



APPLICATION FILED: November 22, 2006
APPLICATION AMENDED: March 21, 2007
PLANNING COMMISSION: May 16, 2007

County of Fairfax, Virginia

May 2, 2007

STAFF REPORT

FDPA 86-C-029-07
(Associated w/ CSPA 86-C-029-06)

HUNTER MILL DISTRICT

APPLICANT: Vardell Realty Investments

ZONING: PDC

PARCEL(S): 15-4 ((1)) 13D1, 13E2, & 13E3

ACREAGE: 13.33 acres

PLAN MAP: Mixed Use

PROPOSAL: Amend the final development plans for FDP 86-C-029 previously approved for mixed use development to replace the proposed two-story retail building adjacent to the proposed parking garage with landscaped open space and to modify the proposed hotel building.

STAFF RECOMMENDATIONS:

Staff recommends approval of FDPA 86-C-029-07 subject to the proposed development conditions in Appendix 1.

Staff recommends approval of a modification of transitional screening and waiver of the barrier requirements along the eastern boundary in favor of the existing and proposed landscaping depicted on the Final Development Plan.

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Department of Planning and Zoning

Zoning Evaluation Division
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It should be noted that it is not the intent of staff to recommend that the 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.

The approval of this Final Development Plan Amendment does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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 Planning Commission.

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.



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For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

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

DESCRIPTION OF THE APPLICATION

Proposal

The applicant, Vardell Realty Investments, requests approval to amend the final development plans for FDP 86-C-029 previously approved for mixed use development on 13.33 acres (Tax Maps 15-4((1)) 13D1, 13E2, and 13E3) of the 99.28 acre Dulles Corner Development. Dulles Corner is zoned to the Planned Development Commercial District (PDC) at an overall floor area of 0.72. The subject property is currently approved for two office buildings, with an option for a third office building with support retail or a hotel building with support retail. The table below details these uses approved in PCA 86-C-029-10 and FDPA 86-C-029-05, which currently apply to the subject property.

Building #	Use	Square Feet	Height
Building 8	Office	210,000 SF	8-10 stories/150 feet (175 feet including penthouse)
Building 9	Office	210,000 SF	8-10 stories/150 feet (175 feet including penthouse)
Building 10 ¹ (Option 1)	Hotel	160,000 SF	10 stories/150 feet (175 feet including penthouse)
	and Retail Support	71,896 SF	35 feet (2 story)
Building 10 ¹ (Option 2)	Office	217,896 SF	8-10 stories/150 feet (175 feet including penthouse)
	and Retail	14,000 SF	35 feet (2 story)
	Total SF w/ Option 1 or 2	651,896 SF	

1. The applicant has the option to provide a hotel and retail support building or office and retail support for Building 10.

This table shows a total of 651,896 gross square footage of development approved on the subject property. The applicant is currently constructing the two office buildings, Buildings 8 and 9, and is pursuing construction of the hotel option for the third building, Building 10 (Option 1).

In pursuit of the hotel option, the applicant's proposal is a request to replace the proposed two-story retail support building associated with that option with landscaped open space, and to modify the proposed hotel building footprint. The table below details the proposal.

Building #	Use	Square Feet	Height
Building 8	Office	222,948 SF	8-10 stories/150 feet (175 feet including penthouse)
Building 9	Office	222,948 SF	8-10 stories/150 feet (175 feet including penthouse)
Building 10	Hotel	206,000 SF	10 stories/150 feet (175 feet including penthouse)
	Total SF	651,896 SF	

This table shows the same amount of gross square footage of development as the approved FDPA (651,896 gross square feet). The applicant was permitted to transfer up to 50,000 square feet of hotel square footage to office Buildings 8 and 9 in equal amounts

(25,000 square feet each) pursuant to an interpretation dated September 8, 2005 (see Appendix 4). The applicant is proposing to maintain the total approved gross square footage for the three buildings and to transfer 25,896 square feet of hotel square footage to the office buildings (12,948 square feet each for office Buildings 8 and 9). The two-story retail support building located in front of the northern parking garage is proposed to be replaced with landscaped open space. In addition, the applicant proposes to relocate the hotel lobby and porte-cochere to the southeast side of the proposed hotel building.

This application consists of a portion of the land area (13.33 acres) associated with CSPA 86-C-029-07, which is a proposal to modify the design of two previously approved Type I Entry Feature Signs in the Dulles Corner Development. The FDPA proposes site modifications on three parcels associated with the Dulles Corner Development.

The proposed development conditions and the applicant’s affidavit and statement of justification are located in Appendices 1-3.

Waivers and Modifications:

The applicant seeks a modification of the transitional screening and waiver of the barrier requirements along the eastern boundary in favor of the existing and proposed landscaping depicted on the Final Development Plan.

LOCATION AND CHARACTER

Site Description

The 13.33 acre property, zoned PDC, is located on the west side of Sunrise Valley Drive (formally Horse Pen Road), east of Route 28, and south of the Dulles Airport Access Road (DAAR) in the 99.28 acre Dulles Corner Development, which includes office, retail, hotel and residential uses. The subject property is currently under construction and is proposed for office, hotel, and support retail on Tax Maps 15-4 ((1)) 13D1, 13E2, & 13E3. The office buildings are under construction and located in the middle of the site. The remainder of the site is vacant, but graded for construction. Access to the site is provided from (4) access points on Wasser Terrace and one access point from Dulles View Drive. The surrounding uses are as follows:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Office (Dulles Corner)	PDC	Dulles Suburban Center, Land Unit A for Mixed Use
South	Telecommunication Switching Station (Dulles Corner)	R-1	Dulles Suburban Center, Land Unit A for Mixed Use
East	Residential and Office (Dulles Corner)	PDC	Dulles Suburban Center, Land Unit A for Mixed Use
West	Dulles Airport		

BACKGROUND

Dulles Corner was rezoned to the PDC District in 1987 (RZ 86-C-029) and includes a mix of office, retail, hotel and residential uses. Subsequently, through the approval of several amendments to this rezoning case, the layout of Dulles Corner was changed to reflect the current development pattern. The following background information directly relates to the 13.33 acre portion of Dulles Corner subject to the applicant's FDPA.

- **RZ 86-C-029** was approved by the Board of Supervisors on **February 23, 1987** to rezone 96.21 acres from the R-1 (Residential, one dwelling unit per acre) and I-4 (Medium Intensity Industrial) Districts to the PDC District for the development of Dulles Corner. The development plan depicted up to 2.9 million square feet of office, hotel and retail uses, at a maximum FAR of 0.70 and a minimum of 38.49 acres (40%) of open space. Copies of the CDP/FDP and proffers are on file with the Zoning Evaluation Division of the Department of Planning and Zoning.
- **PCA 86-C-029 (concurrent with PCA C-637 and PCA 85-C-008)** was approved on **September 7, 1988** by the Board of Supervisors to establish the "Three Party Group" between Dulles Corner (RZ 86-C-029), Pomeroy Investments Inc. (RZ C-637), and Bahman and Roshanak Batmanghelidj (RZ 85-C-008). The proffers were amended for the respective properties to provide for cooperation and the joint sharing of costs associated with constructing roads to provide access to the properties owned individually by the entities comprising the group and additional road improvements in the area. Copies of the CDP and proffers are on file with the Zoning Evaluation Division of the Department of Planning and Zoning.
- **RZ 88-C-066 (concurrent with PCA 86-C-029-03 and FDP 86-C-029-04)** was approved by the Board of Supervisors on **December 4, 1989** to rezone 3.08 acres (Tax Map 15-4 ((1)) 23A pt., 23A1, and 13C) from the R-1 District to the PDC District. PCA 86-C-029-03 and FDP 86-C-029-04 amended the CDP/FDP for Dulles Corner to consolidate the 3.08 acres and approved three office buildings for the subject site. Copies of the CDP/FDP and proffers are on file with the Zoning Evaluation Division of the Department of Planning and Zoning.
- **PCA 86-C-029-05 and PCA 88-C-066** were approved Board of Supervisors on **August 4, 1997** to modify the office layout for the subject site and Tax Map 15-4 ((2)) 16. The applications consolidated the previous proffers into one unified proffer statement. The approved proffers anticipated the "Land Swap" with the Jefferson at President's Park approved under RZ 1996-HM-044, PCA 86-C-029-06 and PCA 88-C-066-02. The CDP/FDP was later amended by PCA 86-C-029-08, PCA 88-C-066-04, and PCA 1996-HM-044-02 for the subject site. Copies of the CDP/FDP and proffers are on file with the Zoning Evaluation Division of the Department of Planning and Zoning.
- **PCA 86-C-029-06, PCA 88-C-066-02, and RZ 1996-HM-044 (concurrent with RZ 1997-HM-043, PCA 85-C-008-03)** were approved by the Board of Supervisors on **May 11, 1998** as part of the "Land Swap" between Dulles Corner and the Jefferson at President's Park, which permitted both developments to maintain contiguous land

area on their respective sides of Dulles View Drive. The applications amended the proffers and CDP to permit the deletion of 1.39 acres east of Dulles View Drive from Tax Map 15-4 ((1)) 22J, to be rezoned to the PDH-30 District pursuant to RZ 1997-HM-043. RZ 1996-HM-044 rezoned 1.21 acres located west of Dulles View Drive (Tax Map 15-4 ((1)) 23A pt.) from the I-5 (General Industrial) District to the PDC District, and incorporated the area into the land area of the Conceptual Development Plan for Dulles Corner as part of PCA 86-C-029-06 and PCA 88-C-066-02. The development plan for the subject site was later amended and copies of the CDP/FDP and proffers are on file with the Zoning Evaluation Division of the Department of Planning and Zoning.

- **PCA 86-C-029-08, PCA 88-C-066-04, and PCA 1996-HM-044-02 (the Planning Commission having previously approved FDPA 86-C-029-04; FDP 88-C-066; and FDP 1996-HM-044)** were approved by the Board of Supervisors on **November 20, 2000** to permit site modifications for the subject site to permit six office buildings, with the option for up to two hotels in lieu of two offices, at a maximum height of 150 feet (not including penthouses), for a total of 1,171,896 square feet and 46% open space. Copies of the CDP/FDP and proffers are on file with the Zoning Evaluation Division of the Department of Planning and Zoning.
- **PI 0507 093 interpretation for PCA/FDPA 86-C-029-10, PCA/FDPA 88-C-066-5 and PCA/FDPA 1996-HM-044-03** dated on **September 8, 2005**, and determined that a reallocation of 50,000 square feet of gross floor area from Building 10 to Buildings 8 and 9 (25,000 square feet to each) in the Dulles Corner development, and the resulting addition of one story to each office building, was in conformance with the proffers and development plan. Copies of the interpretation are contained in Appendix 4.
- **PCA 1996-HM-044-03, PCA 88-C-066-05, and PCA 86-C-029-10 (the Planning Commission having previously approved FDPA 1996-HM-044, FDPA 88-C-066, and FDPA 86-C-029-06)** were approved by the Board of Supervisors on **December 6, 2006** to amend the Conceptual/Final Development Plans, proffers and conditions to permit site modifications on three portions of Dulles Corner (Tax Maps 15-4 ((1)) 23A pt., 13, 13B, 23A pt., 23A1, and 13C) to permit two office buildings (210,000 square feet each), a hotel and conference center (160,000 square feet with 320 rooms), a retail support building for the hotel (71,896 square feet), two residential buildings (594,000 square feet for 470 dwelling units) and park dedication with an option for an office building (217,896 square feet) and retail support building (14,000 square feet) in lieu of the hotel and hotel support buildings. This is the governing CDP/FDP and copies of the proffers, conditions and CDP/FDP are contained in Appendix 5.

COMPREHENSIVE PLAN PROVISIONS (Appendix 6)

Plan Area:	III
Planning District:	Upper Potomac Planning District

Planning Sector: Dulles Suburban Center, Land Unit A

Plan Map: Mixed Use

Plan Text:

The Fairfax County Comprehensive Plan, 2003 Edition, Area III, Dulles Suburban Center, as amended through May 15, 2006, Land Unit A, pages 54-59 state:

“General Land Unit Recommendations

This land unit is planned for a complementary mix of land uses including office, hotel and support retail at .50-1.0 FAR, except as may be described in "Other Recommendations." Optional residential uses should be considered as part of mixed-use projects or in accordance with the site-specific and other recommendations set forth below. A cohesive mixture of residential and non-residential uses should provide convenience to those who live and work in the area. Development in this land unit should provide for the incorporation of possible future transit related facilities and pedestrian access to transit.

A core area within Land Unit A is envisioned as a transit station mixed-use area and has been designated as part of the Route 28/CIT Transit Station Area. It includes high density residential uses, of relatively greater land use intensity and urban scale than most other areas in the Dulles Suburban Center. In addition to the higher intensities, the highest urban design standards are envisioned for this area. As planned, this core is large enough for the development of an urban concentration of uses, yet small enough to promote pedestrian circulation throughout the area. The pedestrian network should link the residential areas, community facilities and employment centers to any future transit site. The Urban Design Guidelines in the Reston-Herndon Suburban Center and Transit Station Areas section of the Plan apply to development in the portion of Land Unit A located north of Coppermine Road.

It is important that mixed-use projects that include residential use be phased to ensure the development of both the residential and non-residential components. This phasing requires that the residential and non-residential components be developed at the same time or that a substantial portion of the non-residential development be in place prior to residential development. All residential components should be of sufficient size to create a viable residential community and to ensure that a high quality living environment can be created through the provision of a well-designed project with active recreation and other site amenities.

In general, development intensities should be highest along Horse Pen Road, the central spine road, and should transition down both at the southern periphery of the land unit defined by Frying Pan Creek and transition toward the northeast to maintain campus office densities in those areas outside of the Route 28/CIT Transit Station Area core...

Other Recommendations

1. Intensities should generally decrease at the eastern and southern edges of this land unit to form appropriate transitions between Land Unit A and the planned and existing development densities of surrounding land uses. Buffering and screening measures should be implemented to protect the integrity of adjacent neighborhoods. Higher intensity development should be oriented away from the stable, single-family residential development in Land Unit C.”

Final Development Plan Amendment (FDPA) Plat (Copy at front of staff report)

Title of FDPA: Final Development Plan Amendment Dulles Corner
FDPA 86-C-029-07

Prepared By: William Gordon Associates Inc.

Original and Revision Dates: October, 2006 as revised through April 26, 2007.

The FDPA Plat consists of 9 sheets:

Sheet 1 is a title sheet and includes a vicinity map, a sheet index, the limits of the FDPA, contact information, and a description of the proposal and the zoning history.

Sheet 2 shows the overall historical zoning information for Dulles Corner, the proposed zoning tabulation, the site tabulations, a detail angle of bulk plane, and the parking and open space tabulations. Several notes and footnotes are also included on the sheet. The site tabulations show a total of 651,896 GSF on the subject property; 445,986 GSF for office use; and 206,000 GSF of hotel use. In addition, approximately 1923 parking spaces are listed in the parking tabulations for the office and hotel uses on the site.

Sheet 3 is the overall Final Development Plan Amendment layout, which depicts the subject property layout, parking, access and right of way. Two office buildings (Building 8 and Building 9) are located in the middle of the subject property in between two 5-level parking garages. A hotel building is shown on the northern portion of the property in front of an additional 5-level parking garage. The main entrance to the lobby of the hotel is located on the southeast side of the hotel. A park area is located south of the proposed hotel building and east of the parking garage. Access to the parking garages, office buildings and hotel building is provided from 4 access points from Wasser Terrace and one access point from Dulles View Drive. In addition, a county wide trail is shown along the western boundary line, with two connections to the subject property.

Sheet 4 is the Landscape Plan for the site. An enlargement of the proposed park located in front of the parking garage between the hotel building and the northern office building is included. A sidewalk is proposed through the park to link the hotel use with the office use. Six benches are located along the trail for pedestrians.

Notes on the sheet indicate that the proposed trails and sidewalks on the FDPA shall match materials and designs of the existing trails in Dulles Corner. In addition, Note 4 indicates that the proposed office drop off area shall incorporate a pedestrian plaza with specialty materials that include scored concrete pavers and other similar materials.

Sheet 5 shows additional recreational amenities on the site, which include a pedestrian plaza located in between the office buildings and an amphitheater located to the north of the hotel building and south of Dulles Lake. A cross section is also provided on the sheet to show views across Wasser Terrace from the adjacent residential buildings on the east to the southern parking garage. A forty foot wide landscaped island with several shade trees is provided in the median of Wasser Terrace.

Sheet 6 shows pictures of the project site amenities.

Sheet 7 includes the architectural elevations of the office buildings. Two identical 8-story office buildings are proposed to mirror each other in design. A note indicates that the architectural character of the buildings will be in accordance with the Architectural Design Proffer (Proffer 16), which lists the building materials for the office buildings (Buildings 8 and 9).

Sheet 7a includes the architectural elevations of the hotel building. An L-shaped hotel building is proposed to be located in front of the northern parking garage and will overlook Dulles Corner Lake. A note indicates that the architectural character of the hotel building will be in accordance with the Architectural Design Proffer (Proffer 16), which lists the building materials for the hotel building (Building 10).

Sheet 8 shows a pedestrian circulation plan. A note on the sheet references the pedestrian facilities section of the Proffers.

Sheet 9 includes the stormwater management and outfall narratives. Outfall for the site is provided from a major outfall located at Dulles Corner Lake and one minor outfall located on Parcel A2. In addition, the BMP/SWM narrative indicates that the Dulles Corner Lake was designed to provide stormwater management for the entire Dulles Corner Development. A note indicates that all existing BMP/SWM will be privately maintained by the owner.

ANALYSIS

Land Use Analysis (Appendix 7)

The proposed use is in harmony with the Comprehensive Plan. No design or compatibility issues were identified. The applicant is proposing to remove a small area of support retail in favor of an expanded landscaped open space area between the proposed hotel and office uses. Staff believes that the proposal is designed in a manner consistent with extensive guidance set forth in the Dulles Suburban Center element of the Plan.

Environmental Analysis

No environmental issues were identified with this application. The proposal represents a small increase in open space area and a reduction of impervious area from the currently approved development. A development condition has been written to require landscaping in substantial conformance with that shown on the FDPA and subject to Urban Forest Management (UFM) approval.

No downstream complaints are on file. Stormwater management will continue to be provided within Dulles Corner Lake (an existing wet stormwater management pond). The applicant will be required at site plan to ensure that the on-site facility can accommodate the development and that run-off is adequately conveyed to the facility (see Appendix 8). In addition, the proffer to incorporate green roofs for additional stormwater detention on top of the proposed one-two story retail support building (see Proffer 47 in Appendix 5) will no longer be required, since the building will be replaced by of a landscaped open space area.

Transportation Analysis (Appendix 9)

The Department of Transportation reviewed the application and indicated that previous commitments (Proffer 15D) for construction of a Route 28 trail and trail connections called for an eight foot wide trail along Route 28 and two eight foot wide connections from the trail. The applicant had three options to comply with these commitments, which include 1) constructing the trail within the right of way or on the Metro Washington Airport Authority (MWAA) property located between the applicants property and Route 28, 2) constructing the trail on an alternative on-site location acceptable by DPWES and DPZ, or 3) escrowing the cost of constructing the trail as determined by DPWES for the future construction of the trail by others. Option 1 was determined to be unacceptable by DPWES because MWAA, in a letter addressed to Laura Miller of William H Gordon Associates and dated December 12, 2005, was not willing to permit construction of a trail on their property (see Appendix 3). After receiving this letter, the applicant met with the Department of Planning and Zoning to discuss an alternative on-site route which would use the service drive on the west side of the site to double as a trail and to provide connections at the northern and southern property lines. However, DPWES determined that Option 2 was unacceptable as well. Therefore, the applicant pursued Option 3 and received an escrow estimate from the County for an 8 foot wide trail on March 6, 2006, which totaled \$36,900 dollars. The applicant paid this sum on August 27, 2006.

Issue: VDOT trail width standards.

Staff noted that VDOT recently changed the width requirements for trails. The 8 foot wide trail along Route 28 should now be 10 feet in width in conformance with VDOT and the Route 28 widening project requirements. Staff requested that, if an escrow has already been provided in lieu of construction, the applicant should provide additional funds to cover the cost of a 10 foot wide trail.

Resolution:

The applicant declined to provide the additional funds because an escrow payment of \$36,900 was paid in association with site plan 6318-SP-021-2. An escrow estimate for an 8 foot wide trail specified in Proffer 15D was prepared by the County on March 6, 2006 and totaled \$36,900 dollars. This amount was paid by the applicant on August 27, 2006. However, staff continues to believe that the applicant should provide additional funds to cover the cost of a 10 foot wide trail.

Issue: Route 28 trail connections to local road networks

FCDOT has been seeking to establish a bike trail connection between Route 28 and the local road network in this vicinity to connect to an eventual above-grade crossing of the Dulles Toad Road. A route through the subject property provides the best opportunity to complete this connection. Therefore, staff recommends that a 10 foot wide trail be established between either connection point to the Route 28 trail and Sunrise Valley Drive.

Resolution:

The applicant has not provided for trail connections to the future Route 28 trail on their property. An escrow was provided in lieu of constructing the trail, but no connections are shown on the FDPA. Staff believes that this development provides an excellent opportunity to create a future link to Sunrise Valley Drive, which would lead to a future above-grade crossing of the Dulles Toll Road and connection to the W&OD trail. In lieu of constructing a trail connection, the applicant has agreed to escrow with DPWES funds equivalent to the cost of constructing a trail connection from the Route 28 trail through the property to ultimately connect with Sunrise Valley Drive, as determined by DPWES, for the future construction of the trail connection by others. A development condition has been written to require this additional funding.

ZONING ORDINANCE PROVISIONS (Appendix 10)

In evaluating planned developments, the Zoning Ordinance states that the setbacks along the periphery should generally conform to the setback and bulk requirements of the most closely related conventional zoning district. Previous evaluation of the standards determined that the Dulles Corner office/hotel development most closely resembles the C-3 District. The table below compares the proposed non-residential portion of the development to the requirements of the C-3 District.

Bulk Standards (C-3)		
Standard	Required	Provided
Front Yard	25° Angle of Bulk Plane (ABP), but not less than 40 feet (ABP = 70 feet for a 150 foot tall building)	60 feet ¹
Rear Yard	20° ABP, but not less than 25 feet (ABP = 55 feet for 150 foot tall building, 25 feet for a 45 and 55 foot tall parking garage)	40-90 feet to buildings 10 feet to the 45 foot high garage ² 35-42 feet to the 55 foot high garages
Building Height	90 feet	150 feet
Open Space	15%	36% ³
FAR	1.00	0.89 ⁴

1. The front yard in this FDPA application is consistent with that which was previously approved.
2. The rear yard in this FDPA application is consistent with that which was previously approved.
3. Open space based on the entire subject site. Overall, Dulles Corner will maintain 40.97 acres of open space (44%).
4. FAR based on the entire subject site. Overall, Dulles Corner will not exceed 0.72 FAR (inclusive of ADUs and bonus market rate units).

A detailed discussion about the findings in the bulk standards chart is found below under Article 16, Sect. 16-102 design standards.

Waivers and Modifications:

Modification of the transitional screening and waiver of the barrier requirements

The office buildings are required to provide a Transitional Screening 1 (25 foot wide landscape buffer) and Barrier D, E or F to the on-site residential units. The hotel is required to provide Transitional Screening 1 and Barrier E, F or G (6 foot tall brick wall, fence or chain link fence) to the on-site residential units. The residential and non-residential uses are part of a single development and the presence of barriers between the uses would unnecessarily segregate the uses and would not be in accordance with the intent of the Comprehensive Plan for an integrated development. The applicant is proposing to remove a small area of support retail in favor of an expanded landscaped open space area between the proposed hotel and office uses. This proposal supplements the previously approved landscaping with an additional landscaped open space and the applicant seeks to reaffirm a modification of the transitional screening and waiver of the barrier requirements in favor of that shown on the FDPA. Par. 1 of Sect. 13-304 of the Zoning Ordinance permits the transitional screening and barrier requirements to be modified and/or waived between uses within a PDC District that are a part of a common development plan as provided by the applicant. Staff supports the proposed reaffirmation of the modification and waiver requests.

Other Zoning Ordinance Requirements:

Conformance with the Proffers and CDP/FDP

The site is subject to the existing proffers for Dulles Corner accepted by the Board of Supervisors in conjunction with PCA 86-C-029-05 and PCA 88-C-066 and later amended by 1) PCA 86-C-086-06 and PCA 88-C-66-02 and PCA 86- C-029-08,

PCA 88-C-066-04 and PCA 1996-HM-044-02, and 2) PCA 1996-HM-044-03, PCA 88-C-066-05, and PCA 86-C-029-10 (Appendix 5). This site is subject to a previously approved FDPA, which shows two office buildings (210,000 square feet each), a hotel and conference center (160,000 square feet with 320 rooms), a retail support building for the hotel (71,896 square feet), two residential buildings (594,000 square feet for 470 dwelling units) and park dedication with an option for an office building (217,896 square feet) and retail support building (14,000 square feet) in lieu of the hotel and hotel support buildings. The applicant is proposing to construct the hotel option for Building 10, to replace the proposed two-story hotel support building with landscaped open space, to transfer approximately 26,000 square feet of hotel square footage to the office buildings and to modify the proposed hotel building footprint and associated development conditions. Since this proposal does not increase or decrease the total amount of approved square footage for the office and hotel buildings, the overall approved FAR for Dulles Corner will not be exceeded and will remain 0.72 FAR. The proposed FDPA is in conformance with the approved CDP/FDP and with the executed proffers as attached in Appendix 5. The requested FDPA must also comply with the Zoning Ordinance provisions found in Articles 6 and 16.

Article 6

Article 6 of the Zoning Ordinance sets forth the requirements regarding the principle and secondary uses permitted in the PDC District, use limitations, lot size requirements, bulk regulations and open space requirements. The district regulations are designed to accommodate preferred high density and land uses which could produce detrimental effects on neighboring properties, if not strictly controlled as to location and design; to ensure high quality standards in the layout, design and construction of commercial developments; and otherwise to implement the stated purpose and intent of the Ordinance. Staff believes that the previously approved PDC District continues to be appropriate for the Dulles Corner development.

Article 16: Sects. 16-101 and 16-102

All planned developments must meet the general standards specified in Section 16-101 of the Zoning Ordinance.

General Standard 1 requires substantial conformance with the Comprehensive Plan. The Comprehensive Plan for the site is a mixed-use development at 0.5 to 1.0 FAR. The 33.41 acre site proposed for a mixed use development with office, hotel, retail and residential. The subject site will have an FAR of 0.89; however, the entire Dulles Corner development will not exceed a maximum FAR of 0.72. As such, the proposed uses and intensity are consistent with the Comprehensive Plan.

General Standard 2 requires that the design of the proposed planned development result in a more efficient use of the land and in a higher quality site design than could be achieved in a conventional district. The original rezoning to the PDC District demonstrated that the development met the purpose and intent of the PDC District and in staff's opinion, the proposed development continues to comply with the purpose and

intent of the PDC District. Furthermore, a conventional district would not permit the proposed mix of uses.

General Standard 3 requires that the design of the proposed development protect and preserve the natural features on the site. The applicant has committed to preserving 4.96 acres (36%) of open space on the 13.33 acre site and 40.97 acres (44%) of open space throughout the Dulles Corner development. The only change to the previously approved open space is the additional landscaped open space area in lieu of the retail support building. In staff's opinion, this standard has been met.

General Standard 4 requires that the proposed development prevent substantial injury to the use and value of the existing surrounding development. Staff believes the previously approved screening and the proposed increase in landscaping will adequately mitigate the visual impacts associated with the proposed office, and hotel development.

General Standard 5 requires that the planned development be located in an area where transportation, police, fire protection and other public facilities are available and adequate for the proposed use. In staff's opinion, this standard has been met.

General Standard 6 requires that the planned development coordinate linkages among internal facilities and services as well as connections to major external facilities. As previously discussed, the applicant has escrowed the cost of constructing the Route 28 trail for the future construction of the trail by others, but declined to provide additional funds for a 10 foot wide trail as currently required by VDOT. Staff continues to believe that the applicant should provide these additional funds. In addition, the applicant has not provided for trail connections to the future Route 28 trail on their property. Staff believes that this development provides an excellent opportunity to create a future link to Sunrise Valley Drive, which would lead to a future above-grade crossing of the Dulles Toll Road and connect to the W&OD trail. The applicant has agreed to escrow with DPWES funds equivalent to the cost of constructing a trail connection from the Route 28 trail through the property to ultimately connect with Sunrise Valley Drive, as determined by DPWES for the future construction of the trail connection by others. A development condition has been written to require this additional funding.

All planned developments must meet the design standards specified in Section 16-102 of the Zoning Ordinance.

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-3 District. As illustrated in the Bulk Standards chart, the forty foot rear setback for the 150 foot tall office Building 8 is less than would be required in the C-3 District. The sixty foot front yard setback for both of the 150 foot (175 feet including the penthouse) tall office buildings is also less than would be required in the C-3 District. In addition, the twenty-five foot rear setback for a 45 foot tall parking structure is less than would be required in the C-3 District. However, the office buildings and the 45 foot tall parking structure are part of the larger Dulles Corner development and no significant changes are proposed with this application.

Par. 2 states that open space, parking, loading, sign and other similar regulations shall have application in all planned developments. The application continues to meet the Zoning Ordinance requirements for open space, landscaping, and parking for Dulles Corner.

Par. 3 states that street systems should be designed to generally conform to the provisions of the Zoning Ordinance and should offer convenient access to mass transportation, recreational amenities and pedestrian access. Pedestrian access has been provided throughout the development. Landscaped open space is proposed to replace a previously approved retail support building located between the hotel and office buildings in front of a parking garage. This open space provides a sidewalk connection between the uses which connects to other sidewalks planned throughout the development. In addition to this sidewalk connection, staff believes a trail connection to a future Route 28 trail to the south of the property is necessary to provide a future link to Sunrise Valley Drive, which would lead to a future above-grade crossing of the Dulles Toll Road and connect to the W&OD trail. The applicant has agreed to a development condition which would require the escrowing of funds equivalent to the cost of constructing a trail connection from the Route 28 trail through the property to ultimately connect with Sunrise Valley Drive, as determined by DPWES.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant proposes to replace a two-story retail support building associated with a hotel option in Dulles Corner with landscaped open space and to modify the proposed hotel building footprint. The proposal does not result in a change in the approved floor area. The additional landscaped open space provides the hotel and the office uses with an open space area that will serve pedestrians walking to and from the uses. In addition, the proposed reconfiguration of the hotel allows for a more attractive L-shaped building orientation fronting Dulles Corner Lake. This configuration also relocates the hotel lobby and porte-cochere to the southeast, which shifts traffic away from pedestrian oriented open space features along Dulles Corner Lake. The revised layout and the removal of an unnecessary hotel support building creates a more functional and unique design that improves upon the approved FDP. The applicant has also agreed to provide additional funds to the County in lieu of constructing important trail connections to a future Route 28 trail. Staff concludes that the subject application is in harmony with the Comprehensive Plan and the applicable Zoning Ordinance provisions and is in conformance with the CDP and proffers, with the imposition of the development conditions contained in Appendix 1.

Recommendation

Staff recommends that FDPA 86-C-029-07 be approved subject to the development conditions contained in Appendix 1.

Staff recommends approval of the transitional screening and waiver of the barrier requirements along the eastern boundary in favor of the existing and proposed landscaping depicted on the Final Development Plan.

It should be noted that it is not the intent of staff to recommend that the 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.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. PI 0507 093 Proffer Interpretation
5. PCA 1996-HM-044-03, PCA 88-C-066-05, and PCA 86-C-029-10 Proffers, approved CDP/FDP and approved development conditions
6. Comprehensive Plan Provisions
7. Land Use and Environmental Analysis
8. Stormwater Management Analysis
9. Transportation Analysis
10. Applicable Zoning Ordinance Provisions
11. Glossary of Terms

**PROPOSED DEVELOPMENT CONDITIONS
FDPA 86-C-029-07**

May 2, 2007

If it is the intent of the Planning Commission to approve FDPA 86-C-029-07 located at Tax Maps 15-4((1)) 13D1, 13E2, and 13E3 previously approved for mixed use development to replace the proposed two-story retail building adjacent to the proposed parking garage with landscaped open space and to modify the proposed hotel building footprint, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, which are in addition to all previously approved development conditions in FDPA 1996-HM-044, FDPA 88-C-066, and FDPA 86-C-029-06.

1. Development of the property shall be in substantial conformance with the Final Development Plan Amendment entitled "Final Development Plan Amendment Dulles Corner FDPA 86-C-029-07" prepared by William Gordon Associates Inc., consisting of nine sheets dated October, 2006 as revised through April 26, 2007.
2. The proposed landscaping within the FDPA area shall be provided in substantial conformance with the landscape concept plan, as shown on Sheet 4 of the FDPA, as to the location, quantity and quality of plantings. Final plant selection, including trees and shrubs, shall be made at the time of final site plan and may include plants other than those shown on the FDPA, subject to approval by Urban Forest Management.
3. In lieu of constructing two foot ten foot wide asphalt wide trail connections to Route 28 between the Property's eastern boundary and the proposed Route 28 trail as generally shown on the FDPA, the Applicant shall escrow with DPWES the cost of constructing the referenced connections that run east to west as determined by DPWES for the future trail to be constructed by others.

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

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.