

PROFFERS

Lot 13, Section 2, Franconia Hills

March 25, 2014

Pursuant to Section 15.2303(a) of the 1950 Code of Virginia, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978), VTLC, LLC (Applicant/Title Owner) for itself, successors or assigns proffer as follows:

1. Generalized Development Plan (GDP/SE Plat)

Development of the property that is subject to this rezoning (the "Property") shall be in substantial conformance with the plan entitled "Generalized Development Plan and Special Exception Plat for Spring Hill Academy, 6309 Grovedale Drive, Lot 13, Section 2, Franconia Hills" (GDP/SE Plat) consisting of nine sheets, dated January 2, 2014, and prepared by CEI Engineering Associates, Inc.

2. Minor Modifications

Pursuant to Par. 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP/SE Plat may be permitted as determined by the Zoning Administrator provided that such modifications are in substantial conformance with the GDP/SE Plat and still meet all the provisions of the C-5 Zoning District.

3. Floor Area Ratio

The Floor Area Ratio (FAR) for the site will be limited to a maximum of 0.25.

4. Child Care Facility

The property will be developed and utilized for a child care facility in accordance with the applicable special exception.

5. Grovedale Drive Dedication and Frontage Improvements

Subject to DPWES approval, the applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of thirty-five feet from the existing centerline of Grovedale Drive. Such dedication shall be made upon demand by Fairfax County or at the time of Site Plan review, whichever occurs first. All density related to such dedication is hereby reserved pursuant to Par. 5 of Section 2-308 of the Zoning Ordinance. At the time of land disturbance approvals, the applicant shall construct full frontage improvements to twenty-six (26) feet from the centerline with applicable VDOT transitions to existing adjacent properties along Grovedale Drive to include curb, gutter, and a five (5) foot wide sidewalk, subject to DPWES and VDOT approval.

6. Stormwater Detention

Stormwater Detention in accordance with the requirements of the Public Facilities Manual shall be provided on site as determined by DPWES. A waiver of stormwater management detention may be sought at the time of final site plan review. If the detention waiver is approved by DPWES, the final site plan will be modified to delete the

underground stormwater detention system depicted on the GDP. If a detention waiver is not applied for or is denied, a stormwater detention system will be provided on-site to the requirements of DPWES. Any stormwater management facilities will be privately owned and owner maintained. A maintenance agreement shall be executed at the time of site plan approval.

7. Stormwater Quality (Best Management Practices, "BMP's")

BMP's in accordance with the requirements of the Public Facilities Manual shall be provided on-site as determined by DPWES. The BMP requirements may be met, in whole or in part, by the infiltration system depicted on the GDP/SE Plat. Alternative methods of BMP's may be provided to meet Fairfax County standards if they can be adequately implemented within the framework of the approved BMP. Other BMP methods include, but are not limited to, stormwater filtration engineered devices, raingardens, bio-retention swales, vegetated swales, infiltration trenches, or other low impact development (LID) techniques that are acceptable to the Fairfax County DPWES. The alternative methods of providing BMP's shall be in substantial conformance with the proffered GDP/SE Plat; if the alternative methods are not in substantial conformance with the proffered GDP/SE Plat, the applicant realizes that approval of a proffered condition amendment may be required. Soil testing may be performed on site to determine if the subsurface soils can accommodate an infiltration facility. If soils are found suitable, a stormwater management facility may be provided that will enhance groundwater recharge.

8. Architectural Details

The architecture shall be in general conformance with that shown on the GDP/SE Plat. Prior to Site Plan approval, the Applicant shall submit architectural details of the building to the Lee District Supervisor and Planning Commissioner for review and administrative approval to determine whether the designs meet the character of the existing neighborhood.

9. Landscape and Tree Preservation Plan

A. Tree Survey. A certified arborist has been retained to conduct a tree survey for the site, and the owner intends to meet the tree preservation target for the site by preserving the trees as depicted on the GDP/SE Plat. These are a synopsis of his findings. The area at the rear of the site was being proposed for conservation, the rest of the site is being occupied by parking, building, and playground facilities.

The following trees are planned to be retained:

Tree #4 – 36" caliper white oak

Tree #10.01 – 11" caliper zelkova

Tree #15 – 29" caliper white oak – Tree #15 is located off-site and is not owned by the applicant.

B. Tree preservation. The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist,

and shall be subject to review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone/crown, size, and condition analysis percentage rating for all individual trees to be preserved, as well as on and off-site trees, living or dead with trunks 12 inches in diameter and greater (measured at 4.5 feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those outside of the limits of clearing and grading shown on the GPD/SE Plat and those additional areas in which the trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

C. Invasive and Undesirable Vegetative Management Plan. An invasive and undesirable vegetative management plan or narrative shall be developed that provides for the management and treatment of invasive and undesirable plants, growing in all areas shown to be preserved, that are likely to endanger the long-term ecological functionality, health, and regenerative capacity of the early succession forest communities, for review and approval by the Urban Forest Management Division. The management plan/narrative shall incorporate the following information:

- Identify targeted invasive plant species to be suppressed and managed.
- Identify targeted area of invasive plant management plan, which shall be clearly identified on the landscape or tree preservation plan.
- Recommended government and industry method(s) of management, i.e. hand removal, mechanical equipment, chemical control, other. Identify potential impacts of recommended method(s) on surrounding trees and vegetation not targeted for suppression/management and identify how these trees and vegetation will be protected (for example, if mechanical equipment is proposed in save area, what will be the impacts to trees identified for preservation and how will these impacts be reduced).
- Identify how targeted species will be disposed.
- If chemical control is recommended, treatments shall be performed by or under direct supervision of a Virginia Certified Pesticide Applicator or Registered Technician and under the general supervision of Project Arborist.
- Provide information regarding timing of treatments, (hand removal, mechanical equipment or chemical treatments) when will treatments begin and end during a season and proposed frequency of treatments per season.

- Identify potential areas of reforestation and provide recommendation
- Monthly monitoring reports provided to UFMD and SDID staff.
- Duration of Invasive program; until Bond release or release of Conservation Deposit or prior to release if targeted plant(s) appear to be eliminated based on documentation provided by Project Arborist and an inspection by UFMD staff.”

D. Plant Appraisal. The applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 12 inches in diameter or greater on the Applicant property that are shown to be saved on the Tree Preservation Plan. These tree(s) and their value shall be identified prior to the respective site plan approvals. The replacement value shall take into consideration the age, size, and condition of these tree(s) and shall be determined by the so-called “Trunk Formula Method” contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and comment by UFMD.

At the time of the respective site plan approvals, the applicant shall post a cash bond or a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph above (the “Bonded Tree(s)”) that die or are dying due to unauthorized construction activities only. The letter of credit or cash deposit shall be equal to 50% of the replacement value of the Bonded Tree(s). At any time prior to final bond release for the improvements on the applicant property constructed adjacent to the respective tree save areas, should any Bonded Trees die, be removed, or are determined to be dying by both the project arborist and UFMD due to unauthorized construction activities, the applicant shall replace such trees at its expense within one year of the issuance of the Certificate of Occupancy. The replacement trees shall be of equivalent size, species, and/or canopy cover as approved by UFMD. In addition to this replacement obligation, the applicant shall also make payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized construction activity. This payment shall be based on the amount determined by the paragraph above using the fore stated Trunk Formula Method and paid to a fund established by the county for furtherance of tree preservation objectives. Upon release of the bond for the improvements on the applicant property constructed adjacent to the respective tree save areas, any amount remaining in the tree bonds required by the proffer shall be returned/released to the applicant within 2 years of issuance of the Certificate of Occupancy.

E. Tree Preservation Walk-Through. The applicant shall retain the services of a certified arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree preservation walk-through meeting, the applicant’s certified arborist or landscape architect shall walk the limits of clearing and grubbing with the UFMD, DLWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented.

Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner to avoid damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

F. Limits of Clearing and Grubbing. The applicant shall conform strictly to the limits of the clearing and grading as shown on the GPD/SE Plat, subject to allowances specified in these proffered conditions and for the installation of utilities, retaining wall, and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities, retaining wall, and/or trails in areas protected by the limits of clearing and grading as shown on the GDP/SE Plat, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such utilities, retaining wall, and/or trails.

G. Tree Preservation Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches in the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and Phase I and II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES."

H. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

I. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

J. A landscape plan shall be submitted to DPWES in substantial conformance to the GDP plan per DPWES requirements for landscape requirements as well a tree remediation plan.

10. Bicycle Racks

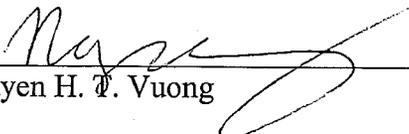
The applicant shall provide bicycle racks, the specific locations of which shall be approved by FCDOT at the time of site plan approval. The bike racks shall be inverted U-Style racks or other design approved by FCDOT. The total number of bike parking spaces shall be consistent with the Fairfax County Policy and Guidelines for Bicycle Parking.

11. Interparcel Access

In the future, if there is need to connect to adjoining uses to the subject site, the owner of the property will agree to grant an access easement for interparcel connection. Upon request by Fairfax County, the applicant shall provide a public access easement in a form approved by the County Attorney, to be recorded over the access aisles that parallel Grovedale Drive along the frontage property. This easement will be for the sole purpose of providing an interparcel access to the adjoining parcels to the North (Tax Map 081-3-005-5A) and the South (Tax Map 081-3-48-03-1 thru 10), if deemed necessary.

Proffer Signature

VTLC, LLC; Title Owner of Tax Map 081-3-1((5)) Parcel 13

By: 
Nguyen H. T. Vuong

Date: 4/22/14