

PROFFERS

Wyngate LLC

RZ 2001-MV-021

October 15, 2001

Pursuant to Section 15.2-2303(A) Code of Virginia, 1950, as amended, the owners and Wyngate LLC (hereinafter referred to as the "Applicant"), for themselves, successors and assigns in RZ 2001-MV-021, filed for property identified as Tax Map 101-3 ((1)) 35, (hereinafter referred to as the "Application Property") hereby proffer the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the R-8 District in conjunction with a Generalized Development Plan (GDP) for residential development. These proffers shall replace and supersede any previous proffers approved on the Application Property.

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 GDP, prepared by Charles P. Johnson & Associates, Inc., dated March, 2001 and revised through October 1, 2001.
- 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 layout, internal lot lines, and lot sizes of the proposed subdivision at time of site plan submission based on final house locations, building footprints, utility locations, and final engineering design, provided that such adjustments do not decrease the amount and location of open space, tree save, or building setbacks to peripheral lot lines.

2. TRANSPORTATION -

- a. The Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of seventy-five (75) feet from the centerline of the Application Property's Richmond Highway frontage as shown on the GDP. Dedication shall be made at time of recordation of the final subdivision plat or upon demand from either Fairfax County or VDOT, whichever shall first occur.
- b. The Applicant shall construct a four (4) foot wide concrete sidewalk within the residential development, and a six (6) foot wide concrete sidewalk pedestrian connection to Richmond Highway, all as shown on the GDP.
- c. Applicant shall construct a six (6) foot concrete sidewalk within the dedicated right-of-way for Richmond Highway as shown on the GDP.

- d. Applicant shall submit a plan identifying fire lanes and appropriate signs as part of the site plan submission in order to ensure appropriate curb painting and installation of "No Parking" signs.
- e. Density credit shall be reserved as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Ordinance for all eligible dedications described herein or as may be reasonably required by Fairfax County or VDOT at time of site plan approval.
- f. The Applicant shall provide deciduous street trees along Richmond Highway within the dedicated right away as shown on the GDP, a minimum of two inches in caliper at time of planting, subject to the approval of VDOT. If trees are not acceptable, alternative plant material shall be provided, subject to review by the Urban Forestry Division, and subject to approval by VDOT. Subject to VDOT approval, the homeowners association established for the residential development shall be responsible for the future maintenance of the trees.
- g. The Applicant shall provide an interparcel access easement to the adjacent property identified among the Fairfax County tax map records as 101-3 ((9)) (2) A. The interparcel access easement shall be thirty (30) feet in width and shall be generally located as shown on the GDP, subject to the approval of the Department of Transportation. Applicant shall record a public ingress-egress easement, in a form acceptable to the County Attorney, over the area of the interparcel access easement. A copy of the recorded interparcel access easement shall be provided to the owner of tax map parcel 101-3 ((9)) (2) A. Initial purchasers shall be advised of the interparcel access easement prior to entering into a contract of sale and said easement shall be disclosed in the homeowners association documents prepared for the residential development. Applicant shall escrow with DPWES a sum equivalent to the cost of construction, as determined by DPWES based on Fairfax County bond estimates, at time of site plan approval. Escrow shall be used for future construction by others of the interparcel access connection upon request from DPWES.
- h. A covenant running to the benefit of the homeowners association, and in a form approved by the County Attorney, shall be recorded on the Application Property which states that the private streets within the development shall only be used for the parking of personal vehicles and shall not be used for the parking of motorhomes, boats, or other recreational type vehicles. Initial purchasers shall be advised of this use restriction prior to entering into contract of sale and said restriction shall be included in the homeowners association documents prepared for the residential development.
- i. The private streets shown on the GDP shall be constructed of materials and depth of pavement consistent with the Public Facilities Manual for public streets as approved by DPWES. Initial purchasers shall be advised of the requirement to maintain private streets prior to entering into a contract of sale. The requirement to maintain the streets as constructed shall be included in the homeowners association documents prepared for the Application Property.

3. LANDSCAPING, OPEN SPACE, AND TREE PRESERVATION -

- a. Applicant shall provide landscaping on the Application Property as shown on the GDP. Landscaping shall consist of a combination of deciduous trees, a minimum of two (2) inches in caliper at time of planting, and evergreen trees, a minimum of six (6) feet in height at time of planting. Applicant shall preserve existing vegetation, to the greatest extent possible, as coordinated with the Urban Forestry Division of DPWES, to supplement proposed screening on the east and west property lines.
- b. Applicant shall maintain those areas of Parcel A designated as tree save areas on the GDP as undisturbed open space. Parcel A shall be conveyed to the homeowners association established for the proposed development. Prior to the conveyance, the Applicant shall clear the tree save areas of Parcel A of any debris. The homeowners association documents prepared for the proposed community shall state that the association shall be responsible for the maintenance of Parcel A and that no trees shall be removed from the tree save areas unless diseased, dying or hazardous. No structures shall be installed within the tree save areas of Parcel A.
- c. Applicant shall install a six (6) foot high wood fence along the west, east and south property lines as shown on the GDP. The fence shall be architecturally solid and generally in conformance with the elevation shown on the GDP. A gate, accessible to the homeowners residing on the Application Property, shall be located along the south property line. The Applicant shall install the wood fence in a manner to avoid existing trees to the greatest extent possible.
- d. The Applicant shall contract with a certified arborist to consult on the preparation of a tree preservation plan for those areas designated as tree save areas on the GDP. The tree preservation plan shall be submitted prior to any individual house grading plans and as part of the first site plan, which shall be reviewed and approved by the Urban Forestry Branch. This plan shall be prepared using methods outlined in the latest edition of *The Guide for Plant Appraisal*. The Urban Forestry Branch may require modifications to the tree preservation plan, however, said modifications shall not reduce the number or alter the size of proposed dwelling units as shown on the GDP.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. The tree protection fencing shall be made clearly visible to all construction personnel. The tree protection fencing shall be installed prior to the performance of any clearing and grading activities on the Application Property, including the demolition of any existing structures. All tree preservation activities, including the installation of tree protection fencing, shall be performed under the guidance of the certified arborist. Prior to the commencement of any clearing, grading or demolition activities on the Application Property, the project arborist shall verify in writing the tree protection fencing has been properly installed and certify that encroachment has not occurred within the tree preservation area.

- e. Subject to the receipt of the necessary permission from the owner, Applicant shall plant up to ten (10) evergreen trees, six (6) to eight (8) feet in height at time of planting, on the adjacent parcel identified among the Fairfax County tax map records as 101-3 ((1)) 110. Location and species of trees shall be coordinated with the property owner, and shall be generally located along the property line in proximity to proposed Lots 44-49. Applicant shall be responsible for maintenance of trees, which shall include the replacement of any dead or dying trees during construction and until final bond release. Subsequent to final bond release, the property owner shall be responsible for maintenance of trees. Documentation of efforts to obtain permission from the owner, if such efforts have failed, shall be submitted to DPWES at time of site plan submission, upon request.

4. STORMWATER MANAGEMENT - BEST MANAGEMENT PRACTICES -

- a. The Applicant shall provide stormwater management (SWM) and Best Management Practices (BMP), which at the Applicant's discretion may include BMP alternatives such as infiltration trenches and rain gardens, or similar types of facilities in the location as generally shown on the GDP and in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance as determined by DPWES, unless modified by DPWES. Initial purchasers shall be advised of the possible maintenance costs associated with BMP alternative techniques, if utilized, prior to entering into a contract of sale and said information shall be included in the homeowners association documents prepared for the residential development. In the event that on-site stormwater management is modified by DPWES, any resultant open space shall be dedicated to the homeowners association established for the development. Said modification shall not require an amendment to the GDP or these proffers.
- b. The Applicant shall provide landscaping around the SWM pond as shown on the GDP and to the extent possible in keeping with the planting policies of Fairfax County. Applicant shall use best efforts to preserve existing trees located in proximity to the SWM pond.

5. AFFORDABLE HOUSING -

At the time of final site plan approval, the Applicant shall contribute to the Fairfax County Housing Trust Fund the sum equal to one percent (1%) of the estimated sales price of each house to be built on an approved lot to assist Fairfax County's low and moderate income housing goals. The estimated sales price shall be determined by the Applicant in consultation with the staff of the Fairfax County Department of Housing and Community Development (HCD) and the DPWES.

6. NOISE ATTENUATION -

- a. Applicant shall achieve an interior noise level of approximately 45 dBA Ldn in all units located within 380 feet from the centerline of Richmond Highway. All units

within this impacted area will have the following acoustical attributes as determined by DPWES:

1. Exterior walls shall have a laboratory Sound Transmission Classification (STC) of at least 39.
 2. Doors and glazing shall have an STC of at least 28. If glazing constitutes more than 20 percent of any façade, they shall have the same laboratory STC ratings specified for exterior walls.
 3. Adequate measures to seal and caulk between surfaces shall be provided.
- b. In order to reduce exterior noise levels in rear and side yards to 65dBA Ldn or less, Applicant shall install privacy fences (in conjunction with proposed Lots 1, 8, 9, and 49) that may serve as noise barriers. Fences shall be architecturally solid from ground up with no gaps or openings and shall conform to Zoning Ordinance requirements. A berm, architecturally solid wall, or combination may also be used to satisfy this requirement.
 - c. Nothing herein shall be construed to restrict or otherwise limit the use of balconies, patios or decks on residential units.
 - d. 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 exterior noise levels in rear yards to 65 dBA Ldn or less and interior noise levels to 45 dBA Ldn or less.

7. DESIGN -

- a. Residential dwellings constructed 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 the DPWES, for either electrical or gas energy systems.
- b. Applicant shall design the residential dwellings on the Application Property in general conformance with the architectural renderings on the GDP. A two car garage shall be provided for each residential dwelling. The front facades of proposed units located on Lots 1-8 shall be oriented to Richmond Highway. The side of the proposed unit located on Lot 49 facing Richmond Highway shall include architectural features such as windows, shutters, and brick, which are similar to the front facades of the units facing Richmond Highway.
- c. A minimum distance of eighteen (18) feet shall be provided at the front of each residential dwelling unit to allow for the parking of vehicles in the driveway.

- d. Colonial style streetlights, with full cut-off fixtures to prevent glare, shall be provided within the residential community as conceptually shown on the GDP.
- e. A covenant shall be recorded which provides garages shall only be used for purpose that will not interfere with the intended purpose of garages (e.g., parking of vehicles). This covenant shall be recorded among 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 homeowners association and Fairfax County. Initial purchasers shall be advised of the use restriction prior to entering into contract of sale.
- f. Utilities installed by the Applicant on the Application Property shall be located underground. This proffer shall not be construed as an obligation to relocate existing utilities underground along the Application Property's Richmond Highway frontage.
- g. A sign, as conceptually shown on the GDP, shall be installed to identify the proposed residential community.

8. PARKS AND RECREATION -

At the time of site plan approval, the Applicant shall contribute Nineteen Thousand Five Hundred Dollars (\$19,500.00) to the Fairfax County Park Authority for the installation and/or maintenance of recreational facilities in Mount Vernon Manor Park, which is located in the vicinity of the Application Property.

9. MISCELLANEOUS -

- a. These proffers shall bind and inure to the benefit of the Applicant and his or her 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.
- c. The Applicant shall establish a homeowners association for the proposed development to own, manage and maintain the open space identified as Parcel A on the GDP, and all other community owned land and improvements.
- d. All of the improvements described herein shall be constructed concurrent with development of the Application Property.
- e. Applicant shall contribute the sum of three hundred fifty dollars (\$350.00) per approved residential unit to the Fairfax County Board of Supervisors for improvements to schools in the vicinity of the Application Property. Said contribution shall be made payable to the Fairfax County Board of Supervisors at time of site plan approval for the Application Property.

- f. Prior to site plan approval, a Phase I Environmental Site Investigation of the property shall be submitted to DPWES for review and approval in coordination with the Fire and Rescue Department, the Health Department, and other appropriate agencies as determined by DPWES (hereinafter referred to as the "reviewing agencies"). This investigation shall be generally consistent with the procedures described within the American Society for Testing and Materials document entitled "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" as determined by DPWES in coordination with the reviewing agencies. Hazardous substances or petroleum products shall be removed in accordance with the recommendations of the Phase I environmental report, and to the satisfaction of DPWES. If contaminants are detected in concentrations requiring remedial action, a remediation program shall be performed in accordance with all applicable Federal, State and Country requirements. Sufficient documentation of completion of the remediation program (with the possible exception of long term follow up monitoring efforts) or an appropriate corrective action plan consistent with the proposed development, as determined by DPWES, shall be provided to DPWES prior to site plan approval.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

APPLICANT/CONTRACT PURCHASER
WYNGATE LLC

By: *Christopher B. Repp*

Name: CHRISTOPHER B REPP

Title: MANAGER

OWNER:
GREEN FAMILY INVESTMENTS, Ltd.

By: DELAPLAINE CORPORATION, its
General Partner

By: *Norma L. Green*
Name: Norma L. Green
Title: President/Chairman

ZONING MAP AMENDMENT

RZ 01-V-021

ZONING DISTRICT DATA

ZONING DISTRICT: R- 8

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD	INCL	LOMOD	ADD
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SFA	49	6.34						
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TOT	49	6.34	7.73					

PROFFERED/CONDITIONED NON-RESIDENTIAL GROSS FLOOR AREAS

USE	GFA	FAR	USE	GFA	FAR
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COMMERICAL-GEN			PUBLIC/QUASI PUB		
HOTEL/MOTEL			OFFICE		
INDUSTRIAL-GEN			TRAN-UTIL-COMM		
CULT/EDU/RELG/ENT			RETAIL-EATING EST		
INDUST-WAREHOUSE			*****TOTAL*****		

REMARKS:

ZONING MAP AMENDMENT

RZ 01-V-021

CONDITION/CONTRIBUTION DATA

COND CODE DESCRIPTION	COND CODE DESCRIPTION
1Z OTHER - GENERAL	3Z OTHER - TRANSPORTATION
2Z OTHER - LAND USE	2F DEDICATION: SCHOOL SITE
2Z OTHER - LAND USE	5E CONTRIBUTION-HOUSING *SEE BELOW
3Z OTHER - TRANSPORTATION	3D ACCESS CONTROL
3B RIGHT-OF-WAY: DEDICATION/RESERV	3F PEDESTRIAN FACILITY/TRAIL
4Z OTHER - ENVIRONMENT	4Z OTHER - ENVIRONMENT
4Z OTHER - ENVIRONMENT	2Z OTHER - LAND USE
2G DEDICATION: HOMEOWNRS OPEN SPACE	2Z OTHER - LAND USE
2I ARCHITECTURE	4Z OTHER - ENVIRONMENT
4B TREES/COUNTY ARBORIST	4Z OTHER - ENVIRONMENT

CONTRIB DATA:	CND CODE	AMOUNT	CONDITIONED	EXPIRES	CONTRIB CODE
	2F	\$17,150	X	01/01/01	
	2Z	\$19,500	X	01/01/01	
		\$0		00/00/00	
		\$0		00/00/00	

REMARKS:

DISCLOSE TO HOA FUTURE INTERPARCEL CONNECTION TO THE NORTH. SEE PROF
FER #2G



REVITALIZATION

COMMONWEALTH OF VIRGINIA COUNTY OF FAIRFAX

APPLICATION FOR ZONING MAP AMENDMENT

APPLICATION NO.

RZ 2001-MV-021
(Assigned by Staff)

ZONING EVALUATION DIVISION

PETITION

TO: THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

I (We), Wyngate, LLC, the applicant(s) petition you to adopt an ordinance amending the Zoning Map of Fairfax County, Virginia, b reclassifying from the R-2 and C-8 District to the R-8 District the property described below and outlined in red on the Zoning Section Sheet(s) accompanying and made a part of this application.

PROPERTY DESCRIPTION ^{HC}

1. LEGAL DESCRIPTION:

See attached legal description

Lot(s)	Block(s)	Subdivision	Deed Book	Page No.
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2. TAX MAP DESCRIPTION:

<u>101-3</u>	<u>((1))</u>		<u>35</u>	<u>Approximately 6.347 acres</u>
Map No.	Double Circle No.	Single Circle No.	Parcel(s)/Lot(s) No.	Total Area(Ac.or Sq.Ft.)

3. POSTAL ADDRESS OF PROPERTY: (If any)

8559 Richmond Highway, Alexandria, Virginia 22309

4. ADVERTISING DESCRIPTION: (Ex. South of Rt. 236, 1000 feet west of Rt. 274)

South side of Richmond Highway, (Route 1), approximately 500 feet west of the intersection of Sky View Drive (Route 946) and Richmond Highway (Route 1).

PRESENT USE: Vacant

PROPOSED USE: Residential

SUPERVISOR DISTRICT: Mount Vernon

The name(s) and address(s) of owner(s) of record shall be provided on the affidavit form attached and made part of this application.

The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter on the subject property as necessary to process the application.

→ Lynne J. Strobel, Agent

Type or Print Name of Applicant or Agent

Lynne J. Strobel
Signature of Applicant or Agent WALSH, COLUCCI, STACKHOUSE, EMRICH, & LUBELEY, P.C.
2200 Clarendon Boulevard, Suite 1300, Arlington, Virginia 22201

Address

(703) 528-4700 Ext. 18

Telephone No.

Home

Work

Please provide name and telephone number of contact person if different from above.

ZARS 05/07/01

RZ 2001-0021

NOT WRITE IN THIS SPACE

Date application received: _____

Application Fee Paid: \$ 5,685.00

Date application accepted: 5-2-01

Virginia Raffle Form RZ (10/89)