

PROFFERS

JANET L. BEALL
LOIS H. BEALL

RZ 2000-DR-002

September 8, 2000

Pursuant to Section 15.2-2303(a), Code of Virginia, 1950 as amended, Janet L. Beall and Lois H. Beall, (hereinafter referred to as the "Applicants") for the owners, themselves, successors and assigns in RZ 2000-DR-002, filed for property identified as Tax Map 31-3 ((1)) 142, (hereinafter referred to as the "Application Property"), proffers the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the R-3 District in conjunction with a Generalized Development Plan (GDP) for residential development.

1. GENERALIZED DEVELOPMENT PLAN -

- a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the GDP, consisting of three sheets prepared by VIKA, Incorporated, dated September 24, 1999 and revised through August 24, 2000.
- 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 Applicants reserve the right to make minor adjustments to the internal lot lines of the proposed subdivision at time of subdivision plat submission based on final house locations and building footprints provided such changes are in accordance with the GDP. The Applicants shall have the flexibility to modify the layout shown on the GDP without requiring approval of an amended GDP provided such changes are in substantial conformance with the GDP as determined by the Zoning Administrator, agents or assigns, and neither increase the total number of lots nor decrease the following: open space, parking, tree preservation, and distances to peripheral lot lines. Such changes may include, but not be limited to, revising lot lines, building footprints, and access. No modifications shall be permitted, however, that would allow direct access to Kirby Road.

2. TRANSPORTATION -

- a. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, the Applicants shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of forty-five (45) feet from the centerline along the frontage of Kirby Road, which is inclusive of all necessary easements, as shown on the GDP. Dedication shall be made at time of recordation of the final subdivision plat or upon demand from either Fairfax County or VDOT, whichever shall first occur.
- b. Subject to VDOT and DPWES approval, the Applicants shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of twenty-three (23) feet from the centerline along the frontage of Linway Terrace as shown on the GDP. Dedication shall be made at time of recordation of the final subdivision plat or upon demand from either Fairfax County or VDOT, whichever shall first occur.
- c. Subject to VDOT and DPWES approval, the Applicants shall construct frontage improvements to Linway Terrace measuring thirteen (13) feet within the dedicated right-of-way, as shown on the GDP.
- d. Applicants shall construct a five (5) foot concrete sidewalk along the Application Property's Linway Terrace frontage. Sidewalk width shall transition from an existing three (3) foot sidewalk as shown on the GDP.
- e. Applicants shall construct a five (5) foot sidewalk along the Application Property's Kirby Road frontage within the dedicated right-of-way. Applicants shall construct the sidewalk of alternative materials such as brick or decorative concrete pavers. Final determination of materials shall be made by the Applicants at time of subdivision plat approval, subject to the review and approval of VDOT and DPWES.
- f. All of the improvements described herein shall be constructed concurrent with development of the Application Property.
- g. Applicants reserve density as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance for all dedications described herein or as may be reasonably required by Fairfax County or VDOT at time of subdivision plat approval.

3. LANDSCAPING AND OPEN SPACE -

- a. Applicants shall provide landscaping on the Application Property as shown on the GDP. Trees proposed to be planted on the Application Property shall be 3 to 3½ inches in caliper if deciduous and 5 to 8 feet in height if evergreen, at time of planting as shown on the GDP.
- b. In coordination with the Urban Forester at time of subdivision plat submission, the Applicant shall relocate some or all of the evergreen trees proposed at the rear of each lot, and shown on the GDP, to the adjacent property owned by the Fairfax County Park Authority to supplement existing vegetation. Said relocation shall be subject to the receipt of the necessary easements from the property owner. Additional evergreens shall be provided as recommended by the Urban Forester to provide screening of the rear of the proposed houses and the stormwater management pond. The total cost of all proposed evergreen plantings, both relocated and supplemental as recommended, shall not exceed a maximum of \$5,000.00.

4. STORMWATER MANAGEMENT -

- a. The Applicants shall provide stormwater management (SWM) in the location as generally shown on the GDP and in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance, unless waived or modified by DPWES. In the event that on-site stormwater management is waived by DPWES, the Applicants shall incorporate this area into the area of proposed Lot 4. Removal of the SWM pond shown on the GDP and its incorporation into proposed Lot 4 shall not require the approval of a proffered-condition amendment or an amendment to the GDP.
- b. If a SWM pond is required on the Application Property, landscaping shall be provided around the perimeter of the SWM pond to the greatest extent feasible as reviewed and approved by DPWES in accordance with its current standards and regulations. Applicants shall utilize grasses, shrubs and trees to screen the SWM pond.

5. MISCELLANEOUS -

- a. These proffers shall bind and inure to the benefit of the Applicants and his or her successors and assigns.

- b. 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. Applicants shall install an ornamental metal fence, not to exceed four (4) feet in height, along the Application Property's Kirby Road frontage as shown on the GDP, subject to the review and approval of VDOT and DPWES. Applicants reserve the right to install a fence along the western property line adjacent to Linway Terrace Park.
- d. The front of each home shown on the GDP shall face Kirby Road. Garages shall not face Kirby Road and shall be located as conceptually identified on the GDP.
- e. The facades of the homes shall be generally consistent with each other in terms of character, color and quality of treatment. The front of each home and the north facade of the home proposed on Lot 4 and the south facade of the home proposed on Lot 1 shall be constructed of brick and/or other masonry materials. Applicants shall provide consistent treatment of the homes in terms of design features such as windows, shutters and roof lines.
- f. The Applicants shall remove the existing two story frame house identified on the GDP only during the months of November through March so as to avoid disturbance of bats that may occupy the structure. Representatives of the Wildlife Rescue League, or similar organization, shall be provided written notice a minimum of thirty (30) days in advance of the date that the structure will be removed. Applicants shall allow said representatives to be present on the Application Property to remove any bats as appropriate. Said representatives may be required to sign waivers of liability for their presence as may be necessary.
- g. Applicants shall photograph the interior and exterior of the existing two story frame house identified on the GDP prior to its removal. Photographs shall include any interesting or significant features of the house and its setting. In addition, Applicants shall prepare a written statement describing the house, its construction, its occupants, significant events held on the premises, and any other information available based on personal knowledge. Said photographs and written statement shall be provided to the Fairfax County Park Authority at time of subdivision plat approval together with a house location plat of the existing improvements. The Fairfax County Park Authority shall be provided written notice a minimum of thirty (30) days prior to the date that the house will be removed. Upon notification by the Fairfax County Park Authority, Applicants

shall allow representatives of the Fairfax County Park Authority access to the house during that thirty (30) day period prior to its removal. Said representatives may be required to sign waivers of liability for his or her presence as may be necessary. This proffer shall not interfere with the Applicants' proposed construction schedule.

- h. Applicants shall contribute Five Hundred (\$500.00) Dollars to be expended on materials necessary to construct bat houses to be installed in the area. The contribution shall be made to an organization as identified by the Dranesville District Supervisor or as approved by the Dranesville District Supervisor. Said contribution shall be made at time of subdivision plat approval or upon demand from the Dranesville District Supervisor, whichever shall occur first. This proffer is limited to a monetary contribution of funds only, and in no way shall be construed as an obligation to construct, install, maintain or obtain permission for the location of said bat houses. Applicants accept no responsibility for future maintenance, relocation, or liability of said bat houses. Bat houses shall not be located on the Application Property.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

Proffers

RZ 2000-DR-002

Page 6

APPLICANTS/OWNERS:

Tax Map 31-3 ((1)) 142

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