

## **PROFFERS**

**6315 BREN MAR ASSOCIATES, L.P.**

**RZ 2000-MA-065**

**May 18, 2001**

Pursuant to Section 15.2-2303 (A), Code of Virginia, 1950 as amended, 6315 Bren Mar Associates, L.P. and their successors and assigns, and owners for themselves, their successors and assigns (hereinafter referred to as the "Applicant"), in RZ 2000-MA-065, filed for property identified on Fairfax County Tax Map as 81-1 ((1)) Parcel 9A and 9 (hereinafter referred to as the "Application Property"), agree to the following Proffers, provided that the Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves a rezoning of the Application Property from the I-3 and I-I Districts to the I-4 District.

### **1. GENERALIZED DEVELOPMENT PLAN (GDP)**

- a. Subject to the provisions of Section 18-404 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Ordinance"), development of the Application Property shall be in substantial conformance with the GDP, (Sheets 1, 2 and 4) prepared by Ballato & Associates, P.C., dated April 7, 2001.
- b. No more than 120,000 square feet of the existing building shall be dedicated to warehouse use. No more than 180,000 square feet of the existing building shall be dedicated for office as a principal use and Private School of Special Education uses. The 120,000 square feet available for warehouse use, shall be limited to the area of the building denoted on the GDP.
- c. Permitted uses on Parcel 9A of the Application Property shall be limited to the following:
  1. Accessory uses and accessory service uses as permitted by Article 10.
  2. Establishments for printing of any size, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products in associated retail sales; however bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Paragraph 13 of Section 9-501, shall not be permitted.

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TAX MAP 81-1-0001-0009A

BEGINNING at a point on the South R/W line of Bren Mar Drive said point also marking the Northwest corner of Lot 2, Block F, Section 2, BREN MAR PARK; thence departing from the said South R/W line of Bren Mar Drive and running with the Westerly line of Lot 2, and continuing with the Southerly line of Lots 1 and 2 of Block F, Section 2, Bren Mar Park South 19 degrees 41 minutes 45 seconds East, 140.00 feet and North 70 degrees 18 minutes 15 seconds East, 170.09 feet to a point marking the West R/W line of Beryl Road at its point of terminus; thence departing from Section 2, Block F, Bren Mar Park and running through the land of Bren Mar Development Company, Incorporated, South 19 degrees 41 minutes 45 seconds East 387.19 feet to a point of the R/W line of the Southern Railroad; thence with the said R/W line South 70 degrees 12 minutes 00 seconds West 1406.16 feet to a concrete monument on the Easterly line of the Virginia Realty Company, Incorporated, as recorded in Deed Book 531 at page 230; thence with the said Easterly line North 22 degrees 00 minutes 41 seconds West 369.58 feet to a concrete monument marking a Northeast corner of the said Virginia Realty Company, Incorporated; thence with a Northerly line of said Virginia Realty Company, Incorporated North 64 degrees 29 minutes 45 seconds West, 215 71 feet to a point on the aforementioned South R/W line of Bren Mar Drive; thence with the said South R/W line the following courses, with a curve to a left (whose radius is 630.00 feet, whose chord is 621.09 feet on a chord bearing North 85 degrees 42 minutes 00 second East) an arc distance of 649.47 feet, North 56 degrees 10 minutes 00 seconds East, 585.09 feet; with a curve to the right (whose radius is 970.00 feet, whose chord is 238.74 feet on a chord bearing North 63 degrees 14 minutes 07.5 seconds East) an arc distance of 239.34 feet to the point of beginning, containing 589,540 square feet or 13.53398 acres of land, more or less

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ZONING EVALUATION DIVISION

3. Establishments for scientific research, development and training.
  4. Financial institutions.
  5. Light public utility uses (Category 1), all uses except radio or television broadcasting, tower facilities, microwave facilities, satellite earth stations and mobile and land-based telecommunications facilities.
  6. Mobile and land-based telecommunications facilities, subject to the provisions of Section 2-514 of the Zoning Ordinance.
  7. Offices.
  8. Private Schools of General Education, limited by the provisions of Section 405 of the Zoning Ordinance.
  9. Private Schools of Special Education with a maximum on-site enrollment of 200 students.
  10. Public uses.
  11. Warehousing establishments as limited by paragraph 1.b. above.
  12. Off street parking for permitted uses in conformance with Article II of the Zoning Ordinance.
- d. Permitted uses on Parcel 9 of the Application Property shall be limited to off street parking ancillary to the permitted uses located on Parcel 9A.
- e. The maximum floor area on the Application Property (Parcels 9 and 9A) shall be limited to 0.215.

## **2. LANDSCAPING AND OPEN SPACE**

- a. Peripheral and parking lot landscaping shall be provided by the Applicant generally as shown on the GDP. The exact location of the proposed planting may be modified as necessary by the Urban Forester, Department of Public Works and Environmental Services (DPWES), for the installation of utilities. The Applicant shall make best efforts to coordinate additional landscaping in the area of the 35-foot buffer between the parking lot and Tax Map 81-1 ((4)) (F) Parcels 1 and 2. These efforts shall include, but not be limited to, contacting the adjacent land owners and DPWES by registered mail, to notify them of the proposed landscaping. Additional year round screening consisting of shrubs shall be

planted along the curb line of the parking spaces closest to Parcels 1 and 2.

- b. The Applicant shall construct an architecturally solid 6-foot high wooden fence along the Application Property's northern property line as generally shown on the GDP.
- c. At the time of site plan approval, the area of Parcel 9 shown on the GDP as open space shall be dedicated and conveyed in fee simple to the board subject to a conservation easement running to the benefit of Fairfax County for Stormwater Management and BMP purposes to be recorded among the land records of Fairfax County in a form approved by the County Attorney.
- d. Landscaping consistent with the landscaping provided along the northern property line of parcel 9 shall be provided in the 20-foot wide area abutting the southern terminus of Beryl Road. The sanitary sewer easement within said buffer strip shall be planted, as permitted by DPWES.

**3. LIGHTING**

Parking lot lights ranging from 30-feet to 15-feet in height which conform to light standards shown on the GDP, shall be installed with full cutoff luminary devices directed downwards to reduce glare and maintain the candle standards at the property line in conformance with the provisions of the Zoning Ordinance.

**4. BERYL ROAD**

Within 30 days of Board approval of this rezoning Application, the Applicant shall apply to Fairfax County and diligently pursue the vacation of the segment of Beryl Road right-of-way running between the southern edge of the driveway on Tax Map 81-1 ((4)) (F) 1, and the northern property line of Parcel 9. In the event the Board of Supervisors approves the vacation, the Applicant shall scarify the existing pavement within the vacated right-of-way, and seed the area and plant landscaping consistent with the peripheral landscaping along the northern boundary of Parcel 9 as shown on the GDP as referenced in paragraph 2.d. above.

**5. STORMWATER MANAGEMENT**

Unless waived or modified by DPWES, Stormwater Management and Best Management Practices shall be provided on-site. The development shown on the GDP shall comply with the provisions of the Chesapeake Bay Preservation Ordinance.

**6. TRANSPORTATION**

The Applicant shall conduct a traffic study within one year after the issuance of the first office Non-RUP in excess of 60,000 square feet to determine whether the left turn

movements and queuing at the intersection of Bren Mar Drive and Edsall Road should be modified and what modifications may be warranted for review and approval by VDOT. The Applicant shall make such modifications to VDOT standards, provided that the total cost of said traffic study and improvements does not exceed \$ 50,000. If the cost of the improvements and study exceeds this amount and it is determined by the Fairfax County Department of Transportation and the Virginia Department of Transportation that no portion of the necessary improvements can be completed for the amount of the available funds, the difference between \$ \$50,000 and the cost of the traffic study shall be escrowed for future transportation improvements in the area.

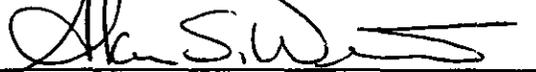
[SIGNATURES BEGIN ON FOLLOWING PAGE]

PROFFERS  
RZ 2000-MV-065

APPLICANT/TITLE OWNER

6315 BREN MAR ASSOCIATES, L.P.

By: 6315 BREN MAR, INC., it's General Partner

By: 

Name: ALAN S. WERTER

Title: VICE PRESIDENT

(END OF SIGNATURES)