PROFFER STATEMENT
PARK FIVE DEVELOPMENT, INC.
BY: HARRY M. DUBIN, PRESIDENT
RZ 94-L-016

DATE: December 9, 1994

Pursuant to §15.1-491(a) of the 1950 Code of Virginia, as amended, and §18-204 of the Zoning Ordinance of Fairfax County (1978, as amended) the property owners and the Applicant, for themselves and their successors or assigns (hereinafter collectively referred to as the "Applicant"), proffer to develop the subject property in accordance with the following conditions if, and only if, rezoning application RZ 94-L-016 is granted. In the event said rezoning request is denied, the proffers will immediately be null and void and of no further force and effect. These proffers, if accepted, supersede all proffers existing on the Property.

1. The Property which is the subject of this rezoning application shall be developed in accordance with the Generalized Development Plan ("GDP") dated November, 1993 and revised through November 10, 1994, prepared by R.C. Fields, Jr. & Associates; provided however, that minor modifications may be permitted when necessitated by sound engineering or which may become necessary as part of final site engineering, as determined by the Department of Environmental Management ("DEM").

2. Applicant will develop no more than twenty-six (26) lots on the Property with a density not to exceed 9.41 dwelling units per acre.

3. Applicant will provide landscaping in substantial conformance with the landscaping shown on the GDP. If said landscaping encroaches into existing or future easements and/or utilities, the developer will relocate these plantings at an appropriate location to be determined by the County Urban Forester.

4. Prior to the issuance of the first Building Permit, applicant will contribute the sum of $6,500, which is equal to $250 per unit to the Board of Supervisors. Such contribution will escalate annually in accordance with the Engineering News and Record "Construction Costs Index" from the date of approval of the rezoning. Such contribution will be used by the Board of Supervisors for future traffic improvements at intersections in the vicinity of this townhouse development.

5. Prior to any clearing or grading on the site, the applicant shall consult with the Urban Forester regarding the feasibility of preserving any of the four large trees depicted on the GDP. Any tree which the Urban Forester recommends for saving will be preserved and not disturbed by grading or related construction activity. The drip line of each tree will be marked with

filter fabric or other suitable barrier during all phases of construction so as to ensure observance of this proffer by the construction company. If any such tree is not still alive at the time Applicant and the construction company qualify for release of bonds, then the tree will be replaced by a number and species of trees to be determined by the County Urban Forester provided, however, that the trees selected for replacement will measure approximately two inches, six inches above ground level in the case of deciduous trees and, in the case of evergreen trees, will measure no more than six to eight feet in height.

6. For purposes of preserving and enhancing the environmental sensitivity of the site and for maximizing the preservation of trees and other existing vegetation, a final landscaping plan prepared in accordance with the GDP will be submitted to the County Urban Forester for review and approval prior to final subdivision plan approval. The landscaping plans shall include:

A. Limits of clearing and grading consistent with those shown on the GDP which protects drip lines of trees to be preserved both on site and on the adjacent development to the west; and

B. On site supplemental planting of trees will be provided as shown on the GDP.

7. During site plan review, if it is determined necessary by the County Urban Forester to remove any trees previously designated to be preserved in order to locate additional utility lines (other than those reflected on the GDP) then the applicant shall substitute an area of additional tree save of equivalent value as determined by the County Urban Forester at an alternative location on the property. If a suitable alternative location cannot be identified on site, Applicant shall replace such trees according to the directions of the Urban Forester pursuant to the Public Facilities Manual.

8. Garages will not be converted into living space or to any other use inconsistent with the parking of vehicles. A covenant setting forth this use restriction will be recorded among the Fairfax County Land Records prior to the sale of any lots. The covenants will run to the benefit of the Homeowner's Association and to Fairfax County and will be approved prior to recordation by the County Attorney. Each Deed of conveyance to initial purchasers of lots will expressly contain this use restriction. Prospective purchaser will be advised of this use restriction prior to entry into contracts of sale.

9. Applicant will provide the following landscaping features for each of the twenty-six residences: one specimen shade tree and six low-lying evergreen shrubs, subject to approval of the Urban Forester.

10. All homes shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy efficient homes or

its equivalent, as determined by DEM for either electric or gas energy systems.

11. Individual residences will be constructed with traditional or colonial architectural features compatible with the adjacent Potters Glen Subdivision, subject to the approval of DEM. The units immediately adjacent to Old Franconia Road will be constructed with brick rear walls.

12. The applicant will convey the open space on the GDP to a homeowners' association.

13. Two park benches will be sited and maintained by the homeowners' association on parcel "A" in the vicinity shown by the note on the GDP.

14. The applicant will construct all units with a privacy yard enclosed on three sides by a wooden fence or masonry wall a minimum of six feet in height.

15. In the event a waiver of on-site stormwater management is not approved by DEM, the applicant will file a proffered condition amendment application to amend the development plan for the purpose of adding stormwater management facilities.

16. The applicant will construct a brick architectural wall at the entrance, substantially identical to the existing architectural wall across Potters Lane designating the entrance of Potters Glen subdivision.

SIGNATURES BEGIN ON NEXT PAGE

PARK FIVE DEVELOPMENT, INC.

Date: 12/12/94

Harry M. Dubin, President
Contract Purchaser/Assignee

LEVIN FAIRFAX LIMITED PARTNERSHIP

Date: 12/9/94

Myron S. Levin, President
Contract Purchaser/Assignor

Date: 12/9/94

Gladys M. Hogan,
Heir of Clara A. Potter
and Authorized Executrix

Date: 12/9/94

Robert W. Potter,
Heir of Clara A. Potter

Date: 12-9-94

Herbert W. Potter,
Heir of Clara A. Potter

STATE OF VIRGINIA
COUNTY OF FAIRFAX, to-wit:

SUBSCRIBED AND SWORN TO before me this [illegible] day of [illegible], 1994, by Harry M. Dubin.

NOTARY PUBLIC

My commission expires: [illegible]

STATE OF VIRGINIA
COUNTY OF FAIRFAX, to-wit:

SUBSCRIBED AND SWORN TO before me this 9 day of December, 1994, by Myron S. Levin.

Joyce L. Craghead
NOTARY PUBLIC

My commission expires: 3/31/97

STATE OF VIRGINIA
COUNTY OF FAIRFAX, to-wit:

SUBSCRIBED AND SWORN TO before me this 9 day of December, 1994, by Gladys M. Hogan.

Joyce L. Craghead
NOTARY PUBLIC

My commission expires: 3/31/97

STATE OF VIRGINIA
COUNTY OF FAIRFAX, to-wit:

SUBSCRIBED AND SWORN TO before me this 9 day of December, 1994, by Robert W. Potter.

Joyce L. Craghead
NOTARY PUBLIC

My commission expires: 3/31/97

STATE OF VIRGINIA
COUNTY OF FAIRFAX, to-wit:

SUBSCRIBED AND SWORN TO before me this 9th day of December, 1994, by Herbert W. Potter.

State of Virginia
County of Arlington

Mary K. Fay
NOTARY PUBLIC

My commission expires: 12/31/94

GENERALIZED DEVELOPMENT PLAN

POTTERS GLEN

FAIRFAX COUNTY VIRGINIA

RCF FIELDS, JR. & ASSOCIATES

F A I R F A X C O U N T Y

BOARD OF SUPERVISORS ACTION
ZONING MAP AMENDMENT
DATE OF ACTION 12/12/94

APPLICATION NUMBER: RZ 94-L-016 LEE DISTRICT

APPLICANT: PARK FIVE DEVELOPMENT, INC.

STAFF: GODFREY

GRANTED THE REQUESTED ZONING DISTRICT(S) SHOWN BELOW

AND ACCEPTED PROFFERS.

APPLICATION DATA

EXISTING ZONING AND ACREAGE

ZONING:	R-1	R-2
ACRES:	1.78	.98

PROPOSED:	ACTION:
R-12	R-12
2.76	2.76

TOTAL ACRES	TOTAL ACRES
2.76	2.76

MAP NUMBERS

081-3- /01/ /0045-

REMARKS:

ZONING MAP AMENDMENT

RZ 94-L-016

ZONING DISTRICT DATA

ZONING DISTRICT: R-12

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
SFD						
SFA	26	2.76	9.41			
LOR						
MID						
HI						
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TOT	26	2.76	9.41			

PROFFERED/CONDITIONED NON-RESIDENTIAL GROSS FLOOR AREAS

USE	GFA	FAR	USE	GFA	FAR
COMMERICAL-GEN			PUBLIC/QUASI PUB		
HOTEL/MOTEL			OFFICE		
INDUSTRIAL-GEN			TRAN-UTIL-COMM		
CULT/EDU/RELG/ENT			RETAIL-EATING EST		
INDUST-WAREHOUSE			*****TOTAL*****		

REMARKS:

ZONING MAP AMENDMENT

RZ 94-L-016

CONDITION/CONTRIBUTION DATA

COND CODE	DESCRIPTION	COND CODE	DESCRIPTION
1A	GENERALIZED DEVEL PLAN	1E	CONDITIONS, PROFFERED
2A	DENSITY	2G	DEDICATION: HOMEOWNRS OPEN SPACE
2H	RECREATION FACIL/SITES	2I	ARCHITECTURE
3A	CONTRIBUTION-TRANSP *SEE BELOW	4B	TREES/COUNTY ARBORIST
4G	TRANSITN *SCRN/BARRIER:WAIVE/MOD	4H	LANDSCAPING
4I	ENERGY CONSERVATION		

CONTRIB DATA:	CND CODE	AMOUNT	CONDITIONED	EXPIRES	CONTRIB CODE
		$0		00/00/00	
		$0		00/00/00	
		$0		00/00/00	
		$0		00/00/00	

REMARKS: