

January 22, 2001

4:00 p.m.

## PROFFERS

RZ 2000-M-036

January 18, 2001

Pursuant to Section 15.2-2303 (A), Code of Virginia, 1950 as amended, S & R, Developers, Inc., their successors and assigns, and owners for themselves, their successors and assigns (hereinafter referred to as the "Applicant"), in RZ 2000-M-036, filed for property identified on Fairfax County Tax Map as 81-2 ((1)) and 4, 5 and 6 (hereinafter referred to as the "Application Property"), agree to the following proffers, provided that Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves a rezoning of the Application Property from the C-3 District to the R-8 District.

### 1. GENERALIZED DEVELOPMENT PLAN (GDP)

- a. Subject to the provisions of Section 18-203 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), consisting of five (5) sheets, prepared by Harold A. Logan Associates, P.C., dated December 20, 2000.
- b. The illustrative architectural rendering as shown on Sheet 5 of the GDP is provided to illustrate the design intent of the proposed units. The building elevations shall be generally consistent in terms of character and quality with the illustration, and the materials on the exterior of the units will consist of a mix of either brick or siding. The specific features, such as the exact location of windows, doors, shutter and roofline, and other architectural details are subject to modification with final engineering and architectural design.
- c. Pursuant to Section 2-308 of the Zoning Ordinance, if the Department of Public Works and Environmental Services (DPWES) and/or the Geotechnical Review Board determines that the Application Property's marine clay coverage exceeds 78%, then the Applicant shall delete units in the southwestern portion of the Application Property shown on the GDP accordingly, and convert the lot area to the Homeowner's Association (HOA). The deletion of units shall not require the approval of a Proffer Condition Amendment by the Board. Any changes to the maximum number of units shall also be in conformance with the provisions of the R-8 District of the Zoning Ordinance and Section 2-308.

## 2. TRANSPORTATION

- a. At the time of site plan approval or upon demand from the Virginia Department of Transportation (VDOT) or DPWES, whichever occurs first, the Applicant shall dedicate in fee simple to the Board, a right-of-way along the Property's Edsall Road frontage as shown on the GDP.
- b. Prior to the issuance of the first Residential Use Permit (RUP), the Applicant shall construct a right turn lane and entrance improvements (i.e. curb returns and apron) in conformance with VDOT standards along the Property's Edsall Road frontage.
- c. Prior to entering into a contract of sale, prospective purchasers of houses shall be notified in writing by the Applicant of the maintenance responsibility of the private streets and open space area by the Homeowner's Association and shall acknowledge receipt of this information in writing. The Applicant shall include within the Homeowner's Association documents the maintenance responsibility of the private streets and open space by the Homeowner's Association. Each deed of conveyance shall expressly contain these disclosures.
- d. A covenant shall be recorded by the Applicant which provides the garages shall only be used for a purpose that will not interfere with the intended purpose of garages (e.g., parking of vehicles). This covenant shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the Homeowner's Association, which shall be established, and the Fairfax County Board of Supervisors. Purchasers shall be advised of the use restriction prior to entering into contract of sale.
- e. Trail requirements that apply to the subject property shall be determined by DPWES at time of site plan review. The Applicant shall comply with the determination.

## 3. RECREATION

- a. Prior to the issuance of the first RUP, the Applicant shall escrow for the benefit of the Homeowner's Association \$4,500.00 as adjusted by increase to the *Consumer Price Index* published in the *Engineering News Record* by McGraw Hill, from time of rezoning approval for purchase of memberships to the Bren Mar Recreation Association. Any remaining funds after sale of the last unit shall be released to the Applicant. Prospective purchasers of units shall be informed of this escrow and the availability of memberships.

- b. Prior to the issuance of the first RUP, the Applicant shall contribute the sum of \$6,150.00, as adjusted by increase to the *Consumer Price Index* published in the *Engineering News Record* by McGraw Hill, from time of rezoning approval to the Fairfax County Park Authority for improvements to a nearby park in the Mason District.

#### 4. ENVIRONMENTAL

- a. At the time of site plan submission, the Applicant shall submit a geotechnical soil study for review and approval by the Geotechnical Review Board and shall implement such measures as determined by the Geotechnical Review Board.
- b. In order to achieve the maximum interior noise level of approximately 45 dBA Ldn, the Applicant proffers that all residential units impacted by highway noise having levels between 65 and 70 dBA Ldn shall have the following acoustical attributes:
  - Exterior walls shall have a laboratory sound transmission class (STC) of at least 39. If glazing constitutes more than 20% of any façade, they shall have the same laboratory STC rating as walls.
  - Doors and glazing shall have a laboratory STC of at least 28. If glazing constitutes more than 20% of any façade, they shall have the same laboratory STC rating as walls.
  - Adequate measures to seal and caulk between surfaces will be provided.
- c. In order to achieve a maximum exterior noise level of 65 dBA Ldn within rear yards of units impacted by highway noise having levels between 65 and 70 dBA Ldn, the Applicant shall install a 6-foot high solid wooden fence with no gaps or openings within the southern transitional screening yard as shown on the GDP.
- d. As an alternative to the above, the Applicant may elect to have a refined acoustical analysis performed subject to approval by DPWES, in coordination with Environmental and Design Review Branch, DPWES, to verify or amend the noise levels and impact areas as set forth above, and/or to determine which units may have sufficient shielding to permit a reduction in the mitigation measures prescribed above or which may include alternative measures to mitigate noise impact on the side.
- e. Individual homeowners of units adjacent to the southern and western boundaries may elect to add a privacy fence along their side and/or rear lot lines.

- f. SWM shall be provided in accordance with PFM requirements as shown on the GDP. If approved by DPWES, alternative bioretention measures, such as a rain garden, may be provided in lieu of the dry pond shown on the GDP.

## 5. LANDSCAPING AND OPEN SPACE

- a. Street trees, peripheral and interior landscaping shall be provided by the Applicant generally as shown on the GDP. The exact location of the proposed planting may be modified as necessary by the Urban Forester, DPWES for the installation of utilities. The installation of utilities shall be done in the least disruptive manner as determined by the Urban Forestry DPWES.
- b. In order to restore a natural appearance to the proposed stormwater management pond, a landscape plan shall be submitted as part of the first submission of the subdivision plan showing landscaping in all possible planting areas of the pond, in keeping with the planting policies of the DPWES.

## 6. TREE SAVE AND PRESERVATION

- a. The Applicant shall prepare a tree preservation plan along the limits of clearing and grading line as shown on the GDP for the Application Property to be submitted as part of final site plan submittal. The tree preservation plan shall, *inter alia*, show individual trees to be preserved, the limits of clearing, and the easements, all as indicated on the GDP, and shall be reviewed and approved by the Urban Forestry Branch. The tree preservation plan shall consist of a tree inventory which includes the location, species, size crown spread and condition rating of all trees 12 inches or greater in diameter, measured 4 ½ feet from the ground, within 20 feet on either side of the limits of clearing and grading shown on the GDP. The condition analysis shall be prepared using methods outlined in the eighth edition of The Guide for Plant Appraisal. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be incorporated into the tree preservation plan. Activities should include, but are not limited to, crown pruning, root pruning, mulching, and fertilization.
- b. All trees shown to be preserved on the tree preservation plan shall be protected at all times during construction. Tree protection shall be in accordance with Public Facilities Manual (PFM) Section 12-0802.2 standards.
- c. The tree protection areas shall be made clearly visible to all construction personnel. The tree protection measures shall be installed prior to the

performance of any clearing and grading activities on the site, including the demolition of any existing structures.

- d. The demolition of existing features and structures shall be conducted in such a manner as to minimize the impact on individual trees and groups of trees to be preserved. These methods are to be included in the tree preservation plan.

**7. AFFORDABLE HOUSING**

At the time of final site plan approval, the Applicant shall contribute to the Fairfax County Housing Fund the sum equal to one-half (0.5) percent 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 staff of the Fairfax County Department of Housing and Community Development.

**8. OPTIONAL SUNROOMS/REAR YARD EXTENSIONS**

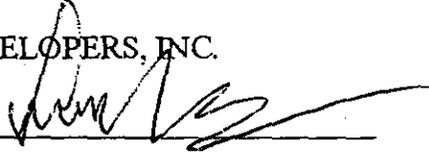
Applicant reserves the right to extend rear lot lines by 10 feet in order to accommodate optional sunroom extensions on the rear of units as shown on attached Exhibit A. Open space as shown on the GDP may be reduced from approximately 56% to approximately 53% to accommodate rear yard extensions, subject to substantial compliance with the easements and landscaping as shown on the GDP.

**[SIGNATURES BEGIN ON FOLLOWING PAGE]**

PROFFERS  
RZ 2000-M-036

APPLICANT/CONTRACT PURCHASER OF  
Tax Maps 81-2 ((1)) Parcels 4, 5, 6

S & R DEVELOPERS, INC.

By 

Name: SHABIR POONAWALA

Title: PRESIDENT

PROFFERS  
RZ 2000-M-036

Title owners

Tax Map 81-27((1)) 5

Lee A. Breakiron 1/12/01

Mark R. Breakiron

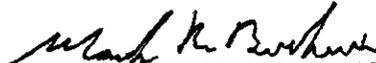
Larry W. Breakiron

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RZ 2000-M-036

Title owners  
Tax Map 81-2-((1)) 5

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Lee A. Breakiron

  
Mark R. Breakiron

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Larry W. Breakiron

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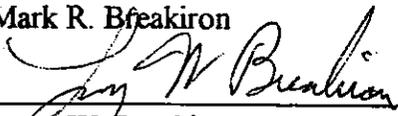
Title owners  
Tax Map 81-2-((1)) 5

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Lee A. Breakiron

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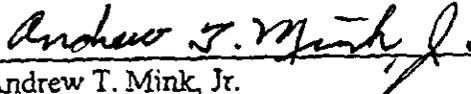
Mark R. Breakiron

  
Larry W. Breakiron

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RZ 2000-M-036

Title Owner  
Tax Map 81-2 ((1)) 4

  
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Andrew T. Mink, Jr.

Title owners  
Tax Map 81-2-(1) 6

W E Dakin, Jr.

William E. Dakin, Jr.

Carla Jo Dakin by W E Dakin, Jr. atty in fact

Carla Jo Dakin, by William E. Dakin, Jr.  
her Attorney-in-Fact

Monta Lee Dakin by W E Dakin, Jr. atty in fact

Monta Lee Dakin, by William E. Dakin, Jr.  
her Attorney-in-Fact

Julie Ann Dakin

Julie Ann Dakin, by William E. Dakin, Jr.  
her Attorney-in-Fact

by W E Dakin, Jr. atty in fact

