



APPLICATION ACCEPTED: September 4, 2008  
PLANNING COMMISSION: April 16, 2009  
BOARD OF SUPERVISORS: Not yet scheduled

# County of Fairfax, Virginia

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April 8, 2009

## STAFF REPORT

### APPLICATIONS RZ 2008-LE-014 and SE 2008-LE-028

#### LEE DISTRICT

**APPLICANT:** Opus East, LLC

**PRESENT ZONING:** C-8 and I-5

**REQUESTED ZONING:** C-4

**PARCEL:** 99-1 ((1)) 22 & 23A and 99-1 ((5)) 3 & 4

**ACREAGE:** 14.98 acres

**FLOOR AREA RATIO:** 1.50

**PLAN MAP:** Industrial

**RZ PROPOSAL:** To rezone 14.98 acres from the C-8 and I-5 District to the C-4 District for the construction of five office buildings and associated parking structures or optional four office buildings, one hotel and associated parking structures.

**SE PROPOSAL:** Category 5: To permit hotel use in the C-4 District.  
Category 6: To permit the increase in building heights above the 120 ft limit in the C-4 District for Buildings I, II, III and V.

#### STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2008-LE-014, subject to the draft proffers contained in Appendix 1.

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St.Clair Williams

Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



Staff recommends approval of SE 2008-LE-028, subject to the draft development conditions contained in Appendix 2.

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 recommendations of staff; it does not reflect the position of the Board of Supervisors.

The approval of this application does not interfere with, abrogate or annul any easements, 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.

O:\SWILLARZ\2008-LE-014-SE 2008-LE-028 OPUS EAST\Staff Report\Final Staff Report.doc



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).

# Rezoning Application

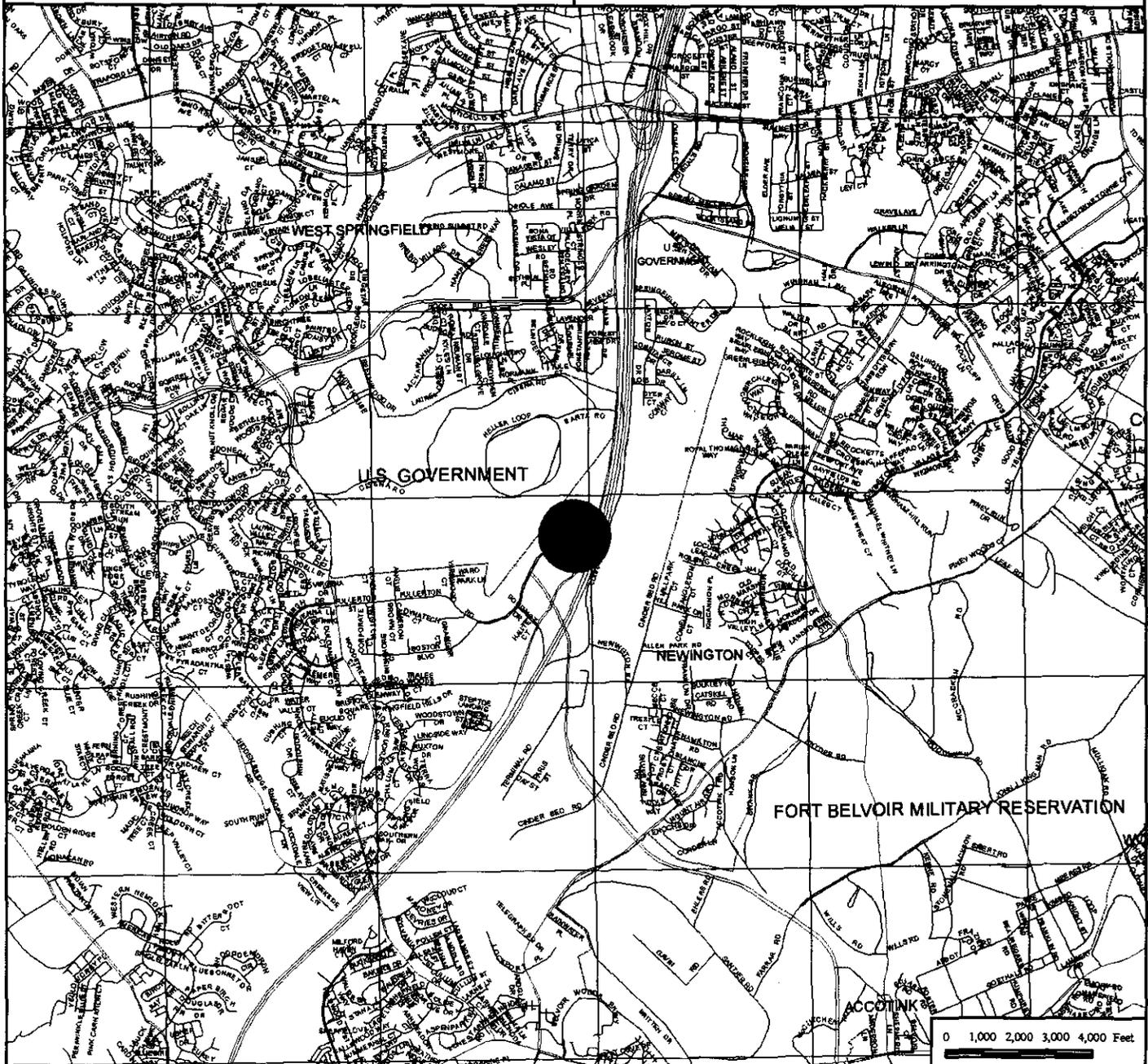
**RZ 2008-MD-014**

Applicant: OPUS EAST, L.L.C.  
 Accepted: 09/04/2008  
 Proposed: COMMERCIAL  
 Area: 14.98 AC OF LAND; DISTRICT - LEE  
 Zoning Dist Sect:  
 Located: WEST SIDE OF BACKLICK ROAD APPROXIMATELY  
 500 FEET NORTH OF THE INTERSECTION OF  
 FULLERTON ROAD AND BACKLICK ROAD  
  
 Zoning: FROM I- 5 AND C- 8 TO C- 4  
 Overlay Dist:  
 Map Ref Num: 099-1- /01/ /0022 /01/ /0023A  
 /05/ /0003 /05/ /0004

# Special Exception

**SE 2008-MD-028**

Applicant: OPUS EAST, L.L.C.  
 Accepted: 09/04/2008  
 Proposed: HOTEL AND INCREASE IN BUILDING HEIGHT  
 Area: 14.98 AC OF LAND; DISTRICT - LEE  
 Zoning Dist Sect: 04-0404 09-0607  
 Art 9 Group and Use: 5-14 6-03  
 Located: 7800 BACKLICK ROAD  
 Zoning: C- 4  
 Plan Area: 4.3,  
 Overlay Dist:  
 Map Ref Num: 099-1- /01/ /0022 /01/ /0023A  
 /05/ /0003 /05/ /0004



# Rezoning Application

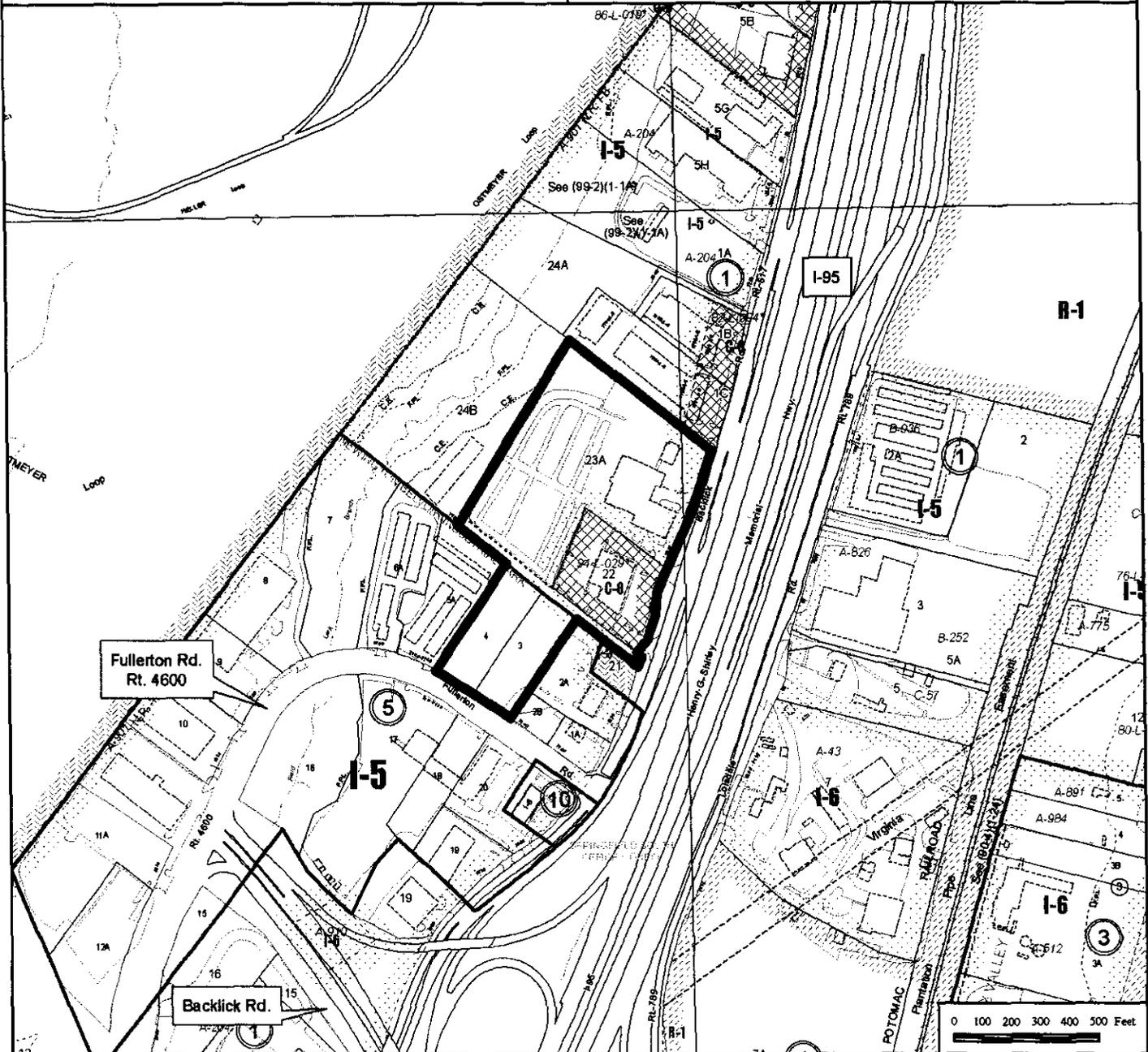
**RZ 2008-MD-014**

Applicant: OPUS EAST, L.L.C.  
 Accepted: 09/04/2008  
 Proposed: COMMERCIAL  
 Area: 14.98 AC OF LAND; DISTRICT - LEE  
 Zoning Dist Sect: WEST SIDE OF BACKLICK ROAD APPROXIMATELY  
 500 FEET NORTH OF THE INTERSECTION OF  
 FULLERTON ROAD AND BACKLICK ROAD  
 Located:  
 Zoning: FROM I- 5 AND C- 8 TO C- 4  
 Overlay Dist:  
 Map Ref Num: 099-1- /01/ /0022 /01/ /0023A  
 /05/ /0003 /05/ /0004

# Special Exception

**SE 2008-MD-028**

Applicant: OPUS EAST, L.L.C.  
 Accepted: 09/04/2008  
 Proposed: HOTEL AND INCREASE IN BUILDING HEIGHT  
 Area: 14.98 AC OF LAND; DISTRICT - LEE  
 Zoning Dist Sect: 04-040409-0607  
 Art 9 Group and Use: 5-14 6-03  
 Located: 7800 BACKLICK ROAD  
 Zoning: C- 4  
 Plan Area: 4,3,  
 Overlay Dist:  
 Map Ref Num: 099-1- /01/ /0022 /01/ /0023A  
 /05/ /0003 /05/ /0004













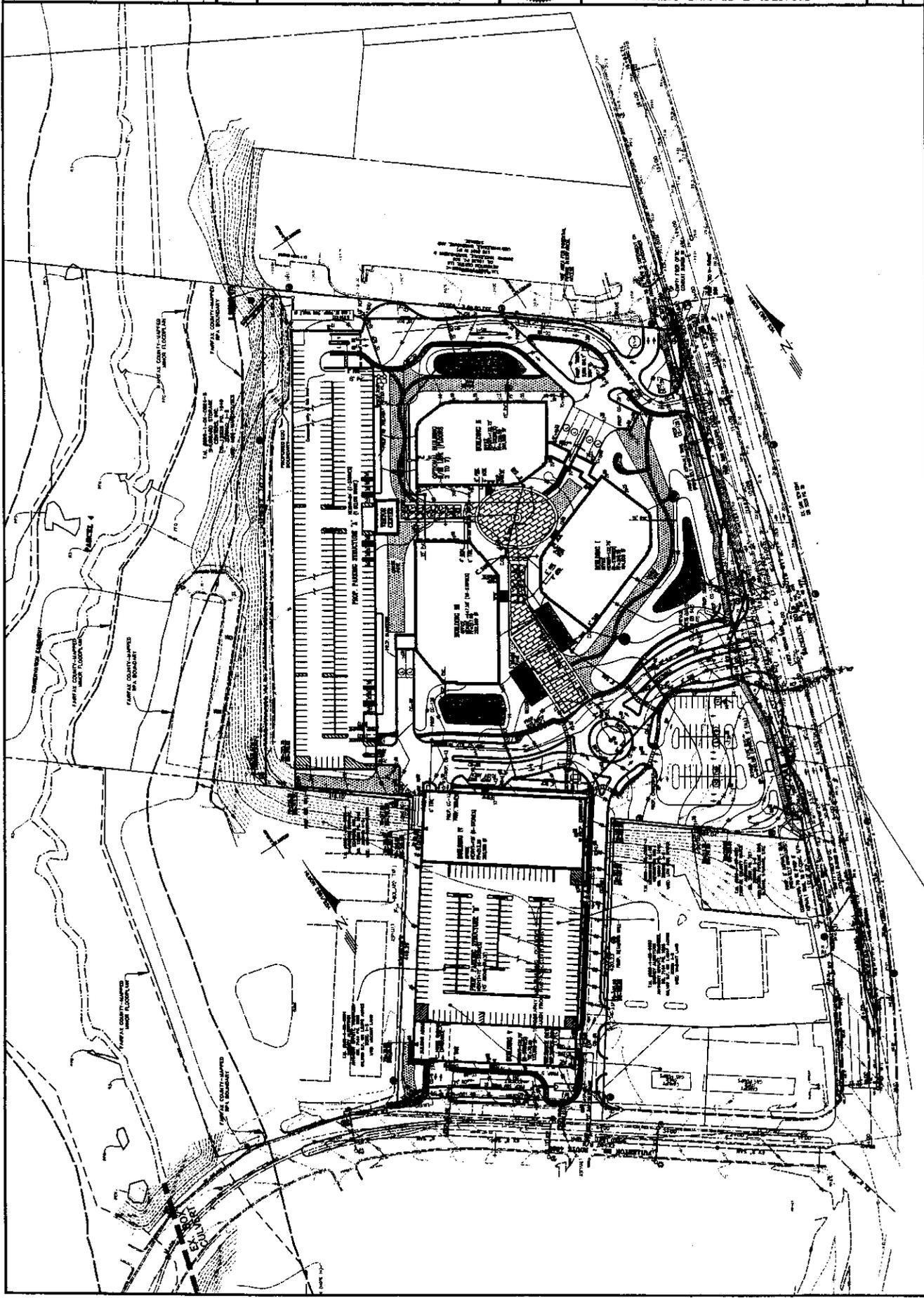


62181-22  
SHEET NO. 9  
SHEET

GDP / SE PLAT - GRADING - OPTION A  
PATRIOT RIDGE  
LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
DATE: JULY, 2008  
SCALE: 1"=40'



NO.	DATE	REVISIONS
01	07-22-08	FINAL PLAT
02	07-22-08	FOR REVIEW
03	07-22-08	FOR REVIEW
04	07-22-08	FOR REVIEW
05	07-22-08	FOR REVIEW
06	07-22-08	FOR REVIEW
07	07-22-08	FOR REVIEW
08	07-22-08	FOR REVIEW
09	07-22-08	FOR REVIEW
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11	07-22-08	FOR REVIEW
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13	07-22-08	FOR REVIEW
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22	07-22-08	FOR REVIEW
23	07-22-08	FOR REVIEW
24	07-22-08	FOR REVIEW
25	07-22-08	FOR REVIEW
26	07-22-08	FOR REVIEW
27	07-22-08	FOR REVIEW
28	07-22-08	FOR REVIEW
29	07-22-08	FOR REVIEW
30	07-22-08	FOR REVIEW



100% of the information shown on this drawing is the property of the engineer and shall not be used for any other project without the written consent of the engineer.





**B.M.P. COMPUTATIONS**  
**BMP FACILITY DESIGN CALCULATIONS**  
 Plan Name: PATRIOT RIDGE Date: 1/20/08  
 Plan Number: ZP-1879 Engineer:

**I. WATER QUALITY NARRATIVE**  
**II. WATERHEARD INFORMATION**

Part 1. List of the Subarea and "C" factors used in the BMP Computations

Subarea Description	"C" Factor	Area (sq ft)	Volume (cu ft)
1.1. IMPERVIOUS	0.95	1,100,000	1,100,000
1.2. PERVIOUS	0.10	1,100,000	110,000
1.3. TOTAL	0.25	2,200,000	1,210,000

**III. PHOSPHORUS REMOVAL - "WOODHAM METHOD"**  
 Part 2. Compute the Weighted Average "C" Factor for the Site

Subarea Description	"C" Factor	Area (sq ft)	Product
1.1. IMPERVIOUS	0.95	1,100,000	1,045,000
1.2. PERVIOUS	0.10	1,100,000	110,000
1.3. TOTAL	0.25	2,200,000	1,155,000

(A) Area of the Site (B) Total Volume (C) Weighted Average "C" Factor (D) Total Volume (E) Total Volume (F) Total Volume

Subarea Description	"C" Factor	Area (sq ft)	Product
1.1. IMPERVIOUS	0.95	1,100,000	1,045,000
1.2. PERVIOUS	0.10	1,100,000	110,000
1.3. TOTAL	0.25	2,200,000	1,155,000

(G) Total Volume (H) Total Volume (I) Total Volume (J) Total Volume (K) Total Volume (L) Total Volume

Subarea Description	"C" Factor	Area (sq ft)	Product
1.1. IMPERVIOUS	0.95	1,100,000	1,045,000
1.2. PERVIOUS	0.10	1,100,000	110,000
1.3. TOTAL	0.25	2,200,000	1,155,000

(M) Total Volume (N) Total Volume (O) Total Volume (P) Total Volume (Q) Total Volume (R) Total Volume

Subarea Description	"C" Factor	Area (sq ft)	Product
1.1. IMPERVIOUS	0.95	1,100,000	1,045,000
1.2. PERVIOUS	0.10	1,100,000	110,000
1.3. TOTAL	0.25	2,200,000	1,155,000

(S) Total Volume (T) Total Volume (U) Total Volume (V) Total Volume (W) Total Volume (X) Total Volume

Subarea Description	"C" Factor	Area (sq ft)	Product
1.1. IMPERVIOUS	0.95	1,100,000	1,045,000
1.2. PERVIOUS	0.10	1,100,000	110,000
1.3. TOTAL	0.25	2,200,000	1,155,000

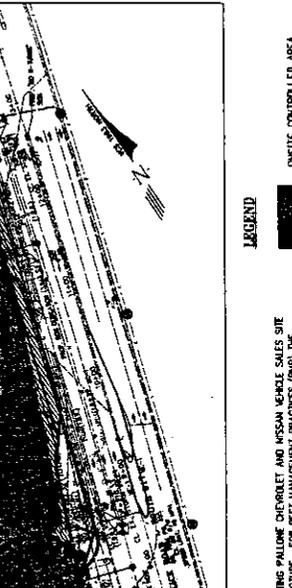
(Y) Total Volume (Z) Total Volume (AA) Total Volume (AB) Total Volume (AC) Total Volume (AD) Total Volume

Subarea Description	"C" Factor	Area (sq ft)	Product
1.1. IMPERVIOUS	0.95	1,100,000	1,045,000
1.2. PERVIOUS	0.10	1,100,000	110,000
1.3. TOTAL	0.25	2,200,000	1,155,000



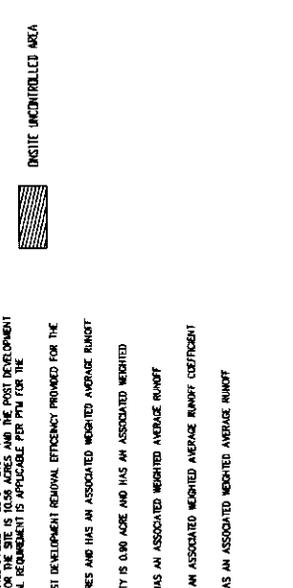
**B.M.P. NARRATIVE**

THE PATRIOT RIDGE PROJECT CONSISTS OF REDEVELOPMENT OF THE EXISTING PAVING OVERLAY AND RECONSTRUCTION OF THE EXISTING PAVING OVERLAY AND RECONSTRUCTION OF THE EXISTING PAVING OVERLAY...



**B.M.P. NARRATIVE**

AS SHOWN IN THE BMP DESIGN CALCULATIONS ON THIS SHEET, THE REQUIRED POLLUTANT REMOVAL EFFICIENCY FOR THE SITE IS 28.84% AND THE TOTAL POST DEVELOPMENT REMOVAL EFFICIENCY PROVIDED FOR THE SITE IS 31.03%...



**B.M.P. NARRATIVE**

THE REMAINING AREA OF APPROXIMATELY 2.16 ACRES LEAVES THE SITE AS UNIMPROVED RUNOFF FOR WATER QUALITY.















NO.	DATE	REVISIONS
01	07-01-08	ISSUE FOR PERMIT
02	07-01-08	ISSUE FOR PERMIT
03	07-01-08	ISSUE FOR PERMIT
04	07-01-08	ISSUE FOR PERMIT
05	07-01-08	ISSUE FOR PERMIT
06	07-01-08	ISSUE FOR PERMIT
07	07-01-08	ISSUE FOR PERMIT
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15	07-01-08	ISSUE FOR PERMIT

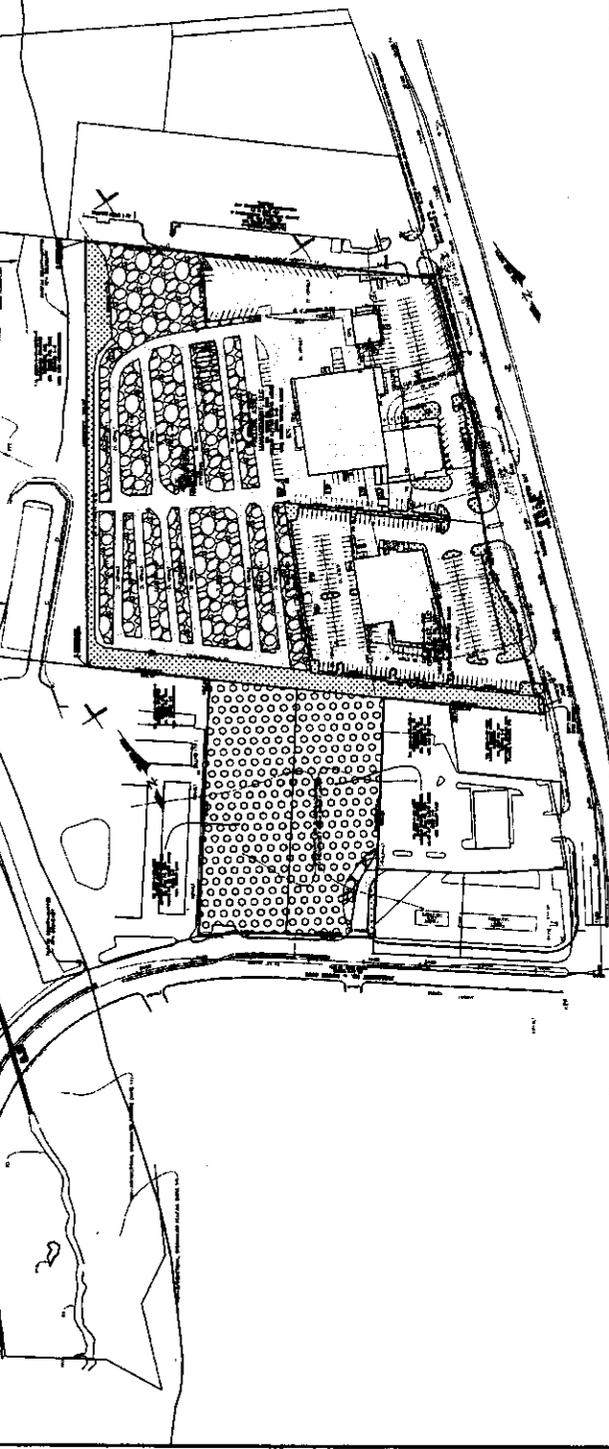
NO.	DATE	REVISIONS
01	07-01-08	ISSUE FOR PERMIT
02	07-01-08	ISSUE FOR PERMIT
03	07-01-08	ISSUE FOR PERMIT
04	07-01-08	ISSUE FOR PERMIT
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12	07-01-08	ISSUE FOR PERMIT
13	07-01-08	ISSUE FOR PERMIT
14	07-01-08	ISSUE FOR PERMIT
15	07-01-08	ISSUE FOR PERMIT

### EXISTING CONDITIONS

**TABLATIONS:**

LANDUSE	TOTAL AREA	SI	EXAMINA
GRAVEL	338 AC	30	1.171
ASPHALT	734 AC	30	0.79
GRASS	1.86 AC	41	0.046
THICK	2.86 AC	30	0.031
FORESTED	1.86 AC	30	0.020
TOTAL IMPERVIOUS AREAS = 71			

- LEGEND**
- EXISTING ASPHALT AND BUILDINGS
  - EXISTING GRAVEL
  - EXISTING GRASS AREAS
  - EXISTING THICK VEGETATION AND FORESTED AREAS

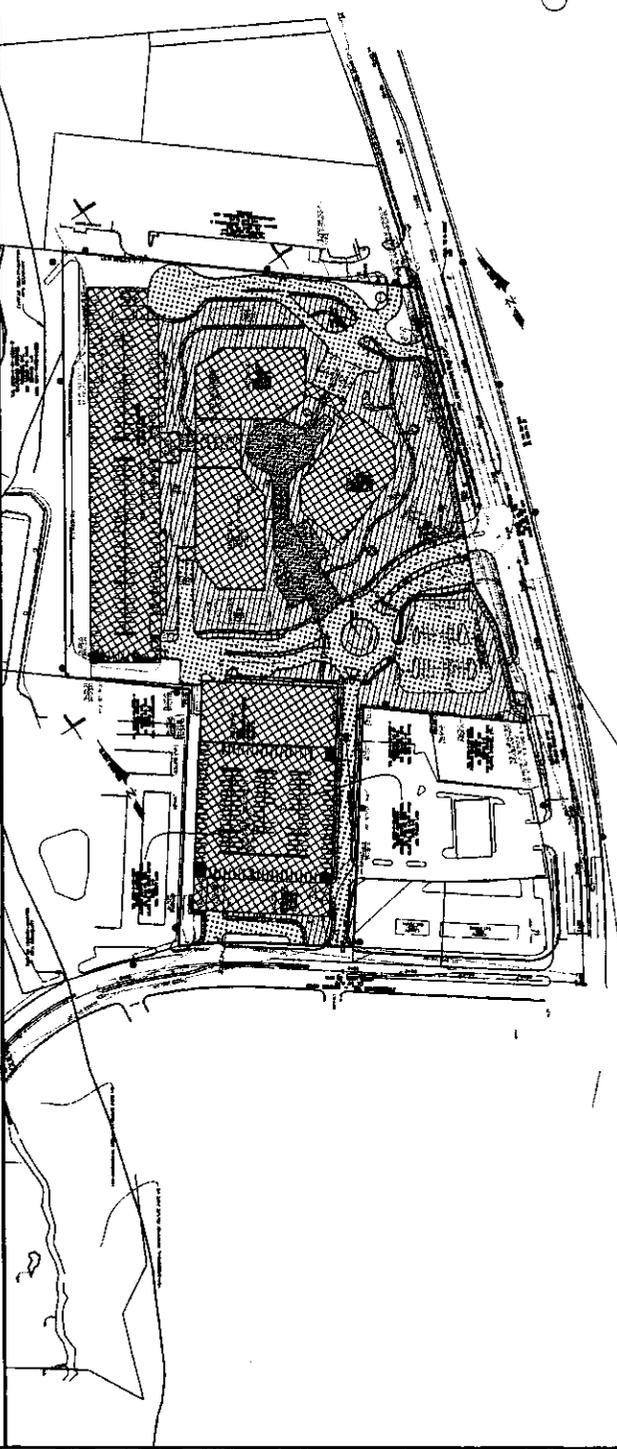


### PROPOSED CONDITIONS

**TABLATIONS:**

LANDUSE	TOTAL AREA	SI	EXAMINA
GRAVEL	338 AC	30	1.171
ASPHALT	734 AC	30	0.79
GRASS	1.86 AC	41	0.046
THICK	2.86 AC	30	0.031
FORESTED	1.86 AC	30	0.020
TOTAL IMPERVIOUS AREAS = 13			

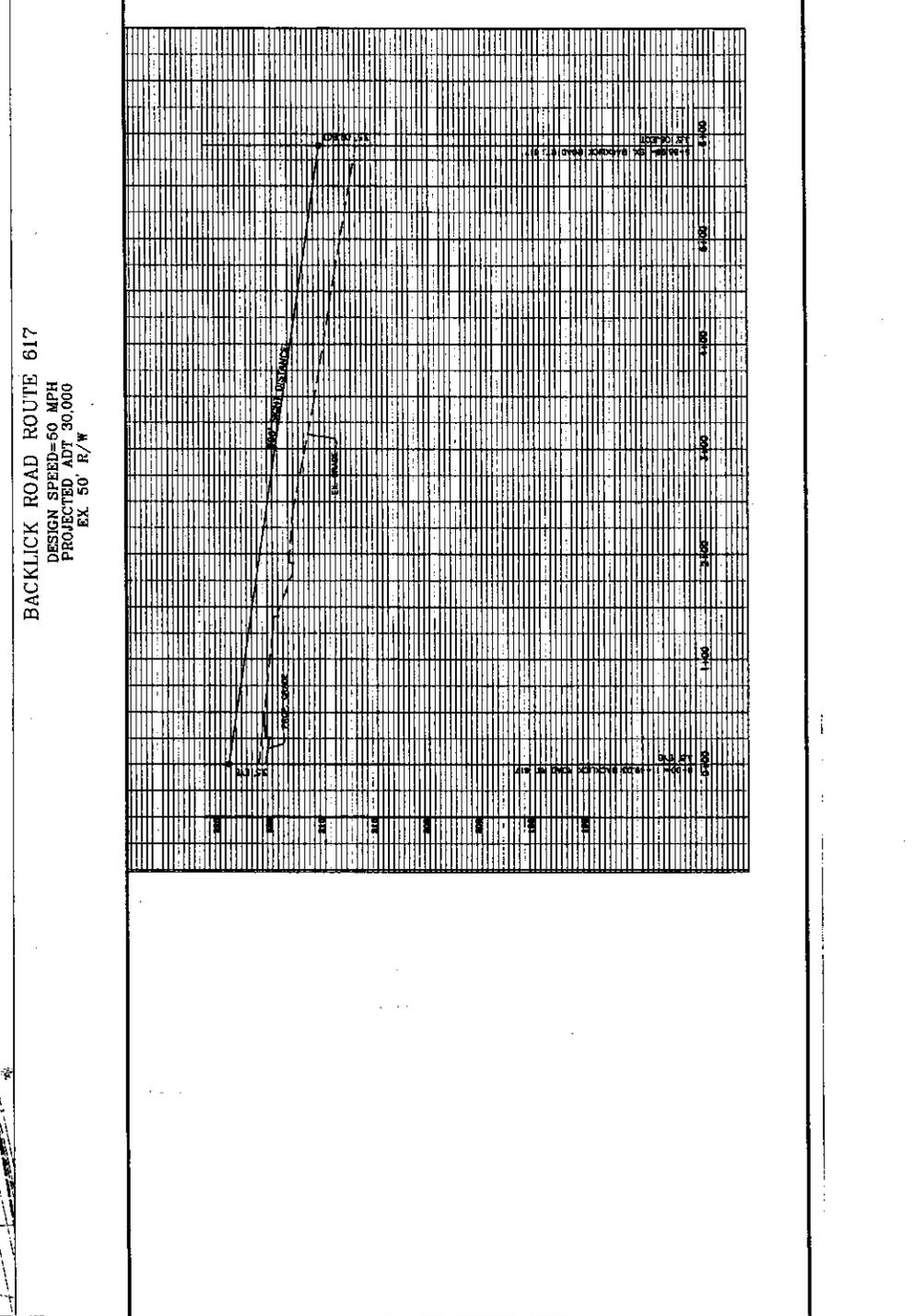
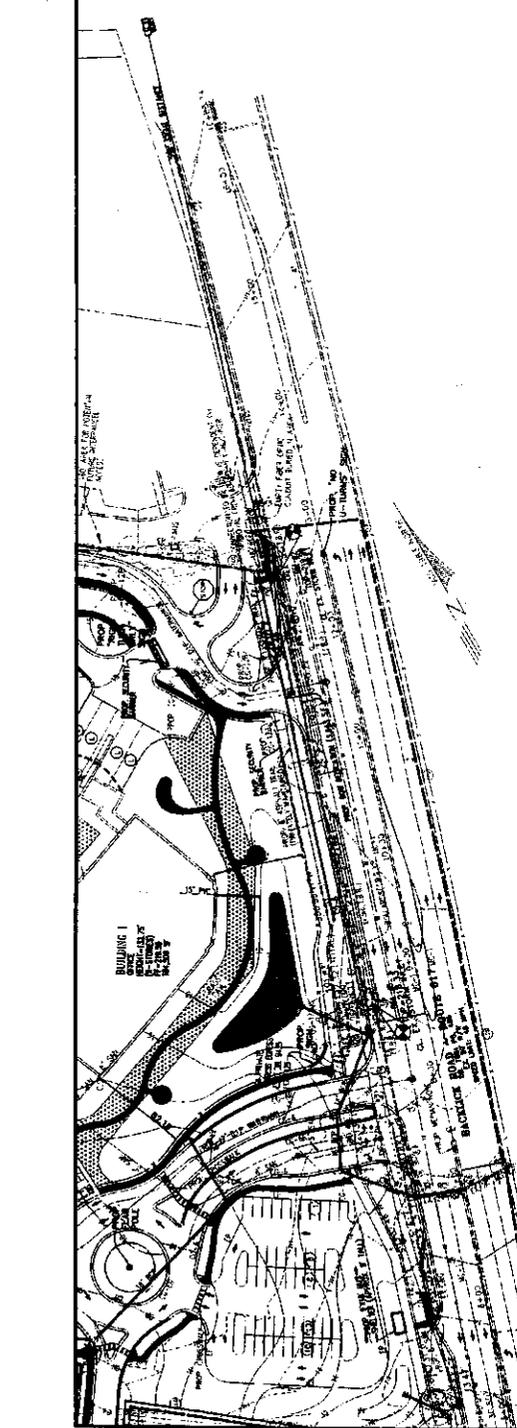
- LEGEND**
- PROPOSED BUILDINGS
  - PROPOSED SIDEWALKS
  - PROPOSED ROADWAY
  - PROPOSED GRASS AREAS





NO.	DATE	DESCRIPTION
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PLAN VIEW  
 SCALE: 1"=50'  
 PROFILE VIEW  
 SCALE: 1"=50' (H)  
 1"=5' (V)





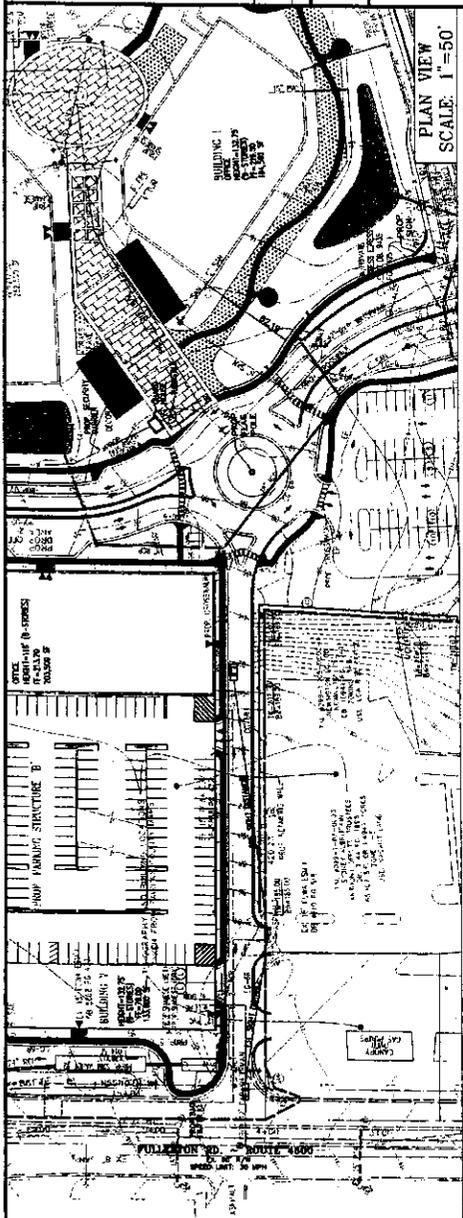


SUBJECT  
 15  
 16  
 FILE NO.  
 ZP-1825

SCALE AS NOTED  
 DATE: JULY 2008  
 FARFAX COUNTY, VIRGINIA  
 LEE DISTRICT  
 PATRIOT RIDGE  
 SIGHT DISTANCE PROFILE



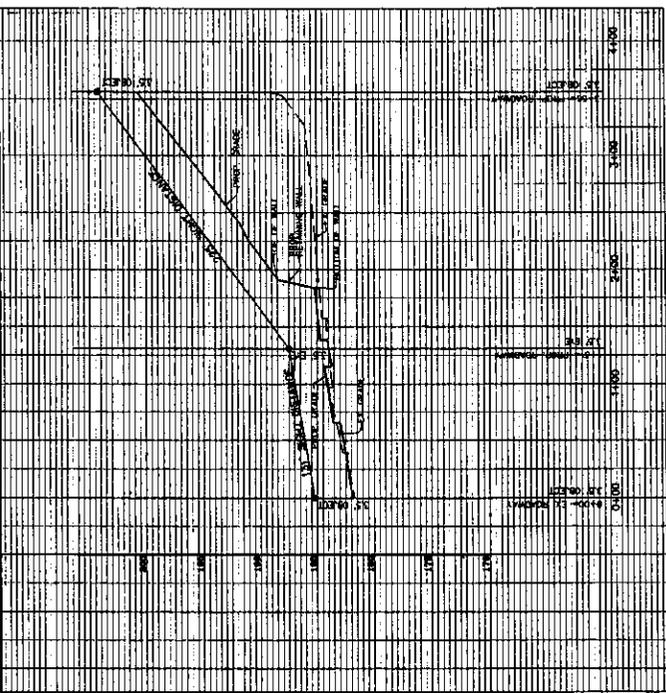
NO.	DATE	DESCRIPTION
1	07-15-08	ISSUED FOR PERMITS
2	07-15-08	ISSUED FOR PERMITS
3	07-15-08	ISSUED FOR PERMITS
4	07-15-08	ISSUED FOR PERMITS
5	07-15-08	ISSUED FOR PERMITS
6	07-15-08	ISSUED FOR PERMITS
7	07-15-08	ISSUED FOR PERMITS
8	07-15-08	ISSUED FOR PERMITS
9	07-15-08	ISSUED FOR PERMITS
10	07-15-08	ISSUED FOR PERMITS



PLAN VIEW  
 SCALE: 1"=50'

PROPOSED ROADWAY  
 DESIGN SPEED=20 MPH  
 PROJECTED ADT 1,600

PROFILE VIEW  
 SCALE: 1"=50' (H)  
 1"=5' (V)



**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, Opus East, LLC, requests approval to rezone 14.98-acres from the C-8 and I-5 Districts to the C-4 District in order to permit the development of five office buildings, with an option for one of the buildings to develop as a 133,000 square foot (SF) hotel. The proposed development would consist of a secure office park, support retail, and optional hotel totaling 978,500 SF of development and an overall floor area ratio (FAR) of 1.5. Up to 10,000 SF of support retail would be provided in each of Buildings IV and V, including uses such as dry cleaners, sundry stores, and sandwich shops. Accessory support uses would be provided in all of the proposed buildings. Parking would be provided in two parking structures, as well as within a 47-space surface parking lot. The principal parking structure along the western property line, would contain 2,170 parking spaces and be seven stories in height, with one story below grade. The second parking structure will contain 650 spaces and will be 6 stories in height, with 2 stories below grade. Access will be provided from two points on Backlick Road and three points on Fullerton Road. The applicant also seeks a special exception to permit the option for hotel use in the C-4 District and to permit an increase in building height for proposed Buildings I, II, III and V above the 120 foot height limit in the C-4 District.

<b>C-4 District</b>	<b>Required</b>	<b>Proposed</b>
<b>Max. Bldg Height</b>	120 ft.	Building I – 132.75 ft. Building II – 132.75 ft. Building III – 147.50 ft. Building V – 132.75 ft.

The applicant's draft proffers, affidavit, and Statement of Justification are contained in Appendices 1, 3 and 4 respectively.

**LOCATION AND CHARACTER**

The site is located on the west side of Backlick Road, west of Interstate 95 (I-95), approximately 500 feet north of the intersection of Backlick Road and Fullerton Road. The site consists of 14.98 acres zoned C-8 and I-5. Today, the site contains a vehicle sales establishment (total of 52,818 gross square feet) with a significant amount of surface parking. That portion of the site adjacent to Fullerton Road is currently vacant and heavily wooded. There is an Environmental Quality Corridor (EQC) area located at the northwest corner of the site. A Resource Protection Area (RPA) is located off-site near the western property boundary of Parcel 99-1 ((01)) 23A.

The following chart identifies the uses located around the site.

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan Map</b>
<b>North</b>	Newington center, LLC (Wholesale, Warehouse & Storage)	I-5, C-8	Industrial
<b>South</b>	Shurgard Storage Centers (Mini-Warehouses)  Newington Inc. (Low-rise Office)	I-5	Industrial
<b>East</b>	Fairfax County Water Authority  Potomac Steel & Supply (Wholesale, Warehouse & Storage)  JMC Land, LLC (Durable Manufacturing)	I-5	Industrial
<b>West</b>	Shurgard Storage Centers (Mini-Warehouses)	I-5	Industrial

**BACKGROUND**

On February 27, 1995, the Board of Supervisors approved RZ 94-L-029, to rezone Parcel 99-1 ((1)) 22 (2.54 acres) from the I-5 District to the C-8 District with a maximum FAR of 0.20, subject to proffers dated February 16, 1995. Concurrent with that application, the Board of Supervisors also approved SE 94-L-033 to permit a vehicle sale, rental, and ancillary service establishment on the site, subject to development conditions dated February 27, 1995.

On September 8, 1997, the Board of Supervisors approved SEA 94-L-033, to amend SE 94-L-033 for a vehicle sale, rental, and ancillary service establishment to permit the waiver of certain sign regulations, subject to development conditions dated July 10, 1997.

This site was the subject of Plan Amendment S07-IV-S1, adopted on July 21, 2008, which added options for the site to permit office use up to 1.4 FAR on Parcels 99-1((1)) 22 and 23A if consolidated and office and possible hotel use at an intensity of up to 1.6 FAR if Parcels 99-1((1)) 22 and 23A and 99-1((5)) 3, 4 are consolidated. In either scenario, certain conditions should be met. This Plan text is provided below.

**COMPREHENSIVE PLAN PROVISIONS**

<b>Plan Area:</b>	IV
<b>Planning District:</b>	Springfield Planning District
<b>Planning Sector:</b>	I-95 Corridor Industrial Area
<b>Land Unit:</b>	Land Unit A
<b>Plan Map:</b>	Industrial

In the Fairfax County Comprehensive Plan, 2007 Edition, Area IV, Springfield Planning District, I-95 Corridor Industrial Area, Land Unit A, as amended through July 21, 2008, pages 17 - 19, the Plan states:

*Land Unit A*

*This land unit includes the area located west of Backlick Road and east of the Engineer Proving Ground (EPG). Several industrial parcels fronting Backlick Road are blighted or in marginal use. Uses along Backlick Road include auto repair shops, auto towing and storage lots, warehouses, self-storage compounds, a lumber yard, and an auto dealership. Industrial uses up to .35 FAR are planned for this land unit. Development should be sensitive to the Accotink Creek EQC.*

*An auto dealership may be an appropriate use for Tax Map 99-1((1))22 and, on a case-by-case basis, auto dealerships could be considered for other portions of the land unit located north of Fullerton Road, provided that the intensity does not exceed .20 FAR and that the use is compatible with existing industrial uses. In addition, interparcel access within this portion of Land Unit A and coordinated access to Backlick Road should be encouraged to reduce the number of access points, in conformance with the approved VDOT plans for the improvement of Backlick Road. Consolidated access to Tax Map 99-1((1)) 22 should be encouraged with the parcel to the north in order to permit left-turn access at an approved median crossover.*

*As an option, Parcels 99-1((1)) 22 and 23A may be appropriate for office use up to 1.4 FAR if consolidated. Alternatively, office and possible hotel use at an intensity of up to 1.6 FAR may be appropriate if parcels 99-1((1)) 22 and 23A and 99-1((5)) 3, 4 are consolidated. In either scenario, the following conditions should be met:*

- ***Demonstration that sufficient transportation capacity will exist on Backlick Road and Fullerton Road to support the development;***
- ***Provision of a unified development plan;***
- ***Provision of vehicular access to Fullerton Road; and***
- ***Support retail is provided to serve employees and visitors.***

*Parcels 90-4((1)) 5B and 5F currently are developed with automobile-related uses.*

*In any redevelopment, consolidation with Parcels 5A and 5D is encouraged. Development of an auto-related commercial use may be appropriate if coordinated access to Backlick Road and effective landscaping along Backlick Road are provided.*

## ANALYSIS

### **General Development Plan (GDP)/Special Exception Plat (SE Plat)** (Copy at front of staff report)

**Title of GDP/SE Plat:** Patriot Ridge

**Prepared By:** Urban, Ltd.

**Original and Revision Dates:** July 2008, as revised through April 3, 2009

#### **The GDP/SE Plat consists of 22 sheets.**

- **Sheet 1** is a title sheet, and includes vicinity map, contact list and a sheet index.
- **Sheet 2** includes the general notes.
- **Sheet 2A** includes the zoning and soils maps, illustrations of the angle of bulk plane, preliminary stormwater management vault sizing, and minimum stormwater information checklist.
- **Sheet 3** includes the existing conditions.
- **Sheet 4** shows the proposed development for the entire site at a scale of 1"=60'.
- **Sheet 5** shows the proposed layout (as shown on Sheet 4) depicting the proposed security measures for the site, at a scale of 1"=60' and site security narrative.
- **Sheet 6** shows the proposed grading plan.
- **Sheet 6A** shows the option for interim surface parking for Building I only.
- **Sheet 7** shows the stormwater management plan for the site.
- **Sheet 8** shows the best management practices plan for the site.
- **Sheets 9 & 10** show the outfall analysis for the site.
- **Sheet 11** is the existing vegetation map.
- **Sheet 12** shows the landscape plan.

- **Sheet 12A** shows the amenities plan for the site.
- **Sheet 13** shows the pedestrian circulation plan.
- **Sheet 14** shows an impervious area exhibit, depicting the amount of existing and proposed impervious area for the site.
- **Sheets 15-18A** shows the site distance profiles for the proposed access points to the site.

**Site Layout:** The proposed site layout depicts a secure office park, support retail, and optional hotel totaling 978,500 SF of development and a 1.5 FAR. The applicant proposes five office buildings ranging in height from eight to ten stories, with an option for one of the buildings to develop as a 133,000 SF hotel. Up to 10,000 SF of support retail would be provided in each of Buildings IV and V.

Building I is shown to be a maximum of 132.75 feet in height (9 stories) and is located in the eastern portion of the site. It is the building located closest to Backlick Road, between the two access points to the site along Backlick Road. It is set back approximately 96 feet from the eastern property boundary. Building II is shown to be a maximum of 132.75 feet in height. It is located approximately 76 feet to the northwest of Building I. Building III is shown to be a maximum of 147.50 ft in height (10 stories). It is located to the south of Building II and would be connected to Building II via a four level bridge, providing links between floors 3-7 of the two buildings. Building IV is shown to be a maximum of 118 feet in height (8 stories) and is located to the south of Building III, across the site's internal road. Building V is shown to be a maximum of 132.75 feet in height (9 stories) and is located at the southernmost portion of the property, along the site's Fullerton Road frontage. It is shown to be set back approximately 50.59 ft from the southern property boundary.

Two parking garages are depicted on the site. Garage A is shown along the western boundary of the site, west of Buildings II and III, and Garage B is shown to be located between Buildings IV and V.

**Site Security:** The application proposes a security sensitive development. A secure perimeter, a minimum of 82 feet is shown around Buildings I, II and III, which would include an 18-inch vehicle curb, six-foot high fence, vehicle bollards, or a combination of security measures. The only breaks in the security perimeter would be for pop-up barriers at the access points to the proposed loading docks for Buildings I, II and III. All of those loading areas would have a guard booth manned by a security guard to inspect all trucks prior to entering the loading docks. A guard house is also proposed the main pedestrian path to Buildings I, II, and III from the main internal road, near the proposed bus/drop off area south of Buildings I and III.

**Access and Parking:** The application proposes a total of five access points to the site, two along Backlick Road and three along Fullerton Road. The application also provides an interparcel connection to the abutting property to the north [Tax Map Parcel 99-2 ((1)) 1]. The main entrance to the site is proposed to be located near the southern portion of the Backlick Road frontage of the site and would provide access to the visitors, surface parking area and to the internal road network which allows for access to the proposed buildings, the parking garages and access to Fullerton Road. The applicant has proffered to install a traffic signal at the proposed main entrance if warranted by the Virginia Department of Transportation (VDOT). At the northern portion of the Backlick Road frontage of the site is an access point which provides access to the loading areas for Buildings I and II, and Garage A. The westernmost access point along Fullerton Road provides direct access to Building V (possible hotel) and Garage B. The Fullerton Road entrance point east of Building V provides access to the proposed internal road which, in turn, provides access to an entrance along the east side of Garage B, as well as to the central portion of the office park.

Parking will be provided in two parking structures; as well as a within 47-space surface parking lot. The principal parking structure (Garage A), along the western boundary of the site, will contain 2,170 parking spaces and be seven stories in height, with one story below grade. The second structure (Garage B), located between Buildings IV and V; will contain 650 spaces and will be 6 stories in height, with 2 stories below grade. Sheet 6A depicts an interim parking plan for Building I only. Under this option 563 parking spaces would be provided to the west (rear) of Building I until the time of construction for the second building on the site.

**Pedestrian Connections:** The GD/SE Plat depicts an eight-foot wide asphalt trail along the Backlick Road frontage of the site. The proposed trail is to be privately maintained and provide connections to the internal sidewalks proposed for the site. A proposed bus shelter is shown to be provided along the Backlick Road frontage of the site, just south of the main entrance to the site, and a proposed bus stop/drop off area shown near the proposed guard house to be located between Buildings I and II. Five-foot wide concrete sidewalks are shown to be provided along the Fullerton Road frontage of the site as well as along the internal road network for the site. The internal sidewalks provide linkages to all of the proposed buildings on the site and to the proposed open space amenities. Paver sidewalks are proposed along the front of Buildings I, II, and III. Visitors or employees who park in proposed Garage A, would access Buildings I, II and III from the rear via a proposed guard house or visitor center.

**Open Space and Landscaping:** The applicant proposes 42 % (274,707 SF) of open space with the proposed development. The majority of the proposed open areas are located along the western and eastern perimeter of the site. In addition, the GDP/SE Plat depicts open space areas to include picnic tables and benches to the west of Building III, southeast of Building II and northeast of Building I. An open space area is also shown to the east of Building I, which would include seating areas with benches, a butterfly garden and a dry streambed feature.

**Stormwater Management:** The applicant proposes to provide two underground detention vaults and three bio-retention ponds, two filters, and two Filterra to meet the stormwater management requirements for the site.

**Land Use Analysis** (See Appendix 5)

The Comprehensive Plan guidance for the subject property states that office use and a possible hotel at an intensity of up to 1.6 FAR may be appropriate if consolidation of Parcels 99-1((5)) 3 and 4 is achieved. Additionally, the four conditions listed in the above Plan text should be met for development of this use and intensity to be permitted. The application proposes five office buildings totaling 978,500 SF, with the option for one 133,000 SF building to be constructed as a hotel. The resulting FAR of the proposal, which includes full consolidation, would be 1.5, which is in conformance with the Comprehensive Plan recommendations for these parcels with full consolidation.

**Issue:** Consolidation of parcels:

The Comprehensive Plan guidance for the subject property recommends that office and possible hotel use at an intensity of up to 1.6 FAR may be appropriate if Parcels 99-1((1)) 22 and 23A and 99-1((5)) 3, 4 are consolidated with Parcels 99-1((1)) 22 and 23A.

**Resolution:**

As recommended by the Comprehensive Plan, the subject application includes consolidation of the parcels identified in the Plan. Therefore, this issue has been addressed.

**Issue:** Provision of a unified development plan

In addition to the consolidation of the parcels, the Comprehensive Plan recommends that any development proposal pursuing the intensity the applicant has requested should include a unified development plan incorporating the entirety of the parcels included in the consolidation.

**Resolution:**

The application depicts a unified development which incorporates all of the parcels included in the consolidation. However, no detail is provided on the planned phasing for development of the site. Without information on the phasing plan for the site it is unclear to staff if the development will actually occur as or result in a unified development. Staff believes that details for the phased development of the site should be included in the proffers.

**Issue:** Provision of vehicular access to Fullerton Road

The Comprehensive Plan recommends that with any development proposal for the site pursuing an intensity of up to 1.6 FAR, Parcels 99-1((1)) 22 and 23A and 99-1((5)) 3, 4 should provide vehicular access to Fullerton Road.

**Resolution:**

The GDP/SE Plat depicts three access points along Fullerton Road, serving Building V and the structured parking garage adjacent to it, and the applicant has proffered to construct the road connection between Backlick Road and Fullerton Road prior to the issuance of a Non-RUP for either Building IV or Building V. Further discussion of this issue is included in the Transportation Analysis section of this report.

**Issue:** Support Retail Use

The Comprehensive Plan recommends that support retail is provided on the subject site to serve employees and visitors.

**Resolution:**

The proposed proffers state that retail up to 10,000 gross square feet (gsf) to support the office development may be located in Buildings IV and V and the GDP/SE Plat states that 10,000 gsf of support retail will be provided in both Buildings IV and V. Based on these provisions; staff believes this issue has been resolved.

**Environmental Analysis** *(See Appendix 6)***Issue:** Environmental Quality Corridor (EQC)

An EQC associated with Field Lark Branch stream valley is located in the northwestern portion of the subject property. Staff accepts the proposed delineation of the EQC as depicted on the development plans dated November 25, 2008. There are no new proposed encroachments in the EQC with this application.

**Issue:** Stormwater Management/Adequate Outfall

The application proposes to meet water quantity control requirements through underground vaults which will be sized to accommodate the 10-year storm. This proposed system will control the runoff from 10.41 acres of the subject property. The proposed water quality control measures include two bioretention ponds, one bioretention basin and pervious pavers. The outfall analysis indicates that the site has two points of discharge from the stormwater vaults and two points of discharge into the existing storm sewer system for the uncontrolled area. Adequacy of any proposed stormwater/best management practice facilities and

outfall measures will be subject to review and approval by the Department of Public Works and Environmental Services (DPWES).

**Issue:** Highway Noise

Building V is proposed to be office or hotel use. If developed as a hotel, staff was concerned that guests could be adversely impacted by noise generated traffic from I-95. In accordance with Policy Plan guidance on noise mitigation, the applicant's proposed proffer commits to an interior noise level not to exceed 45 dBA Ldn for the hotel, will be achieved through the use of appropriate building materials. The revised development plans do not show any outdoor recreation area associated with the hotel such as an outdoor pool. No outdoor recreation area is proposed for the hotel with these applications, if any future outdoor recreation area for the hotel would require a proffered condition amendment (PCA) and special exception amendment (SEA).

**Resolution:**

The applicant has proffered that if Building V is developed as a hotel, the applicant will incorporate the following acoustical treatments to ensure that interior noise to a levels for the hotel do not exceed 45 dBA Ldn:

- i. *Exterior walls have a laboratory Sound Transmission Classification (STC) of at least 39.*
- ii. *Doors, windows and glazing shall have a laboratory STC rating of at least 28. If doors, windows and other glazed areas constitute more than 20 percent of any façade impacted by noise, they shall have the same laboratory STC ratings specified for exterior walls.*
- iii. *Adequate measures to seal and caulk between surfaces shall be provided.*

GDP/SE Plat does not show any outdoor recreation area associated with the hotel use; therefore this issue has been resolved.

**Issue:** Green Building

The Comprehensive Plan's Policy Plan was amended in 2007 to incorporate guidance in support of the application of energy conservation, water conservation, and other green building practices in the design and construction of new development and redevelopment. As such, staff encouraged the applicant to seek the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) certification. Staff recommended that, at a minimum, the applicant should commit to the use of Energy Star appliances.

**Resolution:**

The revised proffers include an extensive Green Building proffer which includes

commitments to have a U.S. Green Building Council Leadership in Energy and Environmental Design ("LEED") accredited professional as a member of the design team, and to submit a LEED Scorecard prior to the issuance of a building permit for each proposed building. Each Scorecard will meet, at least, the minimum number of credits necessary to attain LEED Core and Shell Certification of the building the scorecard is being submitted for. With the adoption of the proposed proffers, this issue is resolved.

**Issue:** *Stormwater Management (Appendix 8)*

The applicant proposes to provide two underground detention vaults and three bio-retention ponds, two filters, and two Filterra to meet the stormwater management requirements for the site. The use of Filterra requires approval of a modification of the Public Facilities Manual (PFM) Section 6-0402.4. The final determination of any water quantity and water quality waivers and/or facilities will be made by DPWES at the time of site plan review.

**Issue:** *Limits of Clearing and Grading, Interior Parking Lot Landscaping, and Tree Cover Calculations (Appendix 11)*

The UFMD review of this application generated comments regarding various aspects of the proposed development including the limits of clearing and grading and the existing tree line for the site which were not adequately shown or identified on the GDP/SE Plat, the preliminary interior parking lot tree cover calculations which were not provided, and the impacts of the proposed development on an off-site RPA and to off-site trees.

**Resolution:**

The applicant has revised the Landscape Plan included in the GDP/SE Plat to provide the interior parking lot landscaping calculations and tree cover requirements for the site and has demonstrated that both are in conformance with the Zoning Ordinance standards. A tree save area is now shown at the northwest corner of the site in order to mitigate any impacts to the off-site RPA. Based on the revisions that have been made to the GDP/SE Plat, staff believes these issues have been resolved.

**Transportation Analysis (See Appendix 7)**

Fairfax County Department of Transportation (FCDOT) staff has reviewed revised materials and prepared the following transportation analysis based on those materials.

**Issue:** *Transportation Improvements*

Fairfax County Department of Transportation (FCDOT) staff raised the following Transportation issues related to the transportation improvements proposed with this application:

Cut through traffic: The originally proposed design could encourage traffic to cut through the site from southbound Backlick Road to westbound Fullerton Road. In order to ease with which traffic can cut through the site, staff encouraged the applicant to consider reducing the radius of the right turn into the site from the proposed 40-foot to the least acceptable to VDOT. The GDP/SE Plat has been revised to depict a 30-foot turn radius at the proposed main entrance to the site from Backlick Road, which is within the range acceptable to VDOT. Therefore this issue has been addressed.

Backlick Road Access: FCDOT determined that the full access to Backlick Road that had been proposed at the northern corner of the site was not acceptable and FCDOT recommended that it should be eliminated in favor of access through the adjoining property to the north, Tax Map 99-1 ((1)) 24A. FCDOT noted that it would support a right-out only access at this location, if acceptable to VDOT staff. The GDP/SE Plat has been revised to provide interparcel access to the adjoining property to the north, Tax Map 99-1 ((1)) 24A, and provides right-in/right-out access to Backlick Road at the northern corner of the site. Staff believes this issue has been resolved.

Signalized Access: The proposed dual left turn lanes on northbound Backlick Road into the site would not be permitted without signaling this entrance. Any signal at this location has the potential to negatively impact the existing signal operations at Backlick Road and Fullerton Road. For that reason, staff recommended that the applicant submit a traffic signal warrant analysis to VDOT and obtain a written response prior to any public hearings regarding the site, since placement of a signal at this location could have both beneficial and detrimental impacts to roadway operations and safety. The applicant has proffered to submit a traffic signal warrant study at the time of site plan approval and, if warranted, install a traffic signal at the main entrance to the site. FCDOT staff, however, continues to recommend that the applicant submit a traffic signal warrant analysis to VDOT and obtain a written response prior to any public hearings regarding this application due to the impacts a traffic signal may have on the existing signal operations at Backlick Road and Fullerton Road.

Roadway Width: The GDP/SE Plat depicted a 27-foot wide roadway width for northbound Backlick Road north of the main site entrance. This width did not reflect the minimum width needed to receive dual lefts into this section of roadway. The GDP/SE Plat has been revised to depict a 30-foot wide roadway width for northbound Backlick Road north of the site's proposed main entrance. Staff believes the proposed width will be sufficient to handle dual left turn lanes from the subject property onto Backlick Road and this issue has been resolved.

Sight Distance: FCDOT staff previously recommended that the applicant identify the height and differences in elevation for the retaining wall proposed along the rear of Parcel 99-1 ((5)) 2A (east of Building IV and Garage B). The applicant was also asked to demonstrate that the wall would not impede sight distance for the proposed connection into parcel 2A. Furthermore, it was recommended that the applicant demonstrate the ability to obtain off-site right-of-way from the adjoining Water Authority site. The applicant recently submitted a revised GDP/SE Plat to

provide a sight distance profile for the proposed Fullerton Road connector road in order to demonstrate that height of the retaining wall along the connector road will not impact sight distance at the access point from parcel 2A onto the proposed Fullerton Road connector road. The revised GDP/SE Plat was submitted the week before this staff report was published and FCDOT staff has not had time to review this information and make a determination on whether adequate sight distance will be provided along the connector road. As a result, this issue remains outstanding.

Interparcel Access: FCDOT staff recommended that the applicant delineate the existing Fullerton Road points of access into the adjacent service station on the plan. Staff recommended that the existing service station access to the median break on Fullerton be retained by providing a connection to the applicant's proposed access road, which would allow vehicles entering and leaving the service station to access to the existing median opening. The revised GDP/SE Plat has been revised to provide access to the proposed Fullerton Road access/connector road from the existing service station; therefore, this issue has been resolved.

Width of Access Points: The access points along Fullerton Road were shown on the GDP/SE Plat to be approximately 50 to 55 feet in width. FCDOT staff recommended that the access points be narrowed to a maximum of 35 feet in width in order to be in conformance with VDOT standards regarding the width of commercial entrances. VDOT standards state that the maximum width for a commercial entrance should be 20 feet for a one-way drive and 40 feet for a two-way drive. The revised GDP/SE Plat continues to depict the two-way access points along Fullerton Road to be approximately 50 to 55 feet in width; therefore, this issue remains outstanding.

Roadway Improvements Contribution: The applicant had previously proffered a contribution towards area roadway improvements which equated to less than \$0.77 per square foot for the proposed development (approximately \$753,445.00). Staff recommended that a stronger commitment to roadway improvements be provided by the applicant. The applicant has now proffered to contribute to \$1.00 per gross square foot of development on the subject property (approximately \$978,500.00) for the construction of Ramp D of Phase 4 (Boudinot Drive interchange) of the Fairfax County Parkway Extension project (VDOT Project #R000-029-249), or an equivalent amount to a future road fund established by Fairfax County in the area. In the event the VDOT Project is funded before the contribution is made by the applicant, the contribution could be applied to another VDOT project located within five miles of the subject property. With these revised proffers, staff believes this issue has been resolved.

Demonstration that sufficient transportation capacity will exist on Backlick Road and Fullerton Road to support the development: As part of the submission package the applicant developed a transportation impact evaluation. Parameters for the evaluation were identified and approved by FCDOT and VDOT staff in meetings with the applicant. The study evaluated several key intersections in the area, including the Backlick Road/Fullerton Road intersection, the proposed primary site entrance on Backlick Road and the proposed site access from

Fullerton Road. FCDOT staff concurs with the study findings which indicate that adequate capacity will remain on both Backlick and Fullerton Roads with this development. Therefore, this element of the Plan has been addressed.

Provision of a unified development plan: The GDP/SE Plat and proposed proffers provide for a unified development by establishing a well designed travel aisle and walkway network for the site, as well as consolidated parking within two parking structures. With the full development of the site, vehicular access will permit workers in one building to easily pick-up or drop-off passengers at adjoining buildings without the need to access the surrounding public street network. The applicant is providing interparcel access to the existing travel aisle located on the property north of the site, and the proffers allow for relocation of this interparcel access to a more functional location with redevelopment of the offsite parcels to the north. A commitment is also provided for placement of a bus shelter for workers utilizing public transit on Backlick Road. As such, FCDOT staff believes this Plan recommendation has been addressed.

Provision of vehicular access to Fullerton Road: As previously discussed in the Land Use Analysis section of this report, the Comprehensive Plan recommends that any development proposal for the subject site under the alternatives addressed in the Plan, provide vehicular access to Fullerton Road. The GDP/SE Plat depicts a travel aisle connection to Fullerton Road, and the proffers commit to extend the existing left turn bay into the site on Fullerton Road. The applicant has proffered to construct the Fullerton Road connection prior to the issuance of a Non-RUP for Building IV and V, whichever is constructed first. That would allow up to 642,000 gsf of office development to be developed with all access to the site being provided from Backlick Road. FCDOT staff has determined that access to Backlick Road will operate in a satisfactory manner without the access to Fullerton Road with 642,000 gsf of office development on the site and all access to the site being provided from Backlick Road. Therefore, this Plan recommendation has been addressed.

Support retail provided to serve employees and visitors: The draft proffers state that up to 20,000 gsf of support retail may be provided in buildings IV and V. A note on the GDP/SE Plat states that the applicant reserves that up to 10,000 gsf of retail may be provided in both Buildings IV and V, limiting the total to 20,000 gsf. FCDOT believes that 20,000 gsf of support retail is sufficient to address the needs of employees and visitors without the retail use becoming an additional generator for the site.

### **Public Facilities Analysis (See Appendices 8-13)**

#### Fire and Rescue (Appendix 9)

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #422, Springfield. The requested rezoning currently meets fire protection guidelines, as determined by the Fire and Rescue Department.

Fairfax County Park Authority (FCPA) (Appendix 10)

The FCPA reviewed the proposal and recommended that active and passive recreation opportunities should be provided for use by the employees on the site. The application proposes to provide a landscaped pedestrian area within the security area which includes tables, chairs, picnic tables and benches. The proposed trail system, butterfly garden, and interpretive signage will also serve as functional passive recreation areas for employee use. In addition to that, the applicant has proffered to provide \$50,000 towards improvements at Lee District Park. Fairfax County Park Authority staff believes that the proposed onsite recreation amenities are appropriate improvements for employee use and that the proposed contribution will allow for some expanded recreation support within the service area of the proposed development.

Sanitary Sewer Analysis (Appendix 12)

The proposed project is located in the Accotink Watershed and will be sewered by the Norman M. Cole Pollution Control Plant. Based on the current and committed flow, excess capacity is available at this time. In addition, the existing 8-inch pipe line located in the street is adequate for the proposed use.

Fairfax County Water Authority (Appendix 13)

The subject property is located within the Fairfax County Water Authority Service Area and adequate domestic water service is available at the site from existing 36-inch and 12-inch water mains located on the property. Depending upon the configuration of the on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

Davidson Airfield (Fort Belvoir)

The Chief of Facility Planning for the Ft. Belvoir Military Reservation has contacted Fairfax County staff to inform us that prior to development of the site an obstruction evaluation is required through the Federal Aviation Administration (FAA) to determine if the proposed building heights will have any impacts on operations at the Davidson Airfield located at Ft. Belvoir. The FAA evaluation occurs outside the realm of the Zoning Evaluation review of this application. Staff has proposed a development condition which would require the applicant to obtain FAA approval for the proposed buildings prior to site plan approval. If the FAA does not approve the heights shown on the GDP/SE Plat, the applicant will have to reduce the heights of the buildings to that approved by the FAA. Any modifications required as a result of the FAA evaluation that are not in substantial conformance with the GDP/SE Plat as determined by DPZ will require a proffered condition and/or special exception amendment.

**ZONING ORDINANCE PROVISIONS**

<b>C-4 District Bulk Standards</b>		
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>
<b>Min. Lot Size</b>	40,000 SF	652,398 SF (14.98 ac)
<b>Min. Lot Width</b>	200 ft.	780 ft.
<b>Max. Bldg Height</b>	120 ft.	Building I – 132.75 ft.* Building II – 132.75 ft.* Building III – 147.50 ft.* Building IV – 118 ft. Building V – 132.75 ft.* Garage A – 84 ft. Garage B – 72 ft.
<b>Min. Front Yard (Backlick Road)</b>	25 degree abp, but no less than 63 ft	95.84 ft.
<b>Min. Front Yard (Fullerton Road)</b>	25 degree abp, but no less than 51 ft	50.59 ft.**
<b>Min. Side Yard</b>	No Requirement	N/A
<b>Min. Rear Yard (Western Boundary)</b>	20 degree abp, but no less than 25 ft	43.5 ft.
<b>Max. FAR</b>	1.65	1.50
<b>Min. Open Space</b>	15%	42%
<b>Min. Tree Cover</b>	10%	10.1% (54,045 SF)
<b>Min. Parking Spaces</b>	Option 1 (no hotel) - 2,546 spaces Option 2 (w/hotel) - 2,416 spaces	2,867 parking spaces
<b>Min. Loading Spaces</b>	Option 1 - 50 spaces Option 2 - 45 spaces	10 loading spaces*** (2 per building)

\* SE requested to permit additional building height beyond the 120 ft. max height limit.

\*\* Based on step-back proposed at height of approximately 110 feet for Building V, the building meets the ABP requirement.

\*\*\* Per Par. 15 of Section 11-205 of the Zoning Ordinance, no more than 5 loading spaces shall be required for a given use or building except as may be determined by the Director of DPWES.

**OTHER ZONING ORDINANCE REQUIREMENTS:**

**Special Exception Requirements (See Appendix 14)**

General Standards (Sect. 9-006)

Par. 1 requires that the proposed use be in harmony with the Comprehensive Plan. As described in the Land Use Analysis section, the resulting density of the proposed development of the subject site would be in harmony with the Comprehensive Plan. The subject area is within Land Unit A of the I-95 Corridor Industrial Area in the Springfield Planning District. The Comprehensive Plan recommends that office and possible hotel use at an intensity of up to 1.6 FAR

may be appropriate if Parcels 99-1((1)) 22 and 23A and 99-1((5)) 3, 4 are consolidated and certain conditions are met. As discussed earlier, staff believes that the proposed application is in harmony with the recommended conditions for future development. Therefore, this standard has been met.

Par. 2 requires that the proposed use be in harmony with the purpose and intent of the applicable zoning district regulations. The application satisfies all applicable Zoning Ordinance provisions other than the maximum building height in the C-4 District and uses in the C-4 District (option for hotel). As previously discussed, a special exception request has been filed concurrently with the rezoning request; therefore with the approval of the special exception requests, this standard will only be met.

Par. 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with applicable zoning district regulations and the adopted Comprehensive Plan. It further states that the location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. There are no screening requirements associated with the application, as all abutting properties are developed with industrial and office use. Therefore, this standard has been met.

Par. 4 states that the proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. The proposed application would not create any significant additional impacts on the surrounding public street system. As previously discussed, the GDP/SE Plat depicts an eight-foot wide asphalt trail along the Backlick Road frontage of the site. The proposed trail provides connections to the internal sidewalks proposed for the site. Five-foot wide concrete sidewalks are shown to be provided along the Fullerton Road frontage of the site, as well as along the internal road network for the site. The internal sidewalks provide linkages to the proposed buildings on the site and to the proposed open space amenities. The application proposes a total of five access points to the site, two along Backlick Road and three along Fullerton Road. The application also provides an interparcel connection to the abutting property to the north as recommended by FCDOT staff. The applicant has proffered to conduct a signal warrant study for the main entrance to the site prior to site plan approval and if warranted, construct a traffic signal at that location. While staff continues to recommend that the signal warrant study be submitted prior to any public hearings on this application, staff still finds that this standard has been satisfied.

Par. 5 states that in addition to the standards which may be set forth in this Article for a particular category or use, the Board may require landscaping and screening in accordance with the provisions of Article 13. The application meets the open space, tree cover and interior parking lot landscaping requirements for the site. There are no transitional screening requirements for this site. Therefore, this standard has been met.

Par. 6 states that open space should be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. The applicant proposes 42 % (274,707 SF) of open space with the proposed development. The open space requirement for the site is 15%; therefore, this standard has been met.

Par. 7 states that adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. The overall parking for the proposed development is 2,867 spaces, which exceeds the required parking of 2,546 spaces under the option 1 (without a hotel) and 2,416 spaces for the option 2 (with a hotel). Par. 15 of Section 11-205 of the Zoning Ordinance states that no more than 5 loading spaces shall be required for a given use or building except as may be determined by the Director of DPWES. The application proposes two loading spaces for a total of ten loading spaces on the site. Based on the proposed uses staff believes that adequate loading will be provided. The final determination of any water quantity and water quality waivers and/or facilities will be made by DPWES at the time of site plan review. Therefore, this standard has been met.

Par. 8 states that signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance. Staff has proposed a development condition to ensure that any signage of the subject property will be in accordance with Article 12 of the Zoning Ordinance. With the adoption of the development condition, this standard will be met.

#### 9-503 Standards for all Category 5 Uses

Par. 1 states that all uses shall comply with the lot size and bulk regulations of the zoning district in which located. As previously discussed, a special exception request for an increase in building height has been filed concurrently with the rezoning request; therefore, with the approval of the special exception requests, this standard will be met.

Par. 2 states that all uses shall comply with the performance standards specified for the zoning district in which located. With the implementation of the staff-proposed development condition, this standard would be satisfied.

Par. 3 states that before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans. With the implementation of the staff-proposed development condition, this standard would be satisfied.

#### 9-512 Additional Standards for Hotels, Motels

When located in an I District, such a use shall be an integral design element of a site plan for an industrial building or building complex containing not less than 100,000 SF of gross floor area. The proposed zoning for the subject site is C-4; therefore, this standard is not applicable.

#### 9-607 Provisions for Approving an Increase in Building Heights in the C-4 District

Par 1 states that an increase in height may be approved only where such will be in harmony with the policies embodied in the adopted comprehensive plan. As previously discussed, the proposed development is in conformance with the Comprehensive Plan recommendations for these parcels with full consolidation.

Par 2 states that an increase in height may be approved only in those locations where the resultant height will not be detrimental to the character and development of adjacent lands. All abutting properties are zoned C-8 and I-5 and developed with industrial and office use. Staff believes the proposed application will not be detrimental to the character and development of adjacent lands. Therefore, this standard has been met. However, as previously noted, the applicant will need to go through an FAA evaluation to determine whether or not the proposed building heights will have any impacts on Davidson Airfield.

Par. 3 states that an increase in height may be approved in only those instances where the remaining regulations for the zoning district can be satisfied. The application is in conformance with all other applicable Zoning Ordinance standards; therefore, this standard has been met.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff believes the proposal is in conformance with the Comprehensive Plan guidelines for the subject property and the applicable Zoning Ordinance standards.

### **Recommendations**

Staff recommends approval of RZ 2008-LE-014, subject to the draft proffers contained in Appendix 1.

Staff recommends approval of SE 2008-LE-028, subject to the draft development conditions contained in Appendix 2.

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 recommendations of staff; it does not reflect the position of the Board of Supervisors.

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

## **APPENDICES**

1. Draft Proffers
2. Draft Development Conditions
3. Affidavits
4. Statement of Justification
5. Land Use Analysis
6. Environmental Analysis
7. Transportation Analysis
8. Stormwater Management Analysis
9. Fire and Rescue Analysis
10. Fairfax County Park Authority Analysis
11. Urban Forestry Management Division Analysis
12. Sanitary Sewer Analysis
13. Fairfax County Water Authority
14. Applicable Zoning Ordinance Standards
15. Glossary

**DRAFT PROFFERS****Opus East, L.L.C.****RZ 2008-LE-014****April 3, 2009**

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, Opus East, L.L.C. (hereinafter referred to as the "Applicant") for the owners, itself, and successors and assigns, in RZ 2008-LE-014, filed on property identified as Fairfax County tax map reference 99-1 ((1)) 22 and 23A, 99-1 ((5)) 3 and 4 (hereinafter referred to as the "Application Property") hereby proffers the following, provided that the Board of Supervisors approves the rezoning of the Application Property from the C-8 and I-5 Districts to the C-4 District in conjunction with a generalized development plan for an office, retail, and/or hotel development. These proffers shall replace and supersede all previous proffers, if any, approved on the Application Property.

**1. GENERALIZED DEVELOPMENT PLAN**

- a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in conformance with the generalized development plan, consisting of twenty-two (22) sheets prepared by Urban, Ltd., dated July 22, 2008 and revised through April 3, 2009 ("GDP"). Minor modifications to the GDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to modify the layout shown on the GDP at time of site plan based on final design provided that there is no decrease in the amount of open space and landscaping as shown on the GDP. Distances to peripheral lot lines as dimensioned on the GDP may be decreased at time of site plan to no less than the minimum Zoning Ordinance requirements and without any disturbance to the Environmental Quality Corridor (EQC).
- b. Portions of the Application Property may be the subject of a partial and separate proffered condition amendment (PCA) without joinder and/or consent of the other property owners, provided that the request satisfies the provisions of Paragraph 6 of Section 18-204 of the Zoning Ordinance as determined by the Zoning Administrator. Previously approved proffered conditions applicable to property that is not the subject of such a PCA shall otherwise remain in full and effect.

**2. USES**

- a. As shown on the GDP, the Application Property shall be developed with office, retail (as qualified by paragraph b. below) and accessory uses. As an option, Building V as shown on the GDP may be developed as a hotel.

Development on the Application Property shall not exceed 978,500 square feet of gross floor area (GFA). The construction of the improvements on the Application Property may be phased.

- b. Retail uses up to 20,000 gross square feet to support the office development may be located in Buildings IV and V as shown on the GDP. Additional accessory services in accordance with the Zoning Ordinance may be located in all buildings shown on the GDP, such as a dry cleaner drop off/pick up, sundry shop, banking center, and eating facilities to support the tenants of each building. Accessory services shall be designed to support office tenants with the intent to minimize midday vehicle trips to and from the Application Property.

### 3. TRANSPORTATION

- a. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of 63.94 feet from the centerline along the Application Property's Backlick Road frontage as shown on the GDP. Dedication shall be made at time of site plan or upon demand of either Fairfax County or VDOT, which shall first occur.
- b. Subject to VDOT and DPWES approval, Applicant shall construct frontage improvements to Backlick Road within the dedicated right-of-way, including a right turn lane with a taper and a left turn lane with a taper at the full access location on Backlick Road, as shown on the GDP. Improvements shall be constructed with site development and shall be open for traffic, but not necessarily accepted by VDOT for maintenance, prior to the issuance of a Non-Residential Use Permit (Non-RUP) on the Application Property.
- c. Subject to VDOT warrants and approval, the Applicant shall install a traffic signal within existing right-of-way at the Application Property's full access onto Backlick Road. Should VDOT warrants for a traffic signal not be met at time of site plan approval, the Applicant shall escrow funds for future installation with DPWES. If not used for signal installation, the escrowed funds shall be returned to the Applicant three (3) years after construction of the final building on the Application Property is completed.
- d. The Applicant shall install an eight (8) foot wide asphalt trail along the Application Property's Backlick Road frontage as shown on the GDP. Said trail shall be located on the Application Property within a public ingress-egress easement and shall be privately maintained. Installation of

the trail shall be completed prior to the issuance of a Non-RUP on the Application Property.

- e. A public access easement shall be recorded over the road connecting Backlick Road and Fullerton Road as shown on the GDP. Said easement shall be recorded by the Applicant in conjunction with the submission of a site plan for either Building IV or Building V, whichever is submitted first. The Applicant shall construct the road connection between Backlick Road and Fullerton Road as shown on the GDP prior to the issuance of a Non-RUP for either Building IV or Building V as shown on the GDP.
- f. The Applicant shall provide a private interparcel access easement to the adjacent property identified among the Fairfax County tax map records as 99-2 ((1)) 1C (Parcel 1C) as shown on the GDP concurrent with construction of the adjacent travel aisle. The location of the interparcel access may be relocated by the owner of Parcel 1C within an area approximately 160 feet west along the shared property line with Parcel 1C. The location of the relocated access selected by the owner of Parcel 1C shall be subject to the Applicant's review and input, which shall be provided within sixty (60) days of receipt of a written proposal. The Applicant's input shall be based upon the relationship of the selected access point to existing improvements; security measures; vehicular circulation; and conformance with standard engineering design. The Applicant's input shall be considered in determination of the location of the relocated access. If agreement cannot be reached between the Applicant and the owner of Parcel 1C as to the appropriate location for interparcel access, the location of the relocated access shall be determined by FCDOT. If input is not received within sixty (60) days, the location shall be established as proposed. Said relocation, including construction, shall be at the sole expense of the owner of Parcel 1C at such time as a site plan is approved for Parcel 1C. The interparcel access as shown on the GDP and any subsequent relocation shall remain unobstructed by the Applicant, and shall be subject to reciprocal interparcel access agreements between the Applicant and the owner of Parcel 1C.
- g. The Applicant shall make a monetary contribution to Fairfax County for the construction of Ramp D of Phase 4 (Boudinot Drive interchange) of the Fairfax County Parkway Extension project (VDOT Project #R000-029-249), or an equivalent amount to a future road fund established by Fairfax County in the area. In the event VDOT Project #R000-029-249 is funded before the contribution is made by the Applicant, the contribution may be applied to another VDOT project located within five (5) miles of the Application Property, but within the Lee Magisterial District. The amount of the contribution shall be \$1.00 per gross square foot of development for each of the first three buildings constructed on the Application Property, and \$1.50 per gross square foot of development for

each of the last two buildings constructed on the Application Property. Said contribution shall be made for each building at the time of the issuance of a Non-Residential Use Permit for that building. The contribution amounts shall be adjusted annually for inflation as reported by the Marshall & Swift Building Cost Index from the approval date of the rezoning application.

- h. The Applicant shall extend the eastbound left turn bay along Fullerton Road by 123 feet to create a 175 foot turn bay plus a 50' taper. Said extension shall be constructed by reconfiguring the existing median and removal of the westbound left turn bay as shown in the GDP, or as approved by VDOT at time of site plan approval.
- i. The Applicant shall install a bus shelter along the Application Property's Backlick Road frontage as shown on the GDP, subject to review and approval by VDOT and WMATA. In the alternative, the bus shelter may be installed off-site on the east side of Backlick Road in a location coordinated with FCDOT as reviewed and approved by VDOT and WMATA subject to the following:
  - i. A suitable location is selected within existing right-of-way at no cost to the Applicant;
  - ii. The location does not require modification of limited access line; and
  - iii. No bus turnout is required.
- j. The Applicant reserves density credit as maybe permitted by the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance for all dedications described herein and as may be reasonably required by Fairfax County or VDOT whether such dedications occur prior to or at time of site plan approval.

#### 4. GEOTECHNICAL

Prior to site plan approval, and in accordance with the provisions of the Public Facilities Manual, the Applicant shall submit a geotechnical study of the Application Property to the Geotechnical Review Board through the Department of Public Works and Environmental Services (DPWES) for review and approval and shall incorporate appropriate engineering practices as recommended by the Geotechnical Review Board and DPWES to alleviate potential structural problems, to the satisfaction of DPWES. The recommendations of the Geotechnical Review Board shall be implemented during construction.

5. STORMWATER MANAGEMENT/BEST MANAGEMENT PRACTICES

- a. The Applicant shall provide stormwater management (SWM) and best management practices (BMP) in locations as generally shown on the GDP. Said facilities shall be designed in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance, unless modified by DPWES. In the event that the SWM or BMPs are modified by DPWES, modification of the SWM/BMP locations as shown on the GDP shall not require the approval of a proffered condition amendment if determined by the Department of Planning and Zoning (DPZ) to be in conformance with the GDP.
- b. Following installation of the outfall pipe located in the northwest corner of the Application Property and shown on the GDP, the Applicant shall install a soil stabilization mat in accordance with the Virginia Erosion and Sediment Control Handbook (Standard 3.36) and plant a grass mix such as Detention Mix by Ernst Conservation Seeds or equivalent to control erosion in the area of the outfall pipe.

6. LANDSCAPING AND OPEN SPACE

- a. The Applicant shall provide landscaping on the Application Property as generally shown on the GDP.
  - i. For the Application Property exclusive of the area between the rear of the parking garage and the western property line, deciduous trees shall have a minimum of two and a half (2 ½) to three (3) inch caliper and evergreens shall have a minimum height of six (6) to eight (8) feet at time of planting. The Applicant shall utilize native species as coordinated with Urban Forest Management.
  - ii. Between the rear of the parking garage and the western property line, the Applicant shall plant a native mix of ground cover, shrubs, deciduous trees and evergreens of various sizes to reforest the area. Deciduous trees shall be one (1) to two (2) inch caliper and shrubs shall be 18-24 inches. Said planting shall be coordinated with Urban Forest Management at time of site plan submission.
- b. The Applicant shall submit a detailed landscape plan as part of the first and all subsequent plan submissions for review and approval by Urban Forest Management.
- c. The Applicant shall provide on-site passive recreation amenities as generally shown on Sheet 12A of the GDP. Amenities shall include, but not be limited to, benches, tables and chairs, a paved pathway and an interpretative sign to describe the various plant species in the garden as

shown on the GDP. The final locations and amenities shall be selected by the Applicant at time of site plan approval.

- d. The Applicant shall contribute a total of fifty thousand (\$50,000.00) to the Fairfax County Park Authority for improvements to the Family Recreation Area at the Lee District Park in two installments. Prior to the issuance of the first Non-RUP for the Application Property, the Applicant shall contribute the sum of twenty-five thousand dollars (\$25,000.00); and prior to the issuance of a Non-RUP for either Building IV or Building V, as shown on the GDP, the Applicant shall contribute the sum of twenty-five thousand dollars (\$25,000.00). The contribution amounts shall be adjusted annually for inflation as reported by the Marshall & Swift Building Cost Index from the approval date of this rezoning application.

## 7. GREEN BUILDING PRACTICES

- 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 this project. At 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 a professional.

- b. LEED Certification:

- (1) Prior to the issuance of a building permit for each building (the "Submitted Building"), the Applicant shall provide a LEED Scorecard (the "Scorecard") that lists the anticipated credits within the version of the U.S. Green Building Council's Leadership in Energy and Environmental Design that is applicable at the time of approval of this rezoning. The Scorecard shall meet, at least, the minimum number of credits necessary to attain LEED Core and Shell Certification of the Submitted Building.

- (2) In the event that the Submitted Building is not LEED Core and Shell Certified, within one (1) year of the issuance of its final Non-RUP, the Applicant shall provide evidence to DPWES of filing for LEED Core and Shell Certification with the U.S. Green Building Council, and shall execute a separate agreement and post, for the Submitted Building, a "LEED Building Escrow," in the form of cash or a Letter of Credit from a financial institute acceptable to DPWES as defined in the Public Facilities Manual, in the amount of \$2.00 per gross square foot of the Submitted Building. This LEED Building Escrow shall be in addition to and separate from other bond or escrow requirements and shall be released upon demonstration to DPWES of attainment of certification by the U.S. Green Building Council's Leadership in Energy and Environmental Design that

is determined to be applicable to the Submitted Building. If the Submitted Building is LEED Core and Shell Certified within one (1) year of the issuance of the final Non-RUP, then no LEED Building Escrow shall be required or provided for that Submitted Building.

**Maximum LEED Building Escrow Amounts for Each Building**

<b>Buildings</b>	<b>Use</b>	<b>Escrow</b>
I	Office	\$369,000
II	Office	\$410,000
III	Office	\$505,000
IV	Office	\$407,000
V	Office/Hotel	\$266,000

(3) If, within two (2) years of issuance of the Non-RUP for the Submitted Building, the Applicant provides evidence to DPWES demonstrating that LEED Core and Shell Certification for the Submitted Building has not been attained, but that the Submitted Building has been determined by the U.S. Green Building Council to fall within three points or less of attainment of LEED Core and Shell Certification, then 50% of the LEED Building Escrow shall be released to the Applicant and the other 50% of the escrow shall be contributed to Fairfax County and shall be posted to a fund within the County's budget supporting implementation of environmental initiatives. However, if the Applicant provides evidence that LEED Core and Shell Certification has been delayed through no fault of the Applicant, this proffered time-frame shall be extended until such time as evidence is obtained, and no release of escrowed funds shall be made to the Applicant or the County during this extended time-frame.

(4) If, within two (2) years of issuance of the Non-RUP for the Submitted Building, the Applicant fails to provide evidence demonstrating attainment of LEED Core and Shell Certification, or otherwise provides evidence that the Submitted Building has fallen short of LEED Core and Shell Certification by four points or more, the entirety of the LEED Building Escrow for that Submitted Building shall be contributed to Fairfax County and shall be posted to a fund within the County's budget supporting implementation of environmental initiatives. However, if the Applicant provides evidence that LEED Core and Shell Certification has been delayed through no fault of the Applicant, this proffered time-frame shall be extended until such time as evidence is obtained, and no release of escrowed funds shall be made to the Applicant or to the County during this extended time-frame.

(5) Within one (1) year of the issuance of a Non-RUP for the Submitted Building, the Applicant shall provide to the Environment and Development Review Branch of DPZ a letter from a LEED-accredited

professional stating that: a LEED building maintenance reference manual (the "Manual") has been prepared for use by future building owner's and/or tenants; the Manual has been written by a LEED-accredited professional; copies of the Manual shall be provided to all future building occupants; and, the Manual, at a minimum, provides the following:

- (a) A narrative description of LEED components, including a description of the environmental benefits of that component and information regarding the importance of maintenance and operation in retaining the attributes of the Submitted Building;
- (b) Product manufacturer's manuals or other instructions, where applicable, regarding operations and maintenance needs for applicable LEED components, including operational practices that can enhance energy and water conservation;
- (c) A maintenance staff notification process for improperly functioning equipment and/or a list of local service providers that offer regularly scheduled service and maintenance contracts to assure proper performance of LEED building-related equipment and the Submitted Building, to include, where applicable, the HVAC system, water heating equipment, water conservation features, sealants, and caulks; and,
- (d) Contact information that the Submitted Building's occupants can use to obtain further guidance on each LEED component that is applicable to the Submitted Building.

Submission of this letter, as described above, shall satisfy this proffer.

- (6) In addition to the letter specified above, and also within one (1) year of the issuance of a Non-RUP for the Submitted Building, the Applicant shall provide an electronic copy of the Manual in PDF format (or other electronic format as determined acceptable by the County) to the Environment and Development Review Branch of the Department of Planning and Zoning. This electronic version of the manual shall be edited to exclude information pertaining to security systems or maintenance of systems in classified and secure areas.
- (7) All references to the U.S. Green Building Council shall apply to similar certifying agencies that are created subsequent to approval of this rezoning application, provided that the alternative certifying agency is acceptable to Fairfax County and the Applicant.

8. TRANSPORTATION DEMAND MANAGEMENT STRATEGIES

- a. The Applicant shall utilize mass transit, ride-sharing, telecommuting and other transportation demand management (TDM) strategies to reduce peak hour single occupancy vehicle trips to and from the Application Property during the AM and PM peak periods. The TDM strategies shall be implemented prior to issuance of the first non-RUP for the Application Property with a goal reducing peak hour trips by 15% (the "TDM Goal") derived from trip generation rates as set forth in the Institute of Transportation Engineers, Trip Generation Manual, 7<sup>th</sup> Edition Land Use, Code 710 (General Office). The TDM strategies specified in this proffer may be subsequently modified by mutual agreement between the Applicant and FCDOT. Strategies shall include the following:
  - i. Metro maps, schedules and forms, ridesharing and other relevant transit option information shall be available to tenants and employees through either a common website or newsletter to be published at least twice a year.
  - ii. Transportation coordination duties shall be assigned to an office property manager, who will implement the TDM strategies described herein. The transportation coordinator shall be available to Fairfax County Department of Transportation (FCDOT) staff to work cooperatively to promote opportunities to enhance participation in TDM programs. In addition, the transportation coordinator shall encourage and coordinate the formation of carpools and vanpools by promoting participation in established ride-matching programs.
  - iii. Secure, weather protected bicycle storage for twenty-five (25) bicycles shall be provided in a location convenient to employees and visitors.
  - iv. Provision of preferential parking for car/van pools.
  - v. Employers shall be encouraged to allow flexible work hours for personnel. The exact policy of the implementation of flexible work hours will vary by employer.
  - vi. Coordination with FCDOT to include the Application Property as a stop on the Fairfax County Connector I-95 Street Route.
  - vii. The expenditure of \$30,000.00 per year for each of the first two office buildings on the Application Property, when occupied, to encourage the use of mass transit, such as the Fairfax Connector and the Franconia -- Springfield Metro Station. Expenditures may include the provision of 100 SmarTrip cards (or a similar fare card)

per month with a value of twenty-five dollars (\$25.00) to the building manager upon the issuance of the first Non-RUP for each office building. Said SmarTrip cards shall be made available to employees to encourage use of mass transit. The funds may be used to participate in a shuttle bus service cooperatively with other developments in the area, or in an area Transportation Management Association, such as TAGS, or a regional bus circulator system. Upon full occupancy of the third office building constructed on the Application Property, the Applicant shall provide, or jointly participate in the provision of, a shuttle and/or bus service to the Franconia-Springfield Metro Station (the Joe Alexander Transportation Center) during the week day morning and afternoon peak traffic hours. Said shuttle shall operate during both the morning and afternoon peak periods. It is anticipated that the shuttle shall provide a minimum of four round trips per day to the Franconia-Springfield Metro Station.

- b. The Applicant shall evaluate the TDM Goal as follows:
  - i. Twelve (12) months following issuance of the first Non-RUP for the Application Property, the effectiveness of the TDM program shall be evaluated using surveys and/or traffic counts prepared by the transportation coordinator in cooperation with FCDOT. The transportation coordinator shall submit an Annual Report to FCDOT based upon said surveys and/or traffic counts, in order to facilitate a determination by FCDOT that the TDM Goal has, or has not, been achieved. The Applicant shall conduct such surveys and/or traffic counts annually until it is demonstrated through two (2) consecutive surveys and/or annual traffic counts that the TDM Goal has been achieved, at which time, no additional surveys and/or traffic counts shall be required.
  - ii. In the event that the TDM Goal has not been achieved pursuant to the aforesaid two consecutive surveys and/or traffic counts, then the Applicant shall meet with FCDOT to review the TDM Program for the purpose of identifying additional strategies and programs that may be implemented to assist in achieving the TDM Goal, and/or readjust the TDM Goal.

9. NOISE ATTENUATION

- a. Should Building V as shown on the GDP be developed as a hotel, in order to reduce interior noise to a level of approximately 45 dBA Ldn, the hotel building anticipated to be impacted by highway noise having levels projected to be 65 dBA or above, shall have the following acoustical treatments measures:

- i. Exterior walls have a laboratory Sound Transmission Classification (STC) of at least 39.
  - ii. Doors, windows and glazing shall have a laboratory STC rating of at least 28. If doors, windows and other glazed areas constitute more than 20 percent of any façade impacted by noise, they shall have the same laboratory STC ratings specified for exterior walls.
  - iii. Adequate measures to seal and caulk between surfaces shall be provided.
- b. The Applicant reserves the right to pursue other methods of mitigating highway noise impacts that can be demonstrated prior to the filing of a building permit, through an independent noise study as reviewed and approved by DPWES and the Department of Planning and Zoning, provided that these methods will be effective in reducing interior noise levels to approximately 45 dBA Ldn.

10. DESIGN

- a. The Applicant shall use similar building materials, such as brick, stone and pre-cast concrete, and architecture for all proposed buildings to create a consistent and unified architectural theme.
- b. In the event that low level security walls, including other possible security features, such as bollards, planters, or decorative fencing are required by tenants as vehicle barriers, these fixtures shall not exceed four (4) feet in height.
- c. The Applicant reserves the option to provide surface parking for Building I on an interim basis as shown on Sheet 6A of the GDP.

11. SUCCESSORS AND ASSIGNS

These proffers shall bind and inure to the benefit of the Applicant and its successors or assigns.

12. COUNTERPARTS

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

APPLICANT:  
TITLE OWNER OF TAX MAP 99-1 ((1)) 22;  
CONTRACT PURCHASER OF TAX MAP 99-1 ((5)) 3, 4 and 99-  
1 ((1)) 23A

OPUS EAST, L.L.C.

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By: Marshall M. Burton  
Its: Executive Vice President

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER OF TAX MAP 99-1 ((1)) 23A

PALLONE ASSET MANAGEMENT, LLC

By: Pallone Chevrolet, Inc., its Sole Member

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By: Michael Pallone  
Its: President

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNERS OF TAX MAP 99-1 ((5)) 3, 4

THE TJO TRUST

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By: Anthony J. Offutt  
Its: Co-Trustee

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By: Sydney E. Albrittain  
Its: Co-Trustee

ALBRITTAIN FAMILY 2002 TRUST

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By: Christopher Albrittain  
Its: Co-Trustee

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By: Michael L. Albrittain  
Its: Co-Trustee

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By: Warren S. Albrittain  
Its: Co-Trustee

[SIGNATURES END]

## DEVELOPMENT CONDITIONS

SE 2008-LE-028

April 8, 2009

If it is the intent of the Board of Supervisors to approve SE 2008-LE-028 located at 7800 Backlick Road (Tax Map 99-1 ((1)) 22 & 23A and 99-1 ((5)) 3 & 4) to permit hotel use and increase in building height above the 120 feet within the C-4 District pursuant to Sect. 4-404 of the Fairfax County Zoning Ordinance, and an increase in maximum building height pursuant to Sect. 9-607 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions; these conditions supersede all previous conditions for the subject property.

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 Generalized Development Plan/Special Exception Plat entitled "Patriot Ridge", prepared by Urban, Ltd. and dated July 2008 as revised through April 3, 2009, 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. The maximum height of the buildings on the site shall not that shown on the GDP/SE Plat.
5. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
6. All signage shall meet the requirements of Article 12 of the Zoning Ordinance.
7. Stormwater Management and Best Management Practices (SWM/BMPs) shall be provided in accordance with the Public Facilities Manual (PFM) as indicated on the GDP/SE Plat, subject to the approval of DPWES. If SWM/BMP requirements cannot be met by facilities in substantial conformance with that shown on the plat, a special exception amendment will be required.
8. Federal Aviation Administration (FAA) approval for the height of the buildings shown on the GDP/SE Plat shall be obtained prior to site plan approval. If FAA approval is not received, then the height of the buildings shall be lowered to that approved by the FAA.

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 himself responsible for obtaining the required Non-Residential Use Permits 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 of Buildings I, II, or III shown on the GDP/SE Plat 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.

**REZONING AFFIDAVIT**

DATE: November 13, 2008  
 (enter date affidavit is notarized)

I, Lynne J. Strobel, attorney/agent, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)       applicant  
                           applicant's authorized agent listed in Par. 1(a) below

101607a

in Application No.(s): RZ 2008-LE-014  
 (enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE: All relationships to the application listed above in BOLD print must be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)**

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Opus East, L.L.C.  Agents: Matthew F. Holbrook Robert A. Mazzuca Lynne M. Goldberg	2099 Gaither Road, Suite 100 Rockville, MD 20850	Applicant/Title Owner of Tax Map 99-1 ((1)) 22; Contract Purchaser of Tax Map 99-1 ((5)) 3, 4 and 99-1 ((1)) 23A
Pallone Asset Management, LLC  Agents: Michael (nmi) Pallone Frank (nmi) Joyce	7722 Backlick Road Springfield, VA 22150	Title Owner of Tax Map 99-1 ((1)) 23A

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Rezoning Attachment to Par. 1(a)

DATE: November 13, 2008  
(enter date affidavit is notarized)

101607a

for Application No. (s): RZ 2008-LE-014  
(enter County-assigned application number (s))

**(NOTE):** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Sydney E. Albrittain and Anthony J. Offutt, Co-Trustees of The TJO Trust f/b/o Evelyn S. Offutt	c/o Dittmar Company P.O. Box 489 Dunn Loring, VA 22027	<b>Title Owner of Tax Map 99-1 ((5)) 3, 4</b>
Christopher (nmi) Albrittain, Michael L. Albrittain and Warren S. Albrittain, Co-Trustees of the Albrittain Family 2002 Trust f/b/o Christopher (nmi) Albrittain, Patrick M. Albrittain, Lauren E. Albrittain, Daniel M. Albrittain, Brendan M. Albrittain, Michael L. Albrittain, Madeline L. Albrittain, Christopher J. Albrittain, Reed M. Albrittain, William B. Albrittain, Warren S. Albrittain, Meghan I. Albrittain, Andrew S. Albrittain, Liam J. Albrittain, Abigail A. Albrittain, Matthew J. Albrittain, Karen F. Williams, Katherine E. Williams, Caroline L. Williams, Nancy A. Bright, Henry C. Bright, Sarah A. Bright, Clare A. Smith, Sayre M. Smith, Emily A. Smith, Aubrey J. Smith, Mary E. Albrittain, Heidi M. Brevik	7712 Little River Turnpike Annandale, Virginia 22003	<b>Engineers/Agent</b>
Urban Engineering & Associates, Inc. t/a Urban Ltd.		
Agents: Eric S. Siegel Clayton C. Tock		

(check if applicable)  There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

**Rezoning Attachment to Par. 1(a)**

DATE: November 13, 2008  
(enter date affidavit is notarized)

101607a

for Application No. (s): RZ 2008-LE-014  
(enter County-assigned application number (s))

**(NOTE):** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.** For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Gorove/Slade Associates, Inc.  Agents: Christopher M. Tacinelli Cheryl L. Sharp	1140 Connecticut Avenue, NW Suite 700 Washington, DC 20036	<b>Transportation Consultant/Agent</b>
Wetland Studies and Solutions, Inc.  Agents: Michael S. Rolband Benjamin N. Rosner Jennifer Brophy-Price	5300 Wellington Branch Drive, #100 Gainesville, Virginia 20155	<b>Environmental Consultant/Agent</b>
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Stagg Kara M. Whisler Megan C. Shilling Elizabeth A. McKeeby	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	<b>Attorneys/Planners/Agent</b>
Wisnewski Blair & Associates, Ltd.  Agent: Luther C. Blair	44 Canal Center Plaza, Suite 100 Alexandria, VA 20151	<b>Architect/Agent</b>

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

REZONING AFFIDAVIT

DATE: November 13, 2008  
(enter date affidavit is notarized)

101607a

for Application No. (s): RZ 2008-LE-014  
(enter County-assigned application number(s))

1(b). The following constitutes a listing\*\*\* of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)  
Opus East, L.L.C.  
2099 Gaither Road, Suite 100  
Rockville, MD 20850

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Opus, L.L.C., Member  
Managers: Mark (nmi) Rauenhorst, Gene (nmi) Haugland, Francis (nmi) Knott, James J. Lee, Jeffrey M. Rauenhorst

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice President, Secretary, Treasurer, etc.)

James J. Lee, President and CEO; Johanna (nmi) Bolin, CFO, Treasurer, Secretary; C. Craig Guers, SVP and General Manager; Scott A. Brody, VP, General Manager; Luz (nmi) Campa, VP; Steven C. Cohen, VP, Real Estate; Michael (nmi) Newland, VP, Construction; Thomas (nmi) Olmstead, VP; Geoffrey C. Wood, VP, Sales & Finance; Margaret A. Bozesky, Tax Officer

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

**Rezoning Attachment to Par. 1(b)**

DATE: November 13, 2008  
(enter date affidavit is notarized)

101607a

for Application No. (s): RZ 2008-LE-014  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Opus, L.L.C.  
10350 Bren Road West  
Minnetonka, MN 55343

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)  
1982 Irrevocable Trust f/b/o children of Gerald Rauenhorst  
1982 Irrevocable Trust f/b/o grandchildren of Gerald Rauenhorst

---

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

---

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Pallone Asset Management, LLC  
7722 Backlick Road  
Springfield, VA 22150

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
Pallone Chevrolet, Inc.

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**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

DATE: November 13, 2008  
(enter date affidavit is notarized)

10/607a

for Application No. (s): RZ 2008-LE-014  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Pallone Chevrolet, Inc.  
7722 Backlick Road  
Springfield, VA 22150

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Michael (nmi) Pallone

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

Michael (nmi) Pallone, President

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Urban Engineering & Associates, Inc. t/a Urban Ltd.  
7712 Little River Turnpike  
Annandale, Virginia 22003

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Barry B. Smith  
J. Edgar Sears, Jr.  
Brian A. Sears

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

DATE: November 13, 2008  
(enter date affidavit is notarized)

10/607a

for Application No. (s): RZ 2008-LE-014  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13th Floor  
Arlington, Virginia 22201

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)  
David J. Bomgardner, E. Andrew Burcher, Thomas J. Colucci, Peter M. Dolan, Jr., Jay du Von, Jerry K. Emrich, William A. Fogarty, John H. Foote, H. Mark Goetzman, Bryan H. Guidash, Michael D. Lubeley, J. Randall Minchew, M. Catharine Puskar, John E. Rinaldi, Lynne J. Strobel, Garth M. Wainman, Nan E. Walsh, Martin D. Walsh

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Gorove/Slade Associates, Inc.  
1140 Connecticut Avenue, NW, Suite 700  
Washington, DC 20036

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
Christopher M. Tacinelli  
Chad A. Baird  
Daniel B. VanPelt

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

DATE: November 13, 2008  
(enter date affidavit is notarized)

101607a

for Application No. (s): RZ 2008-LE-014  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Wetland Studies and Solutions, Inc.  
5300 Wellington Branch Drive, #100  
Gainesville, Virginia 20155

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)  
Michael S. Rolband, Sole Shareholder

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Wisnewski Blair & Associates, Ltd.  
44 Canal Center Plaza, Suite 100  
Alexandria, VA 20151

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
Joseph J. Wisnewski  
Luther C. Blair

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

REZONING AFFIDAVIT

DATE: November 13, 2008  
(enter date affidavit is notarized)

101607a

for Application No. (s): RZ 2008-LE-014  
(enter County-assigned application number(s))

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)  
None

(check if applicable)  The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable)  There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

REZONING AFFIDAVIT

DATE: November 13, 2008  
(enter date affidavit is notarized)

101607a

for Application No. (s): RZ 2008-LE-014  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: November 13, 2008  
(enter date affidavit is notarized)

101607a

for Application No. (s): RZ 2008-LE-014  
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable)  There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

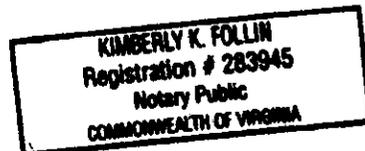
*Lynne J. Strobel*  
 Applicant  Applicant's Authorized Agent

Lynne J. Strobel, attorney/agent  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 13 day of November 2008, in the State/Comm. of Virginia, County/City of Arlington.

*Kimberly K. Follin*  
Notary Public

My commission expires: 11/30/2011



**SPECIAL EXCEPTION AFFIDAVIT**

DATE: November 13, 2008  
(enter date affidavit is notarized)

I, Lynne J. Strobel, attorney/agent, do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one)       applicant  
                          applicant's authorized agent listed in Par. 1(a) below      101608a

in Application No.(s): SE 2008-LE-028  
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Opus East, L.L.C.  Agents: Matthew F. Holbrook Robert A. Mazzuca Lynne M. Goldberg	2099 Gaither Road, Suite 100 Rockville, MD 20850	Applicant/Title Owner of Tax Map 99-1 ((1)) 22; Contract Purchaser of Tax Map 99-1 ((5)) 3, 4 and 99-1 ((1)) 23A
Pallone Asset Management, LLC  Agents: Michael (nmi) Pallone Frank (nmi) Joyce	7722 Backlick Road Springfield, VA 22150	Title Owner of Tax Map 99-1 ((1)) 23A

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

**Special Exception Attachment to Par. 1(a)**

DATE: November 13, 2008  
 (enter date affidavit is notarized)

101608a

for Application No. (s): SE 2008-LE-028  
 (enter County-assigned application number (s))

**(NOTE:** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Sydney E. Albrightain and Anthony J. Offutt, Co-Trustees of The TJO Trust f/b/o Evelyn S. Offutt	c/o Dittmar Company P.O. Box 489 Dunn Loring, VA 22027	<b>Title Owner of Tax Map 99-1 ((5)) 3, 4</b>
Christopher (nmi) Albrightain, Michael L. Albrightain and Warren S. Albrightain, Co-Trustees of the Albrightain Family 2002 Trust f/b/o Christopher (nmi) Albrightain, Patrick M. Albrightain, Lauren E. Albrightain, Daniel M. Albrightain, Brendan M. Albrightain, Michael L. Albrightain, Madeline L. Albrightain, Christopher J. Albrightain, Reed M. Albrightain, William B. Albrightain, Warren S. Albrightain, Meghan I. Albrightain, Andrew S. Albrightain, Liam J. Albrightain, Abigail A. Albrightain, Matthew J. Albrightain, Karen F. Williams, Katherine E. Williams, Caroline L. Williams, Nancy A. Bright, Henry C. Bright, Sarah A. Bright, Clare A. Smith, Sayre M. Smith, Emily A. Smith, Aubrey J. Smith, Mary E. Albrightain, Heidi M. Brevik		
Urban Engineering & Associates, Inc. t/a Urban Ltd.	7712 Little River Turnpike Annandale, Virginia 22003	<b>Engineers/Agent</b>
Agents: Eric S. Siegel Clayton C. Tock		

(check if applicable)

There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

Special Exception Attachment to Par. 1(a)

DATE: November 13, 2008  
 (enter date affidavit is notarized)

101608a

for Application No. (s): SE 2008-LE-028  
 (enter County-assigned application number (s))

**(NOTE:** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Gorove/Slade Associates, Inc.  Agents: Christopher M. Tacinelli Cheryl L. Sharp	1140 Connecticut Avenue, NW Suite 700 Washington, DC 20036	<b>Transportation Consultant/Agent</b>
Wetland Studies and Solutions, Inc.  Agents: Michael S. Rolband Benjamin N. Rosner Jennifer Brophy-Price	5300 Wellington Branch Drive, #100 Gainesville, Virginia 20155	<b>Environmental Consultant/Agent</b>
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Stagg Kara M. Whisler Megan C. Shilling Elizabeth A. McKeeby	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	<b>Attorneys/Planners/Agent</b>
Wisnewski Blair & Associates, Ltd.  Agent: Luther C. Blair	44 Canal Center Plaza, Suite 100 Alexandria, VA 20151	<b>Architect/Agent</b>

(check if applicable)

There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 13, 2008  
(enter date affidavit is notarized)

101608a

for Application No. (s): SE 2008-LE-028  
(enter County-assigned application number(s))

1(b). The following constitutes a listing\*\*\* of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code) Opus East, L.L.C.  
2099 Gaither Road, Suite 100  
Rockville, MD 20850

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

Opus, L.L.C., Member  
Managers: Mark (nmi) Rauenhorst, Gene  
(nmi) Haugland, Francis (nmi) Knott, James  
J. Lee, Jeffrey M. Rauenhorst

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

Special Exception Attachment to Par. 1(b)

DATE: November 13, 2008  
(enter date affidavit is notarized)

101608a

for Application No. (s): SE 2008-LE-028  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Opus, L.L.C.  
10350 Bren Road West  
Minnetonka, MN 55343

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
1982 Irrevocable Trust f/b/o children of  
Gerald Rauenhorst  
1982 Irrevocable Trust f/b/o grandchildren  
of Gerald Rauenhorst

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Pallone Asset Management, LLC  
7722 Backlick Road  
Springfield, VA 22150

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
Pallone Chevrolet, Inc.

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: November 13, 2008  
(enter date affidavit is notarized)

101608a

for Application No. (s): SE 2008-LE-028  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Pallone Chevrolet, Inc.  
7722 Backlick Road  
Springfield, VA 22150

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Michael (nmi) Pallone

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Urban Engineering & Associates, Inc. t/a Urban Ltd.  
7712 Little River Turnpike  
Annandale, Virginia 22003

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Barry B. Smith  
J. Edgar Sears, Jr.  
Brian A. Sears

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: November 13, 2008  
(enter date affidavit is notarized)

10/608a

for Application No. (s): SE 2008-LE-028  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13th Floor  
Arlington, Virginia 22201

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

David J. Bomgardner, E. Andrew Burcher,	Michael D. Lubeley, J. Randall Minchew,
Thomas J. Colucci, Peter M. Dolan, Jr., Jay	M. Catharine Puskar, John E. Rinaldi,
du Von, Jerry K. Emrich, William A.	Lynne J. Strobel, Garth M. Wainman, Nan
Fogarty, John H. Foote, H. Mark Goetzman,	E. Walsh, Martin D. Walsh
Bryan H Guidash,	

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Gorove/Slade Associates, Inc.  
1140 Connecticut Avenue, NW, Suite 700  
Washington, DC 20036

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Christopher M. Tacinelli  
Chad A. Baird  
Daniel B. VanPelt

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: November 13, 2008  
(enter date affidavit is notarized)

101608a

for Application No. (s): SE 2008-LE-028  
(enter County-assigned application number (s))

---

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Wetland Studies and Solutions, Inc.  
5300 Wellington Branch Drive, #100  
Gainesville, Virginia 20155

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Michael S. Rolband, Sole Shareholder

---

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Wisniewski Blair & Associates, Ltd.  
44 Canal Center Plaza, Suite 100  
Alexandria, VA 20151

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Joseph J. Wisniewski  
Luther C. Blair

---

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 13, 2008  
(enter date affidavit is notarized)

101608a

for Application No. (s): SE 2008-LE-028  
(enter County-assigned application number(s))

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)  
None

(check if applicable)  The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable)  There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 13, 2008  
(enter date affidavit is notarized)

19608a

for Application No. (s): SE 2008-LE-028  
(enter County-assigned application number(s))

1(d). One of the following boxes must be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: November 13, 2008  
(enter date affidavit is notarized)

101608a

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)  
None

**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable)  There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

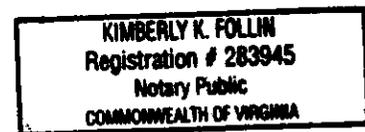
(check one)  Applicant  Applicant's Authorized Agent

Lynne J. Strobel, attorney/agent  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 13 day of November 2008, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin  
Notary Public

My commission expires: 11/30/2011





Lynne J. Strobel  
 (703) 528-4700 Ext. 5418  
[lstrobel@art.thelandlawyers.com](mailto:lstrobel@art.thelandlawyers.com)

WALSH COLUCCI  
 LUBELEY EMRICH  
 & WALSH PC

RECEIVED  
 Department of Planning & Zoning

JUL 29 2008

July 28, 2008

Zoning Evaluation Division

Regina C. Coyle, Director  
 Fairfax County Department of Planning & Zoning  
 Zoning Evaluation Division  
 12055 Government Center Parkway, Suite 801  
 Fairfax, Virginia 22035

Re: Proposed Rezoning and Special Exception Applications  
 Applicant: Opus East, L.L.C.

Dear Ms. Coyle:

Please accept the following as a statement of justification for rezoning and special exception applications filed on property identified among the Fairfax County tax map records as 99-1 ((1)) 22 and 23A and 99-1 ((5)) 3 and 4 (the "Subject Property").

The Subject Property consists of approximately 14.98 acres located on the west side of Backlick Road and north of the intersection of Backlick Road and Fullerton Road. The proposed unified development of the Subject Property creates frontage on both Backlick Road and Fullerton Road. The Subject Property is currently zoned to the C-8 and I-5 Districts. A majority of the Subject Property is developed as vehicle sales establishments that include a substantial amount of surface parking. That portion of the Subject Property adjacent to Fullerton Road is presently vacant. The Applicant proposes to rezone the Subject Property to the C-4 District that will allow for the development of a secure multi-building office park with one of the office buildings that may be developed as a hotel. The office buildings will be supported by two parking garages.

The Subject Property is located within Land Unit A of the I-95 Corridor Industrial Area within Area IV of the Fairfax County Comprehensive Plan (the "Plan"). The Plan was recently amended with the approval of an out-of-turn plan amendment (OTPA) that is referenced by Fairfax County as S07-IV-S1. The OTPA was unanimously approved by the Board of Supervisors at its hearing held on Monday, July 21, 2008, and the applicable Plan text recommends an option for development of the Subject Property with office use at an intensity of up to a 1.6 FAR with consolidation of all parcels. The Plan text also permits a hotel as a possible use. The Plan text includes conditions that must be satisfied to implement the office development option. The Applicant's proposal meets these conditions as follows:

- Full consolidation of all of the parcels identified in the Plan text has been achieved by the Applicant.
- The Applicant proposes a unified development plan that integrates all of the Subject Property into a secure multi-building office park supported by structured parking. The buildings are unified by vehicular and pedestrian circulation systems including

travelways, sidewalks and plazas. A consistent architectural theme will also be used for all of the proposed buildings.

- Vehicular access is provided to Fullerton Road.
- Sufficient capacity will exist on Backlick and/or Fullerton Roads to support the proposed development. Gorove Slade & Associates has prepared an intensive traffic impact analysis to verify road capacity. The Subject Property has access to Fullerton Road, which lessens the traffic pressure on Backlick Road. Further, the rezoning and special exception applications are subject to review under the VDOT 527 provisions that will ensure sufficient capacity. The Applicant anticipates phasing the construction of its development with transportation improvements to ensure that sufficient road capacity is maintained.
- Support retail/amenities will be provided to serve employees and visitors. The Applicant anticipates a number of support services, such as an eating establishment, convenience retail, a fitness facility, and/or an ATM, to encourage tenant employees to remain on-site during working hours.

The Applicant's specific proposal is illustrated on the attached Generalized Development Plan/Special Exception Plat (GDP/SE Plat) prepared by Urban, Ltd. As demonstrated on the GDP/SE Plat, the Applicant proposes an office park comprised of five (5) buildings labeled I through V. These buildings will range in square footage from 133,000 gross square feet to 254,000 gross square feet, and it is anticipated that their construction will be phased. The total gross square footage proposed is 978,500, or an FAR of 1.5. The Applicant proposes that Building V will be either an office building containing 133,000 gross square feet, or a hotel that will provide 200 guest rooms. Buildings will range from seven (7) to 10 stories, or heights of 110 feet to 150 feet. Buildings I, II and III will be served by a single parking structure located at the rear of the Subject Property. Proposed Buildings IV and V will be served by a separate parking structure located between these two buildings. There will be two vehicular access points located on Backlick Road. The main entry will be located at an existing median break and a second right-in/right-out access point will be provided to the north on Backlick Road. Similarly, two access points are provided to Fullerton Road. One access is located at an existing median break and a second right-in/right-out will provide secondary access to Fullerton Road. Overall, the planned access points will more evenly disperse vehicle trips and their impacts on the surrounding road network.

The Applicant has designed a secure Class A office park that will be a gateway to central Springfield and Fairfax County with a strong visual presence along two major area roadways. The Subject Property is currently characterized by functionally obsolete automobile dealerships and repair facilities served by large expanses of impervious parking lots. The Applicant's proposal will revitalize this aging industrial area of Fairfax County with the construction of an employment center that will include high-quality architectural and sustainable design elements.

The Applicant's proposed development is intended to serve the facilities currently under construction at the Engineer Proving Grounds (EPG). The proximity of the Subject Property to EPG makes it an ideal location for government contractors that will be supporting the facilities

on EPG. The proximity of the Subject Property to EPG's main visitor/contractor gate reduces potential traffic impacts on area roadways as travel times and distances are decreased. The Subject Property is ideally located near the I-95/Fairfax County Parkway interchange so that tenant employees are able to access the Subject Property easily from I-95, Backlick Road, the Franconia-Springfield Parkway, and the Fairfax County Parkway without the need to drive through central Springfield, or any surrounding residential communities. Because of proximity to the major local vehicular roadways, the expectation is that the proposed office park will "intercept" commuters who currently pass this location on their commute further into Fairfax County.

Traffic circulation in proximity to the Subject Property is improved with access to both Backlick Road and Fullerton Road. In addition, the location of the Subject Property to various mass transit nodes, including the Lorton and Springfield Virginia Railway Express (VRE) stations, the Springfield Metro Station, and several existing Fairfax Connector Bus and Metrobus service lines, creates meaningful opportunities to implement transportation demand management (TDM) strategies. Possible TDM strategies include shuttle service to mass transit and subsidies for mass transit use. The Subject Property has been designed with appropriate perimeter setbacks to meet the anti-terrorism/force protection (AT/FP) standards for the U.S. Department of Defense tenants and their contractors. Lastly, the individual buildings have been designed with highly-efficient floor plates that are ideally suited for the anticipated tenants.

The Applicant has incorporated a number of quality design features to create a unified development plan that maximizes open space and opportunities for sustainable design. Convenient and inviting pedestrian access will be provided throughout the office park with an attractive central plaza to link proposed Buildings I, II and III. The central plaza will incorporate landscaped and hardscape public areas to create a pleasant work environment with all necessary security. Consistent building architecture will incorporate modern materials, such as innovative precast panel designs and architectural metals, to provide a clean and finished appearance. In addition, the property will include vehicular circulation, including a central traffic round-about, to direct traffic internally and to ensure coordinated access to Fullerton Road. Stormwater management will be provided in an underground vault system in accordance with Fairfax County requirements and best management practices. The Applicant's design significantly reduces the amount of existing impervious surface on the Subject Property, and natural landscape features and stormwater infiltration areas will be used as part of a sustainable design approach to development. Other features have been incorporated to minimize the use of asphalt such as grass pavers for fire/rescue personnel access. A landscape plan is provided that shows a coordinated planting plan that will improve the aesthetics of the Subject Property and create an enhanced working environment. The Applicant's proposal provides 31% open space, which is more than double the 15% open space requirement in the C-4 District. In addition, a number of sustainable building techniques will be utilized at time of construction, such as energy efficient design, use of recycled and "green" materials, and natural daylighting to the extent possible considering the secure nature of on-site operations. Lastly, the Applicant intends to provide accessory service uses that will minimize the amount of traffic leaving the site during the work day.

Concurrent with the rezoning application, the Applicant is requesting a special exception application to allow an option for Building V to be developed as a hotel within the Applicant's discretion. The inclusion of a hotel is consistent with the recently approved Plan

recommendations. If developed as an office building, Building V will contain 133,000 square feet, which equates to approximately 200 rooms should the building be developed as a hotel. The integration of a hotel on the Subject Property will enhance the mix of uses and provide a valuable service that may be utilized by the tenants of the office park as well as employees located at the EPG facilities. A hotel will have lesser impacts on traffic volume and will further minimize traffic impacts. It is anticipated that the hotel may include an eating establishment and facilities such as conference rooms that will support the office park. All of these features will ensure that traffic is minimized during the work day and will not be adversely impacting areas to the north such as central Springfield.

The Applicant is also proposing an increase in building height in accordance with Section 9-607 of the Fairfax County Zoning Ordinance (the "Ordinance"). The C-4 District regulations permit a building height of 120 feet, and the Applicant proposes a maximum building height of 150 feet. Additional height is necessary as a result of the footprint of each building designed on the Subject Property. The Applicant has designed the building footprints to satisfy required security setbacks while providing desired open space and high building efficiency. In accordance with the requirements of Section 9-607, the proposal is consistent with Ordinance requirements as follows:

- The increased building height is in harmony with the policies embodied in the adopted Plan. The existing Plan text does not restrict height in this area, nor identify height as a concern.
- The increased height will not be detrimental to the character and development of adjacent lands. In fact, the height will help to establish a "gateway" entrance to central Springfield and Fairfax County. A majority of the area surrounding the Subject Property is zoned to industrial districts, and individual parcels are developed with a variety of uses. Surrounding uses include automotive repair establishments, warehouses, offices and retail establishments. These uses will not be adversely impacted by additional building height, especially as the Applicant has provided greater setbacks than required by the Ordinance. In addition, the Base Realignment and Closure (BRAC) Annual Plans Review Task Force has favorably considered a number of nominations in the area to permit additional office intensity. Lastly, there are no residential uses in proximity to the Subject Property that would be detrimentally impacted by additional height.
- The remaining regulations for the C-4 District can be satisfied by the Applicant's proposal. The Applicant is not requesting any waivers or modifications to Ordinance requirements.

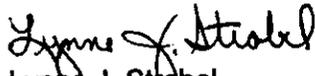
The Applicant proposes an integrated office park that will support the facilities currently under construction at EPG. The Applicant has designed a unified development plan with office buildings and a possible hotel that are connected by a consistent architectural design, attractive public areas, and pedestrian/vehicular links. The existing impervious surface will be greatly reduced and landscaping provided to soften the appearance of the Subject Property. On-site support services, as well as thoughtful design and TDM strategies, will minimize traffic impacts. The Applicant's proposal will bring the Subject Property into compliance with current regulations associated with stormwater management and policies regarding the environment. Class A

office space in southern Fairfax County will revitalize an aging industrial area and create an employment center to serve the needs of BRAC.

Should you have any questions regarding the above, or require additional information, please do not hesitate to give me a call. I would appreciate the acceptance of this application and the scheduling a public hearing before the Fairfax County Planning Commission at your earliest convenience.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

  
Lynne J. Strobel

LJS/kae

cc: Matt Holbrook  
Lynne Goldberg  
Eric Siegel  
Clayton Tock  
Chris Tacinelli  
Cheryl Sharp  
Martin D. Walsh

{A0147212.DOC / 1 Statement of Justification 001204 000021}



# County of Fairfax, Virginia

## MEMORANDUM

DATE: January 6, 2009

**TO:** Regina Coyle, Director  
Zoning Evaluation Division, DPZ

**FROM:** Pamela G. Nee, Chief *PGN*  
Environment and Development Review Branch, DPZ

**SUBJECT:** Land Use Analysis: RZ 2008-LE-014/SE 2008-LE-028  
Opus East, LLC

The memorandum, prepared by Kimberly Rybold, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject Rezoning (RZ) and Special Exception Plat (SE) dated July 22, 2008 as revised through November 25, 2008 and proffers dated October 27, 2008. The extent to which the proposed use, intensity and development plans are consistent with the guidance contained in the Comprehensive Plan is noted.

### DESCRIPTION OF THE APPLICATION

The applicant, Opus East, LLC, has filed a rezoning and special exception to replace an existing vehicle sales establishment, Pallone Chevrolet and Nissan, with a secure office park, support retail, and optional hotel totaling 978,500 square feet of development and a 1.5 FAR on a 14.98-acre site. A rezoning of the subject area, currently zoned C-8 and I-5, to C-4 is sought. The applicant proposes five office buildings ranging in height from eight to ten stories, with an option for one of the buildings to develop as a 133,000-square-foot hotel. Up to 7,500 square feet of support retail will be provided in two of the buildings, including uses such as dry cleaners, sundry stores, and sandwich shops. Parking will be provided in two parking structures, as well as a 47-space surface parking lot. The principal parking structure will be contain 2,170 parking spaces and be seven stories in height, with one story below grade. The second structure will contain 650 spaces and will be 6 stories in height, with 2 stories below grade. Access will be provided from two points on Backlick Road and two points on Fullerton Road.

### LOCATION AND CHARACTER OF THE AREA

The subject property encompasses 14.98 acres of land located in the Accotink Creek watershed and is situated west of Backlick Road and Interstate 95 (I-95), north of Fullerton Road. Parcels 22 and 23A are currently developed with an auto dealership and are almost entirely impervious

Department of Planning and Zoning  
Planning Division  
12055 Government Center Parkway, Suite 730  
Fairfax, Virginia 22035-5509  
Phone 703-324-1380  
Fax 703-324-3056  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



parking surface; parcels 3 and 4 are undeveloped and heavily wooded. The property is situated at one of the highest elevations in the area and is prominently visible from Backlick Road and I-95. The subject area is within Land Unit A of the I-95 Corridor Industrial Area in the Springfield Planning District. The area is planned for industrial uses up to .35 floor area ratio (FAR); auto dealerships may be considered for portions of the land unit on a case-by-case basis provided that the intensity does not exceed .20 FAR and is compatible with existing uses. Options for office and hotel use up to 1.6 FAR are possible if appropriate consolidation is achieved. Parcel 22 is zoned C-8; all other subject parcels are zoned I-5.

#### **COMPREHENSIVE PLAN CITATIONS:**

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Land Use, as amended through September 22, 2008, page 9, states:

- “Objective 13: The pace of development in the County should be in general accord with the Comprehensive Plan and sustainable by the provision of transportation and public facilities.
- Policy a. Influence the timing of development to coincide with the provision of transportation and other necessary public improvements. . . .
- Policy d. Require the proportionate participation of all development in fully mitigating impacts to public facility and transportation capacity.”

Fairfax County Comprehensive Plan, 2007 Edition, Area IV, Springfield Planning District, I-95 Industrial Area, Land Unit A, as amended through July 21, 2008, pages 17-19, states:

#### **“Land Unit A**

This land unit includes the area located west of Backlick Road and east of the Engineer Proving Ground (EPG). Several industrial parcels fronting Backlick Road are blighted or in marginal use. Uses along Backlick Road include auto repair shops, auto towing and storage lots, warehouses, self-storage compounds, a lumber yard, and an auto dealership. Industrial uses up to .35 FAR are planned for this land unit. Development should be sensitive to the Accotink Creek EQC.

An auto dealership may be an appropriate use for Tax Map 99-1((1))22 and, on a case-by-case basis, auto dealerships could be considered for other portions of the land unit located north of Fullerton Road, provided that the intensity does not exceed .20 FAR and that the use is compatible with existing industrial uses. In addition, interparcel access within this portion of Land Unit A and coordinated access to Backlick Road should be encouraged to reduce the number of access points, in conformance with the approved VDOT plans for the improvement of Backlick Road. Consolidated access to

Tax Map 99-1((1))22 should be encouraged with the parcel to the north in order to permit left-turn access at an approved median crossover.

As an option, Parcels 99-1((1)) 22 and 23A may be appropriate for office use up to 1.4 FAR if consolidated. Alternatively, office and possible hotel use at an intensity of up to 1.6 FAR may be appropriate if parcels 99-1((1))22 and 23A and 99-1((5))3, 4 are consolidated. In either scenario, the following conditions should be met:

- Demonstration that sufficient transportation capacity will exist on Backlick Road and Fullerton Road to support the development;
- Provision of a unified development plan;
- Provision of vehicular access to Fullerton Road; and
- Support retail is provided to serve employees and visitors.

Parcels 90-4((1))5B and 5F currently are developed with automobile-related uses. In any redevelopment, consolidation with Parcels 5A and 5D is encouraged. Development of an auto-related commercial use may be appropriate if coordinated access to Backlick Road and effective landscaping along Backlick Road are provided.”

## **COMPREHENSIVE PLAN MAP: Industrial**

### **LAND USE ANALYSIS**

The Comprehensive Plan guidance for the subject property states that office use and a possible hotel at an intensity of up to 1.6 FAR may be appropriate if consolidation of these parcels is achieved. Additionally, the four conditions listed in the above Plan text should be met for development of this use and intensity to be permitted. The application proposes five office buildings totaling 978,500 square feet, with the option for one 133,000-square-foot building to be constructed as a hotel. The resulting FAR of the proposal would be 1.5, less than the maximum recommended by the Comprehensive Plan for these parcels with full consolidation.

The conditions outlined in the Plan are addressed to varying degrees in the application. The application consolidates the four parcels identified to be considered for the maximum density under the Comprehensive Plan, and a unified development plan incorporating the entirety of these parcels has been submitted. However, the plans and draft proffers lack detail on possible phasing for the project, potentially affecting conditions involving vehicular access on Fullerton Road and the provision of support retail for employees and visitors. Plans show three access points along Fullerton Road, serving Building V and the structured parking garage adjacent to it. The proffers should include some language discussing any potential phasing of the project, ensuring that the vehicular access to Fullerton Road is provided during early stages of construction.

Likewise, the application states that up to 7,500 square feet of support retail will be provided in both Building IV and Building V. On-site support retail is intended to provide essential

services to employees and visitors of the office park, such as cleaners, sandwich shops, and convenience stores, with the goal of reducing off-site automobile trips during the day. This retail is not intended to be destination retail. Currently, the proffers state under "Uses" that the "property shall be developed with office and retail uses" and that there is an option for Building V to be a hotel. Language should be added to the proffers to clarify that the retail use is support retail, and provisions should be made to ensure the availability of support retail regardless of the project phasing.

The demonstration of sufficient transportation capacity on Backlick and Fullerton Roads to support the development is the final condition laid out in the Comprehensive Plan text for development of this density. A traffic impact analysis is in the process of being performed by the applicant as required for VDOT Chapter 527 review. Results of this analysis will show the impact on Backlick and Fullerton Roads, as well as the surrounding roadway network. The application's conformance to this Plan recommendation will be determined by staff in the Fairfax County Department of Transportation. It should also be noted that the completion of the Fairfax County Parkway from Fullerton Road to Rolling Road is phased, with two interchanges not being fully funded and potentially not being completed by the 2012 build out. This phased construction will result in the closing of the existing intersections at Fullerton Road and Fairfax County Parkway. When these intersections are restricted for construction, anticipated in January 2010, the access to I-95 northbound will be limited and only accessible by a circuitous alternate route following Fullerton Road to the southwest, Rolling Road, and using a newly constructed ramp to eastbound Parkway then back to I-95. Southbound I-95 will continue to be accessible via the existing Boudinot/Alban Road intersection ramp. These construction activities could have an adverse impact on the capacity of Backlick and Fullerton Roads, and should be considered when evaluating the impacts of this development on the surrounding roadway network. The completion of these interchanges should be considered in the phasing of development, consistent with Objective 13, Policy a of the Land Use section of the Policy Plan. Language should be added to the proffers to address the phasing and transportation improvements.

PGN: KMR



# County of Fairfax, Virginia

## MEMORANDUM

DATE: January 9, 2009

**TO:** Regina Coyle, Director  
Zoning Evaluation Division, DPZ

**FROM:** Pamela G. Nee, Chief *PGN*  
Environment and Development Review Branch, DPZ

**SUBJECT:** Environmental Assessment for: RZ 2008-LE-014/SE 2008-LE-028  
Patriot Ridge

This memorandum, prepared by Mary Ann Welton, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the revised Development Plan and Special Exception Plat for this property, dated November 25, 2008 and the proffers dated October 27, 2008. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

### COMPREHENSIVE PLAN CITIATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the land use and environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, page 7 states:

- “Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.**
- Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements.”

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, page 10 states:

**“Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.**

Policy a. Ensure that new development and redevelopment complies with the County’s Chesapeake Bay Preservation Ordinance . . .”

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, page 11 states:

**“Objective 4: Minimize human exposure to unhealthful levels of transportation generated noise.**

Policy a: Regulate new development to ensure that people are protected from unhealthful levels of transportation noise.

New development should not expose people in their homes, or other noise sensitive environments, to noise in excess of DNL 45 dBA, or to noise in excess of DNL 65 dBA in the outdoor recreation areas of homes.”

The Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, page 14 and 15 states:

**“Objective 9: Identify, protect and enhance an integrated network of ecologically valuable land and surface waters for present and future residents of Fairfax County.**

Policy a: For ecological resource conservation, identify, protect and restore an Environmental Quality Corridor system (EQC). . . . Lands may be included within the EQC system if they can achieve any of the following purposes:

- Habitat Quality: The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest.
- "Connectedness": This segment of open space could become a part of a corridor to facilitate the movement of wildlife.
- Aesthetics: This land could become part of a green belt separating land uses, providing passive recreational opportunities to people.

- **Pollution Reduction Capabilities:** Preservation of this land would result in significant reductions to nonpoint source water pollution, and/or, micro climate control, and/or reductions in noise.

The core of the EQC system will be the County's stream valleys. Additions to the stream valleys should be selected to augment the habitats and buffers provided by the stream valleys, and to add representative elements of the landscapes that are not represented within stream valleys. The stream valley component of the EQC system shall include the following elements:

- All 100 year flood plains as defined by the Zoning Ordinance;
- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or greater slopes that begin within 50 feet of the stream channel;
- All wetlands connected to the stream valleys; and
- All the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to the stream bank. The % slope used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the flood plain. This measurement should be taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation.

Modifications to the boundaries so delineated may be appropriate if the area designated does not benefit habitat quality, connectedness, aesthetics, or pollution reduction as described above. In addition, some intrusions that serve a public purpose such as unavoidable public infrastructure easements and rights of way are appropriate. Such intrusions should be minimized and occur perpendicular to the corridor's alignment, if practical.

Preservation should be achieved through dedication to the Fairfax County Park Authority, if such dedication is in the public interest. Otherwise, EQC land should remain in private ownership in separate undeveloped lots with appropriate commitments for preservation. The use of protective easements as a means of preservation should be considered. . . ."

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, page 16 states:

**“Objective 10:** . . . **Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.**

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices. . . .”

The Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, page 17 through 19 states:

**“Objective 13:** **Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.**

Policy a. Consistent with other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices can include, but are not limited to:

- Environmentally-sensitive siting and construction of development
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the *Policy Plan*)
- Optimization of energy performance of structures/energy-efficient design
- Use of renewable energy resources
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products
- Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies
- Reuse of existing building materials for redevelopment projects
- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris
- Use of recycled and rapidly renewable building materials
- Use of building materials and products that originate from nearby sources
- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and

use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials.

Encourage commitments to implementation of green building practices through certification under established green building rating systems (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program or other comparable programs with third party certification). Encourage commitments to the attainment of the ENERGY STAR® rating where applicable and to ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs. . . .

- Policy d. Promote implementation of green building practices by encouraging commitments to monetary contributions in support of the county's environmental initiatives, with such contributions to be refunded upon demonstration of attainment of certification under the applicable LEED rating system or equivalent rating system.
- Policy e. Encourage energy conservation through the provision of measures which support nonmotorized transportation, such as the provision of showers and lockers for employees and the provision of bicycle parking facilities for employment, retail and multifamily residential uses."

#### **ENVIRONMENTAL ANALYSIS:**

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the County's remaining natural amenities.

**Environmental Quality Corridor (EQC):** An EQC associated with Field Lark Branch stream valley is located in the northwestern portion of the subject property. Staff accepts the proposed delineation of the EQC as depicted on the development plans dated November 25, 2008. Consistent with Policy Plan's guidance, there are no new proposed encroachments in the EQC.

**Stormwater Management/Adequate Outfall:** This 14.98 acre subject property falls within the Accotink Creek watershed. The application proposes to meet water quantity control requirements through properly sized vaults to accommodate the 10-year storm. This proposed system will control the runoff from 10.41 acres of the subject property. Runoff from the remaining 4.57 acres of the site will be uncontrolled. Proposed water quality control measures include two bioretention ponds, one bioretention basin and pervious pavers for the internal pedestrian circulation system which will provide linkages to the parking garages and the three office buildings.

The outfall analysis indicates that the site has two points of discharge from the stormwater vaults and two points of discharge into the existing storm sewer system for the uncontrolled area. Adequacy of any proposed stormwater/best management practice facilities and outfall measures will be subject to review and approval by the Department of Public Works and Environmental Services (DPWES).

**Highway Noise:** Building V is proposed as an office or hotel use. If developed as a hotel, this noise sensitive use could be adversely impacted by noise generated traffic from I-95. In accordance with Policy Plan guidance on noise mitigation, the applicant's proposed proffer commits to an interior noise level not to exceed 45 dBA Ldn for the hotel. This can be achieved through the use of appropriate building materials. The revised development plans do not show any outdoor recreation area associated with the hotel such as an outdoor pool. Should there be any outdoor recreation area for the hotel, to be consistent with Policy Plan guidance the applicant should commit that the outdoor recreation area would not exceed 65 dBA Ldn.

**Tree Preservation:** Except for the area of EQC located on the northwest corner of the site and the undeveloped southern portion of the site, the subject property is predominately covered with impervious surface at this time and is so reflected on the existing vegetation map provided with the revised development plan. The EQC area is proposed to be preserved in an undisturbed state. The landscape plan indicates that all existing vegetation particularly along the Fullerton Road portion of this site will be cleared to construct an office or hotel and associated parking lot. Limited new landscaping is proposed for the southern portion of the development. The applicant is encouraged to work with the Urban Forest Management Branch of the DPWES in looking for additional landscaping opportunities particularly on the southern portion of the site.

**Green Building:** The Policy Plan was amended in 2007 to incorporate guidance in support of the application of energy conservation, water conservation, and other green building practices in the design and construction of new development and redevelopment. The applicant is encouraged to seek the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) certification. At a minimum the applicant should commit to the use of Energy Star appliances.

**COUNTYWIDE TRAILS MAP:**

The Countywide Trails Plan map depicts a major paved trail along Backlick Road adjacent to the subject property. In accordance with the Trails Plan and the Public Facilities Manual the applicant should provide an 8 foot wide, Type I (asphalt) trail within a 12 foot wide trail easement or a 10 foot wide, Type I (asphalt) trail within the VDOT right-of-way along the property's Backlick Road (Route 617) frontage. The applicant proposes an 8 foot wide privately maintained trail along the site's Backlick Road frontage. However, the subject application is described as a secure site, and it is not clear whether or not the proposed, privately maintained trail will be publicly accessible. The applicant should commit that the trail will be publicly accessible.

PGN: MAW



# County of Fairfax, Virginia

## MEMORANDUM

DATE: March 31, 2009

**TO:** Regina Coyle, Director  
Zoning Evaluation Division

**FROM:** Daniel B. Rathbone, Chief  
Transportation Planning Division  
Department of Transportation

**SUBJECT:** Transportation Impact *Addendum*

**FILE:** 3-4 (RZ 2008-LE-014)  
3-5 (SE 2008-LE-028)

**REFERENCE:** RZ 2008-LE-014, Opus East L.L.C.  
Traffic Zone: 1567  
Land Identification: 99-1 ((1)) 22 and 23A  
99-1 ((5)) 3 and 4

*[Handwritten signature]* 4/1/09

The following revised comments reflect the position of the Department of Transportation, and are based on the Final Development Plan/Plat revised to March 3, 2009, draft proffers last dated March 26, 2009.

The applicant is seeking approval for a 977,500gsf office development [with the option to utilize Building V as a 125,500gsf – 200 room hotel]. The site fronts on both Backlick and Fullerton Roads. Left and right turn access into the site is being added or improved from both roadways.

### Comprehensive Plan

The adopted Comprehensive Plan includes various conditions which should be met with office development on the site. Below are the specific conditions and how addressed from a transportation perspective.

*Demonstration that sufficient transportation capacity will exist on Backlick Road and Fullerton Road to support the development.* Maintenance of adequate capacity is an important consideration in this area since Backlick Road provides an important parallel roadway and access point to Interstate 95; and Fullerton Road provides an important interim link between the Fairfax County Parkway and Backlick Road. As part of the submission package the applicant developed a transportation impact evaluation. Parameters for the evaluation were

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12055 Government Center Parkway, Suite 1034  
Fairfax, VA 22035-5500  
Phone: (703) 324-1100 TTY: (703) 324-1102  
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identified and approved by FCDOT and VDOT staff in meetings with the applicant. The study evaluated several key intersections in the area.

The Backlick Road/Fullerton Road intersection is nearest the site. Findings of the study indicate that this intersection presently operates at Levels of Service [LOS] A and C respectively during the a.m. and p.m. peak hours. With build out of the site, [and signalization of the site access/Backlick Road entrance] this intersection is projected to operate at LOS C during both the a.m. and p.m. peaks.

Operation of the primary site entrance on Backlick Road is also an important concern. The study indicates that if signalized, the intersection at build out will operate at LOS B and C respectively during the a.m. and p.m. peak hours. Should signal warrants not be achieved, traffic turning left into the site and exiting the site will experience very long delays. However, traffic on Backlick Road will not be impacted by these delays. Both FCDOT and VDOT staff expect that the entrance will warrant signalization, and the applicant has proffered installation of a signal if warranted.

The site access from Fullerton Road will be at an existing median break but is not expected to warrant signalization. Build out findings indicate that traffic exiting the site at this location will experience p.m. peak LOS E. All other approaches will experience LOS A or B. This department does not support signalization of this intersection due to the close proximity of the Fullerton Road/Backlick Road intersection. The applicant could address the exit delays by providing separate left and right turn lanes for exiting traffic.

At present the Fairfax County Parkway "T"s into Fullerton Road. However, with construction of the Parkway through the Engineering Proving Grounds, this intersection will be eliminated and the Parkway will pass over Fullerton Road. The construction is expected to be completed prior to build out of the applicant's site. New ramp connections to and from the Parkway are planned to intersect Fullerton Road opposite Boudinot Drive. However, funding for these ramps has not yet been identified.

This department concurs with the study findings which indicate that adequate capacity will remain on both Backlick and Fullerton Roads. Therefore, this element of the Plan is considered addressed with the application.

*Provision of a unified development plan.* The development plan and proffers submitted to date provide for a unified development by establishing a well designed travel aisle and walkway network for the site, as well as consolidated parking within two parking structures. With build out, vehicular access will permit workers in one building to easily pick-up or drop-off passengers at adjoining buildings without the need to access the public street network. The applicant is providing a connection to the existing travel aisle north of the site, and the draft proffers allow for relocation of this interparcel access to a more functional location with redevelopment of the parcels to the north. A commitment is also provided for placement of a

bus shelter for workers utilizing public transit on Backlick Road. As such, this Department considers this Plan recommendation to be addressed from a transportation perspective.

*Provision of vehicular access to Fullerton Road.* The development plans delineate a travel aisle connection to Fullerton Road, and the proffers commit to extend the existing left turn bay into the site on Fullerton. However, revised proffers dated March 26, 2009 defer construction of this connection until completion of the fourth building on the site. This caveat limits all access for Buildings I, II, and III to Backlick Road. The applicant's transportation study was developed, reviewed and accepted with the concept of access to both roadways. As now proffered, 642,000gsf of office development could be developed with all access from Backlick Road, and with only a single left turn lane directly into the site. A further analysis without access to Fullerton Road for Buildings I, II, and III was requested from the applicant. This analysis found that the access to Backlick Road will operate in a satisfactory manner without the access to Fullerton Road.

*Support retail is provided to serve employees and visitors.* The draft proffers state that up to 20,000gsf of support retail *may* be provided in buildings IV and V. If developed as stated, the build out *could* include 40,000gsf of support retail plus secondary retail uses which can be located by-right in office buildings. Because the draft proffers do not make a specific commitment to construction of this square footage, *this element of the Comprehensive Plan does not appear to have been adequately addressed.* The commitment should be modified to identify a range of retail, not exceeding 20,000gsf, that *shall* be provided. This department believes that 20,000gsf of support retail is sufficient to address the needs of *employees and visitors* without the retail use becoming an additional generator for the site.

#### Unaddressed Transportation Concerns

Two significant transportation concerns remain with the proposed development.

1. The applicant has offered a contribution towards area roadway improvements at a rate of \$1.00 per square foot of development. A stronger commitment to roadway improvements should be provided.
2. Proffer 3.e. identifies a time frame for construction of the access to Fullerton Road. This department considers it essential for a public vehicular access easement to be provided along the portion of the road connection provided in proffer 3.e. that is located adjacent to parcels 99-1 ((5)) 3 and 4. This department would not object if the connection were to be provided prior to the occupancy of the third building on the site.

Regina Coyle, Director  
RZ 2008-LE-014; SE 2008-LE-028  
March 5, 2009  
Page 4 of 4

Michelle Brickner, Director, Office of Site Development Services, DPW&ES



# County of Fairfax, Virginia

## MEMORANDUM

DATE: March 5, 2009

**TO:** Regina Coyle, Director  
Zoning Evaluation Division

**FROM:** Angela Kadar Rodeheaver, Chief  
Site Analysis Section  
Department of Transportation

**SUBJECT:** Transportation Impact *Addendum*

**FILE:** 3-4 (RZ 2008-LE-014)  
3-5 (SE 2008-LE-028)

**REFERENCE:** RZ 2008-LE-014, Opus East L.L.C.  
Traffic Zone: 1567  
Land Identification: 99-1 ((1)) 22 and 23A  
99-1 ((5)) 3 and 4

The following revised comments reflect the position of the Department of Transportation, and are based on the Final Development Plan/Plat revised to March 3, 2009, draft proffers last dated March 5, 2009.

The applicant is seeking approval for a 977,500gsf office development [with the option to utilize Building V as a 125,500gsf – 200 room hotel]. The site fronts on both Backlick and Fullerton Roads. Left and right turn access into the site is being added or improved from both roadways. *This department recommends denial of the application as submitted because it does not appear that transportation elements identified in the Comprehensive Plan have been adequately addressed by the applicant. In addition, a few modifications to the applicant's proffer commitments should be provided to address Comprehensive Plan, funding, and operational concerns.*

### Comprehensive Plan

The adopted Comprehensive Plan includes various conditions which should be met with office development on the site. Below are the specific conditions and how addressed from a transportation perspective.

*Demonstration that sufficient transportation capacity will exist on Backlick Road and Fullerton Road to support the development.* Maintenance of adequate capacity is an important consideration in this area since Backlick Road provides an important parallel roadway and access point to Interstate 95; and Fullerton Road provides an important interim link between the Fairfax County Parkway and Backlick Road. As part of the submission package the applicant developed a transportation impact evaluation. Parameters for the evaluation were identified and approved by FCDOT and VDOT staff in meetings with the applicant. The study evaluated several key intersections in the area.

The Backlick Road/Fullerton Road intersection is nearest the site. Findings of the study indicate that this intersection presently operates at Levels of Service [LOS] A and C respectively during the a.m. and p.m. peak hours. With build out of the site, [and signalization of the site access/Backlick Road entrance] this intersection is projected to operate at LOS C during both the a.m. and p.m. peaks.

Operation of the primary site entrance on Backlick Road is also an important concern. The study indicates that if signalized, the intersection at build out will operate at LOS B and C respectively during the a.m. and p.m. peak hours. Should signal warrants not be achieved, traffic turning left into the site and exiting the site will experience very long delays. However, traffic on Backlick Road will not be impacted by these delays. Both FCDOT and VDOT staff expect that the entrance will warrant signalization, and the applicant has proffered installation of a signal if warranted.

The site access from Fullerton Road will be at an existing median break but is not expected to warrant signalization. Build out findings indicate that traffic exiting the site at this location will experience p.m. peak LOS E. All other approaches will experience LOS A or B. This department does not support signalization of this intersection due to the close proximity of the Fullerton Road/Backlick Road intersection. The applicant could address the exit delays by providing separate left and right turn lanes for exiting traffic.

At present the Fairfax County Parkway "T"s into Fullerton Road. However, with construction of the Parkway through the Engineering Proving Grounds, this intersection will be eliminated and the Parkway will pass over Fullerton Road. The construction is expected to be completed prior to build out of the applicant's site. New ramp connections to and from the Parkway are planned to intersect Fullerton Road opposite Boudinot Drive. However, funding for these ramps has not yet been identified.

This department concurs with the study findings which indicate that adequate capacity will remain on both Backlick and Fullerton Roads. Therefore, this element of the Plan is considered addressed with the application.

*Provision of a unified development plan.* The development plan and proffers submitted to date provide for a unified development by establishing a well designed travel aisle and walkway network for the site, as well as consolidated parking within two parking structures. With build out, vehicular access will permit workers in one building to easily pick-up or drop-off passengers at adjoining buildings without the need to access the public street network. The applicant is providing a connection to the existing travel aisle north of the site, and the draft proffers allow for relocation of this interparcel access to a more functional location with redevelopment of the parcels to the north. A commitment is also provided for placement of a bus shelter for workers utilizing public transit on Backlick Road. As such, this Department considers this Plan recommendation to be addressed from a transportation perspective.

*Provision of vehicular access to Fullerton Road.* The development plans delineate a travel aisle connection to Fullerton Road, and the proffers commit to extend the existing left turn bay into the site on Fullerton. However, revised proffers dated February 9, 2009 defer construction of this connection until completion of the fourth building on the site. This caveat limits all access for Buildings I, II, and III to Backlick Road. The applicant's transportation study was developed, reviewed and accepted with the concept of access to both roadways. As now proffered, 642,000gsf of office development could be developed with all access from Backlick Road, and with only a single left turn lane directly into the site. This Department does not believe the applicant has demonstrated that deferral of construction will not have a detrimental effect on the adjacent roadway system and thus is not in conformance with the Plan. *The approval of the application as now submitted can not be supported by this department.*

*Support retail is provided to serve employees and visitors.* The draft proffers state that up to 20,000gsf of support retail *may* be provided in buildings IV and V. If developed as stated, the build out *could* include 40,000gsf of support retail plus secondary retail uses which can be located by-right in office buildings. Because the draft proffers do not make a specific commitment to construction of this square footage, *this element of the Comprehensive Plan does not appear to have been adequately addressed.* The commitment should be modified to identify a range of retail, not exceeding 20,000gsf, that *shall* be provided. This department believes that 20,000gsf of support retail is sufficient to address the needs of *employees and visitors* without the retail use becoming an additional generator for the site.

#### Unaddressed Transportation Concerns

Two significant transportation concerns remain with the proposed development. Therefore, this *Department does not support approval of the application as submitted*, but would not object to approval if the Comprehensive Plan issues, and issues identified below, are adequately addressed.

Regina Coyle, Director  
RZ 2008-LE-014; SE 2008-LE-028  
March 5, 2009  
Page 4 of 4

1. The applicant has offered a contribution towards area roadway improvements which equates to less than \$0.77 per square foot for the proposed development. A stronger commitment to roadway improvements should be provided.
2. Proffer 3.e. identifies a time frame for construction of the access to Fullerton Road. The time frame for providing the connection and modifying of the left turn bay can not be supported by this department. This department would not object if the connection were to be provided prior to the occupancy of the third building on the site.

AKR/CAA

Michelle Brickner, Director, Office of Site Development Services, DPW&ES



# County of Fairfax, Virginia

## MEMORANDUM

DATE: March 3, 2009

**TO:** Regina Coyle, Director  
Zoning Evaluation Division

**FROM:** Angela Kadar Rodeheaver, Chief  
Site Analysis Section  
Department of Transportation

**SUBJECT:** Transportation Impact

**FILE:** 3-4 (RZ 2008-LE-014)  
3-5 (SE 2008-LE-028)

**REFERENCE:** RZ 2008-LE-014, Opus East L.L.C.  
Traffic Zone: 1567  
Land Identification: 99-1 ((1)) 22 and 23A  
99-1 ((5)) 3 and 4

The following comments reflect the position of the Department of Transportation, and are based on the Final Development Plan/Plat revised to February 18, 2009, draft proffers last dated February 23, 2009, and the applicant's transportation impact analyses dated December 1, 2008.

The applicant is seeking approval for a 977,500gsf office development [with the option to utilize Building V as a 125,500gsf – 200 room hotel]. The site fronts on both Backlick and Fullerton Roads. Left and right turn access into the site is being added or improved from both roadways. *This department recommends denial of the application as submitted because it does not appear that transportation elements identified in the Comprehensive Plan have been adequately addressed by the applicant, and numerous issues remain with the plans and proffers submitted to date.*

### Comprehensive Plan

The adopted Comprehensive Plan includes various conditions which should be met with office development on the site. Below are the specific conditions and how addressed from a transportation perspective.

*Demonstration that sufficient transportation capacity will exist on Backlick Road and Fullerton Road to support the development.* Maintenance of adequate capacity is an important consideration in this area since Backlick Road provides an important parallel roadway and access point to Interstate 95; and Fullerton Road provides an important interim link between the Fairfax County Parkway and Backlick Road. As part of the submission package the applicant developed a transportation impact evaluation. Parameters for the evaluation were identified and approved by FCDOT and VDOT staff in meetings with the applicant. The study evaluated several key intersections in the area.

The Backlick Road/Fullerton Road intersection is nearest the site. Findings of the study indicate that this intersection presently operates at Levels of Service [LOS] A and C respectively during the a.m. and p.m. peak hours. With build out of the site, [and signalization of the site access/Backlick Road entrance] this intersection is projected to operate at LOS C during both the a.m. and p.m. peaks.

Operation of the primary site entrance on Backlick Road is also an important concern. The study indicates that if signalized, the intersection at build out will operate at LOS B and C respectively during the a.m. and p.m. peak hours. Should signal warrants not be achieved, traffic turning left into the site and exiting the site will experience very long delays. However, traffic on Backlick Road will not be impacted by these delays. Both FCDOT and VDOT staff expect that the entrance will warrant signalization, and the applicant has proffered installation of a signal if warranted.

The site access from Fullerton Road will be at an existing median break but is not expected to warrant signalization. Build out findings indicate that traffic exiting the site at this location will experience p.m. peak LOS E. All other approaches will experience LOS A or B. This department does not support signalization of this intersection due to the close proximity of the Fullerton Road/Backlick Road intersection. The applicant could address the exit delays by providing separate left and right turn lanes for exiting traffic.

At present the Fairfax County Parkway "T"s into Fullerton Road. However, with construction of the Parkway through the Engineering Proving Grounds, this intersection will be eliminated and the Parkway will pass over Fullerton Road. The construction is expected to be completed prior to build out of the applicant's site. New ramp connections to and from the Parkway are planned to intersect Fullerton Road opposite Boudinot Drive. However, funding for these ramps has not yet been identified.

This department concurs with the study findings which indicate that adequate capacity will remain on both Backlick and Fullerton Roads. Therefore, this element of the Plan is considered addressed with the application.

*Provision of a unified development plan.* The development plan and proffers submitted to date provide for a unified development by establishing a well designed travel aisle and walkway network for the site, as well as consolidated parking within two parking structures. With build out, vehicular access will permit workers in one building to easily pick-up or drop-off passengers at adjoining buildings without the need to access the public street network. The applicant is providing a connection to the existing travel aisle north of the site, and the draft proffers allow for relocation of this interparcel access to a more functional location with redevelopment of the parcels to the north. A commitment is also provided for placement of a bus shelter for workers utilizing public transit on Backlick Road. As such, this Department considers this Plan recommendation to be addressed from a transportation perspective.

*Provision of vehicular access to Fullerton Road.* The development plans delineate a travel aisle connection to Fullerton Road, and the proffers commit to extend the existing left turn bay into the site on Fullerton. However, revised proffers dated February 9, 2009 defer construction of this connection until completion of the fourth building on the site. This caveat limits all access for Buildings I, II, and III to Backlick Road. The applicant's transportation study was developed, reviewed and accepted with the concept of access to both roadways. As such, this Department does not believe the applicant has demonstrated that deferral of construction will not have a detrimental effect on the adjacent roadway system and thus is not in conformance with the Plan. *The approval of the application as now submitted can not be supported by this department.*

*Support retail is provided to serve employees and visitors.* The draft proffers state that up to 10,000gsf of support retail *may* be provided in buildings IV and V. If developed as stated, the build out *could* include this support retail plus secondary retail uses which can be located by-right in office buildings. Because the draft proffers do not make a specific commitment to construction of this square footage, *this element of the Comprehensive Plan does not appear to have been adequately addressed.* The commitment should be modified to identify a range of retail, not exceeding the aforementioned 20,000gsf, that *shall* be provided.

#### Unaddressed Transportation Concerns

Numerous transportation concerns remain with the proposed development. Therefore, this *Department does not support approval of the application as submitted*, but would not object to approval if the Comprehensive Plan issues, and issues identified below, are adequately addressed.

1. The applicant has offered a contribution towards area roadway improvements which equates to less than \$0.77 per square foot for the proposed development. A stronger commitment to roadway improvements should be provided.

2. Proffer 3.e. identifies a time frame for construction of the access to Fullerton Road. The time frame for providing the connection and modifying of the left turn bay can not be supported by this department. The connection should be provided prior to the occupancy of the third building on the site.
3. The service station at Backlick and Fullerton Roads now has median break access through parcel 99-1 ((5)) 3 to the median break on Fullerton Road. The development plan deletes this access. Elimination of this connection can not be supported by this Department. The applicant should modify the development plan to retain this access and commit to unobstructed access for both the service station parcel [parcel 99-1 ((5)) 2B] and parcel 99-1 ((5)) 2A.
4. Additional information is needed regarding the height, proposed contours, and differences in elevation for the retaining wall along parcel 99-1 ((5)) 2A. A sight distance evaluation should be provided to ensure that the wall will not impede sight distance for drivers accessing the travel aisle from parcels 2A and 2B.
5. The applicant has committed to provide a traffic signal, if warranted, at the primary Backlick Road site entrance. This entrance is located approximately 750 feet north of the Fullerton Road/Backlick Road signalized intersection. The applicant's SimTraffic analyses, which VDOT staff have accepted, demonstrates that a traffic signal can operate at this location without a significant disruption to the flow of traffic on Backlick Road. A full traffic signal warrant analyses will be necessary prior to placement of a signal at this location.
6. Proffer 8 commits to a trip reduction goal of 10%. This department recommends that the goal be increased to at least 15%.
7. Proffer 8.g. commits to a shuttle to operate between the site and the Franconia-Springfield Metro Station. However there is no information provided as to the shuttle hours of operation or the number of trips per hour. Also, the proffer allows for the substitution of a one time payment of \$2,500 per building in lieu of the shuttle. As worded, the proffer effectively negates the likelihood of a shuttle being provided. The intent of the proffer should be clarified.
8. Proffer 3.f. provides for interparcel access to parcel 99-2 ((1)) 1C, which is immediately north of this site. It also identifies an area for relocation of the connection farther from Backlick Road as such time as that parcel redevelops. However the shifted location is subject to approval of the applicant. This department can not support the applicant's caveat. It is strongly recommended that the caveat be removed prior to favorable consideration of the application.
9. Proffer 3.f. should also clarify that the interparcel access will be provided to parcel 1C concurrent with construction of the travel aisle and cul-de-sac north of Building II and that the access will remain unobstructed.

10. Proffer 3.c. should be clarified so that road improvements will be open to traffic but not necessarily accepted into the VDOT system for maintenance and operations.

11. Proffer 3.c. also commits to the installation of a traffic signal if warranted at the main Backlick Road entrance. This department would not object to a time frame for refund of the signal escrow if not warranted within three years subsequent to build out.

12. The 27-foot wide roadway width delineated for Backlick Road north of the main site entrance does not meet the VDOT minimum width requirement for receiving dual lefts. The island will need to be modified to achieve sufficient roadway width. This issue can be addressed at time of site plan review.

13. An 8-foot wide trail is proposed along most of the Backlick Road frontage. The trail should extend across the entire site frontage to the northern property line with an interim connection to the existing sidewalk along 99-2 ((1)) 1C.

14. Subject to VDOT approval, the applicant should commit to provide a taper or similar mitigation at the northernmost entrance on Backlick Road. The mitigation is recommended due to the impact vehicles turning into the site will have on vehicles using this right travel lane on Backlick Road. Volumes in this right lane are very high because it serves the high volume of motorists who want to turn right onto Fullerton Road.

15. The existing median on Backlick Road should be extended southward to reflect the shift in the entrance location.

16. The development plan delineates a 40' curb return at the main entrance on Backlick Road. Since the applicant is proposing a right turn deceleration lane into the site at this location, the applicant should consider reducing the radius to the extent permitted by VDOT.

17. The applicant should be aware that VDOT will not permit dual turns out of the site unless the entrance is signalized.

18. A significant commitment has been provided for a shelter and bus turn out along the site frontage on Backlick Road. However, given the transit routes serving the site, it would be desirable for the commitment to include the option for placement of the shelter on the east side of Backlick Road opposite the site rather than along the site frontage. The exact location of the shelter can be determined at time of site plan review.

AKR/CAA

Michelle Brickner, Director, Office of Site Development Services, DPW&ES



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway  
Chantilly, VA 20151  
(703) 383-VDOT (8368)

DAVID S. EKERN, P.E.  
COMMISSIONER

January 13, 2009

Ms. Regina Coyle  
Director of Zoning Evaluation  
Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, VA 22035-5511

Re: RZ 2008-LE-014 – Patriot Ridge Traffic Impact Analysis, Second Submission

Dear Ms. Coyle:

In accordance with the Virginia Traffic Impact Analysis Regulations, 24 VAC 30-155, the proposed Rezoning and Special Exception application was submitted to the Virginia Department of Transportation (VDOT) for review on December 6, 2008. It was anticipated the application would create a substantial impact or change to the existing transportation network of state highways.

Our findings are provided in the attached Evaluation Report which is attached to assist the County Board of Supervisors in their decision making process regarding this application. The Traffic Impact Analysis should be revised to address the comments in the evaluation report.

It is asked you arrange to have the VDOT's comments included in the official public records, and to have both this letter and the VDOT report placed in the official file for the subject rezoning. VDOT will make these documents available to the public through various means, including future posting them to the VDOT website.

Please contact me if you have any further questions regarding this report.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Walker", written over a horizontal line.

Thomas B. Walker  
Senior Transportation Engineer

Attachment

Cc: Angela Rodeheaver, Fairfax County Office of Transportation  
Chuck Almquist, Fairfax County Office of Transportation

We Keep Virginia Moving

**EVALUATION REPORT  
OF  
PATRIOT RIDGE  
TRAFFIC IMPACT ANALYSIS, Second Submission**

**Summary of the Key Findings**

The proposed Patriot Ridge development will be approximately 978,500 square feet in size on 14.98 acres, and will consist of office with an option for a hotel. The office development is planned to support the Base Relocation and Closure (BRAC) activities at the nearby Engineering Proving Ground (EPG) site, and will be developed as a multi-building office park with one of the buildings able to be developed as a hotel. The development will be supported by two parking garages shared between the different buildings and uses. Access to the development is proposed via five entrances to the site, two from Backlick Road and three from Fullerton Road.

The proposed development will generate approximately 1,130 trips during the weekday morning peak hour, approximately 1,150 trips during the weekday afternoon peak hour and approximately 8,320 trips during an entire weekday.

**Accuracy of the Traffic Impact Analysis**

The methodologies and assumptions used in the traffic impact analysis are based upon the results of a scope of work meeting held by VDOT and the locality. The applicant has addressed most our previous comments in the revised traffic study. However, we have following additional comments on the revised submission:

1. Page 21, report mentions that south bound Backlick Road queuing problem in the afternoon can be managed using the existing and proposed signals, along with signal coordination. By splitting the queue between several intersections, it reduces the start-up time for a long queue to begin moving. Please provide a detailed analysis of this assumption, using either SimTraffic or similar technique, in the report.
2. Page 35, report mentions that the site entrance at Fullerton Road would not operate at acceptable conditions; however adequate gaps would be created by the adjacent signals to allow acceptable operation at this un-signalized intersection. This is an unreasonable claim based on principles of traffic engineering. If the approach is not operating at acceptable conditions then how adequate gaps make it acceptable? Wouldn't "acceptability" of the operation" be shown in the LOS? Please, further analyze this condition using SimTraffic or similar technique to prove the assumption and include results in the report.
3. Page 37, although south bound queues at the new signal (Backlick Road and Full Access to Site) extend beyond the northern right-in/right-out entrance to the site yet not extensive where it affects the I-95 southbound off-ramp. It is clear from this statement that the queues will block the northern right-in/right-out entrance, thereby; hampering both right-in/right-out movements from the driveway during both peak periods, however, no mitigation has been proposed for this problem.
4. Provide Synchro 7 files to replace Synchro 6 on a disk.

**Comments on the Recommended Improvements**

1. The report shows that a signal is warranted at the Full Access Site Entrance at Backlick Road under 2012 conditions. However, it is VDOT's standard practice to perform the traffic control needs study maximum of one year in advance of the projects' full build-out. This would ensure realistic traffic data is used in all analyses.
2. Change in cycle lengths and timing is an option, however, its impact should be analyzed for the entire network or corridor. All timing changes submitted as mitigations or recommendations should be documented in the report.
3. Converting the existing southbound left turn phase to protected plus permitted from existing protected phase for the intersection of Alban Road and Boudinot Drive would require signal modification plans.

**Areas of Concern**

1. Based on the analysis provided in the TIA, some intersections and some movements within the study area continue to operate at or near capacity even after mitigation measures are implemented. Traffic generated by the subject site does not contribute to the operation of these movements. Nonetheless, these movements are cause for concern which should be reexamined and mitigated by future applications in this area.
2. Traffic study shows that the Full Access Site Entrance at Backlick Road will not have any adverse impact on the existing intersection of Fullerton Road with Backlick Road. However, the entrances close proximity to the existing intersection will remain a cause of concern.

**Additional VDOT Recommendations/Comments**

The Traffic Impact Analysis and the Rezoning/Special Exception application did not completely address VDOT comments from our letter dated October 29, 2008 (attached as follows).

October 29, 2008

Ms. Regina Coyle  
Director of Zoning Evaluation  
Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5511

Re: Opus East L.L.C. (Patriot Ridge) RZ 2008-MD-014, SE 2008-MD-028

Dear Ms. Coyle:

We have reviewed the referenced application as requested and offer the following comments:

1. This office does not support the proposed access to Backlick Road at the north end of the property, as it appears a right turn lane can not be provided. It appears the inter parcel connection with the adjoining property that provides access to an existing crossover could be maintained. The inter parcel connection could be relocated farther away from Backlick Road to provide adequate separation for turning movements.
2. The application should document that all proposed right and left turn lanes, tapers and transitions can be provided to meet AASHTO standards, and that all crossover spacing meets VDOT minimum standards. A plan sheet showing these measurements based upon design speed should be provided.
3. It appears the proposed access point on Fullerton Road is offset from the existing access across the street; these access points should align.
4. Can the service station be accessed from the connection to Fullerton Road?
5. The Fullerton Road access should be reconfigured to eliminate the apparent service drive. The entrance should be designed pursuant to the VDOT Minimum Standards of Entrances to State Highways.
6. A traffic signal warrant analysis will be necessary for the proposed signal on Backlick Road.

If you have any questions, please call me at (703) 383-2424.

Sincerely,

Thomas B. Walker  
Senior Transportation Engineer

cc: Ms. Angela Rodeheaver

**Conclusions**

The study should be revised based on the comments provided in this report and should be resubmitted for review.



# County of Fairfax, Virginia

## MEMORANDUM

DEC 16 2008

**DATE:**

**TO:** St. Clair Williams, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Qayyum Khan, Senior Stormwater Engineer *QK*  
Stormwater and Geotechnical Section  
Environmental and Site Review Division  
Department of Public Works and Environmental Services

**SUBJECT:** Rezoning and Special Exception Plan RZ 2008-LE-014 Concurrent with SE 2008-LE-028, Opus East (Patriot Ridge), LLC, Plan Dated November 25, 2008, LDS Project #8285-ZONA-001-3, Tax Map #099-1-01-0022 and 0023A and 099-1-05-0003 and 0004, Lee District

We have reviewed the subject application and offer the following comments related to Stormwater Management (SWM):

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Areas on the site. The applicant proposed a phosphorus removal efficiency of 43.75% for this project. Three of the water quality control facilities are shown (Sheet 4 of 18) as bio-retention ponds and bio-retention basin but their description on Sheet 8 of 18 depicts them as bio-retention filters. Please clarify/correct the type of the facilities.

Floodplain

There is no floodplain on the site.

Downstream Drainage Complaints

No complaints on file.



St. Clair Williams, Staff Coordinator  
RZ 2008-LE-014 Concurrent with SE 2008-LE-028  
Page 2 of 2

**SWM**

The applicant proposes to provide two underground detention vaults and 3 Bio-retention ponds, 2 BMP filters, and two Filterra™ to meet the stormwater management requirements.

**Site Outfall**

A narrative has been provided.

If further assistance is desired, please contact me at 703-324-1720.

QK/mw

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES  
Zoning Application Files



# County of Fairfax, Virginia

## MEMORANDUM

DATE: September 22, 2008

**TO:** Regina Coyle, Director  
Zoning Evaluation Division  
Office of Comprehensive Planning

**FROM:** Eric Fisher (246-3501)  
Information Technology Section  
Fire and Rescue Department

**SUBJECT:** Fire and Rescue Department Preliminary Analysis of Rezoning 2008-LE-014  
concurrent with Special Exception 2008-LE-028

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject:

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #422, Springfield
2. After construction programmed \_\_\_\_\_ this property will be serviced by the fire station \_\_\_\_\_
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
  - a. currently meets fire protection guidelines.
  - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
  - c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
  - d. does not meet current fire protection guidelines without an additional facility. The application property is \_\_\_\_\_ of a mile outside the fire protection guidelines. No new facility is currently planned for this area.

Proudly Protecting and  
Serving Our Community

Fire and Rescue Department  
4100 Chain Bridge Road  
Fairfax, VA 22030  
703-246-2126  
www.fairfaxcounty.gov





FAIRFAX COUNTY PARK AUTHORITY  
.....  
M E M O R A N D U M



**TO:** Regina M. Coyle, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Sandy Stallman, Branch Manager,  
Planning and Development Division

*S. J. for S. Stallman.*

**DATE:** October 27, 2008

**SUBJECT:** Patriot Ridge, RZ 2008-MD-014 concurrent with SE 2008-MD-028  
Tax Map Number(s): 99-1((1)) 22&23A

The Park Authority staff has reviewed the above referenced plan. Based on that review, staff has determined that this application bears no adverse impact on land or resources of the Park Authority.

FCPA Reviewer: Pat Rosend

Copy: Cindy Walsh, Acting Director, Resource Management Division  
Chron Binder  
File Copy



# County of Fairfax, Virginia

## MEMORANDUM

January 26, 2009

**TO:** St. Clair Williams, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Todd Nelson, Urban Forester II   
Forest Conservation Branch, DPWES

**SUBJECT:** Patriot Ridge; RZ 2008-LE-014

**RE:** Request for assistance dated January 12, 2009

This review is based on the Generalized Development Plan RZ 2008-LE-014 and Special Exception Plat 2008-LE-028 stamped "Received, Department of Planning and Zoning, December 2, 2008". A site visit was conducted on January 12, 2009".

**Site Description:** This site is developed as a vehicle sales establishment with asphalt parking along the northern, southern, and eastern portion of the site as well as parking spaces consisting of a mix of asphalt and gravel. The southern portion of the site on parcels 099-1 ((05)) 0003 and 0004 is undeveloped and contains an early successional forest consisting primarily of Bradford pear, Virginia pine, and Ailanthus. There is also an RPA located off-site adjacent to the western property boundary of parcel 099-1 ((01)) 0023A containing vegetation consisting primarily of red oak, cherry, black gum, and black locust.

- 1. Comment:** The proposed limits of clearing and grading for the entire site do not appear to be adequately shown or identified on the grading sheet.

**Recommendation:** The proposed limits of clearing and grading for the entire site should be clearly shown and identified on the grading sheets, and all appropriate sheets of the GDP/SE

- 2. Comment:** The existing tree line for the entire site is not adequately shown or identified.

**Recommendation:** The existing tree line for the entire site should be clearly shown and identified on the GDP/SE.

- 3. Comment:** There is an RPA located off-site adjacent to the western property boundary of parcel 099-1 ((01)) 0023A containing vegetation consisting primarily of red oak, cherry,



black gum, and black locust. The trees and vegetation in this area appear to be in fair condition and should be considered a priority for preservation.

**Recommendation:** A tree save area should be provided at the northwest corner of the site to protect the trees and vegetation inside the RPA.

4. **Comment:** There is off-site vegetation at the southeast corner of the site located on Fairfax County Water Authority property. This vegetation consists primarily of Bradford pear, Virginia pine, and cedar. There are also several oak species located in the understory.

**Recommendation:** A tree save area should be provided at the southeast corner of the site to protect the trees and vegetation located on the FCWA property.

5. **Comment:** It does not appear preliminary interior parking lot tree cover calculations have been provided and it is unclear how the required tree cover will be met for this site.

**Recommendation:** Applicant should provide preliminary interior and peripheral parking lot landscaping calculations to demonstrate how the required tree cover will be met on this site.

6. **Comment:** Several trees located at the northwest corner of Building IV and north of Building II appear to be planted within 4' of a restrictive barrier.

**Recommendation:** The minimum width of any planting area should be 8', measured from the interior sides of the restrictive barrier and trees should be planted no closer than 4' from any restrictive barrier.

7. **Comment:** It does not appear easements for all proposed and existing public utilities have been provided.

**Recommendation:** Easements for all proposed and existing public utilities should be shown and identified.

Please contact me at 703-324-1770 if you have any questions.

TLN/  
UFMD #: 140963

cc: RA File  
DPZ File



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** October 22, 2008

**TO:** Staff Coordinator  
Zoning Evaluation Division  
Department of Planning & Zoning

**FROM:** Lana Tran (Tel: 703 324-5008)  
Wastewater Planning & Monitoring Division  
Department of Public Works & Environmental Services

**SUBJECT:** Sanitary Sewer Analysis Report

**REFERENCE:** Application No. RZ2008-MD-014  
  
Tax Map No. 099-1-/01/ /0022, 23A and 099-1-/05/ /0003,0004

The following information is submitted in response to your request for a sanitary sewer analysis for above referenced application:

1. The application property is located in the Accotink (M5) watershed. It would be sewered into the Noman M. Cole Pollution Control Plant (NMCCPCP).
2. Based upon current and committed flow, there is excess capacity in the NMCCPCP at this time. For purposes of this report, committed flow shall be deemed that for which fees have been paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An existing 8 inch line located in street is adequate for the proposed use at this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

<u>Sewer Network</u>	<u>Existing Use + Application</u>		<u>Existing Use + Application Previous Rezonings</u>		<u>Existing Use + Application + Comp Plan</u>	
	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>
Collector	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>
Submain	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>
Main/Trunk	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>
Interceptor	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>
Outfall	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>

5. Other pertinent information or comments:

Department of Public Works and Environmental Services  
Wastewater Planning & Monitoring Division  
12000 Government Center Parkway, Suite 358  
Fairfax, VA 22035-0052  
Phone: 703-324-5030, Fax: 703-324-3946



# Fairfax Water

FAIRFAX COUNTY WATER AUTHORITY  
8560 Arlington Boulevard, Fairfax, Virginia 22031  
www.fairfaxwater.org

**PLANNING & ENGINEERING  
DIVISION**

Jamie Bain Hedges, P.E.  
Director  
(703) 289-6325  
Fax (703) 289-6382

September 12, 2008

Ms. Regina Coyle, Director  
Fairfax County Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5505

Re: RZ 08-LE -014  
SE 08-LE .028

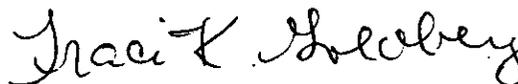
Dear Ms. Coyle:

The following information is submitted in response to your request for a water service analysis for the above application:

1. The property is served by Fairfax Water.
2. Adequate domestic water service is available at the site from existing 36-inch and 12-inch water mains located at the property. See the enclosed water system map. The Generalized Development Plan has been forwarded to Plan Control for distribution to the Engineering Firm, with comments pertaining to the proposed water system layout.
3. Depending upon the configuration of the on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

If you have any questions regarding this information please contact Dave Guerra at (703) 289-6343.

Sincerely,



Traci K. Goldberg, P.E.  
Manager, Planning Department

Enclosure

**9-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

**Standards for all Category 5 Uses**

In addition to the general standards set forth in Sect. 006 above, all Category 5 special exception uses shall satisfy the following standards:

1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.
2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

### **9-512 Additional Standards for Hotels, Motels**

1. When located in an I district, such a use shall be an integral design element of a site plan for an industrial building or building complex containing not less than 100,000 square feet of gross floor area.

### **9-607 Provisions for Approving an Increase in Building Heights**

As set forth in the C-3, C-4, C-6, C-7, C-8, C-9, I-1, I-2, I-3, I-4, I-5, I-6 and Sully Historic Overlay Districts, and as applicable to all Group 3, Institutional Uses and Category 3, Quasi-Public Uses, the Board may approve a special exception for an increase in height above the maximum building height regulations specified for the zoning district or a given use, but only in accordance with the following provisions:

1. An increase in height may be approved only where such will be in harmony with the policies embodied in the adopted comprehensive plan.
2. An increase in height may be approved only in those locations where the resultant height will not be detrimental to the character and development of adjacent lands.
3. An increase in height may be approved in only those instances where the remaining regulations for the zoning district can be satisfied.
4. An increase in height up to 60 feet may be approved in the Sully Historic Overlay District when located within the historic district and within 500 feet of the Sully Historic Overlay District perimeter boundary and when it can be demonstrated by the applicant that the proposed structures, including all rooftop structures excluded from the maximum height regulations pursuant to Sect. 2-506 and those portions of the roof excluded from the building height calculations in accordance with the definition, are compatible with and do not have detrimental impacts on the Sully property in terms of mass, scale, color and visual impact and when such increase in height is in compliance with Federal Aviation Administration standards. Other factors to be considered when determining the impact of an increase in height may include, but not be limited to, changes to existing topography, presence of existing vegetation and the building lighting and signage. The actual building height as measured from the grade to the top of any roof or rooftop structure shall not exceed 65 feet.

## GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dBA:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area; information such as topography, location and size of proposed structures, location of streets, trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

**EASEMENT:** A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

**ERODIBLE SOILS:** Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may be function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

#### Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		