



# FAIRFAX COUNTY

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

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April 25, 2000

Mark G. Jenkins, Esquire  
2071 Chain Bridge Road – Suite 400  
Vienna, Virginia 22182-2622

RE: Rezoning Application  
Number RZ 1999-PR-026  
(AMENDED LETTER - correcting total acreage  
ORDINANCE – attaching revised legal description)

Dear Mr. Jenkins:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 24, 2000, granting Rezoning Application Number RZ 1999-PR-026 in the name of ALD Group, Incorporated, to rezone certain property in the Providence District from the R-1 and R-2 Districts to the PDH-3 District, subject to the proffers dated July 18, 2000, on subject parcel 39-4 ((1)) 92, 95, 96, 97 and 98 consisting of approximately 4.94 acres.

The Board also approved the Conceptual Development Plan; the Planning Commission having previously approved Final Development Plan FDP 1999-PR-026 on June 21, 2000, subject to the Board's approval of RZ 1999-PR-026.

**In addition, the Board:**

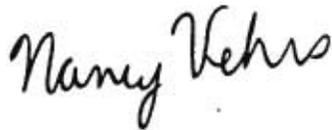
- Waived the 200 foot setback requirement from the right-of-way of an interstate highway for the existing dwelling only
- Waived the limitation on fence height for the proposed noise wall, pursuant to Paragraph 8 of Section 16-401 of the Zoning Ordinance.

RZ 1999-PR-026  
Amended - April 25,2000

- 2 -

- Waived the dedication requirement for Morgan Lane.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Katherine K. Hanley  
Supervisor-Providence District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Administrator  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Thomas Conry, Dept. Mgr. - GIS - Mapping/Overlay  
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation  
Ellen Gallagher, Project Planning Section, Dept. of Transportation  
Michelle Brickner, Deputy Director, DPW&ES  
DPW&ES - Bonds & Agreements  
Frank Edwards, Department of Highways - VDOT  
Land Acq. & Planning Div., Park Authority  
District Planning Commissioner  
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES  
Barbara J. Lippa, Executive Director, Planning Commission

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 24<sup>th</sup> day of July, 2000, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROPOSAL NUMBER RZ 1999-PR-026

WHEREAS, ALD Group, Incorporated filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 and R-2 Districts to the PDH-3 District, and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

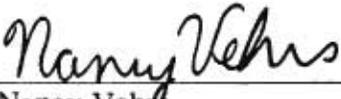
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Providence District, and more particularly described as follows \*(see attached legal description)

Be, and hereby is, zoned to the PDH-3 District, and said property is subject to the use regulations of said PDH-3 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcel.

GIVEN under my hand this 24<sup>th</sup> day of July, 2000.

  
\_\_\_\_\_  
Nancy Vehs  
Clerk to the Board of Supervisors

\*Legal description revised April 24, 2001.



PROFFERS  
RZ 1999-PR-026  
July 18, 2000

Pursuant to Section 15.2-2303(A), Code of Virginia (1950), as amended, K&O Associates Limited Partnership (title owner of tax map 39-4-((1))-92), Brenda P. Rose, Maxine G. Turner, Laurie P. Potter (title owners of tax map 39-4-((1))-95), Antonio N. Dias (title owner of tax map 39-4-((1))-96 and 97), and Pamela Rankin and Gary J. Peed (title owners of tax map 39-4-((1))-98) (collectively referred to as "Title Owners"), as the Title Owners of the properties subject to the above-referenced rezoning application (collectively, the "Application Property"), and ALD Group, Inc., as contract purchaser, for themselves and their respective successors and assigns (collectively, the "Applicant") agree to the proffers set forth below, provided that the Fairfax County Board of Supervisors approves a rezoning of the Application Property to the PDH-3 Zoning District for thirteen (13) residential building lots.

If accepted, these Proffers supercede and replace the existing Proffers applicable to Tax Map 39-4-((1))-97, which were accepted in RZ 87-P-006.

1. Substantial Conformance.

(A) Subject to the provisions of Section 16-403 of the Fairfax County Zoning Ordinance (the "Ordinance"), development of the Application Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan ("CDP/FDP"), consisting of two (2) sheets, prepared by Charles P. Johnson & Associates, Inc., dated April 7, 2000, and revised through May 8, 2000.

(B) Pursuant to Section 16-403 of the Ordinance and subject to Section 1(C) of these Proffers, minor modifications to the CDP/FDP may be permitted as determined by the Zoning Administrator. Subject to Section 1(C) of these Proffers, the Applicant reserves the right to make minor adjustments to the internal lot lines of the proposed subdivision or to reduce the footprints of the dwellings at the time of subdivision plan submission without requiring approval of an amendment to the CDP/FDP or a proffer condition amendment, provided that such changes are in substantial conformance with the Ordinance.

(C) Applicant proffers that the minimum distance between dwelling units on proposed Lots 1 and 2 and on proposed Lots 8, 9, and 10 shall be ten (10) feet, and on proposed Lots 11 and 12 shall be twenty (20) feet. Subject to minor modifications based on site conditions, as approved by the Department of Public Works and Environmental Services ("DPW&ES"), Applicant proffers that: (i) the distance between dwelling units on proposed Lots 3 through 7 shall be a minimum of ten (10) feet; (ii) the minimum rear yard for each dwelling unit on proposed Lots 1 and 2 shall be twenty five (25) feet; (iii) the southern side yard for the dwelling unit on proposed Lot 3 shall be a minimum of five (5) feet; and (iv) the western side yard for the dwelling unit on proposed Lot 7 shall be a minimum of five (5) feet.

2. Architecture, Landscaping and Design Amenities.

(A) Illustrations 1A, 1B, 1C, and 1D attached to these Proffers are provided to show the design intent of the detached single-family dwellings on proposed Lots 1 through 12. The front elevation for each such dwelling unit shall be generally consistent in character and quality with Illustrations 1A, 1B, 1C, and 1D. The primary materials for the front and side elevations shall be: (i) brick and stone; or (ii) EFIS and stone; or (iii) EFIS and brick. The primary materials for the rear elevation for a particular new dwelling shall be the same as the primary materials of the front and side elevations for that dwelling, except that Applicant reserves the option for siding to be the primary material for the rear elevation on the dwellings on proposed Lots 3 through 7. Specific features of the dwellings, such as the exact location, size, and number of windows, doors, shutters, architectural features, decks, and roofline are subject to modification upon final engineering and final architectural design, but shall be consistent in quality with Illustrations 1A, 1B, 1C, and 1D and as described in this Proffer 2(A). The new dwelling units shall be two stories, with or without a basement.

(B) As part of subdivision review, Applicant shall prepare and submit a landscape plan for review and approval by the Urban Forester and DPW&ES. This landscape plan shall include the following elements:

(1) Streetscape trees, at least 2.5 inches in caliper, for the internal street, in the number indicated on the CDP/FDP. The species and exact locations for the streetscape trees shall approved by the Urban Forestry Division. The intent is to create a high quality urban village effect.

(2) Street lights, along the internal street, as shown on Illustration 2 or as shown on Plate 32-7 (colonial style) of the Public Facilities Manual. All street lights shall be shielded with full cut-off to prevent extraneous glare.

(3) Ornamental trees, shrubs, and bushes in the rear yards of proposed Lots 1 through 12, as shown on the CDP/FDP.

(4) Additional plantings, as determined in consultation with the Urban Forestry Division, to be described in detail on the landscape plan, as follows:

(i) In and around the recreational amenities constructed on Parcel C, depending on the exact location of such recreational amenities.

(ii) Five 6 foot tall evergreen trees or equivalent, along the Sandburg Street frontage of Parcel A (these trees are in addition to those within Parcel A shown on the CDP/FDP).

(iii) Five 6 foot tall evergreen trees or equivalent, along the Sandburg Street frontage of Parcel C, between the western boundary of proposed Lot 12 and Sandburg

Street (these trees are in addition to those within this side yard in this area shown on the CDP/FDP).

(iv) Five 8-10 foot tall white pine trees, in the side yard that abuts Sandburg Street on the lot described on Tax Map No. 39-4-((43))-1 (located on the west side of Sandburg Street). These trees will be placed between the existing trees along Sandburg Street on this lot to create a sawtooth pattern.

(v) Five 6-8 foot tall Alberta Spruce trees, in the side yard that abuts Sandburg Street on the lot described on Tax Map No. 39-4-((43))-9 (located on the west side of Sandburg Street). The trees will be planted along the northern boundary of this side yard, in a row perpendicular to Sandburg Street, but placed to avoid any sight distance problem for the driveways on the adjacent lots to the north.

(vi) Five 8-10 foot tall Leyland Cypress trees, along the northern side yard of the lot described on Tax Map No. 39-4-((43))-7 (located on the west side of Sandburg Street).

(vii) Three 6-8 foot tall Leyland Cypress trees in the northeast corner (near the northwestern boundary of Tax Map 39-4-((43))-7) of the open space within Tysons Glen, the exact location to be determined in consultation with the Urban Forestry Division.

(C) The obligation to plant the off-site trees specified in Proffers 2(A)(4)(iv) through (vii) is contingent upon each owner (including the Tysons Glen HOA regarding any tree plantings on its open space) providing a written letter of permission for entry onto each owner's lot to plant the specified trees. The Applicant shall plant these off-site trees after final subdivision plan approval and before commencing clearing and grading on the Application Property, at a specific time determined by the Urban Forestry Division. If the Urban Forestry Division determines that the proposed time for off-site planting is not an appropriate planting season, then clearing and grading on the Application Property may commence and the off-site trees shall be planted at a later date determined by the Urban Forestry Division, to a date not beyond six (6) months from the commencement of clearing and grading on the Application Property. In addition, if a letter of permission from the owner of a lot on which off-site planting is to occur is not delivered within thirty (30) days of written request, sent by certified mail, not later than thirty (30) days from the filing of the subdivision plan, then clearing and grading on the Application Property may commence without such off-site planting.

(D) Fencing on the Application Property shall be provided as follows:

(1) Picket-style vinyl fencing, approximately four (4) feet in height, along the northern boundary of Parcel C, as indicated on the CDP/FDP, and in one of the styles depicted on Illustration 3.

(2) Board-on-board fencing, similar in appearance to that shown on Illustration 4, along the western, southern, and eastern boundaries of the Application Property with the two adjacent parcels shown on Tax Map Nos. 39-4-((1))-93 and 94, as indicated on the CDP/FDP.

(3) Subject to the further provisions of Proffer 8(D), a noise barrier along or near the rear yard boundaries of proposed Lots 3 through 7.

(4) Board-on-board fencing, similar in appearance to that shown on Illustration 5, along the southern boundary of the Application Property.

3. Recreational Amenities.

(A) Prior to the issuance of the first residential use permit ("RUP") for a new dwelling, Applicant shall install two six (6) foot benches toward the southern side of Parcel C. The exact location of these benches within Parcel C shall be determined as part of the final subdivision plans, in consultation with the Urban Forestry Division, in order to optimally site the facilities and to minimize disturbance to existing trees within Parcel C. The homeowners association documents for the subdivision shall provide that the homeowners association, in consultation with the Urban Forestry Division, may install additional recreational facilities within Parcel C.

(B) At the time of subdivision plan review, the Applicant shall demonstrate that the proposed on-site recreational facilities have a value equivalent to \$955.00 per new dwelling unit as required by Article 6 of the Ordinance. In the event it is determined that proposed recreational facilities do not have that value, the Applicant shall have the option to: (i) provide additional on-site recreational amenities within open space areas shown on the CDP/FDP until this value is attained; or (ii) contribute necessary funds, equal to the difference between \$955.00 per unit and the value of the on-site recreational amenities, to the Fairfax County Park Authority for off-site recreational facilities in a nearby park.

4. Dedication and Reservation.

(A) The Applicant reserves density credit in accordance with the provisions of Section 2-308 of the Ordinance for all street dedications described in these Proffers, described on the CDP/FDP, or as may reasonably be required by Fairfax County or the Virginia Department of Transportation ("VDOT") at the time of subdivision plat approval.

(B) The Applicant shall construct frontage improvements, in accordance with the standards of the Fairfax County Public Facilities Manual (the "PFM"), along the Sandburg Street frontage of the Application Property.

(C) At the time of subdivision plat approval or upon demand by Fairfax County or VDOT, whichever occurs first, Applicant: (i) shall dedicate to the Board of

Supervisors, in fee simple, for public street purposes, right of way within Parcel E, as delineated on the CDP/FDP (i.e., the area on the Application Property northeast of the line labeled "Prop. 1-495 R/W"), and shall dedicate an ancillary easement area (i.e., temporary grading and construction easements), approximately fifteen (15) feet in width and running parallel to this dedicated area; and (ii) shall dedicate, for street purposes, Parcel D, as shown on the CDP/FDP.

5. Homeowners Association.

(A) The Applicant shall form a homeowners association ("HOA") for the Application Property, as approved by the County Attorney. All open space, as shown on the CDP/FDP, shall be conveyed to the HOA at the time of final subdivision plat approval.

(B) In connection with the creation of the HOA, Applicant shall prepare and record among the land records of Fairfax County a Declaration of Covenants, Conditions and Restrictions ("the Declaration"), as approved by the County Attorney. The Applicant shall include language in the Declaration which: (a) prohibits the conversion of garages into any other use other than the parking of vehicles; (b) discloses that I-495, which abuts the eastern boundary of the Application Property, is the subject of an ongoing study as to its potential widening, that travel lanes could be located closer to the Application Property than currently exist, and that there may be noise impacts from I-495; and (c) disclose the existence of Parcel D as an area dedicated for street purposes, as a potential future interparcel connection.

As part of these required disclosures, the Applicant shall provide each purchaser with a copy of the most current plan (the "Plan"), if any, for the widening of I-495. Prior to final subdivision plan approval, the Plan to be used as part of the initial disclosure shall be confirmed and approved by the Fairfax County Department of Transportation as the most current Plan. In the event that prior to the sale of any dwelling, the Plan for the widening of I-495 is amended subsequent to final subdivision plan approval, the disclosure requirements within the Declaration shall be amended to reflect the most current approved Plan. Any proposed amendment to the disclosure requirement subsequent to final subdivision plan approval shall first be reviewed and approved by the Fairfax County Department of Transportation in accordance with the requirements of these Proffers.

(C) The Declaration shall expressly provide that the HOA may annex adjacent land or be annexed by, or merge with, neighboring homeowners associations on such terms and conditions as the HOA and such associations may agree. The Declaration shall also expressly provide that the HOA has the power and authority to enter into agreements or covenants with neighboring homeowners associations for common use of their respective open spaces or recreational facilities on such terms as the HOA and such other associations may agree.

6. Tree Preservation Plan.

(A) The Applicant shall contract with a certified arborist (the "Project Arborist") to prepare a tree preservation plan to be submitted as part of the first subdivision plan

submittal. The tree preservation plan 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 percent of all trees 12 inches or greater in diameter, measured 4 1/2 feet from the ground, and located within twenty (20) feet of the limits of clearing and grading for the entire Application Property. 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 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 by tree protection fencing. Tree protection fencing, consisting of four foot high, 14 gauge welded wire attached to 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 Phase I and Phase II 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. Prior 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.

(C) 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, as determined in consultation with the Urban Forester. The methods to minimize impact on existing trees shall include, as an alternative, subject to any other legal requirements, leaving in place the existing foundations for structures to be demolished that are located within any open space or on proposed Lot 13 (if the existing dwelling on proposed Lot 13 is demolished in the future, and not rebuilt pursuant to Proffer 11), as determined in consultation with the Urban Forestry Division. These methods shall be described in the tree preservation plan.

(D) Clearing, grading, and construction shall conform to the limits of clearing and grading as shown on the CDP/FDP, subject to installation of utility lines, stormwater management facilities, recreational improvements, and other required site improvements, all of which shall be installed in the least disruptive manner possible, considering cost and engineering, as determined in consultation with DPW&ES. The Applicant shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant shall walk the limits of clearing and grading with an Urban Forestry Branch representative and the Project Arborist to determine where adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Trees that are not likely to survive construction due to their proximity to disturbance shall also be identified at this time and the Applicant shall remove such trees as part of the clearing operation. Any tree designated for

removal at the edge of the limits of clearing and grading and within the tree preservation area shall be removed using chain saws. The stump shall be cut as close to ground level as practical. If a stump must be removed this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the tree preservation area.

7. Stormwater Management. The Applicant intends to request waivers of on-site stormwater management and best management practices. In the event that these waivers are not granted: (i) on-site detention for stormwater and best management practices shall be provided in accordance with the PFM, and located on Parcel C as shown on the CDP/FDP; (ii) in order to restore a natural appearance to the proposed SWM/BMP facility and to compensate for any existing trees removed as a result of the facility construction, a landscape plan shall be submitted as part of the first and all subsequent submissions of the subdivision plan showing extensive landscaping in all possible planting areas of the pond, in keeping with the planting policies of DPW&ES. If these waivers are granted, this portion of Parcel C shall remain as open space.

8. Noise.

(A) Preliminary data indicates that the Application Property is subject to highway noise impact noise contours as follows: (i) a 75 dBA Ldn contour 250 feet from the centerline of existing I-495; and (ii) a 70 dBA Ldn contour 535 feet from the centerline of existing I-495. The interior noise standard described in Proffers 8(B), 8(C), and 8(E) shall apply to proposed Lots 1 through 12 and to the existing dwelling on proposed Lot 13. The exterior performance standard set forth in Proffer 8(D) shall not apply to the existing dwelling on proposed Lot 13.

(B) In order to reduce the maximum interior noise to a level of approximately 45dBA Ldn for units located within the 65-70 dBA Ldn highway noise impact contour, the following measures shall be employed:

(1) Exterior walls shall have a laboratory sound transmission class ("STC") rating of at least 39.

(2) Doors (excluding garage doors) and windows shall have an STC rating of at least 28. If glazing (excluding any glazing in a garage door) constitutes more than 20% of any façade, that façade should have the same STC as the walls.

(3) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

(C) In order to reduce the maximum interior noise to a level of approximately 45dBA Ldn for units located within the 70-75 dBA Ldn highway noise impact contours, the following measures shall be employed:

(1) Exterior walls shall have an STC rating of at least 45.

(2) Doors (excluding garage doors) and windows shall have an STC rating of at least 37. If glazing (excluding any glazing in a garage door) constitutes more than 20% of any façade, that façade should have the same STC as the walls.

(3) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

(D) In order to reduce the maximum exterior noise in affected rear yards of lots to a level of 65 dBA Ldn, noise attenuation barriers shall be provided for outdoor recreation areas in rear yards of lots that are unshielded by topography or built structures. Acoustical fencing or walls shall be architecturally solid from ground up with no gaps or openings (except as may be necessary for drainage) and of sufficient height to adequately shield the impacted area from the source of noise. To satisfy this standard, a concrete noise barrier, with a brick-like façade on both sides of this barrier, with an appearance similar to that shown in Illustration 6, or a barrier comparable in appearance, shall be provided in the approximate location shown on the CDP/FDP and as indicated in this Proffer 8(D). Noise absorption materials shall be incorporated into this acoustical barrier. This barrier may be approximately ten (10) feet in height and may be constructed in combination with an approximately two (2) foot tall berm. The noise attenuation specified in this Proffer 8 shall not apply to Parcel C or Parcel E. It is expected that any noise attenuation barrier will be placed along the rear boundaries of proposed Lots 3 through 7, as indicated on the CDP/FDP. The noise attenuation barrier in this area may be located on Parcel E, near the boundary of the adjacent proposed Lots, or on the proposed Lots, or partly on Parcel E and partly on the proposed lots, the exact location to be determined in consultation with the Urban Forester. Any required noise attenuation barrier shall be constructed prior to the issuance of the first RUP for a new dwelling.

(E) As an alternative to Proffers 8(B) and 8(C), the Applicant may submit to DPW&ES, during subdivision review, an acoustical engineering study which will specify those building materials to be used to ensure that building interior sound levels will be approximately 45 dBA Ldn for each of the residential units. The study methodology and implementation shall be approved by DPW&ES.

9. Housing Trust Fund. Applicant shall, at the time of final subdivision plan approval, contribute one percent (1%) of the estimated sales price of each new dwelling unit (i.e., dwelling units on proposed Lots 1 through 12) to Fairfax County for the County's Housing Trust fund for the provision of affordable housing. 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.

10. Energy Efficiency. All homes on the Application Property shall meet the thermal guidelines of the Virginia Power Energy Saver program for energy efficient homes, or its equivalent, as determined by DPW&ES, for either gas or electric energy systems as may be appropriate.

11. Existing Dwelling. As indicated and shown on the CDP/FDP, a new garage may be constructed on proposed Lot 13. Any waiver in this rezoning of the 200 foot setback requirement in Section 2-414 of the Ordinance, as such setback may apply to the existing dwelling on proposed Lot 13, is subject to the conditions in this Proffer 11. Except as provided in this Proffer 11 a new dwelling may not be constructed on proposed Lot 13 and any enlargement of the existing dwelling on proposed Lot 13 shall be governed by this Proffer 11.

(A) The existing dwelling on proposed Lot 13 may be enlarged, improved, or repaired so long as such work does not extend the front building line of the existing dwelling any closer to I-495.

(B) If the existing dwelling on proposed Lot 13 is destroyed by any casualty, it may be rebuilt so long as the existing dwelling was in use as a residence when the casualty occurred and so long as the reconstruction is commenced within one (1) year of the date of the casualty. Any rebuilt dwelling shall, consistent with Proffer 11(A), not extend the front building line any closer to I-495 than the front building line of the existing dwelling.

12. Miscellaneous.

(A) Applicant agrees to install plantings on the properties described on Tax Map Nos. 39-4-((1))-103A, 39-4-((30))-10, and 39-4-((30))-9A, as such plantings are generally depicted on the Planting Schedule attached as Illustration 7 to these Proffers and in consultation with the Urban Forestry Division. The obligation specified in this Proffer to install the off-site plantings on a parcel is contingent upon the owner of that parcel providing a written letter of permission (granting permission for entry onto that owner's parcel to install the plantings) within thirty (30) days of Applicant's written request, which request shall be sent by the Applicant by certified mail, return receipt requested.

(B) The existing structures on the Application Property shown to be removed or demolished shall be removed or demolished on or before the issuance of the first RUP for any new residential dwelling.

(C) To facilitate execution of these Proffers, these Proffers may be executed in as many counterparts as may be required. It shall not be necessary that the signatures on behalf of all the parties to the Proffers appear on each counterpart of these Proffers. All counterparts of these Proffers shall collectively constitute a single instrument.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

Signature Page to Proffers  
RZ 1999-P-026

Title Owner:

K&O Limited Partnership

BY: Charles Ke

Print Name: Charles Ke

Title: General Partner

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

Signature Page to Proffers  
RZ 1999-P-026

Title Owner:

Brenda P. Rose  
Brenda P. Rose

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

Signature Page to Proffers  
RZ 1999-P-026

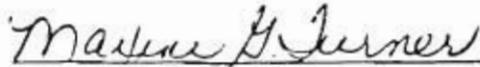
Title Owner:

Laurie P. Potter  
Laurie P. Potter

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

Signature Page to Proffers  
RZ 1999-P-026

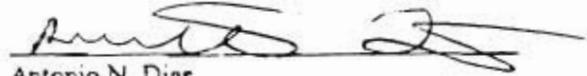
Title Owner:

  
\_\_\_\_\_  
Maxine G. Turner

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

Signature Page to Proffers  
RZ 1999-P-026

Title Owner:



Antonio N. Dias

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

Signature Page to Proffers  
RZ 1999-P-026

Title Owner:

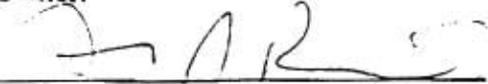
A handwritten signature in black ink, appearing to read 'P. Rankin', written over a horizontal line.

Pamela Rankin

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

Signature Page to Proffers  
RZ 1999-P-026

Title Owner:

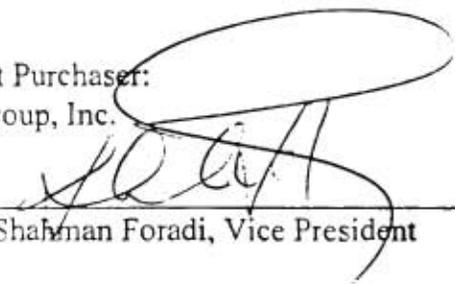
  
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Gary J. Peed

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Signature Page to Proffers  
RZ 1999-P-026

Contract Purchaser:  
ALD Group, Inc.

BY:   
Shaman Foradi, Vice President

[FINAL PAGE]

## LIST OF ILLUSTRATIONS

Illustrations 1A, 1B, 1C, and 1D - Front Elevation

Illustration 2 - Street Lights

Illustration 3 - Picket Style Fencing

Illustration 4 - Board-on-board Fencing

Illustration 5 - Board-on-board (southern boundary) Fencing

Illustration 6 - Noise Barrier

Illustration 7 - Landscape Exhibit (Lots 9A, 10, 103A only)



ILLUSTRATION 1A

FRONT ELEVATION TYPE ONE, SCHEME A (07)



ILLUSTRATION 1B

FRONT ELEVATION TYPE ONE, SCHEME B



ILLUSTRATION IC

FRONT ELEVATION TYPE TWO, SCHEME A (17)



FRONT ELEVATION TYPE TWO, SCHEME B

ILLUSTRATION 2



An illustration of the  
internal Street lights

Acorn Light Fixture  
14' Mounted Height  
Specifications To Be Determined  
Upward Cutoff Light Shield to be Provided  
to Prevent Escaping Light From Top Of The Fixture

ILLUSTRATION 3

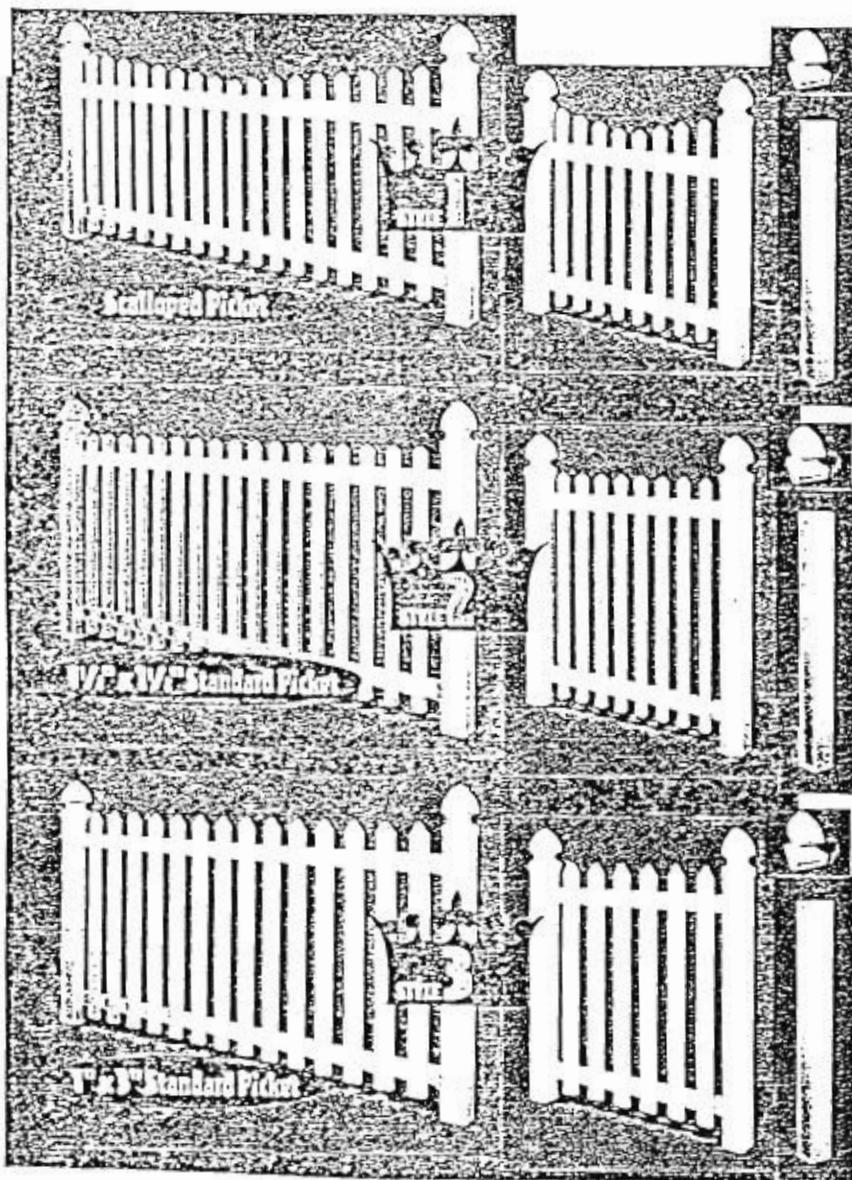


ILLUSTRATION 4

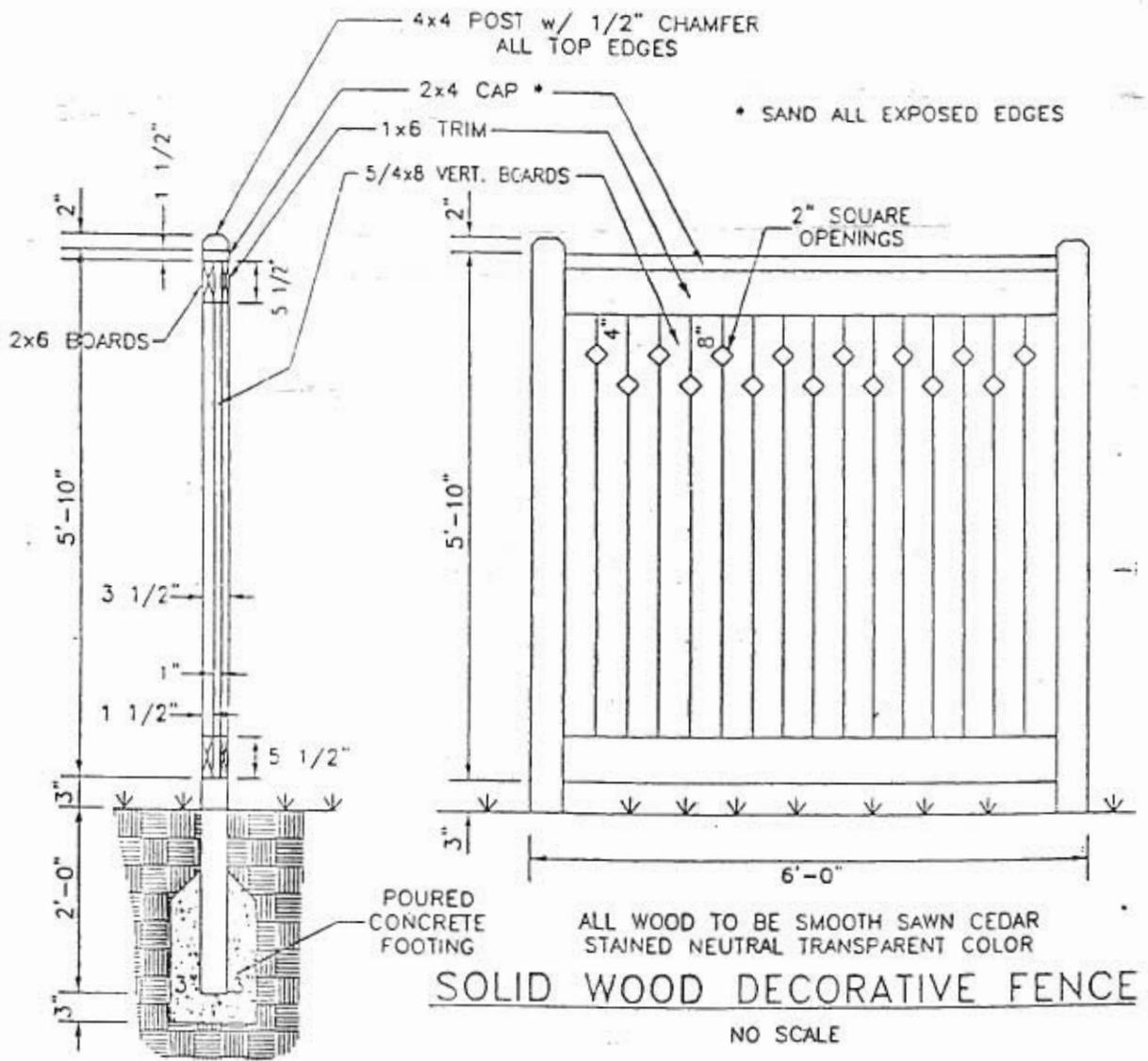
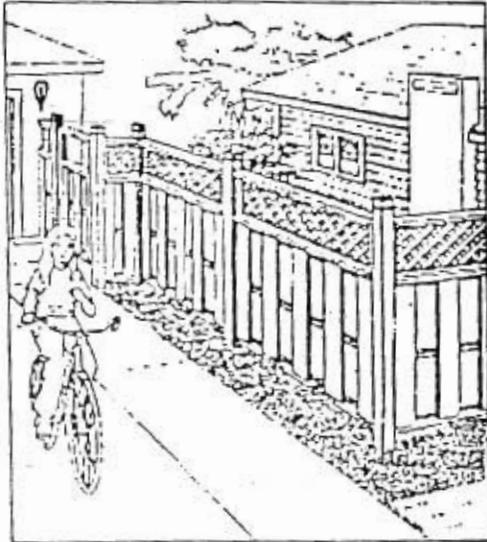


ILLUSTRATION 5



**Privacy  
Fence  
with  
Lattice**

ILLUSTRATION 6

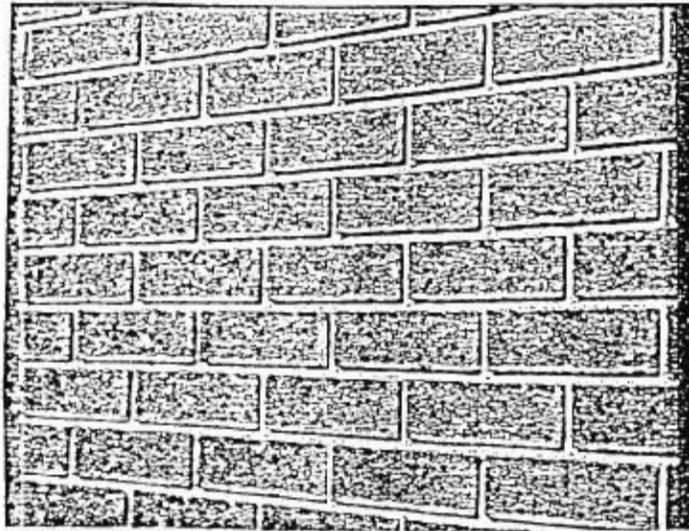
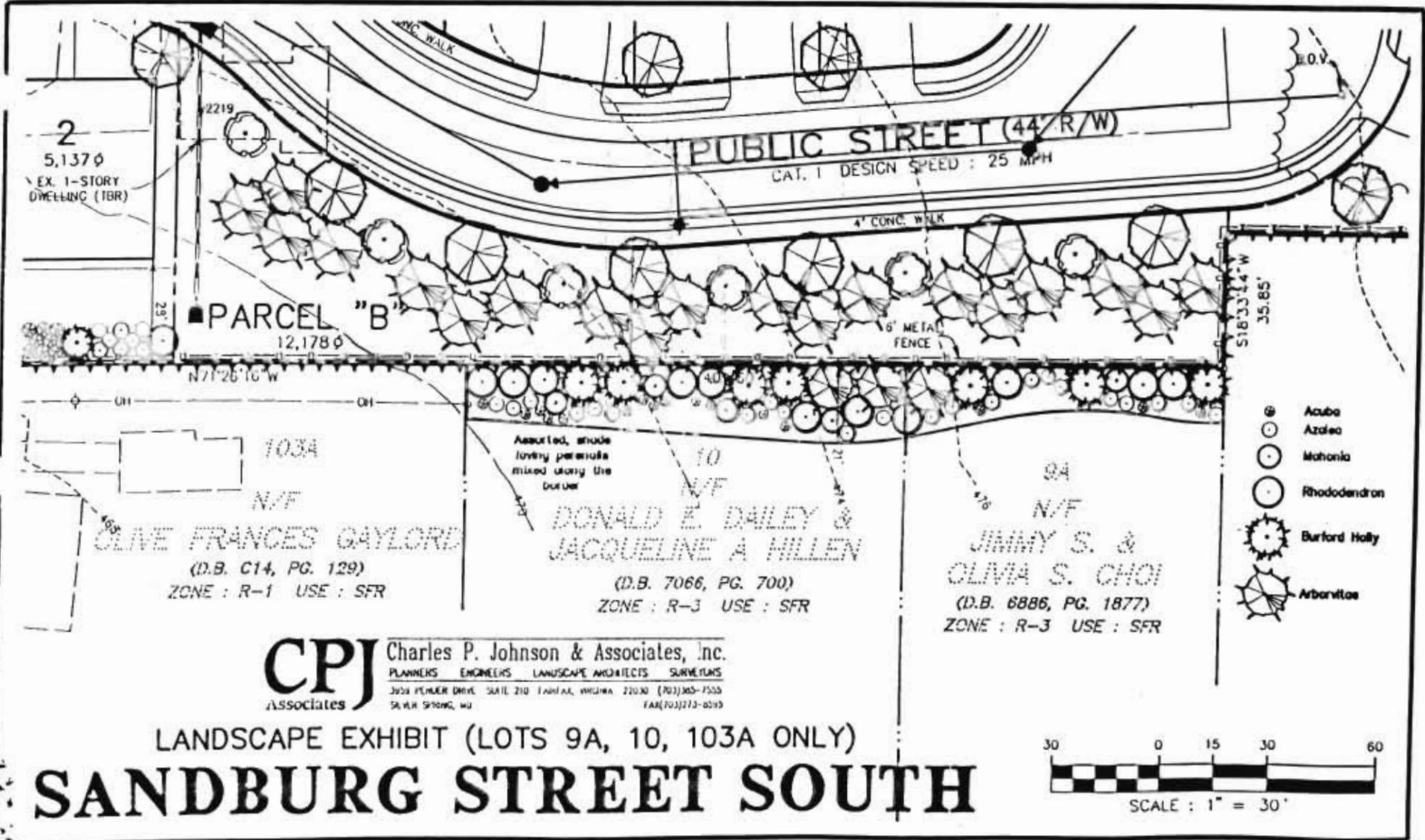




ILLUSTRATION 7

Acad Dwg: N:\00508\DWG\00-Z6601.DWG

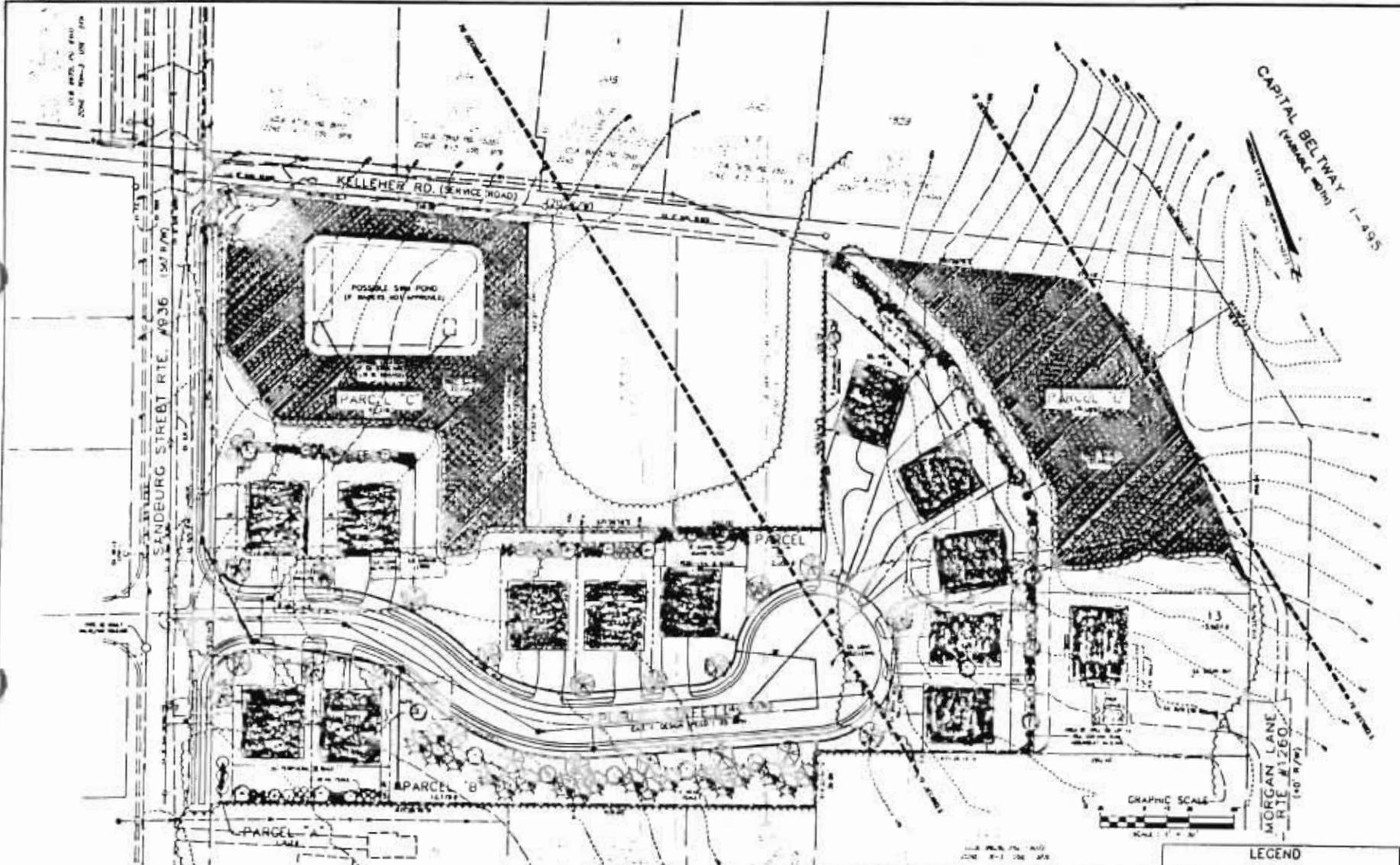
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**CPJ** Charles P. Johnson & Associates, Inc.  
 PLANNERS ENGINEERS LANDSCAPE ARCHITECTS SURVEYORS  
 3004 PENDER DRIVE SUITE 210 FARMER, INDIANA 47030 (703)365-7500  
 SILVER SPRING, MD FAX (703)213-0219

LANDSCAPE EXHIBIT (LOTS 9A, 10, 103A ONLY)

**SANDBURG STREET SOUTH**



**LEGEND**

	CL SHADE HILL		AMERICAN HOLLY
	"ORCHARD" LAWN		AMERICAN HEDERA
	WASH DOUGLAS		CHERRY LAUREL SP.
	W/STRAW PINE		HOUSLEAF SP.

**TREE COVER CALCULATIONS**

<b>TREE COVER REMOVAL</b>	
AREA OF HILL	14,100 SF
REMOVAL FOR 10% - 20% REMOVAL	14,100 SF
AREA OF HILL	14,100 SF
REMOVAL FOR 10% - 20% REMOVAL	14,100 SF
AREA OF HILL	14,100 SF
REMOVAL FOR 10% - 20% REMOVAL	14,100 SF
<b>TOTAL TREE COVER REMOVAL</b>	<b>14,100 SF</b>
<b>TREE COVER PROVIDED</b>	
AREA OF LAWN HILL TO BE PROVIDED	14,100 SF
AREA OF LAWN HILL TO BE PROVIDED	14,100 SF
AREA OF LAWN HILL TO BE PROVIDED	14,100 SF
AREA OF LAWN HILL TO BE PROVIDED	14,100 SF
<b>TOTAL TREE COVER PROVIDED</b>	<b>14,100 SF</b>

**LEGEND**

	EXISTING BOUNDARY
	PROPOSED BOUNDARY
	LIMITS OF CLEARING AND GRADING
	PROPOSED SANITARY SEWER
	EXISTING SANITARY SEWER & SANITARY SEWER LAYOUT
	PROPOSED STORM DRAIN
	EXISTING STORM DRAIN & STORM SEWER LAYOUT
	EXISTING BOUNDARY
	PROPOSED BOUNDARY & F.A.S. LAYOUT

CONCEPTUAL / FINAL DEVELOPMENT PLAN  
**SANDBURG STREET SOUTH**  
 PROVIDENCE, RI 02902  
 CHARLES F. JOHNSON & ASSOCIATES, INC.  
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 1000 WEST STREET, SUITE 200  
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CPJ  
 CONCEPTUAL / FINAL DEVELOPMENT PLAN  
**SANDBURG STREET SOUTH**  
 PROVIDENCE, RI 02902



DATE	3/1/00
BY	CFJ
CHECKED BY	CFJ
SCALE	AS SHOWN
SHEET	2 OF 2