



FAIRFAX COUNTY

OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

January 7, 1993

Robert A. Lawrence, Esquire
Hazel and Thomas, P.C.
3110 Fairview Park Drive - Suite 1400
Post Office Box 12001
Falls Church, Virginia 22042-4505

Re: Proffered Condition Amendment
Number PCA 84-L-020-4 and
Conceptual Development Plan Amendment
CDPA 84-L-020-5

Dear Mr. Lawrence:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on December 14, 1992, approving Proffered Condition Amendment PCA 84-L-020-4 in the name of The Kingstowne Commercial Limited Partnership, subject to the proffers dated November 17, 1992, as revised to reflect the development plans dated November 12, 1992, on subject parcels 91-2 ((1)) Pt. 26A and 26B consisting of approximately 134.10 acres in Lee District.

The Board also approved Conceptual Development Plan Amendment Application CDPA 84-L-020-5.

In addition, the Board reaffirmed the previously adopted:

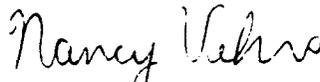
- Waiver of barrier requirements at all boundaries of the PDC and I-4 Districts; and

January 7, 1993

-2-

- Modification of the transitional screening in the I-4 District, adjacent to Building G between the residential and commercial uses within the PDC District, and between the PDH-4 and PDC Districts.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: John M. Yeatman, Director, Real Estate Dvsn., Assessments
Melinda M. Artman, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Dvsn., OCP
Robert Moore, Trnsprt'n. Planning Dvsn., Office of Transportation
Kathy Ichter, Trnsprt'n. Road Bond Dvsn., Office of Transportation
Department of Environmental Management
Y. Ho Chang, Resident Engineer, VDOT
Land Acq. & Planning Dvsn., Park Authority

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Government Center at Fairfax, Virginia, on the 14th day of December, 1992, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 84-L-020-4
(CONCURRENT WITH CDPA 84-L-020-5)

WHEREAS, The Kingstowne Commercial Limited Partnership, filed in the proper form, an application requesting amendment to the plan of a certain parcel of land, hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. § 15.1.491(a), and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

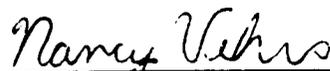
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Lee District, and more particularly described as follows (see attached legal description):

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., § 15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 14th day of December, 1992.



Nancy Vehrs
Clerk to the Board of Supervisors

Conceptual Development Plan Amendment CDPA 84-L-020-5 was also approved.

The BC Consultants
PLANNERS — ENGINEERS — SURVEYORS

June 20, 1991

DESCRIPTION OF
THE P.D.C. ZONE LESS AND EXCEPT SECTION 31
KINGSTOWNE
LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA

Beginning at a point being the northeasterly corner of Alexandria Building Supplies, Inc., thence running with the northerly line of Alexandria Building Supplies, Inc.

1. South $34^{\circ}11'36''$ West 663.76 feet to a point, thence running through Kingstowne the following five (5) courses and distances
2. North $44^{\circ}33'21''$ West 137.67 feet to a point, thence
3. South $50^{\circ}41'05''$ West 390.36 feet to a point, thence
4. 549.76 feet along the arc of a curve deflecting to the left having a radius of 395.00 feet and a chord bearing North $03^{\circ}42'10''$ East 506.45 feet to a point, thence
5. North $36^{\circ}10'08''$ West 537.72 feet to a point, thence
6. South $53^{\circ}49'52''$ West 429.11 feet to a point on the easterly line of Manchester Lakes Association, thence running with said easterly line
7. North $35^{\circ}16'49''$ West 325.04 feet to a point, thence running through Kingstowne the following eight (8) courses and distances
8. North $53^{\circ}49'52''$ East 372.07 feet to a point, thence
9. 62.83 feet along the arc of a curve deflecting to the left having a radius of 40.00 feet and a chord bearing North $08^{\circ}49'52''$ East 56.57 feet to a point, thence
10. North $36^{\circ}10'08''$ West 215.00 feet to a point, thence
11. North $29^{\circ}19'34''$ West 100.72 feet to a point, thence
12. North $36^{\circ}10'08''$ West 85.00 feet to a point, thence
13. 258.35 feet along the arc of a curve deflecting to the right having a radius of 465.00 feet and a chord bearing North $20^{\circ}15'09''$ West 255.04 feet to a point, thence

The P.D.C. Zone Less and
Except Section 31
June 20, 1991
Page Two

14. 38.16 feet along the arc of a curve deflecting to the left having a radius of 35.00 feet and a chord bearing North $35^{\circ}34'18''$ West 36.30 feet to a point, thence
15. 150.62 feet along the arc of a curve deflecting to the right having a radius of 360.00 feet and a chord bearing North $54^{\circ}49'17''$ West 149.52 feet to a point on the southerly line of Rogers, thence running with the southerly line of Rogers and continuing with the southerly lines of William Foster, and Austin Foster
16. North $47^{\circ}09'51''$ East 100.00 feet to a point, thence running with the southerly lines of Austin Foster and Kruck
17. North $31^{\circ}23'18''$ East 483.67 feet to a point, thence running through Kingstowne the following thirty-four courses and distances
18. North $45^{\circ}04'30''$ East 849.18 feet to a point, thence
19. North $55^{\circ}24'28''$ East 352.28 feet to a point, thence
20. North $12^{\circ}54'27''$ East 246.22 feet to a point, thence
21. North $65^{\circ}26'48''$ East 216.58 feet to a point, thence
22. South $32^{\circ}20'51''$ East 71.02 feet to a point, thence
23. North $72^{\circ}01'51''$ East 388.97 feet to a point, thence
24. South $36^{\circ}56'20''$ East 166.40 feet to a point, thence
25. South $14^{\circ}44'37''$ West 39.29 feet to a point, thence
26. South $45^{\circ}17'38''$ West 137.89 feet to a point, thence
27. South $72^{\circ}45'31''$ West 242.93 feet to a point, thence
28. South $52^{\circ}12'22''$ West 310.04 feet to a point, thence
29. South $30^{\circ}19'45''$ East 170.31 feet to a point, thence
30. South $10^{\circ}32'21''$ East 174.95 feet to a point, thence
31. South $39^{\circ}37'08''$ East 756.87 feet to a point, thence
32. 531.76 feet along the arc of a curve deflecting to the left having a radius of 14074.56 feet and a chord bearing North $52^{\circ}32'17''$ East 531.73 feet to a point of compound curvature, thence

The P.D.C. Zone Less and
Except Section 31
June 20, 1991
Page Three

33. 352.05 feet along the arc of a curve deflecting to the left having a radius of 2383.12 feet and a chord bearing North $47^{\circ}13'28''$ East 351.73 feet to a point, thence
34. South $36^{\circ}10'08''$ East 234.64 feet to a point, thence
35. South $52^{\circ}31'26''$ West 100.00 feet to a point, thence
36. South $37^{\circ}28'34''$ East 378.02 feet to a point, thence
37. South $13^{\circ}18'19''$ East 152.08 feet to a point, thence
38. South $32^{\circ}00'19''$ West 47.17 feet to a point, thence
39. South $10^{\circ}01'19''$ East 235.60 feet to a point, thence
40. South $29^{\circ}34'00''$ West 119.57 feet to a point, thence
41. South $71^{\circ}28'40''$ West 96.91 feet to a point, thence
42. North $18^{\circ}31'20''$ West 110.51 feet to a point, thence
43. South $77^{\circ}45'30''$ West 150.28 feet to a point, thence
44. 110.46 feet along the arc of a curve deflecting to the right having a radius of 350.00 feet and a chord bearing South $31^{\circ}14'01''$ West 110.00 feet to a point of compound curvature, thence
45. 429.60 feet along the arc of a curve deflecting to the right having a radius of 630.00 feet and a chord bearing South $59^{\circ}48'35''$ West 421.32 feet to a point, thence
46. South $79^{\circ}20'41''$ West 258.26 feet to a point, thence
47. 342.88 feet along an arc of a curve deflecting to the left having a radius of 770.00 feet and a chord bearing South $66^{\circ}35'17''$ West 340.05 feet to a point, thence
48. South $53^{\circ}49'52''$ West 323.00 feet to a point, thence
49. South $36^{\circ}10'08''$ East 140.00 feet to a point, thence
50. South $72^{\circ}40'28''$ East 146.72 feet to a point, thence
51. South $30^{\circ}07'03''$ East 169.12 feet to the point of beginning containing 107.75940 acres.

This description was prepared without the benefit of a title report which may reveal or discover easements and/or rights-of-way not described herein.



January 7, 1985

I-4

DESCRIPTION

FOR REZONING PURPOSES
OF PART OF THE PROPERTY OF
GREENDALE DEVELOPMENT COMPANY, INC.
LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA

Being part of the property acquired by Greendale Development Company, Inc. in Deed Book 5876 at Page 76.

Beginning at a point on the easterly line of Alexandria Building Supplies, Inc. said point also being the northwesterly corner of Lockowandt, thence with the easterly line of Alexandria Building Supplies, Inc.

1. North 44°37'15" West 723.27 feet to a concrete monument, thence through the property of Greendale Development Company, Inc., the following thirteen (13) courses and distances
2. North 30°07'03" West 169.12 feet to a point, thence
3. North 72°40'28" West 146.72 feet to a point, thence
4. North 36°10'08" West 140.00 feet to a point, thence
5. North 53°49'52" East 323.00 feet to a point, thence
6. 342.88 feet along the arc of a curve deflecting to the right whose radius is 770.00 feet and whose chord bearing and chord are North 66°35'17" East 340.05 feet to a point, thence
7. North 79°20'41" East 258.26 feet to a point, thence
8. 429.60 feet along the arc of a curve deflecting to the left whose radius is 630.00 feet and whose chord bearing and chord are North 59°48'35" East 421.32 feet to a point of compound curvature, thence
9. 110.46 feet along the arc of a curve deflecting to the left whose radius is 350.00 feet and whose chord bearing and chord are North 31°14'01" East 110.00 feet to a point, thence
10. North 77°45'30" East 150.28 feet to a point, thence
11. South 18°31'20" East 110.51 feet to a point, thence
12. South 71°28'40" West 110.85 feet to a point, thence

25°30'49"

31.04

8.04

ENGINEERS

PLANNERS

SURVEYORS

Description for Rezoning Purposes
of part of the property of Greendale
Development Company, Inc.
January 7, 1985
Page - Two

13. South 15°31'27" East 93.41 feet to a point, thence
14. South 35°58'37" East 303.76 feet to a point, thence with the lines of Parcel "L", D'Evereux West, Section Six, the following two (2) courses and distances
15. South 25°29'15" West 600.00 feet to a point, thence
16. South 51°29'38" East 49.26 feet to a point, thence with the northwesterly line of Meyers
17. South 46°04'56" West 303.74 feet to a point, thence with the northwesterly line of Lockowandt
18. South 45°24'04" West 384.98 feet to the point of beginning containing 26.3409 acres.

This description is subject to easements and restrictions of record.

CURVE DATA

No.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1.	770.00'	25° 30' 49"	342.88'	174.33'	340.05'	N66° 35' 17" E
2.	630.00'	39° 04' 12"	429.60'	223.53'	421.32'	N59° 48' 35" E
3.	350.00'	18° 04' 56"	110.46'	55.69'	110.00'	N31° 14' 01" E

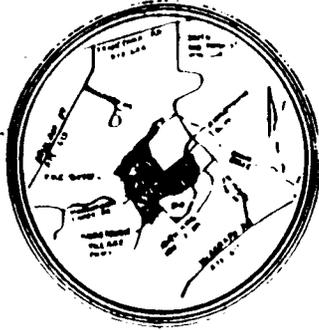
TRAIL DEVELOPMENT CO, INC
 DB 5876 PG 76
 ZONED: PDH-4

①

N79° 20' 25"

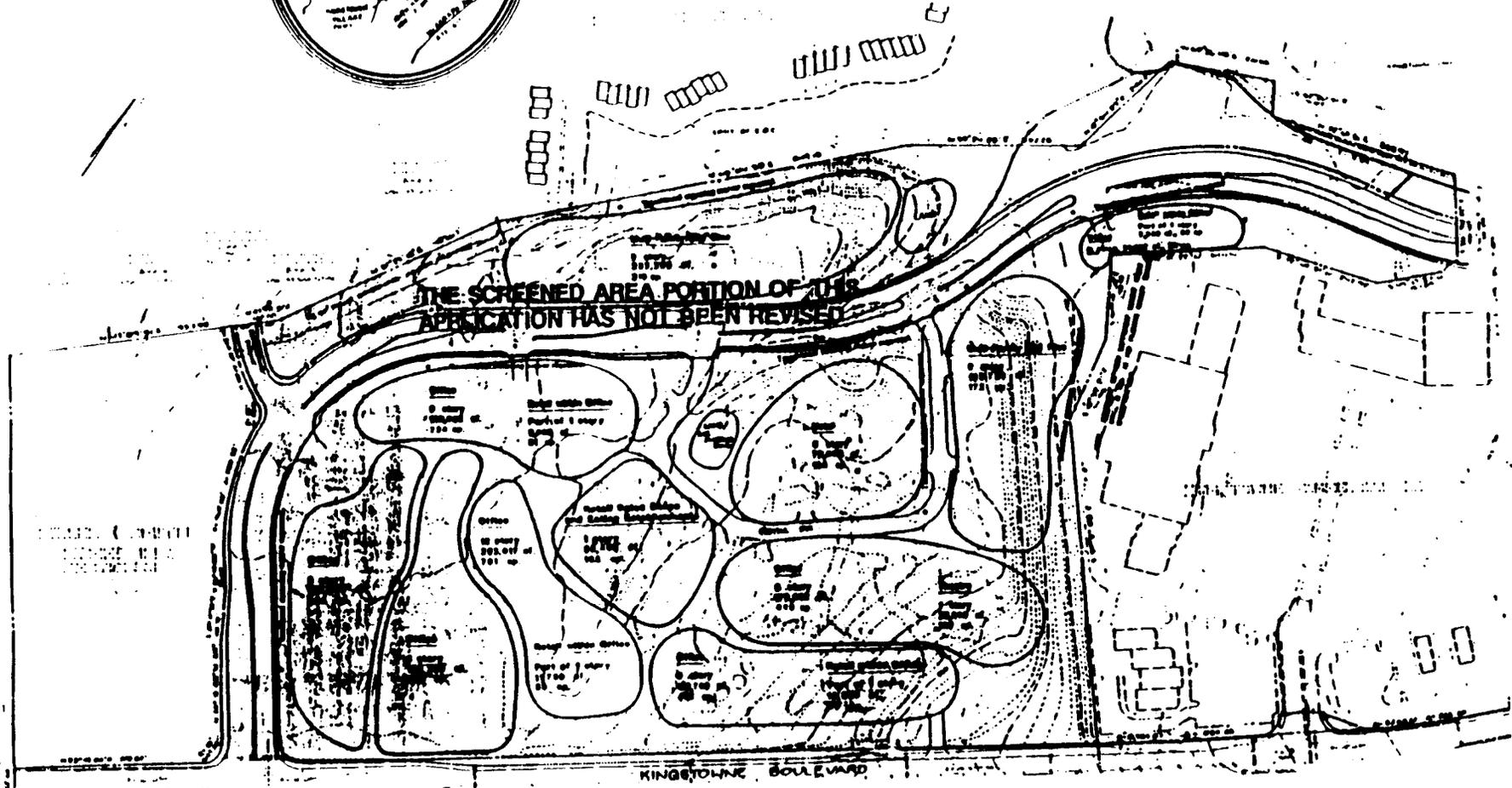
LEGEND

- PROPOSED
- EXISTING



1. THIS DOCUMENT IS THE PROPERTY OF THE CONSULTANT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE CONSULTANT.

THE SCREENED AREA PORTION OF THIS APPLICATION HAS NOT BEEN REVISED



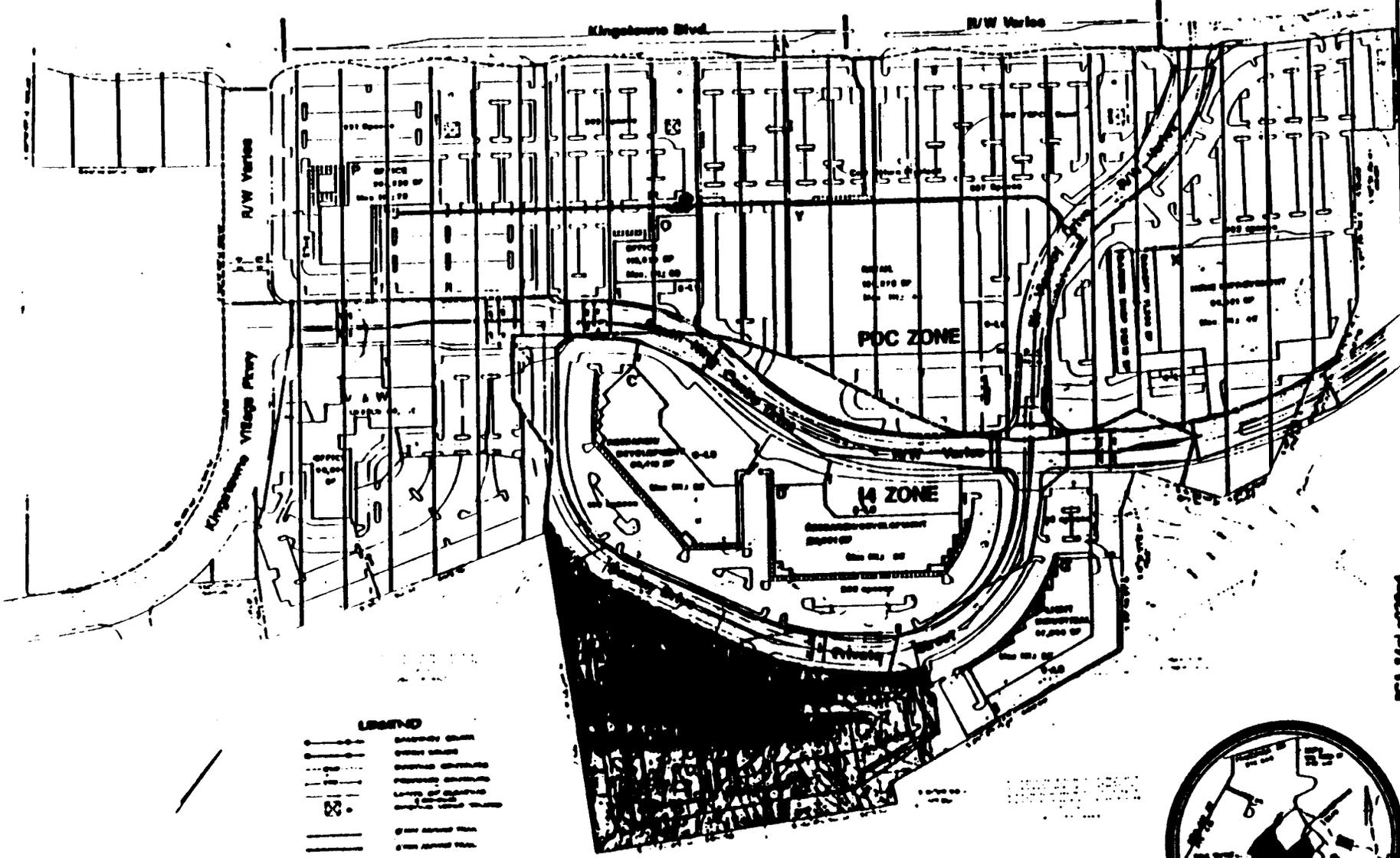
CDPA 84-L-020-5 / PCA 84-L-020-4

POC ZONE PROFFERED CONDITION AMENDMENT

KINGSTOWNE CENTER

The BC Consultants





LEGEND

	Driveway Curb
	Street Grade
	Driveway Structure
	Parking Structure
	Lot Area
	Building Area
	Green Space
	Site Plan
	Landscape
	Street Width
	Driveway
	Site Perimeter
	Lot Area
	Site
	Loading Space



PCA 84-1-028-4

1-1 ZONE PROFFERED CONDITION AMENDMENT

KINGSTOWNE CENTER

Lee Dunne

Prince George's County, Virginia

The BC Consultants

10000 ...
 10000 ...
 10000 ...



ZONING MAP AMENDMENT

DA 84-L-020 -05

ZONING DISTRICT DATA

ZONING DISTRICT: PDC

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
SFD						
SFA						
LOR						
MID						
HI						

TOT						

PROFFERED/CONDITIONED NON-RESIDENTIAL GROSS FLOOR AREAS

USE	GFA	FAR	USE	GFA	FAR
COMMERICAL-GEN			PUBLIC/QUASI PUB		
HOTEL/MOTEL	72,000		OFFICE	1,387,435	
INDUSTRIAL-GEN			TRAN-UTIL-COMM		
CULT/EDU/RELG/ENT	25,000		RETAIL-EATING EST	331,740	
INDUST-WAREHOUSE			*****TOTAL*****	1,816,175	.38

REMARKS:

PCA REDEFINES TOWN CENTER USES-ALSO INCS. 516,000 SQ. FT. HI-RISE MFD

ZONING MAP AMENDMENT

DA 84-L-020 -05

CONDITION/CONTRIBUTION DATA

COND		COND
CODE DESCRIPTION		CODE DESCRIPTION
---	-----	-----

1B CONCEPTUAL DEVEL PLAN

CONTRIB DATA:	CND CODE	AMOUNT	CONDITIONED	EXPIRES	CONTRIB CODE
		\$0		00/00/00	
		\$0		00/00/00	
		\$0		00/00/00	
		\$0		00/00/00	

REMARKS:

CDPA APPROVED SUBJ. TO PCA 84-L-020-4 - SEE FILE FOR DETAILS

ZONING MAP AMENDMENT

CA 84-L-020 -04

ZONING DISTRICT DATA

ZONING DISTRICT: I-4

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
SFD						
SFA						
LOR						
MID						
HI						

TOT						

PROFFERED/CONDITIONED NON-RESIDENTIAL GROSS FLOOR AREAS

USE	GFA	FAR	USE	GFA	FAR
COMMERICAL-GEN			PUBLIC/QUASI PUB		
HOTEL/MOTEL			OFFICE		
INDUSTRIAL-GEN	307,825	.27	TRAN-UTIL-COMM		
CULT/EDU/RELG/ENT			RETAIL-EATING EST		
INDUST-WAREHOUSE			*****TOTAL*****	307,825	.27

REMARKS:

ZONING MAP AMENDMENT

CA 84-L-020 -04

ZONING DISTRICT DATA

ZONING DISTRICT: PDC

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
SFD						
SFA						
LOR						
MID						
HI	325					

TOT	325					

PROFFERED/CONDITIONED NON-RESIDENTIAL GROSS FLOOR AREAS

USE	GFA	FAR	USE	GFA	FAR
COMMERICAL-GEN			PUBLIC/QUASI PUB		
HOTEL/MOTEL	72,000		OFFICE	1,387,435	
INDUSTRIAL-GEN			TRAN-UTIL-COMM		
CULT/EDU/RELG/ENT	25,000		RETAIL-EATING EST	331,740	
INDUST-WAREHOUSE			*****TOTAL*****	1,816,175	.38

REMARKS:

ZONING MAP AMENDMENT

CA 84-L-020 -04

CONDITION/CONTRIBUTION DATA

COND CODE DESCRIPTION	COND CODE DESCRIPTION
1A GENERALIZED DEVEL PLAN	1B CONCEPTUAL DEVEL PLAN
1C FINAL DEVELOPMENT PLAN	1E CONDITIONS, PROFFERED
1F CONDITIONS, P DISTRICT	2H RECREATION FACIL/SITES
4Z OTHER - ENVIRONMENT	7A OTHER MISCELLANEOUS - SEE FILE

CONTRIB DATA:	CND CODE	AMOUNT	CONDITIONED	EXPIRES	CONTRIB CODE
		\$0		00/00/00	
		\$0		00/00/00	
		\$0		00/00/00	
		\$0		00/00/00	

REMARKS:

SEE ALSO CDPA 84-L-020-5 AND FDPA 84-L-020-2-2

RECEIVED
OFFICE OF COMMUNITY PLANNING

JAN 7 1997

ZONING EVALUATION DIVISION

11/23/92

3:30 p.m. Items - PCA-84-L-020-4 - KINGSTOWNE LIMITED PARTNERSHIP
CDPA-84-L-020-5 - KINGSTOWNE LIMITED PARTNERSHIP
FDPA-84-L-020-2-2 - KINGSTOWNE LIMITED PARTNERSHIP
Lee District

On Thursday, November 12, 1992, the Planning Commission voted (Commissioner Byers absent from the meeting) to recommend to the Board of Supervisors the following actions pertinent to the subject applications:

- 1) approval of PCA-84-L-020-4, subject to the execution of proffers dated September 30, 1992, as revised to reflect the development plans dated November 12, 1992 (Vote was 8-3; Commissioners Baldwin, Hubbard and Huber opposed);
- 2) approval of CDPA-84-L-020-5, subject to Board approval of PCA-84-L-020-4 (Vote was 8-3; Commissioners Baldwin, Hubbard and Huber opposed);
- 3) approval of FDPA-84-L-020-2-2, subject to Board approval of PCA-84-L-020-4 and CDPA-84-L-020-5, subject to the execution of proffers dated November 12, 1992 (Vote was 8-3; Commissioners Baldwin, Hubbard and Huber opposed);
- 4) reaffirmation of the previously-adopted waiver of barrier requirements at all boundaries of the PDC and I-4 Districts (Vote was 9-1-1; Commissioner Huber opposed; Commissioner Baldwin abstaining);
- 5) reaffirmation of the previously-approved modification of transitional screening in the I-4 District, adjacent to Building 6 between the residential and commercial uses within the PDC District, and between the PDH-4 and the PDC Districts (Vote was 9-2; Commissioners Baldwin and Huber opposed)

Planning Commission Meeting
November 12, 1992
Verbatim Excerpts

PCA-84-L-020-4 - KINGSTOWNE COMMERCIAL LIMITED PARTNERSHIP
CDPA-84-L-020-5 - KINGSTOWNE COMMERCIAL LIMITED PARTNERSHIP
FDPA-84-L-020-2-2 - KINGSTOWNE COMMERCIAL LIMITED PARTNERSHIP

Decision Only During Commission Matters

Commissioner Sell: Thank you, Mr. Chairman. I intend to move forward on PCA, the CDPA, the FDPA, for Kingstowne tonight. Before I do, all of us have received a relative blizzard of information from all sides and all points of the globe practically and I want to make sure that everything that has been turned in is made a part of the record. There's some concern about that and I want to make sure that that happens. Mr. Chairman, we held the public hearing on this case on October the 1st, 1992 and since that time it's been twice deferred. You know, I've been working with various folks to try to improve the plan that was presented to us on October the 1st. It is my intention to move favorably on this case this evening; that comes as no secret to anyone whose attended any of citizen meetings in the last two weeks, either for or against and there have been both. I did want to bring the Planning Commission up to speed, if you will, and some of the citizens that are here who might be watching on TV up to speed of what we've been able to accomplish since October the 1st. All of these things have been ongoing. There're have been several suggestions, well, more than several, hundreds of suggestions made. We tried to incorporate a large number of them into the plan. And if the staff would put up the most recent, the proposed final development plan that's before us tonight. There were concerns by the Land Use Advisory Committee in three areas. Screening and buffering of the project, the architectural treatment of the two retail facilities, and lastly but most importantly, the situation, stormwater management, BMP situation for Dogue Creek and eventually the protection of Huntley Meadows Park. I think the conditions that you have before you, particularly #7, make sure I've got my numbers right, puts the County in the drivers seat as far as stormwater runoff, water quality and water quantity are concerned from this site that would be discharged into Dogue Creek. That language is crafted by representatives of DEM and OCP. It was presented to you some time ago and I have included that language in the development conditions. There has been a redesign. The concern was about the amount of open space, the screening throughout the project. You have a staff report -- staff memorandum dated November the 12th which indicates the amount of open space has increased from 17.32 acres, 16 percent, to 18.28 acres, 17 percent. The increase in open space has occurred in the area located on Kingstowne Boulevard and South King Center Drive near Buildings O and P. A major redesign has been provided for the area adjacent to office O and P which are including to the east -- located to the east of Kingstowne Village Parkway. And this redesign includes: Buildings O and P have been redesigned so there're now 160,384 square feet in size each with a maximum height of 72 feet. You may recall that one was 72 feet and the other one was 60 feet. One was larger than the other, obviously not only in height but in bulk. An open space/plaza area has been added between Buildings O and P. This open

November 12, 1992

PCA-84-L-020-4; CDPA-84-L-020-5; FDPA-84-L-020-2-2

space/plaza area includes a "focal element." The parking lot circulation has been redesigned. As a result of the redesign, the major pedestrian connection which runs between Kingstowne Village Parkway and Sir Viceroy Drive crosses fewer parking islands there by making the pedestrian connection both safer and more "user friendly." Twenty-two surface parking spaces have been deleted from this area. The streetscaping along Kingstowne Boulevard, Sir Viceroy and Kingstowne Village Parkway has been enhanced to provide additional planting materials and to include both deciduous and evergreens. A right turn lane has been added to the entrance onto Kingstowne Boulevard located between Buildings O and P. You have on the foldout before you is, I don't know if the camera can pick that up or not, there is a foldout that depicts the section of development plan along Kingstowne Boulevard. At the top of it you can get an idea of what you will see from Kingstowne Boulevard. Interestingly enough, you can well see the office buildings. You can hardly see the Pace Store and you'll see, I guess, the northern most part of the Hechinger Store. They can't? Okay. Well, there's been very heavy landscaping that's been provided along the Parkway and I think you can see that. Well, we can bring that up here and pass it around if people would like to see it. But the issues -- you can see the green space between Buildings O and P, the parking lot landscaping and the landscaping along Kingstowne Boulevard.

Chairman Murphy: Well, if it's, if it's important for Mr. Sell's motion to exhibit this, why don't we get someone to come down and just hold it up at that --

Commissioner Sell: Well I just want to make sure that everybody sees what's going on. The trees that are --

Chairman Murphy: There we go.

Commissioner Sell: Okay. You need another arm, Mr. Braham.

Mr. Peter Braham: A third hand.

Chairman Murphy: Let's see how long he has to hang there before someone comes and helps him.

Commissioner Sell: Why don't we take a recess? Oh, he's got -- I wanted to point out that the evergreen trees that will be planted along Kingstowne Village Parkway and Kingstowne Boulevard, outside the power line easement shall be at least 12 to 15 feet high at the time of planting and the deciduous trees will be a minimum of 3.5 inch caliper at the time of planting. I wanted to talk about the height of the deciduous trees but the Urban Forester says that the idea is better to go with the caliper in those kinds of trees. So we're not talking about small trees along Kingstowne Boulevard; there is a buffer zone. Kingstowne Boulevard and most of the area will be higher than the parking lot. The line of sight, as you look, for example at Pace, you'd be looking over the parking lot and it will be well hidden by the screening

November 12, 1992

PCA-84-L-020-4; CDPA-84-L-020-5; FDPA-84-L-020-2-2

anyway. I just wanted to reiterate, Mr. Chairman, I passed out a memo last night to the members of the Commission. I don't want to bore you by reading all of that. But the basic difference in this case between the Lee District Land Use Advisory Committee and the staff is the interpretation of the Comprehensive Plan. The Land Use Advisory Committee thinks it wrote the language for the Comprehensive Plan so therefore thinks its in the position to interpret it. The Towne Center, as we know it, is located across the street from this facility; it hasn't changed. And it still includes the Signature Building, the hotels, the ice skating rink and the lake, the water features, the plazas, all of the various things that have always been there. We're not touching the Towne Center as, as we know it by this application. I think that all of the -- a lot of the comments that have been made have resulted in a better plan and I appreciate peoples' interest. There are a number of folks that disagree with this. I respectfully disagree with them. I think that when Kingstowne is developed, the fact that there's a Pace and a Hechingers here, particularly in this site, the way we've buffered and screened it, positioned the office buildings and what's going to happen across the street. By the way, there is an approved 164,000 square foot retail shopping center just across the street from this site which will ultimately, one of the groups that have leased the property is Giant, and we hope to get that started soon. Issues in the staff report have been my language. Most of them have been resolved. The big one that remains is the interpretation of the Plan, the off-site road improvement, construction of South Van Dorn Street and South Kings Center Drive, that wasn't to occur until one million square feet was developed in this area, is now going to be developed as part of this program. What we're passing around is, the first one is Kingstowne in 1986, for those of you who were on the Planning Commission might remember, this would be Kingstowne pre-development. There's no -- it's outlined in dotted lines. You can see what Kingstowne looked like in 1986. Then coming behind you -- behind it is Kingstowne today with the roads that have been built, the Fairfax County Parkway. By the way, a week from Saturday we'll break ground for the Franconia/Springfield Metro Station which is just to the west of this. The Van Dorn Metro Station, I've seen it Mrs. Harsel, is just to the north. So I think all and all we've advanced the cause in this particular case. The environmental issue is of utmost importance to me. When we zoned Kingstowne in '85, we were a leader as far as environmental regulations and rules were concerned that were proffered. A lot of those proffers, in fact we were the first place out of the Occoquan to have BMPs proffered. A lot of things have overtaken us now and they're all part of the Ordinance which is good. But we find ourselves in a situation where the compensation for the dam, which takes care of a lot of offsite stormwater from Kingstowne, means that in this particular area that we're -- they're able to discharge the runoff into Dogue Creek as long as they're able to provide an adequate outfall as far as DEM is concerned. The conditions in this particular plan would make sure that if there's any deleterious effect on Dogue Creek, that whatever DEM might determine is necessary up to and including BMP facilities will be provided. It's not a question that we're going to argue about it; if we think they need it, they will be provided. Obviously we're talking about those being provided

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on the Kingstowne site. I've said so much about this case in the last two or three weeks that I'm about talked out, if you want to know the truth. I wrote it down for you. Those comments are a part of the public record of what I believe should happen in this particular case. And therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT PCA-84-L-020-4, BE APPROVED, SUBJECT TO THE SEPTEMBER 30TH, 1992 PROFFERS AS THEY ARE REVISED TO REFLECT THE LATEST DEVELOPMENT PLANS SUBMISSION WHICH WOULD BE NOVEMBER THE 12TH, 1992.

Commissioner Bobzien: Second.

Commissioner Hanlon: Second.

Chairman Murphy: Seconded by Mr. Bobzien and Mr. Hanlon. Is there a discussion of the motion? All those in favor of the --

Commissioners Huber and Baldwin: Mr. Chairman?

Chairman Murphy: I'm sorry, Mrs. Huber and then Mr. Baldwin.

Commissioner Huber: Mr. Chairman, I recognize the great efforts of the Lee Planning Commissioner in his concern about the environment, both that existing at Huntley Meadows and that being created at Kingstowne. And I also appreciate greatly his success at moving this application towards something that is better for the environment and the people who will ultimately live in Kingstowne. However, I will, and I know he has worked very, very hard on this and this has been very difficult for him, but I do agree with staff and I'm very protective of the principle of a Town Center. We have more town centers than just Kingstowne. We have other town centers in this County. And I feel very protective towards them and I do think that staff is correct in their evaluation of what a town center is supposed to be, of what it is meant to be, and that this is not it. This doesn't fit it. If somebody put this in our own town center I'd be out there addressing you on it; I may be next year. But in the mean time, I will vote no on this one.

Chairman Murphy: Mr. Baldwin.

Commissioner Baldwin: Thank you, Mr. Chairman. I echo Ms. Huber's comments with respect to the Commissioner's -- Commissioner Sell's efforts and I think he's done a very exhaustive job in attempting to resolve the issues. But I must, I'm afraid, turn to the statement in the report that the town center is a central activity core consisting of approximately 2.3 million square feet of commercial area, 623 dwelling units and other elements, and the majority of the town center is in the PDH and I-4 districts with a shopping center in a PDH-4 district. This is there interpretation of a, of a town center and I, -- I believe it's there position to establish that definition. It is, of course in my opinion, certainly consistent with the Comprehensive Plan. I don't, for that reason, believe that the change that is proposed here is

appropriate. My second concern is certainly that -- I share the, the concern that Mr. Sell's expressed with respect to the environment. I've been told that water level in Hunting -- Huntley Meadows has risen over the past several years. I cannot see that this rising of the water levels there will change with this development. And the -- while the steps taken will probably improve our, our beliefs that stormwater will be properly managed, I think it's fully appropriate that this body hears some convincing engineering -- with engineering conviction that these steps will -- would be successful. I don't hear -- I haven't heard that. I haven't seen this. And for that reason I cannot support that -- support this for that reason. I suppose that I'm reminded of an event that's describe in "Through the Looking glass -- Glass" in Alice in Wonderland with respect to the definitions I've read. Alice encountered Humpty Dumpty shortly after she stepped through the glass and he explained the mysteries of Wonderland in great detail. One sentence meant one thing and one sentence meant another. And Alice complained about this because the words were, as she said, meaningless, because she never knew what they would mean. Humpty Dumpty was pretty sure of himself, I suppose, in responding and he explained to her that he had no problem with words. All he had to do that -- to, to have them take on any meaning that he wanted was just to take and meet them on Saturday night and pay them. I don't think that that's a proper way that we can proceed with these definitions and they're very serious here. For that reason I'm going to oppose.

Chairman Murphy: Mr. Hanlon.

Commissioner Hanlon: Mr. Chairman, I wanted to make the record clear that I was absent for the public hearing but I did review the tapes of that hearing. I've also heard from a number of people since then and I can fairly say that it was not until earlier today that I really made up my mind on how I would, how I would vote on this one. I'm one who read what I thought was Carl's superior statement explaining the rational for his motion and I was convinced by nine-tenths of it. I would like the record to reflect that I'm a little bit ambivalent about the reliance in one paragraph on the economic objectives of the Plan but I don't think that that was really essential to the whole and that certainly isn't part of the reason that I support the motion. It seems to me the underlining issue here is two-fold. One is the question of what is better for the environment and I don't think that anyone has really seriously undermined the argument that Mr. Sell has, has made on that point. The second is what is consistent with the Comprehensive Plan and I will say that I have been on this Commission long enough and observed how Lee District works long enough that if there's a fair debate as to the meaning of the Comprehensive Plan and Mr. Sell and the Lee Land Use Advisory Committee think one thing and staff thinks the other, with all due respect, I would be inclined to go with the Advisory Committee and Mr. Sell for the simple reason that there's not a darn thing in the Comprehensive Plan and Lee District that was not a product of thorough scrutiny by Carl and thorough scrutiny by the people who provide advise on land use issues in those areas. So if it's -- and I think there is a fairly debatable question here and I think that Mr. Sell's views on the

meaning of the Comprehensive Plan deserves considerable deference and that is the reason that I intend to support the motion.

Commissioner Sell: Mr. Chairman?

Chairman Murphy: Mr. Sell.

Commissioner Sell: Just a couple of comments. Mr. Baldwin is right about the water level in Huntley Meadows Park and, as I understand it, that our problem is a constriction at -- with Dogue Creek at Route 1. We need some -- the water backs all the way up from Route 1 and that's one of the problems. And one of the, one of the branches of Dogue and Little Hunting Creek have been fixed at Route 1 the other one has not. And we've got a real problem of water backing all the way up through Pole Road and into Fort Belvoir and back up into Huntley Meadows Park. It doesn't freely flow through there. The other is about who gets to interpret the Comprehensive Plan. As I read the statute, as I understand it, had been drilled into me since I've been here, is we had a, a late Chairman who used to say "The Planning Commission is the keeper of the Plan." The Planning -- the Board -- in the State Statute, the Planning Commission is given that role. So therefore, I think -- we do not have to automatically agree with staff, as far as the Plan is concerned, they've issued their interpretation, but the Planning Commission is the keeper of the Plan. And in Lee District, the Plan is written by the Lee District Land Use Advisory Committee, those task forces who work long and hard as they do throughout the County, and with unanimity think they know what this Plan means. Thank you.

Chairman Murphy: Mr. Hubbard.

Commissioner Hubbard: Thank you. I followed Mr. Sell's and Mr. Hanlon's argument until it got back to Towne Center. And I look at a picture, xerox of a picture, that was distributed earlier where the announcement of this particular public hearing is leaning against a placard announcing future Towne Center. And I'm looking now at a document by the Kingstowne Residential Owner Corporation where the first sentence said, in discussing this says: "The intent of this document is to correct any misinformation currently circulating regarding the proposed condition, proffered condition amendment, on one of the parcels of land that will make up the Towne Center." And, Mr. Chairman, if the developer hasn't got this straight, I think this is open to interpretation. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA-84-L-020-4, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

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Commissioner Baldwin: No.

Commissioners Hubbard and Huber: No.

Chairman Murphy: The motion carries. Mr. Baldwin, Mrs. Huber and Mr. Hubbard vote no. Mr. Sell.

Commissioner Sell: Thank you, Mr. -- thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT CDPA-84-L-020-5 BE APPROVED, CONTINGENT ON THE BOARD OF SUPERVISORS APPROVAL OF PCA-84-L-020-4.

Commissioners Bobzien and Thomas: Second.

Chairman Murphy: Seconded by Mr. Bobzien and Mr. Thomas. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve CDPA-84-L-020-5, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Baldwin, Hubbard and Huber: No.

Chairman Murphy: Motion carries. Mr. Baldwin, Mrs. Huber and Mrs.(sic) Hubbard vote no. Mr. Sell.

Commissioner Sell: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA-84-L-020-2 CONTINGENT UPON THE BOARD OF SUPERVISORS APPROVAL OF PCA-84-L-020-4 AND CDPA-84-L-020-5, AND SUBJECT TO THE NOVEMBER 12TH, 1992, PROPOSED DEVELOPMENT CONDITIONS.

Commissioners Bobzien and Thomas: Second.

Chairman Murphy: Seconded by Mr. Bobzien and Mr. Thomas. Is there a discussion of that motion? All those in favor of the motion to approve FDPA-84-L-020-2-2, subject to the approval of the prior two applications, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioners Huber, Baldwin and Hubbard: No.

Chairman Murphy: Mr. Baldwin, Mr. Hubbard and Mrs. Huber vote no.

Commissioner Sell: Mr. Chairman?

Chairman Murphy: Mr. Sell.

Commissioner Sell: I MOVE TO RECOMMEND TO THE BOARD OF SUPERVISORS THE REAFFIRMATION OF THE PREVIOUSLY ADOPTED WAIVER OF THE BARRIER REQUIREMENT AT ALL BOUNDARIES OF THE PDC AND THE I-4 ZONING DISTRICTS.

Commissioner Bobzien: Second.

Chairman Murphy: Seconded by Mr. Bobzien. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Baldwin: I abstain.

Chairman Murphy: Motion carries. Mr. Baldwin abstains. Mrs. Huber votes no. Motion carries.

Commissioner Sell: Finally, Mr. Chairman.

Chairman Murphy: Mr. Sell.

Commissioner Sell: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE REAFFIRMATION OF THE PREVIOUSLY APPROVED MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS IN THE I-4 DISTRICT, ADJACENT TO BUILDING G, BETWEEN THE RESIDENTIAL AND COMMERCIAL USES WITHIN THE PDC DISTRICT, AND BETWEEN THE PDH-4 AND THE PDC DISTRICTS.

Commissioners Bobzien and Thomas: Second.

Chairman Murphy: Seconded by Mr. Bobzien and Mr. Thomas. Is there a discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Baldwin and Huber: Abstain.

Chairman Murphy: Motion carries. Mr. Baldwin abstains, Mrs. Huber abstains. The motion carries.

Commissioner Sell: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much.

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(The first three motions passed by a vote of 8-3 with Commissioners Baldwin, Hubbard, and Huber opposed; Commissioner Byers absent from the meeting.)

(The fourth motion passed by a vote of 9-1-1 with Commissioner Huber opposed; Commissioner Baldwin abstaining; Commissioner Byers absent from the meeting.)

(The fifth motion passed by a vote of 9-2 with Commissioners Baldwin and Huber abstaining; Commissioner Byers absent from the meeting.)

PAM

Kingstowne Towne Centre
November 17, 1992

PROFFER STATEMENT

PCA 84-L-020-4

The following development conditions shall apply to the subject property provided all of the following events occur: Board of Supervisors final approval of Proffered Condition Amendment PCA 84-L-020-4 and Conceptual Development Plan Amendment CDPA 84-L-020-5, as requested; and Planning Commission Final approval of Final Development Plan Amendment FDPA 84-L-020-2, as requested.

1. Except as modified herein, the subject property is governed by the Proffer of Development Conditions of June 17, 1985 in DPA C-448-2 and RZ 84-L-020, and the applicable proffers of rezonings and Proffered Condition Amendments approved subsequent thereto but prior hereto.

2. The Proffer of Development Conditions originating in PCA 84-L-020-2 and PCA C-448-2, dated May 12, 1988 are hereby superseded and rendered null and void insofar as they relate to the land within the I-4 District and land within Section 34 of the PDC District.

14a. In order to protect water quality within Dogue Creek and Huntley Meadows Park from the detrimental effects of stormwater runoff from the Towne Centre containing oil, grease, trace metals, suspended solids, de-icing salts, nutrients and other contaminants, there shall be no direct discharge of stormwater into Dogue Creek, its tributaries or watershed without water quality treatment. As such, supplemental stormwater quality measures specific to the subject property (i.e., the Towne Centre) shall be implemented. Such stormwater quality measures shall be implemented in addition to any BMP credits claimed for the 14-acre lake in Kingstowne under Proffer #14 of the Proffer of Development Conditions, dated June 17, 1985. These supplemental stormwater quality measures shall be compatible with the overall stormwater management plan for Kingstowne. They shall be approved as part of the approval of any Site Plan for the property subject to these conditions and shall be incorporated, where applicable, into each Site Plan pertaining to the subject property. The stormwater quality measures may include, but shall not be limited to the following: oil/grit separators, infiltration trenches, stormwater diversion into the 14-acre lake and parking lot sweeping, provided such facilities are contained within the subject property

and do not reduce the development shown on the Final Development Plans and Generalized Development Plan referenced in these conditions. Maintenance and inspection schedules shall be an integral element of the program and shall be incorporated into approved Site Plans for the subject property, where applicable.

- 67a. Development of that portion of the subject property zoned PDC shall be in accordance with the Conceptual Development Plan entitled "CDPA L-020-5/PCA 84-L-020-4, PDC Zone Proffered Condition Amendment, Kingstowne Towne Centre," prepared by the B.C. Consultants, Inc., revised as of November 12, 1992 (Sheets 1, 2 and 3).
- 70a. Owners of commercial property within the PDC District shall be members of the Kingstowne Commercial Owners Corporation and subject to a Commercial Architectural Review Committee. Owners of residential property within the PDC District shall be members of the Kingstowne Residential Owners Corporation and subject to a Residential Architectural Review Committee. Owners of commercial and residential property shall also be members of the Kingstowne Community Association.

73a. The following recreational facilities shall be provided within the PDC District:

a. One exercise trail. Introduction signs and station sign panels shall be substantially similar to the Course referenced in Exhibit L, of the proffers in DPA C-448-2 and RZ 84-L-020 dated June 17, 1985.

b. An eight foot (8') wide asphalt trail adjacent to Kingstowne Boulevard, as shown on the FDP; and

c. A skating rink/pond.

91a. Subject to the provisions of Section 16-403 of the Fairfax County Zoning Ordinance, development of that portion of the subject property zoned PDC shall be in conformance with the Final Development Plan entitled "FDPA 84-L-020-2, PDC Zone Final Development Plan Amendment, Kingstowne Towne Centre", prepared by The B.C. Consultants, Inc., revised as of November 12, 1992 (Sheets 1 through 6), and Attachment A1, A2 and A3 Final Development Plan Amendment, Building V and W, Kingstowne Towne Centre prepared by The B.C. Consultants, Inc., revised as of May 16, 1990 (Sheets 1, 2 and 3).

- 92a. Pursuant to Section 18-204 of the Fairfax County Zoning Ordinance, development of that portion of the subject property zoned I-4 shall be in substantial conformance with the Generalized Development Plan entitled "PCA 84-L-020-4, I-4 Zone, Proffered Condition Amendment, Kingstowne Towne Centre," prepared by The B.C. Consultants, Inc., revised as of September 30, 1992 (Sheets 1, 2 and 3).
- 95a. Owners of property within this I-4 District shall be members of the Kingstowne Commercial Owners Corporation and subject to a Commercial Architectural Review Committee. Owners of property within this I-4 District shall also be members of the Kingstowne Community Association.
- 107a. In the event that a non-residential use permit is sought for the establishment of a use which generates, utilizes, stores, treats, and/or disposes of hazardous or toxic materials or waste, as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30, et seq., the applicant for said non-residential use permit shall submit the following information to the Director of the Department of Environmental Management simultaneously with any

application for said non-residential use permit,
unless deemed unnecessary by the Director:

- (1) A listing of all toxic and hazardous materials and wastes that will be generated, utilized, stored, treated, and/or disposed of on-site;
- (2) A description of all spill prevention, containment, and leakage control measures proposed by the applicant, for all toxic and hazardous materials and wastes generated, utilized, stored, treated, and/or disposed of on the site; and
- (3) The applicant shall implement the measures referred to in paragraph (2) above.

KINGSTOWNE COMMERCIAL L.P.

By: HALLE ENTERPRISES, INC.
General Partner

Date: 11-23-92

By: Warren E. Halle
Warren E. Halle
President