



APPLICATION ACCEPTED: June 17, 2010
APPLICATION AMENDED: October 29, 2010
PLANNING COMMISSION: December 2, 2010
BOARD OF SUPERVISORS: Not yet Scheduled

County of Fairfax, Virginia

November 18, 2010

STAFF REPORT

APPLICATION RZ 2010-HM-006

HUNTER MILL DISTRICT

APPLICANT: Sekas Homes, Ltd.

PRESENT ZONING: R-1

REQUESTED ZONING: R-3

PARCEL(S): 28-4 ((1)) 29

ACREAGE: 2.3 acres

DENSITY: 2.60 du/ac

PLAN MAP: Residential; 2-3 du/ac

PROPOSAL: To rezone from the R-1 District to the R-3 District to permit residential development consisting of six (6) single-family detached dwelling units.

WAIVERS/MODIFICATIONS: Modification of the Public Facilities Manual (PFM), 5-foot wide sidewalk and Comprehensive Plan, Countywide Trails Plan requirement along the Old Courthouse Road frontage of the property in order to provide a 10-foot wide trail.

Modification of the location regulations, pursuant to Section 10-104 (3) (B) of the Zoning Ordinance to permit an increase in the height of the proposed decorative fence to 7-feet in height in the location generally shown on the GDP.

St.Clair Williams

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



DEPARTMENT OF
**PLANNING
& ZONING**

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2010-HM-006, subject to the execution of proffers consistent with those contained in Appendix 1 of this staff report.

Staff recommends approval of the modification of the Public Facilities Manual (PFM), 5-foot wide sidewalk requirement along the Old Courthouse Road frontage of the property in order to provide a 10-foot wide trail.

Staff recommends approval of the modification of the of the Comprehensive Plan, Countywide Trails Plan requirement along the Old Courthouse Road frontage of the property in order to provide a 10-foot wide trail.

Staff recommends approval of the modification of the location regulations, pursuant to Section 10-104 (3) (B) of the Zoning Ordinance to permit an increase in the height of the decorative fence to 7-feet in height in the location generally shown on the GDP.

Staff recommends approval of a deviation of the tree preservation target in favor of that shown on the GDP.

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

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

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.



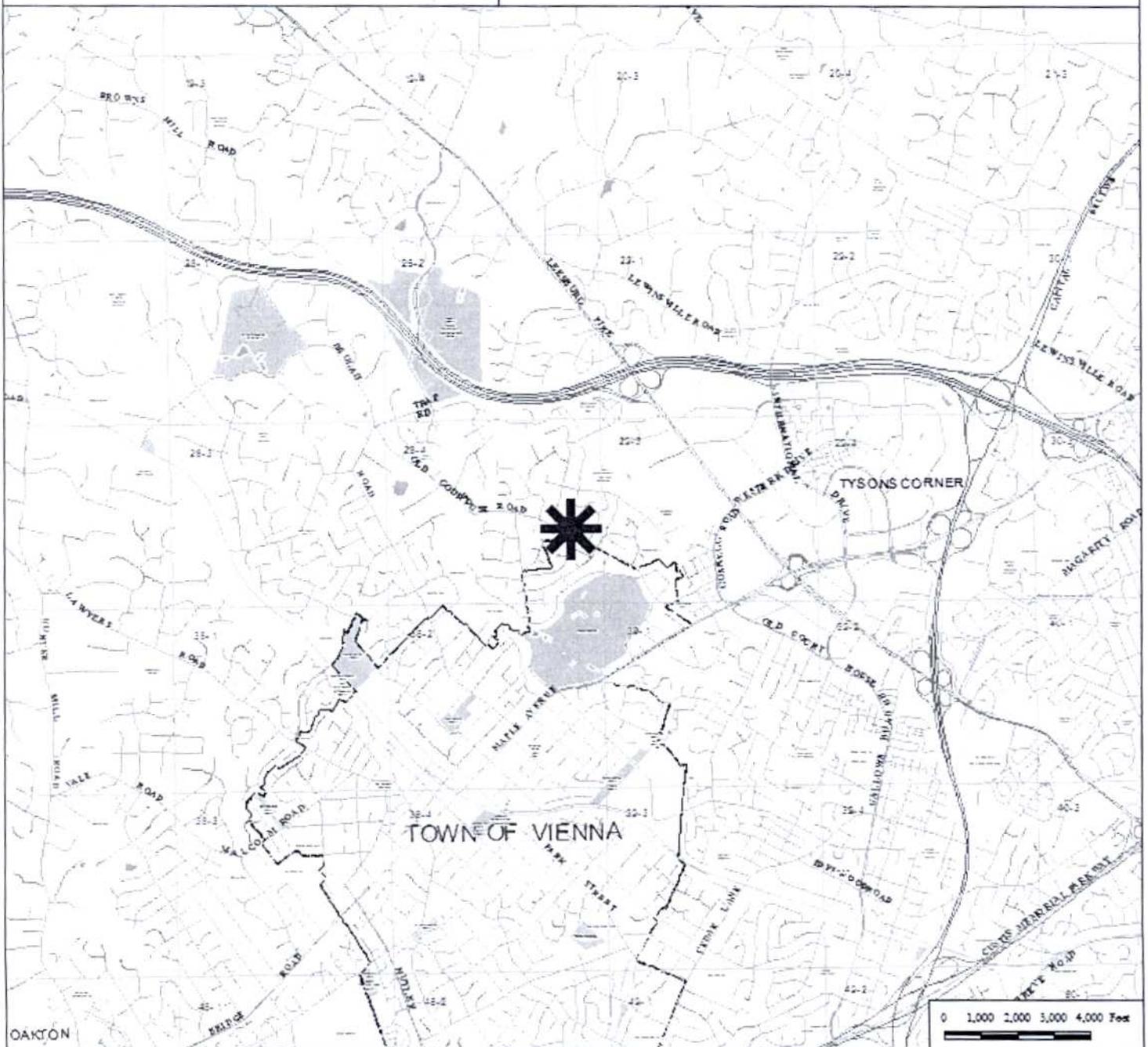
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Rezoning Application

RZ 2010-HM-006



Applicant: SEKAS HOMES, LTD.
Accepted: 06/17/2010
Proposed: RESIDENTIAL
Area: 2.3 AC OF LAND; DISTRICT - HUNTER MILL
Zoning Dist Sect:
Located: NORTH SIDE OLD COURTHOUSE ROAD
APPROXIMATELY 355 FEET WEST OF ITS
INTERSECTION WITH LARKMEADE DRIVE
Zoning: FROM R- 1 TO R- 3
Overlay Dist:
Map Ref Num: 028-4- /01/ /0029

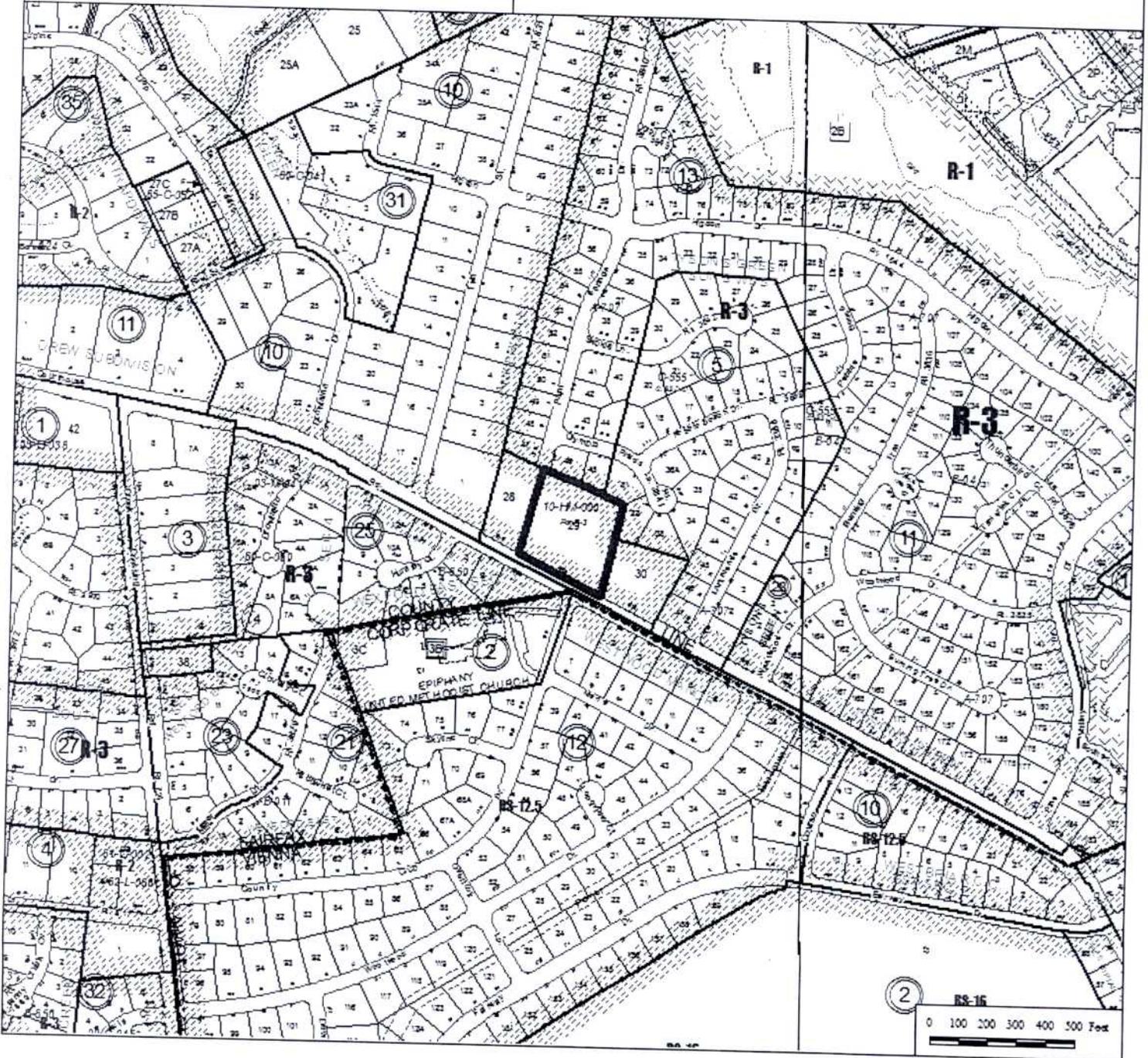


Rezoning Application

RZ 2010-HM-006



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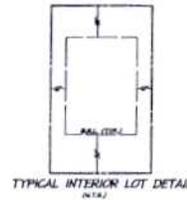


NOTES:

1. THE PROPERTY DELINEATED ON THIS PLAN IS LOCATED ON FAIRFAX COUNTY ASSESSMENT MAP NO. 26-4 (11) 2N AND IS CURRENTLY ZONED R-4. THE PROPOSED ZONE IS R-3.
2. THE PROPERTY SHOWN HEREIN IS CURRENTLY IN THE NAME OF THE FOLLOWING: HASTINGS ESTATES, L.C. BY DEED RECORDED IN DEED BOOK 2044 AT PAGE 161-162. THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
3. DEVELOPER/CONTRACT PURCHASER: SOGAS HERON, LTD. C/O JENI P. SOGAS, PRESIDENT ATT.: CARMEN STREET, NE ARLING, VA 22206 (703) 262-1290
4. ALL SURVEY INFORMATION IS BASED UPON A FIELD SURVEY BY LAND DESIGN CONSULTANTS, INC. FEBRUARY, 2000.
5. THE ZOOLOGICAL INFORMATION IS BASED UPON A FIELD SURVEY BY LAND DESIGN CONSULTANTS FEBRUARY, 2000. THE VERTICAL DATUM IS BASED UPON MNN. THE CONTOUR INTERVAL IS 2'00 (2) FEET.
6. TITLE EVIDENCE FURNISHED BY STEWART TITLE GUARANTY COMPANY. FILE NO. 89-0018, EFFECTIVE DATE JANUARY, 2000.
7. THE PLAT OF THE PROPERTY SHOWN HEREIN IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983 AS COMPUTED FROM A FIELD SURVEY WHICH HAS BEEN REFERENCED TO THE FAIRFAX COUNTY GEODESIC INFORMATION SYSTEM PERMANENT GPS BM. THE COMBINED GRID AND ELEVATION FACTOR IS 0.000000.
8. ALL DEVELOPMENT SHALL CONFORM TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS OF FAIRFAX COUNTY AND THE CITY OF ARLING. THE APPLICANT RESERVES THE RIGHT TO APPLY FOR ANY FUTURE MODIFICATIONS OF PPT DESIGN CRITERIA TO THE CITY OF ARLING. PLAT PREPARATION / SUBMISSION PROVIDED THE MODIFICATIONS ARE IN SUBSTANTIAL CONFORMANCE WITH THE GMP.
9. PERMITS AND PERMIT CONTROLS SHALL BE INSTALLED PRIOR TO ANY CLEARING, GRADING OR CONSTRUCTION AS PER REQUIREMENTS OF THE STATE OF VIRGINIA AND THE CODES OF FAIRFAX COUNTY.
10. LAND DESIGN CONSULTANTS, INC. IS NOT AWARE OF ANY UTILITY EASEMENTS WHICH EXIST ON THE SUBJECT PROPERTY WITH A WIDTH OF 25 FEET OR MORE.
11. ALL UTILITIES INSTALLED AS PART OF THIS PROJECT SHALL BE PLACED UNDERGROUND. THE UTILITY LOCATIONS SHOWN HEREIN ARE FOR ILLUSTRATIVE PURPOSES ONLY AND MAY SUBJECT TO CHANGE WITH FINAL ENGINEERING. LISTS OF CLEARING AND GRADING SHALL BE IN GENERAL CONFORMANCE WITH THE GMP SHOWN HEREIN.
12. NECESSARY PERMITS SHALL BE OBTAINED IF REQUIRED, AND PROVIDED PRIOR TO ANY CLEARING, GRADING OR CONSTRUCTION.
13. THE SITE WILL BE SERVED BY PUBLIC WATER AND SANITARY SEWER. SANITARY SEWER SERVICE SHALL BE PROVIDED BY INDIVIDUAL LATERAL CONNECTIONS.
14. A RECREATION PRODUCTION AREA (RPA), AS DEFINED BY THE FAIRFAX COUNTY ZONING ORDINANCE, DOES NOT EXIST ON THE SUBJECT PROPERTY FOR THE FAIRFAX COUNTY RPA MAPS. A RESOURCE MANAGEMENT AREA (RMA), AS DEFINED BY FAIRFAX COUNTY, DOES EXIST ON THE SUBJECT PROPERTY.
15. THE PROPERTY SHOWN HEREIN LIES WITHIN A ZONE "X", AN AREA DETERMINED TO BE OUTSIDE A 100 YEAR FLOODPLAIN, AS DELINEATED ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 5555-0001 D, DATED MARCH 3, 1991.
16. THE COMPREHENSIVE PLAN RECOMMENDS DEVELOPMENT OF THE PROPERTY AS RESIDENTIAL AT A DENSITY OF 2 TO 3 DWELLING UNITS PER ACRE. THE PROPOSED DENSITY OF 24 DWG. UNITS PER ACRE IS IN ACCORDANCE WITH THE INTENT OF THE COMPREHENSIVE PLAN, ADDRESSING USES AND PROPOSED DENSITY WILL ENHANCE THIS PROPERTY AND WILL MEET THE APPLICABLE CRITERIA FOR STAFF REVIEW.
17. IN ACCORDANCE WITH THE FAIRFAX COUNTY TRAILS PLAN, A 6' PAVED TRAIL AND IN ACCORDANCE WITH THE PPT, A 6" SIGNALE IS REQUIRED ALONG THE 100' WIDE OLD COURTHOUSE ROAD FRONTAGE. THE APPLICANT IS PROPOSING A 4" SHARED USE PATH IN ACCORDANCE WITH VDOT REQUIREMENTS SEE NOTE 2. THE APPLICANT WILL SUBMIT A WAIVER OF THE SIGNALE REQUIREMENT ALONG OLD COURTHOUSE ROAD IN LIGHT OF THE PROPOSED TRAIL.
18. THE SITE IS NOT AWARE OF ANY BURIAL SITES LOCATED ON THE SUBJECT PROPERTY.
19. OLD COURTHOUSE ROAD IS NOT SHOWN ON THE VDOT 7 YEAR PLAN TO BE IMPROVED OR IMPROVED. OLD COURTHOUSE ROAD IS NOT SHOWN ON THE COUNTY'S COMPREHENSIVE PLAN AND COUNTYWIDE TRANSPORTATION MAP TO BE IMPROVED. HOWEVER THE APPLICANT IS PROPOSING AN ADDITIONAL DESIGNATION ALONG THE EXISTING CENTERLINE ALONG THE SUBJECT PROPERTY'S OLD COURTHOUSE ROAD FRONTAGE. PLEASE SEE SHEET 2.
20. AN ENVIRONMENTAL QUALITY CORRIDOR (EQC) AS DEFINED IN THE ADOPTED COMPREHENSIVE PLAN DOES NOT EXIST ON THE SUBJECT PROPERTY. THE EXISTENCE OF A SIGNALE DENSITY REDUCTION DO NOT EXIST ON SITE.
21. LDC DOES NOT BELIEVE ANY HAZARDOUS OR TOXIC SUBSTANCES HAVE BEEN GENERATED, UTILIZED, STORED, TREATED, AND / OR DISPOSED OF OR HAVE BEEN OBSERVED ON THE SUBJECT PROPERTY.
22. INVESTIGATION OF THIS PROJECT SHALL COMMENCE AT SUCH TIME AS APPROPRIATE COUNTY APPROVALS HAVE BEEN OBTAINED AND SUBJECT TO THE DISCRETION OF OWNER / DEVELOPER.
23. A GEOTECHNICAL REPORT SHALL BE SUBMITTED FOR REVIEW BY FAIRFAX COUNTY CONCURRENTLY WITH THE FINAL SUBDIVISION PLAN IF REQUIRED.
24. THE SUBJECT PROPERTY WILL MEET SHIPYARD REQUIREMENTS THROUGH THE PROVISION OF ONE INFILTRATION TRENCH TO BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION AS DETERMINED BY DPWS. A MAINTENANCE AGREEMENT WILL BE RECORDED IN THE LAND RECORDS OUTLINING MAINTENANCE RESPONSIBILITIES.
25. ALL DEVELOPMENTS ARE APPROPRIATE AND TYPICAL HOUSE FOOTPRINTS SHOWN ON THESE LOTS MAY BE PROVIDED PROVIDED THAT MODIFICATIONS ARE IN SUBSTANTIAL CONFORMANCE WITH THE GMP, AND THE PERMIT TAGS ARE PROVIDED.
26. THE APPLICATION HAS BEEN DESIGNED WITH THE PRIMARY FOCUS OF CREATING A DEVELOPMENT THAT IS SIMILAR TO ADJACENT DEVELOPMENTS. ADJACENT PLANTING AROUND THE PERIMETER OF THE PROPERTY WILL BE PROVIDED. THE APPLICANT WILL ENSURE THAT THE POST DEVELOPMENT RAINOFF IS LESS THAN THE PRE DEVELOPMENT RAINOFF.
27. ADDITIONAL TREE PLANTINGS, AS SHOWN ON THE GMP, WILL PROVIDE ADEQUATE REASONS OF SCREENING.
28. CAREKEEP AND MAINTENANCE OF OUTLET 'A' AS DEPICTED ON THE GMP, WITHIN THE SUBDIVISION SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
29. PERMIT ADJUSTMENTS TO THE LOT LINES AND UTILITY LOCATIONS SHALL BE PERMITTED IN ACCORDANCE WITH THE FINAL GRADING AND UTILITY LAYOUT AND SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THAT PROVIDED HEREIN.
30. ALL EXISTING STRUCTURES CONSTRUCTED IN PPA AND RECORDED IN PPA AND WILL BE REMOVED.
31. A WAIVER OF THE SUBDIVISION STREET ACCEPTANCE REQUIREMENTS WILL BE SUBMITTED CONCURRENTLY WITH THIS REQUEST.
32. LOCATION OF EXISTING STRUCTURES ON ADJACENT PROPERTIES IS APPROXIMATELY AND FROM INFORMATION OF RECORD.

TABULATIONS

SITE AREA = 84,844 SQ. FT. OR 2.31 ACRES
 EXISTING ZONING = R-4
 PROPOSED ZONING = R-3
 PROPOSED USE = SINGLE FAMILY DETACHED
 PROPOSED BUILDING HEIGHT (BUSH) = 30 FEET
 PROPOSED BUILDING HEIGHT PROVIDED = 30 FEET MAX.
 AVERAGE LOT SIZE REQUIRED = 8,500 SQ. FT.
 AVERAGE LOT SIZE PROVIDED = 10,000 SQ. FT.
 MINIMUM LOT SIZE REQUIRED = 45,000 SQ. FT.
 MINIMUM LOT SIZE PROVIDED = 24,500 SQ. FT.
 MINIMUM LOT WIDTH REQUIRED PROVIDED = 80' (INTERIOR), 85' (CORNER)
 MINIMUM YARDS:
 REQUIRED FRONT YARD 30'
 SIDE YARD 0'
 REAR YARD 25'
 PROVIDED FRONT YARD 30'
 SIDE YARD 0'
 REAR YARD 25'
 OPEN SPACE REQUIRED/PROVIDED NONE

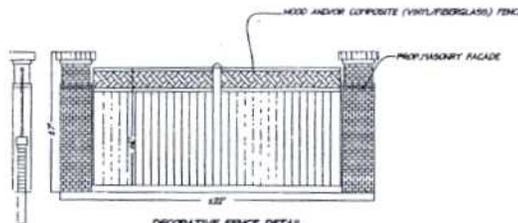


PARKING:
 REQUIRED (7 SPACES/UNIT) = 0 SPACES
 PROVIDED (4 SPACES/UNIT) = 24 SPACES
 TOTAL PARKING PROVIDED = 24 SPACES

DENSITY:
 PERMITTED (8 UNITS) = 4.00 DWG/AC
 PROPOSED (24 UNITS) = 2.40 DWG/AC

GENERAL STATEMENT

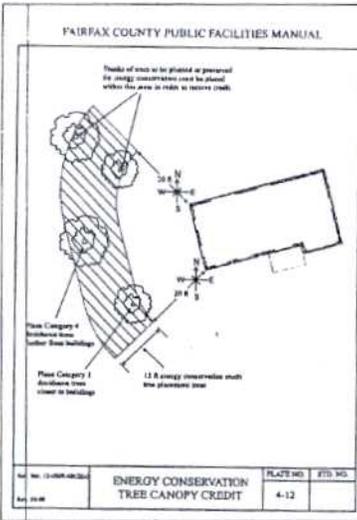
THE PROPERTY PROPOSED FOR THIS REZONING IS LOCATED ON FAIRFAX COUNTY TAX MAP 26-4(11) PARCEL 2N AND IS CURRENTLY ZONED R-4. THE TOTAL AREA OF THE PROPERTY SUBJECT TO THIS APPLICATION IS 2.31 ACRES. THE APPLICANT PROPOSES A REZONING OF THE PROPERTY TO THE R-3 DISTRICT FOR THE PURPOSES OF CONSTRUCTING SIX NEW HOUSES.



DECORATIVE FENCE DETAIL
 NOT TO SCALE
 (COLUMN SPACING TO VARY IN ORDER TO ACCOMMODATE SITE CONDITIONS)

WAIVERS/MODIFICATIONS REQUESTED:

IN ACCORDANCE WITH THE FAIRFAX COUNTY ZONING ORDINANCE AND PUBLIC FACILITIES MANUAL, THE FOLLOWING WAIVERS/MODIFICATIONS ARE RESPECTFULLY REQUESTED:
 1. A WAIVER OF THE 6" SIGNALE REQUIREMENT ALONG THE PROPERTY'S OLD COURTHOUSE ROAD FRONTAGE IN ACCORDANCE WITH CHAPTER 8B OF THE SUBDIVISION ORDINANCE AND THE PUBLIC FACILITIES MANUAL. THE APPLICANT WILL PROVIDE A 4" SHARED USE PATH ALONG THE SUBJECT PROPERTY'S OLD COURTHOUSE ROAD FRONTAGE AS DEPICTED ON SHEET 3. THIS SHARED USE PATH WILL PROVIDE ADEQUATE PEDESTRIAN PROTECTION AND MAINTAIN MAINTENANCE RESPONSIBILITIES FOR THE PARALLEL FACILITIES.



PLANTING	PLANTING	PLANTING
ENERGY CONSERVATION TREE CANOPY CREDIT	PLANTING	PLANTING
	4-12	



SOIL INFORMATION

SOIL #	SOIL NAME	PROJECT CLASS	FOUNDATION SUPPORT	DRAINAGE	EROSION POTENTIAL
85	GLENNEL	C	GOOD	GOOD	HIGH

PLANTING SCHEDULE

SYMBOL	TYPE	SIZE
⊙	LARGE EVERGREEN	4'-8" HT.
⊙	LARGE DECIDUOUS	2" CAL.
⊙	SMALL	8'-30" HT.

THE LANDSCAPE DEPICTED HEREIN SHALL CONSIST OF NATIVE AND PROVEN DESIRABLE SPECIES WHICH INCLUDE BUT ARE NOT LIMITED TO EASTERN RED CEDAR, NORWAY SPRUCE, AMERICAN HEMLOCK, RED PINE, YELLOW OAK, RIVER BIRCH, AND BLACK GUM. TREES QUALIFY FOR ENDRY CONSERVATION CREDIT IN ACCORDANCE WITH THE PPT. PLANT 4-12 (SEE THIS SHEET). THE SPECIFIC TREE TYPES AND LOCATION SHALL BE DESIGNATED ON A LANDSCAPE PLAN SUBMITTED WITH THE SUBDIVISION PLAN. THE TREES SHOWN HEREIN ARE FOR ILLUSTRATIVE PURPOSES ONLY. THE APPLICANT RESERVES THE RIGHT TO MODIFY THE SPECIES AND LOCATION FROM THAT PROVIDED HEREIN AT THE TIME OF FINAL SUBDIVISION PLAN AND SUBJECT TO APPROVAL BY LDC.

SHEET INDEX

1. COVER SHEET
2. GENERALIZED DEVELOPMENT PLAN
3. EXISTING CONDITIONS PLAN
4. EXISTING VEGETATION MAP
5. TREE PRESERVATION / PROTECTION PLAN
6. TREE PRESERVATION NARRATIVE
7. ELEVATIONS
8. SUBDIVISION MANAGEMENT INFORMATION



COVER SHEET
 RZ 2010-HM-04

VIENNA CREST

I HEREBY CERTIFY THAT OTHER THAN THE REVISIONS SHOWN HEREIN, NO OTHER CHANGES HAVE BEEN MADE TO THIS PLAN.

DATE: APRIL 2003
 DRAFT: CHECK: ERM: FITT: ALL: JLB: ALP: ALM: JLB: JLB



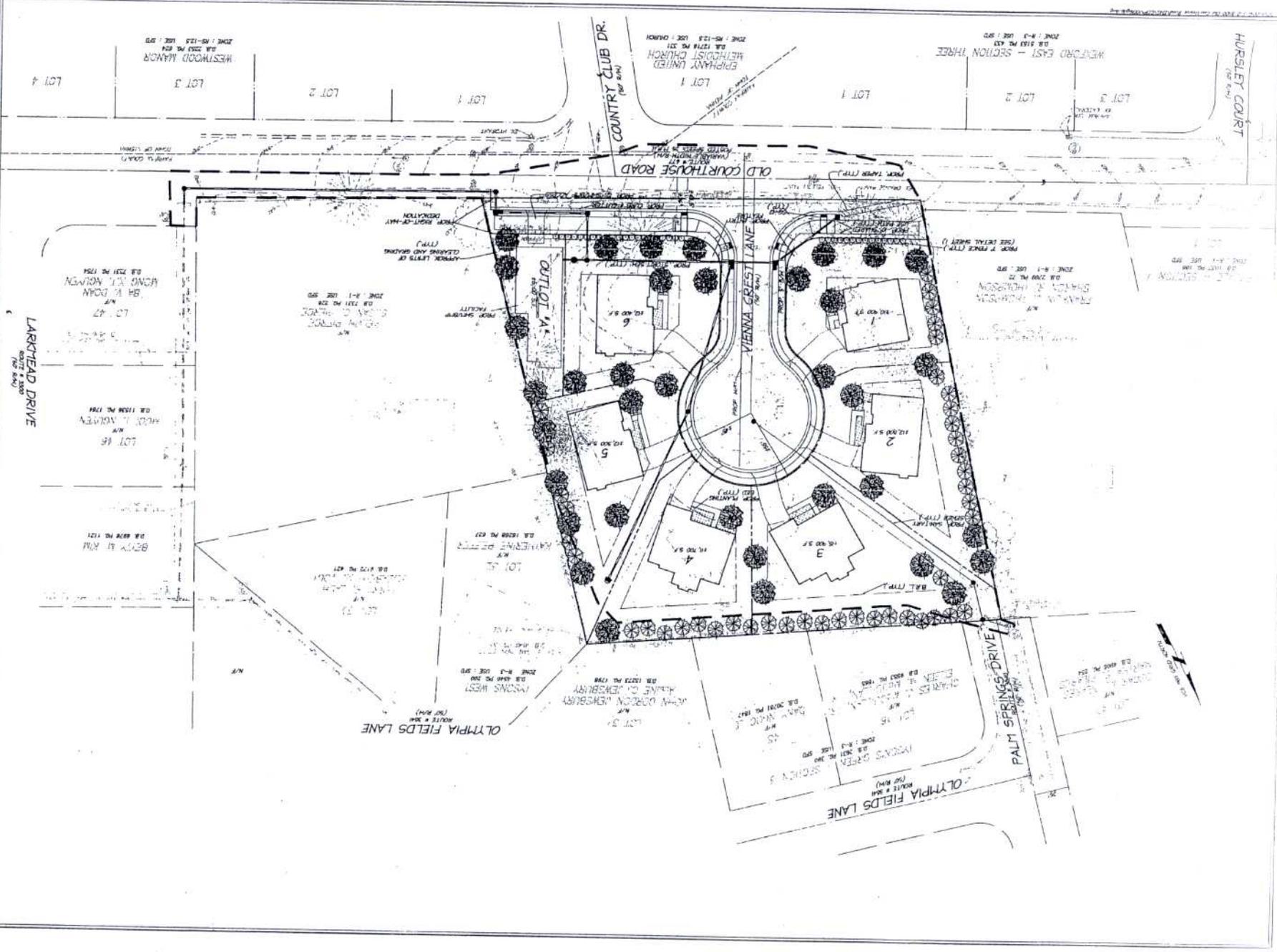
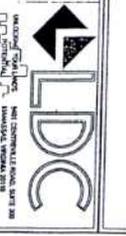
SHEET 1 of 6
 DATE: APRIL 2003
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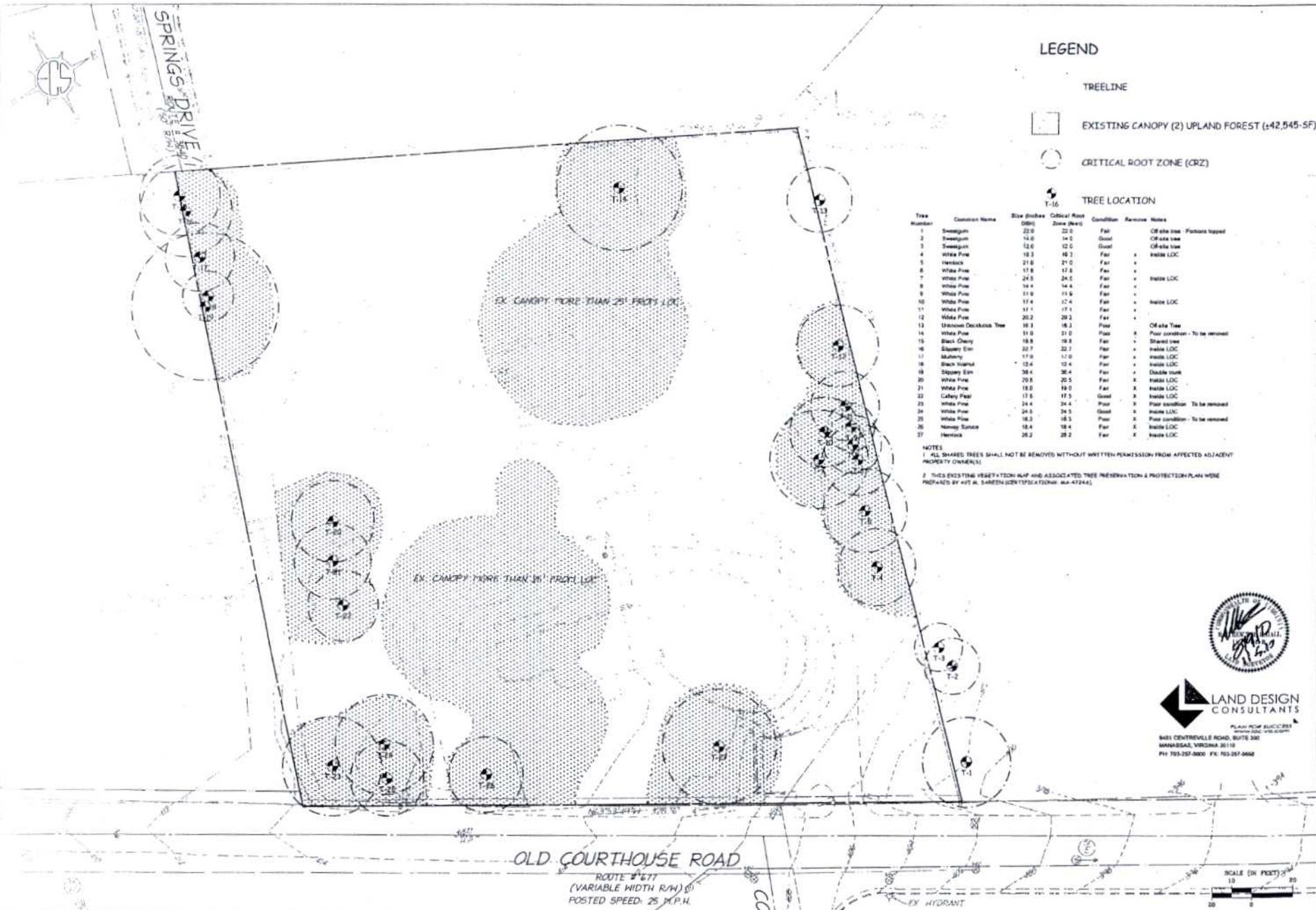
DATE: APRIL 2000
 SHEET: 2 OF 6
 SCALE: 1" = 50'


REVISIONS

NO.	DATE	DESCRIPTION	BY	CHKD.
1		ISSUED FOR PERMIT		
2		REVISIONS		
3		REVISIONS		
4		REVISIONS		
5		REVISIONS		
6		REVISIONS		
7		REVISIONS		
8		REVISIONS		
9		REVISIONS		
10		REVISIONS		

VIENNA CREST
 GENERALIZED
 DEVELOPMENT PLAN





LEGEND

TREELINE

EXISTING CANOPY (2) UPLAND FOREST (±42,545-SF)

CRITICAL ROOT ZONE (CRZ)

TREE LOCATION
T-16

Tree Number	Common Name	Size (Inches DBH)	Critical Root Zone (Feet)	Condition	Remove	Notes
1	Sweetgum	22.0	22.0	Fair	X	Off site use - Future tapped
2	Sweetgum	14.0	14.0	Good		Off site use
3	Sweetgum	12.0	12.0	Good		Off site use
4	White Pine	19.3	19.3	Fair	X	Inside LOC
5	Hickock	21.0	21.0	Fair	X	Inside LOC
6	White Pine	17.8	17.8	Fair		
7	White Pine	24.5	24.5	Fair	X	Inside LOC
8	White Pine	14.4	14.4	Fair		
9	White Pine	11.9	11.9	Fair		
10	White Pine	17.4	17.4	Fair	X	Inside LOC
11	White Pine	17.1	17.1	Fair		
12	White Pine	20.2	20.2	Fair		
13	Unknown Deciduous Tree	16.3	16.3	Fair		Off site Tree
14	White Pine	11.0	11.0	Poor	X	Poor condition - To be removed
15	Black Cherry	18.8	18.8	Fair		Shaved tree
16	Slippery Elm	22.7	22.7	Fair	X	Inside LOC
17	Mulberry	17.0	17.0	Fair	X	Inside LOC
18	Black Walnut	12.4	12.4	Fair	X	Inside LOC
19	Slippery Elm	38.4	38.4	Fair	X	Double trunk
20	White Pine	20.5	20.5	Fair	X	Inside LOC
21	White Pine	19.0	19.0	Fair	X	Inside LOC
22	Calley Pear	17.5	17.5	Good	X	Inside LOC
23	White Pine	24.4	24.4	Poor	X	Poor condition - To be removed
24	White Pine	24.5	24.5	Good	X	Inside LOC
25	White Pine	18.3	18.3	Poor	X	Poor condition - To be removed
26	Honey Suckle	18.4	18.4	Fair	X	Inside LOC
27	Hickock	28.2	28.2	Fair	X	Inside LOC

NOTES
 1. ALL SHAVED TREES SHALL NOT BE REMOVED WITHOUT WRITTEN PERMISSION FROM AFFECTED ADJACENT PROPERTY OWNER(S)
 2. THIS EXISTING VEGETATION MAP AND ASSOCIATED TREE PRESERVATION & PROTECTION PLAN WERE PREPARED BY AXT W. SHREVE CONSULTANTS, INC. (A-12345)



LAND DESIGN CONSULTANTS
 PLAN FOR SUCCESSION
 8481 CENTREVILLE ROAD, SUITE 200
 MANASSAS, VIRGINIA 20108
 PH 703-287-0000 FX 703-287-0000

OLD COURTHOUSE ROAD
 ROUTE # 677
 (VARIABLE WIDTH R/W)
 POSTED SPEED: 25 M.P.H.



CELEBRATING 30 YEARS OF EXCELLENCE
 AXT W. SHREVE CONSULTANTS, INC. (A-12345)
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF VIRGINIA
 SETTING THE STANDARD FOR SERVICE

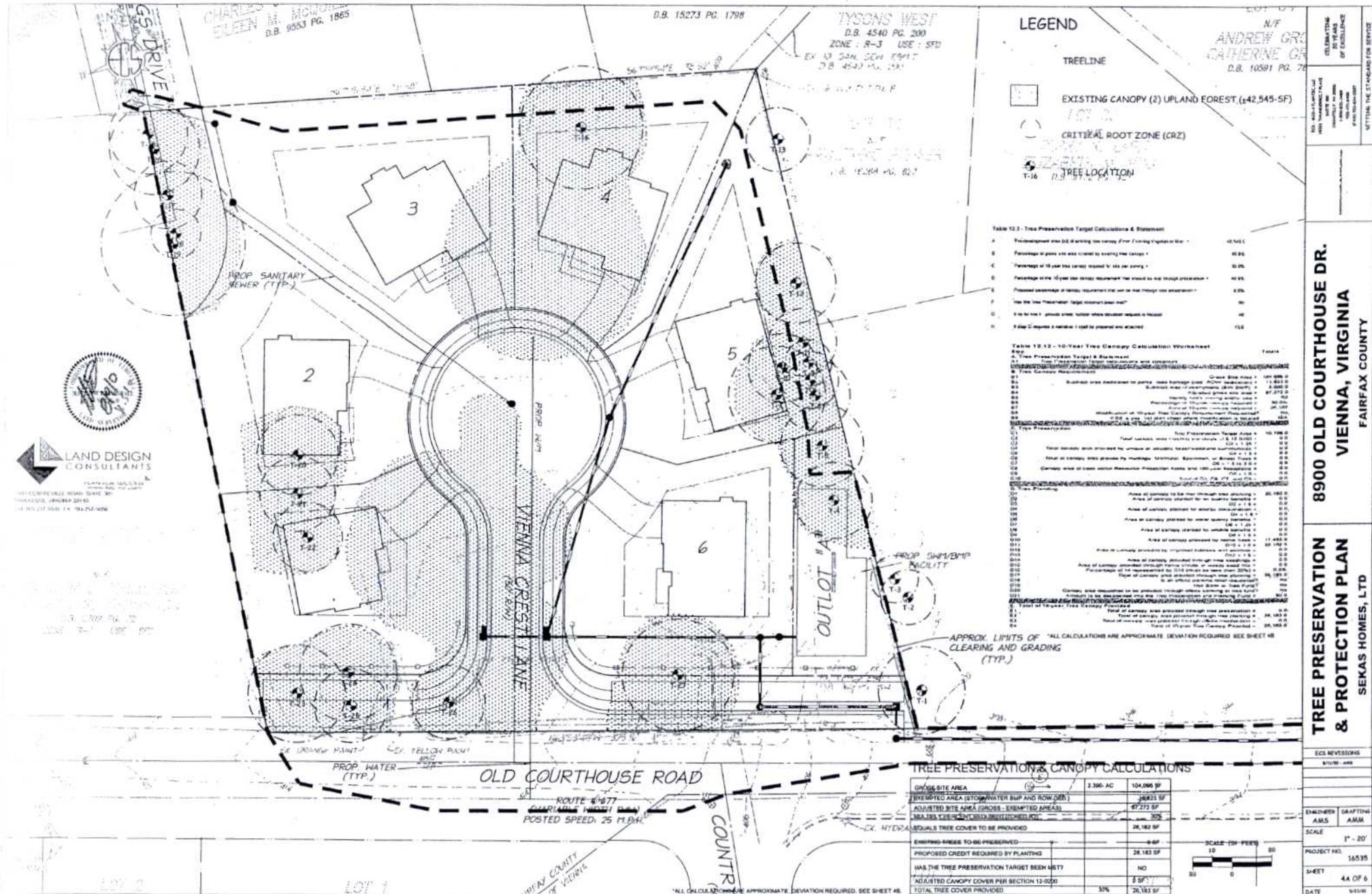
8900 OLD COURTHOUSE DR.
VIENNA, VIRGINIA
FAIRFAX COUNTY

EXISTING VEGETATION MAP
 SEKAS HOMES, LTD

ECS REVISIONS
NO/18 - AMS
ENGINEER AMS
DRAFTING AMM
SCALE 1" = 20'
PROJECT NO. 16535
SHEET 4 OF 6
DATE 8/10/18



100 COMMONWEALTH ROAD, SUITE 300
 WARRANWOOD, VIRGINIA 22093
 (703) 237-5600 FAX (703) 237-0090



LEGEND

- TREELINE
- EXISTING CANOPY (2) UPLAND FOREST (642,545-SF)
- CRITICAL ROOT ZONE (CRZ)
- TREE LOCATION

Table 12.3 - Tree Preservation Target Calculations & Statement

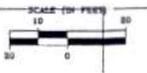
A	Development area (2) of existing tree canopy (Per Existing Vegetation Map)	45,945
B	Percentage of area not to be cleared by existing tree canopy	45.8%
C	Percentage of 10-year tree canopy required for site per zoning	30.0%
D	Percentage of 10-year tree canopy required for site to meet through vegetation	40.9%
E	Proposed percentage of canopy requirement that can be met through tree preservation	5.0%
F	Has the tree preservation target requirement been met?	NO
G	If no to F - provide tree buffer where required (see Section 12-020)	40
H	If not G complete a schedule of work to preserve and protect	152

Table 12.12 - 10-Year Tree Canopy Calculation Worksheet

A. Tree Preservation Target & Statement		Total
B. Tree Canopy Measurement		
B1	Existing tree canopy area (from map)	100,000.0
B2	Area of canopy to be removed (from map)	11,800.0
B3	Net existing tree canopy area	88,200.0
B4	Percentage of 10-year tree canopy required	30.0%
B5	Percentage of 10-year tree canopy required for site to meet through vegetation	40.9%
B6	Proposed percentage of canopy requirement that can be met through tree preservation	5.0%
B7	Has the tree preservation target requirement been met?	NO
B8	If no to B7 - provide tree buffer where required (see Section 12-020)	40
B9	If not B8 complete a schedule of work to preserve and protect	152
C. Tree Preservation		
C1	Total canopy area required for site	10,000.0
C2	Area of canopy to be removed (from map)	11,800.0
C3	Net canopy area to be preserved (from map)	88,200.0
C4	Area of canopy to be preserved (from map)	88,200.0
C5	Area of canopy to be preserved (from map)	88,200.0
C6	Area of canopy to be preserved (from map)	88,200.0
C7	Area of canopy to be preserved (from map)	88,200.0
C8	Area of canopy to be preserved (from map)	88,200.0
C9	Area of canopy to be preserved (from map)	88,200.0
C10	Area of canopy to be preserved (from map)	88,200.0
C11	Area of canopy to be preserved (from map)	88,200.0
C12	Area of canopy to be preserved (from map)	88,200.0
C13	Area of canopy to be preserved (from map)	88,200.0
C14	Area of canopy to be preserved (from map)	88,200.0
C15	Area of canopy to be preserved (from map)	88,200.0
C16	Area of canopy to be preserved (from map)	88,200.0
C17	Area of canopy to be preserved (from map)	88,200.0
C18	Area of canopy to be preserved (from map)	88,200.0
C19	Area of canopy to be preserved (from map)	88,200.0
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C23	Area of canopy to be preserved (from map)	88,200.0
C24	Area of canopy to be preserved (from map)	88,200.0
C25	Area of canopy to be preserved (from map)	88,200.0
C26	Area of canopy to be preserved (from map)	88,200.0
C27	Area of canopy to be preserved (from map)	88,200.0
C28	Area of canopy to be preserved (from map)	88,200.0
C29	Area of canopy to be preserved (from map)	88,200.0
C30	Area of canopy to be preserved (from map)	88,200.0
C31	Area of canopy to be preserved (from map)	88,200.0
C32	Area of canopy to be preserved (from map)	88,200.0
C33	Area of canopy to be preserved (from map)	88,200.0
C34	Area of canopy to be preserved (from map)	88,200.0
C35	Area of canopy to be preserved (from map)	88,200.0
C36	Area of canopy to be preserved (from map)	88,200.0
C37	Area of canopy to be preserved (from map)	88,200.0
C38	Area of canopy to be preserved (from map)	88,200.0
C39	Area of canopy to be preserved (from map)	88,200.0
C40	Area of canopy to be preserved (from map)	88,200.0
C41	Area of canopy to be preserved (from map)	88,200.0
C42	Area of canopy to be preserved (from map)	88,200.0
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C94	Area of canopy to be preserved (from map)	88,200.0
C95	Area of canopy to be preserved (from map)	88,200.0
C96	Area of canopy to be preserved (from map)	88,200.0
C97	Area of canopy to be preserved (from map)	88,200.0
C98	Area of canopy to be preserved (from map)	88,200.0
C99	Area of canopy to be preserved (from map)	88,200.0
C100	Area of canopy to be preserved (from map)	88,200.0

TREE PRESERVATION & CANOPY CALCULATIONS

GROSS SITE AREA	2,390 AC	104,090 SF
ADMITTED SITE AREA (STORMWATER BMP AND ROW SET)		369,231 SF
ADMITTED SITE AREA (CONCRETE, UNGRADED AREAS)		67,272 SF
ADMITTED SITE AREA (TOTAL)		436,503 SF
ADMITTED TREE COVER TO BE PROVIDED		26,183 SF
EMERGING TREES TO BE PRESERVED		6-8"
PROPOSED CREDIT REQUIRED BY PLANTING		26,183 SF
HAS THE TREE PRESERVATION TARGET BEEN MET?		NO
ADMITTED CANOPY COVER PER SECTION 12-020		5 SF
TOTAL TREE COVER PROVIDED		26,183 SF



*ALL CALCULATIONS ARE APPROXIMATE. DEVIATION REQUIRED. SEE SHEET 48.

**8900 OLD COURTHOUSE DR.
 VIENNA, VIRGINIA
 TREE PRESERVATION
 & PROTECTION PLAN
 SEKAS HOMES, LTD**

FAIRFAX COUNTY

ECL REVISIONS
 8/10/24

ENGINEER
 AMS

DRAFTING
 AMM

SCALE
 1" = 20'

PROJECT NO.
 16535

SHEET
 4A OF 6

DATE
 8/10/24

Tree Inventory & Condition Analysis

ECS and clients, LLC (ECS) conducted a site reconnaissance to evaluate the wooded habitat on the project site in July 2010. Dominant tree species are listed below in Table 1. The undeveloped portions of the site are comprised of Urban Hardwoods, Softwoods and maintained grasslands.

Table 1. Dominant Site Vegetation

Common Name	Scientific Name
Sweetgum	Liquidambar styraciflua
Redwood	Liquidambar styraciflua
Black Cherry	Prunus serotina
White Pine	Pinus strobus
Slippery Elm	Ulmus glaberrimus
Black Walnut	Juglans nigra
Locky Pine	Pinus strobus
Norway Spruce	Picea canadensis
Red Pine	Pinus strobus

Based on our site reconnaissance, invasive species removal (i.e., English Ivy) are present across the property boundary. The invasive species are predominantly located within the proposed limits of clearing and grading, and so such removal should be undertaken during the proposed construction activities. Any invasive species located within the area to be preserved should be removed by hand wherever possible to minimize any disturbance. Towards the end of the growing season an application of an environmentally sensitive approved herbicide may be applied to these areas by a Virginia certified applicator. The trees listed are in fair/good condition, except where otherwise noted as the DBH (i.e., Tree or Dead). Dead trees within 100 feet of the proposed limits of clearing meet the standards for structural integrity and health identified in 12-0507.3A and 12-0403.2B and are identified on the Existing Vegetation Map. At the time of inspection there were four dead trees located within 100 feet of the proposed limits of clearing and are identified on the Existing Vegetation Map.

Tree Preservation Narrative

- 12-0403.2B: Any dead or potentially hazardous trees shall be removed upon their discovery if they are located within 100 feet of the proposed limits of clearing. Dead trees not within this area shall be left in place to serve as wildlife habitat. Dead or potentially hazardous trees will be removed by hand (i.e., chained) whenever practical and will be conducted in a manner that incurs the least amount of damage to surrounding trees and vegetation proposed for preservation. Felled trees shall be left in place and brush shall be removed by hand. No heavy equipment shall be used within tree preservation areas.
- 12-0507.3A: Based on the current condition of the existing wooded areas, no adverse health/safety risks are anticipated.
- 12-0507.3B: Invasive wild/fer species (i.e., English Ivy) are present within the property boundary and are predominantly located within the limits of clearing and grading. Any invasive species located within the area to be preserved should be removed by hand wherever possible to minimize any disturbance. Towards the end of the growing season, an application of an environmentally sensitive approved herbicide may be applied to these areas by a Virginia certified applicator. Most of the forested areas within the tree preservation areas do not contain invasive plant species at levels that endanger the long-term ecological sustainability, health, and regenerative capacity of any native plant community present.
- 12-0507.3C: The Applicant is not requesting off-site Species Tree designation for any of the large trees located on-site and is not using a multiplier for tree canopy calculations.
- 12-0507.3F: Inadvertent Species trees located on and off-site shall be protected throughout all phases of construction by utilizing tree protection fencing as required by § 12-0504.2(B)(1).

August 16, 2010

Mr. Mike Knapp, Director
Fairfax County Urban Forest Management
12055 Government Center Parkway, 5th Floor
Fairfax, VA 22035

Re: 8900 Old Courthouse Road
Fairfax County Parcel #28-4 (11), Parcels 28 and 29
Currently Zoned R-1, Approximately 3.4427 Acres (Combined)
LDC Project #10116-1-0

Dear Mr. Knapp,

Land Design Consultants, Inc. (LDC) has submitted a Rezoning Application and Generalized Development Plan for the development of the subject property with 6 new single-family dwellings and associated infrastructure. The subject property currently has one single-family dwelling with various accessory structures.

The Applicant has retained ECS, Ltd. to complete an Existing Vegetation Map, Tree Inventory and Condition Analysis for the above referenced property in accordance with Section 12 of the Public Facilities Manual (PFM). Copies of this information are provided herein.

In accordance with Section 12-0507.3A(1)(2)(3), LDC is respectfully requesting permission to deviate from the Tree Preservation Target requirements. Currently, the subject property is approximately 40.8% covered by existing tree canopy. Upon development, 30% of the subject property shall be required as tree canopy. Of the required 30%, 40.8% of this should be provided via preservation. At this time, the Applicant is proposing no areas of preservation. The tree preservation target cannot be met on site due to the poor condition and species of existing vegetation, proposed right-of-way dedication and the fact that construction activities could be reasonably expected to impact existing vegetation, as further discussed below. The following serves as our justification for this request:

- 1. Of the twenty-seven trees inventoried in accordance with the PFM, all but four are located on the subject property. Twenty-one of these twenty-three are trees in fair to poor condition. In accordance with the PFM (12-0403.2), trees designated for preservation shall be in fair to excellent condition at time of plan submission. LDC notes that some of the trees that were originally planned to be saved are white pines, which are non-native, low quality trees. These trees are no longer being preserved. The two trees that are in good condition will need to be removed due to their close proximity to the proposed construction.

Further, a few of the trees on site have varying degrees of problems, which will impact their structural integrity and will lead to further decline meeting the definition of "poor condition". In accordance with the PFM (12-0403.2A), trees designated for preservation should have a high degree of structural integrity. In accordance with Section 12-0507.3A(1), deviations from the Tree Preservation Target are permitted if meeting the Tree Preservation Target would preclude the development of uses or densities otherwise allowed by the Zoning Ordinance. Further, in accordance with Section 12-0507.3A(2), deviations from the Tree Preservation Target are permitted if meeting the tree preservation target would require the preservation of trees that do not meet the standards for health and structural condition. These trees should not be preserved.

TARGET TREE PRESERVATION DEVIATION

Mr. Mike Knapp, Director
Fairfax County Department of Public Works and Environmental Services
Re: 8900 Old Courthouse Road
Fairfax County Parcel #28-4 (11), Parcels 28 and 29
Currently Zoned R-1, Approximately 3.4427 Acres (Combined)
LDC Project #10116-1-0
August 16, 2010
Page 2 of 2

and are recommended for removal. Further, in accordance with Section 12-0507.3A(3), deviations from the Tree Preservation Target are permitted if construction activities could be reasonably expected to impact existing trees or forested areas used to meet the tree preservation target to the extent they would not likely survive in a healthy manner for a minimum of ten years. LDC notes that the originally submitted application was for a cluster development, which provided more flexibility in design requirements and provided greater opportunity for tree save. At the request of Staff, it was suggested the Applicant re-design the site in accordance with the R-3 Conventional subdivision requirements. This requires construction of a public street and larger lot sizes, which has affected the previously anticipated tree preservation areas. The proposed construction will negatively impact these fair to poor quality trees. Finally, LDC notes that trees 15-19 and 23-27 are located within the required right-of-way dedication area.

- 2. The subject property does not contain any "champion", "heritage", "specimen", "memorial" or "street" trees as designated in Chapter 120 of the County Code.
- 3. In order to meet Tree Canopy requirements, the Applicant will plant quality native and proven desirable species on site including but not limited to Eastern Red Cedar, American Holly, Red Maple, Norway Spruce, Dogwood, Cherry, Willow Oak, River Birch, Black Gum and Japanese Maple. In total, the Applicant is proposing 26,183 square feet of new vegetation, resulting in tree cover of 30%. This will result in meeting the 30% Tree Canopy Requirements as required by the PFM. In addition, these plantings provide opportunity for energy conservation and screening.

For the reasons stated above, we respectfully request your approval of a deviation from the Tree Preservation Target.

Sincerely,

Kelly M. Robinson, ACP
Senior Planner



PLAN FOR BLACKBOX
3401 CENTREVILLE ROAD, SUITE 300
MANASSAS, VIRGINIA 20110
PH: 703-267-9400 FX: 703-267-6688

CELEBRATING
25 YEARS
OF EXCELLENCE

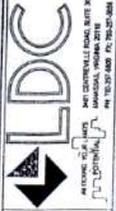
8900 OLD COURTHOUSE DR.
VIENNA, VIRGINIA
FAIRFAX COUNTY

TREE PRESERVATION
NARRATIVES
SEKAS HOMES, LTD

DESIGNER	AMR	DRAWN BY	AMA
SCALE	NTS		
PROJECT NO.	10535		
SHEET	48 OF 6		
DATE	8/16/10		



FOR ILLUSTRATIVE PURPOSES ONLY



ELEVATIONS

VIENNA CREST

401 COLUMBIA ROAD, SUITE 202
 WASHINGTON, MISSISSIPPI 39201
 PHONE: 601-927-8888 FAX: 601-927-8888

HUNTER HILL, P.O. BOX 100
 FAIRBURN, GEORGIA 30209

NO.	DATE	REVISION	BY	DATE

I HEREBY CERTIFY THAT OTHER THAN THE REVISIONS SHOWN HEREON, NO OTHER CHANGES HAVE BEEN MADE.



SCALE: N/A

SHEET 5 OF 6

DATE: APRIL, 2010
 DRAFT: KEM
 CHECK: JTT
 FILE NUMBER: 1004-1-0 3.00

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

DESCRIPTION OF APPLICATION

Proposal:

The applicant, Sekas Homes, Ltd., requests approval of a rezoning of approximately 2.30 acres from the R-1 District to the R-3 District, to permit the development of six (6) single-family detached dwelling units on the site, at an overall density of 2.60 dwelling units per acre (du/ac). The applicant originally submitted a concurrent Special Exception application to permit a single-family cluster subdivision with a minimum district size less than 3.5 acres, but more than 2.0 acres. However, the special exception application was subsequently withdrawn and the rezoning application was amended to request a rezoning to develop a conventional subdivision in the R-3 District.

The applicant also seeks approval of the following waivers and modifications:

- Waiver of the Public Facilities Manual (PFM), 5-foot wide sidewalk requirement along the Old Courthouse Road frontage of the property in order to provide a 10-foot wide trail.
- Modification of the of the Comprehensive Plan, Countywide Trails Plan requirement along the Old Courthouse Road frontage of the property in order to provide a 10-foot wide trail.
- Deviation from the Tree Preservation Target requirements in accordance with Sect. 12-0507.3A (1) (2) (3).
- Modification of the location regulations, pursuant to Section 10-104 (3) (B) of the Zoning Ordinance to permit an increase in the height of the decorative fence to 7-feet in height in the location generally shown on the GDP.

LOCATION AND CHARACTER:

Site Description:

The subject property is located on the north side of Old Courthouse Road approximately 355 feet west of its intersection with Larkmeade Drive and is bounded by the Tysons Green and Tysons West subdivisions to the north, which is zoned R-3 and developed with single family detached dwelling units. To the east and west are single-family detached lots which are zoned R-1. All existing structures on the site, including a single-family dwelling and barn constructed in 1925, and a detached garage, located in the central portion of the site are proposed to be demolished as a part of this application.

Surrounding Area Description

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Single Family Detached (Tysons Green & Tysons West)	R-3	Residential, 2-3 du/ac
South	Single Family Detached (Wexford East)	R-3	Residential, 2-3 du/ac
	Place of Worship (Epiphany United Methodist Church) (Town of Vienna)	RS-12.5	
East	Single Family Detached (Lot #30)	R-1	Residential, 2-3 du/ac
	Single Family Detached (Tysons West)	R-3	
West	Single Family Detached (Lot #29)	R-1	Residential, 2-3 du/ac

BACKGROUND:

No previous land use applications have been filed for the subject property.

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

- Plan Area:** Area II
- Planning District:** Vienna Planning District
- Planning Sector:** Spring Lake Community Planning Sector – V3
- Plan Map:** Residential, 2-3 du/ac
- Plan Text:**

The Fairfax County Comprehensive Plan, Area II, 2007 Edition, Vienna Planning District, as amended through March 9, 2010, in the V3, Spring Lake Community Planning Sector, states the following beginning on page 66:

Land Use

The Spring Lake sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity 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 in a well-designed, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.

ANALYSIS**Generalized Development Plan** (Reduction at front of staff report)

Title of GDP: Vienna Crest

Prepared By: Land Design Consultants

Original and Revision Dates: April 2010 as revised through November 10, 2010

GDP: Vienna Crest	
Sheet #	Description of Sheet
1 of 6	Notes; Vicinity Map; Soils Map, Waivers & Modifications; Tabulations; Fence Detail;
2 of 6	Proposed Site Layout
3 of 6	Existing Site Conditions
4 of 6	Existing Vegetation Plan
4A of 6	Tree Preservation & Protection Plan
4B of 6	Tree Preservation Narrative
5 of 6	Elevations
6 of 6	Stormwater Management Information

The following features are depicted on the proposed GDP:

Site Layout: The GDP depicts the development of six (6) single-family detached dwelling units at a density of 2.60 du/ac. All existing structures on the property are proposed to be demolished. The proposed lots range in total size from 10,900 square feet (SF) (Lot 1) to 14,800 SF (Lot 3). The average proposed lot size is 12,000 SF.

The site tabulations and typical lot layout included on Sheet 1 of the GDP show a minimum front yard setback of thirty (30) feet, a side yard setback of twelve (12) feet, and a rear yard setback of twenty-five (25) feet, which meet the minimum required setbacks for the R-3 District. In addition, elevations for the proposed units have been provided on Sheet 5 of the GDP to illustrate the architecture of the proposed units. Access to each unit will be provided via a proposed public street with access from Old Courthouse Road, which is shown to end in a cul-de-sac. All of the proposed units will be oriented towards the new road. The GDP depicts a seven (7) foot high, decorative, wood or composite privacy fence with a masonry façade, along the Old Courthouse Road frontage of the site (Lots 1 and 6).

Outlot A is depicted near the southwest corner of the site. This 5,000 SF lot will be developed with a stormwater management (SWM)/best management practices (BMP) facility in order to fulfill stormwater management and best management practices requirements for the development.

Vehicular Access: Access to the proposed dwellings on the site will be provided from Old Courthouse Road via a proposed 24-foot wide public street, which ends with a cul-de-sac in the central portion of the site.

Parking: Each lot will be provided with two parking spaces in the driveway area, and two spaces within an attached garage for a total of four spaces. The proposed proffers include language prohibiting the conversion of the garages in any way that precludes motor vehicle storage. Furthermore, the proffers include language stating that the driveway for each unit will be a minimum of 18 feet in length to permit adequate space for parking two vehicles on the individual lots without overhanging onto the sidewalk.

Pedestrian Access: Pedestrian access will be provided both on-site and off-site of the development. Specifically, a five (5) foot wide sidewalk will be provided on both sides of the internal public street, allowing pedestrian access out to Old Courthouse Road. The applicant is also proposing a ten (10) foot wide trail along the site's Old Courthouse Road frontage.

Landscaping: The existing site has a significant amount of upland forest along the eastern and western boundaries of the subject property, with primary species being white pine.

Under the proposed development, most of the existing trees on the site will be removed. However, the applicant is proposing to provide a tree preservation area around the perimeter of the parcel. In addition, the applicant has identified specific specimen trees that will be preserved along the northern and southern property boundaries (located primarily in the eastern portion of the site). In order to meet the 30% tree cover requirement for the site (or 26,183 SF), the applicant will provide supplemental planting, consisting of large evergreen and deciduous species around the entire perimeter of the existing subject property. The GDP

also depicts large deciduous trees to be planted along the new public street, within the front yard areas of the proposed dwelling units and along the lot lines between the proposed units.

Stormwater Management: The application proposes that stormwater management (SWM) and Best Management Practices (BMP) requirements will be achieved by an infiltration trench with raintanks that will be located on Outlot A, in the southeast corner of the site. The trench will be designed in accordance with the Public Facilities Manual (PFM) and privately maintained by the future homeowner's association (HOA).

ANALYSIS

Comprehensive Plan

The application proposes to rezone the subject property from the R-1 District to the R-3 District, for the purpose of developing the site with six single-family detached dwelling units at a density of 2.60 du/ac. The Comprehensive Plan Map shows that the area that includes the subject property is planned for residential uses at 2-3 du/ac. As the proposed density of 2.60 du/ac is within the range identified in the Plan, staff believes that this request is in general conformance with the recommendation of the Comprehensive Plan.

Residential Development Criteria & Analysis (Appendix 13)

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, respecting the County's historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. To that end, the following criteria are used in evaluating zoning requests for new residential development:

Site Design (Development Criterion #1)

Development Criterion #1 requires that the development proposal address consolidation goals in the Comprehensive Plan, or when consolidation is not specifically identified, further the integration of the development with adjacent parcels. In any case, the consolidation of the development should not preclude adjacent parcels from developing in accordance with the Plan.

The subject property is bounded by the Tysons Green and Tysons West subdivisions to the north, which are zoned R-3 and developed with single-family detached dwelling units. The Wexford East subdivision, which is zoned R-3 is located to the south of the subject property, along with the Epiphany United Methodist Church.

The individual parcels located directly to the east (Lot #30) and west (Lot #28) of the subject property are single-family detached units on relatively large lots, zoned R-1. The applicant has contacted the adjacent property owners to explore the opportunity for consolidating these parcels into the subject application, however, the adjacent property to the east [Tax Map 28-4 ((1)) 30] was recently redeveloped (2004) with a new two-story single-family detached dwelling and there was not an opportunity to consolidate that parcel into the application. The applicant also contacted the adjacent property owner to the west [Tax Map 28-4 ((1)) 28]. The applicant provided a letter from the owner stating that they want to retain their land and view in its current condition.

In order to demonstrate that the proposed development would not preclude the adjacent property to west from developing in accordance with the plan, the applicant has provided staff with exhibits showing concepts of how that property could redevelop under the R-4 District standards, should the existing dwelling on the site be demolished in the future. Based on the surrounding development in the area and the materials provided by the applicant regarding the adjacent properties to the east and west, staff believes that this criterion has been met.

The development proposal should provide logical, functional, and appropriate design relationships within the development, including appropriately oriented units and useable yard areas within the individual lots. Convenient access to transit facilities should be provided where available, and all aspects pertaining to utilities shall be identified.

The proposed site layout shows an average lot size of 12,000 SF and a range of lot sizes from 10,900 SF (Lot 1) to 14,800 SF (Lot 3). The site tabulations shown on Sheet 1 of the GDP indicate a minimum front yard setback of thirty (30) feet, a side yard setback of twelve (12) feet, and a rear yard setback of twenty-five (25) feet. These setbacks meet the required setbacks for the R-3 District. In addition, the dwelling units are appropriately oriented towards the new public road.

Open space should be usable, accessible and integrated. Appropriate landscaping should be provided, as should amenities such as benches, recreational amenities, and special design treatments.

The R-3 District does not have an open space requirement for conventional subdivisions. Nevertheless, the proposal includes the supplemental planting of evergreen and deciduous species around the entire perimeter of the existing subject property, as well as additional plantings along the new public street and within the front yard areas of the proposed dwelling units.

Neighborhood Context (Development Criterion #2)

While new development is not expected to be identical to neighboring developments within which it is located, this Criterion states that they should fit in the fabric of the area as evidenced by an evaluation of: transitions to abutting and adjacent uses; bulk/mass of the proposed dwelling units; building setbacks and orientation; architectural elevations and materials; pedestrian, bicycle and vehicular connections to off-site trails, roadways, transit facilities and land uses.

As discussed previously, the lot typical for the proposed lots depicts a minimum front yard setback of thirty (30) feet, a side yard setback of twelve (12) feet, and a rear yard setback of twenty-five (25) feet, which meet the required setbacks for the R-3 District. Furthermore, elevations for the proposed units have been provided on Sheet 5 of the GDP, access to each unit will be provided via a proposed public street, and all of the units will be oriented towards this new road.

Pedestrian access will be provided both on-site and off-site of the development. Specifically, a five (5) foot wide sidewalk will be provided on both sides of the internal street, providing pedestrian access out to Old Courthouse Road. In addition, the applicant is proposing a ten (10) foot wide trail along the site's Old Courthouse Road frontage.

The GDP depicts supplemental planting, consisting of large evergreen and deciduous species to be provided around the entire perimeter of the existing subject property. Based on the provisions described, staff believes this criterion has been met.

Environment & Preservation and Tree Cover Requirements (Development Criterion #3 & 4) (Appendices 5 through 7)

Development Criterion #3 requires that the development respect the natural environment by: conserving natural environmental resources to the extent possible; designing development while considering existing topographic and soil conditions; minimizing off-site impacts from stormwater runoff and adverse water quality impacts; protecting current and future residents from noise and lighting impacts; and, providing a site layout which encourages and facilitates energy preservation. (Appendices 5 and 6)

The application proposes to minimize off-site impacts from stormwater runoff and to address water quality requirements site via a proposed infiltration trench with raintanks, which is proposed to be located in Outlot A in the southeastern portion of the property. The proffers state that the SWM/BMP measures shall be provided in accordance with the PFM. It should be noted that the final determination on SWM/BMP requirements will be made at the time of subdivision review.

The applicant has proffered that all exterior lighting on the site shall be in conformance with Part 9 of Article 12 of the Zoning Ordinance. The applicant has also proffered that all homes constructed on the site shall meet the guidelines of the Energy Star program and will be certified.

Criterion #4 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. Furthermore, the extension of utility improvements to the site should be located in a manner that does not interfere with proposed tree save and landscape areas. (Appendix 7)

The subject application does not propose any tree preservation. The applicant has submitted a request to deviate from the Tree Preservation Target requirements due to the poor condition and species of the existing vegetation and due to the fact that the proposed right-of-way dedication and construction activities would impact existing vegetation on the site.

According to the tree survey provided by the applicant, the site does not contain any champion, heritage, specimen, memorial, or street trees as designated in the County Code. In order to meet the tree canopy requirements for the site, the applicant proposes to plant 26,183 SF (30%) of new vegetation consisting of native and desirable species. The final determination on the deviation from the Tree Preservation Target requirements is typically made at the time of site plan review, however staff has no objections to the deviation request.

Transportation (Development Criterion #5) (Appendix 9)

This Criterion requires that developments provide safe and adequate access to the surrounding road network, and encourages transit and pedestrian travel and the interconnection of streets. While public streets are preferred, private streets are allowed but the applicant shall demonstrate their benefit. In addition, alternative street designs may be appropriate where conditions merit.

As previously discussed, the GDP shows that the proposed development will be served by a public street, which is shown to be 24 feet wide with a 5-foot wide sidewalk on both sides, ending with a cul-de-sac in the central portion of the site. Along the subject property's Old Courthouse Road frontage, the applicant has proposed frontage improvements including right-of-way dedication along the entire Old Courthouse Road frontage of the site and the installation of curb and gutter.

The PFM requires a 5-foot wide sidewalk along Old Courthouse Road, while the Countywide, Trails Plan requires an 8-foot wide asphalt trail. In lieu of these requirements, the applicant proposes a 10-foot wide trail along the site's Old Courthouse Road frontage within the public right-of-way.

Issue: Interconnection of Streets

The Fairfax County Department of Transportation (FCDOT) and Virginia Department of Transportation have recommended that existing Palm Springs Drive, which ends at the northern property line of the subject property, should be extended in to the subject property as a public street; and no access to Old Courthouse Road should be provided from the proposed development. VDOT has informed the applicant that supporting documentation should be submitted if the recommended option cannot be attained.

Resolution:

The current application does not propose to make the requested connection to Palm Springs Drive. Instead, the applicant has submitted a Secondary Street Acceptance Requirement (SSAR) waiver to VDOT, in order to allow the proposed public street that terminates in a cul-de-sac on the application property as shown on the GDP. The applicant has indicated that in order to connect Palm Springs Drive to the subject property as recommended by VDOT, easements, and right-of-way dedication from the adjacent property to the west (Lot #28) would be required. The applicant has provided staff with a letter from the adjacent property owner (*see Appendix 8*) stating that they want to retain their land and view in its current condition. Furthermore, the adjacent property owner's letter states that they do not want Palm Springs Drive to be extended onto their property in any way and therefore, do not wish to dedicate any land for public street purposes.

The information discussed above has been provided to VDOT staff, a determination on the SSAR waiver request has not been made at this time. If the waiver request is not approved by VDOT to permit the public street access to the site as shown on the GDP, a proffered condition amendment (PCA) shall be required. While staff recommends that a determination on the SSAR request be provided by VDOT prior to any action is taken on this application, the applicant has proposed a proffer acknowledging a PCA shall be required, proposing a site design that would not require such a waiver, if the SSAR waiver request is not approved. Therefore, with the adoption of the proposed proffers staff believes this criterion will be met.

Issue: Relocate Proposed Site Access to Align with Country Club Drive

FCDOT and VDOT have recommended that the proposed public street into the site be relocated so that it is aligned with the intersection of Old Courthouse Road and Country Club Drive. Transportation staff has stated that supporting documentation should be submitted if this option cannot be obtained.

Resolution:

The applicant has submitted a revised Access Management Exception request to VDOT in response to the transportation comments, which states that the proposed location for the access road to the site was chosen in order to meet the sight distance requirements for the site access, and that if the access were aligned with Country Club Drive, it would not meet the sight distance requirements of the PFM. The applicant has submitted a revised sight distance profile showing both the currently proposed location for the site access road and the location if it were aligned with Country Club Drive.

As previously discussed with the SSAR waiver, the information discussed above has been provided to VDOT staff; however, a determination on the Access Management Exception has not been made. If the Access Management Exception is not approved by VDOT to permit access to the site as shown on the GDP, a PCA will be required in order to provide a site design with access to the site in accordance with VDOT standards, and the applicant has proposed a proffer acknowledging that. Therefore, with the adoption of the proposed proffers staff believes this criterion will be met.

Public Facilities (*Development Criterion #6*)

Residential development should offset its impacts on public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned facilities). Development Criterion #6 states that impacts may be offset through the dedication of land, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. Phasing of development may be required to ensure mitigation of impacts. (Specific Public Facilities issues are discussed in detail in Appendices 9 through 12).

Fairfax County Park Authority Analysis (*Appendix 9*)

The proposed development has the potential to generate 14 additional residents in the Hunter Mill District. In order to offset the additional impact caused by this development on outdoor recreational facilities, the Fairfax County Park Authority (FCPA) has determined that a proffered contribution of \$12,502 (\$893.00 per estimated resident) would be appropriate for recreational facility development at one or more of the existing park sites that is located within the service area of the subject property. The applicant has proffered to a contribution of \$12,502 to the FCPA for its use in establishing parks and recreational facilities in the Hunter Mill District.

Fairfax County Public Schools Analysis (Appendix 10)

The proposed redevelopment would be served by Westbriar Elementary, Kilmer Middle, and Marshall High School. According to the Fairfax County Public Schools (FCPS) Analysis, the rezoning and subsequent redevelopment of the subject property with six single-family detached dwelling units could generate four (4) additional students above what the existing zoning designation would allow. As such, the FCPS has determined that a proffered contribution of \$37,512 (or \$9,378 per student) is appropriate to offset the potential impact on student membership in the area. The applicant has proffered to contribute \$37,512 for capital improvements to the public schools served by the proposed development.

Fire and Rescue Analysis (Appendix 11)

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #429, Tysons Corner. In addition, the requested rezoning currently meets fire protection guidelines, as determined by the Information Technology Section of the Fire and Rescue Department, and the Fire Prevention Division.

Fairfax County Water Authority Analysis (Appendix 12)

The subject property is located within the Fairfax County Water Authority Service Area. Although there are no issues associated with this application at this time, the applicant must fully comply with all applicable standards and regulations at the time of site plan.

Affordable Housing (Development Criterion #7)

Development Criterion #7 is applicable to all rezonings and states that ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of Fairfax County. This may be satisfied by the construction of units, dedication of land, or by a contribution to the Housing Trust Fund.

Given that the proposed residential development does not exceed fifty (50) dwelling units, Part 8 of Article 2 of the Zoning Ordinance does not require that affordable dwelling units be provided. However, the applicant has agreed to proffer a contribution to the Fairfax County Housing Trust Fund, in the amount equal to 0.5% of the projected sales price value of each new residential unit approved on the property.

Heritage Resources (Development Criterion #8)

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

The FCPA Cultural Resource Management and Protection Section (CRMPS) requested that a Phase I Archeological Survey be conducted on the subject property and that historical documentation for the existing dwelling and barn on the site be provided. The applicant has conducted a Phase I Archeological Survey on the subject property, which has been submitted to CRMPS for review. However, staff continues to recommend that historical documentation regarding the existing dwelling and barn of the site be provided to CRMPS prior to demolition of those structures. Therefore, this criterion has been satisfied.

ZONING ORDINANCE PROVISIONS

The requested rezoning of the subject property from R-1 to the R-3 District must comply with the applicable regulations of the Zoning Ordinance. A comparison of the R-3 District requirements and those proposed for the new development are as follows:

Bulk Requirements (R-3 District)		
Standard	Requirement	Proposed
Max. Density	3.0 du/ac	2.6 du/ac
Min. Lot Area	10,500 SF	10,900 SF
Avg. Lot Area	11,500 SF	12,000 SF
Min. Lot Width	Interior Lot – 80 feet	Interior Lot – 80 feet
	Corner Lot – 105 feet	Corner Lot – 105 feet
Max. Building Height	35 feet	35 feet
Min. Front Yard	30 feet	30 feet
Min. Side Yard	12 feet	12 feet
Min. Rear Yard	25 feet	25 feet
Open Space	No Requirement	N/A
Parking	2 spaces/unit = 12 spaces	4 spaces/unit = 24 spaces

Based on the site layout that is depicted on the GDP, all applicable Zoning Ordinance Provisions have been satisfied for the subject property.

WAIVERS AND MODIFICATIONS**Waiver of the Public Facilities Manual (PFM), 5-foot wide sidewalk requirement along the Old Courthouse Road frontage of the property in order to provide a 10-foot wide trail:**

In lieu of the 5-foot wide sidewalk required by the PFM, the applicant proposes a 10-foot wide trail along the site's Old Courthouse Road frontage within the public right-of-way. The proposed trail is shown to be located in the same location as the required sidewalk to provide adequate pedestrian connection along Old Courthouse Road and within the proposed development. The applicant has proffered that if VDOT or the County does not want the trail at the time of final subdivision plan review, the applicant will escrow the cost of the path in accordance with the prices listed in the Fairfax County Unit Price List with the County; therefore, staff has no objections with the requested waiver.

Modification of the of the Comprehensive Plan, Countywide Trails Plan requirement along the Old Courthouse Road frontage of the property in order to provide a 10-foot wide trail:

Per the Countywide Trails Plan Map of the Comprehensive Plan an 8-foot wide asphalt trail is required along this section of Old Courthouse Road. The applicant proposes a 10-foot wide trail along the site's entire Old Courthouse Road frontage within the right-of-way, and in accordance with VDOT standards. If VDOT or the County does not want the trail at the time of final subdivision plan review, the applicant will escrow the cost of the path in accordance with the prices listed in the Fairfax County Unit Price List with the County; therefore, staff has no objections with the requested modification.

Modification of the location regulations of the Zoning Ordinance to permit an increase in the height of the proposed noise fence to 7-feet in height in the location generally shown on the GDP:

Pursuant to Section 10-104 (3) (B) of the Zoning Ordinance, in any front yard on any lot, a fence or wall not exceeding four feet in height is permitted. However, in that portion of a front yard on a residential corner lot that abuts a major thoroughfare, a solid wood or masonry fence or wall not exceeding eight feet in height, located flush to the ground, may be permitted, provided that:

- (1) The driveway entrance to the lot is from a street other than the major thoroughfare and the principal entrance of the dwelling faces a street other than the major thoroughfare, and
- (2) The lot is not contiguous to a lot, which has its only driveway entrance from the major thoroughfare or service drive adjacent to the major thoroughfare.

The fence shall not extend into the front yard between the dwelling and the street other than the major thoroughfare and shall also be subject to the provisions of Sect. 2-505.

The GDP depicts a 7-foot high decorative fence along the Old Courthouse Road frontage of the site. Based on Appendix 8 of the Zoning Ordinance, Old Courthouse Road is classified as a major thoroughfare. Furthermore, none of the proposed lots have a driveway entrance from Old Courthouse Road, and the fence does not extend into the front yard between any of the proposed dwellings and the interior public street, which is in conformance with Sect. 10-104 (3) (B) of the Zoning Ordinance and therefore, staff supports the requested modification.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant, Sekas Homes, Ltd., requests approval of a rezoning of approximately 2.30 acres from the R-1 District to the R-3 District for the development of six (6) single-family detached dwelling units on the site, at an overall density of 2.60 dwelling units per acre (du/ac). In staff's evaluation, the proposal is in harmony with the intent of the Comprehensive Plan and meets all applicable provisions of the Zoning Ordinance. Furthermore, staff believes that the applicant has satisfactorily satisfied the Residential Development Criteria.

Recommendations

Staff recommends approval of RZ 2010-HM-006, subject to the execution of proffers consistent with those contained in Appendix 1 of this staff report.

Staff recommends approval of the waiver of the Public Facilities Manual (PFM), 5-foot wide sidewalk requirement along the Old Courthouse Road frontage of the property in order to provide a 10-foot wide trail.

Staff recommends approval of the modification of the of the Comprehensive Plan, Countywide Trails Plan requirement along the Old Courthouse Road frontage of the property in order to provide a 10-foot wide trail.

Staff recommends approval of the modification of the location regulations of the Zoning Ordinance to permit an increase in the height of the decorative fence to 7-feet in height in the location generally shown on the GDP.

Staff recommends approval of a deviation of the tree preservation target in favor of that shown on the GDP.

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

APPENDICES

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

PROFFERS

Sekas Homes, Ltd.
Vienna Crest

RZ 2010-HM-006

November 18, 2010

Pursuant to Section 15.2-2303(A) of the 1950 Code of Virginia, as amended, the Applicant, for himself and his successors or assigns (herein collectively referred to as the "Applicant") in this rezoning application filed on property identified on the Fairfax County Tax Map 28-4 ((1)), Parcel 29 (hereinafter referred to as the "Application Property"), agrees to the following proffers, provided that the Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves the rezoning of the Application Property from the R-1 zoning district to the R-3 district.

1. Development Plan

- a) Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance ("the Ordinance"), development of the portion of the Application Property identified on the Fairfax County Tax Map 28-4 ((1)), Parcel 29 shall be in substantial conformance with the Generalized Development Plan ("GDP") entitled "Vienna Crest" containing six sheets and prepared by Land Design Consultants, Inc., dated April, 2010 and revised through November 10, 2010.
- b) Pursuant to Paragraph 2 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. These modifications may include the locations of utilities, minor adjustment of property lines, and the general location and size of dwellings on the proposed lots provided that the total area of open space is not decreased from that shown hereon, the minimum building setbacks outlined on the GDP are honored, and the limits of clearing and grading are adhered to.

2. Homeowners Association

The applicant shall establish a Homeowner's Association (HOA) for the proposed development to own, manage and maintain all common elements as generally shown on Sheet 2,. The maintenance responsibilities of the infiltration trench and Homeowner's Association shall be disclosed to all prospective homeowners in a disclosure memorandum recorded in the Land Records prior to entering into a contract of sale and included in the HOA documents.

3. Transportation

- a) Density credit shall be reserved as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Ordinance for all eligible dedications described herein.
- b) As a condition of subdivision plan approval or upon demand by Fairfax County or the Virginia Department of Transportation ("VDOT"), whichever occurs first, the Applicant shall dedicate and convey, without encumbrances and in fee simple, to the Board of Supervisors, right-of-way from the existing centerline along the subject property's frontage of Old Courthouse Road and construct improvements along the property's Old Courthouse Road frontage as generally shown on the GDP subject to the approval of VDOT and the Fairfax County Department of Public Works and Environmental Services ("DPWES"). The Applicant shall grant any necessary temporary grading and/or construction easements on the subdivision plan along the subject property's Old Courthouse Road frontage as determined by FCDOT and/or VDOT, where the Applicant does not propose frontage improvements. These

easements shall be used for the future construction of improvements along the property's Old Courthouse Road frontage by others.

- c) **Garages and Driveways.** The Applicant shall place a covenant on each residential lot that prohibits the use of the garage for any purpose, which would preclude motor vehicle storage. This covenant shall be recorded among the land records of Fairfax County prior to the sale of lots and shall run to the benefit of the HOA and to the Board of Supervisors. Prior to recordation, the covenant shall be approved by the Fairfax County Attorney's office. The HOA documents shall expressly state this use restriction. The driveway provided for each unit shall be a minimum of eighteen (18) feet in width and length to permit the parking of two (2) vehicles without overhanging onto the sidewalk. Garages shall be designed to accommodate two (2) vehicles.
- d) Prior to issuance of the first residential use permit, the Applicant shall provide a 10' wide shared use path along the subject property's Old Courthouse Road frontage as generally shown on Sheet 2 of the GDP. The Shared Use Path shall be located within the existing/proposed right-of-way of Old Courthouse Road and shall be subject to approval by Fairfax County and the Virginia Department of Transportation (VDOT). In the event that VDOT or the County does not want the Shared Use Path at the time of final subdivision plan approval, the Applicant shall escrow with Fairfax County the cost of the path construction in accordance with the prices listed in the Fairfax County Unit Price List.
- e) In the event the Virginia Department of Transportation (VDOT) Secondary Street Acceptance Requirement (SSAR) and Access Management waivers are not approved, a Proffered Condition Amendment (PCA) will be required.

4. Landscaping

- a) The first submission of the subdivision plan and all subsequent plan submissions shall include a landscape plan and specifications, for review and approval by the Urban Forest Management Division (UFM). The landscape plan and specifications shall incorporate the following:
 - Reduce turf areas to minimize mowing operations and the resulting air pollution. Turf shall cover no more than 75% of the pervious area of each lot. Mulched planting beds incorporating groups of trees and other plants shall be used to provide a root zone environment more favorable to trees and shrubs. Areas proposed for turf and mulch beds shall be delineated on the landscape plan submitted with the subdivision plan.
 - Plant trees in areas to contribute to energy conservation for the dwelling on each lot where possible, as depicted in Plate 4-12 of the Public Facilities Manual (PFM), and as determined in consultation with Urban Forest Management Division (UFM).
 - Provide a diverse selection of native and non-invasive plants to reduce the need for supplemental watering, and the use of chemical fertilizers, herbicides, and chemical control of insects and diseases.
 - Landscaping implemented with the subdivision plan may be made up of groups of trees including larger, overstory type trees (Category III and IV, as listed in PFM Table 12.19) together with smaller understory type trees (Category II). The plan may show overlap of understory trees by overstory trees as might occur in a natural environment.
 - Inspection of mulch beds for conformance with the approved subdivision plan shall be conducted at the time that the Residential Use Permit is issued for each dwelling. After mulch areas have been accepted, they shall become the

responsibility of the homeowner who shall not be precluded from managing or planting these areas according to their preference.

- The Applicant shall reserve the right to modify the location and species of trees at time of final subdivision plan subject to final engineering and approval by UFM.

5. Tree Preservation

Existing Vegetation Map/Tree Preservation: The applicant shall submit an Existing Vegetation Map/Tree Preservation Plan as part of the first and all subsequent subdivision plan submissions to identify the trees onsite and address the preservation of the trees, if any, as shown on the Generalized Development Plan. The Existing Vegetation Map/Tree Preservation Plan shall be prepared by a professional with experience in the preparation of these plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of Urban Forest Management (UFM), DPWES.

The Existing Vegetation Map/Tree Preservation Plan shall consist of tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading shown on the GDP for the entire site. The tree preservation plan shall provide those areas outside of the limits of clearing and grading shown on the GDP and those additional areas in which trees can be preserved as a result of final engineering and as determined by UFM. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

Limits of Clearing and Grading: The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP, subject to allowances specified in these proffered conditions and for the installation of utilities as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities in areas protected by the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by UFM, DPWES. A replanting plan shall be developed and implemented, subject to approval by UFM, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such utilities.

Site Monitoring: During any clearing or tree/vegetation/structure removal on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM.

The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work in order to ensure conformance with all tree preservation proffers, and UFM approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFM, DPWES.

6. Storm Water Management

- a) If approved by DPWES, Stormwater Management and Best Management Practices (BMP's) shall be accomplished through the provision of one infiltration trench or alternative Low Impact Development techniques, as generally shown on Sheet 2 of the GDP and in accordance with the requirements of the Fairfax County Public Facilities Manual (PFM) or any approved modifications. The Applicant is utilizing the Raintank unit in order to meet Stormwater Management/Best Management Practices. The size and location of the facility may be subject to final modifications based on final engineering provided it is in substantial conformance with the GDP.
- b) As a condition of final subdivision plan approval, the proposed infiltration trench shall be designed in accordance with the Fairfax County Public Facilities Manual or any approved modifications, as determined by DPWES.
- c) The Homeowner's Association shall be responsible for implementing the maintenance contract and funding mechanism to provide maintenance for the proposed infiltration trench. The maintenance responsibilities and funding mechanisms will be outlined in the Homeowner's Association documents as well as in a disclosure memorandum for any contract for sale.

7. Contributions

- a) Prior to bond release, the Applicant shall contribute \$12,502 to the Board of Supervisors for use by the Fairfax County Park Authority for its use in establishing and maintaining parks and recreational facilities in the Hunter Mill District of Fairfax County.
- b) At the time of issuance of the first Building Permit, Applicant shall contribute \$37,512 to the Board of Supervisors for capital improvements to the public schools served by the subdivision. Said contribution shall be deposited with DPWES for transfer to Fairfax County Public Schools. Following approval of this Application and prior to the Applicant's payment of the amounts set forth in this Proffer, if Fairfax County should increase the ratio of students per high rise multifamily unit or the amount of the contribution per student, the Applicant shall increase the amount of the contribution for that phase of development to reflect the then current ratio and/or contribution. If the County should decrease the ratio or contribution amount, the Applicant shall provide the greater of the two amounts.
- c) Prior to the issuance of the first Building Permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one-half of one percent (0.5%) of the 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.

8. Architecture

The design and architecture of the approved units shall be in substantial conformance with the illustrative elevations contained in the GDP, or of comparable quality as determined by DPWES.

The exterior facades of the new homes constructed on the site shall be covered with masonry (cultured stone, stone or brick) from finished grade to first floor on all four sides. Masonry and/or cementitious siding (e.g., HardiPlank by James Hardie Building Products), or a combination thereof shall be applied from the first floor to the roof line. All units shall be limited to a maximum of thirty-five (35) feet in height as measured in the Fairfax County Zoning Ordinance.

9. Energy Saver Program

All homes constructed on the property shall meet the guidelines of the Energy Star program and will be certified.

10. Lighting and Signs

- a) All exterior lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
- b) No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off-site by the Applicant or at the Applicant's direction to assist in the initial marketing and sale of homes on the Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or home sales for the Property to adhere to this Proffer.

11. Telecommuting

All dwellings shall be pre-wired with broadband, high capacity data/network connections in multiple rooms, in addition to standard phone lines.

12. Universal Design

At the time of initial purchase, the following Universal Design options shall be offered to each purchaser at no additional cost and if requested by purchaser: step-less entry from the garage to house or into the front door, main doors on 1st floor level 36" wide, clear knee space under sink in kitchen, lever door handles instead of knobs, light switches 44"-48" high, thermostats a maximum of 48" high, and/or electrical outlets a minimum of 18" high.

At the time of initial purchase, additional Universal Design options shall be offered to each purchaser at the purchaser's sole cost and if requested by purchaser. These additional options may include, but not be limited to, first floor bedroom and 1st floor bathroom, curb less shower (or shower with a curb of less than 4.5" high), five foot turning radius near 1st floor bathroom commode, grab bars in 1st floor bathroom that are ADA compliant, 1st floor bathroom console sink in lieu of cabinet style vanity,

13. Other

- a) During development of the subject site, the telephone number of the site superintendent that shall be present on-site during construction shall be provided to the Hunter Mill District Supervisor's Office.

- b) Outdoor construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturdays. No outdoor construction activities shall be permitted on Sundays or on federal holidays. The site superintendent shall notify all employees and subcontractors of these hours of operation and shall ensure that the hours of operation are respected by all employees and subcontractors. Construction hours shall be posted on-site in both English and Spanish. This proffer applies to the original construction only and not to future additions and renovations by homeowners.
- c) Any extension into the minimum required side and rear yards for covered and uncovered decks shall be permitted in accordance with Section 2-412 of the Fairfax County Zoning Ordinance. Restrictions placed on the location of covered and uncovered decks per Section 2-412 of the Zoning Ordinance shall be disclosed to all prospective homeowners as a disclosure memorandum prior to entering into a contract of sale, included in the Homeowner's Association documents, and included as a covenant in the deed of subdivision. In accordance with the Zoning Ordinance, any sunrooms or enclosed porches may not encroach into the minimum required setbacks as shown on Sheet 2 of the GDP. This shall be disclosed to all prospective homeowners as a disclosure memorandum prior to entering into a contract of sale, included in the Homeowner's Association documents, and included as a covenant in the deed of subdivision.

Signatures:

Sekas Homes, Ltd., Applicant, Tax Map 028- 4 ((1)) Parcel 29

By: _____
John P. Sekas, President

Hastings Estates, L.C., Title Owner of Tax Map 028- 4 ((1)) Parcel 29

By: _____
John P. Sekas, Manager

REZONING AFFIDAVIT

DATE: 7/15/10
 (enter date affidavit is notarized)

I, Kelly M. Atkinson, AICP, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below 108953a

in Application No.(s): RZ 290-14M-006
 (enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Sekas Homes, Ltd.	407-L Church Street, N.E., Vienna, VA 22180	Applicant/Contract Purchaser
John P. Sekas	407-L Church Street, N.E., Vienna, VA 22180	Agent for Applicant
Land Design Consultants, Inc. Matthew T. Marshall, L.S. Kelly M. Atkinson, AICP Joshua C. Marshall, P.E.	9401 Centreville Road, Suite 300 Manassas, VA 20110	Agent for Applicant/Contract Purchaser Agent for Applicant/Contract Purchaser Agent for Applicant/Contract Purchaser Agent for Applicant/Contract Purchaser
Hastings Estates, L.C., John P. Sekas	407-L Church Street, N.E., Vienna, VA 22180	Title Owner of Tax Map 28-4 ((1)) 29 Agent for Title Owner

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

REZONING AFFIDAVIT

DATE: 7/15/10
(enter date affidavit is notarized)

108953a

for Application No. (s): RZ 2010-HM-006
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

~~CORPORATION INFORMATION~~ ^{Set} Sekas Homes, Ltd.

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Sekas Homes, Ltd.
407-L Church Street, N.E.
Vienna, VA 22180

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

John P. Sekas

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer,** etc.)

John P. Sekas, President
Bryan L. Deege, Vice President
Sandy A. Booze, Secretary

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(b)

DATE: 7/15/10
(enter date affidavit is notarized)

108953a

for Application No. (s): RZ 2010-HM-006
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Land Design Consultants, Inc.
9401 Centreville Road, Suite 300
Manassas, VA 20110

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

John L. Marshall
Matthew T. Marshall
Joshua C. Marshall

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

John L. Marshall, Secretary and Chairman of the Board
Matthew T. Marshall, President
Joshua C. Marshall, Vice President

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Hastings Estates, L.C.
407-L Church Street, N.E.
Vienna, VA 22180

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Opportunity Developers, Ltd.

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

John P. Sekas, Manager
Bryan L. Deege, Manager

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: 7/15/10
(enter date affidavit is notarized)

108953a

for Application No. (s): RZ 2010-HM-006
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Opportunity Developers, Ltd.
407-L Church Street, N.E.
Vienna, VA 22180

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

John P. Sekas

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

John P. Sekas, President

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

REZONING AFFIDAVIT

DATE: 7/15/10
(enter date affidavit is notarized)

108953a

for Application No. (s): RZ 2010-HM-006
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)
None

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) [] There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

REZONING AFFIDAVIT

DATE: 7/15/10
(enter date affidavit is notarized)

108953a

for Application No. (s): R2 2010-HM-006
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: 7/15/10
(enter date affidavit is notarized)

108953a

for Application No. (s): RZ 2010-HM-006
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)
None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one) [] Applicant [X] Applicant's Authorized Agent
Kelly M. Atkinson

Kelly M. Atkinson, AICP
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 15 day of July, 2010, in the State/Comm. of Virginia, County/City of Prince William

Rhonda Lynn Kemp
Notary Public

My commission expires:





April 15, 2010
August 19, 2010 (Revised)

Mrs. Regina Coyle, Director
Department of Planning and Zoning
Fairfax County
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Re: Statement of Justification
8000 Old Courthouse Road
Fairfax County Parcel #28-4 ((1)), Parcel 29
Currently Zoned R-1, 2.39 Acres
LDC Project #10016-1-0

Dear Ms. Coyle,

Sekas Homes, Ltd. ("Applicant") and Land Design Consultants, Inc. (LDC) are pleased to present this rezoning application to the County for formal staff evaluation. The subject property, located on Tax Map 28-4 ((1)) 29 is situated within the Hunter Mill District and is currently zoned R-1. The total area of the property is 2.39 acres per a boundary survey completed in February, 2010 by LDC. This property is known as Vienna Crest.

The subject property currently contains an existing house and driveway. All existing structures will be removed on the application property as a result of the proposed development.

Upon review of the Comprehensive Plan, LDC notes that there is not any specific text for the area; however, the site is recommended for development at a density of two to three dwelling units per acre. Therefore, the proposed rezoning to the R-3 district is in conformance with the Comprehensive Plan and surrounding densities. To the north are the existing Tysons Green and Tysons West subdivisions. These subdivisions are zoned R-3 and contain single-family detached houses. The subject property is bordered to the East and West by existing R-1 zoned properties containing existing dwellings. Finally, the subject property is bordered to the south by Old Courthouse Road (Route 677).

The Applicant has filed the enclosed proposal showing the development of the property with six single-family detached houses at an overall density of 2.6 dwelling units per acre under the R-3 conventional zoning district. The previously submitted concurrent Special Exception Application to permit a cluster development is no longer necessary and is requested to be withdrawn. The proposed houses will be served by a curb and gutter section public street, located in a 50' right-of-way. This road will terminate with a permanent cul-du-sac. A waiver of the Subdivision Street Acceptance Requirements, for the multiple connections and connectivity requirements, will be submitted to the Virginia Department of Transportation in the next two weeks.

In creating this community, the Applicant is working to create a development that is compatible with the existing developments while providing sufficient area for buildings, parking and stormwater management/best management practices facilities (SWM/BMP). Based upon comments received from

Ms. Regina Coyle, Director
Department of Planning and Zoning
Re: Statement of Justification
8900 Old Courthouse Road
Fairfax County Parcel #28-4 ((1)), Parcel 29
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County Staff during the first review of the application, the Applicant has redesigned the site to eliminate the cluster development, pipestem driveway, previously requested waivers and inadequate parking.

The subject property does not contain any Floodplain, Resource Protection Areas, or Environmental Quality Corridors per Fairfax County maps.

A brief review of the Residential Design Criteria would include:

1. High quality site design

The site layout allows for the creation of a single-family detached neighborhood at a lower density (2.6 dwelling units per acre) than surrounding developments and meets the guidelines of the Comprehensive Plan. The existing density of the adjacent Tysons Green subdivision is 3 dwelling units per acre, while the density of Tysons West is 2.9 dwelling units per acre. This development allows for the redevelopment of the subject property with access onto Old Courthouse Road. Prior to filing this application, the Applicant reviewed a number of options to consolidate with the adjacent properties to the east and west. The owner of the property to the east constructed improvements to the existing dwelling in 2004 and does not wish to sell his property for development.

In regards to the owners of the property to the west, the Applicant had a number of meetings with these homeowners in regards to their participation in this rezoning. The Applicant expended time and resources to complete layouts and studies to include this property in the rezoning. However, these homeowners ultimately decided to not participate in the rezoning and have provided written documentation stating that they wish to retain their property and do not wish to sell it for development purposes. Therefore, there are no current opportunities to consolidate at this time. Please note, there is no specific text within the Comprehensive Plan requiring consolidation of these parcels.

Per Staff's recommendation, LDC and the Applicant reviewed ways the adjacent property to the west can develop in the future, at such time he wishes to move forward independent of this application. This property currently contains 1.053 acres and is currently zoned R-1. The maximum yield based upon the current zoning is one dwelling unit.

LDC has completed a conceptual exhibit showing development of the subject property under the R-4 zone. LDC notes this would require the Applicant to proffer down the maximum density to 2-3 dwelling units per acre, in accordance with the current Comprehensive Plan. Based upon this layout, the maximum yield is only two lots due to lot width requirements. LDC briefly reviewed the ability to extend Palm Springs Drive onto the subject property; however any extension of this road to Old Courthouse Road will significantly reduce buildable area, require offsite ROW, result in an intersection that cannot meet intersection separation requirements and will be located on the low side of the road resulting in inadequate sight distance. In light of the proposed exhibit, LDC does not believe the adjacent property to the west will be impacted by the proposed development. Please refer to the Thompson Property Future Development Exhibit.

As part of this application, the Applicant has sited all of the houses around the proposed street and the rears of houses to the rears of adjacent houses, where applicable.

Ms. Regina Coyle, Director
Department of Planning and Zoning
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The proposed houses will be served by an extension of public sewer and water as shown on the GDP via individual connections.

The Applicant worked closely with ECS, Ltd. to determine if any onsite vegetation was suitable for preservation. Upon further review of the site by ECS, Ltd., it was determined that the majority of trees are in fair to poor condition and do not contain species suitable for preservation. As a result, the Applicant will be submitting a request to deviate from the Target Tree Preservation requirement. To meet the County's 30% tree canopy requirement, the Applicant will plant trees on site and provide mulch bed with plantings in the front of the houses. These plantings will contribute to energy conservation and provide additional screening.

2. Integration and compatibility with the Neighborhood Context

As previously stated, the subject property is surrounded to the north by existing single-family subdivisions zoned R-3, to the East and West by existing R-1 zoned properties containing existing dwellings and to the south by Old Courthouse Road (Route 677). The lots located to the north and directly adjacent to the subject property, range in lot size from 10,593 SF to 15,017 SF. The proposed lot areas on site range from 10,900 SF to 14,800 SF. With the proposed application, the Applicant has increased the average lot area from 9,100 SF to 12,100 SF, which is consistent with the adjacent lot sizes.

As part of the proposed development the Applicant has attempted to integrate the proposed houses into the fabric of the existing neighborhoods. Elevations of the proposed houses are included with the GDP and the Applicant will proffer to building materials. Please note that the Applicant will not use vinyl siding on the houses.

Per the Public Facilities Manual, a 5' sidewalk is required along Old Courthouse Road. In addition, an 8' Major Paved Trail is required along Old Courthouse Road in conjunction with the Countywide Trails Plan. As part of this application, the Applicant is proposing a 10' Shared Use Path along Old Courthouse Road. Further, the Applicant is providing 5' sidewalks along the internal public street. A waiver of the 5' sidewalk requirement is requested as part of this application in light of the proposed 10' Shared Use Path. Please see sheet 1 of the GDP.

3. Enhance, preserve or contribute towards the preservation of natural environmental resources on site and/or reduce adverse off-site environmental impacts.

The Applicant has retained a certified arborist to complete a Tree Inventory and Condition Analysis and Tree Preservation Plan as part of this application. Again, per a determination by ECS, Ltd., the onsite vegetation is not suitable for preservation. Specifically, the majority of trees are in fair to poor condition and do not contain species suitable for preservation. Again the Applicant is providing additional plantings and mulch beds on site to address the tree canopy requirements. The proposed houses and landscaping are also sited in a manner to contribute to energy conservation. Finally, the Applicant will be directing all runoff to onsite infiltration trench where it will be detained and treated before discharging into a closed storm sewer system. This infiltration trench, which is a Low Impact Development Technique, has been designed to detain

Ms. Regina Coyle, Director
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the one-year storm. These characteristics will ensure that water quality is protected and downstream property owners are not affected by this development.

The Applicant is proposing a 7' Decorative Fence anchored by brick piers along Old Courthouse Road. A detail is provided on Sheet 1. The Applicant is also committed to using building materials and windows, which are rated to reduce noise. Finally, all homes constructed on the property shall meet the thermal guidelines of the CABO Model Energy Program for energy-efficient homes or its equivalent, as determined by the Department of Public Works and Environmental Services (DPWES) for either electric or gas energy systems, as applicable.

4. Tree Preservation and Tree Cover Requirements

In light of the poor quality and species of trees on site, the Applicant is submitting a request to deviate from the Target Tree Preservation requirement. Specifically 41% of the 30% tree canopy requirement shall be met through preservation. The Applicant is proposing no tree save on site due to the aforementioned reasons and also due to the fact that some of the existing trees on site are located in the proposed right-of-way dedication. The Applicant is proposing additional tree cover in order to meet the County's 30% tree coverage requirement. The specific types of trees planted and locations will be chosen at time of subdivision plan review; however, they will be in accordance with the Public Facilities Manual and subject to approval by UFM.

5. Contribute to development of specific transportation improvements.

The Applicant understands that Old Courthouse Road is not on the Comprehensive Plan and Countywide Transportation Plan to be improved. However, the Applicant is proposing to dedicate right-of-way approximately 43.5' from centerline and construct improvements consisting of curb and gutter along portions of the site's frontage. LDC is unable to provide full frontage improvements to the west due to an existing driveway apron on Lot 28 and insufficient right-of-way. LDC has also completed an engineering analysis of the sight distance along Old Courthouse Road at the proposed entrance and notes it is in conformance with State and local requirements. The Applicant has included this sight distance exhibit with this application.

In regards to parking, this will be accommodated in the proposed driveways and garages, as well as along the proposed public street. Please note that a covenant will be recorded with the deed of subdivision, which prohibits the proposed garages from being converted to living space. In addition, each driveway will be a minimum length of 18' to accommodate parking.

6. Provision of public facilities to alleviate impact of the proposed development on the community.

In regards to the public schools and parks, the Applicant will proffer the necessary monetary contributions. Additionally, the addition of six homes on 2.39 acres lends itself towards the development of all homes at the same time. The developer believes that the phasing of such a small development is not appropriate and the developer will work with Staff and the adjacent property owners to minimize any disturbance caused by the development. Please note the Applicant has completed many projects within Fairfax County over the past twenty-five years and is not in default of any Bonded Requirements or Projects.

Ms. Regina Coyle, Director
Department of Planning and Zoning
Re: Statement of Justification
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7. Contribute towards the County's low and moderate-income housing goals.

Due to the proposed development of only six homes, the application is not subject to the ADU provisions requiring on site construction for ADU's. As deemed appropriate by Staff, the Applicant will make a monetary contribution to the ADU program via a proffer commitment.

8. Preserve, protect and/or restore items or significance to the County's heritage.

The Applicant will conduct a Phase 1 Archeological Survey of the site and an analysis of the existing house and barn to identify any historic resources. The Applicant is in the process of soliciting proposals. If further work is necessary, this will be conducted by the Applicant.

In your review of this application, I believe that you will find it meets the spirit and criteria of the County's Comprehensive Plan, the character of the surrounding neighborhoods and is a positive compliment to the existing community.

Very truly yours,

Land Design Consultants, Inc.



Kelly M. Atkinson, AICP
Senior Planner

Enclosures

cc: John Sekas, Sekas Homes, Ltd.
Matt Marshall, AICP, L.S., President, LDC, Inc.
File

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area II
Planning District:	Vienna Planning District
Planning Sector:	Spring Lake Community Planning Sector – V-3
Plan Map:	Residential, 2-3 du/ac
Plan Text:	

The Fairfax County Comprehensive Plan, Area II, 2007 Edition, Vienna Planning District, as amended through March 9, 2010, in the V3, Spring Lake Community Planning Sector, states the following beginning on page 66:

Land Use

The Spring Lake sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity 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 in a well-designed, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.



County of Fairfax, Virginia

MEMORANDUM

DATE: October 28, 2010

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief *PHN*
Environment and Development Review Branch, DPZ

SUBJECT: ENVIRONMENTAL ASSESSMENT for: **RZ 2010-HM-006**
Vienna Crest – Sekas Homes

This memorandum, prepared by John R. Bell, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the above referenced Development Plan as revised through August 10, 2010. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through July 27, 2010, page 7 through 9:

“Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County. . . .

Policy d. Preserve the integrity and the scenic and recreational value of EQCs when locating and designing storm water detention and BMP facilities. . . .

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/



Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County's streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives:

- Minimize the amount of impervious surface created. . . .
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
- Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements. . . .
- Maximize the use of infiltration landscaping within streetscapes consistent with County and State requirements. . . .

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations. . . .”

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through July 27, 2010, pages 19 and 20:

“Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.

Policy a. Consistent with other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices can include, but are not limited to:

- Environmentally-sensitive siting and construction of development.
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the *Policy Plan*).
- Optimization of energy performance of structures/energy-efficient design.
- Use of renewable energy resources.
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products.
- Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies.
- Reuse of existing building materials for redevelopment projects.
- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris.
- Use of recycled and rapidly renewable building materials.
- Use of building materials and products that originate from nearby sources.
- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials.

Encourage commitments to implementation of green building practices through certification under established green building rating systems (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program or other comparable programs with third party certification). Encourage commitments to the attainment of the ENERGY STAR® rating where applicable and to ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs. . . .

Policy c. Ensure that zoning proposals for residential development will qualify for the ENERGY STAR Qualified Homes designation, where such zoning proposals seek development at the high end of the Plan density range and

where broader commitments to green building practices are not being applied.”

ENVIRONMENTAL ANALYSIS:

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions.

Water Quality

Issue:

The applicant is proposing an infiltration trench to meet stormwater management requirements for the proposed development. Based on comments from staff in the Department of Public Works and Environmental Services (DPWES) it is not clear that the proposed facility will meet all required standards for water quantity and quality control.

Resolution:

Prior to final approval of the proposed development plan, the applicant will be required to meet Public Facilities Manual (PFM) standards to adequately address runoff issues associated with the proposed development. Any final determination regarding the adequacy of proposed measures will be made by staff within DPWES.

Green Buildings

The proposed residential development is at the high end of the Plan density range in this location. As such, there is an expectation based on Policy Plan guidance that the applicant will commit to design and construct all dwelling units as Energy Star Qualified Homes. The current proposed proffer simply states that all homes will be certified under the Energy Star program. Without identification of an enforcement mechanism for implementation, staff finds the proposed green building proffer unacceptable. Consistent with other applicants' commitments for Energy Star Qualified Homes, the applicant should commit to prior to issuance of the Residential Use Permit for each dwelling unit, to submitting to the Environment and Development Review Branch of DPZ documentation from a home energy rater certified through the Residential Energy Services Network program that demonstrates that the dwelling has attained Energy Star for Qualified Homes designation. This issue remains outstanding.

PGN:JRB



County of Fairfax, Virginia

MEMORANDU

DATE: July 8, 2010

TO: St. Clair Williams, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Beth Forbes, Stormwater Engineer *BF*
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Rezoning Application #RZ 2010-HM-006, Sekas Homes, Generalized Development Plat dated April, 2010, LDS Project #7965-ZONA-003-1, Tax Map #28-4-01-0029, Hunter Mill District

We have reviewed the subject application and offer the following stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) on this site. Water quality controls are required for this development (PFM 6-0401.2A). An infiltration trench is located on the plat.

Floodplain

There are no regulated floodplains on the property.

Downstream Drainage Complaints

There are downstream drainage complaints on file.

Stormwater Detention

Stormwater detention is required (PFM 6-0301.3). An infiltration trench is located on the plat. The applicant has proposed using a RainTank system; infiltration systems using manufactured components are discouraged (LTI 10-4). A graphic showing the approximate on-site and off-site areas to be served by the trench should be included with the application (ZO 19-202 paragraph 10.F(1)(b)). Also, the maintenance accessway to the trench should be located on the plat (ZO 19-202 paragraph 10.F(1)(d)).

Site Outfall

An outfall narrative has been provided.

Please contact me at 703-324-1720 if you require additional information.

BF/

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES
Jeremiah Stonefield, Chief, Stormwater & Geotechnical Section, ESRD, DPWES
Zoning Application File

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359





County of Fairfax, Virginia

MEMORANDUM

July 13, 2010

TO: St. Clair Williams, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Hugh Whitehead, Urban Forester II
Forest Conservation Branch, DPWES

Huw

SUBJECT: Vienna Crest, RZ 2010-HM-006

I have reviewed the above referenced Rezoning/Special Exception application, including the Generalized Development/Special Exception Plat, stamped as received by the Zoning Evaluation Division (ZED); and a Statement of Justification, stamped as received by ZED on April 16, 2010. The following comments and recommendations are based on this review and a site visit conducted on July 8, 2010.

1. **Comment:** The tree preservation and canopy calculations on sheet 1 address the overall tree cover requirement of 30 percent, but do not address the tree preservation target based on existing tree cover on the site. The tree preservation target in the calculation provided is misrepresented.

Recommendation: Require that the Tree Preservation Target and Statement (PFM Table 12.3) be provided on the plan showing that the percentage of tree cover existing on the site prior to development is greater than or equal to the percent of the total 10-year canopy requirement that should be met by means of preservation.

2. **Comment:** Tree preservation proposed for the proposed development is primarily comprised of white pine a non-native species planted during previous development of the site. The quality of trees proposed for preservation is not high.

Recommendation: Based on the quality of the area proposed for preservation and the tree cover existing on the site, the proposed application does not qualify for development by cluster standards.

3. **Comment:** The note regarding the proposed planting schedule is inaccurate. Native trees do not include Norway spruce, Japanese maple, and many cherry species; however, Norway spruce is one of the better evergreen species for this area.



Vienna Crest
RZ 2010-HM-006
July 13, 2010
Page 2 of 2

It should be noted that the species indicated as qualifying for energy conservation credit is only accurate based on their location relative to the residence. See PFM Plate 4-12 and Section 12-0509.4B(2)(a)

Recommendation: Regarding selected species, use the term native and proven desirable species. Norway spruce, and Japanese maple may be included in this list.

Regarding energy conservation, provide a copy of PFM Plate 4-12 with the proposed GDP/SE and reference this plate in the note.

- Comment:** Most of the large shade trees shown on the GDP/SE Plat are not in positions where they contribute to energy conservation. Some are shown out of position relative to the southwest to northwest side of the house, others are shown outside of the 20 to 35-foot distance from the house. The relative position could be improved if the driveways were shifted to the opposite side if the houses on the east side of the proposed pipe stem. The required distance for qualifying trees could be met with larger size lots.

Recommendation: Revise the lot size and proposed home configuration to provide better opportunities for energy conservation.

If there are any questions, please contact me at (703)324-1770.

HCW/
UFMID #: 151580

cc: RA File
DPZ File





County of Fairfax, Virginia

APPENDIX 8

MEMORANDUM

DATE: November 16, 2010

TO: Regina Coyle
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver
Site Analysis Section
Department of Transportation

FILE: 3-4 (RZ 2010-HM-006)

SUBJECT: Transportation Impact

REFERENCE: RZ 2010-HM-006 Sekas Homes, Ltd., Vienna Crest
Traffic Zone: 1542
Land Identification Map: 28-4 ((1)) 29

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this office dated April 2010, and revised through August 10, 2010. The applicant wishes to rezone the 2.3 acre site from R-2 to R-3 for 6 single family dwelling units for a density of 2.6 dwelling units per acre. The applicant is providing a public street for access from Old Courthouse Road and frontage improvements of curb and gutter on the southeast portion of Old Courthouse Road with a shared use path/trail across the entire frontage.

- The shared use path/trail should extend to the property lines.
- This application is subject to the SSAR and Access Management regulations required by VDOT. In this case a Secondary Street Acceptance Requirements Exception and an Access Management Exception are needed. These have been filed with VDOT but are pending and not yet approved. If this application moves forward (and gets approved) these exceptions are not approved by VDOT, a PCA will be necessary and the present density, lot layout, access location, etc. is not guaranteed. (Attachments)

The Access Management exception is required because of the proposed public street's distance from County Club Drive and because it does not align with that street. The SSAR exception is necessary because of VDOT's Connectivity Index and the requirement to provide multiple street connections in multiple directions. The proposed public street does not connect to the Palm Springs Drive stub and does not make provision for any future interparcel connections. If these exceptions are denied, VDOT will not take the street into the VDOT system for maintenance and it will not be public.

This department cannot support approval of this application with these outstanding issues not resolved.

AKR/LAH

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877 5723
www.fairfaxcounty.gov/fcdot





COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

14685 AVION PARKWAY
CHANTILLY, VA 20151-1104
(703) 383-VDOT (8368)

GREGORY A. WHIRLEY
COMMISSIONER

November 3, 2010

Re: Vienna Crest; RZ 2010-HM-006

Dear Ms. Atkins:

We have reviewed your Secondary Street Acceptance Requirements Exception request form and provide the following comments.

1. Your submission indicates that it is not possible for you to build the connection route suggested by VDOT. Please note that the route suggested by VDOT is only one of the alternatives that the applicant can explore and in no circumstances should be considered an ultimate stub out for multiple connections in multiple direction requirement for this subdivision.
2. The justification should not be combined for both Multiple Connection and Connectivity Index not connecting to an Existing Stub.
3. Provide documentation for not connecting to an Existing Stub. Dedicate right of way on site for the future connection to Palm Springs Drive and/or construct a street with a temporary turnaround that could be connected in the future to Palm Springs Drive.
4. Provide proper reasoning related to your claim that proposed connection would not achieve sight distance. Provide an Attachment depicting the constraints for each scenario including across from Country Club Drive. Also indicate how it will create a financial hardship to the owner/developer of the aforementioned owner of Parcel 28.
5. Provide concurrence from Fairfax County that the aforementioned street will not be extended and all future development's access is consistent with your findings.
6. Provide due justification, specific reasoning, and detailed professional opinion on the alternative to not align with the existing opposing street Country Club Drive. Spacing criteria between intersections, Access Management should be addressed by providing accident data to support the lack of sight distance.
7. Provide engineering detail and documentation as to why a public street can not be located opposing Country Club Drive traversing the property and connecting to Palm Springs Drive.

Sincerely,

Noreen H. Maloney
Transportation Engineer



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

Gregory Whirley
COMMISSIONER

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

MEMORANDUM

October 25, 2010

TO: Cheryl Sharp

From: Noreen Maloney

Subject: Access Management Exception Vienna Crest

We have reviewed the Exception and offer the following comments;

Please provide a generalized development plan (reduced) showing as much engineering detail as needed to support your Exception.

The attached Summary Sheet is incorrect (not a Design Waiver).

1. The proposed subdivision street should be re located to where it aligns with Country Club Drive. Supporting documentation should be submitted if this option cannot be attained.
2. Existing Palm Springs Drive should be extended in to the subject property as a public street with no access to Old Courthouse Road. Supporting documentation should be submitted if this option cannot be attained.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

GREGORY A. WHIRLEY
ACTING COMMISSIONER

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

August 25, 2010

To: Ms. Regina Coyle
Director, Zoning Evaluation Division

From: Noreen H. Maloney
Virginia Department of Transportation – Land Development Section
703-383-2063

Subject: RZ 2010-HM-006 conc. w/ SE 2010-HM-014; Vienna Crest
Tax Map No: 028-4- /01/ /0029

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

I have reviewed the subject plan and offer the following comments:

1. The subdivision is subject to SSAR regulations. The four requirements of SSAR should be addressed prior to zoning approval to determine what exceptions are needed. The four requirements are as follows;
Connectivity Index
Provision of Multiple Street Connections in Multiple Directions
Pedestrian Accommodations
Public Service Requirements
2. The location of the subdivision street, although best suited for sight distance, may require an Exception/Waiver for the distance from Country Club Drive.

Jerry and Sharon Thompson
8910 Old Courthouse Road
Vienna, Virginia 22182

September 28, 2010

Mrs. Regina M. Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway
Suite 801
Fairfax, Virginia 22035-5509

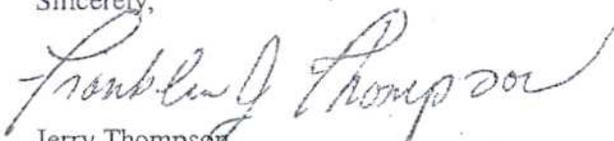
RE: Vienna Crest

Dear Mrs. Coyle;

As stated in our email to John Sekas on February 8, 2010, we want to retain our land and view in its current condition. We understand that we can re-develop our property into two lots by rezoning the property to the R-4 District with a lower proffered density and without the construction of any new public roads. Finally, we do not want any extension of Palm Springs Drive onto our property in any manner and do not wish to dedicate any land at this time for public street purposes.

Thank you for your time and efforts on this matter.

Sincerely,


Jerry Thompson


Sharon Thompson



FAIRFAX COUNTY PARK AUTHORITY



M E M O R A N D U M

TO: Regina M. Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sandy Stallman, Manager *SS for SS*
Park Planning Branch, PDD

DATE: September 9, 2010

SUBJECT: RZ 2010-HM-006 concurrent with SE 2010-HM-006, Vienna Crest-REVISED
Tax Map Number: 28-4 ((1)) 29

BACKGROUND

The Park Authority staff has reviewed the proposed Development Plan for the above referenced application, dated April 2010 and revised through August 10, 2010. The Development Plan shows 6 new single-family homes on a 2.39-acre parcel proposed to be rezoned from the R-1 to R-3 zoning district. The plan also indicates the demolition of the existing home and accessory structures on the site. Based on an average single-family household size of 2.91 in the Vienna Planning District, the development could add 14 new residents (6 new – 1 existing = 5 x 2.91 = 14) to the Hunter Mill Supervisory District.

COMPREHENSIVE PLAN CITATIONS

1. **Park Services and New Development** (The Policy Plan, Parks and Recreation Objective 6, p. 8)

“Objective 6: Ensure the mitigation of adverse impacts to park and recreation facilities and service levels caused by growth and land development through the provision of proffers, conditions, contributions, commitments, and land dedication.”

“Policy a: Offset residential development impacts to parks and recreation resources, facilities and service levels based on the adopted facility service level standards (Appendix 2). The provision of suitable new park and recreational lands and facilities will be considered in the review of land development proposals in accordance with Residential Development Criteria - Appendix 9 of the Land Use element of the Countywide Policy Plan.”

“Policy b: To implement Policy a. above, residential land development should include provisions for contributions, or dedication, to the Park Authority of usable

parkland and facilities, public trails, development of recreational facilities on private open space, and/or provision of improvements at existing nearby park facilities.”

2. **Heritage Resources** (The Policy Plan, Heritage Resources, Objective 1, p. 3)

“Objective 1: Identify heritage resources representing all time periods and in all areas of the County.”

“Policy a: Identify heritage resources well in advance of potential damage or destruction.”

ANALYSIS AND RECOMMENDATIONS

Recreational Impact:

With the previous review of this application, the Park Authority requested a fair share contribution of \$12,502.00 to the Park Authority for recreational facility development at one or more park sites located within the service area of the subject property. The Park Authority acknowledges the applicants proposed proffered commitment to provide this contribution.

Cultural Resources Impact:

In previous review of this application, the Park Authority requested the applicant provide a Phase I archaeological survey of the site based on archival review of the property. The Park Authority continues to request the indicated survey and that such commitment should be included in the proffers.

As demolition of the circa 1925 house is proposed, the house should be examined and documented prior to demolition. The plans also indicate an existing barn, also constructed in 1925. The barn should also be documented and assessed for cultural significance. Due to its early 20th century use, the parcel has high potential to contain a historic site with the likelihood of foundation remnants. It is recommended that the area undergo a Phase I archaeological survey, with shovel test pits (STPs) excavated at 40-foot intervals with 10-foot infill block around any STPs with prehistoric or historic artifacts. If sites are found, they would be subject for a Phase II archaeological testing, in order to determine eligibility to the National Register of Historic Places. If sites are found eligible, avoidance, or Phase III data recovery would be recommended.

The Park Authority requests that the applicant provide one copy of the Archaeology Report to the Park Authority’s Resource Management Division (Attention: Liz Crowell) within 30 days of completion of the study or survey. Should significant archaeological resources be discovered, the Park Authority requests that further archaeological studies be conducted and copies of the reports provided to the Cultural Resource Management and Protection section (CRMP). At the completion of any cultural resource studies, field notes, photographs and artifacts should be submitted to CRMP within 30 days.

Trails:

In the previous review, the Park Authority had requested that the applicant construct the major paved trail along Old Courthouse Road as indicated on the Comprehensive Plan Trails Map. The Park Authority acknowledges the applicant's revision to the plan indicating provision of this trail requirement.

SUMMARY OF RECOMMENDATIONS

The section summarizes the recommendations included in the preceding analysis section.

- Provide documentation and assessment of cultural significance of the existing house and barn structure prior to demolition
- Provide Phase I archaeological survey, as described, followed by Phase II and Phase III archaeological efforts as indicated

FCPA Reviewer: Gayle Hooper
DPZ Coordinator: St. Clair Williams

Copy: Cindy Walsh, Director, Resource Management Division
Liz Crowell, Manager, Cultural Resource Management & Protection Section
Chron Binder
File Copy



FAIRFAX COUNTY
PUBLIC SCHOOLS

Department of Facilities and Transportation Services
Office of Facilities Planning Services
8115 Gatehouse Road, Suite 3300
Falls Church, Virginia 22042

June 30, 2010

TO: St. Clair Williams
Fairfax County Department of Planning & Zoning
Zoning Evaluation Division

FROM: Denise M. James, Director 
Office of Facilities Planning Services

SUBJECT: RZ/FDP 2010-HM-006, Sekas Homes

ACREAGE: 2.3 acres

TAX MAP: 28-4 ((1)) 29

PROPOSAL: Rezone property from the R-1 District to the R-3 Cluster District to permit 6 single family detached dwelling units.

COMMENTS: The proposed rezoning area is within the Westbriar Elementary School, Kilmer Middle School, and Marshall High School boundaries. The chart below shows the existing school capacity, enrollment, and projected five year enrollment.

School	Capacity	Enrollment (9/30/09)	2010-2011 Projected Enrollment	Capacity Balance 2010-2011	2014-15 Projected Enrollment	Capacity Balance 2014-15
Westbriar ES	477	507	516	-39	596	-119
Kilmer MS	1019	1015	1042	-23	1213	-194
Marshall HS	1490/1800*	1438	1506	-16	1697	103

Capacity and enrollment are based on the FCPS FY 2010-14 CIP and spring update.

**renovations for Marshall HS are expected to be completed for the 2013-14 school year*

The rezoning application proposes to rezone property from the R-1 District to the R-3 Cluster District to permit 6 single family detached dwelling units. The property is currently developed with one dwelling unit.

The chart below shows the number of projected students by school level.

School level	Single family detached ratio	Proposed # of units	Student yield	Single family detached ratio	Current # of units permitted by-right	Student yield
Elementary	.266	6	2	.266	1	0
Middle	.084	6	1	.084	1	0
High	.181	6	1	.181	1	0
			4 total			0 total

SUMMARY:Suggested Proffer Contribution

The rezoning application is anticipated to yield 4 new students. Based on the approved proffer formula guidelines, the students generated would justify a proffer contribution of \$37,512 (4 students x \$9,378) in order to address capital improvements for the receiving schools. It is recommended that all proffer contributions be directed to the Marshall HS pyramid and/or to Cluster II schools that encompass this area at the time of site plan approval or building permit approval. It is also recommended that notification be given to FCPS when construction is anticipated to commence in order for FCPS to include the timely projection of students into its five year Capital Improvement Program.

In addition, a proffer for an escalation condition is recommended. The suggested proffer contribution is updated on an annual basis to reflect current market conditions and the amount has decreased over the last couple of years because of the down turn in the economy and lower construction costs for FCPS. As a result, an escalation condition would allow for payment of the school proffer based on either the current suggested proffer contribution or the proffer contribution in effect at the time of development, whichever is greater. This would better reflect the per student proffer contribution at the time of development, given that in this economy, development may not immediately commence. For your reference, below is an example of an escalation condition that was included as part of an approved proffer contribution to FCPS.

- A. Adjustment to Contribution Amounts. Following approval of this Application and prior to the Applicant's payment of the amount(s) set forth in this Proffer, if Fairfax County should increase the ratio of students per high-rise multifamily unit or the amount of the contribution per student, the Applicant shall increase the amount of the contribution for that phase of development to reflect the then-current ratio and/or contribution. If the County should decrease the ratio or contribution amount, the Applicant shall provide the greater of the two amounts.

School Capacity

As shown on the first page, the school capacity chart shows a snapshot in time for student enrollment and school capacity balance. Student enrollment projections are done on a six year timeframe, currently through school year 2014-15 and are updated annually. At this time, if development occurs within the next six years, Westbriar and Kilmer are projected to have a capacity deficit and the rezoning application is anticipated to contribute to this projected capacity deficit. Marshall is projected to have sufficient capacity. Beyond the six year projection horizon, enrollment projections are not available.

Future Development Impacts

Westbriar Elementary, Kilmer Middle, and Marshall High also serve the Tysons Corner area and the middle and high also serve the Merrifield area. Future development is anticipated in these areas and are likely to impact the projected capacity balance at the schools.

Attachment: Locator Map

cc: Stuart D. Gibson, School Board Member, Hunter Mill District
 Patricia S. Reed, School Board Member, Providence District
 Illryong Moon, School Board Member, At-Large
 James L. Raney, School Board Member, At-Large
 Martina A. Hone, School Board Member, At-Large
 Dean Tistadt, Chief Operating Officer, FCPS
 Phyllis Pajardo, Cluster II, Assistant Superintendent
 Joanne Goodwin, Principal, Westbriar Elementary School
 Douglas Tyson, Principal, Kilmer Middle School
 Jay W. Pearson, Principal, Marshall High School



County of Fairfax, Virginia

MEMORANDUM

DATE: June 29, 2010

TO: Regina Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Eric Fisher, GIS Analyst III
Information Technology Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis of Rezoning Application
RZ 2010-HM-006 concurrent with Special Exception Application
SE 2010-HM-014

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject:

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #429, **Tyson's Corner**
2. After construction programmed _____ this property will be serviced by the fire station _____
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - a. currently meets fire protection guidelines.
 - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
 - d. does not meet current fire protection guidelines without an additional facility. The application property is _____ of a mile outside the fire protection guidelines. No new facility is currently planned for this area.



Water

FAIRFAX COUNTY WATER AUTHORITY
8560 Arlington Boulevard, Fairfax, Virginia 22031
www.fairfaxwater.org

**PLANNING & ENGINEERING
DIVISION**

Jamie Bain Hedges, P.E.
Director
(703) 289-6325
Fax (703) 289-6382

June 25, 2010

Ms. Regina Coyle, Director
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5505

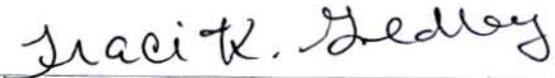
Re: RZ 2010-HM-006
SE-2010-HM-004
Vienna Crest
28-4 ((1)) 29

Dear Ms. Coyle:

Fairfax Water has reviewed the above noted generalized development plan and has no comments.

If you have any questions regarding this information please contact Dave Guerra at 703-289-6343.

Sincerely,



Traci K. Goldberg, P.E.
Manager, Planning Department

Enclosure

RESIDENTIAL DISTRICT REGULATIONS

3-305 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.
2. All uses shall comply with the performance standards set forth in Article 14.
3. Cluster subdivisions may be permitted in accordance with the provisions of Sect. 9-615 when the cluster subdivision has a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres, and with the provisions of Sect. 2-421 when the cluster subdivision has a minimum district size of three and one-half (3.5) acres or greater.

3-306 Lot Size Requirements

1. Minimum district size for cluster subdivisions:
 - A. Cluster subdivisions containing a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres shall be subject to special exception approval.
 - B. Cluster subdivisions containing a minimum district size of three and one-half acres (3.5) acres or greater shall be subject to approval by the Director.
2. Average lot area
 - A. Conventional subdivision lot: 11,500 sq. ft.
 - B. Cluster subdivision lot: No Requirement
3. Minimum lot area
 - A. Conventional subdivision lot: 10,500 sq. ft.
 - B. Cluster subdivision lot approved by the Director: 8,500 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 3 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 10,500 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-3 District or to an R-3 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 8,500 square feet.
 - C. Cluster subdivision lot approved by special exception: 8,500 sq. ft.
4. Minimum lot width
 - A. Conventional subdivision lot:

FAIRFAX COUNTY ZONING ORDINANCE

- (1) Interior lot - 80 feet
- (2) Corner lot - 105 feet

B. Except as qualified below, cluster subdivision lot approved by the Director:

- (1) Interior lot - No Requirement
- (2) Corner lot - 80 feet

If any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision, and any portion of any lot located outside of the cluster subdivision that is contiguous to that peripheral cluster subdivision's boundary is zoned to a district that permits a maximum density equal to or less than 3 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot width of 80 feet for interior lots and 105 feet for corner lots. Notwithstanding the above, when the contiguous development is zoned to the PDH-3 District or to a R-3 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall have no minimum required lot width for interior lots and shall contain a minimum lot width of 80 feet for corner lots.

C. Cluster subdivision lot approved by special exception:

- (1) Interior lot – No Requirement
- (2) Corner lot – 80 feet

3-307

Bulk Regulations

- 1. Maximum building height
 - A. Single family dwellings: 35 feet
 - B. All other structures: 60 feet
- 2. Minimum yard requirements

A. Single family dwellings

- (1) Conventional subdivision lot
 - (a) Front yard: 30 feet
 - (b) Side yard: 12 feet
 - (c) Rear yard: 25 feet
- (2) Cluster subdivision lot

RESIDENTIAL DISTRICT REGULATIONS

- (a) Front yard: 20 feet
 - (b) Side yard: 8 feet, but a total minimum of 20 feet
 - (c) Rear yard: 25 feet
- B. All other structures
- (1) Front yard: Controlled by a 40° angle of bulk plane, but not less than 30 feet
 - (2) Side yard: Controlled by a 35° angle of bulk plane, but not less than 10 feet
 - (3) Rear yard: Controlled by a 35° angle of bulk plane, but not less than 25 feet
3. Maximum floor area ratio:
- A. 0.25 for uses other than residential or public
 - B. 0.30 for public uses

3-308 Maximum Density

- 1. Conventional subdivisions: Three (3) dwelling units per acre.
- 2. Cluster subdivisions:
 - A. Three (3) dwelling units per acre for cluster subdivisions approved by the Director in accordance with Sect. 2-421, or that are the result of proffered rezoning from a district that allows a permitted maximum density of less than three (3) dwelling units per acre.
 - B. Three dwelling units per acre plus one (1) bonus dwelling unit for cluster subdivisions containing a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres and approved by special exception.

3-309 Open Space

In subdivisions approved for cluster development, 25% of the gross area shall be open space.

3-310 Affordable Dwelling Unit Developments

Affordable dwelling unit developments may consist of single family detached dwelling units, either in a conventional subdivision or cluster subdivision. Cluster subdivisions shall be subject to the approval of the Director in accordance with Sect. 2-421. In addition, single family attached dwelling units are permitted, provided that no more than forty (40) percent of the total number of dwelling units allowed within the development shall be single family attached

10-104 Location Regulations

1. If an accessory-type building is attached to a principal building by any wall or roof construction, it shall be deemed to be a part of the principal building and shall comply in all respects with the requirements of this Ordinance applicable to a principal building, except as qualified in Sect. 2-412.

2. The required minimum yards referenced in this Section shall refer to the minimum yards in the applicable zoning district for the principal building(s) with which the accessory-type building is associated.

3. Except as may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the screening requirements of Article 13.

A. In any yard on any lot containing not less than two (2) acres located in the R-A through R-1 Districts, a fence or wall not exceeding seven (7) feet in height is permitted.

B. In any front yard on any lot, a fence or wall not exceeding four (4) feet in height is permitted. However, in that portion of a front yard on a residential corner lot that abuts a major thoroughfare, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, may be permitted, provided that:

(1) the driveway entrance to the lot is from a street other than the major thoroughfare and the principal entrance of the dwelling faces a street other than the major thoroughfare, and

(2) the lot is not contiguous to a lot which has its only driveway entrance from the major thoroughfare or service drive adjacent to the major thoroughfare.

The fence shall not extend into the front yard between the dwelling and the street other than the major thoroughfare and shall also be subject to the provisions of Sect. 2-505.

In addition, an increase in fence height in the front yard up to six (6) feet may be permitted with the approval of a special permit by the BZA in accordance with Part 9 of Article 8.

C. In any side or rear yard on any lot, a fence or wall not exceeding seven (7) feet in height is permitted. However, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, is permitted:

(1) In any side or rear yard of a reverse frontage lot; or

(2) For that portion of a side or rear yard of a residential lot where the side or rear lot line is within 150 feet of a major thoroughfare and abuts common or dedicated open space, where such open space is located between the lot line and the major thoroughfare.

D. In any yard of an industrial use permitted by the provisions of this Ordinance, a fence or wall not exceeding eight (8) feet in height is permitted.

E. Notwithstanding the above provisions, a fence or wall which is an integral part of any accessory use, such as a tennis court or swimming pool, shall be subject to the location regulations of Par. 12 below. However, a modification to the location regulations may be permitted with approval of a special permit by the BZA in accordance with Part 9 of Article 8, or by the Board of Supervisors in conjunction with the approval of a rezoning or a special exception in accordance with Part 6 of Article 9 for containment structures associated with outdoor recreation/sports facility playing fields/courts and golf courses that are not constructed in association with a privately used playing field/court on a lot containing a single family dwelling.

F. In addition, for noise barriers which reduce adverse impacts of highway noise on properties located adjacent to major thoroughfares, or which reduce noise impacts of commercial and industrial uses on adjacent properties, an increase in height and/or modification to the corresponding location regulations set forth above may be permitted with approval of a special permit by the Board of Zoning Appeals in accordance with Part 9 of Article 8, or by the Board of Supervisors in conjunction with the approval of a proffered rezoning or a special exception in accordance with the following:

(1) A noise impact study shall be submitted with the application. The study shall demonstrate the need for such a barrier and the level of mitigation to be achieved, and shall include the height of the barrier, the proposed location of the barrier on the property, the acoustical design and structural features of the barrier, the type of building materials to be used in construction of the barrier and the proposed measures to mitigate any visual impacts of the barrier on adjacent property, to include the location and design of the barrier, use of berming and landscaping.

(2) The Board shall determine that the proposed height and location of the noise barrier are necessary in order to achieve mitigation of the noise and that the noise barrier will not adversely impact the use or development of surrounding properties.

(3) Before establishment, the noise barrier shall be subject to the provisions of Article 17, Site Plans or other appropriate submission as determined by the Director.

G. Notwithstanding the above, a fence or wall which is to be provided in conjunction with a public use may be of such height and location as approved by the Board.

H. In addition, the Board may approve in conjunction with a proffered rezoning or a special exception for another use, or the BZA in conjunction with a special permit for another use, an increase in fence and/or wall height and/or modification to the corresponding location regulations set forth above, and/or an increase in gate and/or gate post height and/or modification to the corresponding location regulations set forth in Par. 4 of Sect. 10-104 below in accordance with the following:

(1) In order to show the visual impact of the fence, wall, gate and/or gate post on nearby properties, the height, location, color and materials of the proposed fence, wall, gate and/or gate post and any associated berming or landscaping shall be submitted with the application.

(2) The Board/BZA shall determine that the proposed fence, wall, gate and/or gate post is in character with the existing development on the site, is harmonious with the surrounding development, and will not adversely impact the use and/or enjoyment of any nearby property. The Board/BZA may impose such conditions as it deems necessary to satisfy this criteria.

I. Notwithstanding the above, the Zoning Administrator shall have the authority to approve up to a five (5) percent increase in fence and/or wall height for an existing fence and/or wall in any yard which does not comply with the requirements set forth above. This provision shall not be applicable to such fences and/or walls that are subject to height increases pursuant to Sect. 8-923. Such an increase may be approved by the Zoning Administrator in accordance with all of the following:

(1) The sight distance requirements of Sect. 2-505 shall be met.

(2) The increase in fence and/or wall height is due to variations in topography on the site or of the fence materials.

(3) Any existing noncompliance was done in good faith and through no fault of the property owner.

(4) Such fence and/or wall height increase shall not be detrimental to the use and enjoyment of the other properties in the immediate vicinity.

(5) All such requests shall be accompanied by illustrations supporting the need for the height increase and identifying the location(s) for which the relief is sought.

J. Notwithstanding the above provisions, posts, not wider than six (6) inches by six (6) inches, finials, post caps, lighting fixtures, or similar decorative features as determined by the Zoning Administrator, may exceed the maximum height of any fence and/or wall by not more than nine (9) inches provided such features are spaced an average distance of not less than six (6) feet apart and a minimum distance of not less than three (3) feet apart. In addition, all other applicable provisions of this Ordinance shall be met, including the outdoor lighting provisions of Part 9 of Article 14.

4. Trellises, gates and gate posts may be located within any required minimum front yard as follows:

A. Two (2) trellises, not to exceed eight (8) feet in height nor four (4) feet in width.

B. Four (4) gate posts without limit as to height or width.

C. Two (2) gates not to exceed eight (8) feet in height.

D. Gates and gate posts exceeding four (4) feet in height shall not exceed in maximum width fifteen (15) percent of the lot width.

5. Ground-supported antenna structures for the operation of personal or amateur radio facilities under Parts 95 and 97 of the Federal Communications Commission regulations may be permitted in any R district as follows:

A. Structures seventy-five (75) feet or less in height shall not be located closer to any lot line than a distance equal to one-fifth (1/5) of their height.

B. Structures greater than seventy-five (75) feet in height shall not be located closer to any lot line than a distance equal to their height.

6. Off-street parking and loading spaces shall be located in accordance with the provisions of Article 11.

7. Signs shall be located in accordance with the provisions of Article 12.

8. Wayside stands shall be located in accordance with the provisions of Par. 28 of Sect. 102 above.

9. The following regulations shall apply to the location of structures for the housing of animals:

A. Barns and other structures used in connection with agriculture, to include structures for the keeping, confining or sheltering of any poultry or livestock, except horses and ponies, shall be located no closer than 100 feet to any lot line. Additional provisions governing the location of hog pens are set forth in Chapter 41.1 of The Code.

B. Barns and other structures used for the confining or sheltering of livestock and domestic fowl, as permitted by the provisions of Sect. 2-512, shall be located no closer than fifty (50) feet to any lot line; provided, however, that any such structure used for the confining or sheltering of horses and ponies as permitted by Sect. 2-512 or in connection with agriculture shall be located no closer than forty (40) feet to any front or side lot line nor closer than twenty (20) feet to a rear lot line.

C. Cages, lofts, hives, pens and other structures which are seven (7) feet or less in height and which are used for the keeping of homing, racing, or exhibition (fancy) pigeons or honeybees shall be located no closer than three (3) feet to any lot line. Any such structure which exceeds seven (7) feet in height shall be located in accordance with the provisions set forth in Par. 12 below.

D. Doghouses, runs, pens, rabbit hutches, cages and other similar structures for the housing of dogs and other commonly accepted pets shall be located in accordance with the provisions set forth in Par. 12 below, except in no instance shall a structure, run or pen for three (3) or more dogs be located closer than twenty-five (25) feet to any lot line.

The BZA may approve a modification to the location regulations set forth in this Paragraph in accordance with the provisions of Part 9 of Article 8.

10. The following regulations shall apply to the location of freestanding accessory storage structures:

A. For purposes of determining height, the height of an accessory storage structure shall be measured in accordance with Par. 4 of Sect. 10-103 above.

B. An accessory storage structure shall not be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing 36,000 square feet or less.

C. An accessory storage structure which does not exceed eight and one-half (8 ½) feet in height may be located in any part of any side yard or rear yard, except as qualified in Sect. 2-505.

D. An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located in any part of any minimum required side yard.

E. An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

F. On a corner lot, the rear lot line of which adjoins a side lot line of a lot to the rear, an accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located:

(1) Nearer to any part of the rear lot line that adjoins the side yard on the lot to the rear than a distance equal to the minimum required side yard on such lot to the rear, or

(2) Nearer to the side street line than a distance equal to the minimum required front yard on the lot to the rear.

11. Solid waste and recycling storage containers may be located in any yard, provided that any container located in a minimum front yard shall be located no closer than fifteen (15) feet to a front lot line and shall be screened from view from the abutting street by either plantings or solid fencing. Notwithstanding the provisions of Par. 3 above, the maximum height of such solid fencing shall not exceed one (1) foot above the solid waste and recycling storage containers. In addition, no containers shall be located in any required parking space, driveway, parking aisle, open space or landscaped area.

12. The following regulations shall apply to the location of all freestanding structures or uses except those specifically set forth in other paragraphs of this Section:

A. For purposes of determining height, the height of an accessory structure shall be measured in accordance with Par. 4 of Sect. 10-103 above.

B. An accessory structure or use, which does not exceed seven (7) feet in height, may be located in any part of any side or rear yard, except as qualified in Sect. 2-505.

C. No accessory structure or use, except a statue, basketball standard or flagpole, shall be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing 36,000 square feet or less. When located in a front yard, basketball standards shall not be located closer than fifteen (15) feet to a front lot line and twelve (12) feet to a side lot line, and shall not be used between the hours of 8:00 PM and 8:00 AM.

D. No accessory structure or use which exceeds seven (7) feet in height shall be located in any minimum required side yard.

E. No accessory structure or use which exceeds seven (7) feet in height shall be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

F. On a corner lot, the rear lot line of which adjoins a side lot line of a lot to the rear, no accessory structure or use which exceeds seven (7) feet in height shall be located:

(1) Nearer to any part of the rear lot line that adjoins the side yard on the lot to the rear than a distance equal to the minimum required side yard on such lot to the rear, or

(2) Nearer to the side street line than a distance equal to the minimum required front yard on the lot to the rear.

13. Except as may be qualified by Sect. 2-505, conventional television antennas and satellite dish antennas designed to receive television or video programming with a diameter or diagonal measurement of 39 inches (one meter) or less shall be permitted in any yard on any lot.

14. Except for lighting fixtures mounted on poles that are associated with outdoor recreation/sports facilities playing fields/courts and as noted below, the mounting height of lighting fixtures on light poles shall not exceed a maximum height of forty (40) feet as measured from the ground level or the surface on which the light pole is mounted to the bottom of the lighting fixture. Light poles mounted on the top of parking decks or parking structures shall not exceed a maximum height of twenty (20) feet as measured from the top of the pole to the surface on which the pole is mounted. Light poles shall be located in accordance with the following:

A. On lots developed with single family dwellings:

- (1) Light poles that are no greater than seven (7) feet in height may be located in any yard;
- (2) Light poles that exceed seven (7) feet in height shall be subject to the location regulations of Paragraphs 12C, 12D, 12E and 12F above.

B. On all other lots:

- (1) Light poles that do not exceed seven (7) feet in height may be located in any yard;
- (2) Light poles greater than seven (7) feet in height shall be subject to the minimum yard requirements, with the exception of angle of bulk plane, of the zoning district in which located.

The above locational provisions shall not be applicable to parking lot light poles, which may be located in any yard. All light poles, to include parking lot light poles, shall be subject to the provisions of Part 9 of Article 14.

15. Temporary portable storage containers shall be located in accordance with the provisions of Sect. 102 above.

RESIDENTIAL DEVELOPMENT CRITERIA

Fairfax County expects new residential development to enhance the community by: fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on other 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. To that end, the following criteria are to be used in evaluating zoning requests for new residential development. The resolution of issues identified during the evaluation of a specific development proposal is critical if the proposal is to receive favorable consideration.

Where the Plan recommends a possible increase in density above the existing zoning of the property, achievement of the requested density will be based, in substantial part, on whether development related issues are satisfactorily addressed as determined by application of these development criteria. Most, if not all, of the criteria will be applicable in every application; however, due to the differing nature of specific development proposals and their impacts, the development criteria need not be equally weighted. If there are extraordinary circumstances, a single criterion or several criteria may be overriding in evaluating the merits of a particular proposal. Use of these criteria as an evaluation tool is not intended to be limiting in regard to review of the application with respect to other guidance found in the Plan or other aspects that the applicant incorporates into the development proposal. Applicants are encouraged to submit the best possible development proposals. In applying the Residential Development Criteria to specific projects and in determining whether a criterion has been satisfied, factors such as the following may be considered:

- the size of the project
- site specific issues that affect the applicant's ability to address in a meaningful way relevant development issues
- whether the proposal is advancing the guidance found in the area plans or other planning and policy goals (e.g. revitalization).

When there has been an identified need or problem, credit toward satisfying the criteria will be awarded based upon whether proposed commitments by the applicant will significantly advance problem resolution. In all cases, the responsibility for demonstrating satisfaction of the criteria rests with the applicant.

1. Site Design:

All rezoning applications for residential development should be characterized by high quality site design. Rezoning proposals for residential development, regardless of the proposed density, will be evaluated based upon the following principles, although not all of the principles may be applicable for all developments.

- a) *Consolidation:* Developments should provide parcel consolidation in conformance with any site specific text and applicable policy recommendations of the Comprehensive Plan. Should the Plan text not specifically address consolidation, the nature and extent of any proposed parcel consolidation should further the integration of the development with adjacent parcels. In any event, the proposed consolidation should not preclude nearby properties from developing as recommended by the Plan.
- b) *Layout:* The layout should:
 - provide logical, functional and appropriate relationships among the various parts (e. g. dwelling units, yards, streets, open space, stormwater management facilities, existing vegetation, noise mitigation measures, sidewalks and fences);
 - provide dwelling units that are oriented appropriately to adjacent streets and homes;

- include usable yard areas within the individual lots that accommodate the future construction of decks, sunrooms, porches, and/or accessory structures in the layout of the lots, and that provide space for landscaping to thrive and for maintenance activities;
 - provide logical and appropriate relationships among the proposed lots including the relationships of yards, the orientation of the dwelling units, and the use of pipestem lots;
 - provide convenient access to transit facilities;
 - Identify all existing utilities and make every effort to identify all proposed utilities and stormwater management outfall areas; encourage utility collocation where feasible.
- c) *Open Space:* Developments should provide usable, accessible, and well-integrated open space. This principle is applicable to all projects where open space is required by the Zoning Ordinance and should be considered, where appropriate, in other circumstances.
- d) *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.
- e) *Amenities:* Developments should provide amenities such as benches, gazebos, recreational amenities, play areas for children, walls and fences, special paving treatments, street furniture, and lighting.

2. Neighborhood Context

All rezoning applications for residential development, regardless of the proposed density, should be designed to fit into the community within which the development is to be located. Developments should fit into the fabric of their adjacent neighborhoods, as evidenced by an evaluation of:

- transitions to abutting and adjacent uses;
- lot sizes, particularly along the periphery;
- 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.

It is not expected that developments will be identical to their neighbors, but that the development fit into the fabric of the community. In evaluating this criterion, the individual circumstances of the property will be considered: such as, the nature of existing and planned development surrounding and/or adjacent to the property; whether the property provides a transition between different uses or densities; whether access to an infill development is through an existing neighborhood; or, whether the property is within an area that is planned for redevelopment.

3. Environment:

All rezoning applications for residential development should respect the environment. Rezoning proposals for residential development, regardless of the proposed density, should be consistent with the policies and objectives of the environmental element of the Policy Plan, and will also be evaluated on the following principles, where applicable.

- a) *Preservation:* Developments should conserve natural environmental resources by protecting, enhancing, and/or restoring the habitat value and pollution reduction potential of floodplains, stream valleys, EQCs, RPAs, woodlands, wetlands and other environmentally sensitive areas.
- b) *Slopes and Soils:* The design of developments should take existing topographic conditions and soil characteristics into consideration.
- c) *Water Quality:* Developments should minimize off-site impacts on water quality by commitments to state of the art best management practices for stormwater management and low-impact site design techniques.
- d) *Drainage:* The volume and velocity of stormwater runoff from new development should be managed in order to avoid impacts on downstream properties. Where drainage is a particular concern, the applicant should demonstrate that off-site drainage impacts will be mitigated and that stormwater management facilities are designed and sized appropriately. Adequate drainage outfall should be verified, and the location of drainage outfall (onsite or offsite) should be shown on development plans.
- e) *Noise:* Developments should protect future and current residents and others from the adverse impacts of transportation generated noise.
- f) *Lighting:* Developments should commit to exterior lighting fixtures that minimize neighborhood glare and impacts to the night sky.
- g) *Energy:* Developments should use site design techniques such as solar orientation and landscaping to achieve energy savings, and should be designed to encourage and facilitate walking and bicycling.

4. Tree Preservation and Tree Cover Requirements:

All rezoning applications for residential development, regardless of the proposed density, should be designed to take advantage of the existing quality tree cover. If quality tree cover exists on site as determined by the County, it is highly desirable that developments meet most or all of their tree cover requirement by preserving and, where feasible and appropriate, transplanting existing trees. Tree cover in excess of ordinance requirements is highly desirable. Proposed utilities, including stormwater management and outfall facilities and sanitary sewer lines, should be located to avoid conflicts with tree preservation and planting areas.

5. Transportation:

All rezoning applications for residential development should implement measures to address planned transportation improvements. Applicants should offset their impacts to the transportation network. Accepted techniques should be utilized for analysis of the development's impact on the network. Residential development considered under these criteria will range widely in density and, therefore, will result in differing impacts to the transportation network. Some criteria will have universal applicability while others will apply only under specific circumstances. Regardless of the proposed density, applications will be evaluated based upon the following principles, although not all of the principles may be applicable.

- a) *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 through commitments to the following:

- Capacity enhancements to nearby arterial and collector streets;
 - Street design features that improve safety and mobility for non-motorized forms of transportation;
 - Signals and other traffic control measures;
 - Development phasing to coincide with identified transportation improvements;
 - Right-of-way dedication;
 - Construction of other improvements beyond ordinance requirements;
 - Monetary contributions for improvements in the vicinity of the development.
- b) *Transit/Transportation Management:* Mass transit usage and other transportation measures to reduce vehicular trips should be encouraged by:
- Provision of bus shelters;
 - Implementation and/or participation in a shuttle bus service;
 - Participation in programs designed to reduce vehicular trips;
 - Incorporation of transit facilities within the development and integration of transit with adjacent areas;
 - Provision of trails and facilities that increase safety and mobility for non-motorized travel.
- c) *Interconnection of the Street Network:* Vehicular connections between neighborhoods should be provided, as follows:
- Local streets within the development should be connected with adjacent local streets to improve neighborhood circulation;
 - When appropriate, existing stub streets should be connected to adjoining parcels. If street connections are dedicated but not constructed with development, they should be identified with signage that indicates the street is to be extended;
 - Streets should be designed and constructed to accommodate safe and convenient usage by buses and non-motorized forms of transportation;
 - Traffic calming measures should be implemented where needed to discourage cut-through traffic, increase safety and reduce vehicular speed;
 - The number and length of long, single-ended roadways should be minimized;
 - Sufficient access for public safety vehicles should be ensured.
- d) *Streets:* Public streets are preferred. If private streets are proposed in single family detached developments, the applicant shall demonstrate the benefits for such streets. Applicants should make appropriate design and construction commitments for all private streets so as to minimize maintenance costs which may accrue to future property owners. Furthermore, convenience and safety issues such as parking on private streets should be considered during the review process.
- e) *Non-motorized Facilities:* Non-motorized facilities, such as those listed below, should be provided:
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- Connections to transit facilities;
 - Connections between adjoining neighborhoods;
 - Connections to existing non-motorized facilities;
 - Connections to off-site retail/commercial uses, public/community facilities, and natural and recreational areas;
 - An internal non-motorized facility network with pedestrian and natural amenities, particularly those included in the Comprehensive Plan;
 - Offsite non-motorized facilities, particularly those included in the Comprehensive Plan;
 - Driveways to residences should be of adequate length to accommodate passenger vehicles without blocking walkways;

- Construction of non-motorized facilities on both sides of the street is preferred. If construction on a single side of the street is proposed, the applicant shall demonstrate the public benefit of a limited facility.
- f) *Alternative Street Designs:* Under specific design conditions for individual sites or where existing features such as trees, topography, etc. are important elements, modifications to the public street standards may be considered.

6. Public Facilities:

Residential development impacts public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned community facilities). These impacts will be identified and evaluated during the development review process. For schools, a methodology approved by the Board of Supervisors, after input and recommendation by the School Board, will be used as a guideline for determining the impact of additional students generated by the new development.

Given the variety of public facility needs throughout the County, on a case-by-case basis, public facility needs will be evaluated so that local concerns may be addressed.

All rezoning applications for residential development are expected to offset their public facility impact and to first address public facility needs in the vicinity of the proposed development. Impact offset may be accomplished through the dedication of land suitable for the construction of an identified public facility need, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. Selection of the appropriate offset mechanism should maximize the public benefit of the contribution.

Furthermore, phasing of development may be required to ensure mitigation of impacts.

7. Affordable Housing:

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. Part 8 of Article 2 of the Zoning Ordinance requires the provision of Affordable Dwelling Units (ADUs) in certain circumstances. Criterion #7 is applicable to all rezoning applications and/or portions thereof that are not required to provide any Affordable Dwelling Units, regardless of the planned density range for the site.

- a) *Dedication of Units or Land:* If the applicant elects to fulfill this criterion by providing affordable units that are not otherwise required by the ADU Ordinance: a maximum density of 20% above the upper limit of the Plan range could be achieved if 12.5% of the total number of single family detached and attached units are provided pursuant to the Affordable Dwelling Unit Program; and, a maximum density of 10% or 20% above the upper limit of the Plan range could be achieved if 6.25% or 12.5%, respectively of the total number of multifamily units are provided to the Affordable Dwelling Unit Program. As an alternative, land, adequate and ready to be developed for an equal number of units may be provided to the Fairfax County Redevelopment and Housing Authority or to such other entity as may be approved by the Board.
- b) *Housing Trust Fund Contributions:* Satisfaction of this criterion may also be achieved by a contribution to the Housing Trust Fund or, as may be approved by the Board, a monetary and/or in-kind contribution to another entity whose mission is to provide affordable housing in Fairfax County, equal to 0.5% of the value of all of the units approved on the property except those that result in the provision of ADUs. This contribution shall be payable prior to the issuance of the first

building permit. For for-sale projects, the percentage set forth above is based upon 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. For rental projects, the amount of the contribution is based upon the total development cost of the portion of the project subject to the contribution for all elements necessary to bring the project to market, including land, financing, soft costs and construction. The sales price or development cost will be determined by the Department of Housing and Community Development, in consultation with the Applicant and the Department of Public Works and Environmental Services. If this criterion is fulfilled by a contribution as set forth in this paragraph, the density bonus permitted in a) above does not apply.

8. Heritage Resources:

Heritage resources are those sites or structures, including their landscape settings, that exemplify the cultural, architectural, economic, social, political, or historic heritage of the County or its communities. Such sites or structures have been 1) listed on, or determined eligible for listing on, the National Register of Historic Places or the Virginia Landmarks Register; 2) determined to be a contributing structure within a district so listed or eligible for listing; 3) located within and considered as a contributing structure within a Fairfax County Historic Overlay District; or 4) listed on, or having a reasonable potential as determined by the County, for meeting the criteria for listing on, the Fairfax County Inventories of Historic or Archaeological Sites.

In reviewing rezoning applications for properties on which known or potential heritage resources are located, some or all of the following shall apply:

- a) Protect heritage resources from deterioration or destruction until they can be documented, evaluated, and/or preserved;
- b) Conduct archaeological, architectural, and/or historical research to determine the presence, extent, and significance of heritage resources;
- c) Submit proposals for archaeological work to the County for review and approval and, unless otherwise agreed, conduct such work in accordance with state standards;
- d) Preserve and rehabilitate heritage resources for continued or adaptive use where feasible;
- e) Submit proposals to change the exterior appearance of, relocate, or demolish historic structures to the Fairfax County Architectural Review Board for review and approval;
- f) Document heritage resources to be demolished or relocated;
- ~~g) Design new structures and site improvements, including clearing and grading, to enhance rather than harm heritage resources;~~
- h) Establish easements that will assure continued preservation of heritage resources with an appropriate entity such as the County's Open Space and Historic Preservation Easement Program; and
- i) Provide a Fairfax County Historical Marker or Virginia Historical Highway Marker on or near the site of a heritage resource, if recommended and approved by the Fairfax County History Commission.

ROLE OF DENSITY RANGES IN AREA PLANS

Density ranges for property planned for residential development, expressed generally in terms of dwelling units per acre, are recommended in the Area Plans and are shown on the Comprehensive Plan Map. Where the Plan text and map differ, the text governs. In defining the density range:

- the “base level” of the range is defined as the lowest density recommended in the Plan range, i.e., 5 dwelling units per acre in the 5-8 dwelling unit per acre range;
 - the “high end” of the range is defined as the base level plus 60% of the density range in a particular Plan category, which in the residential density range of 5-8 dwelling units per acre would be considered as 6.8 dwelling units per acre and above; and,
 - the upper limit is defined as the maximum density called for in any Plan range, which, in the 5-8 dwelling unit per acre range would be 8 dwelling units per acre.
 - In instances where a range is not specified in the Plan, for example where the Plan calls for residential density up to 30 dwelling units per acre, the density cited in the Plan shall be construed to equate to the upper limit of the Plan range, and the base level shall be the upper limit of the next lower Plan range, in this instance, 20 dwelling units per acre.
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GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may be function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		