



# FAIRFAX COUNTY

APPLICATION FILED: May 19, 2000  
APPLICATION AMENDED: October 5, 2001  
PLANNING COMMISSION: January 24, 2002  
PC DECISION ONLY: February 21, 2002  
BOARD OF SUPERVISORS: Not Yet Scheduled

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V I R G I N I A

February 20, 2002

## STAFF REPORT ADDENDUM

APPLICATION RZ 2000-LE-023

### LEE DISTRICT

**APPLICANT:** Tavares Concrete Company, Inc.

**PRESENT ZONING:** R-1

**REQUESTED ZONING:** I-5

**PARCEL(S):** 99-2 ((1)) 17, 18, and 19

**ACREAGE:** 3.30 acres

**FAR/DENSITY:** 0.20 (proffered)

**OPEN SPACE:** 38%

**PLAN MAP:** Industrial Use

**PROPOSAL:** Rezone 3.30 acres from R-1 to I-5 to permit industrial uses within three buildings and temporary outdoor storage

**WAIVERS/MODIFICATIONS:** Modification of the transitional screening along the north property line and that portion of the southern property line which abuts residential uses, to permit 25 foot wide strip of landscaping as shown on the GDP

Modification of the barrier requirements along portions of the northern and southern property lines in lieu of the existing eight (8) foot board-on-board fence as shown on the GDP

Waiver of the trail requirement along Cinder Bed Road

## **STAFF RECOMMENDATIONS:**

Staff recommends that RZ 2000-LE-023 be denied; however, if it is the intent of the Board of Supervisors to approve RZ 2000-LE-023, staff recommends that the approval be subject to the execution of proffers consistent with those contained in Attachment 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



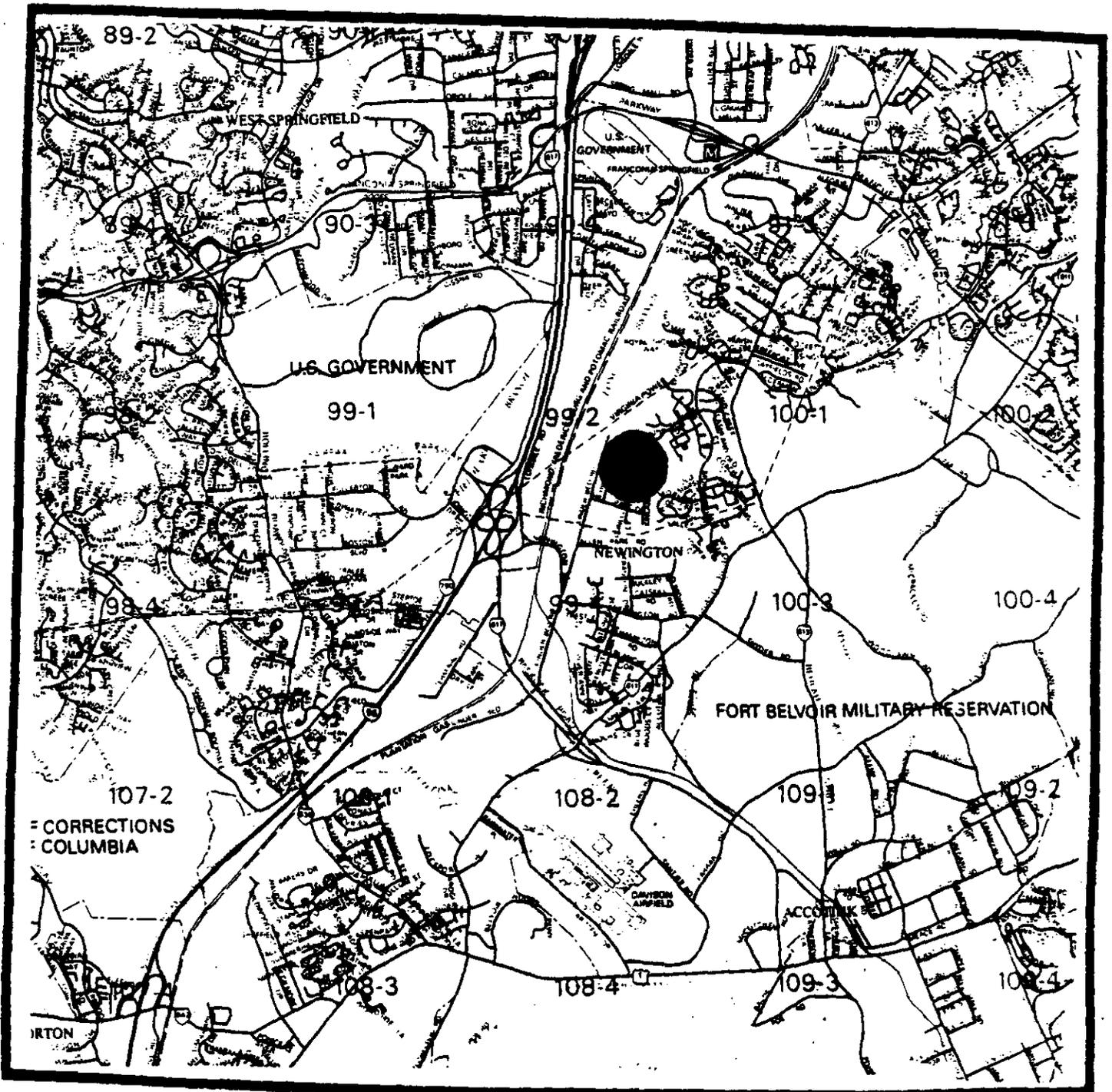
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334.

# REZONING APPLICATION

## RZ 2000-LE-023

FILED 05/19/00  
AMENDED 10/05/01

TAVARES CONCRETE COMPANY INC  
TO REZONE: 3.30 ACRES OF LAND ; DISTRICT - LEE  
PROPOSED: INDUSTRIAL  
LOCATED: ON THE E. SIDE OF CINDER BED RD.  
APPROX. 1,500 FT. N. OF HILL PARK DR.  
ZONING: R- 1  
TO: I- 5  
OVERLAY DISTRICT(S):  
MAP REF 099-2- /01/ /0017- ,0018- ,0019-

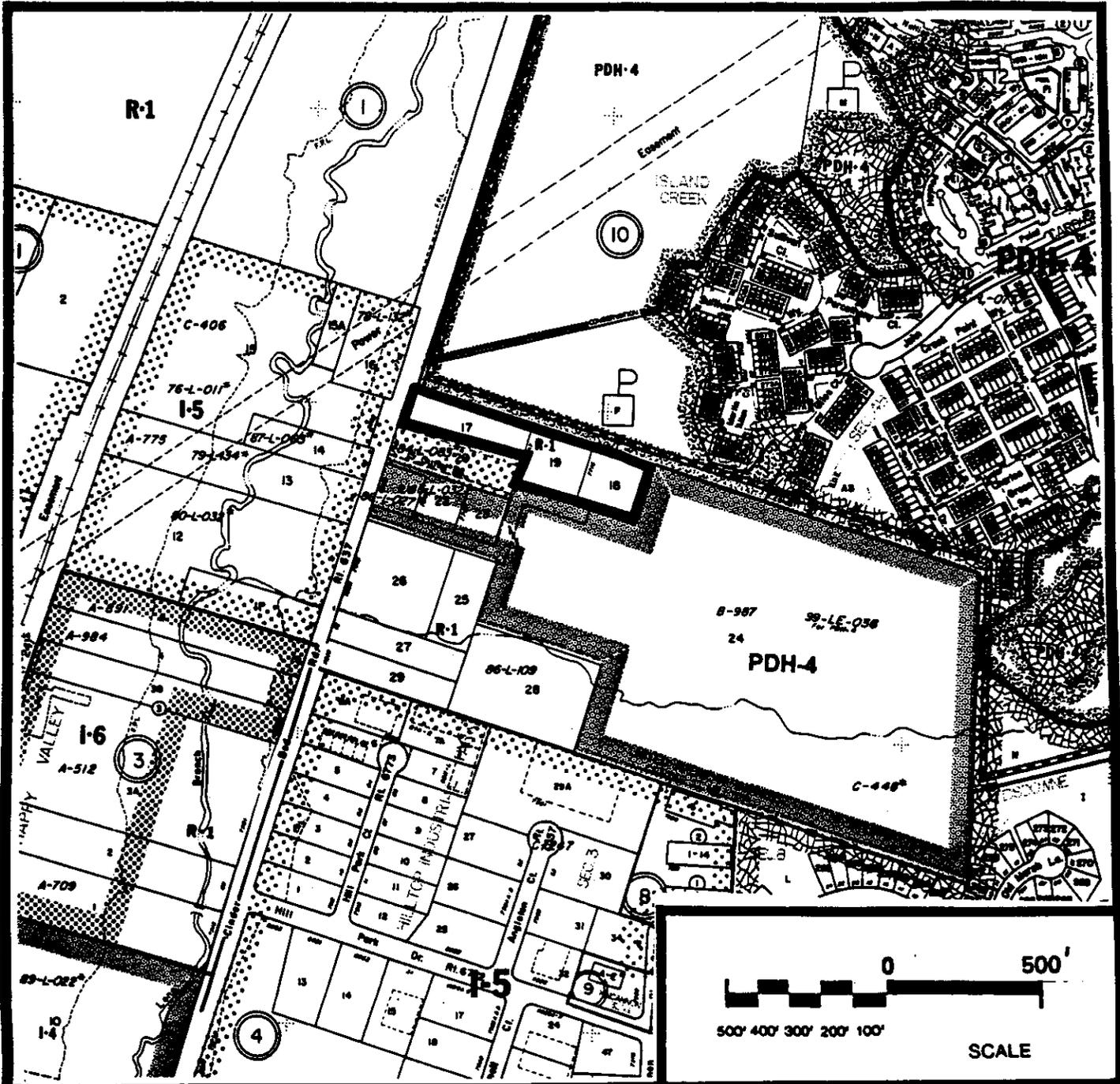


# REZONING APPLICATION

## RZ 2000-LE-023

FILED 05/19/00  
AMENDED 10/05/01

TAVARES CONCRETE COMPANY INC  
TO REZONE: 3.30 ACRES OF LAND ; DISTRICT - LEE  
PROPOSED: INDUSTRIAL  
LOCATED: ON THE E. SIDE OF CINDER BED RD.  
APPROX. 1,500 FT. N. OF HILL PARK DR.  
ZONING: R- 1  
TO: I- 5  
OVERLAY DISTRICT(S):  
MAP REF 099-2- /01/ /0017- ,0018- ,0019-



# Tavares Concrete Company, Inc.

LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
GENERALIZED DEVELOPMENT PLAN

RZ 2000-LE-023



APPLICANT:

Tavares Concrete Co., Inc.  
7805 Cinder Bed Road  
Lorton, Virginia 22079

- April 25, 2000
- September 14, 2000
- September 18, 2000
- October 18, 2000
- May 11, 2001
- June 14, 2001
- September 7, 2001
- October 2, 2001
- November 8, 2001
- February 1, 2002

## SHEET INDEX:

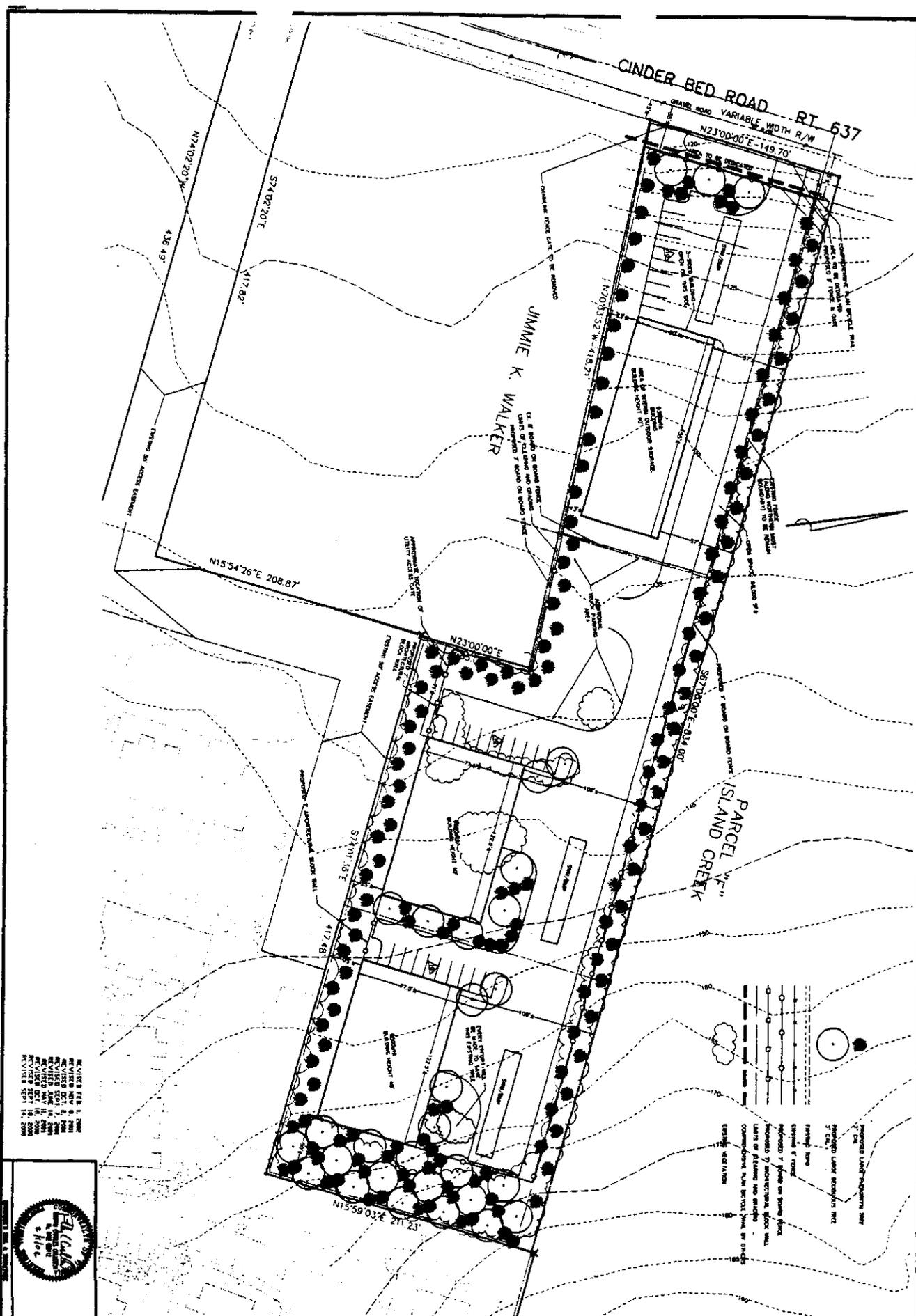
1. COVER SHEET
2. NOTES AND TABULATION, ANGLE OF BULK PLANE
3. GENERALIZED DEVELOPMENT PLAN
4. EXISTING VEGETATION MAP



**Dowberry & Davis LLC**  
A Development Company  
10000 Lee Highway, Suite 200  
Falls Church, VA 22044  
(703) 948-0100 FAX (703) 948-0118

Tavares Concrete Co., Inc.  
LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
GENERALIZED DEVELOPMENT PLAN  
RZ 2000-LE-023





REVISIONS: FEB. 1, 2006  
 REVISION: NEW & EXISTING  
 REVISION: SITE PLAN  
 REVISION: LAND IN ZONING  
 REVISION: SITE PLAN  
 REVISION: SITE PLAN  
 REVISION: SITE PLAN



**GENERALIZED DEVELOPMENT PLAN**  
**TAVARES CONCRETE CO., INC.**  
 LEE DISTRICT RZ 2000-LE-023 FAIRFAX COUNTY, VIRGINIA

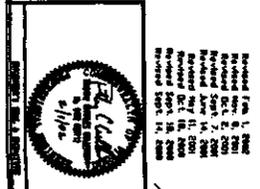
**Dowberry & Davis LLC**  
 A Dowberry Company  
 5000 Arlington Blvd.  
 Fairfax, VA 22031  
 (703) 548-0200 Fax (703) 548-0210

CINDER BED ROAD RT. 637  
 VARIABLE WIDTH R/W  
 N23°00'00"E - 149.70'

JIMMIE K. WALKER

PARCEL "VF"  
 ISLAND CREEK

Code	Plant Type	Quantity	Notes	Comments
A	Deciduous	1	...	...
B	Shrubland	1	...	...



EXISTING VEGETATION MAP  
**TAVARES CONCRETE CO., INC.**  
 LEE DISTRICT RZ 2000-LE-023 FAIRFAX COUNTY, VIRGINIA

**Dewberry & Davis LLC**  
 A Dewberry Company  
 6401 Arlington Blvd.  
 Fairfax, VA 22031  
 (703) 648-0100 Fax (703) 648-0118

DATE	11/11/11
SCALE	1" = 20'
PROJECT	...
CLIENT	...
DESIGNER	...
CHECKER	...
APPROVER	...

## **BACKGROUND**

The subject site is located on the east side of Cinder Bed Road, approximately 1,000 feet north of the intersection of Hill Park Drive and Cinder Bed Road, in the Lee District. It is comprised of three parcels [Tax Map Parcels 99-2 ((1)) 17, 18, and 19], which are currently zoned R-1. The subject site is adjacent to several residentially-zoned properties. The area to the immediate north is part of the common open space for the Island Creek community, which is zoned PDH-4 and is planned for public park. The property located to the west and south of the site, which is known as the Hawthorne development, is zoned PDH-4 and planned for single family residences.

The applicant, Tavares Concrete, seeks to rezone the subject site from R-1 to I-5 to permit industrial uses within three buildings and temporary outdoor storage. The total proffered FAR would be 0.20. In addition, the proposed buildings could be three-sided. No specific use is planned for the site. Instead, the applicant proposes a variety of potential uses for the site including, contractor's offices and shops; printing and manufacturing establishments, light public utility uses and warehousing. Under the applicant's originally proposed proffers, the existing outdoor storage yard use would be permitted on Parcel 17 for as long as two (2) years, from the date of rezoning approval. After the two-year period, storage would then only be permitted inside the proposed structures. Under these proffers, no outdoor storage would be permitted on Parcels 18 and 19. However, this prohibition on outdoor storage did not extend to the parking of vehicles.

The applicant also sought a modification of the transitional screening along the northern property line and that portion of the southern property line which abuts the Hawthorne residential development. Specifically, the applicant proposed a 25-foot wide landscaped open space strip along the northern property line and that portion of the southern property line which abuts the proposed residences. The Zoning Ordinance requires that 50 feet of screening be provided where the site abuts residential uses.

In the January 16, 2002, Staff Report, staff concluded that the subject application was not in conformance with the Comprehensive Plan for the following reasons:

- The applicant had not committed to provide the full 50-foot wide transitional screening yard, which is required where the site abuts residential and public park uses;
- The applicant had proffered the continuation of the existing outdoor storage for an unacceptable length of time and without the immediate installation of screening for the abutting residences;
- The applicant had not provided any details on the proposed vehicle storage;
- The applicant had not proffered to abandon/vacate in a timely fashion the 50-foot wide access easement across Parcel 24; and

- The applicant had not proffered acceptable limits on the hours of operation or construction of a barrier along the southern property line with noise absorptive qualities.

For these reasons, staff concluded that the proposed application was not in conformance with the Comprehensive Plan nor with the applicable Zoning Ordinance provisions and recommended that RZ 2000-LE-023 be denied.

On January 24, 2002, a public hearing on RZ 2000-LE-023 was held before the Planning Commission. The decision on the case was deferred until February 21, 2002.

## DISCUSSION

The applicant has submitted revised proffers and a revised Generalized Development Plan (GDP), dated February 1, 2002. The major changes are discussed below.

Site Location and Layout: No change has been proposed to the site layout. Three (3) buildings continue to be proposed on the site. These building could be constructed as three (3) sided buildings. The applicant is now proffering that outdoor storage on Parcel 17 (the western third of the subject site) will only be permitted until such time as the Non-Residential Use Permit (Non-RUP) for the property owned by the applicant located at 8000 Cinder Bed Road [Tax Map Parcel 99-2 ((1)) 10] is issued but no later than August 31, 2003. (The applicant intends to use Parcel 10 for its headquarters and storage yard.) After the issuance of the Non-RUP for 8000 Cinder Bed Road or August 31, 2003, storage will only be permitted inside the structures depicted on the GDP.

Access: The proposed access to the site has not changed. The GDP continues to depict access from Cinder Bed Road. As noted previously, there is an existing fifty (50) foot wide access easement across Parcel 24 (which is being developed with a single-family residential development known as Hawthorne). This easement currently provides Parcels 18 and 19 with access to Cinder Bed Road. The applicant is now proffering to abandon/vacate the easement within four (4) months of rezoning approval. Finally, the applicant has now proffered to provide adequate site distance for vehicles entering and exiting the site.

Parking: The applicant continues to propose ten (10) parking spaces for each building (for a total of 30 spaces). The applicant continues to proffer that no more than ten (10) vehicles containing three (3) or more axles will be parked outdoors in this area at any one time. Such vehicles could include dump trucks, tractor trailers, mixers and loaders. The applicant has proffered that the storage of all vehicles will be accessory to the principal use occurring within the structures. While the applicant has not proffered a

restriction on the number of vehicles with two (2) axles that will be stored on-site, the applicant has proffered that the two (2) axled vehicles which are stored outside will be tagged and licensed for road use. Vehicles which are not tagged and licensed for road use (such as bobcats and back hoes) will not be parked or stored outside. No garbage trucks will be parked on site.

Landscaping: The GDP continues to depict 38% open space. A 50-foot wide strip of open space, landscaped with deciduous and evergreen trees, is still proposed along the eastern property line. The applicant continues to propose a 25-foot wide strip of open space, landscaped with evergreen trees, along the northern property line and that portion of the southern property line, where the subject site abuts residences. Instead of a seven (7) foot high wood fence along that portion of the southern property line (along Parcels 18 and 19), however, the applicant now proposes to construct the rear side of each building on Parcels 18 and 19 of architectural block. These buildings would then be connected by a matching or complementary seven (7) foot high wall in order to form a solid wall along that portion of the southern property line which abuts the Hawthorne residential development.

The applicant has proffered specific timing on the installation of the landscaping. Under the draft proffers, the applicant has proffered that the proposed landscaping along Parcel 17 will be installed after rezoning approval but no later than the issuance of the Non-RUP for the temporary storage on Parcel 17. The remainder of the landscaping located on Parcel 17 would be installed after site plan approval for Parcel 17. The landscaping proposed on Parcels 18 and 19 (the eastern two-thirds of the subject site) will not be installed until after the first site plan approval for either Parcel 18 or 19.

## **ANALYSIS**

### **Comprehensive Plan Issues**

#### **Issue: Screening and Barriers**

The site is adjacent to and near residentially-zoned properties. In order to mitigate potential off-site impacts on these residential properties, the Comprehensive Plan recommends that substantial vegetated buffers and screening be provided adjacent to parcels planned or developed for residential use or public park use.

The site is adjacent to and near residentially-zoned properties. In order to mitigate potential off-site impacts on these residential properties, the Comprehensive Plan recommends that substantial vegetated buffers and screening be provided adjacent to parcels planned or developed for residential use or public park use.

The applicant had previously requested a modification of the 50-foot wide transitional screening yard requirement along the north property line and that portion of the southern property line which abuts residential and public park use to permit a 25-foot wide strip of open space, landscaped with evergreen trees, as depicted on the GDP. The applicant had also proffered to construct an eight (8) foot high fence along the southern property line prior to construction of the first building on Parcels 18 and 19. There is currently an existing barrier enclosing the outdoor storage on Parcel 17.

In light of the Comprehensive Plan language, staff believed that the applicant provided no justification for the proposed modification and that at a minimum, the applicant should provide the full transitional screening along all required property lines (particularly along the southern property line where the subject site will abut residences). Only in this way did staff believe it could be ensured that the proposed industrial uses would not adversely impact the future residences.

**Resolution:**

The applicant now proposes to construct the rear side of each building on Parcels 18 and 19 (that is, those sides of the buildings which face the southern property line) of architectural block materials. These buildings would then be connected by a matching or complementary seven (7) foot high wall. In this way, a solid architectural block wall will be created along the southern property line. It should be noted that 25 feet of transitional screening would be provided between this wall and the abutting Hawthorne residential development. The applicant has also proffered that this transitional screening area will not be used for any purpose other than screening.

While staff believes that the proposed wall and 25 feet of transitional screening will adequately mitigate the adverse impacts of the proposed industrial uses on the future residences, staff is concerned about the timing commitment for installation of the transitional screening material. The applicant is not proposing to install the screening for the subject site all at once. Instead, the applicant has proffered that the proposed screening along the northern property line of Parcel 17 would be installed after rezoning approval but no later than the issuance of the Non-RUP for the temporary storage on Parcel 17. The remainder of the screening located on Parcel 17 would be installed after site plan approval for Parcel 17. The screening proposed on Parcels 18 and 19 (the eastern two-thirds of the subject site) would not be installed until after the first site plan approval for either Parcel 18 or 19.

Staff continues to believe that the screening should be installed immediately after rezoning so that the landscaping would mature and provide better screening once the Hawthorne residential development is complete. But given that the temporary outdoor storage on Parcel 17 will not continue past August 31, 2003 (at the latest) and is not

located immediately adjacent to the residential use on the south side, it should have minimal impact on the residences, which probably will not be occupied until after August 31, 2003.

Nevertheless, the transitional screening along the southern and eastern property lines of Parcel 18 and 19 should be installed once a permanent industrial use occupies the site to protect the adjacent residences. As noted earlier in the report, the barrier along the southern property line will not be erected until the buildings on Parcels 18 and 19 are constructed. Under the applicant's proposed proffers, there could be a permanent industrial use operating on Parcel 17 and the residences to the south and east would have no barrier or transitional screening. Staff finds this scenario to be completely unacceptable. It is essential to provide screening between any industrial use on the subject site and the future residences in order to mitigate any future impact. Therefore, staff recommends that the applicant commit to planting the transitional screening with the first site plan for any permanent use of the site.

Without resolution of this issue, staff cannot recommend approval of this application.

#### **Issue: Outdoor Storage**

Given the proximity of residences to the site, the Comprehensive Plan was recently amended to prohibit outdoor storage and heavy industrial uses from this area. Currently, the applicant is using Parcel 17 as a storage yard. The applicant had proposed to continue the storage yard use on Parcel 17 for a two (2) year period. After the two (2) year period, storage would only be permitted inside the structure depicted on the GDP. While the applicant had proffered that there would be no outdoor storage on Parcels 18 and 19, this prohibition did not include vehicle parking. In addition, the applicant had proffered that no more than ten (10) vehicles containing three (3) or more axles would be parked outdoors on the subject site at any one time, there was no restriction on storage and parking of vehicles with two (2) axles. Furthermore, the applicant did not indicate the size or nature of these two-axled vehicles.

In light of the recently adopted Plan language and the imminent construction of the Hawthorne residential development on Parcel 24, staff felt that the proffered two (2) year period for outdoor storage was inappropriate. In addition, given the existing zoning violations on Parcel 17, staff believed that immediate action should be taken to remove the use or to enclose the outdoor storage. (It should be noted that in June 2001, the County filed an injunction request against the applicant for maintaining a junk yard and storage yard, for filling and grading the property without an approved grading plan and for having a eight (8) foot high wooden fence without any principal use on the property.) Furthermore, staff was also concerned that the applicant did not commit to limits on the type, size and nature of two (2) axled vehicles which could be parked outside. Staff

believed that the applicant should provide specific details on the type, size and nature of vehicles so that the potential impact of these vehicles on the abutting residences could be gauged.

**Resolution:**

The applicant is now proffering that outdoor storage on Parcel 17 will only be permitted until such time as the Non-RUP for 8000 Cinder Bed Road [Tax Map Parcel 99-2 ((1)) 10] is issued, but no later than August 31, 2003. The applicant is proposing to comply with a specific timeline for submitting and responding to site plan and permit issues related to Parcel 10. The applicant has also proffered to prepare and submit a minor site plan for outdoor storage on Lot 17 within 30 days of rezoning approval.

The applicant has proffered that the storage of all vehicles will be accessory to the principal use occurring within the structures. In order to address staff's concerns about two (2) axled vehicles, the applicant has also proffered that vehicles with two (2) axles that are not tagged and licensed for road use, such as back hoes and bobcats, shall not be parked or stored outdoors. Finally, the applicant has proffered that no garbage trucks shall be parked on the property.

With these two proffer commitments, this issue is now resolved.

**Issue: Access**

The Comprehensive Plan recommends that access to the site be provided from Cinder Bed Road. In addition, the Comprehensive Plan states that the existing fifty (50) foot wide access easement across Parcel 24 (which is to be developed with the single-family residential development of Hawthorne) should not be utilized.

In addition to depicting the site's access from Cinder Bed Road only, the applicant had also proffered that it would not create a vehicular access to the subject site via the existing 50-foot wide access easement across Parcel 24. The applicant had further agreed to *"contact the owner of the Hawthorne property [Parcel 24] within three (3) months after the approval date of the application and offer to vacate and abandon its interests in the easement as it applies to Lots 18 and 19."* Given the applicant's commitment to not use the easement for access, staff did not understand why the applicant could not simply commit to abandon/vacate its interest in the easement.

**Resolution:**

The applicant has now proffered to vacate this easement within four (4) months of rezoning approval. Therefore, this issue is now resolved.

**Other Issues****Issue: Hours of Operation**

The applicant had proffered that the subject site could be used for a variety of industrial uses, including contractor's offices and shops, light public utility uses, and warehousing. Given that the types of businesses which will be using the site is unknown, it is also unknown what type of impact these uses may have on the abutting residential development in terms of noise. As such, staff requested that the applicant proffer limits on the hours of operation or provide the required fifty (50) feet of transitional screening and a barrier with noise absorptive qualities.

**Resolution:**

The applicant has proffered to construct the rear side of each building on Parcels 18 and 19 and to connect these buildings by a matching or complementary seven (7) foot high wall in order to create a solid architectural block or masonry wall (where the subject site abuts the Hawthorne residential development). It should be noted that 25 feet of transitional screening would be provided between this wall and the abutting Hawthorne residential development. The applicant has also proffered that this area will not be used for any purpose. Staff believes that any noise generated by the industrial use will be mitigated by the proposed masonry wall and the proposed 25-foot wide strip of transitional screening.

However, as noted earlier in this addendum, the applicant is not proposing to install the landscaping for the subject site all at once. Staff does not believe that the applicant should be permitted to use the site for a permanent industrial use without installing the transitional screening first - particularly given that the barrier along southern property line will not be erected until the buildings on Parcels 18 and 19 are constructed. Staff believes that under the applicant's proposed proffers, the Hawthorne residences could be left unprotected while Parcel 17 is being used industrially. This issue is unresolved.

**Issue: Entrance**

The GDP notes that a chain link fence with gate is proposed along Cinder Bed Road. However, because the GDP did not delineate an entrance or existing/proposed edge of pavement along Cinder Bed Road, staff could not evaluate the adequacy of the sight distance. The applicant had proffered to construct the fence in such a way as to ensure adequate sight distance for vehicles exiting the subject site. However, this proffer did not extend to vehicles entering the site.

**Resolution:**

The applicant has now proffered to provide adequate site distance for vehicles entering and exiting the site. Therefore, this issue is now resolved.

**Issue: Tree Preservation**

The applicant had previously proffered to make "good faith best efforts" to preserve the existing oak tree on Lot 18 and to coordinate these preservation efforts with the Urban Forestry Division. The applicant has also proffered to replace the oak tree with three additional deciduous trees in the eastern transitional screening area if the oak tree cannot or does not survive construction.

**Issue: Problem Soils**

Steep slopes and unstable marine clay soils may be an issue for development (particularly with Parcels 18 and 19). Therefore, staff recommended that the applicant proffer to submit geotechnical studies in order to address potential soil problems. Previously, the applicant had proffered to prepare a geotechnical report but not to implement its recommendations.

**Resolution:**

The applicant is now proffering to implement the recommendations of any geotechnical report. Therefore, this issue is now resolved.

**ZONING ORDINANCE PROVISIONS****Waivers/Modifications****Modifications:**

- *Modification of the transitional screening along the northern property line and that portion of the southern property line which abuts residential*

**Basis:** Pars. 2 and 4 of Sect. 13-304

Previously, the applicant proposes a 25-foot wide landscaped open space strip along the northern property line and that portion of the southern property line which abuts the proposed Hawthorn residential development. While the applicant is not proposing to widen this strip of landscaping, the applicant is proposing to create a solid architectural

block wall along the southern property line. As described earlier, this wall would be created through a combination of the rear side of the buildings on Parcels 18 and 19 and a connecting seven (7) foot high wall.

Given the high potential that industrial uses have to disturb the abutting residences (particularly in terms of appearance and noise), staff believes that this wall will minimize any adverse impact. However, as noted earlier in the report, staff is extremely concerned about the applicant proposed timing on the installation of the transitional screening. Under the applicant's proposed proffers, a permanent industrial use could be operating on the site without the installation of the proposed transitional screening. Until this issue is resolved, staff cannot support the requested waiver.

- *Modification of the barrier requirement along a portion of the northern and southern property lines to permit the existing eight (8) foot board-on-board fence and to permit the rear of the proposed buildings on Parcels 18 and 19 to serve as a barrier*

Previously, staff had noted that while the existing board-on-board fence would meet the barrier requirements, staff recommended that the applicant utilize a different barrier material (such as brick) in order to provide better buffering and noise attenuation for the future residences.

As noted above, the applicant is now proposing to create a solid architectural block wall along the southern property line through a combination of the rear side of the buildings on Parcels 18 and 19 and a connecting seven (7) foot high wall.

With this proposed barrier, staff believes that the adverse impacts of the proposed industrial uses will be adequately mitigated and therefore, no masonry wall is needed along the southern property line of Parcel 17. Therefore, staff now supports the requested modification.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The Comprehensive Plan recommends that industrial uses on the subject site provide substantial vegetated buffers and screening adjacent to parcels planned or developed for residential use or public park use. While staff believes that the applicant's proposed transitional screening and barrier will adequately buffer the planned and existing residences, the transitional screening shall be installed at the time of the first site plan approval for any permanent industrial use on the subject site. This will ensure that the screening is in place in order to buffer the residences prior to occupancy of any of the buildings. Under the applicant's proposed proffers, a permanent industrial use could be

operating on the site without the installation of the proposed transitional screening. This is an unacceptable scenario. Therefore, without resolution of this outstanding issue, staff cannot support the proposed application.

### **Recommendations**

Staff recommends that RZ 2000-LE-023 be denied; however, if it is the intent of the Board of Supervisors to approve RZ 2000-LE-023, staff recommends that the approval be subject to the execution of proffers consistent with those contained in Attachment 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

### **ATTACHMENTS**

1. Proposed Proffers

**PROFFER STATEMENT**

Rezoning Case No.:	RZ 2000-LE-023
Applicant / Title Owner:	Tavares Concrete Company, Inc.
Title Owner:	Drakes Creek Holding Company, LLC
Property:	Tax Map 99-2-((1))-17, 18 and 19
Proposed Zoning:	I-5
Date:	February 15, 2002

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950, as amended, Tavares Concrete Company, Inc., as applicant and title owner of Lot 17 (hereinafter referred to as the "Applicant") and Drakes Creek Holding Company, LLC, as title owner of Lots 18 and 19, for themselves and their successors and assigns, in RZ-2000-LE-023 (the "Application"), filed for property as Tax Map 99-2-((1))-17, 18 and 19 (hereinafter referred to as the "Application Property") agree to the following proffers, provided the Board of Supervisors approves the Application. Each reference to "Applicant" in this proffer statement shall include and be binding upon all owners, successors, assigns, and/or developers of any portion of the Application Property.

1. Generalized Development Plan: Subject to Section 18-204 of the Zoning Ordinance, the Application Property shall be developed substantially in accordance with the Generalized Development Plan ("GDP"), dated April 25, 2000, and last amended on February 1, 2002, prepared by Dewberry & Davis, and consisting of four (4) sheets.
2. Land Use: The Application Property shall only be developed with one or more of the following principal uses:
  - (a) contractor's offices and shops;
  - (b) 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;
  - (c) establishments for scientific research, development and training;
  - (d) light public utility uses;
  - (e) offices;
  - (f) warehousing; and
  - (g) wholesale trade establishments.

3. Storage: Storage yard use shall be permitted on the Application Property subject to the following restrictions and conditions:

- (a) Outdoor storage shall be permitted on Lot 17 on a temporary basis until the issuance of a Non-Residential Use Permit for property located at 8000 Cinder Bed Road [Tax Map 99-2-((1))-10] provided the Applicant complies with the timeline schedule contained in Proffer No. 18 below. In no event shall outdoor storage be permitted on Lot 17 later than August 31, 2003.
- (b) The type of materials and/or equipment stored outside temporarily on Lot 17 shall be limited to dump trucks, slip-form curb machines, cranes, bulldozers, tractor trailers, forms and molds for concrete work, and other items typically used and stored by contractors.
- (c) The Applicant shall prepare and submit a minor site plan for the outdoor storage on Lot 17 within thirty (30) days after the approval date of this Application. The Applicant shall respond to comments from the Department of Public Works and Environmental Services (DPWES) within thirty (30) days after receipt (including submission of any requested revisions), and shall obtain a Non-Residential Use Permit for the use as soon as the required improvements, if any, are completed, but not later than sixty (60) days after minor site plan approval. If no improvements are required as part of the minor site plan approval, the Applicant shall obtain a Non-Residential Use Permit within ten (10) days after the approval date of the minor site plan.
- (d) After the temporary period, storage of materials and equipment on Lot 17 shall be subject to the limits outlined below.

Any storage yard use on Lots 18 and 19 (and Lot 17 after the temporary period) shall be subject to the following restrictions and conditions:

- (w) No outdoor storage shall be permitted.
- (x) Storage shall be accessory to the principal use.
- (y) Storage of materials and equipment shall only be permitted inside the structures 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).
- (z) The restrictions and conditions applicable to storage use, as outlined above, shall not be applicable to the parking of vehicles on the Application Property. Storage of vehicles shall only be accessory to the principal use, as limited by Proffer No. 6 below.

4. Special Exception and Special Permit Uses: Notwithstanding Proffer No. 2 above, Special Permit and Special Exception uses shall be permitted without the necessity of a proffered condition amendment. This use flexibility shall not relieve the Applicant from the filing and processing of any Special Exception and/or Special Permit requests through the County's normal review process.
5. Floor Area Ratio: The total FAR on the Application Property shall not exceed 0.20, which shall not result in an increase in the footprint of the structures depicted on the GDP.
6. Parking: The number of parking spaces provided on the Application Property shall meet the parking requirements contained in the Zoning Ordinance, as determined by DPWES. Additional parking spaces shall not be created in landscaped open space areas depicted on the GDP. Finally, no more than ten (10) vehicles containing three (3) or more axles (i.e., dump trucks, tractor trailers, mixers, loaders and other vehicles typically used by contractors) shall be parked outdoors on the Application Property at any one time, and so long as storage of these vehicles is accessory to the principal use occurring within the structures. Vehicles with two (2) axles that are not tagged and licensed for road use (e.g., back hoes and bobcats) shall not be parked or stored outdoors. No garbage trucks shall be parked on the Application Property. All vehicle parking and storage shall be accessory to the principal use occurring within the structures.
7. 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 in effect at the time of site plan approval for each building. No freestanding lighting shall have poles that exceed 20 feet in height. All lighting shall have full cut off fixtures that direct light downward and inward.
8. Hazardous Materials: No hazardous or toxic substances, hazardous waste or petroleum products shall be generated, stored or disposed of on the Application Property in violation of law.
9. Cinder Bed Road: At the time of site plan approval, or upon written demand by the Board of Supervisors or the Virginia Department of Transportation, whichever first occurs, 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 center line along the Application Property's Cinder Bed Road frontage, as shown on the GDP. The Applicant shall construct Cinder Bed Road as a one-half section of a two (2) lane undivided roadway (up to 26 feet of pavement from centerline. The entrance to the Application Property shall be constructed pursuant to Virginia Department of Transportation standards. The fence depicted on the GDP shall be constructed to ensure adequate sight distance for vehicles entering and exiting the Application Property.
10. Access Easement Abutting Lots 18 and 19: There shall be no vehicular access to the Application Property via the existing easement, recorded in Deed Book 455 at Page 186 among the Fairfax County land records, that is located on the abutting property, known as the Hawthorne Property and located on Tax Map 99-2-((1))-24. Further, the Applicant shall employ all reasonable efforts, as determined by DPWES, to vacate and abandon its interests

in the easement as it applies to Lots 18 and 19 within four (4) months after the approval date of the Application.

11. **Architecture:** The Applicant reserves the right to construct the building on Lot 17 as a three (3) sided building with the west side (facing Cinder Bed Road) remaining open. The building on Lot 17 may be constructed of metal, similar in style and appearance to the buildings depicted on Attachment A. The buildings on Lots 18 and 19 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 southern (i.e., rear) side of each building on Lots 18 and 19 shall be constructed of Architectural Block. The buildings shall be connected by a matching Architectural Block seven foot (7') wall, in the location depicted on the GDP.
12. **Landscaping:** Landscaping of the Application Property shall be generally consistent in terms of character and quantity with that indicated on the GDP, subject to final approval by the Urban Forestry Division of DPWES. Specific features such as the exact locations of plantings shall be subject to modification with final engineering and architectural design. The landscaping to be planted on Lots 18 and 19 shall be installed as soon as reasonably possible after site plan approval for the first building to be constructed on either Lots 18 or 19. With respect to Lot 17, the Applicant shall plant the landscaping depicted on the north side of the existing fence located on the northern end of Lot 17 (as depicted on the GDP) as soon as reasonably possible after the Application is approved, but in no event later than the issuance of the Non-Residential Use Permit for the temporary storage use. Such landscaping on the northern end shall be depicted on the minor site plan for Lot 17 referenced in Proffer No. 3 above. The remainder of the landscaping to be planted on Lot 17 (as depicted on the GDP) shall be installed as soon as reasonably possible after site plan approval for the building to be constructed on Lot 17. All landscaping shall maintained in good health by the Applicant and, if it dies or becomes severely diseased, the landscaping shall be replaced as soon as reasonably possible, based on the growing season for the particular replacement materials. The Applicant shall not use, or permit the use by others of, the transitional screening areas for any unauthorized purpose. The barriers (i.e., fences and walls) depicted on the GDP shall be maintained, repaired or replaced by the Applicant.
13. **Oak Tree:** The Applicant shall make good faith best efforts, as determined by the Urban Forestry Division of DPWES, to preserve the existing oak tree on Lot 18 that is noted on the GDP. The Applicant shall coordinate its efforts to preserve this tree with the Urban Forestry Division of DPWES. If the tree can not, or does not, survive construction, then the Applicant shall replace the tree with three (3) additional 3.5' to 4" caliper deciduous trees in the eastern transitional screening area.
14. **Phase I Environmental Study:** At the time of site plan approval, the Applicant shall prepare a Phase I Environmental Study of the Application Property. The study shall be submitted to the Department of Public Works and Environmental Services for review and approval in coordination with the Fire and Rescue Department, the Health Department and other appropriate agencies, as reasonably determined by DPWES (hereinafter referred to as the "reviewing agencies"). The Phase I Environmental Study shall be generally consistent with the procedures described within the American Society for Testing and Materials document

entitled "*Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*," as determined by DPWES in coordination with the reviewing agencies. If warranted by the results of the Phase I investigation, as reasonably determined by DPWES in coordination with the reviewing agencies, a Phase II monitoring program shall be pursued in order to determine if soil, surface water or ground water contaminants are present on the Application Property and/or have migrated from the Application Property. If such a program is pursued, monitoring parameters shall be subject to the approval of DPWES in coordination with the reviewing agencies. If contaminants are detected in concentrations requiring remedial action, a remediation program shall be performed in accordance with all applicable Federal, State and County requirements. Sufficient documentation of completion of the remediation program (with the exception of long term follow-up monitoring efforts or an appropriate corrective action exception of long term follow-up monitoring efforts) or an appropriate corrective action plan consistent with the proposed development (as reasonably determined by DPWES in coordination with the reviewing agencies) shall be provided to DPWES prior to site plan approval.

15. Noise Ordinance: The Applicant shall comply with the regulations and restrictions contained in the Fairfax County Noise Ordinance.
16. Signage: The Applicant shall comply with Article 12 of the Zoning Ordinance for purposes of erecting signage on the Application Property.
17. Island Creek Clean-Up: The Applicant shall coordinate with the Lee District Supervisor and the Island Creek Homeowners Association to clean up the open space area adjacent to the Application Property. Specifically, the parties may designate a day for such clean up and the Applicant shall provide dumpsters and assist with some labor for the work; provided, however, that the value of the Applicant's contribution shall not exceed \$3,000.00. The Applicant shall not be responsible for any dump or disposal fees associated with the clean-up work. The Applicant's obligation to coordinate with the other parties and to contribute shall expire and terminate one (1) year after the approval date of this Application if such clean up has not occurred by that date.
18. Timing of Construction and Occupancy of 8000 Cinder Bed Road: In order to minimize the need for temporary outdoor storage on Lot 17, as noted in Proffer No. 3 above, the Applicant shall proceed diligently and in good faith with the site planning and construction of the property now owned by the Applicant located at 8000 Cinder Bed Road [Tax Map 99-2-((1))-10]. Specifically, the Applicant shall comply with the timeline attached as Attachment B, such compliance being subject to (i) extreme or unusual weather conditions, (ii) timely review, comment and approval of the site plan and other necessary permits by Fairfax County and its reviewing agencies and (iii) force majeure (acts of God). Notwithstanding the preceding two sentences, in no event shall outdoor storage be permitted on Lot 17 later than August 31, 2003.
19. Geotechnical Study: The Applicant shall submit a geotechnical engineering study to DPWES for review and approval prior to final site plan approval, and recommendations generated by this study shall be implemented as required by DPWES.

20. Loading Areas: The loading area for the building developed on Lot 17 shall be located on either the western or northern sides of the building. The loading areas for the buildings developed on Lots 18 and 19 shall be located on the northern side of the buildings.
21. Density Credit: Density credit shall be reserved for the Application Property as permitted by the provisions of Section 2-308 of the Zoning Ordinance for all dedications described herein and/or on the GDP or as may be reasonably required by Fairfax County or VDOT at the time of site plan approval.
22. Severability: Any of the lots may be subject to a Proffered Condition Amendment application without joinder and/or consent of the other lot owners, if such PCA does not effect any other lots. Previously approved proffered conditions applicable to the lot(s) which is/are not subject of such a PCA shall otherwise remain in full force and effect. Further, the Applicant reserves the right to file for a special exception application without filing for an amendment to the GDP so long as the floor area ratio is not increased and all proffered conditions are satisfied.
23. Successors and Assigns: Each reference to "Applicant" in this Proffer Statement shall include within its meaning, and shall be binding upon, the Applicant's successor(s) in interest and/or developer(s) of the Application Property, or any portion thereof.
24. Counterparts: To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all of the parties to this Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.

Attachments:

Attachment A - Building Description Type for Lot 17

Attachment B - Timing Schedule for 8000 Cinder Bed Road

Applicant / Title Owner of Lot 17:

Tavares Concrete Company, Inc.

By: \_\_\_\_\_

Name:

Title:

Title Owner of Lots 18 and 19:

Drakes Creek Holding Company, LLC

By: \_\_\_\_\_

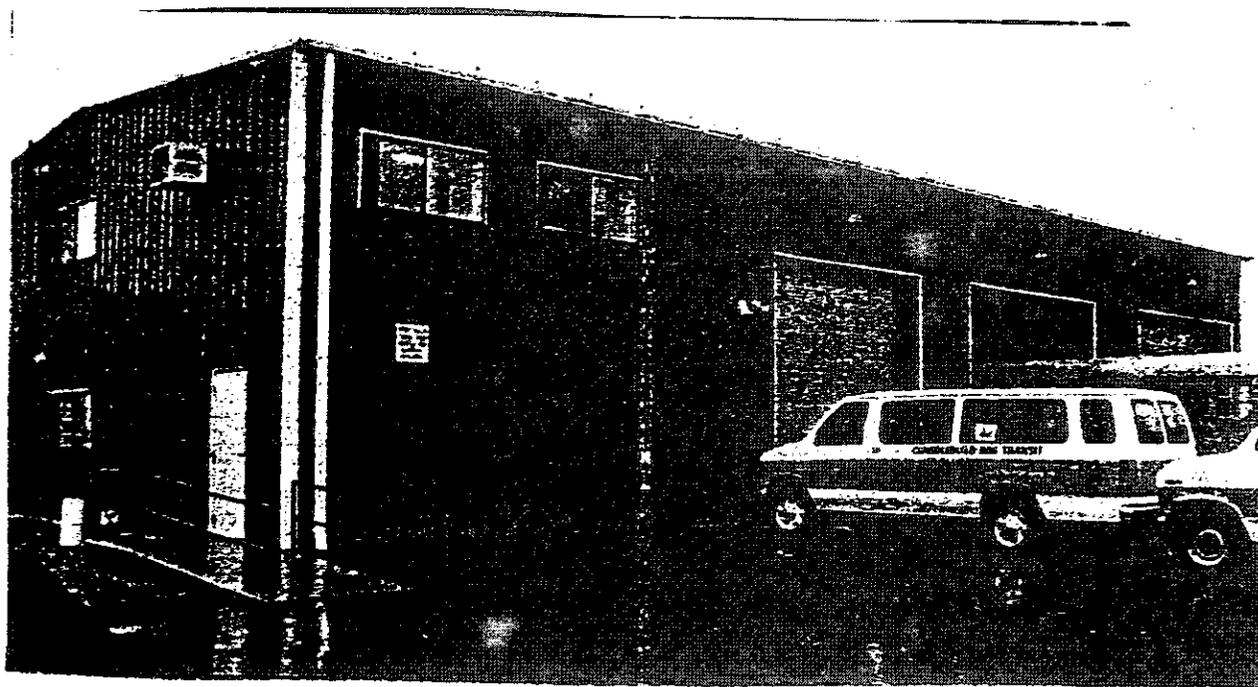
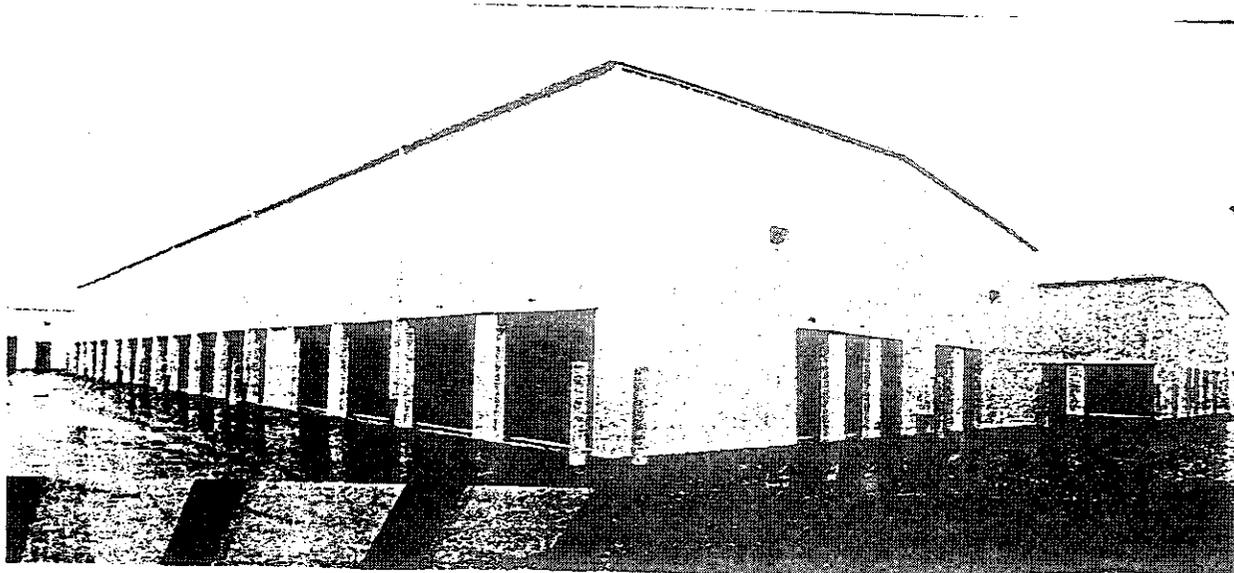
Name:

Title

Prepared by:

David S. Houston  
Shaw Pittman LLP  
1650 Tysons Boulevard  
Suite 1400  
McLean, VA 22102-4859

ATTACHMENT A



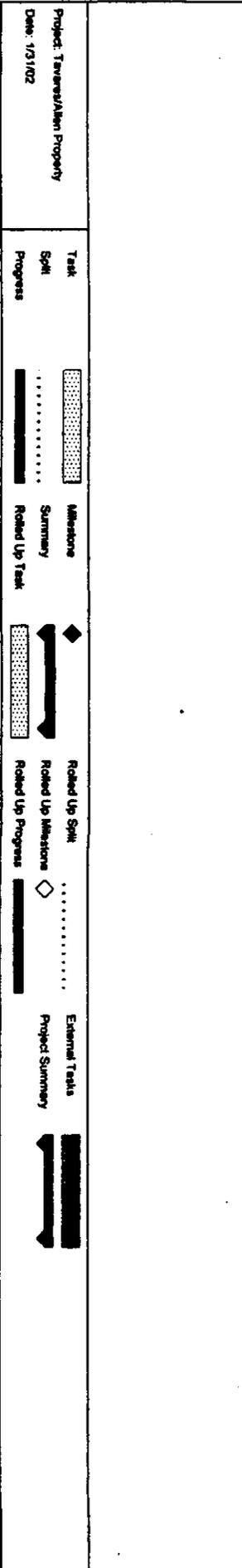
**Tavares/Allen Property (Parcel 10)**  
**Estimated Timeline**  
Prepared: January 31, 2002

Site Plan Submitted.....	April 29, 2002*
Site Plan Approved.....	October 17, 2002
Building Plan Submitted.....	June 1, 2002
Building Plan County Review Comments Received by Architect.....	August 1, 2002
Revised Building Plan Returned to County.....	September 1, 2002
Building Plan Approved.....	October 1, 2002
Site Work Begins.....	November 1, 2002
Site Work Completed.....	April 1, 2003
Construction Begins.....	April 1, 2003
Construction Completed.....	August 1, 2003
Non-Rup Issued.....	August 1, 2003
(Anticipated to be 16 months from Site Plan submittal)	

\*See attached detailed timeline.

Note: THIS SCHEDULE IS PRELIMINARY AND SUBJECT TO CHANGE. IT ASSUMES STANDARD COUNTY REVIEW TIMEFRAMES. ACTUAL TIMEFRAMES MAY VARY.

ID	Task Name	Duration	Start	Finish	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
1	Site Plan	188 days	Tue 2/28/02	Thu 10/17/02													
2	Complete Base Sheets	6 days	Tue 2/28/02	Tue 3/5/02													
3	Final Engineering	37 days	Wed 3/6/02	Thu 4/25/02													
4	ESI Submission	0 days	Thu 4/25/02	Thu 4/25/02													
5	ESI Review/Approval	1 day	Fri 4/26/02	Fri 4/26/02													
6	1st Submission to OSDS	1 day	Mon 4/29/02	Mon 4/29/02													
7	Plan to Private Utilities (By Client)	1 day	Tue 4/30/02	Tue 4/30/02													
8	Adjacent Prop. Notices	1 day	Tue 4/30/02	Tue 4/30/02													
9	County Reviews 1st Sub.	45 days	Tue 4/30/02	Mon 7/1/02													
10	OSDS Returns Plan	1 day	Tue 7/2/02	Tue 7/2/02													
11	D&D Addresses County Commts	11 days	Tue 7/2/02	Tue 7/16/02													
12	Final Sub. To FMA/APP	25 days	Wed 7/17/02	Wed 7/31/02													
13	Final Sub. To VDOT/APP	12 days	Thu 8/1/02	Fri 8/16/02													
14	2nd Sub. To FCWA Water	1 day	Thu 8/1/02	Thu 8/1/02													
15	Plan to Client Attorney	14 days	Wed 8/21/02	Wed 8/21/02													
16	FCWA Plan Approval	1 day	Thu 8/22/02	Thu 8/22/02													
17	2nd Sub. OSDS	1 day	Wed 8/21/02	Wed 8/21/02													
18	Plan Sub. to OSDS	26 days	Thu 8/22/02	Thu 8/29/02													
19	Bond Est. Subm. To OSDS	1 day	Wed 8/21/02	Wed 8/21/02													
20	OSDS Plan Rev. No BAA	26 days	Thu 8/22/02	Thu 8/29/02													
21	OSDS Plan Rev. No B.A	26 days	Fri 8/23/02	Fri 8/27/02													
22	App'd Plan to Co. Atty.	1 day	Mon 8/20/02	Mon 8/20/02													
23	App'd Plan back to OSDS	6 days	Tue 10/8/02	Tue 10/8/02													
24	Plan Returned to D&D	1 day	Wed 10/9/02	Wed 10/9/02													
25	Record Plan/Post Bond	5 days	Thu 10/10/02	Wed 10/16/02													
26	Plan Approved by OSDS	1 day	Thu 10/17/02	Thu 10/17/02													



Project: Tavernier/Allen Property  
Date: 1/31/02

Task Split Progress

Milestone Summary Rolled Up Task

External Tasks Project Summary

Task Milestones Progress

Summary Milestones Progress

Note: THIS SCHEDULE IS PRELIMINARY AND SUBJECT TO CHANGE. IT ASSUMES STANDARD COUNTY REVIEW TIMEFRAMES. ACTUAL TIMEFRAMES MAY VARY.

ID	Task Name	Duration	Start	Finish	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter		
					Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	Site Plan	168 days	Tue 2/25/02	Thu 10/17/02	[Gantt bar spanning from 2/25/02 to 10/17/02]											
2	Complete Base Sheets	6 days	Tue 2/26/02	Tue 3/5/02	[Gantt bar from 2/26/02 to 3/5/02]											
3	Final Engineering	37 days	Wed 3/6/02	Thu 4/25/02	[Gantt bar from 3/6/02 to 4/25/02]											
4	ESI Submission	0 days	Thu 4/25/02	Thu 4/25/02	[Gantt bar from 4/25/02 to 4/25/02]											
5	ESI Review/Approval	1 day	Fri 4/26/02	Fri 4/26/02	[Gantt bar from 4/26/02 to 4/26/02]											
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9	County Reviews 1st Sub.	45 days	Tue 4/30/02	Mon 7/1/02	[Gantt bar from 4/30/02 to 7/1/02]											
10	OSDS Returns Plan	1 day	Tue 7/2/02	Tue 7/2/02	[Gantt bar from 7/2/02 to 7/2/02]											
11	D&D Addresses County Comments	11 days	Tue 7/2/02	Tue 7/16/02	[Gantt bar from 7/2/02 to 7/16/02]											
12	Final Sub. To FMA/APP	25 days	Wed 7/17/02	Wed 7/31/02	[Gantt bar from 7/17/02 to 7/31/02]											
13	Final Sub. To VDOT/APP	12 days	Thu 8/1/02	Fri 8/16/02	[Gantt bar from 8/1/02 to 8/16/02]											
14	2nd Sub. To FCWA Water	1 day	Thu 8/1/02	Thu 8/1/02	[Gantt bar from 8/1/02 to 8/1/02]											
15	Plan to Client Attorney	1 day	Wed 7/17/02	Wed 7/17/02	[Gantt bar from 7/17/02 to 7/17/02]											
16	FCWA Plan Approval	14 days	Thu 7/18/02	Tue 8/6/02	[Gantt bar from 7/18/02 to 8/6/02]											
17	2nd Sub. OSDS	1 day	Wed 8/21/02	Wed 8/21/02	[Gantt bar from 8/21/02 to 8/21/02]											
18	Plan Sub. to OSDS	1 day	Thu 8/22/02	Thu 8/22/02	[Gantt bar from 8/22/02 to 8/22/02]											
19	Bond Est. Subm. To OSDS	20 days	Thu 8/22/02	Thu 9/9/02	[Gantt bar from 8/22/02 to 9/9/02]											
20	OSDS Plan Rev. No BAA	20 days	Thu 8/22/02	Thu 9/9/02	[Gantt bar from 8/22/02 to 9/9/02]											
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22	App'd Plan to Co. Atty.	1 day	Mon 9/30/02	Mon 9/30/02	[Gantt bar from 9/30/02 to 9/30/02]											
23	App'd Plan back to OSDS	8 days	Tue 10/1/02	Tue 10/8/02	[Gantt bar from 10/1/02 to 10/8/02]											
24	Plan Returned to D&D	1 day	Wed 10/9/02	Wed 10/9/02	[Gantt bar from 10/9/02 to 10/9/02]											
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26	Plan Approved by OSDS	1 day	Thu 10/17/02	Thu 10/17/02	[Gantt bar from 10/17/02 to 10/17/02]											

Project: Turner/Jalen Property  
Date: 1/31/02

Task SPI: [Legend: Dotted pattern]

Milestone Summary: [Legend: Diamond]

Roll Up Task: [Legend: Solid black bar]

Roll Up SPI: [Legend: Dotted pattern]

Roll Up Milestone: [Legend: Diamond]

Roll Up Progress: [Legend: Solid black bar]

External Tasks: [Legend: Solid black bar]

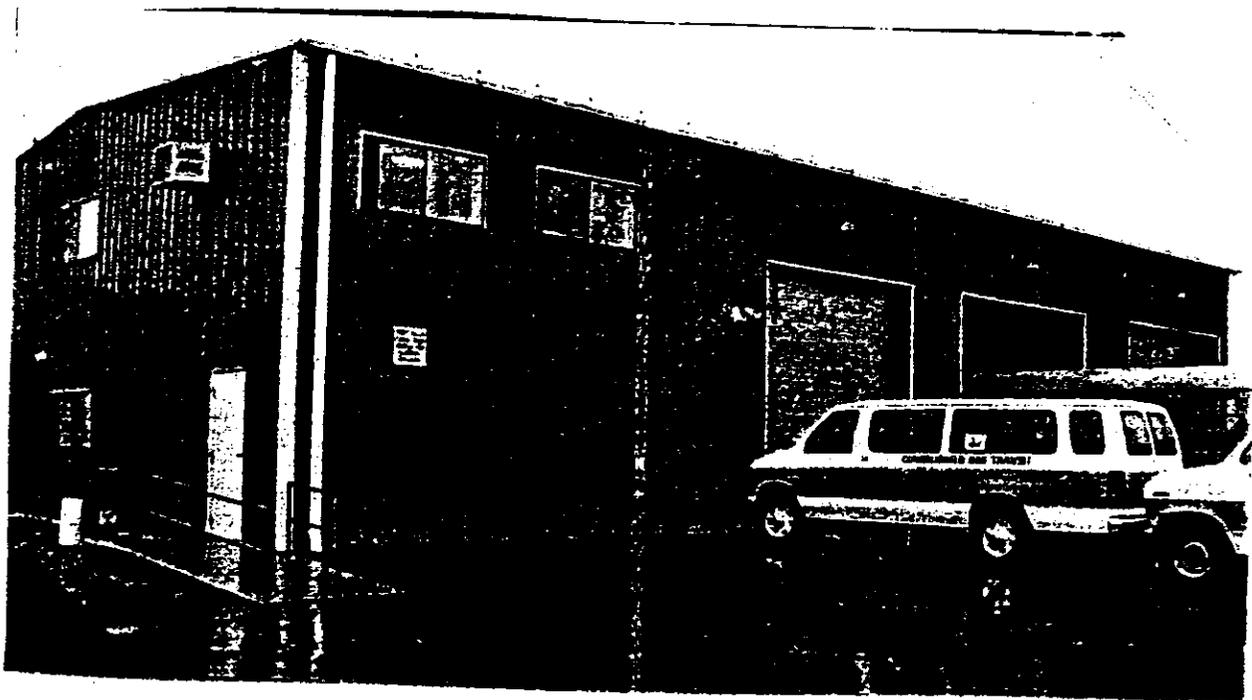
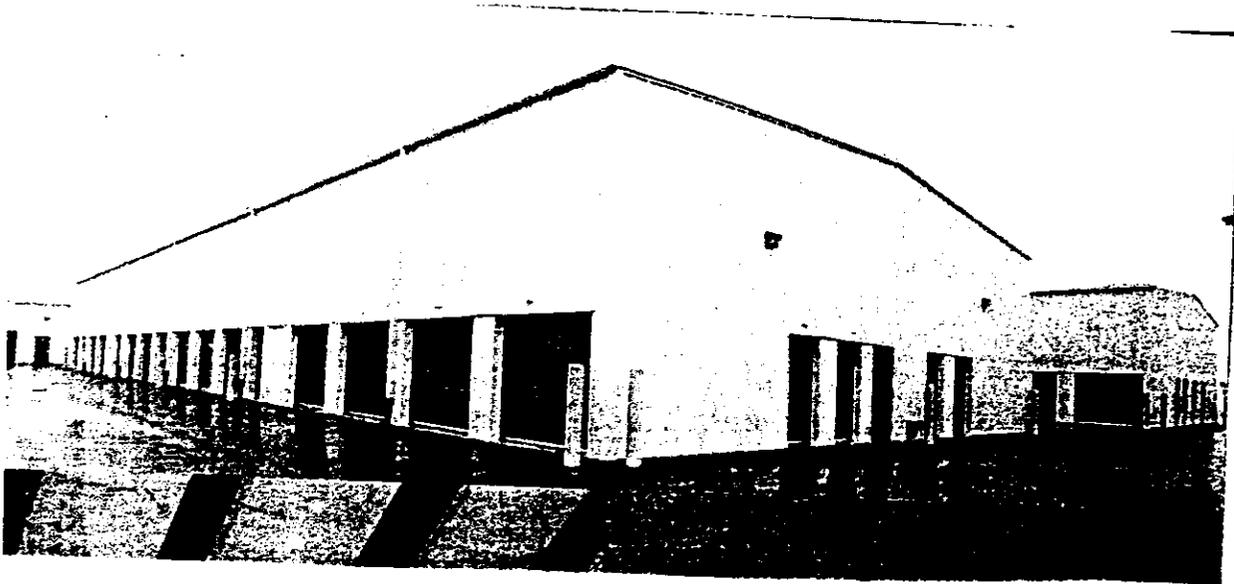
Project Summary: [Legend: Solid black bar]

**Tavares/Allen Property (Parcel 10)**  
**Estimated Timeline**  
Prepared: January 31, 2002

Site Plan Submitted.....	April 29, 2002*
Site Plan Approved .....	October 17, 2002
Building Plan Submitted .....	June 1, 2002
Building Plan County Review Comments Received by Architect .....	August 1, 2002
Revised Building Plan Returned to County .....	September 1, 2002
Building Plan Approved .....	October 1, 2002
Site Work Begins .....	November 1, 2002
Site Work Completed.....	April 1, 2003
Construction Begins.....	April 1, 2003
Construction Completed .....	August 1, 2003
Non-Rup Issued .....	August 1, 2003
(Anticipated to be 16 months from Site Plan submittal)	

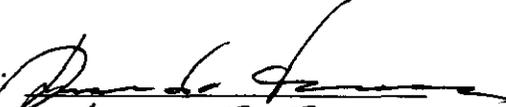
\*See attached detailed timeline.

ATTACHMENT A



Applicant / Title Owner of Lot 17:

Tavares Concrete Company, Inc.

By:   
Name: ARMANDO J. TAVARES  
Title: PRESIDENT

Title Owner of Lots 18 and 19:

Drakes Creek Holding Company, LLC

By:   
Name: CHARLES W. DENETTE  
Title: MANAGER

Prepared by:

David S. Houston  
Shaw Pittman LLP  
1650 Tysons Boulevard  
Suite 1400  
McLean, VA 22102-4859

Document #: 1100401 v.20

20. Loading Areas: The loading area for the building developed on Lot 17 shall be located on either the western or northern sides of the building. The loading areas for the buildings developed on Lots 18 and 19 shall be located on the northern side of the buildings.
21. Density Credit: Density credit shall be reserved for the Application Property as permitted by the provisions of Section 2-308 of the Zoning Ordinance for all dedications described herein and/or on the GDP or as may be reasonably required by Fairfax County or VDOT at the time of site plan approval.
22. Severability: Any of the lots may be subject to a Proffered Condition Amendment application without joinder and/or consent of the other lot owners, if such PCA does not effect any other lots. Previously approved proffered conditions applicable to the lot(s) which is/are not subject of such a PCA shall otherwise remain in full force and effect. Further, the Applicant reserves the right to file for a special exception application without filing for an amendment to the GDP so long as the floor area ratio is not increased and all proffered conditions are satisfied.
23. Successors and Assigns: Each reference to "Applicant" in this Proffer Statement shall include within its meaning, and shall be binding upon, the Applicant's successor(s) in interest and/or developer(s) of the Application Property, or any portion thereof.
24. Counterparts: To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all of the parties to this Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.

Attachments:

- Attachment A - Building Description Type for Lot 17
- Attachment B - Timing Schedule for 8000 Cinder Bed Road

the procedures described within the American Society for Testing and Materials document entitled "*Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*," as determined by DPWES in coordination with the reviewing agencies. If warranted by the results of the Phase I investigation, as reasonably determined by DPWES in coordination with the reviewing agencies, a Phase II monitoring program shall be pursued in order to determine if soil, surface water or ground water contaminants are present on the Application Property and/or have migrated from the Application Property. If such a program is pursued, monitoring parameters shall be subject to the approval of DPWES in coordination with the reviewing agencies. If contaminants are detected in concentrations requiring remedial action, a remediation program shall be performed in accordance with all applicable Federal, State and County requirements. Sufficient documentation of completion of the remediation program (with the exception of long term follow-up monitoring efforts or an appropriate corrective action exception of long term follow-up monitoring efforts) or an appropriate corrective action plan consistent with the proposed development (as reasonably determined by DPWES in coordination with the reviewing agencies) shall be provided to DPWES prior to site plan approval.

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18. **Timing of Construction and Occupancy of 8000 Cinder Bed Road:** In order to minimize the need for temporary outdoor storage on Lot 17, as noted in Proffer No. 3 above, the Applicant shall proceed diligently and in good faith with the site planning and construction of the property now owned by the Applicant located at 8000 Cinder Bed Road [Tax Map 99-2-((1))-10]. Specifically, the Applicant shall comply with the timeline attached as Attachment B, such compliance being subject to (i) extreme or unusual weather conditions, (ii) timely review, comment and approval of the site plan and other necessary permits by Fairfax County and its reviewing agencies and (iii) force majeure (acts of God). Notwithstanding the preceding two sentences, in no event shall outdoor storage be permitted on Lot 17 later than August 31, 2003.
19. **Geotechnical Study:** The Applicant shall submit a geotechnical engineering study to DPWES for review and approval prior to final site plan approval, and recommendations generated by this study shall be implemented as required by DPWES.

in the easement as it applies to Lots 18 and 19 within four (4) months after the approval date of the Application.

11. **Architecture:** The Applicant reserves the right to construct the building on Lot 17 as a three (3) sided building with the west side (facing Cinder Bed Road) remaining open. The building on Lot 17 may be constructed of metal, similar in style and appearance to the buildings depicted on Attachment A. The buildings on Lots 18 and 19 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 southern (i.e., rear) side of each building on Lots 18 and 19 shall be constructed of Architectural Block and shall not have any windows or doors. The buildings shall be connected by a matching Architectural Block seven foot (7') wall, in the location depicted on the GDP.
12. **Landscaping:** Landscaping of the Application Property shall be generally consistent in terms of character and quantity with that indicated on the GDP, subject to final approval by the Urban Forestry Division of DPWES. Specific features such as the exact locations of plantings shall be subject to modification with final engineering and architectural design. The landscaping to be planted on Lots 18 and 19 shall be installed prior to the issuance of a Non-Residential Use Permit for any use on the Application Property, other than the temporary storage. With respect to Lot 17, the Applicant shall plant the landscaping depicted on the north side of the existing fence located on the northern end of Lot 17 (as depicted on the GDP) as soon as reasonably possible after the Application is approved, but in no event later than the issuance of the Non-Residential Use Permit for the temporary storage use. Such landscaping on the northern end shall be depicted on the minor site plan for Lot 17 referenced in Proffer No. 3 above. The remainder of the landscaping to be planted on Lot 17 (as depicted on the GDP) shall be installed as soon as reasonably possible after site plan approval for the building to be constructed on Lot 17. All landscaping shall maintained in good health by the Applicant and, if it dies or becomes severely diseased, the landscaping shall be replaced as soon as reasonably possible, based on the growing season for the particular replacement materials. The Applicant shall not use, or permit the use by others of, the transitional screening areas for any unauthorized purpose. The barriers (i.e., fences and walls) depicted on the GDP shall be maintained, repaired or replaced by the Applicant.
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4. **Special Exception and Special Permit Uses:** Notwithstanding Proffer No. 2 above, Special Permit and Special Exception uses shall be permitted without the necessity of a proffered condition amendment. This use flexibility shall not relieve the Applicant from the filing and processing of any Special Exception and/or Special Permit requests through the County's normal review process.
5. **Floor Area Ratio:** The total FAR on the Application Property shall not exceed 0.20, which shall not result in an increase in the footprint of the structures depicted on the GDP.
6. **Parking:** The number of parking spaces provided on the Application Property shall meet the parking requirements contained in the Zoning Ordinance, as determined by DPWES. Additional parking spaces shall not be created in landscaped open space areas depicted on the GDP. Finally, no more than ten (10) vehicles containing three (3) or more axles (i.e., dump trucks, tractor trailers, mixers, loaders and other vehicles typically used by contractors) shall be parked outdoors on the Application Property at any one time, and so long as storage of these vehicles is accessory to the principal use occurring within the structures. Vehicles with two (2) axles that are not tagged and licensed for road use (e.g., back hoes and bobcats) shall not be parked or stored outdoors. No garbage trucks shall be parked on the Application Property. All vehicle parking and storage shall be accessory to the principal use occurring within the structures.
7. **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 in effect at the time of site plan approval for each building. No freestanding lighting shall have poles that exceed 20 feet in height. All lighting shall have full cut off fixtures that direct light downward and inward.
8. **Hazardous Materials:** No hazardous or toxic substances, hazardous waste or petroleum products shall be generated, stored or disposed of on the Application Property in violation of law.
9. **Cinder Bed Road:** At the time of site plan approval, or upon written demand by the Board of Supervisors or the Virginia Department of Transportation, whichever first occurs, 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 center line along the Application Property's Cinder Bed Road frontage, as shown on the GDP. The Applicant shall construct Cinder Bed Road as a one-half section of a two (2) lane undivided roadway (up to 26 feet of pavement from centerline. The entrance to the Application Property shall be constructed pursuant to Virginia Department of Transportation standards. The fence depicted on the GDP shall be constructed to ensure adequate sight distance for vehicles entering and exiting the Application Property.
10. **Access Easement Abutting Lots 18 and 19:** There shall be no vehicular access to the Application Property via the existing easement, recorded in Deed Book 455 at Page 186 among the Fairfax County land records, that is located on the abutting property, known as the Hawthorne Property and located on Tax Map 99-2-((1))-24. Further, the Applicant shall employ all reasonable efforts, as determined by DPWES, to vacate and abandon its interests

3. Storage: Storage yard use shall be permitted on the Application Property subject to the following restrictions and conditions:
- (a) Outdoor storage shall be permitted on Lot 17 on a temporary basis until the issuance of a Non-Residential Use Permit for property located at 8000 Cinder Bed Road [Tax Map 99-2-((1))-10] provided the Applicant complies with the timeline schedule contained in Proffer No. 18 below. In no event shall outdoor storage be permitted on Lot 17 later than August 31, 2003.
  - (b) The type of materials and/or equipment stored outside temporarily on Lot 17 shall be limited to dump trucks, slip-form curb machines, cranes, bulldozers, tractor trailers, forms and molds for concrete work, and other items typically used and stored by contractors.
  - (c) The Applicant shall prepare and submit a minor site plan for the outdoor storage on Lot 17 within thirty (30) days after the approval date of this Application. The Applicant shall respond to comments from the Department of Public Works and Environmental Services (DPWES) within thirty (30) days after receipt (including submission of any requested revisions), and shall obtain a Non-Residential Use Permit for the use as soon as the required improvements, if any, are completed, but not later than sixty (60) days after minor site plan approval. If no improvements are required as part of the minor site plan approval, the Applicant shall obtain a Non-Residential Use Permit within ten (10) days after the approval date of the minor site plan.
  - (d) After the temporary period, storage of materials and equipment on Lot 17 shall be subject to the limits outlined below.

Any storage yard use on Lots 18 and 19 (and Lot 17 after the temporary period) shall be subject to the following restrictions and conditions:

- (w) No outdoor storage shall be permitted.
- (x) Storage shall be accessory to the principal use.
- (y) Storage of materials and equipment shall only be permitted inside the structures 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).
- (z) The restrictions and conditions applicable to storage use, as outlined above, shall not be applicable to the parking of vehicles on the Application Property. Storage of vehicles shall only be accessory to the principal use, as limited by Proffer No. 6 below.

## PROFFER STATEMENT

Rezoning Case No.: RZ 2000-LE-023  
Applicant / Title Owner: Tavares Concrete Company, Inc.  
Title Owner: Drakes Creek Holding Company, LLC  
Property: Tax Map 99-2-((1))-17, 18 and 19  
Proposed Zoning: I-5  
Date: February 21, 2002

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950, as amended, Tavares Concrete Company, Inc., as applicant and title owner of Lot 17 (hereinafter referred to as the "Applicant") and Drakes Creek Holding Company, LLC, as title owner of Lots 18 and 19, for themselves and their successors and assigns, in RZ-2000-LE-023 (the "Application"), filed for property as Tax Map 99-2-((1))-17, 18 and 19 (hereinafter referred to as the "Application Property") agree to the following proffers, provided the Board of Supervisors approves the Application. Each reference to "Applicant" in this proffer statement shall include and be binding upon all owners, successors, assigns, and/or developers of any portion of the Application Property.

1. Generalized Development Plan: Subject to Section 18-204 of the Zoning Ordinance, the Application Property shall be developed substantially in accordance with the Generalized Development Plan ("GDP"), dated April 25, 2000, and last amended on February 1, 2002, prepared by Dewberry & Davis, and consisting of four (4) sheets.
2. Land Use: The Application Property shall only be developed with one or more of the following principal uses:
  - (a) contractor's offices and shops;
  - (b) 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;
  - (c) establishments for scientific research, development and training;
  - (d) light public utility uses;
  - (e) offices;
  - (f) warehousing; and
  - (g) wholesale trade establishments.



August 15, 2001

DESCRIPTION OF THE PROPERTIES OF  
TAVARES CONCRETE CO., INC.  
AND  
DRAKES CREEK HOLDING COMPANY, LLC  
LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

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Beginning at a point on the easterly line of Cinder Bed Road (Route 637), said point marking the northwesterly corner of Jimmie K. Walker; thence with the easterly line of Cinder Bed Road N23°00'00"E, 149.70 feet to a point; thence with the easterly line of Cinder Bed Road and continuing with the southerly line of Parcel "F", Island Creek S67°00'00"E, 834.00 feet to a point marking the most northerly corner of Centex Homes; thence with Centex Homes S23°00'00"W, 208.70 feet and N67°00'00"W, 416.60 feet to a point on the easterly line of Jimmie K. Walker; thence with the easterly and the northerly line of Jimmie K. Walker N23°00'00"E, 85.00 feet and N70°33'52"W, 418.21 feet to the point of beginning containing 3.30 acres of land.

All being more particularly described on a plat attached hereto and made a part hereof.

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RECEIVED  
DEPARTMENT OF PLANNING AND ZONING  
SEP 13 2001  
ZONING & DEVELOPMENT DIVISION