

*PARTIAL PROFFERED CONDITION AMENDMENT*

*PCA 1998-LE-048*

*FDPA 1998-LE-048*

*Pursuant to an Ordinance adopted August 2, 1999, by the Board of Supervisors, Rezoning Application RZ 1998-LE-048, including the Final Development Plan, FDP 1998-LE-048 and the modifications, waivers, and conditions therein contained was approved subject to the Proffers dated July 30, 1999. The Applicant wishes to amend the approved CDP/FDP and Proffer # 12 as they apply to one parcel, consisting of 72,544 square feet, and to reaffirm all of the other proffers, contingent on retaining the zoning with all attendant modifications, waivers, and conditions as approved.*

*Pursuant to the provisions of Section 15.2-2302, Code of Virginia, 1950 as amended the Applicant for itself, its successors and assigns, agrees that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia in accordance with applicable County and State statutory procedures these, if accepted, proffers supersede all previous proffers or development conditions on the Property. The Applicant further agrees that these proffers shall remain fully binding on the Applicant and its successors or assigns and any and all future owners of the Property. The proffered conditions are:*

*The Applicant agrees that the development will be in substantial conformance with the submitted CDP/FDP (including either Alternative "A" and "B") dated November, 1998 and revised through June 28, 1999, and as amended by Conceptual/Final Development Plan dated September 25, 2000 (FDPA). Subject to the proffers and the provisions of Sections 18-204 and 16-403 of the Zoning Ordinance, the Applicant reserves the right to make minor modifications to the approved development plan in order to address engineering and architectural issues at the time of final site plan approval.*

- 1. All of the proffers numbered 1 through 11, both inclusive, and proffers numbered 13 through 36, both inclusive, are hereby reaffirmed.*
- 2. Proffer numbered 12 is hereby amended as follows:*

*12A Buildings shall not exceed the height shown on the CDP/FDP except that the building identified as North Office (A) shall not exceed the height of 55 feet as shown on the FDPA. (Provided, however, the calculation of building height shall exclude parapet walls and all other structures specified in Section 2-506 of the Zoning Ordinance.) The height of the parking structures shall not exceed 50 feet, and the hotel suites shall not exceed 61 feet. The Child Care facility shall not exceed 40 feet in height.*

**APPLICANT/OWNER**

**MPE LLC**

**By METRO PARK ASSOCIATES LLC**

**Sole Member**

By   
**Barbara J. Fried, Manager**