



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

September 8, 1992

William E. Donnelly, III, Esquire
Hazel and Thomas, P.C.
3110 Fairview Park Drive - Suite 1400
Post Office Box 12001

Re: Rezoning Application
Number RZ 91-C-026
(Concurrent with SE 91-C-042)

Dear Mr. Donnelly:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 27, 1992, granting, as proffered, Rezoning Application RZ 91-C-026 in the name of George H. Rucker Realty Corporation, to rezone certain property in the Centreville District from the R-1 District to the PDH-1 and PDH-2 Districts, subject to the proffers dated July 21, 1992 and the development conditions dated July 27, 1992, on subject parcels 12-3 ((1)) 1B, 19, 21, 21A, 21B, 21C; and 18-1 ((1)) Pt. 3A, Pt. 4A, 4B consisting of approximately 169.49 acres.

The Conceptual Development Plan was approved; the Planning Commission having previously approved the Final Development Plan on July 16, 1992

The Board also:

- Modified the open space requirement on Parcel B, Paragraph 1, Section 6-110 of the Zoning Ordinance, to permit open space to be used as grazing land for the Reston Pet Farm Park animals until the Park ceases operations, pursuant to Paragraph 8 of Section 16-401 of the Zoning Ordinance;

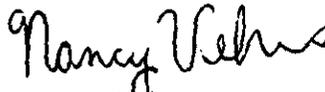
September 8, 1992

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- Waived the Public Facilities Manual requirement for paved parking for Phases One and Two of the Reston Farm Market, pursuant to Paragraph 7 of Section 16-401 of the Zoning Ordinance;
- Waived the service drive requirement on Route 7;
- Waived the 600-foot maximum length for private streets; and
- Waived the interparcel connection to Bishopsgate Way.

It was stated for the record, that, in addition to providing the specified notification of site plan and subdivision plan submissions to the Ascot Homeowners Association, the Hunt Club Cluster Association, and the Lake Fairfax Park Estates Homeowners Association, notification would also be provided to the Reston Citizens Associations.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: John M. Yeatman, Director, Real Estate Dvsn., Assessments
Melinda M. Artman, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Dvsn., OCP
Fred R. Beales, Supervisor, Base Prop. Mapping/Overlay
Robert Moore, Trnsprt'n. Planning Dvsn., Office of Transportation
Kathy Ichter, Trnsprt'n. Road Bond Dvsn., Office of Transportation
Department of Environmental Management
A. V. Bailey, Resident Engineer, VDOT
Land Acq. & Planning Dvsn., Park Authority

PROFFERS

REZONING APPLICATION NUMBER RZ 91-C-026

CRIPPEN'S CORNER

July 21, 1992

Pursuant to Section 15.1-491(a) of the Code of Virginia, 1950, as amended, in the event that the property that is the subject of Rezoning Application Number RZ 91-C-026 (the "Property") is rezoned to the PDH-1 and PDH-2 Districts to permit a total of 278 dwelling units, 234 on Parcel A as shown on the Plan, as hereinafter defined, and 44 on Parcel B as shown on the Plan, as hereinafter defined, subject to a possible reduction of lots on Parcel B pursuant to paragraph 1 of the Development Conditions dated June 24, 1992, pertaining to relocation of the stormwater management facility, the undersigned (the "Applicants") proffer as follows:

1. Conceptual/Final Development Plan. Development of the Property will be in conformance with the plan entitled "Crippen's Corner Conceptual/Final Development Plan", consisting of 9 sheets, last dated July 21, 1992, and prepared by Christopher Consultants, Ltd. (the "Plan"). Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance,¹ minor deviations from the Plan may be permitted as determined by the Department of Environmental Management ("DEM").

2. Farm Market.

a. Uses. The principal use of the area designated on the Plan as the Farm Market (the "Farm Market") will be retail sales (a permitted secondary use) restricted to goods that are customarily sold by a farm market, such as:

i. Farm products with no geographic restrictions, such as:

- A. Fruits, vegetables, grains, cider, herbs, tea, spices.
- B. Peanuts, coffee, nuts and seeds, both purchased and fresh-roasted on premises.
- C. Honey, syrup, jams, jellies, condiments, packaged fruit and vegetable products.
- D. Pies, breads, cakes, cookies, plus doughnuts and candy, both purchased and prepared on premises.
- E. Eggs and dairy products.

¹ All references in these Proffers to provisions of the Zoning Ordinance include future amendments thereto.

- F. Firewood.
 - G. Halloween items, such as pumpkins, pumpkin cutters and lights, gourds, corn stalks, straw and ceramic pumpkins.
- ii. Nursery products, such as:
 - A. Full line of garden center products, such as plants and cut flowers not necessarily grown on premises.
 - B. Plant supplies, such as soils, mulches and fertilizers.
 - C. Gardening books, garden implements not powered by gasoline, plant containers, dried and silk flowers.
 - D. Christmas items, such as trees, greens, candles and ornaments.
 - iii. Arts and Crafts, such as:
 - A. Crafts and craft supplies.
 - B. Farm Market t-shirts and gift items.

Sale of the items permitted under this subparagraph 2(a)(iii) will be subordinate to, and in association with, sale of the items permitted under subparagraphs 2(a)(i) and (ii) above.

Activities commonly known as "Fort Pumpkin," such as Native American dancing, storytelling, face painting and tepees, will be permitted.

To prevent a single product or category of products from dominating products sold, the farm market will sell a general mix of products typically sold by a farm market, as listed in subparagraph 2(a) above, and not permit the business to change to any other type of conventional store.

b. Phasing. The uses permitted in paragraph 2(a) above will be allowed during all phases of development of the Farm Market site. The existing building and site facilities, possibly with minor renovations, will constitute Phase I. During Phase II, the existing facilities will be enlarged and a six foot high stockade fence will be installed in conformance with the detail entitled "Crippen's Corner Farm Market Phase II" and shown on page 3 of the Plan. During Phase III, new facilities consisting of a building with a maximum gross floor area of 9,800 square feet, an outside sales area and required parking will replace Phase II. The shade area, with a maximum area of 12,000 square feet, to be provided during Phase II may be continued or relocated on the Farm Market site during Phase III. Final development plan approval is being requested concurrently with RZ

91-C-026 only for Phases I and II. Approval of a final development plan amendment must be obtained for Phase III. The timing of the phases will be determined by the Applicants.

c. Conversion to Open Space. If the Farm Market ceases to operate for a continuous period of one year or more, other than because of fire or other casualty, the Applicants will convey the Farm Market as open space to a private homeowners association of the adjacent residential development approved pursuant to RZ 91-C-026 as open space.

d. Other Uses Prohibited. Only those uses permitted in paragraphs 2(a) and (c) above shall be permitted on the Farm Market. All other uses on such area are prohibited.

e. Access. The existing access may be used during Phases I, II and III. Access will be relocated as shown on the Plan concurrently with the opening to traffic of the spine road from Baron Cameron Avenue to the access road.

f. Hours of Operation. The Farm Market will not be open to the public before 8:00 a.m. or after 10:00 p.m.

g. Restrictive Covenant. Within 180 days after rezoning approval, the Applicants will record a restrictive covenant among the Fairfax County land records in a form approved by the County Attorney which will embody the terms of subparagraphs 2(a)-(f). The restrictive covenant will run to the benefit of, and be enforceable by, the Board of Supervisors (the "Board").

3. Pet Farm.

a. Parcel B-1. Parcel B-1 will be used as a zoological park (the "Pet Farm") (a permitted secondary use) or as open space. The Applicants will exercise reasonable efforts to ensure the continuation of the Pet Farm. If the Pet Farm ceases to operate for a continuous period of one year or more, other than because of fire or other casualty, then the Applicants will dedicate and convey in fee simple Parcel B-1 to the Board for park or open space purposes, subject to the reservation of easements for stormwater management facilities and utilities. In that event, if requested by the County, the Applicants will remove all buildings, structures (except utilities) and parking lots on Parcel B-1, drain the existing wet ponds on Parcel B-1 to the extent permitted by law, and restore to a reasonable extent the vegetation within the EQC on Parcels B-1 and B-2 in accordance with a plan to be approved by the Urban Forester.

b. Parcel B-2. Upon demand, Parcel B-2 will be dedicated and conveyed in fee simple to the Board for park or open space purposes subject to the following conditions: (i) Parcel B-2 will be leased back to the Applicants for grazing by Pet Farm animals; (ii) the term of such lease will be at least 15 years; (iii) the rent will be one dollar (\$1.00) per year; and (iv) no buildings or structures (except fences, stormwater

management facilities and utilities) may be constructed on Parcel B-2 without approval by the Board. Such dedication will be subject to the reservation of easements for stormwater management facilities and utilities.

c. Restrictive Covenant. Within 180 days after rezoning approval, the Applicants will record a restrictive covenant among the Fairfax County land records in a form approved by the County Attorney which will embody the terms of subparagraphs 3(a) and (b). The restrictive covenant will run to the benefit of, and be enforceable by, the Board.

d. Conformance with the Plan. No structure(s) will be added and no existing structure(s) will be expanded on the Pet Farm (Parcel B-2) without first obtaining a proffered condition amendment and a final development plan amendment. This proffer will not preclude the replacement or renovation of any existing structure.

e. Hours of Operation. The Pet Farm may be open to the public from 9:00 a.m. to 9:00 p.m. seven days a week.

f. Parking. The existing parking for the Pet Farm, which includes the paved parking area and the grassy overflow parking area west thereof, will not be expanded, and all parking for the Pet Farm will be on site.

g. Inspection. The Applicants will permit the Director of the Department of Animal Control to conduct unannounced inspections of the Pet Farm during daylight hours.

h. Approval of Animals. Only such animals will be kept as permitted by the Director of the Department of Animal Control upon the Director's determination that an animal does not pose a risk to the public health, safety and welfare, and that there will be adequate feed and water, adequate shelter, adequate space in the primary enclosure for the particular type of animal depending upon its age, size and weight, and adequate veterinary care.

i. Veterinarians. A licensed veterinary technician will be employed on a full-time basis, and access to a licensed veterinarian will be maintained on a 24-hour basis. The Applicants will arrange for a monthly inspection of the Pet Farm operation by a licensed veterinarian to determine compliance with these Proffers and applicable provisions of the Zoning Ordinance, and the Applicants will correct any deficiencies found during said inspection. Veterinarian records will be maintained at the Pet Farm and will be made available to the Director of the Department of Animal Control upon request.

j. Enforcement. The Applicants acknowledge the powers of the Zoning Administrator to enforce the Proffers, including, without limitation, those pertaining to the Pet Farm, pursuant to paragraph 7 of Section 18-204 of the Zoning Ordinance, which currently provides as follows:

The Zoning Administrator shall be vested with all necessary authority on behalf of the Board to administer and enforce proffered conditions. Such authority shall include the ability to order, in writing, the remedy of any noncompliance with a proffered condition and the ability to bring legal action to insure compliance including injunction, abatement, or other appropriate action or proceeding, as provided for in Part 9 of this Article.

k. Posting. The Applicants will post the Proffers pertaining to the Pet Farm in a conspicuous place.

4. Route 7. The Applicants will dedicate and convey in fee simple to the Board right-of-way along the Route 7 frontage of Parcel 12-3 ((1)) 19 which increases from 120 feet from centerline at the Piney Branch crossing to approximately 145 feet from centerline at the northeast corner of such parcel, together with an ancillary easement 25 feet in width. Such dedication and conveyance will be subject to approval by the Virginia Department of Transportation ("VDOT"). Such dedication and conveyance will be made upon demand by Fairfax County or at the time of recordation of the first final subdivision plat for any portion of the Property that fronts on Route 7, whichever occurs first. All density related to such dedication is hereby reserved pursuant to Paragraph 5 of Section 2-308 of the Zoning Ordinance.

5. Baron Cameron Avenue.

a. Dedication. The applicants will dedicate and convey in fee simple to the Board right-of-way along the Baron Cameron Avenue frontage of Parcel 12-3 ((1)) 18, between the proposed spine street and parcel 12-3 ((1)) 18A, to 60 feet from centerline, plus an additional 12 feet as needed for the proposed right turn deceleration lane from westbound Baron Cameron Avenue into the proposed Spine Street, together with necessary ancillary easements, if any. Such dedication and conveyance will be subject to approval by VDOT. Such dedication and conveyance will be made upon demand by Fairfax County or at the time of recordation of the first final subdivision plan for any portion of the Property that fronts on Baron Cameron Avenue, whichever occurs first. All density related to such dedication is hereby reserved pursuant to Paragraph 5 of Section 2-308 of the Zoning Ordinance.

b. Construction. The Applicants will construct a standard right turn deceleration lane on eastbound Baron Cameron Avenue at Lake Fairfax Drive generally as shown on the Plan. Such construction will be subject to approval by VDOT. Such construction will occur in conjunction with the approval of the first final subdivision plat for any portion of Parcel B.

6. Lake Fairfax Drive.

a. Dedication. The applicants will dedicate and convey in fee simple to the Board right of way along the Lake Fairfax Drive frontage of Parcel B measured forty-two (42) feet from existing centerline between Park Lake Drive and the northern entrance to Parcel B and measured fifty-four (54) feet from existing centerline between the northern entrance to Parcel B and Baron Cameron Avenue, together with necessary ancillary easements, if any. Such dedication and conveyance will be made upon demand by Fairfax County or at the time of recordation of the first final subdivision plat for any portion of Parcel B, whichever occurs first. All density related to such dedication is hereby reserved pursuant to paragraph 5 of Section 2-308 of the Zoning Ordinance.

b. Construction. The Applicants will widen Lake Fairfax Drive by constructing one northbound through lane, one northbound right turn lane between the northern entrance to Parcel B and Baron Cameron Avenue, and a left turn lane at each entrance to Parcel B generally as shown on the Plan. Such construction will be subject to approval by VDOT. Such construction will occur in conjunction with the approval of the first final subdivision plat for any portion of Parcel B. Such construction will not disturb the existing trees in the right-of-way along the west side of Lake Fairfax Drive.

c. Traffic Signal Contribution. In conjunction with the approval of the first final subdivision plat for Parcel B, the Applicants will contribute \$10,000.00 to the County for the installation of a traffic signal at the intersection of Baron Cameron Avenue and Lake Fairfax Drive. Such contribution will be adjusted by any increase or decrease in the Engineering News Record Construction Cost Index between the date of approval of this rezoning application and the date of such contribution.

7. Condemnation. In the event that County condemnation is necessary for any of the road construction proffered herein, including, without limitation, the acquisition of any easement rights necessary to relocate access to the Farm Market, the Applicants will fund right-of-way acquisition expenses. The Applicants will use best efforts to acquire right-of-way or easements by agreement with the respective landowners. In the event the Applicants are unable to do so, the Applicants shall request that the County acquire the right-of-way or easements by means of its condemnation powers. It is understood that the County shall be under no obligation to do so. It is further understood that the Applicants' request will not be considered until it is forwarded, in writing, to the Director of Property Management accompanied by: (1) plans and profiles showing the necessary right-of-way or easements to be acquired; (2) an independent appraisal of the value of the right-of-way or easements to be acquired by an appraiser who is not an employee of the County; (3) a twenty-year title search certificate of the right-of-way or easements to be acquired; and (4) a letter of credit in an amount equal to the appraised value of the right-of-

way or easements to be acquired which can be drawn upon by the County. It is also understood that in the event the owner of the right-of-way or easements to be acquired is awarded more than the appraised value of the property in a condemnation suit, the amount of the award in excess of the letter of credit amount will be paid to the County by the Applicants within five (5) days of said award. It is further understood that all other costs incurred by the County in acquiring the right-of-way or easements will be paid to the County by the Applicants on demand.

8. Modification of Traffic Signal at Intersection of Baron Cameron Avenue and Hunter Mill Road. The Applicants will modify the existing traffic signal at the intersection of Baron Cameron Avenue and Hunter Mill Road as requested by DEM. Such modification will be subject to approval by VDOT. Such modification will occur concurrently with geometric modifications to the intersection.

9. Street Lights. If approved by VDOT and DEM, the Applicants will provide shielded (non-cobra head), metal halide street lamps at intersections and other appropriate locations.

10. Trails. Trails will be provided as shown on the Plan, subject to approval by DEM.

11. Environmental Quality Corridor and Tree Save Areas.

a. Generally. The Applicants will not disturb the areas designated on the Plan as EQC or Tree Save Areas, subject to disturbances required by final engineering, the installation of trails, utility lines and stormwater management/best management practices areas determined to be necessary by DEM, and selective clearing of understory, as approved by DEM and the Urban Forester. Any trails and utility lines within the EQC or Tree Save Areas will be installed in the least disruptive manner possible considering cost and engineering, as determined by DEM and the Urban Forester. Areas within the EQC or Tree Save Areas that are outside of permanent easements and are disturbed by the installation of trails and utility lines will be replanted if reasonably feasible in accordance with the public facilities manual.

b. Tree Cover for Parcels 12-3 ((1)) 21A and 21B. The tree cover requirements in Section 101-2-2(19) of the Fairfax County Code, as applicable to Parcels 12-3 ((1)) 21A and 21B, will be modified as follows to increase tree preservation in that area: only existing trees within Parcels 12-3 ((1)) 21A and 21B which are to be preserved may be included to meet the 20% tree cover requirement for that area; no credit will be given for planted trees. In addition, at the time of grading plan review, individual trees located on individual lots within Parcels 12-3((1)) 21A and 21B (Lots 56-75), shall be designated for preservation to the greatest extent reasonably possible, as approved by the Urban Forester. Building envelopes on lots 56 through 75 will be located in a design to preserve as many trees as reasonably possible as determined by the Urban Forester to

preserve the woodland character of this area. Trees and areas designated for preservation as set forth in this paragraph shall be marked for preservation prior to clearing and grading and at all times during construction. Prior to approval of a grading plan, there shall be no disturbance of Parcels 12-3((1)) 21A and 21B. In addition to all of the above, the Applicants shall retain a permanent undisturbed 25 foot vegetative buffer along the border of Ascot and lots 56-59 of Parcel 12-3((1)) 21A.

12. Ownership of Open Space and EQC. All areas depicted as open space or EQC on the Plan will be conveyed to a private homeowners association, except Parcels B-1 and B-2, which will be governed by Proffers 3(a) and 3(b) respectively.

13. Recreational Facilities.

a. Onsite Facilities. The Applicants will comply with paragraph 2 of Section 6-110 of the Zoning Ordinance regarding developed recreational facilities. To satisfy this requirement, the Applicants will construct a multi-purpose court, two tennis courts, two picnic areas and two tot lots generally as shown on the Plan. In addition, the Applicants will construct trails generally as shown on the Plan. Final determination of trail location and design, including width of trail easement, will be made by DEM at the time of preliminary subdivision plat approval, except for the Lake Fairfax Drive trail which will be within a public easement 10 feet wide. For each unit on Parcel B, the Applicants will pay \$300 in escrow to DEM for developed recreational facilities within the overlook park in Parcel B to be released to the Property's homeowners association upon presentation to DEM of a plan for developed recreational facilities pursuant to Section 2-704 of the Zoning Ordinance.

b. Offsite Contribution. In addition to the obligations under paragraph 13(a) above, the Applicants will contribute to the Fairfax County Park Authority (the "Park Authority") \$175,000 to be used by the Park Authority for the construction of ballfields in the vicinity of the Property. Such contribution will be made when 100 building permits have been issued for Parcels A and/or B. Such contribution will be adjusted by any increase or decrease in the Engineering News Record Construction Cost Index from three years after the date of rezoning, or from the date of approval of the final subdivision plat containing the one hundredth lot in Parcels A and/or B, whichever first occurs, to the date the contribution is made. In lieu of such contribution, the Applicants may elect to construct a ballfield, with a parking lot containing 70 parking spaces, in accordance with the Park Authority's standard specifications, on a site provided by the Park Authority.

14. Landscaping. The Applicants will provide supplemental landscaping in substantial conformance with the "Landscape Details" shown on the Plan. With respect to the landscaping along Baron Cameron Avenue and Lake Fairfax Drive, at the time of planting, the minimum caliper of the deciduous trees will be 2

inches and the minimum height of the evergreen trees will be 8 feet.

15. Stormwater Management. A portion of the stormwater runoff will be controlled by two onsite stormwater management facilities in the general areas designated "SWM/BMP Pond" on the Plan. Such facilities on Parcel A will be "dry" detention facilities with an extended detention storage volume (representing the Chart "A" value on Page A6-40 of the Fairfax County Public Facilities Manual, a copy of which is attached hereto as Exhibit A) to provide best management practices ("BMP") for the Property (at 35% efficiency) as well as to enhance storm water quality not only for this site but also for the entire tributary watershed. The Applicants will comply with any revisions to the adopted BMP requirements applicable to the Property as may be in effect at the time of development. The Applicants will request a waiver of the stormwater management and BMP requirements for the remainder of the Property, which is to be served by two regional stormwater management ponds to be built by others. If such waiver is granted and if requested by DEM, the Applicants will, at the time of final subdivision plat approval, contribute to DEM the pro-rata share of the cost of the regional stormwater management pond attributable to the property covered by the respective final subdivision plat. If such waiver is denied, stormwater runoff will be controlled by onsite stormwater management facilities in the general areas designated "Optional SWM/BMP Pond" on the Plan. Such facilities will be designed to meet the BMP standards referred to in the second and third sentences of this paragraph 15. Such facilities will be in lieu of any pro-rata share contributions for stormwater management facilities. Necessary access and maintenance easements will be provided for such facilities.

16. Energy Conservation. All homes on the Property will meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes, as determined by DEM for either electric or gas energy systems.

17. Highway Noise Attenuation.

a. In order to achieve a maximum interior noise level of 45 dBA Ldn, all units on the Property within two hundred (200) feet from the centerline of Route 7 that may experience noise levels between 70 and 75 dBA Ldn, as determined by DEM, will be constructed with the following measures to mitigate the impact of highway noise:

i. Construction materials and techniques known to have physical properties or characteristics suitable to achieve a Sound Transmission Classification (STC) of at least 45 for exterior walls of residential buildings;

ii. Windows will be either double-glazed or fitted with storm windows, and storm doors will be provided.

iii. In order to achieve a maximum exterior noise level of 65 dBA Ldn noise attenuation structures such as acoustical fencing, walls, earthen berms or combinations thereof will be provided for those units' yards that are unshielded by topography or built structures. If acoustical fencing or walls are used, they will be architecturally solid from ground up with no gaps or openings. The structure employed will be of sufficient height to adequately shield the impacted area from the source of the noise.

b. In order to achieve a maximum interior noise level of 45 DBA Ldn, all units on the Property within five hundred (500) feet from the centerline of Route 7 and within three hundred (300) feet from the centerline of Baron Cameron Avenue that may experience noise levels between 65 and 70 dBA Ldn, as determined by DEM (except those subject to Proffer 17(a)), will be constructed with the following measures to mitigate the impact of highway noise:

i. Construction materials and techniques known to have physical properties or characteristics suitable to achieve a Sound Transmission Classification (STC) of at least 39 for exterior walls of residential buildings;

ii. Windows will be either double-glazed or fitted with storm windows.

iii. In order to achieve a maximum exterior noise level of 65 dBA Ldn noise attenuation structures such as acoustical fencing, walls, earthen berms or combinations thereof will be provided for those units' yards that are unshielded by topography or built structures. If acoustical fencing or walls are used, they will be architecturally solid from ground up with no gaps or openings. The structure employed will be of sufficient height to adequately shield the impacted area from the source of the noise.

c. As an alternative to a or b above, the Applicants may have a refined acoustical analysis performed, subject to approval of DEM, to determine which units or buildings may have sufficient shielding from vegetation, natural terrain or other structures to permit a reduction in the mitigation measures prescribed above.

18. Pipeline Protection. The Applicants will exercise extreme care in grading, excavating and construction in the vicinity of the Transcontinental Gas Pipeline Corporation easement and in that regard proffers as follows:

a. No houses will be sited and built within 50 feet of the nearest pipeline.

b. Prior to the commencement of any grading or excavation, the Applicants will erect a temporary fence wherever active construction is planned adjacent to the easement,

22. Lake Fairfax Park Estates Buffer. The Applicants will plant medium evergreen trees (hemlocks, white pines and comparable species) with an initial height of 8 feet and an ultimate height of 20 to 40 feet, for every 14 linear feet, positioned as determined by the Urban Forester along the common boundary between Lots 7 and 8 and Lake Fairfax Park Estates.

23. Tree Maintenance Easement. The Applicants will grant a nonexclusive easement to the Lake Fairfax Park Estates Homeowners Association for the purpose of maintaining the existing trees within the tree save area adjacent to Park Lake Drive, as shown on the Plan. The easement will require the Lake Fairfax Park Estates Homeowners Association to indemnify the Applicants against any damage caused by the Lake Fairfax Park Estates Homeowners Association. The easement will be in form and substance as approved by the Applicants' attorney and the Lake Fairfax Park Estates Homeowners Association Board; provided, however, that such approval will not be unreasonably delayed or withheld.

24. Buffer Adjacent to Ascot Subdivision.

a. Setback. Houses, excluding decks, patios and any other appurtenances attached to the houses, and garages will be setback at least 50 feet from the common boundary with the Ascot Subdivision.

b. Supplemental Planting. The Applicants will plant medium evergreen trees (hemlocks, white pines and comparable species), with an initial height of 8 feet and an ultimate height of 20 to 40 feet, for every 14 linear feet, positioned as determined by the Urban Forester, in the following areas along the common boundary with the Ascot Subdivision:

- Along the entire length of Lot 55.
- Along the western 1/3 of Lot 54.
- Along the entire length of Lot 52.
- To supplement existing vegetation along the eastern 1/3 of Lot 51.
- To supplement existing vegetation along the lot line between Lot 51 and 48.
- Along the eastern 2/3 of Lot 48.
- In the middle 2/3 of Lot 47.
- Along the entire length of Lot 39.
- Along the western 1/2 of Lot 38.

25. Screening for Parcel 12-3 ((4)) (6) 49. Prior to the commencement of grading activity for the construction of the street that will intersect Baron Cameron Avenue west of Lake Fairfax Drive, the Applicants will plant on Parcel 12-3 ((4)) (6) 49 (1313 Westhills Lane) shade tolerant evergreens in a number and of a maturity sufficient, as reasonably determined by the Urban Forester, to screen the residence on such parcel from oncoming vehicle headlights; provided that the owner of such parcel gives written permission to the Applicants to do so.

excepting only crossings by streets, foreign utilities and the like.

c. The Applicants will cover identified sections of the pipeline not located within the EQC and found to be less than 2.5 feet below grade with at least 2.5 feet of overburden (fill), subject to the approval of Transcontinental Gas Pipeline Corporation and DEM.

d. The Applicants will comply strictly with the requirements of Transcontinental Gas Pipeline Corporation regarding activity within the easement. Prior to any disturbance within the easement, the Applicants will demonstrate to DEM that they have coordinated with Transcontinental Gas Pipeline Corporation.

19. Affordable Dwelling Units. The Applicants will comply with the Affordable Dwelling Unit Program in accordance with Part 8 of Article 2 of the Zoning Ordinance (the "ADU Ordinance"). The 30 affordable dwelling units required under the ADU Ordinance will be duplex units having the general appearance of single family detached units, and they will be located on Parcel A in the general area shown on the Plan.

20. Architectural Review; Notification of Site Plan and Subdivision Plan Submission.

(a) Architectural Review. The Applicants will furnish plans for the exterior architectural features of the units to be constructed on Parcels A and B to the Reston Community Association, the Ascot Homeowners Association and the Lake Fairfax Park Estates Homeowners Association prior to construction of the respective units. Such Associations will have the opportunity to submit written comments on such plans to the Applicants within 30 days after receipt of such plans. Any comments of such Associations will be advisory only and will not be binding on the Applicants. The Applicants will not be required to furnish plans to such Associations for units to be constructed in sections where the homeowners have obtained control of the homeowners association.

(b) Notification of Site Plan and Subdivision Plan Submission. The Applicants will provide written notice to the Ascot Homeowners Association, the Hunt Club Cluster Association and the Lake Fairfax Park Estates Homeowners Association of the submission to DEM of each site plan and subdivision plan pertaining to the Property.

21. Parcel B Yards. The yards adjacent to Lake Fairfax Drive, Park Lake Drive and Lake Fairfax Park Estates will conform to the respective yard requirements of the R-1 Cluster District. The yards of the interior Lots on Parcel B, excluding Lot 27, will conform to the respective yard requirements of the R-2 Cluster District.

26. Successors and Assigns. These proffers will bind and inure to the benefit of the Applicants and their heirs, successors and assigns.

27. Amendments. Any future modification(s) to these proffers or the Plan which affects only a specific section of the subdivision, or a specific area, such as the Pet Farm or the Farm Market, may be approved by the Board upon application for a proffered condition amendment by the individual owner of the specific section or area without amending this entire proffer statement or the entire Plan.

28. 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.

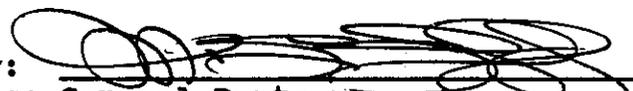

MACK S. CRIPPEN, JR.
Owner Parcels 18-1((1)) 4A & 4B


MACK S. CRIPPEN, III
Owner Parcels 12-3((1)) 21A & 21B


MYRTLE W. CRIPPEN
Owner Parcels 12-3((1)) 21 and
18-1((1))3A


SANDRA L. CRIPPEN
Owner Parcels 18-1((1)) 4A & 4B

CRIPPEN INVESTORS LTD. PARTNERSHIP

By: 
Its: General Partner
Owner Parcels 12-3((1)) 18, 19 & 21C


MARTENA CRIPPEN WIEGAND
Owner Parcels 12-3((1)) 21A & 21B



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

September 8, 1992

William E. Donnelly, III, Esquire
Hazel and Thomas, P.C.
3110 Fairview Park Drive - Suite 1400
Post Office Box 12001
Falls Church, Virginia 22042

Re: Special Exception
Number SE 91-C-042
(Concurrent with RZ 91-C-026)

Dear Mr. Donnelly:

At a regular meeting of the Board of Supervisors held on July 27, 1992, the Board approved Special Exception Number SE 91-C-042, in the name of George H. Rucker Realty Corporation, located at Tax Map 12-3 ((1)) 16, 18B; 12-4 ((1)) 5B, 59; and 18-1 ((1)) Pt. 3A, Pt. 4-A to permit an R-1 Cluster Subdivision pursuant to Sections 3-105 and 9-615 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 101, of the County Code, Subdivision Provisions. Any plat submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled 'Crippen's Corner Parcels C and D' and prepared by Christopher Consultants Ltd. which is dated June 21, 1992 and these conditions.

4. The Colvin Run Environmental Quality Corridor (EQC), as delineated on the Special Exception Plat, shall remain undisturbed except for the installation of a sanitary sewer line. The installation of this sewer line shall occur in the least disruptive manner possible, as determined by the Department of Environmental Management (DEM). The area outside of the permanent easement for the sewer line shall be replanted in accordance with the Public Facilities Manual. All areas depicted as EQC and open space areas, on the Special Exception Plat, shall be conveyed to a private homeowners association.
5. Trees, located outside the EQC and open space areas, shall be preserved as shown on the Special Exception Plat. In addition, at the time of grading plan review, individual trees located on individual lots, shall be designated for preservation to the greatest extent possible, as approved by the Urban Forester. Trees designated for preservation as set forth in this paragraph, shall be marked for preservation prior to clearing and grading and at all times during construction.
6. The stormwater management pond, shown on the Special Exception Plat, shall be constructed as a Best Management Practices facility, consistent with Water Supply Protection Overlay District (WSPOD) standards. The pond shall be designed and constructed to minimize the removal of existing vegetation, subject to the approval of DEM. If a waiver of on-site detention is granted by the County, a pro-rata share shall be contributed towards the cost of implementing Regional Ponds D-14 and D-15, in accordance with Public Facilities Manual (PFM) requirements. If the waiver is granted, the area will be designated as open space, will be protected by limits of clearing and grading and will be conveyed to a homeowners association.
7. Landscaping shall be provided in substantial conformance with Sheets 4 and 5 of the Special Exception Plat, subject to the approval of the Urban Forester.
8. Prior to subdivision plat approval, a wetlands delineation shall be submitted to the Army Corps of Engineers for review and determination of the Corp's jurisdiction, if any, over the wetlands area and the Special Exception Plat will be revised to shown any changes resulting from the Corp's review. A copy of the wetlands delineation and the Corp's response shall be submitted to DEM.

9. All homes on the property shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient home, as determined by DEM for either electric or gas energy systems.
10. Right-of-way along the Route 7 frontage of the property which increases from 110 feet to 140 feet from centerline, as shown on the Special Exception Plat, together with an ancillary easement 25 feet in width, shall be dedicated and conveyed in fee simple to the Board of Supervisors. Such dedication shall occur at the time of subdivision plat approval or upon demand by the Virginia Department of Transportation (VDOT), whichever occurs first.
11. Right-of-way along the Baron Cameron frontage of the property to 72 feet from centerline, as shown on the Special Exception Plat, together with an ancillary easement 15 feet in width, shall be dedicated and conveyed in fee simple to the Board of Supervisors. Such dedication shall occur at the time of subdivision plat approval or upon demand by VDOT, whichever occurs first.
12. Right-of-way dedication to 57 feet from centerline on Hunter Mill Road parallel to the proposed northbound right turn deceleration lane into Parcel D, as shown on the Special Exception Plat, shall be dedicated and conveyed to the Board of Supervisors. Such dedication shall occur at the time of subdivision plat approval or upon demand by VDOT, whichever occurs first. Turn lanes at the entrances to Parcels C and D shall be constructed, as shown on the Special Exception Plat, as approved by VDOT. Three (3) approach lanes at Baron Cameron Avenue shall be provided, as shown on the Special Exception Plat, as approved by VDOT.
13. In order to achieve a maximum interior noise level of 45 dBA Ldn on all units located within 200 feet of the centerline of Route 7 the following noise attenuation measures shall be provided:
 - a. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45.
 - b. Doors and windows shall have a laboratory STC rating of at least 37. If windows constitute more than 20% of any facade they should have the same laboratory STC rating as walls.
 - c. Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

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14. In order to achieve a maximum interior noise level of 45 dBA Ldn all units located within 500 feet of the centerline of Route 7 and 300 feet of the centerline of Baron Cameron Avenue the following noise attenuation measures shall be provided:
 - a. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
 - b. Doors and windows shall have a laboratory STC rating of at least 2B. If windows constitute more than 20% of any facade they should have the same laboratory STC rating as walls.
 - c. Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

15. In order to achieve a maximum exterior noise level of 65 dBA Ldn for all units impacted by highway noise, noise attenuation structures such as acoustical fencing, walls, earthen berms or combinations thereof, shall be provided for those outdoor recreation areas including rear yards, that are unshielded by topography or built structures. If acoustical fencing or walls are used, they shall be architecturally solid from ground up with no gaps or openings. The structure employed must be of sufficient height to adequately shield the impacted area from the source of the noise.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the first section of the subdivision has been recorded in the land records of Fairfax County, or unless additional time is approved by the Board of Supervisors. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional times is required.

If you have questions regarding the expiration of this Special Exception or filing a request for additional time they should be directed to the Zoning Evaluation Division of the Office of Comprehensive Planning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035-5505

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: John M. Yeatman, Director, Real Estate Dvsn., Assessments
Melinda M. Artman, Deputy Zoning Administrator
Frank Jones, Assistant Chief, PPRB, OCP
Audrey Clark, Chief, Inspection Svcs., BPRD, DEM
Barbara A. Byron, Director, Zoning Evaluation Dvsn., OCP
Robert Moore, Trnsprt'n. Planning Dvsn., Office of Transportation
Kathy Ichter, Trnsprt'n. Road Bond Dvsn., Office of Transportation
Department of Environmental Management
A. V. Bailey, Resident Engineer, VDOT
Land Acq. & Planning Dvsn., Park Authority

DEVELOPMENT CONDITIONS

RZ 91-C-026

July 27, 1992

If it is the intent of the Board of Supervisors to approve RZ 92-C-026 located at Tax Map 12-3 ((1)) 18, 19, 21C, 21, 21A, 21B; 18-1 ((1)) 3A p, 4A p, 4B the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. The optional stormwater management/Best Management Practices pond, shown on Sheet 4 of the CDP/FDP, shall be relocated off of Parcel B2 and onto Parcel B. The facility shall be constructed in a location determined by DEM, unless a waiver of on-site detention is granted by the County. If the pond is relocated onto Parcel B it shall be located on an area shown on the CDP as residential lots. This may result in a reduction in the number of lots. If relocation of the pond results in a lot layout which is not in substantial conformance with the CDP, then a Proffered Condition Amendment (PCA) shall be filed.
2. The Applicants shall submit a safety management program to the Director of The Department of Animal Control within 180 days of the approval of this rezoning, which will be updated on a yearly basis, describing the policies and procedures in place to protect the public, including but not limited to, emergency evacuation procedures, animal security issues, employees trained in first aid, employees trained in CPR, and employees trained in animal handling. The Director of The Department of Animal Control shall review the program with other appropriate County and State agencies and may require reasonable amendments to the safety management program to protect the public health, safety or welfare. The safety management program shall be posted in a conspicuous place on the Pet Farm grounds.