

PROFFERED CONDITIONS

Burke Centre Shopping Center

PCA 1998-BR-073 / PCA 75-8-036-2

September 25, 2007

Revised October 11, 2007

Revised January 2, 2008

Revised March 7, 2008

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owner/applicant for itself and its successors and/or assigns (hereinafter referred to as the "Applicant") in the above-referenced applications proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference Nos. 77-1-((1))-63 and 64 (hereinafter referred to as the "Property") will be in accordance with the following proffered conditions (the "Proffered Conditions") subject to the approval of the above-referenced proffer condition amendment and development plan amendment. The Applicant, for itself, its successors and assigns, agree that these Proffered Conditions, if accepted, shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures.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 proffers accepted with RZ 75-8-036 dated December 6, 1976, as amended, remain in full force and effect for the Property. These Proffered Conditions, if accepted, supersede the proffers accepted with RZ 1998-BR-073 dated February 4, 1999, and are as follows:

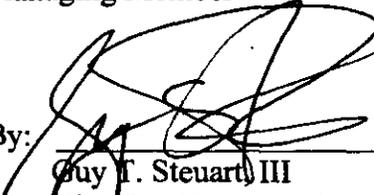
1. The development of the Property shall be in substantial conformance with the plat entitled, "Burke Centre Shopping Center Development Plan Amendment/Proffer Condition Amendment Plan/PRC Plan," (hereinafter referred to as the "DPA/PCA/PRC Plan") prepared by Bohler Engineering, P.C., dated February 26, 2007, and revised through August 29, 2007.
2. Regardless of the list of uses shown on the DPA/PCA/PRC Plan, no amusement arcades, funeral chapels, or adult video/book stores will be permitted on the subject Property.
3. Regardless of the list of uses shown on the DPA/PCA/PRC Plan, no automobile oriented uses, car washes, service stations, service stations/mini-marts, billiard or pool halls, commercial swimming pools, tennis courts, or similar courts, miniature golf courses, skating facilities, dwellings, light public utility uses (unless approved by a special exception), taxi stands, or vehicle light service establishments will be permitted in the location of the drive-in bank pad site located in the southeast corner of Parcel 63.

4. The drive-in bank pad site located in the southeast corner of Parcel 63 shall be limited to a maximum of 5,000 gross square feet of floor area.
5. Any future modification to these proffers or the DPA/PCA/PRC Plan which affects only Parcel 63 or Parcel 64, individually, may be approved by the Board of Supervisors upon application for a proffered condition amendment or development plan amendment by the property owner for the individual parcel.

[SIGNATURE PAGE ATTACHED]

STEUART-BURKE CENTRE SHOPPING CENTER, L.L.C.
Title Owner of Tax Map Nos. 77-1-((1))-63 & 64

By: STEUART-BURKE MANAGEMENT COMPANY, its
Managing Member

By: 
Guy F. Stewart, III
Vice President

PROPOSED DEVELOPMENT CONDITIONS

DPA C-546-23

March 28, 2008

If it is the intent of the Board of Supervisors to approve DPA C-546-23, staff recommends that the Board of Supervisors condition the approval by requiring conformance with the following development conditions, which supersede all previously approved conditions on this property. Those conditions carried forward from previous approvals are marked with an asterisk. (*)

1. Any plan submitted pursuant to this Development Plan Amendment shall be in conformance with the approved Development Plan Amendment, entitled "Burke Centre Shopping Center," consisting of six sheets, as prepared by Bohler Engineering, PC, which is dated February 26, 2007, as revised through August 29, 2007.
2. The applicant shall ensure that vehicles using the loading area behind the shopping center do not obstruct vehicular circulation behind the building, as determined appropriate by the Department of Public Works and Environmental Services (DPWES). *
3. At the time of site plan approval, the applicant shall provide a parking tabulation and demonstrate that the parking requirements of Article 11 of the Zoning Ordinance have been met. *
4. Additional interior parking lot landscaping shall be provided to the maximum extent possible, as determined by the Urban Forester, in order to visually break up the expanse of the parking lot, and to enhance the appearance of the shopping center from Burke Centre Parkway. This additional landscaping shall be at least 3,100 square feet, and shall not reduce the amount of existing parking. *
5. The pedestrian facilities and landscaping shown along the eastern site entrance aisle shall be installed prior to issuance of any Non-Residential Use Permit for the pad site in the southeast corner of Parcel 63. Subject to final engineering, the proposed sidewalk along the western side of the entrance drive from Burke Centre Parkway may be realigned or relocated elsewhere on the site to maximize tree preservation and accommodate topography.
6. If a four-way stop is placed at the interior intersection north of the signalized entrance opposite Oak Green Way, this stop will be removed or modified if it is determined by Fairfax County Department of Transportation that it negatively affects traffic on Burke Centre Parkway.
7. The drive-in bank pad site to be located in the southeast corner of Parcel 63 shall be developed in accordance with the architectural façades approved by the Burke Conservancy Architectural Review Board ("ARB") as reflected in its

approval letter dated August 28, 2007, found in Exhibit 1 of these conditions. Future modifications to the architectural facades may be permitted, provided any such modifications shall require approval by the Burke Conservancy ARB. Prior to the issuance of any building permit for this pad site, proof of such Burke Conservancy ARB approval shall be provided to DPWES.



6060 Burke Centre Parkway
Burke, Virginia 22015-3702
(703) 978-2928 Fax: (703) 978-1073
www.burkecentre.org

August 28, 2007

McGuireWoods LLP
Attn: David Gill, Esquire
1750 Tyson's Boulevard
Suite 1800
McLean, VA 22102

Dear Sir: (ref: PNC Bank – 5745 Burke Centre Parkway, Burke, VA 22015)

We are pleased to inform you that the Architectural Review Board has approved your application for a new construction commercial building. The approval is for the complete demolition of the existing Hopsfrog Grill commercial building, located at 5745 Burke Centre Parkway, which will be replaced with a new construction commercial building in the same location, as depicted within the ARB application, PNC Bank, with a covered drive-thru window. The new building will have a brick and glass front façade, Gray metal roof, Gray soffits, with the application being amended to reflect that all 'Dark Blue' exterior accent trim proposed in the drawings will be changed to match the Gray roof and soffit color. The exterior signage on the building will be PNC (White), BANK (Blue) with the Orange and White insignia being located before PNC.

The ARB has approved this modification with the provision that it be completed within 180 days from the start of construction.

A copy of your approved application is enclosed.

Sincerely,

ARCHITECTURAL REVIEW BOARD

Cindy LaRochelle
Community Services Coordinator-ARB
Burke Centre Conservancy