

## PROFFERS

RZ/FDP 1998-MA-010

June 15, 1999

Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950, as amended, the property owner and applicant, for themselves and their successors and/or assigns (hereinafter collectively referred to as the "Applicant") in this rezoning, proffer that the development of the parcels under consideration and as shown on Fairfax County tax map referenced 60-3 ((16)) parcels 143 and 144 and tax map 71-1 ((4)) parcels 109C and 145A (hereinafter the "Property") will be in accordance with the following conditions, subject to approval of this rezoning application. The proffered conditions are:

1. The Property shall be developed in substantial conformance with the Conceptual Development Plan (CDP) Final development Plan (FDP) dated May 12, 1998, and as revised through May 22, 1998, prepared by Bowman Consulting Group and as further modified by these proffered conditions.
- 2) Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the CDP/FDP may be permitted as determined by the Zoning Administrator. The applicant reserves the right to make minor amendments to the internal lot lines of the proposed subdivision at time of subdivision plan submission so long as amendments are in substantial conformance with the CDP/FDP.
- 3) All homes on the property shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy efficient homes or its equivalent as determined by the Department of Environmental Management (DEM) for either electric or gas substance.
- 4) Limits of clearing and grading shall conform to those shown on the CDP/FDP.

- 5) Any conversion of garages that will preclude parking of motor vehicles within the garages is prohibited. A covenant setting forth this restriction shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to sale of any lots and shall run to the benefit of the Homeowner's Association, which shall be established and the Board. Prospective purchasers shall be advised of the use restriction prior to entering in to a contract of sale.
- 6) In the event that the Storm Water Management Pond (SWM) as shown on the CDP/FDP, is not needed or used for SWM purposes, as approved by D.P.W.E.S., the area shall be dedicated to the HOA for open space purposes.
- 7) The Annandale Volunteer Fire Department Station (VFD) will be provided an easement via a strip of land adjacent to the 6 foot asphalt trail from the 20 homes to Columbia Pike (Rt. 244). This easement is granted for the exclusive use of VFD emergency personnel for parking. The VFD will be responsible for maintenance of the whole area, and for lighting of the area.
- 8) A six-foot wide asphalt trail will be constructed from the fence around the development south to the edge of the shopping center driveway at Columbia Pike. The trail will be lighted via low level foot path lighting fixtures.
- 9) All lighting fixtures shall be in conformance with the Annandale Re-vitalization guidelines determined by the Department of Housing and Community Development.
- 10) A solid wood "wall/barrier" is designed as a visually attractive and integral element of the entire perimeter of the 20 homes and to fit in with the architectural design of the project. This wall is further intended to separate this project from the shopping center and church lots to the south, and is detailed as a schematic for illustrative purposes on "attachment A". The wall/barrier will be composed of sixteen foot sections between pillars with an articulated top, the exterior to be textured and painted, The pillars will be 7 feet high with the wall being 6 feet high and sculpted. Pillars of brick alternating with others of wood (Faux pillars) will be sixteen feet apart except for the area surrounding the storm water pond which will have wood pillars as per D.P.W.E.S.

- 11) The entry feature will combine brick columns, wrought iron and planting materials consistent with the perimeter wall/barrier design on attachment A.
- 12) All sidewalks on site will be constructed of brick or similar pavers.
- 13) A landscaping plan showing a minimum of 20% tree cover will be implemented. Trees shall be planted in each front yard at the sidewalk entrance.
- 14) A central pavilion and landscaped area serving as a community on site recreation / gathering place will be constructed. The area under the pavilion will consist of a multi purpose area for neighborhood gathering, music, dancing and visiting with children. The floor will be composed of a brick or similar paver material. Included within the pavilion area will be furniture (bench seats, chairs and tables) which will be movable so as to allow table games (checkers, chess, etc.), dancing, games for children or passive sitting for community congregation. Surrounding the pavilion will be a landscaped and planted area consisting of flowers, flowering shrubs, brick/paved sidewalk, outdoor lighting and a brick/paver material to form an apron which will be divided from vehicular travel-ways by a raised concrete ribbon from the travel way asphalt. If less than the total of \$19, 100 is anticipated to be spent for the pavilion and community recreation and activity area the remainder of funds shall be provided to the Fairfax County Park Authority at the time of site plan approval for recreation in the area.
- 15) The applicant shall contribute to the Board of Supervisors a sum of \$1,200 per dwelling unit upon the issuance of a residential use permit for each dwelling unit for the purpose of revitalization efforts in the Annandale area. Alternatively (as determined by the applicant), a total amount of \$24,000 in equivalent (in-kind) construction work shall be provided for downtown Annandale revitalization, with the amount to be documented by D.P.W.E.S. The projects to be funded by this contribution shall be determined by the Mason District Supervisor in consultation with the Annandale Central District Committee, Inc.
- 16) The undersigned and the Board of Supervisors acknowledge and agree that: (i) the Commonwealth of Virginia, Department of Motor Vehicles (DMV), joins in this application as fee owner of the property solely as an accommodation to Fairfax Development Corporation; (ii) by executing these proffers, DMV does not waive

its sovereignty or subject itself to any Fairfax County Ordinances; and (iii) by executing these proffers, DMV does not consent to being bound by the terms and conditions of this rezoning application or obligate itself to perform (or to cause to be performed) the terms and conditions of the application or proffers, and no liability, costs or fees relating to the application or proffers shall be imposed against DMV or become a lien against the application property while it is owned by the Commonwealth of Virginia. Accordingly:

- a. In the event that title to the application property does not transfer to The Fairfax Development Corporation on or before September 15, 1999, the Board of Supervisors shall rezone the property to the same zoning classifications to which the property was zoned prior to the approval of this rezoning application;
- b. No earth disturbing activity shall occur on the application property regarding development of the CDP/FDP, and no permit shall be issued for any such earth disturbing activity, until title to the application property has transferred to The Fairfax Development Corporation; and
- c. The approval of this rezoning application shall create no rights pursuant to Va. Code Section 15.2-2307, as amended.

**CONTRACT PURCHASER**

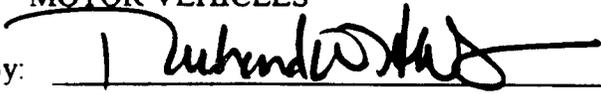
**THE FAIRFAX DEVELOPMENT CORPORATION**

By: 

Name: Scott Herrick

Title: President

**TITLE OWNERS LOT 60-3 ((16)) PARCELS 143 AND  
144 AND 71-1 ((4)) PARCELS 109C AND 145A.  
COMMONWEALTH OF VIRGINIA, DEPARTMENT OF  
MOTOR VEHICLES**

By: 

Name: Richard D. Holcomb

Title: Commissioner