



PROPOSED DEVELOPMENT CONDITIONS

SE 99-P-034

March 13, 2000

If it is the intent of the Board of Supervisors to approve SE 99-P-034 located at 7926 Jones Branch Road [Tax Map 29-4 ((7)) 5] for an increase in height, 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. Other by-right special permit and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled Park Place II, prepared by Walter Phillips, Incorporated and dated June 30, 1999, as revised through January 24, 2000, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The elevation of the parking structure(s), which faces Interstate 495, shall be constructed with a solid vertical perimeter wall, not less than 32 inches in height above the elevation of each parking level, for the purpose of blocking headlights from shining onto Interstate 495. The solid vertical perimeter wall(s) shall have a surface treatment of a face mix of stone aggregate, special forming or scoring, a special mix of textures or polymer paint materials, or other treatments which are compatible with or compliment the proposed building architecture and materials per DPWES.
5. Prior to site plan approval, a contribution of \$3.02 per square foot shall be made to the Tysons Road fund for any additional square footage added to this site beyond the existing 262,193 square feet **of gross floor area (GFA)**. This rate, as increased by escalations to the *Engineering*

~~News Record, Construction Cost Index~~ from the date of approval of this application, shall be paid directly to the County of Fairfax at the time of issuance of the building permit(s) for building(s) for which the building permit(s) is being issued **site plan approval** and shall be used for Tysons Area Wide Transportation Improvements.

6. A parking plan for an alternative location of off-street parking for the site for the construction period of the proposed parking structure only shall be prepared and submitted for the review and approval of DPWES at site plan approval. Under this plan, the interim parking shall either be: (1) generally located within 500 feet walking distance of the existing building entrance; or (2) provided off-site with access via a valet or shuttle service subject to agreements or arrangements which will ensure the operation of such service and that there will not be any adverse impacts on the site of the parking spaces or the adjacent area in accordance with Section 11-102 of the Zoning Ordinance.

7. All sidewalks shall conform to the Americans with Disabilities Act (ADA) requirements, to the satisfaction of DPWES. A sidewalk shall be placed on one side of the northernmost driveway.

8. The proposed new building constructed on the application site shall be limited to 150 feet in height, exclusive of the penthouse structure. The penthouse structure shall be limited to twenty-five (25) feet in height, and shall comply with size limitations stated in Section 2-506 of the Zoning Ordinance. The existing building shall be limited to 135.5 feet in height, exclusive of penthouse.

9. Prior to site plan approval, a landscaping plan shall be submitted for the review and approval of the Urban Forestry Branch, DPWES. This landscaping plan shall include the provision of peripheral parking lot landscaping, adjacent to the Capital Beltway. This peripheral parking lot landscaping shall consist of, but shall not be limited to, trees in planter boxes on the top level of the parking structure and deciduous and evergreen shrubs in planter boxes that will be trained to grow and overhang the edge of the top level of the parking structure.

10. The area depicted on the SE Plat as "Approximate Location Ultimate Dulles Access Road Exit Ramp Per Available VDOT Information" shall be reserved for a period of four (4) years **for future right-of-way dedication** from the date of approval of this application **by the Board of Supervisors**. If during such period it is determined by the Virginia Department of Transportation (VDOT) that the reserved area or a lesser portion of the land contained within the reserved area is necessary for the **Capital Beltway (I-495) widening project**, then that area shall be dedicated to the County **upon demand of Fairfax County or VDOT** in fee

simple at no cost ~~after written request~~. ~~During the four (4) year period;~~
The reserved area shall be kept ***maintained*** as open space; no structures shall be permitted in that area. Upon dedication of the land, advanced density credit shall be granted to the applicant pursuant to Section 2-308 of the Zoning Ordinance.

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, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, ***forty-eight (48)*** 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.