

## PROFFER STATEMENT

Proffered Condition Amendment to Rezoning Case Nos.

**PCA 91-Y-010-4 and FDPA 91-Y-010-3**

Applicant: **SKY06, LLC**

Development: **Centre Ridge**

Property Location: **65-1 ((10)) 6, Land Bay 11B, Approximately 2.19 acres located in Centreville, Virginia (Sully Magisterial District)**

Zoning District **PDC (Planned Development Commercial)**

Date: **February 28, 2007**

Pursuant to Section 15.2-2303 (A) of the Code of Virginia (1950, as amended) ("Virginia Code") and Section 18-203 of the Zoning Ordinance of Fairfax County (1978, as amended), the title owners/ applicant (collectively, "Applicant") in this zoning application, proffer that the redevelopment and uses of these parcels under consideration shall be subject to all terms and conditions proffered and approved for PCA 81-S-058-5 (Concurrent with PCA 91-Y-010-2) on June 6, 1994, and PCA 91-Y-010-3 and FDPA 91-Y-010-02, dated January 18, 2005, approved by the Board of Supervisors on February 28, 2005, except as amended by the following terms and conditions. This Proffer affects Land Bay 11B, Lot 6, only. In the event this application is denied, these proffers shall be null and void immediately, and of no further force and effect.

### General

1. The General Proffer No. 1 written Pursuant to Section 16-402 of the Fairfax County Zoning Ordinance requiring that the Property shall be developed in conformance with the Conceptual Development Plan ("CDP"), dated August 20, 1993, revised through March 14, 1994, prepared by Dewberry & Davis, LLC, shall remain in effect and this Proffer dated February 28, 2007, shall not change the previous Proffers, except to provide a revised Conceptual Development Plan Amendment and Final Development Plan Amendment last dated February 27, 2007, prepared by Dewberry & Davis, LLC to allow for a change in use and modifications to Land Bay 11B, Lot 6, to permit the following uses: school of special education, fast food restaurant with no drive-in window(s), office, retail sales establishment, child care center, or eating establishment provided adequate parking can be provided for these uses; and, provided, minor modifications may be permitted that are necessitated by sound engineering practices that may become necessary as part of final site engineering design, as determined by the Department of Public Works & Environment Management (DPWES).

## PROPOSED DEVELOPMENT CONDITIONS

FDPA 91-Y-010-3

February 27, 2007

If it is the intent of the Planning Commission to approve FDPA 91-Y-010-3, located at Tax Map 65-1 ((10)) 006 to modify the development conditions to permit a private school of special education (martial arts studio) and fast food eating establishment, staff recommends that the approval be subject to the following development conditions.

All previous FDP conditions imposed by FDPA 91-Y-010, dated March 16, 1994, are reaffirmed, except as follows:

Subsection:

Land Bay 11B

All previous conditions shall be deleted and replaced with the following:

1. Permitted uses shall include a private school of special education and fast food restaurant (without a drive-in window) only. Accessory play areas for the private school of special education may be provided as depicted on Attachment 1. Other uses as stated in the Proffers (PCA 91-Y-010-4) may be permitted provided the use(s) are located entirely inside the existing structure and the outside areas are cleared of all structures and features associated with the previous miniature golf course and/or private school of special education and are replaced with landscaped open space as approved by Urban Forest Management (UFM).
2. The artificial rocks on the site left over from the defunct miniature golf course shall be removed prior to the issuance of the non-RUP; and the remaining foundation of the course shall be removed within two (2) years of the approval of the FDPA.