

## PROFFERS

### RZ 2003-LE-011 FOUNDATION FOR APPLIED TECHNICAL EDUCATION

January 14, 2005

Pursuant to Section 15.2-2303(A) of the Code of Virginia (1950), as amended, the undersigned applicant and owner, for themselves and their successors or assigns (hereinafter referred to collectively as "Applicant"), hereby proffer that development of the approximately 13.831 acres (the "Property") included in the subject rezoning application shall be in accordance with the following conditions, provided the Property is rezoned to the R-3 District as proposed in RZ 2003-LE-011. Upon approval of the requested rezoning, the proffered conditions set forth below shall supersede all proffered conditions previously in effect with respect to the Property.

1. **Substantial Conformance.** The Property shall be developed in substantial conformance with the Generalized Development Plan ("GDP") consisting of seven (7) sheets prepared by BC Consultants, entitled "GDP Plan, Fairfax County School Board, Spring Village Drive," dated January 2002, as revised through January 14, 2005 and as further modified by these proffered conditions.
2. **Minor Modifications.** Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the proffered GDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the GDP provided such changes are in substantial conformance with the GDP and proffers, and do not increase the total number of units.
3. **Maximum Density.** A maximum of eighteen (18) single family detached dwelling units shall be permitted on the Property.
4. **Energy Efficiency.** All homes constructed on the Property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by the Department of Public Works and Environmental Services ("DPWES") for either electric or gas energy homes, as applicable.
5. **Right-of-Way Dedication.** At the time of recordation of the final record plat for the first phase of the subdivision, or upon demand by Fairfax County, whichever occurs first, the area reserved for public street right-of-way along the Franconia-Springfield Parkway frontage of the Property, necessary for public street purposes and as shown on the GDP, shall be dedicated and conveyed to the Board in fee simple and at no cost. In addition and as shown on the GDP, a temporary clearing, grading and construction easement shall be granted along such right-of-way at no cost. This easement shall be included in the documents for the Homeowners Association ("HOA") created for this subdivision and shall be disclosed in writing to the prospective purchasers of lots 4, 5, 6, 11, 12 and 13 prior to entering into a sales contract for such lots.

6. **Future Spring Village Drive Cul-de-Sac.** As depicted on the GDP, the Applicant shall reserve an area of the Property for the future cul-de-sac termination of Spring Village Drive. The Applicant shall convey the said right-of-way area to the Board of Supervisors in fee simple and at no cost to the Board of Supervisors upon demand, as generally shown on the GDP. In addition and as shown on the GDP, a ten (10) foot wide temporary clearing, grading and construction easement shall be granted along such right-of-way at no cost. This reservation shall be disclosed to all prospective purchasers prior to entering into a sales contract and shall be included in the HOA documents.
7. **Public Streets.** The Applicant will construct all the public streets on the Property as shown on the GDP within a minimum forty-four (44) foot right-of-way and with a minimum of twenty-eight (28) foot of pavement in conformance with the applicable Public Facilities Manual standards. The Applicant shall convey the said right-of-way area in fee simple to the Board of Supervisors at the time of recordation of the final record plat/site plan/subdivision plat for the contiguous development area. Subject to Virginia Department of Transportation ("VDOT") and DPWES approval, these public streets will be accepted for State Maintenance. Sidewalks shall be provided on both sides of these internal public streets.
8. **Sidewalks.** The Applicant shall construct a five (5) foot wide concrete sidewalk along the Property's frontage on Spring Village Drive within the VDOT right-of-way, as shown on the GDP, subject to VDOT approval and acceptance.
9. **Berm.** To create a visual buffer, the Applicant shall construct a berm not less than four (4) feet in height along the Property frontage on Spring Village Drive. Said berm shall be planted as generally shown on the GDP. The berm and landscaping shall be constructed as part of the initial site work of each phase and shall be in place prior to the issuance of the first building permit for the contiguous development area in each phase. Notwithstanding the above, the screening between the classroom trailer and Spring Village Drive shall be installed with the site work for the first phase.
10. **Stormwater Management Pond.** At the time of subdivision plan review, the Applicant shall request the approval of the waivers necessary to allow the stormwater management/best management practices ("SWM/BMP") requirements to be satisfied by the off-site pond established by Site Plan 9501-SP-07. If the requested waiver is not granted, the required SWM/BMP may be located within the Property, provided that such on-site facility is determined by the County to be in substantial conformance with the GDP and these proffers. The Applicant acknowledges that the number of dwelling units may be reduced and/or approval of a proffered condition amendment may be required for an alternate SWM/BMP facility.
11. **Landscaping.** Landscaping for the Property during each phase of development shall be in substantial conformance with the quality, quantity and location shown on Sheets 3, 5, 6 and 7 of the GDP, subject to minor adjustments due to final engineering and utility layout. A Landscape Plan, to include landscaping shown on the GDP, shall be submitted as part of the initial submission of the subdivision plan and all subsequent submissions

for each phase of the plan, for review and approval by the County Urban Forestry Management Branch.

12. **Noise Attenuation.** The Applicant shall provide the following noise attenuation measures for the Franconia-Springfield Parkway as required:
  - a. In order to achieve a maximum interior noise level of approximately 45 dBA Ldn, based on a study submitted at the time of the submission of the first subdivision plat, the Applicant proffers that all residential units impacted by highway noise from the Franconia-Springfield Parkway having levels between 65 and 70 dBA Ldn, shall have the following acoustical attributes:
    - (1) Exterior walls shall have a laboratory sound transmission class ("STC") of at least 39.
    - (2) Doors and glazing shall have a laboratory STC of at least 28. If glazing constitutes more than twenty percent (20%) of the noise-affected façade, they shall have the same laboratory STC rating as walls.
    - (3) Adequate measures to seal and caulk between surfaces shall be provided.
  - b. In order to reduce exterior noise at rear patios of lots 6, 11, 12, and 13 to below 65 dBA Ldn, noise attenuation structures such as acoustical fencing, walls, earthen berms or any combination thereof may be used to enhance the existing earthen berm along the Franconia-Springfield Parkway, as necessary. If acoustical fencing or walls are used, they shall be solid from the ground up with no gaps or openings except for drainage. The height of the wall/berm combination shall be based on the final grades for each of the affected lots and shall ensure that a person standing at the rear entry door to the respective units will be shielded from noise on the Franconia-Springfield Parkway. Any noise wall shall conform to the requirements of the Zoning Ordinance or the required Special Permit shall be obtained.
  - c. The noise study shall be submitted to the Department of Planning and Zoning for review and approval using standard methodology and shall be approved prior to the approval of subdivision plan. All units requiring noise attenuation measures, whether exterior or interior, shall be identified on any subdivision plat submitted pursuant to this rezoning.
13. **Garages.** The Applicant shall place a covenant on each unit that prohibits the use of the garage for any purpose that precludes motor vehicle storage. This covenant shall be recorded among the land records of Fairfax County prior to the sale of lots and shall run to the benefit of the HOA and to the Board of Supervisors. Prior to recordation, the covenant shall be approved by the Fairfax County Attorney's office. The HOA documents shall expressly state this use restriction and this restriction shall be disclosed to each prospective purchaser prior to entering into a sales contract.

14. **Driveways.** The minimum driveway shall be 18 feet in length measured from the front of the garage door to the inside edge of the sidewalk to permit the parking of vehicles without overhanging into the sidewalk.
15. **Homeowners Association Documents.** A Homeowners Association (HOA) shall be created and all of the residents of the proposed units within the Property shall be members of the HOA. The HOA shall be responsible for the maintenance of the common open space and any noise attenuation structures and/or berm adjacent to the Franconia-Springfield-Parkway. Notice that access from the Franconia-Springfield Parkway may be relocated from the intersection at Spring Village Drive to the future interchange at Neuman Street, subject to VDOT and Fairfax County approval, shall be provided to prospective purchasers prior to entering into a sales contract and shall be included in the HOA documents.
16. **Affordable Housing Trust Fund.** The Applicant shall contribute to the Affordable Housing Trust Fund an amount equal to 0.5% of the value/sales price of the respective residential dwelling units approved for construction on the Property, per unit for each of the eighteen units, at the time of building permit issuance for the respective unit, which sales price shall be determined by the Department of Housing and Community Development.
17. **Development Schedule.** In order to minimize the impact of construction on the immediately surrounding community and the proposed development, the Applicant shall generally adhere to the following development schedule for the build-out of the Property:
  - a. Phase One will develop Lots 1-8, locate a temporary classroom facility, and retain the existing soccer field located on future Lots 9-18. The temporary classroom facility will be sited within the common area as generally shown on Sheet 7 of the GDP and is to remain until the completion of Lot 18 in Phase Two of the development. The existing soccer field and parking will remain until the commencement of the site work for Phase 2.
  - b. Phase Two will develop Lots 9-18. The temporary classroom area will be removed upon the issuance of the last Residential Use Permit in Phase Two of the development.
18. **Classroom Area.** The Applicant may provide a temporary facility for construction management and classroom instruction. This temporary facility will be a prefabricated modular structure that shall be sited in a manner that will have the least amount of visual impact on the immediately surrounding community and the development, as generally shown on Sheet 5 of the GDP. The temporary facility shall comply with the setback requirements of the R-3 District. Landscaping shall be provided along the foundation of the temporary facility. The classroom facility may remain in place until issuance of a RUP for the last unit in Phase Two of the development.

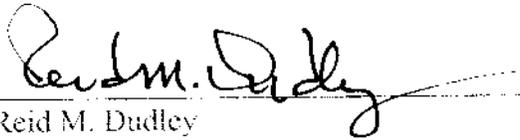
19. **Soccer Field.** The westernmost of the two existing soccer fields (the one located on future Lots 9 - 18) shall remain and be available for use by the public until the commencement of site work for Phase 2 of the development. The soccer field shall not be lighted. The continuing use of this field and the redevelopment of the field with dwellings shall be disclosed in the HOA documents.
20. **Architectural Treatment.** The front building elevations for the proposed dwelling units shall be in the general character in architectural style and quality with the illustrative elevations shown on Sheet 4 of the GDP. The rear façades that face the street shall include architectural ornamentation and articulation, such as, but not limited to, shutters, bay windows, and door trim so as to provide an appropriate and varied façade on that face.
21. **Density Credit.** All intensity of use attributable to land areas dedicated and conveyed to the Board or any other County agency pursuant to these proffers shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and is hereby reserved to the residue of the Property.
22. **Illegal Signs.** No temporary signs (including "popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off-site by the Applicant or any builder or at the Applicant's or any builder's direction to assist in the initial sale of homes on the Property. Furthermore, the Applicant and every builder shall direct its agents and employees involved in the marketing and/or sale of the residential units on the Property to adhere to this Proffer.
23. **Successors and Assigns.** Each reference to "Applicant" in this Proffer Statement shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest, assigns, and/or developer(s) of the Property or any portion of the Property.
24. **Lighting.** All lighting installed on the Property shall conform to the requirements of Part 9, Outdoor Lighting, of Article 14, Performance Standards, of the Fairfax County Zoning Ordinance.
25. **Adjacent HOA.** The HOA documents for this development shall include provisions to allow the incorporation of this Property into the HOA for the subdivision to the north {identified on the Tax Maps as Hunter Tract Subdivision or 90-1 ((19))}. Prospective purchasers shall be notified of this requirement prior to entering into a contract of sale.
26. **Public Facilities Contribution.** A "Public Schools" contribution shall be made in the amount of \$37,500 to the Fairfax County Board of Supervisors for the projected increase in students attributed to the approved rezoning to be utilized for projects contained in the CIP for public schools within Fairfax County, as determined by the Board of Supervisors. The \$37,500 contribution shall be allocated in 18 payments in the amount of \$2,083.34 each to be paid at the time of issuance of the building permit for each unit.

27. **Low-Impact Development Techniques.** In order to help minimize the environmental effects of runoff, subject to approval by DPWES, and in consultation with the Stormwater Planning Division, some or all of the following low-impact development approaches shall be incorporated where feasible:
- Directing roof drains and downspouts to vegetated areas to the extent practicable;
  - The use of alternative paving surfaces to allow stormwater infiltration.
28. **Parking Restrictions along Spring Village Drive.** The parking of construction vehicles and or equipment by the Applicant or any contractor at the Applicant's direction shall be prohibited along Spring Village Drive.

*[SIGNATURES ON THE FOLLOWING PAGE]*

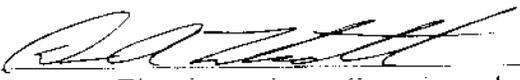
APPLICANT OF TAX MAP 90-1((1)) PARCEL 62A

Foundation For Applied Technical Education, Inc  
(F.A.T.E.)

By:   
Reid M. Dudley

OWNER OF TAX MAP 90-1((1)) PARCEL 62A

Fairfax County School Board

By:   
Dean A. Tistadt, Assistant Superintendent,  
Dept. of Facilities and Transportation Services,  
Fairfax County Public Schools