

PROFFERS
RZ 98-D-035
EDGEMOORE HOMES, L.L.C.
July 29, 1999

Pursuant to Section 15.2-2303(A) of the 1950 Code of Virginia, as amended, and Section 18-204 of the Fairfax County Zoning Ordinance, the undersigned, as the Applicant and Owner in the above-referenced Rezoning Application and the owners of the Property (the "Property") which is the subject matter thereof, hereby proffer for themselves, their successors and assigns that the development of the Property will be subject to the following terms and conditions should the same be rezoned to PDH-2:

1. **PROFFERED CDP/FDP**

The Property shall be developed in substantial conformance with the Conceptual/Final Development Plan dated 11/12/98, revised to 1/4/99, certified 6/25/99, prepared by Paciulli, Simmons and Associates, Ltd. The Applicant does not intend by this proffer to waive the right to make minor engineering modifications permitted and/or rendered necessary by environmental regulations, the subdivision ordinance, the zoning ordinance, or the Public Facilities Manual, as approved by the Department of Public Works and Environmental Services (DPWES).

2. **LIMITS OF CLEARING AND GRADING**

The Applicant shall substantially conform to the limits of clearing and grading shown on the CDP/FDP, subject to modification for the installation of trails, stormwater management facilities, fences and utilities and the like and to facilitate tree preservation, as approved by the Urban Forester and DPWES. Clearing limits around trees shall be marked on the ground with filter fabric, fences or berms, or equivalent visible demarcation prior to clearing and grading and at all times during construction. Notwithstanding any limits of clearing and grading shown on the CDP/FDP, clearing and grading around any trees shown to be preserved shall not extend into the drip lines of such trees, as determined by the Urban Forester. Any utility lines outside the limits of clearing and grading shall be located and installed in the least disruptive manner possible, considering cost and engineering, as determined by the Urban Forester, as provided in 3. Below.

3. **TREE PRESERVATION/LANDSCAPING**

- a. The applicant has voluntarily conducted a tree survey of the Property which has been submitted as part of the CDP/FDP. The CDP/FDP depicts trees to be preserved during construction. In addition, the Applicant shall submit a tree preservation plan to the Urban Forestry Branch for review and approval as part of the subdivision submission and prior to the demolition of any existing structure. The tree preservation plan shall include a tree condition analysis, prepared by a certified International Society of Arboriculture arborist, for all existing specimen trees and all trees 12 inches or more in diameter whose trunks are near the depicted limits of clearing and grading.
- b. The certified arborist and the Applicant's design engineer shall consult with regard to the placement of homes and utilities in order to maximize tree preservation. Such efforts shall not cause a reduction in the number of dwelling units or their size, or require the installation of retaining walls greater than two feet in height.
- c. Demolition of existing structures shall be conducted in a manner so as to minimize adverse impacts on trees to be preserved.
- d. If any trees designated to be preserved cannot be preserved, an equivalent area of replacement trees shall be provided in accordance with the 1995 Public Facilities Manual, after consultation with the Urban Forester. Replacement trees shall be of an oak species and shall be of a minimum three- inch caliper.
- e. The driplines of all trees designated to be preserved shall be protected by conspicuous fencing of a minimum of 4 feet in height prior to any construction work on the site, with signage stating "no disturbance area".
- f. In addition to any other landscaping provisions, at least one 3" caliper shade tree shall be planted in the front yards of Lots 2, 3 and 5. Adjacent lots shall not have the same species.

4. OPEN SPACE/HOA OBLIGATIONS

The open space shall be conveyed to a Homeowner's Association to be formed as approved by the County Attorney. The HOA shall be responsible for the ownership and maintenance of the open space area. The open space area shall be the subject of a conservation easement and/or a restrictive covenant, as approved by the County Attorney prohibiting the removal of existing trees, except those determined by a certified arborist to be dead, dying or diseased beyond remediation. No dumping of trash or erection of structures in the

open space shall be permitted. Prospective purchasers of homes shall be advised of these requirements in writing prior to contract execution.

5. **ENERGY SAVER PROGRAM**

All homes shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes (or its equivalent), as determined by DPWES, for either electric or gas energy systems.

6. **NOISE ATTENUATION**

A noise study by a professional noise engineer will be performed for review and approval by DPWES for highway noise affecting Lots 1 and 2 from Idylwood Road, and if noise attenuation is required an interior noise level of 45 dBA/Ldn and exterior noise level of 65 dBA/Ldn shall be achieved, through the following or equivalent techniques, as approved by DPWES:

(a) Exterior walls shall be brick facade or have a laboratory Sound Transmission Classification (STC) of at least 39.

(b) Doors and windows shall have an STC of at least 28. If windows constitute more than 20 per cent of any facade, they shall have the same laboratory STC ratings specified for exterior walls.

(c) Areas between surfaces will be fully sealed and caulked.

(d) Exterior noise above 65 dBA/Ldn, in rear yard areas, if any, will be attenuated by techniques such as privacy yard fences solid to the ground.

7. **PUBLIC STREETS**

Dedication of right-of-way and construction of improvements shall be provided as shown on the CDP/FDDP, as approved by OT/VDOT.

8. **HOUSE COMPATIBILITY**

Homes on the Property shall be constructed in a design and with materials compatible with existing adjoining Brookside Manor.

9. **UNDERGROUND UTILITIES**

On-site utility lines will be placed underground at Applicant's cost.

10. HOUSE FRONT SETBACKS

The front yard setbacks of dwellings shall be varied so that no two adjacent dwellings shall be in line with each other.

11. RECREATIONAL FACILITIES

Per Section 6-110 of the Zoning Ordinance, in lieu of on-site recreational facilities, a contribution of \$955 per lot shall be made at the time of final subdivision plan approval to the Fairfax County Park Authority for improvements to park facilities in the ~~vicinity of the Property~~, as determined by the Park Authority.
Mount Royal Park

Handwritten notes:
45YMA
45YMA
[Signature]

12. LOT 2 DRIVEWAY

The driveway for Lot 2 shall access to Hillside Drive only.

13. IDYLWOOD ROAD FENCE/WALL

No privacy-type fence or wall ^{greater than four feet in height} will be constructed on the Idylwood Road frontage of the Property. Homeowners may construct fences as permitted by the Zoning Ordinance.

BINDING EFFECT

THESE PROFFERS SHALL BE BINDING UPON THE APPLICANT AND OWNERS AND THEIR SUCCESSORS AND ASSIGNS.

SIGNATURE PAGE FOLLOWS

Applicant:

Edgemoore Homes LLC

By: Five Pillars, Inc.-Managing Member

By: YAHYA M. AL-HUSSAIN Vice President

Owner:

JAREN G. VAN DEN HEUVEL
JAREN G. VAN DEN HEUVEL

edrhompri.DOC

RECEIVED
DEPARTMENT OF PLANNING AND ZONING

AUG 2 1999

ZONING EVALUATION DIVISION

DEVELOPMENT CONDITIONS

CDP 1998-DR-035

AUGUST 2, 1999

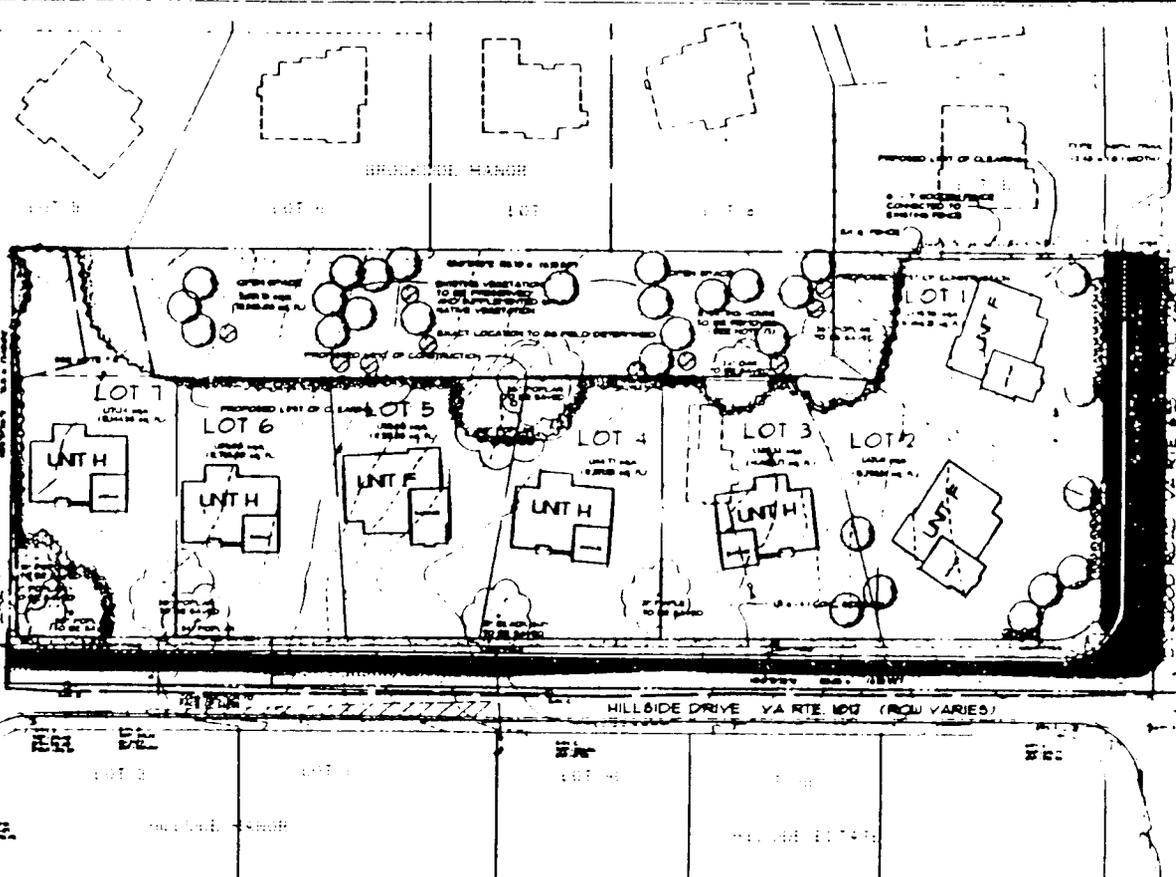
1. Any solid-appearing fence or wall, as permitted by the Zoning Ordinance, which is constructed along the Idylwood Road frontage of either lots 1 and/or 2, shall not exceed 4 feet in height, shall be set back to allow for the installation of a staggered row of landscaping and shall be softened by the use of appropriate landscape material and shrubbery including but not limited to azaleas, small evergreens, ornamentals and a mixture of similar vegetation and plantings. This restriction shall be incorporated into the restrictive covenants of the Homeowner's Association. If the applicant constructs said wall or fence, a landscaping plan detailing these improvements shall be submitted to the Urban Forestry Branch for review and approval.

NOTES

1. THE PROPERTY ON HEATED ON THIS PLAN IS LOCATED ON THE MAP TO THE LEFT OF PAGE 10.
2. THE PROPERTY IS CORNER 1, 2 AND 3.
3. THE CORNER LOTS 1, 2 AND 3 ARE THE CORNER LOTS AND BOUNDARIES ARE SHOWN ON THIS PLAN.

CONTRACT PURCHASER: BROADSIDE MAN, INC.
 10000 W. 10TH AVENUE
 DENVER, CO 80202

4. TOTAL SITE AREA IS APPROX 10.1 ACRES.
5. THE PROPERTY IS A PART OF THE DEVELOPMENT BY FACILITY APPROX ASSOCIATES, L.P., (CORNER LOTS 1, 2 AND 3) BOUNDARY IS SHOWN BY DASHED LINE.
6. THE PROPERTY IS A PART OF THE DEVELOPMENT BY FACILITY APPROX ASSOCIATES, L.P., (CORNER LOTS 1, 2 AND 3) BOUNDARY IS SHOWN BY DASHED LINE.
7. THE PROPERTY IS A PART OF THE DEVELOPMENT BY FACILITY APPROX ASSOCIATES, L.P., (CORNER LOTS 1, 2 AND 3) BOUNDARY IS SHOWN BY DASHED LINE.
8. THE PROPERTY IS A PART OF THE DEVELOPMENT BY FACILITY APPROX ASSOCIATES, L.P., (CORNER LOTS 1, 2 AND 3) BOUNDARY IS SHOWN BY DASHED LINE.
9. THE PROPERTY IS A PART OF THE DEVELOPMENT BY FACILITY APPROX ASSOCIATES, L.P., (CORNER LOTS 1, 2 AND 3) BOUNDARY IS SHOWN BY DASHED LINE.
10. THE PROPERTY IS A PART OF THE DEVELOPMENT BY FACILITY APPROX ASSOCIATES, L.P., (CORNER LOTS 1, 2 AND 3) BOUNDARY IS SHOWN BY DASHED LINE.
11. THE PROPERTY IS A PART OF THE DEVELOPMENT BY FACILITY APPROX ASSOCIATES, L.P., (CORNER LOTS 1, 2 AND 3) BOUNDARY IS SHOWN BY DASHED LINE.
12. THE PROPERTY IS A PART OF THE DEVELOPMENT BY FACILITY APPROX ASSOCIATES, L.P., (CORNER LOTS 1, 2 AND 3) BOUNDARY IS SHOWN BY DASHED LINE.
13. THE PROPERTY IS A PART OF THE DEVELOPMENT BY FACILITY APPROX ASSOCIATES, L.P., (CORNER LOTS 1, 2 AND 3) BOUNDARY IS SHOWN BY DASHED LINE.
14. THE PROPERTY IS A PART OF THE DEVELOPMENT BY FACILITY APPROX ASSOCIATES, L.P., (CORNER LOTS 1, 2 AND 3) BOUNDARY IS SHOWN BY DASHED LINE.
15. THE PROPERTY IS A PART OF THE DEVELOPMENT BY FACILITY APPROX ASSOCIATES, L.P., (CORNER LOTS 1, 2 AND 3) BOUNDARY IS SHOWN BY DASHED LINE.
16. THE PROPERTY IS A PART OF THE DEVELOPMENT BY FACILITY APPROX ASSOCIATES, L.P., (CORNER LOTS 1, 2 AND 3) BOUNDARY IS SHOWN BY DASHED LINE.
17. THE PROPERTY IS A PART OF THE DEVELOPMENT BY FACILITY APPROX ASSOCIATES, L.P., (CORNER LOTS 1, 2 AND 3) BOUNDARY IS SHOWN BY DASHED LINE.
18. THE PROPERTY IS A PART OF THE DEVELOPMENT BY FACILITY APPROX ASSOCIATES, L.P., (CORNER LOTS 1, 2 AND 3) BOUNDARY IS SHOWN BY DASHED LINE.
19. THE PROPERTY IS A PART OF THE DEVELOPMENT BY FACILITY APPROX ASSOCIATES, L.P., (CORNER LOTS 1, 2 AND 3) BOUNDARY IS SHOWN BY DASHED LINE.
20. THE PROPERTY IS A PART OF THE DEVELOPMENT BY FACILITY APPROX ASSOCIATES, L.P., (CORNER LOTS 1, 2 AND 3) BOUNDARY IS SHOWN BY DASHED LINE.



ZONING REGULATIONS

MIN. AREA OF SITE	MIN. AC. (1/4 AC. MIN.)
MIN. FRONT SETBACK	5 FT.
MIN. SIDE SETBACK	5 FT.
MIN. REAR SETBACK	5 FT.
MIN. FRONT YARD SETBACK	5 FT.
MIN. SIDE YARD SETBACK	5 FT.
MIN. REAR YARD SETBACK	5 FT.
MIN. FRONT SETBACK	5 FT.
MIN. SIDE SETBACK	5 FT.
MIN. REAR SETBACK	5 FT.

SUPPLEMENTAL LANDSCAPING FOR OPEN SPACE

1. PROPOSED SUPPLEMENTAL PLANTING - 30' x 30' IN CALIBER
 BIRCH TREE
 SCALLOP TREE
 PINE TREE
 BIRCH TREE
2. PROPOSED SUPPLEMENTAL PLANTING - 30' x 30' IN CALIBER
 BIRCH TREE
 SCALLOP TREE
 PINE TREE
 BIRCH TREE

PROPOSED TOTAL NO. LOTS	1
PROPOSED TOTAL NO. UNITS	11 UNITS (11 UNITS)
PROPOSED TOTAL NO. UNITS	11 UNITS (11 UNITS)
PROPOSED TOTAL NO. UNITS	11 UNITS (11 UNITS)
PROPOSED TOTAL NO. UNITS	11 UNITS (11 UNITS)

BROOKSIDE MAN SECTION 1
 DENVER, CO 80202
 FACILITY APPROX ASSOCIATES, L.P.
 DENVER, CO 80202
 ATTACHMENT 2