

PROFFERS

BALBIR BRAR ASSOCIATES, INC.

RZ 1998-SU-009

June 12, 1998

RECEIVED
PLANNING AND ZONING
JUL 9 1998
ZONING EVALUATION DIVISION

Pursuant to Section 15.2-2303(A), of the Code of Virginia, 1950 as amended, the Applicant and their owners for themselves, their successors and assigns (hereinafter referred to as the "Applicant") in this RZ 1998-SU-009, filed for property identified as Fairfax County tax map 46-3 ((1)) 14 and 14A (hereinafter referred to as the "Application Property"), proffers the following, provided that the Board of Supervisors approved a rezoning of the Application Property to the PDC District. In the event that this application is approved, any previous proffers for the Application Property are hereby deemed null and void for the Application Property and hereafter shall have no effect on the Application Property.

1. **DEVELOPMENT PLAN -**

Development of the Application Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan ("CDP/FDP") prepared by Huntley, Nyce & Associates consisting of 6 sheets dated March 12, 1998.

2. **FINAL DEVELOPMENT PLAN AMENDMENT -**

Notwithstanding that the CDP/FDP is presented on 6 sheets and said CDP/FDP is the subject of proffer 1 above, it shall be understood that the CDP shall be the entire plan shown on sheets 1 and 2 relative to the points of access, uses, FAR, building height, amount of open space, location of common open space areas and buffers, and limits of clearing and grading. The Applicant has the option to request a final development plan amendment ("FDPA") for elements other than CDP elements from the Planning Commission for all or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance, if in conformance with the approved CDP and proffers.

3. **MINOR DEVIATIONS -**

Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the 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 requiring the

approval of an amended FDP provided such changes are in substantial conformance with the FDP as determined by the Zoning Administrator, agents or assigns and neither increase the floor area ratio nor decrease the following amount of open space, the amount of parking, the amount tree preservation; the locations of common open spaces areas; or distances to peripheral lot lines.

4. PERMITTED USES -

The following list of permitted uses is shown on the CDP/FDP:

- a. Offices in a building consisting of approximately 97,200 gross square feet.
- b. Hotel in a building consisting of approximately 75,556 gross square feet.
- c. Service station/mini-mart, car wash.

5. DESIGN FEATURES -

Design elements within the Application Property shall include the following:

- a. Special brick paving, planters, and lighting, all as generally shown on sheets 3, 4 and 5 of the CDP/FDP.
- b. The hotel, office and service station/mini-mart shall use similar landscaping and exterior facade materials such as brick and/or stucco to ensure a coordinated development and unified landscape treatments.
- c. The architectural elevations of the office building, hotel building and service station/mini-mart shall be in substantial conformance with that shown on sheets 6 and 7 of the CDP/FDP.
- d. A plaza shall be provided in substantial conformance with that shown on the CDP/FDP.
- e. A free-standing, monument style entrance sign shall be provided as shown on sheet 4 of the CDP/FDP. The base materials shall consist of brick matching the buildings' brick.

- f. Landscaping design and materials shall be coordinated with the landscaping of the office development located immediately east of the Application Property by providing similar trees, shrubs and ground cover at a similar density and pattern of planting

6. **TRANSPORTATION -**

- a. The Applicant shall contribute at time of site plan approval to Fairfax County for off-site roadway projects in conformance with the amount called for by application of the "Fairfax Center Area Formula" as adopted by the Board of Supervisors on November 22, 1982 and as subsequently revised.
- b. At time of site plan approval or upon demand, whichever occurs first, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way along the Application Property's Route 50 frontage as shown on the CDP/FDP. Notwithstanding the above, entrance way improvements (including closure of curb cuts) along the frontage of parcel 14A shall only be required upon approval of a site plan for the service station/mini-mart as shown on the CDP/FDP.
- c. The Applicant shall dedicate and convey in fee simple right-of-way to the Board of Supervisors for the extension of Fair Ridge Drive as shown on the CDP/FDP.
- d. Prior to the issuance of the first Non-RUP on the Application Property, the Applicant shall construct the section of Fair Ridge Drive extended within the boundaries of the Application Property as shown on the CDP/FDP.
- e. The on-site portion of Fair Ridge Drive shall be constructed as shown on the CDP/FDP to match the 44' pavement section and standards approved for that portion of Fair Ridge Drive which lies on the Fifty West Limited Partnership property to the east (RZ 84-C-060, CDPA/FDPA 84-C-060-1). Applicant shall also improve the off-site section of Fair Ridge Drive on the Virginia Power property to the west to match the proposed on-site roadway section.
- f. The Applicant shall establish a transportation director to coordinate with other commercial developments in the Fairfax Center Area to implement Transportation System Management Techniques (TSMs) acceptable to the Fairfax County Office of Transportation to reduce traffic volumes and automobile generated noise and air pollution. Such TSMs shall include the following measures:

- i. A car pool/van pool program established for employees occupying structures on the property under the direction of a transportation coordinator provided by and at the expense of the occupants, and coordinated with similar services operated in the Fairfax Center Area by various governmental agencies and other private employers, including the Fairfax County ride sharing program.
 - ii. Convenient parking in preferred locations designated for car pool/van pool use.
 - iii. If an area wide shuttle bus service is established in the Fairfax Center Area that provides regular scheduled service to the Application Property, then the Applicant shall contribute to the sponsorship of such a service on a pro-rata basis equitably calculated among those entities participating in said service and based upon the number of employees or users.
- g. The Applicant shall fund the cost, as reduced by any previously escrowed funds, as determined by VDOT of the design and construction of a traffic signal at the western intersection of Fair Ridge Drive and Route 50, said design to be subject to the approval of VDOT. If required by VDOT, said signal shall include pedestrian-activated crossing signals. The Applicant's share of the cost shall be paid at time of approval of the first site plan on the subject property. In the event the signal is not warranted by VDOT within three (3) years from the issuance of the final bond release, than the funds escrowed by the Applicant shall be returned to the Applicant.

7. ENVIRONMENTAL -

- a. Best Management Practices (BMP) stormwater detention facilities shall be provided to control off-site flows in accordance with the requirements and standards of the Water Supply Protection Overlay District (WSPOD). Subject to approval by DEM, such facilities may include:
 - i. Underground stormwater detention facilities as generally shown on the CDP/FDP;
 - ii. a dry pond as shown on the CDP/FDP;
 - iii. or utilization of capacity in an off-site regional stormwater detention pond serving the Application Property or combination of the above.

- b. For the purposes of maximizing the preservation of trees, the Applicant shall prepare a tree preservation plan. The tree preservation plan shall be reviewed by the Urban Forestry Branch of DEM at time of submission of the site plan. The placement of all utilities shall be considered prior to the submission of the tree preservation plan.
 - i. **The tree preservation plan shall include a tree survey prepared by an arborist certified by the International Society of Arboriculture, which shows the location, size, species and actual dripline of all existing trees eight (8) inches in diameter and larger and all landscape trees and shrubs in good condition. As part of the tree preservation plan preparation, the certified arborist shall conduct a condition analysis, using the method described in the "Guide for Plant Appraisal," eighth edition, published by the International Society of Arboriculture. This information shall be provided on the tree preservation plan.**
 - ii. **All trees shown to be preserved on the tree preservation plan shall be protected by fencing a minimum of four (4) feet in height, placed at the dripline of the trees to be preserved. The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any work being conducted on the site, including the demolition of any existing structures or fences. The certified arborist shall monitor the installation of the tree protection fencing and verify in writing that it has been installed prior to the demolition of existing structures. In addition, the certified arborist shall monitor the construction work and tree preservation efforts in order to ensure that the commitments made on the tree preservation plan are fulfilled.**
 - iii. **Urban Forester shall be notified prior to demolition of structures (permit). The demolition of existing structures shall be conducted in such a manner as to minimize the impact on individual trees and groups of trees to be preserved.**
 - iv. **The Applicant shall conform to the limits of clearing and grading shown on the CDP/FDP subject to the installation of trails and utility lines, if necessary, as approved by DEM. The trails and utility lines located outside the limits of clearing and grading shall be located and installed in the least disruptive manner possible considering cost and engineering, as determined by the Urban Forester. A replanting plan shall be developed and implemented, as approved by the Urban Forester, for any areas outside the limits of clearing and grading that must be disturbed. Prior to any land disturbing activity for each section,**

the limits of clearing and grading shall be clearly marked and shall be subject to inspection by the Urban Forester

- c. In order to achieve the maximum noise level of 45 dBA Ldn in the hotel building located within that area impacted by highway noise levels between 70 and 75 dBA Ldn, such building shall have the following acoustical attributes:
 - i. Exterior walls shall have a laboratory sound transmission class ("STC") rating of at least 39.
 - ii. Doors and windows shall have a laboratory STC rating of at least 28. If windows function as the walls, they will have the STC specified for exterior walls; and
 - iii. Adequate measures shall be provided to seal and caulk between surfaces.
 - iv. As an alternative, the Applicant may, at its sole discretion, have a refined acoustical analysis performed to determine which buildings may have sufficient shielding to permit a reduction in the mitigation measures prescribed above, subject to approval by DEM.

8. LANDSCAPING/BARRIERS -

- a. Landscaping shall be provided on the Application Property in substantial conformance with that shown on the CDP/FDP.
- b. All landscaping shall be properly maintained by the Applicant, such maintenance to include all reasonable and necessary watering, fertilizing, spraying, pruning and required replacement. Dead or damaged planting materials shall be replaced promptly.
- c. The Applicant shall submit a copy of the site plan and tree preservation plan at time of site plan submission to the Chairman of the Board of the Fair Oaks Estates Homeowners Association.
- d. A six foot high brick and wooden wall as shown on the CDP/FDP shall be constructed along the northern property line. The wall shall be placed as necessary to preserve existing quality vegetation. The Applicant shall erect the wall at the northern end of

the Application Property and plant landscaping in the transitional screening yard prior to the commencement of any other clearing, grading or development on the Application Property

- e. At time of planting, all large evergreen trees planted on-site shall be at least 8 feet in height, and all medium evergreen trees in the screening yard shall be at least 6 feet in height. Deciduous trees shall have a minimum 2 1/2 to 3 inch caliper at planting.

9. **PUBLIC AMENITIES -**

- a. Applicant shall provide two (2) picnic tables and benches and provide two (2) bicycle racks at a location convenient to the jogging and walking trails as shown on the CDP/FDP or to a future bicycle trail along Route 50, said location or locations to be determined at time of final site plan approval.
- b. Jogging and walking trails shall be provided as shown on the CDP/FDP to connect to the trails on adjacent properties. These trails shall be subject to public access easements dedicated by the Applicant.
- c. The Applicant shall provide locker and shower facilities within one of the office buildings shown on the CDP/FDP for the exclusive use of the office tenants.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

OWNERS.

BALBIR BRAR ASSOCIATES, INC.

By: *Balbir S. Brar*
Name: *BALBIR S. BRAR*
Its: *PRESIDENT*

OWNER PARCEL 14

F&M BANK - NORTHERN VIRGINIA
Successor to Hallmark Bank and Trust, Co.

By: *Alice B. Williams*
Name: *Alice B. Williams*
Its: *Senior Vice President*

OWNER PARCEL 14A

EXXON CORPORATION

By: _____
Name: _____
Its: _____

OWNERS:

BALBR BRAR ASSOCIATES, INC.

By: _____

Name: _____

Its: _____

OWNER PARCEL 14

F&M BANK - NORTHERN VIRGINIA
Successor to Hallmark Bank and Trust, Co.

By: _____

Name: _____

Its: _____

OWNER PARCEL 14A

EXXON CORPORATION

By: *R. W. HILCHY*

Name: R. W. HILCHY

Its: AGENT + ATTORNEY-IN-FACT