

PROFFERS

SEKAS HOMES, LTD.

RZ 1998-PR-012

July 23, 1998

Pursuant to Section 15.2-2303(a) of the 1950 Code of Virginia, as amended, the undersigned applicant and owners proffer for themselves and their successors and assigns the following conditions subject to the approval of the Board of Supervisors of Fairfax County, Virginia of RZ 1998-PR-012 to the R-4 cluster zoning category:

1. Generalized Development Plan –

- a) Subject to Section 18-204 of the Fairfax County Zoning Ordinance, development shall conform to the Generalized Development Plan (GDP) prepared by Land Design Consultants, Inc. dated January 30, 1998 and revised June 24, 1998.
- b) Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the internal lot lines of the proposed subdivision at time of subdivision plan submission based on final house locations and building footprints.

2. Transportation –

- a) Applicant shall, at time of subdivision plan approval, dedicate and convey in fee simple to the Board, right-of-way for public street purposes, as shown on the GDP. Dedication shall be made at time of subdivision plan approval or upon demand from Fairfax County, whichever shall first occur.
- b) Applicant shall, subsequent to subdivision plan approval, construct improvements to Lord Fairfax Road generally as shown on the GDP. These improvements will meet current VDOT standards and will be subject to approval by DPW & ES. The Applicant notes that a modification of the typical street Category V requirements by maximum center line grade, minimum center line radius, stopping sight distance and K value has been approved by DPW & ES on August 20, 1997 under Fairfax County Waiver #018536.
- c) Advanced density credit shall be reserved as may be permitted by the provisions of Paragraph 5 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 subdivision plan approval.

3. Landscaping and Open Spaces –

- a) For the purposes of maximizing the preservation of trees on individual lots, the Applicant shall retain a certified landscape architect to consult on the preparation of a tree preservation / landscape plan. The tree preservation / landscape plan shall be submitted prior to any individual house grading plans and as part of the final subdivision plan which shall be reviewed and approved by the Urban Forestry Branch. This plan shall provide for the preservation of specific quality trees or stands of trees located on individual lots which can be preserved without precluding the development of a typical home on each of the lots as shown on the GDP. The Urban Forestry Branch and / or DPW & ES may require modifications to the landscape 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 greater than two feet in height.

Subject to the approval of the Urban Forestry Branch and / or DPW & ES, the Applicant shall perform the following measures relating to tree preservation on the property:

- Perform a pre-construction evaluation of the existing vegetation to determine the condition of the trees designated to be saved. The applicant shall have the limits of clearing flagged prior to construction. Prior to construction the applicant's / landscape architect shall walk the limits of clearing to determine where minor adjustments to the line may be made to ensure the preservation of trees in the tree save area.
 - The trees designated to be saved shall be protected with 36" high orange fencing or equivalent demarcation prior to clearing and grading and at all times during construction. Signage affirming restricted areas shall be provided on the temporary fence highly visible to construction personnel. The landscape architect contracted by the Applicant shall monitor the construction of the proposed development to ensure consistency with the landscape / tree preservation plan.
 - The Applicant shall conform to the limits of clearing and grading as shown on the GDP subject to the installation of necessary utilities. If it is necessary to locate the utility lines outside the limits of clearing and grading, those lines shall be located and installed in the least disruptive manner possible, considering cost and engineering. A replanting plan shall be developed and implemented for any areas outside the limits of clearing and grading that must be disturbed.
 - In addition, where it is determined feasible, adjustments to the proposed grading and location of the proposed units on the application property may be modified at the time of final engineering to enhance specific tree preservation.
 - 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 Urban Forestry Branch and / or DPW & ES.
- b) All open space areas shown on the GDP shall be dedicated and conveyed to a homeowners association and shall remain undisturbed before, during and after development activity, except for necessary crossings for placement of utilities and the Storm Water Management / Best Management Practices (SWM/BMP) pond, as approved by DPW & ES.

- c) A covenant, which shall run to the benefit of the homeowners association, shall be recorded under the homeowners association regulations, as approved by the County Attorney's Office, which prohibits the storage of materials or any debris dumping within open space area's shown on the GDP.
- d) The applicant shall provide two (2) 4-foot asphalt trails and picnic tables in the general location shown on the GDP to provide access and enjoyment of open space parcels A and C by the residents of this project. The applicant shall inform the purchasers of lots 33, 34, 40 and 41 in writing, prior to the signing of a purchase contract, that a four feet wide asphalt trail is located adjacent to each lot within a portion of the aforementioned open space parcels in order to provide the residents of this project access to the open space behind each lot.
- e) To address the concerns of the adjacent residents of Lord Fairfax Estates, the applicant has improved the proffered limits of clearing and grading along the rear property lines of Lots 30, 31 and 32. This clearing limit shall be as shown on the GDP. To further assist in the tree preservation effort, the applicant shall ensure that any new home placed on Lots 30, 31 and 32 shall be positioned as close to the front building restriction line as possible.

4. Storm Water Management and Best Management Practices –

- a) An onsite Storm Water Management (SWM) pond including Best Management Practices (BMP's) shall be provided as shown on the GDP subject to DPW & ES approval.
- b) A planting strip, as shown on the GDP, shall be provided along the southern boundary of the proposed SWM/BMP pond, if approved by the DPW & ES. If not approved by DPW & ES, then the applicant shall incorporate Outlot A into Parcel B and shall not provide the 14 evergreen shrubs. In this scenario, the 6' high wooden fence will be provided, but shall be positioned generally on the common property line of Parcel B and adjacent Lot 1.
- c) The applicant intends to discharge storm water runoff within a natural swale and existing easement located on downstream properties identified on the Fairfax County Tax Map as #39-1 ((1)) parcels 26 and 33B. At the time of subdivision plan submission, the applicant shall provide field surveyed cross-sections and calculations to DPW & ES as required by the current PFM to verify that the existing channel located within the easement is an adequate outfall. If any improvements are required to the existing stream to render it adequate, the applicant agrees to meet with the owners of parcel 26 and 33B to discuss such improvements. Any improvements to this drainage swale to render an adequate outfall, as defined and approved by DPW & ES, will be the responsibility of the applicant.
- d) The applicant shall provide a storm water management pond onsite as shown on the GDP. However, the applicant shall not attempt to waive the requirement to provide the pond unless the adjoining homeowners including parcels 26 and 33B referenced in proffer 4(c) above contact the Providence District Supervisor's Office to request that the applicant attempt a waiver. In that case, the applicant shall request a waiver. Should such a waiver then be approved by DPW & ES, the applicant shall discuss with the owners of parcels 26 and 33B any such improvements that would be required within the natural swale located within an existing easement on their properties. Such improvements shall be the responsibility of the applicant to account for any additional runoff and to render an adequate outfall, as approved by DPW & ES.

5. **Architecture –**

- a) In order to be compatible with the surrounding communities, the applicant hereby agrees to provide two story single family detached dwellings with basements and two car garages. This proffer does not apply to the existing dwellings to remain.
- b) The applicant shall be permitted to replace any existing home shown on the GDP with a new home at any time in the future. New homes constructed shall conform with the provisions of proffer 5(a).
- c) The owners of existing Lots 14, 14A and 22A hereby agree to ensure that any accessory structures constructed on their lots (new lots 19, 38 and 39) shall be in conformance with the Zoning Ordinance Regulations for said structures.

6. **Miscellaneous –**

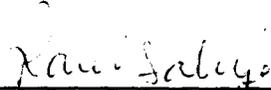
- a) **Successors and Assigns.** These proffers shall bind and inure to the benefit of the Applicant and his / her successors and assigns.
- b) **Counterparts.** These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.
- c) The applicant hereby agrees to provide a contribution of \$7800.00 to the Fairfax County Park Authority (FCPA) at the time of subdivision plan approval to acquire / develop / maintain recreational facilities in a nearby park to serve the residents of this community. The contribution equates to \$300.00 per new dwelling proposed – not including lots 19, 38 and 39 where the existing dwelling shall remain. Note that the applicant already contributed \$4500.00 (\$300.00 x 15 lots) on June 8, 1998 to the FCPA in accordance with the proffers of RZ-PR-026. The contribution of \$7800.00 noted includes a credit for the contribution already paid.
- d) In accordance with an agreement made on June 2, 1998 between the applicant and representatives of the Freedom Hill Elementary School, the applicant hereby agrees to the following contribution: The applicant shall contribute \$10,250.00 (\$250.00 X 41 new dwelling lots) at the time of final subdivision plan approval paid directly to Freedom Hill Elementary School to be used for improvements as deemed appropriate by the Principal and PTA of the School.
- e) A conservation easement measuring fifty feet wide shall be located along the rear of proposed parcel 38 as shown on the GDP and shall be to the benefit of the Homeowner's Association. This easement shall allow for the preservation of this area in its natural state and shall prohibit the construction of any structures. No trees shall be disturbed or removed in this area except dead, dying or diseased vegetation as determined by the Urban Forester. This conservation easement will be recorded among the land records of Fairfax County in a form approved by the County Attorney at the time of recordation of the subdivision.

LORD FAIRFAX L.L.C.

BY:


CHARIS C. LAPAS, Manager, Majestic Knolls Lots 1 through 15


Yash P. Saluja, Co-Owner of Parcel 12

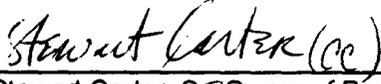

Ranji Saluja, Co-Owner of Parcel 12

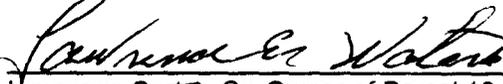

Shirley Anne Kidwell, Co-Owner of Parcel 13 (BLC)

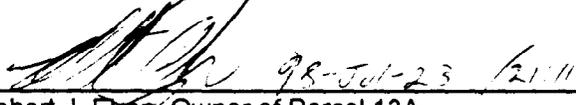
RANJ
N/A


Robert Carter, Co-Owner of Parcel 13

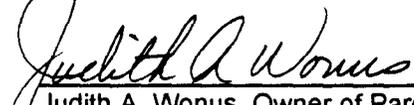

Clarence Carter, Co-Owner of Parcel 13

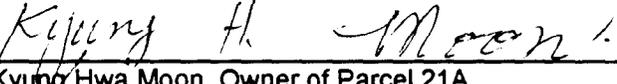

Stewart Carter, Co-Owner of Parcel 13


Lawrence Carter, Co-Owner of Parcel 13
WATERS SEN

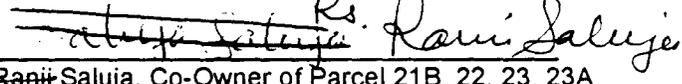

Robert J. Ehren, Owner of Parcel 13A

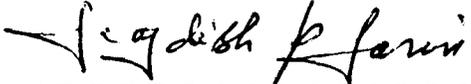

Chun C. Shu, Owner of Parcel 14

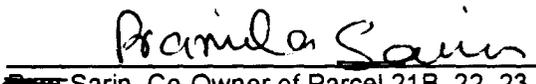

Judith A. Wonus, Owner of Parcel 14A

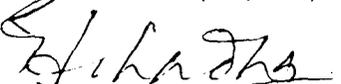

Kyung Hwa Moon, Owner of Parcel 21A


Yash P. Saluja, Co-Owner of Parcel 21B, 22, 23, 23A, 24A and 24B


Ranji Saluja, Co-Owner of Parcel 21B, 22, 23, 23A, 24A and 24B


Jagdash Sarin, Co-Owner of Parcel 21B, 22, 23, 23A, 24A and 24B


Pramila Sarin, Co-Owner of Parcel 21B, 22, 23, 23A, 24A and 24B


Girdhari Chadha, Co-Owner of Parcel 21B, 22, 23, 23A, 24A and 24B


Usha Chadha, Co-Owner of Parcel 21B, 22, 23, 23A, 24A and 24B

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Robert Larry Adams
Robert Larry Adams, Owner of Parcel 22A

SEKAS HOMES, LTD.

By: John P. Sekas
JOHN P. SEKAS, President, Contract Purchaser