

PROFFERS

STONEPOINT, L.C.

RZ 1997-MV-010

June 12, 1997

Pursuant to Section 15.1-491(a), Code of Virginia, 1950 as amended, Stonepoint, L.C., (hereinafter referred to as the "Applicant"), the Applicant in RZ 1997-MV-010, filed for property identified as Tax Map 97-4 ((1)) 22 and 23 (hereinafter referred to as the "Application Property"), agrees to the following proffers, provided that the Board of Supervisors approves a rezoning of the Application Property to the R-3 District, in conjunction with a Generalized Development Plan (GDP) for sixteen residential single-family detached dwelling units. These proffers shall replace and supersede all previous proffers accepted with regard to the Application Property.

1. GENERALIZED DEVELOPMENT PLAN -

- a. Development of the Application Property shall be in substantial conformance with the GDP prepared by Dewberry and Davis consisting of one (1) sheet dated January, 1997.
- b. Pursuant to Paragraph 5 of Section 18-204 of the Fairfax County Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the building lots shown on the GDP without requiring approval of an amended GDP provided such changes are in substantial conformance with the GDP as determined by the Zoning Administrator, agents or assigns.

2. TRANSPORTATION -

- a. Subject to Virginia Department of Transportation ("VDOT") and Department of Environmental Management ("DEM") approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of 45 feet from the existing centerline of Hooes Road along the Application Property's frontage as shown on the GDP. Such dedication shall be made at time of final subdivision plan approval or upon demand from either DEM or VDOT, whichever occurs first. If determined to be necessary by VDOT and DEM, Applicant shall grant temporary construction and grading easements up to a maximum of 15 feet from the dedicated right-of-way. Such easements shall be granted at time of final subdivision plan approval or upon demand from either DEM or VDOT, whichever occurs first.

- b Subject to VDOT and DEM approval, the Applicant shall construct road improvements along the Application Property's Hooes Road frontage measuring 35 feet from centerline, within the dedicated right-of-way and as shown on the GDP.
- c Subject to VDOT and DEM approval, the Applicant shall grant standard sight easements in a form as approved by the Fairfax County Attorney as may be reasonably necessary along Hooes Road to ensure adequate sight distance. Such easements shall be granted at time of final subdivision plan approval or upon demand from either VDOT or DEM, whichever occurs first. Purchasers of proposed lot 1, lot 7, lot 13 and lot 15, as identified on the GDP, shall be informed in writing of the existence of said easements.
- d Advanced density credit shall be reserved as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be reasonably required by Fairfax County or VDOT at time of site plan approval.

3. **ACCESS -**

Applicant shall provide access to the Application Property by one access point in a location as generally shown on the GDP. No private driveways or individual points of access shall be provided directly to Hooes Road.

4. **STORMWATER MANAGEMENT -**

Applicant shall provide stormwater management (SWM) and Best Management Practices (BMPs) for the Application Property in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance as shown on the GDP. In the event that DEM and the Department of Public Works determine that SWM or BMPs, as shown on the GDP, are not needed, the area shown for such facilities shall be preserved in undisturbed open space and dedicated to the homeowner's association.

5. **LANDSCAPING AND OPEN SPACE -**

- a. The Applicant shall conform to the limits of clearing and grading as shown on the GDP subject to the installation of utilities, if necessary, as approved by DEM.

- b. Prior to the approval of a grading plan, Applicant shall prepare a tree preservation plan to be submitted as part of the house location plans. This plan shall provide for the preservation of specific quality trees or stands of trees located on individual lots which can be preserved to the maximum extent feasible without precluding development of a typical home on each lot as shown on the GDP. The Urban Forestry Branch of DEM may require modifications to the preservation plan to the extent said modifications do not alter the number of dwelling units as shown on the GDP, reduce the size of the units or require the installation of retaining walls.

6. **DESIGN -**

The houses to be constructed on the Application Property shall be architecturally compatible with houses in Crosspointe.

7. **AFFORDABLE HOUSING -**

At time of final subdivision plan approval, the Applicant shall contribute to the Fairfax County Housing Trust Fund the sum equal to one-half of one percent (.5%) of the projected sales price of the house to be built on each approved lot to assist Fairfax County's low and moderate income housing goals. The projected sales price shall be determined by the Applicant in consultation with the staff of the Fairfax County Department of Housing and Community Development and DEM.

8. **HERITAGE RESOURCES -**

- a. Prior to any land disturbing activities on the Application Property, Applicant shall conduct a Phase I archaeological study and, if necessary, a Phase II archaeological study on the Application Property. The cost of both a Phase I and Phase II archaeological study shall not exceed the sum of \$5,000.00. The studies shall be performed by a qualified archaeological professional approved by the Heritage Resources Branch of the Fairfax County Park Authority ("Heritage Resources"). The results shall be reviewed and approved by Heritage Resources. The studies shall be completed within three months from the date of this rezoning approval unless otherwise mutually agreed to by the Applicant and Heritage Resources.

- b. If the Phase I and/or Phase II studies conclude that significant artifacts are present on the Application Property, Heritage Resources shall notify Applicant in writing within thirty (30) days of the submission of the study results to Heritage Resources of its desire to conduct additional investigations. Applicant shall provide access to the Application Property so that Heritage Resources may conduct additional investigations for a period of two months from the date of notification provided that said investigations shall not interfere with the proposed construction and development schedule of the Application Property or affect the number of lots or lot layout as shown on the GDP. Additional time may be permitted to conduct such investigations if mutually agreed to by the Applicant and Heritage Resources.

9. MISCELLANEOUS -

- a. Applicant shall provide a wash down facility for construction vehicles on-site during site development.
- b. Prior to executing all sales contracts, all prospective purchasers shall be informed in writing of the future widening of Hooes Road, the existence of the D.C. Correctional Facility and the location of available information on plans for the facility.
- c. At time of final record plat approval, Applicant shall escrow with the Department of Environmental Management (DEM) the sum of Two Thousand, Five Hundred and No/100 Dollars (\$2,500.00) for use by the adjacent Crosspointe homeowners exclusively for the purchase and planting of trees along the homeowners' open space area contiguous to the Application Property. Crosspointe homeowners shall provide funds by a matching contribution within ninety (90) days from the escrow of the Applicant to provide evidence to DEM of their contribution to the tree purchase and planting effort. In the event the ninety (90) day period expires and Crosspointe homeowners cannot match the Two Thousand, Five Hundred and No/100 Dollars (\$2,500.00) contribution, any escrowed funds exceeding the homeowners' matching fund contributions shall be immediately returned to the Applicant upon request by the Applicant. The matching amount of escrowed funds will then be released to the Crosspointe Homeowners Association for tree purchase and planting. The Applicant shall not be responsible for any purchase, planting, or maintenance of the trees under this proffer.

- d. Any connection to the sanitary sewer line within Crosspointe shall be accomplished with the 15 foot wide area subject to the recorded easement. All construction activity shall be done in strict accordance with the terms and conditions of the Deed of Easement, including but not limited, to, the responsibility for reseeding or resodding the disturbed area.

10. **SUCCESSORS AND ASSIGNS -**

These proffers will bind and inure to the benefit of the Applicant, its successors and assigns.

[SIGNATURES BEGIN ON NEXT PAGE]

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APPLICANT/OWNER OF TAX MAP
97-4 ((1)) 22 and 23

STONEPOINT, L.C.

By: Otis D. Coston, Jr.

Name: Otis D. Coston, Jr.

Its: Manager

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