

PROFFERS

SOUTH STATION L.L.C.

RZ 2000-MV-066

August 21, 2001

Pursuant to Section 15.1-2303 (A), Code of Virginia, 1950, as amended, the undersigned applicant and property owners for themselves and for their successors and assigns (hereinafter Applicant), filed for a rezoning and final development plan approval for property identified as Tax Map reference 107-2 ((1)), Parcel 23, pt. 24, pt. 46, (hereinafter referred to as Application Property) hereby proffers the following, provided the Board of Supervisors (hereinafter referred to as Board) approves the rezoning of the Application Property to the PDH-3 Zoning District. If accepted, these proffers shall supersede any previously approved and governing development of the property, which shall become null and void upon approval of the following proffers:

1. CONCEPTUAL/FINAL DEVELOPMENT PLAN

- A. Development of the Application Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), prepared by Dewberry & Davis, dated June 19, 2001 as amended by paragraphs 4.C.3, 4.L.1, 4.L.2. and 6.A.4., and attached Exhibits "1" and "2".
- B. Notwithstanding that the CDP/FDP is the subject of Proffer A. above, it shall be understood that the CDP shall be the entire plan relative to the points of access, the maximum Church square footage, the maximum number of units, the amount and general location of open space, and general location and arrangement of buildings and parking. The Applicant has the option to request a Final Development Plan Amendment for other than the 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.
- C. In the event that future requested uses by either the church or the residential development would trigger the need for County approval of such use, a partial PCA may be filed by either entity separate from the other in accordance with Section 18-204 of the Zoning Ordinance.
- D. Site amenities, including benches, entry monument, decorative lighting, fencing, special paving and mail boxes, in general character with those shown on Sheet 5 of the CDP/FDP, shall be provided within the Application Property.

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2. FINAL DEVELOPMENT PLAN AMENDMENT

Notwithstanding that the CDP/FDP is the subject of Proffer 1 as set forth above, the residential portion of the Property, individually, and the Church portion of the Property, individually, has the option to request a FDPA for elements other than the CDP elements from the Planning Commission and/or Board of Supervisors, as shown on the CDP/FDP in accordance with the provisions as set forth in Section 16-402 of the Fairfax County Zoning Ordinance, dated August 14, 1978, as amended.

3. MINOR MODIFICATIONS

Pursuant to paragraph 4 of Section 16-403 of the Ordinance, minor modifications from the CDP/FDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make adjustments to the internal lot lines of the proposed development at time of subdivision plan/site plan submission based on final house locations and/or building footprints, without decreasing the peripheral setbacks, the open space separating the Church and single-family detached lots and total open space provided, as shown on the CDP/FDP. The Applicant may make minor lot/building location modifications in conformance with the CDP/FDP which does not result in decrease in open space.

4. RESIDENTIAL USE

- A. A maximum of 10 lots will be developed on the Application Property.
- B. Residential Streets and Transportation Fund Contributions:
 - 1. The streets as shown on CDP/FDP shall be private streets and shall conform to the base and pavement thickness and material standards for public streets as set forth in the Public Facilities Manual, as determined by the Department of Public Works and Environmental Services (DPWES).
 - 2. All initial purchasers shall be notified in writing within the contract of sale that the internal street system as shown on the CDP/FDP will be private and the responsibility for maintenance will rest with the Homeowner's Association. This notification shall also be disclosed within the Homowners Association documents.
 - 3. The minimum driveway length for all units will be 18 feet.
 - 4. A contribution of \$550 per unit shall be made to a specific fund designated for Lorton area road improvements. Per unit contributions will be made at time of approval of the subdivision plat.
- C. Recreation:
 - 1. At the time of issuance of the 5th RUP, the Applicant shall commence

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construction of a tot lot in the area as generally shown on the CDP/FDP. The facility shall be completed by the time of issuance of the 10thRUP. Tot lot equipment shall be chosen from the following categories: swings, slides, crawl tubes, climbing and fitness activity and apparatus which are age appropriate for a tot lot in conformance with PFM requirements.

2. In the event prior to subdivision plat approval it is determined by DPWES that the value of the improvements set forth in paragraph C.1. do not equal or exceed the sum of \$955.00 per unit as required in Article 6 of the Zoning Ordinance, then the Applicant shall contribute the difference between the value of the recreational improvements and \$955.00 per unit to the Fairfax County Park Authority for use in a nearby park.
3. The tot lot, access to it, and landscaping in its vicinity, shall be located as generally shown on Exhibit 1, attached hereto. However, its final location between the northern tree preservation area and the private road turnaround, and adjacent landscaping, will be subject to final engineering and Urban Forestry Division approval.

D. Architecture:

1. The illustrative architectural renderings as shown on the CDP/FDP are provided to illustrate the design intent of the proposed units. The front elevations shall be generally consistent in terms of character and quality with the illustration. The specific features such as the exact location of windows, doors, shutters, number of stories, and roofline and other architectural details are subject to modification with final engineering and architectural design.
2. In the event end units are located in a manner which results in the side of units facing toward the Lorton Station Boulevard, a minimum of fifty percent (50%) of the side facade of each such unit shall be constructed of brick, stucco, or other masonry type finish. End units shall either include side entries or shall incorporate windows and architectural detailing on end walls.

E. Noise Attenuation:

1. For any residential units within a noise impact zone of 65 dBA Ldn within 2150 feet from the centerline of Interstate 95, interior noise level of approximately 45 dBA Ldn shall be achieved. Such standard may be met by employing some or all of the following:
 - (i) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
 - (ii) Doors and glazing shall have a laboratory STC

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rating of at least 28. If glazing constitutes more than 20% of any facade, they should have the same laboratory STC rating as walls.

- (iii) Measures to seal and caulk between surfaces shall follow measures approved by the American Society for Testing and Materials to minimize sound transmission.
- 2. The Applicant may pursue other methods of mitigating highway noise if it can be demonstrated, through an independent noise study for review and approval by DPWES, that these methods will be effective in reducing interior noise levels to 45 dBA Ldn or less, or that noise impacts are less than forecasted by County staff.
- 3. Prior to final subdivision plat approval for the development, the Applicant shall submit a noise study to determine the extent of exterior noise exceeding 65 dBA Ldn in rear yards of lots. Applicant shall implement mitigation measures if deemed necessary by the study, as approved by DPWES to achieve 65 dBA Ldn in rear yards of lots.

F. Homeowner's Association:

- 1. The Applicant shall incorporate the Application Property into the Lorton Station Community Association (RZ/FDP 1996-MV-037) to own, manage and maintain the open space, private streets, recreational facilities and all other community owned land and improvements. All residents shall have all rights and privileges of use of all Community Association open space and recreational facilities.
- 3. A covenant which provides that garages shall only be used for purposes that will not interfere with their intended purpose of parking vehicles and that garages may not be converted to living space, shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots. The covenant shall run to the benefit of the Homeowner's Association and the Fairfax County Board of Supervisors. Purchasers shall be advised in writing of this use restriction prior to entering into a contract of sale.

G. Schools:

A contribution of \$2,000 per unit will be made to the Board of Supervisors with \$1,300 of the per unit contribution being allocated to predevelopment costs for a new secondary school serving the Lorton area, and \$700 of the per unit contribution being allocated for the new Lorton

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Station Elementary School to be built. Per unit contributions will be paid at the time of approval of the subdivision plat.

H. Fence:

Applicant shall construct a seven (7) foot high wooden board-on-board fence within the open space area along Wildwood Street opposite Lots 5 and 6, and continuing within the open space area along the property line to the south of Lot 6. If required, a variance shall be obtained for the fence height along Wildwood Street. In the event a variance is required and is denied, the fence shall be limited to 4-feet in height without the requirement for a Proffer Condition Amendment or Final Development Plan Amendment. Subdivision plat approval shall not be subject to the approval of the variance. In the event that the private street is connected to Wildwood Street by others at a future date, the fence will be removed by others to make the street connection. A privacy fence will also be constructed along the southern property line of lots 6 - 10.

I. Construction Fence:

Applicant shall maintain a temporary construction fence along the tree preservation line adjacent to the eastern property line as outlined on Exhibit "1" attached hereto, during construction activity and remove all trash and debris adjacent to the fence area. The temporary construction fence shall be in conformance with the tree preservation fencing outlined in sub-paragraph L.4. below.

J. Thermal Guidelines:

All homes shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy efficient homes or its equivalent, as determined by DPWES for either electric or gas energy systems.

K. Stormwater Management:

The Applicant shall, subject to potential waivers of requirements to provide stormwater detention, provide stormwater detention and/or Best Management Practices (BMP) facilities in accordance with the Public Facilities Manual (PFM) as shown on the CDP/FDP.

L. Tree Preservation.

1. A 25 foot wide area along the northern property line shall be preserved in accordance with the detail shown on Sheet 6 of the CDP/FDP. Applicant reserves the right to remove dead, dying or diseased vegetation within the Application Property. Understory vegetation shall be provided to supplement the tree preservation as

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generally shown on Sheet 6 of the CDP/FDP, subject to changes with field verification with existing trees as approved by the Urban Forestry Division.

2. An 25 foot undisturbed buffer between the limits of clearing and grading line and the eastern property line near Lot 6 as outlined on Exhibit "1" attached hereto, shall be preserved.
3. At the time of site plan/subdivision plat submission, the Applicant shall contract with a certified arborist to prepare a tree preservation plan for the area within the preservation side of the limits of clearing and grading line shown on the CDP/FDP. The tree preservation plan shall consist of a tree inventory which includes the location, species, size crown spread and condition rating of all trees 12 inches or greater in diameter, measured 4 ½ feet from the ground. The condition analysis shall be prepared using methods outlined in the eighth edition of The Guide for Plant Appraisal. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be incorporated into the tree preservation plan. Activities should include crown pruning, root pruning, mulching, and fertilization. The plan shall be reviewed by the Urban Forestry Branch and approved by the Director, DPWES.
4. The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be erected at the limits of clearing and grading. Materials and installation of tree protection fencing shall conform to the following standards:

Four foot high, 14 gauge welded wire fence attached to 6-foot steel posts driven 18 inches into the ground, and placed no further than 6 feet apart. The tree protection fencing shall be made clearly visible to all personnel. The fencing shall be installed prior to the performance of any clearing and grading activities on the site. Installation of tree protection fencing shall be performed under the supervision of the Project Arborist subject to approval of the Urban Forester. Prior to the commencement of any clearing and grading activities on the site, the Project Arborist shall verify in writing that the tree protection fence has been properly installed.
5. A ten foot conservation easement running to the benefit of the HOA, shall be placed along the rear yards of Lots 1 through 5, to provide for additional preservation of healthy trees 8 inches or greater in diameter, measured 4 ½ feet from the ground. This Deed of

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Easement shall be recorded among the land records of Fairfax County in a form approved by the County Attorney, and shall be included in the HOA documents. No grading will take place within this easement except as may be required for utility connections in coordination with the Urban Forestry Division. Tree protection fencing as described in subparagraph 4.L.4. above, shall be installed along the conservation easement during clearing and grading activities on the lots.

M. Off-Site Landscaping:

Prior to the issuance of the first building permit, the Applicant shall plant landscaping within the off-site open space area adjacent to Lorton Station Land Bay E in general conformance with the landscape plan shown on the CDP/FDP.

5. CHURCH USE

A. Maximum Floor Area:

The proposed gross floor area of 50,200 square feet and the proposed sanctuary seating of 650 seats are considered maximums. Reductions in building footprint and seating may occur as refinements are made in the church building program.

B. Church Access:

The Church shall close its existing entrance to Midway Place by constructing a barricade on its property upon completion of the entrance to Lorton Station Boulevard as shown on the CDP/FDP or upon completion of the Phase I improvements to the Church, whichever occurs first.

C. Church Building Design:

The illustrative architectural rendering as shown on the CDP/FDP is provided to illustrate the design intent of the Church building program. The front elevations shall be generally consistent in terms of character and quality with the illustration. The specific features such as the exact location of windows, doors, number of stories, steeples, and roofline and other architectural details are subject to modification with final engineering and architectural design.

D. Lighting:

Lighting standards shall be provided within parking areas and along sidewalks at a maximum height of 16 feet with full cutoff fixtures and focus downward in order to comply with the glare standards of Article 14. Any lighting as may be provided on the northern, eastern and southern side of the building (adjacent to residential uses) shall be shielded and directed downward.

E. Stormwater Management:

The Applicant shall provide stormwater detention and/or best management practices

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(BMP) facilities in accordance with the Public Facilities Manual (PFM) as shown on the CDP/FDP. In the event on-site facilities are waived, the areas shown on the CDP/FDP for SWM/BMP shall be preserved as undisturbed open space.

- F. Phasing:
- The parking area and corresponding parking lot landscaping located between the front of the Church and Lorton Station Boulevard shall be improved as shown on the CDP/FDP in conjunction with the construction of Phase I of the Church improvement program. The remaining parking areas and corresponding parking lot landscaping shown on the CDP/FDP shall be constructed in conjunction with the construction of Phase II. The landscaping around the Church building shown on the CDP/FDP on the Church portion of the Application Property shall be planted prior to the issuance of a non-RUP for Phase II of the Church improvement program.
- G. At the time of site plan submission, the Applicant shall contract with a certified arborist to prepare a tree preservation plan for the area within the preservation side of the limits of clearing and grading line shown on the CDP/FDP. The tree preservation plan shall consist of a tree inventory which includes the location, species, size crown spread and condition rating of all trees 12 inches or greater in diameter, measured 4 ½ feet from the ground. The condition analysis shall be prepared using methods outlined in the eighth edition of The Guide for Plant Appraisal. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be incorporated into the tree preservation plan. Activities should include crown pruning, root pruning, mulching, and fertilization. The plan shall be reviewed by the Urban Forestry Branch and approved by the Director, DPWES.
- H. The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be erected at the limits of clearing and grading. Materials and installation of tree protection fencing shall conform to the following standards:
- Four foot high, 14 gauge welded wire fence attached to 6-foot steel posts driven 18 inches into the ground, and placed no further than 6 feet apart. The tree protection fencing shall be made clearly visible to all personnel. The fencing shall be installed prior to the performance of any clearing and grading activities on the site. Installation of tree protection fencing shall be performed under the supervision of the Project Arborist subject to approval of the Urban Forester. Prior to the commencement of any clearing and grading activities on the site, the Project Arborist shall verify in writing that the tree protection fence has been properly installed.
- I. The limits of clearing and grading shown along the eastern property line is subject to existing utility easements and improvements as required by DPWES.
- J. Church parking along the adjacent private street shall be prohibited. Church members shall be advised of this prohibition in weekly church bulletins.

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- K.** A child care center or a Private School of General Education shall not be permitted without the approval of a Proffered Condition Amendment in accordance with paragraph 1.C. above.

6. APPLICABLE TO BOTH RESIDENTIAL USE AND CHURCH USE.

A. Transportation:

- 1.** At time of subdivision plat or site plan approval or upon demand by Fairfax County or Virginia Department of Transportation (VDOT), whichever, occurs first, the Applicant shall dedicate and convey in fee simple to the Board right-of-way as shown on the CDP/FDP as follows:

Right-of-way dedication as generally shown on the CDP/FDP to provide for a right turn lane from Lorton Station Boulevard.

2. Road Improvements.

- a.** Notwithstanding that a right turn lane is shown along Lorton Station Boulevard at the Property's site entrance on the CDP/FDP, the Applicant shall construct the right turn lane to VDOT standards, as part of the construction of the site's entrance, only if required by VDOT design standards at time of subdivision/site plan approval. The width and radius of the site entrance shall be determined at time of final engineering as approved by VDOT.
- b.** The trail along Lorton Station Boulevard will be relocated and constructed by the Applicant to accommodate the right turn lane, if required by VDOT design standards.

3. Easement.

At time of subdivision plat approval, the Applicant shall dedicate an ingress-egress easement at the terminus of the private street adjacent to Wildwood Street in order to accommodate any future connection to Wildwood Street by others subject to agreements for prorata maintenance of the private street by Application Property residents and future residents off-site. This easement shall be disclosed in writing to all initial purchasers and within HOA documents.

4. Sidewalk Extensions.

- a.** Additional segments of sidewalks shall be provided as shown on Exhibit 2, attached hereto, to connect visitor and Church parking spaces to the sidewalk system shown on the CDP/FDP.
- b.** Trail segments shall be provided to the tot lot as shown on Exhibit 1, attached hereto.

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B. Landscaping and Amenities:

The Applicant shall plant landscaping as generally shown on the CDP/FDP in coordination with the Urban Forestry Division, subject to final engineering as approved by DPWES.

C. Signage:

1. Signage will be consistent with Lorton Station signage and will be in conformance with Article 12 of the Zoning Ordinance requirements. Applicant shall submit Lorton Station signage specifications with the sign permit applications for comparison purposes.
2. A sign shall be placed adjacent to the visitor parking spaces across from Lot 10 which states "No Church Parking".

D. Erosion and Sediment Control:

Erosion and sediment control measures shall be provided in accordance with the PFM. These measures shall be implemented prior to any land disturbing activities and shall be maintained and kept effective throughout the duration of construction.

E. Landscaping and Stormwater Management Areas:

In order to restore natural appearance to any SWM pond located on the Application Property a landscape plan shall be submitted as part of the first submission of the site/subdivision plat showing landscaping and all possible planting areas of the pond, in keeping with the plan policies of Fairfax County and in coordination with the Urban Forestry Branch.

F. Common Entrance Maintenance Agreement:

The Church and the HOA shall enter into a common entrance maintenance agreement in order to maintain the area of private street and entrance onto Lorton Station Boulevard as shared by the HOA and the Church. This agreement shall be disclosed within the HOA documents.

G. Successor and Assigns:

These proffers will bind and inure to the benefit of the Applicant and his or her successors in interest, assigns, and/or developers of the site or any portion of the site.

H. Temporary Signs:

No temporary signs (including paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off site by the Applicant or at the Applicant's discretion to assist in the initial marketing and sale of the homes on the Application property. The Applicant shall not post or cause others to post temporary signs to market the homes on the

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Application property.

I. 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.

[SIGNATURE LINES BEGIN ON FOLLOWING PAGE]

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TITLE OWNER

Parcel 107-2 ((1)), pt. 24

A handwritten signature in black ink, appearing to read "Ian W. Buchanan", written over a horizontal line.

Ian W. Buchanan

Deborah L. Buchanan

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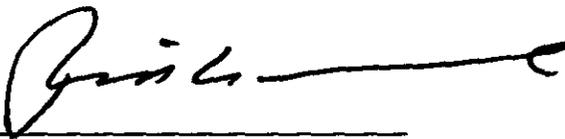
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SOUTH STATION, L.L.C.

by: KSI America, L.P., its Sole Member

by: KSI Services/America, LLC, its General Partner

by KSI Services, Inc., its Managing Member

By: 

Richard W. Hausler, President

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TRUSTEES OF GRACE BIBLE CHURCH

Title Owner Tax Map 107-2 ((1)), Parcel 23

By  Trustee
John Rowe, Trustee

By _____
Galen Mulrooney, Trustee

By _____
James Sanders, Trustee

[SIGNATURES END]

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TITLE OWNER

Parcel 107-2 ((1)), pt. 24

Ian W. Buchanan

Deborah L. Buchanan

Deborah L. Buchanan

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TRUSTEES OF GRACE BIBLE CHURCH
Title Owner Tax Map 107-2 ((1)), Parcel 23

By _____
John Rowe, Trustee

By *Galen Mulrooney, trustee*
Galen Mulrooney, Trustee

By _____
James Sanders, Trustee

[SIGNATURES END]

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TRUSTEES OF GRACE BIBLE CHURCH
Title Owner Tax Map 107-2 ((1)), Parcel 23

By _____
John Rowe, Trustee

By _____
Galen Mulrooney, Trustee

By Jan Sanders Trustee
James Sanders, Trustee

[SIGNATURES END]

DEVELOPMENT CONDITIONS

August 23, 2001

FDP 2000-MV-066

The Planning Commission approved Final Development Plan FDP 2000-MV-066 for residential development and a church on property located at Tax Maps 107-2 ((1)) 23, pt 24, pt 46, subject to the following development conditions:

1. The streetscape along Lorton Station Road that is displaced by the construction of the turn lane shall be replaced prior to the issuance of the first residential use permit.
2. If the stormwater management facilities shown on the FDP are waived, a tree preservation plan shall be prepared for the stormwater management areas to preserve the existing vegetation in those areas. The tree preservation plan shall be subject to the review and approval of the Urban Forestry Division.
3. To protect the surrounding residential areas from the impacts of overflow parking from the proposed expansion of the church to 650 seats, the number of seats in Phase II shall be limited to three (3) times the number of parking spaces provided on the church property, unless and until such time as agreements can be reached with nearby property owners to secure additional parking off-site at a similar ratio. Such agreements shall be subject to the review and approval of the Director, DPWES

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