

**PROFFERS**  
**RZ 1998-LE-019**  
**October 15, 1998**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978 amended), the property owners and Applicant in this rezoning application proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference Nos. 91-2-((1))-19A, 19B (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Rezoning request for the R-4 District is granted. In the event said application request is denied, these proffers shall be null and void. The Applicant, for itself, its successors and assigns, agrees that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia in accordance with applicable County and State statutory procedures. The Applicant further agrees that these proffers shall remain fully binding on the Applicant and its successors or assigns and any and all future owners of the Property. These proffered conditions, if accepted, supersede all proffers existing on the Property. The proffered conditions are:

1. Subject to the proffers and the provisions of Section 18-204 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development will be in substantial conformance with the Generalized Development Plan

("GDP") prepared by Alexandria Surveys, containing two (2) sheets,, dated December 19, 1997 and revised through October 14, 1998.

2. The development shall consist of a maximum of 44 single family detached residential units. The size, width, and location of the lots shown on the GDP may be modified in accordance with the requirements of Section 18-204 of the Zoning Ordinance; provided that any such modifications shall be in substantial conformance with that depicted on the GDP.

3. Stormwater management shall be provided for the property in accordance with Best Management Practice ("BMP") standards in accordance with Fairfax County requirements or as otherwise may be approved, waived or modified by the Department of Public Works and Environmental Services (DPW&ES).

4. Each of the approved single family detached units shall offer the following landscape amenities:

(a) The front yard of each approved unit shall have a minimum of one (1) deciduous tree having a minimum caliper of three (3) inches at the time of planting;

(b) The front foundation of each unit shall have a minimum of five (5) shrubs and complimentary ground cover material.

The above described landscaping shall be installed prior to the issuance of a Residential Use Permit ("RUP") for the dwelling on each of the approved lots. The species of the required landscape material shall be at the discretion of the Applicant, but

subdivision plan review. Nothing in this proffer shall preclude the Applicant from installing additional landscape material or preclude homeowners from modifying this required landscaping at their discretion.

LIMITS OF CLEARING AND GRADING/  
TREE PRESERVATION

5. For the purposes of maximizing the preservation of existing trees on the site trees, the Applicant shall prepare a tree preservation/landscape plan at the time of subdivision plan review. The tree preservation/landscape plan shall be submitted as part of the final subdivision plan which shall be reviewed and approved by the Urban Forestry Branch prior to the issuance of grading permits. This plan shall provide for the preservation of specific quality trees or stands of trees located on the property without precluding: 1) the development shown on the GDP; or 2) implementation of the recommendations of the Fairfax County Geotechnical Review Board as they may relate the extent of necessary clearing and grading. The Urban Forestry Branch and/or DPW&ES may require modifications to the tree preservation/landscape plan to the extent said modifications do not alter the configuration of development shown on the GDP and are consistent with the recommendations of the Geotechnical Review Board.

6. 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:

(a) 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 shall walk the limits of clearing with an Urban Forestry Branch representative to verify the pre-construction evaluation and predetermine where minor adjustments to the line may be made to ensure the preservation of trees within tree save areas.

(b) The trees designated to be saved shall be marked on the ground with 36" high orange fencing or equivalent demarcation prior to clearing and grading and at all times during construction. The Applicant shall monitor the construction of the proposed development to ensure consistency with the landscape/tree preservation plan.

(c) The Applicant shall substantially conform to the limits of clearing and grading as shown on the GDP Plat subject to the installation of necessary utilities and the implementation of the recommendations of the Fairfax County Geotechnical Review Board. 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.

(d) 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.

(e) As a result of final engineering, in the event the areas designated as tree save areas within the limits of clearing and grading generally shown 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.

#### ACCESS

7. There shall be no driveway access from Lot 1 to Telegraph Road.

#### ARCHAEOLOGICAL INVESTIGATION

8. Prior to the commencement of any land disturbing activity on the Application Property, the Applicant shall conduct a Phase I archeological investigation. The results of the Phase I investigation shall be submitted to Fairfax County Park Authority (FCPA) Staff. In the event the Phase I investigation recommends that no further investigation is warranted, this proffer shall be deemed fulfilled. Only if warranted by the findings of the Phase I survey, as determined necessary by FCPA staff, the Applicant shall conduct a subsequent Phase II and Phase III archaeological investigation.

#### TRANSPORTATION

9. The Applicant shall dedicate in fee simple to the Fairfax County Board of Supervisors, at the time of subdivision approval or on demand, whichever comes first, right-of-way in the amount of 68 feet, as measured from the centerline of Telegraph Road, as generally shown on the GDP. The Applicant shall provide any ancillary, temporary grading and construction easements as

determined necessary by VDOT or DPW&ES along the site's frontage to Telegraph Road.

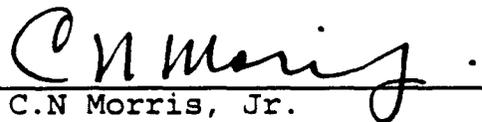
10. The Applicant shall provide interim left and right turn lanes into the unsignalized site entrance from Telegraph Road. The design and configuration of the interim turn lanes shall be subject to review and approval by VDOT and DPW&ES. Subject to review and approval by VDOT and DPW&ES, the interim turn lanes may be located within the right-of-way which exists or is proposed to be dedicated by the Applicant.

These proffers may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

APPLICANT AND CONTRACT PURCHASER:

Morris Construction Company

By:

  
C.N. Morris, Jr.

HEIRS OF ERMA A. MITTENDORFF  
OWNER, TAX MAP NUMBER 91-2-((1))-19A, 19B

  
Stanley Mittendorff, administrator  
Executor/Administrator of Estate

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