

PROFFERS

Trustees for Oakton United Methodist Church

RZ 2002-PR-013

August 28, 2002

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, the Trustees for Oakton United Methodist Church (hereinafter referred to as the "Applicant"), for themselves, successors and assigns in RZ 2002-PR-013, filed for property identified as Tax Map 47-2 ((1)) pt. 91 (hereinafter referred to as the "Application Property") hereby proffer the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the C-6 District in conjunction with a Generalized Development Plan (GDP). These proffers shall replace and supersede any previous proffers approved on the Application Property.

1. GENERALIZED DEVELOPMENT PLAN -

- a. 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 substantial conformance with the GDP, consisting of three sheets prepared by Williams Enterprises, Incorporated, dated March, 2002 and revised through August 27, 2002.
- b. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments at time of site plan submission based on final building footprints, utility locations, and final engineering design, provided that such adjustments do not decrease the amount and location of open space, tree save areas, or distances to peripheral lot lines.
- c. The Floor Area Ratio (FAR) on the Application Property shall not exceed .32.

2. TRANSPORTATION -

- a. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, Applicant shall dedicate and convey in fee simple to the Board of Supervisors right of way up to a width of fifty-seven (57) feet from the design centerline along the Application Property's Chain Bridge Road frontage as shown on the GDP. Dedication shall be made at time of recordation of the final site plan, or upon demand from either Fairfax County or VDOT, whichever shall first occur.

- b. Applicant reserves density credit as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance for all dedications described herein or as may be reasonably required by Fairfax County or VDOT whether such dedications occur prior to or at time of plan approval.

3. LANDSCAPING AND OPEN SPACE -

- a. Applicant shall provide landscaping on the Application Property as shown on the GDP. Specific species of trees shall be coordinated with a representative of the Urban Forestry Division of DPWES at time of site plan submission; and shall be in substantial conformance with the Landscape Schedule shown on Sheet 2 of the GDP.
- b. The Applicant shall locate the proposed eight (8) foot wide concrete sidewalk along the eastern side of the existing building in a manner to preserve two (2) of the three (3) existing red maples as determined by the Urban Forestry Division. The two (2) existing red maples located on the south side of the building shall also be preserved, which may require the relocation of the proposed dumpster enclosure. The existing magnolia tree located along the north side of the building shall be removed when the construction of the proposed elevator building addition is commenced. Upon completion of construction of the proposed elevator building addition, a magnolia tree, which is a minimum of four (4) inches in caliper at time of planting, shall be planted in this general area.

4. STORMWATER MANAGEMENT -

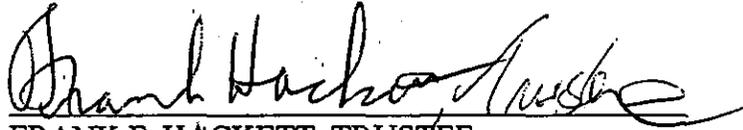
If approved by DPWES, stormwater management shall be provided in an off-site pond in the Oakton Meadows Subdivision in accordance with Fairfax County site plan no. 4751-SP-01-2. Said pond was designed to include runoff from the Application Property. Should a modification and/or waiver of on-site stormwater management not be approved by DPWES, Applicant shall obtain an amendment to these proffered conditions.

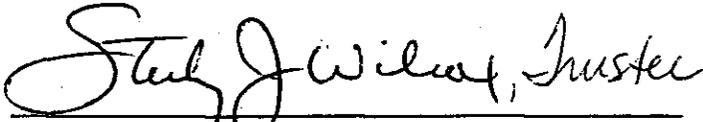
5. MISCELLANEOUS -

- a. These proffers shall bind and inure to the benefit of the Applicant and his or her successors and assigns.
- b. 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.
- c. All of the improvements described herein shall be constructed concurrent with development of the Application Property.

- d. The use of the Application Property shall be limited to a place of worship with a seating capacity of three hundred fifty (350) in the principal area of worship, a child care center with an enrollment of less than 100 children, and accessory uses as typically found in association with a place of worship.
- e. The proposed additions shall be constructed of materials to match the existing building, and shall be in general conformance with the elevations attached hereto as Attachments A and B.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

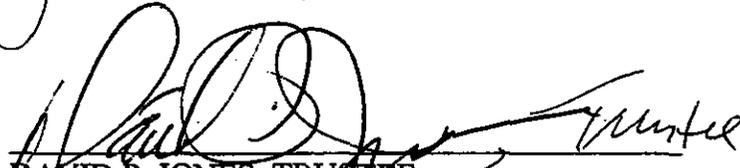

FRANK F. HACKETT, TRUSTEE

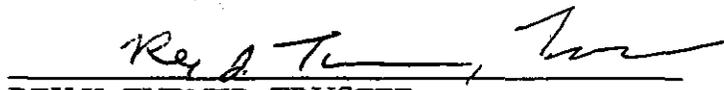

STERLING J. WELCOX, TRUSTEE

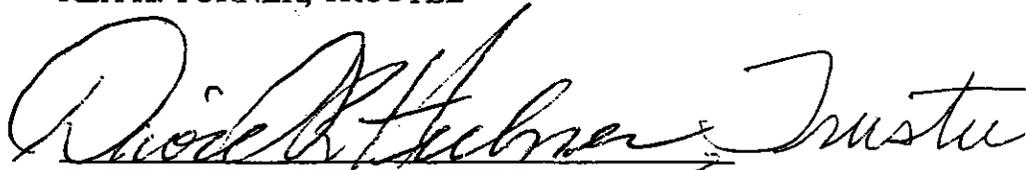

EDITH E. ASHWORTH, TRUSTEE


JOAN E. KORN, TRUSTEE

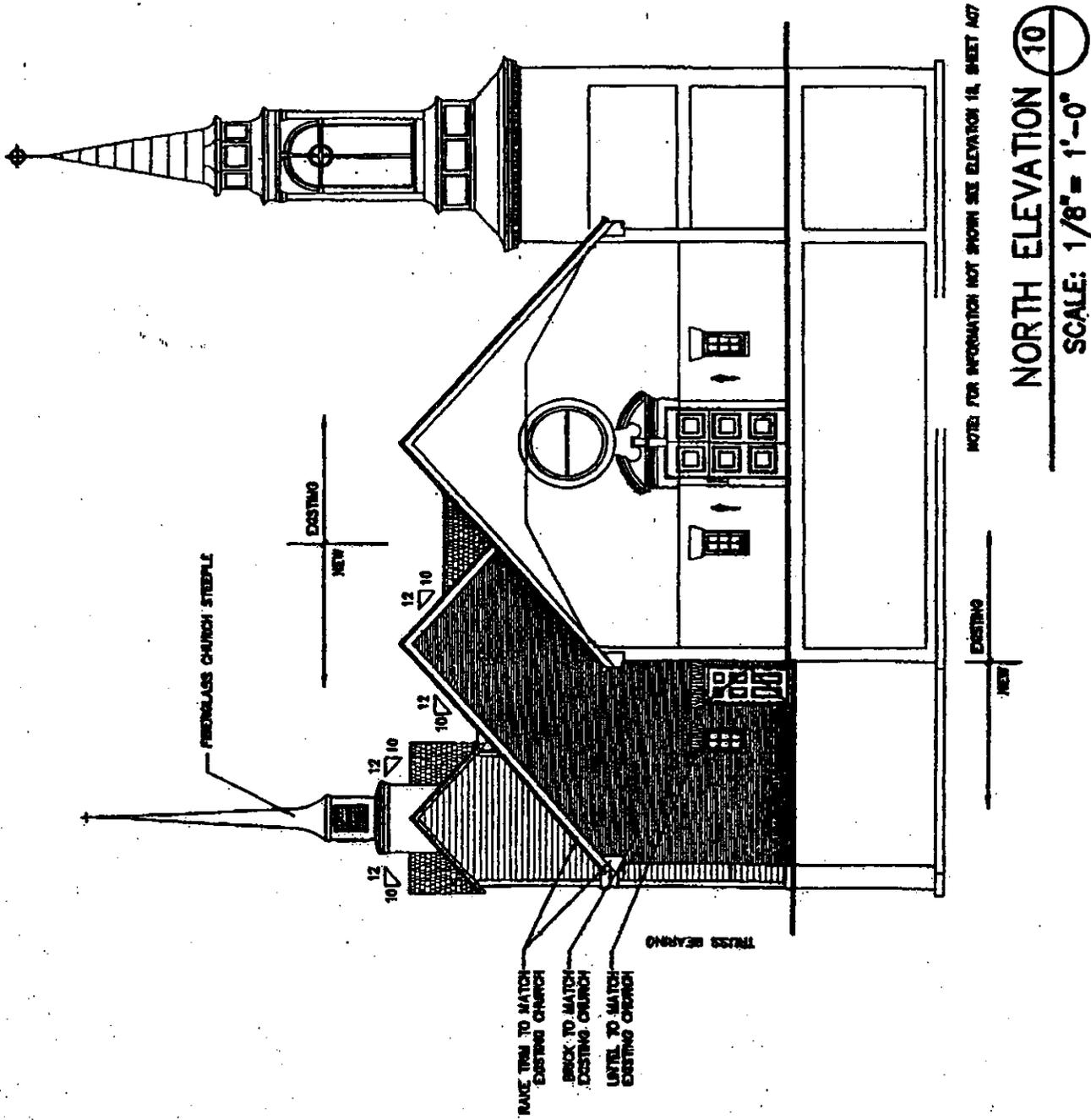

JOHN O. SOLOMON, TRUSTEE


DAVID P. JONES, TRUSTEE


REX K. TURNER, TRUSTEE

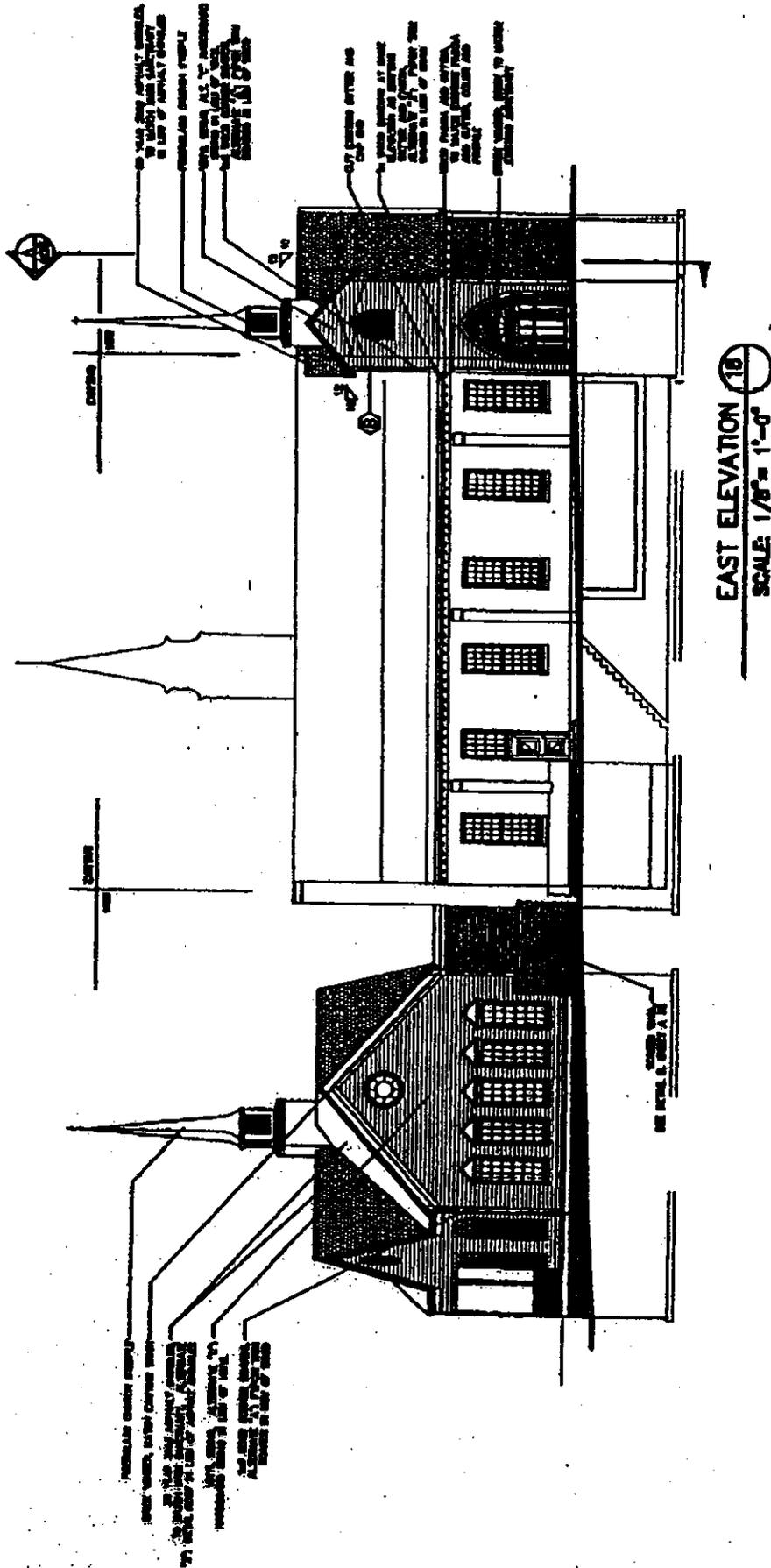

DAVID K. HEEBNER, TRUSTEE


KALITA P. HANSHAW, TRUSTEE



FOR ILLUSTRATIVE PURPOSES ONLY

ATTACHMENT B



FOR ILLUSTRATIVE PURPOSES ONLY

PROPOSED DEVELOPMENT CONDITIONS

SE 2002-PR-035

September 16, 2002

If it is the intent of the Board of Supervisors to approve SE 2002-PR-035 located at Tax Map 47-2((1)) 91, to permit a church with a child care center pursuant to Sect. 3-304 and 4-604 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. A copy of this Special Exception and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the special exception plat prepared by Robert E. Williams, Jr. of Williams Enterprises Incorporated, dated March 20, 2002 as revised through August 29, 2002, and approved with this application, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
5. Seating capacity for the principal area of worship shall be limited to three hundred and fifty (350).
6. The maximum total daily enrollment for the child care center shall not exceed 24 (twenty-four) children.
7. Parking spaces shall be provided on-site as shown on the GDP/SE plat.
8. Transitional screening adjacent to residential areas to the east and south shall be supplemented by plantings, such as evergreen hedging, to provide

additional screening as determined by the Urban Forestry Division at the time of site plan approval.

9. Hours of operation for the child care center shall be limited to a maximum of 9:00 a.m. until 12:15 p.m., Monday through Friday.
10. The original Oakton United Methodist Church is listed on the Fairfax County Inventory of Historic Sites. Proposals to change the exterior appearance of the church building or its setting that require a County building permit or other construction permit shall be referred to the Fairfax County Architectural Review Board for review and approval prior to approval of a building or other construction permit.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special exception shall not be valid until this has been accomplished.

Pursuant to Sect.9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced on the proposed addition and site modifications and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.