

Proffers
PF-74-15-PMAC
May 9, 2016

Pursuant to Section 15.2-2303(a) of the 1950 Code of Virginia, as amended, and Section 18-249. 1 of the Zoning Ordinance of the Town of Vienna, Virginia, **Vienna Vision LLC**, the owner of the property described as Fairfax County TAX MAP #0384-04-0002 a 1.21037 AC. Deed Book 4536, Page 111 and **Douglas D'Alexander** Contract Owner of the property described as Fairfax County TAX MAP #0384-04-0017 a 0.14230 AC. Deed Book 4536, Page 105 and TAX MAP #0384-02-0016 a 0.05977 AC. Deed Book 4536, Page 109 and TAX MAP #0384-02-0017 a 0.35691 AC. Deed Book 4536, Page 107 and TAX MAP #0384-02-0016 a 0.19704 AC. Deed Book 4536, Page 109 (collectively, the "Property") and its developer, for itself and its successors and assigns (collectively, "Applicant"), agrees that the redevelopment and use of the property that is the subject of Zoning Map Amendment application **PF-74-15- PMAC** shall be in accordance with the following Proffers if the Zoning Map Amendment is granted and the Property is rezoned to the Maple Avenue Commercial ("MAC") District:

1. Conformance to Site Plan. The general character of the redevelopment of the Property shall be in substantial conformance with the Site Plan Documents prepared by Smith Engineering dated February 23, 2016, revised as of March 4th 2016 (the "Site Plan"). The Site Plan is composed of multiple sheets.
2. Architectural Design. The architectural design of the building on the Property shall conform generally with the character and quality of the design shown on the elevations which are Sheets 35 and 36 of the Site Plan, subject to the approval of and direction of the Board of Architectural Review ("BAR") of the Town of Vienna. Building material of brick and stone pavers on all walk ways and travel ways on the podium and surrounding perimeter sidewalks with the exception of the retail parking structure which will be asphalt or concrete.
3. ROW Improvements. Prior to issuance of building permit the Applicant shall dedicate in fee simple varying widths at the corner of Pleasant Street and along Church Street for the purpose of increasing the ROW to 29' curb to curb on both Streets, as shown on the site plan.
4. Underground Utilities. Prior to issuance of occupancy permit Applicant shall place underground at the property line or within the adjacent off-site ROW all the existing and proposed DRY utility lines and poles that serve the new project, at no cost to the Town of Vienna.
5. ADA Improvements. Prior to issuance of occupancy permit Applicant shall update the HANDICAP ramps for all adjacent crosswalks, including on the opposite side of the property at the corner of Maple Avenue North West and Pleasant Street North West, at no cost to the Town of Vienna.
6. Lighting. The Applicant shall add additional lighting in the form of wall mounted fixtures along northern property line to accommodate for foot traffic.
7. Donation. The Applicant shall make a donation of \$10,000.00 to Vienna Parks and Recreation to supply for 10 years commercially stocked trout for a family fishing event in Wolftap Creek sponsored by the TOV, Trout Unlimited and Virginia Department of Game and Inland Fisheries.
8. Art Commission. The Applicant shall enter into an agreement between Town of Vienna and Developer to allow the Art Commission to create at their expense Public Art(Mural) on the East wall of the project. Size and design to be mutually agreed upon.
9. Storm Drainage Maintenance Agreement. A maintenance agreement shall be recorded between the Applicant and the Town of Vienna specifying the maintenance responsibilities of the owner for storm drainage elements within the limits of proposed structure.

10. Hardscape Maintenance Agreement. A maintenance agreement shall be recorded between the Applicant and the Town of Vienna specifying maintenance responsibilities of the owner as it relates to proposed hardscape features which extend into the public right of way. Which is comprised of the ramp and planters in sidewalk ROW constructed as part of the development at the corner of Maple Avenue and Pleasant Street.
11. Irrigation Maintenance Agreement. The Applicant to provide irrigation and perpetual maintenance of the irrigation system for planting areas which are located across the Maple Avenue frontage of the subject property.
12. Curb Cut Removal. Prior to issuance of occupancy permit Applicant shall close one existing accessway, vehicular entrance or driveway on Maple Avenue, as shown on the site plan.
13. Additional Sidewalk curb and gutter. Prior to issuance of occupancy permit Applicant shall tie into and complete approximately 60' of off-site sidewalk, curb and gutter with substantially same building material in the public ROW along Church Street adjacent to the project. On Fairfax County TAX MAP #0384-02-0015.
14. Funding of CIP Projects. At the issuance of each residential occupancy permit, 49 in total, the Applicant will contribute a one time fee per unit of Four Hundred Forty-Four and 00/100's Dollars (\$444.00) towards the Capital Improvement Projects listed on the Town of Vienna's CIP dated September 12th, 2014. The contributions will go to these 2 CIP's listed below:

388447 Curb, Gutter & Sidewalk Project – Ayrhill Avenue NW
388442 Curb, Gutter & Sidewalk Project – Lewis Street NW



Douglas D'Alexander
Principal & Managing Partner
Vienna Vision, LLC.
TAX MAP#0384-04-0002



Douglas D'Alexander
Contract Owner
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