

PROFFERS

FATHIA H. SOLIMAN D/B/A/ F.A.Z. CREATIVE EDUCATION CENTER

PCA 82-P-084-2

May 7, 2010

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, Fathia H. Soliman d/b/a F.A.Z. Creative Education Center (hereinafter referred to as the "Applicant") for the owners, herself, and successors and assigns, in PCA 82-P-084-2, filed on property identified as Fairfax County tax map reference 29-4 ((6)) 94B (hereinafter referred to as the "Application Property") hereby proffers the following, provided that the Board of Supervisors approves this proffered condition amendment. These proffers shall be in addition to the previously approved proffers dated July 6, 2000, a copy of which is attached. Previously approved proffered conditions applicable to the Application Property that are not modified herein are hereby reaffirmed and shall otherwise remain in full force and effect.

1. GENERALIZED DEVELOPMENT PLAN

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 conformance with the Generalized Development Plan ("GDP") containing one sheet and prepared by Gary D. Newlen of GDN Engineering Inc., dated July 26, 1999, and revised through November 15, 1999, and Proffer Condition Amendment Exhibit containing four (4) sheets and prepared by Walter L. Phillips, dated November 4, 2009 and revised January 11, 2010 (the "PCA Exhibit"). Minor modifications to the GDP may be permitted as determined by the Zoning Administrator.

2. USES

- a. The development and use of the Application Property shall be limited to: offices, establishments for scientific research, development and training, financial institutions, veterinary hospitals with no boarding facilities, except as accessory to the medical treatment of animals, private schools of general education, nursery schools, child care centers and accessory uses and accessory service uses as permitted by Article 10.
- b. The following limitations shall be placed on private schools of general education, nursery schools, and child care centers:
 - i. The maximum combined daily enrollment of the uses shall be limited to sixty-five (65) children.

- ii. The total number of staff shall be limited to fourteen (14) persons. There shall be no more than ten (10) staff members present at the Application Property at any one time.
- iii. No more than one class of children shall be permitted outdoors on the playground at any one time. A class is comprised of approximately ten (10) children.
- iv. Exclusive of infants (birth to 16 months), child care shall not be provided to any children who are not enrolled in the private school of general education or nursery school.
- v. Hours of operation shall be limited to 7:00 a.m. to 6:30 p.m., Monday through Friday. During the typical school year from September to June, one education enrichment program of no more than thirty (30) children (6 to 12 years of age) may be held between the hours of 10:00 a.m. and 12:30 p.m. on Sundays.
- vi. Arrival and departure of children shall be staggered by establishing a specific arrival and departure time for each child upon registration. Arrival and departure times shall be established in fifteen (15) minute increments and shall be sufficiently spaced to preclude no more than ten (10) children from arriving at any one time to minimize impacts on the surrounding road network. Should a concern arise regarding compliance with the staggered arrival and departure of children, records of scheduled arrival and departure times shall be made available to Fairfax County. The Applicant shall coordinate with Fairfax County to formulate a plan to ensure compliance.
- vii. The private school of general education shall be limited to kindergarten. The age of children in the child care center may range from infants to seven (7) years.
- viii. All parking for staff, visitors and parents shall be on-site. Staff shall be required to park in the lot located at the southern corner of the Application Property as shown on the PCA Exhibit. Carpooling shall be coordinated by the Applicant, and shall be encouraged as a mechanism to minimize daily vehicular trips.
- ix. The combined uses shall only be located within the existing one-story building, which contains approximately 5,334 square feet.
- x. A point of contact shall be designated for community operational and maintenance concerns. The name and telephone number of the

contact person shall be provided to the presidents of surrounding community associations and the office of the Providence District Supervisor.

3. Any dumpsters located on the Application Property shall be screened with a fence to limit visibility from Old Meadow Road. The fence shall be designed to ensure that trash is not visible from Old Meadow Road. Any landscaping installed in conjunction with the fence shall provide year-round screening, subject to review and approval by Urban Forest Management, DPWES.

Proffers 4. through 9. are hereby reaffirmed

10. Prior to site plan approval for the new addition as shown on the GDP and the PCA Exhibit, an RPA Exception shall be submitted for review and approval by DPWES.
11. In conjunction with the use of the Application Property as a private school of general education, nursery school and child care center, additional plantings shall be installed in proximity to the northern property line as shown on the PCA Exhibit. Said plantings shall be subject to review and approval by Urban Forest Management, DPWES, and the approved plantings shall be installed prior to the issuance of a Non-Residential Use Permit, or as soon as practical dependent upon weather conditions.
12. In conjunction with the use of the Application Property as a private school of general education, nursery school and child care center, within twelve (12) months of receipt of a Non-Residential Use Permit, the Applicant shall install plantings to improve water quality and runoff on the adjacent property identified among the Fairfax County tax assessment records as 29-4 ((8)) that is common property of the Regency of McLean Condominium. Plantings shall include one (1) deciduous tree, approximately one to one and one half (1-1½) inch caliper, two (2) evergreen trees, approximately six (6) feet in height, and a mix of approximately fifteen (15) shrubs and perennials in eighteen (18) to twenty-four (24) inch containers. Said plantings shall be similar in size and species as those shown on the PCA Exhibit to be planted in proximity to the northern property line. Installation of plantings shall be subject to the receipt of permission at no cost from the property owner. The location of plantings shall be coordinated with the Board of Directors of the Regency of McLean Condominium and a representative of Urban Forest Management, DPWES. The Applicant shall be under no obligation for future maintenance or replacement of plantings after expiration of the standard nursery warranty.

13. SUCCESSORS AND ASSIGNS

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

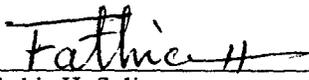
14. COUNTERPARTS

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

{A0192506.DOC / 1 Proffers 5-7-10 (cln) 006840 000002}

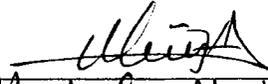
[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

APPLICANT/LESSEE OF TAX MAP 29-4 ((6)) 94B


By: Fathia H. Soliman

TITLE OWNER OF TAX MAP 29-4 ((6)) 94B

THE AMERICAN TURKISH FRIENDSHIP
ASSOCIATION, INC.



By: Mustafa Akpınar
Its: Executive Director

PROFFERS

PROFFER CONDITION AMENDMENT (PCA 82-P-084-1)

July 6, 2000

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978 amended), the property owners and Applicant in this rezoning application proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference No. 29-4 ((6)), Parcel 94B (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Proffer Condition Amendment is granted. In the event said application request is denied, these proffers shall be null and void. These proffers shall supercede all previous proffers governing the development and use of the property. The Owners and Applicant ("Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia in accordance with applicable County and State statutory procedures. The proffered conditions are:

1. Subject to the proffers and the provisions of Section 18-204 of the Zoning Ordinance under which minor modifications to an approved Generalized Development Plan (GDP) are permitted, the development shall be in substantial conformance with the Generalized Development Plan containing one (1) sheet and prepared by Gary D. Newlen of GDN Engineering Inc., dated July 26, 1999, and revised through November 15, 1999.

2. The development and use of the property shall be limited to: offices, establishments for scientific research, development and training, financial institutions, veterinary hospitals with no boarding facilities, except as accessory to the medical treatment of animals, and accessory uses and accessory service uses as permitted by Article 10.

3. Any dumpsters located on the property shall be screened with a fence or wall and landscaping to limit visibility from Old Meadow Road. Any landscaping installed pursuant to this proffer shall be designed to afford year-round screening and shall be subject to review and approval by the County Urban Forester.

4. The Applicant shall provide two (2) additional street trees generally along the site's frontage to Old Meadow Road. Trees installed required by this proffer shall have a minimum caliper of three inches (3") at the time of planting. The proposed specific species and location of such tree plantings shall be reviewed by the Urban Forester at the time of site plan approval. In the event it is determined by VDOT or DPWES that compliance with sight distance requirements, or the presence of utility easements, along the property's frontage to Old Meadow Road precludes the installation of additional street tree plantings or any landscaping shown on the GDP, the required trees and/or landscaping shall be relocated to alternative areas of the property, adjacent to the parking areas, subject to review and approval by the County Urban Forester. Along the western lot line, to provide additional understory planting, the Applicant shall provide eight (8) evergreen trees. The species, size and location of this understory planting shall be reviewed and approved by the County Urban Forester. All plantings required by this proffer and Proffers 5 and 6 below, shall be installed concurrent with the construction of the approved building addition.

5. Limits of clearing and grading around the new addition shall be in substantial conformance with that shown on the GDP and the approved Water Quality Impact Assessment for the property dated November 24, 1999, subject to minor modifications as determined necessary by DPWES at site plan review and approval to either enhance tree preservation opportunities or reflect final engineering. Once the limits of clearing and grading are

established, prior to any land disturbing activity, tree protection fencing consisting of a four foot (4') high 14 gauge welded wire fence shall be erected at the limits of clearing and grading as approved by the County Urban Forester. The Applicant shall retain a certified arborist to prepare a tree preservation plan to be reviewed by the Urban Forestry Branch as part of the first site plan submission. The tree preservation plan shall include the tree survey submitted as part of the GDP and condition ratings for all surveyed trees. The condition analysis shall be prepared using methods outlined in the latest edition of *The Guide for Plant Appraisal*. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching and fertilization. In the event any tree shown to be preserved on the tree preservation plan should perish as a direct result of the construction activity, the Applicant shall provide replacement plantings that yield equivalent tree cover, subject to the review and approval by the County Urban Forester.

6. In the event a waiver of the requirement for interior parking lot landscaping is approved by the Board of Supervisors as part of this application, the Applicant shall provide those trees and landscaping that would have been required by Section 13-201 of the Zoning Ordinance or other equivalent landscaping as determined by the County Urban Forester within the landscaped area generally dividing the two (2) parking areas shown on the GDP.

7. The general design, architecture, and materials used in connection with the approved building addition shall be compatible with the existing structure as determined by DPWES.

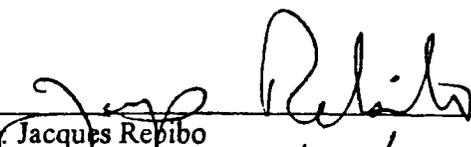
8. Concurrent with the construction of the approved addition, the stormwater management system serving the property shall be designed and/or improved to achieve a

minimum phosphorous removal of 45 percent in accordance with the Water Quality Impact Assessment approved for the property dated November 24, 1999, or in accordance with other requirements or water quality measures reviewed and approved by DPWES.

9. Prior to final site plan approval for the approved addition, a contribution in the amount of \$3.02 per square foot of non-residential gross floor area for the proposed 1,606 square foot building addition shall be placed in a fund administered by the Office of Transportation to be used toward Tysons Corner area road improvements. The contribution shall be adjusted for inflation according to the Construction Cost Index as published in the *Engineering News Record* by McGraw-Hill at the time of payment.

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A&R GENERAL PARTNERSHIP

By: 
Name: Jacques Rebibo
Date: 7/18/2000

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McGuire, Woods, Battle & Boothe LLP



Gregory A. Riegle, Agent for the Applicant

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