

PROFFERS

RZ 2000-SU-008 EDGEMOORE HOMES, L.L.C.

June 19, 2000

Pursuant to Section 15-2.2303A of the 1950 Code of Virginia, as amended, the undersigned applicant and owners, for themselves and their successors or assigns, (hereinafter referred to as "Applicant") hereby proffer the following conditions provided the Subject Property is rezoned as proffered herein.

1. **Development Plan.** Subject to the provisions of Section 18-204 of the Zoning Ordinance, the Subject Property shall be developed in substantial conformance with the Generalized Development Plan ("GDP"), entitled "The Preserve at Wynmar," prepared by Paciulli, Simmons & Associates, Ltd., revised as of April 14, 2000.
2. **Limits of Clearing and Grading.** The Applicant shall conform to the limits of clearing and grading shown on the GDP, subject to minor modifications for the installation of necessary trails, utility lines, stormwater management and sanitary sewer facilities as approved by the Department of Public Works and Environmental Sciences ("DPWES"). If any trails, utility lines, or stormwater management facilities are required to be located within the area protected by the limits of clearing and grading, they shall be located and installed in the least disruptive manner feasible, considering cost and engineering, as determined by DPWES, and subject to County Urban Forester approval.
 - (a) At the time of grading plan review for the subdivision, the Applicant shall designate limits of clearing and grading, in addition to those shown on the GDP, in areas where it is economically feasible to save additional trees on individual lots without precluding construction of the project in accordance with the GDP, including but not limited to, the specific density and general development configuration shown thereon, as approved by the Urban Forester.

- (b) At the preconstruction meeting for each section, the final limits of clearing shall be confirmed in the field by the Urban Forester. All wooded preservation areas shown shall be protected by measures approved by the Urban Forester, which may include silt control berm, fencing or equivalent tree protection, placed at the dripline of the trees to be preserved. The fencing shall be installed in accord with E & S control plans.
- (c) The Applicant shall provide a tree preservation plan prepared by a landscape architect, and coordinated and reviewed by the Urban Forestry Branch, as a part of subdivision plan submittal. The tree preservation plan shall consist of a tree inventory which includes the location, species, size, crown spread and condition of all trees (except Virginia pines) eight (8) inches in diameter and greater, within fifteen (15) feet of either side of the limits of clearing and grading. In addition, the healthy chestnut oak adjacent to the existing house on Lot 108 shall be preserved. Specific tree preservation activities designed to maximize the survivability of trees chosen for preservation shall be incorporated into the tree preservation plan. Activities include, but are not limited to, crown pruning, root pruning, mulching and fertilization, as may be recommended by the Urban Forester.
- (d) With regard to the portion of the GDP that is located on Tax Map 44-4 ((1)) Parcel 16, the Applicant shall provide a transplantation plan as part of the first submission and all subsequent submissions of the subdivision plan. The plan shall consider all healthy Norway spruce, Colorado blue spruce and American holly trees in good condition, and of transplantable size (except for trees retained by the current owner/contract seller). The transplantation plan shall be prepared by a certified arborist.
3. **Energy Savings.** All homes on the property 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, as applicable.

4. **Wall Preservation.** Concurrently with recordation of the related record plat, the Applicant shall dedicate and convey in fee simple a twenty (20) foot wide strip of parkland to the Fairfax County Park Authority along the rear of Lots 11, 12, 13, 14, 27, 36, 37, 38 and 39 as shown on the GDP, and a twenty (20) foot conservation easement to the benefit of the Park Authority on the rear of Lots 40, 58, 59, 60 and 61 as shown on the GDP. The edges of these conveyances that are adjacent to the community shall be delineated and protected through the use of temporary fencing throughout the period of site preparation and construction of this section. This temporary fencing shall consist of 14-gauge welded wire fencing attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart. The conservation easement shall preclude destruction or dismantling of the wall and permit Park Authority representatives to enter the easement area to conduct activities for the maintenance of the wall and the land within the easement area. The Applicant reserves the right to obtain open space BMP credit for the conservation easement areas.

5. **Cross Farmhouse.** The existing "Cross Farmhouse" (circa 1906) shall be retained on Lot 108 generally as shown on the GDP. The Applicant shall establish an Open Space Easement in accordance with Fairfax County Guidelines to ensure the preservation and maintenance of the grounds and exterior appearance of the house for historic and scenic purposes. The easement shall be perpetual and require the prior review and approval by the Board of Supervisors or its designee of any proposed changes to the exterior appearance of the house or its grounds including removing existing trees or other plant materials, removing or rehabilitating non-historic architectural features or additions, and/or constructing accessory structures, such as a garage. Nothing within the terms of such easement shall preclude performing routine maintenance of the house and grounds, remodeling or rehabilitating interior features, connecting the house to sewer or other public utilities, removing or trimming dead or dying vegetation in accordance with accepted professional practice, planting additional landscaping, or paving the existing driveway. Prior to any sale or conveyance of the house to a third party, the Applicant shall repair and/or rehabilitate the exterior of the house. If the house is vacated prior to such conveyance, the Applicant shall stabilize and otherwise protect it from deterioration by weather or vandalism. If

recommended and approved by the Fairfax County Historic Commission, the Applicant shall provide and install a Fairfax County Historical Marker on or near the existing house.

6. **Park Facilities.** Prior to each Subdivision Plat approval, the Applicant shall contribute \$445.90 per lot to be recorded to the Fairfax County Park Authority for use in E.C. Lawrence Park for the purpose of improving trails or other facilities in the Park. No contribution, pursuant to this paragraph, shall be made for Affordable Dwelling Units. The contribution amount per unit shall be adjusted by increases to the Construction Cost Index from the *Engineering News Record* from the date of Board approval of this rezoning application to the date of Subdivision Plat approval.
7. **Park Dedication.** At the time of subdivision plat recordation for the areas to be dedicated to the Fairfax County Park Authority on the eastern edge of the Subject Property, as shown on the GDP, the Applicant shall dedicate said areas in fee simple to the Fairfax County Park Authority.
8. **Archaeological Survey.** The Applicant shall obtain a Phase I Archaeological Survey of the site of the subject property. Said survey shall be provided to the County Archaeologist prior to Subdivision Plan approval.
9. **Homeowners' Association.** The Applicant shall establish a Homeowners' Association for the proposed development to own, manage, and maintain the open space areas, the off-street parking areas and all other community-owned land and improvements.
10. **Affordable Dwelling Units (ADUs).** The Applicant shall comply with the Affordable Dwelling Unit ("ADU") program as set forth in Part 8 of Article 2 of the Zoning Ordinance. The number of ADUs to be provided may be reduced based upon approval by the ADU Advisory Board or by the adoption of a future amendment to the provisions of the ADU ordinance. External building materials for the ADUs shall be consistent with the building materials of the existing house referenced in paragraph 5 hereinabove (i.e., stone and siding). The exterior massing and roof lines for each building shall resemble a single family dwelling unit as shown on Exhibit "A" attached hereto

and made a part hereof. In addition, and subject to the review of the Urban Forestry Branch, a row of seven (7) foot tall evergreens shall be planted along the perimeter of the ADU area as shown on the GDP.

11. **Reservation of Right-of-Way.** The area of the outlet for the existing outlet road, which is located east of the proposed public street, shall be retained by the Applicant and reserved for public street purposes. Said outlet area shall not be conveyed to the homeowners' association. The record plat creating the subdivision of Lot 25 shall contain a restriction for this outlet area reserving it for public street purposes. It shall be dedicated to the Board of Supervisors in fee simple upon demand by the Board of Supervisors, should DPWES approve a plan of development requiring a public street in this location. The Applicant shall not be responsible for any costs of design or construction.
12. **Walney Park Drive.** Prior to the issuance of the 10th building permit for the Subject Property, the road connection to existing Walney Park Drive shall be constructed and open for traffic.
13. **Construction Traffic.** Subject to VDOT and DPWES approval, the Applicant shall utilize Walney Park Drive for access for construction equipment/vehicles to the site. If this construction access point is approved by VDOT and DPWES, the Applicant shall direct all construction traffic to access the site via Walney Park Drive, directly to the gravel road in the fifty (50) foot outlet road easement. Construction equipment/vehicles shall also be directed not to utilize the fifty (50) foot outlet road east of the spine road (Autumn Glory Way extended). The Applicant shall also provide in all subcontractor agreements that heavy equipment movement to and from the property (i.e., vehicles delivering large earth moving equipment such as bulldozers or track hoes) shall occur between 8:45 a.m. and 3:00 p.m., except that certain over-sized equipment movement will need to occur after hours due to the size of the equipment. Further, said agreements shall direct all subcontractors to refrain from using the portion of the private outlet road that runs behind Lots 1 through 7 along Walney Park Drive.

14. **Deed of Vacation.** Prior to or simultaneously with the recordation of each subdivision plat, the Applicant shall execute and record a Deed of Vacation, vacating any rights that the Applicant, its successors or assigns, may have in the twenty (20) foot wide private outlet road in Ellanor C. Lawrence Park, which is directly behind Lots 1 through 7 south of Walney Park Drive.
15. **Signage.** The Applicant shall not place any marketing signage anywhere within the Poplar Park Subdivision until an agreement is reached with the Poplar Park Homeowners' Association with regard to a signage program. Any and all signs within the Poplar Park subdivision shall be consistent with that agreement.
16. **BMP Ponds.** Subject to approval by DPWES, the Applicant shall provide "wet" BMP retention pond(s) generally as shown on the GDP to satisfy fifty percent (50%) phosphorous reduction as required in WSPOD.
17. **Blasting.** Prior to commencement of any blasting operations, the Applicant's blasting plans will be reviewed and approved by the Fairfax County Fire Marshall and the safety recommendations of the Fire Marshall will be implemented. Prior to any blasting, the Applicant shall retain a professional blasting consultant to prepare a pre-blast survey and, subject to the homeowner's approval, shall inspect with the owners thereof all improvements on all adjoining properties within one hundred fifty (150) feet of any blasting site, including but not limited to, the properties identified on the Fairfax County Tax Map as follows: 44-4 ((1)) 15 and 18. A written report shall be provided by the Applicant to the Fire Marshal. Any damage to off-site structures located within one hundred fifty (150) feet of the blast site, including but not limited to, those on Tax Map 44-4 ((1)) 15 and 18, which are directly attributable to the Applicant's blasting shall be repaired at the Applicant's expense.
18. **Sidewalks.** Sidewalks shall be provided on both sides of all public streets.
19. **Ingress-Egress.** Access for Tax Map Reference 44-4 ((1)) Parcels 15 and 18 via the outlet road shall not be precluded. In the event of a temporary period of road construction, alternate access will be

provided so that access for these parcels is maintained continuously and without interruption. The access point from the public street to the outlet road shall have a standard concrete apron provided.

20. **Gravesite.** Prior to any clearing or grading on-site, a thorough site investigation will be made, subject to DPWES review, to determine whether any gravesites exist. If any gravesites are discovered, they will be treated in accordance with state laws and regulations.
21. **Counterparts.** These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

[Signatures on next pages or counterparts]

APPLICANT:

EDGEMOORE HOMES, L.L.C

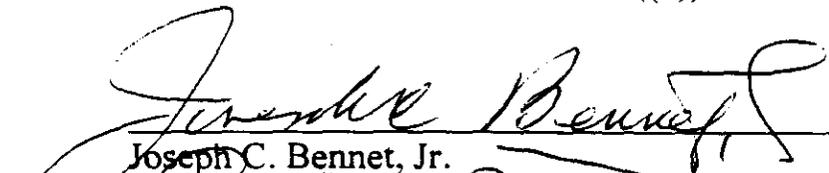
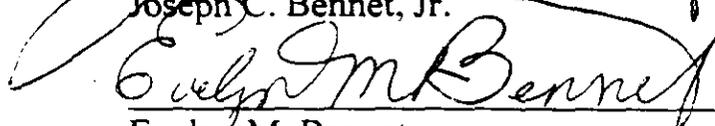
By: FIVE PILLARS, INC., its Managing Member

By: 
Al-Husain Y. Al-Hussain, President

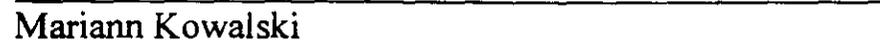
OWNER OF TAX MAP 44-4 ((1)) PARCELS 11 AND 19:


William R. Hunnicutt, Jr.

OWNERS OF TAX MAP 44-4 ((1)) PARCELS 12 AND 13:


Joseph C. Bennet, Jr.

Evelyn M. Bennet

OWNER OF TAX MAP 44-4 ((1)) PARCEL 16:


Mariann Kowalski

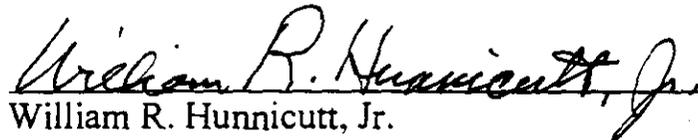
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Al-Husain Y. Al-Hussain, President

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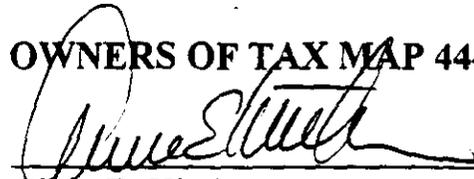
Evelyn M. Bennet

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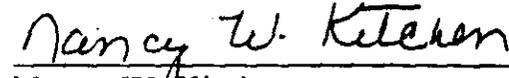
Mariann Kowalski

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OWNERS OF TAX MAP 44-4 ((1)) PARCEL 21:

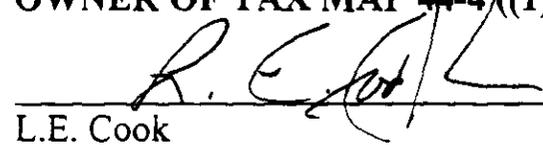


Alvin E. Kitchen



Nancy W. Kitchen

OWNER OF TAX MAP 44-4 ((1)) PARCEL 22:



L.E. Cook

OWNERS OF TAX MAP 44-4 ((1)) PARCELS 23 AND 25:

Ming-Te Tseng

You-Li Chou

By: _____

Ming-Te Tseng, Attorney-in-Fact for You-Li Chou

Wen-Cheng Huang

By: _____

Ming-Te Tseng, Attorney-in-Fact for Wen-Cheng Huang

Yung Ho Yang

By: _____

Ming-Te Tseng, Attorney-in-Fact for Yung Ho Yang

Jen Chung Hwang

By: _____

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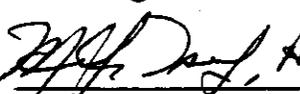
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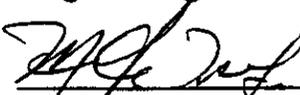
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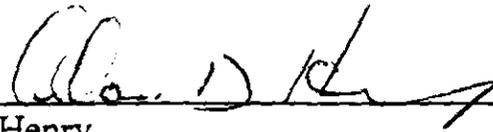
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By:  *Attorney-in-Fact for Jen Chung Hwang*

Ming-Te Tseng, Attorney-in-Fact for Jen Chung Hwang

OWNERS OF TAX MAP 54-2 ((1)) PARCEL 13:



Alan D. Henry



Marie E. Henry