

PROFFERS

**RZ 2001-PR-040
ALLEN & ROCKS, INC.**

November 8, 2001

Pursuant to Section 15-2.2303A of the 1950 Code of Virginia, as amended, the undersigned applicant and owners, for themselves and their successors or assigns (hereinafter referred to as "Applicant"), hereby proffer the following conditions provided the Subject Property is rezoned to the C-2 District as proffered herein.

1. **Generalized Development Plan/Special Exception Plat.** Pursuant to Section 18-204, development shall be in substantial conformance with the Generalized Development Plan/Special Exception Plat ("GDP/SE") entitled "Rocks - 1960 Gallows Road," prepared by Dewberry & Davis and last dated September 24, 2001.
2. **Occupancy.** The Applicant shall limit the occupancy of the building to that amount of gross floor area that can be accommodated by the number of parking spaces that are provided on site in accordance with the provisions set forth in Article 11 of the Zoning Ordinance. No Non-Residential Use Permit shall be issued unless it is demonstrated that adequate parking, pursuant to the requirements of Article 11, is available.
3. **Drive-Through Bank.** The removal of all facilities relating to the drive-through bank must be completed within six (6) months of the date of expiration of the Special Exception (SE 01-P-034). Removal of all facilities shall include the restriping and repaving of the disturbed areas of the parking lot, as shown on Sheet 2 of 2 of the GDP/SE, and the removal of all drive-through ATMs, all signs pertaining to the Special Exception use and the conversion of the drive-through window back to a standard window or to brick, as a part of the wall of the building.
4. **Counterparts.** These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

[SIGNATURES ON THE FOLLOWING PAGE]

APPLICANT

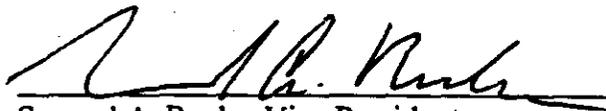
ALLEN & ROCKS, INC.

By: 
S. Randall Cohen, Vice President

**CONTRACT PURCHASER OF TAX MAP 39-2 ((11))
PARCELS 57-A AND 58-A**

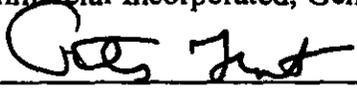
1960 GALLOWS ROAD LLC

By: Allen & Rocks, Inc., Its Manager

By: 
Samuel A. Rocks, Vice President

**OWNER OF TAX MAP 39-2 ((11)) PARCELS 57-A AND 58-A
8115 OLD COURTHOUSE ROAD L.P.**

By: NVCommercial Incorporated, General Partner

By: 
Peter H. Lunt, Executive Vice President