

PROFFERS

RZ 2001-MA-049

May 30, 2002

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned, as the applicant in the above-referenced Rezoning Application and the owners of the Property, (hereinafter referred to as Applicant) which is the subject matter thereof, being approximately 2.685 acres identified as Tax Map 71-2((2))27,28, 29; and 71-2((4))4,5,6 (hereinafter referred to as the Property), hereby proffer for themselves and their successors and assigns that the development of the Property will be subject to the following terms and conditions provided that the Board of Supervisors (BOS) approves the rezoning application from the C-2, R-2, HC and SC District to the PDH-5, HC and SC Districts.

1. Substantial Conformity. The Property shall be developed in substantial conformance with the Conceptual/Final Development Plan (CDP/FDP), dated February 12, 2002, revised through May 15, 2002, CDP/FDP prepared by *Runyon, Dudley, Associates, Inc.*
2. Landscaping and Design Amenities. Landscaping shall be consistent with the quality, quantity and the locations shown on Sheet 2 of the CDP/FDP. Actual types and species of vegetation shall be determined pursuant to more detailed landscape plans submitted at the time of first submission of the subdivision plan for review and approval by the Urban Forester. Such landscape plans shall provide tree coverage and species diversity consistent with the Public Facilities Manual criteria, as determined by the Urban Forester. A sidewalk and street lights will be provided in accordance with the Annandale CBD guidelines along Evergreen Lane and in substantial conformance with Sheet 2 of the CDP/FDP, as determined by DPWES.
3. Building Design and Building Materials. The proposed dwellings shall be compatible and similar in design, square footage and materials to each other. The dwellings will be two-story single family detached residences and the exterior of the structures will be brick on the fronts of all units and at a minimum, brick on the sides of the units facing Evergreen Lane and Alpine Drive, which include Lots 1, 7, and 8. Lots 5-7 shall front on Evergreen Lane and access shall be provided from the internal private streets. Lots 8 and 9 shall be rear loaded units with access provided from the internal private streets and front Evergreen Lane. Lots 1 and 10 which have side elevations adjacent to Evergreen Lane shall include architectural features such as, but not limited to, shutters or other ornamental or

architectural features on that elevation which is visible from Evergreen Lane.

4. Stormwater Management. Unless waived or modified by DPWES, the Applicant shall provide a storm water management facility in accordance with the Public Facilities Manual regulations. In the event that the stormwater management facility is not waived, said facility shall be provided as generally shown on the CDP/FDP. Any on-site storm water management facilities shall be landscaped to the maximum extent feasible, in coordination with the Urban Forestry Division, pursuant to the policy adopted by the Board of Supervisors, using native species. The Homeowners Association shall be responsible for trimming grassy areas in and around the storm water management pond on a regular basis, subject to approval by the Department of Public Works & Environmental Services (DPWES). In the event that the requirement for an on-site stormwater management facility is waived, the area shown as a stormwater management facility will become part of the open space for the subdivision as shown on the CDP/FDP.
5. Maximum Density. The maximum density for the subdivision shall be 4.47 dwelling units per acre, or 12 lots.
6. Height Limitation. The proposed dwellings will be a maximum height of thirty (30) feet, with no more than two levels above ground and in-ground basements.
7. Minor Modification. Pursuant to Para. 4 of Sect. 16-403 of the Zoning Ordinance, minor modifications from the approved CDP/FDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the CDP/FDP provided such changes are in substantial conformance with the CDP/FDP and proffers, and do not increase the total number of units and access points or decrease the minimum amount of open space and buffer area.
8. Garages. The Applicant shall place a covenant on each garage unit that prohibits the use of the garage for any purpose which precludes motor vehicle storage. This covenant shall be recorded among the land records of Fairfax County prior to the sale of lots and shall run to the benefit of the HOA and to the Board. Prior to recordation, the covenant shall be approved by the Fairfax County Attorney's office. The HOA documents shall expressly state this use restriction.
9. Open Space. At the time of recordation of the subdivision plan for each section, the Applicant shall convey all open space parcels and all open space areas outside

private lot lines including the 25' buffer area to the Homeowners Association for ownership and maintenance. The HOA documents shall expressly state that the HOA shall be responsible for the maintenance of the open space serving the development.

10. Ingress/Egress. Ingress/egress for the subdivision shall be via Evergreen Lane, Route #796.

11. Tree Preservation: The Applicant shall prepare a tree preservation plan to be submitted as part of the first subdivision plan submittal. The tree preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape professional. The tree preservation plan reviewed and subject to the approval of the Urban Forestry Division. The purpose of the Plan is primarily to preserve the four (4) large trees to the right of Alpine Drive if at all possible. These trees are identified on the CDP/FDP as 20" maple - R=25', 20" oak - R=25', 16" oak, R-20' and 20" multi-maple, R-20'. In addition, two trees on the left side of Alpine will be saved if at all possible: a 30" oak R-35' and a 36" Oak, R-40'. To help ensure the survival of these trees, the trees will be pruned, fertilized and mulched according to the American National Standards Institute (ANSI) A300-1995 pruning standards. The Urban Forestry Division will be notified when the work is to be performed. If any other trees within the subdivision can be saved, in the opinion of the Project Arborist in consultation with the Urban Forester, those trees shall be included on the Plan. If any of these trees are damaged during construction, such tree(s) shall be replaced by the Applicant with a healthy tree of the same species of the size which gives a tree of that species the best chance of survival according to the Project Arborist and Urban Forester. The 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 incorporated into the tree preservation plan. Activities include, but are not limited to, crown pruning, root pruning, mulching, and fertilization.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing, consisting of four foot high, 14 gauge welded wire attached to a 6 foot steel posts driven 18 inches into the ground and placed no farther than 10 feet apart, shall be placed at the limits of clearing and grading as shown on the erosion and sedimentary control sheets in all areas. 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 site, including the demolition of any existing structures. All tree preservation activities, including installation of tree protection fencing, shall be performed under the supervision of the Project Arborist. Three (3) days prior to the commencement of any clearing, grading, or demolition activities on the site, the Project or to the commencement of any clearing, grading, or demolition activities on the site, the Project Arborist shall verify in writing that the tree protection fencing has been properly installed and the Urban Forestry Division shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been clearly installed.

The demolition of existing features and structures shall be conducted in such a manner as to minimize the impact on individual trees to be preserved, as determined by the Urban Forester. Methods to preserve existing trees may include but not be limited to the following: use of super silt fence, welded wire tree protection, root pruning, fertilizer, mulching, and others.

Before or during the pre-construction meeting, the Applicant/Project Arborist and the Urban Forester shall walk the limits of clearing and grading around the trees to be saved to determine if adjustments to the clearing limits can be made to increase the survivability of the trees. If for any reason, during the inspection of the trees, the Project Arborist in conjunction with the Urban Forester determine that a tree or trees are not likely to survive, the Applicant shall remove such trees as part of the clearing operation and the trees shall be replaced in accordance with the above.

The Homeowners Association covenants shall require that no structures or fences shall be erected in HOA open space or tree save areas, and that trees in HOA open space areas and tree save areas will not be disturbed except for (i) the removal of diseased, dead, dying, or hazardous trees or parts thereof; and/or (ii) selective maintenance to remove noxious and poisonous weeds.

12. Construction Access and Parking. Access to the Property by construction vehicles and workers shall be from Evergreen Lane. The Applicant shall include a provision in its agreement with contractors and specialty trades working on the Property that such contractors shall not to use any street in the adjacent residential subdivision as construction access to the Property. In addition, the Applicant will provide on-site parking for construction workers and their vehicles.
13. Demolition of Existing House. The existing houses on the property shall be

removed prior to the issuance of any Residential Use Permit for any new home on the Property.

14. Right of Way Dedication. Right-of-way along the Evergreen Lane frontage of the site as shown on the CDP/FDP, shall be dedicated and conveyed in fee simple to the Board of Supervisors upon demand by the Virginia Department of Transportation (VDOT) or Fairfax County whichever occurs first. Such dedication shall occur at the time of subdivision plan approval. The applicant shall provide road improvements along Evergreen Lane in accordance with the CDP/FDP, including the construction of curb, gutter, sidewalk and a minimum of seventeen (17) feet of pavement from the centerline of Evergreen Lane to provide a minimum fifty-two (52) foot wide cross section for Evergreen Lane, subject of VDOT approval. The applicant shall provide off-site road improvements of curb, gutter, and sidewalk between the southernmost property line and the intersection of Evergreen and Greenberry Lane which may include scarification, repaving and replanting, in order to provide a smooth transition between developments, subject to VDOT approval.

Along Alpine Drive, the curb and gutter will be constructed in accordance with that shown on the CDP/FDP, if standards are modified or waived by the Board of Supervisors or DPWES.

15. Private Streets. All private streets will be constructed with materials and depth of pavement standards consistent with public street standards in accordance with the Public Facilities Manual, as determined by DPWES. The entrances from Evergreen Lane shall be provided in accordance with VDOT standards. The Homeowners Association (HOA) shall be responsible for the maintenance of all private streets. The HOA documents shall expressly state that the HOA shall be responsible for the maintenance of the private streets serving the development.
16. Recreation Facilities: Prior to subdivision plan approval, a contribution of \$955.00 per unit shall be made to the Fairfax County Park Authority for the purpose of contributing to the recreational facilities off-site in a near-by park or acquisition of park land in the Mason District.
17. Hours of Operation for Construction of Subdivision. No outdoor work shall be conducted on the Property before 7:00 a.m. or after 7:00 p.m. weekdays, from 8:00 a.m. to 6:00 p.m. on Saturday, and from 10:00 a.m. to 6:00 p.m. on Sundays.

18. Signs: No temporary signs (included "popsicle" style paper or cardboard signs) 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.

19. Noise: In order to mitigate noise for the lots along Evergreen Lane, the Applicant shall construct the dwelling units on Lots 1, 5-10 with the following acoustical measures:
 1. Construction materials and techniques known to have physical properties or characteristics suitable to achieve an laboratory and transmission class (STC) of at least 39 for interior walls.
 2. Doors (excluding garage doors) and glazing shall have a laboratory STC rating of at least 28. If glazing (excluding garage doors) constitute more than twenty percent (20%) of any facade, then the windows shall have the same STC rating as that facade.
 3. Measures to seal and caulk between surfaces should follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
 4. As an alternative to the above, the Applicant may elect to have a refined acoustical analysis performed, subject to the approval of the DPWES to determine the appropriate noise attenuation measures necessary to meet established County standards and/or to determine which buildings may have sufficient shielding to permit reduction in the mitigation measures described above. The Applicant shall implement said mitigation measures subject to whatever reductions are permitted pursuant to this paragraph.

20. Housing Trust Fund: The Applicant shall, at the time of final subdivision plan approval, contribute one-half (½ %) percent of the estimated sales price of each new dwelling to Fairfax County for the County's Housing Trust fund for the provision of affordable housing. 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 Dept. of Environmental Management & Environmental Services. 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.

21. Energy Efficiency: All homes constructed on the property shall meet the thermal Standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by DPWES, for either gas or electric energy systems .

22. Front Yards of Lots Fronting Evergreen. The HOA documents and the covenants which run with the land shall expressly state that the front yards of the properties which front Evergreen Lane do not extend to the sidewalk and that land beyond their properties to include the sidewalk and curb is owned by the Virginia Department of Transportation.

TITLE OWNERS:


Quan O. Nguyen

Title Owner of lots located on tax map 71-2((2))Lot 27 and 71-2((4))Lots 5, 6.


Ngan T. Nguyen

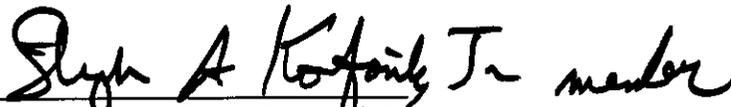
Title Owner of lots located on tax map 71-2((2))Lot 27 and 71-2((4))Lots 5, 6.

FREDA P. DeHART LIVING TRUST

by 
Freda P. DeHart, Trustee for Freda P. DeHart Living Trust

Title Owner of lots located on tax map 71-2((2))Lots 28, 29.

SEVILLE HOMES, LLC

by 
Stephen A. Korfonta, Jr., Member

Seville Homes, LLC

Contract Purchaser of Lots located on tax map 71-2((2))27, 28, and 29 and 71-2((4))5 and 6, and Title Owner of lot located on tax map 71-2((4))Lot 4

FINAL DEVELOPMENT CONDITIONS

FDP 2001-MA-049

May 22, 2002

If it is the intent of the Planning Commission to approve FDP 2001-MA-049 for a single family detached development located at Tax Maps 71-2 ((2)) 27, 28, 29 and 71-2 ((4)) 4, 5 and 6 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 Final Development Plan consisting of two sheets entitled "Alpine" prepared by Runyon, Dudley, Associates dated August 9, 2001, as revised through May 15, 2002.
2. If provided, subdivision signs shall be subject to Article 12 of the Zoning Ordinance. If lighted, the sign shall be front-lit only, with the lights directed downward or directly onto the sign to minimize glare.
3. The final sidewalk location along Evergreen Lane shall be subject to VDOT approval. The final location of landscaping may be modified in accordance with the final location of the sidewalk; however, the landscaping shall be in substantial conformance with the quality and quantity as depicted on Sheet 2 of the CDP/FDP. In addition to the landscaping depicted on Sheet 2 of the CDP/FDP a hedge shall be installed along the Evergreen Lane frontage for Lots 8 and 9 to define the right-of-way dedication area. The hedge shall be consistent with the proposed hedge located along the right-of-way dedication area for Lots 5-7 north of Alpine Drive along the Evergreen Lane.
4. The Evergreen Lane frontage shall be posted as "No Parking", subject to VDOT approval.

The proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.