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APR 2 4 1998

ZONING EVALUATION DIVISION

PROFFERS

RZ 97-SP-022

April 21, 1998

Pursuant to Section 15.2-2303A, Code of Virginia, 1950 as amended, the owner and the applicant, for themselves and for their successors and assigns in RZ 97-SP-022, filed for property identified on Fairfax County tax map as 78-3-((3))-2A owned by Dorothy P. McClintock (hereinafter referred to as the ("Application Property"), agrees to the following proffers, provided that the Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves a rezoning of the Application Property from the R-1 Zoning District to the R3 Cluster Zoning District, in conjunction with a Generalized Development Plan (GDP) for eight (8) detached dwelling units.

1. The Application Property shall be developed in substantial conformance with the GDP, dated March 21, 1997, revised through August 26, 1997, prepared by Charles P. Johnson and Associates. Pursuant to Section 18-204 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance"), minor deviations from the GDP may be permitted as determined by the Zoning Administrator.

2. The total number of dwelling units on the Application Property shall not exceed 8.

3. The Applicant shall conform to the limits of clearing and grading shown on the GDP subject to the installation of utility lines, if necessary, as approved by DEM. Any utility lines located in areas shown as not to be cleared or graded in Parcel A of the GDP shall be located and installed in the least disruptive manner possible considering cost and engineering. A replanting plan shall be developed and implemented, as approved by the Urban Forester (DEM), for any wooded areas shown as not to be cleared or graded that must be disturbed by utilities in Parcel A.

4. The applicant shall remove the existing structures as indicated on the GDP and revegetate those areas in Parcel A which are disturbed.

5. Right-of-way measuring 26' feet from the centerline of Spring Lake Road (Rte. 701). shall be dedicated and conveyed in fee simple to the Fairfax County Board of Supervisors at time of recordation of final subdivision plat, or upon demand by Fairfax County, whichever occurs first.

6. The Applicant shall construct road improvements for Spring Lake Road on the Application Property consisting of curb and gutter 19' from the centerline of Spring Lake Road. A 4' sidewalk shall be provided within the right-of-way.

7. All land area dedicated for public uses in conjunction with these proffers and all density related to land area of these dedications is hereby reserved for the subject property pursuant to Paragraph 5 of Section 2-308 of the Zoning Ordinance, as it may apply.

8. The development of the proposed residential dwelling units on the Subject Property will utilize the Virginia Energy Saver Homes Package energy conservation techniques and design features or an equivalent program as approved by DEM.

9. The applicant shall make contact with the Burke Lake Meadow II Homeowners Association to actively pursue the feasibility of incorporating the development and demonstrate such to DEM prior to subdivision plat approval. If the Burke Lake Meadow II Homeowners Association will permit, Parcel A shown on the GDP will either be conveyed to the Burke Lake Meadow II Homeowners Association or, if not, to a homeowners association formed as approved by the County Attorney and will be permanent passive open space for the development. The HOA covenants shall require that trees in this area shall not be disturbed, except for removal of dead or dying trees in consultation with the Urban Forester or as otherwise provided in these proffers. There shall be no structures or fences located on Parcel A.

10. Applicants shall contribute the sum of Seven Thousand Nine Hundred Twenty-Four Dollars ($7,924.00) to the Fairfax County Park Authority to acquire/develop/maintain park and recreation facilities in a nearby park to serve the residents of the proposed development. Said contribution shall be made at time of record plat approval. At the date on which this monetary contribution is required, the amount shall be adjusted upward or downward based on any increase or decrease in the Consumer Price Index ("CPI") for the Washington Metropolitan Area which may have occurred since the approval date of this application by the Board of Supervisors.

11. Subject to coordination with the Urban Forester (DEM), the Applicant shall perform the following measures relating to tree preservation on the property:

    - Have an arborist certified by the International Society of Arboriculture perform an evaluation of the existing vegetation to determine the condition of the trees designated to be saved prior to any demolition of existing structures or land disturbing activities. The certified arborist shall then prepare a tree preservation plan.

removed from the tree save areas in accordance with the recommendations of the tree preservation plan. Strangling vines shall be removed from any trees designated to be saved which are threatened by climbing English Ivy, as determined by the certified arborist.

- Trees designated to be saved by the tree preservation plan within Parcel A of the GDP shall be marked on the ground at the dripline with a filter fabric fence or equivalent demarcation prior to clearing and grading and at all times during construction. Signage affirming "restricted access" shall be provided on the temporary fence highly visible to construction personnel. The arborist contracted by the Applicant shall monitor the construction of the proposed development to ensure consistency with the tree preservation plan.

As a result of final engineering in the event the areas designated as tree save areas on the GDP are modified or cannot be preserved, equivalent tree save areas or equivalent landscaped areas shall be substituted on the site as determined by the Public Facilities Manual.

Prior to any site disturbance, the Applicant shall identify and transplant specific existing quality trees on the Application Property that may be good candidates for transplantation to the open space parcel if determined feasible by the certified arborist contracted by the Applicant, in consultation with the Urban Forester. Where feasible the transplanted trees will be located adjacent to the rears of the lots.

<u>If any of the transplanted plant material needs to be replaced within one year of transplanting, replacement material shall be determined according to the Public Facilities Manual Article 12-0403.7. Landscape materials listed in these proffers, other than those to be transplanted, shall be bonded in accordance with Fairfax County procedures.</u>

12. No lot shall have direct access to Burke Lake Road.

13. Each driveway will have a "turn out" which will be shown on the house grading plan submitted to DEM. An illustrative plan showing conceptual "turnouts" is attached for information purposes. (EXHIBIT A)

14. In order to enhance the visual appearance of the development from Spring Lake Drive, the applicant shall provide supplemental plantings to include one ornamental and one deciduous tree per residential lot. A minimum of 5 evergreen trees will be planted along the northern property line of lot 8. The applicant shall provide a landscape entry feature generally in the vicinity of the Spring Lake Drive/ Burke Lake Road intersection. (EXHIBIT B) <u>An illustrative plan</u>

showing the conceptual landscape feature is attached for information purposes. In addition, the applicant shall use reasonable efforts to insure that the location of the houses shall be off-set in such a manner that no more than three adjacent houses are in a direct line and there shall be a minimum 30' building setback from Spring Lake Drive.

15. Concurrent with submission of the subdivision plan to DEM, the applicant shall forward a copy of the plans to the office of Supervisor McConnell.

Clark L. Massie — 4/22/98

BY Clark L. Massie — DATE

Dorothy P. McClintock — 4-23-98

BY Dorothy P. McClintock — DATE

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