

## PROFFERS

RZ/FDP 1997-PR-024

May 11, 1998

Pursuant to Section 15.2-2303, Code of Virginia (1950), as amended, Yash P. Saluja, Rani Saluja, Girdhari Chadha, and Usha Chadha, the title owners and applicants, for themselves and their successors and assigns (collectively, the "Applicants") in RZ/FDP 1997-PR-024, filed for property identified as tax map 39-2-((11))- Parcels 74 and 75B (the "Application Property"), agree to the following proffers, provided that the Board of Supervisors approves a rezoning of the Application Property to the PDH-4 Zoning District, in conjunction with a Conceptual/Final Development Plan (as defined below), for five (5) residential lots:

1. Subject to the provisions of Section 16-403 of the Fairfax County Zoning Ordinance (the "Ordinance"), development of the Application Property shall be in substantial conformance with the Conceptual/Final Development Plan ("CDP/FDP"), prepared by Bury Pittman, dated January, 1997, and revised through March 2, 1998.

2. Applicants shall dedicate, in fee simple, right-of-way 26 feet from the centerline of existing Madrillon Road along the Application Property's frontage, as shown on the CDP/FDP. This dedication shall be made at time of subdivision plat approval or upon demand from Fairfax County, whichever shall first occur. Applicants shall construct road improvements to Madrillon Road with face of curb set at 19 feet from centerline, as approved by the Virginia Department of Transportation (VDOT), and as shown on the CDP/FDP. These road improvements shall be constructed concurrent with the development of the Application Property.

Applicants reserve density credit in accordance with the provisions of Section 2-308 of the Ordinance for all street dedications described in these Proffers or as may reasonably be required by Fairfax County or VDOT at time of subdivision plat approval.

3. The four foot sidewalk as shown on the CDP/FDP shall be constructed concurrent with the development of the Application Property.

4. The area labeled as undisturbed open space on the CDP/FDP shall remain undisturbed except as may be necessary to construct the recreation facilities (including the proposed pedestrian bridge crossing) as shown on the CDP/FDP and as may be necessary for the installation of utilities as shown on the CDP/FDP. If the location of utilities within the undisturbed open space is necessary, all crossings shall minimize disturbance. If all or part of the area labeled as open space on the CDP/FDP is utilized for credit in order to satisfy BMP requirements, the Applicants shall reserve this area as a conservation easement less any required utility easements placed in this area. All open space shown on the CDP/FDP shall be conveyed

to a homeowners association ("HOA") to be established for the Application Property. The governing documents for the HOA shall specifically provide that the HOA shall maintain all open space (including any open space frontage on Madrillon Road) and shall maintain the driveway within any common driveway easement.

5. In accordance with Section 6-110.2 of the Fairfax County Zoning Ordinance, Applicants shall expend a minimum of \$955.00 per constructed residential dwelling unit for developed recreational facilities on site. Those recreational facilities will be located as shown on the CDP/FDP and are further described on the CDP/FDP.

6. The residential dwellings to be constructed on the Application Property shall be sited conceptually as shown on the typical lot detail shown on the CDP/FDP. Applicant shall provide the following elements: surface treatment such as pavers, plantings for screening, and privacy fences. The location and design of these elements shall be as conceptually shown on the CDP/FDP. Applicants' commitment as described herein does not include a commitment to specific house locations or building footprints. House locations and building footprints shall be determined by the Applicants at time of subdivision plan submission.

7. Existing trees and vegetation beyond the limits of clearing and grading shall be protected and preserved during construction of the new dwellings. Except for dead, diseased or dying trees, all existing trees on the Application Property beyond the limits of clearing and grading that are damaged or destroyed by construction will be replaced with another tree or trees of a species and size consistent with the applicable guidelines of the Public Facilities Manual, Section 12. Any required tree preservation plan shall be submitted for review by the Urban Forester in connection with subdivision plan submission.

8. Applicants reserve the right to make minor adjustments to the internal lot lines of the proposed subdivision at the time of subdivision plan submission based on final house locations and building footprints. These adjustments shall not reduce the gross open space indicated on the CDP/FDP or modify peripheral setbacks indicated on the CDP/FDP.

9. The Applicants intend to request a waiver of on-site stormwater detention based upon the availability of off-site detention capacity in the existing regional stormwater management pond identified in Note 17 of the CDP/FDP. In the event that said waiver is not granted, on-site detention shall be provided in accordance with the Public Facilities Manual. If provision for on-site stormwater management precludes development in substantial conformance with the proffered CDP/FDP in accordance with the provisions of Section 18-204 of the Zoning Ordinance, the Applicants shall seek a proffered condition amendment to amend the proffered CDP/FDP.

10. Upon filing of subdivision plans for the Application Property with Fairfax County, Applicants shall provide written notice of such filing to the owners of the properties described on Tax Map 39-2((45))(2)-10 and Tax Map 39-2((45))(2)-9 and to Madrillon Estates II

HOA, Inc. Applicants shall file a copy of this notice as part of Applicants' subdivision plan submission for the Application Property.

11. The fence to be constructed along the Madrillon Road frontage of the Application Property, as shown on the CDP/FDP, shall be subject to the following: (a) on Lot 4 shown on the CDP/FDP, the southern terminus of the fence shall be at the approximate location of the face of the southern wall of the home to be constructed on said Lot; (b) on Lot 1 shown on the CDP/FDP, the northern terminus of the fence shall be at the approximate location of the face of the northern wall of the home to be constructed on said Lot.

12. In consultation with the Urban Forester, Applicants shall plant six (6) to ten (10) additional non-deciduous trees, such as evergreens, arborvitae, or hollies, each approximately four (4) to six (6) feet in height, in the rear yards of the residential dwellings on proposed Lots 1 and 2 to assist as a buffer for the adjacent residential dwellings to the south of the Application Property.

13. In connection with the subdivision plan for the Application Property, Applicants will endeavor to locate the residential dwelling on proposed Lot 2 such that the closest point of the principal structure is between 18 to 20 feet from the common property line with Lot 9, Madrillon Estates II.

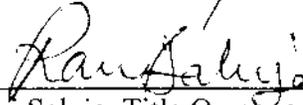
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Signature Page to Proffers  
RZ/FDP 1997-PR-024



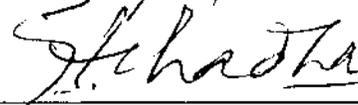
Yash P. Saluja, Title Owner and Applicant

Date signed: 5/8/98



Rani Saluja, Title Owner and Applicant

Date signed: 5/8/98



Girdhari Chadha, Title Owner and Applicant

Date signed: 5/8/98



Usha Chadha, Title Owner and Applicant

Date signed: 5/8/98

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