FAIRFAX COUNTY
VIRGINIA

**DEPARTMENT OF PLANNING AND ZONING**
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509

(703) 324-1290 TTY 711 (Virginia Relay Center) Fax (703) 324-3924

August 23, 2004

Nancy Lee Temple, Director
AFCEA Building Service Corporation
4400 Fair Lakes Court
Fairfax, VA 22033-3899

Re: Interpretation for RZ 82-P-069, FDP 82-P-069-1, AFCEA Building, 4400 Fair Lakes Court, Tax Map 45-4 ((1)) 25B: Auditorium and church use

Dear Ms. Temple:

This is in response to your letter of July 14, 2004, and subsequent correspondence via e-mail dated August 10, 2004, requesting an interpretation of the proffers and the Conceptual Development Plan (CDP) accepted by the Board of Supervisors in conjunction with the approval of RZ 82-P-069 and the Final Development Plan approved by the Planning Commission in conjunction with FDP 82-P-069-1. Copies of your letter and e-mail message are attached.

As I understand it, there are two questions regarding the use of your existing office building which will be discussed separately.

The first question is whether use of the 100 seat auditorium in your building for professional training and development activities is in substantial conformance with the rezoning and final development plan referenced above. According to your letter the AFCEA (Armed Forces Communications and Electronics Association) auditorium is currently used for professional training and development of groups with classes having an average class size of 40 students. Your August 10, 2004, e-mail message clarifies that training is only provided to members of the AFCEA as a function of the education foundation which exists within the organization. Your building is located in the PDC (Planned Development Commercial) Zoning District and is, specifically, located in Land Area VI-A of Fair Lakes, which is depicted on the final development plan for Campus Park with office/research use. Professional training and development would be considered accessory activities to the office use. It is my determination that the use of the auditorium for professional training of your organization's members, described above, as long as its occupancy load is not exceeded, is in substantial conformance with RZ 82-P-069 and FDP 82-P-069-1.

The second question is whether leasing the auditorium to a local church to permit two church services each Sunday is in substantial conformance with the rezoning and final development plan. As I understand it, the church has a current membership of 120. As noted above, the site is approved for Campus Park with office/research use. The proffers and development plan which govern the property do not list places of worship/churches as permitted uses on this site. Therefore, it is my determination that the use of the auditorium for church use is not in conformance with RZ 82-P-069 and FDP 82-P-069-1. In order to allow a church use on the property, the submission and approval of a final development plan amendment application would be required to add the proposed use.

These determinations have been made in my capacity as the duly authorized agent of the Zoning Administrator.

If you have any questions regarding this interpretation, please feel free to contact Mary Ann Godfrey at (703) 324-1290.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division

*BAB/MAG/O:mgodfrProfferInterpretations PI AFCEA Bldg. Fairlakes (RZ 82-P-069/FDP 82-P-069-1)use.doc*

Attachments: A/S

cc: Elaine McConnell, Supervisor, Springfield District
Peter Murphy, Planning Commissioner, Springfield District
Leslie Johnson, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Michelle Brickner, Director, Office of Site Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
File: RZ 82-P-069/FDP 82-P-069-1, PI 0407 100, Imaging, Reading File

## Godfrey, Mary Ann

**From:** Nancy Temple [ntemple@afcea.org]
**Sent:** Monday, August 09, 2004 6:06 PM
**To:** Godfrey, Mary Ann
**Subject:** AFCEA Headquarters Building/Professional Development

Maryann,

Thank you for your phone message today. To clarify, AFCEA uses its auditorium for training AFCEA members in technical matters. If you require any additional information, please do not hesitate to contact me.

Nancy Lee Temple
Director of Support
AFCEA
703-631-6111
ntemple@afcea.org

July 14, 2004

RECEIVED
Department of Planning & Zoning
JUL 16 2004
Zoning Evaluation Division

# AFCEA
# Building Service Corporation

Ms. Barbara Byron
Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway
Suite 800
Fairfax, VA 22035-5509

RE: AFCEA Building
4400 Fair Lakes Court; Fairfax, Fairfax County Virginia

Dear Ms. Byron:

We respectfully request your consideration for the rezoning of our property, currently zoned PDC, to Categories B, A, and E for the above noted property.

Our building was originally built with and maintains a 100-seat, theater-style auditorium, large ante-room, kitchen and men's and women's bathrooms. The men's restroom located in this area is equipped with two urinals, four toilets (one of which is handicap equipped), and three sinks set in a laminate counter top. The women's restroom is similarly equipped, with two toilets (one handicap equipped) and two sinks. Our site has approximately 202 parking spaces, including seven designated handicap vehicle spaces. The auditorium facility enjoys two separate entrances/exits to the building.

Our request for additional zoning would provide for Sunday services for a local church with a current membership of 120. Additionally, the auditorium is used during the work-week for professional training and development in a classroom style structure. The average class size is 40 students.

Thank you for your consideration. If you require additional information, kindly contact me at (703) 631-6111.

Sincerely,

Nancy Lee Temple
Director
AFCEA Building Service Corporation

4400 Fair Lakes Court, Fairfax, VA 22033-3899 (703) 631-6146

Fair Lakes Development Corporation, et al.
RZ 82-P-069
Tax Map Parcels 45-4-((1))-24, pt. 25, 30; 45-4-((2))-15; 55-1-((7))-20, 21; 55-2-((2))-pt. 17, 18; 56-1-((1))-1A, pt. 2A; 56-1-((8))-2, 3

PROFFER

March 21, 1984
Revised March 30, 1984
Revised March 31, 1984
Revised April 2, 1984

In the event subject Rezoning Application 82-P-069 for PDC, the accompanying Conceptual Development Plan, as revised through March 16, 1984, and the pending Final Development Plans I-A, I-B, V-A, and VI-A, as revised through March 22, 1984, are approved by the Board of Supervisors of Fairfax County pursuant to the hearing scheduled for April 2, 1984, to permit development of 5,078,000 square feet of commercial uses and 1,321 dwelling units on the 620.082 acres ("subject property") which are the subject of the referenced Rezoning Application, development of subject property shall be subject to the following terms and conditions:

TRANSPORTATION

1. Applicant shall proceed forthwith to design and construct the following highways:

A. A 4-lane portion of the Springfield Bypass (a/k/a Fairfax Parkway and North-South Connector and hereinafter referred to as "Bypass") from Route 50 to Interstate 66 ("I-66").

B. The intersection of the aforesaid Bypass with Route 50.

C. That portion of an interchange at the connection of the above Bypass with I-66 necessary to provide full directional movement between the adjacent section of the Bypass (to be constructed pursuant to 1.A herein) and I-66 to and from the east, west, and north.

D. A 4-lane road designated Fair Lakes Parkway connecting West Ox Road to Stringfellow Road.

E. The Government Center Connector from the Bypass to the eastern boundary of subject property.

All of the aforesaid construction shall be subject to (i) receipt of all appropriate and necessary governmental approvals and permits, and (ii) where right-of-way necessary for construction is not within the area of the subject application and cannot be

obtained voluntarily as necessary to meet construction schedules, acquisition of right-of-way by appropriate eminent domain proceedings by Fairfax County at the expense of Applicant.

F. Right-of-way dedicated (approximately 92 acres) and road improvements constructed pursuant to subparagraphs A, B, and C shall be in accordance with, and shall qualify as "in kind" contribution toward satisfaction of, Applicant's total contribution requirement established under the "Fairfax Center Area Roadway Contribution Formula" as adopted by the Board of Supervisors on November 22, 1982 ($2.50 per square foot of non-residential and $557 for each residential dwelling unit), as said formula may be revised and in effect at the time of rezoning, said contribution not to exceed $14,774,273.

To the extent the value of right-of-way dedication and highway improvement construction, determined pursuant to the aforesaid formula, shall not equal or exceed the amount determined as above at the time of rezoning to be due under the formula contribution requirement, Applicant shall contribute the remainder to Fairfax County for application towards roadway improvements identified for priority construction in the Procedural Guidelines for the Fairfax Center Area.

Right-of-way dedication necessary for the Bypass (a/k/a North-South Connector) shall qualify, pursuant to the above referenced Fairfax County formula, for "in kind" contribution.

G. All of the above road improvements shall be as shown on the plan titled "General Plan of Proposed Highway Improvements" previously filed among the papers of this application.

It is the intent of Applicant to proceed forthwith with design and construction of highway improvements specified in Paragraphs 1A through E above and to place in service said improvements at the earliest possible time predicated upon receipt of construction permits. However, to assure that occupancy of buildings shall not occur prior to availability of necessary portions of the above improvements, phasing of said highway construction shall be, at a minimum, as set forth in the schedule titled "Phasing and Transportation Improvements" as revised on March 30, 1984 and filed as part of this application, and the following.

(1) Phase I road improvements shall be constructed contemporaneously with development of Land Bays I-A, I-B, V-A, VI-A, and VI-B.

(2) Phase II road improvements shall be constructed contemporaneously with the development of the remaining Land Bays.

(3) No more than 859,000 square feet shall be occupied for non-residential uses until Phase I road improvements are in service and construction of Phase II road improvements has commenced.

(4) No more than 1.6 million square feet shall be occupied for non-residential uses until Phase I and Phase II road improvements are in service and construction of Phase III road improvements has commenced.

(5) No more than 2 million square feet shall be occupied for non-residential uses until Phase I, Phase II, and Phase III road improvements are in service.

H. The timing of construction of the highway improvements referenced above in Paragraphs 1.A through E is predicated upon the expeditious grant/issuance by appropriate governmental authorities of all necessary approvals and permits and, as necessary, expeditious acquisition of right-of-way at the expense of Applicant by eminent domain proceedings. In no event shall applicant occupy more than 2 million square feet for non-residential uses without Phase III road improvements being in service, unless completion of Phase III improvements was delayed due to the failure by Fairfax County to timely grant/issue necessary approvals and permits or to timely pursue eminent domain proceedings.

2. Upon occupancy of a total of 1.2 million square feet of non-residential uses, and again upon occupancy of 3.9 million square feet of non-residential uses, Applicant shall at each time cause a study to be undertaken to determine, to the mutual satisfaction of Applicant and the Fairfax County Office of Transportation, whether the vehicle trip generation projections set forth in Technical Memoranda 3 through 7 prepared by Kellerco, Inc. for Applicant are substantially the same as actual traffic levels. Should such analysis indicate actual traffic generated by the Fair Lakes development exceeds that which has been forecast in the traffic analyses submitted by Applicant, Transportation System Management (TSM) techniques acceptable to the Applicant and to the Fairfax County Office of Transportation shall be implemented to achieve the projected level of trip generation. If the Applicant and the County Office of Transportation cannot agree upon the appropriate TSMs, then TSMs recommended by a mutually acceptable traffic consultant (employed at the cost of the Applicant or successor other than residential users) to achieve the projected level of trip generation shall be implemented.

3. Upon completion of Phase 3 road improvements and installation of a traffic light at the intersection of the Bypass and the Fair Lakes Parkway, subject to approval by VDH&T, Applicant shall provide at its cost a pedestrian-activated light cycle.

4. Bus pull-out lanes and bus shelters shall be provided by Applicant in the three following locations: on both sides of the Bypass in Land Bays I-A or I-B; on both sides of the Government Center Connector in Land Bay I-B and on both sides of the Fair Lakes Parkway in Land Bay VI-A. Additional bus lanes and shelters may be required during the review of future FDPs. All of the bus lanes and shelters shall be contingent upon the approval

of WMATA. The requirement to construct the shelters shall be contingent upon provision of bus service to the site within six (6) years of rezoning.

LAND USE

1. Floor Area Ratio (FAR) for the entirety of subject property shall not exceed 0.25. The maximum amount of principal uses, as defined in the Zoning Ordinance, shall be 5.078 million square feet. The minimum amount of residential floor area in Land Bays IV and V shall be 632,000 square feet, which shall be without reference to residential use in other Land Bays.

2. Allocation of land uses as provided in the text accompanying the Conceptual Development Plan is affirmed as follows:

No more than 6,752,693 square feet of principal and secondary uses shall be constructed on subject property. Principal uses shall not exceed 5,078,000 square feet and residential units shall not be fewer than 1,321. The specific uses to be provided in the first phase of development are depicted in FDPs submitted for Land Bays I-A, I-B, V-A, VI-A, and VI-B. Land Bay II shall be approximately 120 acres, and shall be developed in 1,463,616 square feet of the employment uses specified in the CDP for Land Bay II. A creative mix of principal and secondary uses shall be distributed over the remainder of the site, with all retail, hotel, and residential uses to be located in Land Bays IV and V. The aggregate non-residential square footage shall not exceed 5,078,000 square feet, of which 200,000 to 400,000 square feet shall be allocated to hotel use, 200,000 to 600,000 square feet to retail, and 4,078,000 to 4,678,000 square feet to office, research, and a variety of other employment uses. Specific uses shall be designated at the time FDPs are submitted.

3. Support commercial retail uses shall be provided in Land Bay IV and/or V.

4. Building permits shall be obtained for at least 300 residential units within Land Bays II through V prior to occupying in excess of a total of 3,000,000 square feet of non-residential floor area in said Land Bays.

ENVIRONMENT

1. With respect to water features onsite or associated with this development and designated on final development plans as stormwater management facilities, said facilities shall be designed and constructed to Better Management Practices (BMP) standards which meet or exceed Fairfax County's applicable stormwater management guidelines/criteria. The outlet works for these ponds shall be designed with consideration for balancing the water temperatures in the ponds and downstream during the summer.

The stormwater detention/retention requirements shall be increased so that each pond provides a minimum 50 percent reduction in the predevelopment 2-year peak storm.

2. The following noise attenuation measures shall be provided:

A. In areas projected to experience a noise level of 70-75 dBA Ldn as a result of proximity to major roadways, Applicant shall construct the proposed dwelling units and office buildings utilizing the following measures to mitigate the impact of highway noise:

(1) Construction materials and techniques known to have physical properties or characteristics suitable to achieve a Sound Transmission Classification (STC) of 45 for exterior walls;

(2) Windows either double-glazed or fitted with storm windows.

B. In areas projected to experience a noise level of 65-70 dBA Ldn as a result of proximity to major roadways, Applicant shall construct the proposed dwelling units and office buildings utilizing the following measures to mitigate the impact of highway noise:

(1) Construction materials and techniques known to have physical properties or characteristics suitable to achieve a Sound Transmission Classification (STC) of 39 for exterior walls;

(2) Windows shall be either double-glazed or fitted with storm windows.

C. In the alternative, Applicant may have a refined accoustical analysis performed in coordination with County Planning staff to determine which units/ buildings may have sufficient shielding from vegetation and other structures to permit a reduction in the mitigation measures prescribed above.

3. A landscape plan shall be submitted with each site plan in general accordance with the typical residential and office layouts filed with subject application. Subject to VDH&T approval, landscaping associated with the Bypass, the Government Center Connector, Fair Lakes Parkway, and at the intersections of the Bypass with (a) Fair Lakes Parkway, (b) the Government Center Connector, and (c) Route 50 shall be in accordance with the typical roadway landscape detail submitted.

A. Major shade trees shall be planted approximately 50 feet on center along both sides of the East-West

Subconnectors and the Bypass unless the existing vegetation consists of major dedicuous trees.

B. All existing deciduous trees with a diameter at breast height (D.B.H.) of 16 inches or greater shall be preserved consistent with areas shown for preservation of existing tree cover on the approved Final Development Plans.

C. Parking lot landscaping and landscaping near units shall be provided to decrease summer heat and winter winds with an emphasis on evergreen plantings north of units and large deciduous plantings south of units and south of parking areas. Landscaped medians shall be provided every 3-4 parking rows in the parking lots serving non-residential uses.

D. Landscaping and berms shall be provided on the south side of the Government Center Connector to screen the roadway from existing residences.

E. Landscaping shall be provided around the ponds to accent these amenities.

F. The Bypass median shall be landscaped with trees and shrubs, subject to approval by VDH&T.

4. Innovative energy conservation techniques shall be utilized, including passive solar orientation of townhouse units where considered feasible throughout the development of this site.

5. Stream valley environmental quality corridors at least as extensive as shown on the Conceptual Development Plan shall be included in major open space elements.

SITE DESIGN

1. In addition to conditions proposed on the Conceptual Development Plan, parking in Land Bays II-A and II-B in the VEPCO easement along the south boundary of Greenbriar shall be screened with berms and plantings as set forth in the April 2, 1984, Agreement between Greenbriar Civic Association and Fair Lakes Development Corporation, attached hereto and incorporated herein by reference.

2. Pedestrian and bicycle trails shall be provided as shown on the previously submitted Trails Plan and the "Bicycle and Pedestrian Transportation Plan" dated February 23, 1984.

A. Easements for public access shall be provided for the Bypass trail (a/k/a North-South Pedestrian/Bike Spine), the Government Center Connector trail (a/k/a Linear Park trail), and the Fair Lakes Parkway trail (a/k/a East-West Pedestrian/Bike Spine).

B. The Bypass trail north of its intersection with the Fair Lakes Parkway and the Government Center Connector trail shall be generally 8 feet in width.

C. All other trails shall have a general width of not less than 4 feet. Wider paving shall be considered where demand or safety issues may warrant, providing that excess paving shall be avoided in light of environmental and water quality objectives.

D. All trails referenced above shall be asphalt paved.

3. Benches and picnic areas shall be provided at appropriate locations in the Linear Park.

4. Uniform high quality design and theme shall be provided for signage and lighting.

PUBLIC AND COMMUNITY FACILITIES

1. Land shall be provided for a site for location of a temporary, portable library structure. The land provided shall include sufficient area for parking. The location shall be determined during the evaluation of future FDP submittals.

2. Recreational facilities shall be provided to the following standards:

1 tot lot per 200 dwelling units
1 multi-purpose court per 450 dwelling units
1 tennis court per 750 dwelling units
1 swimming pool.

3. A single homeowner's association shall be provided for residential areas so that all residents shall have access to open space and recreation facilities contiguous to and provided for the residential developments.

4. In Land Bays IV and V Applicant shall provide in the alternative, either (i) fifty dwelling units, at cost, for Moderate Income Direct Sales housing to be administered by an appropriate agency, or (ii) two hundred fifty market rental residential units. The election between the above shall be at the discretion of the Applicant.

GENERAL

Each reference to "Applicant" in this proffer shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest.

FAIR LAKES DEVELOPMENT CORPORATION

By _____
Vice President

FAIR LAKES PARTNERSHIP

By _____
General Partner

FAIR LAKES EAST PARTNERSHIP

By _____
General Partner

FAIR LAKES SOUTH PARTNERSHIP

By _____
General Partner

DEVELOPMENT ASSOCIATES

By _____
General Partner

GLEBE PROPERTIES, INCORPORATED

By _____
President.