

**Proffered Conditions  
128 Nutley Street NW  
January 28, 2025**

**Rezoning:** RZ-1479248

**Record Owner:** Holmes Tyrone O, and June E

**Applicant:** Sekas Homes, LTD.

**Property:** 128 Nutley Street NW, Vienna, VA  
Fairfax County Tax Map Reference: 0383 02 0104  
And as shown on the Concept Plan (hereinafter “the Property”)

**Zoning:** RS-12.5, Residential Single-Unit

**Project Name:** 128 Nutley Street NW

**Date:** February 11, 2025

Pursuant to Section 15.2-2303, Code of Virginia (1950, as amended) and Section 18-249.1 of the Town of Vienna Zoning Ordinance, the undersigned Owner and the Applicant, for themselves and their successors and/or assigns (hereinafter referred to as the “Applicant”), hereby proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Map as Tax Map Reference 0383 02 0104 (the “Property”) shall be in substantial conformance with the following conditions. In the event this rezoning is not granted as applied for by the Applicant, then these proffers will be deemed withdrawn and no longer in effect.

The term “Applicant” as referenced herein will include within its meaning the current owner, all future owners, assigns, and successors in interest.

The term “Concept Plan” as referenced herein will refer to the plan entitled “128 Nutley Street N.W. Conceptual Layout Plan,” prepared by Land Design Consultants, Inc., dated May, 2024, and revised through September 16, 2024.

**I. DEVELOPMENT AND USE OF THE PROPERTY**

1. Conformance with the Concept Plan. As required by the Town Code, the character of the redevelopment of the Property shall be in substantial conformance with the Concept Plan, which is incorporated herein by reference.
2. Unit Yield. The development is limited to a maximum of nine (9) townhome units. There will be no further subdivision of the Property for the creation of additional lots. The Applicant reserves the right to modify the internal building layout at time of site plan provided that no more than nine (9) units are proposed.

3. Architectural Design. The architectural design of the dwellings shall be generally consistent with the character and quality of the design shown on the elevations in the Concept Plan, subject to the approval of the Board of Architectural Review (“BAR”) of the Town of Vienna. The primary building materials, exclusive of trim will be limited to brick, stone, cementitious siding/shingles or other similar masonry materials. Articulation, color variation, garage door refinement, and other design elements will be provided at time of final architectural design.
4. Garage Conversion Restrictions. Any conversion of garages that will preclude the parking of vehicles and the storage of trash and recycling containers within the garage is prohibited. Garages must be designed to accommodate at least two (2) vehicles. The conversion restriction will not preclude the use of garages as sales offices in the model homes during marketing of the development, with the understanding the sales offices will be converted back to garages upon sale of the models. A covenant setting forth the conversion restriction will 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 will run to the benefit of the HOA and the Fairfax County Board of Supervisors. Prospective purchasers will be advised of the restriction prior to entering into a contract of sale.
5. Minor Modifications. Notwithstanding the foregoing, upon submission of final site plans, minor modifications or adjustments may be made including, but not limited to, road alignments, entrances, parking, dimensions of the SWM/BMP facilities, the exact configuration and location of building footprints, if extended to the Building Restriction Lines (BRL), continue to meet the minimum required yard dimensions, and other similar features shown on the Concept Plan necessary to accommodate best engineering practices.

## II. PUBLIC IMPROVEMENTS

6. Right of Way Dedication. The Applicant shall dedicate, at no cost to the Town, all necessary right-of-way along Nutley Street NW and Windover Avenue NW to provide for a 60-foot-wide right-of-way, which includes a 36-foot curb-to-curb roadway in accordance with the Town of Vienna’s Typical Street Section Detail. The dedication shall occur prior to final site plan approval.
7. Sidewalk. The Applicant shall install a 6-foot-wide public sidewalk beginning west of the commercial entrance and along the perimeter of the Property, extending from the northeastern edge at the intersection of Windover Avenue NW and Nutley Street NW, continuing along the Property’s Windover Avenue NW frontage, and wrapping around to follow the Nutley Street NW frontage as depicted on the Concept Plan. The sidewalk shall be constructed in accordance with applicable ADA and Town of Vienna design standards and shall provide continuous pedestrian access between the Property and the existing public right-of-way. The Applicant shall, at its own expense, secure any necessary off-site easements to ensure the sidewalk’s connection to the public pedestrian network and compliance with applicable design and safety standards.

8. Crosswalk. The Applicant shall construct a marked pedestrian crosswalk at the intersection of Windover Avenue NW and Nutley Street NW, as depicted on the Concept Plan. The crosswalk shall be designed and installed in accordance with the applicable standards set forth by the Town of Vienna and Fairfax County, including ADA accessibility requirements with curb ramps featuring detectable warning surfaces, pedestrian signalization, and striping that conform to Town of Vienna and Virginia Department of Transportation (VDOT) standards. The Applicant shall coordinate with the Town and any relevant agencies to integrate the crosswalk with adjacent sidewalk connections, curb ramps, and vehicular traffic flow to maximize safety and accessibility. All construction shall be completed prior to the issuance of the first Certificate of Occupancy for the Property.

#### **IV. HOMEOWNERS ASSOCIATION (HOA) FORMATION AND TRANSITIONAL MANAGEMENT**

9. Establishment of Homeowners Association (HOA). Prior to record plat approval, the Applicant shall establish an HOA in accordance with the Town of Vienna Zoning Ordinance. The HOA shall be responsible for the ownership, maintenance, and long-term management of all common open space, private driveways, and internal pedestrian pathways, as well as the stormwater management (SWM) facilities, including any Best Management Practices (BMPs) or Low Impact Development (LID) features. In addition, the HOA shall maintain all landscaping, tree preservation areas, if applicable, and buffers located within common areas. The purpose of the HOA will be, among other things, establishing the necessary residential covenants governing the use and operation of common open space and other facilities of the approved development and to provide a mechanism for ensuring the ability to complete the maintenance obligations and other provisions noted in these proffer conditions, including an estimated budget for such common maintenance items.
10. Transitional Management. Until the formal establishment of the HOA, the Applicant shall be responsible for the management and maintenance of common areas and facilities, including but not limited to stormwater management facilities and landscaping, and shall provide a clear plan detailing such transitional management responsibilities.
11. Disclosure. Prior to entering into a contract of sale, all prospective purchasers will be notified in writing by the Applicant of the maintenance responsibility of the HOA for the stormwater management facilities. All of the above disclosures will also be included in the initial deeds of conveyance and HOA governing documents.

#### **VII. ELECTRIC VEHICLE (EV) CHARGING**

12. Electric Vehicle ("EV") Charging Stations. The Applicant must offer initial purchasers of each dwelling unit the option, at the purchaser's cost, to install the required electrical panels for EV ready charging which means the provision of space, conduit banks, conduits and access points allowing for the easy installation of an EV charging station in

the future, and does not include the installation of transformers, switches, wiring or charging.

**VIII. LANDSCAPING**

- 13. General Requirements. The Applicant shall provide landscaping improvements in substantial conformance with the Concept Plan.

**IX. UTILITIES**

- 14. Underground Placement. All utilities shown on the Concept Plan – including electrical, telephone, and cable facilities – shall be placed underground. The Applicant will coordinate all undergrounding of utilities with the Town of Vienna.

**X. MISCELLANEOUS**

- 15. Successors and Assigns. These proffers shall bind and inure to the benefit of the Applicant and its successors and assigns.
- 16. Counterparts. These proffers may be executed in one or more counterparts, each of which when so executed and delivered will be deemed an original, and all of which taken together will constitute but one and the same instrument.

[SIGNATURES BEGIN ON NEXT PAGE]

APPLICANT:

Sekas Homes, LTD.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

TITLE OWNER OF  
TAX MAP 0383 02 0104

Tyrone O. Holmes

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June E. Holmes

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[SIGNATURES END]