

RECEIVED
DEPARTMENT OF PLANNING AND ZONING

FEB 1 2001

ZONING EVALUATION DIVISION

PROFFERS

RZ 2000-MV-017
ALD GROUP, INC.

January 22, 2001

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. **Generalized Development Plan.** Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance, development of the property shall be in conformance with the plan entitled "Generalized Development Plan, 6901-6909 Newington Road ("GDP")," prepared by R.C. Fields, Jr. & Associates, P.C., revised as of October 12, 2000.
2. **Energy Saving.** 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 the Department of Public Works and Environmental Services ("DPWES") for either electric or gas energy systems, as applicable.
3. **Tree Preservation/Reforestation.** The Applicant shall conform to the limits of clearing and grading shown on the GDP, subject to modifications for the necessary installation of trails, utility lines and stormwater outfall ditch as approved by DPWES. In addition, the Applicant shall provide a reforestation plan for portions of the floodplain and RPA that are not currently wooded. The reforestation plan for these areas shall be submitted with the first site plan for the property and shall be submitted to and approved by the Urban Forestry Division. The reforestation plan may include, but is not limited to, soil testing, methods of installation and appropriate species selection. The reforestation plan shall provide for the planting of approximately 75 to 100 seedlings at locations within the reforestation area that are approved by the Urban Forestry Division. Signage for the designation of the reforestation will be erected in the RPA/floodplain portion of the site to be reforested. Tree preservation and protection methods for off-site trees and vegetation in proximity to

**METES AND BOUNDS DESCRIPTION
OF THE PROPERTIES LOCATED AT
6901 & 6909 NEWINGTON ROAD**

Beginning at an iron pipe found at the southeast corner of the property herein described and being common with the Subdivision Pinewood Station, Parcel "D"; thence with said Pinewood Station, Parcel "D"

- 1) North 84 degrees 32 minutes 20 seconds West, 457.64 feet to an iron pipe found; thence
- 2) North 83 degrees 46 minutes 37 seconds West, 421.18 feet; thence departing Pinewood Station, Parcel "D" and running with (Now or Formerly) Elizabeth F. Suter
- 3) North 16 degrees 57 minutes 32 seconds East, 323.90 feet to Route #637 Newington Road (width varies); thence with said Newington Road
- 4) South 84 degrees 32 minutes 20 seconds East, 659.22 feet; thence
- 5) South 84 degrees 32 minutes 20 seconds East, 161.21 feet; thence departing said Newington Road and running with Hamilton Court (Private Street)
- 6) South 06 degrees 33 minutes 41 seconds West, 323.06 feet to the point of beginning and containing 273,424 square feet or 6.2770 acres.

grading and utility installation, shall be coordinated with, and approved by, the Urban Forestry Division. This information shall be submitted with the first site plan for the property. If the proposed stormwater management/BMP pond is constructed, the reforestation plan near the stormwater management/BMP pond shall provide additional vegetation to the maximum amount feasible under the DPWES planting policies proximate to stormwater management ponds and the plan shall contain an appropriate selection of species based on soil conditions, water availability and light levels. In addition, if said pond is required, it shall be located outside the RPA.

4. **Recreation.** At the time of site plan approval, the Applicant shall contribute \$30,000 to the Fairfax County Park Authority to be utilized, as determined by the Park Authority, for recreational facilities within Newington Park which will benefit the residents of the immediate area. Said contribution amount shall be adjusted by increases to the Construction Cost Index from the *Engineering News Record* from the date of Board of Supervisors approval of this rezoning application, to the date of site plan approval. The Applicant shall also provide a passive recreation area on-site as generally depicted on the GDP. If a waiver of the stormwater management facility is not approved, the Applicant shall relocate the eight foot (8') wide mulch trail leading to the passive recreation area to accommodate the stormwater management facility, but the trail will not be removed. Clearing and grading required for the installation of the passive recreation facilities located within the RPA shall be strictly minimized, as determined by DPWES.

5. **Archaeological Survey.** Prior to any land disturbing activities, the Applicant shall have a Phase I archaeological survey of the property conducted which shall be submitted to the County Archeologist. The scope of the work for the archeological survey shall be developed with the County Archeologist prior to commencement of the survey. If, based on the Phase I survey, Heritage Resources determines that further study is warranted, the Applicant shall conduct a Phase II and/or Phase III archeological survey acceptable to Heritage Resources. The Applicant's total cost for the proffer shall not exceed \$20,000.

6. **Off-Site Landscaping.** The Applicant shall provide additional landscaping off-site adjacent to the eastern and southern borders of the site on Tax Map numbers 99-4 ((4)) Parcels D1 and G2, subject to receiving permission from the owner or owners of the off-site property, provided that receiving such permission is at no cost to Applicant. In the area along the eastern border, the Applicant shall provide supplemental trees to provide an effective screen along this border, subject to approval of the Urban Forestry Division. Landscaping along the southern border will be installed as shown on the GDP. The Applicant shall diligently pursue such permission for off-site planting; however, in the event that permission from off-site owners is refused, the Applicant shall provide evidence of said refusal to DPWES, at which time the Applicant shall be relieved of the requirement to provide such off-site landscaping. Said off-site landscaping shall be installed after site plan approval and before the commencement of on-site construction, weather permitting; otherwise, as soon thereafter as weather permits.
7. **Traffic Calming Measures.** At the time of issuance of the 25th Building Permit for the site, the Applicant shall contribute \$10,000 to Fairfax County to be utilized on Newington, Accotink, Ona and/or Hamilton Roads for traffic calming measures. A portion of this sum may be utilized for landscape features as a part of the traffic calming program.
8. **Garages.** Garages will be used only for purposes which will not interfere with intended purposes of the garages, which are the parking of vehicles and the location of certain utilities. A restrictive covenant to that effect, approved by the County Attorney, and running to the homeowners' association and Fairfax County, shall be recorded among the land records of Fairfax County in conjunction with, or prior to, the recordation of the Deed of Dedication and Subdivision.
9. **Homeowners' Association.** The Applicant shall establish a homeowners' association for the proposed development to own, manage and maintain the open space areas including any private streets, the recreational facilities and all other community-owned land and improvements.

10. **Architecture.** The front facade of each townhouse block of buildings shall be comprised of over fifty percent (50%) brick. In addition, the northern walls of Units 1, 6, 11 and 16 shall be comprised of brick.
11. **Sidewalk.** The Applicant will extend a five foot (5') wide sidewalk westward along Newington Road to the existing pole which is located immediately east of Long Branch Creek. The Applicant shall also provide a public access and construction easement to Fairfax County along the western remainder of the site's frontage from this point for future construction of the trail connection across Parcel 15 to Cinder Bed Road.
12. **Outfall.** The outfall channel and clearing shown on the GDP within the RPA areas shall not be constructed if a waiver of stormwater management is granted by DPWES, or if such channel is not required by DPWES.
13. **Berm.** A four foot (4') high berm shall be constructed within the buffer area along the frontage of Newington Road. Said berm shall be located so as to accommodate existing and proposed utilities and to maintain existing quality trees within this area, as determined by the Urban Forestry Division and DPWES. Trees will be planted on/around the berm, as shown on the GDP, and trees in this area will be a minimum of two and one-half inches (2-1/2") in caliper at planting. The berm and any vegetation shall also be located so as to allow adequate site distance for traffic exiting Hamilton Court onto Newington Road.
14. The Applicant proffers, subject to an RPA Boundary Delineation Plan (to be submitted concurrently with the first submission of the final plan for review and approval to DPWES), that any units currently shown that fall within the RPA boundary, as determined by DPWES, shall not be constructed. No clearing and grading shall be permitted within the RPA except as required for the location of the passive recreation facilities and stormwater outfall, if required.
15. **Transportation Improvements.** The Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way along the Newington Road frontage as generally shown on the GDP. Dedication shall be made at the time of final site plan approval for the

development or upon demand from Fairfax County or the Virginia Department of Transportation ("VDOT"), whichever occurs first. The Applicant shall construct frontage improvements along the developed portion (approximately the eastern half) of the Newington Road frontage, as shown on the GDP, to include curb and gutter, and an increased entrance radius. The Newington Road frontage shall be restriped so that the existing pavement width shall be used to create a two-lane wide cross section as generally shown on the GDP.

16. At the time of site plan approval, the Applicant shall contribute \$12,750 to a fund for transportation and other public improvements within the Lotter area, as determined by the Supervisor of Mount Vernon District. *SQUADLM*

17. 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]

OWNER OF TAX MAP 99-4 ((1)) PARCEL 22

Donald Lester Myers

Donald Lester Myers

OWNER OF TAX MAP 99-4 ((1)) PARCEL 21A

Brenda J. Walton

Brenda J. Walton

**CONTRACT PURCHASER BY ASSIGNMENT OF
TAX MAP 99-4 ((1)) PARCELS 21A AND 22**

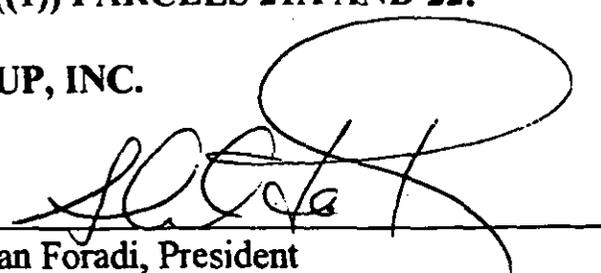
WL HOMES LLC, d/b/a JOHN LAING HOMES

By: *Steven M. Baldwin*
Steven M. Baldwin, Division President

**APPLICANT/CONTRACT PURCHASER OF TAX
MAP 99-4 ((1)) PARCELS 21A AND 22:**

ALD GROUP, INC.

By: _____


Shahman Foradi, President

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