

**RZ 2000-SP-016 - Bauer Drive Associates, LLC**  
**PROFFER STATEMENT**  
**JUNE 22, 2000**  
**AUGUST 3, 2000**  
**AUGUST 22, 2000**

Pursuant to Section 15.2-2303(A) of the Code of Virginia, as amended, and subject to the Board of Supervisors' approval of rezoning application RZ 2000-SP-016, as proposed, for rezoning from the R-3 and Highway Corridor Overlay District ("HCOB") to the R-8 District, and HCOB, Bauer Drive Associates, LLC (the "Applicant"), for itself and its successors and assigns, hereby proffers that development of Tax Map Parcels 79-3-((4))-37, 37A, 38A, and 38B (the "Property"), containing approximately 4.43 acres, shall be in accordance with the following proffered conditions:

1. **Substantial Conformity.** Subject to provisions of Section 18-204 of the Zoning Ordinance, the Property shall be developed in substantial conformance with the Generalized Development Plan prepared by BC Consultants, dated March 9, 2000, as revised through August 17, 2000 (the "GDP"), as further modified by these proffered conditions.
2. **Minor Modifications to Design.** Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, the Applicant may make minor adjustments to the GDP, if such changes are in substantial conformance with the GDP and these proffers, and if the changes do not increase the total number of units, decrease the minimum amount of open space, or decrease the amount of landscaping along the Property lines.
3. **Maximum Density.** A maximum of twenty-five (25) dwelling units shall be permitted on the Property.
4. **Right-of-Way Dedication.** All right-of-way dedicated in conjunction with these proffers and as depicted on the GDP shall be conveyed to the Board of Supervisors in fee simple upon demand by the County or at the time of recordation of the final subdivision plat, whichever occurs first.
5. **Bauer Drive Improvements.** The Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to thirty-six (36) feet from the presently existing centerline along the Bauer Drive frontage of the Property as depicted on the GDP. In addition, as depicted on the GDP, the Applicant shall construct frontage improvements across the Property's Bauer Drive frontage, including curb, gutter and sidewalk, with the curb face set at up to twenty-six (26) feet from the presently existing centerline of Bauer Drive. Such frontage improvements shall be constructed, as depicted on the GDP, to connect with and provide a transition between the planned curb, gutter and sidewalk for the proposed West Springfield Governmental Center expansion east of the Property and

the existing curb, gutter and sidewalk west of the Property. There shall be no direct driveway access to Bauer Drive from the proposed lots.

6. **Private Streets.** All private streets will be constructed with materials and depth of pavement standards consistent with public street standards, as determined by DPWES. The HOA shall be responsible for the maintenance of all private streets. The HOA documents shall expressly state that the HOA shall be responsible for the maintenance of the private streets serving the development.
7. **Limits of Clearing and Grading.** The Applicant shall conform to the approximate limits of clearing and grading shown on the GDP, subject to installation of utilities, if necessary, as approved by the Department of Public Works and Environmental Services ("DPWES"). The utilities will be installed in the least disruptive manner possible, to the maximum extent feasible given engineering and cost constraints, in consultation with the County Urban Forester.
8. **Landscaping.** Subject to approval by the County Urban Forester, landscaping in open space areas and on individual lots shall be provided as generally shown on the GDP. Pedestrian lamps, decorative paving, benches and the six (6) foot wooden fence to be constructed along the northern Property boundary shall be provided as generally shown on the GDP, including the illustratives on Sheets 2 and 3 which depict the general character and style of the proposed amenities. Deciduous trees depicted on the GDP (in open space areas, along the street and at the Property perimeter) shall have a minimum caliper of 3 inches. Subject to approval by the County, the Applicant will also provide off-site planting on the Government Center property to provide additional screening of the proposed stormwater management facility from lots 12 through 17, in consultation with DPWES and the Office of the Urban Forester.
9. **Fence.** The six (6) foot tall wooden fence constructed along the northern property boundary shall be of a quality comparable to that depicted on Sheet 3 of the GDP and shall be maintained in good repair by the HOA, and the HOA covenants shall expressly so state.
10. **Energy Conservation.** All homes constructed on the Property shall meet the thermal standards 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.
11. **Open Space.** At the time of recordation of the subdivision plat, the Applicant shall convey open space areas, as depicted on the GDP, to the Homeowners Association ("HOA") for use as common open space.
12. **Stormwater Management.** Stormwater Management and BMP requirements for the Property will be met with the construction of a shared Stormwater Management/BMP Facility to be located on the Property and/or on adjacent Tax Map Parcels 79-3-((4))-33, 34 and/or 35B in accordance with all relevant provisions of the "Agreement"

entered into between the Board of Supervisors and Applicant's assignor and managing member John Batal on February 4, 2000.

13. **Disclosure.** All initial purchasers of lots shall be provided a disclosure in the contract of sale that the West Springfield Governmental Center Property, including police and fire station facilities, is adjacent to the Property. Such disclosure shall also be included in the HOA documents provided to initial purchasers of lots.
14. **Housing Trust Fund Contribution.** At the time of recordation of the final record plat, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one-half percent (1/2 %) of the projected base sales price of each unit, to assist Fairfax County's low and moderate income housing goals. The projected sales price shall be determined by the Applicant in consultation with the staff of the Fairfax County Department of Housing and Community Development.
15. **Tree Preservation.** For the purposes of maximizing the preservation of trees in tree save areas, the Applicant shall prepare a tree preservation plan. The tree preservation plan shall be submitted to the County Urban Forestry Branch of DPWES for review and approval as part of the first site plan submission. This plan shall be prepared by a certified arborist and coordinated with and approved by the County Urban Forester and shall provide for preservation of specific quality trees or stands of trees within the common open space and the tree save areas depicted on the GDP to the maximum extent reasonably feasible, subject to installation of necessary utility lines, and to the maximum extent reasonably feasible without precluding the development of a unit typical to this project on each of the lots shown on the GDP. The County Urban Forester may require modifications of such plans to the extent these modifications do not alter the number of dwelling units shown on the GDP, reduce the size of the proposed units, significantly move their location on the lot, or require the installation of retaining walls greater than 2 feet in height. The tree preservation plan shall include the following elements:
  - A. A tree survey which identifies the species, size, accurate dripline and condition of all trees 12" and greater in diameter located within 20' of either side of the limits of clearing and grading in designated tree save areas. The condition analysis shall be conducted by a certified arborist using methods outlined in the latest edition of the Guide for Plant Appraisal.
  - B. All tree save areas designated to be preserved on the tree preservation plan shall be protected during clearing, grading and construction by temporary fencing, a minimum of four feet in height, placed at the dripline of trees to be preserved, or at the limits of clearing and grading, whichever is greater. The temporary fencing shall be installed prior to any work being conducted on the site, and signage identifying "Keep

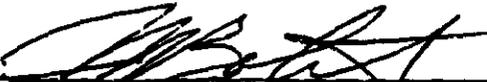
Out - Do Not Disturb" shall be provided on the temporary fence and made clearly visible to all construction personnel.

Additionally, the HOA covenants shall require that trees in tree save areas will not be disturbed except for (i) the removal of diseased, dead, dying, or hazardous trees or parts thereof; or (ii) selective maintenance to remove noxious and poisonous weeds.

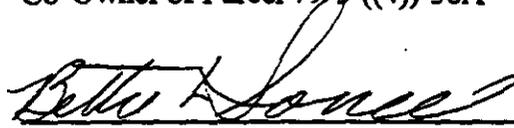
16. Density Credit. All intensity of use attributable to land areas dedicated and conveyed to the Board of Supervisors pursuant to these proffers shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and is hereby reserved to the residue of the subject Property.
17. Successors and Assigns. Each reference to "Applicant" in this proffer statement shall include within its meaning and shall be binding upon, Applicant's successor(s) in interest and/or developer(s) of the site or any portion of the site.
18. Counterparts. To facilitate this execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all the parties to the Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.

**[SIGNATURES ON THE FOLLOWING PAGES]**

**BAUER DRIVE ASSOCIATES, LLC**  
Applicant and Title Owner of Parcels 79-3-((4))-37, 37A, 38B

By:   
Name: ALFRED L. SORRELL  
Title: Managing Member

  
**ALFRED L. SORRELL**  
Co-Owner of Parcel 79-3-((4))-38A

  
**BETTIE L. SORRELL**  
Co-Owner of Parcel 79-3-((4))-38A

