



APPLICATION ACCEPTED: February 14, 2007
PLANNING COMMISSION: July 12, 2007
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

June 26, 2007

STAFF REPORT

APPLICATION RZ 2007-SU-006

SULLY DISTRICT

APPLICANT:	Vahid K. Amin
PRESENT ZONING:	I-3; HC, WS, and AN
REQUESTED ZONING:	I-5; HC, WS, and AN
PARCEL(S):	33-2 ((1))-3
ACREAGE:	1.53 acres
FAR/DENSITY:	0.17
OPEN SPACE:	60%
PLAN MAP:	Mixed Use
PROPOSAL:	Request to rezone the I-3 property to the I-5 District to permit certain I-5 uses, including warehousing with associated retail uses.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2007-SU-006, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of a waiver of the requirement for the installation of a service drive along Route 50 in favor of the applicant providing interparcel access to the adjacent property to the east [Parcel 33-2 ((1))-4].

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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
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www.fairfaxcounty.gov/dpz/

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.

The approval of this rezoning 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.

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 WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

Proposal:

The applicant, Vahid K. Amin, requests approval to rezone approximately 1.53 acres presently zoned I-3 (Light Intensity Industrial), HC, WS, and AN to the I-5 (General Industrial), HC, WS, and AN Districts, and approval of a Generalized Development Plan (GDP), to permit the development of a warehousing facility with associated retail uses, or other proffered I-5 uses. As proposed, Red Fox Plaza will be developed as a one-story warehousing facility possibly housing one or more tenants with associated retail components for each warehousing use. The cumulative gross floor area ratio (GFA) of the 1.53 acre-site will be 10,929 square feet at a floor area ratio (FAR) of 0.17.

Waiver Requested:

The applicant requests a waiver of the required service drive along Route 50.

LOCATION AND CHARACTER

Site Description:

The subject property is 1.53 acres of vacant land located at 15110 Lee Jackson Memorial Highway in Land Unit F-1 of the Dulles Suburban Center. The site is bounded on the north by the Washington Dulles International Airport, on the east by Willard Road, on the south by Route 50, and the Fairfax-Loudon County border to the west. The vacant site is accessed off of Dulles South Court via an interparcel easement granted by the adjacent Parcel 33-2-((1))-2, Dulles South Court development to the west. The topography of the site is primarily flat. The northern portion of the subject site is part of the Cub Run Resource Protection Area (RPA) and includes the 100-year floodplain. There is evidence of illegal dumping and landfill adjacent to the Cub Run Stream corridor. Portions of the RPA are characterized by tree cover surrounding the Cub Run stream with other areas cleared up to the stream bank. The cleared areas have been planted over with grass which is being overtaken by thicket-forming, invasive, exotic plants which include Russian olive, Ailanthus altissima, bradford pear, greenbriar and honeysuckle. Remnants of an old parking lot are apparent in the portion of the RPA closest to the developable area.

Surrounding Area Description:

The rezoning area represents a portion of the Dulles Suburban Center that is planned to be developed as high-quality campus-style office and industrial/flex use consistent with the development in adjacent land units. Parcels to the west of the subject property, also in Land Unit F-1 and zoned I-5, make up the Dulles South Court development and are developed with warehousing facilities, including retail components. South of Route 50 and across from the subject property, in Land Unit G of the Dulles Suburban Center, is the Lafayette Business Park, developed with industrial/flex uses and low-rise office and is zoned I-3 and I-5. Lafayette Business Park is planned for low-rise office, light industrial, research and development, and industrial/flex use.

Direction	Use	Zoning	Plan
North	Vacant Land	I-5	Mixed Use
South	Lee Jackson Memorial Highway (Route 50). Lafayette Business Center is south of Route 50.	I-3	Mixed Use
East	Vacant Land (primarily characterized as Flood Plain)	I-3	Public Parks
West	Warehousing and Storage Facilities (Dulles South Court Development)	I-5	Mixed Use

BACKGROUND

- No previous applications were filed for the subject site.
- On April 1, 1985, BOS approved RZ 84-C-070 to rezone 27.33 acres from I-3 to I-5 on parcel 33-2 ((1)) 2, the property located west of the applicant site which provided access to the applicant site from Dulles South Court via an interparcel access easement.

COMPREHENSIVE PLAN PROVISIONS (See Appendix 4)

Plan Area:	Area III
Planning District:	Dulles Suburban Center
Planning Sector:	Dulles Suburban Center, Land Unit F-1
Plan Map:	Mixed Use

In the *Fairfax County Comprehensive Plan, 2007 Edition, Area III, Dulles Suburban Center Planning District, F1-Dulles Suburban Center Community Sector*, pages 101-103, under Recommendations, Land Use, states (selected text):

“Land Unit F-1 is planned for high-quality campus-style office and industrial/flex use up to a maximum FAR of 0.35, consistent with the type and character of development established in adjoining land units. Substantial setbacks, landscaping and screening should be provided along Route 50 and along Willard Road for an attractive appearance. Direct access to Route 50 should be permitted from Parcel 33-2((1)) 2, which is constrained on its eastern side by an EQC which traverses the parcel from north to south. In addition to existing access points, one new access point could be permitted to the balance of the land unit provided it does not impact environmentally sensitive lands. Substantial consolidation of small parcels is recommended and should be carried out in a manner that ensures that unconsolidated parcels have adequate access and can be developed in accord with the Comprehensive Plan. Architecture should also function as an element of design integration and architectural sketches should be made available for the public review process. . . .” (See complete text Appendix 4).

There is no site specific text for this parcel.

ANALYSIS**Generalized Development Plat** (Copy at front of staff report)

Title of GDP:	Red Fox Plaza
Prepared By:	Civiland, LLC

Original and Revision Dates: October 2006, with revisions through June 11, 2007

GDP SHEET INDEX	
Sheet #	Contents
1	Existing Conditions
2	Generalized Development Plan
3	Landscape Plan
4	SWM Plan
5	BMP Plan

The GDP depicts a site layout as follows:

Warehouse/Retail Development

- The applicant proposes to develop a 10,929 square feet warehouse facility with an associated furniture and carpet retail store component at 0.17 Floor Area Ratio (FAR). That applicant has proffered to limit other permitted uses for the I-5 district to the following:
 - Contractor's offices and shops with no outside storage.
 - Establishments for printing, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and associated retail sales; except bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Par. 13 of Sect. 9-501 of the Zoning Ordinance.
 - Establishments for scientific research, development and training.
 - Veterinary hospitals with no associated boarding or kennels.
 - Warehousing and associated retail establishments, excluding an adult book store and related uses as defined in Part 3 of Article 20 of the Fairfax County Zoning Ordinance.
 - Wholesale trade establishments, excluding an adult book store and related uses as defined in Part 3 of Article 20 of the Fairfax County Zoning Ordinance.

The warehouse component of proposed uses consists of 60% of the Gross Floor Area (GFA) (6,557 square feet), while the remaining 40% GFA (4,372 square feet) will be the associated retail component.

- The architectural renderings provided depict a one-story building at a maximum height of 24 feet, treated with an exterior insulation finish system (E.I.F.S.), awnings and windows encased with painted metal, prefinished metal downspouts, and other architectural details. The applicant has proffered to these renderings (see Attachment 1 of the draft proffers).

Proposed Dedicated Right-of-Way

The GDP depicts a ten-foot trail along the Route 50 frontage and dedicated right-of-way, 100 feet from the centerline to the property line for future widening of Route 50.

Access & Parking

- Site access for the proposed development is provided off of the internal road, Dulles South Court. The proposed building will be oriented facing the Dulles South Court.
- As depicted on the GDP, the applicant proffers to a 40-foot interparcel access to the adjacent property to the east to allow site access to future development on the adjacent site.
- A total of 18 parking spaces including one handicap van accessible space are provided.

The applicant has proffered to demonstrate that adequate parking will be provided to serve all uses on the site. Should adequate parking not be available, the proposed uses shall be reduced in size or uses eliminated to meet the minimum parking requirements.

Resource Protection Areas and 100-Year Floodplain

The subject property is located within the Water Supply Protection Overlay District. There is a Resource Protection Area (RPA) and 100-Year Floodplain on the northern half of the site. The applicant's proposed outfall sewer from the onsite bioretention filter is located and discharges into the RPA.

Open Space & Landscaping

- Approximately 60% of the site will remain as open space, to include the remaining RPA and proposed “Tree Protection (TP)” areas. The applicant has proffered to install tree protection fencing prior to any clearing and grading activities, under the supervision of a certified arborist.
- Aside from a portion of the existing RPA, the majority of the site will be cleared and regraded.
- Tree planting consisting of evergreen and deciduous trees and shrubs are shown in the buffer area adjacent to Route 50.
- The GDP notes that the required 5% interior parking landscaping and 10% tree cover requirement will be provided during the final site plan submission.

Stormwater Management

- The applicant has proposed a private, onsite bioretention filter to meet stormwater management (SWM) and best management practices (BMP) requirements.
- The GDP designates that the proposed bioretention filter will be planted with the trees and shrubs listed in the Plant Schedule.
- The proposed outfall sewer from the onsite bioretention filter is located and discharges into the RPA.

Land Use Analysis (See Appendix 4)

As previously cited, the subject property is located in Land Unit F-1 of the Dulles Suburban Center which is planned for high-quality campus-style office and industrial/flex use of to a maximum FAR of 0.35. The *Fairfax County Comprehensive Plan* recommends development consistent with that in adjoining land units, including substantial setbacks, landscaping and screening adjacent to Route 50. While the proposed warehouse and associated retail sales establishment and other proffered I-5 uses do not strictly comply with the Comprehensive Plan recommendation for campus-style office or industrial/flex uses, it is similar to some of the existing uses in the Dulles South Court development located immediately to the west of the subject property.

The Plan states that infill development of the subject property should be compatible with the scale of the existing uses in adjacent areas and should be compatible with the design guidelines in the Dulles Suburban Center. The proposed use is considered an optional use and is therefore also subject to the performance based guidelines for optional uses as outlined in the Plan for the Dulles Suburban Center.

Design guidelines include the protection of environmental resources, parcel consolidation, and guidelines for the appearance of highway corridors, as discussed in other sections of this report. These guidelines also discuss creating a recognizable identity for the Dulles Suburban Center by creating a sense of place. Guidelines for optional uses in the Dulles Suburban Center include recommendations for compatibility in terms of land use, parcel consolidation and buffers. Performance based elements relevant to the proposed development also include criteria related to trip generation. The applicant should demonstrate that the proposed use and intensity will have lesser peak-hour traffic impacts than would occur if the site were developed under the baseline Plan recommendation of office. The applicant has indicated that the number of vehicular trips per day (VPD) generated from the proposed development will be 39 VPD, which is less than the projected 132 VPD generated from the baseline office use development.

Compatibility

Issue: The proposed development is a one-story facility. An alternative design which incorporates a second story could reduce the footprint of the building in order to allow more space for the streetscape along Route 50. The majority of the adjacent property on the east side of the proposed building is a forested RPA and will therefore remain undisturbed; however, there is a small portion of the property that is not RPA and could potentially be cleared or developed. The Comprehensive Plan states that high quality design should be provided on all visible faces of the building, consistent with recommendations for high quality design associated with the Compatibility Elements for optional uses in the Dulles Suburban Center.

Resolution: The applicant has provided sketches of the east, west and south elevations and has committed to these renderings in proffers dated June 21, 2007. The south and west elevations, facing Route 50 and the Dulles South Court development, incorporate glass windows and awnings for visual appeal. In response to staff's earlier comment, the façade on the east side of the building now incorporates similar architectural features to the middle of the

façade as those shown for the south and west façades in order to prevent the appearance of the rear of a building from the eastern approach. The proposed building design is acceptable.

Consolidation

Issue: The Comprehensive Plan recommends that consolidation of parcels should ensure that unconsolidated parcels have adequate access and can be developed in accord with the Comprehensive Plan. The subject property is a 1.53 acre parcel, half of which is RPA and floodplain. The adjacent parcel to the east is 7.7 acres, only a small area of which is available for development due to the presence of the Cub Run RPA. Consolidation of this property with the subject property would be highly desirable as a means of taking advantage of its developable area, while affording maximum protection for the environmentally sensitive portions of the Cub Run RPA. Given that the neighboring lot is substantially larger than the subject property, and that it would add only small area to the proposed development area, at a minimum, the applicant should provide interparcel access to this property in order to accommodate any appropriate development of the adjacent lot.

Resolution: The applicant has indicated that consolidation was not feasible. As suggested by Staff, the applicant has committed to providing interparcel access to the adjacent property to the east, which is also shown on the GDP.

Buffering, Screening and Setbacks

The Dulles Suburban Center guidelines include recommendations relevant to the creation of visually appealing highway corridors. Additional shrubs throughout the buffer would provide for a more consistent streetscape as well as enhance the buffering effect. Some of the adjacent properties have been able to provide landscaping and plantings on both sides of the required trail, further buffering the trail from the road.

Issue: The proposed landscape plan depicts tree plantings in the area between the proposed parking and the proposed trail parallel to Route 50, as well as in the bioretention filter area. However, few plantings are depicted in other portions of the property and limits of clearing and grading are not depicted anywhere on the development plan. There is opportunity to provide a more extensive landscaped area on the property's Route 50 frontage by shrinking the building footprint through a two-story design for the proposed building rather than the depicted one-story design.

Resolution: The applicant is not in favor of a two-story design for the proposed building. The applicant has provided a landscaped buffer adjacent to the proposed trail that includes a row of trees and ranges from twenty feet in its widest area on the south-eastern side of the property, to just over ten feet in width on the south-western boundary of the property. The south-eastern portion of the buffer is enhanced with additional shrubs. The applicant has also committed to planting grass along the eastern border of the building.

Environmental Analysis (See Appendix 4)

Issue: The northern portion of the subject property is part of the Cub Run RPA and includes the 100-year floodplain. The proposed development will require encroachment within the onsite RPA due to the construction of an onsite bioretention filter. The applicant shows that the outfall for the proposed bioretention filter extends into the RPA. There is evidence of illegal dumping and landfill adjacent to the Cub Run Stream corridor and remnants of an old parking lot are apparent in the portion of the RPA closest to the developable area.

Resolution: The applicant has proffered to limit RPA disturbance to only that which is deemed necessary by DPWES for utility crossings, Stormwater management outfalls, and the removal of dead, dying, and damaged trees, as well as the removal of parking lot remnants and demolition debris located along the creek bank. In addition, the applicant has proffered to provide and adhere to a RPA Reforestation Plan and to retain all remaining portions of the RPA as undisturbed open space.

Transportation Analysis (See Appendix 5)

All transportation issues have been substantively resolved with proposed proffers (See Appendix 1). The applicant has committed to constructing a 10-foot wide county trail along the Route 50 frontage. The applicant requests a waiver of the required service drive along Route 50. The Department of Transportation has determined that the trip generation for the proposed uses is less than the base use in the Comprehensive Plan (office) and therefore has no issue with approving the request. The applicant has committed to provide interparcel access to the adjacent property to the east. The applicant has also dedicated right-of-way for future widening of Route 50, 100 feet from the centerline to the property line. Access to the subject site will be from Dulles South Court and not from Route 50.

The Department of Transportation has noted a concern regarding the access to the proposed loading space on the subject site. Large delivery trucks may have difficulty navigating the turn area to the loading dock. This concern will need to be addressed at site plan.

Public Facilities Analyses

Stormwater Management Analysis (See Appendix 9)

Issue: The applicant has proposed a private, onsite bioretention filter to meet stormwater management (SWM) and best management practices (BMP) requirements. The proposed outfall sewer from the bioretention filter discharges into the RPA. To locate outfall sewers within the RPA requires approval of a Water Quality Impact Assessment.

Resolution: The applicant has proffered to submit a Water Quality Impact Study (WQIS) to DPWES for its approval prior to site plan approval.

Sanitary Sewer Analysis (See Appendix 6)

The applicant property is located in the Cub Run Watershed. The UOSA Treatment Plant sewers this site. The existing 8 inch line located in an easement approximately 120 feet from the property is adequate for the proposed use at this time.

Water Service Analysis (See Appendix 7)

The subject property is served by Fairfax Water. Adequate domestic water service is available at the site from an existing 24-inch water main located at the property. A water line easement will be required. A grading plan must be reviewed and approved by Fairfax Water prior to any construction within a water utility easement.

Fire and Rescue Analysis (See Appendix 8)

The site is serviced by the Chantilly Station #415 of the Fairfax County Fire and Rescue Department. The proposed development currently meets fire protection guidelines.

Park Authority Analysis (See Appendix 10)

Issue: The Fairfax County Park Authority indicates that the applicant site has a high potential for significant prehistoric and historical archaeological resources since it is the location of a recorded architectural site, the "Moore House," as well as other neighboring sites. The Park Authority recommends that the applicant conduct a Phase I archaeological survey of the subject property and provide the results to the Cultural Resource Management and Protection section (CRMP).

Resolution: The Applicant has committed to conduct the Phase I and any subsequent studies as identified by CRMP prior to any land disturbance activities.

ZONING ORDINANCE PROVISIONS (See Appendix 11)

The requested rezoning of the 1.53 acre site to the I-5 District must comply with the applicable regulations of the Zoning Ordinance found in Article 5. Retail sales may be permitted as an associated use within the I-5 District, provided that within a warehouse establishment, the warehouse use (which is not display area) is devoted to 60 percent of the above-ground gross floor area of the establishment. The associated retail use cannot exceed 40 percent of the gross floor area.

Bulk Standards (I-5 Zoning)		
Standard	Required	Provided
Lot Size	20,000 square feet (minimum)	± 66,709 square feet
Lot Width	100 feet (minimum)	165.96 feet
Building Height	75 feet (maximum)	24 feet
Front Yard	40 feet (minimum)	40 feet
Floor Area Ratio (FAR)	0.50 (maximum)	0.17 Total
Open Space	15%	60%
Parking Spaces	*18 spaces	*18 spaces
Loading Space	1	1
Peripheral Parking Lot Landscaping	10 feet strip between parking lot and property line.	Varying width of 10-20 feet strip
Transitional Screening & Barrier: None required		

* Note: Parking spaces required and provided in this table satisfy parking requirements for the proposed warehouse and associated carpet & furniture store use. Parking for other proffered uses is subject to parking tabulation submissions that meet the minimum parking requirements.

This application has satisfied all of the applicable Zoning Ordinance standards.

Waivers/Modifications

The applicant requests a waiver of the service drive requirement along Route 50. As previously discussed, staff does not object to this waiver as the applicant has proffered to provide an interparcel access to the east.

Overlay District Requirements

Airport Noise Impact (ANIOD) (Sect. 7-400)

Highway Corridor (HC) (Sect. 7-600)

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

CONCLUSIONS AND RECOMMENDATIONS**Staff Conclusions**

The Applicant's request to rezone the 1.53 acre property from the I-3 to the I-5 district to permit the development of a warehouse and associated carpet and furniture retail sales establishment and/or other I-5 uses as proffered is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proffers contained in Appendix 1 of the Staff Report. Given the size of the subject parcel, the similarity of the proposed use to those uses in the adjacent development, and the small, isolated developable area of the subject property, the proposed use is compatible with surrounding development and therefore an appropriate use for this lot.

Staff Recommendations

Staff recommends approval of RZ 2007-SU-006 subject to the execution of proffers consistent with those set forth in Appendix 1.

Staff recommends approval of a waiver of the requirement for the installation of a service drive along Route 50 in favor of the applicant providing interparcel access to the adjacent property to the east [Parcel 33-2 ((1))-4].

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.

The approval of this rezoning 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 recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Plan Citations, Land Use and Environmental Analysis
5. Transportation Analysis
6. Sanitary Sewer Analysis
7. Water Service Analysis
8. Fire and Rescue Analysis
9. Utilities Planning and Design Analysis (DPWES)
10. Park Authority Analysis
11. Glossary of Terms

PROFFER STATEMENT

REZONING: Fairfax County RZ 2007-SU-006
I-3 to I-5
PROPERTY: Tax Map 0332 ((1)) 0003
RECORD OWNER: Vahid K. Amin
PROJECT NAME: Red Fox Plaza
DATE: June 21, 2007

Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950 as amended, Vahid K. Amin, (hereinafter referred to as the “Applicant”) for the owners, themselves, successors and assigns in RZ 2007-SU-006, filed for the property identified as Tax Map 0332 ((1)) 0003 (hereinafter referred to as the “Property”), proffers that the use and development of the Property, as described above, shall be in strict conformance with the following conditions. In the event the above referenced rezoning is not granted, these proffers shall be deemed withdrawn and shall be null and void. The headings of the proffers set forth below have been prepared for convenience for reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Property including the improvement or other proffered requirement, unless otherwise specified herein. The term “Generalized Development Plan” shall refer to the plan entitled “Generalized Development Plan, Red Fox Plaza,” prepared by Civiland, LLC, dated October 2006, as revised through June 11, 2007, consisting of five sheets (“GDP”).

1. LAND USE:

- 1.1. Conformance with Development Plan. Subject to the provisions of Section 18-204 of the Zoning Ordinance, the Property shall be developed to the I-5 district and in substantial conformance with the GDP, subject to minor modifications.
- 1.2. Floor Area Ratio (FAR). The FAR shall not exceed 0.171.
- 1.3. Allowed Uses. The following uses shall be permitted on the Property:
 - Contractor's offices and shops with no outside storage.
 - Establishments for printing, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and associated retail sales; except bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Par. 13 of Sect. 9-501 of the Zoning Ordinance.
 - Establishments for scientific research, development and training.
 - Veterinary hospitals with no associated boarding or kennels.

- Warehousing and associated retail establishments, excluding an adult book store and related uses as defined in Part 3 of Article 20 of the Fairfax County Zoning Ordinance.
- Wholesale trade establishments, excluding an adult book store and related uses as defined in Part 3 of Article 20 of the Fairfax County Zoning Ordinance.

If more than one user is proposed for this site, the second and all subsequent users must submit a parking tabulation prior to the issuance of a Non-Residential Use Permit (Non-RUP). Prior to issuance of any Non-RUP, it shall be demonstrated to DPWES that adequate parking is provided in accordance with these conditions and to serve all uses on the site. Should adequate parking not be available, the proposed uses shall be reduced in size or uses eliminated to meet the minimum parking requirements.

- 1.4. Maximum Height. The height of proposed building shall not exceed twenty four (24) feet. The height limitation shall not apply to flagpoles, chimneys, cupolas, and domes not used for human occupancy, sky lights, solar energy devices, ventilator, and other necessary mechanical equipment usually located on a roof, including parapets that serve the function of screening rooftop mechanical equipment.

2. COMMUNITY DESIGN

- 2.1. Building Orientation. Proposed building frontage shall be oriented to face the internal road (Dulles South Ct.).
- 2.2. Architecture. The proposed building will be developed in substantial accordance with the attached architecture renderings prepared by Samaha Associates, P.C., dated May 14, 2007, as revised through June 4, 2007, subject to minor modifications (see Attachment 1).
- 2.3. Lighting. The height of exterior parking lot lighting will not exceed 24 feet to the top of fixtures from the finished grade, and will be in compliance with the provisions of Paragraph 9 of Article 14 of the Zoning Ordinance.
- 2.4. Landscaping. The Applicant shall provide landscaping as shown on the GDP and in accordance with the County landscaping guidelines and requirements. The landscape materials shall be of indigenous species as determined to be appropriate by UFM.

3. WATER & SEWER.

- 3.1. Connection to public utilities. The Applicant shall plan, design, and construct all on-site and off-site water and sanitary sewer utility improvements as shown on the GDP necessary to develop the Property in accordance with applicable Fairfax County and State requirements, standards and regulations.

4. ENVIRONMENT.

- 4.1. Removal of Existing Paved Surface. Existing paved surface on the Property as shown on Sheet C-1 of the GDP shall be removed at the time of site development. The areas outside the limits of clearing and grading shall be seeded and vegetated as approved by DPWES.
- 4.2. Stormwater Management Facility and Best Management Practice (BMP). Water quality and quantity control requirements shall be met on-site through Bio-Retention Filter as shown on the GDP, subject to approval by DPWES. If it is determined that adequate water quantity and/or quality cannot be provided in substantial conformance with the GDP, the owner shall have an option to reduce the impervious surface, such as but not limited to reduction in the building footprint and paved areas in order to meet the stormwater management facility and BMP requirements without a Proffer Condition Amendment (PCA).
- 4.3. RPA Protection. The RPA shall be as delineated on the GDP and, except as qualified herein, shall remain undisturbed open space. In the RPA areas, except as otherwise provided herein, there shall be no clearing of any vegetation, except for invasive, dead or dying trees or shrubs per the recommendations of the Urban Forest Management (UFM), and removal of demolition debris located along the creek bank. Any additional disturbance areas which are determined by DPWES to be necessary shall be re-vegetated with indigenous species, subject to the approval of the Urban Forester as provided herein.
- 4.4. Water Quality Impact Study (WQIS). A WQIS shall be submitted to and approved by DPWES prior to site plan approval.
- 4.5. Tree Protection Fencing.
- a. The RPA shall be protected by tree protection fence. Tree protection fencing using four foot high, 14-gauge welded wire attached to 6-foot steel posts driven 18 inches into the ground and placed no further than 10-feet apart, shall be erected as shown on the GDP along the southern boundary of the RPA.

- b. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of tree protection fence shall be performed under the supervision of a certified arborist and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, UFM, DPWES, and the District Supervisor shall be notified and given the opportunity to inspect the site to assure 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 and DPWES.

4.6 RPA Reforestation. A reforestation plan for the RPA located in the northern portion of the Property shall be submitted concurrently with the first and all subsequent site plan submissions for review and approval by Urban Forest Management, DPWES, and shall be implemented as approved. The plan shall propose an appropriate selection of species based on existing and proposed site conditions to restore the area to a native forest cover type. The reforestation plan shall include, but not be limited to the following:

- plant list detailing species, sizes and stock type of trees and other vegetation to be planted
- soil treatments and amendments if necessary
- mulching specifications
- methods of installation
- maintenance
- mortality threshold
- monitoring
- replacement schedule

4.7 Adherence to Limits of Clearing and Grading. The limits of clearing and grading as shown on the GDP shall be strictly adhered to, subject to minor modifications due to final site engineering and grading. The site plan shall clearly identify these areas as shown on the GDP. As part of the site plan, the Applicant shall provide management practices for the protection of understory plant materials, leaf litter and soil conditions found in areas to be left undisturbed, subject to the approval of the Urban Forest Management Division. The Applicant shall actively monitor the site to ensure that inappropriate activities such as the storage of construction materials, dumping of construction debris, and traffic by construction equipment and personnel do not occur within these areas. The Applicant shall restore understory plant materials, leaf litter and soil conditions to the satisfaction of UFM if these are found to be damaged, removed or altered in manner not allowed in writing by the Urban Forest Management Division.

If it becomes necessary to install utilities determined necessary by DPWES within areas to be left undisturbed, they shall be located and installed in the least disruptive manner possible as determined by UFM in coordination with the Environmental and Site Review Division, DPWES. In addition, the Applicant shall develop and implement a replanting plan for the portions of protected areas disturbed for utility installation taking into account planting restrictions imposed by utility easement agreements.

Any work occurring in or adjacent to the areas to be left undisturbed, such as root pruning, installation of tree protection fencing and silt control devices, removal of trash, or plant debris, or extraction of trees designated to be removed shall be performed in a manner that minimizes damage to any tree, shrub, herbaceous, or vine plant species that grows in the lower canopy environment; and minimizes impacts to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation, all as approved by UFM. The use of power equipment in these areas shall be limited to small hand-operated equipment such as chainsaws. Any work that requires the use of larger motorized equipment such as, but not limited to, tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, or any accessory or attachment connected to such equipment shall not occur unless reviewed and approved in writing by UFM.

- 4.8 Cultural Resources Management and Protection Section (CRMPS). Prior to any land disturbing activities on that Property identified among the Fairfax County tax records as Tax Map #033-2-01-0003, the Applicant shall conduct a Phase I archaeological study of the Application Property, and provide the results of such studies to CRMPS. If deemed necessary by CRMPS, the Applicant shall conduct a Phase II and/or Phase III archaeological study on only those areas of the Application Property identified for further study by CRMPS. The studies shall be conducted by a qualified archaeological professional approved by CRMPS, and shall be reviewed and approved by CRMPS. The studies shall be completed prior to site plat recordation.

5. TRANSPORTATION.

- 5.1. Access. Access to the site shall be provided from Dulles South Court. No direct vehicular access shall be allowed from Route 50.
- 5.2. Right-of-Way Dedication. The Applicant shall dedicate to Fairfax County, in fee simple at no cost to the County for right of way purposes along the Property's frontage on Route 50 as shown on the GDP. Said dedication shall be made at the time of the final site plan approval or on demand, whichever comes first.

- 5.3. Trail. The Applicant shall provide a ten (10) foot-wide trail along the Property's frontage on Route 50, within the dedicated right-of-way pursuant to Proffer 5.1, as shown on the GDP. Such trail shall be constructed as per Public Facilities Manual (PFM) standards.
- 5.4. Interparcel Access. Unrestricted interparcel access shall be provided to the adjacent Property to the east identified as Tax Map 0332 ((1)) 0004 at the location depicted on the GDP. The Applicant shall construct, at no cost to the Adjacent Property Owner, that portion of the interparcel connection on its Property, and shall dedicate an appropriate ancillary and public access easement at the time of final site plan and plat approval.

SIGNATURE APPEARS ON FOLLOWING PAGE

Vahid K. Amin

Applicant