

Proffers

PCA 2000-LE-023

Tavares Concrete Company, Inc.

September 11, 2009

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Applicant/Owner, in this rezoning proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Map as Tax Map Reference 99-2((1))17 part and 19 part (hereinafter referred to as the "Property") will be in accordance with the following conditions (the "Proffered Conditions"), if and only if, said proffered condition amendment request for is granted. In the event said proffered condition amendment request is denied, these Proffered Conditions shall be null and void. The Owner/Applicant, for themselves, their successors and assigns hereby agree that these Proffered Conditions shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The following Proffered Conditions shall supersede all previously approved proffered conditions applicable to the property.

I. General

- I. Generalized Development Plan. Subject to the provisions of Article 18 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Property shall be in substantial conformance with the Proffered Condition Amendment Plan (the "Plan") prepared by Dewberry & Davis LLC, consisting of 8 sheets, dated December 18, 2008, revised through September 11, 2009.

2. Minor Modifications. Minor modifications from what is shown on the Plan and these Proffers, which may become occasioned as a part of final architectural and/or engineering design, may be permitted as determined by the Zoning Administrator in accordance with the provisions set forth in the Zoning Ordinance.

3. Floor Area Ratio. Floor area ratio on the Property shall not exceed 0.34.

4. Lighting. All outdoor lighting, if installed, shall be designed and located in accordance with the glare standards as set forth in Part 9 of Article 14 of the Zoning Ordinance. No freestanding lighting shall have poles that exceed 20 feet in height. All lighting shall have full cut-off fixtures that direct light downward onto the Property.

5. Landscaping. Landscaping on the Property shall be generally consistent with that shown on the Plan.

6. Masonry Wall. A masonry wall, six (6) feet in height shall be constructed as shown on the Plan, approximately sixteen (16) feet east of the proposed building.

7. Building. The building shall be constructed to have exterior facades that are at least 50% brick, architectural block, architectural precast concrete, glass, job cast architectural concrete or other similar quality material (collectively, "Architectural Block"). The eastern (rear) side of the building shall be constructed of Architectural Block and shall

not have any windows or doors. The maximum height of the building shall be thirty (30) feet.

8. Use. No heavy industrial uses shall be permitted. The application property shall only be developed with one or more of the following principal uses within a completely enclosed structure:

- a. Accessory uses and accessory service uses as permitted by Article 10;
- b. Contractor's offices and shops;
- c. Establishments for printing of any size, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and associated retail sales; except bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Par. 13 of Sect. 9-501.
- c. Warehousing and associated retail establishments;
- d. Wholesale trade establishments.
- e. Office
- f. light public utility uses

9. Storage.

- a. No outdoor storage shall be permitted.
- b. Storage shall only be permitted inside the structure depicted on the GDP. In no event shall storage include the storage of items commonly found in junk yards (e.g. abandoned vehicles and discarded appliances).

- c. The restrictions and conditions applicable to storage use, as outlined above, shall not be applicable to parking of vehicles on the application property. Vehicles licensed for roadway use, which are used in conjunction with the principal uses operated on the Subject Property, may be stored outdoors provided these vehicles are parked in spaces designated on the approved GDP or approved site plan.

II. Transportation

7. Cinder Bed Road. At the time of site plan approval, the Applicant shall dedicate and convey in fee simple to the Fairfax County Board of Supervisors right-of-way measuring thirty-five (35) feet from the existing centerline along the Property's Cinder Bed Road frontage, as shown on the Plan with density reserved subject to the provisions of Par. 4 of Sect. 2-308 of the Zoning Ordinance. The Applicant shall construct Cinder Bed Road as a one-half section up to 26 feet from the centerline. The entrance to the Property shall be constructed pursuant to Virginia Department of Transportation standards. A five (5) foot wide concrete sidewalk and curb and gutter shall be constructed along the site's frontage as part of these frontage improvements.

III. Successors and Assigns

These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

IV. 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 taken together shall constitute but one and the same instrument.

TITLE OWNERS AND APPLICANTS SIGNATURES TO FOLLOW ON THE NEXT PAGE:

TITLE OWNER OF

TM 99-2((1))19

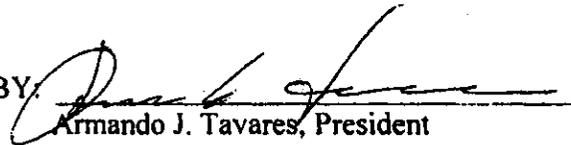
TAVARES FAMILY LIMITED PARTNERSHIP

BY: 
Armando J. Tavares, General Partner

APPLICANT/TITLE OWNER OF

TM 99-2((1))17

TAVARES CONCRETE COMPANY, INC.

BY: 
Armando J. Tavares, President