County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

January 16, 2007

Katherine Youngbluth
Cooley, Godward, Kronish, LLP
Reston Town Center
One Freedom Square
11951 Freedom Drive
Reston, VA 20190

RE: Proffered Condition Amendment Number PCA 1999-MV-025-02
Concurrent with: SEA 99-V-020-02

Dear Ms. Youngbluth:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on January 8, 2007. The Board's action approved Proffered Condition Amendment PCA 1999-MV-025-02 in the name of Bank of America, NA, and is subject to the proffers dated December 1, 2006. The Board's action amends the proffers for RZ 1999-MV-025-02 previously approved for commercial development to permit a drive-in bank with an overall Floor Area Ratio (FAR) of 0.13. The subject parcel is located in the southwest quadrant of the intersection of Lorton Road on approximately 1.34 acres. The subject parcel is zoned C-6 and located in the Mount Vernon District. Tax Map 107-4 ((23)) E4pt.

The Board also:

- **Approved Special Exception Amendment Application SEA 99-V-020-02, subject to the development conditions dated November 29, 2006.**
- **Approved modification of the transitional screening requirements on the northern, eastern, and southern boundaries and the previously approved waiver of the barrier requirement along all boundaries.**

Sincerely,

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

NV/cwb

Office of Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035
Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
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http://www.fairfaxcounty.gov/bosclerk

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 8th day of January, 2007, the following ordinance was adopted.

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 1999-MV-025-02
(CONCURRENT WITH SEA 99-V-020-02)

WHEREAS, Bank of America filed in the proper form an application requesting amendment to the plan of a certain parcel of land, hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. ∋ 15.2-2303(a), and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board it recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Mount Vernon District, and more particularly described as follows (see attached legal description):

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., ∋ 15.2-2303(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 8th day of January, 2006.

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

PROFFERS

Bank of America, N.A.

PCA 1999-MV-025-02

December 1, 2006

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950, as amended, subject to the Board of Supervisors approving this Proffered Condition Amendment for Tax Map 107-4 ((23)) Pt.E4 (the "Property"), Bank of America, N.A. (the "Applicant") and owners, for themselves, their successors and assigns, hereby reaffirm the previous proffers applicable to the Property accepted pursuant to the approval of RZ 1999-MV-025 and dated April 18, 2000, which will remain in full force and effect, except as amended as follows:

Replace Existing Proffer 1.a. to reflect updated plan/plat information:

1. GENERALIZED DEVELOPMENT PLAN

a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance therein after referred to as "Zoning Ordinance", development of the Property shall be in substantial conformance with the GDP/SEA plat, prepared by Bowman Consulting Group, Ltd., dated June 8, 2006 as revised through October 23, 2006.

Amend Existing Proffer 3, to add use in list of permitted uses.

3. Uses

a. The following additional use is permitted within the buildings shown on the GDP/SEA plat:

- *Drive-In Bank (up to 10,000 SF on Pad "C" only)*

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

APPLICANT/LESSEE

By: **Bank of America, N.A.**

By: _____

Name: Jay Taylor

Title: Senior Vice President

TITLE OWNER OF TAX MAP 107-4 ((23)) E4/ LESSOR

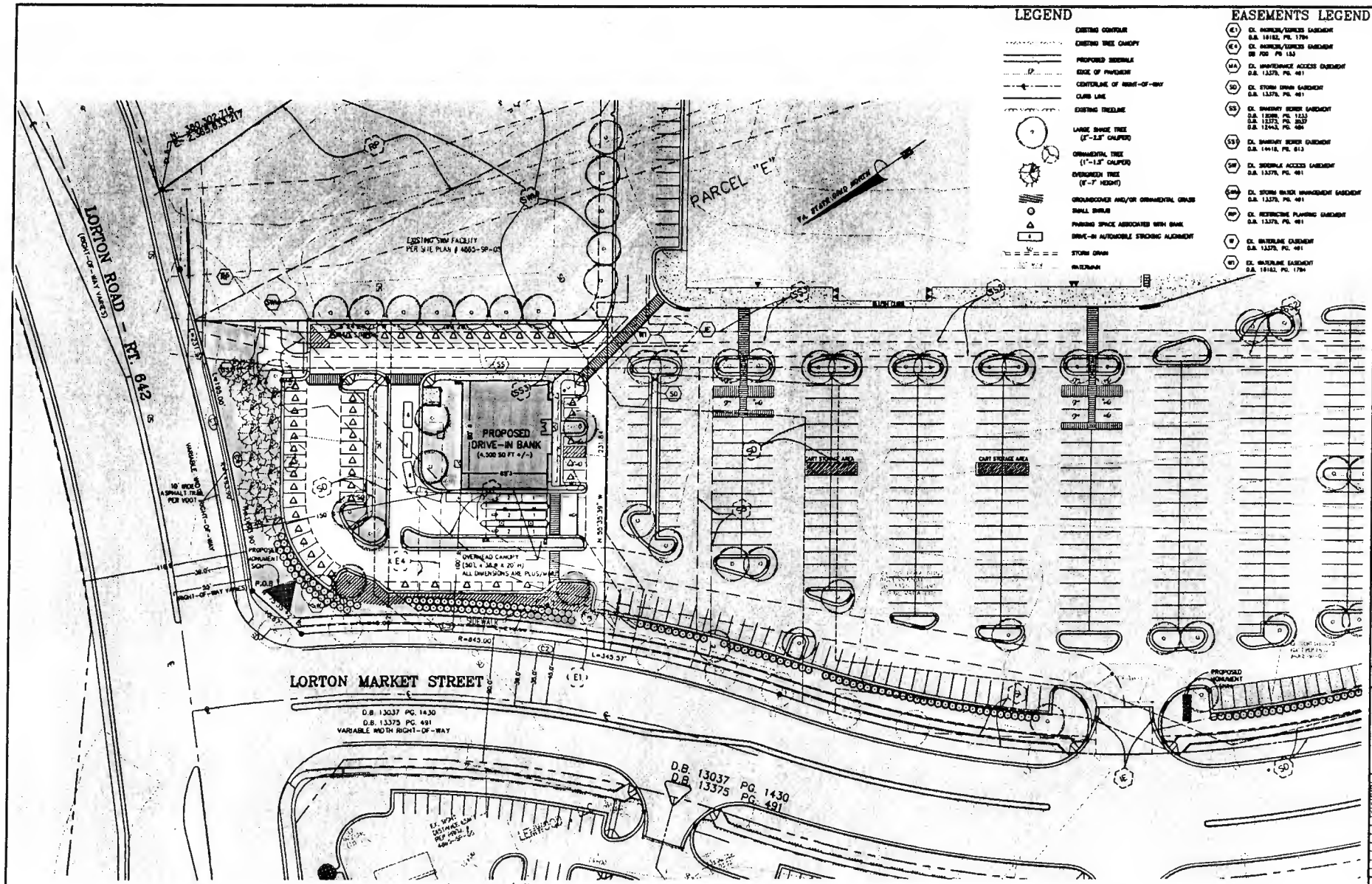
Columbia Lorton Station Marketplace, LLC
By: COLUMBIA LORTON STATION MARKETPLACE, LLC, a Delaware limited liability company
By: Columbia Lorton Station Marketplace Member, LLC, a Delaware limited liability company, its member
By: Columbia Regency Partners II, LLC, a Delaware limited liability company, its member
By: Regency Centers, L.P., a Delaware limited partnership, its manager
By: Regency Centers Corporation, a Florida corporation, its general partner

By: _____

Name: ALAN T. ROTH

Title: Vice President

280416 v5/RE



DRIVE-IN BANK LOCATION (PAD SITE 'C')

SCALE: 1"=30'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	1493.90'	231.97'	231.73'	S 89°07'54" E	08°53'48"	116.22'
C2	845.00'	345.57'	343.18'	N 41°44'08" E	23°25'53"	175.23'
C3	845.00'	215.60'	215.02'	N 37°19'46" E	14°37'08"	108.39'
C4	1493.90'	195.00'	194.87'	S 88°25'22" E	07°28'45"	97.64'

SPECIAL EXCEPTION AMENDMENT NOTES:

1. THIS PARTIAL PCA/SEA PLAT DEMONSTRATES THE PROPOSED LOCATION OF THE DRIVE-IN BANK AND THE ABILITY TO PROVIDE ADEQUATE PARKING.
2. THERE IS NO NEW CONSTRUCTION PROPOSED WITH THIS PLAN.
3. THE APPLICANT RESERVES THE RIGHT TO ADJUST THE SHRUB PLANTINGS WITHIN THE SUBJECT AREA OF THIS PLAN IN ORDER TO RESPOND TO SITE CONDITIONS, TO AVOID UTILITY EASEMENTS THAT MAY BE PRESENT, AND/OR TO CONFORM TO AN ALTERNATIVE PLANTING CONCEPT. HOWEVER, THE SHRUB PLANTINGS SHALL BE IN SUBSTANTIAL CONFORMANCE FOR SIZE AND QUANTITY AS SHOWN WITH THIS PLAN.

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

Bowman CONSULTING

Bowman Consulting Group, Ltd.
14020 Thunderbolt Place
Suite 200
Chantilly, Virginia 20151
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Fax (703) 464-1780
www.bowmanconsulting.com
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LIMITS PF PCA / SEA

BANK OF AMERICA

LORTON STATION SOUTH COMMERCIAL CENTER

MOUNT VERNON DISTRICT FAIRFAX COUNTY, VIRGINIA

SEA-
COUNTY PROJECT NUMBER

COMMONWEALTH OF VIRGINIA
MATTHEW J. TEUSCHER
No. 000832
CERTIFIED LANDSCAPE ARCHITECT

PLAN STATUS	
06/09/08	1st SUBMISSION
07/08/08	2nd SUBMISSION
10/08/08	3rd SUBMISSION
10/21/08	4th SUBMISSION

DATE	DESCRIPTION	
JB DESIGN	RRM DRAWN	MJT CHKD
SCALE	H: 1" = 30'	
JOB No.	-	
DATE	JUNE 2008	
FILE No.	-	

SHEET 3 OF 4

BCG#

Cad file name : P31299 - LORTON STATION SOUTH\1299-14-001 (PLN)\Planning\03-PCA SEA.dwg