

RZ 2000-MA-055

February 8, 2003

Pursuant to Section 15.2-2303 (A), Code of Virginia, 1950 as amended, the owners, and Landmark Property Development, LLC (hereinafter referred to as "Applicant") for themselves, their successors and assignees in RZ 2000-MA-055 and FDP 2000-MA-055, filed for property identified as Tax Map 61-4 ((1)) Parcel 157 and Tax Map 61-4 ((4)) Parcels A, B1 & 5 (hereinafter referred to as the "Application Property"), proffer the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the PDH-12 and HC Districts.

1. Development Plan:

Development of the Application Property shall be in substantial conformance with the CDP/FDP prepared by Charles P. Johnson & Associates consisting of six sheets dated September 28, 2000 and revised through May 17, 2001, provided, however, that the noise wall depicted on the CDP/FDP shall not be required. Internal and frontage improvements to the property will be constructed in substantial conformance to the CDP/FDP. The applicant at their discretion shall determine whether to construct the layout depicted on Sheet 2 or the alternate layout on Sheet 2A of the CDP/FDP. However, in the event that the Board of Supervisors denies or modifies the waiver of the service drive along Columbia Pike then the alternative layout on Sheet 2A will be constructed.

2. Minor Deviations:

Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the CDP/FDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the right to make minor adjustments to the internal lot lines of the proposed lots at the time of Site Plan submission based upon final house locations and building footprints provided such changes are in accordance with the FDP, and do not increase the number of units or decrease the amount of open space, peripheral setbacks, access or parking spaces, without requiring approval of an amended FDP.

3. Construction of Private Streets and Provision of Sidewalks:

A). All on site streets will be private streets. Sidewalks will be provided in the location as generally shown on the CDP/FDP. Both the streets and sidewalks will be constructed in conformance with the Public Facilities Manual [PFM] (TS 5A) to design, depth of pavement and materials consistent with public street and sidewalk standards. Future homeowners shall be notified of their maintenance responsibilities for the streets and



other HOA owned and maintained facilities within the HOA documents which will be made available for review prior to entering into a contract of sale.

B). Prior to the issuance of the first Residential Use Permit (RUP) a trail will be constructed along Columbia Pike in a public access easement generally as shown on the CDP/FDP. The trail will be constructed in conformance with the Public Facilities Manual and Countywide Trails Plan subject to the approval of the Director of DPWES. The Applicant will place a public access easement over the trail in a form acceptable to the county attorney. The existing trail will be removed prior to issuance of the first RUP.

4. Sanitary Sewer:

At time of Subdivision Plat approval, in conjunction with development of the Application Property, the applicant will provide to the Board of Supervisors in fee simple an area for a sanitary sewer lift station on the site adjacent to lot number 1 and for an easement for a force main in accordance with Attachment 1, Exhibit. In conjunction with the development of the Application Property and prior to Site plan approval the applicant will conduct and develop the engineering studies necessary for the construction of a lift station and a new sanitary sewer force main by the county in coordination with the County Waste Water Collection Division. In conjunction with the development of the Application Property, prior to Site Plan approval, the applicant will enter into an agreement with the County for the construction of the lift station and sanitary sewer force main.

5. Bus Shelter:

Prior to the issuance of the first RUP the applicant shall construct a bus shelter pad off site generally as shown on the CDP/FDP on the Columbia Pike Rt. 244 unless Fairfax Department of Transportation or VDOT does not approve the pad, which event will relieve the applicant of any further obligation under this proffer.

6. Energy Efficiency

All homes constructed on the subject property shall meet the thermal guidelines of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by DPWES, for either gas or electric energy systems as may be appropriate.

7. Noise Attenuation:

A) In order to reduce interior noise to a sound level to approximately 45 dBA-Ldn within a highway noise impact zone of DNL 65 to 70 dBA (345 feet from centerline of

B) Columbia Pike) the Applicant shall depict the impacted units on the site plan and employ the following:

(i) Exterior walls will have a laboratory and sound transmission class (STC) rating of 39

(ii) Doors (excluding garage doors) and glazing will have a STC rating of at least 28 unless glazing constitute more than 20% of any façade exposed to noise levels of DNL65dBA or above. If glazing constitute more than 20% of an exposed facade then the windows should have a STC rating of at least 39.

(iii) Measurements to seal and caulk between surfaces shall follow ASTM standards to minimize sound transmission.

C) In order to reduce interior noise level of approximately 45 dBA within a highway impact noise zone of DNL 70-75 dBA (160 feet from centerline of Columbia Pike) the Applicant shall employ the following acoustical treatments:

(i) Exterior walls will have a (STC) rating of 45

(ii) Doors (excluding garage doors) and windows will have a STC rating of at least 37 unless windows constitute more than 20% of any façade exposed to noise levels of DNL65dBA or above. If glazing constitutes more than 20% of an exposed facade then the windows should have a STC rating of at least 45.

(iii) All surfaces should be sealed and caulked in accordance with methods approved by the ASTM to minimize sound transmission.

D) Prior to issuance of Building Permits, the applicant reserves the right to pursue other methods of mitigating highway noise impacts that can be demonstrated through an independent noise study as reviewed and approved by DPWES, that these methods will be effective in reducing interior levels to 45 dBA Ldn or less.

recreational facilities, private streets made available to them. At closing each initial purchaser will be given a complete set of Home Owners Documents specifying the responsibility and containing a year by year 10 year prospective budget of the HOA and the necessary contributions by each homeowner.

14. Affordable Dwelling Units (ADU's):

Prior to issuance of the first RUP the applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to $\frac{1}{2}$ % of the projected 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 and DPWES.

15. Possible Inter-parcel Dedication:

A). An inter-parcel access easement (labeled "possible inter parcel access") to Tax Map 61-4 ((4)) B2, not to exceed 30 feet in width, will be granted prior to time of subdivision plat approval. The Applicant will construct a curb cut at the inter-parcel access point. The easement at the curb cut shall be conditioned upon residential use of the adjacent parcel and will be granted for only residential inter-parcel access. Furthermore, all costs of implementing an inter-parcel access except for the curb cut shall be borne by the owners of the adjacent parcel including but not limited to those associated with legal documents, agreements, construction, landscaping and engineering. The HOA documents shall specify that the HOA shall be responsible for only a proportionate part of the maintenance of the portion of the Holmes Run Overlook internal road that may be used by any adjacent residential development. An agreement by the owners of both developments setting forth a pro rata share of maintenance, repair, replacement and any necessary improvements to the roadway will be developed based on a formula for numbers of trips (ITE rates) generated

B). An inter-parcel access easement (labeled "possible inter parcel access") to Tax Map 61-4 ((1)) 11, (labeled "prop 30" inter-parcel access) will be granted at the time of subdivision plat approval. If the layout on sheet 2A is utilized, the Applicant will construct a curb cut at the inter-parcel access point. The easement at the curb cut shall be conditioned upon residential use of the adjacent parcel and will be granted for only residential inter-parcel access. Furthermore, all costs of implementing an inter-parcel

access except for the curb cut shall be borne by the owners of the adjacent parcel including but not limited to those associated with legal documents, agreements, construction, landscaping and engineering. The HOA documents shall specify that the HOA shall be responsible for only a proportionate part of the maintenance of the portion of the Holmes Run Overlook internal road that may be used by any adjacent residential development. An agreement by the owners of both developments setting forth a pro rata share of maintenance, repair, replacement and any necessary improvements to the roadway will be developed based on a formula for numbers of trips (ITE rates) generated.

C) In the event that the alternative layout depicted on sheet 2A is utilized the applicant will provide access to Madison Lane via the current existing Service Drive unless the requirement is waived or modified by the Board of Supervisors. If the inter-parcel access as detailed in proffer 15B is utilized the applicant will close the existing on site service drive access to Madison Lane and re-vegetate the area.

D). The applicant will construct a service drive to connect to the existing service drive serving existing parcel 157 as detailed in the insert entitled "Alternative Access to Madison Lane (Two Way)" on sheet 2A of the CDP/FDP. In addition the applicant will provide an additional stop bar stripe on Madison Lane to south of the service drive and locate a sensor pad at the new stop to permit traffic from the service drive to queue at the intersection subject to VDOT review and approval. If the Traffic Signal is warranted for Powell Lane and Columbia Pike intersection and the Board of Supervisors modified the service Drive requirement then the applicant will construct a one way entrance as detailed on Sheet 2A.

E). Residents will be notified of the inter-parcel access and the potential for additional dwelling units to be developed on the adjacent parcel in the HOA documents.

16. Provision of a Traffic Signal:

Prior to Final Site Plan approval the Applicant will submit a revised warrant study to VDOT. If the warrant study determines that a signal warranted and such is approved by VDOT the Applicant shall install a traffic signal at the Powell Lane intersection with Columbia Pike, the design and construction of which shall be subject to VDOT approval.

8. Landscaping/Tree Save:

- A) Landscaping will be provided in substantial accordance with the CDP/FDP landscape plan dated September 28, 2000 revised through May 17, 2001 and as determined by the Urban Forester.
- B) If the alternate layout depicted on Sheet 2A is pursued then the landscape plan shall be revised as shown on the detail for that layout or subject to the approval of the Urban Forester to permit the construction of lots 46-49. The noise attenuation barrier if over 6 feet in height will be planted at its base on the development side with creeping plants such as ivy in addition to the CDP/FDP landscape plan plantings.
- C) Prior to the issuance of the first RUP, the applicant will remove the existing entrance at Columbia Pike used for commercial vehicle access to parcel 157 and will re-sod and landscape the area.

9. Recreational Facilities:

The Applicant will comply with Paragraph 2 of Section 6-110 of the Zoning Ordinance regarding developed recreational facilities. The Applicant proffers that the expenditure for the recreational facilities will be a minimum of \$955.00 per residential unit. The Applicant shall receive credit for the on-site recreational facilities that may include but not be limited to, a community gathering area with Gazebo, outdoor seating and picnic tables. If the \$955.00 per residential dwelling unit for on-site recreational facilities is not provided, as determined by DPWES, then any remaining funds shall be provided to the Fairfax County Park Authority for the provision of recreational facilities in Holmes Run Park.

10. Limits of Clearing and Grading:

The applicant shall generally conform to the limits of clearing and grading shown on the CDP/FDP subject to the installation of necessary sidewalks, trails and utility lines as approved by DPWES. Any trails and utility lines that may be within areas protected by limits of clearing and grading shall be located and installed in the least disruptive manner as possible considering cost and engineering as determined by the Urban Forestry Division. A replanting plan shall be developed and implemented, as approved by the Urban Forestry Division, for any areas within the areas protected by the limits of clearing and grading that must be disturbed.

11. Geotechnical Investigation:

Prior to site plan approval, the applicant shall submit a geotechnical investigation of the site and implement such measures as determined by the investigation subject to the satisfaction of DPWES.

12. Phase 1 Environmental Study

Prior to site plan approval the Applicant shall submit a Phase 1 Environmental investigation of the property to DPWES for review and approval in coordination with all appropriate reviewing agencies. The investigation will be generally consistent with the procedures described by the American Society of Testing and Materials (ASTM). If warranted by the results of the Phase 1 investigation and if determined necessary by DPWES and the State Water Control Board, the applicant shall pursue a Phase II investigation and correction program. Subject to the findings of a Phase II program, if ground water, surface water and soil contaminants are found in sufficient quantities and at such levels to require a longer term monitoring program, a remedial action program and corrective action plan shall be performed in accordance with all applicable Federal, State and County requirements, prior to final plan approval.

13. Homeowners Association:

A) The Applicant shall establish a Homeowners' Association for the proposed development to own, manage and maintain streets, sidewalks, driveways, community open spaces, planting areas and community structures (Gazebo, fence) that are installed.

B) Any restrictions placed on the use of Common Open Space areas, potential for inter-parcel access and the prohibition on use of the garages for any purpose than to park motor vehicles shall be disclosed in a separate disclosure in the HOA documents for future purchasers in the subdivision. A covenant in the form which shall be approved by the County Attorney shall be recorded which provides that garages shall be used for purposes that will not interfere with the intended purposes of garages (e.g. parking of vehicles). This covenant shall be recorded among the land records of Fairfax County prior to the sale of any lots and shall run to the benefit of the homeowners association, which shall be established, and to Fairfax County.

C) Prior to purchase, initial prospective purchasers of homes will have copies of the HOA documents outlining the responsibilities of owners regarding maintenance of open-space,

If warrants are not met, then the applicant will escrow proportional funds for such a signal in the future prior to the first RUP. The amount of the escrow will be determined at site plan review based on a pro rata formula from the actual trips generated from this development versus the trips generated from other dwelling units both existing and planned which will utilize the Powell Lane, Columbia Pike intersection as determined by DPWES.

17. Turn Lane On Columbia Pike

The Applicant will lengthen the left turn lane on south-bound Columbia Pike to Powell Lane as shown on the CDP/FDP subject to VDOT approval.

18. Architecture Elevations:

The Dwelling Unit architecture shall generally conform to the illustrative architectural elevation as shown on the CDP/FDP.

19. Construction:

A). Subject to VDOT approval the Applicant will utilize the existing driveway via Powell Lane for construction vehicles/equipment access during construction, except for the initial construction of the lift station which may be from Columbia Pike/Madison Lane. The applicant will install appropriate signage on Powell Lane, Columbia Pike and Madison Lane warning of construction activity. All construction vehicles will be parked on site during construction. Signs directing construction traffic to use the Powell Lane access point will be erected.

B). Construction activity will be limited to 7:00AM to 6:00PM Monday through Saturday and on Sunday for interior work only from 7:00 AM to 6:00 PM. This proffer applies to the original construction only and not to future additions and renovations by homeowners.

C). Applicant will inspect Powell Lane and Columbia Pike on a regular basis to ensure that mud, rocks, nails and other construction debris is removed and Applicant shall wash those roads as required by VDOT and DPWES. Applicant will also construct a vehicle dirt rack at the entrance to the property as required by DPWES and subject to approval by VDOT.

20. Signs:

No temporary signs (including "popsicle style paper or cardboard) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off site by the Applicant or at the Applicant's direction to assist in the initial sale of homes on the Property.

21. Storm Water Pond:

The applicant will request a SWM/BMP waivers based upon the existing site conditions and supporting calculations, however, if not granted the applicant will request an approval from DPWES of an embankment only storm water management facility and seek all necessary and appropriate modifications and waivers from DPWES to accomplish such a facility. If such a facility or waiver is not approved the Applicant will provide a SWM/BMP dry pond as determined by DPWES and plant the sides of the new facility with plantings to the maximum extent permitted by DPWES and use best efforts to preserve quality trees in the up slope areas, as determined by the Urban Forester.

22: Storm Water Improvements:

Prior to the issuance of the first RUP and in conjunction with the development of the Application Property, the applicant will locate and reconstruct on the applicants site subject to DEWES approval, the Storm Water Outfall and pipe which was constructed under Columbia Pike and outfalled onto this site without permission and without an easement by VDOT and or Fairfax County during Columbia Pike's widening and reconstruction. The applicant will create an easement for the storm water line on the site plan.

23. Lighting:

All common area lighting except entry monumentation signage lighting (which must be directed upon the signs and not at the sky or road) shall be directed inward and downward to prevent light spilling onto adjacent properties, public street lighting shall be provided by use of full cut off luminaire fixtures of similar fixtures as approved by Dominion Power.

OWNER Tax Map 61-4 ((4)) A, B1

By: *Dorothy M Allen*
Dorothy M. Allen

OWNER Tax Map 61-4 ((4)) 5

By: *Agnes M. Adams*
Agnes M. Adams

OWNER, Alls and Alls LLC: Tax Map 61-4 ((1))

By: *Gale Alls*
Gale Alls

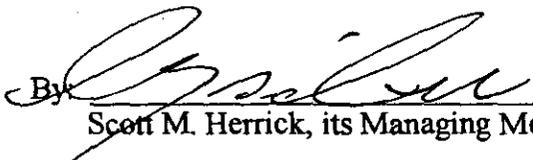
Its: Managing Member

24. Successors and Assigns:

These Proffers will bind and inure to the benefit of the Applicant and his 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.

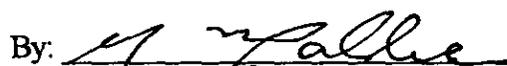
CONTRACT PURCHASER, of Tax Map 61-4 ((1)) 157;
CONTRACT ASIGNEE, of Tax Map 61-4 ((4)) A, B1, 5

LANDMARK PROPERTY DEVELOPMENT, LLC

By: 
Scott M. Herrick, its Managing Member

CONTRACT PURCHASER, of Tax Map 61-4 ((4)) parcels
A, B1, 5

EASTWOOD PROPERTIES, INC.

By: 
Richard L. Labbe, President

FINAL DEVELOPMENT CONDITIONS

FDP 2000-MA-055

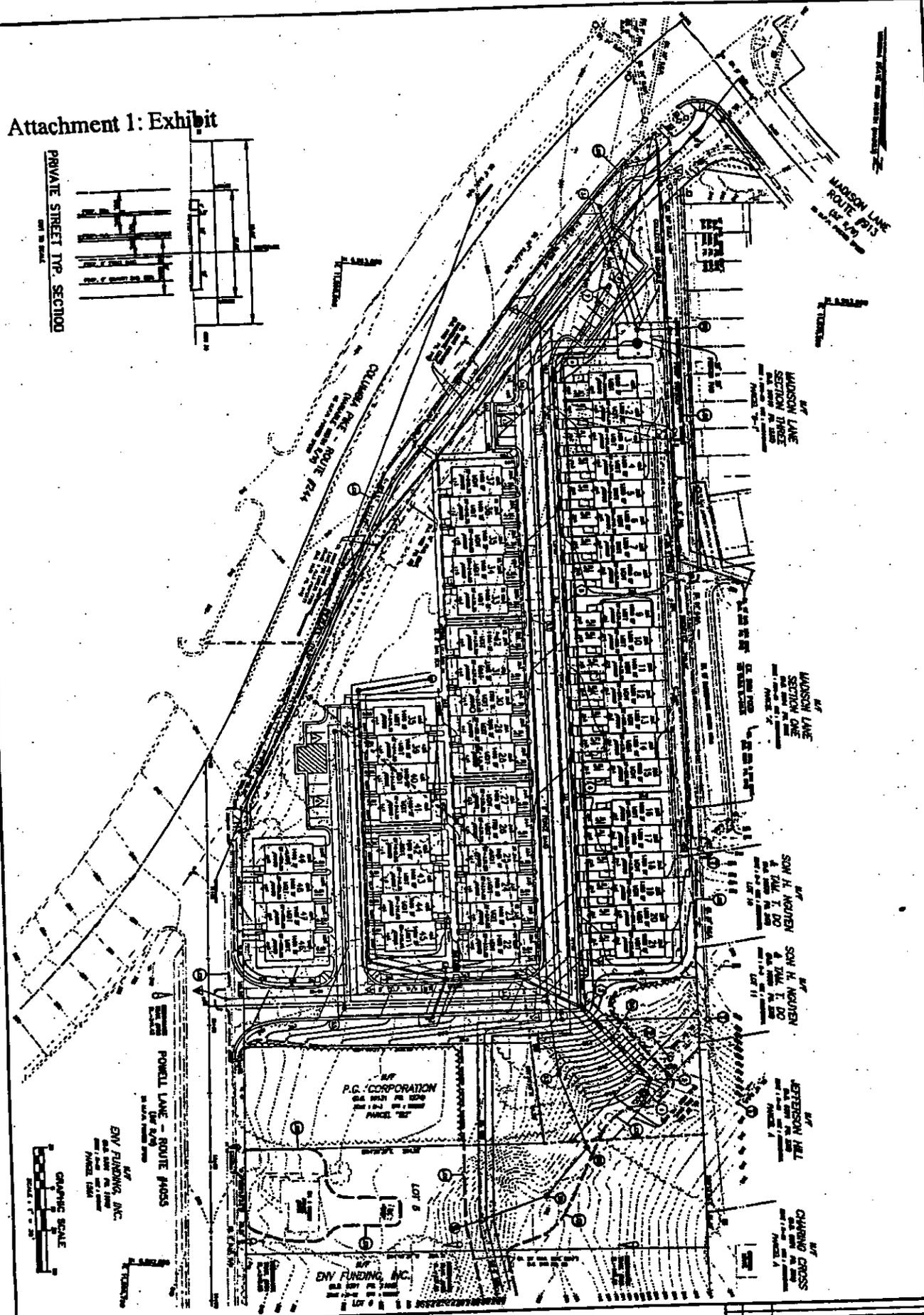
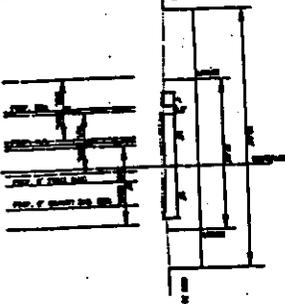
June 14, 2001

If it is the intent of the Planning Commission to approve FDP 2000-MA-055 for a single-family attached residential development located at Tax Maps 61-4 ((1) 157, 61-4 ((4)) A, B1, and 5 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 "Holmes Run Park Overlook", prepared by Charles P. Johnson & Associates and dated September 28, 2000, as revised through May 17, 2001.
2. One freestanding sign shall be permitted at the Powell Lane entrance to the subdivision and the sign area shall not exceed 30 square feet. In the event that the applicant develops the site in accordance with Sheet 2A an additional freestanding sign shall be permitted at the entrance to Madison Lane and the area of the sign area shall not exceed 30 square feet. The sign(s) shall be in substantial conformance with the elevation shown on Sheet 5 of the CDP/FDP.

Attachment 1: Exhibit

PRIVATE STREET TYP. SECTION
SEE SHEET 101



ENV. PLANNING, INC.
SEE SHEET 101

POND LANE - ROUTE 6703
SEE SHEET 101

P.G. CORPORATION
SEE SHEET 101

ENV. PLANNING, INC.
SEE SHEET 101

EXHIBIT
**HOLMES RUN PARK
 OVERLOOK**

MARSDEN DISTRICT
 FAIRFAX COUNTY, VIRGINIA

DATE	REVISION	APPROVAL

CPJ Charles F. Johnson & Associates, Inc.
 PLANNING ENGINEERING LANDSCAPE ARCHITECTURE SURVEYING
 2000 MARKET STREET, SUITE 200, FALLS CHURCH, VIRGINIA 22044
 PHONE: (703) 441-1100 FAX: (703) 441-1101