

**RZ-2000-PR-041**  
**VIRGINIA CENTER LIMITED PARTNERSHIP - VIRGINIA CENTER**  
**PROFFER STATEMENT**

**OCTOBER 20, 2000**  
**DECEMBER 1, 2000**  
**DECEMBER 26, 2000**  
**JANUARY 10, 2001**  
**JANUARY 17, 2001**  
**JANUARY 18, 2001**

Pursuant to Section 15.2-2303(A) of the Code of Virginia, as amended, and subject to the Board of Supervisors' approval of rezoning application RZ-2000-PR-041, as proposed, for rezoning from the PDC Zoning District to the PDH-30 Zoning District, Virginia Center Limited Partnership (the "Applicant"), for themselves and their successors and assigns, hereby proffer that development of Tax Map Parcel 48-2-((1))1A (the "Property"), containing approximately 10.39 acres, shall be in accordance with the following proffered conditions, which supersede all conditions previously proffered for the Property:

1. Substantial Conformity. Subject to provisions of Section 18-204 of the Zoning Ordinance, the Property shall be developed in substantial conformance with the Conceptual Development Plan/Final Development Plan prepared by Dewberry & Davis, LLC., dated July 19, 2000, and revised through December 21, 2000 (the "CDP/FDP"), as further modified by these proffered conditions. Notwithstanding that the CDP/FDP is combined onto eight (8) sheets, it shall be understood that (i) the proffered portion i.e. the CDPA portion, shall consist of the exhibit entitled Conceptual Site Plan shown on Sheet 2 relative to the points of access, the maximum amount of square footage devoted to residential uses, maximum number of dwelling units, maximum building heights, general location and types of uses, limits of clearing and grading, streets and major open space areas, and (ii) the Applicant has the option to request Final Development Plan Amendment(s) from the Planning Commission in accordance with Section 16-402 of the Zoning Ordinance with respect to the remaining elements.
2. Minor Modifications to Design. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, the Applicant may make minor adjustments which may be required as a result of final engineering, architectural or design considerations to modify the layout, if such changes are in substantial conformance with the CDP/FDP and these proffers, and if the changes do not decrease the distance of structures to property lines as shown on this CDP/FDP or reduce open space or landscaping.
3. Maximum Density. A maximum of 515 multi-family residential dwelling units shall be permitted on the Property.
4. Open Space. A minimum of 22% open space shall be provided on the portion of the site bounded by Virginia Center Boulevard and Centerboro Court.

5. Landscaping Plan. A landscape plan consistent with the quantity and quality of landscaping shown on Sheet 4 of the CDP/FDP and in substantial conformance with the CDP/FDP shall be submitted, prior to second submission of the site plan, for review and approval by the Urban Forestry Branch.
6. Private Streets. The Applicant shall be responsible for the maintenance of all private streets, including the entirety of Centerboro Court and all internal streets.
7. Recreational Contribution and Amenities. The Applicant shall comply with Paragraph 2 of Section 6-110 and with Section 16-404 of the Zoning Ordinance by providing on-site recreational facilities which shall include a swimming pool, a community building containing an indoor multi-purpose court, an exercise room and other indoor facilities, all of which shall be creditable toward the PDH recreation contribution identified in this paragraph. In the event the total cost of recreational improvements constructed or to be constructed on-site by the Applicant is demonstrated to be less than \$955 per market rate unit, at the time of the issuance of the 350<sup>th</sup> building permit the Applicant shall provide a cash contribution to the Fairfax County Park Authority ("FCPA") for the remainder of the recreational facility contribution, to be used solely for recreational improvements in Nottoway Park.
8. Traffic Signal.
  - A. Prior to final site plan approval, the Applicant shall submit to VDOT a traffic signal warrant study for the northeast intersection of Centerboro Court with Virginia Center Boulevard. The warrant study shall include future traffic projections from the build-out of the subject property and from background trip growth on Centerboro Court and on Virginia Center Boulevard. If installation of the signal for that intersection is approved by VDOT prior to one (1) year after the issuance of the final Residential Use Permit ("RUP"), the Applicant shall install the signal not later than 12 months after VDOT's approval.
  - B. Should VDOT not agree to accept a warrant study based upon the aforesaid projections, then the warrant study shall be accomplished and submitted to VDOT at such time prior to final bond release, but in no event no later than issuance of the final RUP, that will maximize the number of vehicular trips to be considered by VDOT in determining whether warrants are met for such signal. If the signal is not approved by VDOT prior to final bond release for the Project, the Applicant shall have no further obligation under this proffer for installing the above signal.
  - C. Whether or not the warrant study demonstrates that the intersection meets warrants sufficient to support the installation of a traffic signal, VDOT approval of such traffic signal shall be diligently pursued by the Applicant.

- D. If under either (A) or (B) above VDOT does not approve a traffic signal, then the Applicant, prior to final bond release, will escrow \$100,000 with Fairfax County to be used for road/vehicular or pedestrian improvements (such as, but not limited to, the above traffic signal, other traffic signals, pedestrian crosswalks, additional through lanes or extension of turn lanes on Virginia Center Boulevard) on the north side of I-66 between Sutton Road and Nutley Street.
9. Nottoway Park. At the time of the issuance of the 257<sup>th</sup> RUP, the Applicant shall contribute \$25,000.00 to the FCPA for improvements to, or expansion of, Nottoway Park.
10. Density Credit. All intensity of use (i.e., density credit) attributable to land areas dedicated and conveyed to the Board of Supervisors pursuant to these proffers, prior proffers, dedication plats and site plans, 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 subject Property.
11. Stormwater Management. Stormwater Management and Best Management Practices have been provided in the existing pond on Parcel A within Virginia Center as shown on the CDP/FDP.
12. Parking. On-site parking in accordance with Article 11 of the Zoning Ordinance shall be provided, as determined by DPWES. Resident parking shall be provided either below grade or to the interior of the site as depicted on the CDP/FDP.
13. Centerboro Drive. As shown on the CDP/FDP, Centerboro Drive shall be constructed as a four-lane undivided roadway up to its intersection with Curzon Court. West of the intersection with Curzon Court, Centerboro Drive shall be transitioned down to a two-lane roadway. Excess pavement shall be removed, the land shall be scarified and the area landscaped, as shown on the landscape plan of the CDP/FDP.
14. Lighting. Security lighting shall be provided within the parking garage, as shown on the CDP/FDP. All outdoor lighting, except for the entry sign depicted on Sheet 4 of the combined CDP/FDP, shall be downward directed and have full cut-off fixtures. There shall be no uplighting of buildings.
15. Housing Trust Fund Contribution. At the time of recordation of the final record plat, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one half of one percent (1/2%) of the development cost of each multi-family unit shown on the approved final site plan, to assist Fairfax County's low and moderate income housing goals. The development cost shall be determined by the Applicant in consultation with the staff of the Fairfax County Department of Housing and Community Development and the Department of Public Works and Environmental Services.
16. Noise Attenuation. Applicant shall use building materials with characteristics pursuant to commonly accepted industry standards to achieve a maximum interior noise level of 45 dBA L<sub>dn</sub> as follows:

- A. All units located within a highway noise impact zone of DNL 65-70 dBA and not otherwise shielded by structures or topography shall have the following acoustical attributes on the side of the unit exposed to the noise source: Exterior walls shall have a laboratory Sound Transmission Class (STC) rating of at least 39; doors and windows shall have a laboratory STC rating of at least 28. If glazing constitutes more than twenty percent (20%) of any such facade exposed to the noise source, it shall have the same laboratory STC as walls. All surfaces should be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials to minimize sound transmission.
- B. To address potential noise impacts, prior to second submission of the site plan, the Applicant shall submit to DPWES an acoustical analysis identifying projected noise levels to determine whether the pool area or residential units are impacted by noise levels above 65 dBA Ldn. In the event that the pool area is impacted by noise levels above 65 dBA Ldn, the Applicant shall install a solid brick fence, six feet (6') tall along the Virginia Center Boulevard side of the pool area. In order to provide access for emergency vehicles, gate(s) shall be permitted in the fence, if required.

As an alternative to "A" or "B" above, the Applicant may elect to have a refined acoustical analysis performed, subject to approval of DPWES, to verify or amend the noise levels and impact areas set forth above and/or to determine which units/buildings may have sufficient shielding from vegetation and/or other structures to permit a reduction in the mitigation measures prescribed.

17. Centerboro Drive Parking. Parking shall be prohibited along Centerboro Drive on the Property.
18. Loading Spaces. Adequate vertical clearance to accommodate moving vans will be demonstrated at the time of site plan review for all provided loading spaces.
19. Architecturals. The buildings shall be constructed generally consistent with the architecturals reflected on Sheet 7 of the CDP/FDP. The elevations may be refined as a result of final design and engineering so long as the character and quality of the buildings remains consistent with those shown.
20. Design Detail. The Applicant shall provide site amenities which may include, but are not limited to, benches, trash cans, light fixtures, pavers and other similar amenities consistent in character and quality with those shown on Sheet 8 of the CDP/FDP. Should the solid brick fence referenced in paragraph 16(B) above not be required to attenuate noise impacts within the pool area, the fence provided in that location shall be a combination of brick and rod iron elements consistent in character and quality with that shown on sheet 8 of the CDP/FDP.

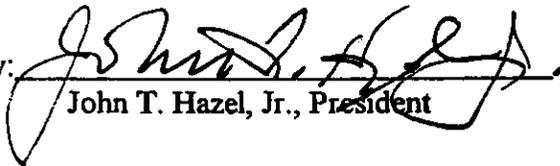
21. Construction Activity. The Applicant shall ensure that no noise generating heavy construction equipment, such as, without limitation, large generators or compressors, bulldozers, and large dump trucks, will begin operation before (i) 7:00 a.m., on Monday through Friday, (ii) 8:00 a.m., on Saturday, and (iii) 9:00 a.m. on Sundays and federal holidays.
22. Nottoway Nights. At the time of final site plan approval, the Applicant shall contribute to the FCPA an additional Twelve Thousand Five Hundred Dollars (\$12,500) to be earmarked for, and to be placed in the segregated funding account for, the annual Nottoway Nights program of events at Nottoway Park.
23. Stormwater Management Pond. The Applicant shall diligently pursue an Agreement among the three entities (the "Pond Association") which participate in maintenance of the stormwater management pond within Virginia Center on the east side of Virginia Center Boulevard (the "Pond"). Said Agreement will be a written commitment by the Pond Association to obtaining (i) the advice of appropriate consultants as to the condition, maintenance and/or repair needs of the Pond; (ii) estimates for any such maintenance and/or repair work, if there be any, which must be undertaken; and (iii) a timetable for accomplishment of such necessary maintenance and/or repair work, and (iv) an appropriate assessment schedule, if necessary, to generate reserves sufficient to accomplish said maintenance and/or repair work. The Applicant shall also assist the Pond Association in its efforts to obtain the County's commitment to undertake ownership of and/or maintenance responsibility for the Pond. The aforesaid commitments by the Applicant are made with the specific understanding that their accomplishment is not within the control of the Applicant.
24. 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 and/or developer(s) of the site or any portion of the site.
25. Counterparts. To facilitate this execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all the parties to the Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.

[SIGNATURES ON FOLLOWING PAGES]

**VIRGINIA CENTER LIMITED  
PARTNERSHIP  
Applicant and Title Owner**

**By: Hazel Family L.P., General Partner**

**By: Hazel Family, Inc., General Partner**

By:   
John T. Hazel, Jr., President

**TCR MID ATLANTIC PROPERTIES, INC.**  
**Contract Purchaser**

By:     C. N. Bay      
Charles N. Bay, Vice President

## **FDP DEVELOPMENT CONDITIONS**

**FDP 2000-PR-041**

**January 18, 2001**

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 2000-PR-041 from the PDC District to the PDH-30 District for multi-family residential development located at Tax Map 48-2 ((1)) 1A, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. Development of the subject property shall be in substantial conformance with the FDP entitled Alexan, Virginia Center which was prepared by Dewberry & Davis and is dated July 19, 2000, with a revision date of December 21, 2000.
2. Adequate loading spaces shall be provided as determined by DPWES to ensure that normal loading/unloading, including moving vans, can be accommodated without conflicts with on-site or off-site traffic.
3. Minimum building setbacks of 15 feet measured from the front of the building to the face of curb of Centerboro Court shall be provided along the western side of the development, as shown on the FDP.