

MS-SAGER, LLC

STATEMENT OF JUSTIFICATION

Revised: January 3, 2020

Please accept the following Statement of Justification in support of the submitted planned development (rezoning) application to allow for the redevelopment of 10251 Main Street, 10324 Sager Avenue, 10320 Sager Avenue and 10318 Sager Avenue with nineteen (19) townhouses. This Statement of Justification is submitted in conjunction with the Master Development Plan, prepared by J2 Engineering, Inc., dated June 19, 2019 and revised through January 3, 2020, consisting of thirteen (13) sheets (the “MDP”), and other submitted supporting materials. The contents of this Statement of Justification address the requirements set forth in Section 3.8.2.C.1 of the City of Fairfax Zoning Ordinance by City Council, as amended by City Council through January 22, 2019 (the “Zoning Ordinance”).

MS-Sager, LLC, an affiliate of Madison Homes, Inc. (the “Applicant”), is the contract purchaser of approximately 3.12 acres located in the City of Fairfax. The property consists of four (4) tax parcels identified as 57-4-02-139, 57-4-02-140, 57-4-02-141, and 57-4-02-142 (collectively, the “Subject Property”). The northern portion of the Subject Property is bounded by Main Street; along the eastern boundary is the Fairfax Museum and Visitors Center and Ratcliffe Park; the southern boundary is Sager Avenue, and the western portion of the Subject Property is adjacent to Providence Square Condominium. The Subject Property is currently split-zoned CR (Commercial Retail) and RH (Residential High), and is located within the Old Town Fairfax Transition Overlay District (“TOD”). There are two existing one-story houses located on the RH portion of the Subject Property, both of which front onto Sager Avenue. The majority of the Subject Property, which includes all of the CR portion, is undeveloped. A perennial stream, Daniels Run, bisects the Subject Property. On the western side of Daniels Run is a paved trail that crosses the Subject Property and connects Sager Avenue to Main Street. This trail is part of a larger trail network maintained by the City of Fairfax and is within an easement dedicated to the City of Fairfax. As a result of Daniels Run traversing the Subject Property, a large portion of the Subject Property is located within the 100-year floodplain and is designated as a Resource Protection Area (“RPA”) by the Chesapeake Bay Preservation Ordinance. The extent of these boundaries is depicted on the Existing Conditions Plan on Sheet 2 of the MDP.

PROPOSED DEVELOPMENT

The Applicant proposes to rezone the Subject Property from the RH and CR Districts to the Planned Development Residential (PD-R) District to permit its redevelopment with nineteen (19) townhouses. The Applicant has designed the site so that the townhouses and improvements are clustered on the eastern portion of the Subject Property, outside of the 100-year floodplain. The proposed density is 6.09 dwelling units per acre. The proposed development will activate the currently underutilized parcels with a high-quality residential community. Two types of townhouses are proposed to be constructed on the Subject Property – a rear-entry unit and a front-entry unit. The rear-entry units are primarily located along Main Street and Sager Avenue. By designing the front of these units to face the public streets, these homes will create an attractive and inviting streetscape, consistent with the objectives of the TOD. The front-entry units will have

frontage on the proposed internal private street. The rear of the front-entry units will face west into the RPA and the floodplain. Each of the 19 proposed townhouses will have an integrated two-car garage on the ground level, providing thirty-eight (38) total garage spaces. Eleven (11) additional guest parking spaces will be provided on-site. The forty-nine (49) total parking spaces result in a parking ratio of 2.6 spaces per unit, which exceeds the required parking ratio in the TOD of 1.5 spaces per unit and also the required parking ratio of two spaces per unit for townhouses outside of any overlay district. The proposed townhouses will be designed with traditional architecture that will be compatible with the surrounding area. Building materials may include, but are not limited to, masonry, cementitious siding, and other quality materials. Each townhouse will include an option to install an in-home elevator, which makes the townhouse accessible to a broader population within the City. The proposed houses will be served by public water and public sewer, as generally shown on the MDP.

Along Main Street, the entire frontage of the Subject Property includes a five-foot-wide concrete sidewalk that connects to existing sidewalks to the west and east. The existing conditions along Main Street, which include a sloping topography, the presence of traffic signal poles, and an ADA ramp, preclude the widening of the current sidewalk. Thus, the Applicant proposes to maintain the existing sidewalk on Main Street. An approximately five-foot-wide asphalt trail currently exists along Sager Avenue, which connects from the top of the culvert going under Sager Avenue and ends at Ratcliffe Park. In addition, there are existing overhead utility lines that run along the Subject Property's Sager Avenue frontage and cross Sager Avenue at several points. A relocation of the utility poles would be necessitated depending on the scope of the improvements. In light of these existing conditions, the Applicant proposes to remove the existing asphalt trail and install a new five-foot-wide concrete sidewalk along the Subject Property's Sager Avenue frontage that will connect the existing five-foot-wide brick sidewalk to the west of the Subject Property to Ratcliffe Park. This sidewalk will complete the pedestrian connectivity along the Sager Avenue frontage. Additionally, a five-foot wide concrete sidewalk will be installed along the proposed interior private street, which will connect Sager Avenue to Main Street. The new interior sidewalk will also extend along the front of proposed Lots 17 through 19, which will connect the Subject Property to Ratcliffe Park. This sidewalk will effectively provide a safer, direct route for pedestrians traversing south from Main Street to Ratcliffe Park, rather than crossing through the Fairfax City Museum parking lot.

The Subject Property will be served by a single vehicular access point from Sager Avenue, which will be aligned with Barbour Drive to create a full movement intersection. There will be no vehicular access to or from Main Street. In addition, the Applicant has designed the community so that all of the proposed homes will each have direct access to the proposed internal private street. The Applicant's traffic consultant, Gorove-Slade, has prepared a Traffic Impact Study for the Subject Property and has concluded that the development will not have an adverse impact on traffic on Sager Avenue or any of the surrounding streets.

The Applicant has designed a community that maintains a significant portion of the western area of the Subject Property in its current undisturbed condition, as generally shown on the MDP. As such, approximately 61% of the total area of the Subject Property will remain in open space. However, the Zoning Ordinance permits only 50% of the land area located in a floodplain to qualify as open space; thereby the open space calculation on the Subject Property in accordance with the Zoning Ordinance is 36%. The proposed open space well exceeds the 20% minimum

requirement in planned development districts. The development will also benefit from its proximity to Ratcliffe Park, located immediately to the east. A proposed internal connection from the townhouse development, and a sidewalk along the Subject Property's Sager Avenue frontage will facilitate access to Ratcliffe Park.

As part of the land use entitlement process, the Applicant seeks approval to alter the 100-year floodplain boundary on a portion of the Subject Property. The current 100-year floodplain on-site is a result of the existing tailwater condition from culverts that allows Daniels Run to pass beneath Main Street. The proposed development will not alter the characteristics of the existing channel nor the floodplain elevation. However, the Applicant proposes to modify the floodplain boundary to the location of the elevation where the water backs up. To make this modification, the Applicant will apply for a Conditional Letter of Map Revision from the Federal Emergency Management Agency and will seek approval from City Council to amend the boundaries of the floodplain.

On-site stormwater management quantity requirements will be provided by bio-retention facilities located behind the proposed front-entry garage units. Water quality treatment will be provided by three (3) bio-retention facilities as well as four (4) Filterra systems. The proposed stormwater management design also includes measures to capture public water that outfalls from Ratcliffe Park and then crosses the Subject Property. This outfall will be collected in a proposed storm sewer system and piped around the proposed development, as generally depicted on the MDP. Any proposed on-site stormwater and best management practices ("BMP") facilities for the proposed development will comply with all applicable stormwater regulations.

REZONING APPLICATION/COMPREHENSIVE PLAN

The Applicant requests a rezoning of the Subject Property from the RH and CR Districts to the PD-R District in order to allow the proposed development. The following information is provided in accordance with Sections 3.8.2.C, 6.4.9, and 6.6.8 of the Zoning Ordinance in support of the proposed rezoning:

The proposed development is in substantial conformance with the recommendations of the Comprehensive Plan and the Future Land Use Map for the City of Fairfax. The Comprehensive Plan and Future Land Use Map, which were approved by City Council in February 2019, designate the proposed land use for the site as Townhouse/Single-Family Attached Neighborhood on the eastern portion of the Subject Property and Public Green Network on the western portion. This is a modification from the prior Future Land Use Map, which designated the Subject Property as Mixed Use. The proposed development, comprised of townhouses on the eastern portion of the Subject Property and open space on the western portion of the Subject Property, is wholly consistent with the Future Land Use Map.

The proposed development will provide greater benefits to the City than a development in accordance with current zoning district regulations. The proposed rezoning of the Subject Property to the PD-R District will eliminate the split zoning classification and create a single, unified zoning classification on the Subject Property that more properly aligns with and advances the goals of the City's Future Land Use Map. Moreover, the proposed rezoning utilizes the flexibility afforded by the PD-R district by clustering the development of townhouses on the eastern portion of the site

and allowing the site to be designed in a manner that is appropriate for the surrounding neighborhood, despite the challenges associated with the existing floodplain. The Applicant proposes a mix of townhouse styles to create an attractive streetscape of front doors along both Main Street and Sager Avenue and connects the front-entry townhouses to the large open space that will be preserved on the western portion of the Subject Property. No front-entry townhouses will back to Ratcliffe Park or the City of Fairfax Museum located to the east.

The proposed development will have no material adverse traffic impact on Sager Avenue and will enhance pedestrian connectivity by linking a proposed sidewalk along the frontage of the Subject Property to an existing sidewalk to the west. This Sager Avenue pedestrian walkway will also connect to Ratcliffe Park, providing a continuous sidewalk along this frontage. Further, in addition to maintaining the existing sidewalk along Main Street, the Applicant will install a proposed internal sidewalk that links Sager Avenue to Main Street. These linkages will complete the pedestrian connectivity within the Subject Property to the surrounding public streets. In addition, the development will include installation of new stormwater pipes to convey stormwater coming from Ratcliffe Park to Daniels Run. The pipes will improve the current condition that allows water to sheet flow over the Subject Property toward Daniels Run.

Finally, the proposed development has been designed to ensure compatibility with other existing residential uses to the west of the Subject Property and along Sager Avenue. To develop commercial or mixed use on the Subject Property would not be compatible and would create more significant traffic impacts.

MODIFICATION, SPECIAL EXCEPTION, AND SPECIAL USE PERMIT REQUESTS

In conjunction with the proposed rezoning, the Applicant requests approval of the following modifications, special exceptions, and special use permit:

1. Pursuant to Section 6.17.B.3 of the Zoning Ordinance, a special exception is hereby requested to allow a modification of the mandatory fifty percent (50%) build-to line requirement in the TO District, as set forth in Section 3.7.3.C.3.(a).

As shown on the MDP, Lot 12 is located behind the required build-to line of ten feet from the right-of-way. This proposed modification will be necessary as a result of the installation of a required storm water management/BMP facility that will provide treatment for on-site storm-runoff and will be located between the Lot 12 townhouse unit and the right-of-way line.

2. Pursuant to Section 6.17.B.3 of the Zoning Ordinance, a special exception is hereby requested to allow a modification of the requirement for a 10-foot wide sidewalk, as set forth in Section 3.7.3.D.

Section 3.7.3.D states that a 10-foot sidewalk is required along the front and side (street) property line of a building site where an existing 10-foot sidewalk does not already exist. As to the Sager Avenue frontage, the Applicant proposes a five-foot-wide sidewalk consistent with the existing sidewalk located along Sager Avenue to the

west. This existing sidewalk, continuing from the top of the culvert located on the Subject Property to East Street, was installed in parts as the two parcels between the Subject Property and East Street redeveloped over the past several years. There is no sidewalk along Sager Avenue in front of Ratcliffe Park. The Applicant proposes to continue the existing five-foot sidewalk along the remainder of the Sager Avenue frontage of the Subject Property to Ratcliffe Park to maintain a consistent sidewalk width for the entire length. In addition, there are several existing utility poles carrying overhead utility lines along the Subject Property's Sager Avenue frontage and across Sager Avenue. To accommodate a 10-foot sidewalk along the Sager Avenue frontage would encroach upon the existing right-of-way and would require the relocation of existing overhead utility lines, not only for the utility poles along the Subject Property's frontage, but also for the lines crossing Sager Avenue that connect to off-site poles on adjacent properties. Finally, adding a 10-foot sidewalk would require changes to the existing culvert and further disturbance in the RPA and floodplain. Therefore, existing conditions prevent the Applicant from installing the required 10-foot wide sidewalk along the Sager Avenue frontage.

Along Main Street, there is an existing five-foot wide concrete sidewalk that the Applicant intends to maintain in its existing condition. To the west, the sidewalk expands to an approximately eight-foot wide brick sidewalk in front of Providence Square Condominium. To the east, the existing five-foot-wide concrete sidewalk continues to Locust Street. The Applicant believes that the existing five-foot-wide sidewalk is appropriate given the amount of pedestrian traffic on this portion of Main Street. Further, existing conditions along the Subject Property's Main Street frontage preclude the Applicant from widening the existing sidewalk to 10 feet. First, there are issues with the grade adjacent to the current sidewalk. The grade drops dramatically along a significant portion of the Main Street frontage. As such, to provide for an expansion of the existing sidewalk would require the installation of retaining walls and railings along the back of the sidewalk. The most likely location of these retaining walls and railings would be at the far western point of the Subject Property, where the existing sidewalk crosses over the culvert that carries Daniels Run underneath Main Street. Such features would visually detract from the view along Main Street. In addition, there are multiple traffic signal poles that would require relocation if the existing sidewalk were widened. Currently, there are two traffic signal poles located within approximately two (2) feet of the existing 5-foot wide sidewalk along Main Street. Both poles serve the traffic signal at the intersection of Main Street and the access to Main Street Marketplace. One signal directs traffic on Main Street and the other directs traffic leaving Main Street Marketplace. To expand the existing sidewalk would require the relocation of traffic poles and the potential traffic signal, which would have significant on-site and potential off-site impacts. Additionally, the ability to relocate the traffic signal poles is complicated by the existence of an ADA accessibility ramp, which serves as a primary entrance to the City of Fairfax Bike Trail (the "Bike Trail") that runs from Main Street through the Subject Property to Sager Avenue. Because of the steep grade bordering the existing sidewalk, the ramp was installed to ensure ADA accessibility. A short asphalt trail currently connects the ramp to the existing sidewalk along Main Street. A cement bollard is located within approximately 1 foot of the

sidewalk and marks the entryway into the Bike Trail for bikers and pedestrians. A widening of the existing Main Street sidewalk would not only require relocation of both the cement bollard and existing ADA ramp, but likely require the reconstruction of the existing ADA accessibility ramp.

3. Pursuant to Section 3.8.2.E.3 of the Zoning Ordinance, a modification is hereby requested of the requirement to provide the minimum tree plantings as well as the minimum fence or wall height of the TY2 transitional yard specifications along the Subject Property's boundaries, as set forth in Sections 4.5.5.C.2(b)(1) and 4.5.5.D.

Section 4.5.5.C.2(b)(1) and 4.5.5.D require that a TY2 transitional yard is required for the Subject Property adjacent to other properties. The Applicant requests a modification of this requirement. Along the boundaries that surround the existing open space portion of the Subject Property, the extensive, existing wooded area provides a substantial buffer. The current natural buffer along portions of the northern and southern property lines, as well as along all of the western property line, eliminates the need for any additional screening. Along the portion of the southern boundary line to the west of the proposed site entrance, the yard area adjacent to Sager Avenue includes proposed storm drainage pipes that limit the installation of trees and fencing. Further, as depicted on Sheets 6 and 10 of the MDP, the side façade of Lot 12 and the front façades of Lots 13 through 16 will not be facing any adjacent properties, but will be fronting Sager Avenue. As such, the proposed architecture and streetscape design would be adversely impacted by the installation of any fencing or extensive tree screening. A similar circumstance exists for that portion of the northern boundary line where Lots 1 through 4 are proposed, as their front façades similarly face Main Street. Finally, along the eastern boundary of the Subject Property, the Applicant proposes a sidewalk and retaining wall along a large portion of the property line, thereby precluding tree planting in this area. To provide the desired screening between the proposed townhouses and the existing buildings to the east, the Applicant is seeking permission to install landscaping on the adjacent parcel that is owned by the City of Fairfax.

4. Pursuant to Section 3.8.2.E.3 of the Zoning Ordinance, a modification is hereby requested of the requirement to provide street trees along all streets at the rate of one canopy tree for every 40 linear feet and spaced a maximum of 50 feet apart, as set forth in Section 4.5.6.

Street trees have been added along the site frontage along Sager Avenue, where possible. The required spacing per Section 4.5.6.B cannot be achieved because of existing overhead utility poles and a proposed storm sewer pipe. Providing the requisite street trees is also precluded by the proposed internal private road and BMP maintenance access entrances. As to Main Street, existing conditions prevent the Applicant from planting the required street trees. The existing grass strip between back of curb and sidewalk is approximately 1.5 feet and does not provide adequate space for tree plantings. Additionally, an existing 15-inch storm sewer and accompanying easement prevent street trees from being planted in the front yards of Lots 1 through 4.

5. Pursuant to Section 4.15.7.C.2(b)(1) of the Zoning Ordinance, a special use permit is hereby requested to allow for the modification of the 100-year floodplain boundary.

The proposed floodplain boundary modification meets the approval considerations for a special use permit set forth in Section 6.7.7 of the Zoning Ordinance. The modification of the floodplain boundary is consistent with the Comprehensive Plan and the Future Land Use Map, which designates the western portion of the Subject Property as Public Green Network, as it improves an existing tailwater condition from culverts that allows Daniels Run to pass beneath Main Street as well as maintains this portion of the Subject Property as open space. The modification is compliant with all applicable Zoning Ordinance requirements related to recreation and open space. In addition, the modification of the floodplain boundary will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use nor will it have a negative, adverse effect on public welfare, property and improvements in the neighborhood, as the modification will not raise the floodplain elevation. As stated above, the modification of the 100-year floodplain boundary continues to advance the goals of the City's Future Land Use Map that preserves the western portion of the Subject Property as contiguous open space. Proposing to improve the existing tailwater condition through the modification of the floodplain boundary will have a positive, beneficial impact on, not only the proposed development of the townhouses on the eastern portion of the Subject Property, but also the surrounding neighborhood, as the Sager Avenue culvert has already been identified by the City as a future improvement project.

6. Pursuant to Section 2.7.1 of the Public Facilities Manual ("PFM"), a modification is hereby requested of the requirement to provide sidewalks on both sides of an internal street.

The Applicant proposes to construct a 5-foot wide concrete sidewalk that will run along the eastern side of the proposed internal private street, which will provide a direct pedestrian link from Sager Avenue to Main Street. The installation of a sidewalk on the west side of the internal street is not appropriate because of the shorter driveway lengths designed for the front-entry units along this street. To provide ADA compliant sidewalks on both sides of the internal street would reduce the usable area on this portion of the Subject Property to a size that would preclude the reasonable development of curbs, driveways, and garages on the lot. In addition, the presence of the RPA to the rear of the front-entry units prevents the Applicant from shifting the units to the west. Given the number of proposed townhomes, a sidewalk on both sides of the private street is not necessary.

7. Pursuant to Detail 40.01 of the PFM, a modification is hereby requested of the 100-foot right-of-way requirement and the 4-foot wide buffer strip requirement along Main Street, an arterial roadway.

Currently, Main Street is dedicated to a varied width but a minimum of approximately 82 feet along the frontage of the Subject Property. The existing sidewalk along Main

Street begins 1.5 feet behind the back of curb. The existing topography along the Main Street sidewalk adjacent to the Subject Property drops off substantially to the floodplain and the box culvert pipe. The existing slope condition poses significant challenges to meeting the required right-of-way and buffer strip dimensions. In addition, existing improvements along this frontage include traffic signal poles and an ADA accessibility ramp that serves as the primary entrance to the Bike Trail. To provide the required right-of-way and buffer strip in this area would likely result in significant reconstruction and relocation of the existing infrastructure.

8. Pursuant to Detail 40.01 of the PFM, a modification is hereby requested of the drive aisle and street width requirements for local public streets.

The Applicant proposes to construct a 23-foot wide private, internal street, which will provide primary access for all 19 townhouses. The modified street width is appropriate for the low traffic demands that this development will generate. In addition, because the townhouses will have shorter setbacks from the internal private street, having a modified street width will reduce traffic speeds within the neighborhood. Lastly, the proposed street width will reduce the amount of impervious area created by the project and will avoid additional disturbance to the RPA and the floodplain on the western portion of the Subject Property.

The Applicant proposes a rezoning of the Subject Property to the PD-R District that will result in the development of 19 townhouses. The Applicant's proposal presents an opportunity to redevelop and activate currently underutilized parcels with a high-quality residential community that is consistent with the recommendations of the City's Comprehensive Plan and Future Land Use Map. The Applicant has designed a community that will advance the Comprehensive Plan's objective to develop the City's Public Green Network as well as complete and complement the existing pattern of residential development in the area. The Applicant is committed to working with the City and the surrounding community to ensure that the proposed development fits into the fabric of the City of Fairfax.