

PCA 83-C-021
ATLANTIC REALTY COMPANIES, INC.
PROFFER

October 17, 2006

Pursuant to §15.1-2203(A) of the Code of Virginia (1950 as amended) and §18-203 of the Zoning Ordinance of Fairfax County (1978 as amended) the property owner, Trustees of the Light Global Mission Church and Applicant, Atlantic Realty Companies, Inc., for itself and its successors assigns, (hereinafter referred to as the "Applicant") proffers that the development of the parcel under consideration identified on the Fairfax County Tax Maps as Tax Map Reference 46-3((1)) 15 and 15B (hereinafter referred to as the "Property"), will be in accordance with the following conditions, if and only if, the application, known as PCA 83-C-021 is granted. These amended Proffered Development Conditions, if accepted by the Board of Supervisors, shall supersede all previous proffered development conditions. The amended Proffered Development Conditions are as follows:

DEVELOPMENT PLAN

1. The Property shall be developed in substantial conformance with the amended CDPA/FDPA dated September 26, 2006 prepared by Urban Engineering & Associates, Inc.

2. Pursuant to Paragraph 4 of Section 16-204 of the Zoning Ordinance, minor modifications from the Conceptual/Final Development Plan (CDP/FDP) may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the CDP/FDP without required approval of an amended PCA or FDP provided such changes are in substantial conformance with the CDP/FDP as determined by the Zoning Administrator, agents or assigns and neither increase the total gross square footage, decrease the amount of required parking, decrease the amount of open space, nor decrease distance from buildings to the closest property line. Any such modifications shall not impact the limits of clearing and grading and buffers shown on CDP/FDP.

3. A. The project shall be developed in phases consisting of the following permitted uses:

***Major Utility Easements**

Pursuant to Article 2-308, no density credit will be calculated on any area of the Application Property that is subject to a major utility easement (defined as having a width of twenty-five (25) feet or more) at time of approval for the final site plan for the Property. The Application Property is, at the time of execution of these proffers, subject to three (3) major utility easements that may be reduced in size prior to such approval:

- a. a thirty foot wide utility easement paralleling Route 50, 21,626 square feet in area, shown on the CDP/FDP which represents a 5,407 ($21,626 \times .25$) square foot density credit calculation;
- b. a variable width utility easement paralleling Fair Ridge Drive 91,864 square feet in area, shown on the CDP/FDP which represents a 22,966 ($91,864 \times .25$) square foot density credit calculation; and
- c. a variable width utility easement along the western property line, 10635 square feet in area, shown on the CDP/FDP which represents a 2,659 ($10,635 \times .25$) square foot density credit calculation.

Upon reduction in area of any easements evidenced by recordation of an appropriate instrument in the land records of Fairfax County, the Applicant shall be able to construct the equivalent amount of gross floor area equal to the net reduction in area times .25. In the event a major utility easement is reduced to less than twenty-five (25) feet in width, similarly evidenced, there shall be no reduction in density with respect to that easement.

a. The gross floor area attributable to these density credit calculations shall be allocated against any of the three office buildings (Buildings 1-3) and no site plan for a building dependent upon a major utility density credit shall be submitted until the aforesaid instrument has been recorded.

B. Prior to issuance of each Non-residential Use Permit, it shall be demonstrated that no more than 50% of the gross floor area permitted for the entire site is devoted to secondary uses as defined by Section 6-203 of the Zoning Ordinance.

C. In the event more than one (1) building includes a child care center, the cumulative maximum daily enrollment of all such facilities shall be 200 children.

no cost, to the Board of Supervisors right of way along the Property's Fair Ridge Drive frontage as shown on the CDP/FDP.

6. Prior to the issuance of the first non residential use permit (NONRUP) for any new buildings, the Applicant shall construct the following road improvements, as shown on the CDPA/FDPA as approved by VDOT:

Route 50 Transportation Improvements:

A. Construct a second eastbound left turn bay along Route 50 to accommodate two eastbound left turn bays (one existing and one proposed) along eastbound Route 50 at Fair Ridge Drive, as depicted on the CDP/FDP. The double left turn bays will be constructed to accommodate a 500 foot turn bay with a 150 foot taper.

B. Construct a westbound right turn bay for direct access into the Pender Development. The right turn bay will be constructed just west of Fair Ridge Drive. The right turn bay will be constructed to accommodate a 450 foot right turn bay with a 200 foot taper along westbound Route 50.

C. Modification to the existing traffic signal at Fair Ridge Drive and Route 50 to accommodate the eastbound double left along Route 50 as well as the widening of Fair Ridge Drive.

D. Applicant shall install pedestrian signal heads at both the Fair Ridge Drive and Alder Wood Drive intersections with Route 50, (if approved by VDOT).

E. Construct a 10 foot wide asphalt trail along Route 50 frontage, as shown on the CDP/FDP.

Fair Ridge Drive Roadway Transportation Improvements:

F. Widen Fair Ridge Drive to accommodate two (2) northbound lanes and four (4) southbound lanes (for a total of six (6) lanes along the north side of Route 50). The southbound lane configuration will accommodate a left turn bay, through-left lane, and two (2) right turn lanes. All lane transitions will be reviewed and agreed upon by VDOT and Fairfax County prior to installation.

ENVIRONMENT

10. A. All stormwater management facilities constructed on the Property and/or associated with the development shall be Best Management Practices (BMP) facilities in accordance with the requirements of the Water Supply Protection Overlay District (WSPOD), as determined by DPWES. In addition, these facilities shall be designed to provide storage capacity of a minimum of five (5%) percent in excess of the design storm requirements required by the Public Facilities Manual, all as determined by DPWES.

B. During initial Site Plan submission, the Applicant shall coordinate with DPWES to determine appropriate types and locations for LID techniques/BMP facilities, and shall implement such recommendations. Innovative BMP facilities shall be installed throughout the site to include but not be limited to underground vaults, porous pavers and grasscrete travel way for fire access to the substation, as approved by DPWES.

C. In order to protect the Resource Protection Area (RPA) on-site construction phase of development, erosion and sedimentation control measures designed to achieve up to 90% sediment trapping efficiencies or greater as feasible, as determined by DPWES, shall be implemented in conformance with the methods recommended by the Virginia Soil and Water conservation District in the Virginia Erosion and Sediment Control Handbook. All such activities shall be subject to approval by DPWES.

11. A. Secure bike parking and racks shall be provided at each office building on-site.

B. The existing shower facility or a new shower facility to be built in the existing office building shall be made available at no cost to tenants of proposed office buildings 1, 2 and 3, or, alternatively, shower facilities shall be included in at least one of the three proposed office Buildings 1, 2 and 3 (to be constructed north of the existing building), and such showers shall be available to all tenants of Buildings 1-3.

C. Bicycle racks or other bicycle parking for at least 10 bikes shall be provided near the entrance of Buildings A and B2.

in excess of two feet in height. Trees that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associate understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associate understory vegetation and soil conditions.

D. The limits of clearing and grading shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading adjacent to the tree preservation areas as shown on the phase I and II erosion sediment control sheets. All tree protection fencing shall be installed after the walk-through meeting described in Proffer 11.B above but prior to any clearing and grading activities. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist and UFM, and accomplished in a manner that does not harm existing vegetation that is to be preserved. At least ten (10) days prior to the commencement of any clearing or grading activities adjacent to the tree preservation areas, but subsequent to the installation of the tree protection devices, the UFM, DPWES shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM.

E. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the respective public improvement/site plan submission. The details for these treatments shall be reviewed and approved by UFM, accomplished in a manner that protects affect and adjacent vegetation to be preserved, and may include, but not be limited to the following: (1) root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches; (2) root pruning shall take place prior to any clearing and

Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

I. All of the open space buffers along the Property's northern and western property lines shall be maintained as undisturbed open space subject to the necessary installation of utilities in the least disruptive manner and the removal of dead, dying or invasive vegetation.

LANDSCAPING

13. A. As a part of the site plan submissions for each phase of the project, a landscaping plan will be submitted to DPWES for review and approval. Such landscaping plans shall conform to the design shown on the CDP/FDP, provided, however, that with the specific concurrence of Urban Forest Management, the Applicant may substitute vegetative materials and alter their location to accommodate engineering considerations. The vegetative density will be as represented on the CDP/FDP. The Applicant shall maintain the landscaping in good condition and promptly replace dead landscaping with similar species.

B. Large deciduous, canopy trees shall be planted at the perimeter of the proposed parking structure to screen and shade the structure. In addition, the top level of the parking structure shall contain irrigated landscaped islands/planters.

C. All canopy trees shall be minimum 3" - 3.5" caliper.

D. Landscaping shall be provided adjacent to the loading area for Building A as shown on the FDP.

14. The plaza and paved areas will be designed and constructed in conformance with the concepts depicted on the CDP/FDP, provided, however, that, subject to the approval of DPWES, the specific distribution and location of landscaping, walkways, and focal seating areas may be modified to accommodate the design theme for the Property selected by the Applicant, so long as such modifications are in substantial conformance with the CDP/FDP, and are provided in the quality and quantity of that shown on the CDP/FDP. Plaza areas shall be constructed concurrently with the development of the respective phase of the project.

Plan. The acceptance of this proffer and approval of this case does not vest any rights on the approval of the CSP.

B. All free-standing signs shall be monument. No pole signs (excepting directional signage on-site) shall be permitted.

18. In coordination and consultation with the Sully District Supervisor, the Applicant shall fund the provision of one historical marker on the site. Said funding shall include the completion of the archival research that supports the marker and the drafting of the marker text. The Sully District Supervisor shall approve the final text prior to the manufacturing of the marker. Such marker shall not exceed eight (8) square feet in area. The marker will be a Fairfax County Park Authority-style wayside trail marker (comparable in size and style to a Virginia Civil War Trails marker). Said marker shall be placed at a point along the site's frontage on Route 50, so as to be legible to pedestrians on the frontage sidewalk. This marker shall be installed by the Applicant prior to site plan bond release. The Applicant shall dedicate public access easements for use as a public commemorative monument in the area along the Property's Route 50 frontage as shown on the CDP/FDP.

19. In order to minimize any potentially adverse impacts from service activities taking place at the rear of the grocery store, the Applicant commits to the following:

No truck deliveries, including trash removal, shall be permitted within the project between 11:00 p.m. and 6:00 a.m. daily.

20. A. The architecture of the proposed buildings shall be in substantial conformance with the architectural elevations shown on the CDPA/FDPA. The proposed buildings shall have similar architectural treatment and materials on all four sides.

B. The architectural materials of the proposed development shall consist of any of the following materials used singly or in combination with other materials: Brick masonry, architectural CMU, EIFS, architectural metals and glazing systems. The same colors and types of materials shall be used on all buildings, including the pad site. Architectural details to demonstrate conformity shall be provided on all final site plans. A palette of no more than 2

26. The Applicant has performed a Phase I Archaeological Survey and will submit such to Cultural Resources Management and Protection Section of the Fairfax County Park Authority (CRMPS) for review and approval prior to site plan approval. If determined necessary by CRMPS the Applicant shall perform a Phase II Survey. If the Phase II Survey determines that there are historical artifacts of significance, as determined by CRMPS, the Applicant shall perform a Phase III Survey to retrieve and catalog artifacts, prior to site plan approval, which shall be donated to CRMPS.

VEPCO SUBSTATION

27. The Applicant shall construct curb cuts along the travel aisle adjacent to the substation in locations determined by VEPCO and in substantial conformance with that shown on the CDP/FDP.

28. The Applicant shall record an easement for the travel aisle, landscaping and parking spaces within the area of the VEPCO substation parcel shown on the CDP/FDP, at such time a site plan is submitted for a use requiring these spaces. In the event the Applicant is unable to obtain the easement from VEPCO, the CDP/FDP will be revised and may result in a decrease in parking and gross floor area subject to DPZ determination of substantial conformance with the proffered CDP/FDP.

FAIR WOODS LANDSCAPING

29. Prior to the issuance of the first NON RUP for Building A, the Applicant shall contribute the sum of \$5000 to the Fair Woods Homeowners Association for trail and landscaping maintenance or other such improvements as deemed necessary by the Association.

CHILD CARE

30. An enclosed outside play area shall be provided to accommodate a maximum of 50 children at one time in the area shown on the CDP/FDP.

APPLICANT/CONTRACT PURCHASER:

Atlantic Realty Companies, Inc.



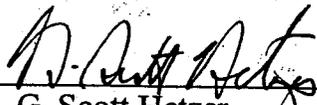
By: David A. Ross

Title: President

[Signatures continue on the following page]

TITLE OWNER PARCEL 15B:

VIRGINIA ELECTRIC AND POWER COMPANY,
d/b/a DOMINION VIRGINIA POWER, a Virginia
Public Service Corporation

By: 
Name: G. Scott Hetzer
Title: Senior Vice President and Treasurer

FINAL DEVELOPMENT PLAN CONDITIONS

FDPA 83-C-021

September 6, 2005

If it is the intent of the Planning Commission to approve Final Development Plan Amendment FDPA 83-C-021, on property located at Tax Map 46-3 ((1)) 15A, 15B, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, which supersede all previously approved conditions.

1. Open space shall be provided on Parcel 15A in an amount equaling 45% of the land area of Parcel 15A, after all required dedications.
2. The western access to the electrical substation shall be gated.
3. Parcel 15B shall remain as a power substation.