

SHIRLEY HIGHWAY DISTRIBUTION PARTNERSHIP

PROFFERS
RZ 2000-M-031

November 16, 2000

Pursuant to Section 15.1-2303(A), *Code of Virginia*, as amended, Shirley Highway Distribution Partnership, the Applicant in RZ 2000-M-031 affecting property identified as Tax Map 81-1 ((9)) pt. 7 (hereinafter referred to as the "Subject Property"), proffers for themselves, their successors and assigns, that the development of the Subject Property will be in accordance with the following terms and conditions, provided that the Board of Supervisors (hereinafter referred to as "Board") approves this rezoning. In the event the rezoning is denied, these proffers shall be null and void and of no further force and effect.

1. Subject to the provisions of Section 18-204 of the Zoning Ordinance, development of the Subject Property shall be in general conformance with the Generalized Development Plan and Special Exception Plat ("GDP/SE Plat") prepared by Dewberry & Davis dated June 27, 2000 as revised through October 25, 2000.
2. Pursuant to Paragraph 4 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on Sheet 2 of the GDP without requiring approval of an amended GDP provided such changes are in substantial conformance with the GDP as determined by the Fairfax County Zoning Administration Division and do not increase the approved gross floor area or decrease the amount of open space.
3. The Subject Property shall be developed with a maximum gross square footage of 98,752. The primary use of the Subject Property shall be a furniture store. A private school of general education, 7300 square feet in size, currently occupies a portion of the structure. This use may remain or may be replaced with another use permitted by-right in the C-6 District excluding, however, health clubs, theaters, indoor miniature golf courses and retail uses (other than expansion of the furniture store use) and, provided said use does not exceed 7300 square feet and that it can meet County parking requirements. In addition, other special exception and special permit uses may be provided within the 7300 square foot area without a PCA, if a special exception is approved by the Board of Supervisors or a special permit is approved by the Board of Zoning Appeals and parking requirements can be met.
4. Landscaping shall be provided in general as shown on Sheet 2 of the GDP/SE Plat. The exact number, size and spacing of trees and other plant material shall be submitted at the time of final site plan review and shall be subject to the review and approval of the Urban Forester.

5. These proffers will bind and inure to the benefit of the Applicant and their successors and assigns.
6. These proffers may be executed in one or more counterparts, each of one when so executed and delivered shall be deemed an original document all of which taken together shall constitute but one in same instrument.

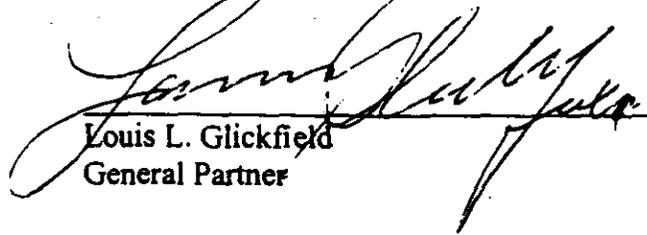
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[SIGNATURES BEGIN ON NEXT PAGE]

PROFFERS
RZ 2000-M-031

APPLICANT/GROUND LESSEE OF
TAX MAP 81-1 ((9)) PT. 7

SHIRLEY HIGHWAY DISTRIBUTION
PARTNERSHIP



Louis L. Glickfield
General Partner

[SIGNATURES CONTINUE ON NEXT PAGE]

PROFFERS
RZ 2000-M-031

FAIRFAX COUNTY ECONOMIC
DEVELOPMENT AUTHORITY



Gregory W. Berry
Chairman

[SIGNATURES END]

PROPOSED DEVELOPMENT CONDITIONS**SE 00-M-048****November 13, 2000**

If it is the intent of the Board of Supervisors to approve SE 00-M-048 located at 5650 General Washington Drive (Tax Map 81-1 ((9)) 7 pt.) for an increase in FAR pursuant to Sect. 9-618 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Other by-right, special exception or special permit uses may be permitted on the lot without a special exception or special permit amendment, if such uses do not affect this special exception.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Generalized Development/Special Exception Plat entitled "Marlo Furniture", prepared by Dewberry & Davis dated June 27, 2000, as revised through October 25, 2000, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of this Special Exception SHALL BE POSTED in a conspicuous place on the property along with the Non-Residential Use Permit of the use and be made available to all Departments of the County of Fairfax during hours of operation of the permitted use.
5. There shall be no freestanding signs on-site.
6. The Gross Floor Area shall not exceed 98,752 square feet (0.48 FAR).

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

PROPOSED DEVELOPMENT CONDITIONS

SEA 93-M-049

November 13, 2000

If it is the intent of the Board of Supervisors to approve SEA 93-M-049 located at 5650 General Washington Drive (Tax Map 81-1 ((9)) 7 pt.) to amend SE 93-M-049, previously approved for waiver of certain sign regulations to permit an increase in land area and increase in FAR pursuant to Sect. 9-620 and 9-618 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supercede all previous development conditions. Those conditions carried forward from the previously approved special permit are marked with an asterisk.

- *1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Other by-right, special exception or special permit uses may be permitted on the lot without a special exception or special permit amendment, if such uses do not affect this special exception.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Generalized Development/Special Exception Plat entitled "Marlo Furniture", prepared by Dewberry & Davis dated June 27, 2000, as revised through October 25, 2000, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The Gross Floor Area shall not exceed 105,005 square feet (0.60 FAR),
5. A copy of this Special Exception SHALL BE POSTED in a conspicuous place on the property along with the Non-Residential Use Permit of the use and be made available to all Departments of the County of Fairfax during hours of operation of the permitted use.
- *6 There shall be a maximum of one (1) freestanding sign on the site. The freestanding sign shall measure a maximum of 140 square feet in area and a maximum of 30 feet in height, calculated in accordance with Section 12-105 of the Zoning Ordinance.

- *7. Changes to the sign face from that depicted on the SE plat shall require approval of a sign permit in accordance with Article 12, but shall not require a special exception amendment. Increases in the sign area and/or height of the sign shall require approval of a special exception amendment.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.