

**RZ 91-H-001**  
**LFBC TEN LIMITED PARTNERSHIP**  
**January 28, 1998**

**PROFFERS**

Pursuant to Section 15.2-2303A of the 1950 Code of Virginia, as amended, the undersigned proffer the following conditions provided the Board of Supervisors approves RZ 91-H-001 as proffered herein. For the purposes of these proffers, the term "Developer" refers to LFBC Ten Limited Partnership or their successors or assigns.

1. The Developer shall construct road improvements on Sunset Hills Road as shown on the plan entitled "Proposed Transportation Improvements", prepared by William H. Gordon and Associates, dated July 25, 1997, revised through January 19, 1998, (Sheet 5 of 5).
  - (a) Said road improvements shall be completed with base paving and open to the public prior to issuance of any Non-Residential Use Permit for the subject property.
  - (b) In the event that said road improvements are not completed in a timely manner, through circumstances beyond the control of the Developer, the Developer may present an alternative schedule for completion of said improvements to the Zoning Administrator for consideration prior to the issuance of a Non-Rup for the subject property. If the Zoning Administrator determines that an alternative schedule for the completion of the improvements would be appropriate, the Zoning Administrator may authorize issuance of the nonresidential use permits for the subject property provided the following occurs:
    1. The cost to complete the road improvements are bonded with Fairfax County, or a cash escrow is posted in a form satisfactory to DEM.
    2. In addition, Developer shall post a separate cash escrow with Fairfax County in a form satisfactory to DEM, in the amount of \$50,000 to secure timely completion of the road improvements in accordance with the time period set forth in the alternative schedule approved by the Zoning Administrator. In the event that construction is not completed within said time period, the

developer shall contribute the sum of \$500 per day for every day beyond said time period. The escrow agent shall be authorized to distribute said additional \$500 contributions from the escrow funds as they accrue. Said contributions shall be distributed to the Director of DEM to be utilized for other road improvements on Sunset Hills Road (Route 657). When the road improvements proffered in paragraph 1 above are completed and open to the public, the balance in this escrow fund, if any, shall be returned to the Developer.

2. Subject to the provisions of Section 18-204 of the Zoning Ordinance, the Subject Property shall be developed in substantial conformance with the Generalized Development Plan ("GDP") entitled, "Lake Fairfax Business Center", prepared by William H. Gordon and Associates (Sheets 1 and 2, revised as of January 19, 1998.)
3. The illustrative exhibits shown on sheet 3 entitled "Parcel 18A With Single User Landscape/Open Space Master Plan" and Sheet 4, entitled "Consolidated Parcel Plan, Landscape/Open Space Master Plan", are submitted with these proffers for illustrative purposes only. Final building locations may change at time of final site plan submission, but shall be generally consistent in character with that depicted on the applicable plan alternative. However the design elements shown on these exhibits (Vehicular circulation, Storm Water Management, Entry Zone, Building Location, Interim Planting Zone, Parking Areas, and Perimeter Planting Zone, all as further specified on Sheets 3 and 4.) will be provided throughout the site in conformance with the proffered paragraphs herein and with the proffered exhibits.

The building footprint shown on the illustratives (Sheets 3 and 4) may be modified in the following manner, subject to the following conditions:

- a. One or two buildings may be established within the area designated as "Building Envelope" on the GDP, provided that the total combined gross floor area proposed for the subject site, does not exceed 177,736 square feet; and the open space provided in the tabulations, the minimum dimensions to the peripheral lot lines from the building envelope and landscaping are maintained. The maximum height of any building shall not exceed 75 feet.
- b. The parking tabulations shown on the GDP may change as a result of final engineering design, architectural design, and user needs resulting from final tenant/purchaser negotiations. However, the

parking requirements of the Zoning Ordinance shall be met, as approved by the Department of Environmental Management ("DEM").

4. The architectural treatment of the buildings on the Property shall be harmonious and compatible with architectural treatments now in place in Lake Fairfax Business Center. To this end, all building facades will be composed of building materials now in use in the Lake Fairfax Business Centre, such as masonry, pre-cast concrete, natural stone or glass, or a combination thereof. The colors of the materials will be similar to the color of the materials currently installed in Lake Fairfax Business Center.
5. Air conditioning units and other rooftop mechanical equipment shall be screened by architectural treatments, which may include a parapet wall.
6. Dumpsters will be located in the rear or to the side of the building(s) and screened from view with wooden fences and landscaping subject to the approval of DEM.
7. Parking lot lighting shall be directional and directed downward and inward so as to minimize glare on adjacent properties.
8. All signs shall conform with the requirements of Article 12 of the Zoning Ordinance. Free-standing signs shall be architecturally designed so as to be compatible with other free-standing signs within the park and with the architectural treatments of buildings on-site.
9. Landscaping in the form of foundation plantings, parking islands and peripheral parking lot landscaping shall be provided as shown on the Conceptual Land Use Plan, Sheet 2 of the GDP. A mixture of plantings shall be provided so as to insure seasonal coloring and flowering on-site. To this end, flowering trees and other deciduous trees will be interspersed with evergreen trees and low-lying shrubs and flowers. The location and mixture of the tree plantings shall be subject to approval by the Urban Forester and shall be in substantial conformance with the Conceptual Landscape Plan and the applicable Landscape/Open Space Master Plan (Sheet 3 or 4).
10. A tree preservation plan will be submitted at the time of subdivision/site plan submission for each site plan and prior to any clearing and grading operations within said site plan area. The plan will provide for the preservation of existing quality vegetation to the extent reasonably feasible, and consistent with the development density proposed herein. In the event any of the protected limits of clearing and grading areas are disturbed by grading and/or other related

construction activities, the Developer shall replant or otherwise landscape said disturbed areas with an appropriate mix of vegetation according to the directions of DEM pursuant to the Public Facilities Manual.

11. At-grade parking facilities will be provided pursuant to Fairfax County standards. In the event that parking structures are constructed, they shall not exceed thirty-five (35) feet in height above finished grade. The Developer will work with the Urban Forester to develop landscaping plans for parking buildings visible off-site from the Fairfax County Park Authority land to minimize the visual impact of the structure(s) from Park Authority property.
12. Prior to the issuance of a non-RUP for occupancy of the first building established on the subject property, the cul-de-sac shown on the GDP immediately adjacent to the subject property shall be designed to VDOT standards, bonded for completion, and base paved for access by the public, unless the Developer, at his option, obtains approval of a private road connection from the existing cul-de-sac in Business Center Drive to the subject property.
13. The principle use of the property shall be office use. Additional uses permitted in the I-4 District, either by right, special use permit or special exception permit approval may also be permitted except for the following:
  - Contractor's offices and shops
  - Crematory, human or animal
  - Motor freight terminals
  - Motor vehicle storage and impoundment yards

The following Special Permit uses shall not be permitted on the subject Property:

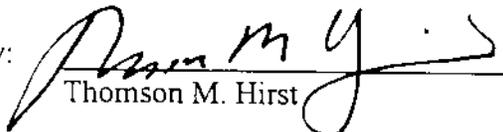
- Miniature golf courses
- Baseball hitting and archery ranges, outdoor
- Golf courses, commercial
- Golf driving ranges
- Kennels and other animal pens associated with scientific research

The following Special Exception uses shall not be permitted in the subject Property:

- Electrical generating plants and facilities
- Sewage treatment and disposal facilities
- Solid waste disposal and treatment facilities, including incinerators and landfills
- Water purification facilities

- Local office space and maintenance facilities incidental to any use set forth above
  - Car washes
  - Commercial off-street parking in Metro Station areas as a temporary use
  - Drive-in banks
  - Food and beverage manufacturing, production and processing establishments
  - Marinas, docks and boating facilities, commercial
  - Plant nurseries
  - Service stations
  - Theaters
14. The Developer shall provide a minimum of 15% landscaped open space on site. However, reasonable effort shall be made to increase the amount of open space to 20%. In the event that less than 20% landscape open space is provided on the site plan for the subject property, the Developer will increase the size of all shade trees to 3 to 3 1/2 inch caliper for all trees on site, (exclusive of evergreen trees and ornamental trees) to increase the tree cover.
15. Due to the environmental sensitivity of the downstream property, Lake Fairfax Park, it is imperative that adequate erosion and siltation control measures be provided. Developer shall utilize such measures as double silt fencing, super silt fence, earth berms, diversion dikes or other methods as may be determined appropriate by DEM.
16. In the event that this rezoning is approved, the area currently subject to SE 95-H-057 will be utilized for parking for Building #7 (Tax Map 18-3((8)) Parcel 7.)

LFBC TEN LIMITED PARTNERSHIP  
By LFBC 10 Corporation, General Partner

By:   
Thomson M. Hirst

Its: <sup>Vice</sup> President \_\_\_\_\_

LAKE FAIRFAX SEVEN LIMITED  
PARTNERSHIP  
By LF 7 Corporation, General Partner

By:

  
Thomson M. Hirst

Its: President

Attachment