



Village Turf, Inc.

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PROFFER STATEMENT

Rezoning Case No.: RZ 2002-LE-005

Applicant / Title Owner: Susan Wise Clay

Property: Tax Map 101-4-((1))-11A, 8218 Richmond Highway, Alexandria
Tax map 101-4-((1))-12, 8214 Richmond Highway, Alexandria

Proposed Zoning: C-8

Date: 16 October 2002 (Rev. 06 December 2002)

Pursuant to §15.2-2303(A) of the 1950 Code of Virginia, as amended, and §18-203 of the Zoning Ordinance of Fairfax County (1978 as amended), SUSAN WISE CLAY, Applicant and property owner, (hereinafter "Applicant"), for herself, her successors and assigns, in RZ 2002-LE-005 filed for property identified as Tax Map Parcels 101-4-((1))-11A ("Parcel 11A") and 101-4-((1))-12 ("Parcel 12") (hereinafter together referred to as "Application Property"), proffers that the development of said parcels will be in accordance with the following conditions if, and only if, said rezoning request for the C-8 Zoning District (with CRD and HC) is granted. In the event said application request is denied or withdrawn, these proffers shall be null and void. The Applicant agrees that these proffers shall be binding on future development of the Application Property unless modified, waived, or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The Applicant further agrees that these proffers shall remain fully binding on the Applicant and her successors and assigns and any and all future owners of the Application Property.

1. **Development Plan:** Subject to the provisions of §18-204 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the Application Property shall be developed in substantial conformance with the Generalized Development Plan ("GDP") entitled "8214 and 8218 Richmond Highway," consisting of four (4) sheets, prepared by Alexandria Surveys International, LLC, revised through 29 October 2002. Phase 2 development will occur as market conditions permit.

2. **Minor Deviations:** Pursuant to Paragraph 5 of §18-204 of the Zoning Ordinance, minor modifications to the GDP will be permitted. Applicant shall have the flexibility to modify the layout shown on the GDP without requiring

approval of a Proffered Condition Amendment, provided such modifications are in substantial conformance with the GDP.

3. **Signage:** All new signage shall conform to the requirements of Article 12 of the Zoning Ordinance in effect at the time of sign permit approval. All existing signage will remain as shown on the GDP until such time as the reservation for road widening is taken by VDOT. Landscaping, which shall include evergreens and may include seasonal displays, will be installed around the base of the sign while the sign is in place. Signage landscaping shown on the GDP is for illustrative purposes only.

4. **Lighting:** All lighting on site, except for any public utility streetlights along the Richmond Highway (U.S. 1) right of way, 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 twenty (20) feet in height. All outdoor lighting shall have full cut-off fixtures that direct light downward and inward. All outdoor lighting, except necessary security lighting, which may be motion sensor or otherwise triggered, shall be shut off within one-half hour after closing of normal business operations.

5. **Richmond Highway Frontage Improvements:**

(a) **Right-of-Way:** Applicant shall reserve up to a maximum of one hundred (100) feet of right-of-way from the current centerline of Richmond Highway along the frontage of the Application Property as shown provisionally on the GDP for the purposes of future highway alignment and widening and service drive. Such right-of-way shall be dedicated to the Board of Supervisors in fee simple within sixty (60) days of demand by the Board of Supervisors, or such longer period of time as may be mutually agreeable to the Applicant and the County; provided, that any such demand will be made only at the time the proposed widening of the segment of Richmond Highway fronting the Application Property is fully funded and ready for construction. Prior to dedication, the Applicant shall remove any portion of the structure on Parcel 12, as proposed under the Phase 2 development, as well as any parking as depicted under the Phase 1 development, that is located within the right-of-way to be dedicated pursuant to this proffer. If the Virginia Department of Transportation ("VDOT") determines that the entire reservation area is not needed due to a change in alignment or for any other reason, then this reservation for the unneeded portion of that area that otherwise would be dedicated shall expire and the unneeded portion shall remain in Applicant's ownership.

(b) **Streetscape Treatment:** At the time the widening of Richmond Highway takes place, the Applicant shall coordinate with VDOT and the Department of Public Works and Environmental Services ("DPWES") to provide the applicable Richmond Highway streetscape treatment, as determined by the

Director, DPWES. For Phase 1, in addition to the landscaping shown on the GDP, the Applicant shall plant one (1) large shade tree in the open space area along the Richmond Highway frontage of Parcel 11A, in coordination with the Urban Forestry Division.

6. **Hazardous Materials:** All hazardous materials, hazardous and toxic substances, and petroleum products shall be stored and disposed of in accordance with the laws of the United States and the Commonwealth of Virginia.

7. **Hours of Operation:** Except for churches, hotels, motels and offices (but not contractor's offices), normal hours of operations shall be limited to 07:00 a.m. to 10:00 p.m. Eastern Standard/Daylight Time. The use of heavy machinery (i.e. backhoes, front-end loaders, graders, bulldozers, etc.) shall be limited to 08:00 a.m. to 08:00 p.m. Monday through Saturday and 10:00 a.m. to 08:00 p.m. on Sunday. Emergency on-call operations may take place outside of the above-stated normal hours of operations for the purposes of snow removal and ice control operations, tree and brush removal and clean up in conjunction with storms, and similar weather related activities.

8. **Deliveries:** No deliveries of any kind will be received before 07:00 a.m. or after 08:00 p.m.

9. **Dumpsters:** The Application Property shall have no more than one (1) dumpster, which will be screened and gated as shown in the general area on the GDP.

10. **Architectural elevations:** Proposed architectural elevations are submitted herewith. Minor deviations to these elevations will be permitted within the illustrated footprints.

11. **Outdoor storage:** Outdoor storage as permitted by Fairfax County Ordinances will be in areas shown on the GDP. In the event the greenhouse depicted on Sheets 1 and 2 of the GDP to be erected parallel to the property line between Application Property and Tax Map Parcel 101-4 ((24))-A is not so erected, the Applicant shall provide screening for any proposed outdoor storage area depicted on the GDP that is parallel to the southwesterly border of the Application Property. Such screening shall be a six (6) foot high, solid, board-on-board or stockade fence. However, in no event shall bulk (loose, unpackaged) or bagged materials, such as soil, manure, peat moss, humus, mulches, etc., be stacked or piled higher than six (6) feet from grade.

12. **Outdoor display:** Outdoor display of products and services offered for sale as permitted by Fairfax County Ordinance will be in the areas shown on the GDP.

13. Proposed use of property: Proposed uses of the subject property shall include landscape contractor's offices and landscape operations (design, installation and maintenance services) with ancillary plant nursery and storage of equipment and supplies, retail and wholesale sales of farm, home and garden supplies, and outdoor power equipment sales and services, and only those uses of the subject property which are within the confines of §4-802 of the Fairfax County Zoning Ordinance listed as follows:

1. Accessory uses as permitted by Article 10.
3. Bowling alleys.
4. Business service and supply service establishments.
5. Churches, chapels, temples, synagogues and other such places of worship.
6. Colleges, universities.
7. Contractor's offices and shops, determined to be "community-serving commercial uses" by the Zoning Administrator.
8. Commercial swimming pools, tennis courts and similar courts, indoor.
9. Community clubs, centers and meeting halls.
10. Cultural centers, museums.
11. Drive-in banks, subject to Special Exception approval according to the provisions of Article 9.
12. Drive-through pharmacy, subject to Special Exception approval according to the provisions of Article 9.
13. Eating establishments.
15. Financial institutions.
16. Funeral homes.
17. Garment cleaning establishments.
18. Health clubs.
19. Hotels, motels.
20. Indoor archery ranges, fencing and other similar indoor recreational uses.
22. Miniature golf courses, indoor.
24. Offices, limited by the provisions of Sect. 805.
26. Personal service establishments.
27. Private clubs and public benefit associations.
28. Private schools of general education, private schools of special education.
29. Public uses.
32. Repair service establishments.
33. Retail sales establishments.
34. Skating facilities, indoor.
36. Theaters.
39. Veterinary hospitals.
40. Wholesale trade establishments.

14. Landscaping and Screening:

(a) Landscaping and screening of the Application Property shall be generally consistent in terms of character with that indicated on the GDP, as reviewed and approved by the Urban Forestry Division of DPWES, and in conformance with the guidelines of the American Horticultural Society. Specific features, such as the exact locations of plantings, shall be subject to modification with final engineering and architectural design. All landscaping and screening shall be maintained in good health by the Applicant, and any severely diseased or dead plant material shall be replaced as soon as reasonably possible based upon plant growing season and conditions, weather and environmental factors.

(b) A twenty (20) foot wide strip of transitional screening shall be provided along the property line between Application Property and Tax Map Parcel 101-4((24))-B, being the northwesterly border of the Application Property. A sixteen (16) foot eight (8) inch wide strip of transitional screening shall be provided along the property line between Application Property and Tax Map Parcel 101-4((24))-A, being the southwesterly border of the Application Property. This transitional screening shall be shown on the landscaping plan submitted with the site plan for the Application Property. The landscaping within the transitional screening strips of land shall be located so as not to interfere with or obstruct access to utilities, and shall be subject to the review and approval of the Urban Forestry Division of DPWES.

15. Density Credit: Density credit shall be reserved for the Application Property as permitted by the provisions of §2-308 of the Zoning Ordinance for all dedications described herein and/or shown on the GDP, or as may be reasonably required by Fairfax County or VDOT at any time.

16. Barriers:

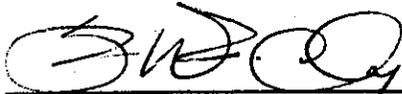
(a) The Applicant shall paint the rear and sides of the equipment shelter structure located parallel to the northwestern boundary of the site medium green to blend with the existing and proposed vegetation. This structure shall be repaired and painted as required to maintain it in good repair.

(b) Notwithstanding the note on the GDP, in the event the existing board-on-board fence on the Roxbury of Mount Vernon property, located parallel to either property line is removed, the Applicant shall install a six (6) foot high, solid, board-on-board fence along the property line between the Application Property and Tax Map Parcel 101-4 ((24))-B and along the property line between the Application Property and Tax Map Parcel 101-4 ((24))-A.

(c) Any required barriers which may be erected by the Applicant on the boundaries of the Application Property with Tax Map Parcels 101-4 ((24))-A and B, as shown on the GDP, shall be kept in good repair by the Applicant.

17. **Parking:** The number of parking spaces provided on the Application Property shall meet the parking requirements contained in the Zoning Ordinance, including any permitted reductions for properties located in a Commercial Revitalization District, as determined by DPWES. The area within the building footprints as shown on the GDP may be used to meet the parking requirements for a permitted use listed in Proffer 13 above without the necessity of a Proffer Condition Amendment.

18. **Special Exception and Special Permit Uses:** Notwithstanding Proffer No. 13 above, Special Exception and Special Permit 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.

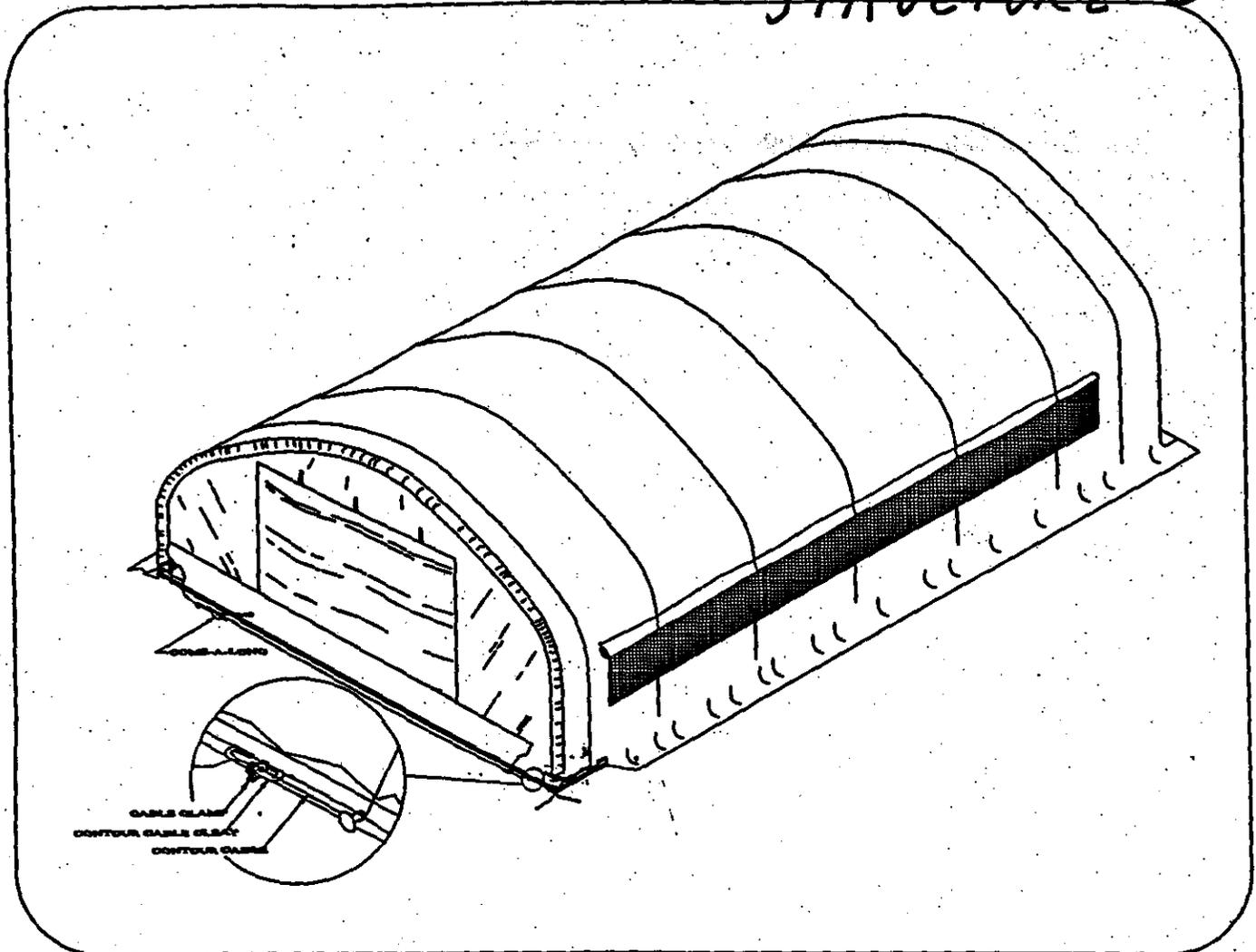


Susan Wise Clay, Owner



Louis Kobus, Jr., Agent
President, Village Turf, Inc.

EXISTING GREENHOUSE STRUCTURE "C"



1. At this time using the hook tool slip the base cable under each base hook along each side of the unit.

