

PROFFERS
RZ-1999-PR-031

February 24, 2000

Pursuant to Section 15.2- 2303A of the Code of Virginia, 1950 edition as amended, and subject to the approval of the Fairfax County, Virginia Board of Supervisors to the rezoning of the properties identified as Fairfax County Tax Map Parcel 49-1-((1))-6 to the R-4 zoning district classification, the applicants, Wallace B. Bowman and Louise E. Bowman, the owners of the properties, proffer for themselves and their successors and assigns that the development of the properties shall be in accordance with the following conditions:

1. Parcel 6 shall be subdivided in conformity with the Generalized Development Plan entitled, "Cedar Woods", prepared by Tri-Tek Engineering, dated October 25, 1999, ("GDP") showing a 45' radius cul de sac and shall be developed in substantial conformance with the GDP and Section 18-204 of the Zoning Ordinance.

In the event that, prior to subdivision plat approval, the Fairfax County Fire Marshal and other Fairfax County staff and VDOT allow the construction of a 30' radius cul de sac, or other acceptable design, the applicants agree to subdivide Parcel 6 in conformity with the GDP as revised August 24, 1999, showing a smaller cul de sac or other acceptable design and greater limits of clearing.

2. At any time prior to the subdivision plat approval applicant or their assigns will request that Fairfax County or VDOT agree to maintain a sidewalk on both sides of Cedar Woods Court including the portion not required by the PFM. If by the time of subdivision plat approval Fairfax County or VDOT has agreed to accept and maintain a sidewalk on both sides of the new street, Cedar Woods Court, the sidewalk shall be built on both sides of the said street. If such agreement has not been reached then the sidewalk will be constructed as shown on the Generalized Development Plan.

3. Upon demand by Fairfax County, or at the time of subdivision plat approval, whichever occurs first, additional right of way up to a width of thirty-five (35) feet from the existing center line of Cedar Lane for the full frontage of the property shall be dedicated to the Board of Supervisors in fee simple for public street purposes. The entrance created by Cedar Woods Court connecting to Route 698, Cedar Lane, shall be constructed to VDOT standards.

4. At the time of subdivision plat approval an easement for public street purposes up to five (5) feet wide for the full frontage of the property in addition to the dedication noted in paragraph 3 of these proffers shall be provided, this easement to be used for the construction and maintenance of the trail, any necessary site grading and utilities. The five (5) foot easement shall be graded to match the extended grade of the road right-of-way.

5. The noise attenuation issue shall be addressed as follows:

- a. In order to achieve a maximum interior noise level of approximately 45 dBA Ldn, residential units on Lots 1 and 7 located within one hundred and thirty (130) feet from the existing centerline of Cedar Lane that may experience noise levels between 65 and 70 dBA Ldn as determined by the DPWES, will be constructed with the following measures to mitigate the impact of highway noise:
 - (i) Construction materials and techniques known to have physical properties or characteristics suitable to achieve a Sound Transmission Classification (STC) of at least 39 for exterior walls of residential buildings; and
 - (ii) Windows will be either double-glazed/paned or fitted with storm windows.
- b. In order to achieve a maximum exterior noise level of 65 dBA Ldn on residential lots 1 and 7 within one hundred and thirty (130) feet from the existing centerline of Cedar Lane, noise attenuation measures such as acoustical fencing, walls, earthen berms or combinations thereof, will be provided for those rear and side that are unshielded by topography or built structures. If acoustical fencing or walls are used, they will be architecturally solid from ground up with no gaps or openings except for gates which may be provided. The structure employed will be of sufficient height to adequately shield the rear and side yards from the source of noise.
- c. As an alternative, the applicant may have a refined acoustical analysis performed at the time of subdivision plan submission, subject to approval of DPWES, to determine which units may have sufficient shielding with vegetation and other structures and/or berms, to permit a reduction in the mitigation measure prescribed above.

6. The possibility of a bioretention rain garden shall be considered by the applicants.

7. The demolition of existing features and structures shall be conducted in a manner that minimizes the impact on individual trees and individual groups of trees to be preserved. Demolition and/or clearing and grading shall not occur until the subdivision construction plan is approved by DPWES. These methods shall be