



County of Fairfax, Virginia

APPLICATION ACCEPTED: January 11, 2006
APPLICATION AMENDED: April 26, 2006
PLANNING COMMISSION: September 21, 2006
BOARD OF SUPERVISORS: not scheduled

September 6, 2006

STAFF REPORT

PCA / FDPA 83-C-021

SULLY DISTRICT

APPLICANT: Atlantic Realty Companies, Inc.

PRESENT ZONING: PDC (Planned Development Commercial)
HC (Highway Corridor Overlay District)
WS (Water Supply Protection Overlay District)

PARCEL(S): 46-3 ((1)) 15A, 15B

ACREAGE: 35.39 acres

FAR: 0.25 (calculated on Parcel 15A only; 28.05 acres)

OPEN SPACE: 45%

PLAN MAP: Fairfax Center Area; low intensity office, retail and institutional use @ 0.25 FAR at the overlay level

PROPOSAL: Amend the proffers and the Conceptual and Final Development Plan (CDP/FDP) approved pursuant to RZ/FDP 83-C-021 to permit a mixed use development of primarily retail and office, with church, child care and other related uses (no changes are proposed to the electrical substation included in the application property)

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STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 83-C-021, subject to proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDPA 83-C-021, subject to the development conditions contained in Appendix 2.

Staff recommends approval of a modification of transitional screening to allow the use of existing vegetation to the north and west.

Staff recommends approval of a modification of transitional screening and waiver of barrier requirements to the south, in favor of that shown on the CDP/FDP.

Staff recommends approval of the requested waiver of the service drive along Route 50.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 TTY 711 (Virginia Relay Center).



**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS MAY BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF APPLICATION

- Applicant:** Atlantic Realty Companies, Inc.
- Location:** Northwest quadrant of the western intersection of Fair Ridge Drive and Route 50;
Tax Map Parcels 46-3 ((1)) 15A, 15B
- Request:** Amend the proffers and the Conceptual and Final Development Plan (CDP/FDP) approved pursuant to RZ/FDP 83-C-021 to permit a mixed use development of primarily retail and office, with church, child care and other related uses
- The proposed FAR of 0.25 is calculated on Tax Map Parcel 15A only (28.05 acres).
- No changes, aside from additional access points, are proposed to the electrical substation included in the application property (Tax Map Parcel 15B)
- Waivers/Modifications:** Waiver of the service drive requirement along Route 50
- Modification of the transitional screening to allow use of existing vegetation to the north and west.
- Modification of transitional screen and waiver of barrier requirements to the south, in favor of that shown on the CPD/FDP.

Copies of the draft proffers, proposed development conditions, applicant's affidavit, and applicant's Statement of Justification are contained in Appendices 1 through 4 of this report.

LOCATION AND CHARACTER

Site Description:

The 35.39 acre site consists of two parcels, 15A and 15B. Parcel 15B is the site of an existing Dominion Virginia Power substation. Parcel 15A is developed with an office building (previously operated by Virginia Power) constructed in 1985. Both Parcels were included in the original rezoning application (see *Background* section below). The existing office utilizes surface parking (which extends onto Parcel 15B, the

substation site) and accesses the western leg of Fair Ridge Drive (a loop road on the north side of Route 50, just to the west of the Fairfax County Parkway). The substation has an access to the north to Ox Hill Road (in Fair Oaks Estates subdivision). The far northwestern edge of the site is designated as Resource Protection Area (RPA); an existing stormwater management pond is located adjacent to the RPA in the northwestern portion of the site. The site is constrained by a large number of easements, both those accommodating the utilities of the existing office building and those associated with the electrical substation on Parcel 15B.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Single Family Detached (Fair Oaks Estates)	R-3	Residential, 2-3 du/ac
South	Single Family Attached	PDH-8	Fairfax Center; residential @ 8 du/ac
East	Vacant Hotel Gas station	PDC	Fairfax Center; office @ 0.25 FAR
West	Single Family Attached (Fair Woods) Church	PDH-5 R-1	Fairfax Center; residential @ 3 du/ac & church

BACKGROUND

RZ 83-C-021 was approved by the Board of Supervisors on July 25, 1983, with conditions (see Appendix 5), rezoning 36.8 acres from the R-1 District to the PDC District to allow the development of a phased office park (on what is now Parcel 15A) and a power substation on what is now Parcel 15B. Phase 1 of the office development consisted of a 76,800 square foot building. Phase 2 would have added an additional 23,200 square feet to that building (for a maximum of 100,000 square feet). Phase 3: would have added a second building of 50,000 square feet for a total of 150,000 square feet of gross floor area on the site, or a 0.097 FAR on the entire 36 acres of the original application, or a 0.123 FAR on the 28 acres that is now Parcel 15A.

FDP 83-C-021 was approved by the Planning Commission for Phases 1 and 2 only on July 13, 1983, no FDP was ever requested for the third Phase allowed by the rezoning, and only Phase 1 was constructed (in 1985).

COMPREHENSIVE PLAN PROVISIONS (Appendix 6)

The Fairfax County Comprehensive Plan, 2003 Edition, Area III, Fairfax Center Area as amended through June 26, 2006, Sub-Unit A-5, pages 48-49, states:

Sub-unit A5

This sub-unit contains the Dominion Virginia Power substation and transmission lines, as well as a church and office use. The sub-unit is planned for low intensity office, retail and institutional use not to exceed .25 FAR at the overlay level, with the exception of Tax Map 46-3 ((1)) 15B, the electrical substation and transmission lines, which is planned exclusively for public facilities use except as otherwise stated below. It is important that this mix of uses be coordinated and integrated in a quality design. Development should provide substantial, vegetated open space buffers to the north and west, including the preservation of existing trees, in order to protect the existing residential use adjacent to this sub-unit. Buffers should be no less than 125 feet along the northern property line and no less than 50 feet along the western side of the property (north of Tax Map 45-4((1)) 9). The following conditions should also be met:

- Retail development is limited to the front portion of the parcel, in front of the existing office building and adjacent to Route 50, and should include a grocery store;
- New office development behind the existing office building should be compatible in scale and architectural treatment with surrounding development, and should be buffered/screened from the electrical substation;
- Limited parking and vehicular access for use by the sub-unit may be located on parcel 46-3 ((1)) 15B if substantial landscaping and/or screening of the substation is provided. Said landscaping and screening should be designed to permit vehicles to access the substation through parcel 15B and should not preclude parking related to the substation;
- Free-standing pad sites should be limited to no more than one and should include no fast food establishments to limit traffic generation;
- Principle access should be from Fair Ridge Drive with secondary right-turn in/out access to Route 50 considered only with VDOT approval. There should be no vehicular connection to Alder Woods Drive; and,
- Development should be set back at least 40 feet and an attractive streetscape, including substantial landscaping, should be provided along Route 50.

See Appendix 6 for additional Plan text.

ANALYSIS

Combined Conceptual/Final Development Plan (Copy at front of Staff Report)

Title of CDP/FDP:	Pender Village Center
Prepared by:	Urban Engineering & Assoc., Inc.
Original and Revision Dates:	May 2005, as revised through September 5, 2006

The Combined Conceptual/Final Development Plan (CDP/FDP) consists of 20 sheets containing the following information:

Sheet 1 is a title sheet and includes an index and a vicinity map, as well as the general notes, site and parking tabulations, and a chart allocating floor area between the various buildings and uses.

Sheet 2 is the existing conditions and soils map.

Sheet 3 is the certified plat for the site.

Sheet 4 (labeled 4A) depicts the proposed site layout for the entire site at a scale of 1"=80'.

Sheets 5 and 6 (labeled 4B and 4C) depict the proposed site layout for the southern and northern portions of the site, respectively, at a scale of 1"=40'.

Sheet 7 (labeled 4D) shows site improvements only (buildings and pavement) for Parcel 15A only

Sheet 8 (labeled 5) shows the landscaping plan for the site.

Sheet 9 (labeled 5A) shows an enlargement of some of the plaza areas, as well as cross sections of the buffer along Route 50.

Sheet 10 (labeled 5B) shows additional plaza enlargements.

Sheets 10, 12 and 13 (labeled 6, 7 and 8) are the stormwater management plan and narrative, including a depiction of drainage areas.

Sheet 14 (labeled 9) is the existing vegetation map.

Sheets 15 and 16 (labeled A1 and A2) show elevations of the proposed buildings.

Sheet 17 (labeled A3) shows proposed amenities such as benches, lighting and monument signage.

Sheet 18 (labeled A4/12a) shows additional building elevations, including elevations of the bank (commercial pad site) and a cross section of the site from south to north.

Sheet 19 (labeled A4/13) shows the proposed parking garage in elevation and plan view.

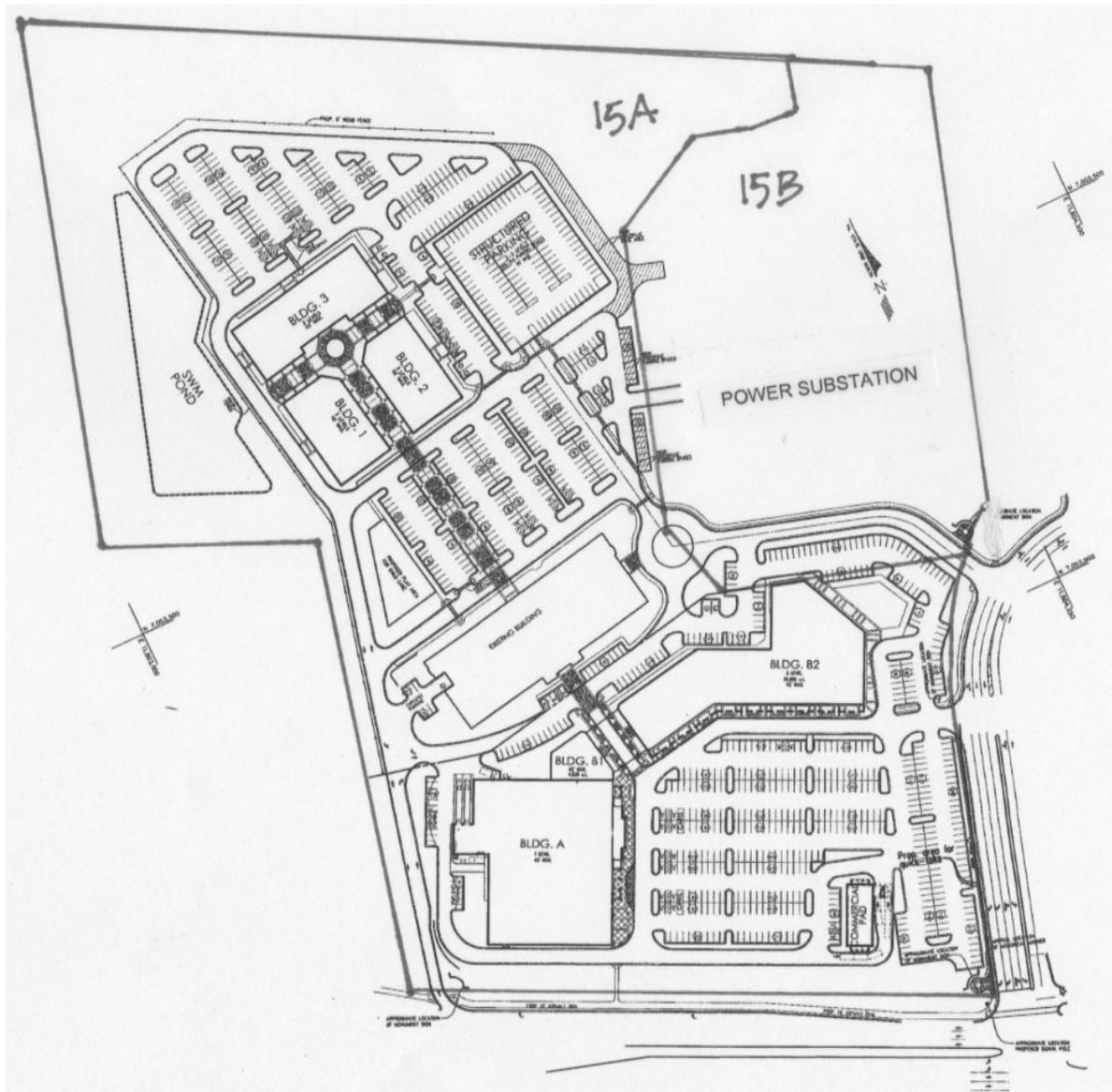
Sheet 20 (labeled 14) shows a landscaped rendering of the site.

Power Substation

Parcel 15B, the actual substation, is proposed to remain in its current configuration. The existing parking located on the west side of the substation will be modified, and additional parking, travel aisles, and landscaping (as discussed below) will also be located on Parcel 15B to serve the development site (Parcel 15A). The CDP/FDP shows new access points to be provided for the substation from within the proposed development.

Uses and Buildings

The development site, Parcel 15A, is generally divided into three sections. Along Route 50 will be a retail strip development, anchored by a grocery store at the western edge, with a free-standing pad site proposed as a drive-in bank (or other commercial use) located in the southeastern corner of the site. The existing office building, in the center of the site, will remain. This building will be utilized as a church with 800 seats and a child care of up to 200 children, with some additional office or other primary or secondary PDC uses as listed on the CDP/FDP. Alternatively, the building could be utilized entirely for office and other primary and secondary PDC uses, if the church and child care are located elsewhere on site. The northern portion of the site is shown to be developed with three office buildings, with a number of additional primary and secondary PDC uses listed. As an option, either or both the proposed church use and proposed child care use could be located in this northern portion, rather than in the central, existing building. The following graphic and chart show the designations of the various buildings, and the proposed floor areas and uses of those buildings.



BUILDING	GFA RANGE	LEVELS	USES
<i>Southern portion of site (along Route 50)</i>			
Grocery / Building A	48,756 - 55,000 square feet	1 Level + Mezzanine	Grocery Store & Retail w/Typical in-Store Services Including Bank, ATM, Cleaners, Café
Building B1	4,800 - 9,600 square feet	1 or 2 Levels	Retail, Office, Medical Care Facility, Business Service and Supply, Eating Establishments, Financial Institutions, Personal Service, Repair Service, Community Uses (up to 10,000 SF), Bank, Pharmacy, Fast Food Restaurants, Quick Service Food Store, Veterinary Hospital
Building B2	70,321 – 81,715 square feet	2 Levels	Retail, Office, Medical Care Facility, Business Service and Supply, Eating Establishments, Financial Institutions, Personal Service, Repair Service, Community Uses (up to 10,000 SF), Bank, Pharmacy, Fast Food Restaurants, Quick Service Food Store, Health Club (Fitness Center up to 15,000 SF), Veterinary Hospital
Commercial Pad (Bank)	3,650 - 4,000 square feet	2 Levels	Drive-thru bank, Financial Institution, Office, Retail, Eating Establishment
Maximum GFA for Southern Portion	138,921 square feet		
Existing Office Building	76,577 square feet	2 Levels	Church, Place of Worship for 800 Seats, Church Office and Administration, Health Club (Fitness Center up to 15,000 SF), Child Care for up to 200 Children, Office, Financial Institution, Scientific Research and Development Repair Service, Personal Service
<i>Northern portion of site</i>			
Building 1	26,000 - 30,000 square feet	2 Levels	Office, Financial Institution, Scientific Research and Development, Repair Service, Personal Services, child care
Building 2	26,000 - 30,000 square feet	2 Levels	Office, Financial Institution, Scientific Research and Development, Repair Service, Personal Services
Building 3	30,000 - 38,000 square feet	2 Levels	Office, Financial Institution, Scientific Research and Development, Repair Service, Personal Services, child care, Church, Place of Worship.
Maximum GFA for Northern Portion	90,000 square feet		
Total GFA (entire site)	305,498 square feet*		

* The application property is constrained by three major utility easements (greater than 25 feet in width). Paragraph 3 of Section 2-308 of the Zoning Ordinance states that no density credit may be taken for any land in a major utility easement. The total area of these easements is 124,125 square feet (representing a density penalty of 31,031 square feet of gross floor area). The applicant has discussed the reduction or removal of these easements with the respective companies, and therefore has proffered that the 31,031 square feet of gross floor area that is dependant on the vacation (or reduction) of the easements shall not be constructed unless and until the easements have been reduced or vacated.

The architecture proposed, as shown in the elevations provided in the CDP/FDP, consists of one and two story buildings with a variety of roof lines and façade treatments. The proffers commit to the following materials for all of the new buildings on the site: brick masonry, architectural CMU, EIFS, architectural metals and glazing systems. The proffers further commit that the colors and materials shall be compatible throughout the development, including on the pad site (a drive-in bank or other commercial use), and shall be limited to a palette of no more than two base colors and three accent colors, to be determined at the time of the first site plan. Additionally, the proffers commit that the existing office building will be painted or refaced to be compatible with the new buildings on the site.

Easements

In addition to water, electrical, and telecommunications easements associated with the existing office building, the site is encumbered by electrical easements along the length of the Route 50 frontage (60 feet in width) and extending from the electrical power substation to Route 50 (adjacent to Fair Ridge Drive, 135 feet in width). Landscaping and a berm are shown within the length of the easement along Route 50. The area under the large easement along Fair Ridge Drive is primarily utilized for parking and travel aisles. As noted in the footnote to the use chart above, these easements are subject to Zoning Ordinance Section 2-308 Par. 3, and density may not be utilized from the land area encumbered by these easements. The applicant has stated their intent to reduce some or all of these easements by providing for the burial of the power lines. A proffer states that, until the easements are reduced below the 25 foot limit, no gross floor area shall be built that requires density to be allocated from the land area in the easements.

Power Substation

Parcel 15B is occupied by an existing power substation. No changes are proposed to the substation; however, a travel aisle does extend across the southern portion of that lot. Additionally, with the proposed development, access would be provided to the substation from within the new, commercial development. While this rezoning would not require the substation to be accessed only from within the new, Pender Village development, it would offer an alternative to the only current access out to Ox Hill Road to the north, in the Fair Oaks Estates neighborhood.

Access

Primary access to the site would be from two entrances on Fair Ridge Drive. The southern entrance would direct patrons to the uses in the front, southern portion of the site (grocery, bank, retail buildings B1 and B2). The northern entrance would direct patrons along a drive aisle to a traffic circle offering access to the office buildings in the rear (north) of the site, as well as to the back off Building B2 and the front of the existing office building.

A secondary access from Route 50 would be right in only, no exit, and would offer access along the western side of the site, to the back (loading area) of the grocery store as well as to the office buildings in the rear of the site.

Parking

Parking is proposed to be primarily in surface lots, with a parking deck associated with the office uses in the rear of the site. Because the exact mix of uses is not determined at this time, the applicant has provided parking tabs comparing parking requirements with and without the church use. Parking requirements range from 961 spaces to 1,070 spaces; parking to be provided is shown to be 1,175 spaces, which includes an optional third level on the parking deck in the rear of the site. The applicant's proffers indicate that a shared parking agreement will be requested between the parking needed for the 800 seat church, if constructed, and the office uses, and that the third level of the parking deck will not be constructed should such an agreement be approved.

Landscaping, Open Space and Buffers

The CDP/FDP shows a total of 45% open space provided, but appears to calculate the open space on the entire site, rather than on the development site, Parcel 15A, as would be appropriate. (Staff has therefore proposed a development condition requiring the applicant to provide open space on Parcel 15A in an amount equivalent to 45% of that parcel, after any right-of-way dedication.) The majority of that open space is located in the buffers provided to the residential neighborhoods to the north and west. A buffer area 125 feet in width is provided along the northern boundary, against Fair Oaks Estates. A buffer area 50 feet in width is provided along the northern portion of the western boundary, against Fair Woods. These buffers are consistent with what was preserved during the original rezoning. The stormwater management pond, located just inside the western buffer on in the northwest corner of the site, also comprises a significant portion of the on-site open space. The remainder of the open space is located in the 40 foot set back containing a berm and landscaping along Route 50, a plaza connecting the office buildings in the north to the existing office building; an extension of that plaza on the south side of the existing office building, extending between the retail buildings; and a landscaped area on the eastern end of retail building B2, located around a power line pole to maintain setbacks from that pole. Additional parking lot landscaping and foundation plantings around the buildings are also provided.

The "typical plant palette" shown on the landscape plan does not indicate different plant types for use in the plantings shown in the power line easements, both across the Route 50 frontage of the site and in the major easement along the eastern edge of the development. Staff remains concerned that the plantings shown are not realistic within those easements. To address this concern, the applicant has proffered to coordinate such plantings with Urban Forest Management, and to substitute plantings outside the easements for any landscaping that cannot be accommodated within the easements as shown.

Site Amenities

Details in the CDP/FDP show site furniture, including benches, bike racks, and pedestrian lighting. The draft proffers commit to the provision of a Comprehensive

Sign Plan for the entire site, which would cover the specifics of all wall mounted, free-standing, and directional signage. Locations for monument signs are shown on the CDP/FDP.

The enlargements of the amenity areas show decorative pavers, trees in tree grates, and periodic benches. A plaza in the center of the three office buildings proposed for the northern portion of the site indicates that tables and chairs will be provided in this area for seating. An entrance feature at the corner of Route 50 and Fair Ridge Drive will also provide a seating area and an historical marker commemorating Civil War actions in the area, the installation of which will be coordinated with the Sully District Supervisor's office.

Stormwater Management

Stormwater management is proposed to be provided for the northern portion of the site in a traditional dry pond, located in approximately the same location as the existing pond. For the southern portion of the site, underground vaults are proposed. Best Management Practices (water quality controls) are proposed for the entire site with a combination of underground filters and credit for the buffer areas on the site. Because the site lies in the Water Supply Protection Overlay District, a 50% removal rate for phosphorus is required (and proposed).

Land Use Analysis (Appendix 6)

The Comprehensive Plan recommends low intensity office, retail and institutional use not to exceed 0.25 FAR at the overlay level, excluding the electrical substation, with a number of conditions, including that the mix of uses be coordinated and integrated in a quality design; the provision of substantial, vegetated open space buffers to the north and west (no less than 125 feet on the northern property line and no less than 50 feet along the western side of the property north of the existing church); that retail be limited to the portion of the site in front of the existing office building and include a grocery store; that new office uses to the rear of the site be compatible in scale and architectural treatment with surrounding development and be screened from the substation; that no more than one pad site be provided, and that no fast food establishment be allowed in this pad site; that principle access be from Fair Ridge Drive; that no access to Alder Woods Drive; and that development be set back at least 40 feet along Route 50 and an attractive streetscape, including substantial landscaping, be provided along this frontage.

The applicant proposes a mix of uses in conformance with those recommended by the Comprehensive Plan at a 0.25 FAR, as measured only on Parcel 15A (not taking any density credit from the actual substation parcel). Retail is located towards the front of the site, and includes a grocery store and only one pad site (a bank, with additional uses included as options on the CDP/FDP, but no fast food allowed). The office uses to the rear are low-scale and compatible with the surrounding residential uses. Buffers in conformance with the Comprehensive Plan have been provided to the north and west, as has a minimum 40 foot setback along Route 50. Staff has concerns that the landscaping shown along Route 50 may not be feasible, and has therefore proposed a

development condition requiring the applicant to coordinate with Urban Forest Management on types and locations of vegetation shown to be planted within easements, and to replace any vegetation which cannot be planted as shown because of the easements in a similar location outside of the easement.

With the proposed proffers and staff's proposed development conditions, staff believes the proposal is in conformance with the recommendations of the Comprehensive Plan.

Fairfax Center Checklist Analysis (Appendix 14)

The Fairfax Center Checklist is a tool utilized by staff in evaluating a zoning application for conformance with the Comprehensive Plan for the Fairfax Center Area. The Checklist contains transportation, environmental, site design, land use, and public facilities elements.

In order to justify development at the Overlay Level, the application must satisfy all applicable basic elements; all major transportation elements; all essential elements; three-fourths of the applicable minor elements; and one-half of the applicable major elements. Based on staff's analysis as found in Appendix 14, it is staff's evaluation that the proposal will justify development at the overlay level with the proposed proffers and development conditions.

Environmental Analysis (Appendix 7)

The applicant has revised the request to correctly show the Resource Protection Area on the site, and to increase the low impact development techniques proposed (including pervious pavement for some parking associated with the substation and for the fire access aisle around the rear of the proposed garage. Staff recommends a condition requiring additional erosion and sedimentation control measures during construction to further protect the RPA and floodplain along the western edge of the site. As noted, the applicant has proposed a proffer to ensure that the vegetation and tree cover shown, specifically that shown within the extensive easements on the site, will either be provided as shown (in coordination with Urban Forest Management) or relocated outside the easement.

Transportation Analysis (Appendix 8)

The applicant has revised the CDP/FDP to show the requested improvements to both Fair Ridge Drive and Route 50 to accommodate the additional traffic expected to be generated by this proposal. A ten foot wide trail (adequate for both pedestrians and cyclists) is shown along the Route 50 frontage. This trail offers access to existing bus stops to the east and west, and the applicant has further proffered to improve the traffic signals at both Fair Ridge Drive and Alder Woods Drive to include pedestrian crossing signals. The following issues remain outstanding:

Issue: Inaccessible Parking Spaces

The CDP/FDP shows 18 parking spaces to the west of the grocery store (Building A) and six spaces to the west of the existing office building. These spaces are awkwardly located and should be deleted, or at a minimum restricted to employees. While the applicant has maintained the spaces, a note on the CDP/FDP does indicated that these spaces will be for employee parking.

Issue: Playground Location

The CDP/FDP shows a playground (for the child care and/or the church use) that is surrounded by asphalt. Crosswalks are shown between the existing office building and the playground, but not between Office Building 1 and the playground. (The applicant has indicated that the child care may be located in Building 1 rather than in the existing office building as originally proposed.) Staff would prefer to see the playground located so that children do not have to cross parking lots to reach it. To address this concern, the applicant has proposed a proffer committing to raised crosswalks of differentiated materials over all parking lot/travel aisle crossings between the child care and the playground, and that such crossing shall be signed "pedestrian crossing."

Public Facilities Analyses

Water Service (Appendix 9) – Adequate service available; no issues cited.

Fire and Rescue (Appendix 10) – Served by Fair Oaks Station #421; meets fire protection guidelines; no issues cited.

Fairfax County Park Authority (Appendix 11) – The applicant has revised the CDP/FDP to include more plaza-type passive recreation areas, but has not included any active recreation or on-site trails for workers. A proffer has been included to address the potential for archaeological resources.

Sewer Service (Appendix 12) – The submain and main sewer networks serving the application property are adequate to serve the proposed use; however, the adequacy of the collector sewer network is questionable. The applicant has proffered to complete a study of the collector sewer network prior to site plan, and to make any capacity improvements deemed necessary by DPWES. With these commitments, these issues are addressed.

Stormwater Management (Appendix 13) – In response to staff comments, the applicant has revised the plan to remove any intrusions into the floodplain and the Resource Protection Area. While the issue will be addressed at the time of site plan approval, it would be appropriate for the applicant to indicate how stormwater and water quality controls will be handled during the modifications to the existing pond.

ZONING ORDINANCE PROVISIONS (Appendix 15)

Conformance with PDC District Regulations

The property is currently zoned PDC and proposes to add retail and other uses to a site currently approved for an office development. The PDC District regulations set forth in Part 2 of Article 6, Planned Development Districts, of the Zoning Ordinance require the application to meet Zoning Ordinance standards such as performance standards, site plan regulations, parking requirements, and sign regulations. The development as proposed meets these requirements. Part 2 of Article 6 also lists allowable primary and secondary uses. The CDP/FDP indicates that the majority of the floor area on the site will be occupied by the primary uses retail and office. Other by-right uses such as eating establishments, financial institutions, and personal service uses are also included in the list of allowable uses. Secondary uses included are the proposed church, proposed child care, and potential health club, community uses, fast food restaurants, veterinary office and quick service food store. While the mix of uses suggests that the requirement for at least 50% primary uses will be met, it would be appropriate for the applicant to specifically proffer to demonstrate that the regulation has been met. Until such time as the applicant provides such a proffer, staff has proposed a development condition to that effect.

Conformance with Article 16

All development within the PDC District must conform to the standards set forth in Part 1 of Article 16.

Sect. 16-101 General Standards

The general standards set forth in Sect. 16-101 require that the development conform to the adopted comprehensive plan; that the design achieve the intent of the PDC District more than under a conventional zoning district; that the development efficiently utilize available land, and preserve to the extent possible scenic assets and natural features; that the development prevent substantial injury to surrounding developments; that the development be located in an area in which transportation, police and fire protection, other public facilities and public utilities are provided; and that the development provide coordinated linkages among internal facilities and services and to major external facilities and services.

As noted, the proposal conforms with the site specific Comprehensive Plan text. Buffers in excess of Zoning Ordinance requirements (as recommended by the Plan) are provided against all adjacent residential uses. The CDP/FDP shows a development that provides pedestrian connections throughout the site and to adjacent roads. In staff's opinion, the general standards have been met with the imposition of the proposed proffers and development conditions.

Sect. 16-102 Design Standards

Par. 1 states that, at the peripheral lot lines, the bulk regulations and landscaping and screening for the proposed development should generally conform with the provisions of the most comparable conventional district. In this instance the most comparable conventional district is the C-6 District (Community Retail). The minimum front yard setback required for the C-6 District is controlled by a 45° angle of bulk plane, but not less than 40 feet (resulting in a yard of 45 feet for the maximum 45 foot high building indicated on the CDP/FDP). There is no side yard requirement and the minimum required rear yard setback is 20 feet. A minimum front yard setback of 61.78 feet is provided, a minimum 181.31 foot rear yard setback is provided (to the parking garage in the northern portion of the site). The maximum proposed building height on the property is 45 feet height, which slightly exceeds the 40 feet allowed in the C-6 District. Because the buildings are set back further than would be allowed in the C-6 District, staff believes the slight increase in height is negligible and will not negatively impact the surrounding area.

Par. 2 states that open space, parking, loading, sign and other similar regulations shall have application in all planned developments. The application includes 45% open space, although the 45% is measured over the entire site area. Because the seven acres of the electrical substation are not eligible for density credit for the site, staff believes it would be appropriate to measure the open space on the 28 acre Parcel 15A. In either case, however, the development does provide in excess of the open space requirement of 15% for the PDC District. While final parking tabulations will be required at the time of site plan approval (and at each Non-RUP, per staff's proposed conditions), based on the highest parking requirement proposed for the site (a combination of office and church uses in the northern portion; shopping center on the southern portion), the applicant's proposed 1,267 spaces will adequately meet the parking requirements of the site.

Par. 3 states that streets and driveways should be designed to generally conform to the provisions of the Zoning Ordinance. This standard has been satisfied.

Par. 4 states that emphasis should be placed on the provision of recreational amenities and pedestrian access. While no active recreation is provided on the site, passive plazas and sitting areas are shown between the office buildings and between the two retail buildings. Pedestrian access has been provided along the periphery of the site, including sidewalks along Fair Ridge Drive and a ten foot wide trail along the Route 50 frontage. The applicant has also proffered to contribute \$5,000 to the adjacent residential association to the west to connect a trail with a sidewalk offering access to Route 50. Finally, the applicant has proffered to "improve [the] pedestrian crossing across Route 50" and "allow for count down pedestrian signal head at both the Fair Ridge Drive and Alder Wood Drive intersections." Staff believes that the applicant should explicitly proffer to provide such pedestrian signals.

Waivers and Modifications

Modification of Transitional Screening and Barrier requirements

Use / Direction	Required	Provided
Single Family Detached (North)	35 feet, barrier	125 feet, barrier
Single Family Attached (West)	35 feet, barrier	50 feet, barrier
Church (West)	25 feet, barrier	25 feet, barrier
Single Family Attached (South) -- to bank	50 feet, barrier	40 feet landscaping with berm, no barrier
Single Family Attached (South) – to rest of site	35 feet, barrier	40 feet landscaping with berm, no barrier

The applicant has requested a modification of the transitional screening to allow existing vegetation to be utilized to the north and west, and a modification of transitional screening and waiver of barrier to the south, along Route 50, in favor of that shown on the CDP/FDP. The only reduction in transitional screening width requested is between the drive-in bank (at the south east corner) and the attached units on the south side of Route 50. In staff’s opinion, the proposed landscaping and berm will adequately screen the site towards the south. Staff does not object to the modification and waiver requests.

Waiver of Service Drive along Route 50

The applicant requests approval of a waiver of the service drive along the Route 50 frontage. Because a service drive along the frontage is not necessary to give access to any other properties. Therefore staff does not object to the waiver request.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The applicant is requesting approval of a PCA and an FDPA to replace a previously approved office development with a mixed use center including retail, office, church, and child care uses (along with other related PDC uses). In staff’s opinion, the proposal is in conformance with the Comprehensive Plan and the applicable Zoning Ordinance provisions. Adequate improvements to the surrounding transportation network have been provided, and adequate landscaping and buffering to adjacent residential uses are provided as well.

Recommendations

Staff recommends approval of PCA 83-C-021, subject to proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDPA 83-C-021, subject to the development conditions contained in Appendix 2.

Staff recommends approval of a modification of transitional screening to allow the use of existing vegetation to the north and west.

Staff recommends approval of a modification of transitional screening and waiver of barrier requirements to the south, in favor of that shown on the CDP/FDP.

Staff recommends approval of the requested waiver of the service drive along Route 50.

It should be noted that it is not the intent of staff to recommend that the Board of Supervisors or Planning Commission, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff, it does not reflect the position of the Planning Commission or Board of Supervisors.

APPENDICES

1. Draft Proffers
2. Proposed Final Development Plan Conditions
3. Affidavit
4. Statement of Justification
5. Approval letter and conditions for PCA 83-C-021
6. Plan Citations and Land Use Analysis
7. Environmental Analysis
8. Transportation Analysis
9. Water Authority Analysis
10. Fire and Rescue Analysis
11. Park Authority Analysis
12. Sewer Service Memo
13. Stormwater Analysis; DPWES
14. Fairfax Center Checklist
15. Zoning Ordinance Provisions
16. Glossary of Terms

**PCA 83-C-021
ATLANTIC REALTY COMPANIES, INC.
PROFFER**

September 5, 2006

Pursuant to §15.1-2203(A) of the Code of Virginia (1950 as amended) and §18-203 of the Zoning Ordinance of Fairfax County (1978 as amended) the property owner, Trustees of the Light Global Mission Church and Applicant, Atlantic Realty Companies, Inc., for itself and its successors assigns, (hereinafter referred to as the "Applicant") proffers that the development of the parcel under consideration identified on the Fairfax County Tax Maps as Tax Map Reference 46-3((1)) 15 and 15B (hereinafter referred to as the "Property"), will be in accordance with the following conditions, if and only if, the application, known as PCA 83-C-021 is granted. These amended Proffered Development Conditions, if accepted by the Board of Supervisors, shall supersede all previous proffered development conditions. The amended Proffered Development Conditions are as follows:

DEVELOPMENT PLAN

1. The Property shall be developed in substantial conformance with the amended CDPA/FDPA dated September 5, 2006 prepared by Urban Engineering & Associates, Inc.

2. Pursuant to Paragraph 4 of Section 16-204 of the Zoning Ordinance, minor modifications from the Conceptual/Final Development Plan (CDP/FDP) may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the CDP/FDP without required approval of an amended PCA or FDP provided such changes are in substantial conformance with the PCA and CDP/FDP as determined by the Zoning Administrator, agents or assigns and neither increase the total gross square footage, decrease the amount of required parking, decrease the amount of open space, nor decrease distance from buildings to the closest property line. Any such modifications shall not impact the limits of clearing and grading and buffers shown on CDP/FDP.

3. A. The project shall be developed in phases consisting of the following permitted uses:

PERMITTED LAND USES AND GROSS FLOOR AREA

BUILDING	GFA RANGE	LEVELS	USES
Grocery / Building A	48,756 - 55,000 square feet	1 Level + Mezzanine	Grocery Store & Retail w/ in-Store Services Including Bank, ATM, Cleaners, Café
Building B1	4,800 - 9,600 square feet	1 or 2 Levels	Retail, Office, Medical Care Facility, Business Service and Supply, Eating Establishments, Financial Institutions, Personal Service, Repair Service, Community Uses (up to 10,000 SF), Bank, Pharmacy, Fast Food Restaurants, Quick Service Food Store, Veterinary Hospital
Building B2	70,321 – 81,715 square feet	2 Levels	Retail, Office, Medical Care Facility, Business Service and Supply, Eating Establishments, Financial Institutions, Personal Service, Repair Service, Community Uses (up to 10,000 SF), Bank, Pharmacy, Fast Food Restaurants, Quick Service Food Store, Health Club (Fitness Center up to 15,000 SF), Veterinary Hospital
Commercial Pad (Bank)	3,650 - 4,000 square feet	2 Levels	Drive-thru bank, Financial Institution, Office, Retail, Eating Establishment
Total Maximum GFA for Buildings A, B & Bank	138,921 square feet		
Existing Office Building	76,577 square feet	2 Levels	Church, Place of Worship for 800 Seats, Church Office and Administration, Health Club (Fitness Center up to 15,000 SF), Child Care with a maximum daily enrollment of 200 Children, Office, Financial Institution, Scientific Research and Development Repair Service, Personal Service
Building 1	26,000 - 30,000 square feet	2 Levels	Office, Financial Institution, Scientific Research and Development, Repair Service, Personal Services, child care with a maximum daily enrollment of 200 children
Building 2	26,000 - 30,000 square feet	2 Levels	Office, Financial Institution, Scientific Research and Development, Repair Service, Personal Services
Building 3	30,000 - 38,000 square feet	2 Levels	Office, Financial Institution, Scientific Research and Development, Repair Service, Personal Services, child care with a maximum daily enrollment of 200 children, Church/Place of Worship with a maximum of 800 seats.
Maximum GFA for Northern Portion	90,000 square feet		
Total GFA (entire site)	305,498 square feet *		

*In the event the major utility easements are not reduced, the maximum GFA shall be 274,460 square feet.

*Major Utility Easements

Pursuant to Article 2-308, no density credit will be calculated on any area of the Application Property that is subject to a major utility easement (defined as having a width of twenty-five (25) feet or more) at time of approval for the final site plan for the Property. The Application Property is, at the time of execution of these proffers, subject to three (3) major utility easements that may be reduced in size prior to such approval:

- a. a thirty foot wide utility easement paralleling Route 50, 21,626 square feet in area, shown on the CDP/FDP which represent a 5,407 (21,626 x .25) square foot density credit calculation;
- b. a variable width utility easement paralleling Fair Ridge Drive 91,864 square feet in area, shown on the CDP/FDP which represents a 22,966 (91,864 x .25) square foot density credit calculation; and
- c. a variable width utility easement along the western property line, 10635 square feet in area, shown on the CDP/FDP which represents a 2,659 (10,635 x .25) square foot density credit calculation.

Upon reduction in area of any easements evidenced by recordation of an appropriate instrument in the land records of Fairfax County, the Applicant shall be able to construct the equivalent amount of gross floor area equal to the net reduction in area times .25. In the event a major utility easement is reduced to less than twenty-five (25) feet in width, similarly evidenced, there shall be no reduction in density with respect to that easement.

a. The gross floor area attributable to these density credit calculations shall be allocated against any of the three office buildings (Buildings 1-3) and no site plan for a building dependent upon a major utility density credit shall be submitted until the aforesaid instrument has been recorded.

B. Veterinary offices and fast food restaurants shall be allowed only in conformance with the use restrictions found in Section 6-206 of the Zoning Ordinance.

C. Prior to issuance of each Non-residential Use Permit, it shall be demonstrated that no more than 50% of the gross floor area permitted for the entire site is devoted to secondary uses as defined by Section 6-203 of the Zoning Ordinance.

D. In the event more than one (1) building includes a child care facility, the cumulative maximum daily enrollment of all the facilities shall be 200 children.

E. In the event more than one (1) building includes a church facility, the cumulative maximum number of seats for all of the church facilities should be 800.

F. The minimum square footage for the grocery store shall be 20,000 square feet.

G. It is intended that the existing building shall remain as is, subject to the architectural compatibility commitments herein. In the event that the building is altered, the maximum building height shall not exceed 45 feet.

4. A. The Applicant shall provide parking in accordance with parking standards and provisions of Article 11 of the Fairfax County Zoning Ordinance for all uses developed on the Property. In the event a parking reduction or shared parking arrangement for the uses on the Property is approved by the Board of Supervisors, the Applicant reserves the right to reduce the parking within the parking area footprints shown on the CDP/FDP, so long as such reduction is in conformance with Article 11. In no event shall any parking spaces be placed in any area designated for open space on the CDPA/FDPA.

B. A shared parking agreement between the church, child care and office uses shall be requested prior to site plan approval for any building containing a church and/or child care use, and if such use is approved, the garage shall have a maximum height of two stories (ground level + one). In the event a shared parking application is submitted with the site plan and denied by DPWES, the height of the structured parking garage shall be a maximum of three levels (ground level + two).

C. The proposed parking structure shall be built when required to meet Article 11 standards, or sooner at Applicant's option.

D. Prior to each site plan approval or issuance of each Non-residential Use Permit, parking tabulations shall be provided demonstrating that parking requirements are met.

TRANSPORTATION

5. Prior to final site plan approval of the first site plan, or on demand by the Board of Supervisors, whichever occurs first, the Applicant shall dedicate and convey in fee simple, and at no cost, to the Board of Supervisors right of way along the Property's Fair Ridge Drive frontage as shown on the CDP/FDP.

6. Prior to the issuance of the first non residential use permit (NONRUP) for any new buildings, the Applicant shall construct the following road improvements, as shown on the CDPA/FDPA as approved by VDOT:

Route 50 Transportation Improvements:

A. Construct a second eastbound left turn bay along Route 50 to accommodate two eastbound left turn bays (one existing and one proposed) along eastbound Route 50 at Fair Ridge Drive, as depicted on the CDP/FDP. The double left turn bays will be constructed to accommodate a 500 foot turn bay with a 150 foot taper.

B. Construct a westbound right turn bay for direct access into the Pender Development. The right turn bay will be constructed just west of Fair Ridge Drive. The right turn bay will be constructed to accommodate a 450 foot right turn bay with a 200 foot taper along westbound Route 50.

C. Modification to the existing traffic signal at Fair Ridge Drive and Route 50 to accommodate the westbound double left along Route 50 as well as the widening of Fair Ridge Drive.

D. Applicant shall install pedestrian signal heads at both the Fair Ridge Drive and Alder Wood Drive intersections with Route 50, (if approved by VDOT).

E. Construct a 10 foot wide asphalt trail along Route 50 frontage, as shown on the CDP/FDP.

Fair Ridge Drive Roadway Transportation Improvements:

F. Widen Fair Ridge Drive to accommodate two (2) northbound lanes and four (4) southbound lanes (for a total of six (6) lanes along the north side of Route 50). The

southbound lane configuration will accommodate a left turn bay, through-left lane, and two (2) right turn lanes. All lane transitions will be reviewed and agreed upon by VDOT and Fairfax County prior to installation.

G. Fair Ridge Drive will be constructed with a four foot wide median from Route 50 to the first main entrance to the Pender site.

7. Upon issuance of the first Non-RUP for any of Buildings 1 through 3, the Applicant will establish and implement a ridesharing program, in coordination with the Fairfax County Ridesharing Coordinator, for the office tenants. The ridesharing program shall include, but is not limited to the following components:

A. Designate an employee as an on-site Transportation Coordinator.

B. Make provisions in leases and/or sales agreements for all buildings that the lessees should engage in a formal ridesharing program with the on-site Transportation Coordinator and the Fairfax County Ridesharing to encourage building occupants to participate in ridesharing.

C. Provide a central directory for ridesharing, including providing ridesharing information kits, publicizing, distribution and promoting ridesharing and public transit information on-site for all building occupants.

D. The Transportation Coordinator shall work with FCDOT to identify additional measure that can be employed to reduce vehicle trips from the site. These additional measures shall be implemented as deemed appropriate by FCDOT.

8. Applicant shall contribute to the Fairfax Center Area Road Fund in accordance with the Procedural Guidelines adopted by the Board of Supervisors on November 22, 1982, as amended, subject to credit for all creditable expenses as determined by the Fairfax County Department of Transportation and/or DPWES.

9. A. Where the internal pedestrian system crosses the travelways of the parking lots, crosswalks shall be provided. These may be either pavement treatments or pavement painting which clearly mark the pedestrian pathways. Pedestrian crossings shall be provided to the satisfaction of DPWES.

B. Crosswalks shall be provided across travel aisles between the proposed location of the day care and the playground. Such crosswalks shall be constructed as raised crosswalks of materials different from the surrounding parking lot (such as stamped asphalt or pavers), and shall be signed as pedestrian crosswalks.

ENVIRONMENT

10. A. All stormwater management facilities constructed on the Property and/or associated with the development shall be Best Management Practices (BMP) facilities in accordance with the requirements of the Water Supply Protection Overlay District (WSPOD), as determined by DPWES. In addition, these facilities shall be designed to provide storage capacity of a minimum of five (5%) percent in excess of design storm requirements as required by the Public Facilities Manual, all as determined by DPWES.

B. During initial Site Plan submission, the Applicant shall coordinate with DPWES to determine appropriate types and locations for LID techniques/BMP facilities, and shall implement such recommendations. Innovative BMP facilities shall be installed throughout the site to include but not be limited to underground vaults, porous pavers and grasscrete travel way for fire access to the substation, as approved by DPWES.

C. In order to protect the Resource Protection Area (RPA) on-site construction phase of development, erosion and sedimentation control measures designed to achieve up to 90% sediment trapping efficiencies or greater as feasible, as determined by DPWES, shall be implemented in conformance with the methods recommended by the Virginia Soil and Water conservation District in the Virginia Erosion and Sediment Control Handbook. All such activities shall be subject to approval by DPWES.

11. (a) Secure bike parking and racks shall be provided at each office building on-site. (b) The existing shower facility in the existing office building shall be made available at no cost to tenants of proposed office buildings 1, 2 and 3, or, alternatively, shower facilities shall be included in at least one of the three proposed office Buildings 1, 2 and 3(to be constructed north of the existing building), and such showers shall be available to all tenants of Buildings 1-3. (c) Bicycle racks shall be provided at Buildings A and B2.

12.

A. All tree preservation-related work occurring in or adjacent to the limits of clearing and grading shall be accomplished in a manner that minimizes damage to vegetation to be preserved, including any woody, herbaceous or vine plant species that occurs in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Removal of any vegetation, if any, or soil disturbance within the limits of clearing and grading, including the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, multi-floral rose, etc. shall be subject within the limits of clearing and grading to the review and approval of UFM. The use of equipment within the limits of clearing and grading will be limited to hand-operated equipment such as chainsaw, wheel barrows, rake and shovels. Any work that requires the use of equipment, such as skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by UFM.

B. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting with the UFM to be held prior to any clearing and grading. During the walk-through meeting, the Applicant's certified arborist or landscape architect shall walk such limits of clearing and grading with an UFM representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented; provided, however, that no adjustment shall be required that would affect the location of buildings, including a requirement for additional retaining walls in excess of two feet in height. Trees that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associate understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associate understory vegetation and soil conditions.

C. The Applicant shall conform strictly to the limits of clearing and grading as shown on the CDP/FDP, subject to allowances specified in these proffered conditions and for

the installation of fences, utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install fences, utilities and/or trails in areas protected by the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by UFM. A replanting plan shall be developed and implemented, subject to approval by UFM and for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

D. The limits of clearing and grading shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading adjacent to the tree preservation areas as shown on the phase I and II erosion sediment control sheets. All tree protection fencing shall be installed after the walk-through meeting described in Proffer 11.B above but prior to any clearing and grading activities. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist and UFM, and accomplished in a manner that does not harm existing vegetation that is to be preserved. At least ten (10) days prior to the commencement of any clearing or grading activities adjacent to the tree preservation areas, but subsequent to the installation of the tree protection devices, the UFM, DPWES shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM.

E. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the respective public improvement/site plan submission. The details for these treatments shall be reviewed and approved by UFM, accomplished in a manner that protects affect and adjacent vegetation to be preserved, and may include, but not be limited to the following: (1) root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches; (2) root pruning shall take place prior to any clearing and grading; (3) root pruning shall be conducted with the supervision of a certified arborist; and (4) a

UFM representative shall be informed when all root pruning and tree protection fence installation is complete.

F. During any clearing or tree/vegetation removal in the areas adjacent to the tree preservation areas, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFM approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFM. The Sully District Supervisor shall be notified of the name and contact information of the Applicant's representative responsible for site monitoring at the tree preservation walk-through meeting described in Par. C. above.

G. The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 6 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective public improvement/site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM.

H. At the time of the respective public improvement/site plan approvals, the Applicant shall both post a cash bond and a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with Proffer 12.G above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit shall be equal to 50% of the replacement value of the Bonded Trees. The cash bond shall consist of 33% of the amount of the letter of credit. At any time prior to final bond release, should any bonded Trees die, be removed, or are determined to be dying by UFM due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFM. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is

dead or dying or improperly removed due to unauthorized activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

I. All of the open space buffers along the Property's northern and western property lines shall be maintained as undisturbed open space subject to the necessary installation of utilities in the least disruptive manner and the removal of dead, dying or invasive vegetation.

LANDSCAPING

13. A. As a part of the site plan submissions for each phase of the project, a landscaping plan will be submitted to DPWES for review and approval. Such landscaping plans shall conform to the design shown on the CDP/FDP, provided, however, that with the specific concurrence of the Director of DPWES or Urban Forest Management, the Applicant may substitute vegetative materials and alter their location to accommodate engineering considerations. The vegetative density will be as represented on the CDP/FDP. The Applicant shall maintain the landscaping in good condition and promptly replace dead landscaping with similar species.

B. Large deciduous, canopy trees shall be planted at the perimeter of the proposed parking structure to screen and shade the structure. In addition, the top level of the parking structure shall contain irrigated landscaped islands/planters.

C. All canopy trees shall be minimum 3" caliper.

D. Landscaping shall be provided adjacent to the loading area for Building A as shown on the FDP.

14. The plaza and paved areas will be designed and constructed in conformance with the concepts depicted on the CDP/FDP, provided, however, that, subject to the approval of DPWES, the specific distribution and location of landscaping, walkways, and focal seating areas may be modified to accommodate the design theme for the Property selected by the Applicant, so long as such modifications are in substantial conformance with the CDP/FDP, and are provided in the quality and quantity of that shown on the CDP/FDP. Plaza areas shall be constructed concurrently with the development of the respective phase of the project.

15. A. Parking areas and landscaping within the VEPCO property and within the existing VEPCO easement are subject to VEPCO approval and regulations. In the event VEPCO objects to the height and/or location of any landscaping, equivalent landscaping outside of the easement area shall be provided in substantial conformance with the CDP/FDP, as approved by UFM. In the event that a parking easement is not granted for areas within the VEPCO easements, and a parking reduction is not approved, then building areas will be reduced in order to comply with parking regulations, or Applicant shall apply for a PCA/FDPA.

B. Any landscaping shown the CDP/FDP to be provided in an existing or proposed utility easement shall be reviewed by the UFM prior to approval of the site plan. All vegetation provided in such easement shall be specifically chosen for viability (size, etc.) in the easement, as recommended by UFM. Any vegetation shown on the CDP/FDP that is not able to be installed as shown because of the easements shall be relocated outside the easement in a location serving the same purpose as that shown on the CDP/FDP, as recommended by UFM.

16. The Applicant shall construct in the location shown on the CDP/FDP, a continuous architectural and solid wood fence, a minimum of 6' in height, to include masonry brick columns no more than 30 feet apart for the entire distance of the fence. The solid wood fence shall be board-on-board alternating on each side and overlapping. The fence shall be of good quality and durability constructed in a professional manner utilizing sound materials and assembled with screws so as to assure longevity and reduce maintenance and repairs. The fence shall be maintained in good repair at all times by the property owner including repair of any graffiti vandalism within thirty days of such occurrence. Points of access shall be provided in the form of gates for the purpose of accessing the storm water management facility and other property points. A sign shall be erected indicating that gates shall remain locked at all times.

SIGNAGE AND OTHER DESIGN DETAILS

17. Prior to Site Plan approval, the Applicant shall submit a Comprehensive Sign Plan for approval by the Planning Commission, which shall cover all uses on the application property. No sign permits shall be issued prior to approval of a Comprehensive Sign Plan. That

acceptance of this proffer and approval of this case does not vest any rights on the approval of the CSP.

B. All free-standing signs shall be monument. No pole signs (excepting directional signage on-site) shall be permitted.

18. In coordination and consultation with the Sully District Supervisor, the Applicant shall fund the provision of one historical marker on the site. Said funding shall include the completion of the archival research that supports the marker and the drafting of the marker text. The Sully District Supervisor shall approve the final text prior to the manufacturing of the marker. Such marker shall not exceed eight (8) square feet in areas. The marker will be a Fairfax County Park Authority-style wayside trail marker (comparable in size and style to a Virginia Civil War Trails marker). Said marker shall be placed at a point along the site's frontage on Route 50, so as to be legible to pedestrians on the frontage sidewalk. This marker shall be installed by the Applicant prior to site plan bond release. The Applicant shall dedicate public access easements for use as a public commemorative monument in the area along the Property's Route 50 frontage as shown on the CDP/FDP.

19. In order to minimize any potentially adverse impacts from service activities taking place at the rear of the grocery store, the Applicant commits to the following:

(i) No truck deliveries, including trash removal, shall be permitted within the project between 11:00 p.m. and 6:00 a.m. daily; and

20. A. The architecture of the proposed buildings shall be in substantial conformance with the architectural elevations shown on the CDPA/FDPA. The proposed buildings shall have similar architectural treatment and materials on all four sides.

B. The architectural materials of the proposed development shall consist of any of the following materials used singly or in combination with other materials: Brick masonry, architectural CMU, EIFS, architectural metals and glazing systems. The same colors and types of materials shall be used on all buildings, including the pad site. Architectural details to demonstrate conformity shall be provided on all final site plans. A palette of no more than 2

base colors and 3 accent colors will be provided at first building permit application and all building shall use these.

C. The façade of the existing office building shall be either repainted or refaced to compliment the color schemes and materials of the proposed building prior to completion of the first new building prior to twelve months from completion of the first new building.

D. The façade of the commercial pad site building shall be consistent in color and materials with the other buildings in the Center and consistent on all four sides of the building.

E. All dumpsters will be fully screened.

21. No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code or Virginia shall be placed on or off-site by the Applicant or at the Applicants' direction to assist in the initial sale or rental of space on the Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale and/or rental of residential units on the Property to adhere to this proffer.

22. Subject to the approval of VEPCO, the Applicant shall place a minimum of 700 linear feet of the existing distribution lines running parallel to Fair Ridge Drive underground during site construction. Applicant shall also provide four (4) eight-inch (8") underground ducts along the Property's Route 50 frontage for VEPCO's future use. In the event VEPCO does not approve the undergrounding of these lines, the Applicant must demonstrate in writing VEPCO's disapproval.

23. Site amenities (street furniture, lighting, bicycle racks and trash receptacles) as shown on the CDPA/FDPA shall be installed throughout the site in public plaza areas.

24. All on-site lighting shall comply with Article 14.

25. Rooftop equipment on buildings A and B2 shall be screened where units would be visible from off-site.

ARCHAEOLOGY

26. The Applicant has performed a Phase I Archaeological Survey and will submit such to Cultural Resources Management and Protection Section of the Fairfax County Park Authority (CRMPS) for review and approval prior to site plan approval. If determined necessary by CRMPS the Applicant shall perform a Phase II Survey. If the Phase II Survey determines that there are historical artifacts of significance, as determined by CRMPS, the Applicant shall perform a Phase III Survey to retrieve and catalog artifacts, prior to site plan approval, which shall be donated to CRMPS.

VEPCO SUBSTATION

27. The Applicant shall construct curb cuts along the travel aisle adjacent to the substation in locations determined by VEPCO and in substantial conformance with that shown on the CDP/FDP.

28. The Applicant shall record an easement for the travel aisle, landscaping and parking spaces within the area of the VEPCO substation parcel shown on the CDP/FDP, at such time a site plan is submitted for a use requiring these spaces. In the event the Applicant is unable to obtain the easement from VEPCO, the CDP/FDP will be revised and may result in a decrease in parking and gross floor area subject to DPZ determination of substantial conformance with the proffered CDP/FDP.

FAIR WOODS TRAIL EXTENSION

29. Prior to the issuance of the first NON RUP for Building A, the Applicant shall contribute the sum of \$5000 to the Fair Woods Homeowners Association for trail and landscaping maintenance or other such improvements as deemed necessary by the Association.

CHILD CARE

30. The Child Care Center shall be limited to a maximum daily enrollment of 200 children.

31. An enclosed outside play area shall be provided to accommodate a maximum of 50 children at one time in the area shown on the CDP/FDP.

32. Hours of operation shall be limited to 6:30 a.m. to 7:00 p.m. Monday through Friday.

33. The Child Care Center shall comply with all applicable Health Department requirements.

34. At the time of first site plan submission, the Applicant shall conduct a sanitary sewer capacity analysis study for the collector lines (8-15 inches) that serve the Property to determine their adequacy to handle the anticipated sewage from the proposed development. The Applicant shall make any sewer improvements determined necessary by DPWES based upon the results of the study.

[Signatures begin on the following page]

APPLICANT/CONTRACT PURCHASER:
Atlantic Realty Companies, Inc.

By: David A. Ross
Title: President

[Signatures continue on the following page]

TITLE OWNER PARCEL 15A:
TRUSTEES OF THE LIGHT GLOBAL MISSION
CHURCH

By: _____
Name: Se Key Chang
Title: _Trustee_

By: _____
Name: Youn M. Lee
Title: _Trustee

By: _____
Name: Ki-Wan Yoon
Title: Trustee

[Signatures continue on the following page]

TITLE OWNER PARCEL 15B:

VIRGINIA ELECTRIC AND POWER COMPANY,
d/b/a DOMINION VIRGINIA POWER, a Virginia
Public Service Corporation

By: _____

Name: G. Scott Hetzer

Title: Senior Vice President

FINAL DEVELOPMENT PLAN CONDITIONS

FDPA 83-C-021

September 6, 2005

If it is the intent of the Planning Commission to approve Final Development Plan Amendment FDPA 83-C-021, on property located at Tax Map 46-3 ((1)) 15A, 15B, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, which supersede all previously approved conditions.

1. Open space shall be provided on Parcel 15A in an amount equaling 45% of the land area of Parcel 15A, after all required dedications.
2. The western access to the electrical substation shall be gated.
3. Parcel 15B shall remain as a power substation.