

September 22, 1977

Urban Board of Supervisors of
Fairfax County, Virginia
4100 Chain Bridge Road
Fairfax, Virginia 22030

RE: Proffer, Application 76-P-104

Gentlemen:

I hereby proffer that the development of the property subject to this application shall be in strict accordance with the following conditions unless an amendment thereto is mutually agreed upon by the Board of Supervisors and the applicant:

1. 4/10 of an acre will be dedicated to the Fairfax County School Board for the enlargement of the school site which is adjacent to subject property. It is contemplated by the applicant that the School Board in turn will dedicate approximately 1/10 of an acre to the Board of Supervisors or VDH&T for the right of way of the proposed Bushman Drive as shown on the generalized development plan submitted with the application.
2. The applicant will dedicate, at time of rezoning, free from liens and encumbrances, that part of Jermantown Road that is located on site, and further, will dedicate at the same time from the premises, additional right of way for Blake Lane and Jermantown Road so that these roads will have a right of way 45 feet from their respective centerlines.
3. Applicant will construct, in connection with the widening of Blake Lane, and at time of site development, a road section 35 feet from centerline which will include curb, gutter, and sidewalk of sufficient width to accomodate the Countywide Trail System.
4. Applicant will construct within the right of way of Jermantown Road at time of site development a road section 35 feet from centerline including curb, gutter, and sidewalk, of sufficient width to accomodate the Countywide Trail System.
5. Applicant will eliminate connection to Cyrandall Valley Drive.
6. Applicant will dedicate right of way 30 feet from centerline of Cyrandall Valley Drive.
7. Applicant will restrict traffic to right turn only at the apartment entrance to Jermantown Road unless a median cut is provided in Jermantown Road opposite subject entrance, or the apartment entrance is relocated so as to be opposite a median cut.

- 8. Applicant will develop detention ponds as open space amenities.
- 9. Applicant will provide additional vegetative screening for parking lots along through streets on which apartment buildings front.
- 10. Applicant will provide a swimming pool with appropriate facilities, or in the alternative, tennis courts on site.
- 11. Applicant will provide three children's play areas and three multi-purpose courts whose locations will be determined at time of final site plan approval.
- 12. The number of dwelling units on subject property will not exceed 752.

Respectfully,

REALTY GROWTH INVESTORS

BY: *Donald Pavony*
 Donald Pavony
 Vice President-Legal

STATE OF MARYLAND ()
 () SS.
 COUNTY OF BALTIMORE ()

Subscribed and sworn to before me this 22nd day of September, 1977.

Michael E. Truck
 Notary Public

My commission expires: 7-1-78

September 22, 1977

Urban Board of Supervisors of
Fairfax County, Virginia
4100 Chain Bridge Road
Fairfax, Virginia 22030

RE: Proffer, Application 76-P-104

Gentlemen:

I hereby proffer that the parcel consisting of approximately six-tenths of an acre adjoining on the West property belonging to Treebrooke Recreation Association shown on the Generalized Development Plan submitted with this application shall remain as open space as defined in the Staff Report. In that regard, if any part of the open space North of line shown on attached drawing is used for recreation, it shall be passive only. There shall be no dwelling units constructed on this approximately six-tenths acre. Until such time as the approximately six-tenths of an acre may be conveyed to Treebrook Condominium Association, the owners of said association shall have the right to maintain and use the sidewalks currently located on the premises as a means of ingress and egress. This proffer shall be treated as a covenant running with the land and shall be binding on Realty Growth Investors and its successors in title. In the event the approximately six-tenths of an acre is conveyed or transferred without further monetary consideration to the Treebrooke Condominium Association at some future date, the density otherwise permitted by the land so conveyed shall inure to the benefit of Realty Growth Investors or any successor in interest.

Respectfully,

REALTY GROWTH INVESTORS

BY: Donald Pavony
Donald Pavony
Vice President-Legal

STATE OF MARYLAND ((ss.
COUNTY OF BALTIMORE (

Subscribed and sworn to before me this 22nd day of September 1977.

Daniel Estabrook
Notary Public

My commission expires: 7-1-78

September 26, 1977

Urban Board of Supervisors of
Fairfax County, Virginia
4100 Chain Bridge Road
Fairfax, Virginia 22030

Re: Proffer, Application 76-P-104

Gentlemen:

I hereby proffer that Bushman Drive will be dedicated and constructed in the ^{GENERAL} location as shown on the generalized development plan submitted with this application.

Respectfully,

REALTY GROWTH INVESTORS

BY: Donald Pavony
Donald Pavony
Vice President - Legal

STATE OF VIRGINIA
to-wit:
COUNTY OF FAIRFAX

Subscribed and sworn to before me this 26th day of September,
1977.

Patricia Kille Lense
Notary Public

My commission expires May 4, 1981.

PARCEL OAKTON VILLAGE SECTION 2

$S 86^{\circ} 07' 57'' E$
172.66'

$S 86^{\circ} 07' 57'' E$
177.71'

$N 02^{\circ} 06' 10'' W$
434.46'

$N 88^{\circ} 14' 43'' W$
106.57'
 $S 88^{\circ} 14' 43'' W$
125.09'

$S 02^{\circ} 32' 07'' E$
125.09'

$S 85^{\circ} 17' 27'' E - 259.57'$

$S 02^{\circ} 46' 03'' W 28.91'$

$N 02^{\circ} 07' 13'' E 243.67'$
 $S 87^{\circ} 13' 57'' E 74.40'$

$S 87^{\circ} 54' 48'' W$

PARCEL H + I

SECTION

VISTAS OF VIENNA

On Thursday, September 15, 1977 the Planning Commission voted unanimously to recommend to the Board of Supervisors that the Zoning Ordinance as it applies to the subject property be amended from the PAD Category to the RM-2 Category subject to the following proffers provided by the applicant during the public hearing:

- 1) A proffer pertaining solely to the treatment of the six-tenths of an acre adjoining the west property belonging to Treebrooke Recreation Association. The Commission recommended that the words "without further consideration" be added to the fourth line from the bottom after the word "conveyed". (See attached proffer statement)
- 2) A proffer listing seven separate proffered items with the following recommended changes:
 - Proffer 1, the fifth sentence, change the word "of" to "or" after the words "Board of Supervisors".
 - Proffer 5, put a period after the word "drive" so the sentence will read, "applicant will eliminate connection to Cyrandall Valley Drive".
 - Proffer 10, put a period after the word "facilities" so that the sentence will read, "applicant will provide a swimming pool with appropriate facilities".
 - Proffer 11, change to read as follows:
"applicant will provide four children's play areas and four multi-purpose courts whose locations will be determined at time of final site plan approval". (See attached proffer statement)

Based on existing and projected circumstances in the area, the Commission also voted unanimously to recommend that consideration be given during the next Capital Improvement Program review to the construction of the Oakton Fire Station in FY 1980 rather than FY 1981 as now planned.

MFR: Notes Responding to Letter to Supervisor Scott
Regarding RZ 76-P-104 from Treebrooke Condominium
Association.

1. Notification of public hearing

- o Notification was sent for two rezonings scheduled to be heard simultaneously:

RZ 76-P-104 Realty Growth Investors
RZ 77-P-046 Board of Supervisors Own Motion
on remainder of Oakton Village
Application withdrawn 11/21/77

- o Query: Was Condominium Association controlled by homeowners or developer at that time?

2. Proffers incorporated in final development plan

- o No final development plan is required on this application. Development process goes from Generalized Development Plan at rezoning to Preliminary Site Plan.
- o DEM must insure proffers are incorporated. If there is a question, interpretation of proffers must be sought from Zoning Administrator or Staff Coordinator. In this instance, two interpretations are in file. Both express concern that proffered conditions must be fulfilled. Copies attached.

3-7. Open Space - Passive Area

- o Re: difference between Generalized Development Plan (GDP) and Preliminary Site Plan. GDP was not proffered, but proffered conditions must be fulfilled.
- o Low-and moderate-income family housing is not a consideration in rezoning unless a bonus was sought; none was considered in this action.
- o A swimming pool would not be permissible in passive area under present proffers; a change in proffers would require a Proffered Condition Amendment (PCA). A PCA must follow regular rezoning procedures, i.e., public hearings are required before both the Planning Commission and Board of Supervisors.