

## DEVELOPMENT CONDITIONS

SE 2007-PR-014

June 21, 2008

The Board of Supervisors approved SE 2007-LE-014 located at Tax Map 39 1 ((6)) 69A to allow a hotel and to approve an increase of one foot for the existing office building identified as Tycon III (8229 Boone Boulevard) pursuant to Sect. 9-512 and Sect. 9-607 of the Fairfax County Zoning Ordinance by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception 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 special exception shall be in substantial conformance with the approved combined Generalized Development Plan/Special Exception Plat entitled Boone Boulevard Tycon II and Tycon III, prepared by Urban, Ltd. and dated February 26, 2007 as revised through March 10, 2008, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

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. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

# Proffered Condition Amendment

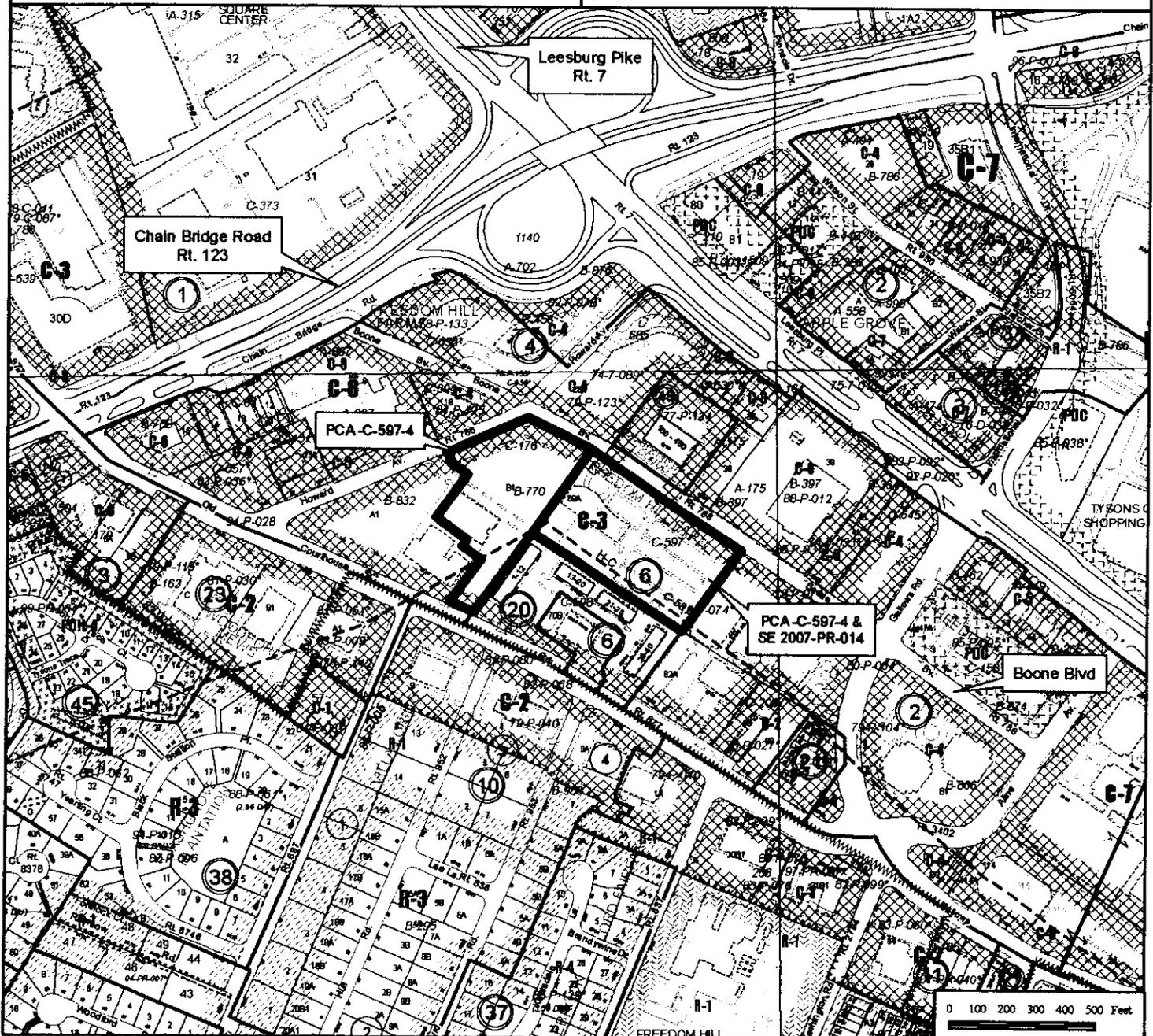
**PCA -C-597-04**

**Applicant:** JBG/TYCON 3, L.L.C. & JBG/TYCON 2, L.L.C.  
**Accepted:** 06/04/2007  
**Proposed:** AMEND RZ C-957 PREVIOUSLY APPROVED FOR COMMERCIAL USES TO PERMIT THE DEVELOPMENT OF A HOTEL  
**Area:** 8.8 AC OF LAND; DISTRICT - PROVIDENCE  
**Zoning Dist Sect:**  
**Located:** SOUTHEAST QUADRANT OF THE INTERSECTION OF HOWARD AVENUE AND BOONE BOULEVARD  
**Zoning:** C-3  
**Overlay Dist:** SC HC  
**Map Ref Num:** 039-1- /06/ / B1 /06/ /0069A

# Special Exception

**SE 2007-PR-014**

**Applicant:** JBG/TYCON 3, L.L.C.  
**Accepted:** 06/04/2007  
**Proposed:** HOTEL  
**Area:** 4.9 AC OF LAND; DISTRICT - PROVIDENCE  
**Zoning Dist Sect:** 04-0304  
**Art 9 Group and Use:** 5-14  
**Located:** 8229 BOONE BOULEVARD  
**Zoning:** C-3  
**Plan Area:** 2,  
**Overlay Dist:** SC HC  
**Map Ref Num:** 039-1- /06/ /0069A



Board Agenda Item  
July 21, 2008

3:30 p.m.

Public Hearing on PCA-C-597-04 (JBG/Tycon 3, L.L.C & JBG/Tycon 2, L.L.C.) to Amend the Proffers for RZ C-597 Previously Approved for Three Office Buildings to Permit a Hotel in Lieu of the Third Un-Built Office Building and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 1.0, Located on Approximately 8.8 Acres Zoned C-3, HC and SC, Providence District

and

Public Hearing on SE 2007-PR-014 (JBG/Tycon 3, L.L.C. c/o Kenneth F. Finkelstein) to Permit a Hotel and an Increase in Building Height from 90 feet up to a Maximum of 91 feet for an Existing Building, Located on Approximately 4.9 Acres Zoned C-3, HC and SC, Providence District

The application property is located in the southeast quadrant of the intersection of Howard Avenue and Boone Boulevard at 8229 Boone Boulevard. Tax Map 39-1 ((6)) B1 and 69A.

**PLANNING COMMISSION RECOMMENDATION:**

On Thursday, June 12, 2008, the Planning Commission voted unanimously (Commissioners Murphy and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA C-597-04, subject to the execution of proffers consistent with those dated June 10, 2008;
- Approval of SE 2007-PR-014, subject to the Development Conditions contained in Appendix 2 of the staff report; and
- Modification of the front yard requirement along Boone Boulevard, in accordance with Sect. 2-418 of the Zoning Ordinance.

**ENCLOSED DOCUMENTS:**

None. Staff Report previously furnished.

**STAFF:**

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

Planning Commission Meeting  
June 12, 2008  
Verbatim Excerpt

PCA C-597-04 - JBG/TYCON 3, LLC & JBG/TYCON 2, LLC (Providence District)  
SE 2007-PR-014 - JBG/TYCON 3, LLC C/O KENNETH F. FINKELSTEIN

Decision Only During Commission Matters  
(Public Hearing on May 28, 2008)

Commissioner Lawrence: Thank you, Mr. Chairman. We have tonight the decision on PCA C-597-04 and SE 2007-PR-014, in the name of JBG/Tycon 3. Commissioners will recall that that's the hotel on Boone Boulevard and I mentioned last night that I was going to move tonight and I am now prepared to move.

Commissioner Harsel: Okay. That's good.

Commissioner de la Fe: Second.

Commissioner Lawrence: Thank you very much. Call a question.

Commissioner Hart: What are we voting on?

Commissioner de la Fe: I don't know.

Commissioner Harsel: Temperature's rising, so are we.

Commissioner Hall: I hate the heat.

Commissioner Lawrence: For those reasons, Mr. Chairman.

Vice Chairman Alcorn: Yes, Commissioner Lawrence.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA C-597-04, SUBJECT TO THE EXECUTION OF THE DRAFT PROFFERS CONSISTENT WITH THOSE DATED June 10<sup>th</sup> - - Is that date correct?

Commissioner Harsel: Yes.

Commissioner Lawrence: JUNE 10, 2008.

Commissioners de la Fe and Lusk: Second.

Vice Chairman Alcorn: Seconded by Commissioners de la Fe and Lusk. Any discussion? All those in favor of recommending the Board of Supervisors approve PCA C-597-04, consistent with the proffers dated June 10, 2008, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. Commissioner Lawrence.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2007-PR-019 [sic], SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 2 OF THE STAFF REPORT.

Vice Chairman Alcorn: Okay. Is that 019 or 014?

Commissioner Lawrence: Oh, there's a typo here in the motions. 014.

Vice Chairman Alcorn: Okay. Is there a second?

Commissioners de la Fe and Lusk: Second.

Vice Chairman Alcorn: Seconded by Commissioners de la Fe and Lusk. Any discussion? All those in favor of recommending approval of SE 2007-PR-014, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All those opposed? That motion carries.

Commissioner Lawrence: Thank you, Mr. Chairman. Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE REQUESTED MODIFICATION OF THE FRONT YARD REQUIREMENT ALONG BOONE BOULEVARD BE APPROVED, IN ACCORDANCE WITH SECTION 2-418 OF THE ZONING ORDINANCE.

Commissioner Lusk: Second.

Vice Chairman Alcorn: Seconded by Commissioner Lusk. Any discussion? All those in favor of recommending modification of the front yard requirement, as articulated by Commissioner Lawrence, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All those opposed? That motion carries as well.

Commissioner Lawrence: Thank you, Mr. Chairman. I'd like to say a couple of words - -

Vice Chairman Alcorn: Please.

Commissioner Lawrence: - - here about two sets of people. One is the applicant. The applicant in this case has been very cooperative and has in fact reserved in voluntary proffer a piece of

land against the Transportation Plan that does not yet exist where it's pretty reasonable to assume that Boone Boulevard is going to be a route for the circulator, but we don't know that yet. We don't have that in Plan yet. They've done this for a period of 25 years, which I believe shows a pretty good corporate citizenship. Secondly, I'd like to recognize and thank, although he isn't here, Mr. Peter Braham, who was the staff coordinator on this case and certainly the rest of County staff, who worked this case very well indeed. Thank you all. Thank you, Mr. Chairman.

Vice Chairman Alcorn: Thank you, Commissioner Lawrence.

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(The motions carried unanimously with Commissioners Murphy and Sargeant absent from the meeting.)

KAD