

**PROFFERS**

**Carrhomes, LLC**

**RZ 2016-SU-003**

**July 14, 2016**

RECEIVED  
Department of Planning & Zoning

JUL 21 2016

Zoning Evaluation Division

Pursuant to Section 15.2-2303 (A) of the Code of Virginia (1950, as amended), Carrhomes, LLC for itself, the property owner, and their successors and/or assigns (hereinafter referred to as the "Applicant"), hereby proffers that the development of the property identified as Fairfax County 2016 tax map reference 34-4 ((6)) 49, 68, 69, 70 & A2 (the "Application Property") shall be in accordance with the following conditions if, and only if, the Board of Supervisors (the "Board") approves this rezoning application to the R-12 District. These proffers shall replace and supersede all previous proffers approved on the Application Property, if any.

1. GENERALIZED DEVELOPMENT PLAN –

- A. Development of the Application Property shall be in substantial conformance with the Generalized Development Plan entitled "Rockland Village Green" consisting of seventeen (17) sheets prepared by Charles P. Johnson & Associates, Inc., dated February 19, 2016, as revised through June 13, 2016 (the "GDP").
- B. Pursuant to Paragraph 5 of Section 18-204 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance"), minor modifications to the GDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the layout, internal lot lines, and lot sizes of the proposed townhomes shown on the GDP at time of site plan submission based on final building footprints, utility locations and final engineering design, provided that such do not materially decrease the amount and location of open space below the minimum required by the Zoning Ordinance, tree save areas, tree planting, distance to peripheral lot lines below the minimum required by the Zoning Ordinance, or typical lot setbacks as shown on the GDP.
- C. The development shall consist of a maximum of 24 single family attached units.

2. TRANSPORTATION –

- A. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, the Applicant shall dedicate at no cost and convey in fee simple to the Board for public street purposes approximately two hundred and twenty-six (226) square feet of the Application Property's frontage at the intersection of Elmwood Street and Vernon Street as generally shown on the GDP. Dedication shall be made at time of site plan approval or upon demand of either Fairfax County or VDOT, whichever should first occur.

- B. Subject to VDOT and DPWES approval, and prior to the issuance of the first Residential Use Permit (“RUP”) for the Application Property, the Applicant shall construct improvements along the Application Property’s Elmwood Street and Vernon Street frontages within existing right-of-way. Frontage improvements shall consist of curb, gutter, and a five (5) foot wide concrete sidewalk as shown on the GDP.
- C. Subject to the approval of VDOT and the Fairfax County Department of Transportation (FCDOT), the Applicant shall install “no parking” signs along the Application Property’s Vernon Street frontage.
- D. The private street shown on the GDP shall be constructed of materials and depth of pavement consistent with the Public Facilities Manual (“PFM”) standards for public streets. The homeowners’ association established for the community (the “HOA”) shall be responsible for the maintenance of the private street. All prospective purchasers shall be advised of this maintenance obligation prior to entering into a contract of sale.
- E. A public access and emergency vehicle access easement, in a form acceptable to the Office of the County Attorney, shall be provided over the private street and sidewalks located on the Application Property at the time of site plan approval.
- F. The possible seating/retaining wall with fence as shown on the GDP shall not impact on line of sight or sight distance requirements at the intersections of Elmwood Street with Vernon Street or Rockland Village Drive. A minimum distance of one foot (1’) shall be provided between the possible seating/retaining wall with fence as shown on the GDP and the public right of way.

3. LANDSCAPING AND OPEN SPACE –

The Applicant shall provide landscaping on the Application Property as generally shown on Sheet 5 of the GDP. As part of the site plan submission, the Applicant shall submit to the Urban Forest Management Division (“UFMD”) a detailed landscape plan for review and approval that shall be generally consistent with the quality and quantity of plantings and materials shown on the GDP. The landscape plan shall be designed to ensure adequate planting space for all trees based on the requirements in the PFM. Plantings shall include only non-invasive species and, to the extent practical, native species. At time of site plan submission, adjustments to the type and location of vegetation and the design of landscaped areas from that shown on the GDP shall be permitted as approved by UFMD.

4. DESIGN AND LAYOUT –

- A. The architectural design of the units shall be generally consistent with the quality of construction and materials shown on Sheet 10 of the GDP. The units shall be generally compatible in architecture and appearance with the existing townhomes in the Rockland Village Homeowners Association located southeast of the Application Property, and shall be constructed using materials of similar quality. The primary building materials for the

front façade and sides of the units, exclusive of trim, shall be brick, or similar masonry materials. HardiPlank or other cementitious material shall be used for the rear of the units and the gabled ends. Final architectural design shall be selected by the Applicant at time of building plan submission.

B. Decks, patios, porches, sunrooms, balconies, bay windows, chimneys, areaways, mechanical equipment and similar appurtenances may encroach into minimum yards as depicted on the Typical Lot Layout on the GDP, and as may be permitted by Section 2-412 and Article 10 of the Zoning Ordinance.

C. Any conversion of garages that will preclude the parking of vehicles and the storage of trash and recycling containers within the garage is prohibited. A covenant setting forth these restrictions shall be recorded among the land records of Fairfax County in a form approved by the Office of the County Attorney prior to the sale of any lots and shall run to the benefit of the HOA and the Board. Prospective purchasers shall be advised of these restrictions, and the interior dimensions of the garage, in writing prior to entering into a contract of sale. These restrictions and the interior dimensions of the garages shall be included in the marketing materials for the initial sales of units on the Application Property and in the HOA documents in order to provide notice to prospective purchasers in connection with future resales of the units.

D. All driveways shall have a minimum width of eighteen (18) feet, and a minimum length of twenty (20) feet as measured outward from the face of the garage door to the lot line to ensure that no vehicles will overhang the sidewalk.

E. All rear-loaded townhouses located on the Application Property shall have garages with a minimum interior dimension for the parking of vehicles of twenty feet by twenty feet (20' x 20'). All front-loaded townhouses located on the Application Property shall have garages with a minimum interior dimension for the parking of vehicles of eighteen feet in width by twenty feet in length (18' x 20'). If these minimum dimensions cannot be provided, the Applicant shall count the garage as one parking space to meet minimum parking requirements as established by the Zoning Ordinance at time of site plan approval.

5. UNIVERSAL DESIGN -

A. At the time of initial purchase, for units that have not yet been constructed, the Applicant shall offer each purchaser the following Universal Design options at no additional cost.

- Blocking for reinforcement of fall grab bars.
- Clear knee space under the sink in the kitchen.
- Front entrance doors that are a minimum of 36" wide.
- Lever door handles instead of knobs.

- Light switches and thermostats a maximum of 48" high.
  - Electrical outlets a minimum of 15" high.
- B. At the time of initial purchase, the Applicant shall offer each purchaser additional Universal Design options at the purchaser's sole cost. These additional options may include, but not be limited to:
- A curb-less shower, or a shower with a maximum curb of 2" high.
  - Step-less entry from the garage to the house to the extent permitted by the then current edition of the Virginia Statewide Building Code.
  - A turning radius of five feet (5') near the first floor bathroom commode.
  - Grab bars in the bathrooms that are ADA compliant.
  - A first floor bathroom console sink in lieu of a cabinet-style vanity.

## 6. TREE PRESERVATION –

- A. For the purposes of maximizing the preservation of trees located on the Application Property and adjacent properties, the Applicant shall prepare a Tree Preservation Plan. The Applicant shall contract with a certified arborist or registered consulting arborist (the "Project Arborist") to prepare a Tree Preservation Plan to be included as part of the site plan submission. The Tree Preservation Plan shall be reviewed and approved by UFMD. The Tree Preservation Plan shall seek to preserve the trees identified on the GDP for preservation. The condition analysis shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be incorporated into the Tree Preservation Plan. Activities should include, but are not limited to, crown pruning, root pruning, mulching and fertilization. The Project Arborist shall visit the Application Property on a regular basis to monitor tree preservation efforts and ensure that all activities are conducted as identified in the approved Tree Preservation Plan. The Project Arborist shall prepare written reports detailing site visits for submission to UFMD and SDID site inspectors. A monitoring schedule shall be included in the Tree Preservation Plan at the time of site plan submission.
- B. Clearing, grading and construction shall conform to the limits of clearing and grading as shown on the GDP, subject to the installation of necessary utility lines and other required site improvements, all of which shall be installed in the least disruptive manner possible, considering cost and engineering, as determined in accordance with the approved plans.
- C. The Applicant shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree preservation walk-through meeting, the Project Arborist shall walk the limits of clearing and grading with a UFMD

representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. The Applicant shall also work with UFMD to identify areas adjacent to the limits of clearing and grading where a mix of understory plantings and shrubs may be provided, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw, and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. 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 adjacent trees and associated understory vegetation and soil conditions.

- D. All trees shown to be preserved on the Tree Preservation Plan shall be protected by tree protection fencing. Tree protection fencing, consisting of four (4) foot high, 14 gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no farther than ten (10) feet apart or super silt fence, to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be placed at the limits of clearing and grading. The tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to the performance of any clearing and grading activities on the site. Prior to the commencement of any clearing or grading on the site, the Project Arborist shall verify in writing that the tree protection fencing has been properly installed.
- E. Prior to the installation of any plants or landscaping in accordance with the approved landscape plan, the Applicant or the landscape contractor shall schedule an on-site pre-installation meeting with the landscape contractor, UFMD staff, and any additional appropriate parties. Any proposed changes to the approved landscape plan regarding planting locations, tree/shrub planting sizes and/or species substitutions shall be reviewed and approved by UFMD staff prior to planting.
- F. The Applicant shall (1) prune roots one inch in diameter or larger of trees to be preserved that may be damaged during clearing, demolition, grading, utility installation and/or the installation of retaining walls; and (2) mulch to a minimum depth of three (3) inches within the areas to be left undisturbed where soil conditions are poor, lacking leaf litter or prone to soil erosion. Areas that will be root pruned and mulched shall be clearly identified on the Tree Preservation Plan. All treatments for such trees and vegetation shall be clearly specified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be included in the Tree Preservation Plan and shall be subject to the review and approval of UFMD.

All root pruning and mulching work shall be performed in a manner that protects adjacent trees and vegetation that are required to be preserved and may include, but not be limited to, the following:

- (i) Root pruning shall be done with a trencher or vibratory plow to a depth of eighteen (18) inches, or as specified by UFMD at the pre-construction meeting.
- (ii) Root pruning shall take place prior to installation of tree protection fencing.
- (iii) Root pruning shall not sever or significantly damage structural or compression roots in a manner that may compromise the structural integrity of trees or the ability of the root system to provide anchorage for the above ground portions of trees.
- (iv) Root pruning shall be conducted with the on-site supervision of the Project Arborist.
- (v) Tree protection fencing shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.
- (vi) Mulch shall be applied at a depth of three (3) inches within designated areas. Mulch may be placed within tree preservation areas at points designated by the Project Arborist to minimize impacts to existing vegetation. Motorized equipment may be used to reach over tree protection fence to place mulch at designated points. Mulch shall be spread by hand within tree preservation areas.
- (vii) Mulch shall consist of wood chips or pine bark mulch. Hay or straw mulch shall not be used within tree preservation areas.
- (viii) UFMD shall be informed in writing when all root pruning and tree protection fence installation is complete.

G. During the installation of tree protection fencing, performance of root pruning, and/or any clearing or removal of trees, vegetation, or structures, or other activities in or adjacent to tree conservation areas on the Application Property, the Project Arborist, as a representative of the Applicant, shall be present to monitor the process and ensure that the activities are conducted in accordance with the proffers and as approved by the UFMD. Inappropriate activities, such as the storage of construction materials, dumping of construction debris, and traffic by construction personnel, shall not occur within these areas. Damage to understory plant materials, leaf litter and soil conditions resulting from activities not approved in writing by UFMD shall be restored to the satisfaction of UFMD.

## 7. PARKS AND RECREATION –

A. Prior to the issuance of the first building permit approval on the Application Property, the Applicant shall contribute to the Fairfax County Park Authority the sum of \$893.00 per

new resident that is generated pursuant to this rezoning application. Based on the construction of twenty-four (24) single family attached units, the contribution shall be sixty two thousand five hundred and ten dollars (\$62,510.00). Said contribution is to be utilized for recreational facility development at one or more sites owned by the Fairfax County Park Authority and located within the service area of the Application Property. Said contribution shall be based on the actual number of dwelling units constructed.

B. The Applicant shall provide an on-site open space amenity at the intersection of Elmwood Street and Vernon Street identified as the "Village Green" on the GDP. The Village Green shall include lawn and areas of seasonal gardens and hedges. The Village Green shall be surrounded by a public sidewalk along Elmwood Street and Vernon Street. The Village Green shall include the following features:

- Aggregate walkways to provide pedestrian connections from the interior of the community to the public sidewalks.
- Stone or brick piers located at the entrances to walkways.
- A specimen tree and/or art to serve as a visual element and focal point.
- Fencing.
- Benches.

The Applicant reserves the right to make minor adjustments to the layout, landscaping, site features, and design of the proposed Village Green at time of site plan submission, provided that such adjustments do not materially decrease the square footage or the quality of the area shown on the GDP. The HOA shall be responsible for the maintenance of the Village Green.

#### 8. STORMWATER MANAGEMENT –

A. Subject to review and approval by DPWES, stormwater management ("SWM") and Best Management Practice ("BMP") measures for the Application Property shall be provided in underground facilities and Bayfilters or other types of water quality control facilities as permitted by the PFM, as depicted on the GDP. The SWM and BMP measures shall be developed in accordance with the PFM, unless waived or modified by DPWES.

B. The HOA shall be responsible for implementing the maintenance contract and funding mechanism to maintain the proposed stormwater facilities. The maintenance responsibilities and funding mechanisms will be disclosed to all prospective purchasers prior to entering into a contract of sale.

C. Prior to bond release, the Applicant shall escrow funds equal to a 20-year maintenance cycle plus 40 percent of the facility replacement cost for the future maintenance of the

proposed underground SWM detention facilities by the HOA in accordance with the requirements of the PFM.

9. GREEN BUILDING PRACTICES –

All new dwelling units on the Application Property shall be constructed to achieve one of the following programs, or an alternative third-party certification as approved by the Environmental and Development Review Branch of the Department of Planning and Zoning (“DPZ”). Selection of one of the following certification methods, or an alternative, shall be within the Applicant’s sole discretion at time of site plan submission.

- A. Certification in accordance with the Earth Craft House Program as demonstrated through documentation provided to DPWES and DPZ prior to the issuance of the RUP for each dwelling; or
- B. Certification in accordance with the 2012 National Green Building Standard (NGBS) using the ENERGY STAR® Qualified Homes path for energy performance as demonstrated through documentation submitted to DPWES and DPZ from a home energy rater certified through Home Innovation Research Labs that demonstrates that the dwelling unit has attained the certification prior to issuance of the RUP for each dwelling.

10. SCHOOLS CONTRIBUTION –

- A. Prior to the issuance of the first building permit approval for the Application Property, the Applicant shall contribute the sum of \$11,749.00 per new student generated by the development of the Application Property to the Board to offset the student generation anticipated by the new development located on the Application Property. Based on the formula prepared by the Fairfax County Public Schools, twenty-four (24) single-family attached units generates a contribution of one hundred five thousand seven hundred forty-one dollars (\$105,741.00). Said contribution is to be utilized for capital improvements to Fairfax County Public Schools to address impacts on the school district resulting from development of the Application Property.
- B. The contribution described in Paragraph A. shall be based on the actual number of dwelling units constructed on the Application Property and directed to schools in the Chantilly High School pyramid. Following approval of this Application and prior to the Applicant’s payment of the amount set forth in this proffer, if Fairfax County should modify the ratio of students per unit or the amount of contribution per student, the Applicant shall pay the modified contribution amount to reflect the then-current ratio and/or contribution.
- C. The Applicant shall notify the Fairfax County Public Schools when a site plan has been filed for the Application Property.

11. AFFORDABLE HOUSING –

Prior to the issuance of the first RUP, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one-half of one percent (0.5%) of the anticipated sales price of all new units constructed on the Application Property to assist the County in its goal to provide affordable dwellings. The contribution shall be based on the aggregate sales price of all of the units, as if all of the units were sold at the time of the issuance of the first building permit, and on comparable sales of similar type units. The projected sales price shall be as determined by the Applicant in consultation with the Department of Housing and Community Development (HCD).

12. MISCELLANEOUS –

- A. At the Applicant's discretion, a homeowners' association shall be established for the community or the community may be annexed into an existing homeowners' association.
- B. Notwithstanding the fact that signs for the Application Property are not depicted in the GDP, the Applicant reserves the right to install signs on the Application Property that are in accordance with the requirements of Article 12 of the Zoning Ordinance.
- C. Upon demonstration by the Applicant that, despite diligent efforts or due to factors beyond the Applicant's control, the required improvements have been or will be delayed beyond the time set forth in these proffers, the Zoning Administrator may agree to a later date for the completion of such improvements.
- D. All monetary contributions required by these proffers shall escalate on a yearly basis from the base year of 2016, and change effective each January 1 thereafter, based on the Consumer Price Index as published by the Bureau of Labor Statistics, the U.S. Department of Labor for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI"), as permitted by Virginia State Code Section 15.2-2303.3.
- E. Prospective purchasers shall be advised of the Application Property's proximity to Washington Dulles International Airport.
- F. These proffers shall bind and inure to the benefit of the Applicant and its successors and assigns.
- G. 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.

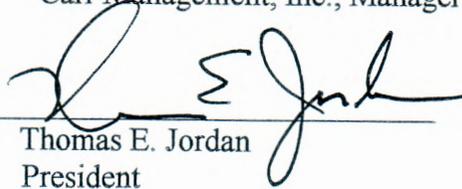
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APPLICANT/CONTRACT PURCHASER OF  
TAX MAP 34-4 ((6)) 49, 68, 69, 70, A2

CARRHOMES, LLC

By: Carr Management, Inc., Manager

A handwritten signature in black ink, appearing to read 'T E Jordan', written over a horizontal line.

By: Thomas E. Jordan  
Its: President

[SIGNATURES CONTINUE ON NEXT PAGE]

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TITLE OWNER OF TAX MAP 34-4 ((6)) 49, 68,  
69, 70, A2:

TRUSTEES OF CHANTILLY WESLEYAN  
CHURCH

  
\_\_\_\_\_  
James Eckert, Trustee

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James Matchette, Trustee

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Diana McClung, Trustee

[SIGNATURES END]

TITLE OWNER OF TAX MAP 34-4 ((6)) 49, 68,  
69, 70, A2:

TRUSTEES OF CHANTILLY WESLEYAN  
CHURCH

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James Eckert, Trustee



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James Matchette, Trustee

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Diana McClung, Trustee

[SIGNATURES END]

RZ 2016-SU-003

TITLE OWNER OF TAX MAP 34-4 ((6)) 49, 68,  
69, 70, A2:

TRUSTEES OF CHANTILLY WESLEYAN  
CHURCH

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James Eckert, Trustee

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James Matchett, Trustee



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Diana McClung, Trustee

[SIGNATURES END]