

RZ-1997-SU-047 WESTBROOK ASSOCIATES REZONING

PROFFER STATEMENT

MARCH 2, 1998

Pursuant to Section 15.2-2303A of the Code of Virginia, as amended, and subject to the Board of Supervisors' approval of rezoning application RZ-1997-SU-047, as proposed for rezoning from the R-1 and WS Districts to the R-3 (Cluster) and WS Districts, Westbrook Associates L.C. (the "Applicant"), for its successors and assigns, proffers that development of Tax Map Parcels 55-1-((8))-K (the "Property") shall be developed in accordance with the following proffered conditions:

1. Substantial Conformity. Subject to provisions of Section 18-204 of the Zoning Ordinance, the Property shall be developed in substantial conformance with the Generalized Development Plan prepared by Dewberry and Davis, dated September 8, 1997 as revised through December 19, 1997, as further revised and dated February 27, 1998 (the "GDP"), and as further modified by these proffered conditions.
2. Minor Modifications to Design. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, the Applicant may make minor adjustments which may be required as a result of final engineering to modify the layout shown on the plan, if such changes are in substantial conformance with the GDP and proffers, and if the changes do not increase the total number of units, decrease the minimum amount of open space, or decrease the amount of landscaping along the property lines or in common open space areas.
3. Maximum Density. A maximum of sixteen (16) dwelling units shall be permitted on the Property.
4. Fairfax Center Area Roadway Contribution. The Applicant shall contribute to the Fairfax Center Area Road Fund in accordance with the "Procedural Guidelines" adopted by the Board of Supervisors on November 22, 1982, as amended, subject to credit for all creditable expenses, as determined by the Fairfax County Office of Transportation and Department of Environmental Management ("DEM").
5. Right-of-Way Dedication. All right-of-way dedicated in conjunction with these proffers and as depicted on the GDP shall be conveyed to the Board of Supervisors in fee simple upon demand of the County or at the time of recordation of the final subdivision plat, whichever occurs first, and shall be subject to Proffer #20 regarding reservation of development intensity to the residue of the subject property.
6. Westbrook Drive Improvements. In accordance with the GDP, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to twenty-six (26) feet from the centerline of the Westbrook Drive frontage of the

property as depicted on the GDP. Further, the Applicant shall widen Westbrook Drive along portions of the frontage of the Property as shown on the GDP with curb face set at nineteen (19) feet from presently existing centerline. Such improvements shall be made pursuant to the standards of the Public Facilities Manual ("PFM"), as determined by the Director of DEM, or to such lesser standard as may be approved by the Virginia Department of Transportation ("VDOT") or DEM to maintain the existing character of Westbrook Drive. Additionally, the applicant shall escrow funds with DEM, in an amount determined adequate, by DEM to widen Westbrook Drive to a two lane section with curb face set at nineteen (19) feet from the presently existing centerline of Westbrook drive from the common space/conservation easement area adjacent to Lot One to the western property boundary.

7. Steuben Place Improvements. In accordance with the GDP, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors up to fifty-two (52) feet of right-of-way for Steuben Place. Further, the Applicant shall construct a standard two lane, thirty-eight (38) foot section within said fifty-two (52) feet of right-of-way, with curb, gutter and sidewalk as depicted on the GDP.
8. Limits of Clearing and Grading. The Applicant shall conform to the limits of clearing and grading shown on the GDP, subject to installation of utility lines and trails, if necessary, as approved by DEM. The trails and utility lines shall be installed as generally located on the GDP subject to final engineering and in the least disruptive manner possible as determined by the County Urban Forester. A replanting plan will be developed and implemented, as approved by the Urban Forester for any areas outside the limits of clearing and grading that must be disturbed.
9. Open Space. At the time of recordation of the record plat, the Applicant shall convey common open space parcels, as depicted on the GDP, to the Homeowners Association ("HOA") as common open space. A conservation easement may be placed on some or all of the open space if necessary to meet BMP requirement of the Public Facilities Manual.
10. Trail. As depicted on the GDP, the Applicant shall construct a six (6) foot wide asphalt trail along the perimeter of the southwestern open space/conservation area, and adjacent to lots 9 and 10. The trail shall be installed in the least disruptive manner possible as determined by the County Urban Forester.
11. Open Space Improvements. The Applicant shall provide a landscaped area, with special paving and benches, for use by community residents. This community focal point shall be located as generally depicted on the GDP. Additionally, a landscaped entry feature will be provided at the entrance to the community from Westbrook Drive. These improvements shall be in substantial conformance with the "Amenity Area-Conceptual Layout" and "Conceptual Entry Feature" illustrations depicted on Sheet 2 of the GDP.

12. Landscaping. Landscaping will be provided as generally as shown on the GDP and shall be in substantial conformance with the "Typical Foundation Planting" illustration depicted on Sheet 2. Street trees indicated on the GDP shall have a minimum caliper of 2^{1/2}" to 3" inches.
13. Tree Preservation. For the purposes of maximizing the preservation of trees in common open space areas and on individual lots, the Applicant shall prepare a tree preservation plan for the property. The tree preservation plan shall be submitted to the County Urban Forestry Branch of DEM for review and approval as part of the subdivision submission. The plan shall be coordinated with and approved by the County Urban Forester and shall provide for the preservation of specific quality trees or stands of trees on individual lots and in common open space/tree save areas to the extent reasonably feasible without precluding the development of a typical home and yards on each of the lots shown on the GDP. The County Urban Forester may require modifications of such plans to the extent that these modifications do not alter the number of dwelling units shown on the GDP, reduce the size of the proposed units, significantly move their location on the lot or require the installation of retaining walls in excess of 2' in height. The tree preservation plan shall include the following elements:
- A. A tree survey which identifies all trees 12" in diameter and larger whose trunks lay within 20 feet of either side of the limits of clearing and grading and identification of all individual trees of at least 12" inches in diameter to be saved.
 - B. A pre-construction analysis of the condition of trees designated to be saved prepared by a certified arborist and a description of prescribed treatments to be performed prior to clearing and grading through the time of final bond release to ensure long term tree preservation. Treatments may include, but not be limited to pre-construction root pruning and crown pruning, crown cleaning, vertical and horizontal mulching and/or protective fencing.
 - C. All tree save areas designated to be preserved on the tree preservation plan shall be protected by fencing, a minimum of four feet in height, placed at the dripline of trees to be preserved. The fencing shall be installed prior to any work being conducted on the site and signage affirming "Tree Save Area - Do Not Disturb" shall be provided on the temporary fence and made clearly visible to all construction personnel. The Applicant shall contract with a certified arborist to monitor tree preservation efforts to ensure consistency with the tree preservation plan.
 - D. If, in spite of efforts to save trees in designated tree save areas in conformance with the tree preservation plan are unsuccessful, equivalent landscaped areas shall be substituted on the site in coordination with the County Urban Forester. Where feasible, the Applicant will make efforts to provide equivalent

landscaping by transplanting existing vegetation from other tree save areas on site.

- E. The proposed driveway for Lot 1 shall be located outside the limits of the tree save area.

Additionally, the HOA covenants shall require that trees in open space areas and tree save areas will not be disturbed except for the removal of dead and dying trees and selective maintenance to remove noxious and poisonous weeds and downed woody debris.

14. Stormwater Management. The Applicant shall provide stormwater management facilities for the property in accordance with the PFM standards, as generally depicted on the GDP. The Applicant will grant an easement, located outside the limits of clearing and grading, to Fairfax County as approved by DEM at the time of final record plat approval to provide access to the stormwater management pond for maintenance purposes.
15. Sanitary Sewer Easement: The Applicant shall grant a sanitary sewer easement to the County to serve Tax Map Parcel 55-1-((7))-29 in a location approved by DEM at the time of recordation of the section adjacent to Tax Map Parcel 55-1-((7))-29, provided no other connection to sanitary sewer is available. This proffer shall in no way obligate the Applicant to clear and/or grade said easement or to construct or install sanitary sewer lines within said easement.
16. Energy Conservation. All homes constructed on the property shall meet the thermal standards 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.
17. Heritage Resources. At least 120 days prior to commencement of construction on the Property, the Applicant shall notify the County Archaeologist as to the date when construction is to commence and provide the County Archaeologist with a copy of the clearing and grading plan at the time of notification. The County Archaeologist shall be allowed to enter the property until commencement of construction to conduct archaeological digs, provided no significant vegetation is disturbed, and will be allowed to collect artifacts during initial clearing and grading.
18. Residential Noise Attenuation. The Applicant shall use building materials with characteristics pursuant to commonly accepted industry standards to achieve a maximum interior noise level of 45 dBA Ldn as follows:
 - A. All units located within 385 to 785 feet of the centerline of I-66 which are impacted by highway noise levels of between the 75 and 70 dBA Ldn and not otherwise shielded by structures or topography shall have the following acoustical attributes:
 - Exterior walls shall have a laboratory STC rating of at least 45;

- Doors and windows shall have a laboratory STC rating of at least 37. If windows constitute more than twenty percent (20%) of any facade, they should have the same laboratory STC as walls. Measures to seal and caulk between exterior wall surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
- B. All units located within 385 to 785 feet of the centerline of I-66 which are impacted by highway noise levels of between the 70 and 65 dBA Ldn and not otherwise shielded by structures or topography shall have the following acoustical attributes:
Exterior walls shall have a laboratory STC rating of at least 39;
Doors and windows shall have a laboratory STC rating of at least 28. If windows constitute more than twenty percent (20%) of any facade, they should have the same laboratory STC as walls. Measures to seal and caulk between exterior wall surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
- C. 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, 9-10 feet in height, shall be provided in the common open space along the rear of Lots 11-14, and 6-9 feet behind Lots 1, 9, and 10. If acoustical fencing or walls are used, they should be flush to the ground level, and architecturally solid from ground up with no gaps or openings and shall be constructed with materials which have a minimum surface weight of 5lb/ft². Said wall or fencing may be removed or the height of the wall or fence may be reduced in the event that a noise barrier is constructed by VDOT or others adjacent to I-66 and/or development occurs on Tax Map Parcel 55-1-((7))-28 and/or 55-1-((7))-29, which shields the rear yards of lots 11 through 14 and lots 1, 9 and 10 and effectively reduces exterior noise levels on these lots to 65 dBA or less, as determined by an acoustical analysis prepared by VDOT or in conjunction with development plans for Parcel 55-1-((7))-28 and/or Parcel 55-1-((7))-29. The removal or reduction of said wall or fencing shall be at the option of the owner(s) of the land upon which the wall is located.
- D. As an alternative to "A", "B", or "C" above, the Applicant may elect to have a refined acoustical analysis performed, subject to approval of DEM, to verify or amend the noise levels and impact areas set forth above and/or to determine which units may have sufficient shielding from vegetation and other structures to permit a reduction in the mitigation measures prescribed above; or to determine minimum STC ratings for exterior walls, windows, and doors.
19. Recreation Contribution. The Applicant shall provide a cash contribution equal to \$500 per dwelling unit to the Fairfax County Park Authority to be used for the maintenance,

acquisition, or development of park and recreational facilities serving residents of the Sully district and this development. The per unit cash contribution shall be made at issuance of the building permit for the respective dwelling unit.

20. Density Credit. All intensity of use attributable to land areas dedicated and conveyed to the Board of Supervisors pursuant to these proffers shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and is hereby reserved to the residue of the subject property.
21. Blasting. In the event blasting is necessary in conjunction with development pursuant to subject rezoning, before any blasting occurs on the Property, the Applicant shall: (i) ensure that the Fairfax County Fire Marshall has reviewed the blasting plans; (ii) follow all safety recommendations made by the Fire Marshall; and (iii) provide independent, qualified inspectors approved by DEM to inspect any wells existing at the time of rezoning approval located on Tax Map Parcels 55-2-((3))- G1, N2, R2; 55-1-((4))-5, 6, 7, 8, 9, 10, 11, 12, 13 and 14; and 55-1-((8))-H (the "Inspected Wells"). The inspector shall check the flow rate for each of the Inspected Wells before and after blasting. If allowed by County or State regulations, the Applicant shall repair any damage to, or replace the Inspected Wells determined by the inspector to have been damaged as the result of blasting on the Property, or the Applicant shall pay for the hook-up to public water of any house whose well has been damaged by blasting on the Property.
22. Fence. The Applicant shall provide: (i) a six (6) foot high wooden fence on the property boundary shared by proposed lots 15 and 16 and Tax Map Parcel 55-1-((8))-H and, (ii) a six (6) foot high chain link fence in the open space area located on the eastern portion of the Property on its shared boundary with Tax Map Parcel 55-1-((8))-H. The Applicant shall plant eight (8) Leyland Cypress trees, six (6) feet in height, adjacent to said wooden fence but located on Tax Map Parcel 55-1-((8))-H, subject to that owner's approval as to location of the trees.
23. Construction Traffic. No heavy construction equipment shall be transported onto the site or off the site on school days between the hours of 6:45 a.m. and 8:15 a.m. and the hours of 2:00 p.m. and 3:30 p.m.
24. Successors and Assigns. Each reference to "Applicant" in this proffer statement shall include within its meaning and shall be binding upon, Applicant's successor(s) in interest and/or in developer(s) of the site or any portion of the site.

WESTBROOK ASSOCIATES, L.C.:

By: 
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