



APPLICATION ACCEPTED: July 15, 2013
PLANNING COMMISSION: November 14, 2013
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

October 31, 2013

STAFF REPORT

APPLICATION SE 2013-HM-012

HUNTER MILL DISTRICT

APPLICANT: Blue Ocean Development, Inc.

ZONING: R-1 (Residential 1 du/ac)

PARCEL: 19-1 ((1)) 27

LOCATION: 9805 Leesburg Pike

SITE AREA: 2.44 acres

PLAN MAP: Residential, 0.5 – 1 du/ac

DENSITY: 0.82 du/ac

PROPOSAL: To permit a waiver of the minimum lot width requirement in order to subdivide one lot into two lots, with lot widths of 12.65 feet and 12.64 feet.

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2013-HM-012, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a waiver of Section 17-201 of the Zoning Ordinance and Section 8-0201 of the Public Facilities Manual (PFM) requiring a trail along Leesburg Pike.

Megan Duca

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

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

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

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

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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception

SE 2013-HM-012

Applicant:
Accepted:
Proposed:

BLUE OCEAN DEVELOPMENT, INC.
07/15/2013
WAIVER OF THE MINIMUM LOT WIDTH REQUIREMENTS

Area:

2.44 AC OF LAND; DISTRICT - HUNTER MILL

Zoning Dist Sect: 09-0610

Art 9 Group and Use: 6-6

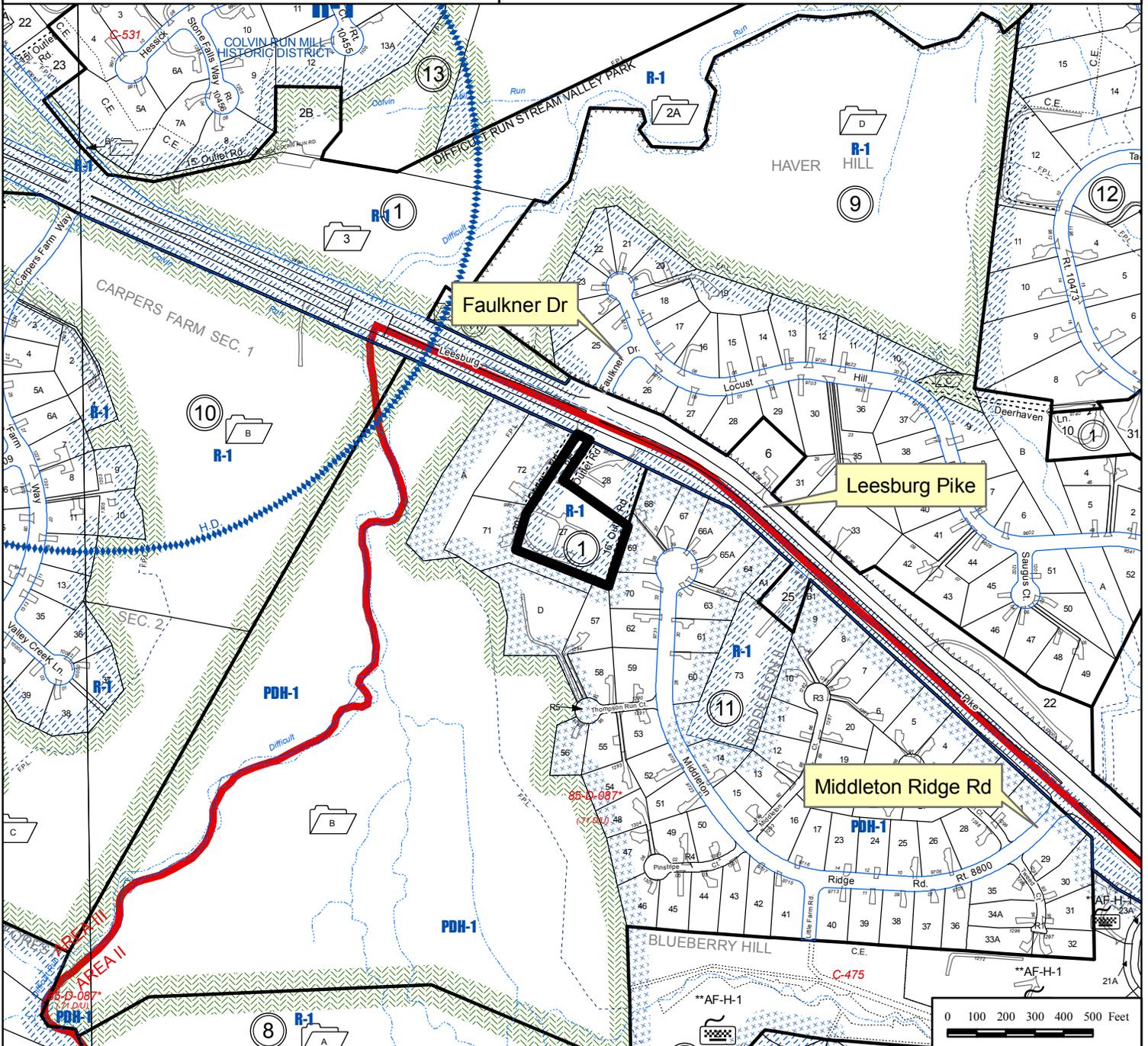
Located: 9805 LEESBURG PIKE, VIENNA, VA 22182

Zoning: R-1

Plan Area: 2,

Overlay Dist:

Map Ref Num: 019-1- /01/ /0027



DESCRIPTION OF THE APPLICATION

The applicant requests a special exception to permit a waiver of the minimum lot width requirement. The applicant intends to subdivide a 2.44 acre lot into two lots, with proposed lot widths of 12.65 feet for Lot 1 and 12.64 feet for Lot 2. The Zoning Ordinance defines lot width as the width of a lot measured along a line parallel to the front street line and lying at a distance from said street line equal to the required minimum front yard on said lot. The lot width for the application property is measured 40 feet from the property line that abuts the Leesburg Pike right-of-way within the pipestem of the lot, as the required minimum front yard in the R-1 District is 40 feet. The application property currently contains a lot width of 25.29 feet. The application proposes to split this to provide lot widths of 12.65 feet and 12.64 feet for proposed lots 1 and 2, respectively. The required lot width for an interior lot in the R-1 District is 150 feet. Therefore, the request represents a reduction of 137.35 feet for Lot 1 and 137.36 feet for Lot 2. There is an existing single family detached dwelling on the southern portion of the site that will remain on proposed Lot 2. A new single family detached dwelling will be constructed on proposed Lot 1. The area of proposed Lot 1 is 0.93 acres, while the area of Lot 2 is 1.51 acres. The resulting density would be 0.82 dwelling units per acre (du/ac). The lots would remain part of the Colvin Run subdivision, and the resulting density for the entire subdivision would increase from the existing 0.63 du/ac to 0.94 du/ac. The applicant is also requesting a waiver of Section 17-201 of the Zoning Ordinance and Section 8-0201 of the Public Facilities Manual (PFM) requiring a trail along the Leesburg Pike frontage of the site.

The proposed development conditions, applicant's statement of justification, and affidavit are contained in Appendices 1 to 3, respectively.

LOCATION AND CHARACTER

Site Description:

The 2.44 acre subject property, which is zoned R-1, is located on the south side of Leesburg Pike in the Hunter Mill District. A pipestem provides access from Leesburg Pike (Route 7) to an existing driveway. The southern portion of the property is improved with a paved circular driveway and an existing single family detached dwelling. The area to the north of the existing house is undeveloped and contains lawn and mature deciduous trees. An existing septic drain field is located to the



Source: Fairfax County Pictometry

west of the existing dwelling.

The image on the previous page summarizes the zoning districts and uses for the surrounding parcels. The surrounding properties to the north, east, and west contain single family detached dwellings zoned R-1 and PDH-1 and are planned for residential use at 0.5 – 1.0 du/ac. The parcel to the south, which is also planned for residential use at 0.5 – 1.0 du/ac, contains private open space associated with the Middleton II subdivision zoned PDH-1 that surrounds the application property to the east, south, and west.

BACKGROUND

According to the Department of Tax Administration's records, the existing dwelling on the property was constructed in 1965. There is no zoning history on the application property.

COMPREHENSIVE PLAN PROVISIONS

Fairfax County Comprehensive Plan, 2013 Edition, Area II Plan, McLean Planning District, Amended through June 4, 2013, M7 Wolf Trap Community Planning Sector, Land Use Recommendations, on Pages 132 – 134 states:

2. Development west of Beulah Road, which is partly located in the Difficult Run [Stream Valley] and not sewerred, is planned for .2-.5, .5-1 and 1-2 dwelling units per acre as shown on the Plan map. Developers should design with varying lot sizes corresponding to the planned land use densities on the map and existing development even if the area to be developed covers more than one residential density. Further guidance is found in the environmental section of the Area Overview for Area II.

3. Land along the south side of Leesburg Pike should maintain the pattern of an average density of 1-2 dwelling units per acre, but permit cluster development so that land immediately adjacent to the highway would remain as open space and provide a buffer for the residential area.

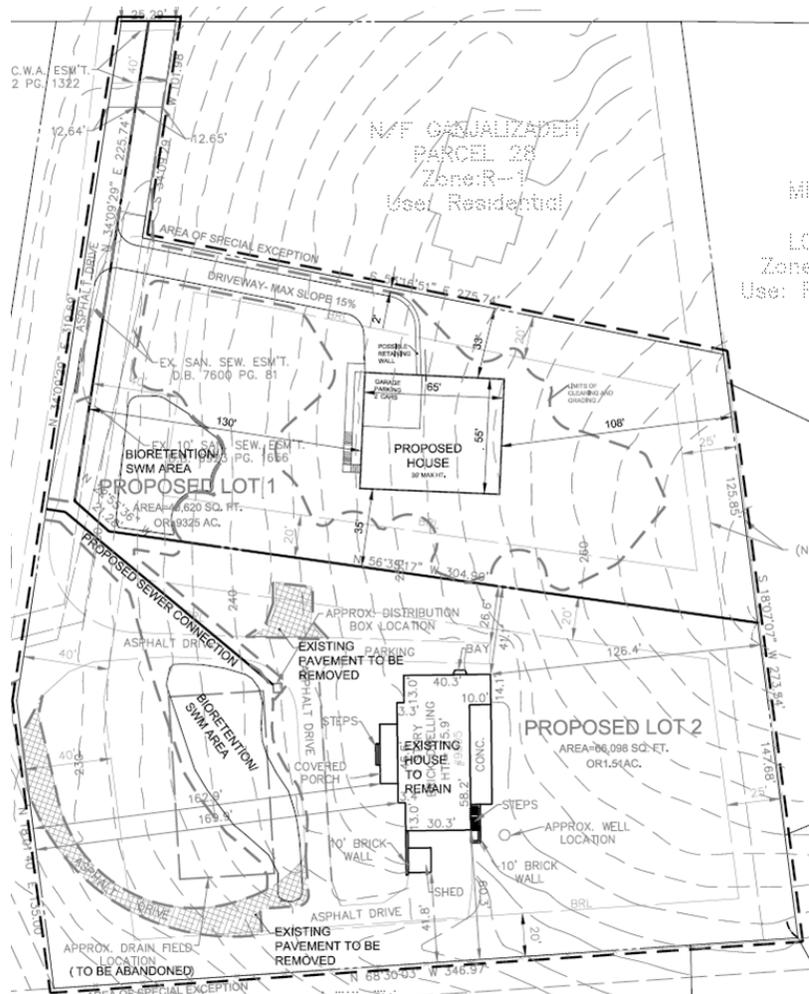
Recommendation 3 stated above only relates to the pipestem portion of the subject property. The plan map shows the subject property as planned for 0.5 – 1 du/ac. Staff finds that the proposal is in conformance with the recommendation of the Comprehensive Plan. The complete Comprehensive Plan text can be found at the following link: <http://www.fairfaxcounty.gov/dpz/comprehensiveplan/area2/mclean.pdf>.

DESCRIPTION OF THE SPECIAL EXCEPTION (SE) PLAT

The SE Plat titled "Special Exception 9805 Leesburg Pike," prepared by Pennoni Associates Inc., consisting of seven sheets dated April 23, 2013, and April 12, 2013, as revised through October 8, 2013, is reviewed below.

Site Layout

The SE Plat depicts the existing 2.44 acre lot subdivided into two lots. Lot 1 will be 0.93 acres in area, while Lot 2 will contain 1.51 acres. The SE Plat excerpt to the right illustrates the site layout. An existing single family detached dwelling that is approximately 15.9 feet in height, a shed, and a portion of the existing driveway will remain on Lot 2. A new single family detached dwelling, attached garage, and driveway will be constructed on Lot 1. The proposed dwelling is 55 feet by 65 feet with a maximum height of 35 feet. Both lots will access Leesburg Pike via a pipestem, and the lot widths along Leesburg Pike will be 12.65 for Lot 1 and 12.64 for Lot 2.



Excerpt from Special Exception Plat

Trees and Landscaping

The site currently contains turf lawn and a high mature deciduous tree canopy. According to the tree inventory table, there are a total of 54 existing trees currently on the property. The existing vegetation map also depicts several dogwoods and foundation plantings on the property. The applicant proposes to remove three trees to accommodate the new dwelling on Lot 1 and two trees to allow for the construction of the proposed driveway. In addition, three stumps and five trees identified as hazardous/dead will also be removed. The remaining 41 existing trees will be preserved. The plat shows that approximately 1.58 acres of tree save area would be provided on Lots 1 and 2 with the proposed development.

The SE Plat also proposes new plantings throughout the site. Specifically, 18 evergreen trees are shown at the rear of the properties and 12 large understory shrubs are situated between the two proposed lots and at the southern portion of Lot 2.

Stormwater Management/Best Management Practices

There are no existing stormwater management and/or best management practices (BMP) facilities on the site. The applicant intends to install individual bioretention facilities on each lot to provide for both detention and best management practices. The facility on Lot 2 will be installed near the existing septic drain field, which will be abandoned and disposed of in accordance with Health Department requirements, while the facility on Lot 1 will be located at the southwest corner of the property.

Utilities

The septic drain field located to the west of the existing dwelling will be abandoned and a sanitary sewer connection will be provided to the existing and proposed dwellings. Lot 1 will be served by public water, while Lot 2 will continue to be served by the existing well.

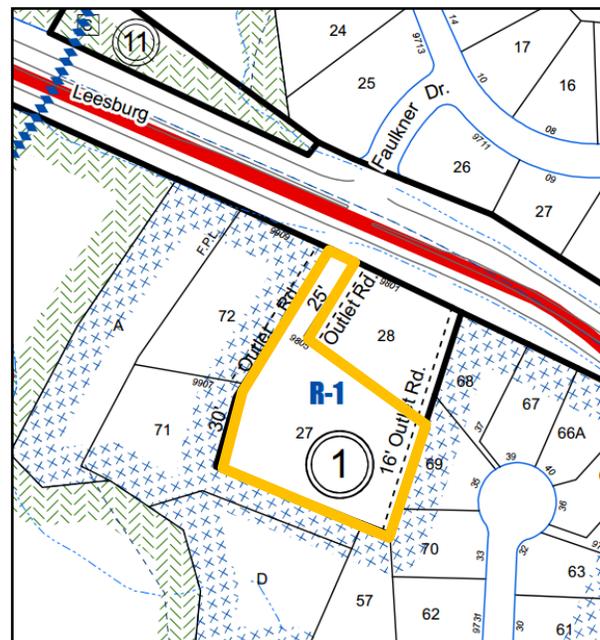
ANALYSIS

Land Use Analysis

Density

The applicant intends to subdivide the 2.44 acre lot into two lots. The existing single family detached dwelling would remain on proposed Lot 2 and a new single family detached dwelling would be constructed on proposed Lot 1. The resulting density for these two parcels would be 0.82 du/ac. The proposed use and density is consistent with the recommendations of the Comprehensive Plan for residential use at 0.5 – 1.0 du/ac.

The subject property is currently one of two lots within the Colvin Run subdivision. The other parcel (Lot 28) contains 0.74 acres. Therefore, the entire Colvin Run subdivision contains approximately 3.18 acres across two



Source: Fairfax County Digital Map Viewer with property outlined

lots. The addition of one more lot would increase the density of the subdivision to 0.94 du/ac, which is below the maximum permitted density of the R-1 District (1.0 du/ac). Therefore, staff concludes that the proposed application would not adversely affect the density of the Colvin Run subdivision.

Lot Size and General Layout

Proposed Lot 1 will contain 0.93 acres after subdivision, while Lot 2 will contain 1.51 acres. In evaluating the potential land use impacts of this request, staff analyzed the surrounding lot sizes. As previously described, the surrounding area consists of single family detached dwellings. The parcel to the north (Lot 28), which is located within the Colvin Run subdivision, contains approximately 0.74 acres. A driveway from an outlet road, rather than a pipestem, provides access to this property. An additional driveway on the northern portion of the property also provides direct access to Leesburg Pike from this parcel. The properties to the west of the subject property contain 1.7 acres (Lot 71) and 1.1 acres (Lot 72). These lots are accessed via a 30 foot outlet road to Leesburg Pike, as illustrated in the image on the previous page. Finally, the two abutting parcels to the east of the subject property within the Middleton II subdivision contain approximately 0.46 acres (Lot 69) and 0.49 acres (Lot 70). The image on the previous page also illustrates the size of the proposed parcels in the context of the surrounding properties. In staff's opinion, the proposed layout and size of the lots is consistent with the lots in the vicinity of the subject property.

Environmental Analysis (Appendices 4 – 6)

Green Building (Appendix 4)

The application request is at the high end of the Comprehensive Plan's recommended density range at 0.82 du/ac. As such, staff requested that the applicant commit to Energy Star Qualified Homes or Earthcraft for the new dwelling to demonstrate conformance with the Comprehensive Plan's Green Building policy. The applicant indicated that the new dwelling will be constructed to achieve Energy Star certification. Staff has proposed a development condition that would require the applicant to submit documentation to the Environment and Development Review Branch of the Department of Planning and Zoning (DPZ) prior to the issuance of the Residential Use Permit (RUP) to demonstrate that the dwelling has attained the Energy Star for Homes qualification or certification in accordance with the Earth Craft House Program.

Stormwater Management Analysis (Appendices 4 – 6)

The applicant's initial submissions requested a waiver of stormwater detention requirements and did not provide for water quality controls for the existing dwelling. Staff from the Department of Public Works and Environmental Services (DPWES) commented that the applicant must provide for Best Management Practices (BMPs)

on both lots pursuant to the Public Facilities Manual (PFM). Further, staff from the Fairfax County Park Authority (FCPA) raised a concern regarding the request for a waiver of stormwater detention requirements given that Difficult Run Stream Valley Park is located less than 500 feet away and receives stormwater from the subject property via a concrete ditch along Leesburg Pike (Appendix 6). The Park Authority is generally opposed to such waivers due to the potential for erosion problems downstream along channels that run through Park Authority property. Therefore, the Park Authority commented that the applicant should be required to detain and treat all increases in stormwater over the existing conditions. The applicant's request for a waiver would result in no stormwater management plan for the increased impervious surface resulting from the construction of the new dwelling and driveway.

The applicant responded to these stormwater concerns with the current SE Plat, which no longer requests a waiver of the detention requirements. The revised plat proposes an individual bioretention facility on each lot to provide both detention and BMP for each lot. The SE Plat states that these facilities will restrict the stormwater release rate to pre-developed conditions in accordance with the County regulations. Staff has proposed a development condition that would require the applicant to demonstrate to DPWES that the proposed facilities are feasible and that adequate outfall and detention requirements will be met pursuant to the PFM. Therefore, the issue regarding the detention waiver has been resolved.

The stormwater management calculations demonstrate that the facility on Lot 1 will provide approximately 46% phosphorus removal, which exceeds the 40% requirement. However, the SE Plat demonstrates that only 36% will be achieved for Lot 2 rather than the 40% minimum requirement. Staff from DPWES indicated that a partial modification of this requirement might be appropriate for Lot 2 in this case given the existing impervious area on Lot 2. The final determination will be made at the time of record plat approval. Staff has proposed a development condition that will require the applicant to demonstrate how BMP measures will be provided to the satisfaction of DPWES prior to approval of the record plat. Staff also notes that a PFM modification pursuant to Section 6-0303-9 of the PFM will be required to locate stormwater management facilities on individual residential lots. In addition, these facilities must be privately maintained. The final determination of any water quantity and water quality facilities will be made by DPWES at record plat review.

Fairfax County Park Authority Analysis (Appendix 6)

In addition to the comments regarding stormwater described above, the FCPA commented that the proposed development could add three new residents to the Hunter Mill District. Therefore, the FCPA requested that the applicant dedicate \$2,679 to the Park Authority for recreational facility development at one or more park sites located within the service area of the subject property. The FCPA also stated that all proposed plants should be non-invasive species. Staff has proposed development conditions to address these issues.

Urban Forestry Analysis (Appendix 7)

The tree preservation target for this site is 0.6 acres. The SE Plat indicates that the applicant is exceeding this target through the preservation of 1.58 acres of existing tree canopy. Throughout the review process, staff requested that the applicant consider ways to enhance tree preservation, such as siting the dwelling in an area that maximizes tree preservation on-site. In particular, staff requested that the applicant consider re-orienting the house as originally proposed in order to allow for the preservation of two oak trees at the southern side of the proposed dwelling on Lot 1. The applicant responded by turning the footprint of the proposed house. Staff believes that the new proposed footprint allows for the preservation of these two trees. In addition, given the quality of existing tree canopy and the potential impacts to existing trees proposed for preservation, staff has proposed development conditions to ensure that impacts are minimized and the post-development condition of trees satisfies standards for structural integrity and health. These development conditions provide for a tree preservation plan, limits of clearing and grading, tree preservation walk-through, tree preservation fencing, root pruning and mulching, tree protection signage, site monitoring, tree value determination, tree bond, and a tree preservation easement.

Staff notes that there is a discrepancy between the existing tree inventory map and the tree inventory table for tree 85. The map depicts the tree as to be removed, while the table indicates that it will be preserved. Irrespective of what is shown on the tree inventory map, the applicant has indicated that this tree is to be preserved. Staff has proposed a development condition to ensure that this tree is preserved.

The 10-year tree canopy requirement for this site is 0.73 acres. Although the applicant meets this requirement through tree preservation alone, staff encouraged the applicant to provide additional plantings to help offset the removal of five trees to accommodate the dwelling and driveway. In particular, staff requested that the applicant consider evergreen trees and understory plantings, given that the existing tree canopy primarily consists of a high deciduous canopy. The applicant revised the SE Plat in response to staff's comments and now intends to plant an additional 18 evergreen trees at the rear of the properties and 12 understory shrubs between the lots and at the southern portion of Lot 2. The final location and species of these trees will be determined at the time of grading plan review, subject to approval by the Urban Forest Management Division (UFMD).

Transportation Analysis

There are plans for the future expansion of Leesburg Pike. The existing right-of-way along the Leesburg Pike frontage is adequate based on the expansion's current design. Although a new design is being considered, these design plans have not been completed. The applicant requests a waiver of the trail requirement along the Leesburg Pike frontage, as discussed in the Waivers and Modifications section of this report. Staff does not object to the approval of this waiver. There are no outstanding transportation issues associated with this application.

ZONING ORDINANCE PROVISIONS (Appendix 8)

The application must satisfy the General Special Exception Standards (Sect. 9-006) and the Provisions for Waiving Minimum Lot Size Requirements (Sect. 9-610). These standards and provisions are summarized below and contained in Appendix 8.

General Special Exception Standards (Sect. 9-006)

Paragraph 1 requires that the proposed use be in harmony with the Comprehensive Plan. As described in the Land Use Analysis section, the resulting density of the proposed development would be 0.82 du/ac. Staff finds that this density is in harmony with the Comprehensive Plan and the character of the surrounding neighborhood. In addition, as previously discussed, staff believes that the layout of the new proposed lots will be compatible with surrounding properties in the vicinity of the application property. Therefore, staff concludes that the application meets this standard.

Paragraph 2 requires that the proposed use be in harmony with the purpose and intent of the applicable zoning district regulations. The R-1 District was established to provide for single family detached dwellings and to allow other selected uses which are compatible with the low density residential character of the district. As noted earlier, this application provides for a density that satisfies the R-1 District's density requirement and is harmonious with the surrounding developments. The Colvin Run subdivision will remain in conformance with the density requirements with the addition of one lot. Staff finds that the application meets the applicable Zoning Ordinance provisions (with the exception of the minimum lot width requirement). Therefore, in staff's opinion, the application satisfies this standard.

Paragraph 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with applicable zoning district regulations and the adopted Comprehensive Plan. It further states that the location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. In staff's opinion, the applicant's proposed layout and lot sizes are consistent with the neighboring properties. In addition, the proposal is within the Comprehensive Plan's recommended density range for the subject property (0.5 - 1.0 du/ac) at 0.82 du/ac. Therefore, staff believes that the proposal seeks to maintain the current residential character of the surrounding area and will not adversely affect the use or development of neighboring properties. There are no transitional screening or barrier requirements from the abutting properties developed with single family detached dwellings. However, the applicant has provided additional tree plantings to supplement the tree preservation areas, which will help to screen the dwellings from the adjacent properties to the rear. The proposed dwelling is a maximum of 35 feet in height, which is in accordance with the Zoning Ordinance provisions for the

R-1 District.

As such, staff believes the proposed application will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. Therefore, this standard has been met.

Paragraph 4 states that the proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. The Fairfax County Department of Transportation (FCDOT) reviewed the application and has no transportation concerns with this application. In staff's opinion, the addition of one dwelling in the neighborhood would not significantly impact pedestrian or vehicular traffic. Therefore, staff finds that the application satisfies this standard.

Paragraph 5 states that in addition to the standards which may be set forth in this Article for a particular category or use, the Board may require landscaping and screening in accordance with the provisions of Article 13. There are no transitional screening requirements associated with the application. Nevertheless, as noted above, the applicant will be providing additional landscaping to the rear of the property and between the proposed lots. Staff believes that the application meets this standard.

Paragraph 6 states that open space should be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. This standard is not applicable, as there is no requirement for open space in the R-1 District for conventional subdivisions.

Paragraph 7 states that adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Staff believes that adequate off-street parking will be provided for the single family detached dwellings. Loading spaces are not required for this type of residential development. As previously noted, the existing dwelling will be served by a new sanitary sewer connection subsequent to the appropriate abandonment of the existing septic drain field on the property and the existing well. The proposed dwelling will be served by public water and sewer. Two proposed bioretention facilities will be provided to meet the stormwater detention requirements. Therefore, staff finds that this standard has been met.

Paragraph 8 states that signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance. There are no signs proposed with this application. Therefore, this standard is not applicable.

Provisions for Waiving Minimum Lot Size Requirements (Sect. 9-610)

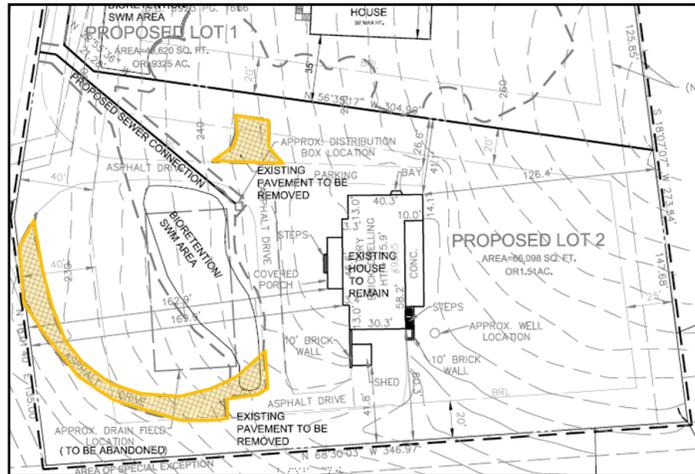
The Board may approve the following, either in conjunction with the approval of a rezoning or as a special exception: the waiving of the minimum district size and/or lot width requirement for an R District, except for all cluster subdivisions; the minimum lot area and/or lot width requirements for a C district or the minimum district size requirement for the C-9 District; and, the minimum district size, lot area and/or lot width requirements for an I district. However, this may only be done in accordance with the following provisions.

Paragraph 1 states that such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance. The subject property was subdivided from the parcel to the north in 1961 and the existing dwelling was constructed on the property in 1965, which is prior to the effective date of the Zoning Ordinance (1978). The plat prepared for this property in 1965 depicts a property of 2.376 acres. Although this number is slightly different than the 2.44 acres that the applicant depicts on the SE Plat, the applicant has indicated that this discrepancy is due to changes in the methods of surveying since the 1965 plat and today. As such, staff finds that the subject property has not been reduced in width or area since the effective date of the Zoning Ordinance. Therefore, staff believes that the application meets this standard.

Paragraph 2 states that the applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.

As previously discussed, the applicant is exceeding the tree preservation target through the preservation of 1.58 acres of existing tree canopy. In addition, the applicant intends to plant 18 evergreen trees and 12 understory shrubs. Staff has proposed a number of development conditions to preserve and protect the on-site trees and to ensure that the trees survive construction, including: tree preservation fencing/plan/walk-through requirements; site monitoring; limits of clearing and grading; and, root pruning and mulching provisions. Staff has also proposed a development condition that would require the applicant to record a tree preservation easement to prohibit the removal of any trees except those which are dead, dying, diseased, or hazardous, or as necessary for the construction of an accessory use or possible additions to the proposed and existing dwellings. Staff believes that these development conditions will help to achieve long-term tree preservation on the property. In staff's opinion, the establishment of a tree preservation easement as described in the proposed development conditions is particularly important in achieving this long-term preservation. The applicant has expressed a concern with this development condition. However, staff believes that this development condition affects the applicant's ability to meet this provision for this application and, therefore, is necessary for staff to fully support the application.

Further, the applicant is proposing to remove portions of the existing driveway on Lot 2 to reduce impervious surface on this lot. The image below highlights the areas of the driveway that will be removed. In total, the applicant is proposing to reduce the impervious surface on Lot 2 by approximately 15% (2,178 square feet). Although the applicant will be adding approximately 6,534 square feet of additional impervious surface for the proposed dwelling and driveway on Lot 1, staff believes that with the proposed development conditions the tree preservation and stormwater management facilities offset the impact of the additional impervious surface.



Excerpt from Special Exception Plat with added graphics

As discussed above, the applicant will provide a bioretention facility on each individual lot. There are no existing water quality controls on the subject property. The SE Plat states that these facilities will restrict the stormwater release rate to pre-developed conditions in accordance with County regulations. The facility on Lot 1 will provide for 46% phosphorus removal, while the facility on Lot 2 will provide for 36% removal, as previously discussed. The final engineering of these facilities will be subject to review and approval by DPWES.

With regard to the preservation of topography, the site gains approximately 35 feet of elevation across approximately 340 feet from the front of the lot to the rear of the lot. The primary changes in topography will occur for the grading for the infiltration facilities and proposed dwelling. As such, staff feels that the general topography will be maintained to the extent possible.

Staff determined that because the site was already developed with the existing dwelling, the parcel is unlikely to contain any significant cultural resources and no archeological work is warranted. In addition, staff did not identify any additional substantial environmental features worthy of preservation other than existing trees.

In summary, staff concludes that the application meets this standard through the proposed tree preservation, reduction in impervious surface on Lot 2, and the provision of stormwater management facilities.

Paragraph 3 states that it shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways. Staff finds that the addition of one single family detached dwelling will not significantly affect the traffic on the public street system. In addition, as previously discussed, the proposed development will not negatively affect the density of the existing subdivision. Further, staff believes that

the proposed development is consistent with the surrounding development in terms of layout and lot size and, therefore, will not negatively impact the existing or planned development of adjacent properties. As a result, staff finds that the application satisfies this standard.

Paragraph 4 states that such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied. As discussed previously, the application satisfies all applicable Zoning Ordinance provisions other than the lot width requirement.

MODIFICATIONS / WAIVERS

Waiver of Section 17-201 of the Zoning Ordinance and Section 8-0201 of the PFM requiring a trail along Leesburg Pike

The applicant requests a waiver of the trail requirement along the Leesburg Pike frontage of the property. The total frontage along Leesburg Pike is 25.29 feet. Staff does not object to the trail waiver request given the short length of property frontage along Leesburg Pike, as well as the pending design plans for Leesburg Pike that illustrate a 10-foot wide shared use path within the existing right-of-way.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant requests approval of a Special Exception to permit a waiver of the minimum lot width requirement in order to subdivide a 2.44 acre lot into 2 lots. The applicant proposes to retain the existing dwelling on proposed Lot 2 and construct a new single family detached dwelling on proposed Lot 1 to the north of Lot 2. The resulting density would be 0.82 du/ac (2 dwellings on 2.44 acres). Staff believes that the application is in harmony with the land use recommendations of the Comprehensive Plan and is in conformance with the applicable Zoning Ordinance provisions.

Recommendation

Staff recommends approval of SE 2013-HM-012, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a waiver of Section 17-201 of the Zoning Ordinance and Section 8-0201 of the Public Facilities Manual (PFM) requiring a trail along Leesburg Pike.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from

compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

APPENDICES

1. Proposed Development Conditions
2. Statement of Justification
3. Affidavit
4. Environmental Analysis
5. Stormwater Management Analysis
6. Fairfax County Park Authority Analysis
7. Urban Forest Management Analysis
8. Applicable Zoning Ordinance Provisions
9. Glossary

PROPOSED DEVELOPMENT CONDITIONS**SE 2013-HM-012****October 31, 2013**

If it is the intent of the Board of Supervisors to approve SE 2013-HM-012 located at 9805 Leesburg Pike, Tax Map 19-1 ((1)) 27 to permit a waiver of the minimum lot width requirement pursuant to Sect. 9-610 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat (SE Plat) prepared by Pennoni, consisting of seven sheets dated April 23, 2013, and April 12, 2013, as revised through October 8, 2013, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. At the time of record plat approval, the applicant shall contribute \$2,679 to the Fairfax County Park Authority for the provision of recreational facilities in the vicinity of the application property.
5. The proposed dwelling unit on Lot 1 shall be constructed to achieve qualification in accordance with ENERGY STAR® for Homes or certification in accordance with the National Green Building Standard (NGBS) using the ENERGY STAR® Qualified Homes path for energy performance, as demonstrated through documentation submitted to the Environment and Development review Branch of the Department of Planning and Zoning (DPZ) from a home energy rater certified through the Home Innovation Research Labs that demonstrates that the dwelling unit has attained the certification prior to the issuance of the Residential Use Permit (RUP). As an alternative, the new home shall be constructed to achieve certification in accordance with the Earth Craft House Program as demonstrated through documentation provided to DPWES and DPZ prior to the issuance of the RUP.
6. The applicant shall adhere to appropriate asbestos soil containment standards as recommended and administered by the Occupational Safety and Health Administration (OSHA) prior to commencing construction.

7. Stormwater Management

- a. Prior to approval of the record plat, the applicant shall conduct a geotechnical investigation to the satisfaction of DPWES to demonstrate that the proposed detention and Best Management Practices (BMP) facilities shown on the SE Plat are feasible and that detention requirements will be met pursuant to the Public Facilities Manual (PFM).
- b. Prior to approval of the record plat, the applicant shall demonstrate how BMP measures will be provided to the satisfaction of DPWES.
- c. Prior to approval of the record plat, the applicant shall construct the bioretention facility on Lot 2.
- d. Prior to approval of the grading plan, adequate outfall shall be demonstrated in accordance with the PFM, as determined by DPWES.
- e. If a modification of the PFM to permit the proposed facilities on individual lots as shown on the SE Plat is not granted by DPWES and facilities that are in substantial conformance with the SE Plat cannot be provided, then a Special Exception Amendment (SEA) shall be filed to provide water quantity and quality control measures in accordance with the PFM as determined by DPWES. Prior to record plat approval, residential covenants shall be recorded in the County Land Records which disclose to the existing and all subsequent property owners the maintenance obligations of the bioretention facilities.

8. Tree Preservation and Landscaping

- a. Tree Preservation Plan: For the purposes of maximizing the preservation of trees in tree save areas shown on Special Exception Plat, the Applicant shall prepare a tree preservation plan. The Applicant shall contract with a certified arborist or registered consulting arborist (the "Project Arborist") to prepare a tree preservation plan to be submitted as part of the first site plan submittal and subsequent site plan submissions. The tree preservation plan shall be reviewed and approved by the Urban Forest Management Division (UFMD). The tree preservation plan shall seek to preserve the trees identified on the SE Plat for preservation. The tree preservation plan shall provide a tree inventory which includes the location, species, size, crown spread and condition rating percent of all trees 12 inches or greater in diameter, measured 4.5 feet from the ground and located within twenty-five feet of the proposed limits of clearing and grading, within the undisturbed area and within 10 feet of the limits of clearing and grading in the disturbed area as depicted in PFM Plate 1A-12. The condition analysis shall be prepared using methods

outlined in the latest edition of the Guide for Plant Appraisal. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be incorporated into the tree preservation plan. Activities should include, but are not limited to, crown pruning, root pruning, mulching and fertilization.

- b. Limits of Clearing and Grading: Clearing, grading and construction shall conform to the limits of clearing and grading as shown on the SE Plat, subject to the installation of necessary utility lines and other required site improvements, all of which shall be installed in the least disruptive manner possible, considering cost and engineering, as determined in accordance with the approved plans.
- c. Tree Preservation Walk-Through: The Applicant shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree preservation walk-through meeting, the Project Arborist shall walk the limits of clearing and grading with a UFMD representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw, and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.
- d. Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing, consisting of four foot high, 14 gauge welded wire attached to six foot steel posts driven 18 inches into the ground and placed no farther than ten feet apart or super silt fence, to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be placed at the limits of clearing and grading as shown on the erosion and sedimentary control sheets in all areas. The tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to the performance of any clearing and grading activities on the site. Prior to the commencement of any clearing or grading on the site, the Project Arborist shall verify in writing that the tree protection fencing has been properly installed.
- e. Root Pruning and Mulching: The Applicant shall (1) root prune roots one inch in diameter or larger of trees to be preserved that may be damaged

during clearing, demolition, grading, utility installation and/or the installation of retaining walls; and (2) mulch to a minimum depth of 3 inches areas within 15 feet of the limits of clearing and grading and within the critical root zones of trees to be preserved. Areas that will be root pruned and mulched shall be clearly identified on the Tree Preservation Plan. All treatments for such trees and vegetation shall be clearly specified, labeled, and detailed on the erosion and sediment control sheets of the grading plan submission. The details for these treatments shall be included in the Tree Preservation Plan and shall be subject to the review and approved of UFMD.

All root pruning and mulching work shall be performed in a manner that protects adjacent trees and vegetation that are required to be preserved and may include, but not be limited to, the following:

Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches, or as specified by UFMD at the pre-construction meeting.

- Root pruning shall take place prior to installation of tree protection fence.
- Root pruning shall not sever or significantly damage structural or compression roots in a manner that may compromise the structural integrity of trees or the ability of the root system to provide anchorage for the above ground portions of the trees.
- Root pruning shall be conducted with the on-site supervision of the Project Arborist.
- Tree protection fencing shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.
- Immediately after the Phase II erosion & sedimentary control activities are complete, mulch shall be applied at a depth of 3 inches within designated areas. Mulch may be placed within tree preservation areas at points designated by the Project Arborist to minimize impacts to existing vegetation. Motorized equipment may be used to reach over tree protection fence to place mulch at designated points. Mulch shall be spread by hand within trees preservation areas.
- Mulch shall consist of wood chips pine bark mulch. Hay or straw mulch shall not be used within tree preservation areas.
- UFMD shall be informed in writing (email is acceptable) when all root pruning and tree protection fence installation is complete.

- f. Tree Protection Signage: The Applicant shall provide signs that identify and help protect all areas to be left undisturbed. These signs will be highly visible, posted in appropriate locations along the limits of clearing and grading, and attached to the tree protection fencing. Under no

circumstances will the signs be nailed or in any manner attached to the trees or vegetation within the areas to left undisturbed.

- g. Site Monitoring: During the installation of tree protection fencing, performance of root pruning and during any clearing or removal of trees, vegetation, or structures, or other activities in or adjacent to tree preservation areas prior to the approval of Phase I of the Erosion and Sediment Control Plan, the Project Arborist shall be present to effectively monitor the process and ensure that the activities are conducted in accordance with the proffers and as approved by the UFMD. Following approval of Phase I of the Erosion and Sediment Control Plan the Project Arborist shall actively monitor the Property to ensure that protection measures are maintained and functioning as intended and activities are conducted in accordance with the proffers and as approved by the UFMD. The monitoring schedule shall be described and detailed in the Tree Preservation Plan and shall be reviewed and approved in writing by UFMD. Inappropriate activities such as storage of construction materials, dumping of construction debris, and traffic by construction personnel shall not occur within these areas. Damage to understory plant materials, leaf litter and soil conditions resulting from activities not approved in writing by UFMD shall be restored to the satisfaction of UFMD.
- h. Tree Value Determination: The Project Arborist shall determine the monetary value of each tree on the Property within fifteen feet of the clearing limits of clearing and grading and 15 inches in diameter and larger shown to be preserved in the Tree Inventory. The monetary value (herein, the "Tree Value") shall be determined using the Trunk Formula Method contained in the 9th edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, and shall be subject to review and approval by UFMD. The Location Factor of the Trunk Formula Method shall be based on projected post-development Contribution and Placements ratings. The Site rating component shall be equal to at least 80%. The combined total of monetary values identified in the approved grading plan for trees designated to be preserved shall serve as a baseline sum in determining the amount of the Tree Bond, as specified below.
- i. Tree Bond: At the time of grading plan approval, the Applicant shall post both a letter of credit payable to the County of Fairfax and a cash deposit (herein, the "Tree Bond") to ensure preservation and/or replacement of the trees within fifteen feet of the clearing limits of clearing and grading and 15 inches in diameter and larger shown to be preserved on the Tree Preservation Plan (herein, the "bonded trees"). The sum of the letter of credit shall be equal to one half (50%) of the total monetary value of the bonded trees and the cash deposit shall equal to 33% of the amount of the letter of credit. The Tree Bond letter of credit shall be prepared in a

manner acceptable to the County Attorney naming the County as beneficiary to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Preservation Plan, and to ensure the undistributed areas identified on the SE Plat.

The cash deposit shall be held by the County as a cash reserve that can be used by the County to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Preservation Plan and as approved on the grading plan, and for work relating to the protection and management of undistributed areas identified on the SE Plat.

At any time prior to final bond release, should any bonded tree die, be removed, or severely decline as determined by UFMD, the Applicant shall replace such trees at its expense. Replacement trees shall be of equal size, species and/or canopy cover as approved by UFM. In addition to this replacement obligation, the Applicant shall also make a payment equal to the Tree Value of any bonded tree that is dead, severely declining, or improperly removed. This payment shall be paid to the Tree Preservation and Planting Fund, established by the County for the furtherance of tree conservation objectives.

At the time of approval of the RUP, the Applicant shall be entitled to request a release of any monies remaining in the cash deposit and a reduction in the letter of credit to an amount up to 20% of the total amounts originally committed.

Any cash or funds remaining in the Tree Bond shall be released two years from the date of the project's final bond-release, or sooner, if approved in writing by UFMD.

- j. Tree Preservation Easement: At the time of recordation of the record plat, the Applicant shall record a Tree Preservation Easement running to the benefit both Fairfax County, in a form reviewed by UFMD and approved by the County Attorney, over the tree save areas shown on the Special Exception Plat. The Tree Preservation Easement shall prohibit removal of any trees in the easement areas except those which are dead, dying, diseased, or hazardous, or as necessary for construction of an accessory use or possible additions to the proposed dwelling and existing dwellings shown on the grading plan. The deed for each lot shall contain clear language delineating the Tree Preservation Easement and the restrictions within those areas. The property plats shall also delineate and label the Tree Preservation Easement on each lot. Restrictions within tree preservation easements shall include the protection of understory trees, shrubs and groundcovers, woody debris, leaf litter and soil conditions present at the time of grading plan submission.

The Applicant shall convey forested area management information prepared to satisfy Tree Preservation Plan requirements to the purchaser of each lot at the time ownership of the lot is transferred. Information shall include data collected for the Tree Inventory, updated to note completion of tree preservation activities required by the Tree Preservation Plan approved with the grading plan, and any additional work performed for preservation and/or maintenance in Tree Preservation Easements.

- k. Proposed Landscaping: The applicant shall provide 18 trees and 12 shrubs as described on the SE Plat. The final location and species for these plantings shall be determined at the time of grading plan review and shall be subject to review and approval by UFMD. All plant materials to be installed shall be non-invasive species.
9. Irrespective of what is shown on the Existing Tree Inventory map on Sheet 3A of the SE Plat, tree #85 shall be preserved.
10. The applicant shall include a statement in the deed of conveyance for proposed Lots 1 and 2 that states that both properties are governed by a Special Exception Plat.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



**WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC**

Jonathan D. Puvak
(703) 528-4700 Ext. 5455
jpuvak@arl.thelandlawyers.com

REVISED
October 3, 2013

Via Hand Delivery

Ms. Barbara Berlin, Director
Fairfax County Department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Proposed Special Exception Application
Applicant: Blue Ocean Development Inc.
Fairfax County Tax Map Reference: 19-1 ((1)) 27

Dear Ms. Berlin:

Please accept this letter as a revised statement of justification for a proposed special exception application to modify the minimum lot width requirement in the R-1 District.

The Applicant is the owner of approximately 2.44 acres of land located at 9805 Leesburg Pike in the Dranesville District and identified among the Fairfax County tax assessment records as 19-1 ((1)) 27 (the "Subject Property"). The Subject Property is located to the south of Leesburg Pike and is served by pipe-stem access to Leesburg Pike. The Subject Property is zoned to the R-1 District and currently developed with a single family dwelling that was constructed in 1965. The surrounding properties are primarily developed with single family dwellings zoned to the PDH-1 District.

The Applicant proposes a waiver of the minimum lot width requirement in the R-1 District to permit a subdivision of the Subject Property into two lots. The existing single family dwelling is proposed to remain on Proposed Lot 2 and a single family dwelling is proposed to be constructed on Proposed Lot 1. As shown on the attached special exception plat prepared by Pennoni Associates Inc., Proposed Lot 1 will have a minimum lot width of 12.65 feet, while Proposed Lot 2 will have a minimum lot width of 12.64 feet. The proposed lots will be served by a shared driveway that currently serves the Subject Property. The existing access to Leesburg Pike will remain the same. The waiver represents a reduction of approximately 137 feet for each lot from the minimum required lot width of 150 feet as established in the Fairfax County Zoning Ordinance (the "Zoning Ordinance") for the R-1 District.

The Subject Property is located within the Upper Potomac Planning District of the Hickory Community Planning Sector in Area III of the Fairfax County Comprehensive Plan (the "Plan"). The Plan text recommends retention of the low density residential character of the area and residential development of the Subject Property at .5-1 dwelling unit per acre. The Applicant's proposal will result in a density that is less intense than the Plan recommendation. Accordingly, the proposal is in harmony with the Plan's recommendations.

As this application is related only to the minimum lot width, the submission requirements of Section 9-011.7 are not applicable. In accordance with the Zoning Ordinance requirements of Section 9-610, please accept the following information regarding the proposed special exception application:

- The current width of the Subject Property existed prior to the effective date of the Zoning Ordinance (1978). The Subject Property has maintained its current configuration since the property located to the north, and identified by Fairfax County tax map 19-1 ((1)) 28, was subdivided from the Subject Property in 1961. Therefore, the Subject Property has not been reduced in width since the effective date of the Zoning Ordinance.
- The Applicant proposes a development that will preserve much of the existing vegetation. A number of mature trees are located on the Subject Property. The limits of clearing and grading have been restricted to only the areas necessary for the construction of a second dwelling. The use of the existing access to Leesburg Pike further lessens the amount of disturbance on the Subject Property. The existing dwelling will be served by an existing well and will be connected to public sewer, while the Proposed Lot 1 will be served by both public water and sewer. Stormwater management and best management practices (BMP) requirements will be fulfilled through the use of on-site facilities. In addition, the Applicant has reduced the existing paved areas for the existing dwelling to compensate for the new driveway to serve the proposed dwelling.
- Given the existing surrounding residential development, the proposed development will not have any deleterious effect on the existing or planned development of adjacent properties. The surrounding properties are zoned to the PDH-1 District with lot sizes that are comparable or smaller than those proposed by the Applicant. The preservation of existing mature trees will provide screening and buffering. In addition, existing access to Leesburg Pike will be retained as well as use of an existing driveway. The construction of one additional single family dwelling will not cause a significant impact on the surrounding area or on the public street system.
- The proposed single family dwelling on Proposed Lot 1 will be constructed with masonry, cementitious or similar façade materials. Although the architectural style of the proposed dwelling has not been finalized, the dwelling will be at least two-stories in height and will include traditional architectural elements, such as a garage and pitched roof with asphalt shingles. The layout of the home will be similar to other single family homes constructed in the surrounding area.

- The application satisfies all other Zoning Ordinance requirements, regulations, adopted standards and applicable conditions except as those modifications requested herein.
- The Applicant is not aware of any hazardous or toxic substances located on the Subject Property.

In conjunction with this request, the Applicant requests a waiver of the major paved trail requirement of the Countywide Trails Plan.

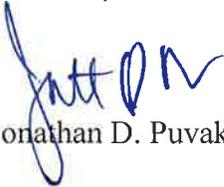
The proposed special exception will permit the development of the Subject Property at a density that is consistent with the Plan recommendations and comparable to the surrounding development. The development has been designed to minimize the amount of disturbance and preserve existing vegetation.

Should you have any questions regarding the above, or require additional information, please do not hesitate to contact me. I would appreciate the acceptance of this application, and the scheduling of a hearing before the Planning Commission at your earliest convenience.

As always, I appreciate your cooperation and assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



Jonathan D. Puvak

cc: Kieran Gannon
Gene Frogale
Mark Thomas
Susan Wolford
Lynne J. Strobel

APR 26 2013

SPECIAL EXCEPTION AFFIDAVIT

Zoning Evaluation Division

DATE: April 17, 2013
(enter date affidavit is notarized)

I, Jonathan D. Puvak, attorney/agent, do hereby state that I am an
(enter name of applicant or authorized agent)

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

121787

in Application No.(s): SE 2013-HM-012
(enter County-assigned application number(s), e.g. SE 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(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Blue Ocean Development, Inc. Agents: Kieran J. Gannon Gene L. Frogale	14101 Parke Long Court Chantilly, VA 20151	Applicant/Title Owner of Tax Map 19-1 ((1)) 27
Pennoni Associates, Inc. Agents: Susan S. Wolford Helman A. Castro Mark W. Thomas	14532 Lee Road Chantilly, Virginia 20151	Engineers/Agent

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

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

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

Special Exception Attachment to Par. 1(a)

DATE: April 17, 2013
(enter date affidavit is notarized)

121787

for Application No. (s): SE 2013-HM-012
(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 Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent
Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Jonathan D. Puvak Elizabeth D. Baker Inda E. Stagg Elizabeth A. Nicholson		

(check if applicable)

There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 17, 2013
(enter date affidavit is notarized)

121787

for Application No. (s): SE 2013-HM-012
(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:

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

CORPORATION INFORMATION

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

Blue Ocean Development, Inc.
14101 Parke Long Court
Chantilly, VA 20151

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

Kieran J. Gannon
Gene L. Frogale

(check if applicable) [x] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

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

Special Exception Attachment to Par. 1(b)

DATE: April 17, 2013
(enter date affidavit is notarized)

121787

for Application No. (s): SE 2013-HM-012
(enter County-assigned application number (s))

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

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

DESCRIPTION OF CORPORATION: (check one statement)

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

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

David J. Bomgardner, E. Andrew Burcher,	J. Randall Minchew, M. Catharine Puskar,
Thomas J. Colucci, Michael J. Coughlin,	John E. Rinaldi, Kathleen H. Smith,
Peter M. Dolan, Jr., Jay du Von, William A.	Lynne J. Strobel, Garth M. Wainman,
Fogarty, John H. Foote, H. Mark Goetzman,	Nan E. Walsh, Martin D. Walsh
Bryan H. Guidash, Michael D. Lubeley,	

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

Pennoni Associates, Inc.
14532 Lee Road
Chantilly, Virginia 20151

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Celestino R. Pennoni	Pennoni Associates, Inc. (PAI) Employee Stock Option Plan (ESOP). All employees are eligible plan participants; however, no one employee owns 10% or more of any class of stock.
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(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 17, 2013
(enter date affidavit is notarized)

121787

for Application No. (s): SE 2013-HM-012
(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, and number, street, city, state, and zip code)
None

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

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 17, 2013
(enter date affidavit is notarized)

for Application No. (s): SE 2013-HM-012
(enter County-assigned application number(s))

121787

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

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

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

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

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

None

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

Application No.(s): SE 2013-HM-012
(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 17, 2013
(enter date affidavit is notarized)

121787

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

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

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

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

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

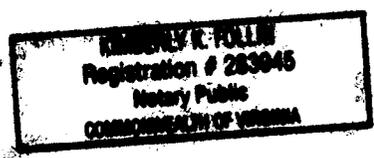
WITNESS the following signature: [Signature]
(check one) [] Applicant [x] Applicant's Authorized Agent

Jonathan D. Puvak, attorney/agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 17 day of April, 2013, in the State/Comm. of Virginia, County/City of Arlington.

[Signature]
Notary Public

My commission expires: 11/30/2015





County of Fairfax, Virginia

MEMORANDUM

DATE: October 7, 2013

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Environmental Assessment: SE 2013-HM-012 Blue Ocean

This memorandum, prepared by Mary Ann Welton, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. Plan citations are followed by a discussion of concerns including a description of potential impacts that may result from the proposed development as depicted on the revised special exception plan dated October 3, 2013. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are in harmony with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

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

Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through February 12, 2013, on pages 7 and 8 states:

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

Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements. . . .

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

- Minimize the amount of impervious surface created.
- Site buildings to minimize impervious cover associated with driveways and parking areas and to encourage tree preservation. . . .
- Encourage cluster development when designed to maximize protection of ecologically valuable land. . . .
- Encourage fulfillment of tree cover requirements through tree preservation instead of replanting where existing tree cover permits. Commit to tree preservation thresholds that exceed the minimum Zoning Ordinance requirements.
- Where appropriate, use protective easements in areas outside of private residential lots as a mechanism to protect wooded areas and steep slopes. . . .
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
- Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements. ”

Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through February 12, 2013, on page 10 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. . . .”

The Fairfax County Comprehensive Plan Policy Plan, 2013 Edition, Environment section as amended through February 12, 2013, on page 12, states:

“Objective 6: Ensure that new development either avoids problem soil areas, or implements appropriate engineering measures to protect existing and new structures from unstable soils.

Policy a: Limit densities on slippage soils, and cluster development away from slopes and potential problem areas...”

Policy b: Require new development on problem soils to provide appropriate engineering measures to ensure against geotechnical hazards.”

Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through February 12, 2013, on page 18 states:

“Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices. . . .”

Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through February 12, 2013, on pages 19-21 states:

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

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

- Environmentally-sensitive siting and construction of development
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the *Policy Plan*)
- Optimization of energy performance of structures/energy-efficient design
- Use of renewable energy resources

- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products
- Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies
- Reuse of existing building materials for redevelopment projects
- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris
- Use of recycled and rapidly renewable building materials
- Use of building materials and products that originate from nearby sources
- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials.

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

- Policy c. Ensure that zoning proposals for residential development will qualify for the ENERGY STAR Qualified Homes designation, where such zoning proposals seek development at the high end of the Plan density range and where broader commitments to green building practices are not being applied.”

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. 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. This application seeks a modification to the minimum lot width requirement of 150 feet in order to allow for the creation of a second lot to be subdivided from the 2.45 acre subject property. One home currently exists on the subject property.

Water Quality/Stormwater Management and Adequate Outfall: The proposed 2 lot, single-family detached subdivision is located south of Leesburg Pike on the 2.45 acre subject property within the Difficult Run watershed. According to the stormwater management narrative water quality and water quantity control requirements for the residential development will be achieved by installing an individual bioretention facility on each of the lots. As an additional measure to improve water quality through the creation of more natural infiltration of stormwater runoff, the applicant proposes to remove some existing impervious surface by taking out a portion of a circular driveway which serves the existing home located on future lot 2. Stormwater management/best management practice measures and outfall adequacy are subject to review and approval by the Department of Public Works and Environmental Services.

On May 24, 2011, the Virginia Soil and Water Conservation Board adopted Final Stormwater Regulations, which became effective September 13, 2011. The regulations require all local governments in Virginia to adopt and enforce new stormwater management requirements; these new requirements must be effective on July 1, 2014. Staff from the Department of Public Works and Environmental Services is pursuing the development of a stormwater management ordinance in order to implement this state mandate, and it is anticipated that this ordinance will become effective on the July 1, 2014 deadline. The applicant will be required to comply with these new requirements for any subject development activities for which the applicant has not, prior to July 1, 2014, obtained VSMP permit coverage under the Virginia Stormwater Management Program General Permit for Discharges of Stormwater from Construction Activities. The proposed development will not be grandfathered from the new ordinance as a result of approval of this zoning application. While all details regarding the new stormwater management ordinance are not known at this time, the general water quality control and water quantity control parameters are included in the Virginia Stormwater Management Program Permit Regulations found at VAC50-60-10 et seq. of the Virginia Administrative Code. The applicant should, therefore, be encouraged strongly to design the proposed stormwater management system consistent with both existing and anticipated stormwater management requirements.

Soils: The eastern portion of the site may be characterized by soils with naturally occurring asbestos. The applicant is encouraged to commit to asbestos dust containment during construction by adhering to appropriate containment standards as recommended and administered by the Occupational Safety and Health Administration (OSHA) prior to commencing construction.

Green Building: This application proposes 2 dwelling units (one existing home and one new home) at a density of .82 dwelling unit per acre which is at the high end of the .5-1 du/ac Plan density range. Consistent with the green building Comprehensive Plan policy, the applicant has provided a development condition to construct the new home to achieve Energy Star Qualified Homes designation for the new dwelling. The development condition should also include language to ensure that documentation demonstrating that the new home has achieved such certification will be provided to staff prior to the issuance of the Residential Use Permit (RUP) for that home. Staff suggests that the applicant consider adding alternative green building residential certification programs such as Earthcraft House or 2012 National Green Building Standard (formerly known as National Association of Home Builders, NAHB) using the Energy Star Qualified Homes path for energy performance to the development condition.

Tree Preservation/Restoration: The subject property is characterized by a significant stand of deciduous trees. The applicant is encouraged to work with the Urban Forestry Management Division (UFMD) of DPWES to identify and preserve as many of the existing tree specimens as possible and to protect such trees and the respective root systems during land disturbance and construction of the new home.

COUNTYWIDE TRAILS MAP:

The Countywide Trails Plan Map depicts a major paved trail defined as asphalt or concrete 8 feet or more in width on the south side of Leesburg Pike immediately adjacent to the access road for the subject property. The applicant is seeking a waiver to this trail requirement.

PGN/MAW



County of Fairfax, Virginia

MEMORANDUM

DATE: September 16, 2013

TO: Megan Duca, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Aileen M. Santiago, Senior Engineer III
Site Development and Inspection Division (SDID) *ASIS*
North Branch
Department of Public Works and Environmental Services

SUBJECT: Special Permit Application SE 2013-HM-012; # 9416 Blue Ocean
Development; Dated September 5, 2013; Tax Map Numbers 019-1-01-0027;
LDS # 9515-ZONA-001-1, Hunter Mill District

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

Chesapeake Bay Preservation Ordinance (CBPO)

There are no Resource Protection Areas on the site.

Floodplain

There are no regulated floodplains on the site.

Downstream Drainage Complaints

There are no unresolved downstream drainage complaints on file.

Stormwater Detention

Stormwater detention is required, if not waived (PFM 6-0301.3). The applicant plans to pursue a waiver of the detention requirements at the subdivision plan stage. In order to approve such a waiver request, it will be incumbent upon the applicant to demonstrate:

- the existence of an adequate outfall in accordance with PFM 6-0203,
- sufficient justification to demonstrate that a bioretention facility cannot be provided on lot 2 for on site detention
- A decrease in impervious surfaces as compared to the existing impervious area,
- the proposed bioretention facility on lot 1 is designed (sized) to provide detention, in addition of water quality requirements



A waiver of detention is likely to be deferred rather than approved at the subdivision stage, unless the conditions described above are demonstrated and subject to compliance with any Public Facilities Manual (PFM) and Zoning Ordinance requirement in effect.

Stormwater Quantity Control

Water quality controls are required for this development (PFM 6-0401.2A). 40% phosphorus removal efficiency will be required for the proposed subdivision. The applicant has proposed one bioretention filter and a conservation area of 0.9 acres on lot 1 to provide best management practice (BMP).

A PFM modification request will need to be submitted to allow BMP facilities on individual lots in accordance with the justifications of PFM Section 6-1307.2A.

The request would be favorably considered if:

- The 40% phosphorus removal requirement is individually met by each lot
- Field run soil testing demonstrates that a minimum separation between the bottom of the bioretention facility and the groundwater table or bedrock can be provided.

In single-family residential areas, conservation areas for purpose of BMP efficiencies must be placed on Homeowner Association lots, and in conservation or floodplain easements and without other encumbrances. The plat shown is showing the conservation area on an individual lot. (PFM, Table 6.3).

A private maintenance agreement for all infiltration facilities will be required prior to final approval of the construction plans.

Adequate outfall

An adequate outfall narrative has been provided. At subdivision plan submission, calculations and a narrative description demonstrating adequate outfall in accordance with the PFM requirements will be necessary. (PFM 6-0203 & 6-0204).

Additional Comment

These comments are based on the 2011 version of the Public Facilities Manual (PFM). The County is in the process of drafting new and revised County codes and requirements to comply with the Virginia Stormwater Management Law and Regulations adopted by the Virginia Soil and Water Conservation Board on May 24, 2011 (Regulations). Please note that the Regulations include provisions (4VAC50-60-48.A) which limit which land-disturbing activities could be considered “grandfathered” by the County, and therefore would not be subject to certain new criteria.

The subdivision plan for this application may be required to conform to the updated PFM and the new ordinance.

Megan Brady, Staff Coordinator
SE 2013-DR-012; Blue Ocean Development
Page 3 of 3

Please contact me at 703-324-1464 if you require additional information.

AS/

cc: Don Demetrius, Chief, Watershed Projects Evaluation Branch, SPD, DPWES
Fred Rose, Chief, Watershed Planning & Assessment Branch, SPD, DPWES
Shahab Baig, Chief, North Branch, SDID, DPWES
Greg McLaughlin, Senior Engineer III, North Branch, SDID, DPWES



FAIRFAX COUNTY PARK AUTHORITY



M E M O R A N D U M

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

FROM: Sandy Stallman, AICP, Manager
Park Planning Branch, PDD 

DATE: September 9, 2013

SUBJECT: SE 2013-HM-012, 9805 Leesburg Pike (Blue Ocean Development)
Tax Map Number: 29-1((1))27

BACKGROUND

The Park Authority staff has reviewed the proposed Development Plan dated September 5, 2013, for the above referenced application. The Development Plan shows one new single-family house on a one-acre parcel zoned R-1. Based on an average single-family household size of 2.91 in the McLean Planning District, the development could add 3 new residents ($2.91 \times 1 = 3$) to the Hunter Mill Supervisory District.

COMPREHENSIVE PLAN GUIDANCE

The County Comprehensive Plan includes both general and specific guidance regarding parks and resources. The Policy Plan describes the need to mitigate adverse impacts to park and recreation facilities caused by growth and development; it also offers a variety of ways to offset those impacts, including contributions, land dedication, development of facilities, and others (Parks and Recreation, Objective 6, p.8). The Parks and Recreation element of the Policy Plan includes an Urban Parks Framework that provides an urban parkland standard and detailed guidance on urban park development. Resource protection is addressed in multiple objectives, focusing on protection, preservation, and sustainability of resources (Parks and Recreation Objectives 2 and 5, p.5-7).

ANALYSIS AND RECOMMENDATIONS

Park Needs:

Using adopted service level standards, staff has identified a need for all types of parkland and recreational facilities in this area. Existing nearby parks (Colvin Run Mill Historic Site, Difficult Run Stream Valley, and Wolf Trap Stream Valley Parks) meet only a portion of the demand for parkland generated by residential development in the Route 7 Corridor. In addition to parkland,

the recreational facilities in greatest need in this area include basketball courts, rectangle fields, diamond fields, playgrounds, neighborhood skate spot, off leash dog area, and trails.

Recreational Impact of Residential Development:

With the Countywide Comprehensive Policy Plan as a guide (Appendix 9, #6 of the Land Use section, as well as Objective 6, Policy a, b and c of the Parks and Recreation section), the Park Authority requests a fair share contribution of \$893 per new resident with any residential rezoning application to offset impacts to park and recreation service levels. This allows the Park Authority to build additional facilities needed as the population increases. To offset the additional impact caused by the proposed development, the applicant should contribute \$2,679 to the Park Authority for recreational facility development at one or more park sites located within the service area of the subject property.

Natural Resources Impact:

The Park Authority owns and operates Difficult Run Stream Valley Park less than 500 ft. from the applicant's property, which receives stormwater from the subject property via a concrete ditch along Leesburg Pike.

There is no stormwater management plan for the increased impervious surface resulting from the construction of the second dwelling. The applicant should be required to detain and treat all increases in stormwater over existing condition using the best available techniques for the site, to include LID development techniques.

The Park Authority is generally opposed to SWM waivers due to the potential for erosion problems downstream along channels that run through Park Authority property. As the downslope property owner, the Park Authority does not support a waiver of stormwater detention requirements as requested by the applicant. Staff recommends that the proposed bioretention filter be modified to satisfy detention requirements in addition to water quality requirements.

All plant materials to be installed should be non-invasive to reduce the spread of invasive species and protect the environmental health of parkland, due to the proximity (that is less, than 1,000 feet) of the Park Authority property.

If there is a question as to whether a native species occurs in Fairfax County, the applicant should check the Digital Atlas of Virginia Flora at <http://vaplantatlas.org/> for clarification. A list of invasive plant species for the state of Virginia can be found at the Virginia Department of Conservation & Recreation Division of Natural Heritage (DNH) website at http://www.dcr.virginia.gov/natural_heritage/documents/invlist.pdf. For a list of native plant species, see the section on the DNH website titled Native Plants for Conservation, Restoration, and Landscaping at: http://www.dcr.virginia.gov/natural_heritage/nativeplants.shtml.

SUMMARY OF RECOMMENDATIONS

This section summarizes the recommendations included in the preceding analysis section, which identified the following major issues:

- Dedicate \$2,679 to the Park Authority for recreational facility development at one or more park sites located within the service area of the subject property.
- Remove invasive species from the landscape plan; consider using only native plantings.
- Provide onsite stormwater management (do not request a waiver).

Please note the Park Authority would like to review and comment on proffers and/or development conditions [*proffers are associated with RZ & PCA applications; development conditions are associated with FDP, FDPA, SE & SEA applications*] related to park and recreation issues. We request that draft and final proffers and/or development conditions be submitted to the assigned reviewer noted below for review and comment prior to completion of the staff report and prior to final Board of Supervisors approval.

FCPA Reviewer: Andy Galusha
DPZ Coordinator: Megan Duca

Copy: Cindy Walsh, Director, Resource Management Division
Chron Binder
File Copy



County of Fairfax, Virginia

MEMORANDUM

DATE: September 18, 2013

TO: Megan Duca, Staff Coordinator
Zoning Evaluation Division, DPZ

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

SUBJECT: Colvin Run, Lot 27, SE 2013-HM-012

I have reviewed the Special Exception application for the above referenced site including a Special Exception Plat, stamped as received by the Zoning Evaluation Division on September 5, 2013; and a comment response letter and draft development conditions, both dated September 5, 2013. The following comments are based on this review and a site visit conducted during the review of the previous submission.

1. **Comment:** Proposed limits of clearing and grading (LCG) provide limited protection for trees #92 and #94, both shown on the plan to be preserved. In addition, the LCG between the proposed dwelling and trees #92 and #94 do not appear to provide adequate space for equipment to work during construction.

Recommendation: Explore the possibility of reorienting the footprint of the house 90 degrees so the shorter side faces the street. Ensure that work space between the building and the LCG is adequate (at least 10 feet) for operation of equipment during construction

2. **Comment:** Given the nature of the site and potential impacts to existing trees proposed for preservation a tree preservation plan and development conditions would help ensure that impacts are minimized and the post-development condition of trees satisfies standards for structural integrity and health.

Recommendation: Suggested language for additional development conditions is as follows:

Tree Value Determination. The Project Arborist shall determine the monetary value of each tree on the Property within fifteen (15) feet of the clearing limits of clearing and grading and 15 inches in diameter and larger shown to be preserved in the Tree Inventory. The monetary value (herein, the "Tree Value") shall be determined using the Trunk Formula Method contained in the 9th edition of the Guide for Plant Appraisal published by the International



Society of Arboriculture, and shall be subject to review and approval by UFMD. The Location Factor of the Trunk Formula Method shall be based on projected post-development Contribution and Placements ratings. The Site rating component shall be equal to at least 80%. The combined total of monetary values identified in the approved subdivision plan for trees designated to be preserved shall serve as a baseline sum in determining the amount of the Tree Bond, as specified below.

Tree Bond. At the time of subdivision plan approval, the Applicant shall post both a letter of credit payable to the County of Fairfax and a cash deposit (herein, the "Tree Bond") to ensure preservation and/or replacement of the trees within fifteen (15) feet of the clearing limits of clearing and grading and 15 inches in diameter and larger shown to be preserved on the Tree Preservation Plan (herein, the "bonded trees"). The sum of the letter of credit shall be equal to one half (50%) of the total monetary value of the bonded trees and the cash deposit shall equal to 33% of the amount of the letter of credit. The Tree Bond letter of credit shall be prepared in a manner acceptable to the County Attorney naming the County as beneficiary to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Preservation Plan, and to ensure the undistributed areas identified on the GDP.

The cash deposit shall be held by the County as a cash reserve that can be used by the County to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Preservation Plan and as approved on the subdivision plan, and for work relating to the protection and management of undistributed areas identified on the GDP.

At any time prior to final bond release, should any bonded tree die, be removed, or severely decline as determined by UFMD, the Applicant shall replace such trees at its expense. Replacement trees shall be of equal size, species and/or canopy cover as approved by UFM. In addition to this replacement obligation, the Applicant shall also make a payment equal to the Tree Value of any bonded tree that is dead, severely declining, or improperly removed. This payment shall be paid to the Tree Preservation and Planting Fund, established by the County for the furtherance of tree conservation objectives.

At the time of approval of the final RUP, the Applicant shall be entitled to request a release of any monies remaining in the cash deposit and a reduction in the letter of credit to an amount up to 20% of the total amounts originally committed.

Any cash or funds remaining in the Tree Bond shall be released two years from the date of the project's final bond-release, or sooner, if approved in writing by UFMD.



Colvin Run, Lot 27
SE 2013-HM-012
September 18, 2013
Page 3 of 3

Tree Preservation Easement. At the time of recordation of the subdivision plat, the Applicant shall record a Tree Preservation Easement running to the benefit both Fairfax County, in a form reviewed by UFMD and approved by the County Attorney, over the tree save areas shown on the Special Exception Plat. The Tree Preservation Easement shall prohibit removal of any trees in the easement areas except those which are dead, dying, diseased, or hazardous, or as necessary for construction of an accessory use or possible additions to the proposed dwelling and existing dwellings shown on the subdivision plan. The deed for each lot shall contain clear language delineating the Tree Preservation Easement and the restrictions within those areas. The property plats shall also delineate and label the Tree Preservation Easement on each lot. Restrictions within tree preservation easements shall include the protection of understory trees, shrubs and groundcovers, woody debris, leaf litter and soil conditions present at the time of subdivision plan submission

The Applicant shall convey forested area management information prepared to satisfy Tree Preservation Plan requirements to the purchaser of each lot at the time ownership of the lot is transferred. Information shall include data collected for the Tree Inventory, updated to note completion of tree preservation activities required by the Tree Preservation Plan approved with the subdivision plan, and any additional work performed for preservation and/or maintenance in Tree Preservation Easements.

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

HCW/
UFMDID #: 183820

cc: DPZ File

Department of Public Works and Environmental Services
Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes



ARTICLE 9
SPECIAL EXCEPTIONS

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

9-610 Provisions for Waiving Minimum Lot Size Requirements

The Board may approve, either in conjunction with the approval of a rezoning or as a special exception, the waiving of the minimum district size and/or lot width requirement for an R District, except for all cluster subdivisions, the minimum lot area and/or lot width requirements for a C district or the minimum district size requirement for the C-9 District, and the minimum district size, lot area and/or lot width requirements for an I district, but only in accordance with the following:

1. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.
2. The applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.
3. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways.
4. Such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied.

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Abbreviations Commonly Used in Staff Reports

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