

FINAL DEVELOPMENT PLAN CONDITIONS

FDPA 87-S-039-10

September 19, 2007

If it is the intent of the Planning Commission to approve Final Development Plan FDPA 87-S-039-10, to permit mixed use development, on property located at Tax Map 56-1 ((1)) 47G1, 47H, 47J, 47K, 47L, 47P, 47Q, 47R, 47S, 47T, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, which supersede any previous conditions on the subject property. An asterisk (*) denotes a condition carried forward from the previous approval.

1. This Final Development Plan Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this FDPA shall be in substantial conformance with the approved FDPA entitled "Fairfax Corner" consisting of 17 sheets, prepared by Land Design, dated July 10, 2006 as revised through September 10, 2007. Minor modifications to the approved FDPA may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
2. In order to ensure that drainage from the property will not create or aggravate erosion problems in the stream flowing to the south of, and through, the southeastern portion of the Fairfax Corner development, the applicant shall demonstrate, to the satisfaction of DPWES, adequate outfall for this stream between the upstream point of discharge from the property into this stream to the stream's confluence with the main stem of Difficult Run (in the central portion of Land Bay E). Adequate outfall shall be accomplished, as determined by DPWES. Through the provision of one or more stormwater detention facilities on the property, the applicant shall ensure that the post-development two-year peak flow within the stream in the adequate outfall study area will not exceed the predevelopment two-year peak flow, as determined by DPWES.*
3. Swimming pool discharge water shall be routed into the stormwater management system. The discharge process shall follow the guidelines below in order to ensure that pool water is properly neutralized prior to being discharged:
 - a) In order to ensure that high levels of chlorine are not discharged into the surface water system, pool water shall not be chlorinated prior to backwashing and/or discharging.
 - b) All waste water resulting from the cleaning and draining of the pool shall meet the appropriate level of water quality prior to discharge.

- c) If the water being discharged from the pool is discolored or contains a high level of suspended solids that could affect the clarity of the receiving stream, it shall be allowed to stand so that most of the solids settle out prior to being discharged.*
4. Irrespective of Note #30 on the CDPA/FDPA, the following secondary uses shall require the approval of either a Final Development Plan Amendment or Special Exception:
 - a) Child care center or nursery school*
5. Street trees shall be planted along the north and south sides of Monument Drive, consistent with that shown on Sheet 5 of the CDPA/FDPA, as determined by Urban Forest Management.*
6. All dumpsters shall be fully screened from view through the use of solid, opaque enclosures.*
7. In order to ensure conformance with the CDPA/FDPA, conceptual architectural design in the form of building elevations shall be presented to the Planning Commission for administrative review and comment for each phase of the development prior to plan approval by the County and detailed landscape plans shall be provided to the Planning Commission for administrative review and comment prior to site plan approval.*
8. Prior to approval of the first residential use permit or non-residential use permit on the property, the applicant shall submit a study that demonstrates to the satisfaction of the Office of Site Development Services in consultation with the Stormwater Management Branch, UP&DD of DPWES that during the two (2) and ten (10) year storm events, stormwater runoff from the property will not, for any phase of the development and for all phases considered cumulatively, exacerbate the existing drainage problem at the Valley Road crossing of Difficult Run.

The applicant shall implement and/or modify stormwater management controls as may be needed to ensure that this drainage problem is not exacerbated, as determined by the Office of Site Development Services in consultation with the Stormwater Management Branch. *
9. The number of hotel rooms that may be constructed on site shall be limited to a maximum of three-hundred (300).*
10. A minimum building height of three (3) stories shall be required for any structure where the ground floor consists of greater than 75% office or hotel uses, as determined by DPWES.*
11. In the event that hotel is developed in Building G, the following shall be applicable:

- a) In order to reduce interior noise to a level of no more than 45 dBA Ldn, for hotel rooms that are demonstrated by an acoustical analysis as described in Paragraph B below, to be impacted by highway noise from Interstate 66 having levels projected to be above 65 dBA Ldn, these rooms shall be constructed with the following acoustical measures:
 - i. Exterior walls should have a laboratory sound transmission class (“STC”) rating of at least 39.
 - ii. Doors and glazing shall have a laboratory STC rating of at least 28 unless glazing constitutes more than 20% of any façade exposed to noise levels of 65 dBA Ldn or above.
 - iii. If glazing constitutes more than 20% of an exposed façade, then the glazing shall have a STC rating of at least 39.
 - iv. All surfaces should be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (“ASTM”) to minimize sound transmission.
- b) An acoustical analysis shall be submitted prior to the submission of building plans for hotel use in Building G in order to determine the affected rooms (if any), and appropriate interior noise attenuation measures necessary based on the noise impact from Interstate 66 on such building. Such analysis shall be submitted to and approved by DPZ, and shall be based on the accepted methodology contained in said refined analysis. Any changes to the hotel use premised on the conclusions of such a refined acoustical analysis shall be in substantial conformance with the CDPA/FDPA and these proffers, as determined by the Zoning Administrator.
- c) Building plans for any hotel building shall depict the final noise contours and all locations of the respective building/rooms, if any, that are subject to noise mitigation as provided herein.
- d) No hotel building shall be constructed in any location where the acoustical analysis demonstrates that exterior noise levels will be in excess of 75 dBA Ldn.
- e) No hotel rooms shall be located in any area unless it can be demonstrated that interior noise levels can be mitigated to no more than 45 dBA Ldn, as stated in a).