



APPLICATION FILED: October 3, 2007  
PLANNING COMMISSION: March 5, 2008  
BOARD OF SUPERVISORS: March 10, 2008 @ 4:30 p.m.

# County of Fairfax, Virginia

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February 27, 2008

## STAFF REPORT ADDENDUM

### APPLICATION RZ 2007-HM-015

#### HUNTER MILL DISTRICT

**APPLICANT:** Sekas Homes, Ltd.

**PRESENT ZONING:** R-1 & R-3

**REQUESTED ZONING:** R-3

**PARCEL(S):** 28-3 ((1)) 28, 29, & 31

**ACREAGE:** 5.82 acres

**FAR/DENSITY:** 2.58 du/ac

**PLAN MAP:** Residential; 2-3 du/ac

**PROPOSAL:** To rezone from the R-1 District and R-3 District to the R-3 District to permit residential development consisting of fifteen (15) single-family detached dwelling units.

#### STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2007-HM-015, subject to the execution of proffers consistent with those contained in Attachment 1.

Staff recommends approval of the waiver of the Public Facilities Manual (PFM) requirement for a 4-foot wide sidewalk along Beulah Road in favor of a proposed 6-foot wide asphalt trail.

Staff recommends approval of the modification of the Comprehensive Plan requirement for an 8-foot wide trail along Beulah Road in favor of a proposed 6-foot wide asphalt trail.

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**Department of Planning and Zoning**  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703 324-1290  
FAX 703 324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

Staff recommends approval of the modification of the location regulations of the Zoning Ordinance to permit an increase in the height of the proposed noise fence to 7-feet in height in the location generally shown on the GDP.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Rezoning Application

RZ 2007-HM-015



Applicant:  
Accepted:  
Proposed:  
Area:

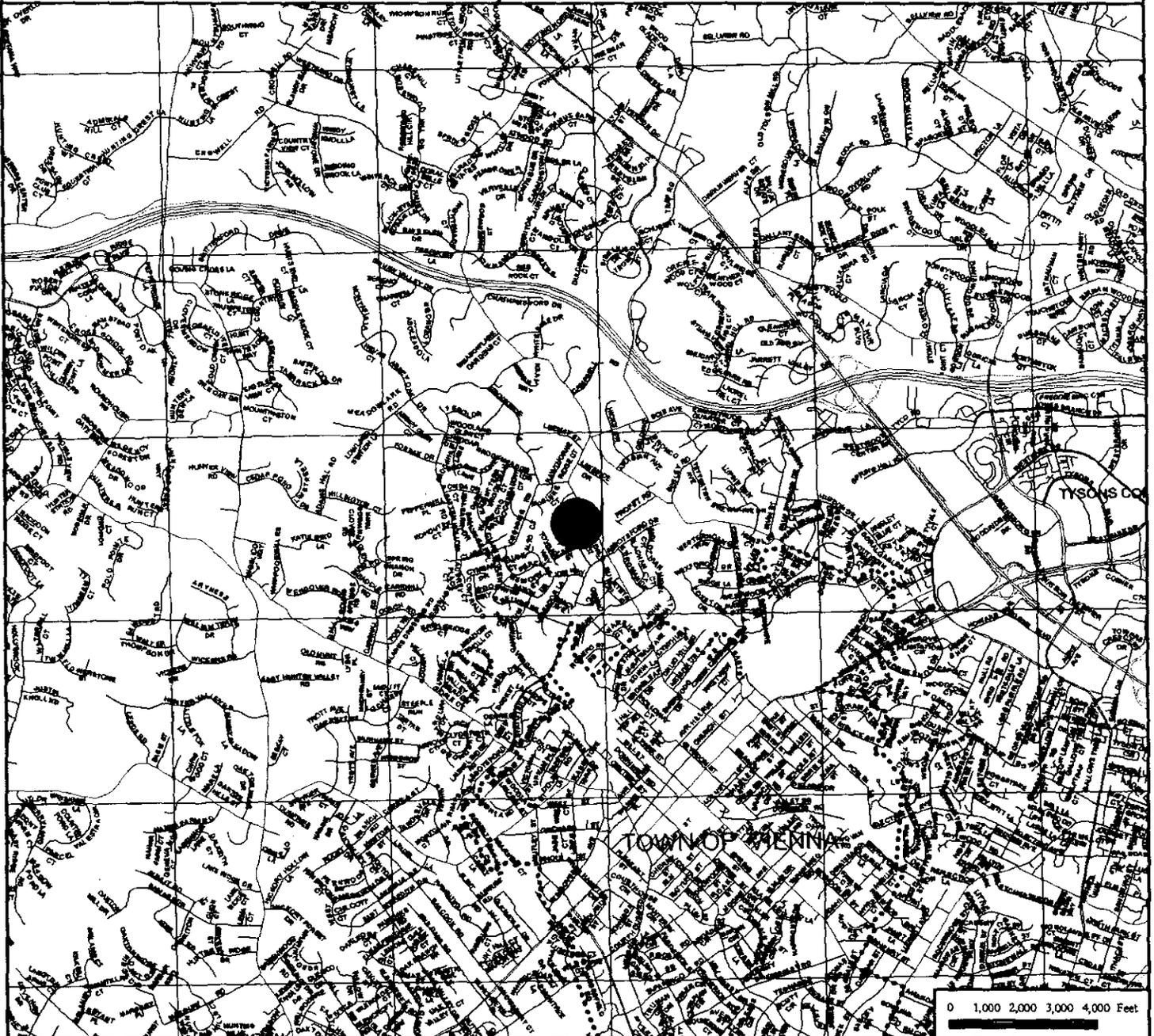
SEKAS HOMES, LTD.  
10/03/2007  
RESIDENTIAL  
5.8 AC OF LAND, DISTRICT - HUNTER MILL

Zoning Dist Sect:  
Located:

WEST SIDE OF BEULAH ROAD APPROXIMATELY  
850 FEET SOUTH OF ITS INTERSECTION  
WITH CLARKS CROSSING ROAD

Zoning:  
Overlay Dist:  
Map Ref Num:

FROM R- 3 AND R- 1 TO R- 3  
/01/ /0028 /01/ /0029  
/01/ /0031

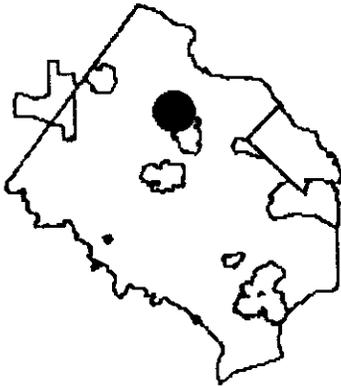


# Rezoning Application

RZ 2007-HM-015

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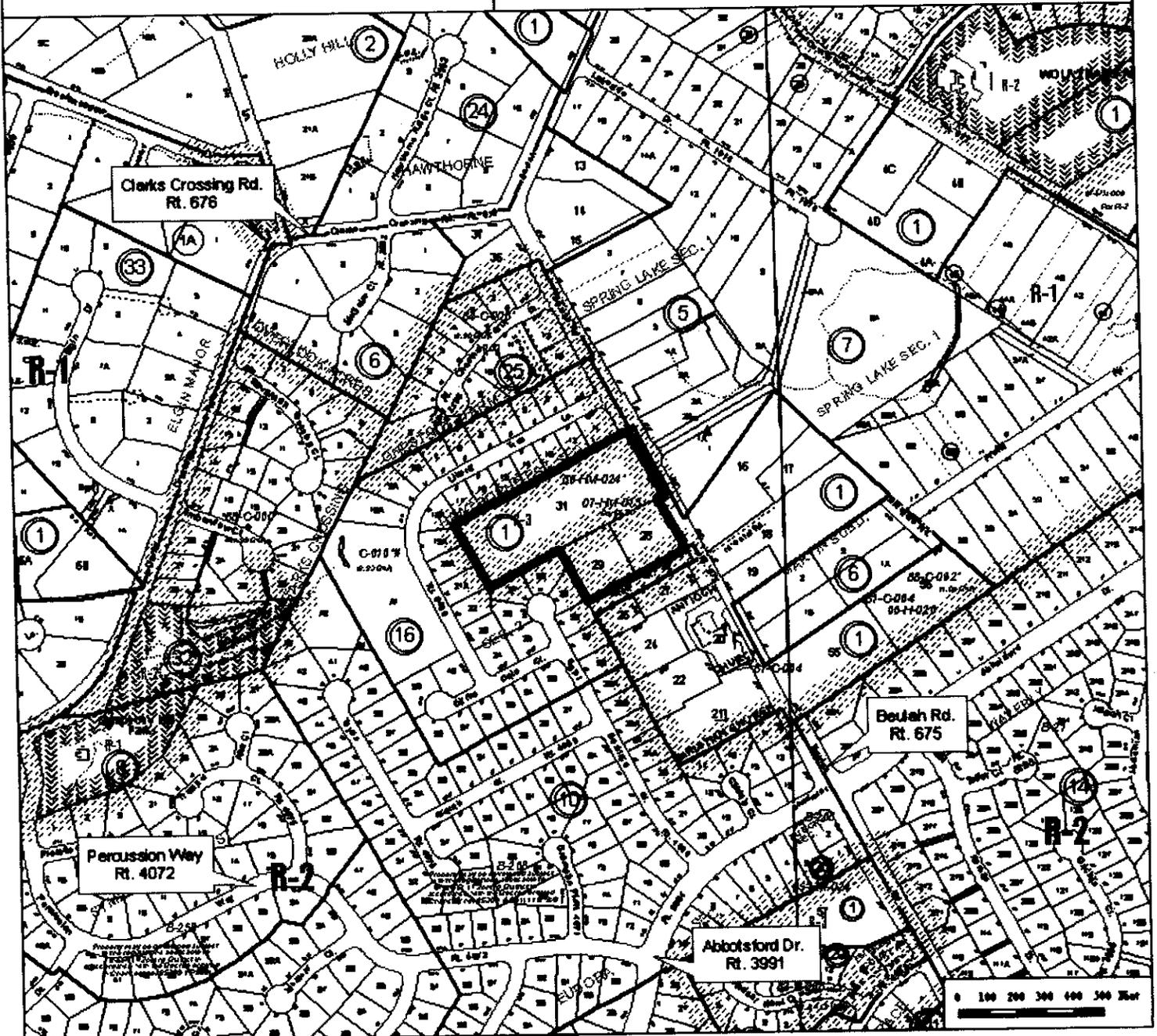


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WEST SIDE OF BEULAH ROAD APPROXIMATELY  
850 FEET SOUTH OF ITS INTERSECTION  
WITH CLARKS CROSSING ROAD

Zoning:  
Overlay Dist:  
Map Ref Num:

FROM R-3 AND R-1 TO R-3  
028-3-101 /0028 101/ 10029  
101/ 10031



## **BACKGROUND**

The applicant, Sekas Homes, Ltd., requests approval of a rezoning of approximately 5.82 acres from the R-1 District and R-3 District to the R-3 District for development of 15 single-family detached dwelling units on the site, at an overall density of 2.58 dwelling units per acre (du/ac). The subject property is located at on the west side of Beulah Road (1838 Beulah Road, 1844 Beulah Road, and 9426 State Street), bounded by the Hawthorne Estates subdivision to the north, south and west. The site is currently developed with four single-family detached structures and two accessory structures, all of which are proposed to be demolished as a part of this application.

The applicant also seeks approval of the following waivers and modifications:

- Waiver of the Public Facilities Manual (PFM) requirement for a 4-foot wide sidewalk along Beulah Road in favor of a proposed 6-foot wide asphalt trail.
- Modification of the Comprehensive Plan requirement for an 8-foot wide trail along Beulah Road in favor of a proposed 6-foot wide asphalt trail.
- Modification of the location regulations of the Zoning Ordinance to permit an increase in the height of the proposed noise fence to 7-feet in height in the location generally shown on the GDP.

## **DISCUSSION**

On January 23, 2008, the original staff report for the subject application was published containing proposed proffers dated January 16, 2008. Since the time of the publication of the original staff report, the applicant has submitted revised proposed proffers dated February 15, 2008, which are included in Attachment 1. The changes, which have been highlighted, do not alter staff's recommendation.

## **CONCLUSION AND RECOMMENDATIONS**

### **Staff Conclusions**

In staff's evaluation, the proposal is in harmony with the intent of the Comprehensive Plan and meets all applicable provisions of the Zoning Ordinance. Furthermore, staff believes that the applicant has satisfactorily satisfied the Residential Development Criteria.

### **Recommendations**

Staff recommends approval of RZ 2007-HM-015, subject to the execution of proffers consistent with those contained in Attachment 1.

Staff recommends approval of the waiver of the Public Facilities Manual (PFM) requirement for a 4-foot wide sidewalk along Beulah Road in favor of a proposed 6-foot wide asphalt trail.

Staff recommends approval of the modification of the Comprehensive Plan requirement for an 8-foot wide trail along Beulah Road in favor of a proposed 6-foot wide asphalt trail.

Staff recommends approval of the modification of the location regulations of the Zoning Ordinance to permit an increase in the height of the proposed noise fence to 7 feet in height in the location generally shown on the GDP.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

## **ATTACHMENTS**

1. Draft Proffers (Revision highlighted)
2. Draft Proffers (Clean version)

## PROFFERS

Sekas Homes, Ltd.  
Francis Young Estates

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RZ 2007-HM-015

February 15, 2008Deleted: ¶  
January 30, 2008

Pursuant to Section 15.2-2303(A) of the 1950 Code of Virginia, as amended, the Applicant, for himself and his successors or assigns (herein collectively referred to as the "Applicant") in this rezoning application filed on property identified on the Fairfax County Tax Map 28-3 ((1)), Parcels 28, 29, and 31 (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 the rezoning of the Application Property from the R-1/R-3 zoning district to the R-3 district. These proffers shall supersede the previously approved proffers for Tax Map 28-3 ((1)) Parcel 31, approved on March 26, 2007 and referenced as RZ 2006-HM-024.

**1. Development Plan**

- a) Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance ("the Ordinance"), development of the portion of the Application Property identified on the Fairfax County Tax Map 28-3 ((1)), Parcels 28, 29, and 31 shall be in substantial conformance with the Generalized Development Plan ("GDP") entitled "Francis Young Estates" containing five sheets and prepared by Land Design Consultants, Inc., dated August, 2007 and revised through January 16, 2008.
- b) Pursuant to Paragraph 2 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. These modifications shall include only the locations of utilities, minor adjustment of property lines, and the general location and size of dwellings on the proposed lots provided that the total area of open space is not decreased from that shown hereon, the building setbacks outlined on the GDP are honored, and the limits of clearing and grading are adhered to.

**2. Homeowners Association**

The applicant shall establish a Homeowner's Association (HOA) for the proposed development to own, manage and maintain Outlot 'A', maintain tree save areas within the private tree preservation easement, maintain the noise fence along Beulah Road and behind a portion of Lot 1, as generally shown on Sheet 2, and maintain all other community land and improvements and one infiltration trench. Restrictions placed on the use of the open space/buffer areas, tree preservation easement, minimum setbacks and the maintenance responsibilities of the infiltration trench and homeowner's association shall be disclosed to all prospective homeowners in a disclosure memorandum prior to entering into a contract of sale and included in the HOA documents.

**3. Transportation**

- a) Density credit shall be reserved as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Ordinance for all eligible dedications described herein.
- b) At the time of subdivision plan approval or upon demand by Fairfax County or the Virginia Department of Transportation ("VDOT"), whichever occurs first, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors, right-of-way from the existing centerline along the subject property's frontage of Beulah Road and construct improvements along the property's Beulah Road frontage as generally shown on the GDP subject to the approval of VDOT and the Fairfax County Department of Public Works and Environmental

Services ("DPWES"). If requested by Fairfax County or VDOT during review of the subdivision plan and/or record plat, the Applicant will grant any necessary temporary grading and/or construction easements along the subject property's Beulah Road frontage, where the Applicant does not propose frontage improvements. These easements will be used for the future construction of improvements along the property's Beulah Road frontage by others.

- c) Garages and Driveways. The Applicant shall place a covenant on each residential lot that prohibits the use of the garage for any purpose, which would preclude motor vehicle storage. This covenant shall be recorded among the land records of Fairfax County prior to the sale of lots and shall run to the benefit of the HOA and to the Board of Supervisors. Prior to recordation, the covenant shall be approved by the Fairfax County Attorney's office. The HOA documents shall expressly state this use restriction. The driveway provided for each unit shall be a minimum of eighteen (18) feet in length to permit the parking of two (2) vehicles without overhanging onto the sidewalk. Garages shall be designed to accommodate two (2) vehicles.
- d) Prior to issuance of the first residential use permit, the Applicant shall provide a 6' wide asphalt trail along the subject property's Beulah Road frontage as generally shown on Sheet 2 of the GDP. The trail shall be located within the existing/proposed right-of-way of Beulah Road and will be subject to approval by Fairfax County and the Virginia Department of Transportation (VDOT). In the event that VDOT or the County does not want the trail at the time of final subdivision plan approval, the Applicant will escrow with Fairfax County the cost of the trail in accordance with the prices listed in the Fairfax County Unit Price List.
- e) Prior to issuance of the first residential use permit, the Applicant shall provide a 4' wide trail adjacent to a portion of Fairfax County Tax Map 28-3 ((16)) Parcel 11's Beulah Road frontage as generally shown on Sheet 2 of the GDP. The trail shall be located within the existing right-of-way of Beulah Road and will be subject to approval by Fairfax County and the Virginia Department of Transportation (VDOT). In the event that VDOT or the County does not want the trail at the time of final subdivision plan approval, the Applicant will escrow with Fairfax County the cost of the trail in accordance with the prices listed in the Fairfax County Unit Price List.
- f) Prior to bond release, the Applicant shall provide a 6' wide asphalt trail on Fairfax County Tax Map 28-3 ((16)) Parcel A2 to the edge of the northern parking lot of Fairfax County Tax Map 28-3 ((1)) Parcel 20 as generally shown on Sheet 2 of the GDP. The trail shall be located within the existing right-of-way of Beulah Road and/or in any necessary easements, if required, and shall be subject to approval by Fairfax County and VDOT. The provision of this trail is subject to the acquisition of any necessary easements and/or letters of permission from Fairfax County Tax Map 28-3 ((16)) Parcel A2 and 28-3 ((1)) Parcels 20 and 27 at no cost to the Applicant. If required, the Applicant shall send the request for any necessary easements or letters of permission to the owner(s) of Fairfax County Tax Map 28-3 ((16)) Parcel A2 and 28-3 ((1)) Parcels 20 and 27 via certified mail. The owner(s) of the aforementioned parcels shall have thirty (30) days from receipt of the certified mailing to provide a written response to the Applicant's request. If the Applicant does not receive a written response within thirty (30) days, it should be assumed that the owner(s) do not wish to grant the easement and/or permission. If the Applicant is unable to construct the trail due to the inability to obtain the required easements, approvals and/or letters of permission, the Applicant shall, prior to bond release, contribute \$10,000 to Fairfax County to be designated for the construction of trails or other pedestrian facilities within one mile of the subject property. The Applicant will place this money in an escrow account with Fairfax County for the aforementioned use.
- g) Prior to bond release, the Applicant shall contribute \$3,600 to Fairfax County to be designated for the construction of a trail within the existing right-of-way adjacent to Fairfax

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County Tax Map Parcel 28-3 ((1)) Parcel 21 or along other nearby parcels as determined by Fairfax County and VDOT.

#### 4. Landscaping

a) The first submission of the subdivision plan and all subsequent plan submissions shall include a landscape plan and specifications, for review and approval by the Urban Forest Management Division (UFM). The landscape plan and specifications shall incorporate the following:

- Reduce turf areas to minimize mowing operations and the resulting air pollution. Turf shall cover no more than 75% of the pervious area of each lot. Mulched planting beds incorporating groups of trees and other plants shall be used to provide a root zone environment more favorable to trees and shrubs. Areas proposed for turf and mulch beds shall be delineated on the landscape plan submitted with the subdivision plan.
- Plant trees in areas to contribute to energy conservation for the dwelling on each lot where possible, as depicted in Plate 3-12 of the Public Facilities Manual (PFM), and as determined in consultation with Urban Forest Management Division (UFM).
- Provide a diverse selection of native and non-invasive plants to reduce the need for supplemental watering, and the use of chemical fertilizers, herbicides, and chemical control of insects and diseases.
- Landscaping implemented with the subdivision plan may be made up of groups of trees including larger, overstory type trees (Category III and IV, as listed in PFM Table 12.7) together with smaller understory type trees (Category II). The plan may show overlap of understory trees by overstory trees as might occur in a natural environment.
- Inspection of mulch beds for conformance with the approved subdivision plan shall be conducted at the time that the Residential Use Permit is issued for each dwelling. After mulch areas have been accepted, they shall become the responsibility of the homeowner who shall not be precluded from managing or planting these areas according to their preference.

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b) Trees to be planted within the private tree preservation easement shall be field located prior to installation, in coordination with the Urban Forest Management Division, to avoid excessive root damage to existing trees to be preserved.

#### 5. Tree Preservation

Tree Preservation: The applicant shall submit a Tree Preservation plan as part of the first and all subsequent subdivision plan submissions to address the preservation of the trees located within the Tree Preservation Area and noted "To Be Saved", as shown on the Generalized Development Plan. 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 shall be subject to the review and approval of Urban Forest Management (UFM), DPWES.

The tree preservation plan shall consist of tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading shown on the GDP for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the GDP and those additional areas in which trees can be preserved as a result of final engineering and as determined by UFM. The condition analysis ratings shall be prepared

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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 any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

**Tree Value Determination:** The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of the trees located within the Tree Preservation Area and noted "To Be Saved", as shown on the Generalized Development Plan, and all trees ten inches (10") in diameter or greater and having a condition rating of 65 or higher located within twenty feet (20') of the northern, southern, and western property boundary (i.e. the trees located off-site) as shown on the Generalized Development Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the subdivision plan. The replacement value shall take into consideration the age, size, and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM.

**Tree Bonds:** In order to provide a remedy for any unintended disruption to trees required to be preserved under these proffers, at the time of final subdivision plan approval, the Applicant shall both post a cash bond and a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined (herein the "bonded trees") that die or are dying due to unauthorized construction activities. The letter of credit shall be equal to fifty percent (50%) of the replacement value of the bonded trees. The cash bond shall consist of thirty three percent (33%) of the amount of the letter of credit.

During the time period in which the Tree Bond is required to be held, should unauthorized construction activity cause any bonded trees to die, or be removed, the Applicant shall replace such trees at its expense. The replacement trees shall be selected to provide canopy cover equivalent to those trees that are lost and shall incorporate native species. At the time of approval of the final Residential Use Permit (RUP), the Applicant may request a release of any monies remaining in the cash bond and a reduction in the letter of credit to an amount up to twenty percent (20%) of the total amounts originally committed provided they are in good standing with the tree proffer commitments. Any funds remaining in the letter of credit or cash bond will be released concurrently with the site performance bond release, or sooner, if approved by UFM.

**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 walk-through meeting. This walk through meeting shall occur prior to final subdivision plan approval. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFM, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and to determine which, if any trees, can be transplanted onsite and such adjustments shall be implemented. The Hawthorne Estates HOA, as on file with the Hunter Mill District Supervisor's Office, will be notified of the date and time of this meeting via certified mail at least thirty (30) days prior to the meeting and shall have the option of sending a representative to this meeting. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. 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 and associated understory vegetation and soil conditions.

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**Limits of Clearing and Grading:** The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP, subject to allowances specified in these proffered conditions and for the installation of utilities as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities in areas protected by the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by UFM, DPWES. A replanting plan shall be developed and implemented, subject to approval by UFM, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such utilities.

**Tree Preservation Fencing:** All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I and II erosion and sediment control sheets.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFM, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM, DPWES.

**Site Monitoring:** During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM.

The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFM approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFM, DPWES.

**Root Pruning:** The Applicant shall (1) root prune the roots of trees to be preserved that may be damaged during clearing, demolition, grade changes, utility installation and/or the installation of retaining walls, (2) provide tree protection fencing approved by the Urban Forest Management Division (UFM), Fairfax County Department of Public Works and Environmental Services ("DPWES"), where deemed necessary by UFM and (3) then mulch to a depth of 3 to 4 inches within the areas to be left undisturbed where soil conditions are poor, lacking leaf litter, or prone to soil erosion. The areas that will be root pruned and mulched shall be clearly identified on the Tree Designation Plan. All treatments for such trees and vegetation shall be clearly specified, labeled, and detailed on the erosion and sediment control sheets and demolition plan (if required) sheets of the subdivision plan submission. The details for these treatments shall be included in the Tree Designation Plan and shall be subject to the review and approval of UFM.

All root pruning and mulching work shall be performed in a manner that protects adjacent trees and vegetation that are required to be preserved and may include, but not be limited to the following:

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- a) Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches,
- b) Root pruning shall take place prior to any clearing and grading and/or demolition of structures,
- c) Root pruning shall not sever or significantly damage structural or compression roots in a manner that may compromise the structural integrity of trees or the ability of the root system to provide anchorage for the above ground portions of the trees,
- d) Root pruning shall be conducted with the on-site supervision of a certified arborist;
- e) Tree protection fencing shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability; or just outside the trench within the disturbed area;
- f) Immediately after the Phase II E&S activities are complete, mulch shall be applied at a depth of 3 to 4 inches within designated areas without the use of motorized equipment;
- g) Mulch shall consist of wood chips, shredded hardwood and/or pine bark mulch. Wood chips generated during clearing operations on the site may be used for mulch. Hay or straw mulch shall not be used within tree preservation areas.
- h) UFM, DPWES shall be informed in writing when all root pruning and tree protection fence installation is complete.

**6. Storm Water Management**

- a) If approved by DPWES, Stormwater Management and Best Management Practices (BMP's) shall be accomplished through the provision of one infiltration trench or alternative Low Impact Development techniques, as generally shown on Sheets 2 and 5 of the GDP and in accordance with the requirements of the Fairfax County Public Facilities Manual (PFM) or any approved modifications. The Applicant is utilizing the Rainstore3 unit in order to meet Stormwater Management/Best Management Practices. The size and location of the facility may be subject to final modifications based on final engineering provided it is in substantial conformance with the GDP.
- b) As a condition of final subdivision plan approval, the proposed infiltration trench shall be designed in accordance with the Fairfax County Public Facilities Manual or any approved modifications. However, the proposed trench shall be supplemented with an impermeable liner around the entire perimeter of the trench to the bottom of the filter media in order to further reduce the potential for lateral groundwater movement to adjacent properties. The location and type of liner shall be specified in the geotechnical report and requirements and included as part of the final subdivision plan.
- c) Prior to bond release, the Applicant shall contribute \$5,000 to the Francis Young Estates Homeowner's Association for use in maintaining the proposed infiltration trench.
- d) As part of the proposed subdivision, the Francis Young Estates Homeowner's Association shall collect a minimum of \$100 per approved unit, per year, for a minimum of twenty (20) years, for the maintenance and/or repair of the proposed infiltration trench. This shall be disclosed in the Homeowner's Association documents as well as in a disclosure memorandum for any contract for sale.
- e) The roof drains for the proposed lots will be directed towards the proposed public streets and/or tied into the proposed storm sewer system where appropriate.

**7. Contributions**

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- a) Prior to bond release, the Applicant shall contribute \$15,000 to the Fairfax County Park Authority for its use in establishing and maintaining parks and recreational facilities in the Hunter Mill District of Fairfax County.
- b) At the time of issuance of the first Building Permit, Applicant shall contribute \$24,800 for capital improvements to the public schools served by the subdivision. Said contribution shall be deposited with DPWES for transfer to Fairfax County Public Schools.
- c) Prior to the issuance of the first Building Permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one-half of one percent (0.5%) of the value of all of the units approved on the property. The percentage shall be based on the aggregate sales price of all of the units subject to the contribution, as if all of those units were sold at the time of the issuance of the first building permit, and is estimated through comparable sales of similar type units. The projected sales price shall be proposed by the Applicant in consultation with Fairfax County Department of Housing and Community Development (HCD) and shall be approved by HCD and DPWES.

**8. Architecture**

The design and architecture of the approved units shall be in substantial conformance with the illustrative elevations contained in the GDP, or of comparable quality as determined by DPWES. The exterior facades of the new homes constructed on the site shall be covered with brick, stone and/or cementations siding (e.g., HardiPlank by James Hardie Building Products), or a combination thereof. The sides and/or rears of the houses on Lots 1, 12, 13 and 15 facing Beulah Road will be constructed of brick. All units shall be limited to thirty-five (35) feet in height as measured in the Fairfax County Zoning Ordinance.

**9. Energy Saver Program**

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

**10. Lighting and Signs**

- a) All exterior lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
- b) 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 Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or home sales for the Property to adhere to this Proffer.

**11. Noise**

The Applicant shall provide the following noise attenuation measures:

- a) In order to reduce the maximum interior noise to a level of approximately 45 dBA Ldn, the Applicant proffers that the front, side, and rear walls of all facades of the residential units

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generally oriented in the direction of Beulah Road, which shall be annotated and shown as such on the subdivision plan, shall have the following acoustical attributes:

- i) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45;
  - ii) Doors and glazing shall have a laboratory STC rating of at least 37 unless doors, windows and glazing constitute more than 20 percent of any façade exposed to noise levels of DNL 65 dBA or above. If doors, windows and other glazed areas constitute more than 20 percent of an exposed façade, then the glazing of such features shall have an STC rating of at least 45; and
  - iii) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for testing and Materials to minimize sound transmission.
- b) In order to reduce the maximum exterior noise to a level of approximately 65 dBA Ldn or less for all affected units located within 130 feet of the centerline of Beulah Road, a 7' tall wood, masonry and/or vinyl composite fence (or a combination of these materials), as shown on Sheet 1 of the GDP, will be provided on Lots 1, 12, 13 and 15 as generally shown on Sheet 2 of the GDP. The location and purpose of this fence will be disclosed to all prospective homeowners as a disclosure memorandum prior to entering into a contract of sale and included in the HOA documents. The Applicant shall also place a covenant in the deed of subdivision noting that this fence shall remain in the location generally shown on Sheet 2 of the GDP. This fence shall be maintained by the HOA.

## 12. Telecommuting

All dwellings shall be pre-wired with broadband, high capacity data/network connections in multiple rooms, in addition to standard phone lines.

## 13. Other

- a) During development of the subject site, the telephone number of the site superintendent that will be present on-site during construction shall be provided to the President of the Hawthorne Estates community, as on file with the Hunter Mill District Supervisor's Office and to the Hunter Mill District Supervisor's Office.
- b) Outdoor construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturdays. No outdoor construction activities shall be permitted on Sundays or on federal holidays. The site superintendent shall notify all employees and subcontractors of these hours of operation and shall ensure that the hours of operation are respected by all employees and subcontractors. Construction hours shall be posted on-site in both English and Spanish. This proffer applies to the original construction only and not to future additions and renovations by homeowners.
- c) As part of the development of the subject property, the Applicant will record a 15' and/or 25' private tree preservation easement behind lots 5-7 and as generally shown on the GDP. The purpose of this easement is to preclude the removal of any existing and/or proposed vegetation. The Applicant shall plant additional vegetation within this area, as generally shown on Sheet 2 of the GDP, to supplement existing vegetation per Note 32, Sheet 1. This additional vegetation shall be planted by hand and no machinery shall be utilized. Subsequent to this initial planting by the Applicant, no additional disturbance or building will occur in this easement except for necessary utility construction, as required by Fairfax

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County, planting of grass or additional vegetation by hand in order to enhance the aesthetics of this area, or for the removal of diseased, dead, dying, or hazardous trees and the selective maintenance to remove noxious and poisonous weeds, as determined by UFM. The location and purpose of this easement shall be disclosed to all prospective homeowners as a disclosure memorandum prior to entering into a contract of sale and will also be included in the Homeowner's Association documents. This easement will be noted as a covenant in the deed of subdivision and recorded in the Land Records of Fairfax County. This easement will be enforced by the HOA and will run with the land.

- d) Any extension into the minimum required side and rear yards for covered and uncovered decks shall be permitted in accordance with Section 2-412 of the Fairfax County Zoning Ordinance. Restrictions placed on the location of covered and uncovered decks per Section 2-412 of the Zoning Ordinance shall be disclosed to all prospective homeowners as a disclosure memorandum prior to entering into a contract of sale, included in the Homeowner's Association documents, and included as a covenant in the deed of subdivision. In accordance with the Zoning Ordinance, any sunrooms or enclosed porches may not encroach into the minimum required setbacks as shown on Sheet 2 of the GDP. This shall be disclosed to all prospective homeowners as a disclosure memorandum prior to entering into a contract of sale, included in the Homeowner's Association documents, and included as a covenant in the deed of subdivision.

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**Signatures:**

Sekas Homes, Ltd., Applicant/Contract Purchaser Tax Map 028-3 ((1)) Parcels 28, 29 and 31

By: \_\_\_\_\_  
John P. Sekas, President

Young Estates, L.C., Title Owner of Tax Map 028-3 ((1)) Parcel 28

By: \_\_\_\_\_  
John P. Sekas, Manager

Trustees of Antioch Christian Church, Title Owners of Tax Map 028-3 ((1)) Parcel 29

By: \_\_\_\_\_  
Donna P. Hunter, Trustee

By: \_\_\_\_\_  
Vivian M. Cruz, Trustee

By: \_\_\_\_\_  
Gary N. Romstedt, Trustee

Francis A. Young Revocable Trust, Title Owners of Tax Map 28-3 (91) Parcel 31

By: \_\_\_\_\_  
Judith A. Young, Successor Trustee

By: \_\_\_\_\_  
Brenda E. Noel, Successor Trustee

By: \_\_\_\_\_  
Cheryl R. Kidd, Successor Trustee

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¶ Sekas Homes, Ltd.¶  
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¶  
¶ By: \_\_\_\_\_¶  
¶ John P. Sekas, its Manager¶  
¶ Developer, Tax Map Parcel 28-3 ((1)),  
¶ Parcels 28, 29, and 31¶  
¶  
¶  
¶  
¶ Trustees of Antioch Christian Church¶  
¶  
¶  
¶  
¶ By: \_\_\_\_\_¶  
¶ Donna P. Hunter, Trustee¶  
¶ Owner, Tax Map Parcel 28-3 ((1)),  
¶ Parcel 29 .  
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¶ Judith A. Young, Trustee¶  
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¶  
¶ By: \_\_\_\_\_¶  
¶ Judith A. Young, Trustee¶  
¶ Owner, Tax Map Parcel 28-3 ((1)),  
¶ Parcel 31¶  
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¶ Brenda Noel, Trustee¶  
¶  
¶  
¶  
¶ By: \_\_\_\_\_¶  
¶ Brenda Noel, Trustee¶  
¶ Owner, Tax Map Parcel 28-3 ((1)),  
¶ Parcel 31¶  
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¶ Cheryl Kidd, Trustee¶  
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¶ By: \_\_\_\_\_¶  
¶ Cheryl Kidd, Trustee¶  
¶ Owner, Tax Map Parcel 28-3 ((1)),  
¶ Parcel 31¶  
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¶ Young Estates, L.C.¶  
¶ ... [1]

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Sekas Homes, Ltd.

By: \_\_\_\_\_  
John P. Sekas, its Manager  
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Trustees of Antioch Christian Church

By: \_\_\_\_\_  
Donna P. Hunter, Trustee  
Owner, Tax Map Parcel 28-3 ((1)), Parcel 29

Judith A. Young, Trustee

By: \_\_\_\_\_  
Judith A. Young, Trustee  
Owner, Tax Map Parcel 28-3 ((1)), Parcel 31

Brenda Noel, Trustee

By: \_\_\_\_\_  
Brenda Noel, Trustee  
Owner, Tax Map Parcel 28-3 ((1)), Parcel 31

Cheryl Kidd, Trustee

By: \_\_\_\_\_  
Cheryl Kidd, Trustee  
Owner, Tax Map Parcel 28-3 ((1)), Parcel 31

Young Estates, L.C.

By: \_\_\_\_\_  
John P. Sekas, Manager  
Owner, Tax Map Parcel 28-3 ((1)) Parcel 28

**PROFFERS*****Sekas Homes, Ltd.***  
**Francis Young Estates**

RZ 2007-HM-015

February 15, 2008

Pursuant to Section 15.2-2303(A) of the 1950 Code of Virginia, as amended, the Applicant, for himself and his successors or assigns (herein collectively referred to as the "Applicant") in this rezoning application filed on property identified on the Fairfax County Tax Map 28-3 ((1)), Parcels 28, 29, and 31 (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 the rezoning of the Application Property from the R-1/R-3 zoning district to the R-3 district. These proffers shall supersede the previously approved proffers for Tax Map 28-3 ((1)) Parcel 31, approved on March 26, 2007 and referenced as RZ 2006-HM-024.

**1. Development Plan**

- a) Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance ("the Ordinance"), development of the portion of the Application Property identified on the Fairfax County Tax Map 28-3 ((1)), Parcels 28, 29, and 31 shall be in substantial conformance with the Generalized Development Plan ("GDP") entitled "Francis Young Estates" containing five sheets and prepared by Land Design Consultants, Inc., dated August, 2007 and revised through January 16, 2008.
- b) Pursuant to Paragraph 2 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. These modifications shall include only the locations of utilities, minor adjustment of property lines, and the general location and size of dwellings on the proposed lots provided that the total area of open space is not decreased from that shown hereon, the building setbacks outlined on the GDP are honored, and the limits of clearing and grading are adhered to.

**2. Homeowners Association**

The applicant shall establish a Homeowner's Association (HOA) for the proposed development to own, manage and maintain Outlot 'A', maintain tree save areas within the private tree preservation easement, maintain the noise fence along Beulah Road and behind a portion of Lot 1, as generally shown on Sheet 2, and maintain all other community land and improvements and one infiltration trench. Restrictions placed on the use of the open space/buffer areas, tree preservation easement, minimum setbacks and the maintenance responsibilities of the infiltration trench and homeowner's association shall be disclosed to all prospective homeowners in a disclosure memorandum prior to entering into a contract of sale and included in the HOA documents.

**3. Transportation**

- a) Density credit shall be reserved as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Ordinance for all eligible dedications described herein.
- b) At the time of subdivision plan approval or upon demand by Fairfax County or the Virginia Department of Transportation ("VDOT"), whichever occurs first, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors, right-of-way from the existing centerline along the subject property's frontage of Beulah Road and construct improvements along the property's Beulah Road frontage as generally shown on the GDP subject to the

- approval of VDOT and the Fairfax County Department of Public Works and Environmental Services ("DPWES"). . If requested by Fairfax County or VDOT during review of the subdivision plan and/or record plat, the Applicant will grant any necessary temporary grading and/or construction easements along the subject property's Beulah Road frontage, where the Applicant does not propose frontage improvements. These easements will be used for the future construction of improvements along the property's Beulah Road frontage by others.
- c) **Garages and Driveways.** The Applicant shall place a covenant on each residential lot that prohibits the use of the garage for any purpose, which would preclude motor vehicle storage. This covenant shall be recorded among the land records of Fairfax County prior to the sale of lots and shall run to the benefit of the HOA and to the Board of Supervisors. Prior to recordation, the covenant shall be approved by the Fairfax County Attorney's office. The HOA documents shall expressly state this use restriction. The driveway provided for each unit shall be a minimum of eighteen (18) feet in length to permit the parking of two (2) vehicles without overhanging onto the sidewalk. Garages shall be designed to accommodate two (2) vehicles.
  - d) Prior to issuance of the first residential use permit, the Applicant shall provide a 6' wide asphalt trail along the subject property's Beulah Road frontage as generally shown on Sheet 2 of the GDP. The trail shall be located within the existing/proposed right-of-way of Beulah Road and will be subject to approval by Fairfax County and the Virginia Department of Transportation (VDOT). In the event that VDOT or the County does not want the trail at the time of final subdivision plan approval, the Applicant will escrow with Fairfax County the cost of the trail in accordance with the prices listed in the Fairfax County Unit Price List.
  - e) Prior to issuance of the first residential use permit, the Applicant shall provide a 4' wide trail adjacent to a portion of Fairfax County Tax Map 28-3 ((16)) Parcel 11's Beulah Road frontage as generally shown on Sheet 2 of the GDP. The trail shall be located within the existing right-of-way of Beulah Road and will be subject to approval by Fairfax County and the Virginia Department of Transportation (VDOT). In the event that VDOT or the County does not want the trail at the time of final subdivision plan approval, the Applicant will escrow with Fairfax County the cost of the trail in accordance with the prices listed in the Fairfax County Unit Price List.
  - f) Prior to bond release, the Applicant shall provide a 6' wide asphalt trail on Fairfax County Tax Map 28-3 ((16)) Parcel A2 to the edge of the northern parking lot of Fairfax County Tax Map 28-3 ((1)) Parcel 20 as generally shown on Sheet 2 of the GDP. The trail shall be located within the existing right-of-way of Beulah Road and/or in any necessary easements, if required, and shall be subject to approval by Fairfax County and VDOT. The provision of this trail is subject to the acquisition of any necessary easements and/or letters of permission from Fairfax County Tax Map 28-3 ((16)) Parcel A2 and 28-3 ((1)) Parcels 20 and 27 at no cost to the Applicant. If required, the Applicant shall send the request for any necessary easements or letters of permission to the owner(s) of Fairfax County Tax Map 28-3 ((16)) Parcel A2 and 28-3 ((1)) Parcels 20 and 27 via certified mail. The owner(s) of the aforementioned parcels shall have thirty (30) days from receipt of the certified mailing to provide a written response to the Applicant's request. If the Applicant does not receive a written response within thirty (30) days, it should be assumed that the owner(s) do not wish to grant the easement and/or permission. If the Applicant is unable to construct the trail due to the inability to obtain the required easements, approvals and/or letters of permission, the Applicant shall, prior to bond release, contribute \$10,000 to Fairfax County to be designated for the construction of trails or other pedestrian facilities within one mile of the subject property. The Applicant will place this money in an escrow account with Fairfax County for the aforementioned use.
  - g) Prior to bond release, the Applicant shall contribute \$3,600 to Fairfax County to be designated for the construction of a trail within the existing right-of-way adjacent to Fairfax

County Tax Map Parcel 28-3 ((1)) Parcel 21 or along other nearby parcels as determined by Fairfax County and VDOT.

#### 4. Landscaping

a) The first submission of the subdivision plan and all subsequent plan submissions shall include a landscape plan and specifications, for review and approval by the Urban Forest Management Division (UFM). The landscape plan and specifications shall incorporate the following:

- Reduce turf areas to minimize mowing operations and the resulting air pollution. Turf shall cover no more than 75% of the pervious area of each lot. Mulched planting beds incorporating groups of trees and other plants shall be used to provide a root zone environment more favorable to trees and shrubs. Areas proposed for turf and mulch beds shall be delineated on the landscape plan submitted with the subdivision plan.
- Plant trees in areas to contribute to energy conservation for the dwelling on each lot where possible, as depicted in Plate 3-12 of the Public Facilities Manual (PFM), and as determined in consultation with Urban Forest Management Division (UFM).
- Provide a diverse selection of native and non-invasive plants to reduce the need for supplemental watering, and the use of chemical fertilizers, herbicides, and chemical control of insects and diseases.
- Landscaping implemented with the subdivision plan may be made up of groups of trees including larger, overstory type trees (Category III and IV, as listed in PFM Table 12.7) together with smaller understory type trees (Category II). The plan may show overlap of understory trees by overstory trees as might occur in a natural environment.
- Inspection of mulch beds for conformance with the approved subdivision plan shall be conducted at the time that the Residential Use Permit is issued for each dwelling. After mulch areas have been accepted, they shall become the responsibility of the homeowner who shall not be precluded from managing or planting these areas according to their preference.

b) Trees to be planted within the private tree preservation easement shall be field located prior to installation, in coordination with the Urban Forest Management Division, to avoid excessive root damage to existing trees to be preserved.

#### 5. Tree Preservation

Tree Preservation: The applicant shall submit a Tree Preservation plan as part of the first and all subsequent subdivision plan submissions to address the preservation of the trees located within the Tree Preservation Area and noted "To Be Saved", as shown on the Generalized Development Plan. 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 shall be subject to the review and approval of Urban Forest Management (UFM), DPWES.

The tree preservation plan shall consist of tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading shown on the GDP for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the GDP and those additional areas in which trees can be preserved as a result of final engineering and as determined by UFM. 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 any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

Tree Value Determination: The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of the trees located within the Tree Preservation Area and noted "To Be Saved", as shown on the Generalized Development Plan, and all trees ten inches (10") in diameter or greater and having a condition rating of 65 or higher located within twenty feet (20') of the northern, southern, and western property boundary (i.e. the trees located off-site) as shown on the Generalized Development Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the subdivision plan. The replacement value shall take into consideration the age, size, and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM.

Tree Bonds: In order to provide a remedy for any unintended disruption to trees required to be preserved under these proffers, at the time of final subdivision plan approval, the Applicant shall both post a cash bond and a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined (herein the "bonded trees") that die or are dying due to unauthorized construction activities. The letter of credit shall be equal to fifty percent (50%) of the replacement value of the bonded trees. The cash bond shall consist of thirty three percent (33%) of the amount of the letter of credit.

During the time period in which the Tree Bond is required to be held, should unauthorized construction activity cause any bonded trees to die, or be removed, the Applicant shall replace such trees at its expense. The replacement trees shall be selected to provide canopy cover equivalent to those trees that are lost and shall incorporate native species. At the time of approval of the final Residential Use Permit (RUP), the Applicant may request a release of any monies remaining in the cash bond and a reduction in the letter of credit to an amount up to twenty percent (20%) of the total amounts originally committed provided they are in good standing with the tree proffer commitments. Any funds remaining in the letter of credit or cash bond will be released concurrently with the site performance bond release, or sooner, if approved by UFM.

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 walk-through meeting. This walk through meeting shall occur prior to final subdivision plan approval. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFM, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and to determine which, if any trees, can be transplanted onsite and such adjustments shall be implemented. The Hawthorne Estates HOA, as on file with the Hunter Mill District Supervisor's Office, will be notified of the date and time of this meeting via certified mail at least thirty (30) days prior to the meeting and shall have the option of sending a representative to this meeting. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. 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 and associated understory vegetation and soil conditions.

Limits of Clearing and Grading: The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP, subject to allowances specified in these proffered conditions and for the installation of utilities as determined necessary by the Director of DPWES, as described

herein. If it is determined necessary to install utilities in areas protected by the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by UFM, DPWES. A replanting plan shall be developed and implemented, subject to approval by UFM, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such utilities.

Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I and II erosion and sediment control sheets.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFM, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM, DPWES.

Site Monitoring: During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM.

The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFM approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFM, DPWES.

Root Pruning: The Applicant shall (1) root prune the roots of trees to be preserved that may be damaged during clearing, demolition, grade changes, utility installation and/or the installation of retaining walls, (2) provide tree protection fencing approved by the Urban Forest Management Division (UFM), Fairfax County Department of Public Works and Environmental Services ("DPWES"), where deemed necessary by UFM and (3) then mulch to a depth of 3 to 4 inches within the areas to be left undisturbed where soil conditions are poor, lacking leaf litter, or prone to soil erosion. The areas that will be root pruned and mulched shall be clearly identified on the Tree Designation Plan. All treatments for such trees and vegetation shall be clearly specified, labeled, and detailed on the erosion and sediment control sheets and demolition plan (if required) sheets of the subdivision plan submission. The details for these treatments shall be included in the Tree Designation Plan and shall be subject to the review and approval of UFM.

All root pruning and mulching work shall be performed in a manner that protects adjacent trees and vegetation that are required to be preserved and may include, but not be limited to the following:

- a) Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches,
- b) Root pruning shall take place prior to any clearing and grading and/or demolition of structures,

- c) Root pruning shall not sever or significantly damage structural or compression roots in a manner that may compromise the structural integrity of trees or the ability of the root system to provide anchorage for the above ground portions of the trees,
- d) Root pruning shall be conducted with the on-site supervision of a certified arborist;
- e) Tree protection fencing shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability; or just outside the trench within the disturbed area;
- f) Immediately after the Phase II E&S activities are complete, mulch shall be applied at a depth of 3 to 4 inches within designated areas without the use of motorized equipment;
- g) Mulch shall consist of wood chips, shredded hardwood and/or pine bark mulch. Wood chips generated during clearing operations on the site may be used for mulch. Hay or straw mulch shall not be used within tree preservation areas.
- h) UFM, DPWES shall be informed in writing when all root pruning and tree protection fence installation is complete.

## 6. Storm Water Management

- a) If approved by DPWES, Stormwater Management and Best Management Practices (BMP's) shall be accomplished through the provision of one infiltration trench or alternative Low Impact Development techniques, as generally shown on Sheets 2 and 5 of the GDP and in accordance with the requirements of the Fairfax County Public Facilities Manual (PFM) or any approved modifications. The Applicant is utilizing the Rainstore3 unit in order to meet Stormwater Management/Best Management Practices. The size and location of the facility may be subject to final modifications based on final engineering provided it is in substantial conformance with the GDP.
- b) As a condition of final subdivision plan approval, the proposed infiltration trench shall be designed in accordance with the Fairfax County Public Facilities Manual or any approved modifications. However, the proposed trench shall be supplemented with an impermeable liner around the entire perimeter of the trench to the bottom of the filter media in order to further reduce the potential for lateral groundwater movement to adjacent properties. The location and type of liner shall be specified in the geotechnical report and requirements and included as part of the final subdivision plan.
- c) Prior to bond release, the Applicant shall contribute \$5,000 to the Francis Young Estates Homeowner's Association for use in maintaining the proposed infiltration trench.
- d) As part of the proposed subdivision, the Francis Young Estates Homeowner's Association shall collect a minimum of \$100 per approved unit, per year, for a minimum of twenty (20) years, for the maintenance and/or repair of the proposed infiltration trench. This shall be disclosed in the Homeowner's Association documents as well as in a disclosure memorandum for any contract for sale.
- e) The roof drains for the proposed lots will be directed towards the proposed public streets and/or tied into the proposed storm sewer system where appropriate.

## 7. Contributions

- a) Prior to bond release, the Applicant shall contribute \$15,000 to the Fairfax County Park Authority for its use in establishing and maintaining parks and recreational facilities in the Hunter Mill District of Fairfax County.

- b) At the time of issuance of the first Building Permit, Applicant shall contribute \$24,800 for capital improvements to the public schools served by the subdivision. Said contribution shall be deposited with DPWES for transfer to Fairfax County Public Schools.
- c) Prior to the issuance of the first Building Permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one-half of one percent (0.5%) of the value of all of the units approved on the property. The percentage shall be based on the aggregate sales price of all of the units subject to the contribution, as if all of those units were sold at the time of the issuance of the first building permit, and is estimated through comparable sales of similar type units. The projected sales price shall be proposed by the Applicant in consultation with Fairfax County Department of Housing and Community Development (HCD) and shall be approved by HCD and DPWES.

## **8. Architecture**

The design and architecture of the approved units shall be in substantial conformance with the illustrative elevations contained in the GDP, or of comparable quality as determined by DPWES. The exterior facades of the new homes constructed on the site shall be covered with brick, stone and/or cementations siding (e.g., HardiPlank by James Hardie Building Products), or a combination thereof. The sides and/or rears of the houses on Lots 1, 12, 13 and 15 facing Beulah Road will be constructed of brick. All units shall be limited to thirty-five (35) feet in height as measured in the Fairfax County Zoning Ordinance.

## **9. Energy Saver Program**

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

## **10. Lighting and Signs**

- a) All exterior lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
- b) 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 Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or home sales for the Property to adhere to this Proffer.

## **11. Noise**

The Applicant shall provide the following noise attenuation measures:

- a) In order to reduce the maximum interior noise to a level of approximately 45 dBA Ldn, the Applicant proffers that the front, side, and rear walls of all facades of the residential units generally oriented in the direction of Beulah Road, which shall be annotated and shown as such on the subdivision plan, shall have the following acoustical attributes:
  - i) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45;

- ii) Doors and glazing shall have a laboratory STC rating of at least 37 unless doors, windows and glazing constitute more than 20 percent of any façade exposed to noise levels of DNL 65 dBA or above. If doors, windows and other glazed areas constitute more than 20 percent of an exposed façade, then the glazing of such features shall have an STC rating of at least 45; and
  - iii) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for testing and Materials to minimize sound transmission.
- b) In order to reduce the maximum exterior noise to a level of approximately 65 dBA Ldn or less for all affected units located within 130 feet of the centerline of Beulah Road, a 7' tall wood, masonry and/or vinyl composite fence (or a combination of these materials), as shown on Sheet 1 of the GDP, will be provided on Lots 1, 12, 13 and 15 as generally shown on Sheet 2 of the GDP. The location and purpose of this fence will be disclosed to all prospective homeowners as a disclosure memorandum prior to entering into a contract of sale and included in the HOA documents. The Applicant shall also place a covenant in the deed of subdivision noting that this fence shall remain in the location generally shown on Sheet 2 of the GDP. This fence shall be maintained by the HOA.

## 12. Telecommuting

All dwellings shall be pre-wired with broadband, high capacity data/network connections in multiple rooms, in addition to standard phone lines.

## 13. Other

- a) During development of the subject site, the telephone number of the site superintendent that will be present on-site during construction shall be provided to the President of the Hawthorne Estates community, as on file with the Hunter Mill District Supervisor's Office and to the Hunter Mill District Supervisor's Office.
- b) Outdoor construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturdays. No outdoor construction activities shall be permitted on Sundays or on federal holidays. The site superintendent shall notify all employees and subcontractors of these hours of operation and shall ensure that the hours of operation are respected by all employees and subcontractors. Construction hours shall be posted on-site in both English and Spanish. This proffer applies to the original construction only and not to future additions and renovations by homeowners.
- c) As part of the development of the subject property, the Applicant will record a 15' and/or 25' private tree preservation easement behind lots 5-7 and as generally shown on the GDP. The purpose of this easement is to preclude the removal of any existing and/or proposed vegetation. The Applicant shall plant additional vegetation within this area, as generally shown on Sheet 2 of the GDP, to supplement existing vegetation per Note 32, Sheet 1. This additional vegetation shall be planted by hand and no machinery shall be utilized. Subsequent to this initial planting by the Applicant, no additional disturbance or building will occur in this easement except for necessary utility construction, as required by Fairfax County, planting of grass or additional vegetation by hand in order to enhance the aesthetics of this area, or for the removal of diseased, dead, dying, or hazardous trees and the selective maintenance to remove noxious and poisonous weeds, as determined by UFM. The location and purpose of this easement shall be disclosed to all prospective homeowners as a disclosure memorandum prior to entering into a contract of sale and will also be included in

the Homeowner's Association documents. This easement will be noted as a covenant in the deed of subdivision and recorded in the Land Records of Fairfax County. This easement will be enforced by the HOA and will run with the land.

- d) Any extension into the minimum required side and rear yards for covered and uncovered decks shall be permitted in accordance with Section 2-412 of the Fairfax County Zoning Ordinance. Restrictions placed on the location of covered and uncovered decks per Section 2-412 of the Zoning Ordinance shall be disclosed to all prospective homeowners as a disclosure memorandum prior to entering into a contract of sale, included in the Homeowner's Association documents, and included as a covenant in the deed of subdivision. In accordance with the Zoning Ordinance, any sunrooms or enclosed porches may not encroach into the minimum required setbacks as shown on Sheet 2 of the GDP. This shall be disclosed to all prospective homeowners as a disclosure memorandum prior to entering into a contract of sale, included in the Homeowner's Association documents, and included as a covenant in the deed of subdivision.

Signatures:

Sekas Homes, Ltd., Applicant/Contract Purchaser Tax Map 028- 3 ((1)) Parcels 28, 29 and 31

By: \_\_\_\_\_  
John P. Sekas, President

Young Estates, L.C., Title Owner of Tax Map 028-3 ((1)) Parcel 28

By: \_\_\_\_\_  
John P. Sekas, Manager

Trustees of Antioch Christian Church, Title Owners of Tax Map 028-3 ((1)) Parcel 29

By: \_\_\_\_\_  
Donna P. Hunter, Trustee

By: \_\_\_\_\_  
Vivian M. Cruz, Trustee

By: \_\_\_\_\_  
Gary N. Romstedt, Trustee

Francis A. Young Revocable Trust, Title Owners of Tax Map 28-3 (91)) Parcel 31

By: \_\_\_\_\_  
Judith A. Young, Successor Trustee

By: \_\_\_\_\_  
Brenda E. Noel, Successor Trustee

By: \_\_\_\_\_  
Cheryl R. Kidd, Successor Trustee