

PROFFERS

GLEN ALDEN LLC PCA 80-S-088 (concurrent with FDP 80-S-088-2)

**June 29, 1999
Revised July 13, 1999
Revised July 16, 1999
Revised July 21, 1999
Revised August 5, 1999
Revised September 21, 1999**

Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950, as amended, the applicant, Glen Alden LLC (hereinafter the "Applicant") proffers that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference 56-1 ((1)) 39A (hereinafter the "Property") will be in accordance with the following proffered conditions if, and only if, said Proffer Condition Amendment request for the PDH-8 District and the concurrent FDP request (FDP 80-S-088-2) is granted. In the event said application requests are denied, these proffers shall be null and void. The Applicant, for itself, its successors and assigns, agrees that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia. These proffered conditions, if accepted, supersede all proffers existing on the Property.

1. Applicant reaffirms the proffered conditions accepted in conjunction with RZ 80-S-088, approved on February 7, 1983 with the exception of Proffer #9. Transitional screening shall be provided in accordance with the Zoning Ordinance except as modified by the Conceptual Development Plan/Final Development Plan.

2. Development of the Application Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan ("CDP/FDP") consisting of two sheets and prepared by Bengston, DeBell & Elkin, Ltd., dated December 1998 and revised through September 21, 1999.

3. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the CDP/FDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to make minor modifications to the layout shown on the CDP/FDP without requiring approval of an amended CDP/FDP provided such changes are in substantial conformance with the CDP/FDP, and neither increase the total gross floor area approved nor decrease the amount of open space or parking.

4. A tree preservation/landscape plan shall be prepared by a certified landscape architect, retained by the Applicant, and submitted at the time of site plan and shall be coordinated with and approved by the Urban Forester. The Applicant shall make every effort to retain trees with a diameter of twelve inches (12") or larger, measured at a height of five feet (5') above ground level.

5. Light poles on the Property shall be a maximum of twelve (12) feet in height. Any parking

lot lighting and security lighting for the facility shall be fully shielded and directed downward to minimize off-site glare to adjacent residential uses.

6. At the time of site plan approval, the Applicant shall contribute to the Fairfax Center Area Road Fund in accordance with the "Procedural Guidelines" adopted by the Board of Supervisors on November 22, 1982, as amended.

7 Unless waived by DPWES, the Applicant shall provide stormwater management (SWM) and Best Management Practices (BMPs) in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance. If requested, said facilities shall be provided off the subject Property but within the Alden Glen community.

8. Due to the Property's proximity to Lee Highway, the Applicant will institute acoustical measures that may include, but shall not be limited to, the following in order to achieve a maximum interior noise level of 45 dBA L_w:

- a. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39;
- b. Doors and windows shall have a laboratory STC rating of at least 28. If windows constitute more than twenty percent (20%) of any facade, they should have the same laboratory STC rating as walls; and
- c. Measures to seal and caulk between surfaces should follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

As an alternative, the Applicant may, at its sole discretion, have a refined acoustical analysis performed to determine if there is sufficient shielding to permit a reduction or elimination in the mitigation measures prescribed above, subject to approval by DPWES.

9. In order to facilitate the construction of a building that is compatible with the surrounding residential development and in order to mitigate the impact of the facility on the surrounding community both during and after construction, the Applicant has agreed to the following:

- a. The maximum daily enrollment for the facility shall be 150 children;
- b. Any trees on Alden Glen property (approved with RZ 80-S-088) that have been damaged by the Applicant or its agents due to construction of the facility shall be removed and replaced with a comparable replacement;
- c. Trash and debris on the construction site shall be reasonably cleaned up on a daily basis and the street shall be cleaned up on a weekly basis;
- d. There shall be no obstruction of Holly Avenue with construction vehicles;

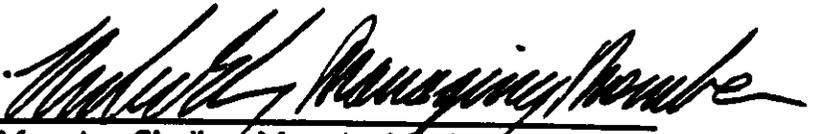
- e. **Construction workers shall not drive or park on the private roads in the Alden Glen community;**
- f. **Should damage be caused to Alden Glen private roads by personnel involved with the construction of the child care facility, all such damage shall be promptly and properly repaired;**
- g. **In the event that any retaining walls are installed on the Property, a dense evergreen buffer shall also be installed to soften the aesthetic impact of the retaining wall, as determined by the Urban Forestry Branch of DPWES;**
- h. **Fencing around the play area shall be of a board-on-board construction;**
- i. **At dusk all windows on the north side of the facility shall be shaded to reduce off-site glare;**
- j. **Traffic will be controlled and directed on-site during pick-up and drop-off times, as well as during facility functions, by a designated employee or employees of the facility;**
- k. **Alden Glen residents will be given priority enrollment for the first year of the facility's operation by written notice for thirty (30) days once applications are being accepted. Existing students shall be given first priority after the first year. Alden Glen residents will be given priority enrollment for any facility vacancies by written notice at the end of each school year for thirty (30) days.**
- l. **Unless waived in writing by the Alden Glen Community Association, coordination sessions shall be held between the Applicant and the Alden Glen community at six-month intervals throughout the construction process and by the child care operator at six-month intervals following construction as scheduled by the Alden Glen Community Association Board of Directors;**
- m. **Employees, clients and visitors of the child care facility shall not enter on private Alden Glen property;**
- n. **The Applicant shall provide a crosswalk as shown on Page 2 of the CDP/FDP, subject to approval by VDOT and the Fairfax County Office of Transportation;**
- o. **The facility shall not utilize any outside loudspeakers or outside intercom system;**
- p. **The child care facility shall be painted with colors approved by the Alden Glen community, such approval not to be unreasonably withheld or delayed; and**
- q. **Unless waived in writing by the Sully District Supervisor, prior to site plan approval the Applicant shall provide a letter from the Alden Glen Community Association President, or an authorized member of the Board of Directors, stating**

that they have reviewed the site plan and confirmed that it is reasonably consistent with these proffered conditions in this proffer numbered as paragraph 9.

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

[SIGNATURES BEGIN ON NEXT PAGE]

GLEN ALDEN LLC, a Virginia Limited Liability Company

BY: 
Mary Ann Ghadban, Managing Member

ALBERT CHAIKEN, TRUSTEE
Title Owner of 56-1 ((1)) 39A

Albert Chaiken, Trustee

PROPOSED DEVELOPMENT CONDITIONS

FDP 80-S-088-2

~~September 14, 1999~~

September 24, 1999

If it is the intent of the Planning Commission to approve FDP 80-S-088-2 located at Tax Map 56-1 ((1)) 39A, the staff recommends that the approval be subject to the following development conditions:

1. Development of the subject property shall be in conformance, as defined by Section 16-403 of the Zoning Ordinance, with the Final Development Plan entitled "Child Care Center, Chaiken Property," prepared by Bengston, DeBell & Elkin, Ltd., and dated December 1998 as revised through September 21, 1999, ~~September 2, 1999~~.
2. In order to screen the child care facility from the adjacent townhouse development, evergreen trees with a minimum height of 7 feet shall be planted along the east side of Holly Road, in coordination with the Urban Forestry Branch of DPWES.
3. The architecture of the child care center shall be consistent with the architectural elevations included as Attachment 1 of these conditions.
4. Lighting for the site shall be consistent with the lighting details included as Attachment 2 of these conditions.
5. In order to provide shade within the outdoor play area, trees with a diameter of 8 inches or greater shall be preserved, if determined desirable and feasible by the Urban Forestry Branch of DPWES.
6. Prior to site plan approval, documentation of compliance with Chapter 30 of The Code or Title 63.1, Chapter 10 of the Code of Virginia, as determined by DPWES, shall be submitted to DPWES.
7. In order to achieve a maximum exterior noise level of 65 dBA Ldn, noise attenuation structures such as acoustical fencing, walls, earthen berms or combinations thereof, shall be provided for the outdoor recreation area where it is unshielded by topography or built structures, as determined by DPWES. As an alternative, a refined acoustical analysis may be performed to determine if there is sufficient shielding to permit a reduction or elimination in the mitigation measures prescribed above, subject to approval by DPWES.
8. Maximum hours of operation for the child care center shall be from 9:00 am to 3:00 pm, with extended care program before and after school starting at 6:30 am and ending at 3:00 pm, Monday through Friday.