

CENTREVILLE BUSINESS PARK

BSM, LLC PROPERTY

RZ 1998-SU-016

October 13, 1998

October 21, 1998

October 29, 1998

November 5, 1998

PROFFER STATEMENT

For the purpose of these proffers, the term "Applicant" refers to the current property owner and applicant, as well as its successors and assigns. Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950 as amended, the Applicant in RZ 1998-SU-016, filed for the property identified as Tax Map 54-3((3)), a portion of parcels 5, 6 and 7, comprised of approximately 11.3 acres of land (hereinafter referred to as the "BSM Property"), proffers the following, provided that the Board of Supervisors approves a rezoning of the BSM Property from the R-1 and I-3 Districts to the I-5 District, with proffers.

1. **Development Plan.** The Applicant proffers that the BSM Property will be developed in substantial conformance with the Generalized Development Plan prepared by Bengtson, DeBell & Elkin, Ltd., consisting of two sheets, dated January 20, 1998 and as revised through October 27, 1998 (hereinafter, the "Development Plan"). The Development Plan will assure that the BSM Property will not be developed independently from the other portion of the Centreville Business Park, by requiring site design compatibility between the proposed mini-warehouse and truck rental establishment uses to be located on the BSM Property, and the service station, quick service food store, and car-wash uses proposed to be located on the remaining portion of Parcels 5, 6 and 7, which are the subject of RZ 1998-SU-014 and SE 98-Y-011 (hereinafter the "Mobil Property"). The aforementioned uses, as well as any accessory or accessory service uses thereto, shall constitute the only uses allowed on the BSM Property. The Applicant shall have the flexibility to modify the layout shown on the Development Plan, without requiring approval of a PCA, provided such changes are in substantial conformance with these proffers or are necessary to meet VDOT or DPW&ES requirements, as determined by the Zoning Administrator or the Director of DPW&ES.

2. **FAR.** Development of the BSM Property shall not exceed a maximum FAR of 0.25.

3. **Stormwater Management.** Whatever Stormwater Management (SWM) and Best Management Practices (BMPs) may be required by DPW&ES to serve both the BSM Property and the Mobil Property, shall be provided by the Applicant in the general location shown on the Development Plan. The Applicant retains the right to apply for a waiver or modification of stormwater management/BMP requirements, and the right to utilize flood plain/open space areas for BMP credits in accordance with County regulations. If a waiver or modification of stormwater management/BMP requirements is granted, the area shown as "SWM/BMP Facility"

on the Development Plan shall remain open space. The Applicant shall maintain any SWM and/or BMP facilities which may be required.

4. **Limits of Clearing and Grading.** The Applicant shall substantially conform to the limits of clearing and grading shown on the Development Plan, as may be approved by DPW&ES, subject to the installation of SWM ponds, BMP facilities and necessary utility lines. Any such utilities or stormwater facilities located outside the limits of clearing and grading shall be located and installed in a manner which is the least disruptive to the natural vegetation as possible, duly considering the cost and engineering feasibility of their installation.

5. **Signage.** The Centreville Business Park identification sign/entrance feature shall be located on the Mobil Property and shall be substantially similar to the elevation sketch shown on Exhibit B hereto, except that the height of the sign shall not exceed twelve (12) feet. There shall be no free-standing identification sign on the BSM property, except a directional sign to the mini-warehouse facility.

6. **Landscaping.** The landscaping installed on the BSM Property shall be substantially similar to that shown on the Development Plan. However, specific plantings and their locations are subject to final approval by the Urban Forester at the time of site plan approval.

7. **Unified Development Plan/Architectural Design.** The design, materials and color of the structures and buildings located on the BSM Property shall be substantially similar to the two architectural renderings which are attached as Exhibit A. The architectural elevations and other design details which are shown on Exhibit A are provided to illustrate the compatibility of structures located on the BSM Property with the design elements for the overall Centreville Business Park. Architectural colors and materials shall be utilized which are generally of the same character and quality as those shown on Exhibit A. It is the intention of this proffer (i) to promote overall design compatibility within the Centreville Business Park, between the development proposed on the BSM Property and that proposed on the Mobil Property; and (ii) to promote design compatibility between the Centreville Business Park and the residential neighborhoods to the west and north.

8. **Archeological Study.** At least One Hundred Eighty (180) days prior to site grading, the County archeologist shall be notified and will be allowed to enter the BSM Property for a period of up to sixty (60) days to conduct archeological assessments and remove artifacts,

provided such work does not require the removal of trees outside of the limits of clearing and grading and does not unreasonably delay or interfere with construction.

9. **Flood Plain Dedication.** The Applicant proffers that, at the time of site plan approval, the area shown on the Development Plan as the RPA/EQC/100-year flood plain of Big Rocky Run will be conveyed in fee simple to the Fairfax County Park Authority for public park purposes, provided that intensity credit for such conveyance is approved by the Board of Supervisors or its staff pursuant to § 2-308(4) of the Zoning Ordinance, and that the application of BMP credits attributable to such flood plain area be approved by the Board of Supervisors or its staff for assignment to the remaining portions of the BSM Property. Also, at the time of site plan approval, the Applicant shall provide a future construction agreement and escrow to DPW&ES in the amount of Six Thousand One Hundred Twenty-Two Dollars (\$6,122.00) for the construction by others of a Type II, 6 foot wide Stream Valley Trail, approximately 424 feet in length, within such flood plain area dedicated to the Fairfax County Park Authority.

10. **Road Improvements.** At the time of Final Site Plan approval or upon demand by the Board of Supervisors, whichever first occurs, the Applicant shall dedicate for public street purposes and convey in fee simple to the Board of Supervisors, those areas of the BSM Property along its western and northern boundaries, as are shown on the Development Plan, provided that intensity credit for such conveyance is approved by the Board of Supervisors or its staff pursuant to § 2-308(4) of the Zoning Ordinance.

11. **Landscaping and Screening.** In substitution for the Transitional Screening and Barrier normally required along the western boundary of the BSM Property pursuant to Article 13 of the Zoning Ordinance, the Applicant proffers to (i) construct a wrought iron fence with “split face” block columns in the location shown on the Development Plan, (ii) install plantings, and (iii) conform to the limits of clearing and grading, all as generally shown on the Development Plan.

12. **Future Road Dedication.** At such time as (a) Stone Road Extended is funded for construction and is designed sufficient for construction bid-advertisement, and (b) the rail station identified in the 1998 adopted Comprehensive Plan for Fairfax County is funded for construction and is designed sufficient for construction bid-advertisement, Applicant shall, within sixty (60) days of receipt of a written demand by Fairfax County, dedicate in fee simple for public street purposes a fifty-two (52) foot wide right-of-way for an extension of an east-west collector road, as shown on the Development Plan, provided that intensity credit for such conveyance is approved by the Board of Supervisors or its staff pursuant to § 2-308(4) of the Zoning

Ordinance. This collector road shall provide, at a minimum, access to the rail station and the BSM Property. In the event that the adopted Comprehensive Plan is amended so as to delete such rail station, this proffer shall immediately become null and void without the necessity of further action being taken.

13. **Hours of Operation.** Hours of operation for customer access to the Property shall be limited so as to not allow access between the hours of 1:00 a.m. and 5:00 a.m. Office hours shall be limited to between 6:00 a.m. and 9:00 p.m.

14. **On-Site Lighting.** Any on-site freestanding lighting shall be no higher than twelve (12) feet. Any building-mounted lighting, which is visible from a nearby residential townhouse unit, shall be installed in such a manner so as not to be directed towards any such townhouse.

[SIGNATURES ON FOLLOWING PAGE]

APPLICANT/TITLE OWNER
OF THE BSM PROPERTY

BSM, LLC

By: 

MARYAN GHADBAN
[print name]

Its: Managing Member

Date: December 9, 1998

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