FAIRFAX COUNTY

APPLICATION FILED: June 15, 2001
PLANNING COMMISSION: November 29, 2001
BOARD OF SUPERVISORS: Not yet scheduled

V I R G I N I A

November 15, 2001

STAFF REPORT

APPLICATION RZ 2001-DR-036

DRANESVILLE DISTRICT

APPLICANT:	Hunter Development Company
PRESENT ZONING:	R-E
REQUESTED ZONING:	R-1
PARCEL:	20-3 ((1)) 24
ACREAGE:	3.54 acres
DENSITY:	0.85 du/ac
OPEN SPACE:	11% or 0.40 acres (Only if SWM Outlot A provided, otherwise no open space provided.)
PLAN MAP:	Residential; 1-2 du/ac
PROPOSAL:	To rezone from the R-E District to the R-1 District for the development of three (3) single-family detached homes at a density of 0.85 du/ac.

STAFF RECOMMENDATION:

Staff recommends denial of RZ 2001-DR-036 as submitted. However, if it is the intent of the Board of Supervisors to approve RZ 2001-DR-036, staff recommends that the approval be subject to the execution of proffers consistent with those set forth in Appendix 1 of the Staff Report.

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.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

American with Disabilities Act (ADA); Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334.

REZONING APPLICATION

RZ 2001-DR-036

HUNTER DEVELOPMENT COMPANY

FILED 06/15/01 TO REZONE: 3.54 ACRES OF LAND; DISTRICT - DRANESVILLE

PROPOSED: REZONE FROM THE R-E DISTRICT TO THE R-1 DISTRICT

LOCATED: SPARGER STREET; APPROXIMATELY 400 FEET WEST OF INTERSEC TION OF SPARGER STREET AND RECTOR LANE

ZONING: R- E

TO: R- 1

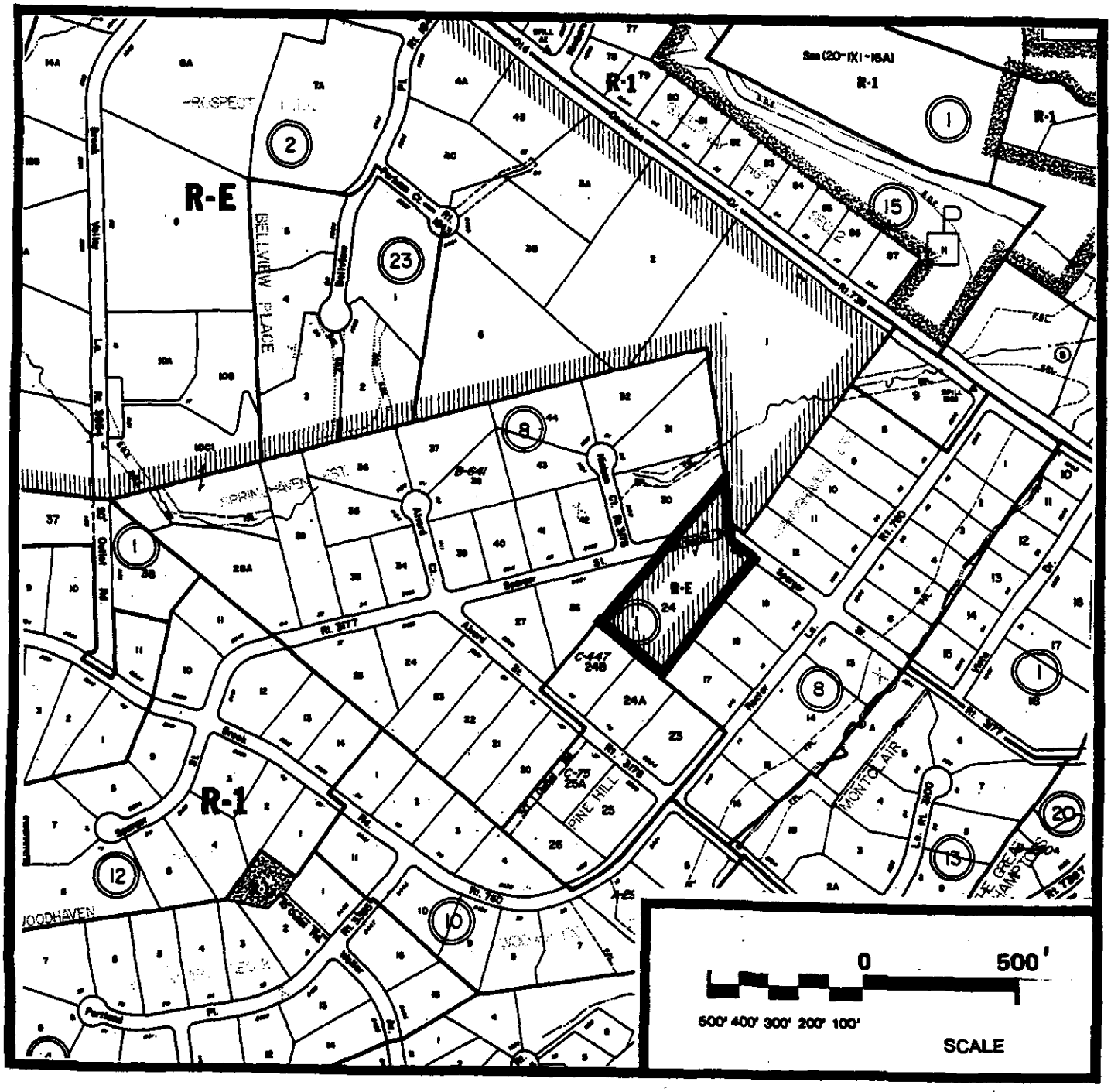
OVERLAY DISTRICT(S):

MAP REF 020-3- /01/ /0024-

REZONING APPLICATION

RZ 2001-DR-036

HUNTER DEVELOPMENT COMPANY
FILED 06/15/01 TO REZONE: 3.54 ACRES OF LAND; DISTRICT - DRANESVILLE
PROPOSED: REZDNE FROM THE R-E DISTRICT TO THE R-1 DISTRICT
LOCATED: SPARGER STREET; APPROXIMATELY 400 FEET WEST OF INTERSEC TION OF SPARGER STREET AND RECTDR LANE
ZONING: R- E
TO: R- 1
OVERLAY DISTRICT(S):
MAP REF 020-3- /01/ /0024-



GENERALIZED DEVELOPMENT PLAN

(GDP)

SPARGER STREET PROPERTY

Dranesville District

Fairfax County, Virginia

APRIL, 2001

REVISED OCTOBER 9, 2001
REVISED OCTOBER 24, 2001
REVISED NOVEMBER 12, 2001

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
NOV 13 2001
ZONING EVALUATION DIVISION

DRAWING LIST

SHEET #	TITLE
1	COVER SHEET
2	NOTES
3	GDP LAYOUT
4	REZONING PLAT
5	EXISTING VEGETATION MAP

ATTORNEY:

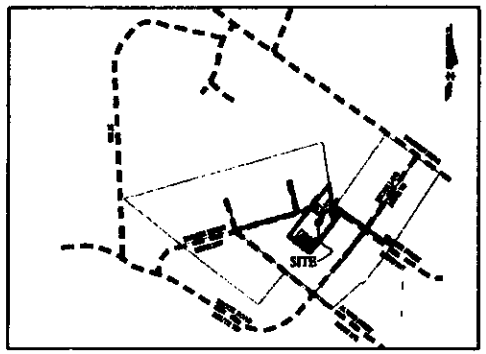
STEVEN K. FOX PC
[illegible]
FAIRFAX, VIRGINIA [illegible]
703-[illegible]

CIVIL ENGINEER:

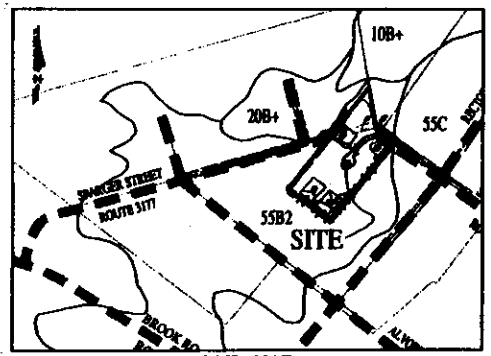
URBAN ENGINEERING & ASSOC., INC.
CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS
7712 LITTLE RIVER TURNPIKE
ANNANDALE, VIRGINIA [illegible] (703) [illegible]

PREPARED FOR:

HUNTER DEVELOPMENT COMPANY
[illegible]
LAKE RIDGE, VIRGINIA [illegible]
[illegible]



VICINITY MAP
SCALE: 1"= 2000'



SOIL MAP
SCALE: 1"= 1000'

SOIL I.D. NUMBERS	SERIES NAME	FOUNDATION SUPPORT	SUBSURFACE DRAINAGE	SLOPE STABILITY	EROSION POTENTIAL	GEOTECHNICAL REPORT REQ'D	PROBLEM SOIL CLASS
55B2	GLENELG	GOOD	GOOD	GOOD	SEVERE	NO	B

NOTES:

1. THE SUBJECT PROPERTY IS LOCATED ON FAIRFAX COUNTY TAX MAP 30-3 ((1)) PARCEL 24.
2. SEE THE REZONING PLAT INCORPORATED IN THIS SET FOR THE PROPERTY OWNING BY PARCEL. THE CONTRACT OWNER FOR PARCELS 24 OF FAIRFAX COUNTY TAX MAP NUMBER 30-3 ((1)) IS HUNTER DEVELOPMENT COMPANY
3. THERE ARE NO FLOOD PLAINS ON THE SUBJECT PROPERTY AS DESIGNATED BY THE FEDERAL INSURANCE ADMINISTRATION OR THE UNITED STATES GEOLOGICAL SURVEY. THERE ARE NO RESOURCE PROTECTION AREAS (RPA'S) ON THE SUBJECT PROPERTY ACCORDING TO THE FAIRFAX COUNTY RPA MAPS.
4. THERE ARE NO KNOWN GRAVES OR OBJECTS OR STRUCTURES MARKING PLACES OF BURIAL WITHIN THE SITE.
5. THE PROPOSED DENSITY IS WITHIN THE RANGE AS RECOMMENDED BY THE FAIRFAX COUNTY COMPREHENSIVE LAND USE PLAN (1 DWELLING UNIT PER ACRE).
6. THE PROPOSED DEVELOPMENT ON THE SUBJECT PROPERTY WILL NOT POSE ANY ADVERSE EFFECT ON ADJACENT OR NEIGHBORING PROPERTIES.
7. ALL EXISTING STRUCTURES LOCATED ON THE PROPOSED SITE WILL BE DEMOLISHED AND THE EXISTING UTILITIES WILL EITHER BE UTILIZED OR RELOCATED AS WILL BE DETERMINED WITH THE FINAL ENGINEERING PLANS.
8. THIS DEVELOPMENT WILL CONFORM TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS, OR IF ANY WAIVER, EXCEPTION OR VARIANCE IS SOUGHT BY THE APPLICANT, SUCH SHALL BE SPECIFICALLY NOTED WITH THE JUSTIFICATION FOR SUCH MODIFICATION.
9. THERE ARE NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES LOCATED ON THIS SITE, AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS, PARTS 116.4, 302.4 AND 355; ALL HAZARDOUS WASTE AS SET FORTH IN COMMONWEALTH OF VIRGINIA/DEPARTMENT OF WASTE MANAGEMENT VR 672-10-1 -- VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS; AND/OR PETROLEUM PRODUCTS AS DEFINED IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 280; TO BE GENERATED, UTILIZED, STORED, TREATED, AND/OR DISPOSED OF ON SITE AND THE SIZE AND CONTENTS OF ANY EXISTING OR PROPOSED STORAGE TANKS OR CONTAINERS.
10. THE EXISTING TOPOGRAPHY WAS INTERPOLATED FROM 1"=500' SCALE FAIRFAX COUNTY TOPOGRAPHIC MAPS.
11. THIS PROJECT IS TO BE DEVELOPED IN A SINGLE PHASE.
12. PARKING WILL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 11 OF THE ZONING ORDINANCE. SEE TABULATION ON SHEET 3.
13. IN ACCORDANCE WITH PARAGRAPH 5 OF SECTION 16-204 OF THE ZONING ORDINANCE, MINOR MODIFICATIONS TO THE SIZES, DIMENSIONS, AND/OR FOOTPRINTS AND LOCATIONS OF BUILDINGS, SIDEWALKS, TRAILS AND UTILITIES MAY OCCUR WITH FINAL ENGINEERING AND DESIGN WITHOUT REQUIRING AN AMENDMENT TO THIS SDP.
14. THE LIMITS OF CLEARING AND GRADING REPRESENTED ON THE GRAPHIC ARE PRELIMINARY AND SUBJECT TO MINOR MODIFICATION AT THE TIME OF FINAL ENGINEERING AND SEEDING, LANDSCAPING AND TREE COVER CONSISTING OF A COMBINATION OF EVERGREEN AND DECIDUOUS TREES WILL BE PROVIDED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF ARTICLE 13.
15. SUBJECT TO MARKET CONDITIONS, IT IS CURRENTLY ANTICIPATED THAT CONSTRUCTION OF THE PROPOSED DEVELOPMENT WILL COMMENCE AS SOON AS ALL NECESSARY COUNTY APPROVALS AND PERMITS ARE OBTAINED.
16. THE DEVELOPER RESERVES THE RIGHT TO LOCATE TEMPORARY CONSTRUCTION/SALES/LEASING TRAILERS ON THE SITE IN ACCORDANCE WITH COUNTY REQUIREMENTS.
17. THERE ARE NO SIDEWALKS OR TRAILS REQUIRED ON THE SUBJECT SITE.
18. THE PROPERTY WILL BE SERVED BY INDIVIDUAL DRAINFIELD SYSTEMS. SPECIFIC LOCATIONS TO BE APPROVED BY HEALTH DEPARTMENT.
19. WATER WILL BE PROVIDED FROM INDIVIDUAL PRIVATE WELLS.
20. THERE ARE NO KNOWN MAJOR UTILITY EASEMENTS LOCATED ON THE SUBJECT PROPERTY.
21. THE CONSTRUCTION DATE OF THE EXISTING ONSITE STRUCTURES IS UNKNOWN.
22. THERE ARE NO SPECIAL AMENITIES PROPOSED WITH THIS PROJECT.
23. LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH TREE COVER REQUIREMENT AS TO BE DETERMINED WITH FINAL ENGINEERING PLANS.
24. A WAIVER OF THE MINIMUM CUL-DE-SAC RADIUS IS REQUESTED TO PERMIT 38 FEET FROM CENTER POINT TO EDGE OF PAVEMENT.
25. A WAIVER OF THE STORMWATER MANAGEMENT AND BMP REQUIREMENTS WILL BE REQUESTED.
26. OVERALL IMPERVIOUS SURFACE AREA WILL BE REDUCED WITH THIS PROJECT. HENCE, STORMWATER MANAGEMENT (SWM) AND BMP REQUIREMENTS WILL BE SATISFIED. HOWEVER, IF SWM/BMP REQUIRED DURING REVIEW OF CONSTRUCTION PLANS, A SEPARATE SWM/BMP FACILITY WILL BE PROVIDED IN THE APPROXIMATE LOCATION SHOWN ON SHEET 3.

NO.	DATE	DESCRIPTION
		REVISIONS

URBAN ENGINEERING & ASSOC., INC.

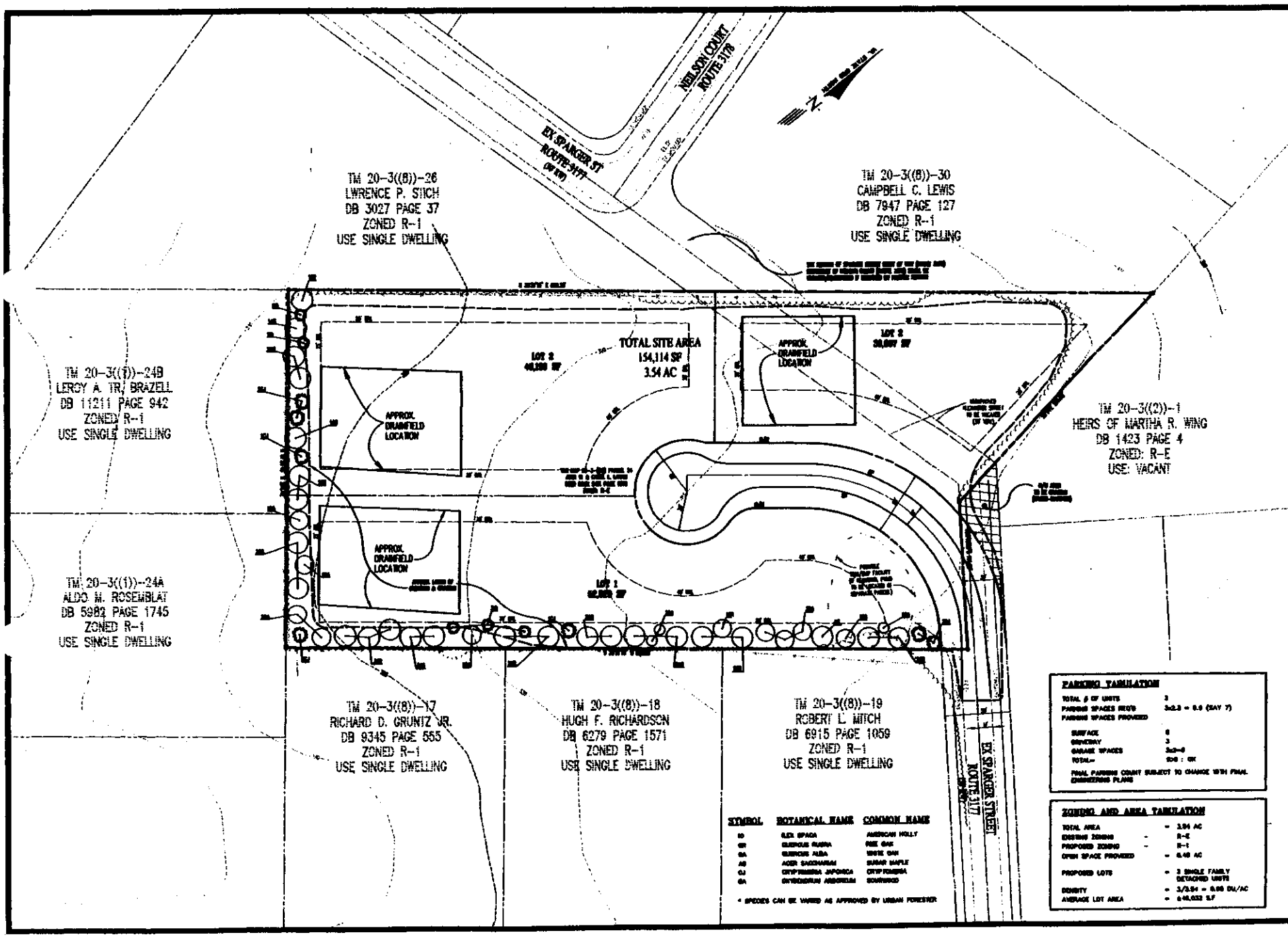
NOTES AND TABULATIONS

SPARGER STREET PROPERTY
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: AS SHOWN | CL NO. | DATE: MARCH 2001

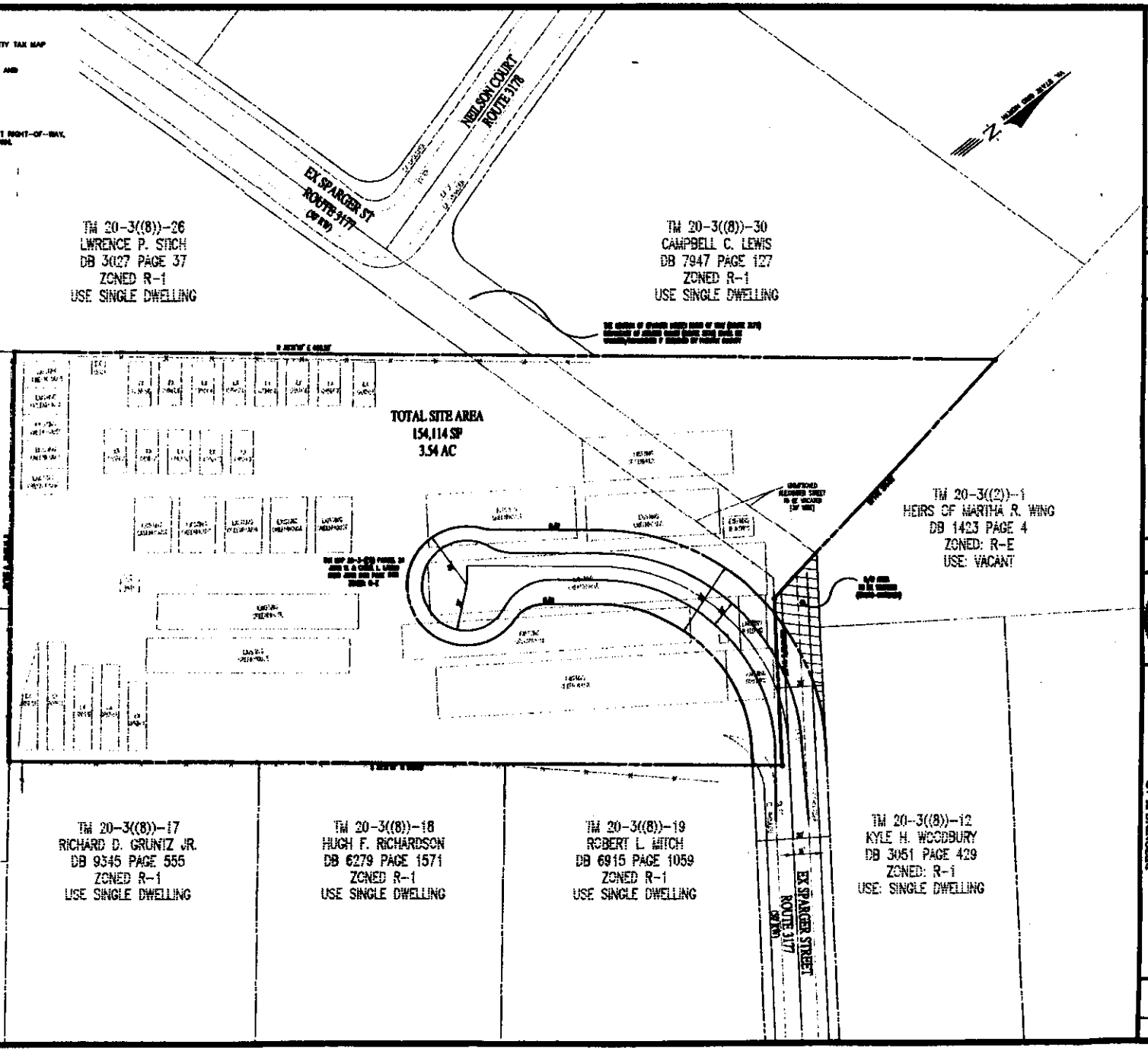
SHEET 2 OF 3

FILE No. MSC-1237


NELSON COURT
ROUTE 3178
EX. SPARGER ST
ROUTE 3177
(50' R/W)
N
TM 20-3((8))-26
LWRENCE P. SITCH
DB 3027 PAGE 37
ZONED R-1
USE SINGLE DWELLING
TM 20-3((8))-30
CAMPBELL C. LEWIS
DB 7947 PAGE 127
ZONED R-1
USE SINGLE DWELLING
TM 20-3((1))-24B
LEROY A. TR. BRAZELL
DB 11211 PAGE 942
ZONED R-1
USE SINGLE DWELLING
TM 20-3((1))-24A
ALDO M. ROSEMBLAT
DB 5982 PAGE 1745
ZONED R-1
USE SINGLE DWELLING
TOTAL SITE AREA
154,114 SF
3.54 AC
LOT 2
LOT 2
LOT 1
APPROX. DRAINFIELD LOCATION
APPROX. DRAINFIELD LOCATION
APPROX. DRAINFIELD LOCATION
TM 20-3((2))-1
HEIRS OF MARTHA R. WING
DB 1423 PAGE 4
ZONED: R-E
USE: VACANT
TM 20-3((8))-17
RICHARD D. GRUNTZ JR.
DB 9345 PAGE 555
ZONED R-1
USE SINGLE DWELLING
TM 20-3((8))-18
HUGH F. RICHARDSON
DB 6279 PAGE 1571
ZONED R-1
USE SINGLE DWELLING
TM 20-3((8))-19
ROBERT L. MITCH
DB 6915 PAGE 1059
ZONED R-1
USE SINGLE DWELLING
EX. SPARGER STREET
ROUTE 3177
(50' R/W)
SYMBOL ROTANICAL NAME COMMON NAME
ID ILEX SPACA AMERICAN HOLLY
QR QUERCUS RUBRA RED OAK
QA QUERCUS ALBA WHITE OAK
AS ACER SACCHARUM SUGAR MAPLE
CJ CRYPTOMERIA JAPONICA CRYPTOMERIA
SA SYMPLOCARUS AMERICUM SKUNKWEED
* SPECIES CAN BE VARIED AS APPROVED BY URBAN FORESTER
PARKING TABULATION
TOTAL # OF UNITS 3
PARKING SPACES REQ'D 3x2.3 = 6.9 (SAY 7)
PARKING SPACES PROVIDED
SURFACE 6
DRIVEWAY 3
GARAGE SPACES 3x2=6
TOTAL= 6+3 : OK
FINAL PARKING COUNT SUBJECT TO CHANGE WITH FINAL ENGINEERING PLANS
ZONING AND AREA TABULATION
TOTAL AREA - 3.54 AC
EXISTING ZONING - R-E
PROPOSED ZONING - R-1
OPEN SPACE PROVIDED - 0.48 AC
PROPOSED LOTS - 3 SINGLE FAMILY DETACHED UNITS
DENSITY - 3/3.54 = 0.85 DU/AC
AVERAGE LOT AREA - 0.48,032 S.F
URBAN ENGINEERING & ASSOC. INC.
GDP LAYOUT
SPARGER STREET PROPERTY
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE 1"=40'
CL 3/1/07
DATE MARCH 2006
SHEET 1-R-1
FILE No. MSC-1237

NOTES

1. THE PROPERTIES DELINEATED HEREON ARE LOCATED ON FAIRFAX COUNTY TAX MAP NUMBER 20-3-((1)) PARCELS 24
2. BOUNDARY INFORMATION AS SHOWN IS BASED ON AVAILABLE RECORDS AND INFORMATION AND DOES NOT REPRESENT A FIELD RUN BOUNDARY SURVEY BY URBAN ENGINEERING AND ASSOCIATES, INC.
3. TOTAL AREA OF REZONING: 3.54 ACRES
4. PROPOSED ZONING: R-1
   PROPOSED USE: RESIDENTIAL – SINGLE FAMILY DETACHED
5. A TITLE REPORT HAS NOT BEEN PROVIDED, SUCH REPORT MAY REFLECT RIGHT-OF-WAY, EASEMENTS OR OTHER CIRCUMSTANCES AFFECTING THE PROPERTY SHOWN.



URBAN ENGINEERING & ASSOC. INC.

REZONING PLAT

SPARGER STREET PROPERTY

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

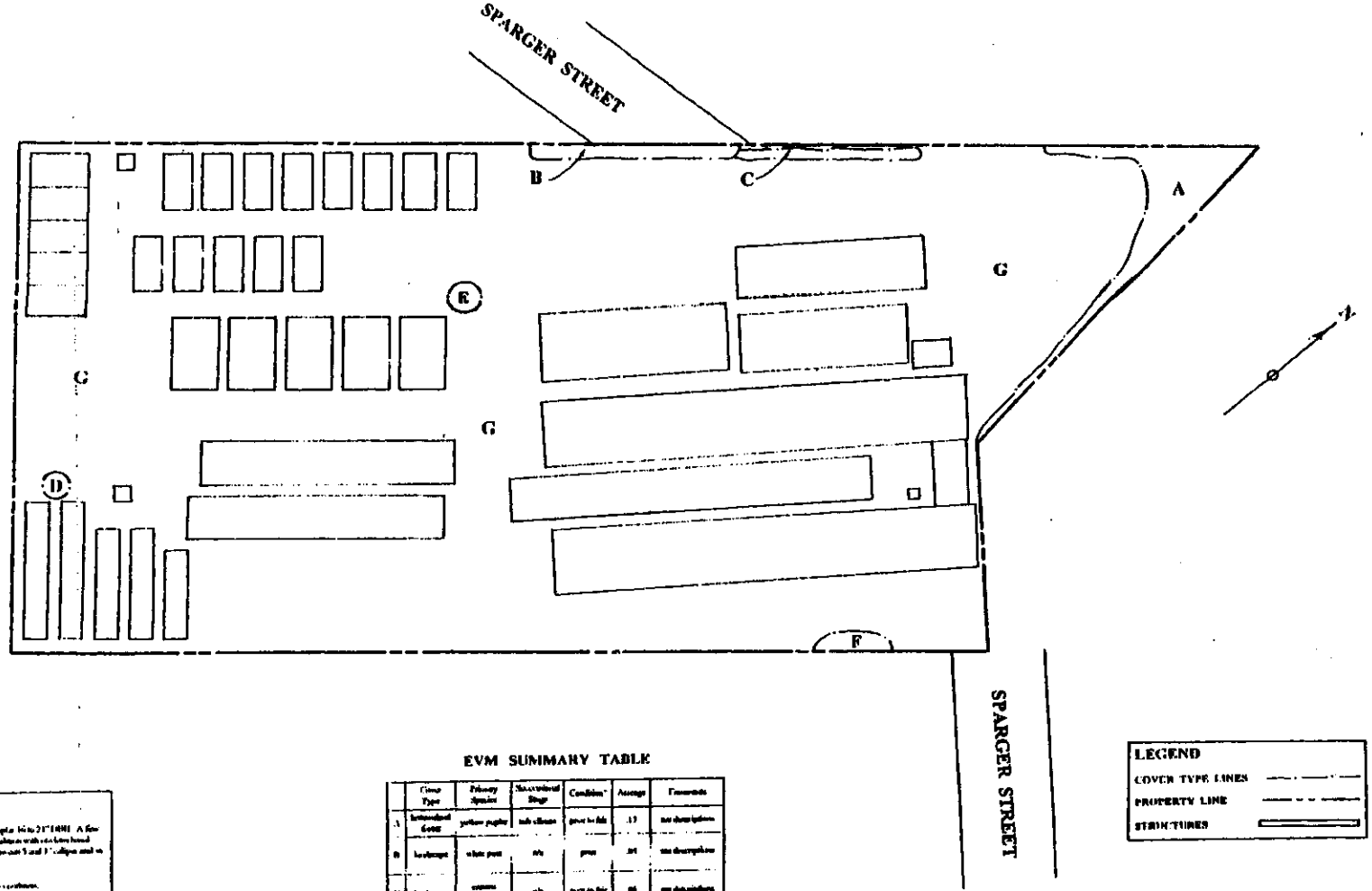
SCALE: 1"=100'

DATE: MARCH 2003

CL. 96

SHEET 1 OF 3

FILE No. MISC 1237



LEGEND

COVER TYPE LINES

PROPERTY LINE

STRUCTURES

EVM SUMMARY TABLE

	Cover Type	Primary Species	Successional Stage	Condition*	Acreage	Comments
A	herbaceous cover	yellow poplar	sub climax	poor to fair	.17	see description
B	hardscape	white pine	n/a	poor	.04	see description
C	hardscape	eastern white pine	n/a	poor to fair	.08	see description
D	hardscape	chinese arborvitae	n/a	fair	.01	see description
E	hardscape	yellow poplar	n/a	poor	.05	see description
F	upland forest	black locust	pioneer	poor	.02	see description
G	developed	n/a	n/a	n/a	3.94	see description
TOTAL ACREAGE					3.34	

* Condition descriptions:

Cover type A: Small wooded area consisting mostly of yellow poplar 16 to 21" DBH. A few hackberry and red maple were also present. Most trees are in poor condition with extensive bread decay. Home site Assessor tax bulletin is the underlying that are hope-out 5 and 3" collapse and in poor condition.

Cover type B: Row of planted white pines 12 to 18" DBH in poor condition.

Cover type C: Row of planted eastern white pine 8 to 12" DBH in fair condition. All are over-grown.

Cover type D: Dense 30" hedge in fair condition. Visible root damage.

Cover type E: Single 21" tree in poor condition. Dead decay and root damage evident.

Cover type F: Small area of black locust 12 to 16" DBH in very poor condition.

Cover type G: Structures, parking areas, flowerbeds, and developed areas.

AERIAL PHOTOGRAPHY FROM THE ESTATE OF ROBERT CLIFFORD WOOD, JR. AND BUILDING LOCATIONS ARE ESTIMATED

Zimar & Associates, Inc.

Arboriculture • Forestry • Consulting

Post Office Box 956 • Manassas, Virginia 20108

Tel (703) 361-2718 • Fax (703) 331-1399

EXISTING VEGETATION MAP

SPARGER STREET PROPERTY

DRANESVILLE DISTRICT

FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=50' DRAWN BY: EFL, RA [illegible] DATE: [illegible]

SHEET 2 OF 2

F.C.P. NO. MSC-237

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

DESCRIPTION OF THE APPLICATION

Proposal:	The applicant, Hunter Development Company, is requesting to rezone the property from the R-E District to the R-1 District for the development of three (3) single-family detached homes at a density of 0.85 du/ac. The existing plant nursery use and all associated structures would be removed.
Location:	8341 Sparger Street
Acreage:	3.54 acres
Proposed Density:	0.85 du/ac
Proposed Open Space:	11% or 0.40 acres (Only if SWM Outlot A provided, otherwise no open space provided.)

LOCATION AND CHARACTER

Site Description:

The property is located at 8341 Sparger Street in McLean, approximately 400 feet west of the intersection of Sparger Street and Rector Lane. The property is currently developed with a plant nursery. Existing structures cover the majority of the site, and include greenhouses and other structures which consist of metal, glass, and other materials.

The topography of the site is generally flat, and there is very little vegetation on the site, limited to a few trees along the northwestern boundary of the property. The majority of the areas which are not covered by structures consist of gravel and/or dirt driveways and walkways between the greenhouse structures, and outdoor storage.

Sparger Street currently dead ends into the northeastern portion of the property. To the northwest of the site, Sparger Street continues within the existing residential neighborhood. An outlet road is platted through the application property which is identified as unimproved Alexander Street and would connect the two segments of Sparger Street if dedicated and constructed.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Single-family detached residential	R-E and R-1	Residential; 1-2 du/ac
South	Single-family detached residential	R-1	Residential; 1-2 du/ac
East	Single-family detached residential	R-1	Residential; 1-2 du/ac
West	Single-family detached residential	R-1	Residential; 1-2 du/ac

BACKGROUND

Site History:

The subject property has been in use as a plant nursery since prior to August 14, 1978, when the current Zoning Ordinance became effective. Although this use was previously permitted by-right in residential districts, the 1978 Zoning Ordinance established the requirement for a Category 5 Special Exception for the operation of plant nurseries in residential zoning districts.

On January 10, 1979, a Non-RUP was issued to the present owners for the operation of a greenhouse, as a non-conforming use. On October 27, 1980, a new Non-RUP was issued for the greenhouse and plant nursery use, which was also noted to be a non-conforming use, and which specified a restriction on retail sales. On March 3, 1983, the Zoning Administration Division determined that the property was grandfathered as a greenhouse/wholesale establishment, but was in violation of the Zoning Ordinance for the retail sales of plants and accessory items. On June 8, 1983, the applicant filed an appeal of this violation notice with the Board of Zoning Appeals (BZA), case number A 83-D-006. On September 20, 1983, the BZA upheld the Zoning Administrator's determination that the business was conducting retail sales that were not permitted. On December 21, 1983, that determination was modified by the Zoning Administration Division to permit bulk institutional and commercial plant sales and delivery, only.

On October 29, 1991, a Notice of Violation was issued for conducting retail sales on the property. On May 20, 1999, an additional Notice of Violation was issued for expansion of the use and other issues. On June 24, 1999, the applicant filed an appeal of these violations to the BZA, and on August 4, 1999, filed a Petition for Declaratory Judgement, Injunctive Relief, and Other Relief against the County claiming, among other things, that the subject property was protected by Virginia's "Right to Farm Act," Va. Code Ann. x 3.1-22.28 (Michie 1994). The BZA deferred the appeal indefinitely, and on April 6, 2001, the County and the applicant entered into a Consent Decree, which resolved the pending litigation. This Consent Decree set forth a schedule for the removal of the plant nursery use and permitted the applicant to pursue rezoning of the property.

COMPREHENSIVE PLAN PROVISIONS (See Appendix 4)

Plan Area: McLean Planning District; Area II

Planning Sector: Spring Hill Community Planning Sector

Plan Map: Residential, 1-2 du/ac

Plan Text:

On page 120 in the Area II text, the McLean Planning District, Spring Hill Community Planning Sector (M6), LAND USE RECOMMENDATIONS, the 2000 Comprehensive Plan states:

> "5. All other residential development in this sector except as noted above is recommended for a density not to exceed 1 dwelling unit per acre. The area already has substantial development at 1 unit per acre and varies from the large lot and estate development in the western portions of the sector."

ANALYSIS

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

Title of GDP: Sparger Street Property

Prepared By: Urban Engineering & Associates, Inc.

Original and Revision Dates: April 2001, as revised through November 12, 2001

Plan Description

The GDP consists of 5 sheets, labeled Sheets 1-5 of 5. Sheet 1 of 5 is the cover sheet. Sheet 2 of 5 includes general notes and tabulations, a vicinity map, and a soils map. Sheet 3 of 5 illustrates the layout of the proposed development, including proposed landscaping, parking and other tabulations. Sheet 4 of 5 is the rezoning plat, and Sheet 5 of 5 is the existing vegetation map.

The proposed development is for three single-family detached lots. Proposed Lots 1-3 would be 52,829 square feet, 49,199 square feet, and 36,067 square feet in size, respectively. The building envelopes are not illustrated, however required setback lines are shown. In addition, proposed septic field locations are illustrated. A single row of trees is proposed to be planted along the southwest and southeast peripheries of the property. A possible stormwater management/BMP facility is shown in the northern portion of Lot 1, which would be contained in a separate parcel if a waiver of those requirements is not granted by DPWES. The outline of the potential facility is shown, however the delineation of Outlot A, if needed, is not shown.

The two existing termini of Sparger Street are not proposed to be connected through the application property. The proposed lots would be accessed via the extension of the southern portion of Sparger street, which would curve to the left entering the property, and terminate in a cul-de-sac. In order to accommodate the extension of Sparger Street into the property, a portion of the existing Sparger Street would need to be vacated. A vacation request has been submitted to the Department of Transportation (DOT) (see Transportation Analysis below for further discussion). In addition, in order to accommodate the proposed street design, Alexander Street, the outlet road which is platted but not dedicated and runs through the application property connecting the two termini of Sparger Street, would have to be vacated through the subdivision process.

Transportation Analysis (See Appendix 5)

The Transportation Analysis Memorandum is dated October 23, 2001, and is based on the GDP dated April, 2001, which has since been revised through November 12, 2001. The following transportation issues remain.

The proposed development design does not include the connection of the two existing termini of Sparger Street. Staff requested that the applicant propose an alternative design which would include the connection of Sparger Street, however, the applicant has elected not to provide an alternative design, and has stated that design constraints would prevent the development of the three lots as proposed. Rather than connecting Sparger Street through the site, the applicant is proposing to vacate the existing right-of-way and construct a cul-de-sac which would enter the site from the south. While staff is generally supportive of the

rezoning of the property and establishment of a residential use in lieu of the existing use, staff would have preferred that Sparger Street be connected. Justification for this requested connection includes negative impacts from the absence of local street connections, such as the increased use of arterial roads for short local trips, resulting in increased congestion on arterial roadways. However, due to the relatively small number of homes which would be affected by the lack of this connection, staff could consider the proposed cul-de-sac, although it should be noted that VDOT also recommends that Sparger Street be connected.

To construct the proposed development with a cul-de-sac as presented, the vacation of that portion of Sparger Street located off-site immediately to the north of the proposed cul-de-sac would be required. In addition, as part of the subdivision review process, the vacation of Alexander Street, which is only an easement, would have to be administratively approved by DPWES. At this time, VDOT does not support the vacation request for Sparger Street, as it recommends that the connection of Sparger Street be made, utilizing Alexander Street. Therefore, staff believes that the proposed rezoning should not proceed until such time as the vacation request has been considered. This vacation/abandonment request would also need to include the section of Sparger Street north of the property to Neilson Court.

In addition, the applicant is requesting a waiver of the minimum cul-de-sac radius standard from forty (40) feet to thirty (30) feet. Staff has asked the applicant to verify that the proposed cul-de-sac radius meets PFM standards, most notably horizontal curve radius. The applicant has not provided this documentation. The proposed cul-de-sac should meet all PFM standards.

Environmental Analysis (See Appendix 6)

The Environmental Analysis Memorandum is dated October 12, 2001, and is based on the development plan dated April, 2001, which has since been revised through November 12, 2001. The following issues were identified and resolved as follows and with the proposed proffers.

Issue: Water Quality/Best Management Practices (BMPs)

The subject property falls within the Difficult Run Watershed. The subject property will be required to meet the redevelopment requirements of the County's Chesapeake Bay Preservation Ordinance, Chapter 118 of the Code of Fairfax County. The applicant has stated an intent to seek a waiver of the stormwater best management practice requirements, and no possible location for such a facility was previously depicted on the development plan. Because this application is considered a redevelopment proposal, the applicant will be required to meet a 10% phosphorous reduction requirement under the County's

Chesapeake Bay Preservation Ordinance. It is possible that the applicant can meet this requirement without a stormwater management facility, however the applicant was encouraged to depict a possible location for a water quality best management practice facility in the event that a waiver is not granted by DPWES.

Resolution:

The applicant has revised the GDP to depict a possible stormwater management/BMP facility location, in the event a waiver of the requirement is not granted by DPWES. This facility would be located within an outlot, to be created from a portion of proposed Lot 1, in the area shown on the GDP. The size of Lot 1 would be reduced accordingly. The applicant has proffered that Lot 1 would still meet the minimum lot size requirement if Outlot A was created, however, the specific boundary of this outlot is not shown.

Issue: Trails

The Trails Plan Map does not depict any trails immediately adjacent to the subject property.

Resolution:

At the time of subdivision plan review, the Director, Department of Public Works and Environmental Services will determine what trail requirements, if any, apply to the subject property. Therefore, this issue has been resolved.

Public Facilities Analysis (See Appendices 7-12)

No outstanding public facilities issues have been identified with this request.

Sanitary Sewer Analysis: The application property is located outside the Approved Sewer Service Area (ASSA), as such the extension of sewer is not permitted. The County's Health Department will be responsible for issues related to on-site sewage disposal. The applicant has completed soil testing and indicated to staff that the site will accommodate the required septic fields, and in addition, the septic sites have been depicted on the GDP. The applicant has proffered that the request to construct three (3) single-family lots is subject to approval of septic field locations for each lot. The applicant should further commit in the proffers that if the appropriate number of septic sites are not approved by the Health Department, the applicant commits to reduce the number of lots accordingly and will not request connection to public sewer.

Water Service Analysis: Adequate domestic water service is not currently available at the site. An offsite water main extension from the existing 8-inch

diameter main in Rector Lane will be required to serve the subject site. Depending on the configuration of the onsite water mains, additional water main extensions may be necessary.

Fire and Rescue Analysis: The property is serviced by the Fairfax County Fire and Rescue Department station #29, Tysons Corner. The subject property currently meets fire protection guidelines.

Schools Analysis: Enrollment in the schools listed (Spring Hill Elementary, Cooper Middle, Langley High) are currently projected to be near or above capacity. One (1) additional student would be generated by this proposal.

Utilities Planning and Design Analysis: There are no downstream drainage complaints on file relevant to this proposed development. Channel stabilization projects # BN211 and # BN411 are located approximately 2500 feet and 4000 feet downstream of the site, respectively. The applicant has included the location of on-site SWM/BMP facilities, in the event that a waiver of such requirement is not granted by DPWES.

Park Authority Analysis: The proposed development bears little adverse impact on land or resources of the Fairfax County Park Authority.

Land Use Analysis (See Appendix 4)

The Land Use Analysis Memorandum is dated October 12, 2001, and is based on the development plan dated April, 2001, which has since been revised through November 12, 2001. The proposed development is below the maximum density of 1 du/ac permitted in the R-1 District, as well as below the Plan density range of 1-2 du/ac. However, the size of the smallest proposed lot, at approximately 36,000 square feet, is substantially smaller than the adjacent 69,500 square foot lot in Springhaven Estates. The other two lots are 49,199 square feet and 52,829 square feet, for an average lot size of approximately 46,000 square feet. Staff would have preferred that the proposed lot sizes be more similar to those in the adjacent community, which are listed in the applicant's statement of justification for comparison, however; the three proposed lots vary in size due to design and lot width issues, and the average lot size for the three proposed is greater than the smaller size of Lot 3 would indicate. Considering the intensity of the current plant nursery use on the site, staff believes it would be a substantial improvement to convert the property to residential development, and as such, do not consider the proposed lot sizes to be incompatible with the existing, adjacent properties.

Residential Density Criteria

Residential density is evaluated based on the residential density criteria set forth in Appendix 9 of the Land Use Section of the Policy Plan. However, the proposed density for this application of 0.85 du/ac is below the base density range in the Comprehensive Plan of 1-2 du/ac, therefore the density criteria is not applicable.

ZONING ORDINANCE PROVISIONS

Standard	Required	Provided
Bulk Standards (R-1)		
Lot Size	36,000 sq. ft. min.	36, 067 sq. ft. (smallest)
Lot Width	150 ft. min. (interior lot) 175 ft. min. (corner lot)	*not specified*
Building Height	35 ft. max.	*not specified*
Front Yard	40 ft. min.	40 ft. min.
Side Yard	20 ft. min.	20 ft. min.
Rear Yard	25 ft. min.	25 ft. min.
Open Space	no requirement	11% or 0.4 acres (or none if SWM waived)
Parking		
Parking Spaces	2 spaces per unit	9 spaces (2 garage spaces and 1 driveway space each)
Loading Spaces	no requirement	none provided

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed proffers.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the subject application is in conformance with the Comprehensive Plan with regard to use and density and is in conformance with the applicable Zoning Ordinance provisions, with the implementation of the proposed proffers. In addition, staff is generally supportive of the requested zoning and redevelopment of the property from a plant nursery to a low-density residential use. However, the issue of the proposed terminus of Sparger Street in a cul-de-sac remains unresolved. The proposed layout is dependent on the vacation of right-of-way for Sparger Street off-site, and the vacation of the Alexander Street easement on-site. Both VDOT and the Department of Transportation prefer that Sparger Street be connected. While the applicant has submitted a request for vacation of the off-site section of Sparger Street, there is some question as to the likelihood of the applicant receiving support for the proposed vacation, therefore staff believes that action on this rezoning application be postponed until such time as the proposed vacation of Sparger Street occurs.

In addition to the unresolved Sparger Street issue, as the property is the subject of a Consent Decree for removal of the plant nursery use, the applicant should include a commitment in the proffers to remove the remaining structures on-site within a specified time period in the event the rezoning application is approved. Finally, the proffers should include a commitment that if the appropriate number of septic sites are not approved by the Health Department, the number of lots will be reduced accordingly, and no request will be made to provide a connection to public sewer.

Staff Recommendations

Staff recommends denial of RZ 2001-DR-036 as submitted. However, if it is the intent of the Board of Supervisors to approve RZ 2001-DR-036, staff recommends that the approval be subject to the execution of proffers consistent with those set forth in Appendix 1 of the Staff Report.

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

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

APPENDICES

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Plan Citations and Land Use Analysis
5. Transportation Analysis
6. Environmental Analysis
7. Sanitary Sewer Analysis
8. Water Service Analysis
9. Fire and Rescue Analysis
10. Schools Analysis
11. Utilities Planning and Design Analysis (DPWES)
12. Park Authority Analysis
13. Glossary of Terms

Draft Proffers
Hunter/Sparger Street
RZ 2001-DR-036
November 12, 2001

Pursuant to the provisions of Va. Code Section 15.2-2303 (a) et. seq., the Owner and Applicant, for themselves and their successors and assigns hereby make the following proffers subject to the approval of this application by the Board of Supervisors of Fairfax County, Virginia:

Development Plan

1. The subject property (Tax Map Number 024-3-((1)) Parcel 24) containing 3.54 acres, shall be developed in substantial conformance with the Generalized Development Plan (GDP) prepared by Urban Engineering and Associates, Inc. dated March, 2001, (and revised November 12, 2001) depicting three (3) single-family detached residential units in the R-1 zoning district at a density of 0.85 dwelling units per acre, subject to approved septic field locations for each lot.

Open Space/Storm Water Management

2. Parcel "A" shown on the GDP.(the storm water management parcel) shall be conveyed to the homeowners association, if any, which shall be established for the property at the time of recordation of the subdivision plat. The homeowners association established for the property shall be responsible for maintaining Parcel A. At the time of subdivision plan review, the Applicant shall provide storm water runoff controls in the site design to meet Best Management Practices or other equivalent quality control measures as may be approved by DPWES. The Applicant may utilize any combination of dry ponds, rain gardens, sand filters, or other such facilities as may be approved by DPWES. The Applicant may request SWM or BMP waivers and/or modifications with the final engineering plans. As shown on the GDP, access

shall be provided to the storm water management facility by a public access easement.

If on-site storm water management is waived or not required by the Department of Public Works and Environmental Services (DPW&ES) during subdivision plan review, Parcel A shall become part of Lot 1 as shown on the GDP.

Transportation

3. Access to the lots shown on the GDP shall be via Sparger Street extended into the property and terminating in a cul-de-sac as shown on the GDP. Applicant shall dedicate and construct the public street extension of Sparger Street shown on the GDP. Applicant shall file and prosecute to completion an application to vacate the Alexander Street right of way and abandonment of a portion of Sparger Street as shown on the GDP. If the Board of Supervisors does not approve the application to vacate as aforesaid, Applicant shall be required to pursue a PCA to change the plan.

Tree Preservation

4. For the purposes of maximizing the preservation on the northern boundary of the property, the Applicant shall retain a certified arborist to consult on the preparation of a tree preservation plan. The tree preservation plan shall be submitted prior to any individual house grading plans and as part of the final subdivision plan which shall be reviewed and approved by the Urban Forestry Division. This plan shall provide for the preservation of specific quality trees or stands of trees located on the northern boundary of the property, without precluding development of a typical home on each of the lots as shown on the GDP. The Urban Forestry

Director or Director of DPWES may require modifications to the subdivision plan to the extent said modifications do not alter the number of dwelling units as shown on the GDP, reduce the size of the units or require the installation of retaining walls greater than two feet in height.

Subject to the approval of the Urban Forestry Division and/or DPWES, the Applicant shall perform the following measures relating to tree preservation on the property:

- Perform a pre-construction evaluation of the existing vegetation to determine the condition of the trees designated to be saved. The Applicant shall have the limits of clearing flagged prior to construction. Prior to construction the Applicant shall walk the limits of clearing with a certified arborist and an Urban Forestry Division representative to determine where minor adjustments to the line may be made to ensure the preservation of trees in the tree save area.

- Any trees designated to be saved shall be marked on the ground with 36" high orange fencing or equivalent demarcation prior to clearing and grading and at all times during construction. Signage affirming restricted access shall be provided on the temporary fence highly visible to construction personnel. The certified arborist contracted by the Applicant shall monitor the construction of the proposed development to ensure consistency with the tree preservation plan.

- The Applicant shall conform to the limits of clearing and grading as shown on the GDP subject to the installation of necessary utilities. If it is necessary to locate the utility lines within the limits of clearing and grading, those lines shall be located and installed in the least disruptive manner possible, considering cost and engineering. A replanting plan shall be developed and implemented for any areas within the easements that must be disturbed.

- In addition, where it is determined feasible, by the Applicant, adjustments to the proposed grading and location of the proposed units on the application property may be modified at the time of final engineering to enhance specific tree preservation.

- As a result of final engineering in the event the areas not shown as cleared on the GDP are modified or cannot be preserved, the areas will be re-landscaped as determined by Urban Forestry Branch and/or DPWES.

Peripheral Landscaping

5. Applicant shall provide peripheral landscaping on the western and southern boundaries of the property as a visual amenity to adjoining property owners as shown on the GDP. Since peripheral landscaping is not required by the Zoning Ordinance, the landscaping shown is not intended and shall not be evaluated by the standards of Article 13 of the Zoning Ordinance. The peripheral landscaping is subject to review and approval by the Urban Forester, and is subject to minor modification for installation of public utilities, septic drain fields, site grading or other matters dictated by engineering, as may be approved by the Director, DPW&ES during review of the subdivision plan. Applicant shall not, however, reduce the number of plantings shown, but may re-configure the location as noted herein.

Environmental

6. Prior to subdivision plan approval, a Phase I Environmental Site Investigation of the property shall be submitted to DPWES for review and approval in coordination with the Fire and Rescue Department, the Health Department, and other appropriate agencies as determined by DPWES (hereinafter referred to as the "reviewing agencies"). This investigation shall be generally consistent with the procedures described within the American Society for Testing and Materials document entitled "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" as determined by DPWES in coordination with the reviewing agencies. Hazardous substances or petroleum products shall be removed in accordance

with the recommendations of the Phase I environmental report, and to the satisfaction of DPWES. If contaminants are detected in concentrations requiring remedial action, a remediation program shall be performed in accordance with all applicable Federal, State and County requirements. Sufficient documentation of completion of the remediation program (with the possible exception of long term follow-up monitoring efforts) or an appropriate corrective action plan consistent with the proposed development (including appropriate measures for Radon mitigation for houses to be constructed) as determined by DPWES, shall be provided to DPWES prior to subdivision plan approval.

7. The Applicant shall close all wells and septic tanks on the property in accordance with guidelines and standards adopted by the Health Department.

HUNTER DEVELOPMENT COMPANY

By: _____
David L.Hunter, President

_____
W. John Layng, owner lot 24

Carol Layng, owner lot 24

APPENDIX 2

REZONING AFFIDAVIT

DATE: September 4, 2001
(enter date affidavit is notarized)

I, STEPHEN K. FOX, do hereby state that I am an
(enter name of applicant or authorized agent)

2001-101a

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

in Application No(s): RZ 2001 DR 036
(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 are to 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.)

NAME (enter first name, middle initial & last name)	**ADDRESS** (enter number, street, city, state & zip code)	**RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above)
W. John Layng and Carol Layng	8341 Sparger Street McLean, Virginia 22102	Owner
Hunter Development Co.	5036 Corsair Terrace Lake Anna Mineral, VA 23117	Applicant/Contract Purchaser/Agent
David Hunter	Hunter Development Co. 5036 Corsair Terrace Lake Anna Mineral, VA 23117	Applicant/Contract Purchaser/Agent
Urban Engineering & Assoc.	7712 Little River Turnpike Annandale, VA 22003	Engineer/Agent
David McElhaney	Urban Engineering & Assoc. 7712 Little River Turnpike Annandale, VA 22003	Engineer/Agent

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

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

NOTE: This form is also for Final Development Plans not submitted in conjunction with Conceptual Development Plans.

Rezoning Attachment to Par. 1(b)

DATE: September 4, 2001
(enter date affidavit is notarized)

for Application No(s): RZ 2001 DR 036
(enter County-assigned application number(s))

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)
Stephen K. Fox, P.C., 10511 Judicial Drive, Fairfax, VA 22030

DESCRIPTION OF CORPORATION: (check one statement)
[x] 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 & last name)

Stephen K. Fox - Sole Shareholder

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

Stephen K. Fox, President and Director

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

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & 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: September 4, 2001
(enter date affidavit is notarized)

for Application No(s): RZ 2001 DR 036 2001-101a
(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 herein.)

CORPORATION INFORMATION

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

Layng & Company Greenhouses 8341 Sparger Street, McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

[X] 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 & last name)

W. John Layng
Carol Layng
Melissa Lottcher
Elizabeth Layng Battiston

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

W. John Layng - President
Carol Layng - Vice President
Melissa Lottcher - Secretary
Elizabeth Layng Battiston - Treasurer

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

** All listings which include partnerships or corporations 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 the stock. 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: September 4, 2001
(enter date affidavit is notarized)

for Application No(s): RZ 2001 DR 036 2001-101a
(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 & zip code)

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

NAMES AND TITLES OF THE PARTNERS (enter first name, middle initial, last name & 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 or corporations 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 the stock. 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: September 4, 2001
(enter date affidavit is notarized)

for Application No(s): RZ 2001 DR 036 2001-101a
(enter County-assigned application number(s))

2. That no member of the Fairfax County Board of Supervisors or 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 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.

3. That within the twelve-month period prior to the filing of this application, no member of the Fairfax County Board of Supervisors or 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 $200 or more, with any of those listed in Par. 1 above.
EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "**NONE**" on line below.)

NONE

(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 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: Stephen K. Fox, Agent

(check one) [ ] Applicant [x] Applicant's Authorized Agent

Stephen K. Fox, Agent
(type or print first name, middle initial, last name & title of signee)

Subscribed and sworn to before me this 4th day of September, 2001, in the State/Comm. of Virginia, County/City of Fairfax.

Catherine C. Chaffoto
Notary Public

My commission expires: July 31, 2002

I was commissioned as Catherine C. Dixon

Rezoning Attachment to Par. 1(a)

DATE: September 4, 2001
(enter date affidavit is notarized)

for Application No(s): RZ 2001 DR 036
(enter County-assigned application number(s))

(NOTE: All relationships to the application are to 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 Numbers(s) of the parcel(s) for each owner.)

NAME (enter first name, middle initial & last name)	**ADDRESS** (enter number, street, city, state & zip code)	**RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** in Par. 1(a))
Stephen K. Fox, P.C.	10511 Judicial Dr. Fairfax, VA 22030	Attorney/Agent
Stephen K. Fox	Stephen K. Fox, P.C. 10511 Judicial Dr. Fairfax, VA 22030	Attorney/Agent

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

APPENDIX 3

STEPHEN K. FOX
A PROFESSIONAL CORPORATION
ATTORNEY AT LAW
10511 JUDICIAL DRIVE
SUITE 112
FAIRFAX, VIRGINIA 22030

(703) 273-7220
sfox@patriot.net

FAX (703) 273-7225

April 20, 2001

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
APR 20 2001
ZONING EVALUATION DIVISION

Jane W. Gwinn,
Zoning Administrator
County of Fairfax
12055 Government Center Parkway
Fairfax, Virginia 22035

Re: Statement of Justification; Hunter Development Company to Rezone Tax Map No. 20-3 ((1)) Parcel 24 from RE to R-1 District; 3.54 Acres, Dranesville District

Dear Ms. Gwinn:

This application is submitted on behalf of Hunter Development Company, contract purchaser, to rezone the subject property from the RE district to the R-1 District to develop three (3) single family detached residential lots. The property is owned of record by W. John Layng and Carol Layng.

The subject property consists of 3.54 acres and has traditionally, since approximately 1917, been used for agricultural uses – "Capper's Nursery" and "Layng and Company Greenhouses". The property is located in a well-established residential neighborhood, bordered on the north by property developed in the R-1 district and other properties planned for R-1 development; on the south by property developed in the R-1 district; on the east by property developed in the R-1 district, and on the west by property developed in the R-1 district. The instant proposal is to amend the zoning map to permit development which is compatible with those surrounding uses.

Relationship to the Comprehensive Plan

The Comprehensive Plan Map depicts the property in an area planned for development in the range of 1 to 2 dwelling units per acre (solid yellow). The text of the Comprehensive Plan (Area II, M6 Springhill Community Planning Sector) at page 316 notes that the Sector "...is largely developed as stable residential neighborhoods. Infill development in this sector should be of a compatible use , type and intensity...." While the western portions of the sector are recommended for low density residential (2 acres or 5 acres or more), the area of the subject property is controlled by note 6 which states:

> "6. All other residential development in this sector except as noted above is recommended for a density not to exceed 1 dwelling unit per acre. The area already has substantial development at 1 unit per acre and varies from the large lot and estate development in the western portions of the sector...." Area II at page 318.

The Generalized Development Plan submitted with this application adheres to the Comprehensive Plan guidance noted herein, proposing the development of 3 single family detached dwelling lots on 3.54 acres for a density of 0.847 (round to .85) lots per acre. The proposed development is of compatible use, type and intensity as recommended by the Land Use recommendations of the Comprehensive Plan. With the approval of the current proposal, the agricultural use on the property will be removed. All available public utilities are in place or will be in place to serve the proposed development.

We herewith enclose the required submission materials together with the application fee in the amount of $5,370 for this application. We would appreciate the review of the these materials by Planning staff, and the eventual scheduling of public hearings before the Planning Commission and the Board of Supervisors.

Very truly yours,

Stephen K. Fox

Stephen K. Fox

cc: Hon. Stuart Mendelsohn
Joan DuBois, Planning Commissioner
David Hunter
W. John Layng

Enclosures

SKF:ccc

STEPHEN K. FOX
A PROFESSIONAL CORPORATION
ATTORNEY AT LAW
10511 JUDICIAL DRIVE
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(703) 273-7220
sfox@patriot.net

FAX (703) 273-7225

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
JUN 1 1 2001
ZONING EVALUATION DIVISION

June 4, 2001

FAIRFAX COUNTY
RECEIVED
JUN 5 2001
DIVISION OF
ZONING ADMINISTRATION

Jane W. Gwinn,
Zoning Administrator
County of Fairfax
12055 Government Center Parkway
Fairfax, Virginia 22035

Re: Amended Statement of Justification; Hunter Development Company to Rezone Tax Map No. 20-3 ((1)) Parcel 24 from RE to R-1 District; 3.54 Acres, Dranesville District

Dear Ms. Gwinn:

This Amended Statement of Justification for the above-referenced rezoning application is provided for your information and addresses an inquiry raised at a meeting of the McLean Civic Association on Tuesday, May 29, 2001. The proposed lots under this rezoning application, are: **Lot 1 (52,829 square feet); Lot 2 (49,199 square feet); Lot 3 (36,687 square feet).** We believe the following information demonstrates that these proposed lot sizes are compatible "in fill" lots.

Adjoining/Abutting Properties of Layng & Company Greenhouses by Lot Size

Alvord Street

Tax Map Number	Lot Square Footage	Lot Acreage
020-3-13-0001-B	63,170	1.4502
020-3-01-0032-A	130,680	3
020-3-01-0023	52,925	1.2150
020-3-01-0025	50,231	1.1527
020-3-01-0025-A	40,001	.9183

020-3-01-0024-A	45,485	1.0442
020-3-08-0020	54,600	1.2534
020-3-01-0024-B	45,467	1.0438
020-3-08-0021	54,600	1.2534
020-3-08-0022	54,600	1.2534
020-3-08-0027	54,284	1.2462
020-3-08-0023	54,600	1.2534

Sparger Street

Tax Map Number	Lot Square Footage	Lot Acreage
020-3-01-0018-A	40,296	.9251
020-3-01-0018-B	48,266	1.1080
020-3-13-A	45,731	1.0498
020-3-08-0030	69,466	1.5947
020-3-08-0042	36,616	.8406
020-3-08-0026	61,524	1.4124
020-3-08-0041	36,750	.8437
020-3-08-0040	36,750	.8437
020-3-08-0024	53,224	1.2219
020-3-08-0034	36,616	.8406
020-3-08-0033	36,750	.8437
020-3-08-0025	61,411	1.4098
020-3-08-0029	87,015	1.9976

020-3-08-0028-A	96.498	2.2153
020-3-12-0011	40,989	.9410
020-3-12-0012	55,664	1.2779
020-3-12-0004	55,422	1.2723
020-3-12-0008	42,335	.9719
020-3-12-0005	46,531	1.0682

Rector Lane

Tax Map Number	Lot Square Footage	Lot Acreage
020-3-08-0012	44,877	1.0302
020-3-08-0006	35,052	.8047
020-3-08-0019	46,997	1.0789
020-3-08-0013	44,661	1.0253
020-3-08-0018	44,337	1.0178
020-3-08-0014	85,289	1.9580
020-3-08-0017	44,337	1.0178
020-3-08-0015	40,265	.9244
020-3-08-0016	47,725	1.0956

Nielson Court

Tax Map Number	Lot Square Footage	Lot Acreage
020-3-08-0044	56,876	1.3057
020-3-08-0032	62,543	1.4358
020-3-08-0043	47,700	1.0950

020-3-08-0031	69,889	1.6044

Very truly yours,

Stephen K. Fox

SKF:ccc

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

FROM: Bruce G. Douglas, Chief
Environment and Development Review Branch, DPZ

SUBJECT: **LAND USE ANALYSIS:** **RZ 2001-DR-036**
(Hunter Development)

DATE: 12 October 2001

This memorandum includes citations from the Comprehensive Plan that provide guidance for the evaluation of this application. The proposed use, intensity and site design are evaluated in terms of the relevant Plan recommendations and policies.

DESCRIPTION OF THE APPLICATION:

Date of Development Plan	April 30, 2001
Request	Rezoning from RE to R-1 for 3 single-family detached dwellings
DU/AC	.85
Land Area	3.54 acres

CHARACTER and PLANNED USE OF THE ADJACENT AREA:

The property is located in an area of large lot single-family detached dwellings zoned RE and R-1. Lot sizes vary considerably in the immediate vicinity. The most common lot size of lots adjacent to the subject site is about 45,000 square feet. There is a lot that is 69,500 square feet adjacent to the site. The lot next to this lot in the proposed subdivision has 36,067 square feet.

COMPREHENSIVE PLAN CITATIONS AND ANALYSIS:

Plan Text:

On page 120 in the Area II text, the McLean Planning District, Spring Hill Community Planning Sector (M6), LAND USE RECOMMENDATIONS, the 2000 Comprehensive Plan states:

"5. All other residential development in this sector except as noted above is recommended for a density not to exceed 1 dwelling unit per acre. The area already has substantial development at 1 unit per acre and varies from the large lot and estate development in the western portions of the sector."

Plan Map:

The property is planned for residential use at a density of 1-2 dwelling units per acre, as shown on the Comprehensive Plan map.

Analysis:

Although the Plan map shows the site to be planned for residential use at a density of 1-2 dwelling units per acre, the Plan text supercedes this recommendation when it states that the density should be no more than one dwelling unit per acre. The proposed residential use will bring the land use more into conformance with the residential character of the area. The proposed density of .85 dwelling units per acre is consistent with the guideline for density. The proposed lot sizes are generally compatible with the existing lots in the immediate vicinity.

Plan Text:

On page 35 in the LAND USE section of the 2000 Policy Plan, in the LAND USE COMPATIBILITY section, the Plan states:

> "Objective 14: Fairfax County should seek to achieve a harmonious and attractive development pattern, which minimizes undesirable visual, auditory, environmental and other impacts created by potentially incompatible uses....
>
> > Policy b. Encourage infill development in established areas that is compatible with existing and/or planned land use and that is at a compatible scale with the surrounding area...."

Analysis:

The size of the smallest proposed lot, at 36,000 square foot lot is quite a bit smaller than the adjacent 69,500 square foot lot in Springhaven Estates. It is suggested that consideration be given to enlarging this lot.

BGD: SEM

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division,
Department of Comprehensive Planning

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation

FILE: 3- 4 (RZ 2001-DR-036)

SUBJECT: Transportation Impact

REFERENCE: RZ 2001-DR-036; Hunter Development Company
Traffic Zone: 1545
Land Identification Map: 20-3 ((01)) 24

DATE: October 23, 2001

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based on plans made available to this Department dated March 2001.

The applicant requests the rezoning of 3.45 acres from the R-E district to the R-1 district to develop three single-family detached residential lots. The site is expected to generate approximately 28 trips per day, with approximately three vehicular trips generated per the a.m. and p.m. peak hours.

The department has reviewed the subject application and offers our comments in a twofold format and notes that both main issues are interrelated.

First, as referenced in the County's Policy Plan of the Comprehensive Plan, residential streets should be designed to provide for a sufficient number of connections between neighborhoods in order to maximize neighborhood use of internal roads and minimize travel on arterials…Additionally, the County's Infill and Residential Development Study further states that the absence of local street connections result in the following negative impacts:

- Increased response times for emergency equipment
- Increased possibility of obstructed access if single point of access is closed
- Increased use of arterial roads for short local trips within and between neighborhoods
- Increased traffic congestion on arterial roadways as these roads are forced to accommodate local trip-making and commuter traffic
- Increased costs/ inefficiencies associated with the operation of school buses and delivery vehicles

Although the previous mentioned comments for street connections are substantial, this department in this case would not necessarily object to the applicant's proposed planned cul-de-sac in lieu of providing the Sparger Street connection. The reasons are simply that the benefits of the street connection would be minimal due to the relatively low number of area homes affected, as well as the short length of the two termini Sparger Streets. The increase in travel times with any increased vehicular circulation would be minimal and the previously described deleterious effects would be negligible with the proposed cul-de-sac. In contrast, it should be noted that VDOT recommends the two legs of Sparger Street to be connected.

The second issue pertains to the possible vacation of unimproved Alexander Street (See GDP). If the subject application were to be approved with the cul-de-sac, then Alexander Street (on-site and off-site) would have to be vacated in order for site lot # 3 to develop. Here, the recommendation to vacate the subject street relies heavily with the County, but also with VDOT. Currently, VDOT has recommended that the Sparger Street connection be made, and thus has not considered the vacation of Alexander Street. In addition, the applicant should verify that the proposed cul-de-sac for the site meets PFM standards before proceeding further with the rezoning.

Recommendations

Therefore, it is the recommendation of this department to permit the applicant to construct the subject cul-de-sac provided the following conditions are met:

- The applicant should verify that the cul-de-sac meets all PFM standards, most notably, the minimum horizontal curve radius.

- The applicant proposes the vacation/ abandonment of two street sections within the site, Sparger Street and Alexander Street. Vacation/abandonment of these areas is acceptable under the following conditions:

    - The section of Sparger Street southwest of the site to Neilson Court (Route 3178) should be included in the vacation/abandonment application. Or as an alternative, a turnaround will need to be dedicated at the new terminus of Sparger Street.
    - Approval of the proposed rezoning should not be recommended until a review of a revised vacation/abandonment application that includes the aforementioned section is complete.
    - The segment of Alexander Street proposed for vacation appears to be an easement. As such, it will need to be vacated in the site plan approval process.

AKR/AK:ak
c:\mword\rz-cases\rzaa01dr036
cc: Michele Brickner, Director, Office of Site Review, DPW & ES

COMMONWEALTH of VIRGINIA

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

CHARLES D. NOTTINGHAM
COMMISSIONER

THOMAS F. FARLEY
DISTRICT ADMINISTRATOR

July 19, 2001

Ms. Barbara A. Byron
Director of Zoning Evaluation
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5511

Re: RZ 2001-DR-036, Sparger Street Property
Tax Map No.: 020-3 /01/ 0024-

Dear Ms. Byron,

This office has reviewed the generalized development plan relative to rezoning application 2000-DR-036 and offers the following comments.

Local streets provide access to adjacent properties therefore the submitted plan should be revised to show the connection of Sparger Street. The pavement section should be constructed within the dedicated right-of-way (including off site) of Sparger Street in accordance with the County's PFM.

Please submit draft proffers to be reviewed by this office.

If you should require any additional information please contact this office.

Sincerely,

Noreen H. Maloney

Noreen H. Maloney
Transportation Engineer

cc: Mr. R. L. Moore

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

FROM: Bruce G. Douglas, Chief
Environment and Development Review Branch, DPZ

SUBJECT: **ENVIRONMENTAL ASSESSMENT** for: **RZ/FDP 2001-DR-036**
Sparger Street Property

DATE: 12 October 2001

This memorandum includes citations from the Comprehensive Plan that list and explain environmental policies for this property. The citations are followed by a discussion of environmental concerns, including a description of potential impacts that may result from the proposed development as depicted on the revised development plan dated April 27, 2001. 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:

On pages 91 through 93 of the 2000 edition of the Policy Plan under the heading "Water Quality", the Comprehensive Plan states:

> **"Objective 2: Prevent and reduce pollution of surface and groundwater resources.**
>
> Policy a. . . . ensure that new development and redevelopment complies with the County's best management practice (BMP) requirements.
>
> Policy k. For new development and redevelopment, apply low-impact site design techniques.
>
> Development proposals should implement best management practices to reduce runoff pollution and other impacts..."

On page 94 the of the 2000 edition of the Policy Plan under the heading "Water Quality", the Comprehensive Plan states:

> **"Objective 3:** **Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.**
>
> Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance."

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. Particular emphasis is given to opportunities provided by this application to conserve the County's remaining natural amenities.

Water Quality Best Management Practices

Issue:

The subject property falls within the Difficult Run Watershed. The subject property will be required to meet the redevelopment requirements of the County's Chesapeake Bay Preservation Ordinance, Chapter 118 of the Code of Fairfax County. The applicant is seeking a waiver of the stormwater best management practice requirements, and no possible location for such a facility is depicted on the development plan.

Resolution:

Because this application is considered a redevelopment proposal, the applicant will be required to meet a 10% phosphorous reduction requirement under the County's Chesapeake Bay Preservation Ordinance. It is possible that the applicant can meet this requirement without a stormwater management facility. Nevertheless, the applicant is encouraged to depict a possible location for a water quality best management practice facility in the event that a waiver is not granted by DPWES.

TRAILS PLAN:

The Trails Plan Map does not depict any trails immediately adjacent to the subject property. At the time of Site Plan review, the Director, Department of Public Works and Environmental Services will determine what trail requirements, if any, apply to the subject property.

BGD: MAW

APPENDIX 7

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Gilbert Osei-Kwadwo, Chief
Engineering Analysis and Planning Branch
Wastewater Planning and Monitoring Division

SUBJECT: Sanitary Sewer Analysis Report

REF: **Application No.** RZ 2001-DR-036

DATE: September 13, 2001

The property for the above referenced application is outside the Approved Sewer Service Area (ASSA), as such the extension of public sewer is not permitted. Therefore, the County's Health Department should address all issues related to on-site sewage disposal.

FAIRFAX COUNTY WATER AUTHORITY
8570 Executive Park Avenue - P. O. Box 1500
Merrifield, Virginia 22116-0815
(703) 289-6000

July 5, 2001

MEMORANDUM

TO: Staff Coordinator (Tel. 324-1250)
Zoning Evaluation Division-Suite 800
12055 Government Center Parkway
Fairfax, VA 22035-5505

FROM: Planning Branch (Tel. 289-6363)
Planning and Engineering Division

SUBJECT: Water Service Analysis, Rezoning Application RZ 01-DR-036

The following information is submitted in response to your request for a water service analysis for the subject rezoning application:

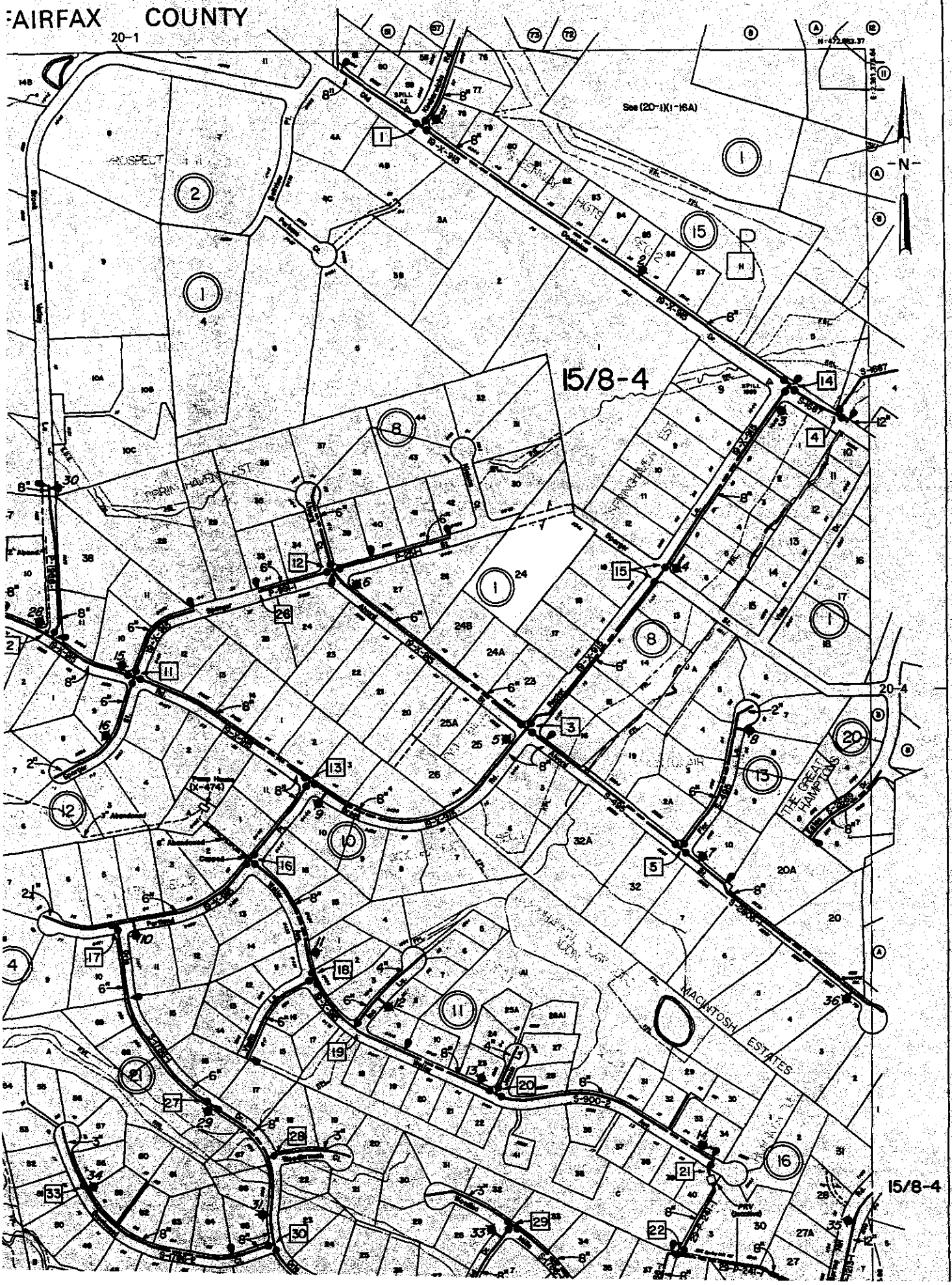
1. The application property is located within the franchise area of the Fairfax County Water Authority.

2. Adequate water service is not available at the site.

3. An offsite water main extension extension from the existing 8-inch diameter main in Rector Lane will be required to serve the subject site. Depending upon the configuration of the onsite water mains, additional water main extensions may be necessary.

Jamie K. Bain, P.E.
Manager, Planning Department

Attachment


FAIRFAX COUNTY
20-1
See (20-1)(1-16A)
N
15/8-4
20-4
15/8-4
THE GREAT HAMPTONS
MACINTOSH ESTATES

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

July 2, 2001

TO: Barbara Byron, Director
Zoning Evaluation Division
Office of Comprehensive Planning

FROM: Ralph Dulaney (246-3868)
Planning Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis of Rezoning Application RZ 2001-DR-036

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 **#29, Tysons Corner.**

2. After construction programmed for FY 19__, this property will be serviced by the fire station planned for the _____ area.

3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:

   _X_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.

Date: 7/31/01 **Case #** RZ-01-DR-036

Map: 20-3 **PU** 3374
Acreage: 3.54
Rezoning
From : RE **To:** R-1

TO: County Zoning Evaluation Branch (DPZ)
FROM: FCPS Facilities Planning (246-3609)
SUBJECT: Schools Impact Analysis, Rezoning Application

The following information is submitted in response to your request for a school impact analysis of the referenced rezoning application.

I. Schools that serve this property, their current total memberships, net operating capacities, and five year projections are as follows:

School Name and Number	Grade Level	9/30/00 Capacity	9/30/00 Membership	2001-2002 Membership	Memb/Cap Difference 2001-2002	2005-2006 Membership	Memb/Cap Difference 2005-2006
Spring Hill 3018	K-6	778	1022	1056	-278	1120	-342
Cooper 3021	7-8	725	866	909	-184	1139	-414
Langley 3020	9-12	1830	1880	1964	-114	2145	-295

II. The requested rezoning could increase or reduce projected student membership as shown in the following analysis:

School Level (by Grade)	Unit Type	Proposed Zoning			Unit Type	Existing Zoning			Student Increase/ Decrease	Total Students
		Units	Ratio	Students		Units	Ratio	Students		
K-6	SF	3	X.4	1	SF	1	X.4	0	1	1
7-8	SF	3	X.069	0	SF	1	X.069	0	0	0
9-12	SF	3	X.159	0	SF	1	X.159	0	0	0

Source: Capital Improvement Program, FY 2002-2006, Facilities Planning Services Office
Note: Five-year projections are those currently available and will be updated yearly. School attendance areas subject to yearly review.

Comments

Enrollment in the schools listed (Spring Hill Elementary, Cooper Middle , Langley High) is currently projected to be near or above capacity.

The 1 students generated by this proposal would require .04 additional classrooms (1 divided by 25 students per classroom). Providing these additional classrooms will cost approximately $ 14,000 based upon a per classroom construction cost of $350,000 per classroom.

The foregoing information does not take into account the potential impacts of other proposals pending that could affect the same schools.

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

DATE: October 17, 2001

FROM: Scott St.Clair, Director
Stormwater Planning Division
Department of Public Works & Environmental Services

SRS

SUBJECT: Rezoning Application Review

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
OCT 23 2001
ZONING EVALUATION DIVISION

Name of Applicant/Application: Hunter Development Company

Application Number: RZ2001-DR-036

Information Provided:		
	Application	- Yes
	Development Plan	- Yes
	Other	- Statement of Justification

Date Received in SWPD: 7/25/01

Date Due Back to DPZ: 7/27/01

Site Information:		
	Location	- 020-3-01-00-0024
	Area of Site	- 3.54 acres
	Rezone from	- R-E to R-1
	Watershed/Segment	- Bull Neck / Spring

Stormwater Planning Division (SWPD), Maintenance and Stormwater Management Division (MSMD), and Planning and Design Division (PDD) Information:

I. Drainage:

- MSMD/PDD Drainage Complaints: **There are no downstream complaints on file with PDD, relevant to this proposed development.**
- Master Drainage Plan, proposed projects, (SWPD): **Channel stabilization projects BN211 and BN411 are located approximately 2500 feet and 4000 feet downstream of site respectively.**
- Ongoing County Drainage Projects (SWPD): **None.**
- Other Drainage Information (SWPD): **None.**

II. Trails (PDD):

___ Yes _X_ No Any funded Trail projects affected by this application?

If yes, describe:

___ Yes _X_ No Any Trail projects on the Countywide Trails priority list or other significant trail project issues associated with this property?

If yes, describe:

III. School Sidewalk Program (PDD):

___ Yes _X_ No Any sidewalk projects pending funding approval or on the School Sidewalk Program priority list for this property?

If yes, describe:

___ Yes _X_ No Any funded sidewalk projects affected by this application?

If yes, describe:

IV. Sanitary Sewer Extension and Improvement (E&I) Program (PDD):

___ Yes _X_ No Any existing residential properties adjacent to or draining through this property that are without sanitary sewer facilities?

If yes, describe:

___ Yes _X_ No Any ongoing E&I projects affected by this application?

If yes, describe:

V. Other Projects or Programs (PDD):

___ Yes _X_ No Any Board of Road Viewers (BORV) or Fairfax County Road Maintenance Improvement Projects (FCRMIP) affected by this application?

If yes, describe:

___ Yes _X_ No Any Commercial Revitalization Program (CRP) projects affected by this application?

If yes, describe:

___ Yes _X_ No Any Neighborhood Improvement Program (NIP) projects affected by this application?

If yes, describe:

Other Program Information (PDD): **None.**

Application Name/Number: **Hunter Development Company / RZ2001-DR-036**

******* SWPD AND PDD, DPWES, RECOMMENDATIONS*******

Note: The SWPD and PDD recommendations are based on the SWPD and PDD involvement in the below listed programs and are not intended to constitute total County input for these general topics. It is understood that the current requirements pertaining to Federal, State and County regulations, including the County Code, Zoning Ordinance and the Public Facilities Manual will be fully complied with throughout the development process. The SWPD and PDD recommendations are to be considered additional measures over and above the minimum current regulations.

DRAINAGE RECOMMENDATIONS (SWPD): **Applicant should include location of on-site storm water control facility on plan.**

TRAILS RECOMMENDATIONS (PDD): **None.**

SCHOOL SIDEWALK RECOMMENDATIONS (PDD): **None.**

SANITARY SEWER E&I RECOMMENDATIONS (PDD): **None.**

__Yes _X_ NOT REQUIRED Extend sanitary sewer lines to the development boundaries on the _____ sides for future sewer service to the existing residential units adjacent to or upstream from this rezoning. Final alignment of the sanitary extension to be approved by Department of Public Works and Environmental Services during the normal plan review and approval process.

Other E&I Recommendations (PDD): **None.**

OTHER SWPD and PDD PROJECT/PROGRAM RECOMMENDATIONS: **None.**

SWPD and PDD Internal sign-off by:
Planning Support Branch (Ahmed Rayyan) ab
Utilities Design Branch (Walt Wozniak) mg
Transportation Design Branch (Larry Ichter) nc
Stormwater Management Branch (Fred Rose) RS for

SRS/RZ2001DR036

cc: Gordon Lawrence, Coordinator, Office of Safety, Fairfax County Public Schools (only if sidewalk recommendation made)
Gilbert Osei-Kwadwo, Chief, Engineering Analysis Planning Branch
Bruce Douglas, Chief, Environment and Development Review Branch

FAIRFAX COUNTY PARK AUTHORITY

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Lynn S. Tadlock, Director
Planning and Development Division

DATE: August 9, 2001

SUBJECT: RZ 2001-DR-036
Sparger Street Property
Loc: 20-3((1))24

The Fairfax County Park Authority (FCPA) staff has reviewed the above referenced application Based upon that review, staff has determined that this application bears little adverse impact on land or resources of the Fairfax County Park Authority.

cc: Kirk Holley, Manager, Planning and Land Management Branch
Dorothea L. Stefen, Plan Review Case Manager, Planning and Land Management Branch
Sonia Sarna, Plan Review Team, Planning and Land Management Branch
File Copy

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