

PROFFERS

RZ 2002-BR-017 EASTWOOD PROPERTIES, INC.

February 7, 2003

Pursuant to Section 15-2.2303A of the 1950 Code of Virginia, as amended, the undersigned applicant and owners, for themselves and their successors or assigns (hereinafter referred to as "Applicant"), hereby proffer the following conditions provided the Subject Property is rezoned as proffered herein.

1. **Conceptual/Final Development Plan.** Development of the property shall be in conformance with the plan entitled "Zion North ("CDP/FDP")," consisting of ten (10) sheets prepared by Charles P. Johnson & Associates, Inc., revised as of January 10, 2003. The CDP portion of the CDP/FDP shall constitute the entire plan relative to the points of access, the total number of units, type of units and general location of residential lots, common open space areas and buffering. In no case may the side wall of a dwelling be located less than fifteen (15) feet from the side wall of another dwelling.
2. **Minor Deviations.** Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the FDP may be permitted where it is determined by the Zoning Administrator that such are in substantial conformance with the approved FDP. The Applicant shall have the right to make minor adjustments to the lot lines of the proposed lots at the time of subdivision plan submission based upon final house locations and building footprints, provided such changes are in substantial conformance with the FDP and do not increase the number of units or decrease the amount of open space, peripheral setbacks, access, parking spaces or decrease tree save areas, without requiring approval of an amended FDP. The Applicant shall have the option to request Final Development Plan Amendments ("FDPAs") from the Planning Commission for portions of the Plan in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance.
3. **Maximum Density.** A maximum of forty-one (41) single-family detached dwelling units at a density of approximately 2.38 dwelling units per acre shall be permitted. The right is reserved to develop fewer than the maximum number of units referenced in this paragraph without the need for a Proffered Condition Amendment application.
4. **Tree Preservation.**
 - a. The Applicant shall contract with a professional to prepare a tree preservation plan to be submitted as part of the first subdivision plan submittal. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect. The plan shall be reviewed and approved by the Urban Forestry Division. The certified arborist responsible for preparation of the tree preservation plan shall be referred to as the

Project Arborist. 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 ten (10) inches or greater in diameter, measured four and one-half (4½) feet from the ground, within twenty (20) feet on either side of the limits of clearing and grading. The tree survey shall also include areas of clearing and grading not shown on the CDP/FDP resulting from engineering requirements, such as off-site clearing and grading activities for utilities or stormwater outfall. The condition analysis shall be prepared using methods outlined in the eighth (8th) 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 fencing during construction. Tree protection fencing shall be erected at the limits of clearing and grading as shown on the Erosion and Sediment Control Plan. Materials and installation of tree protection fencing shall conform to the following standard: fence four (4) feet in height, fourteen (14) gauge wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart. The tree protection fencing shall be made clearly visible to all construction personnel. The 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. Three (3) days prior to commencement of any clearing, grading or demolition activities, the Urban Forestry Division shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have 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. These methods are to be included 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 the necessary utility lines, stormwater management facilities and other required site improvements, all of which shall be installed in the least disruptive manner, as determined by the Department of Public Works and Environmental Services ("DPWES"). 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 Division representative and the Project Arborist to determine where minor 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 will also be identified at this time and the Applicant may be given the option of removing them as part of the clearing operation, or the Applicant may reassess the health of said trees prior to release of the cash bond or letter of credit referenced in Paragraph 4e below. 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.

- e. Prior to subdivision plat approval, a replacement value shall be assigned by the Urban Forestry Division to all healthy trees measuring ten (10) inches or larger in diameter which are either individually designated as required to be saved under this proffer or are located within the limits of clearing and grading (tree save area) as shown on the CDP/FDP. At the time of subdivision plat approval, the Applicant will post a cash bond or a letter of credit payable to the County of Fairfax in such an amount assigned as replacement value by the Urban Forestry Division to ensure preservation and/or replacement of the designated trees. The calculated replacement values shall be renewed and approved by the Urban Forestry Division prior to posting the cash bond or letter of credit. The terms of the letter of credit shall be subject to approval by the County Attorney. The replacement value of each designated tree shall be determined according to the methods contained in the latest edition of the *Valuation of Landscape Trees, Shrubs and Other Plants* published by the International Society of Arboriculture and the total amount of the cash bond or letter of credit will not exceed the sum of such assigned values. From time to time, funds, or a portion thereof, may be drawn on the cash bond or letter of credit and expended for the purposes of this proffer. Replacement of trees by the County shall be in accordance with the guidelines of the Fairfax County Public Facilities Manual ("PFM"). The letter of credit or cash bond will be released when the conservation deposit for the subdivision is released.
5. **Landscaping.** Landscaping shall be consistent with the quality, quantity and general locations shown on the Landscape Plan on Sheets 2-5 and Sheet 8 of the CDP/FDP. At the time of planting, the minimum caliper for deciduous trees shall be two and one-half (2½) inches and the minimum height for evergreen trees shall be six (6) feet. Actual types and species of vegetation shall be pursuant to more detailed landscape plans approved by the Urban Forester at the time of final subdivision plan approval. At the time that each landscape plan is submitted, a copy of the plan shall be forwarded by the Applicant to the Braddock District Planning Commissioner for review and comment. Such landscape plans shall provide tree coverage and species diversity consistent with PFM criteria, as determined by the Urban Forester.
6. **Lighting.** All common area lighting except entry monumentation signage lighting shall be directed inward and downward to prevent light spilling onto adjacent properties; public street lighting shall be provided by use of full cut off luminaire fixtures or similar fixtures as approved by Dominion Power. Uplighting of the entry monumentation signage shall be

permitted, provided that the lighting is focused directly on the signs, and not at the sky or the road.

7. **Homeowners' Association.** The Applicant shall establish a Homeowners' Association ("HOA") for the proposed development to own, manage and maintain the open space areas, private streets and all other community-owned land and improvements. The HOA documents shall expressly state that the HOA shall be responsible for the maintenance of open space areas, the private street and all other community-owned land and improvements.
8. **Recreation.** At the time of subdivision plan approval, pursuant to Section 6-110 of the Zoning Ordinance, the Applicant shall contribute the sum of \$955 per approved dwelling unit for the total number of new dwelling units on the record plat, to the Fairfax County Park Authority ("Park Authority") to be utilized for recreational facilities at Royal Lake Park, Woodglen Lake Park, or the Pohick Stream Valley Park, subject, however, to a credit for expenditures for on-site facilities that are eligible for credit under Section 6-110. In addition to the above recreation improvements or contribution, an additional \$25,215 shall be contributed to the Park Authority to be utilized for replacement of the pedestrian bridge or other recreational facilities within the Pohick Stream Valley Park in Braddock District.
9. **Road Dedication/Construction.** At the time of subdivision plan approval, or upon demand by Fairfax County, whichever occurs first, right-of-way along the Zion Road frontage of the site, necessary for public street purposes and as shown on the CDP/FDP, shall be dedicated and conveyed to the Board of Supervisors ("Board") in fee simple. The Applicant shall also construct road widening with curb gutter and a trail along the Zion Road frontage of the Subject Property as shown on the CDP/FDP. All public and/or private streets shall have a minimum width of thirty (30) feet, face of curb to face of curb.
10. **Private Streets.** All private streets will be constructed with materials and depth of pavement consistent with public street standards in accordance with the PFM, as determined by DPWES. 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 solely responsible for the maintenance of the private streets. Subject to review and approval by the County Attorney, the HOA documents shall provide for establishment of a Reserve Fund to be used as funding for maintenance of the private street. The Applicant shall make a contribution of \$2,000 into this Reserve Fund.
11. **Stormwater Management Pond Landscaping.** In order to restore a natural appearance to the proposed stormwater management pond, the landscape plan, submitted as part of the first submission and all subsequent submissions of the subdivision and construction plans, shall show the landscaping that can withstand periodic inundation from run-off. Said landscaping shall be provided to the maximum extent feasible within cleared areas of the pond basin to retain an aesthetic, naturalized appearance for the stormwater management ponds, enhancing the habitat potential and minimizing maintenance, subject to approval of the Urban Forester.

12. **Driveways.** All driveways shall be a minimum of eighteen (18) feet in length and they shall have a minimum width of eighteen (18) feet for a distance of at least eighteen (18) feet measured from the garage doors.
13. **Park Authority Dedication.** At the time of subdivision plan approval, the Applicant shall dedicate the triangular shaped area, identified as Parcel F on the CDP/FDP, to the Park Authority in fee simple to be utilized for park purposes as a part of the Pohick Stream Valley Park. Prior to dedication, the Applicant shall remove any inorganic debris currently on Parcel F to the satisfaction of the Park Authority.
14. **Density Credit.** All density and intensity of use attributable to land areas dedicated and conveyed to the Board pursuant to these proffers shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and density hereby reserved to be applied to the residue of the Subject Property.
15. **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 electric or gas energy homes, as applicable.
16. **Garages.** The Applicant shall place a covenant on each residential lot 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 document shall expressly state this use restriction.
17. **Signs.** 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 sale of homes on the property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale of residential units on the property to adhere to this proffer.
18. **Housing Trust Fund.** Prior to issuance of the first building permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one half of one percent (.5%) of the projected sales price of the homes to be built on-site, as determined by the Department of Housing and Community Development and DPWES in consultation with the Applicant to assist the County in its goal to provide affordable dwellings elsewhere in the County. The percentage contribution, set forth above, shall be based upon the aggregate sales price of all of the units subject to the contribution, as if all of those units were sold at the time of the issuance of the first building permit, and it shall be estimated through comparable sales of similar type units.
19. **Perimeter Setbacks.** Homes along the perimeter of the Subject Property shall have a minimum setback of thirty (30) feet from the perimeter of the Subject Property on the eastern, western and northern borders of the site. This shall not preclude decks from being

located within the thirty (30) foot setback as may be permitted by the Zoning Ordinance. Purchasers of units located along the perimeter shall be notified of the setback and restriction on future additions located within the setback. The record plat for the subdivision shall show these setback requirements on the individual perimeter lots affected by this proffer and the HOA documents shall expressly state this restriction.

20. **Outlet Road.** The existing outlet road on the eastern border of the Subject Property shall be vacated, removed, regraded and reseeded.
21. **School Contribution.** Prior to recordation of the record plat, the Applicant shall provide documentation to DPWES that the Applicant has donated the sum of \$1,500 per dwelling unit, for each dwelling unit approved on the record plat (a total of \$61,500) to Robinson High School. These funds are to be applied towards the purchase of computer banks in support of Robinson's technology projects. At the time the funds are received, more advanced technologies may be substituted, at the discretion of the principal, for the actual purchases that will be made and installed through the Fairfax County Public School System.
22. **Access.** All access to the lots shall be from the internal public streets or the private street. No lot shall have direct access to Zion Drive. Prior to the issuance of the first Residential Use Permit ("RUP"), the existing driveway for Lot 12, accessing directly to Zion Drive, shall be vacated and access shall be provided from the internal public street on the western border of Lot 12.
23. **Architectural Elevations.** The building elevations for the proposed units shall be generally in character with the conceptual elevation details as shown on Sheet 9 of the CDP/FDP, as determined by DPWES. In order to more appropriately conform to the existing topography, Lots 1 through 8 will be garage underneath/uphill units and they will be constructed with their garage elevations lower than those shown on Sheet 9. Units which have either side elevation adjacent to Zion Drive shall include architectural features such as, but not limited to, shutters or other ornamental or architectural features on that elevation which is visible from Zion Drive.
24. **Lot 12.** The existing unit on Lot 12 may be removed and replaced with a new residence consistent with the proposed units within the development without the approval of a proffer condition amendment or final development plan amendment. In the event that Lot 12 is redeveloped with a new residential unit, the house shall be designed in substantial accordance with the CDP/FDP and the front of the unit shall face the public street to the west of the lot.
25. **Dry Basements.** The Applicant shall submit a geotechnical analysis of the soils and surface and sub-surface drainage conditions in accordance with the PFM and approved by DPWES. The Applicant shall implement the recommendations of the study to the satisfaction of DPWES. All foundations shall have sump pumps with interior and exterior drain tile. All exterior walls that are to be backfilled shall be treated with the "Epro" or an equivalent water proofing system.

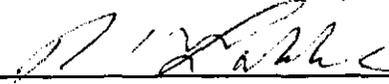
26. **Stormwater Management/Best Management Practices.** Stormwater management ("SWM") and Best Management Practices ("BMP") shall be provided in the general location as shown on the CDP/FDP. The dry pond shall be sized to provide detention and BMPs for two-thirds (2/3) of the total watershed (or 40 of the approximately 60 total acres) draining into the facility. Undisturbed open space and/or other BMP treatments may be utilized as appropriate for the purposes of providing BMPs. A sediment forebay shall be provided near the major storm sewer outfall into the pond and shall be sized to hold a minimum of 0.1 inches of runoff of impervious area for two-thirds (2/3) or forty (40) acres of the total drainage area into the forebay itself. The Applicant shall provide adequate outfall for the SWM facility as determined by DPWES. Outfall facilities may include plunge pools and instream check dams/grade control structures in the outfall channels, or other innovative drainage techniques as may be approved by DPWES and the Park Authority. The locations and details of these pools and dams/structures shall be included on the site plan. A flexible level spreading device shall be installed on the Park Authority property, downstream of the dry pond, subject to the approval of the Park Authority. The spreader shall be of adequate size to assure that the two (2) year event pond outflow infiltrates before reaching the end of the device. The existing eroded channels cut through the floodplain leading to the main stream channel shall have Rock Cross Vanes installed to create a stable channel bottom with a gradual slope transition from existing floodplain elevation to the approximate main channel bottom. A maximum of three (3) Rock Cross Vanes shall be installed. All on-site and off-site disturbed areas shall be replanted with native wetland or floodplain species of shrubs and herbaceous material. The plant list shall be approved by the Park Authority and/or DPWES.
27. **Cul-de-sacs.** If the modification of the radius for cul-de-sacs is not approved, the Applicant shall submit a proffered condition amendment.
28. **Zion Drive Improvements.** Subject to VDOT approval of design plans utilizing a K factor of 29, the Applicant shall lower the vertical elevation of Zion Drive and locate the curb line elevations, spine street grades and roadway widenings consistent with the proposed change in grade set forth in a plan prepared by Charles P. Johnson & Associates, Inc., dated December 19, 2002, Sheet 10 of 10 of the CDP/FDP and entitled "Proposed Profile for Zion Drive."
29. **Trail.** The asphalt trail connecting to Parcel F shall be six (6) feet in width.
30. **Access Pond.** The stormwater management pond access road shall be a twelve (12) foot wide asphalt road.
31. **Commemorative Sign.** In coordination and consultation with the Braddock District Supervisor, the Applicant shall provide and install a sign (not to exceed four [4] square feet) on or near the proposed gazebo commemorating the post-civil war historical significance of the subject property.

32. **Counterparts.** These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

[SIGNATURES ON THE FOLLOWING PAGES]

**APPLICANT/CONTRACT PURCHASER/OF TAX MAP 68-4
(1) PARCELS 13, 15, 16, 26, 29, 30A, 30B, 31, 32B, 32C AND
33; OWNER OF TAX MAP 68-4 ((1)) PARCEL 23 AND TAX
MAP 68-4 ((9)) PARCEL H**

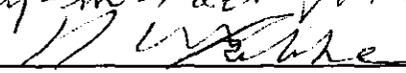
EASTWOOD PROPERTIES, INC.

By: 
Richard L. Labbe, President

OWNERS OF TAX MAP 68-4 ((1)) PARCEL 13

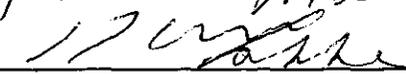
ANTHONY J. GIRATA

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-
Fact for Anthony J. Girata

*Eastwood Properties Inc Agent and
Attorney-in-Fact for Anthony J. Girata*
By: 
Richard L. Labbe, President

LESLIE A. GIRATA

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-
Fact for Leslie A. Girata

*Eastwood Properties Inc Agent and
Attorney-in-Fact for Leslie A. Girata*
By: 
Richard L. Labbe, President

OWNERS OF TAX MAP 68-4 ((1)) PARCEL 15

FRANK M. CHLISZCZYK, JR.

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-
Fact for Frank M. Chliszczyk, Jr.

*Eastwood Properties Inc Agent and
Attorney-in-Fact for Frank M. Chliszczyk, Jr.*
By: 
Richard L. Labbe, President

BRENDA D. CHLISZCZYK

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Brenda D. Chliszczyk

Eastwood Properties Inc Agent and Attorney-in-Fact for Brenda D. Chliszczyk

By: *[Signature]*
Richard L. Labbe, President

OWNERS OF TAX MAP 68-4 ((1)) PARCEL 16

ALFRED ABERNATHY

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Alfred Abernathy

Eastwood Properties Inc Agent and Attorney-in-Fact for Alfred Abernathy

By: *[Signature]*
Richard L. Labbe, President

PHERESO J. ABERNATHY

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Phereso J. Abernathy

Eastwood Properties Inc Agent and Attorney-in-Fact for Phereso J. Abernathy

By: *[Signature]*
Richard L. Labbe, President

OWNERS OF TAX MAP 68-4 ((1)) PARCEL 26

ROSA H. LEWIS

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Rosa H. Lewis

Eastwood Properties Inc Agent and Attorney-in-Fact for Rosa H. Lewis

By: *[Signature]*
Richard L. Labbe, President

LEVY WELLS, JR.

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Levy Wells, Jr.

Eastwood Properties Inc Agent and Attorney-in-fact for Levy Wells, Jr.

By: *R Labbe*
Richard L. Labbe, President

JUANITA C. WELLS

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Juanita C. Wells

Eastwood Properties Inc Agent and Attorney-in-fact for Juanita C. Wells

By: *R Labbe*
Richard L. Labbe, President

LEONA C. COUSAR

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Leona C. Cousar

Eastwood Properties Inc Agent and Attorney-in-fact for Leona C. Cousar

By: *R Labbe*
Richard L. Labbe, President

OWNER OF TAX MAP 68-4 ((1)) PARCEL 29

WARREN W. TAYLOR, JR., TRUSTEE

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Warren W. Taylor, Jr., Trustee

Eastwood Properties Inc Agent and Attorney-in-fact for Warren W. Taylor, Jr. Trustee

By: *R Labbe*
Richard L. Labbe, President

OWNER OF TAX MAP 68-4 ((1)) PARCEL 30A

DEBRAH E. SPENCE

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Debrah E. Spence

Eastwood Properties Inc Agent and Attorney-in-Fact for Debrah E. Spence

By: *[Signature]*
Richard L. Labbe, President

OWNERS OF TAX MAP 68-4 ((1)) PARCEL 30B

MICHAEL K. HUGHES

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Michael K. Hughes

Eastwood Properties Inc Agent and Attorney-in-Fact for Michael K. Hughes

By: *[Signature]*
Richard L. Labbe, President

DEBRAH E. SPENCE

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Debrah E. Spence

Eastwood Properties Inc Agent and Attorney-in-Fact for Debrah E. Spence

By: *[Signature]*
Richard L. Labbe, President

OWNERS OF TAX MAP 68-4 ((1)) PARCEL 31

SERGIO MUELLER

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Sergio Mueller

Eastwood Properties Inc Agent and Attorney-in-Fact for Sergio Mueller

By: *[Signature]*
Richard L. Labbe, President

DEBORAH A. MUELLER

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Deborah A. Mueller

Eastwood Properties Inc Agent and Attorney-in-Fact for Deborah A. Mueller

By: *Richard L. Labbe*
Richard L. Labbe, President

OWNER OF TAX MAP 68-4 ((1)) PARCEL 32B

PATRICIA J. MERCER

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Patricia J. Mercer

Eastwood Properties Inc Agent and Attorney-in-Fact for Patricia J. Mercer

By: *Richard L. Labbe*
Richard L. Labbe, President

OWNERS OF TAX MAP 68-4 ((1)) PARCEL 32C

DONG U. LEE

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Dong U. Lee

Eastwood Properties Inc Agent and Attorney-in-Fact for Dong U. Lee

By: *Richard L. Labbe*
Richard L. Labbe, President

CHONG LEE

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Chong Lee

Eastwood Properties Inc Agent and Attorney-in-Fact for Chong Lee

By: *Richard L. Labbe*
Richard L. Labbe, President

YOUNG LEE

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Young Lee

Eastwood Properties Inc Agent and Attorney-in-Fact for Young Lee

By:

R L Labbe
Richard L. Labbe, President

OWNER OF TAX MAP 68-4 ((1)) PARCEL 33

ALLENE WRIGHT-WOODS

By: EASTWOOD PROPERTIES, INC., Agent and Attorney-in-Fact for Allene Wright-Woods

Eastwood Properties Inc Agent and Attorney-in-Fact for Allene Wright-Woods

By:

R L Labbe
Richard L. Labbe, President

[ADDITIONAL SIGNATURES ON FOLLOWING PAGES]

OWNERS OF TAX MAP 68-4 ((1)) PARCEL 24

GERARD C. SWAINSON

By: ZION NEIGHBORHOODS, LLC, Agent and
Attorney-in-Fact for Gerard C. Swainson

*Zion Neighborhoods, LLC, Agent and
Attorney-in-Fact for Gerard C. Swainson*
By: *AS* *Steven B. Alloy*
Steven B. Alloy, Manager *Manager*

JANICE H. SWAINSON

By: ZION NEIGHBORHOODS, LLC, Agent and
Attorney-in-Fact for Janice H. Swainson

*Zion Neighborhoods, LLC, Agent and
Attorney-in-Fact for Janice H. Swainson*
By: *AS* *Steven B. Alloy*
Steven B. Alloy, Manager *Manager*

OWNERS OF TAX MAP 68-4 ((1)) PARCEL 25

DAVID R. JEFFRIES

By: ZION NEIGHBORHOODS, LLC, Agent and
Attorney-in-Fact for David R. Jeffries

*Zion Neighborhoods, LLC, Agent and
Attorney-in-Fact for David R. Jeffries*
By: *AS* *Steven B. Alloy*
Steven B. Alloy, Manager *Manager*

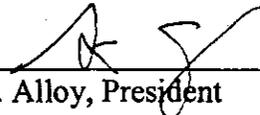
CINDY JEFFRIES

By: ZION NEIGHBORHOODS, LLC, Agent and
Attorney-in-Fact for Cindy Jeffries

*Zion Neighborhoods, LLC, Agent and
Attorney-in-Fact for Cindy Jeffries*
By: *AS* *Steven B. Alloy*
Steven B. Alloy, Manager *Manager*

**CONTRACT ASSIGNOR OF TAX MAP 68-4 ((1)) PARCELS
24 AND 25**

STANLEY MARTIN COMPANIES, INC.

By: 
Steven B. Alloy, President

**CONTRACT PURCHASER OF ALL OF THE PARCELS THAT
ARE THE SUBJECT OF THIS REZONING APPLICATION**

ZION NEIGHBORHOODS, LLC

By: 
Steven B. Alloy, Manager

CONCEPTUAL DEVELOPMENT PLAN CONDITION

RZ 2002-BR-017

February 5, 2003

1. During the construction period, the applicant shall provide dust control measures in accordance with the provisions of the Virginia Erosion and Sediment Control Handbook.

FINAL DEVELOPMENT PLAN CONDITIONS

FDP 2002-BR-017

January 15, 2002

If it is the intent of the Planning Commission to approve FDP 2002-BR-017 for a single-family detached development at Tax Maps 68-4 ((1)) 13, 15, 16, 23, 24, 25, 26, 29, 30A, 30B, 31, 32B, 32C, 33 and 68-4 ((9)) H, 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 CDP/FDP entitled "Zion North", prepared by Charles P. Johnson, Inc, consisting of ten (10) sheets dated January 25, 2002, as revised through January 10, 2003. The FDP portion of the CDP/FDP shall constitute the entire plan relative to the points of access, the total number of units, type of units and general location of residential lots, peripheral setbacks, common open space areas, tree save and buffering.
2. Deleted by the Planning Commission at the public hearing on January 29, 2003.
3. The stormwater management pond shall not be enlarged to the detriment of tree save areas and/or non-SWM open space.
4. Signage shall be in accordance with Article 12 of the Zoning Ordinance.

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