

5:00 PM
Agenda

**LITTLE RIVER DEVELOPMENT CORPORATION
PROFFERS
FOR THE HOLLY ACRES PROPERTY
RZ 2002-LE-014**

**June 18, 2002
Revised July 26, 2002
Revised September 6, 2002
Revised September 10, 2002
Revised September 20, 2002
Revised October 1, 2002
Revised October 9, 2002
Revised October 14, 2002
Revised October 24, 2002
Revised November 7, 2002**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978 amended), the property owners and Applicant in this rezoning application proffer that the development of the parcels under consideration and depicted on the Fairfax County Tax Maps as Tax Map Reference Nos. 92-4 ((1)) 28, 29, 30, 31, 32, 35, 36, and 39 (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said rezoning request for the R-12 Zoning District is granted. In the event said application request is denied, or withdrawn, these proffers shall be null and void. The Applicant and the Owners (hereinafter collectively the "Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia in accordance with applicable County and State statutory procedures. The Applicant and the Owners further agree that these proffers shall remain fully binding on the Applicant and its successors or assigns and any and all future owners of the Property.

GENERAL

1. Subject to the proffers and the provisions of Section 18-204 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development shall be in substantial

conformance with the submitted Generalized Development Plan (the "Plan") containing 9 sheets and prepared by Urban Engineering & Associates, Inc. and revised through October 30, 2002.

2. The final layout shall be in substantial conformance with either the GDP depicted on Sheet 5 or the Alternative GDP depicted on Sheet 5A. Unless otherwise specified herein, any reference to the GDP shall include both Sheets 5 and 5A of the Plan. The Applicant shall determine the plan based upon the availability of the Stormwater Management facility prior to site plan approval.

3. The development shall consist of a maximum of 67 single-family attached residential units. The size, width, and location of the building footprints depicted on the GDP are conceptual and the Applicant reserves the right to modify the size and location of the building footprints, or develop a lesser number of units, in accordance with the requirements of Section 18-204 of the Zoning Ordinance. Lot typicals are depicted on Sheet 2 of the GDP. Minor modifications to the shape, configuration and dimensions of units and/or building footprints, and similar features may be permitted under Section 18-204 of the Zoning Ordinance. In no instance shall: (i) the set back from any peripheral lot line decrease from that depicted on the GDP; (ii) the provision of open space be less than 30%; (iii) the limits of clearing and grading be encroached upon, except as further described in Proffer 25; and (iv) the front or rear yards be reduced from that depicted on the GDP.

4. To the satisfaction of the Urban Forester, landscaping typicals shall be in substantial conformance with the landscape typicals depicted on Sheet 6 or 6A of the Plan and are intended to be used as indicators of the proffered landscape concepts.

5. Any conversion of garages that will preclude the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction shall be recorded among the 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 (HOA), which shall be established, and the Board of Supervisors. This requirement shall be

incorporated in the HOA documents and prospective purchasers shall be advised of this use restriction at the time of entering into a contract of sale.

6. a. The units shall be of a consistent and/or unified architectural approach as to color, materials, and design, as demonstrated at the time of building permit review. The façade materials of the approved units shall incorporate a minimum of thirty (30%) percent brick or similar stone sedimentitious material. The rear architectural treatment of those units abutting Holly Hill Road shall be in substantial conformance with the rear elevation exhibit prepared by Devereaux & Associates and dated October 1, 2002 (the "Rear Elevation Exhibit"). The rear architectural treatment of those units abutting Holly Hill Road shall incorporate a mix of architectural treatments such as shutters, decorative trim and/or related accent materials on windows and portions of the rear façade that are not visually screened by supplemental landscaping. Such shutters, trim, and/or other accent materials shall be complimentary, in terms of type and color, to those items or materials used on other portions of the façade.

b. A mix of evergreen and shrub trees shall be incorporated along Holly Hill Road as generally depicted on Sheet 6 or 6a of the Plan.

c. A four (4) foot high wood split rail fence may be incorporated along Holly Hill Road in substantial conformance with the Rear Elevation Exhibit.

7. All units shall have driveways that are a minimum of eighteen (18) feet in length as measured from the inside of the sidewalk to the entrance of the garage.

8. The Applicant reserves the right to install retaining walls in those locations as generally depicted on the GDP. If, at final site engineering, it is determined that additional retaining walls are necessary, the provision of such retaining walls shall occur only if it is determined that they are in substantial conformance with the GDP, to the satisfaction of DPWES. The materials and design of such retaining walls shall be of low maintenance materials and the exposed portion of any poured concrete walls shall be covered with a brick, stone, or other veneer of similar

quality. The retaining walls may be terraced and if so the area between each terrace shall be landscaped. Handrails and guardrails at the top of the retaining walls shall be provided as may be required by the Department of Public Works and Environmental Services ("DPWES"). Retaining wall sizes and locations are subject to change upon final engineering if in substantial conformance with the GDP and these proffers. Irrespective of the ranges further described below, the height of any retaining wall may be decreased, but not increased from that range set out in these proffers. The heights for retaining walls shall be as follows:

GDP

- Lots 61-67 may range from 4 to 7 feet in height
- Lots 8-15 may range from 4 to 12 feet in height
- The retaining walls depicted adjacent to the area marked "Open Space" on the GDP may range from 4 to 16 feet in height

Alternative GDP

For those areas of the layout that differ from the GDP the heights for retaining walls shall be as follows:

- Lots 1-11 may range from 3 to 12 feet in height
- Lots 12-27 may range from 3 to 10 feet in height
- The retaining wall depicted adjacent to the area marked "Tree Save Area" on the GDP may range from 2 to 18 feet in height

9. The Applicant shall provide Affordable Dwelling Units (ADUs) in accordance with the requirements of Article 2 of the Zoning Ordinance. Such units shall not be clustered and shall be dispersed throughout the units. In the event that, prior to issuance of a building permit for any approved unit, the Board of Supervisors amends the current Zoning Ordinance requirements for fulfilling affordable housing objectives, the Applicant reserves the right to comply with the Ordinance requirements in effect at that time.

10. In the event the requirements of the ADU Ordinance change in a way that requires fewer ADU units, units currently allocated to the ADU program may be converted to market rate units if in substantial conformance

with the GDP. If in substantial conformance with the GDP and the provisions of the Zoning Ordinance, such conversion shall not require a PCA application.

11. At the time of site plan approval, a contribution of \$500.00 per unit shall be made to the Fairfax County Board of Supervisors for a specific fund designated for schools in the Lee District impacted by the proposed development.

12. Prior to the issuance of any residential use permits, the Applicant shall demonstrate to the satisfaction of DPWES that the value of any proposed on-site recreational amenities shall have a value equivalent to \$35,000.00. In open space areas the Applicant reserves the right to install active or passive recreational facilities; for example, a nature trail, tot lot, outdoor community area with sitting areas, a gazebo, and/or outdoor grills. Such facilities shall be maintained by the HOA. The limits of clearing and grading shall not preclude the use of the protected area for passive recreation provided any such activities shall not result in the removal of any trees protected by the limits of clearing. In the event it is demonstrated that the proposed facilities do not have sufficient value, the Applicant shall have the option to: (1) provide additional on-site recreational amenities within the open space areas depicted on the GDP; or (2) contribute funds to meet the value equivalent specified above to the Fairfax County Park Authority for off-site recreational purposes in locations within Lee District that can reasonably be expected to serve the future residents of the approved development.

13. The Applicant reserves the right to install an individual entrance feature(s) in the location(s) generally depicted on the GDP. All signs, including temporary marketing signs, shall comply with the relevant provisions of the Fairfax County Zoning Ordinance.

14. No temporary signs (including "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 marketing and sale of homes on the subject Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or sale of residential units on the subject Property to adhere to this proffer.

TRANSPORTATION

15. At the time of subdivision plat recordation and before the issuance of the first building permit, the Applicant shall choose to either relocate the existing bus shelter generally located at the intersection of Fordson Road and Richmond Highway to a location mutually agreed to by VDOT, the Fairfax County Office of Transportation, and the Southeast Fairfax Development Corporation, or shall escrow funds up to \$10,000.00 for such relocation.

16. A terminus of Holly Hill Road shall be provided in a standard and configuration reviewed and approved by DPWES and the Virginia Department of Transportation ("VDOT"). The Applicant reserves the right to make minor adjustments to the configuration of any on-site stormwater management facility and/or residential units, including a reduction in units, in order to accommodate such terminus, so long as such adjustments are in substantial conformance with the GDP and Proffers. The provision of such terminus shall require the approval of the owner of property located at Tax Map 92-4 ((1)) 26 and 27.

17. The Applicant shall provide a minimum of 164 parking spaces as depicted on the GDP, except that if units are lost, up to two (2) spaces per lost unit may be removed by the Applicant. Such parking spaces shall include the use of garage spaces, driveways, and surface spaces as generally depicted on the GDP.

18. Upon demand of VDOT or Fairfax County, or at the time of site plan approval, whichever comes first, the Applicant shall dedicate and convey in fee simple to the Fairfax County Board of Supervisors the Right-of-Way (ROW) along Holly Hill Road as depicted on the GDP.

19. The Applicant shall improve the frontage of the Property on Holly Hill Road, within the ROW referenced in Proffer 18 and as generally depicted on the GDP, so as to provide a sidewalk, width of pavement and curb and gutter in conformance with that corresponding to the VDOT intended alignment of Holly Hill Road. The design and construction of such improvements shall be subject to the review and approval of DPWES.

STORMWATER MANAGEMENT

20. Stormwater management and Best Management Practices (BMPs) shall be provided subject to the review and approval of DPWES off-site using a stormwater management facility with adequate capacity located on Tax Map 92-4 ((1)) 13, as approved by DPWES. If approved by DPWES stormwater run-off from the eastern portion of the Property shall be designed so as not to impede the proper function of the existing stormwater outfall facility located in Holly Hill Road. Run-off shall be conveyed to an underground storm sewer system and conveyed to the above-referenced off-site facility, as necessary, to accomplish this. BMP requirements shall also be met with the use of certain on-site undisturbed open space areas, which are to be provided with a conservation easement as to be determined with the site plan and approved by DPWES.

21. Alternative Stormwater Management. In the event that the facility referenced in Proffer 20 does not have adequate capacity, or its use is not approved by DPWES, and/or at the Applicant's option, the Applicant may provide on-site Stormwater Management as depicted on Sheet 5A, and as approved by DPWES. The number of units may be reduced to accommodate any necessary increase in the size of the Stormwater Management facility depicted on Sheet 5A, so long as such changes are in substantial conformance with the GDP and Proffer 3. Stormwater run-off from the eastern portion of the Property shall be designed so as not to impede the proper function of the existing stormwater outfall facility located in Holly Hill Road. Run-off shall be conveyed to an underground storm sewer system and conveyed to the above-referenced off-site facility, as necessary, to accomplish this. BMP requirements shall also be met with the use of certain on-site undisturbed open space areas,

which are to be provided with a conservation easement as to be determined with the site plan and approved by DPWES.

In order to restore a natural appearance to the proposed stormwater management pond, a landscape plan shall be submitted as part of the appropriate site plan. The landscape plan shall show the restrictive planting easement for the pond, and extensive landscaping in all areas outside the restrictive planting easement to the maximum extent feasible in accordance with the planting policies of Fairfax County.

The location and configuration of the stormwater management facility depicted on Sheet 5A is conceptual and subject to change based on final engineering; however, in no event shall any permitted reconfiguration of the stormwater management pond diminish the landscaping or tree preservation areas identified on Sheet 6A and any such reconfiguration shall be in substantial conformance with the GDP. In the event that the final design and engineering indicates that the applicable water quality/quantity requirements require less land area than that depicted on Sheet 5A, those areas not required in connection with the stormwater pond or its associated grading shall be examined jointly by the Applicant and the County Urban Forester for feasibility as additional tree preservation areas. If found to be viable for tree preservation purposes, these areas shall be protected in accordance with the requirements of these proffers. If such areas not used for stormwater management and are not deemed appropriate for tree preservation by the Applicant and the County Urban Forester, then such areas shall be landscaped with a type and amount of landscaping that is generally consistent with the landscape concepts generally described on Sheet 6A.

ENVIRONMENT

22. In coordination with the Urban Forestry Division, the Applicant shall transplant the four (4) existing cedar trees along the Property's western edge of Holly Hill Road. The transplanted trees shall be placed so as to provide buffering between the Property and the adjacent community to the west. In addition, the Applicant shall

30. Until such time as the last Residential Use Permit has been issued by Fairfax County, the Applicant shall be responsible for the repair and stabilization of the Contiguous Properties that may be damaged as a direct and proximate result of the Applicant's faulty and/or negligent grading and construction activity.

31. Pursuant to Proffer 30, if the Applicant receives a claim of actual damage resulting from grading and/or construction activities, the Applicant shall respond within five (5) days by meeting at the site of the alleged damage to confer with the subject Contiguous Property owner. Any verified claims for damage due to grading and/or construction activities shall be expeditiously resolved. With regard to verified claims, the Applicant shall have its professional inspection consultants prepare a written analysis of the damages and a proposed repair scheme within thirty (30) days of the meeting at the site. The Contiguous Property owner shall be given a copy of such report. If allowed by County or State regulations, the Applicant shall repair any damage caused due to grading and/or construction activities.

32. The Applicant shall have a soils engineer on site during all phases of construction that are affected by soil stability. The Applicant shall have its geotechnical engineer prepare and submit written inspection reports to DPWES regarding on site compliance with the geotechnical report approved by DPWES.

33. The Applicant shall provide warranty against foundation drainage defects to the purchaser(s) of those units with below-grade basements and to the purchaser(s) of all units for structural defects for a period of no less than ten (10) years from the date of transfer of title or the homeowner taking possession or whichever occurs first. The warranty shall be transferable to subsequent purchasers.

34. The Applicant shall resolve any on site surface drainage issues to the satisfaction of DPWES prior to bond release.

DECLARATION

35. The Applicant shall establish an HOA for the purpose of maintaining common areas and private streets within the approved development. In conjunction with the appropriate site plan review processes, private streets, common areas, open space, and recreation facilities shall be dedicated to the HOA.

36. The Applicant shall subject all private streets on the Property to a public access easement in order to allow ingress/egress to and from Holly Hill Road through the Property. Said easement shall be of a content and form approved by the County Attorney.

37. The Applicant shall include language in its Declaration of Covenants, Conditions and Restrictions which: (i) discloses the existence of the public access easement required by Proffer 35; and (ii) discloses the existence of private streets throughout the Property. The appropriate HOA documents shall specify that the HOA is responsible for the maintenance of the private streets and recreation facilities. The Declaration of Covenants, Conditions and Restrictions shall be in a form approved by the County Attorney and recorded among the Land Records of Fairfax County.

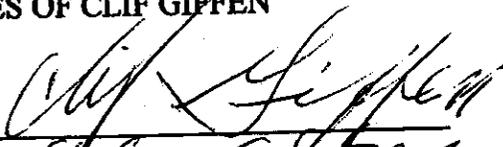
38. The private streets on the Property shall be constructed with a pavement section, thickness and material which conforms to PFM standards as determined by DPWES.

39. Purchasers shall be advised in writing prior to entering into a contract of sale of the existence of: (1) the public access easement through the Property; (2) the existence of private streets within the Property, and that the HOA shall be responsible for the maintenance of all the private streets on the Property; and (3) the prohibition on conversions of garages to any primary use other than parking.

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Title Owner
Fairfax County Tax Map:
92-4 ((1)) 28, 29 30, 35, and 36

TRUSTEES OF CLIF GIFFEN

By: 
Name: Cliff Giffen
Its: _____

Title Owner

Fairfax County Tax Map: 92-4 ((1)) 31

LILLIAN V. DUNN
AND CLYDE L. DUNN

By: Clyde L. Dunn
Name: _____

By: Lillian V. Dunn
Name: _____

Title Owner
Fairfax County Tax Map: 92-4 ((1)) 39

BRUCE E. MAURER
AMBER R. MAURER

By: Bruce Maurer
Name: Bruce E. Maurer
Title: _____

By: Amber Maurer
Name: Amber Maurer
Title: _____

Title Owner

Fairfax County Tax Map: 92-4 ((1)) 32

FAMILY TRUST OF DAVID L REDDING SR

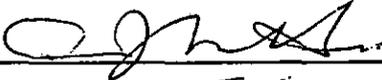
C/O J. TOWARNICKY

By: *Patricia H. Kolakoski*
Name: Patricia H. Kolakoski
Title: TRUSTEE

Contract Purchaser

Fairfax County Tax Map: 92-4 ((1)) 28, 29, 30, 31, 32, 35, 36, and 39

LITTLE RIVER DEVELOPMENT CORPORATION

By: 
Name: ANDREW J. SOMERVILLE
Title: _____

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GENERALIZED DEVELOPMENT PLAN (GDP)

HOLLY ACRES

Lee District

Fairfax County, Virginia

MARCH, 2002
REVISED APRIL 15, 2002
REVISED JUNE 19, 2002
REVISED JULY 25, 2002
REVISED AUGUST 9, 2002
REVISED SEPTEMBER 6, 2002
REVISED SEPTEMBER 20, 2002
REVISED OCTOBER 30, 2002

DRAWING LIST

<u>SHEET #</u>	<u>TITLE</u>
1	COVER SHEET
2	NOTES
3	EXISTING VEGETATION MAP
4	REZONING PLAN
5-5A	GENERALIZED DEVELOPMENT PLAN
6-6A	LANDSCAPE PLAN
7-9	CROSS-SECTION PROFILES

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CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • LAND EVALUATION
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