

PROFFERS

STROTHER PROPERTY CONCORDIA-IDYLWOOD, L.L.C. RZ 2000-PR-018

October 20, 2000

Pursuant to Section 15.2-2303(a), Code of Virginia, 1950 as amended, Concordia-Idylwood, L.L.C. (hereinafter referred to as the "Applicant") and the owners, for themselves, their successors and assigns in RZ 2000-PR-018 (the "Application"), filed for property identified as Tax Map 39-4 ((1)) 191A (formerly Tax Map 39-4 ((1)) pt. 191, pt. 198 and pt. 198A) (hereinafter referred to as the "Application Property"), proffer the following, provided that the Board of Supervisors approves the Application.

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 Generalized Development Plan ("GDP") prepared by VIKA, Incorporated, consisting of four (4) sheets, dated March 30, 2000 and revised through August 25, 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 Applicant reserves the right to make minor adjustments to the internal lot lines of the proposed subdivision at the time of subdivision plat submission based on final engineering, house locations and building footprints, provided the overall density, setbacks and limits of clearing and grading are not effected thereby.

2. TRANSPORTATION

- a. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way, up to a width of 44 feet and terminating in a cul-de-sac with a right-of-way radius of 55 feet, in the approximate location of that shown on the GDP, thereby extending Chestnut Hill Avenue into the Application Property. Dedication shall be made at the time of recordation of the final subdivision plat.
- b. Concurrent with the development of the Application Property, the Applicant shall construct a Category I roadway with an open-ditch section, within the dedicated right-of-way, as generally shown on the GDP and subject to approval by VDOT and DPWES. In connection with such construction, the Applicant agrees to construct off-site

improvements within the existing dedicated right-of-way of Chestnut Hill Avenue to provide a taper from the newly constructed roadway to the existing roadway, subject to approval by VDOT and DPWES and subject to acquiring off-site construction easements if necessitated by such construction.

- c. The Applicant reserves 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. PARK CONTRIBUTION

At the time of subdivision plat approval, the Applicant shall contribute \$4,305.00 to the Fairfax County Park Authority for recreational facilities in the immediate vicinity of the Application Property. Using the Board of Supervisors approval date of the Application as the base date, this amount shall be adjusted according to the Consumer Cost Index as published in the *Engineering News Record* by McGraw-Hill.

4. LANDSCAPING AND TREE PRESERVATION

- a. Street Trees. Concurrent with the development of the Application Property, the Applicant shall provide street trees on the Application Property as generally shown on the GDP. The exact species and location of the proposed trees will be determined at final engineering and may be modified as necessary for the installation of utilities and driveways in coordination with the Urban Forester.
- b. Limits of Clearing and Grading. The Applicant shall designate on the subdivision plan limits of clearing and grading consistent with those shown on the GDP and which shall be observed during construction, subject to the installation of utilities as necessary. The designation of the limits of clearing and grading shall be subject to review by the Urban Forestry Branch. Minor adjustments to the clearing limits may be made, if necessary, and where practical, to protect tree save areas or individual trees on lots without reducing the size of a house, requiring the installation of retaining walls greater than two (2) feet in height, or adversely affecting surface drainage and/or precluding the installation of site utilities on an efficient basis.
- c. Tree Preservation. The Applicant shall retain an arborist certified by the International Society of Arboriculture to prepare a tree preservation plan (the "Tree Plan"). The Tree Plan shall be submitted as part of the first submission of the subdivision plan and shall be coordinated with and approved by the Urban Forestry Branch of DPWES. The Tree Plan shall provide for the preservation of specific quality trees or stands of trees which the Tree Plan identifies, and shall include the following elements:

- The Tree Plan shall include a tree survey, which includes the location, species, size, crown spread or critical root zone and condition rating percentage of all trees twelve (12) inches or greater in diameter, within an area fifteen (15) feet to either side of the final limits of clearing and grading and any trees on individual lots designated to be saved. A condition analysis shall be prepared using methods outlined in the latest edition of the *Guide for Plant Appraisal*. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching, and fertilization.
- The trees designated to be saved shall be protected by 14-gauge welded wire fencing, a minimum of four (4) feet in height, attached to six (6) foot steel posts, driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart along the final limits of clearing and grading contiguous to the trees designated to be saved. The fencing shall be installed prior to the commencement of demolition, clearing and grading activities. Signage affirming "restricted access" shall be provided on the temporary fence highly visible to construction personnel. The arborist contracted by the Applicant shall monitor the construction of the proposed development to ensure consistency with the plan. Prior to the commencement of any clearing or grading activities, the Applicant's arborist shall verify in writing to DPWES that the protection fence has been properly installed.

The Urban Forester may require modifications to the Tree Plan to the extent such modifications do not alter the number of dwelling units proposed, reduce the size of the proposed units, significantly alter the proposed location of the units on their respective lots, require a PCA or require the installation of retaining walls greater than two (2) feet in height.

Tree save areas on Lots 4 and 5, as such are determined by the Tree Plan and the final location of the limits clearing and grading, shall be protected with an easement, in a form approved by the Fairfax County Attorney and shown on the record plat of the subdivision recorded among the land records, running to the benefit of all of the lot owners in the new subdivision, specifying in particular:

1. That the final limits of clearing and grading shall be maintained; and
2. That trees within such tree save areas shall not be disturbed except for the removal of dead, dying or diseased trees.

The Applicant agrees to provide written notice to all prospective purchasers of Lots 4 and 5 disclosing the restrictions and limitations placed on the lots encumbered by such easements.

- d. **Tree Transplanting.** In addition to or as part of the Tree Plan, the Applicant shall provide a tree transplanting plan as part of the first submission of the subdivision plan, to be reviewed and approved by the Urban Forester. Such transplanting plan shall include the following components: identification of the existing plants to be transplanted; an assessment of the condition and survival potential of the plants; the proposed transplant locations; the timing of transplant in the development process; the proposed time of year of the transplanting; the transplant methods to be used, including tree spade size, if one is used; the relocation site preparation materials and methods; the initial care after transplanting, including mulching and watering specifications to be conducted; and long-term care measures including watering and the installation of tree protection fencing.

5. STORMWATER MANAGEMENT

Concurrent with development of the Application Property, the Applicant shall provide stormwater management and Best Management Practices (SWM/BMP) in an off-site dry detention pond adjacent to proposed Lot 4, subject to DPWES approval. In the event SWM/BMP cannot be accommodated in such off site detention pond and the requirement for such is not otherwise waived by DPWES, the Applicant agrees that development of the Application Property shall require a Proffered Condition Amendment to address the provisions of on-site SWM/BMP controls.

6. ENERGY EFFICIENCY

New homes on the Application Property shall meet thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent as determined by DPWES, for either electrical or gas energy systems.

7. ARCHITECTURE

The following measures shall be taken to ensure that the sides of the proposed dwelling units are not blank facades without architectural ornamentation. If the dominant material of the front facade is other than siding, the side walls of the houses shall be provided with a combination of siding and brick, stucco and/or stone facing to the top of the first floor level. In addition, if the side or rear walls are predominantly siding, windows with shutters shall be provided. If the front facade of the unit is predominantly siding, shutters may be provided, as an alternative, on the side facades as architectural ornamentation.

8. AFFORDABLE HOUSING

At the time of final subdivision plan approval, the Applicant shall contribute to the Fairfax County Housing Trust Fund the sum equal to three-quarters of one percent (¾%) of the projected sales price of the house to be built on each lot 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 Fairfax County Department of Housing and Community Development (HCD) and DPWES. The timing and amount of such contribution may be modified at the Applicant's sole discretion based on the adoption of a future amendment to the formula adopted by the Board of Supervisors.

9. CONTRIBUTION FOR OFFSITE TRAIL/SIDEWALK IMPROVEMENTS

At the time of final subdivision plan approval, the Applicant agrees to contribute to Fairfax County \$3,500 to be used by Fairfax County for sidewalk and/or trail improvements in the Providence District.

10. MISCELLANEOUS -

- a. These proffers shall bind and inure to the benefit of the Applicants and their 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.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

PROFFERS
RZ 2000-PR-018

APPLICANT/CONTRACT PURCHASER OF
TAX MAP 39-4 ((1)) 191A

CONCORDIA-IDYLWOOD, L.L.C.

By: 
Its: Manager - William F. Collins

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

PROFFERS
RZ 2000-PR-018

OWNER OF TAX MAP 39-4 ((1)) 191A

THOMAS L. STROTHER, TRUSTEE OF THE
CLARA S. STROTHER TRUST

Thomas L. Strother, Trustee
by: Thomas L. Strother, Trustee

[SIGNATURES END]