

Proffer Statement
Kingstowne Section 37

PCA C-448-15

July 16, 1997

Pursuant to Section 15.1-491(a) of the Code of Virginia, 1950, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978 amended), Kingstowne Shopping Center I, LP (the "Applicant") in this Proffer Condition Amendment ("PCA") proffers that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference No. 91-2((1)), Parcel 32A (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said request for a PCA is granted. In the event said application request is denied, this proposed proffer statement shall be null and void. The proffered conditions are as follows:

1. Except as modified herein, the subject property is governed by the Proffer Development Conditions of June 17, 1985 in RZ 84-L-020 and the applicable proffers of rezonings and Proffered Condition Amendments approved subsequent thereto but prior hereto. Furthermore, all development conditions contained in SE 94-L-004, as approved by the Board of Supervisors on July 25, 1994, as well as all previous amendments to the Final Development Plan and the conditions relating thereto, including FDP-C-448-5 and FDPA-C-448-5, with a modification noted in Paragraph 3 below, will be fulfilled.

2. Subject to the proffers and the provisions of Section 18-204 of the Zoning Ordinance, under which minor modifications to an approved Generalized Development Plan are permitted, the Property shall be developed in substantial conformance with the plan entitled "Kingstowne Section 37," prepared by BC Consultants, dated 9/23/96, and revised through 3/19/97.

3. Development Condition No. 9 contained in FDP-C-448-5 will be modified by the approval of this PCA/FDPA. The condition would be revised to read as follows:

Building D, as shown on the Development Plan, may be developed with either professional offices and service-oriented uses such as offices for insurance companies, real estate brokers, banking, travel consultants, and shops for shoe repair, tailors, office supply, barbers and/or beauty salons, cosmetology schools, rental shops (tools, equipment, furniture, fixtures, etc.), appliance repair shops, paint stores, and similar professional office and service-oriented uses or, in the alternative, may be developed as a restaurant

(without drive-thru facilities) and/or general retail.

All other development conditions FDP-C-448-5 and FDPA-C-448-5 would remain unaltered.

4. The commitments which follow are in addition to that previously proffered under RZ 84-L-020 and those Proffered Condition Amendments approved subsequent thereto but prior hereto:

Developer proffers to construct a traffic signal at the intersection of Kingstowne Village Parkway and South Van Dorn street within six (6) months of final approval of all plans by the Virginia Department of Transportation ("VDOT"). The time-frame for completing construction of said traffic signal shall be extended, as necessary, due to any delays in the issuance of permits by the County or the State, as well as any delays caused by force majeure. This traffic signal will be bonded at the time of site plan approval for Building B-1.

Developer proffers at such time as the completion of construction of South Van Dorn III to Telegraph Road, the Developer will construct a right turn deceleration lane on southbound South Van Dorn Street for the existing slip ramp into the Shopping Center. It is recognized that this turn lane may not meet the length standards for a typical turn lane. In the interim, the current striping will be modified to mark a right turn deceleration lane into the Shopping Center as directed by the Office of Transportation.

KINGSTOWNE SHOPPING CENTER I L.P.

BY: HALLE & HALLE, INC., its General Partner

BY: Warren E. Halle
Warren E. Halle
President, Halle & Halle, Inc.