

**County of Fairfax, Virginia
Planning Commission Meeting
July 08, 2020
Verbatim Excerpt**

RZ 2019-SU-021 BLUE KNOB INVESTORS, LLC – Appl. to rezone from I-3, WS, AN and HC to C-8, WS, AN and HC (5.38 ac.) to permit a Vehicle Sales, Rental, and Ancillary Service Establishment with an overall Floor Area Ratio (FAR) of 0.17, and to I-5, WS, AN, and HC (6.68 ac.) to permit a Vehicle Major Service, Vehicle Light Service, and New Vehicle Storage Establishment with an overall Floor Area Ratio (FAR) of 0.07. Located on the S. side of Lee Jackson Memorial Hwy. approx. 1,200 ft. W. of its intersection with Stonecroft Blvd. on approx. 12.06 ac. of land. Comp. Plan Rec: Industrial. Tax Map 33-2 ((1)) 6(pt.). (Concurrent with SE 2019-SU-022). (Sully District)

SE 2019-SU-022 BLUE KNOB INVESTORS, LLC – Appl. under Sect. 4-804, 5-504, 9-518, of the Zoning Ordinance to permit a Vehicle Sales, Rental, and Ancillary Service Establishment and Vehicle Light Service Establishment. Located on the S. side of Lee Jackson Memorial Hwy. approx. 1,200 ft. W. of its intersection with Stonecroft Blvd. on approx. 12.06 ac. of land zoned C-8, I-5, WS, AN and HC. Tax Map 33-2 ((1)) 6 (pt.). (Concurrent with RZ 2019-SU-021) (Sully District)

During Commission Matters

(Decision Only) (Public Hearing on this application was held on June 17, 2020)

Commissioner Spain: Oh, thank you. I am reviewing the application for Blue Knob Investors, RZ 2019-SU-021 and Special Exception 2019-SU-022. The applicant is seeking approval to develop a vehicle sales establishment zoned to the C-8 District and a vehicle storage and service establishment zoned to the I-5 District. I agree with the recommendations in the staff report and believe the proffers that are proposed will address the issues that have been brought up. I am comfortable with the outcome of the application. The applicant has done a traffic study that shows the proposal will work. With regards to the environment, the application includes a large buffer along Route 50 and the applicant has included proffers to reduce the impact on the resource protection area. Of the 79-acre property, Blue Knob is seeking to develop only 12-acres. They will have their own stormwater management facilities to comply with county regulations and will be seeking a green building certification. The Planning Commissioners have received a copy of the updated proffers dated June 19th, 2020, which have clarified the following specifics. First one, general Proffers 4 and 5 have been revised to limit vehicle service and repairs to interior service bays of the building and the outdoor vehicle service repairs will -- and outdoor vehicle service and repairs will not be permitted. Okay. And then environment Proffer 2, has been revised to state the plan will include on-site strategies for all water quantity and quality measures to be provided with the overall 79-acre parcel. Number 33-2016; the final sentence relating to stormwater detention, possibly being provided in an off-site facility, has been stricken from the proffer. In conclusion, I would like to move on to my motion. Good? Okay, I would like to - I would like to ask -- oh, the applicant is not here.

David S. Houston, Applicant's Agent, Bean, Kinney and Korman, P.C.: David Houston is here from Bean, Kinney and Korman., on behalf of the applicant.

Commissioner Spain: Awesome. I would like the applicant to confirm the agreement to the proposed development conditions dated June 15th, 2020.

Mr. Huouston: Yes, the applicant accepts the conditions dated June 15th. Yes, ma'am.

Commissioner Spain: Thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVES RZ 2019-SU-021 SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED JUNE 19TH, 2020.

Commissioner Cortina: Second.

Chairman Murphy: Seconded by?

Commissioner Cortina: Mrs. Cortina – Commissioner Cortina.

Chairman Murphy: Commissioner Cortina. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2019-SU-021, say aye.

Commissioners: Aye.

Chairman Murphy: Motion carriers. Thank you very much. Commissioner Spain?

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Hello?

Commissioner Sargeant: Mr. Chairman, Commissioner Sargeant. There's an SE associated with that.

Chairman Murphy: Right, I got it. I just called. Go ahead.

Commissioner Spain: Okay. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVES SE 2019-SU-0-2020 [sic], SUBJECT TO DEVELOPMENT CONDITIONS DATED JUNE 15TH, 2020.

Commissioner Cortina: Second.

Chairman Murphy: Seconded by Ms. Cortina. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2019-SU-022, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carriers.

Commissioner Spain: I have one more. I MOVE THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE LIST OF WAIVERS/MODIFICATIONS RECOMMENDED BY THE STAFF FOR RZ 2019-SU-021 AND SE 2019-SU-022 DATED JULY 8TH, 2020 AND DISTRIBUTED TO YOU EARLIER THIS WEEK.

Commissioner Cortina: Second.

Chairman Murphy: Seconded by Commissioner – Cortina. Is there a discussion of that motion? All those in favor of the motion as articulated by Commissioner Spain, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carriers.

The motion carried by a vote of 12-0.

SS



County of Fairfax, Virginia

MEMORANDUM

DATE: June 30, 2020

TO: Members of the Planning Commission

FROM: Emma Estes, DPD, Zoning Evaluation Division

SUBJECT: **RZ 2019-SU-021 and SE 2019-SU-022
(Blue Knob Investors, LLC.)**

LOCATION: Tax Map Identifier 33-2 ((1)) 6 (part)

The applicant has revised their proffers as discussed during the June 17 Planning Commission hearing. Changes are redlined in the attached copies and are summarized as follows:

- General Proffers 4 and 5 (Pg. 2): Revised to limit vehicle service and repairs to interior service bays of buildings; outdoor vehicle service and repairs will not be permitted.
- Environment Proffer 2 (Pg. 7): Revised for all water quantity and quality measures to be provided within the overall 79-acre Parcel #33-2 ((01)) 6.

The date was updated to June 19, 2020. No other changes were made.

ATTACHMENTS:

1. Revised Proffers dated June 19, 2020

PROFFERS

Blue Knob Investors, LLC

RZ 2019-SU-021

March 3, 2020

Revised June ~~15~~19, 2020

Pursuant to Section 15.2-2303(a) of the Code of Virginia (1950, as amended) and Section 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended) (“Zoning Ordinance”), the title owner and the applicant for themselves and their successors and/or assigns (hereinafter collectively referred to as “Applicant”) hereby proffer that development of the parcel under consideration and shown on the Fairfax County Tax Map as Tax Map 33-2_((01))_0006 (part) (the “Property”) will be in accordance with the following proffered conditions (“Proffers”), if, and only if, rezoning application RZ 2019-SU-021 (“Application”) is granted by the Board of Supervisors (“Board”). If this Application is denied, these Proffers will be immediately null and void and of no further force or effect on the Property.

GENERAL

1. Generalized Development Plan. Development of the Property will be in substantial conformance with the combined Generalized Development Plan and Special Exception Plat (collectively, “GDP”), prepared by Urban, Ltd., entitled “Generalized Development Plan/Special Exception Plan,” consisting of 18 sheets, dated May 20, 2020. Notwithstanding, the GDP depicts buildable areas and possible future parking garage structures, rather than specific buildings footprints and dimensions. The proposed buildings and garage structures may be developed anywhere inside the buildable areas, provided they do not impede the internal circulation patterns described in General Proffer 1(D) below (depending on which option is developed) and provided the buildings and garages are in substantial conformance with the following design parameters:

A. Density. The Property will have an overall FAR limit of 0.12 FAR or approximately 60,000 square feet of gross floor area.

B. Building Height. Building heights for the buildings and garage structures will not exceed four (4) stories or a maximum of 40 feet in the C-8 zoning district and will not exceed four (4) stories or a maximum of 60 feet in the I-5 zoning district, unless an increase is permitted by the Board pursuant to Section 9-607 of the Zoning Ordinance.

C. Open Space. A minimum of 15% of the Property will be retained as open space. Open space areas may include stormwater management facilities, any wetland or Resource Protection Areas, as well as any other buffers or landscaped areas within the Property.

D. Circulation. Vehicular access and circulation on the Property will be provided in one of two ways generally as depicted on Sheet 10 of the GDP. Circulation Plan “Option A” will be used if the Applicant is able to secure a secondary interparcel access point to the Chantilly Auto Park (“Auto Park”) property on the eastern boundary of the Property, as described in Transportation Proffer No. 3 below. Circulation Plan “Option B” will be used if the Applicant is unable to secure such secondary access.

2. Minor Modifications. Subject to the provisions of Section 18-204 of the Zoning Ordinance, minor modifications to the Proffers and the GDP may be allowed when the Zoning Administrator determines that they substantially conform to the proffered conditions and do not materially alter the character of the approved development. The Applicant will have the flexibility to modify the layouts depicted on the GDP without requiring approval of an amended GDP provided such changes are in substantial conformance with the GDP as determined by the Zoning Administrator.

3. Density Credit. Advance density credit is and will be reserved as may be permitted by the provisions of the Zoning Ordinance for all eligible dedications described herein or as may be required by Fairfax County Department of Transportation (“FCDOT”) or the Virginia Department of Transportation (“VDOT”) pursuant to the Public Facilities Manual (“PFM”), at or prior to the time of subdivision and/or site plan approval.

4. Use Requirements in the C-8 District. The C-8 zoning district portion of the Property may be developed with a vehicle sale, rental, and ancillary service establishment (“Automobile Dealership”) consisting of up to a maximum of approximately 40,000 square feet of gross floor area, in addition to accessory parking and loading areas. Ancillary uses to the primary uses may include, but not be limited to, the following: vehicle rental establishments; vehicle light service establishments; new vehicle storage; retail sales; vehicle body work; car wash and fueling station for use by the Automobile Dealership; other typical ancillary uses and services associated with the primary use. The outdoor storage of non-operational vehicles will be prohibited. Vehicle service and repairs will only be performed within the interior service bays of the proposed building. Outdoor vehicle service and repairs will not be permitted.

5. Use Requirements in the I-5 District. The I-5 zoning district portion of the Property may be developed with the following primary uses: new vehicle storage, storage yard (limited to the storage of used vehicles in operating condition only), vehicle major service establishment and vehicle light service establishment uses, collectively consisting of up to a maximum of approximately 20,000 square feet of gross floor area, in addition to accessory parking and loading areas. Ancillary uses to the primary uses may include, but not be limited to, the following: vehicle rental establishments; vehicle body work; car wash and fueling station, other typical ancillary uses and services associated with the primary uses. The outdoor storage of non-operational vehicles will be prohibited. Vehicle service and repairs will only be performed within the interior service bays of the proposed building. Outdoor vehicle service and repairs will not be permitted.

ARCHITECTURE

1. Architecture. The architectural design of the buildings will be consistent in design, character and quality of the buildings located in the Dulles Auto Park located immediately east of the Property. Building material will be selected from the following: brick, siding, exterior insulation and finish systems, Hardie-plank cement panels, masonry/stone, aluminum composite/metal panels, glass, steel, split-face block and pre-cast panels, provided that final architectural detail and accents may include other materials. The design of the proposed parking garage structures will integrate with the other buildings and will include architectural reveal treatments.

2. Signage. All signage on the Property will conform to Article 12 of the Zoning Ordinance. The proposed freestanding signs will be consistent with the sign details shown on the GDP, provided, however, the Applicant reserves the right to seek additional signs or other signage relief pursuant to Article 12 or through a separate request to the Board of Supervisors or the Board of Zoning Appeals without the necessity of a PCA. In addition, pursuant to Section 2-505 of the Zoning Ordinance, all freestanding signs will be located so as not to restrict sight distance for drivers entering or exiting travel intersections, aisles or driveways.

3. Dumpsters. All dumpsters and compactors will be fully screened from view from Route 50 using solid, opaque enclosures or building location.

TRANSPORTATION

1. Loading and Unloading of Vehicles. No loading or unloading of vehicles will be permitted within the right-of-way along Route 50. As noted on the GDP, all vehicles will be loaded and unloaded on-site only.

2. Bicycle Parking. The Applicant will provide bicycle racks either located inside of buildings or in common areas of the Property, the number and location of which will be determined at the time of site plan, consistent with the “Fairfax County Policy and Guidelines for Bicycle Parking” and approval of the Fairfax County Department of Transportation (“FCDOT”). Bicycle racks will be inverted U-style or other design as approved by FCDOT.

3. Interparcel Vehicular Connection and Easement. The Applicant will record an easement on the Property for the purpose of vehicular interparcel access between the Property and the Auto Park. The proposed location of the interparcel access easement is shown on Sheet 7 of the GDP, but the final location will be determined at the time of the first site plan approval for the Property. The form of the easement will be acceptable to the Office of the County Attorney, and will be recorded among the land records of Fairfax County. The Applicant will coordinate with the Auto Park to provide an interparcel access on the Property to connect directly with any interparcel access provided by the Auto Park. At the time of the first site plan submission, the Applicant will demonstrate in writing

attempts to obtain the Auto Park's approval for the coordinated interparcel connection. Initially, the Applicant will make a written request to the Auto Park to approve the connection. The Auto Park will then have 60 days to respond to the Applicant's written request. If the Auto Park agrees to the location of the coordinated interparcel connection within 60 days of the written request by the Applicant, or at any time prior to the site plan approval, then the Applicant will construct the interparcel access improvements prior to issuance of the final Non-RUP for the Property. If the location of the interparcel access with the Auto Park is shifted north to the alternate location shown on the GDP, the Applicant's construction obligation will also include a pedestrian connection to the Auto Park. In the event the Auto Park does not respond to the request within the 60-day period, or at any time prior to the site plan approval, then at the time of site plan approval, a future construction agreement and escrow will be provided by the Applicant for the cost of constructing the potential interparcel connection on the Property in the future. If the Auto Park has not agreed to the interparcel connection within three years after issuance of the final Non-RUP for the Property, the Applicant may request the termination of the construction agreement and a return of the escrow.

ENVIRONMENT

1. Green Building. The Applicant will select one of the following programs to be implemented and will inform EDRB of the Department of Planning and Zoning of DPZ which program the Applicant has chosen as part of the building plan submission for each of the proposed buildings:

A. LEED New Construction. If the Applicant selects the Leadership in Energy and Environmental Design-New Construction ("LEED-NC") rating system, then the Applicant will pursue certification for each proposed building under the most recent version of the LEED for Building Design and Construction, New Construction Rating System ("LEED BD+C-NC") rating system, other LEED rating system for which the project meets the eligibility requirements, or another equivalent rating system, with approval by EDRB.

(1) Project Checklist. The Applicant will include, as part of the building plan submission for each building, a list of specific credits within the applicable LEED BD+C rating system that the Applicant anticipates attaining for the building. A LEED AP who is also a professional engineer or licensed architect will provide project scorecard updates at the time of building plan review for the building confirming that the items on the list will meet at least the minimum number of credits necessary to attain LEED Certification for the building.

(2) County Team Member. In addition, the Applicant will designate the Chief of EDRB as a team member in the USGBC's LEED Online system. This team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team, but will not be assigned responsibility for

any LEED credits and will not be provided with the authority to modify any documentation or paperwork.

(3) Green Building Escrow. The Applicant will, prior to building plan approval for each building, post a "Green Building Escrow" in the form of cash or a letter of credit from a financial institution authorized to do business in the Commonwealth of Virginia in the amount of \$2.00 per gross square foot of the particular building. The Green Building Escrow will be in addition to, and separate from, other bond requirements and will be released upon demonstration of attainment of LEED Certification, or higher level of certification, by the USGBC, under the applicable version of the LEED BD+C rating system. The provision to the EDRB of documentation from the USGBC that the building has attained LEED Certification will be sufficient to satisfy this commitment.

(4) Waiver of Green Building Escrow. If the Applicant, prior to building plan approval for a proposed building, and prior to the posting of the Green Building Escrow pursuant to Environment Proffer 1(A)(3) above, submits documentation to the EDRB from the USGBC's design final review portion of the split review process, demonstrating that the particular building is anticipated to attain a sufficient number of design-related credits that, along with anticipated construction-related credits, will be sufficient to attain LEED Silver, the requirement for posting the Green Building Escrow will be waived for such building. In the event the Applicant is unable to provide said documentation, or in the event the design final review portion of the split review process is incomplete at the time of building plan approval, then the Applicant will be required to post the Green Building Escrow.

(5) Release of Green Building Escrow. The Green Building Escrow will be released in accordance with the following:

a. If the Applicant is able, subsequent to building plan approval, to provide the USGBC's documentation of the design final review portion of the split review process as described above demonstrating that the building is anticipated to attain LEED Silver, the County will release the entirety of the Green Building Escrow to the Applicant. Prior to release of the bond for the project, the Applicant will provide documentation to the EDRB demonstrating the status of attainment of LEED Silver from the USGBC for the building.

b. If, prior to bond extension, reduction or final bond release for the Property, whichever occurs first, the Applicant provides to the EDRB documentation demonstrating that LEED Certification for the building has been attained, the entirety of the Green Building Escrow will be released to the Applicant. If the certification is still in progress at the time of application for the bond extension or reduction, the time frame for the provision of the documentation described above will be automatically extended to the time of the next bond extension or reduction. However, the

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documentation must be provided prior to the final bond release for the Property.

c. If prior to bond extension, reduction, or final bond release for the Property, whichever occurs first, the Applicant provides to the EDRB, documentation demonstrating that LEED Certification for the proposed building has not been attained but that the building has been determined by the USGBC to fall within three points or less of the attainment of LEED Certification, fifty percent (50%) of the Green Building Escrow will be released to the Applicant; the other fifty percent (50%) will be released to Fairfax County and will be posted to a fund within the County budget supporting the implementation of County environmental initiatives. If the certification is still in progress at the time of application for the bond extension or reduction, the time frame for the provision of the documentation described above will be automatically extended to the time of the next bond extension or reduction. However, the documentation must be provided prior to the final bond release for the Property.

d. If prior to bond extension, reduction, or final bond release for the Property, whichever occurs first, the Applicant fails to provide to the EDRB documentation demonstrating the attainment of LEED Certification or demonstrating that the particular building has fallen short of LEED Certification by more than three points, the entirety of the Green Building Escrow will be released to Fairfax County and will be posted to a fund within the County budget supporting the implementation of County environmental initiatives. If the certification is still in progress at the time of application for the bond extension or reduction, the time frame for the provision of the documentation described above will be automatically extended to the time of the next bond extension or reduction. However, the documentation must be provided prior to the final bond release for the Property.

(6) Extension of Time. If the Applicant provides documentation from the USGBC demonstrating, to the satisfaction of EDRB, that USGBC's completion of the review of the LEED Certification application for the particular building has been delayed through no fault of the Applicant, the Applicant's contractors or subcontractors, the time frame may be extended as determined appropriate by the Zoning Administrator, and no release of escrowed funds will be made to the Applicant or to the County during the extension.

B. EarthCraft Light Commercial. If the Applicant selects EarthCraft, then the Applicant will, prior to issuance of the building permit for a proposed building, provide documentation from the assigned EarthCraft Light Commercial ("ECLC") project manager demonstrating that the particular building has had both the ECLC Design and Planning Review and the ECLC Pre-Construction Meeting, and is meeting all requirements to obtain ECLC certification. Prior to issuance of the Non- RUP for the particular building, the Applicant will provide documentation from the assigned ECLC Project Manager demonstrating that the project has met all requirements pertaining to the ECLC Final Site Visit and has applied for the ECLC certification.

C. Alternative Program. Where the Applicant has provided evidence sufficient for EDRB to find that an alternative green building program that is administered by an independent third party or a proprietary program that has demonstrated equivalence to LEED or another independent third party rating system, other than the foregoing programs, will ensure that equivalent environmental and energy efficiency will be achieved in the project, the Zoning Administrator may approve the use of such alternative program, subject to such conditions as may be reasonably necessary to ensure that the alternative program will achieve the goals of this Proffer.

2. Stormwater Management Facilities and Best Management Practices. The Applicant will implement stormwater management techniques to control the quantity and quality of stormwater run-off from the Property in accordance with the Fairfax County Public Facilities Manual (“PFM”) as reviewed and approved by Department of Land Development Services (“LDS”). Stormwater management facilities/Best Management Practices (“BMPs”) for the Property will be provided as generally depicted on the GDP. The specific stormwater management facilities will be identified at the time of the first site plan approval for the Property and approved by LDS. As part of such site plan approval for the Property, the Applicant will demonstrate compliance with the applicable PFM requirements for stormwater quantity and stormwater quality in effect at that time. The site plan will include ~~either on-site or offsite~~ strategies for addressing both water quantity and water quality management issues; within the 79.03 acre site (Tax Map 33-2 ((01)) 0006), including detailed mitigation measures to be implemented as part of construction. ~~Stormwater detention may be provided in an offsite facility if appropriate storage exists or in on-site facilities.~~

A. LID Practices: The Applicant reserves the right to include Low Impact Development (“LID”) technology practices or alternatives to those in the GDP, as approved by LDS, to conform to County and State requirements. LID practices may include, but are not limited to, bioretention or biofiltration facilities (commonly referred to as rain gardens), vegetated swales, porous pavement, vegetated roofs, tree box filters, and the collection, reuse of stormwater runoff through the use of cisterns, both above ground and below ground. Nonstructural approaches incorporated within site designs/layouts may also be appropriate, including the preservation and/or creation of forested areas with no soil compaction, and landscaping that provides for the infiltration of rainwater.

B. Floodplain Protection: All the proposed public underground utilities will be protected from flooding in accordance with the PFM. The sanitary sewer manholes will be watertight. Back flow preventors will be installed, if required at time of site plan, to prevent buildings flooding from backwater effect in accordance with the PFM. The lowest floor elevation for all the proposed buildings will either be elevated at or above the 100-years Base Flood Elevations (“BFE’s”) or the building will be floodproofed. An elevation certificate and/or floodproofing certificate will be approved prior to the final approval of the construction plans if required.

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C. Forested Open Space for Water Quality Control Credit: The use of floodplain and/or RPA areas as open space for water quality control credit will be subject to the placement of the credited areas in restrictive easements to be recorded prior to the final approval of the site plan. The easement may be adjusted after recordation as long as water quality requirements for the property are demonstrated to be met. Notwithstanding, such easement(s) will not preclude the construction of trails within the easement area.

D. Proposed Outfall Channel Improvements: The proposed outfall channel will be engineered, designed, constructed and maintained as a natural grass swale in accordance with PFM standards, unless otherwise approved by the Site Development and Inspections Division (“SDID”) of LDS at the time of site plan review. The limits of disturbance will be located to accommodate the outfall’s tie-in with Cub Run in order to provide adequate armoring and direction of flow, subject to SDID review and approval at the time of site plan review.

3. Limits of Clearing and Grading. The Applicant will conform to the limits of clearing and grading as shown on the GDP, subject to allowances specified in these Proffers and for the installation of utilities, utility outfalls and/or trails as determined necessary by the Director of LDS, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the GDP, they will be located in the least disruptive manner necessary as determined by the Applicant, UFMD, and the Fairfax County Park Authority (“Park Authority”) (for any changes to the limits that are located on Park Authority property). The Applicant will develop and implement a replanting plan, subject to approval by UFMD, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities. Alteration of the limits of clearing and grading due to the circumstances described above will not require the approval of a GDPA or PCA.

4. Protection of RPA. Prior to any land disturbing activities in or near the RPA, the Applicant must install orange blaze fencing or alternative approved by UFMD to delineate clearly the edge of the RPA. The Applicant must revegetate the areas disturbed within the RPA with native vegetation, subject to LDS approval, and subject to Park Authority approval for any disturbances or changes on Park Authority property.

5. Electrical Vehicle Charging Infrastructure. Prior to site plan approval for each building on the Property, the Applicant must designate on the site plan at least one electric vehicle charging station for each building providing at least two parking spaces, which may result in fewer parking spaces than that depicted on the GDP, but may not reduce parking below the minimum requirement of the Zoning Ordinance. The charging station(s) may not interfere with any vehicular or pedestrian circulation or block fire lanes or access into the Property. Signs promoting or advertising the electric charging station will not be permitted on the charging station(s) or on the Property. The associated infrastructure for each charging station (i.e., underground conduit for the future power source) must be installed prior to the issuance of a non-RUP for the applicable building.

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6. Landscaping. The Applicant will implement the landscape plan (“Landscape Plan”) for the Property shown on Sheet 8 of the GDP, which illustrates the plantings, open space, tree buffers and other features to be provided on the Property. Further, the proposed buffer and berm area along the Route 50 frontage is depicted on Sheet 8A of the GDP. The Landscape Plan is conceptual in nature and the tree species and planting locations may be modified by the Applicant as part of final engineering and design for the Property, provided such modifications: (a) provide a similar quality and quantity of landscaping to that shown on the Landscape Plan and (b) otherwise are in substantial conformance with the GDP. All landscaping within a particular zoning district will be installed prior to the issuance of the first Non-Residential Use Permit (“Non-RUP”) and will be maintained permanently, including the replacement of plant material if it dies or is damaged.

A. Native Species. The Applicant will use principally native species or hardy drought tolerant, regionally-appropriate, adaptive plants throughout the Property, provided that the Applicant reserves the right, in consultation with and approval by the UFMD, to modify as part of site plan approval the exact species to be used, such as where some plant materials are not available or have been deemed by UFMD to no longer be appropriate. Further, to the extent the limits of disturbance and replantings are proposed to extend unto Park Authority property, the Applicant will further seek the review and approval from the Park Authority staff.

B. Invasive Species. Invasive species, as defined by the Department of Conservation and Recreation’s Virginia Invasive Plant Specifies List, will not be used within the streetscape and landscaped open space areas on the Property.

C. Planting Quality. All plantings will be consistent with the quality and quantity of plantings and materials shown on the Landscape Plan, as may be modified by the Applicant, and may include the use of additional shade trees and other plant materials as determined by the Applicant. As part of final engineering and site design, the Applicant may adjust the type and location of vegetation and the design of the open spaces and plantings, including adjusting the tree species to accommodate final architectural designs, sight distance concerns, and utilities, as well as to facilitate outdoor elements in the proposed development, as may be approved by the Zoning Administrator and UFMD, provided such adjustments otherwise are in substantial conformance with the GDP.

7. Tree Inventory and Condition Analysis: The Applicant will submit a Tree Inventory and Condition Analysis as part of the first and all subsequent plan submissions. The Tree Inventory and Condition Analysis will be prepared by a Certified Arborist or Registered Consulting Arborist and will include elements of PFM 12-0307 deemed appropriate to the project site as determined by the Urban Forest Management Division (“UFMD”).

8. Tree Preservation Plan. The Applicant will submit a Tree Preservation Plan and Narrative as part of the first and all subsequent plan submissions. The Tree Preservation Plan and Narrative will be prepared by a Certified Arborist or Registered Consulting

Arborist and will include elements of PFM 12-0309 deemed appropriate to the project site as determined by UFMD.

9. Landscape Planting Pre-Installation Meeting. Prior to installation of any plants to meet the requirements of the approved landscape planting plan, the contractor/developer will coordinate a pre-installation meeting on the site with the landscape contractor, UFMD staff, and any additional appropriate parties including Park Authority staff if the plantings will be on Park Authority property. Any proposed changes to planting locations, tree/shrub planting sizes, and species substitutions shown on the approved plan will be reviewed and must be approved by UFMD staff prior to planting, and also reviewed and approved by Park Authority staff prior to planting if located on Park Authority property. The installation of plants not approved by UFMD may require the submission of a revision to the landscape plan or removal and replacement with approved trees/shrubs prior to bond release.

10. Tree Preservation Measures. Tree preservation measures will be clearly identified, labeled, and detailed on the Erosion and Sediment Control Plan sheets and Tree Preservation Plan. Tree preservation measures may include, but are not limited to the following: root pruning, crown pruning, mulching, watering, etc. Specifications will be provided on the plan detailing how preservation measures will be implemented. Tree preservation activities will be completed during implementation of Phase 1 of the Erosion and Sediment Control Plan.

11. Site Monitoring. The Applicant's Project Arborist will be present on-site during implementation of the Phase 1 Erosion and Sediment Control Plan and monitor any construction activities conducted within or adjacent to areas of trees to be preserved. Construction activities include, but may not be limited to, clearing, root pruning, tree protection fence installation, vegetation/tree removal, and demolition activities. During implementation of Phase 2 Erosion and Sediment Control Plan, the Project Arborist will visit the site on a regular basis to continue monitoring tree preservation measures and ensure that all activities are conducted as identified in the Tree Preservation Plan and approved by UFMD. Written reports will be submitted to UFMD and SDID site inspector detailing site visits. A monitoring schedule and Project Arborist reports will be described and detailed in the Tree Preservation Plan.

12. Project Arborist/Pre-Construction Meeting. Prior to the pre-construction meeting, the Applicant will have the approved limits of clearing and grading flagged with a continuous line of flagging. The Applicant will retain the services of a Certified Arborist or Registered Consulting Arborist (Project Arborist) to attend the pre-construction meeting to review the limits of clearing and grading with an UFMD representative to determine where adjustments to the clearing limits can be made to increase the area of the tree preservation and/or to increase the survivability of trees at the limits of clearing and grading. If adjustments are necessary and extend on Park Authority property, the Applicant will also include a Park Authority representative in the meeting. Such adjustments will be recorded by the Project Arborist and tree protection fencing will be implemented under the Project Arborist's supervision based on these adjustments.

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13. Invasive Plant Species Management. Forested areas of the Property containing plant species that are known to be invasive in quantities that threaten the long-term health and survival of the existing vegetation present will be the subject of an invasive plant species management plan in order for the area to be awarded full 10-year canopy credit. At the time of site plan submission, the Applicant will provide a management plan for review and approval by UFMD specifying the common and scientific name of invasive species proposed for management, the target area for management efforts, methods of control and disposal of invasive plants, timing of treatments and Monitoring, duration of the management program, and potential reforestation as needed.

14. Soil Remediation. Soil in planting areas that contain construction debris and rubble, are compacted or are unsuitable for the establishment and long-term survival of landscape plants, will be the subject of remedial action to restore planting areas to satisfy cultural requirements of trees, shrubs and groundcovers specified in the landscape planting plan. The Applicant will provide notes and details specifying how the soil will be restored for the establishment and long-term survival of landscape plants for review and approval by UFMD.

15. Outdoor Lighting. All parking lot or exterior lighting located on the Property will be directed inward and/or downward and designed with shielded fixtures in order to minimize glare onto adjacent properties and in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. The maximum Correlated Color Temperature (CCT) of all lighting fixtures will comply with the requirements of Article 14 of the Zoning Ordinance. The outdoor display areas for vehicles will not exceed a maximum average maintained lighting level of thirty (30) foot-candles, as measured horizontally at grade.

16. Sewer. The engineering, design, construction and maintenance of the proposed sanitary sewer from the Property to the existing public sanitary sewer facility in the Cub Run Stream Valley Park will comply with the PFM, or as otherwise approved by the Director of LDS. The final location of the sanitary sewer easement may be revised during site plan review, as there may be stormwater features that may conflict with the proposed trail easement as shown on the GDP and described in Park Authority Proffer No. 2 below.

17. Tree Space Requirements. Tree planting spaces proposed in the streetscape and other areas restricted by barriers to root growth shall provide a planter open surface area at least 6 x 6 feet. Where minimum planting areas cannot be met and planting spaces at least 8 feet wide cannot be provided, rooting zone width a minimum of 8 feet shall be provided beneath paved surfaces using structural cell technology or other solutions acceptable to UFMD that provide uncompacted soil within the planting space, with planting sites meeting the following specifications:

A. A minimum of 6 feet open surface width and 36 square feet open surface area with the proposed tree to be centered in the opening.

B. Rooting area beneath paved surfaces a minimum of 8 feet wide, taking into consideration sloped sides as may be needed to support adjacent compacted soils for roadways and pedestrian walkways. Planting space depth shall be 4 feet within four feet of the tree on all sides. Soil depth in areas beyond four feet may be shallower or narrower as long as specified minimum soil volumes are met. Paved surfaces over the specified rooting area shall not be dependent upon compacted soil for structural support.

C. Soil volume for Category III or IV trees (as indicated in Table 12.17 of the Public Facilities Manual) shall be a minimum of 700 cubic feet per tree for single trees. For two trees planted in a contiguous planting area, a total soil volume of at least 1200 cubic feet shall be provided. For three trees or more planted in a contiguous area, the soil volume shall equal at least 500 cubic feet per tree. A contiguous area shall be defined as any area with a soil depth of 3-4 feet, within which lateral root growth is unrestricted.

D. Soil in planting sites shall be as specified in planting notes to be included in site plans reviewed and approved by UFMD.

E. The Applicant shall contact UFMD at least three business days prior to installation of trees and provide an opportunity for UFMD staff to verify conformance with these requirements.

PARK AUTHORITY

1. Park Contribution. Prior to the issuance of the first Non-RUP for a building on the Property, the Applicant will contribute \$16,200.00 to the Fairfax County Park Authority, in consultation with the Board of Supervisors, to be used for recreational facility development at one or more park sites located within the service area of the Property, as determined by the Sully District Supervisor in consultation with the Park Authority. The monetary contribution described above will escalate from the date of the approval of this Application to the date of payment in accordance with Miscellaneous Proffer 5 below. The Applicant acknowledges that all fees and mitigation measures associated with easements and utilities are separate from this park contribution.

2. Trail Easement. Prior to site plan approval for the first building constructed on the Property, the Applicant will grant a 10-foot wide public access easement, along with the necessary temporary construction and access easements at variable widths, to the Board of Supervisors for the portion of the Comprehensive Plan Stream Valley Trail along the eastern bank of Cub Run. The proposed trail is shown on Sheets 7 and 7A of the GDP, but will be located on the portion of Tax Map 33-2 ((01) 0006 that is not part of the Application. Prior to submission of the first site plan for the Property, the Applicant will coordinate with the Park Authority's Trail Planner to field locate the trail easement shown on the GDP. The final location of the easement may be revised during site plan review, as there may be stormwater features that may conflict with the proposed easement as shown on the GDP. The Applicant will have no obligation to fund or construct the trail.

3. Park Authority Review. The Applicant acknowledges that access to the sanitary sewer manhole and the proposed sanitary sewer connection on Park Authority property are subject to Park Authority review and approval.

4. Coordination Meeting. Prior to the submission of the first site plan for the Property, the Applicant will request a meeting with Park Authority staff and SDID staff. The purpose of the meeting will be to coordinate the engineering, location, grading, maintenance, and easements associated with any encroachments on Park Authority property for the proposed sanitary sewer and outfall connections; to coordinate the planned trail easement described in Park Authority Proffer No. 2 above on the portion of Tax Map 33-2 ((01)) 0006 that is not part of the Property; and for the Applicant to work with the Park Authority in order to minimize any potential negative impacts on the abutting Park Authority land at Cub Run.

MISCELLANEOUS

1. Future Applications. Any portion of the Property may be the subject of a rezoning, special exception, special permit, variance, or other zoning action without the joinder and/or consent of the Applicant of the other land area(s), provided that such application complies with Section 18-204(6) of the Zoning Ordinance and Section 15.2-2302 of the *Code of Virginia*, as applicable. Previously approved proffered conditions or development conditions applicable to a particular portion of the Property that are not the subject of such an application will remain in full force and effect.

2. Timing. Notwithstanding the foregoing, upon demonstration that, despite diligent efforts or due to factors beyond the Applicant's control, proffered commitments have been delayed beyond the timeframes specified herein, the Zoning Administrator may agree to a later date for completion of such commitments.

3. Successors and Assigns. These Proffers will bind and inure to the benefit of the Applicant and its successors and assigns. Each reference to "Applicant" in this proffer statement will include within its meaning and will be binding upon Applicant's successor(s) in interest and/or developer(s) of the Property or any portion of the Property.

4. Counterparts. These Proffers may be executed in one or more counterparts, each of which when so executed and delivered will be deemed an original, and all of which taken together will constitute but one and the same instrument.

5. Annual Escalation Clause. All monetary contributions required by these proffers will adjust on a yearly basis from the base month and year of January 2020 and change effective each January 1st thereafter, as permitted by Virginia Code Ann. Section 15.2-2303.3.

[SIGNATURES ON THE FOLLOWING PAGE]

TITLE OWNER of TM 33-2 ((01) 0006 (part)

THE EVERETT G. GERMAIN, JR.
IRREVOCABLE TRUST

By: _____

Name: Gregory William Germain

Title: Trustee

APPLICANT/CONTRACT PURCHASER

BLUE KNOB INVESTORS, LLC

By: _____

Name: Victor Kazanjian

Title: Managing Member

[SIGNATURES END]



County of Fairfax, Virginia

MEMORANDUM

DATE: June 15, 2020

TO: Members of the Planning Commission

FROM: Emma Estes, DPD, Zoning Evaluation Division

SUBJECT: **RZ 2019-SU-021 and SE 2019-SU-022
(Blue Knob Investors, LLC.)**

LOCATION: Tax Map Identifier 33-2 ((1)) 6 (part)

Revisions have been made to proffers and development conditions. Changes are redlined in the attached copies.

Proffers

- The applicant has revised Transportation Proffer #3 to agree that, should the alternate location shown for interparcel access be implemented, the applicant will provide a pedestrian connection from the interparcel access to the C-8 section.
- The applicant has made proffer revisions to address recommendations from the Park Authority, which include changes to the content of Park Authority Proffers #1-4 and various other minor editorial revisions elsewhere in the proffers as marked.
- Environment Proffer #17 was added to address tree spacing requirements.

Development Conditions

- Changes were made to Development Condition #8 in order clarify the additional landscaping required along the eastern boundary of the site.

ATTACHMENTS:

1. Revised Proffers dated June 15, 2020
2. Revised Development Conditions dated June 15, 2020

PROFFERS

Blue Knob Investors, LLC

RZ 2019-SU-021

March 3, 2020

Revised June ~~15~~, 2020

Pursuant to Section 15.2-2303(a) of the Code of Virginia (1950, as amended) and Section 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended) (“Zoning Ordinance”), the title owner and the applicant for themselves and their successors and/or assigns (hereinafter collectively referred to as “Applicant”) hereby proffer that development of the parcel under consideration and shown on the Fairfax County Tax Map as Tax Map 33-2((01))0006 (part) (the “Property”) will be in accordance with the following proffered conditions (“Proffers”), if, and only if, rezoning application RZ 2019-SU-021 (“Application”) is granted by the Board of Supervisors (“Board”). If this Application is denied, these Proffers will be immediately null and void and of no further force or effect on the Property.

GENERAL

1. Generalized Development Plan. Development of the Property will be in substantial conformance with the combined Generalized Development Plan and Special Exception Plat (collectively, “GDP”), prepared by Urban, Ltd., entitled “Generalized Development Plan/Special Exception Plan,” consisting of 18 sheets, dated May 20, 2020. Notwithstanding, the GDP depicts buildable areas and possible future parking garage structures, rather than specific buildings footprints and dimensions. The proposed buildings and garage structures may be developed anywhere inside the buildable areas, provided they do not impede the internal circulation patterns described in General Proffer 1(D) below (depending on which option is developed) and provided the buildings and garages are in substantial conformance with the following design parameters:

A. Density. The Property will have an overall FAR limit of 0.12 FAR or approximately 60,000 square feet of gross floor area.

B. Building Height. Building heights for the buildings and garage structures will not exceed four (4) stories or a maximum of 40 feet in the C-8 zoning district and will not exceed four (4) stories or a maximum of 60 feet in the I-5 zoning district, unless an increase is permitted by the Board pursuant to Section 9-607 of the Zoning Ordinance.

C. Open Space. A minimum of 15% of the Property will be retained as open space. Open space areas may include stormwater management facilities, any wetland or Resource Protection Areas, as well as any other buffers or landscaped areas within the Property.

D. Circulation. Vehicular access and circulation on the Property will be provided in one of two ways generally as depicted on Sheet 10 of the GDP. Circulation Plan “Option A” will be used if the Applicant is able to secure a secondary interparcel access point to the Chantilly Auto Park (“Auto Park”) property on the eastern boundary of the Property, as described in Transportation Proffer No. 3 below. Circulation Plan “Option B” will be used if the Applicant is unable to secure such secondary access.

2. Minor Modifications. Subject to the provisions of Section 18-204 of the Zoning Ordinance, minor modifications to the Proffers and the GDP may be allowed when the Zoning Administrator determines that they substantially conform to the proffered conditions and do not materially alter the character of the approved development. The Applicant will have the flexibility to modify the layouts depicted on the GDP without requiring approval of an amended GDP provided such changes are in substantial conformance with the GDP as determined by the Zoning Administrator.

3. Density Credit. Advance density credit is and will be reserved as may be permitted by the provisions of the Zoning Ordinance for all eligible dedications described herein or as may be required by Fairfax County Department of Transportation (“FCDOT”) or the Virginia Department of Transportation (“VDOT”) pursuant to the Public Facilities Manual (“PFM”), at or prior to the time of subdivision and/or site plan approval.

4. Use Requirements in the C-8 District. The C-8 zoning district portion of the Property may be developed with a vehicle sale, rental, and ancillary service establishment (“Automobile Dealership”) consisting of up to a maximum of approximately 40,000 square feet of gross floor area, in addition to accessory parking and loading areas. Ancillary uses to the primary uses may include, but not be limited to, the following: vehicle rental establishments; vehicle light service establishments; new vehicle storage; retail sales; vehicle body work; car wash and fueling station for use by the Automobile Dealership; other typical ancillary uses and services associated with the primary use. The outdoor storage of non-operational vehicles will be prohibited.

5. Use Requirements in the I-5 District. The I-5 zoning district portion of the Property may be developed with the following primary uses: new vehicle storage, storage yard (limited to the storage of used vehicles in operating condition only), vehicle major service establishment and vehicle light service establishment uses, collectively consisting of up to a maximum of approximately 20,000 square feet of gross floor area, in addition to accessory parking and loading areas. Ancillary uses to the primary uses may include, but not be limited to, the following: vehicle rental establishments; vehicle body work; car wash and fueling station, other typical ancillary uses and services associated with the primary uses. The outdoor storage of non-operational vehicles will be prohibited.

ARCHITECTURE

1. Architecture. The architectural design of the buildings will be consistent in design, character and quality of the buildings located in the Dulles Auto Park located immediately east of the Property. Building material will be selected from the following: brick, siding,

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exterior insulation and finish systems, Hardie-plank cement panels, masonry/stone, aluminum composite/metal panels, glass, steel, split-face block and pre-cast panels, provided that final architectural detail and accents may include other materials. The design of the proposed parking garage structures will integrate with the other buildings and will include architectural reveal treatments.

2. Signage. All signage on the Property will conform to Article 12 of the Zoning Ordinance. The proposed freestanding signs will be consistent with the sign details shown on the GDP, provided, however, the Applicant reserves the right to seek additional signs or other signage relief pursuant to Article 12 or through a separate request to the Board of Supervisors or the Board of Zoning Appeals without the necessity of a PCA. In addition, pursuant to Section 2-505 of the Zoning Ordinance, all freestanding signs will be located so as not to restrict sight distance for drivers entering or exiting travel intersections, aisles or driveways.

3. Dumpsters. All dumpsters and compactors will be fully screened from view from Route 50 using solid, opaque enclosures or building location.

TRANSPORTATION

1. Loading and Unloading of Vehicles. No loading or unloading of vehicles will be permitted within the right-of-way along Route 50. As noted on the GDP, all vehicles will be loaded and unloaded on-site only.

2. Bicycle Parking. The Applicant will provide bicycle racks either located inside of buildings or in common areas of the Property, the number and location of which will be determined at the time of site plan, consistent with the “Fairfax County Policy and Guidelines for Bicycle Parking” and approval of the Fairfax County Department of Transportation (“FCDOT”). Bicycle racks will be inverted U-style or other design as approved by FCDOT.

3. Interparcel Vehicular Connection and Easement. The Applicant will record an easement on the Property for the purpose of vehicular interparcel access between the Property and the Auto Park. The proposed location of the interparcel access easement is shown on Sheet 7 of the GDP, but the final location will be determined at the time of the first site plan approval for the Property. The form of the easement will be acceptable to the Office of the County Attorney, and will be recorded among the land records of Fairfax County. The Applicant will coordinate with the Auto Park to provide an interparcel access on the Property to connect directly with any interparcel access provided by the Auto Park. At the time of the first site plan submission, the Applicant will demonstrate in writing attempts to obtain the Auto Park’s approval for the coordinated interparcel connection. Initially, the Applicant will make a written request to the Auto Park to approve the connection. The Auto Park will then have 60 days to respond to the Applicant's written request. If the Auto Park agrees to the location of the coordinated interparcel connection within 60 days of the written request by the Applicant, or at any time prior to the site plan approval, then the Applicant will construct the interparcel access improvements prior to

issuance of the final Non-RUP for the Property. If the location of the interparcel access with the Auto Park is shifted north to the alternate location shown on the GDP, the Applicant's construction obligation will also include a pedestrian connection to the Auto Park. In the event the Auto Park does not respond to the request within the 60-day period, or at any time prior to the site plan approval, then at the time of site plan approval, a future construction agreement and escrow will be provided by the Applicant for the cost of constructing the potential interparcel connection on the Property in the future. If the Auto Park has not agreed to the interparcel connection within three years after issuance of the final Non-RUP for the Property, the Applicant may request the termination of the construction agreement and a return of the escrow.

ENVIRONMENT

1. Green Building. The Applicant will select one of the following programs to be implemented and will inform EDRB of the Department of Planning and Zoning of DPZ which program the Applicant has chosen as part of the building plan submission for each of the proposed buildings:

A. LEED New Construction. If the Applicant selects the Leadership in Energy and Environmental Design-New Construction ("LEED-NC") rating system, then the Applicant will pursue certification for each proposed building under the most recent version of the LEED for Building Design and Construction, New Construction Rating System ("LEED BD+C-NC") rating system, other LEED rating system for which the project meets the eligibility requirements, or another equivalent rating system, with approval by EDRB.

(1) Project Checklist. The Applicant will include, as part of the building plan submission for each building, a list of specific credits within the applicable LEED BD+C rating system that the Applicant anticipates attaining for the building. A LEED AP who is also a professional engineer or licensed architect will provide project scorecard updates at the time of building plan review for the building confirming that the items on the list will meet at least the minimum number of credits necessary to attain LEED Certification for the building.

(2) County Team Member. In addition, the Applicant will designate the Chief of EDRB as a team member in the USGBC's LEED Online system. This team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team, but will not be assigned responsibility for any LEED credits and will not be provided with the authority to modify any documentation or paperwork.

(3) Green Building Escrow. The Applicant will, prior to building plan approval for each building, post a "Green Building Escrow" in the form of cash or a letter of credit from a financial institution authorized to do business in the Commonwealth of Virginia in the amount of \$2.00 per gross square foot of the

particular building. The Green Building Escrow will be in addition to, and separate from, other bond requirements and will be released upon demonstration of attainment of LEED Certification, or higher level of certification, by the USGBC, under the applicable version of the LEED BD+C rating system. The provision to the EDRB of documentation from the USGBC that the building has attained LEED Certification will be sufficient to satisfy this commitment.

(4) Waiver of Green Building Escrow. If the Applicant, prior to building plan approval for a proposed building, and prior to the posting of the Green Building Escrow pursuant to Environment Proffer 1(A)(3) above, submits documentation to the EDRB from the USGBC's design final review portion of the split review process, demonstrating that the particular building is anticipated to attain a sufficient number of design-related credits that, along with anticipated construction-related credits, will be sufficient to attain LEED Silver, the requirement for posting the Green Building Escrow will be waived for such building. In the event the Applicant is unable to provide said documentation, or in the event the design final review portion of the split review process is incomplete at the time of building plan approval, then the Applicant will be required to post the Green Building Escrow.

(5) Release of Green Building Escrow. The Green Building Escrow will be released in accordance with the following:

a. If the Applicant is able, subsequent to building plan approval, to provide the USGBC's documentation of the design final review portion of the split review process as described above demonstrating that the building is anticipated to attain LEED Silver, the County will release the entirety of the Green Building Escrow to the Applicant. Prior to release of the bond for the project, the Applicant will provide documentation to the EDRB demonstrating the status of attainment of LEED Silver from the USGBC for the building.

b. If, prior to bond extension, reduction or final bond release for the Property, whichever occurs first, the Applicant provides to the EDRB documentation demonstrating that LEED Certification for the building has been attained, the entirety of the Green Building Escrow will be released to the Applicant. If the certification is still in progress at the time of application for the bond extension or reduction, the time frame for the provision of the documentation described above will be automatically extended to the time of the next bond extension or reduction. However, the documentation must be provided prior to the final bond release for the Property.

c. If prior to bond extension, reduction, or final bond release for the Property, whichever occurs first, the Applicant provides to the EDRB, documentation demonstrating that LEED Certification for the proposed building has not been attained but that the building has been determined by the USGBC to fall within three points or less of the attainment of LEED Certification, fifty percent (50%) of the Green Building Escrow will be released to the Applicant; the other fifty percent (50%) will be released

to Fairfax County and will be posted to a fund within the County budget supporting the implementation of County environmental initiatives. If the certification is still in progress at the time of application for the bond extension or reduction, the time frame for the provision of the documentation described above will be automatically extended to the time of the next bond extension or reduction. However, the documentation must be provided prior to the final bond release for the Property.

d. If prior to bond extension, reduction, or final bond release for the Property, whichever occurs first, the Applicant fails to provide to the EDRB documentation demonstrating the attainment of LEED Certification or demonstrating that the particular building has fallen short of LEED Certification by more than three points, the entirety of the Green Building Escrow will be released to Fairfax County and will be posted to a fund within the County budget supporting the implementation of County environmental initiatives. If the certification is still in progress at the time of application for the bond extension or reduction, the time frame for the provision of the documentation described above will be automatically extended to the time of the next bond extension or reduction. However, the documentation must be provided prior to the final bond release for the Property.

(6) Extension of Time. If the Applicant provides documentation from the USGBC demonstrating, to the satisfaction of EDRB, that USGBC's completion of the review of the LEED Certification application for the particular building has been delayed through no fault of the Applicant, the Applicant's contractors or subcontractors, the time frame may be extended as determined appropriate by the Zoning Administrator, and no release of escrowed funds will be made to the Applicant or to the County during the extension.

B. EarthCraft Light Commercial. If the Applicant selects EarthCraft, then the Applicant will, prior to issuance of the building permit for a proposed building, provide documentation from the assigned EarthCraft Light Commercial ("ECLC") project manager demonstrating that the particular building has had both the ECLC Design and Planning Review and the ECLC Pre-Construction Meeting, and is meeting all requirements to obtain ECLC certification. Prior to issuance of the Non- RUP for the particular building, the Applicant will provide documentation from the assigned ECLC Project Manager demonstrating that the project has met all requirements pertaining to the ECLC Final Site Visit and has applied for the ECLC certification.

C. Alternative Program. Where the Applicant has provided evidence sufficient for EDRB to find that an alternative green building program that is administered by an independent third party or a proprietary program that has demonstrated equivalence to LEED or another independent third party rating system, other than the foregoing programs, will ensure that equivalent environmental and energy efficiency will be achieved in the project, the Zoning Administrator may approve the use of such alternative program, subject to such conditions as may be reasonably necessary to ensure that the alternative program will achieve the goals of this Proffer.

2. Stormwater Management Facilities and Best Management Practices. The Applicant will implement stormwater management techniques to control the quantity and quality of stormwater run-off from the Property in accordance with the Fairfax County Public Facilities Manual (“PFM”) as reviewed and approved by Department of Land Development Services (“LDS”). Stormwater management facilities/Best Management Practices (“BMPs”) for the Property will be provided as generally depicted on the GDP. The specific stormwater management facilities will be identified at the time of the first site plan approval for the Property and approved by LDS. As part of such site plan approval for the Property, the Applicant will demonstrate compliance with the applicable PFM requirements for stormwater quantity and stormwater quality in effect at that time. The site plan will include either on-site or offsite strategies for addressing both water quantity and water quality management issues, including detailed mitigation measures to be implemented as part of construction. Stormwater detention may be provided in an offsite facility if appropriate storage exists or in on-site facilities.

A. LID Practices: The Applicant reserves the right to include Low Impact Development (“LID”) technology practices or alternatives to those in the GDP, as approved by LDS, to conform to County and State requirements. LID practices may include, but are not limited to, bioretention or biofiltration facilities (commonly referred to as rain gardens), vegetated swales, porous pavement, vegetated roofs, tree box filters, and the collection, reuse of stormwater runoff through the use of cisterns, both above ground and below ground. Nonstructural approaches incorporated within site designs/layouts may also be appropriate, including the preservation and/or creation of forested areas with no soil compaction, and landscaping that provides for the infiltration of rainwater.

B. Floodplain Protection: All the proposed public underground utilities will be protected from flooding in accordance with the PFM. The sanitary sewer manholes will be watertight. Back flow preventors will be installed, if required at time of site plan, to prevent buildings flooding from backwater effect in accordance with the PFM. The lowest floor elevation for all the proposed buildings will either be elevated at or above the 100-years Base Flood Elevations (“BFE’s”) or the building will be floodproofed. An elevation certificate and/or floodproofing certificate will be approved prior to the final approval of the construction plans if required.

C. Forested Open Space for Water Quality Control Credit: The use of floodplain and/or RPA areas as open space for water quality control credit will be subject to the placement of the credited areas in restrictive easements to be recorded prior to the final approval of the site plan. The easement may be adjusted after recordation as long as water quality requirements for the property are demonstrated to be met. Notwithstanding, such easement(s) will not preclude the construction of trails within the easement area.

D. Proposed Outfall Channel Improvements: The proposed outfall channel will be engineered, designed, constructed and maintained as a natural grass swale in accordance with PFM standards, unless otherwise approved by the Site Development and Inspections

Division (“SDID”) of LDS at the time of site plan review. The limits of disturbance will be located to accommodate the outfall’s tie-in with Cub Run in order to provide adequate armoring and direction of flow, subject to SDID review and approval at the time of site plan review.

3. Limits of Clearing and Grading. The Applicant will conform to the limits of clearing and grading as shown on the GDP, subject to allowances specified in these Proffers and for the installation of utilities, utility outfalls and/or trails as determined necessary by the Director of LDS, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the GDP, they will be located in the least disruptive manner necessary as determined by the Applicant and UFMD, UFMD, and the Fairfax County Park Authority (“Park Authority”) (for any changes to the limits that are located on Park Authority property). The Applicant will develop and implement a replanting plan, subject to approval by UFMD, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities. Alteration of the limits of clearing and grading due to the circumstances described above will not require the approval of a GDPA or PCA.

4. Protection of RPA. Prior to any land disturbing activities in or near the RPA, the Applicant must install orange blaze fencing or alternative approved by UFMD to delineate clearly the edge of the RPA. The Applicant must revegetate the areas disturbed within the RPA with native vegetation, subject to LDS approval, and subject to Park Authority approval for any disturbances or changes on Park Authority property.

5. Electrical Vehicle Charging Infrastructure. Prior to Site Plansite plan approval for each building on the Property, the Applicant must designate on the Site Plansite plan at least one electric vehicle charging station for each building providing at least two parking spaces, which may result in fewer parking spaces than that depicted on the GDP, but may not reduce parking below the minimum requirement of the Zoning Ordinance. The charging station(s) may not interfere with any vehicular or pedestrian circulation or block fire lanes or access into the Property. Signs promoting or advertising the electric charging station will not be permitted on the charging station(s) or on the Property. The associated infrastructure for each charging station (i.e., underground conduit for the future power source) must be installed prior to the issuance of a non-RUP for the applicable building.

6. Landscaping. The Applicant will implement the landscape plan (“Landscape Plan”) for the Property shown on Sheet 8 of the GDP, which illustrates the plantings, open space, tree buffers and other features to be provided on the Property. Further, the proposed buffer and berm area along the Route 50 frontage is depicted on Sheet 8A of the GDP. The Landscape Plan is conceptual in nature and the tree species and planting locations may be modified by the Applicant as part of final engineering and design for the Property, provided such modifications: (a) provide a similar quality and quantity of landscaping to that shown on the Landscape Plan and (b) otherwise are in substantial conformance with the GDP. All landscaping within a particular zoning district will be installed prior to the issuance of the

first Non-Residential Use Permit (“Non-RUP”) and will be maintained permanently, including the replacement of plant material if it dies or is damaged.

A. Native Species. The Applicant will use principally native species or hardy drought tolerant, regionally-appropriate, adaptive plants throughout the Property, provided that the Applicant reserves the right, in consultation with and approval by the UFMD, to modify as part of site plan approval the exact species to be used, such as where some plant materials are not available or have been deemed by UFMD to no longer be appropriate. Further, to the extent the limits of disturbance and replantings are proposed to extend unto Park Authority property, the Applicant will further seek the review and approval from the Park Authority staff.

B. Invasive Species. Invasive species, as defined by the Department of Conservation and Recreation's Virginia Invasive Plant Specifies List, will not be used within the streetscape and landscaped open space areas on the Property.

C. Planting Quality. All plantings will be consistent with the quality and quantity of plantings and materials shown on the Landscape Plan, as may be modified by the Applicant, and may include the use of additional shade trees and other plant materials as determined by the Applicant. As part of final engineering and site design, the Applicant may adjust the type and location of vegetation and the design of the open spaces and plantings, including adjusting the tree species to accommodate final architectural designs, sight distance concerns, and utilities, as well as to facilitate outdoor elements in the proposed development, as may be approved by the Zoning Administrator and UFMD, provided such adjustments otherwise are in substantial conformance with the GDP.

7. Tree Inventory and Condition Analysis: The Applicant will submit a Tree Inventory and Condition Analysis as part of the first and all subsequent plan submissions. The Tree Inventory and Condition Analysis will be prepared by a Certified Arborist or Registered Consulting Arborist and will include elements of PFM 12-0307 deemed appropriate to the project site as determined by the Urban Forest Management Division (“UFMD”).

8. Tree Preservation Plan. The Applicant will submit a Tree Preservation Plan and Narrative as part of the first and all subsequent plan submissions. The Tree Preservation Plan and Narrative will be prepared by a Certified Arborist or Registered Consulting Arborist and will include elements of PFM 12-0309 deemed appropriate to the project site as determined by UFMD.

9. Landscape Planting Pre-Installation Meeting. Prior to installation of any plants to meet the requirements of the approved landscape planting plan, the contractor/developer will coordinate a pre-installation meeting on the site with the landscape contractor, UFMD staff, and any additional appropriate parties: including Park Authority staff if the plantings will be on Park Authority property. Any proposed changes to planting locations, tree/shrub planting sizes, and species substitutions shown on the approved plan will be reviewed and must be approved by UFMD staff prior to planting-, and also reviewed and approved by Park Authority staff prior to planting if located on Park Authority property. The installation

of plants not approved by UFMD may require the submission of a revision to the landscape plan or removal and replacement with approved trees/shrubs prior to bond release.

10. Tree Preservation Measures. Tree preservation measures will be clearly identified, labeled, and detailed on the Erosion and Sediment Control Plan sheets and Tree Preservation Plan. Tree preservation measures may include, but are not limited to the following: root pruning, crown pruning, mulching, watering, etc. Specifications will be provided on the plan detailing how preservation measures will be implemented. Tree preservation activities will be completed during implementation of Phase 1 of the Erosion and Sediment Control Plan.

11. Site Monitoring. The Applicant's Project Arborist will be present on-site during implementation of the Phase 1 Erosion and Sediment Control Plan and monitor any construction activities conducted within or adjacent to areas of trees to be preserved. Construction activities include, but may not be limited to, clearing, root pruning, tree protection fence installation, vegetation/tree removal, and demolition activities. During implementation of Phase 2 Erosion and Sediment Control Plan, the Project Arborist will visit the site on a regular basis to continue monitoring tree preservation measures and ensure that all activities are conducted as identified in the Tree Preservation Plan and approved by UFMD. Written reports will be submitted to UFMD and SDID site inspector detailing site visits. A monitoring schedule and Project Arborist reports will be described and detailed in the Tree Preservation Plan.

12. Project Arborist/Pre-Construction Meeting. Prior to the pre-construction meeting, the Applicant will have the approved limits of clearing and grading flagged with a continuous line of flagging. The Applicant will retain the services of a Certified Arborist or Registered Consulting Arborist (Project Arborist) to attend the pre-construction meeting to review the limits of clearing and grading with an UFMD representative to determine where adjustments to the clearing limits can be made to increase the area of the tree preservation and/or to increase the survivability of trees at the limits of clearing and grading. If adjustments are necessary and extend on Park Authority property, the Applicant will also include a Park Authority representative in the meeting. Such adjustments will be recorded by the Project Arborist and tree protection fencing will be implemented under the Project Arborist's supervision based on these adjustments.

13. Invasive Plant Species Management. Forested areas of the Property containing plant species that are known to be invasive in quantities that threaten the long-term health and survival of the existing vegetation present will be the subject of an invasive plant species management plan in order for the area to be awarded full 10-year canopy credit. At the time of site plan submission, the Applicant will provide a management plan for review and approval by UFMD specifying the common and scientific name of invasive species proposed for management, the target area for management efforts, methods of control and disposal of invasive plants, timing of treatments and Monitoring, duration of the management program, and potential reforestation as needed.

14. Soil Remediation. Soil in planting areas that contain construction debris and rubble, are compacted or are unsuitable for the establishment and long-term survival of landscape plants, will be the subject of remedial action to restore planting areas to satisfy cultural requirements of trees, shrubs and groundcovers specified in the landscape planting plan. The Applicant will provide notes and details specifying how the soil will be restored for the establishment and long-term survival of landscape plants for review and approval by UFMD.

15. Outdoor Lighting. All parking lot or exterior lighting located on the Property will be directed inward and/or downward and designed with shielded fixtures in order to minimize glare onto adjacent properties and in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. The maximum Correlated Color Temperature (CCT) of all lighting fixtures will comply with the requirements of Article 14 of the Zoning Ordinance. The outdoor display areas for vehicles will not exceed a maximum average maintained lighting level of thirty (30) foot-candles, as measured horizontally at grade.

16. Sewer. The engineering, design, construction and maintenance of the proposed sanitary sewer from the Property to the existing public sanitary sewer facility in the Cub Run Stream Valley Park will comply with the PFM, or as otherwise approved by the Director of LDS. The final location of the sanitary sewer easement may be revised during site plan review, as there may be stormwater features that may conflict with the proposed trail easement as shown on the GDP and described in Park Authority Proffer No. 2 below.

17. Tree Space Requirements. Tree planting spaces proposed in the streetscape and other areas restricted by barriers to root growth shall provide a planter open surface area at least 6 x 6 feet. Where minimum planting areas cannot be met and planting spaces at least 8 feet wide cannot be provided, rooting zone width a minimum of 8 feet shall be provided beneath paved surfaces using structural cell technology or other solutions acceptable to UFMD that provide uncompacted soil within the planting space, with planting sites meeting the following specifications:

A. A minimum of 6 feet open surface width and 36 square feet open surface area with the proposed tree to be centered in the opening.

B. Rooting area beneath paved surfaces a minimum of 8 feet wide, taking into consideration sloped sides as may be needed to support adjacent compacted soils for roadways and pedestrian walkways. Planting space depth shall be 4 feet within four feet of the tree on all sides. Soil depth in areas beyond four feet may be shallower or narrower as long as specified minimum soil volumes are met. Paved surfaces over the specified rooting area shall not be dependent upon compacted soil for structural support.

C. Soil volume for Category III or IV trees (as indicated in Table 12.17 of the Public Facilities Manual) shall be a minimum of 700 cubic feet per tree for single trees. For two trees planted in a contiguous planting area, a total soil volume of at least 1200 cubic feet shall be provided. For three trees or more planted in a contiguous area, the soil

volume shall equal at least 500 cubic feet per tree. A contiguous area shall be defined as any area with a soil depth of 3-4 feet, within which lateral root growth is unrestricted.

D. Soil in planting sites shall be as specified in planting notes to be included in site plans reviewed and approved by UFMD.

E. The Applicant shall contact UFMD at least three business days prior to installation of trees and provide an opportunity for UFMD staff to verify conformance with these requirements.

PARK AUTHORITY

1. Park Contribution. Prior to the issuance of the first Non-RUP for a building on the Property, the Applicant will contribute \$16,200.00 to the Fairfax County Park Authority, in consultation with the Board of Supervisors, to be used for recreational facility development at one or more park sites located within the service area of the Property, as determined by the Sully District Supervisor in consultation with the Fairfax County Park Authority (“Park Authority”). The monetary contribution described above will escalate from the date of the approval of this Application to the date of payment in accordance with Miscellaneous Proffer 5 below. ~~The Applicant will receive credit against the contribution referenced above for any in-kind contributions to the Park Authority (e.g., the dedication of land under common ownership). Therefore, in the event the value of any in-kind contribution equals or exceeds the total contribution due from the Applicant to the County for the Park Authority, the obligation to make such contribution pursuant to this Proffer will be deemed satisfied and provided in full.~~ The Applicant acknowledges that all fees and mitigation measures associated with easements and utilities are separate from this park contribution.

2. Trail Easement. Prior to site plan approval for the first building constructed on the Property, the Applicant will grant a 10-foot wide public access easement, along with the necessary temporary construction and access easements at variable widths, to the Park Authority Board of Supervisors for the portion of the ~~planned stream valley trail~~ Comprehensive Plan Stream Valley Trail along the eastern bank of Cub Run. The proposed trail is shown on Sheets 7 and 7A of the GDP, but will be located on the portion of Tax Map 33-2 ((01) 0006 that is not part of the Application. ~~The Applicant will request the Park Authority~~ Prior to finalize the location of the easement at the time of the first submission of the first site plan for the first building on the Property. ~~If requested, the Applicant will coordinate with the Park Authority representatives~~ Authority’s Trail Planner to field locate the trail easement shown on the GDP ~~and the~~ The final location of the easement ~~will~~ may be ~~subject to revision~~ revised during ~~final engineering as deemed appropriate by the Park Authority.~~ If the Park Authority is unable to finalize the location of the easement during the site plan review process, then the Applicant will use the location depicted on the GDP for purposes of recording the easement, unless the Park Authority requests the Applicant to delay the recordation until the location is finalized. A request to delay recordation will not otherwise delay approval of the site plan., as there may be

stormwater features that may conflict with the proposed easement as shown on the GDP.
The Applicant will have no obligation to fund or construct the trail.

33. Park Authority Review. The Applicant acknowledges that access to the sanitary sewer manhole and the proposed sanitary sewer connection on Park Authority property are subject to Park Authority review and approval.

4. Coordination Meeting. Prior to the submission of the first site plan for the Property, the Applicant will request a meeting with Park Authority staff and SDID staff. The purpose of the meeting will be to coordinate the engineering, location, grading, maintenance, and easements associated with any encroachments on Park Authority property for the proposed sanitary sewer and outfall connections; to coordinate the planned trail easement described in Park Authority Proffer No. 2 above on the portion of Tax Map 33-2_((01))_0006 that is not part of the Property; and for the Applicant to work with the Park Authority in order to minimize any potential negative impacts on the abutting Park Authority land at Cub Run.

MISCELLANEOUS

1. Future Applications. Any portion of the Property may be the subject of a rezoning, special exception, special permit, variance, or other zoning action without the joinder and/or consent of the Applicant of the other land area(s), provided that such application complies with Section 18-204(6) of the Zoning Ordinance and Section 15.2-2302 of the *Code of Virginia*, as applicable. Previously approved proffered conditions or development conditions applicable to a particular portion of the Property that are not the subject of such an application will remain in full force and effect.

2. Timing. Notwithstanding the foregoing, upon demonstration that, despite diligent efforts or due to factors beyond the Applicant's control, proffered commitments have been delayed beyond the timeframes specified herein, the Zoning Administrator may agree to a later date for completion of such commitments.

3. Successors and Assigns. These Proffers will bind and inure to the benefit of the Applicant and its successors and assigns. Each reference to "Applicant" in this proffer statement will include within its meaning and will be binding upon Applicant's successor(s) in interest and/or developer(s) of the Property or any portion of the Property.

4. Counterparts. These Proffers may be executed in one or more counterparts, each of which when so executed and delivered will be deemed an original, and all of which taken together will constitute but one and the same instrument.

5. Annual Escalation Clause. All monetary contributions required by these proffers will adjust on a yearly basis from the base month and year of January 2020 and change effective each January 1st thereafter, as permitted by Virginia Code Ann. Section 15.2-2303.3.

[SIGNATURES ON THE FOLLOWING PAGE]

TITLE OWNER of TM 33-2 ((01) 0006 (part)

THE EVERETT G. GERMAIN, JR.
IRREVOCABLE TRUST

By: _____

Name: Gregory William Germain

Title: Trustee

APPLICANT/CONTRACT PURCHASER

BLUE KNOB INVESTORS, LLC

By: _____

Name: Victor Kazanjian

Title: Managing Member

[SIGNATURES END]

PROPOSED DEVELOPMENT CONDITIONS

SE 2019-SU-022

June 15, 2020

If it is the intent of the Board of Supervisors to approve Special Exception SE 2019-SU-022, located at Tax Map Parcel #33-2 ((1)) 6 (part) to permit a vehicle sales, rental, and ancillary service establishment within the C-8 District, pursuant to Sect. 9-518 of the Fairfax County Zoning Ordinance and to permit a vehicle light service establishment within the I-5 District pursuant to Sect. 5-504, then staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception (SE) is subject to the provisions of Article 17, Site Plans, as may be determined by the Director Land Development (LDS). Any plan submitted pursuant to this SE will be in substantial conformance with the approved SE Plat entitled "Generalized Development Plan/Special Exception Plan", prepared by Urban, dated May 20, 2020 (GDP/SE Plat), and these conditions. Minor modifications to the approved SE may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. For the vehicle sales establishment, areas for loading, vehicle storage, and vehicle display must be designated on the site plan and limited to the designated areas as approved by Fairfax County Department of Transportation (FCDOT). The designated areas shown on the site plan will be consistent with the Parking Area Exhibit on Sheet 7 of the GDP/SE Plat.
5. All loading, unloading, and parking of trucks or vehicles used in the transport of automobiles or other vehicles intended for delivery to and from the subject site must occur in designated vehicle delivery areas (one for each establishment) to be identified at site plan as approved by FCDOT; may not result in any disruption of the traffic on Route 50 or within the vehicle circulation pattern shown on the GDP/SE Plat; and must be consistent with the Parking Area Exhibit on Sheet 7 of the GDP/SE Plat.
6. Upon completion of the construction of the improvements shown on the GDP/SE Plat, outdoor storage or parking of construction equipment,

construction vehicles, construction machinery or vehicles such as solid waste collection vehicles, dump trucks, cement mixers, tractors and/or trailers of tractor-trailer trucks is not permitted.

7. Only paved parking areas and garages may be used for parking, storage, and/or display of vehicles. No vehicles may be parked within landscaped areas nor within any fire lanes.
8. At site plan review, the applicant will provide additional landscaping as follows, as reviewed and approved by UFMD:
 - a. Provide building foundation plantings, consisting of shrubs and seasonal flowers, for the front entrance to the vehicle sales establishment.
 - b. Provide more vegetation along the east side of the property adjacent to each building, in addition to the proposed shrubs shown on the GDP/SE Plat and the 8 interior parking lot trees, in the area adjacent to the 15-foot easement. Additional vegetation must include at minimum 8 Category III or IV Deciduous trees (for a total of 16 trees along that side). This may be accomplished by increasing the size and/or amount of the proposed landscape islands or landscaped area. If required to provide adequate space for supplemental plantings, the applicant may be required to remove or reconfigure some surface parking spaces, provided parking requirements continue to be met.
9. Notwithstanding what is shown on the GDP/SE Plat, a more definitive visual and distinct boundary between the C-8 and I-5 Districts must be provided to be determined at site plan, which may include merging or enlarging concrete islands for a more distinct median, providing additional wayfinding signage, and/or use of paint markings.
10. Notwithstanding the signage shown on Sheet 8A, final determination from the Zoning Administrator will be required during the sign permit process to assess whether Zoning Ordinance provision 12-204.2(B) or 12-204.2(E)(2), or another provision, is applicable to the subject property. If required, the applicant must reduce monument signage area or the number of monument signs from that shown on the GDP/SE plat to meet the applicable provision.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, will not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant will be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special exception will not be valid until this has been accomplished.

The approval of this special exception does not interfere with abrogate or amend any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception will automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

**Blue Knob Investors, LLC
RZ 2019-SU-021/SE 2019-SU-022**

**Waivers/Modifications List
July 8, 2020**

- Modification of Zoning Ordinance Section 13-303 for transitional screening requirements along the eastern property line of the I-5 zoning district, in favor of the landscaping required by the development conditions.
- Waiver of Zoning Ordinance Section 13-304 for barrier requirements along the eastern property line of the I-5 zoning district.
- Modification of Zoning Ordinance Section 13-203 Part 1 for peripheral parking lot landscaping for the eastern and western property lines, in favor of the existing and proposed vegetation shown on the GDP/SE Plat.
- Modification of Zoning Ordinance Section 17-201 Part 2A for the construction of a service drive adjacent to any primary highway, to permit inter-parcel access to satisfy the requirement.