FAIRFAX COUNTY

VIRGINIA

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

Telephone: 703-324-3151
FAX: 703-324-3926
TDD: 703-324-3903

April 17, 1997

Martin D. Walsh, Esquire
Walsh, Colucci, Stackhouse,
Emrich and Lubeley, P.C.
2200 Clarendon Boulevard
Thirteenth Floor
Arlington, Virginia 22201-3359

RE: Rezoning Application
Number RZ 96-H-010

Dear Mr. Walsh:

Required funds having been paid by the applicant in accordance with the procedures established by the Board of Supervisors for rezoning of commercial or industrial land within the Route 28 Tax District to residential use, enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on March 24, 1997, granting as proffered, effective April 10, 1997, Rezoning Application Number RZ 96-H-010 in the name of J. A. Loveless Homes V, Incorporated from the R-1 and I-5 Districts to the R-12 District subject to proffers dated March 21, 1997 on subject parcels 15-4 ((1)) 31; 16-3 ((1)) 10; 24-2 ((1)) 7; 25-1 ((1)) 1 consisting of approximately 10.99 acres of land located in the Hunter Mill District.

The Board also:

- **Waived the 600-foot maximum private street length requirement;**
- **Waived the transitional screening requirement and barrier requirement along the eastern side of the site; and**

- **Waived the barrier requirement and modified the transitional screening requirement along the western and southwestern sides of the site**

Sincerely,

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns
cc: John M. Yeatman, Director, Real Estate Div., Dept. of Tax Administration
Melinda M. Artman, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Div., OCP
Fred R. Beales, Supervisor Base Property Mapping/Overlay
Robert Moore, Trnsprt'n. Planning Div., Office of Transportation
Paul Eno, Project Planning Section, Office of Transportation
Department of Environmental Management
Y. Ho Chang, Resident Engineer, VDOT
Land Acqu. & Planning Div., Park Authority

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 24th day of March, 1997 the following ordinance was adopted effective April 10, 1997 (Funds required by State Law having been paid by the applicant in accordance with the procedures established by the Board of Supervisors for rezoning of commercial or industrial land within the Route 28 Tax District to residential use):

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 96-H-010

WHEREAS, J. A. Loveless Homes V, Incorporated filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 and I-5 Districts to the R-12 District, and

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

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

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

Be, and hereby is, zoned to the R-12 District, and said property is subject to the use regulations of said R-12 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.1-491(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

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

GIVEN under my hand this 24th day of March, 1997.

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

WALTER L. PHILLIPS, INCORPORATED
Founded 1945

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
MAY 21 1996
ZONING EVALUATION DIVISION

Description of the Property of Ruby Coles Martin, Trustee and Robert B, McEachran, Trustee, Hunter Mill District, Fairfax County, Virginia.

"Beginning at a point in the west line of Centreville Road, Route 657, said point marking the north corner of Middleton; thence with the west line of Middleton and continuing with the Properties of Teimourian the following courses and distances, S 16° 11' 46" W, 368.11 feet to a point; thence N 22° 30' 56" W, 18.30 feet to a point; thence N 11° 21' 21" W, 249.88 feet to a point; thence N 22° 43' 58" W, 59.26 feet to a point; thence N 42° 17' 41" W, 172.31 feet to a point; thence N 52° 30' 04" W, 205.68 feet to a point; thence S 28° 42' 20" W, 233.50 feet to a point marking the southeast corner of Pomeroy Investments Inc.; thence with the east line of Pomeroy Investments Inc., N 39° 05' 32" W, 355.99 feet to a point marking the southwest corner of Keith; thence with the south line of Keith the following courses and distances, N 51° 32' 28" E, 210.00 feet to a point; thence N 39° 11' 10" W, 187.03 feet to a point marking the southwest corner of Newman, said point being the centerline terminus of Squirrel Hill Road, Route 820, (30 feet wide); thence with the centerline of Squirrel Hill Road, Route 820, the same line continuing with the south line of Newman and Keyes the following courses and distances, N 41° 20' 13" E, 169.36 feet to a point; thence N 41° 50' 02" E, 223.25 feet to a point; thence N 41° 02' 08" E, 261.26 feet to a point; thence departing the centerline of Squirrel Hill Road, Route 820, the same line continuing with the west line of Parcel "D-1" McNair Farms Section One, Old Centreville Road, (Deed Book 7533 Page 1763, variable width) and Centreville Road, Route 657, the following courses and distances, S 17° 24' 23" E, 898.00 feet to a point; thence S 65° 44' 37" W, 11.10 feet

[illegible] Park Avenue
[illegible], Virginia 22046
[illegible] 703) 532-6163
[illegible] 703) 533-1301

50
YEARS OF PROFESSIONAL SERVICE

CIVIL ENGINEERS
LAND SURVEYORS
PLANNERS
LANDSCAPE ARCHITECTS

Description of the Property of Ruby Coles Martin, Trustee and Robert B. McEachran, Trustee, Hunter Mill District, Fairfax County, Virginia.

to a point; thence S 17° 29' 36" E, 201.22 feet to the point of beginning and containing 479,005 square feet or 10.99645 acres more or less."

Edward L. Johnson, L.S.

March 1, 1996

PROFFERS

J. A. LOVELESS HOMES V, INC./SQUIRREL HILL

RZ 96-H-010

March 21, 1997

Pursuant to Section 15.1-491(a), Code of Virginia, 1950 as amended, J. A. Loveless Homes V, Inc., the applicant in RZ 96-H-010, filed for property identified as Tax Map 15-4 ((1)) 31; 16-3 ((1)) 10; 24-2 ((1)) 7 and 25-1 ((1)) 1 (hereinafter referred to as the "Application Property"), agrees to the following proffers, provided that the Board of Supervisors approves a rezoning of the Application Property to the R-12 District in conjunction with a Generalized Development Plan (GDP) for 126 residential units.

1. **PRIOR PROFFERED CONDITIONS** - In the event that this application is approved, any previous proffers for the Application Property are hereby deemed null and void for the Application Property subject to this rezoning and hereafter shall have no effect on the Application Property.

2. **GENERALIZED DEVELOPMENT PLAN** -

   a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance, development of the Application Property shall be in substantial conformance with the GDP prepared by Walter L. Phillips consisting of two (2) sheets dated March 19, 1996, and revised through February 14, 1997.

   b. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the GDP without requiring approval of an amended GDP provided such changes are in substantial conformance with the GDP as determined by the Zoning Administrator, agents or assigns and neither increase the total number of units nor decrease the amount of open space or the location of common open space areas. Such changes may include, but not be limited to, revising the width of the single-family attached units, shifting the number of single-family attached units from one building to another and providing garages or non-garages.

   c. All homes on the Application Property shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy efficient homes or its equivalent as determined by DEM for either electric or gas energy systems.

3. **TRANSPORTATION** -

a. Old Centreville Road.

i. Dedication. Subject to the Virginia Department of Transportation ("VDOT") and Department of Environmental Management ("DEM") approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of 30 feet from the existing centerline of Old Centreville Road along the Application Property frontage as shown on the GDP. Such dedication shall be made at time of final site plan approval or upon demand from either Fairfax County or VDOT, whichever occurs first.

ii. Construction. Subject to VDOT and DEM approval, the Applicant shall construct frontage improvements to Old Centreville Road along the frontage of the Application Property measuring 19 feet from the existing centerline.

b. The Applicant shall provide a bus shelter and trash receptacle along the Application Property's Old Centreville Road frontage, subject to the approval of DEM. The precise location shall be determined by DEM and shall not require individual bus turnouts or special lanes. The Homeowner's Association shall be responsible for trash removal.

c. Applicant shall record among the land records of Fairfax County prior to the sale of any lot the fact that private streets shall be maintained by the Homeowner's Association. Each deed of conveyance to initial purchasers of lots shall expressly contain this disclosure and prospective purchasers shall be advised of this restriction prior to entering any contracts of sale.

d. Applicant shall provide interparcel access to that property identified among the Fairfax County Tax Map Records as 15-4 ((1)) 32 and a connection to Squirrel Hill Road, as shown on the GDP. The interparcel access and road connection shall be identified in an ingress/egress easement in a form approved by the County Attorney and recorded among the land records of Fairfax County. Purchasers shall be advised of this easement prior to entering into a contract of sale. This proffer does not include any obligation to construct any improvements within the easement.

e. Applicant shall escrow funds with DEM equivalent to the cost of constructing a sidewalk along the newly aligned segment of Old Centreville Road between the Application Property and McNair Farms Drive at time of site plan approval. Construction of the newly aligned segment of Old Centreville Road is the responsibility of others and if a sidewalk is constructed as a part of these improvements, said escrowed funds shall be returned to the Applicant. This proffer does not include any obligation to construct said sidewalk.

f. Applicant shall support the vacation and/or abandonment of Old Centreville Road adjacent to the southeastern portion of the Application Property at such time as a vacation and/or abandonment request is pursued by others.

g. Advanced density credit shall be reserved as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be reasonably required by Fairfax County or VDOT at time of site plan approval.

4. **STORMWATER MANAGEMENT** - Stormwater management (SWM) and Best Management Practices (BMP's) shall be provided in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance. The size of the SWM pond as shown on the GDP may be adjusted at time of site plan approval without the necessity of a Proffered Condition Amendment (PCA) and/or Generalized Development Plan Amendment so long as it is in substantial conformance with the GDP.

5. **AFFORDABLE HOUSING** - The Applicant shall comply with the Affordable Dwelling Unit (ADU) Program as set forth in Section 2-801 of the Zoning Ordinance.

6. **USE OF GARAGES** - A covenant shall be recorded which provides that garages shall only be used for a purpose that will not interfere with the intended purpose of garages (e.g., parking of vehicles). This covenant shall be recorded among the land records of Fairfax County in a form approved by the County Attorney. Purchasers shall be advised of this use restriction prior to entering into a contract of sale.

7. **ROUTE 28 TAX DISTRICT CONTRIBUTION** - The Applicant shall provide prepayment of taxes that would be attributable to the Application Property as currently zoned in accordance with the formula and provisions as adopted by the Board of Supervisors for optional residential development within the Route 28 Tax District. This proffer shall be applicable only to that portion of the Application Property that is identified as Fairfax County Tax Map 25-1 ((1)) 1.

8. **LANDSCAPING AND OPEN SPACE** -

a. Landscaping on the site shall be provided as generally shown on the GDP, subject to DEM approval.

b. Screening shall be provided along the southern property line as generally shown on the GDP. In areas where existing vegetation is not at least equal to screening prescribed in Transitional Screening No. 1, the Applicant shall provide additional plantings to a level equivalent to Transitional Screening No. 1, as determined by DEM.

c. The Applicant shall conform to the limits of clearing and grading shown on the GDP subject to the installation of trails and utility lines, if necessary, as approved by DEM. If necessary, the trails and utility lines outside the limits of clearing and grading shall be located and installed in the least disruptive manner possible considering cost and engineering, as determined by DEM. A replanting plan shall be developed and implemented, as approved by DEM for any area outside the limits of clearing and grading is to be disturbed, subject to the approval of the applicable utility company(ies).

d. The Applicant shall provide a fitness area as shown on the GDP.

9. **ARCHITECTURE** - Applicant shall construct the proposed residential dwellings with a similar quality of architectural design conceptually shown on Sheet 2 of the GDP.

10. **PHASING**- The Applicant may phase the development of the Application Property by constructing improvements in two or more sections. Undeveloped sections may be subject to a PCA without joinder and/or consent of the other sections, if such PCA does not affect any other section. Previously approved proffered conditions applicable to the section(s) which is not the subject of such a PCA shall otherwise remain in full force and effect.

11. **PARK CONTRIBUTION**- At the time of issuance of each building permit, the Applicant shall contribute $500.00 per residential unit, excluding ADU's, to the Fairfax County Park Authority for recreational facilities, such as soccer fields, baseball fields or other athletic fields or court facilities in the Hunter Mill District and in the immediate vicinity of the Application property. Using the Board of Supervisors' approval date of the rezoning application as the base date, this amount shall be adjusted according to the Consumer Cost Index as published in the *Engineering News Record* by McGraw-Hill.

12. **SUCCESSORS AND ASSIGNS** - These proffers shall bind and inure to the benefit of the applicant and his/her successors and assigns.

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

{SIGNATURES ON NEXT PAGE}

APPLICANT/CONTRACT PURCHASER OF TAX MAP 15-4 ((1)) 31; 16-3 ((1)) 10; 24-2 ((1)) 7 AND TITLE OWNER OF TAX MAP 25-1 ((1)) 1:

J. A. LOVELESS HOMES V, INC.

By: _____
Robert A. Cocker
Its: Executive Vice President

{SIGNATURES CONTINUE ON NEXT PAGE}

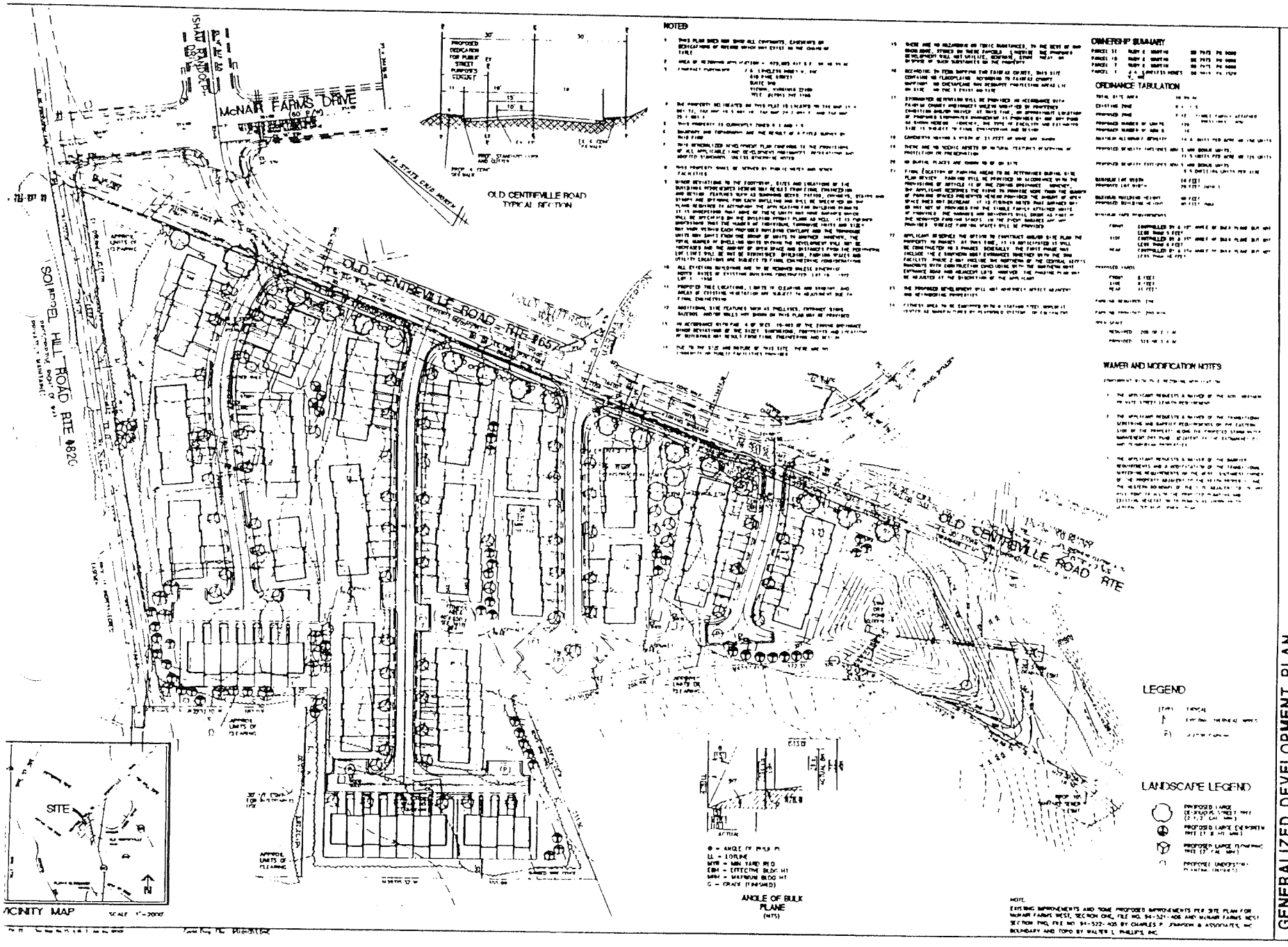
TITLE OWNER OF TAX MAP 15-4 ((1)) 31; 16-3 ((1)) 10; 24-2 ((1)) 7:

RUBY COLES MARTIN, TRUSTEE OF
THE RUBY COLES MARTIN
REVOCABLE TRUST

By: Ruby Coles Martin, Trustee

Its:

J:\LOVELESS\6465\PROFFERS.2
7/3/96


McNAIR FARMS DRIVE
OLD CENTREVILLE ROAD
TYPICAL SECTION
OLD CENTREVILLE ROAD - RTE #657
SQUIRREL HILL ROAD RTE #820
OLD CENTREVILLE ROAD RTE
SITE
VICINITY MAP
NOTES
OWNERSHIP SUMMARY
ORDINANCE TABULATION
WAIVER AND MODIFICATION NOTES
LEGEND
LANDSCAPE LEGEND
ANGLE OF BULK PLANE
GENERALIZED DEVELOPMENT PLAN
SQUIRREL HILL
HUNTER MILL DISTRICT
FAIRFAX COUNTY, VIRGINIA
WALTER L. PHILLIPS
INCORPORATED
CIVIL ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS