

Proffer Statement
Kingstowne Section 34

RZ 1998-LE-065
January 4, 2000

Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978, as amended), Kingstowne Commercial, LP (the "Applicant" or "Developer") in this Rezoning, proffers that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference No. 91-2((1)), Parcel 33 (hereinafter referred to as the "Property") will be developed in accordance with the following conditions if, and only if, said Rezoning is granted. In the event said application is denied, this proffer statement shall be rendered null and void. The proffered conditions are as follows:

1. Subject to the proffers and the provisions of Section 18-204 of the Zoning Ordinance, under which minor modifications to an approved Generalized Development Plan are permitted, the Property shall be developed in substantial conformance with the plan entitled "Rezoning Plat Kingstowne Center - Building D" (the "Development Plan") attached hereto and incorporated herein, prepared by Tri-Tek Engineering, dated October 13, 1998 and revised through May 25, 1999.

2. Owner(s) of the Property shall be members of the Kingstowne Commercial Owners Corporation and subject to a Commercial Architectural Review Committee. Owner(s) of the Property shall be members of the Kingstowne Community Association.

3. The architectural style and building materials of the structure shown on the above-referenced plan shall be in substantial conformance with the industrial zoned buildings adjacent to the property across Barclay Drive. All sides of the structure shall be brick. Four of the six sides of the building shall be treated as frontage, and the 2 sides of the building in the rear shall be treated as loading area. The location of these facade treatments are indicated on sheet 2 of 3 of the Development Plan. The treatment of the two "rear" sides of the building shall be in substantial conformance with the elevation depicted on Exhibit A to these proffers.

4. The Applicant will install a berm on site along King Centre Drive to add to the visual screening of the rear loading area of the building. The length, width, and height of the berm will be determined in coordination with DPW&ES. In addition to the landscaping shown on the Development Plan, the Applicant will plant 25 shrubs along the berm to further screen the rear of the building.

5. All on-site lighting shall be directed downward. All lighting and signage on site shall be consistent with, and in substantial conformance with the lighting and signage of Buildings E, F and G which are located on Barclay Drive. All lighting and signage shall be in conformance with article 14 and article 12, respectively, of the Fairfax County Zoning Ordinance.

6. The dumpster/trash facility located in the rear loading area adjacent to the building and the west property line shall be screened from King Centre Drive by a masonry screening wall.

7. In order to protect water quality within Dogue Creek and Huntley Meadows Park from the detrimental effects of stormwater runoff from the Towne Center containing oil, grease, trace metals, suspended solids, de-icing salts, nutrients and other contaminants, there shall be no direct discharge of stormwater into Dogue Creek, its tributaries or watershed without water quality treatment. As such, supplemental stormwater quality measures specific to the subject property (i.e., the Towne Center) shall be implemented. Such stormwater quality measures shall be implemented in addition to any BMP credits claimed for the 14-acre lake in Kingstowne under Proffer #14 of the Proffer of Development Conditions, dated June 17, 1985, RZ. 84-L-020 and DPA C-448-2. These supplemental stormwater quality measures shall be compatible with the overall stormwater management plan for Kingstowne as determined by DPWES. They shall be approved as part of the approval of any Site Plan for the property subject to these conditions and shall be incorporated, where applicable, into each Site Plan pertaining to the subject property. The stormwater quality measures may include, but shall not be limited to the following: oil/grit separators, infiltration trenches, stormwater diversion into the 14-acre lake and parking lot sweeping, provided such facilities are contained within the subject property and do not reduce the development shown on the Generalized Development Plan referenced in these conditions. Maintenance and inspection schedules shall be an integral element of the program and shall be incorporated into approved Site Plans for the subject property, where applicable.

8. Uses permitted on site shall be limited to those uses permitted by-right in the I-4 District, as governed by the Fairfax County Zoning Ordinance. The following uses shall be precluded:

- (a) motor freight terminal;
- (b) motor vehicle storage and impoundment yards;
- (c) places of worship;
- (d) mini-storage facilities;
- (e) crematory, human or animal; and
- (f) vehicle major service establishment.

9. The Developer agrees to comply with all geotechnical review board (GTRB) requirements. In the event that there is any disagreement with the requirements prescribed by the GTRB, the Developer will resolve issues to the satisfaction of the GTRB, and the Director of DPW&ES' consultant, if appropriate.

10. The Developer will submit to GTRB review for fill soil areas and implement GTRB recommendations.

11. For uses within the I-4 District that discharge water effluent, the Applicant shall obtain approval from the State Water Control Board and approvals from the State Water Control Board and approvals as required by County regulations in effect at the time prior to operation.

12. Industrial uses emitting air contaminants will seek approval from the Virginia Air Pollution Control prior to operation.

13. In the event that any toxic substances are used in the manufacturing or processing of materials, the manufacturer or processor shall first satisfy all state and county regulations regarding the handling of toxic substances.

14. The Developer shall, prior to the issuance of the non-residential use permit for the proposed building on the Property, dedicate land (Tax Map No. 81-4((43))pt. of 19) located at the corner of S. Van Dorn Street and Lake Village Drive, and shall contribute Twenty Thousand Dollars (\$20,000.00) towards construction of tennis courts or other future recreational facilities in that location.

15. The Developer shall, prior to the issuance of the non-residential use permit for the proposed building on the Property, install benches and decorative lighting (which shall have low wattage as not to disturb surrounding residences) around the periphery of the Kingstowne Lake and shall install two picnic table areas at the Kingstowne Lake. One area will remain an open space with a cluster of picnic tables. The second area will have a cement floor and covered pavilion to house the picnic tables. The details (location, type and number) of benches, tables and lighting shall be determined by the Kingstowne Residential Owners Corporation and the Developer.

16. The southern portion of land adjacent to the Kingstowne Lake will be irrigated by the Developer in coordination with Kingstowne Residential Owners Corporation. The irrigation will be installed prior to the issuance of the non-residential use permit for the proposed building on the Property.

KINGSTOWNE COMMERCIAL, L.P.

BY: Haile Enterprises, Inc., its General Partner

BY: 
Warren E. Haile, President

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