

PROFFERS  
RZ 1999-LE-032  
August 20, 1999  
Revised October 8, 1999

PROFFER OF DEVELOPMENT CONDITIONS

Pursuant to Section 15.2-2303A of the 1950 Code of Virginia, as amended, the undersigned proffer the following conditions subject to the approval of the Board of Supervisors of Fairfax County, Virginia of RZ 1999-LE-032 to the R-8 Zoning District.

- 1) Subject to Section 18-204 of the Fairfax County Zoning Ordinance, development shall conform substantially to the Generalized Development Plan (GDP) prepared by Dewberry and Davis, dated April 20, 1999, as revised to July 12, 1999.
- 2) Trees shall be preserved as shown on the GDP, subject to review and approval by the Urban Forestry Branch. The limits of clearing and grading will be in substantial conformance with that shown on the GDP, subject to the location of utilities, and reasonable adjustment due to final engineering. Landscaping shall be provided as shown the GDP. For the initial planting of the landscaping, native species shall be utilized, subject to the approval of the Urban Forestry Branch.
- 3) A contribution of one percent (1) of the estimated sales price of the dwelling units to be constructed with the proposed subdivison shall be made to the Housing Trust Fund in consultation with the Department of Housing and Community Development at the time of site plan approval for the units, as per Board of Supervisors policy adopted May 20, 1991.
- 4) Storm Water Management (SWM) and Best Management Practices (BMPs) requirements for the development of this site shall be provided on site in a proposed above ground facility, as generally shown on the GDP graphic, unless modified and/or waived by the Department of Public Works and Environmental Services (DPWES).
- 5) Energy conservation for all homes on the property will meet the thermal guidelines of the Virginia Power Energy Saver Program for energy efficient homes or its equivalent, as determined by DPWES, for either electric or gas energy systems.
- 6) A covenant shall be recorded which provides that garages shall be used only for purposes that will not interfere with the intended purposes of garages (e.g., parking of vehicles). This covenant shall be recorded among the land records of Fairfax County prior to the sale of any lots and shall run to the benefit of the homeowners association, which shall be established, and to Fairfax County.

- 7) The open space areas shown on the GDP shall be provided. Further, to ensure that landscaping shown on the GDP in front of the townhouse units is provided; units shown with single car garages shall not be converted to two car garages except upon demonstration that the conversion will not alter the landscaping and that the planting areas specified in the PFM are provided for each tree shown on the GDP.
- 8) Applicant shall dedicate and convey in fee simple to the Board of Supervisors, right-of-way measuring forty-five (45) feet from the center line of existing South Kings Highway along the application property frontage as shown on the GDP. Dedication shall be made at the time of site plan approval or upon demand from Fairfax County, whichever first shall occur. All ancillary easements shall be granted by the applicant at the time of dedication. Frontage improvements, as shown on the GDP, to include a trail/sidewalk, shall be provided in conformance with VDOT and DPWES standards, to match existing improvements on adjacent properties.
- 9) Noise attenuation for those units to be located within the 65 to 70 dBA Ldn noise impact area generally fronting South Kings Highway shall be in accordance with County Guidelines for the Acoustical Treatment of Residential properties and Other Noise Sensitive Uses Within Highway Noise Impact Zones of 65 to 70 dBA Ldn, or alternatively to the satisfaction of the Director, DPWES, generally as follows:

In order to achieve a maximum interior noise level of 45 dBA, Ldn, all units located within the 65 to 70 dBA Ldn highway noise impact contour shall have the following acoustical attributes:

- (1) Exterior walls shall have laboratory sound transmission class (STC) rating of at least 39;
- (2) 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 shall have the same laboratory STC rating as walls;
- (3) 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 should be architecturally solid from the

ground with no gaps or openings. The structures employed must be of sufficient height to adequately shield the impacted area from the source of the noise.

Exterior noise attenuation for this development shall be provided through the screening components shown on the GDP and by barrier fencing, as necessary.

- 10) At the time of the posting of bond and prior to final site plan approval, a contribution to the Fairfax County Park Authority in the amount of \$18,894.00 (representing a contribution of \$472.35 per townhouse unit) shall be made for the purposes of improvements/modifications to Fairfax County Park Authority parks located in the Lee District.
- 11) Any on-site lighting shall be fully shielded and directed downward to minimize off-site glare to adjacent residential properties. Lighting for any signage shall be configured so as to minimize any off-site glare.
- 12) The on-site Storm Water Management facility shall be landscaped along its perimeter in accordance with Maintenance and Storm Water Management Guidelines, subject to review and approval by the Urban Forestry Branch, and as permitted by DPWES.
- 13) A fence three to four (3 to 4') feet high shall be located between the "tot lot" and adjacent parking spaces.
- 14) Applicants shall record a conservation easement over the Resource Protection Area (RPA) in the northerly portion of the property as shown on the GDP. The easement shall run to the benefit of Fairfax County and the Homeowner's Association in a form acceptable to the Fairfax County Attorney. The easement shall provide that no buildings shall be located in the RPA area; no tree more than 3" in diameter shall be cut unless diseased, dying, or dead; and no grading, clearing, or removal of vegetation shall be permitted except as is necessary for passive recreational uses or noxious weed removal. Exceptions to the above prohibitions shall be permitted for any required or necessary utilities, water quality or quantity controls, as approved by Fairfax County.

Signature Pages to follow

TITLE OWNERS:

Tax Map No. 83-3((1))9

Ralph M. Grant Trustee  
Ralph M. Grant, Trustee

Tax Map No. 83-3((1))10

Shou Fen Lin and Ok Ju Lin

Tax Map No. 83-3((1))11

Luis O. Torres and Virginia Albalo Torres

Tax Map No. 83-3((1))12

Leonard E. Vaughn and Lucille Vaughn  
Leonard Edward VAUGHN and Lucille Vaughn

Tax Map No. 83-3((1))13

Jesse Lee Stephens and Violette Louise Stephens  
L.S. P.O.A. Jesse Lee Stephens and Violette Louise Stephens

Tax Map No. 83-3((1))13A

Edward J. Morgan and Susan B. Morgan  
Edward J. Morgan and Susan B. Morgan

CONTRACT PURCHASER:

CENTEX HOMES

a Nevada general partnership

By: Centex Real Estate Corporation,  
a Nevada Corporation, its managing partner

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

Name: ROBERT K. DAVIS

Title: DIVISION PRESIDENT