

PROFFERS
RZ 2014-PR-006
Trustees of First Baptist Church of Merrifield
September 12, 2014

Pursuant to Section 15.2-2303A of the Code of Virginia, 1950 as amended, and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended), the owner Trustees of First Baptist Church of Merrifield (collectively "Applicant"), for itself and its successors and assigns, agrees to the following proffers provided the Board of Supervisors approves RZ 2014-PR-006 ("Application") for the rezoning of TM 0494-01-0036, 0037, and 0037A and 0494-03-0008, 0008A, and 0009 ("Property") to the C-3 district. In the event the Application is denied or the Board's approval of it is overturned by a court of competent jurisdiction, these proffers shall be null and void.

1. Development Plans. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance ("Zoning Ordinance"), the development of the Property as a church, related facilities, and a nursery school/child care center shall be in substantial conformance with the following:
 - a. The Generalized Development Plan ("GDP") prepared by Walter L. Phillips, Inc. dated January 24, 2014 as revised through September 16, 2014 and shall not exceed approximately 31,000 square feet, not to exceed FAR of 0.44, as shown on the GDP; and
 - b. The Architectural Building Elevations dated April 12, 2011, prepared by Lemay Erickson Willcox Architects, attached as Sheets P-0601 and P-0602 of the GDP. The final architectural design shall be in substantial conformance with the general type or quality depicted in the elevations. The materials shall include finish materials, such as, but not limited to, masonry, glass, metal, and similar commercial grade quality building material.
2. Minor Modifications. Minor modifications to the GDP may be permitted when necessitated by sound engineering or that may become necessary as part of final site plan design or engineering, pursuant to Section 18-204 of the Zoning Ordinance as determined by the Zoning Administrator.
3. Uses. The development and use of the Property shall be limited to:
 - a. Church and associated offices and areas for worship, religious education, meetings, and church activities; and
 - b. Nursery school/child care center for up to 90 children.
4. Activity Scheduling, Generally. Through the scheduling of activities, the church shall manage the transportation demand and the associated impacts on the surrounding road

network and on its need for parking. The church shall be responsible for scheduling activities in a manner that will not exceed the required parking shown on the GDP. Regularly scheduled activities, such as Bible School and Youth Groups, shall not occur during the same time as nursery school/child care center drop-off/pick-up time periods. Funerals, however, shall be permitted during the operation of the nursery school/child care center as may be necessary from time to time. All parking shall be provided on site, except for special events, which may be provided off-site by prior arrangement.

5. Nursery School/Child Care Center, Specifically.

- a. The nursery school/child care center shall operate between the hours of 6:30 a.m. and 6:00 p.m., Monday through Friday. The Nursery School/Child care center employees and patrons shall access the property from the parking area adjacent to Mayberry Street. Parents/Guardians shall, if arriving by car, park their vehicles in the parking lot adjacent to Mayberry Street and all children shall be signed-in/signed out by their parent or legal guardian. Parents/Guardians shall be informed of these drop-off/pick-up procedures at the time of registration for enrollment.
- b. An outdoor play area, which may be used by the child care center, shall be located in the area indicated on the GDP and shall be enclosed by a security fence and/or wall. Play structures and surfaces shall be provided appropriate to the needs of the children being cared for. The fence shall be gated as necessary to meet emergency egress requirements, if deemed necessary by the Fire Marshal.

6. Landscaping. Landscaping shall be installed and maintained throughout the Property generally in conformance with that shown on the GDP. All landscaping installed shall be non-invasive and native as reviewed and approved by UFM.

7. Streetscape. Streetscape improvements and plantings shall be provided as indicated on the GDP. The Applicant shall incorporate street furnishings and pedestrian connections/sidewalks as specified in the GDP, and to the extent reasonably practicable, as suggested in the Merrifield Streetscape Design Manual. Notwithstanding the foregoing, Applicant reserves the right, in consultation with the Zoning Administrator, to shift the location of the landscape along the proposed streetscapes to accommodate final architectural design, utilities and layout considerations, and sight distance requirements so long as such modifications are in general conformance with the GDP and so long as the tree cover does not decrease.

8. Stormwater Management and Water Quality. The stormwater management facilities shown on the GDP shall be in conformance with the recently adopted County Stormwater Management Ordinance and shall be reviewed for adequacy by DPWES at the time of site plan review; if any inadequacies are identified, appropriate corrective measures shall be employed to the satisfaction of DPWES, prior to final site plan approval and provided those alternative measures, which are in substantial conformance with the GDP shall not require a proffered condition amendment.

9. Parking. The required parking for 300 person seating capacity in the sanctuary worship area shall be provided as indicated in the GDP. Concurrent activities on the Property shall be scheduled such that on-site parking demand does not exceed 75 parking spaces and is consistent with proffer condition 4 and 14. When and if the need for additional parking is required based on the Zoning Ordinance, the church shall utilize parking demand management strategies including ridesharing, shuttle van/bus service, and/or off-site parking subject to appropriate allowances and approvals. The Applicant shall file a shared parking request with the Department of Public Works and Environmental Services during site plan review to address the parking needs for the nonconcurrent use of the child care center. During the construction and remodeling phases indicated for the church improvements approved herein, parking shall be provided as described in proffer condition 14.

10. Signage. Signage shall be provided in accordance with Article 12 of the Zoning Ordinance. Monument style signage shall be located along Porter Road but shall not interfere with minimum required sight distances.

11. Green Building Design. The Applicant shall incorporate the following green building technology and strategies during the final building design.

a. The Applicant shall include a LEED®-accredited professional as a member of the design team. The LEED-accredited professional will work with the team to propose sustainable design elements and innovative technologies into the project to the extent practicable and affordable as determined by the Applicant. At the time of site plan submission, the Applicant will provide documentation to the Environment and Development Review Branch of DPZ demonstrating compliance with the commitment to engage such a professional.

b. The Applicant shall provide at least two (2) bicycle racks and/or storage for bicycles in the locations indicated on the GDP. The Applicant shall provide proof of installation and plan location as described in proffer condition 13.g.

c. Landscaping shall predominantly consist of native and non-invasive species. The Applicant shall provide planting lists showing species and location of plantings at the time of site plan review as described in proffer condition 6.

d. The Applicant shall provide an area for the separation, collection and storage of glass, paper, metal, plastic and cardboard generated by both customers and employees. There shall be a dedicated area on the Property for the storage of the recycled materials.

e. The Applicant shall provide natural lighting through the use of windows and/or skylights generally as indicated in the Building Elevations.

f. To the extent practicable, conservation efforts shall also include motion sensor faucets and flush valves and energy efficient appliances.

12. Photographic Documentation of the Existing Property. Prior to any land disturbing activities on the Property, the Applicant shall photographically document the property, including, but not limited to:

- a. Interior and exterior of the existing structures and landscape features keyed to a sketch plan of the site showing existing features and structures and to an interior floor plan and to a numbered list identifying each photographic angle and view. At minimum such documentation shall include views of each façade, perspective views, exterior detail views (such as the main entrance, stairs, porches, and other character defining features), interior detail views (such as moldings, newel posts, stairways and other character defining features) and general streetscape views.
- b. The photographic documentation, sketch plan and floor plan shall be coordinated with the Department of Planning and Zoning (DPZ) heritage resources prior to the photographic documentation.
- c. All documentation shall be submitted to the Virginia Room of the Fairfax County Public Library and to DPZ heritage resources and written documentation be provided to DPZ that required documentation has been submitted to the Virginia Room.

13. Transportation.

- a. Mayberry Street. Prior to or concurrent with site plan approval, the access easement located on the Property along the west side of Mayberry Street shall be updated to identify Fairfax County as the beneficiary and to identify the use as public ingress-egress. This right of public ingress-egress easement shall extend to and include the adjacent six-foot (6') sidewalk shown on the GDP. This easement shall be updated and recorded prior to site plan approval.
- b. Porter Road Improvement. The existing sidewalk along Porter Road shall be removed and relocated so as to provide a six-foot (6') landscaping strip along Porter Road between the new six-foot (6') sidewalk shown on the GDP and the curb for Porter Road. The new six-foot (6') sidewalk shall be within an additional area dedicated to the public right-of-way for Porter Road as shown in the GDP. This sidewalk shall connect to the existing sidewalk on the abutting property to the west, as shown on the GDP. The additional right-of-way dedication for this sidewalk area shall be recorded prior to or concurrent with site plan approval.
- c. Porter Road Right of Way Dedication. The Applicant shall dedicate in fee simple to the Board of Supervisors the proposed Porter Road frontage improvements shown on the GDP and proffered in 13.b at site plan review. The dedication area shall include the proposed six-foot (6')

sidewalk on Porter Road and one-foot (1') behind the sidewalk for maintenance purpose.

- d. Ransell Road. The six-foot (6') sidewalk located parallel to Ransell Road shall be located in an ingress-egress easement allowing public access for pedestrian use. The ingress-egress easement for this sidewalk shall be recorded prior to or concurrent with site plan approval.
- e. Ransell Road Curb. Curb and gutter shall be provided parallel to Ransell Road from the southwest corner of the property to the end of the existing paved area as shown on the GDP.
- f. Sidewalk. All sidewalk curb ramps constructed in accordance with the GDP at the time of Church expansion shall have a truncated dome width the same as the sidewalk width and shall be ADA compliant.
- g. Bicycle Racks. The Applicant shall provide at least two (2) bicycle racks and/or storage for bicycles in the general locations shown on the GDP. The specific location shall be determined at the time of site plan, subject to the approval of the Fairfax County Department of Transportation (FCDOT). The bicycle racks shall be inverted U-style or other design approved by FCDOT. The total number of bike racks shall be consistent with the Fairfax County Policy and Guidelines for Bicycle Parking for the proposed development as determined at site plan.

14. Phasing. The Applicant's intent is to continue using the property during construction. Church activities specified in proffer condition 3 and 4 may continue provided there is adequate parking on the site. These activities may be reduced or modified to accommodate parking and construction activity. Prior to the issuance of a building permit, a formal phasing plan will be prepared for review and approval by DPWES. Phase 1 shall include the construction of the new building expansion as shown on the GDP and shall include all stormwater, landscaping, sidewalk, curb, gutter and parking lot improvements shown on the eastern portion of the site. These improvements may also be staged during construction to allow temporary parking for the existing church use. Phase 2 or subsequent phases shall include the remodeling of the existing building shown on the GDP and all stormwater improvements, landscaping, sidewalks, curbs, gutters and parking improvements on the western portion of the site. In the event additional parking is needed for special events, the church shall use parking demand management strategies outlined in proffer condition 9.

15. If mechanical equipment, such as elements of the HVAC, is located on the ground, the equipment shall be separated from the outdoor play area to the extent possible and shall be screened to reduce visual impacts and help reduce noise.

16. Successor and Assigns. These proffers will bind and inure to the benefit of Applicant and its successors and assigns.

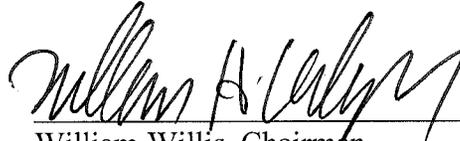
17. Counterparts. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which when taken together shall constitute but one and the same instrument.

[Signatures on the following pages]

~Proffers9-12-14

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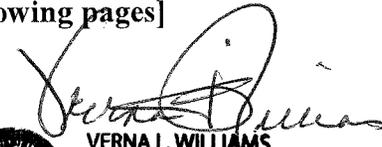
TRUSTEES OF THE FIRST BAPTIST CHURCH
OF MERRIFIELD



William Willis, Chairman

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VERNA L. WILLIAMS
Notary Public
Commonwealth of Virginia
Reg. #7300171
My Commission Exps. April 30, 2017

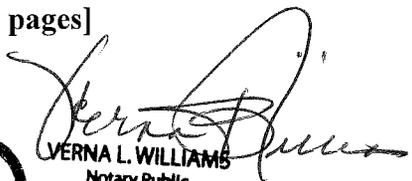
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Deborah Jackson-Hamilton, Vice Chairman

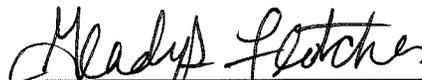
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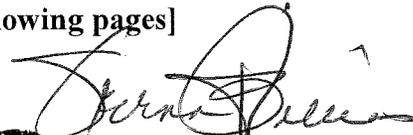

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Gladys Fletcher, Trustee

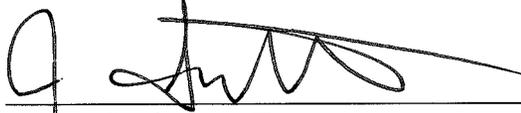
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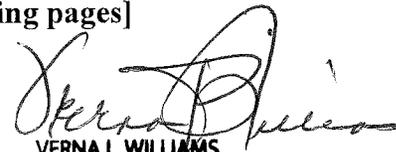
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Joanne Suttington, Trustee

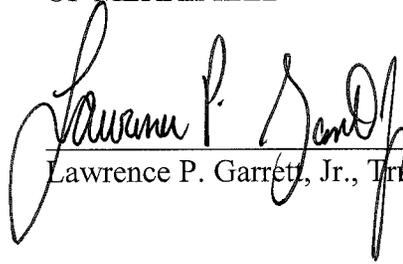
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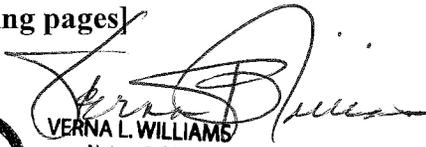
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Lawrence P. Garrett, Jr., Trustee

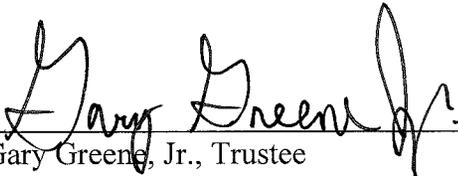
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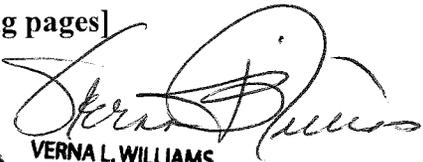
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Gary Greene, Jr., Trustee

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Andrew Williams, Trustee

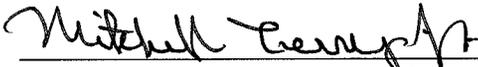
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Mitchell Terry, Jr., Trustee



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