

PROFFERS

Kenneth H. Becker and William M. Becker

PCA 79-S-119-3

November 14, 2001

Pursuant to Section 15.2-2303(A) Code of Virginia, 1950, as amended, the owners and Kenneth H. Becker and William M. Becker (hereinafter collectively referred to as the "Applicant"), for themselves, successors and assigns in PCA 79-S-119-3, filed for property identified as Tax Map 34-3 ((3)) A3, (hereinafter referred to as the "Application Property") hereby proffer the following, provided that the Board of Supervisors approves PCA 79-S-119-3 in conjunction with a Generalized Development Plan (GDP) for commercial and industrial development. These proffers shall be in addition to the terms and conditions of the original proffers, dated July 14, 1980, in RZ 79-S-119, the proffers dated June 5, 1985 in PCA 79-S-119-1, and the proffers dated September 6, 1991 in PCA 79-S-119-2. Should there be any inconsistencies between prior proffers and the proffers listed below, these proffers shall control, and replace and supersede prior proffers for the property subject to this application.

1. GENERALIZED DEVELOPMENT PLAN

- a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the GDP, prepared by VIKA, Inc., dated May 9, 2001 and revised through November 9, 2001.
- b. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the layout and internal lot lines at time of site plan submission based on final building footprints, utility locations, and final engineering design, provided that such adjustments do not decrease the amount and location of open space or building setbacks to peripheral lot lines.

2. TRANSPORTATION

- a. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of forty-five (45) feet from the centerline of the Application Property's Lee Road frontage as shown on the GDP. Dedication shall be made at time of recordation of the final site plan approval or upon demand from either Fairfax County or VDOT, whichever shall first occur.
- b. The Applicant shall construct an eight (8) foot wide asphalt trail within the dedicated right-of-way of Lee Road, as shown on the GDP.

- c. Applicant shall record, in a form approved by the County Attorney, a public ingress-egress easement over that area serving as an interparcel access to adjacent properties. Notwithstanding the note on the GDP, Applicant shall construct an interparcel access to the adjacent property to the north (tax map identification 34-3 ((8)) 4524 A-J) as shown on the GDP. Applicant shall construct an interparcel access to the adjacent property to the south (tax map identification 34-3 ((3)) A2) as shown on the GDP, subject to the receipt of the necessary off-site easements. Should off-site easements not be granted to permit construction, the Applicant shall construct that portion of the interparcel access possible without off-site easements, and grant the necessary grading and construction easements for construction of interparcel access in the future by others. The interparcel access shall be kept clear of any obstructions to vehicular traffic, such as fences and parking spaces. Applicant, within its sole discretion, may provide additional interparcel access connections to adjacent properties without the necessity of an amendment to the GDP or these proffers, so long as minimum open space and parking requirements are met, and the thirty-five (35) foot transitional screening area along the western property line as shown on the GDP is maintained.
- d. Density credit shall be reserved as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance for all eligible dedications described herein or as may be reasonably required by Fairfax County or VDOT at time of site plan approval.
- e. Applicant shall construct a four (4) foot wide concrete sidewalk throughout the Application Property as shown on the GDP to facilitate pedestrian access.

3. LANDSCAPING AND OPEN SPACE

- a. Applicant shall maintain the limits of clearing and grading as shown on the GDP.
- b. Applicant shall provide landscaping on the Application Property, including street trees and foundation plantings, as shown on the GDP.
- c. Transitional screening located along the western property line shall include the preservation of existing vegetation to the extent feasible as determined by the Urban Forestry Division of DPWES at time of site plan submission.

4. STORMWATER MANAGEMENT - BEST MANAGEMENT PRACTICES

The Applicant shall provide stormwater management (SWM) and Best Management Practices (BMP) facilities in the location as generally shown on the GDP and in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance as determined by DPWES, unless modified by DPWES at time of site plan approval.

5. DESIGN

Building exteriors shall be constructed utilizing split faced block and/or other similar grades of masonry products integrated with aluminum and glass storefront materials and metal insulated overhead doors where required for loading and/or drive in access.

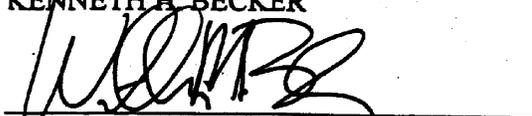
6. MISCELLANEOUS

- a. These proffers shall bind and inure to the benefit of the Applicant and his or her successors and assigns.
- b. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.
- c. All of the improvements described herein shall be constructed concurrent with development of the Application Property.

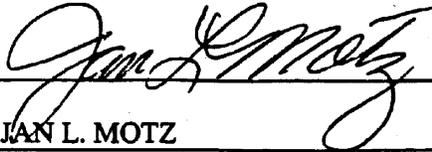
[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

APPLICANT/CONTRACT PURCHASER


KENNETH H. BECKER


WILLIAM M. BECKER

OWNER:
2M CHANTILLY, LTD. LIABILITY CO.

By: 

Name: JAN L. MOTZ

Title: MANAGER