HUNTON & WILLIAMS

HUNTON & WILLIAMS LLP
1751 PINNACLE DRIVE
SUITE 1700
MCLEAN, VIRGINIA 22102

TEL 703 • 714 • 7400
FAX 703 • 714 • 7410

JOHN C. MCGRANAHAN, JR.
DIRECT DIAL: 703-714-7464
EMAIL: jmcgranahan@hunton.com

FILE NO.: 37077.015073

February 10, 2012

HAND DELIVERED

Nick Rogers, AICP
Staff Coordinator – Planner II
Fairfax County Department of Planning and Zoning
12000 Government Center Parkway, Suite 800
Fairfax, Virginia 22035-0042

Fairfax County School Board – Oakton Elementary School Rezoning
RZ 2011-PR-030

Dear Mr. Rogers:

Enclosed please find the signed Proffer Statement, dated February 10, 2012, for the Board of Supervisors hearing on February 28, 2012.

With best regards,

John C. McGranahan, Jr.

Enclosure

FAIRFAX COUNTY SCHOOL BOARD
(OAKTON ELEMENTARY SCHOOL)
RZ 2011-PR-030
PROFFER STATEMENT
NOVEMBER 17, 2011
DECEMBER 21, 2011
JANUARY 4, 2012
JANUARY 18, 2012
FEBRUARY 6, 2012
FEBRUARY 10, 2012

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 2011-PR-030, as proposed, for rezoning from the R-1 District to the R-2 District, Fairfax County School Board (the "Applicant") for itself and its successors and assigns hereby proffers that development of Tax Map Parcel 47-2-((1))-34 (the "Property"), containing approximately 9.21 acres, shall be in accordance with the following proffered conditions:

1. **Permitted Uses.** Use of the Property shall be limited to public uses up to a maximum .25 FAR.

2. **Substantial Conformity.** The proposed cafeteria addition shall be developed in substantial conformance with the Generalized Development Plan ("GDP") dated September 30, 2011, and revised through December 9, 2011, prepared by BC Consultants, consisting of twenty-two (22) sheets. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the approved GDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to provide future additions to the existing building and/or modifications to the existing recreational facilities without the need for a Proffered Condition Amendment (PCA).

3. **Asbestos.** If at the time of site plan review, DPWES determines that a potential health risk exists due to the presence and/or disturbance of asbestos-containing rock on the Property, the Applicant shall:

   A. Take appropriate measures as determined by the Fairfax County Health Department to alert all construction personnel as to the potential health risks; and

   B. Commit appropriate construction techniques as determined by DPWES in coordination with the Fairfax County Health Department to minimize this risk. Such techniques may include, but shall not be limited to, dust suppression during all blasting and drilling activities and covered transportation of removed materials presenting this risk, and appropriate disposal.

4. **Trailers.** Irrespective of General Note #2 on Sheet 4 of the GDP, should temporary classroom trailers be needed, the trailers shall not be located within the area identified as the basketball courts on the GDP unless necessary to meet Americans with Disability Act (ADA) requirements. In addition, the trailers may not be located within 100 feet of the Miller Road right-of-way.

5. **Landscaping.** The Applicant shall replace the non-native species, identified as *Ilex cornuta, Ilex crenata, and Prunus laurocerasus,* in the plant list on Sheet 21 of the GDP with common plant species generally native to Fairfax County as reviewed and approved by the Urban Forest Management Division (UFMD) of DPWES. The plant species shall be replaced prior to the issuance of a Non-Residential Use Permit for the school building expansion associated with Site Plan 6590-SP-001-2. The Applicant may replace the species without submitting a site plan revision to Site Plan 6590-SP-001-2.

[SIGNATURE ON FOLLOWING PAGE]

FAIRFAX COUNTY SCHOOL BOARD
Applicant and Title Owner of
Tax Map Parcel 47-2-((1))-34

By: _____
Name: Dean A. Tistadt
Title: Chief Operating Officer