

## PROFFERS

### ROCKLAND VILLAGE, L.C.

RZ 2000-SU-015

August 23, 2000

Pursuant to Section 15.2-2303 (A), Code of Virginia, 1950 as amended, Rockland Village, L.C., their successors and assigns, and owners for themselves, their successors and assigns (hereinafter referred to as the "Applicant"), in RZ 2000-SU-015, filed for property identified on Fairfax County Tax Map as 34-4 ((6)) Parcel 24 (hereinafter referred to as the "Application Property"), agree to the following proffers, provided that the Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves a rezoning of the Application Property from the R-1 Zoning District to the PDH-8 Zoning District, and a Conceptual/Final Development Plan (CDP/FDP) for single-family detached units is implemented.

#### 1. CONCEPTUAL/FINAL DEVELOPMENT PLAN (CDP/FDP)

- a. Subject to the provisions of Section 16-403 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 CDP/FDP, prepared by Bowman Consulting Group, dated January 10, 2000, as revised through March 21, 2000. The CDP shall constitute the entire plan relative to the points of access, the total number and type of units, the general location of residential lots, peripheral yards, and landscaping.
- b. Final Development Plan Amendment. The Applicant shall have the option to request Final Development Plan Amendments (FDPA) from the Planning Commission for portions of the Plan in accordance with the provisions set forth in Sections 16-402 and 16-403 of the Zoning Ordinance. Pursuant to Paragraph 4 of Section 16-403 of the Ordinance, the Applicant shall have the flexibility to modify the layout shown on the CDP/FDP without requiring approval of an amended FDP, provided such modifications are in substantial conformance with the CDP/FDP as determined by the Zoning Administrator, agents or assigns, and neither increase the total gross floor area nor decrease the amount of open space and screening.

#### 2. TRANSPORTATION

- a. Prior to entering into a contract of sale, prospective purchasers shall be notified in writing by the Applicant of the maintenance responsibility of the private streets and open space and shall acknowledge receipt of this information in writing. The Applicant shall record a covenant setting the maintenance responsibility of the

private streets and open space by the homeowners' association among the land records of Fairfax County. Each Deed of Conveyance shall expressly contain these disclosures.

- b. All of the private streets shall be constructed by the Applicant to pavement's thickness standards of public streets as set forth in the Public Facilities Manual, subject to DPWES approval.

### 3. RECREATION

- a. The Applicant shall contribute the sum of nine hundred fifty-five dollars (\$955.00) per unit to the following recreational improvements as approved with RZ 1998-SU-050:

#### Within the Multi-Family Area

- A clubhouse and swimming pool near the main entrance of the development.
- A multi-use court adjacent to Vernon Street.
- A tot lot north of Westmore Street (to be abandoned/vacated).
- A playground south of Westmore Street: (to be abandoned/vacated).

#### Within the Single-Family Area

- A tot lot and multi-use court located in the open space to the east of Elmwood Street.
- b. The value of the above contributions and improvements shall be documented as to satisfaction of Paragraph 2 of Section 6-110 of the Zoning Ordinance, as determined by the Director, DPWES.
  - c. Any monetary amount representing the difference between nine hundred fifty-five dollars (\$955.00) per unit and the value of the above-referenced on-site recreational facilities shall be contributed to Fairfax County Park Authority for recreational improvements in a nearby park.

4. ENVIRONMENTAL

- a. 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 review and approval. The Applicant shall utilize measures and techniques as recommended by the study and DPWES, before, during and after demolition activities.
- b. All prospective purchasers of single family units shall be notified in writing by the Applicant of the potential for noise emanating from aircraft using Dulles International Airport.

5. LANDSCAPING AND OPEN SPACE

Landscaping shall be provided by the Applicant generally as shown on the CDP/FDP. The exact location of the proposed planting may be modified as necessary for the installation of utilities.

6. BLASTING

If blasting is required, and before any blasting occurs on the Application Property, the Applicant or its successors will insure that blasting is done per Fairfax County Fire Marshal requirements and all safety recommendations of the Fire Marshal, including, without limitation, the use of blasting mats shall be implemented. In addition, the Applicant or its successors shall:

- a. Retain a professional consultant to perform a pre-blast survey of each house or residential building, to the extent that any of these structures are located within one hundred fifty (150) feet of the blast site.
- b. Require his consultant to request access to house, buildings, or swimming pools that are located within said one hundred fifty (150) foot range if permitted by owner, to determine the pre-blast conditions of these structures. The Applicant's consultants will be required to give adequate notice of the scheduling of the pre-blast survey.
- c. Require his consultant to place seismographic instruments prior to blasting to monitor the shock waves. The Applicant shall provide seismographic monitoring records to County agencies upon their request.

- d. Upon receipt of a claim of actual damage resulting from said blasting, the Applicant shall cause his consultant to respond expeditiously by meeting at the site of the alleged damage to confer with the property owner. The Applicant will require subcontractors to maintain necessary liability insurance to cover the costs of repairing any damages to structures which are directly attributable to the blasting activity.

7. OTHER

- a. The Application Property is considered to be an integral part of the redevelopment envisioned with previous approval RZ 1998-SU-050, and units developed thereon will be incorporated into the same homeowners association.
- b. Residential units that are built on the Application Property will be similar in architectural style and character to adjacent single family detached units.
- c. The Applicant will make every reasonable attempt to minimize the impact of the redevelopment of Rockland Village on the remaining homeowners by implementing the following construction management policies during construction:

Construction Activities

**Access:** All access to the redevelopment area will use the existing streets (Dallas, Westmore, Elmwood) in Rockland Village of a County-approved construction road.

**Parking:** All worker and equipment parking will be within the redevelopment area. All contractors and subcontractors will be notified that no on-street parking is permitted.

**Clean-Up:** The development of Rockland Village will incorporate a wash rack and/or regular street washing by the contractor to maintain clean streets within the community. The contractor and subcontractors will also be required to survey the development site on a regular basis and to collect debris and trash in order to keep it from being blown onto the remaining residential properties.

**Hours of Operation:** Contractors at Rockland Village will begin work no earlier than 7:00 a.m. Monday through Saturday and no earlier than 9:00 a.m. on Sunday and Federal holidays (should any work occur on that day).

Dust Control: Reasonable dust control practices, such as wetting of graded areas, will be implemented during times of drought conditions.

Blasting: See Proffer #6.

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[SIGNATURES BEGIN ON FOLLOWING PAGE]

OWNER:

THE ESTATE OF THOMAS H. ELL'S

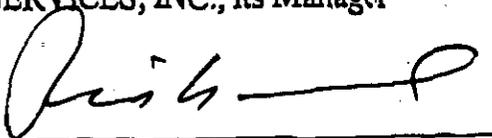
By: Lydia Miller, Executrix  
Name: Lydia Miller  
Title: Executrix

Proffers  
RZ 2000-SU-015

APPLICANT:

ROCKLAND VILLAGE, L.C.

By: KSI SERVICES, INC., its Manager

By: 

Name: Richard W. Hausler  
Title: President



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PROPOSED FINAL DEVELOPMENT CONDITIONS

FDP 2000-SU-015

August 30, 2000

If it is the intent of the Planning Commission to approve FDP 2000-SU-015 for a single-family detached residential development located at Tax Map 34-4 ((6)) 24 staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. Development of the property shall be in substantial conformance with the CDP/FDP entitled "Ellis Property", prepared by Bowman Consulting Group and dated January 10, 2000, revised through March 21, 2000.
2. The subject single-family detached dwelling units shall have a maximum height of 35 feet.
3. The entrance street onto the subject site shall be designed and constructed in accordance with Fire Marshal requirements, in consultation with VDOT.



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