately 2 feet to 8 feet in height and is located in the rear yard of the proposed Lot 2. Staff is concerned about the visual impact of the wall on the adjacent property. The applicant has provided additional vegetation along the exterior of the wall facing the adjacent property to the south and has proffered to provide architectural surface treatments that include brick and/or other treatments that are compatible with and complement the building architecture and materials used on adjacent properties as approved by DPWES. The applicant has also proffered to limit the size of any proposed retaining walls required, but not shown on the GDP to be a maximum of 3 feet in height.

Vehicular Access: One access point is provided into the subject property from Jonquilla Court. Access to each unit is proposed to be provided from individual driveways off the proposed cul-de-sac.

Parking: The zoning tabulations on Sheet 1 indicate that a minimum of 2 parking spaces per dwelling unit will be provided by driveways and garages. However, due to the lack of detailed information about the proposed dwelling units on the GDP, staff was concerned about the use of the garages and the length of the driveways. The applicant has proffered to place a covenant on each residential lot that prohibits the use of garages for any purpose which will preclude motor vehicle storage. In addition, the applicant proffered to construct driveways a minimum of eighteen (18) feet in length to permit the parking of two (2) vehicles without overhanging onto the sidewalk and to build garages that will accommodate two (2) vehicles.

Pedestrian Access: 5-foot wide sidewalks are shown along the edge of the cul-de-sac to connect the proposed subdivision to existing sidewalks in Franklin Corner and to provide an opportunity for pedestrian access to the site from the north. An existing 8-foot wide trail is shown along eastern property line abutting West Ox Road. No immediate access from the trail is provided into the proposed subdivision.

Tree Save and Landscaping: The majority of the existing site is overgrown grassland, with mature trees scattered throughout the site and located primarily along the northern and southern property lines. The majority of the tree types include tulip poplar, red maple, black cherry, locust, and eastern red cedar. Several trees located along the northern property line are co-owned by the Franklin Corner homeowners association. In order to minimize the negative impact on the co-owned trees, the applicant has shifted the limits of clearing and grading 10 feet south from the northern property line. The applicant has also made the necessary proffer commitments to protect and preserve these trees. In addition, Urban Forest Management identified two trees on the site (a 30 foot blue spruce tree located just left of the front door of the existing house and a 30 inch diameter red maple tree located at the rear of the existing house) that are in good condition and worthy of preservation consideration (see Appendix 8). However, staff believes that additional tree preservation commitments from the applicant will not help these trees survive demolition of the existing house.

The applicant has proposed additional landscaping proposed along the perimeter of the site and in between the proposed lots. This landscaping includes a combination of deciduous, flowering and evergreen trees. Smaller trees and shrubs are planned to be planted in associated with the bio-retention facilities proposed for stormwater management.

Stormwater Management:

The application proposes that stormwater management (SWM) and best management practices (BMP) requirements will be achieved through the use of several bio-retention facilities located on the individual lots, which will require a modification of the Public Facilities Manual (PFM). Each proposed lot, including Outlot A, will contain a bio-retention facility. According to the BMP narrative and SWM narrative on Sheet 5 of the GDP, the bio-retention facilities are designed to provide BMPs for 65 percent phosphorous removal and to ensure that the allowable release from the site post development is equal to pre-development flow. The GDP indicates that the facilities will be privately maintained. The applicant has proffered to take the necessary steps to incorporate the proposed development within the Franklin Corner Homeowners Association. If the proposed development is not incorporated within Franklin Corner, then the applicant has proffered to form a new Homeowners Association to maintain the bio-retention facility located on Outlot A.

Stormwater run-off is proposed to be conveyed through an existing storm sewer system and open channel. The majority of the onsite runoff flows via sheet flow from north to south and is intercepted by an existing storm sewer, which directs the flow west and southwest under Hay Meadow Place. The applicant has proffered to demonstrate adequate outfall to the satisfaction of DPWES and to design and construct specific improvements shown on the GDP to maximize the

ability to collect existing runoff that may impact the Franklin Corner and Franklin Farm Subdivisions.

RESIDENTIAL DEVELOPMENT CRITERIA (Appendix 5)

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. The criteria are discussed below:

Site Design (Development Criterion #1)

This criterion requires that the development proposal address consolidation goals in the plan, further the integration of adjacent parcels, and not preclude adjacent parcels from developing in accordance with the Plan. The development should provide for a logical design with appropriate relationships within the development.

The Comprehensive Plan designates the subject property for residential development at a density of 0.5-1 dwelling units per acre (du/ac) with an option for 2 du/ac. The proposed residential density of 1.42 du/ac is within the recommended density range in the Plan. In addition, the proposal meets the conditions identified in the Plan for the optional density, which recommends a residential development with single family detached units that are accessed from points other than West Ox Road. The applicant proposes a residential development that includes three single family detached dwelling units, landscaping along the perimeter of the subject property to screen the development from West Ox Road, and an access point from Jonquilla Court located to the north of the subject property within the Franklin Center subdivision. The additional Plan condition for substantial parcel consolidation is not applicable in this application since no vacant parcels are adjacent to the subject property. In addition, the adjacent parcels are zoned PDH-2, and developed according to the Plan. Staff believes that this application meets the Plan conditions and proposes a logical extension of the adjacent residential development pattern to the north and south.

Landscaping: Developments should provide appropriate landscaping; for example, in parking lots, in open space areas, along streets, in and around stormwater management facilities, and on individual lots.

There are no open space requirements for an R-2 development. However, the applicant has proposed additional landscaping along the perimeter of the site and between the proposed lots. This landscaping includes a combination of

deciduous, flowering and evergreen trees. Smaller trees and shrubs are to be planted in association with the bio-retention facilities proposed for stormwater management. Approximately 16,938 square feet of tree coverage is proposed. The applicant has proffered to provide a Landscape Plan that is in substantial conformance with the concepts shown on the GDP with all subdivision plan submissions.

Neighborhood Context (Development Criterion #2)

This criterion states that all rezoning applications for residential development, regardless of the proposed density, should be designed to fit into the community, as evidenced by an evaluation of: transitions to abutting and adjacent uses; lot sizes; bulk/mass of the proposed dwelling units; setbacks (front, side and rear); orientation of the proposed dwelling units to adjacent streets and homes; architectural elevations and materials; pedestrian, bicycle and vehicular connections to off-site trails, roadways, transit facilities and land uses; existing topography and vegetative cover and proposed changes to them as a result of clearing and grading.

As previously discussed, staff believes that the proposed layout is compatible with the Franklin Corner subdivision to the north, the Franklin Farms subdivision to the south, and the other surrounding neighborhoods. A review of the adjacent lots in Franklin Corner and Franklin Farms shows that the existing lot sizes range in size from 11,305 square feet to 13,293 square feet in Franklin Corner and 20,115 square feet to 36,131 square feet in Franklin Farms. The proposed range in lot sizes of 19,000 square feet to 28,000 square and are larger than those in Franklin Corner and some of the adjacent Franklin Farm lots. The proposal does provide an adequate transition between these adjacent subdivisions.

Furthermore, since the surrounding area is similarly characterized by single family detached dwellings with comparable setbacks and building orientations, staff believes that the new development will fit into the fabric of the adjacent area.

The applicant has also committed to design all of the units to be of the same quality, general appearance, style and proportion of materials as the abutting houses in Franklin Corner and Franklin Farm and to provide sidewalks that will connect the proposed development with Franklin Corner.

Environment (Development Criterion #3; see Appendix 6)

This criterion states that all rezoning applications should conserve natural environmental features to the extent possible, account for soil conditions, and protect current and future residents from noise and lighting impacts. Development should minimize off-site impacts from stormwater runoff and adverse water quality impacts.

Water Quality Management (Appendix 7)

Water quality control measures are provided to offset the added impervious surface areas. As previously discussed, the applicant proposes the use of four bio-retention facilities on site to meet stormwater management (SWM) and best management practices (BMP) requirements, which will require a modification of the Public Facilities Manual (PFM). Each proposed lot, including Outlot A, will contain a bio-retention facility. According to the BMP narrative and SWM narrative on Sheet 5 of the GDP, the bio-retention facilities are designed to provide BMP for 65 percent phosphorous removal and to ensure that the allowable release from the site post-development is equal to pre-development flow. Appropriate proffer commitments have been made to ensure that the stormwater facilities are adequately sized and located to meet outfall requirements according to the County Public Facilities Manual and subject to DPWES approval. A final determination regarding the adequacy of the proposed SWM and BMP facilities will be made at the time of subdivision plan review. In the event that a waiver of the PFM is not granted and DPWES requires the provision of SWM/BMP facilities in a manner that is not in substantial conformance with the GDP, then a Proffered Condition Amendment (PCA) may be required and may result in a loss of lots.

An existing well is also located in the center of the subject property under the proposed cul-de-sac. The applicant has proffered to abandon the well and cap it according to the County Health Department standards.

Noise Impacts

Proposed Lot 3 will be impacted by traffic noise from West Ox Road having levels of approximately 65 and 70 dBA Ldn. Materials and construction for the exterior walls, doors and glazing are proffered to achieve a maximum interior noise level of 45 dBA Ldn. For exterior attenuation, the applicant has also proffered to construct a six foot tall solid wooden fence with no gaps or openings on the rear or side yard of the proposed dwelling unit on Lot 3 as may be applied by DPWES and shown on the GDP.

Tree Preservation and Tree Cover Requirements (Development Criterion #4; Appendix 8)

This criterion states that all rezoning applications for residential development, regardless of the proposed density, should take advantage of the existing quality tree cover and should preserve existing trees. Proposed utilities, including stormwater management and outfall facilities and sanitary sewer lines, should be located to avoid conflicts with tree preservation and planting areas.

The majority of the existing site is overgrown grassland, with mature trees scattered throughout the site and located primarily along the northern and southern property lines. The majority of the tree types include tulip poplar, red maple, black cherry, locust and eastern red cedar. Several trees located along the northern property line are co-owned.

Staff analysis recommended the preservation of the co-owned trees located along the northern property line. In order to minimize the negative impact on the co-owned trees, the applicant has shifted the limits of clearing and grading 10 feet south from the northern property line. Appropriate proffer commitments to protect and preserve these trees have been made.

In addition, Urban Forest Management identified two other trees on the site (a 30 foot blue spruce tree located just left of the front door of the existing house and a 30 inch diameter red maple tree located at the rear of the existing house) that are in good condition and worthy of preservation consideration (see Appendix 8). However, staff believes that additional tree preservation commitments from the applicant will not help these trees survive demolition of the existing house.

Transportation (Development Criterion #5; See Appendix 9)

Criterion 5 states that all rezoning applications for residential development should provide safe and adequate access to the surrounding road network and that pedestrian travel should be encouraged. (Applicable criteria are discussed below):

Transportation Improvements: Residential development should provide safe and adequate access to the road network, maintain the ability of local streets to safely accommodate traffic, and offset the impact of additional traffic by utilizing appropriate transportation measures (street capacity enhancement, design features, right-of-way dedication, other improvements, etc.) Non-motorized facilities, such as connections to existing sidewalks and provision for connections to future sidewalks and non-motorized facilities, and adequate driveway lengths, should be provided.

The Department of Transportation (FCDOT) reviewed the application and indicated that it would not object to a modification of the ten-foot trail requirement along West Ox Road in favor of the existing eight-foot asphalt trail recently installed by VDOT. No other transportation issues were identified.

Public Facilities (Development Criterion #6)

Criterion 6 states that a residential development impacts public facility systems (i.e. schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned community facilities). All rezoning applications are

expected to offset their public facility impact and to first address public facility needs near this development.

Fire and Rescue Department (Appendix 10)

The subject property is serviced by the Fairfax County Fire and Rescue Department Station # 431 Fox Mill. The requested rezoning currently meets fire protection guidelines, as determined by the Fire and Rescue Department.

Sanitary Sewer (Appendix 11)

The application property is located within the Horsepen Creek (A1) watershed and will be sewerred into the Blue Plains Treatment Plant.

Schools (Appendix 12)

The proposed development would be served by Oakton High School, Carson Middle School and Crossfield Elementary School. All three schools are projected to be below capacity through the 2011-2012 school years. The total number of additional students generated by this development is anticipated to be 2 students: one elementary and one high school student. Since this is an increase of two students above that generated by the existing zoning district, staff requested that the applicant provide \$23,260 to offset potential impacts on the schools. The applicant has proffered to contribute \$23,260 to the Board of Supervisors, at the time of issuance of the first building permit, for transfer to the Fairfax County School Board.

Parks (Appendix 13)

The proposed development has the potential to generate additional residents in the Sully District, which will require access to outdoor recreational facilities. In order to offset the additional impact caused by this development, the Fairfax County Park Authority has determined that a proffered contribution of \$1,855 would be appropriate for recreational facility development at one or more of the existing park sites located within the service area of the subject property. The applicant has proffered to contribute \$4,720 to the Fairfax County Park Authority prior to the issuance of the first RUP.

Affordable Housing (Development Criterion #7)

Criterion 7 states that ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County. The applicant can elect to fulfill this criterion by providing affordable units that are not otherwise required by

the ADU Ordinance, land adequate and ready to be developed or by a contribution to the Housing Trust Fund.

The application is not subject to the ADU Ordinance because fewer than fifty dwelling units are proposed. However, the applicant has proffered to contribute to the Fairfax County Housing Trust Fund a sum equal to one half of one percent (½%) of the value of all the units approved on the property to assist the County in its goal to provide affordable dwellings elsewhere in the County.

Heritage Resources (Development Criterion #8) (Appendix 13)

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

The Fairfax County Park Authority’s (FCPA) has indicated that the subject property has a moderate potential for significant historic archeological and architectural resources. The applicant has proffered to conduct a Phase I archeological study prior to the commencement of any land disturbing activities and will present the results to the Cultural Resources Management and Protection Section of the Fairfax County Park Authority. The proffer further states that a Phase II/III study will be conducted if warranted.

ZONING ORDINANCE PROVISIONS

The requested rezoning of the subject property from R-1 to the R-2 District must comply with the applicable regulations of the Zoning Ordinance. A comparison of the R-2 District requirements and those proposed for the new development are as follows:

Bulk Standards (R-2 Zoning)		
Standard	Required	Provided
Lot Size	15,000 square feet (minimum) 18,000 square feet (average)	27,330 square feet (Lot 1) 21,610 square feet (Lot 2) 19,640 square feet (Lot 3) 22,860 square feet (average)
Lot Width	Interior Lot 100 ft	Minimum of 100 feet
Building Height	35 feet	35 feet
Front Yard	35 feet	Minimum of 35 feet (Building Restriction Line)
Side Yard	15 feet	Minimum of 15 feet (Building Restriction Line)

Bulk Standards (R-2 Zoning)		
Standard	Required	Provided
Rear Yard	25 feet	Minimum of 25 feet (Building Restriction Line)
Open Space	No requirement	
Transitional Screening & Barrier: None required		

Waivers and Modifications:

As previously discussed, the applicant requests a modification of the ten-foot trail requirement along West Ox Road in favor of the existing eight-foot asphalt trail recently installed by VDOT. Staff supports the modification request.

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed proffers contained in Appendix 1.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant, John J. Schlick, requests approval of a rezoning of approximately 2.11 acres from the R-1 District to the R-2 District. The purpose of the application is to allow subdivision of the existing land area into three (3) separate building lots, and to permit the construction of single family detached dwelling units on the site, at an overall density of 1.42 dwelling units per acre (du/ac). The Comprehensive Plan recommends residential development at a density of 0.5-1 dwelling units per acre (du/ac) with site specific language for an option up to 2 du/ac.

In staff's evaluation, the proposal meets the conditions identified in the Plan for the optional density. The applicant proposes a residential development that includes three single family detached dwelling units, landscaping along the perimeter of the subject property to screen the development from West Ox Road, and an access point from Jonquilla Court located to the north of the subject property within the Franklin Center subdivision. Staff believes that this proposal is in harmony with the Comprehensive Plan and meets all applicable provisions of the Zoning Ordinance.

Staff Recommendations

Staff recommends approval of RZ 2007-SU-005, subject to the execution of proffers consistent with those contained in Appendix 1 of this report.

Staff recommends approval of a modification of the 10 foot wide trail requirement in favor of the existing 8 foot wide asphalt trail along West Ox Road.

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 recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Plan Citations
5. Comprehensive Plan Residential Development Criteria
6. Environmental Analysis
7. Stormwater Management (DPWES) Analysis
8. Urban Forest Management Analysis
9. Transportation Analysis
10. Fire and Rescue Analysis
11. Sanitary Sewer Analysis
12. Schools Analysis
13. Parks Analysis
14. Glossary of Terms

JOHN J. SCHLICK
RZ 2007-SU-005
PROFFERS

June 6, 2007

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the Property Owner and the Applicant, John J. Schlick, for themselves and their successors and assigns (hereinafter referred to as the "Applicant"), proffer that the development of the parcel under consideration identified on the Fairfax County Tax Maps as Tax Map reference 35-2((1))38 (hereinafter referred to as the "Property"), will be in accordance with the following conditions, if and only if the Application RZ 2003-SU-005 rezoning the Property from the R-1 District to the R-2 District is approved by the Board of Supervisors. The Proffered Development Conditions are as follows:

I. DEVELOPMENT PLAN

1. Subject to the proffers and provisions of Article 18 of the Zoning Ordinance, under which minor modifications to an approved generalized development plan are permitted, the development shall be in substantial conformance with the Generalized Development Plan (GDP) prepared by Walter L. Phillips, Incorporated, dated June 6, 2007.

2. Minor Modifications. Minor modifications from what is shown on the GDP and these Proffers, which may become occasioned as a part of final architectural and engineering design, may be permitted as determined by the Zoning Administrator in accordance with the provisions set forth in §18-403 of the Zoning Ordinance.

3. Lot Yield. The development shall consist of a maximum of three (3) single-family detached units.

4. Annexation into HOA. Prior to record plat approval, the Applicant shall either be annexed into the Franklin Corner HOA in accordance with §2-700 of the Zoning Ordinance for the purpose of establishing the necessary residential covenants governing the design and operation of the approved development and to provide a mechanism for ensuring the ability to complete certain maintenance obligations and other provisions noted in these proffer conditions

or form a new Homeowner's Association for the specific purpose of maintaining the rain garden in the out lot as shown on the GDP.

5. Escalation. All monetary contributions required by these proffers shall be adjusted upward or downward based on changes to the Consumer Price Index (CPI) occurring subsequent to the date of rezoning approval and up to the date of payment.

6. Architectural Compliance. The architectural design of all units shall be of the same quality, general appearance, style and proportion of materials as the abutting houses in Franklin Corner and Franklin Farm. At the time of building permit, the Applicant shall submit pictures to DPWES to demonstrate conformance with this proffer.

7. Retaining Walls.

a. No retaining walls greater than three feet (3') in height shall be permitted on the Property unless shown and specified to a greater height on the GDP. The Applicant further reserves the right to not construct retaining walls shown on the GDP if not warranted based on final engineering.

b. The locations of retaining walls are depicted on the GDP. Any additional retaining walls that are not part of a parking structure, that exceed 3 feet in height and that are not required for public safety reasons shall be permitted only after a proffer compliance determination by DPZ that the wall(s) are in substantial conformance with the GDP.

c. An architectural surface treatment shall be used on the face of any retaining walls. The surface treatment shall be either predominantly or a combination of a mix of stone aggregate, special forming, or scoring, special mix of textures or polymer paint materials, bricks, screening materials, pre-cast concrete, architectural embellishments and/or other treatments that are compatible with and complement the building architecture and materials as approved by DPWES.

8. Right-of-Way Dedication and Improvements along Jonquilla Court.

a. At the time of subdivision plat recordation, or upon demand by VDOT or Fairfax County, whichever occurs first, the Applicant shall dedicate, at no cost to Fairfax County and in fee simple to the Board, the right-of-way within the site for a cul-de-sac termination of Jonquilla Court, as generally shown on the GDP. Prior to issuance of the first RUP for the approved units, the Applicant shall construct the cul-de-sac as shown on the GDP.

b. Prior to the issuance of the first RUP, the Applicant shall scarify and remove the pavement on the temporary turnaround on Jonquilla Court within the lot identified as Tax Map 35-2((17))12. Applicant shall regrade the scarified corner and replace top soil and sod to the satisfaction of UFM.

c. Any escrowed funds contributed for the temporary turnaround by the developer of Franklin Corner shall be made available for the removal of the temporary turnaround after the Applicant provides evidence that the turnaround has been removed.

9. Construction Entrance. The Applicant shall utilize, subject to VDOT permit, the existing driveway along West Ox Road as a temporary construction vehicle entrance during all phases of clearing and grading, utility installation, construction of the cul-de-sac, and delivery of foundation materials. Upon commencement of construction of the foundation of the home on Lot 3, the construction entrance will be permanently closed and access to the site will be via Jonquilla Court. All construction vehicles during all phases of construction shall be parked on site and prohibited from parking on Jonquilla Court and adjoining public streets.

II. ENVIRONMENTAL

10. Low Impact Development (LID) Stormwater Management Facilities and Best Management Practices. The Applicant shall implement LID stormwater management techniques to control the quantity and quality of stormwater runoff from the Property as determined by DPWES. LID stormwater management facilities/Best Management Practices (BMPs) shall be provided within the three (3) individual lots and one (1) outlot per PFM standards. Adequate outfall shall be demonstrated to the satisfaction of DPWES. If it cannot be demonstrated that there is adequate outfall, then no subdivision plan shall be approved. The Applicant shall disclose in writing to prospective purchasers of Lots, the maintenance responsibilities for these facilities.

11. Off-Site Easements. No Subdivision plan shall be approved unless and until the Applicant demonstrates to the satisfaction of the County, that it has obtained the necessary rights and permission to install the off-site drainage infrastructure shown on the subdivision plan. If the applicant cannot demonstrate these rights, and any alternative solution is not in substantial conformance with the GDP, a PCA may be required which may result in a loss of density.

12. Landscaping. Landscaping shall be provided in substantial conformance with the landscaping concepts shown on the GDP. If, during the process of subdivision plan review, any new landscaping shown on the GDP cannot be installed in order to locate utility lines or trails, then an area of additional landscaping consisting of trees and/or plant material of a similar type and size shall be substituted at an alternate location on the Property, subject to approval by the Urban Forest Management (UFM).

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

III. TREE PRESERVATION

14. Tree Preservation Plan In order to protect and preserve the group of co-owned trees north of the northern property line as depicted on the GDP, the Applicant shall submit a Tree Preservation plan in connection with the first submission and all subsequent submissions of the subdivision plan. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of 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 ten inches (10") in diameter and greater, and twenty-five feet (25') to either side of the limits of clearing and grading around the tree preservation area depicted on the GDP. Such tree survey shall be limited to trees located on the subject Property, and the co-owned trees along the northern property line as depicted on the GDP. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation 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 any tree located on the Property identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

15. 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 including any woody, herbaceous or vine plant species that occurs in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Removal of any vegetation, if any, or soil disturbance in tree preservation areas, including the removal of plant species that may be perceived as noxious or invasive, may be permitted by the Applicant with approval of the UFM Division, DPWES.

The use of equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaw, 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, DPWES.

16. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a UFM, DPWES representative to determine whether adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading. Any such adjustments shall be implemented, provided they do not result in the loss of any residential lot or substantial changes to the engineering/grading of the lot. Trees that are identified specifically by UFM in writing as dead or dying within the tree preservation area located on the Property may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation.

17. Limits of Clearing and Grading. The Applicant shall conform substantially to the limits of clearing and grading as shown on the GDP, subject to allowances specified in Proffer 17 above to save trees identified by the UFM, and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities in areas protected by the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by UFM, DPWES. A replanting plan shall be developed and implemented, subject to approval by UFM,

DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such utilities.

18. Tree Protection Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four 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, super silt fence, to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading as shown on the demolition and phase I & II erosion and sediment control sheets, as may be modified by the Proffer pertaining to "Root Pruning" below. All tree protection fencing around the aforementioned tree preservation area shall be installed after the tree preservation walk-through meeting but prior to any demolition and clearing and grading activities. In connection with demolition activities, only that fencing proximate to the demolition activity shall be required. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist and UFM, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Two (2) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFM, DPWES shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no demolition, grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM, DPWES.

19. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by UFM, DPWES, 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 or vibratory plow to a depth of eighteen inches (18").
- Root pruning shall take place prior to any clearing and grading.

- Root pruning shall be conducted with the supervision of a certified arborist.
- A UFM, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

20. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Property, an agent or representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFM approvals. The Sully 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.

21. Tree Value Determination. The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees ten inches (10") in diameter or greater located within twenty-five feet (25') of the outer edge of the limits of clearing and grading around the tree preservation area depicted on the GDP and shall include trees located on adjoining properties. These trees and their value shall be identified on the Tree Preservation Plan. The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the *Guide for Plan Appraisal* published by the International Society of Arboriculture, subject to review and approval by UFM, DPWES.

22. Tree Bonds. At the time of subdivision plan approval, the Applicant shall both post a cash bond and a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined pursuant to Proffer 22 that die or are dying due to unauthorized construction activities. The letter of credit shall be equal to 50% of the replacement value of the bonded trees. The cash bond shall consist of 33% of the amount of the letter of credit.

At any time prior to final bond release, should any bonded trees die, be removed, or are determined to be dying by UFM due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall yield an equivalent size, species and/or canopy cover, as approved by UFM. In addition to this replacement obligation, the

Applicant shall also make a payment equal to the value of any bonded tree that is dead or dying or improperly removed due to unauthorized activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. At the time of approval of the final RUP, the Applicant shall be entitled to request a release of any monies remaining in the cash bond and a reduction in the letter of credit to an amount equal to 20% of the total amounts originally committed. Any funds remaining in the letter of credit or cash bond will be released two (2) years from the date of release of the Applicant's property's conservation escrow, or sooner, if approved by UFM, DPWES.

IV. RECREATION

23. Park Authority Contributions: The Applicant shall contribute \$4,720 to the Fairfax County Park Authority (FCPA), prior to the issuance of the first RUP on the Property, for use at off-site recreational facilities intended to serve the future residents, as determined by FCPA in consultation with the Supervisor for the Sully District.

V. OTHER

24. Temporary Signage. No temporary signs (including "popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off-site by the Applicant or at the Applicant's direction to assist in the initial marketing and sale of homes on the subject Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or sale of residential units on the subject Property to adhere to this proffer.

25. School Contribution. A contribution of \$23,260 shall be made to the Board designated for capital equipment or improvements for schools that the residents of the proposed development will attend or within the school cluster or pyramid serving the development. The required contribution shall be made at the time of, or prior to, subdivision plan approval.

26. Affordable Dwelling Units. Prior to the issuance of the first building permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund the sum equal to one half of one percent (1/2%) of the value of all the units approved on the property. The one half of one percent (1/2%) contribution shall be based on the aggregate sales price of all the units subject to

the contribution, as if those units were sold at the time of issuance of the first building permit. The projected sales price shall be determined by the Applicant through an evaluation of the sales prices of comparable units the area, in consultation with the Fairfax County Department of Housing and Community Development (HCD) and DPWES.

27. Phase 1 Archaeological. Prior to any land disturbing activities on the Property, Applicant shall conduct a Phase I archaeological study on the Property and provide the results of such study to Cultural Resources Management and Protection Section of the Fairfax County Park Authority (CRMPS). The study shall be conducted by a qualified archaeological professional. If the Phase I study concludes that an additional Phase II study of the Property is warranted, the Applicant shall complete said study and provide the results to CRMPS. If the Phase II study concludes that additional Phase III evaluation and/or recovery is warranted, the Applicant shall also complete said work in consultation and coordination with CRMPS.

28. Noise Attenuation.

a. In order to reduce interior noise to a level of approximately 45 dBA Ldn, for the residential unit on proposed Lot 3 the unit shall be constructed with the following acoustical measures:

- Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45.
- Doors and glazing shall have a laboratory STC rating of at least 37 unless glazing constitutes more than 20% of any façade exposed to noise levels of Ldn 70 dBA or above.
- If glazing constitutes more than 20% of an exposed façade, then the glazing shall have a STC rating of at least 45.
- All surfaces shall be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission.

b. In order to reduce exterior noise levels in the rear or side yard of proposed Lot 3 to a level of approximately 65 dBA Ldn, a six foot tall solid wooden fence with no gaps or

openings, except for utility easement crossing, shall be constructed on the rear or side yard of Lot 3, as may be applied by DPWES.

29. Garages and Driveways. The Applicant shall place a covenant on each residential lot that prohibits the use of the garage for any purpose which would preclude motor vehicle storage. This covenant shall be in a form approved by the County Attorney and shall be recorded among the land records of Fairfax County prior to the sale of lots and shall run to the benefit of the HOA and to the Board of Supervisors. The HOA documents shall expressly state this use restriction. The driveway provided for each unit shall be a minimum of eighteen (18) feet in length to permit the parking of two (2) vehicles without overhanging onto the sidewalk. Garages shall be designed to accommodate two (2) vehicles.

30. Existing Wells. Existing wells on the site shall be identified, capped, and abandoned subject to review and approval by the Health Department, prior to the demolition of existing structures on the Property.

[Signatures begin on the following page]

APPLICANT:

John J. Schlick
(Contract Purchaser of Tax Map No. 35-2((1))38)

By: _____

TITLE OWNER:

B. Joseph A. Wells

By: _____