

**Proffers****LYLAB Holdings, LLC – Rockland Village****RZ 2011-SU-003****June 1, 2011**

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Applicant and the Owner, in this rezoning proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Map as Tax Map Reference 44-2(2))21 (hereinafter referred to as the "Property") will be in accordance with the following conditions (the "Proffered Conditions"), if and only if, said rezoning request for the PDH-8 Zoning District is granted. In the event said rezoning request is denied, these Proffered Conditions shall be null and void. The Owner and the Applicant, for themselves, their successors and assigns hereby agree that these Proffered Conditions shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures.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 Proffered Conditions are:

**I. GENERAL**

1. Substantial Conformance. Subject to the provisions of Article 16 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), prepared by Charles P. Johnson & Associates, Inc., consisting of 6 sheets, dated January 11, 2011.

2. Maximum Lot Yield. The development shall consist of a maximum of 4 single family detached units. Except as may be further qualified by these proffered conditions, minor modifications to the building envelopes including house location and sizes may be permitted in accordance with Section 16-403 of the Zoning Ordinance.
  
3. Incorporation into HOA. Prior to subdivision plat approval, the Applicant shall incorporate the subject property into the existing Rockland Village HOA.
  
4. Architectural Compatibility. The dwellings shall be similar in architectural style and character, including materials and colors, to the adjacent single family detached units to the west. Any conversion of garages or use of garages that precludes the parking of vehicles within the garage 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 the sale of any lots and shall run to the benefit of the HOA and the Board of Supervisors. This restriction shall also be disclosed in the HOA documents. Prospective purchasers shall be advised of this use restriction, in writing, prior to entering into a contract of sale.
  
5. Asbestos. Prior to site plan approval, the Applicant shall submit an environmental assessment of existing structures to be removed and their estimated asbestos content to DPWES for approval. The Applicant shall utilize measures and techniques as recommended by the assessment and DPWES before, during and after demolition activities.

6. Noise. All prospective purchasers shall be notified in writing by the Applicant of the potential for noise emanating from aircraft using Dulles International Airport.
  
7. Energy Efficiency. The new dwelling units shall be designed and constructed as ENERGY STAR qualified homes. The major features of ENERGY STAR homes could include features such as: Effective Insulation, High-Performance Windows, Tight Construction and Ducts, Efficient Heating and Cooling Equipment, Efficient Products, and Third Party Verification (Home Energy Rater). Prior to the issuance of the Residential Use Permit (RUP) for each dwelling unit, documentation shall be submitted to the Environment and Development Review Branch of the Department of Planning and Zoning (DPZ) from a home energy rater certified through the Residential Energy Services network (RESNET) program that demonstrates that the dwelling unit has attained the ENERGY STAR for homes qualification.
  
8. Signs. No temporary signs (including “popsicle” style paper or cardboard signs), which are prohibited by Article 12 of the Zoning Ordinance and Chapter 7 of Title 33.1, and Chapter 8 of Title 46.2 of the Code of Virginia, shall be placed on or offsite by the Applicant or at the Applicant’s direction. The Applicant shall direct its agents and employees involved with the Property to adhere to this proffer.
  
9. Construction Hours. Construction shall only occur between the hours of 7:00 a.m. until 7:00 p.m. Monday through Friday, 8:00 a.m. until 6:00 p.m. on Saturday and 9:00 a.m.

until 6:00 p.m. on Sunday. Construction activities shall not occur on the holidays of Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving, Christmas, Easter, and New Years Day. The construction hours shall be posted on the property. The allowable hours of construction as specified in this proffer shall be listed within any contract with future sub-contractors associated with construction on the site.

10. Setbacks. The minimum front, side and rear yards shall be consistent with that shown on the "Typical Lot Layout" depicted on Sheet 3 of 6 of the CDP/FDP. Decks, deck related "additions" such as pergolas, lattice, privacy screens, deck benches, and deck planters, bay windows, patios, chimneys, areaways, mechanical equipment and other similar appurtenances may encroach into the minimum rear yard as established on the "lot typical" generally described on the CDP/FDP and in this proffer provided such appurtenances meet the regulations of Sect. 2-412 and Article 10 of the Zoning Ordinance and in no instance shall they be closer than 5 feet to any lot line. The minimum setbacks and the restrictions of this proffer shall be disclosed to all prospective homeowners in a disclosure memorandum prior to entering into a contract of sale and included in the HOA documents.
11. Length of Driveways. The driveway on each residential lot shall have a minimum of 18 feet of pavement available for parking without infringing into the right-of-way or sidewalk area and shall be a minimum of 18 feet in width.

12. Housing Trust Fund. At the time of the first building permit issuance, the Applicant shall contribute a sum equal to one-half of one percent (0.5%) of the projected sales price for each dwelling unit on the Property to the Fairfax County Housing Trust Fund, as determined by the Department of Housing and Community Development in consultation with the Applicant to assist the County in its goal to provide affordable dwellings. The projected sales price shall be based upon the aggregate sales price of all of the units, as if those units were sold at the time of the issuance of the first building permit and is estimated through comparable sales of similar type units.
  
13. Landscaping. Landscaping shall be consistent with the quality, quantity and general location shown on the Landscape Plan on Sheet 4 of 6 of the CDP/FDP.
  
14. Recreation Contribution. At the time of subdivision approval, the Applicant shall contribute the sum of \$1600.00 per approved residential unit, to the Rockland Village Homeowners Association for improvements of recreational amenities in the community. Additionally, at the time of subdivision approval, the Applicant shall contribute the sum of \$7,144 to the Sully Recreational Fund. The specific beneficiary of the contribution shall be determined in consultation with the Sully Magisterial District Supervisor.
  
15. Public Schools. Prior to the issuance of the first building permit, the Applicant shall contribute \$18,756 to the Fairfax County School Board to be utilized for the provision of capital facilities within the Fairfax County schools serving this development.

16. Escalation. All monetary contributions required in these Proffered Conditions shall be adjusted for inflation in conformance with the Consumer Price Index, occurring subsequent to the date of subject rezoning approval and up to the date of payment of the respective contribution.

**Successors and Assigns**

These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

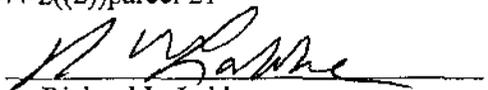
**Counterparts**

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.

TITLE OWNERS AND APPLICANTS SIGNATURES TO FOLLOW ON THE NEXT PAGE:

**LYLAB HOLDINGS, LLC**

Agent/Attorney-in-Fact for Dale G. Strawser and  
Anita Huffman-Strawser, Title Owners of Tax Map  
No. 44-2((2))parcel 21

By: 

Name: Richard L. Labbe

Title: Chief Executive Manager

LYLAB HOLDINGS, LLC  
CONTRACT PURCHASER  
of TM 44-2((2) parcel 21

By: 

Name: Richard L. Labbe

Title: Chief Executive Manager

## FINAL DEVELOPMENT MAP CONDITIONS

### FDP 2011-SU-003

June 2, 2011

The Planning Commission approved FDP 2011-SU-003 for a single-family detached residential development located on Tax Map 44-2 ((2)) 21 subject to conformance with the following development conditions.

1. Development of the property shall be in substantial conformance with the CDP/FDP entitled "Rockland Village Lot 21", prepared by CPJ Associates and dated January 11, 2011, revised through May 6, 2011.
2. The single-family detached dwellings shall have a maximum height of 35 feet.
3. Prior to site plan approval, the applicant must obtain an approved off-site detention waiver from DPWES, if applicable.
4. The final landscaping, including removal of all existing trees, shall be consistent with that shown on the Final Development Plan.
5. The property's septic system shall be abandoned in conformance with Health Department regulations. The existing well shall be abandoned in accordance with a permit to be issued by the Health Department, or it must be demonstrated that the well has already been properly abandoned. Both issues must be resolved prior to the Health Department signing off on a demolition permit for this property.