PROFFERS

MAYWOOD BUILDING CORPORATION

RZ 95-Y-058

October 17, 1996

Pursuant to Section 15.1-491(a), Code of Virginia, 1950 as amended, Maywood Building Corporation, the applicant in RZ 95-Y-058, filed for property identified as Tax Map 45-2 ((1)) 2 and 3 (hereinafter referred to as the "Application Property"), proffers the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the PDH-3/WS/H-C Districts.

1. Development Plan. Development of the Application Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan ("CDP/FDP") prepared by Dewberry & Davis consisting of five (5) sheets dated November 14, 1995, and revised through September 25,1996.

2. Final Development Plan Amendment. Notwithstanding that the CDP/FDP is presented on 5 sheets and said CDP/FDP is the subject of Proffer No. 1 above, it shall be understood that the CDP shall be the entire plan shown on Sheets 3 and 4 relative to the points of access, the total number and general location of units, amount of open space and the general location of the recreational facilities, and location of common open space areas, limits of clearing and grading and that the Applicant has the option of requesting a Final Development Plan Amendment ("FDPA") for elements other than CDP elements from the Planning Commission for all of or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance, if in conformance with the approved CDP and proffers.

3. Minor Deviations. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the FDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the CDP/FDP without requiring approval of an amended FDP provided such changes are in substantial conformance with the FDP as determined by the Zoning Administrator, agents or assigns and neither increase the total number of units nor decrease the following: amount of open space or the location of common open space areas.

4. Route 50.

   a. 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 76 feet from the existing centerline of Route 50 along the Application

Such dedication shall be made at time of site plan approval or upon demand from either Fairfax County or VDOT, whichever occurs first.

b. Construction. Subject to VDOT and DEM approval, the Applicant shall construct separate right-turn lanes into the Application Property on Route 50 at the Greenbriar Shopping Center driveway and Majestic Lane intersections as shown on the CDP/FDP prior to the issuance of the first Residential Use Permit (RUP).

c. Traffic Signal Timing. The Applicant shall be responsible for the design, equipment and installation of modifications to the existing traffic signals to accommodate the application property entrances as approved by VDOT. In addition, the Applicant shall coordinate with VDOT to modify the existing traffic signal timings at the Route 50/Greenbriar Shopping Center driveway and Route 50/Majestic Lane intersections in order to accommodate the proposed development. Such modifications shall be made prior to the issuance of the first RUP and subject to VDOT approval.

d. Trail. The Applicant shall construct an eight foot wide asphalt trail along the property frontage with Route 50 as shown on the CDP/FDP.

5. Recreational Facilities/Amenities. The Applicant shall comply with Paragraph 2 of Section 6-110 of the Zoning Ordinance regarding developed recreational facilities by providing the following facilities as shown on the CDP/FDP.

- Two (2) tot lots.
- One (1) swimming pool with clubhouse.
- Two (2) tennis courts.

The swimming pool with clubhouse, two tennis courts and adjacent tot lot shall be constructed and shall be available for use no later than at the time of the issuance of the 165th residential use permit (RUP). The remaining tot lot within the single family attached portion of the development shall be constructed no later than the final RUP.

The Applicant proffers the minimum expenditure for the above developed recreational facilities to be $500.00 per unit, excluding ADU's.

6. Swimming Pool Discharge. All waste water resulting from the cleaning and draining of the pool located on the site shall contain a minimum dissolved oxygen concentration of 4.0 milligrams per liter prior to discharge. The Applicant shall neutralize pool waters to a PH from 6.0 to 9.0 prior to discharge. Sufficient amounts of lime or soda ash shall be added to achieve a PH of approximate equal to that of the receiving stream.

If the water being discharged from the pool is discolored or contains a high level of suspended solids that could effect the clarity of the receiving stream, it shall be allowed to stand so that most of the solids settle prior to being discharged.

7. Stormwater Management. Stormwater management (SWM) and Best Management Practices (BMPs) for the Application Property shall be provided in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance. At this time, it is anticipated that SWM/BMPs for the Application Property shall be provided off-site in an existing pond located on the northeastern corner of the adjacent International Town & Country Club property identified on Tax Map 45-1 ((1)) 11 which is proposed to be modified to a regional serving facility. If the facility on Tax Map 45-1((1)) 11 is designed and bonded prior to site plan approval for the proposed development, the Applicant shall apply for a waiver of on-site SWM/BMPs with DEM at the time of site plan and/or subdivision plan(s) submission. In the event the waiver is not approved by DEM or the off-site facility has not been constructed, the Applicant shall provide on-site SWM/BMPs which may require a Proffered Condition Amendment ("PCA") application.

8. Limits of Clearing and Grading. The Applicant shall conform to the limits of clearing and grading shown on the CDP/FDP subject to the installation of trails and utility lines, if necessary, as approved by DEM. The trails and utility lines located 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 the Urban Forestor. A replanting plan shall be developed and implemented, as approved by DEM, for any areas outside the limits of cleaning and grading that must be disturbed.

9. Affordable Housing. The Applicant shall comply with the Affordable Dwelling Unit (ADU) Program as set forth in Section 2-801 of the Zoning Ordinance. The number of ADU's to be provided may be reduced based on the adoption of a future amendment to the provisions of the ADU Ordinance.

10. 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 prior to the sale of any lots and shall run to the benefit of the homeowners association, which shall be established, and to the Fairfax County Board of Supervisors. Purchasers shall be advised of this use restriction prior to entering into a contract of sale.

11. Density Credit. 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.

12. Noise.

In order to achieve a maximum interior noise level of 45 dBA Ldn within that area impacted by highway noise from Route 50 having levels between 65 and 70 dBA Ldn noise contours, which is estimated to be 625 feet from the existing centerline of Route 50, the Applicant shall construct the proposed dwelling units with the following acoustical measures to mitigate the impact of highway noise:

> Construction materials and techniques known to have physical properties or characteristics suitable to achieve an STC of at least 39 for exterior walls;
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> Doors and windows shall have a laboratory STC rating of at least 28. If windows constitute more than 20 percent of any facade, they should have the same laboratory STC rating for walls.
>
> Measures to seal and caulk between surfaces should follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

In order to achieve a maximum interior noise level of 45 dBA Ldn within that area impacted by highway noise from Route 50 having levels between 70 and 75 dBA Ldn noise contours, which is estimated to be 290 feet from the existing centerline of Route 50, the Applicant shall construct the proposed dwelling units with the following acoustical measures to mitigate the impact of highway noise:

> Construction materials and techniques known to have physical properties or characteristics suitable to achieve an STC of at least 45 for exterior walls;
>
> Doors and windows shall have a laboratory STC rating of at least 37. If windows constitute more than 20 percent of any facade, they should have the same laboratory STC rating as walls.
>
> Measures to seal and caulk between surfaces should follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

In order to achieve a maximum exterior noise level of 65 dBA Ldn in rear yards of the proposed dwelling units, noise attenuation measures such as acoustical fencing, walls, earthen berms or combinations thereof, shall be provided for those 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 (except where necessary to

provide for a gate, drainage or utilities, as determined by DEM). The structures employed shall be of sufficient height to adequately shield the impacted area from the source of noise, as determined by DEM.

As an alternative, the Applicant may, at its sole discretion, have a refined acoustical analysis performed to determine the actual noise contours and which units/buildings may have sufficient shielding to permit a reduction in the mitigation measures prescribed above, subject to approval by DEM.

Nothing herein shall be construed to restrict or otherwise limit the use of decks, balconies or patios and all other permitted accessory uses on residential units.

13. Landscaping. Landscaping shall be provided in substantial conformance with the landscaping shown on the CDP/FDP. A landscape plan shall be submitted for review and approval by DEM at the time of site plan approval.

14. Buffers. The Applicant shall provide the following buffers:

a. A buffer shall be provided along Route 50 as shown on the CDP/FDP and Sheet 5. This buffer area shall consist of a combination of landscaping and berms, as shown on Sheet 5 in order to provide an effective year-round visual screen and noise mitigation as referenced in Proffer 12 above. The Applicant shall provide benches and a trash receptacle within this buffer area. A pedestrian pathway system shall also be provided within this buffer area as shown on the CDP/FDP and Sheet 5.

b. A buffer consisting of a minimum of 35 feet in width shall be provided along the western property line adjacent to the International Town & Country Club (Tax Map 45-1 ((1)) 11) as shown on the CDP/FDP. This buffer may be less than 35 feet in the area immediately north of Route 50 in order to align the entrance with the entrance to the driveway of the Greenbriar Shopping Center. The remainder of this buffer area shall consist of a minimum 35 feet in width of existing vegetation to remain undisturbed. A conservation easement in a form approved by the County Attorney shall be recorded on this area upon recordation of the record plat to run for the benefit of the Homeowners Association which shall provide that this area remain in undisturbed open space. The easement will allow for the removal of dead, dying or diseased vegetation.

c. An undisturbed buffer consisting of 35 feet in width shall be provided along the northern property line adjacent to the Fairways at Century Oaks Subdivision as shown on the CDP/FDP.

15. Private Streets. The private streets shall be constructed in conformance with Public Facilities Manual Standard TS-5A with a minimum 30-foot easement and a minimum 24-foot pavement width. Said private streets shall be constructed of materials and depth of pavement consistent with Section 7-502 of the Public Facilities Manual. A covenant shall be recorded which provides that the private streets are to be maintained by the Homeowners Association. This covenant shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the Homeowners Association. Purchasers shall be advised prior to entering into a contract of sale that the homeowners association shall be responsible for the maintenance of the private streets in the development.

16. Environmental Quality Corridor (EQC). The EQC shall be preserved in an undisturbed manner except for the installation of trails and utility lines shown on the CDP/FDP and to the extent disturbance is allowed outside the limits of clearing and grading in accordance with Proffer 8. A replanting plan shall be developed and implemented, as approved by DEM, for any areas outside the limits of clearing and grading that must be disturbed. A conservation easement shall be placed on the EQC.

17. Land Bay North of EQC. The single family detached units located north of the EQC shall be compatible with the adjacent existing single family detached units in the Fairways at Century Oaks.

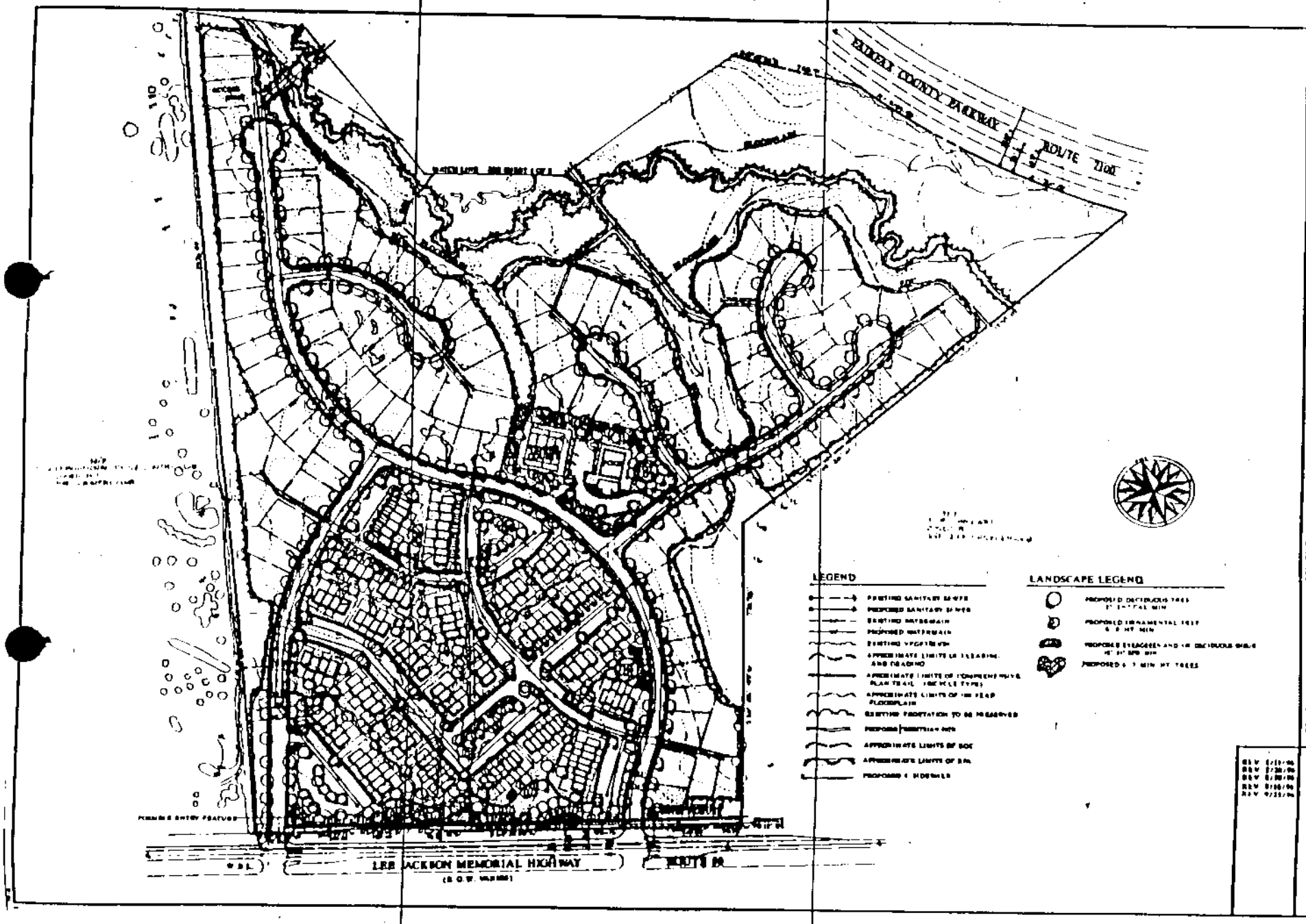
18. Erosion and Sediment Control. The Applicant shall provide "double silt" fencing which is in excess of PFM requirements for erosion and sediment control in lieu of standard silt fencing required by the PFM.

19. Severability. Any of the single-family detached or single family attached units may be subject to a Proffered Condition Amendment without joinder and/or consent of the other sections, if such PCA does not affect any other sections. 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.

20. Successors and Assigns. These proffers will bind and inure to the benefit of the applicant and his/her successors and assigns.

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

(SIGNATURES BEGIN ON NEXT PAGE)


FAIRFAX COUNTY PARKWAY
ROUTE 7100
LEE JACKSON MEMORIAL HIGHWAY
ROUTE 50
LEGEND
LANDSCAPE LEGEND
Dewberry & Davis
CONCEPTUAL / FINAL DEVELOPMENT PLAN
MAYWOOD / ROUTE 50
SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA