

NON-EXEMPT



COUNTY OF FAIRFAX
 Department of Planning and Zoning
 Zoning Evaluation Division
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035 (703) 324-1290 TTY 711
<https://www.fairfaxcounty.gov/planning-zoning/zoning/application-packages>

APPLICATION #:

(Staff will assign)

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 Department of Planning & Zoning

DEC 18 2018

Zoning Evaluation Division

ZONING APPLICATION

APPLICATION TYPE(S): RZ PCA FDP CDPA FDPA DPA CP
 CPA PRC PRCA CSP CSPA AA AF AR

TO: THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

(We), JDA Custom Homes, Inc. the applicant(s) petition you to adopt an ordinance amending the Zoning Map of Fairfax County, Virginia, by reclassifying the below noted property from the R-1 District to the PDH-2 District.

(PCA) This application proposes to amend the proffers approved pursuant to _____ (case) in order to permit _____

Is this a partial PCA? _____ (Y/N) If Yes, please identify affected acreage: _____

TAX MAP PARCEL(S):

35-2 ((1)) 47A and 53

TOTAL ACREAGE: Approximately 6.49 acres CURRENT ZONING DISTRICT: R-1

LEGAL DESCRIPTION: Deed Book: _____ Page No.: _____

POSTAL ADDRESS OF PROPERTY (INCLUDING ZIP CODE):

3122 and 3126 West Ox Road, Herndon, Virginia 20171

ADVERTISING DESCRIPTION: (Ex.: North side of Lee Highway approx. 1000 feet west of its intersection with Newgate Blvd.)

Located on the west side of West Ox Road (Rt. 608) approximately 300 ft. south of its intersection with Franklin Farm Road (Rt. 6819)

EXISTING USE:	Residential	PROPOSED USE:	Residential
MAGISTERIAL DISTRICT:	<u>Sully</u>	OVERLAY DISTRICT(S):	

Waiver/Modification of Submission Requirements Requested:

The name(s) and address(es) of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representative on official business to enter on the subject property as necessary to process the application.

Applicant Contact Name:			Agent Name:		
Dennis Rice			Lynne J. Strobel		
Address:			Address: Walsh, Colucci, Lubeley & Walsh, P.C.		
Street: P.O. Box 1208			Street: 2200 Clarendon Boulevard		
City: Vienna	State: VA	Zip: 22183	City: Arlington	State: VA	Zip: 22201
Phone Number:			Phone Number:		
(W): 703-938-1119		(C):	(W): 703-528-4700		(C):
E-mail:			E-mail:		
office@jdacustomhomes.com			lstrobel@thelandlawyers.com		

Signature: Lynne J. Strobel

Date: 12/13/18

DO NOT WRITE IN THIS SPACE

R2/FDP 2018-0359/0360

Date Application Accepted: _____

Application Fee Paid: \$ _____

Lynne J. Strobel
(703) 528-4700 Ext. 5418
lstrobel@thelandlawyers.com



**WALSH COLUCCI
LUBELEY & WALSH PC**

December 17, 2018

Via Hand Delivery

Tracy Strunk, Director
Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

RECEIVED
Department of Planning & Zoning
DEC 18 2018
Zoning Evaluation Division

Re: Proposed Rezoning
Applicant: JDA Custom Homes, Inc.
Fairfax County Tax Map Reference: 35-2 ((1)) 47A and 53
3122 and 3126 West Ox Road

Dear Ms. Strunk:

Please accept the following as a statement of justification for the rezoning of the property identified among the Fairfax County tax map records as 35-2 ((1)) 47A and 53 (the "Subject Property") from the R-1 District to the PDH-2 District.

The Applicant, JDA Custom Homes, Inc., is the contract purchaser of the Subject Property, which consists of approximately 6.36 acres that are located near the intersection of Franklin Farm Road (Route 6819) and West Ox Road (Route 608). The Subject Property is currently developed with two single family homes that were constructed in approximately 1950 and 1977. Neither home is occupied.

The Subject Property is surrounded by existing residential development. To the north, south, and west, the adjacent communities are similarly zoned to the PDH-2 District. Across West Ox Road, to the east, there are single family homes zoned to the R-1 District. The Applicant proposes a development to the same zoning district as adjacent lots with lot sizes that are comparable to the size of adjacent lots.

The PDH-2 District permits residential development up to two (2) dwelling units per acre. Developments zoned to the PDH District are expected to provide high-quality site design and open space in order to create well-designed residential communities. The Applicant has designed a lot layout that preserves existing vegetation, especially around the periphery of the Subject Property. The lot sizes are comparable to surrounding development and 31.5% open space is proposed, which exceeds the requirement of the Fairfax County Zoning Ordinance (the

ATTORNEYS AT LAW

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“Ordinance”). A trail is proposed to connect to West Ox Road to facilitate pedestrian connections in the area.

The Subject Property is located in the Upper Potomac Planning District and in the West Ox Community Planning Sector (UP7) of the Fairfax County Comprehensive Plan (the “Plan”). Further, the Subject Property is identified as an area for additional residential density and subject to the guidance listed in Land Use Recommendation 5. The recommendation states that densities of 0.5-1 dwelling units per acre and up to two (2) dwelling units per acre are anticipated on the Subject Property and other similarly situated parcels. The Plan specifically identifies one of the two parcels in the Subject Property, tax map 35-2 ((1)) 53; however, the Plan does not limit redevelopment and consolidation proposals to just the parcels listed.

In order to achieve up to two (2) dwelling units per acre, the Plan states that “substantial parcel consolidation” is expected, and that,

“the property is developed within a planned development concept, with substantial open space to foster compatibility. The higher density single-family lots should be concentrated internally to the development. Larger lots should be located along the peripheries to provide the transition between densities. It is anticipated that this option area will be developed in single-family detached dwelling units.”

The reference to higher density redevelopment applies to parcels directly southwest of the intersection of West Ox Road, Lawyers Road, and Folkstone Drive. The remaining criteria are applicable, and the Applicant’s proposal to consolidate two (2) lots and construct twelve (12) single family detached homes is consistent with the Plan’s recommendation. The Subject Property is one of the few properties in the area that remains zoned R-1. Pond Mist Way, which ends in a temporary cul-de-sac at the Subject Property was designed to extend into the Subject Property and provide access upon its development. The Applicant’s proposal will extend Pond Mist Way to serve twelve (12) homes concentrated on the interior portion of the site, in conformance with the Plan guidance, in order to maximize tree preservation and open space. The Applicant’s proposal will be compatible with the existing residential communities at Still Oaks and Franklin Farm Road.

In addition to compliance with the use and density recommendations of the Plan, the Applicant’s proposal complies with the Residential Development Criteria listed in Appendix 9 of the Policy Plan as follows:

Site Design

The proposed Conceptual/Final Development Plan (the “CDP/FDP”) ties into an existing neighborhood road connection, orients each of the twelve (12) proposed homes toward the interior cul-de-sac, and provides ample open space including tree preservation for residents and adjacent neighbors. This high-quality site design consolidates two (2) parcels to achieve density compatible with the surrounding communities. A pedestrian trail connects the cul-de-sac with the existing asphalt trail on the western side of West Ox Road, providing access through the

proposed development. The landscaping incorporates a mix of medium and large evergreen trees and small and large deciduous trees in order to create a healthy mix of trees and all-season vegetation.

The Applicant has designed the proposed homes to include mostly front-loaded two-car garages all of which access from a driveway off of Pond Mist Way. The front doors are all oriented internally toward the cul-de-sac. The cul-de-sac will be lined with a row of trees and will include a five foot concrete sidewalk on both sides of the street.

Neighborhood Context

The Applicant proposes a residential development that is designed to complement adjacent neighborhoods and fit into the fabric of the community. Properties to the south and west are developed with single family detached homes at a density commensurate with the Applicant's proposal. The Applicant proposes to enhance this existing residential development pattern with the addition of twelve (12) single family detached homes on the Subject Property. The proposed homes fit in with the residential character of the community at a density that is consistent with Plan recommendations, and the proposed street will complete the cul-de-sac as it was envisioned.

Environment

To the best of the Applicant's knowledge, the Subject Property does not include any environmentally sensitive features that require preservation. The Subject Property is not located within the 100 year floodplain or in a resource protection area, and there are no wetlands located on the site. The soil characteristics and topography of the Subject Property do not present any challenges for the proposed development. Any existing wells located on the Subject Property will be capped and abandoned in accordance with applicable Health Department regulations. The proposal includes two (2) stormwater management facilities – one (1) infiltration facility with underground chambers and one (1) bioretention facility, as shown on the CDP/FDP.

Tree Preservation and Tree Coverage Requirements

The Applicant will meet the tree coverage requirements for the Subject Property. Per the 10-Year Tree Canopy Calculation Worksheet provided on Sheet 2 of 9 of the CDP/FDP, the Applicant will partially satisfy the tree canopy requirement by planting native trees. Per the Worksheet, 81,615 square feet of tree canopy are required for the Subject Property or 30% of the site area. The Applicant is proposing to plant 32,400 square feet of native trees and will preserve trees on-site, which equates to approximately 33,492 square feet of tree canopy. Together, 83,092 square feet of coverage will be provided which exceeds Fairfax County requirements.

Transportation

The Applicant proposes safe and adequate access to the existing road network by extending Pond Mist Way into the proposed development through a single access point. A

public street and cul-de-sac as depicted on the CDP/FDP will conform to the standards of the Fairfax County Public Facilities Manual. The volume of traffic on West Ox Road precludes a connection in this location.

Public Facilities

The proposed development will be served by public water and sewer, both of which are available to the Subject Property. The Applicant will address the issue of contributions to public parks and/or schools in accordance with formulas adopted by the Board of Supervisors in proffers that will be submitted during the processing of the rezoning application.

Affordable Housing

As the proposed development is comprised of less than fifty (50) dwelling units, the Affordable Dwelling Unit (ADU) Ordinance is not applicable. The Applicant will address the issue of a contribution to the Fairfax County Housing Trust Fund in accordance with policies adopted by the Board of Supervisors in the proffers that will be submitted during the processing of the rezoning application.

Heritage Resources

According to the Upper Potomac chapter of the Comprehensive Plan, the Subject Property is not listed on the Inventory of Historic Sites, the National Register of Historic Places, Virginia Landmarks Register, or located in the Historic Overlay District.

To the best of the Applicant's knowledge, the proposed development conforms to all applicable ordinances, regulations and adopted standards, and no waivers or modifications are required. Additionally, to the best of the Applicant's knowledge, there are no known hazardous or toxic substances located on the Subject Property, and none will be generated or stored in conjunction with the proposed development.

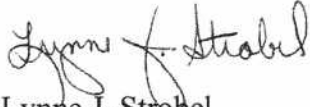
As described in the Plan, the development of the Subject Property to the PDH-2 District will achieve the goals of the Plan and tie into existing community road and trail networks. The proposed twelve (12) single family homes will fit within the fabric of the surrounding residential communities as the Subject Property is one of the last R-1 zoned parcels on the west side of West Ox Road.

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

As always, I appreciate your cooperation and assistance.

Very truly yours,

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

A handwritten signature in cursive script, appearing to read "Lynne J. Strobel".

Lynne J. Strobel

cc: Dennis Rice
Ted Britt
Caroline Herre