

PROFFERS

RZ 2003-DR-063

July 27, 2004

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, the Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington (hereinafter referred to as the "Applicant"), for himself, his successors and assigns in RZ 2003-DR-063, filed for property identified as Tax Map reference 31-3 ((1)) 25B, 25C, 27A and 31B (hereinafter referred to as the "Application Property") hereby proffers the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the R-2 District in conjunction with a Generalized Development Plan (GDP) for a place of worship and school of general education. If accepted, these proffers shall replace and supersede any previous proffers approved on the Application Property.

1. GENERALIZED DEVELOPMENT PLAN –

- a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the GDP, entitled "St. John Catholic Church" consisting of four (4) sheets prepared by Huntley, Nyce Associates, Ltd., dated July 29, 2003 and revised through June 23, 2004.
- b. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications to the GDP may be permitted as determined by the Zoning Administrator. The Applicants reserve the right to make minor adjustments to the layout at time of site plan submission based on building footprints, final engineering, and utility locations, provided that the changes are in substantial conformance with the GDP, and there is no substantial decrease to the amount of open space, setbacks, or distances to peripheral lot lines as dimensioned on the GDP.

2. LANDSCAPING AND OPEN SPACE –

- a. Applicant shall provide landscaping on the Application Property as generally shown on the GDP, in accordance with the recommendations of the Urban Forester prior to issuance of non-RUP.
- b. The Applicant shall preserve those trees located west of the tennis court, as shown on the GDP.
- c. A tree preservation plan shall be submitted as part of the site plan for the proposed development. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, reviewed and approved by the Urban Forestry Division. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees greater than ten (10) inches in diameter (DBH) and within twenty (20) feet of either side of the limits of clearing and grading as

shown on the GDP. The tree survey shall also include areas of clearing and grading not shown on the GDP resulting from engineering requirements. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, retaining walls, and others as necessary, shall be included in the plan and provided as determined necessary by the Urban Forester.

- d. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing a minimum of four (4) feet in height to be placed at the dripline of the trees to be preserved. Tree protection fencing in the form of a four (4) foot high, fourteen (14) gauge welded wire fence attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart, shall be erected at the final limits of clearing and grading, or the dripline of trees to be present, whichever is greater, as shown on the demolition, and erosion and sediment control sheets. Tree protection fencing shall be extended along the limits of clearing and grading. The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. A certified arborist shall monitor the installation of the tree protection fencing, except super silt fence, and verify in writing that the tree protection fence has been properly installed. Three (3) days prior to commencement of any clearing and grading, the Urban Forestry Division shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed. Super silt fence may be substituted for tree protection fences where applicable, subject to the approval of DPWES.

3. STORMWATER MANAGEMENT/BEST MANAGEMENT PRACTICES –

Applicant shall implement stormwater management and Best Management Practices (BMP) techniques to control the quantity and quality of stormwater runoff from the Application Property in accordance with the Public Facilities Manual (PFM) standards and in substantial conformance with those depicted on the GDP. The innovative stormwater detention and water quality techniques shown on the GDP are infiltration trenches and bioretention facilities, i.e., rain gardens, which shall be used subject to the approval of the Department of Public Works and Environmental Services (DPWES) provided such techniques are in substantial conformance with the GDP. Other innovative techniques may be used as substituted and determined by DPWES. Said techniques shall be in accordance with the Fairfax County Chesapeake Bay Preservation Ordinance. If it is determined by DPWES that site conditions do not allow the use of innovative techniques, such as infiltration trenches, bioretention facilities, or rain gardens, stormwater detention and BMPs at the same level depicted on the GDP shall be provided using other innovative or conventional methods.

4. DESIGN –

- a. No lighting shall be provided in conjunction with the tennis court, which shall be limited to daylight use only.
- b. Any new parking lot light fixtures or other outdoor lighting shall be of full cutoff type and otherwise meet the performance standards of Part 9 of Article 14 of the Zoning Ordinance. Any new or replacement lighting fixtures shall be bollards (waist high). Existing outdoor lighting shall be maintained and/or replaced as required by Part 9 of Article 14.
- c. The design of the bell tower as shown on the GDP is illustrative. The final design, if different than that shown on the GDP, shall be presented to the Planning Commission for administrative review prior to the issuance of a building permit for the bell tower.
- d. Construction of the improvements as shown on the GDP may be phased; the SWM/BMP will be built along with parking lot and tennis court improvements; the sidewalk along Linway Terrace will be constructed with the Church improvements.
- e. The sound pressure level of the recorded bells in the bell tower shall be in accordance with the provisions of Chapter 108 of the Code of Fairfax County (the “Noise Ordinance”), which currently sets a sound pressure level of 55 dBA. If the limits in the Noise Ordinance are lowered, the sound level shall conform to the new requirements; however, in no instance shall the sound pressure level exceed 55 dBA.
- f. The recorded bells shall generally be sounded Monday through Saturday at the hours of 12:00 p.m. and 6:00 p.m. On Sunday and before the Saturday vigil Mass, the recorded bells shall generally be sounded for no more than one minute, five minutes prior to each Mass beginning with the 9:00 a.m. service. The recorded bells may be sounded at other times for Masses during major religious holy days (such as Christmas and Easter), weddings and funerals no longer than three minutes in duration, but shall not be rung for any other occasion. In no event shall the recorded bells be sounded during hours prohibited by the Noise Ordinance, currently between 11:00 p.m. and 7:00 a.m. the following day, or for longer than three minutes in duration.

5. USE AND OPERATION –

- a. The uses of the property shall be limited to a place of worship and a school of general education.
- b. Religious education classes, confessions and other activities typically found in association with a place of worship shall be permitted.
- c. The private school of general education may include after school activities and extended day care.

d. Accessory programs such as youth ministry, social outreach programs, adult education may be offered.

e. The facilities at this site may serve as a location for community activities,

6. TRANSPORTATION –

Prior to the issuance of a non residential use permit for the proposed improvements to the Church building as shown on the GDP, the Applicant shall construct a four (4) foot wide concrete sidewalk parallel to the frontage of the Application Property between Linway Terrace and the existing parking lot, as also depicted on the GDP.

7. MISCELLANEOUS –

These proffers shall bind and inure to the benefit of the Applicant and his successors and assigns.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

TITLE OWNER:

TAX MAP 31-3 ((10)) 25B, 25C, 27A and 31B

*Rev. Robert J. Rippy, Agent/
Attorney-in-Fact, The Most
Reverend Paul S. Loverde, Bishop
of the Catholic Diocese of
Arlington, Virginia*

BY: REVEREND ROBERT J. RIPPY,
AGENT/ATTORNEY-IN-FACT, THE MOST
REVEREND PAUL S. LOVERDE,
BISHOP OF THE CATHOLIC DIOCESE OF
ARLINGTON, VIRGINIA

[SIGNATURES END]