

PROFFERS

SEP 28 1998

Rezoning # RZ 1998-SU-007
September 25, 1998

ZONING EVALUATION DIVISION

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978 amended), the property owners and Applicant in this rezoning application proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference Nos.25-3((1))1 (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Rezoning request for the PDH-5 District is granted. In the event said application request is denied, these proffers shall be null and void. The Applicant, for itself, its successors and assigns, agrees that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia in accordance with applicable County and State statutory procedures. The Applicant further agrees that these proffers shall remain fully binding on the Applicant and its successors or assigns and any and all future owners of the Property. These proffered conditions, if accepted, supersede all proffers existing on the Property. The proffered conditions are:

GENERAL

1. Subject to the proffers and the provisions of Section 16-403 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development will be in substantial conformance with the Conceptual Development Plan

("CDP") and Final Development Plan ("FDP"), prepared by B.C. Consultants dated January 1998 and revised through September 16, 1998.

2. The development shall consist of a maximum of 93 single family attached residential units. The size, width, and location of the building footprints shown on the CDP/FDP are conceptual and the Applicant reserves the right to modify the size and location of the building footprints, or develop a lesser number of lots, in accordance with the requirements of Section 16-403 of the Zoning Ordinance.

3. The Applicant shall establish a homeowners association for the purpose of maintaining common areas and private streets within the approved development. In conjunction with the appropriate site plan review processes, private streets and common areas shall be dedicated to the homeowners association.

4. The Applicant shall include language in its Declaration of Covenants, Conditions and Restrictions which: (a) prohibits the conversion of garages into any use other than the parking of vehicles; and (b) discloses the existence of private streets throughout the community. The private streets on the Application Property shall be constructed with a pavement section, thickness and material which conforms with Public Facilities Manual (PFM) standards as determined by the Department of Public Works and Environmental Services (DPW&ES). Purchasers shall be advised prior to entering into a contract of sale that the homeowners association shall be responsible for the maintenance of all the

private streets in the development. The appropriate homeowners association documents shall specify that the homeowners association is responsible for the maintenance of the private streets.

ENTRANCE/FRONTAGE IMPROVEMENTS

5. The Applicant shall construct a left turn lane into the site entrance from Centreville Road. In the event development of the site commences prior to VDOT's's Planned Improvements to Centreville Road (VDOT Project #0657-029-281C504), the required turn lane shall be designed and constructed as an interim improvement in accordance with standards required by VDOT.

6. Prior to final site plan approval, the Applicant shall escrow funds in an amount determined necessary by DPW&ES to complete three (3) southbound lanes of Centreville Road along the site's frontage to Centreville Road.

ENVIRONMENTAL

7. The area of the Environmental Quality Corridor (EQC), as generally delineated on the CDP/FDP shall be preserved as open space. Within the EQC area, there shall be no clearing and grading beyond that required to install necessary public utilities or passive recreational amenities such as trails or pathways. The area of the EQC shall be dedicated to the Fairfax County Park Authority at the time of record plat approval. This dedication to

the Fairfax County Park Authority shall require no improvements by the Applicant to the area being dedicated. In the event the Fairfax County Park Authority does not accept this proposed dedication, the area of the EQC shall be incorporated into the common areas owned and maintained by the homeowner's association established for the approved development. Under either ownership scenario, appropriate public access easements shall be provided within the EQC area to provide the residents of the proposed development with access to contemplated stream valley trails.

8. Prior to site/subdivision plan approval, documentation shall be provided to DPW&ES demonstrating that all proposed site work conforms to the applicable wetlands permitting requirements established by the Army Corps of Engineers.

9. Stormwater management shall be provided for the property in accordance with Best Management Practice ("BMP") standards in accordance with Fairfax County requirements or as otherwise may be approved by DPW&ES.

10. The area shown on the CDP/FDP as "reserved for stormwater management easement" shall, if determined necessary by DPW at site plan review, be incorporated into a stormwater or ponding easement running to the benefit of the Board of Supervisors in a form acceptable to the County Attorney.

11. The following highway noise mitigation measures shall be implemented at the time of site plan review:

In order to achieve a maximum interior noise level of 45 dBA Ldn, all units located between 65-70 dBA Ldn highway noise

impact contours (approximately 220 feet from the centerline of Centreville Road) shall have the following acoustical attributes:

- (a) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
- (b) Doors and windows shall have a laboratory STC rating of at least 28. If windows constitute more than 20% of any facade, they shall have the same laboratory STC rating as walls.
- © Measures to seal and caulk between surfaces shall 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 noise attenuation structures such as acoustical fencing, walls, earthen berms or combinations thereof, shall be provided for those outdoor recreation areas, including 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. The structure employed must be of sufficient height to adequately shield the impacted area from the source of the noise.

The Applicant may pursue other methods of mitigating highway noise if it can be demonstrated, through an independent noise study for review and approval by DPW&ES, that these methods will be

effective in reducing exterior noise levels to 65 dBA Ldn or less and interior noise levels to 45 dBA Ldn or less, or that noise impacts are less than forecasted by County Staff.

LANDSCAPING

12. Landscaping shall be provided in substantial conformance with the depth, quality and quantity of plantings identified in the landscaping concepts shown on the CDP/FDP. The specific type, number and placement of plantings and landscaping shall be determined at the time of site plan, subject to review and approval of a landscape plan by the Urban Forester, DPW&ES. If, during the process of site plan review, any landscaping shown on the CDP/FDP is removed in order to locate utility lines, trails, etc., as determined necessary by the Director, DPW&ES, then an area of additional landscaping of equivalent value, as determined by Urban Forester, DPW&ES, may be substituted at an alternate location on the site.

LIMITS OF CLEARING AND GRADING

13. The Applicant shall conform substantially to the limits of clearing and grading shown on the CDP/FDP, subject to minor modification for sound engineering and construction practices and installation of utilities lines, if necessary, as determined by DPW&ES. Limits of clearing and grading shall be clearly marked with stakes on the site prior to the commencement of land disturbing activity.

AFFORDABLE HOUSING

14. The Applicant shall provide Affordable Dwelling Units

(ADUs) in accordance with the requirements of Article 2 of the Zoning Ordinance. In the event that, prior to issuance of a building permit for approval of units in any section of the approved development, the Board of Supervisors amends the current Zoning Ordinance requirements for fulfilling affordable housing objectives, the Applicant reserves the right to comply with the Ordinance requirements in effect at that time.

In the event the requirements of the ADU Ordinance change in a way that requires fewer ADU units, units currently allocated to the ADU program may be converted to market rate units if in substantial conformance with the CDP/FDP. Such conversion shall not require a CDP/FDP amendment application.

RECREATION

15. At the time of site plan review, the Applicant shall demonstrate that the proposed on-site recreational amenities generally shown on the CDP/FDP have a value equivalent to \$955.00 per market rate dwelling unit as required, by Article 6 of the Zoning Ordinance. In the event it is determined that the proposed facilities do not have sufficient value, the Applicant shall have the option to: 1) provide additional on-site recreational amenities within open space areas shown on the CDP/FDP; or 2) contribute necessary funds to the Fairfax County Park Authority for off-site recreational purposes.

15A. At the time of site plan approval, the Applicant shall

contribute to the Fairfax County Park Authority, an additional \$250.00 for each market rate unit to be used at the discretion of the Park Authority for a potential bridge for crossing the stream valley which forms the northern boundary of the application property or other off-site recreation needs.

ENERGY EFFICIENCY

16. All homes on the property shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes, or its equivalent as determined by DPW&ES, for either gas or electric energy systems as may be applicable.

TRAILS

17. At the time of site plan approval, the Applicant shall escrow funds with DPW&ES for the construction, by others, of a trail of asphalt material along the north side of the stream valley that generally forms the northern boundary of the Application Property. The geometry of the trail on which the escrow amount is based shall be determined by DPW&ES at site plan review in accordance with current County standards for Comprehensive Plan trails through residential areas. The actual amount of the escrow shall be determined by DPW&ES, based on the application of the published unit cost(s) for the appropriate trail contained within the County's current Bond Estimate criteria. The final location of any trails constructed within the property dedicated by the Applicant to the Park Authority pursuant to Proffer 7 shall be at the sole discretion of the Fairfax County Park Authority.

These proffers may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

CONTRACT PURCHASER:

Alban Development Corp.

By: Luca A. Somenzi Vice Pres.

CO-OWNER, TAX MAP NUMBER
#25-3((1))1

W E Poole
William Poole

CO-OWNER, TAX MAP NUMBER
#25-3((1))1

O. H. Jesse
O. H. Jesse

COMMONWEALTH OF VIRGINIA,
CITY OF FAIRFAX:

The foregoing proffers were acknowledged before me this 31ST day of
JULY, 1998, by WILLIAM POOLE and
O. K. JESSEE.

My Commission Expires:
JUNE 30, 2002

Jamie E. Wiley
Notary Public

COMMONWEALTH OF VIRGINIA,
COUNTY OF PRINCE WILLIAM:

The foregoing proffers were acknowledged before me this 31ST day of
July, 1998, by LESTER A. SORENSON, JR..

My Commission Expires:
2-28-99

Connie L. Zahar
Notary Public

