

DEVELOPMENT CONDITIONS

SE 2008-SU-001

October 20, 2008

If it is the intent of the Board of Supervisors to approve SE 2008-SU-001 located at Tax Map 34-3 ((1)) 22 to permit a hotel pursuant to Sect. 5-304 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval 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 Special Exception Plat entitled Fairbrook Hotel, prepared by Urban, Ltd. and dated May 6, 2008 as revised through October 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.
4. Landscaping shall be provided in general as shown on Sheet 10 of the SE Plat. The exact number, size and spacing of trees and other plant materials shall be submitted at the time of final site plan review and shall be subject to the review and approval by Urban Forest Management (UFM).
5. Subject to the satisfaction of UFM, the Applicant shall provide an invasive vegetation identification and removal plan and a restoration of native species planting plan for all undisturbed site areas that will be counted toward tree cover requirements. These plans shall be included for the review in the first and all subsequent site plan submissions and shall be implemented subject to approval by UFM.
6. At the time of Site Plan approval, the Applicant shall provide a contribution to DPWES in the amount of \$20,000.00 toward the Lee Road Twin Box Culvert Replacement located immediately south of Flint Lee Road.

7. At the time of Site Plan approval, the Applicant shall dedicate easements to Fairfax County for the installation of a bus shelter and related sidewalk modifications to be constructed by others along the site's frontage. Said dedication shall not be at any cost to the Applicant and no loss of parking shall occur as a result of said dedication on the Subject Property as shown on the Special Exception Plat.
8. At the time of Site Plan approval, the Applicant shall provide public access easements over the area of the interparcel access to be constructed to tax map parcel 34-3-((1))-23A to the south of Subject Property as shown on the Special Exception Plat.
9. At the time of Site Plan approval, the Applicant shall provide, at no expense to the Applicant, dedication of easements to permit functional interparcel access to the property north of the Subject Property, tax map parcel 34-3-((1))-37A as shown on the Special Exception Plat.
10.
 - A. The Applicant shall include a U.S. Green Building Council Leadership in Energy and Environmental Design ("LEED") accredited professional as a member of the design team. The LEED accredited professional shall work with the team to incorporate LEED design elements into the project so that the project will be positioned to attain LEED certification. At the time of site plan submission, the Applicant shall provide documentation to the Environment and Development Review Branch of DPZ demonstrating compliance with the commitment to engage such as a professional.
 - B. The Applicant shall include, as part of the site plan submission and building plan submission, a list prepared by the LEED accredited professional of specific credits that the Applicant anticipates attaining within the LEED-NC rating system, or other LEED rating system determined to be applicable to the project. The LEED accredited professional shall provide certification statements at both the time of site plan review and the time of building plan review indicating that the items on the list should meet at least the minimum number of credits necessary to position the project to attain LEED certification.
 - C. Prior to approval of a site plan by Fairfax County for the project, the Applicant shall execute a separate agreement and post, for that project a "green building escrow," in the form of cash or a letter of credit from a financial institution acceptable to DPWES as defined in the Public Facilities Manual, in the fixed amount of

\$123,000.00. This escrow will be in addition to and separate from other bond requirements and shall be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the U.S. Green Building Council's LEED-NC rating system or other LEED rating determined to be applicable to the project. The provision of documentation to the Environment and Development Review Branch of DPZ from the U.S. Green Building Council that the project has attained LEED certification shall be sufficient to satisfy this commitment. If the Applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification within one year of issuance of the first RUP or Non-RUP for the project, the escrow shall be released to Fairfax County as the sole remedy for failure to meet the LEED certification and shall be posted to a fund within the County budget supporting implementation of County environmental initiatives, however, an extension of the one year timeframe may be administratively granted by the Zoning Administrator if the Applicant demonstrates written documentation that diligent efforts have been made toward achieving LEED certification through the USGBC process.

- D. Prior to issuance of the first Non-RUP or RUP, the Applicant shall provide to the Environment and Development Review Branch of DPZ a letter from the LEED accredited professional certifying that a green building maintenance reference manual has been prepared for use by future managers that this manual has been written by a LEED accredited professional, that copies of this manual shall be provided to all future building occupants and that this manual, at a minimum:
- Provides a narrative description of each green building component, including a description of the environmental benefits of that component and including information regarding the importance of maintenance and operation in retaining the attributes of a green building;
 - Provides, where applicable, product manufacturer's manuals or other instructions regarding operations and maintenance needs for each green building component, including operational practices that can enhance energy and water conservation;
 - Provides, as applicable, either or both of the following: (1) a maintenance staff notification process for improperly functioning equipment; or (2) a list of local service providers that offer regularly scheduled service and maintenance

contracts to assure proper performance of green building-related equipment and the structure, to include, where applicable, the HVAC system, water heating equipment, water conservation features, sealants, and caulks; and

Prior to issuance of a Non-RUP or RUP, the Applicant shall provide an electronic copy of the manual in PDF format to the Environment and Development Review Branch of DPZ.

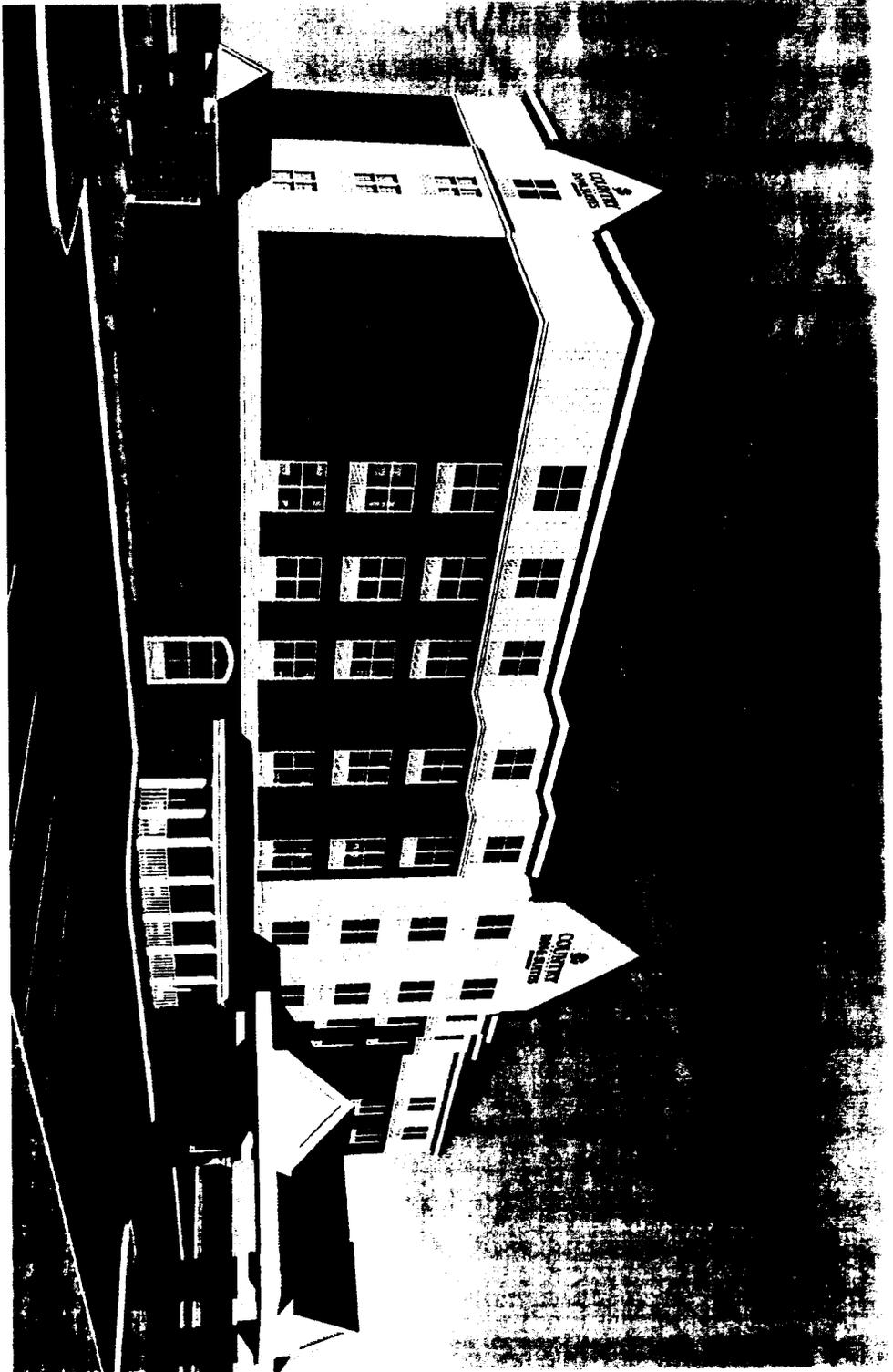
11. No more than one freestanding identification sign shall be permitted on the site. This sign shall be a monument-style sign and no more than five (5) feet in height. Such sign shall meet the requirements of Article 12, as well as the sight line requirements of the Zoning Ordinance, the Virginia Department of Transportation (VDOT) and the Public Facilities Manual (PFM). No pole signs shall be permitted. All sign illumination shall be provided internally or through down-lighting.
12. The applicant commits to maintaining that portion of the property west of the field verified RPA, as shown on the Special Exception Plat dated October 10, 2008, in an undeveloped state following completion of the reforestation.
13. The applicant shall construct all frontage improvements concurrent with development of the site.
14. Architecture shall be in substantial conformance with that shown in Exhibit A of these conditions.
15. Hotel meeting space may be made available for scheduled use by community groups at times when it is not in use by hotel patrons.

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

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 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

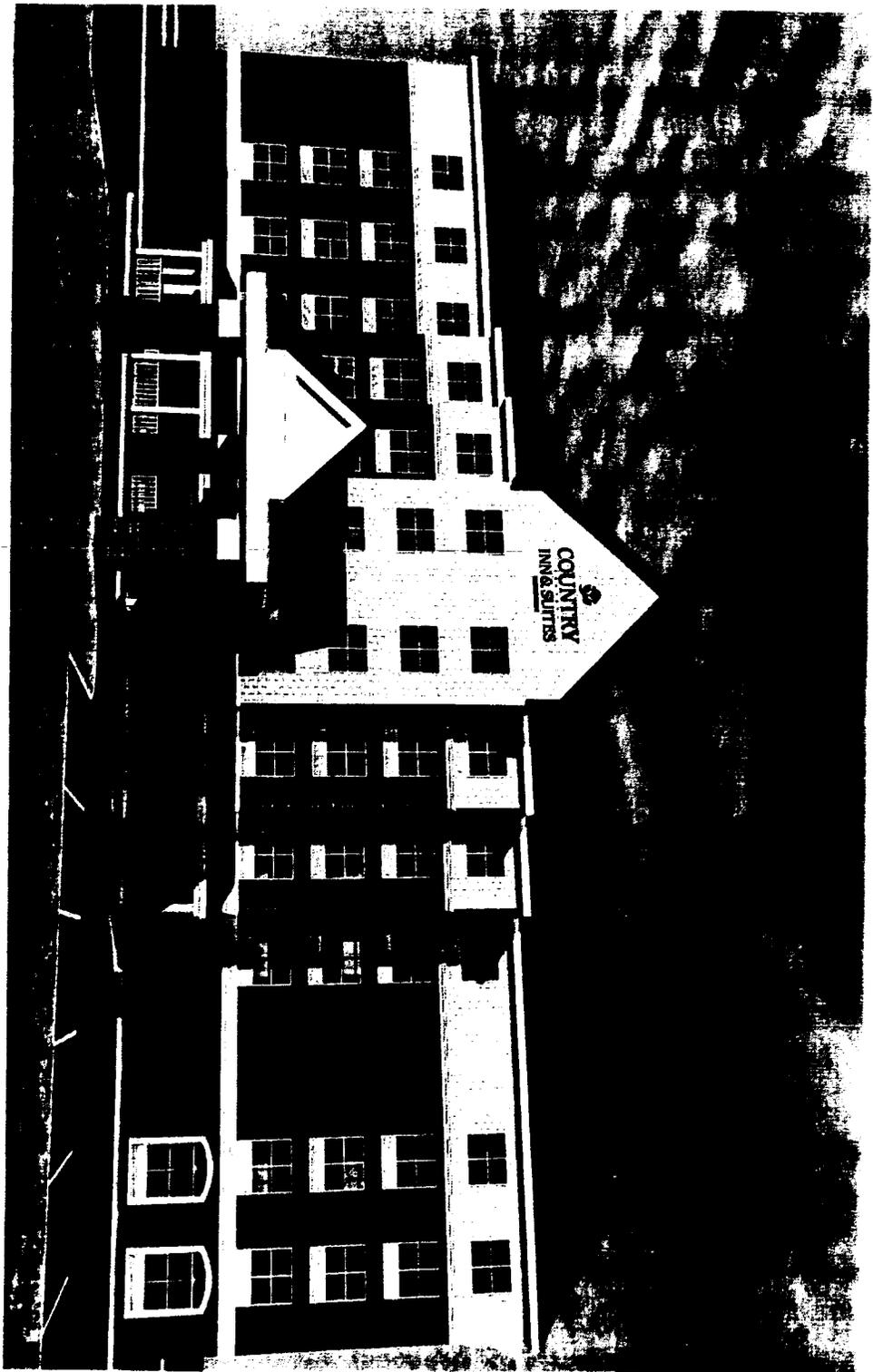
time to establish the use of to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



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