



APPLICATION ACCEPTED: July 7, 2006
PLANNING COMMISSION: November 29, 2006
BOARD OF SUPERVISORS: December 4, 2006

County of Fairfax, Virginia

November 15, 2006

STAFF REPORT

PCA 93-Y-044 / FDPA 93-Y-044

SPRINGFIELD DISTRICT

APPLICANT:	FL Promenade Outparcel L. C.
PRESENT ZONING:	PDC, WS
PARCEL:	56-1 ((18)) 1 (pt.), 2 (pt.), and 3
ACREAGE:	2.09 acres
FAR:	0.05
OPEN SPACE:	29%
PLAN MAP:	Fairfax Center Area (Office/Mixed Use)
PROPOSAL:	To amend a portion of RZ 93-Y-044 and FDP 93-Y-044 previously approved for mixed use development (Fair Lakes Promenade) to permit a modification to the approved proffers and final development plan to permit a drive-in bank in lieu of the existing eating establishment, with an optional layout for a future eating establishment or retail use.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 93-Y-044, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDPA 93-Y-044, subject to the development conditions contained in Appendix 2 and the Board of Supervisors approval of PCA 93-Y-044.

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Department of Planning and Zoning

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

Staff recommends reaffirmation of both the modification of the transitional screening requirement and the waiver of a barrier requirement along the southern property boundary adjacent to I-66.

Staff recommends approval of a waiver of the loading space requirement for the bank use.

It should be noted that it is not the intent of 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 further 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.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.
For additional information on ADA call (703) 324-1334 or 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

The applicant, FL Promenade Outparcel LLC, proposes to amend the proffers and the Conceptual/Final Development Plan for a portion of the Fair Lakes Promenade to permit the replacement of an existing freestanding eating establishment (4,690 sq. ft.), which is no longer in operation, with a drive-in bank (4,100 sq. ft.) with two drive-through teller lanes. The site is governed by RZ 93-Y-044 and the associated proffers dated May 11, 1994, which prohibit drive-through windows. The applicant proposes to amend the approved proffers to permit drive-through windows associated with the allowed bank use. The existing eating establishment building will be demolished and the proposed drive-in bank will be constructed in its place, and will include associated drive-through lanes, parking and landscaping. The resulting FAR of the application area on the 2.09 acre site will be 0.05 with 29% of the site as open space.

The area affected by the proposed revision is 2.09 acre site located within the 18.3 acre Fair Lakes Promenade shopping center, at the southwest corner of Monument Drive and Fair Lakes Parkway.

A reduced copy of the proposed CDPA/FDPA is included at the front of this report. The proposed proffers are included as Appendix 1. The proposed development conditions are included as Appendix 2. The applicant's affidavit is Appendix 3, and the applicant's Statement of Justification is included as Appendix 4.

MODIFICATIONS AND WAIVERS

- Waiver of the loading space requirement where one space is required per Article 11-203 of the Zoning Ordinance.
- Reaffirmation of both the modification of the transitional screening requirement and the waiver of the barrier requirement along the southern property boundary adjacent to I-66.

LOCATION AND CHARACTER

Site Description

The overall site, Fair Lakes Promenade, is located on the south side of Fair Lakes Parkway between Monument Drive and West Ox Road, and on the north side of Fair Lakes Parkway at its intersection with West Ox Road. The 2.09 acre application area is within the Fair Lakes Promenade development in the vicinity of the southwest corner of Fair Lakes Parkway and Monument Drive. Access to the site, which was

previously an eating establishment, will continue to utilize the existing Fair Lakes Promenade Drive, which is a private drive within the development, providing access to Monument Drive on the east and Fair Lakes Parkway on the north.

Surrounding Area Description

The Fairlakes Promenade shopping center contains a main shopping center building and three free-standing eating establishment buildings, with associated parking spaces and drive aisles for vehicular circulation between all uses. The subject property, one of the three eating establishment buildings, is vacant. The shopping center is part of the Fair Lakes mixed use development and is surrounded by the following uses:

Direction	Use	Zoning	Plan
North	Restaurant	PDC	Fairfax Center Area
South (across I-66)	Single family attached dwellings	PDH-20	Fairfax Center Area
East	Residence Hotel	PDC	Fairfax Center Area
West	Retail/Restaurant	PDC	Fairfax Center Area

BACKGROUND

The following is background information as it relates specifically to the subject property. Copies of the proffers, conceptual/final development plans, and development conditions are included as Appendix 5 of this report.

Application	Date	Use	Board Action
PCA/FDPA 86-P-090-2	May 16, 1994	Commercial	BOS Approved ¹
RZ/FDPA 93-Y-044	May 16, 1994	Commercial	BOS Approved ²

¹ To develop commercial/retail in lieu of office in Fair Lakes Promenade

² To rezone 5.98 acres from the R-1 District to PDC District to permit commercial/retail uses in Fair Lakes Promenade.

The approved Conceptual/Final Development Plan Amendment (CDPA/FDPA) depicts the site on the north and south sides of Fair Lakes Parkway. The development south of Fair Lakes Parkway is referred to as Area 1, and depicts the Buildings 1-4 as a rectangular shopping center building consisting of 125,000 square feet and three eating establishments totaling 32,000 square feet. The CDPA/FDPA includes the layout of the parking areas, interior drive aisles, architectural illustrations, landscape screening and buffers adjacent to rights-of-way and ingress/egress points on Monument Drive and Fair Lakes Parkway. The plan also depicts the 2.26 acre portion of Fair Lakes Promenade on the north side of Fair Lakes Parkway at its intersection with West Ox Road and refers to it as Area 2. The

CDP/FDP showed two alternatives for the development: Alternative A as a service station/quick service food store/car wash at 10,000 square feet or Alternative B as an eating establishment at 10,000 square feet. Alternative B was approved as the allowed use and has been developed as a restaurant with associated parking and driveway.

COMPREHENSIVE PLAN PROVISIONS (Appendix 6)

Plan Area: Area III

Planning Sector: Fairfax Center; Subunit J5

Plan Map: Fairfax Center Area; Suburban Center (Core)

Land Use Summary Chart:

Overlay Level:	Office/Mix	0.50 FAR
	Retail Option	0.21 FAR

Plan Text:

The Fairfax County Comprehensive Plan, 2003 Edition, Area III, Fairfax Center Area, Amended through June 26, 2006, Land Unit Recommendations, Sub-unit J5, on page 72, states:
 “This sub-unit contains the Fair Oaks regional mall at its center and several office buildings, a multi-screen movie theater, and a hotel around its perimeter. It is planned for mixed-use retail and office use not to exceed .50 FAR overall. The existing character of the site along Route 50 should be preserved.”

ANALYSIS

Conceptual/Final Development Plan Amendment (CDPA/FDPA)
 (Copy at the front of staff report)

Title of CDPA/FDPA: Fair Lakes Promenade
Prepared By: Dewberry & Davis, LLC
Original and Revision Dates: June 27, with revisions through October 16, 2006

The submitted CDPA/FDPA consists of the proffered CDP/FDP for the original rezoning, RZ 93-Y-033, modified to show the proposed changes from an existing eating establishment to a bank facility which proposes drive-through windows. As noted above, the approved proffers prohibit drive-through windows. The PCA seeks to amend the proffers to allow drive-through windows.

CDPA/FDPA SHEET INDEX	
Sheet #	Contents
1	Cover Sheet, Tabulations, Notes
2	Conceptual/Final Development Plan Amendment
3	Optional Layout, Architectural Elevation, Existing Vegetation Map
4	Previously Approved FDPA 93-Y-044
5	Previously Approved FDPA 93-Y-044 (match sheet)
6	Previously Approved Storm Water/Storm Sewer Calculations for FDPA 93-Y-044

No alterations to the Fair Lakes Promenade development are proposed, except for the replacement of the existing eating establishment. With this request, the applicant includes an optional layout which depicts future use as retail use or eating establishment and deletes the drive-through teller windows and lanes.

Site Layout for Proposed Drive-In Bank:

- *Building:* The proposed drive-in bank building is one-story, consists of 4,100 gross square feet is approximately 25 feet in height, and will be constructed generally within the same building footprint as the existing vacant eating establishment, which will be demolished. The building entrance will face west, oriented to the access drive within the shopping center on the west side of the subject site. Two drive-through windows with a total of seven stacking spaces are proposed to be located on the north side of the building, adjacent to the shopping center's main interior access drive (Fair Lakes Promenade Drive) with entrance to the drive-through lanes from the south at the rear of the building. A trash container will be provided on site, southeast of the bank building toward the rear of the site, with associated screening consisting of a combination screen wall and landscaping.
- *Architecture:* Architectural details for all four sides of the building, shown on Sheet 2, indicate the building materials will consist of brick and trim, glass windows and doors, a canopy over the drive-through lanes and a standing seam metal roof. The materials color will complement and be harmonious with the existing shopping center.
- *Vehicle Access:* The existing drive aisle off Monument Drive will remain as is, with no changes for access to the subject site proposed. The site obtains its access from Fair Lakes Promenade Drive, the main interior drive of the shopping center.

- *Parking:* The plan shows 17 parking spaces for the bank use, which is the minimum requirement. Fifteen parking spaces are proposed adjacent to the building, modifying existing parking spaces from the previous eating establishment use. Additional parking spaces for the shopping center are also located in the area subject to this application.
- *Streetscape/sidewalks:* The plan shows a 25 ft. wide existing landscape buffer on the east boundary adjacent to Monument Drive and on the south boundary adjacent to I-66. On the north boundary of the subject site, adjacent to the Fair Lakes Promenade Drive within the shopping center, an existing landscape strip will be utilized and modified to include supplemental plantings, and will range in width from 17 feet to 33 feet.
- *Additional landscaping:* Deciduous and ornamental landscaping and ground cover are shown around the proposed building, and plantings along the eastern and northern subject site boundaries will provide additional screening.

Site Layout for Optional Retail or Eating Establishment:

- *Building:* The development option for the site to revert to a retail use or an eating establishment depicts a one-story, approximately 4,100 square foot building located generally in the same location as the existing eating establishment building and oriented northward toward the shopping center's Fair Lakes Promenade Drive. Architectural details are required by the proffers to complement and be harmonious with the existing shopping center design, materials and colors.
- *Vehicle Access:* The existing drive aisle of Monument Drive will remain as is with no changes required for future uses. The site would continue to obtain its access from Fair Lakes Promenade Drive, which is the main interior drive for the shopping center.
- *Removal of Drive-Through Windows and Lanes:* The layout depicts the removal of drive-through windows, drive-through lanes and the by-pass lane and depicts reinstallation of curbs, landscaping and parking spaces.
- *Parking:* The future use of the site proposes 9 parking spaces on the west side of the building and 12 spaces on the south side of the building. The removal of drive-through access lanes provides additional area to restore 4 parking spaces on the west and 2 parking spaces on the south.
- *Loading Space:* The loading space, requested waived with the approval of the drive-through bank, would be restored with the future use of the site as a retail use or an eating establishment, as required by the Ordinance.

Comparison with Currently Approved CDPA/FDPA

While this CDPA/FDPA proposes a minor physical change to the site, the overall proffered FAR of 0.21 and maximum floor area of 167,000 square feet for the overall shopping center will not increase. The proposed 4,100 square foot building will decrease the gross floor area of the center by 590 square feet, which is below the approved maximum floor area for the Fair Lakes Promenade Center.

Fairfax Center Design Guidelines (Appendix 7)

The Fairfax Center Checklist is a tool contained in the Comprehensive Plan that is utilized in evaluating rezoning and proffered condition amendment applications for conformance with Comprehensive Plan. There are transportation, environmental, site design, land use, and public facilities elements on the checklist. In order to justify the overlay level, the applications should satisfy all applicable basic elements; all major transportation elements; all essential elements; three-fourths of the applicable minor elements and one-half of the major elements. The applicable elements were reviewed and approved with the overall plan and were incorporated as required into the development. In staff's evaluation, the application to replace a restaurant use with a drive-in bank use maintains the elements previously reviewed and approved with the overall development. Staff concludes that the application satisfies the Fairfax Center design requirements for development at the overlay level.

Land Use Analysis

No land use issues were identified with this application.

Environmental Analysis (Appendix 8)

The Comprehensive Plan's land use guidance governing the subject property states that "parking lot landscaping should exceed Zoning Ordinance requirements by an amount which will demonstrably mitigate the visual impact of surface parking and thereby further the high quality design objective." Additional trees should supplement the existing landscaping along the periphery and within the parking lot. It is also recommended that the applicant consider providing one or more bio-retention facilities to further reduce stormwater runoff on the site.

The applicant has supplemented landscape plantings into the existing vegetation installed with the previous site development on the subject property around the drive-through lanes, around the trash container, and adjacent to Monument Drive. The applicant has also reduced the impervious surface calculations with the redevelopment of the site.

Urban Forest Management (UFM) Analysis (Appendix 9)

The UFM recommendation includes the need for readable maps and clarification on the landscape plan for proposed removal of existing vegetation, for proposed addition of landscape installations, supplemental plantings, tree cover calculations and transitional screening requirement. The applicant has provided revised plans clarifying and adding all required information. The applicant is seeking a waiver of the transitional screening requirement and a waiver of the barrier requirement along the south boundary of the site adjacent to I-66.

Transportation Analysis (Appendix 10)

The Department of Transportation staff recommendation states there are no significant transportation issues that impact the applicant's request. However, they suggested a commitment to provide a transit shelter along Monument Drive adjacent to the site.

The Fair Lakes Promenade shopping center site is required by its existing proffers to have two transit stops, one of which must contain a shelter. The applicant states that the development has met the proffers by providing a transit stop with a shelter on the south side of Fair Lakes Parkway and a transit stop only on the west side of Monument Drive, as required. In order to provide an additional shelter for the Monument Drive transit stop, the structure's location must be coordinated with three existing utility and communications easements adjacent to the right-of-way and an existing down slope area adjacent to the off-site restaurant north of the subject site. The provision for an additional transit shelter at an existing transit stop remains desirable.

Stormwater Management Analysis (Appendix 11)

The applicant proposes to satisfy applicable stormwater management and BMP requirements of the Public Facilities Manual (PFM) through the existing regional facilities located within the area, through the use of the existing underground water quality and quantity controls constructed within the non-residential portion of the overall Fair Lakes development. These facilities were constructed to accommodate future development of the area including subject site. With this development, the impervious surface area calculations have been reduced from the previous development. The applicant will need to ensure that the storm runoff is adequately conveyed to the downstream SWM facility and to demonstrate that the proposed impervious area will be decreased compared to the previously approved plans for the site. The applicant has provided calculations on Sheet 6 of the CDPA/FDPA; further analysis will be conducted under the review of, and subject to approval of, DPWES.

ZONING ORDINANCE PROVISIONS

Conformance with Planned Development Commercial (PDC) District Standards

The property is currently zoned PDC and continues to meet the PDC District regulations set forth in Part 2 of Article 6, Planned Development Districts, of the Zoning Ordinance. The application proposes to replace a restaurant use with a drive-in bank use. The floor area of the proposed use does not exceed the limitations of the PDC District, which are specified in the proffers for RZ 83-P-107.

The requested proffer condition amendment (PCA 93-Y-044) and final development plan amendment (FDPA 93-Y-044) must comply with, among others, the Zoning Ordinance provisions found in Article 6, Planned Development District Regulations and Article 16, Development Plans.

Article 6

Sect. 6-201 Purpose and Intent

This section states that the PDC District is established to encourage innovative and creative design of commercial development. The district regulations are designed to accommodate preferred high density land uses which could produce detrimental effects on neighboring properties if not strictly controlled as to location and design; to insure high standards in the lay-out, design and construction of commercial development; and otherwise to implement the stated purpose and intent of this Ordinance. The drive-in bank or other retail use will be constructed in a prominent location within Fair Lakes Promenade in the vicinity of the southwest corner of Fair Lakes Parkway and Monument Drive, behind an existing restaurant and fronting on the main interior shopping center drive, Fair Lakes Promenade Drive. The one story, 4,100 square foot building will include two drive-through lanes covered by a canopy extension of the building and screened from the main drive by landscaping. The architectural design of the building will complement the existing buildings in the shopping center through the incorporation of brick, glass, and standing seam metal roof. The applicant has proffered to conformance of the architectural materials with the elevations provided in the CDPA/FDPA and for future uses to conform to the architecture of the existing shopping center. The siting of the building will provide convenient access for customers, yet shall include extensive landscaping on the north and east, along with a low floor elevation due to the down slope topography, to be screened from Monument Drive. Staff believes the proposed use as a bank which will utilize drive-through windows, with the development of future use of the site as a retail use or an eating establishment, will provide little or no adverse impact upon the adjacent properties. The proposal meets the purpose and intent of the PDC District for high standards of development.

Sect. 6-207 Lot Size Requirements

This section states that the PDC District must yield a minimum of 100,000 square feet of GFA, be a logical extension of an existing P District, or be located within an area designated as a Community Business Center in the Comprehensive Plan. Fair Lakes Promenade currently consists of approximately 270,000 square feet of non-residential uses consisting of retail and eating establishments, which will be decreased by 590 square feet to 269,410 square feet with the proposed replacement of the existing vacant restaurant with the drive-in bank.

Sect. 6-208 Bulk Regulations

This section states that maximum building height and minimum yard requirements shall be controlled by the standards set forth in Part 1 of Article 16 and that the maximum FAR shall not exceed 1.5 unless specific conditions are met. With approval of the subject applications, the FAR will be 0.05, and will not exceed the overall maximum FAR currently permitted on site (0.21); height and yard standards are discussed with Sect. 16-102 below.

Sect. 6-209 Open Space

Par. 1 of this section requires a minimum of 15% of the gross area as open space in the PDC District. As proposed, 29.0% of Fair Lakes Promenade will remain as open space, which is in excess of 22.5% required.

Conformance with Article 16

All planned development districts must satisfy the General and Design Standards contained in Sections 16-101 and 16-102.

Sect. 16-101 General Standards

The General Standards require: 1) substantial conformance with the adopted Comprehensive Plan; 2) a design that achieves the purpose of the Planned Development District better than would development under a conventional district; 3) efficient land utilization; 4) preservation of existing natural features; 5) demonstration that the proposed development will not be harmful to the use and value of the existing and planned development in the surrounding area; 6) and the availability of all necessary public facilities and utilities. These standards have been satisfied with the previous rezoning of this property to the PDC District and continue to be satisfied.

Sect 16-102 Design Standards

Design Standard #1 states that the bulk regulations and landscaping and screening for the proposed development should generally conform to the provisions of the

most comparable conventional district, which in this case is the C-6 District. The minimum front yard setback required for a C-6 District is controlled by a 45 degree angle of bulk plane, but not less than 40 feet (resulting in a yard of 40 feet for a 24.9 foot high building). There is no side yard requirement and the minimum required rear yard setback is 20 feet. The proposed building setbacks are 63 feet for the front yard adjacent to Fair Lakes Promenade Drive entrance road and 65 feet for the front yard adjacent to Monument Drive are within the guidelines. The height requirement for the C-6 District is 40 feet. The proposed one-story drive-through bank building height is 25 feet, as is the building height proposed with the optional retail site layout.

Design Standard #2 states that open space, parking, loading, sign and other similar regulations shall have general application in all planned developments. The application continues to meet the Zoning Ordinance requirements for open space, landscaping, and parking for Fair Lakes Promenade. The application includes 29% open space, which is in excess of the open space requirement of 22.5% for the PDC District, and provides 17 parking spaces, which meets the requirement. In addition, the application includes two drive-thru windows and accommodates seven stacking spaces, as required. All other applicable Zoning Ordinance provisions have been satisfied.

Design Standard #3 states that street systems should be designed generally to conform to the provisions of the Zoning Ordinance and should offer convenient access to mass transportation, recreational amenities and pedestrian access. The design standard was reviewed and approved with the overall development. All requirements for access to mass transportation and for pedestrian access are maintained with the redevelopment of the site.

Waivers and Modifications

Waiver of the Loading Space Requirement

Basis: Per Par. 6, Sect. 203, Article 11 of the Zoning Ordinance, the applicant requests a waiver of the loading space requirement for the drive-through bank facility where the Ordinance requires one (1) loading space. Due to the limited size of the facility (4,100 square feet), no loading space is proposed. Should a future use of the site as retail or as an eating establishment become operational, the loading space will be required and will be reinstalled, as shown on the optional layout on the CDPA/FDPA plat and as stated in the proffers. Therefore, staff has no objection to the waiver request.

Modification of the transitional screening and barrier requirements along the southern property boundary.

Transitional Screening II (35 foot wide planting strip) and a barrier are required on the south property boundary adjacent to I-66, due to the residential uses south of I-

66 exist in the Planned Development Housing (PDH) District. The applicant is requesting a reaffirmation of both the modification of the transitional screening requirement and the waiver of the barrier requirement in this location.

Basis: Per Article 13 of the Zoning Ordinance, Transitional Screening 2 (a 35-foot wide landscaped open space) and Barrier D, E or F (a six-foot fence or 42 inch chain link fence) requirements exist between Fair Lakes Promenade and the properties to the south across I-66, which were approved to permit residential uses. The transitional screening requirement was modified by the Board of Supervisors with its original approval of RZ 93-Y-044. Based on the provision set forth in par. 11, Sect. 13-304 of the Zoning Ordinance, the applicant is requesting a reaffirmation of the modification of the transitional screening requirement and a waiver of the barrier requirement. Fair Lakes Promenade southern property boundary along I-66 contains an approximately 25 foot wide transitional screening yard consisting of landscaping and berm and fence treatments. Staff believes that this existing buffer between I-66 and the development at Fair Lakes Promenade and the extensive right-of-way width for I-66 provide sufficient screening from the existing residential uses on the properties on the south side of I-66.

Overlay District Requirements

Water Supply Protection Overlay District (WSPOD) (Sect. 7-800)

The subject property is located within the Water Supply Protection Overlay District and will be redeveloped in a manner which reduces the impervious surface from the previous development.

Summary of Zoning Ordinance Provisions

Staff believes that, with the proposed development conditions, all zoning ordinance standards have been satisfied.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant's proposal to amend the proffers with PCA 93-Y-044 to allow drive-through windows and to amend the associated Conceptual/Final Development Plan Amendment to allow a drive-in bank in place of the existing vacant eating establishment building to be demolished is in conformance with the recommendations of the Comprehensive Plan and is in conformance with the applicable provisions of the Zoning Ordinance and the PDC District. It also conforms to the approved proffers. Staff believes that the request, with the proffers and the FDPA conditions, is in conformance with the Comprehensive Plan and does not adversely impact the surrounding residential and commercial development.

Recommendations

Staff recommends approval of PCA 93-Y-044, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDPA 93-Y-044, subject to the development conditions consistent with those contained in Appendix 2 and the Board of Supervisors approval of PCA 93-Y-044.

Staff recommends approval of a waiver of the loading space requirement for the bank use.

Staff recommends reaffirmation of the modification of the transitional screening requirement and the waiver of the barrier requirement along the southern property boundary adjacent to I-66.

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

APPENDICES

1. Draft Proffers for PCA 93-Y-044
2. Proposed Development Conditions for FDPA 93-Y-044
3. Affidavit
4. Statement of Justification
5. Previous CDP/FDPA Plat/Proffers/Conditions
6. Comprehensive Plan Recommendations
7. Fairfax Center Checklist
8. Environmental Analysis
9. Urban Forest Management Analysis
10. Transportation Analysis
11. Stormwater Management Analysis
12. Applicable Zoning Ordinance Provisions
13. Glossary

PCA 93-Y-044
FL PROMENADE OUTPARCEL L.C.

PROFFER STATEMENT

September 20, 2006

October 16, 2006

November 1, 2006

Pursuant to Section 15.2-2303A of the Code of Virginia, as amended, and subject to Board of Supervisors' approval of rezoning application PCA 93-Y-044, as proposed, for amendment of Proffers in the PDC District, FL Promenade Outparcel L.C. (the "Applicant") along with FL Promenade L.P. (collectively the "Owners"), for themselves and their successors and assigns, hereby proffer that development of Tax Map Parcels 56-1 ((1)) 1 (pt.), 2 (pt.) and 3 (the "Property"), containing approximately 2.09 acres, shall be in accordance with the proffered conditions dated May 11, 1994 and accepted by the Board of Supervisors, a copy of which is attached hereto as Exhibit A and which shall remain in full force and effect, except to the extent specifically modified by the language below:

1. Substantial Conformity. Subject to the provisions of Section 18-204 of the Zoning Ordinance, the Property shall be developed in substantial conformance with the Conceptual Development Plan Amendment/Final Development Plan Amendment ("CDPA/FDPA") prepared by Dewberry & Davis LLC, dated June 27, 2006, as revised through October 16, 2006, as further modified by these proffered conditions.
2. Drive-Through Features. Drive-through lanes, canopies and windows shall be permitted for the proposed building as depicted on the CDPA/FDPA.
3. Automobile Oriented Uses. Original Proffer 13 shall be amended only to allow a drive-through bank on the Property which is the subject of this PCA.
4. Optional Uses. In the event that an eating establishment, retail sales establishment or other shopping center use is provided on the Property that is the subject of this PCA, development of this optional future use shall be in substantial conformance with the "Development Option A" graphic depicted on Sheet 3 of the CDPA/FDPA.
5. Signage. The Applicant shall provide signage for the proposed building in conformance with the Conceptual Sign Plan Amendment (CSPA 93-Y-044/86-P-090) approved by the Planning Commission on November 2, 1995. The Applicant hereby reserves the right to amend CSPA 93-Y-044/86-P-090 to the extent necessary to provide signage.
6. Architectural Materials. The Applicant shall construct the proposed building in general conformance with those elevations provided on Sheet 3 of the CDPA/FDPA. Should a different tenant occupy the building in the future, any modifications to the exterior of the building shall be in general conformance, in regards to character and quality, with the elevations provided on Sheet 3 of the CDPA/FDPA. If the building is rebuilt to

accommodate a different tenant, the exterior of the building shall be in general conformance, in regards to character and quality, with the existing shopping center.

7. Landscaping. The Applicant shall provide landscaping on the application property as generally shown on Sheet 2 or Sheet 3 of the CDPA/FDPA, considering the use, pursuant to the approval of Urban Forest Management.

[SIGNATURES ON ATTACHED PAGE]

FL PROMENADE OUTPARCEL L.C.
Applicant and Title Owner of Parcel
56-1-((18))-3

BY: MVP Management, LLC, its Manager

By: _____
Name: _____
Title: Manager

FL PROMENADE L.P.
Title Owner of Parcels 56-1-((18))-1 and 2

BY: FL Promenade GP, Inc., its General Partner

By: _____
Name: _____
Title: _____

PROPOSED DEVELOPMENT CONDITIONS

FDPA 93-Y-044

November 14, 2006

If it is the intent of the Planning Commission to approve FDPA 93-Y-044 for the development of a drive-in bank or a future retail or eating establishment in the Fair Lakes Promenade Center, 12500 Fair Lakes Circle, Suite 400, located in the northwest quadrant of Monument Drive and I-66, Tax Map Parcels 56-1 ((18)) 1 pt., 2 pt., and 3, staff recommends that the approval be subject to the following development conditions:

These conditions incorporate and supersede all previous development conditions as they pertain to the above listed Tax Map Number only. Previous conditions or those that have minor revisions are marked with an asterisk (*):

- 1) Development of the subject property shall be in substantial conformance with the approved CDPA/FDPA entitled "Fair Lakes Promenade," prepared by Dewberry & Davis LLC, consisting of six (6) sheets, dated June 27, 2006, as revised through October 16, 2006, and these conditions. Minor modifications to the approved CDPA/FDPA may be permitted pursuant to Par. 10 of Sect. 16-402 of the Zoning Ordinance.
- 2) * A landscape plan consistent with that shown on Sheets 1 – 3 of the FDP shall be submitted for review and approval by Urban Forester Management at the time of site plan review. It is to be understood, however, that specific tree and plant types shall be determined by the developer and approved by Urban Forest Management. At the time of planting, all deciduous trees shall have a minimum caliper of 3.0 inches, all ornamental trees shall have a minimum caliper of 1.5 inches, and all evergreen trees shall have a minimum height of 7.0 feet. Every effort shall be made to incorporate existing quality vegetation into the landscaping plan as determined by the Urban Forester. If, during site plan approval it is determined necessary to remove any trees which were previously designated to be preserved on the FDP, then an area (s) of additional tree save of equivalent value as determined by Urban Forest Management may be substituted at an alternative location(s) on the site as approved by the Urban Forest Management. If adequate alternative tree save areas cannot be identified on-site, then replacement trees shall be provided pursuant to Sect. 213-403 of the Public Facilities Manual. Tree save areas, intermittent landscaped berms of variable height and supplemental landscaping shall be provided along the Fair Lakes Parkway, Monument Drive and Interstate 66 (I-66) frontages of the site with the objective of screening the parking lot as seen from the roadway. The primary objective for the screening along I-66 is to screen all loading areas and travel aisles as seen from I-66. The drive-in bank building shall incorporate environmentally sustainable attributes into its building program, that may include, but not necessarily be limited to, such elements as high-efficiency mechanical systems, use of materials with

recycled content, a high performance and insulated building envelope, water efficient fixtures, CO2 sensors and air filters, low volatile organic compounds in paints, sealants and finish materials, construction waste management, and storage and collection of recyclables.

- 3) All exterior lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.

The above proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by the Commission.