PROFFERS

RZ 2003-MV-051
VIRGINIA BUILDERS GROUP
7706 Gambrill Road

February 16, 2004

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in this rezoning proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference 98-1-((1))-37 (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Rezoning request for the R-3 District is granted. In the event said application request is denied, these proffers shall be null and void. The Owners and the Applicant ("Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The proffered conditions are:

I. GENERAL

1. Substantial Conformance. Subject to the proffers and the provisions of Article 18 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development shall be in substantial conformance with the General Development Plan (GDP), containing four (4) sheets prepared by Urban Engineering, dated January 27, 2004.

2. Lot Yield. The development shall consist of three (3) single family detached units. The building envelopes including house and driveway location and sizes,

as shown on the GDP, are approximate and may be adjusted upon final construction or lot grading plans within the building setbacks, as permitted by Section 18-204(5) of the Ordinance. The sales contract shall disclose the applicable setback requirements set forth in the Zoning Ordinance for future building additions.

3. Architecture. The architectural design of the proposed single family dwellings shall be compatible with the existing surrounding communities. The front façade of the houses will primarily be brick or similar masonry material. In addition, a minimum of two architectural features from the following list shall be incorporated into each house design: bay window, architectural columns at front entrance, ornamental roof dormer(s), ornamental window shutters, ornamental arches along the front building facade, ornamental window features at the front entrance to include either a fanlight window, sidelight windows or a transom window. The roof may either be a hipped design or a gable design.

II. TRANSPORTATION

4. Right of Way Dedication and Associated Frontage Improvements. At the time of subdivision plan approval or upon demand, whichever occurs first, the Applicant shall dedicate at no cost to the County in fee simple to the Board of Supervisors of Fairfax County, the right-of-way along the site frontage to Gambrill Road measuring approximately 8,717 sq. ft. from the centerline of Gambrill Road, as generally shown on the GDP. Prior to issuance of the final RUP for the approved units, the Applicant shall improve the property frontage along Gambrill Road to provide a curb line and street section that generally corresponds to the existing street configuration north and south of the application. The final configuration of this improvement shall be subject to review and approval by VDOT and DPWES.

5. Pedestrian Trail. Prior to issuance of the first Residential Use Permit (RUP), the Applicant shall construct a six (6) foot asphalt trail within the right-of-way dedicated per proffer #4 above, as generally shown on the GDP.

6. Driveway Access Easement. At the time of record plat approval, a cross-access easement agreement in a form approved by the County Attorney shall be executed to ensure available driveway access to each lot as generally observed on the GDP. Notwithstanding that shown on the GDP, the subdivision plan shall reflect a minimum distance of 6 ft. between the driveway access easement and the pedestrian trail.

7. Length of Driveways. All driveways serving the approved residential units shall be a minimum of 18 ft. in length starting at the entrance to the garage.

III. ENVIRONMENTAL

8. Stormwater Management Facilities and Best Management Practices. The Applicant intends to pursue a Stormwater management waiver from the Department of Public Works and Environmental Services (DPWES) to eliminate the need for a stormwater management pond on-site and to use alternative BMP measures. The Applicant shall have the right to promote low impact design principles through the utilization of alternative innovative measures on each lot and as approved by DPWES. Such measures may include but are not limited to: a roof downspout system with sump basins, grass swales and/or other similar bio-retention facilities. The maintenance responsibilities shall be that of the individual property owners on which each system is located and shall be disclosed in writing in the sales contract. Any such facilities shall also be identified on the House Location Plat for each individual dwelling.

The Applicant acknowledges that if the applicable stormwater management requirements cannot be fulfilled insubstantial conformance with the requirements of these proffers then a Proffered Condition Amendment may be necessary.

9. Post Development Discharge. To reasonably protect adjacent properties from increased volumes of runoff, the discharge of stormwater shall comply with the provisions of Section 6-0202 of the PFM, such that post development discharge does not exceed pre-development levels.

10. Tree Preservation Plan. The tree preservation area limits duplicate the limits of clearing and grading identified on the GDP. The Applicant shall submit a tree preservation plan as part of the first and all subsequent subdivision plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forestry Division. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees twelve (12") inches in diameter and greater within twenty (20') feet of the property limits. The tree survey shall also include areas of clearing and grading not shown on the GDP resulting from engineering requirements, such as off-site clearing and grading for utilities or stormwater outfall. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown, pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

11. Tree Preservation Walk-through. The Applicant shall retain the services of a certified arborist or landscape architect and shall have the limits of clearing and grading

marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an Urban Forestry Division representative to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Trees not likely to survive construction due to their species and/or proximity of disturbance will also be identified at this time and the Applicant shall also be given the option of removing them as part of the clearing operation. Any tree designated for removal at the edge of the limits of clearing and grading or within tree preservation area shall be removed using a chain saw to avoid damage to surrounding trees. 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.

12. Tree Preservation Fencing. All trees shown to be preserved on the Tree Preservation Plan shall be protected by tree protection fencing. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures within or adjacent to tree save areas. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist. Three days prior to the commencement of any clearing, grading or demolition activities, the Urban Forestry Division shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed.

13. Archeological. Prior to land disturbing activity, the Applicant shall conduct a Phase I archeological survey conducted in substantial conformance with methodology approved by County Archeological Services. On completion, all such studies shall be forwarded to County Archeological Services. If warranted by the initial

Phase I survey, as determined by the County Archeologist, subsequent Phase II and/or Phase III evaluation and recovery shall occur, with the scope of work of such potential Phase II and Phase III analyses being subject to review and approval by County Archeological Services.

14. Energy Conservation. All homes on the Property shall meet the thermal guidelines of the CABO Model Energy Program for energy-efficient homes, or its equivalent as determined by DPWES, for either gas or electric energy systems as may be applicable.

IV. OTHER

15. Temporary Signage. No temporary signs (including "popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off-site by the Applicant or at the Applicant's direction to assist in the initial marketing and sale of homes on the subject Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or sale of residential units on the subject Property to adhere to this proffer.

16. School Contribution. A contribution of $7,500 shall be made to the Board of Supervisors of Fairfax County for a specific fund designated for schools impacted by the proposed development. The contribution shall be made at the time of, or prior to, subdivision plan approval.

17. Affordable Dwelling Units. At the time of first building permit issuance, the Applicant shall contribute to the Fairfax County Housing Trust Fund the sum equal to one half of one percent (1/2 %) of the projected sales price for each house to be constructed. The projected sales price shall be determined by the Applicant in

consultation with the Fairfax County Department of Housing and Community Development (HCD) and DPWES. The timing and amount of such contribution may be modified at the Applicant's sole discretion based on the adoption of a future amendment to the formula adopted by the Board of Supervisors.

18. Park Authority. The Applicant shall contribute $2,650.00 to the Park Authority to offset the recreational needs of the new residents, for use in parks in the Mount Vernon District. The required contribution shall be made at the time of subdivision plan approval.

19. Construction Hours. The hours of clearing and grading activity during initial construction shall be limited to the hours between 7:00 a.m. and 5:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturday, provided work that has commenced and for practical purposes cannot reasonably be stopped (i.e., pouring of concrete or work that is integral to site stabilization or erosion and sedimentation control) may continue beyond these hours to a proper point of completion as otherwise permitted under the Zoning Ordinance. There shall be no construction activity on Sunday.

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These proffers may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

Virginia Builders Group, LLC
(Contract Purchaser of TM 098-1((1)) parcel 37)

BY: _____
Robert J. Leonard, its Managing Member

Title Owner:
Fairfax County Tax Map
98-1-((1))-37

By: Kishwar Bhatti
Name: Kishwar Bhatti

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