

PROFFERS

RZ 87-P-109

FAIRFAX PROPERTIES

OCTOBER 28, 1988

Pursuant to Section 15.1-491 (a) of the Code of Virginia, 1950 edition as amended, upon approval by the Board of Supervisors of application RZ 87-P-109 to permit the development of a maximum of twelve (12) single family detached dwelling units in accordance with the provisions of the R-4 District and the Generalized Development Plan last dated October 17, 1988 prepared by Dewberry & Davis, the undersigned hereby proffers the following conditions:

1. Each reference to "Applicant" in this proffer will include within its meaning, and will be binding upon, applicant's successor(s) in interest and/or the developer(s) of the subject property or any portion thereof.
2. Development of the subject property will be in conformance with the Generalized Development Plan (GDP), which consists of one (1) sheet, prepared by Dewberry & Davis, and last dated October 17, 1988.
3. All rights-of-way dedicated in conjunction with these proffers will be subject to the provisions of Par. 5 of Sect. 2-308 of the Zoning Ordinance, and all density/floor area ratio related to the land area of these dedications is hereby reserved for the development of the subject property.
4. The total number of dwelling units will not exceed twelve (12).
5. The proposed single family dwelling units will not exceed the maximum height allowed in the R-4 District.
6. The applicant will present a detailed landscape plan(s) to accompany the required site plan that will be in substantial conformance with the Generalized Development Plan, and the applicant will implement the plan subject to the approval of the County Arborist.

7. Prior to subdivision approval, the applicant shall submit for prompt and timely review and approval by the County Arborist a tree preservation plan and limits of clearing plan. The Arborist may require modification of such proposed plans to the extent these modifications do not alter the number of dwelling units as shown on the Development Plan, reduce the size of the proposed units, move their location on the lots or require the installation of retaining walls. At a minimum, the tree preservation and limits of clearing plan shall protect trees to the extent shown on the Development Plan.
8. The applicant will dedicate and convey in fee simple to the Board of Supervisors a five (5) foot right-of-way along the eastern property line of the subject site.
9. Subject to Virginia Department of Transportation (VDOT) approval, the applicant will construct curb and gutter on the western side of Palmer Street along a portion of the eastern boundary of the property, pave thirty six feet (36') of Palmer Street within the existing right-of-way from the intersection of Route 674 and Palmer Street to the temporary cul-de-sac and construct the temporary cul-de-sac.
10. Immediately after the subdivision plat of the property has been recorded among the land records of Fairfax County, or at any time prior thereto, if requested by Fairfax County, the applicant will convey to the Board of Supervisors in fee simple an area sixty feet

(60') wide generally adjacent to the western property line as shown on the Generalized Development Plan dated October 17, 1988, also shown as Outlot A, exclusively for possible future public right of way purposes. This conveyance shall be made subject to a reversionary clause to be approved by the Fairfax County Attorney that provides that if the determination of the location of Hunter Mill Road Extension or the determination of the need for the area described herein for public right of way purposes has not been made by the Board of Supervisors by January 1, 2000, or if any time prior thereto an alternate route for such road has been selected by the Board of Supervisors, title shall automatically revert to the grantor of the deed, its successors or assigns. If the need for the area for public right of way purposes is determined prior to January 1, 2000 or if the location of Hunter Mill Road Extension is determined prior to January 1, 2000 and requires the use of this area, the reversionary clause shall automatically become null and void.

11. The applicant will achieve a 45 dBA Ldn in all units located with 170 feet from the centerline of the future Hunter Mill Road Extension. All units within this impacted area will have the following acoustical attributes.
  - (a) Exterior walls shall have a laboratory sound transmission class (STC) of at least 39.
  - (b) Doors and windows shall have an STC of at least 28, if "windows" function as the walls, then they will have the STC specified for exterior walls.

- (c) Adequate measures to seal and caulk between surfaces will be provided.
12. The applicant commits to the Virginia Home Builders Energy Savers program for energy conservation insulation, or an equivalent thereof, for all dwellings to be constructed on the subject property.
  13. The applicant will notify in writing all prospective purchasers of lots in the subdivision of the possibility of the construction of Hunter Mill Road Extension along the westerly boundary of the property and will record among the land records a covenant indicating the same.
  14. If required by the Department of Environmental Management, the applicant will have a geotechnical engineering study performed which meets the requirements of the Public Facilities Manual and the applicant will implement the study's recommendation as determined by the Department of Environmental Management (DEM).
  15. The applicant will provide on site stormwater management in accordance with Fairfax County Ordinances or if applicable as determined by the Department of Environmental Management (DEM), the applicant will contribute a pro-rata share to a stormwater management system in lieu of providing on site stormwater management.

FAIRFAX PROPERTIES, a Virginia General Partnership

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