

PROFFERS/DEVELOPMENT CONDITIONS

CDPA 86-W-001-1
FDP 86-W-001
RZ 87-W-040

July 27, 1987

Pursuant to Section 15.1-491(a), Code of Virginia, 1950 edition, as amended, subject to the Board of Supervisors' approval of the Conceptual Development Plan Amendment and Final Development Plan permitting 958,000 gross square feet of Government Center use, 1,466,667 gross square feet of commercial/office and 733,180 gross square feet of residential uses, Applicant proffers to the following development conditions:

A. LAND USE

1. The maximum Floor Area Ratio (FAR) for the entire 216.58 acre site shall be 0.3347, with FARs not to exceed 0.49 in Land Bay A, 0.54 in Land Bay B, 0.22 in Land Bay C, and 0.33 in Land Bay D. The subject property shall be developed in conformance with the Conceptual Development Plan (CDP) dated April 1987, as revised, the Final Development Plan (FDP) dated June 25, 1987, and all Illustrative Plans, Landscaping Plans, Cross-sections, and Detailed Plans prepared by William H. Gordon and Associates and RTKL and Associates.

2. In accordance with the Fairfax County Zoning Ordinance heights of buildings shall be in conformance with the heights as shown on the FDP with no portion of any building exceeding 120 feet above existing grade. Consistent with the Fairfax County Zoning Ordinance, mechanical penthouses shall be permitted on the 120 foot office buildings in Land Bays A and B provided they meet the following standards:

- o They comprise less than twenty-five percent (25%) of the footprint or floor plate of the building, whichever is smaller.
- o Said mechanical penthouses do not exceed 20 feet in height.
- o Said mechanical penthouses are located in the middle of the building.
- o Said mechanical penthouses are architecturally clad with materials compatible with materials of the building upon which they are situated.

3. Final Development Plan Amendments for the site shall be the subject of public hearings before the Planning Commission and the Board of Supervisors and subject to final approval by the Board of Supervisors.

4. All FDP Amendments shall be in general accordance with the Fairfax Center Area design criteria.

5. All signage other than that required by VDOT for the subject property shall be addressed through a Comprehensive Signage Plan pursuant to Section 12-210 of the Zoning Ordinance.

6. A recreation center for County employee use shall be provided within Land Bay C, and a day care center for County employee use shall be provided in either Land Bay C or Land Bay B in the southern office building, during Phase I of the Government Center.

7. Any child care centers and health clubs proposed on the private sector portion of this development shall require approval of a FDP Amendment or Special Exception.

8. Sufficient Gross Floor Area (GFA) shall be reserved for development of a cultural center for the public sector portion of this development, in conformance with the use limitations of the PDC District.

B. RESIDENTIAL

1. Energy conservation measures equivalent to the Northern Virginia Builders Association E-7 program shall be provided for the residential units.

2. Garages may not be converted into living space or to any use other than for the parking of vehicles. A covenant setting forth this use restriction shall be recorded among the Fairfax County Land records prior to the sale of any lots. The covenant shall run to the benefit of the homeowners' association and to Fairfax County and shall be approved prior to recordation by the County Attorney. Each initial residential sales contract shall expressly contain this use restriction.

3. Recreational amenity facilities for Land Bay D shall consist of a community center, swimming pool, two tennis courts, tot lots, and trail systems as shown on the FDP, and shall be available for use by the issuance date for the 300th residential use permit for the residential component. All owners and residents within Land Bay D shall be provided equal access to all recreational facilities within Land Bay D.

4. Memberships to the community center including pool and tennis courts within Land Bay D shall be limited to the owners and residents of the multifamily units and single family attached units in Land Bay D. There shall be a single "umbrella" homeowners' association established for the purpose of owning and operating the community center, including the pool and tennis courts. All residents and owners within Land Bay D shall be members. The cost of operating these facilities shall be incorporated as part of the rental fee for multifamily units, and shall be incorporated as part of the homeowners' association fee for the single-family attached units. Any multifamily apartments which are converted from rental units to condominiums shall also have incorporated, as part of the condominium association fees, the pool membership fees.

5. The swimming pool as show on the FDP in Land Bay D shall be subject to the following conditions:

a) Construction in conformance with Fairfax County's "Environmental Safeguards for the Construction and Operation of Swimming Pools".

b) The minimum enclosed area devoted to the pool shall be 4,500 square feet.

c) Pool hours shall be from 8:00 a.m. to 9:00 p.m.

d) The maximum number of employees shall be 15.

e) The consumer services section of the Environmental Health Division of the Fairfax County Health Department shall be notified before any pool waters are discharged during drainage or cleaning operations. This agency will make a determination as to whether proper neutralization of these pool waters has been completed.

f) Eighteen parking spaces shall be provided for the community center/swimming pool, as shown on the FDP.

g) Any requests for amendment to the operational restriction of the pool shall be processed before the Board of Zoning Appeals as a Group 4 Special Permit Use.

6. At least fifteen percent (15%) (90 units) of the total residential units will be offered at rental rates which are affordable by households with incomes of seventy-five percent (75%) of the Washington, D.C. SMA median household income, as published and adjusted periodically by the U.S. Department of Housing and Urban Development, for a minimum period of twelve (12) years from the date of issuance of the first residential use permit. This obligation shall be met regardless of whether the multifamily portion is developed as rental or condominium. Garden apartment units shall be

utilized to fulfill the requirements of this proffer. Applicant shall submit a written report to Fairfax County on an annual basis showing the status of compliance with this proffer. These annual reports shall cease upon full compliance with this proffer.

C. SANITARY SEWER

1. On-site sanitary sewer easements to serve adjacent properties shall be provided by Applicant where determined appropriate by the Director of DEM.

2. The Applicant or successors in interest shall replace all sanitary sewer lines determined by DEM to be inadequate as a result of the proposed development at the time sewer availability charges for the proposed development are paid.

D. STORMWATER MANAGEMENT

1. Best Management Practices (BMPs) equivalent to WSPOD standards shall be provided for the entire 216 acre site.

2. If it is determined by DEM that the proposed stormwater detention facility within Land Bay A is designed to serve the specific private development for Land Bay A, the Applicant shall submit the necessary Special Exception application for approval of such a facility within a floodplain area. If such Special Exception application is denied, the Applicant shall file for an FDP Amendment to meet applicable County stormwater management standards.

3. Maintenance access to stormwater management facilities shown on the FDP shall be provided with 15 feet of clearing including a ten foot (10') wide asphalt paved trail subject to the necessary maintenance easement agreements.

4. The permanent pool BMP ponds in both Land Bay A and Land Bay B shall exhibit innovative techniques in stormwater management through the employment of aeration devices. Such aeration devices shall be designed and engineered so as to avoid stagnation within the ponds, and to achieve, as a guideline, the State Water Control Board water quality standards for dissolved oxygen, pH, and temperature for Class III non-tidal waters within the coastal and piedmont zones of Virginia.

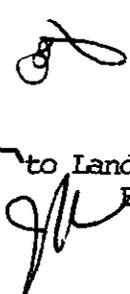
E. ENVIRONMENTAL

1. Landscaping shall be provided in conformance with the landscaping plan dated June 25, 1987, prepared by LDR, subject to the approval of the County Arborist.

2. Landscaped buffers, a minimum of 110 feet wide along the southern boundary of Land Bay B, a minimum of 100 feet wide along the southwestern boundary of Land Bay C, and a minimum of 50 feet wide along the southern boundary of Land Bay D shall be provided. These buffers shall be landscaped and bermed in accordance with the Landscape Plan and pertinent cross-sections prepared by LDR as approved by the County Arborist, in consultation with the Fairfax County Water Authority with regard to water easements. Street and parking lot encroachment within this buffer shall not be permitted.

3. If at the time of the final engineering of the site, utilities are located within landscaped areas of parking lots within Land Bay C, alternate landscaped areas shall be provided within the parking lot or the utilities shall be relocated to provide a minimum of (8%) parking lot landscaping, subject to approval by the Director of DEM, in consultation with the County Arborist.

4. Prior to any blasting activity on the subject property, Applicant shall, at its sole expense, make well inspections and make results of the inspections available to the adjacent land owners. In the event that the County Health Department determines that off-site domestic wells fail or are unusable due to decrease of infiltration or contamination related to the development of the application property up to a period of five years after the development is completed, the Applicant and/or successors in interest to Land Bay B shall take corrective action to resolve the off-site well problem, including repair of the affected well(s), redrilling of affected well(s), connection to a public water supply or other such remedy that is appropriate to the character and extent of the well failure(s). The Applicant and/or successors in interest to Land Bay B shall determine the most appropriate remedy or corrective action, subject to approval by the County Health Department. This condition shall apply to those neighborhoods and dwellings within the area between West Ox Road on the west, Route 29 on the south, I-66 on the north, and the Difficult Run Stream Valley on the east, including those neighborhoods known as Dixie Hills, Legato Acres, and Centennial Hills.

5. In the event that any septic system in the residential community to the south of Land Bays B and C fails as a result of the development of the application property, the Applicant and/or successors in interest ~~will either~~ ^{to Land Bay} repair or replace the existing septic system if approved by the Health Department, or alternatively, connect the affected property to the public sewer system. 

6. Development shall conform to the limits of clearing and grading as shown on the FDP dated June 25, 1987. A sewer line location and tree presentation plan shall be submitted

at the time of site plan review for approval by the County Arborist for all sewer lines to be located within the Environmental Quality Corridor (EQC) and within all other tree preservation areas shown on the FDP. The County Arborist and Director of DEM shall have approval authority over the clearing and grading necessary for the reasonable locations of all sewer lines.

7. All other utilities, trails, and other public improvements, located in the EQCs and within all other tree preservation areas shown on the FDP shall also be reviewed and approved for location and tree preservation by the County Arborist. Or, the owner shall provide a forest management plan development by a consulting Arborist or urban forester that addresses these issues and is subject to the review and approval by the County Arborist. Such reviews and approvals shall be obtained from the County Arborist and the Director of DEM prior to any land disturbing activities.

8. The EQC areas and the wooded slope open space areas on Land Bay D shown on the FDP dated June 25, 1987, as tree preservation areas within the stream valley, shall be dedicated to Board of Supervisors as public open space. Said dedication shall include those facilities shown as stormwater management facilities within the same area, but shall not include tot lot areas. A dedication line shall be drawn on the construction plan at the time of dedication which delineates those areas as described above. Density for that dedicated portion shall be expressly reserved for Land Bay D.

9. All open space within the single family attached unit area of Land Bay D which is not subject to Proffer E.8 shall be included within a site plan for the attached units and shall be dedicated to the future homeowners' association for Land Bay D. All such other open space within the multifamily area of Land Bay D shall be owned by a condominium unit owners' association in the event of a condominium conversion.

F. NOISE ATTENUATION

1. For those residential areas within 200 feet from centerline of the Government Center Parkway and those areas within 400-1,300 feet from centerline of Lee Highway (Route 29) the following highway noise mitigation measures shall be implemented:

a) In order to achieve a maximum interior noise of 45 dBA Ldn in all units located within that area impacted by highway noise having levels between 65 and 70 dBA Ldn, all units within this impacted area shall have the following acoustical attributes:

at the time of site plan review for approval by the County Arborist for all sewer lines to be located within the Environmental Quality Corridor (EQC) and within all other tree preservation areas shown on the FDP. The County Arborist and Director of DEM shall have approval authority over the clearing and grading necessary for the reasonable locations of all sewer lines.

7. All other utilities, trails, and other public improvements, located in the EQCs and within all other tree preservation areas shown on the FDP shall also be reviewed and approved for location and tree preservation by the County Arborist. Or, the owner shall provide a forest management plan development by a consulting Arborist or urban forester that addresses these issues and is subject to the review and approval by the County Arborist. Such reviews and approvals shall be obtained from the County Arborist and the Director of DEM prior to any land disturbing activities.

8. The EQC areas and the wooded slope open space areas on Land Bay D shown on the FDP dated June 25, 1987, as tree preservation areas within the stream valley, shall be dedicated to Board of Supervisors as public open space. Said dedication shall include those facilities shown as stormwater management facilities within the same area, but shall not include tot lot areas. A dedication line shall be drawn on the construction plan at the time of dedication which delineates those areas as described above. Density for that dedicated portion shall be expressly reserved for Land Bay D.

9. All open space within the single family attached unit area of Land Bay D which is not subject to Proffer E.8 shall be included within a site plan for the attached units and shall be dedicated to the future homeowners' association for Land Bay D. All such other open space within the multifamily area of Land Bay D shall be owned by a condominium unit owners' association in the event of a condominium conversion.

F. NOISE ATTENUATION

1. For those residential areas within 200 feet from centerline of the Government Center Parkway and those areas within 400-1,300 feet from centerline of Lee Highway (Route 29) the following highway noise mitigation measures shall be implemented:

a) In order to achieve a maximum interior noise of 45 dBA Ldn in all units located within that area impacted by highway noise having levels between 65 and 70 dBA Ldn, all units within this impacted area shall have the following acoustical attributes:

c) STC shall be interpreted to mean "as determined by an acoustical expert" acceptable to the Director of the Office of Comprehensive Planning.

G. TRAILS

1. Trails shall be provided in accordance with both the County Wide Trails Plan and the Fairfax Center Area Non-motorized Circulation Plan. Pedestrian circulation by way of trails/sidewalks, shall be provided within land bays, between land bays, and from developed areas to the major open space areas as shown on FDP including:

a) An eight foot (8') wide bike trail along the subject property's northern side of the subconnector road and on the bridge over I-66.

b) An eight foot (8') wide trail along the subject property's Route 29 frontage.

c) A ten foot (10') wide easement for a trail along Land Bay A's Fair Lakes Parkway frontage.

2. Within each land bay, bicycle parking facilities equating to five percent (5%) of the total provided parking shall be provided.

3. If permitted by VDOT and the Fairfax Office of Transportation, the Applicant shall provide a pedestrian crossing with pedestrian activated signal across the Government Center Parkway as it separates Land Bay D. The purpose of the said signal will be to provide safe access to the recreational facilities located on the south side of the Government Center Parkway.

H. TRANSPORTATION

1. Contributions to the Fairfax Center Area Road Fund shall be made in accordance with the Procedural Guidelines adopted by the Board of Supervisors on November 22, 1982, as revised, and as may be revised in the future.

2. The following road improvements involving Route 29 shall be provided:

a) Right of way measured 55 feet and 65 feet where turn lanes are provided, from the existing centerline of Route 29 shall be dedicated along the subject property's Route 29 frontage. The value of the right of way dedicated for the through lane shall be creditable against the Fairfax Center Area Road Fund contribution.

b) The construction of an additional westbound through lane along the frontage of the property shall be completed with face of curb set 47 feet from the existing centerline of Route 29. This through lane shall be creditable against the Fairfax Center Area Road Fund contribution.

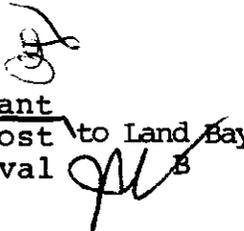
c) The construction of right turn deceleration lanes shall be completed along westbound Route 29 into the entrances of Land Bay D, generally as shown on the FDP.

d) The construction of the westernmost access point shall be completed and located approximately 800 feet east of the existing Route 29 crossover at Holly Avenue, generally as shown on the FDP.

e) The construction of the intersection at the westernmost access point shall be completed with left turn lanes, generally as shown the FDP, at two locations:

i. One left turn lane inbound to the site from eastbound Route 29.

ii. Two left turn lanes outbound from the site to eastbound Route 29.

f) A traffic signal shall be provided by the Applicant or its successors in interest ~~at the westernmost crossover at the request of and subject to the approval of VDOT.~~ ^{to Land Bay} 

g) The easternmost access point on Route 29 for Land Bay D is temporary only. Applicant or its successors in interest to Land Bay D shall close said access point upon completion of the following roadway improvements:

i. The subconnector road east of Land Bay D between the Government Center Parkway and Route 29.

ii. The Government Center Parkway connection to the subconnector road east of Land Bay D.

iii. The interparcel access through the adjacent property southeast of Land Bay D to the Government Center Parkway.

h) The construction of the temporary easternmost access point shall be completed with:

i. One left turn lane inbound to the site from eastbound Route 29.

- ii. One right turn lane inbound to the site from westbound Route 29.

3. The following road improvements involving the east-west subconnector road shall be provided:

a) A four lane divided subconnector road shall be built from north of I-66, at the southern property line of RZ 84-P-101, bridging I-66, and traversing Land Bay B to the connection with Government Center Parkway just northeast of Land Bay B generally as shown on the FDP.

b) A two lane section of the subconnector road with 27 feet of pavement including curb and gutter with face of curb set 35 feet from existing centerline shall be built from the intersection of the Government Center Parkway just northeast of Land Bay B to that point where the subconnector turns to cross the northeastern corner of Land Bay C at the EQC, as shown on the FDP. A four lane divided portion to the subconnector shall be built in this northeastern corner of Land Bay C, generally as show on the FDP.

c) The subconnector bridge shall be built to initially accommodate four lanes of vehicular traffic and a sixteen foot (16') median and an eight foot wide bike lane, but the construction shall be designed to ultimately accommodate six lanes plus an eight foot wide bike lane. The bridge will span up to 12 I-66 travel lanes, whether required for HOV use or general traffic, and an improved Random Hills Road. The construction costs of bridging I-66 shall be seventy-five percent (75%) creditable against the Fairfax Center Area Road Fund construction. Any off-site acquisition costs associated with the bridge structure over I-66 shall be seventy-five percent (75%) creditable but in no event shall the creditable acquisition costs and creditable right of way for other projects exceed one-third of the total Fairfax Center Area Road Fund contribution.

d) The construction of a right turn deceleration lane along the eastbound subconnector shall be completed at the intersection with the Government Center Parkway just northeast of Land Bay B.

e) Sufficient off-site right of way shall be acquired and dedicated for the ultimate Comprehensive Plan designation of a six lane divided subconnector and its bridging of I-66 between the portion of the subconnector previously committed as part of the Centennial Development Plan and the subconnector's intersection with the Government Center Parkway just northeast of Land Bay B. In the event the applicants or successors are unable to obtain the necessary right of way, the County will be requested to acquire the right of way and

grading easements by means of its condemnation powers at the applicant's expense. Sufficient right of way shall be dedicated in order to accommodate the subconnector east of the Government Center Parkway, generally as shown the FDP.

4. The following road improvements involving the Government Center Parkway shall be provided:

a) Construction shall be completed on the Government Center Parkway as follows:

- i. A six lane divided roadway within 110 feet of dedicated right of way with 78 feet of pavement and a 16 foot wide median between the intersection of the subconnector road just northeast of Land Bay B and the first entrance into Land Bay B.
- ii. A four lane divided roadway within 90 feet of dedicated right of way with 54 feet of pavement including gutter pans and a 16 foot median shown on the FDP between the northernmost entrance into Land Bay B and the southernmost entrance into Land Bay C.
- iii. A six lane divided roadway within 110 feet of dedicated right of way with 78 feet of pavement and a 16 foot wide median between the southernmost entrance into Land Bay C and the intersection of the Route 29 access road.
- iv. A four lane divided roadway within 90 feet of dedicated right of way within 54 feet of pavement including gutter pans and a 16 foot median as shown on the FDP between the intersection of Route 29 access road and the eastern property line of Land Bay D.

b) The construction of turn lanes on the Government Center Parkway shall be completed at all entrances on and off of the Parkway as shown on the FDP.

5. The following road improvements involving Legato Road shall be provided:

a) Right of way measured 27 feet from existing centerline of Legato Road shall be dedicated prior to site plan approval for any portion of Land Bay B.

b) The construction of road widening improvements with face of curb set 20 feet from centerline of existing pavement shall be completed prior to occupancy of any portion of Land Bay B.

c) The necessary right of way shall be dedicated at time of site plan approval for any portion of Land Bay B for a cul-de-sac on Legato Road in the southwest corner of Land Bay B, as shown the FDP.

6. The following road improvements involving the Legato Road access road shall be provided by the Applicant:

a) Right of way measuring 80 feet shall be dedicated and the construction of the roadway connecting Legato Road and the construction of the Government Center Parkway shall be completed, as shown on the FDP.

7. The following road improvements involving the Route 29 Access Road shall be provided:

a) Right of way measuring 90 feet shall be dedicated and the construction of the roadway connecting the Government Center Parkway and Route 29 shall be completed, as shown on the FDP.

8. The construction of a right turn deceleration lane shall be completed on the Fair Lakes Parkway at the entrance to Land Bay A, as shown on the FDP.

9. All public roadway improvements shall be implemented in accordance with VDOT and Fairfax County standards.

10. In the event that bus service is provided to the site, Applicant shall work with WMATA and VDOT to determine appropriate locations for bus stops and shelters as deemed necessary.

11. Sufficient funds as determined by VDOT and DEM shall be escrowed with DEM at the time of construction plan approval for traffic signal installation based on ultimate intersection projections. Said escrow amount shall not exceed Two Hundred Fifty Thousand Dollars and No/100 (\$250,000.00). Payments made during the first year from the date of rezoning shall be made at the rate set forth herein above. Payments made after the first year from the date of rezoning shall be subject to inflationary adjustments based upon actual time of payments, using the initial payment amount set forth above as the base and applying the inflationary rate set forth in the Engineering News Record for the applicable period.

12. Applicant shall contribute one-third (1/3) of the cost of the East-West Subconnector from the subconnector crossing of the Environmental Quality Corridor (EQC), as shown on the submitted FDP, south to an at-grade intersection with Route 29.

I. TRANSPORTATION MANAGEMENT STRATEGIES

1. An ongoing ride sharing program shall be coordinated with the Fairfax County ride sharing staff, and established at each office building, including the Governmental Center.

2. When sixty percent (60%) of the non-residential space is occupied including the Governmental Center, the Applicant or successors shall prepare a traffic analysis to the mutual satisfaction of the Applicant and the Fairfax County Office of Transportation comparing traffic generated by the then existing development within these areas with traffic projections made in the traffic analysis prepared by Street Traffic Studies for the subject rezoning RZ 86-W-001 and CDPA 86-W-001-1. In the event this analysis indicates that traffic generation from such existing development with the said areas is in excess of the projected traffic generation for comparable square footage of development as identified in the analysis for the rezoning, Applicant or successor shall take the following actions:

a) One or more of the following transportation management strategies shall be implemented in coordination with the Office of Transportation:

- i. Car-pool/van-pool programs established for employees occupying structures on the property and a program under the direction of a transportation coordinator provided by and at the expense of the occupants of additionally established uses within said areas.
- ii. A program for matching car-pool and van-pool service coordinated with various governmental agencies and other private employers.
- iii. Convenient parking in preferred locations designated for car-pool/van-pool use.
- iv. A pay parking policy provided incentives for ride sharing participants.
- v. Mass transit usage encouraged by construction of bus shelters and pedestrian walkways linking access to adjacent communities.
- vi. In the event a direct feeder bus service between the application property, other area development, and the Vienna Metro Station is not provided by the public sector, a peak hour shuttle bus service to the Vienna Metro Station may be implemented in cooperation with other major developments in the immediate area.

3. Non-rups for commercial/office development in excess of the amount occupied shall be approved only for that

portion of the remaining non-residential development which can be supported by the trip rates found as a result of the study.

4. If the above Transportation Systems Management (TSM) strategies are not effective, additional TSM techniques acceptable to the developer and to the Fairfax County Office of Transportation shall be implemented to achieve the project level of trip generation. If the developer and the County Office of Transportation cannot agree upon the appropriate TSMs, then TSMs recommended by a mutually acceptable traffic consultant (employed at the cost of the Applicant or its successors) which achieve the projected level of trip generation shall be implemented and maintained.

J. PHASING

1. Phasing of development of Land Bays A and B shall occur as follows:

a) A minimum of thirty-three percent (33%) of the residential development (242,000 square feet within Land Bay D) must be completed, as evidenced by issuance of Residential Use Permits prior to the issuance of a building permit for commercial/office buildings which would exceed forty percent (40%) (586,667 square feet) of the approved total GFA for Land Bays A and B.

b) A minimum of fifty percent (50%) of the residential development (444,000 square feet) must be completed, as evidenced by issuance of Residential Use Permits, prior to the issuance of building permits for commercial/office buildings which would exceed seventy percent (70%) (1,026,667 square feet) of the approved total GFA for Land Bays A and B.

2. Before the issuance of the first Residential Use Permit within Land Bay D, the following transportation improvements must occur:

a) The construction of Route 29 improvements is completed.

b) The construction of the Government Center Parkway improvements is completed southeast of the Legato Road access road.

c) The construction of the Legato Road access road, as shown on the FDP, is completed.

d) The construction of the Route 29 access road, as shown on the FDP, is completed.

e) The construction of the cul-de-sac of Legato Road is completed in the location, as shown on the FDP.

Residential Use Permits for more than 298 units may be issued only after the transportation improvements in the following paragraphs have been completed.

3. The remaining Residential Use Permits (Rups) and any Non-residential Use Permits (Non-Rups) shall not be issued in Land Bays B, C, or D until the following occurs:

a) The construction of the Route 29 improvements are completed.

b) The construction of the east-west subconnector road is completed to the north between the Government Center Parkway just northeast of Land Bay B and the southern property line of the Centennial Development (RZ 84-P-101) including the bridge over I-66.

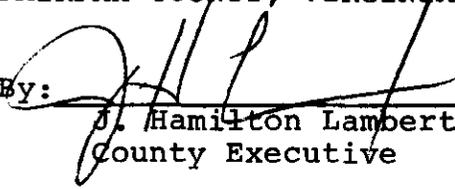
c) The construction of the east-west subconnector road is completed through the Centennial Development (RZ 84-P-101) between its southern property line and West Ox Road.

d) The construction of the Government Center Parkway in Land Bays B, C, and D, the Legato Road access road, the Route 29 access road, and the improvements to Legato Road are completed as described in paragraph two.

e) The construction of the cul-de-sac of Legato Road is completed in the location, as shown on the FDP.

4. The applicants construction of two lanes of the subconnector road (as set forth in Proffer H.3.b)), between the Government Center Parkway just northeast of Land Bay B and the northeastern corner of Land Bay C near the EQC, shall be completed no later than two years after the subconnector is completed to the east of Land Bays C and D, connecting with Route 29.

BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA

By: 

J. Hamilton Lambert
County Executive

SMITH/ARTERY

By: 

President

FAIRFAX COUNTY, VIRGINIA
MEMORANDUM

TO: James Zook, ^{Barb Byron} Director
Office of Comprehensive
Planning

DATE: July 25, 1989

FROM: J. Hamilton Lambert
Acting Deputy County Executive for
Planning and Development

SUBJECT: Density Credit for Advance Dedication of Land for Public
Street Purposes (Government Center Parkway (Springfield
District))

At its meeting on July 24, 1989, the Board of Supervisors adopted the attached resolution approving density credit for the portion of the lots or parcels listed on the attached Item A-5 that will be dedicated for public use for public street purposes.

JHL:mlh
Attachment

RECEIVED

JUL 27 1989

OFFICE OF COMPREHENSIVE PLANNING
DIRECTOR'S OFFICE

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

JUL 27 1989

ZONING EVALUATION DIVISION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room of the Massey Building at Fairfax, Virginia, on Monday, July 24, 1989, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, the proposed construction of the Government Center Parkway requires street dedication on the portion of land identified as Tax Map Parcel 56-2 ((1)) 69-A (approximately 2,776 square feet), and

WHEREAS, the owners of the land have offered to grant the dedication, provided that density credit is granted in connection with any future development of the land, and

WHEREAS, the dedication will be made without any monetary consideration,

BE IT RESOLVED that this Board approves density credit pursuant to the Fairfax County Zoning Ordinance, Section 2-308, for land dedicated to public use by the said owners in connection with the project set forth above in proportion to the amount of right-of-way dedicated from each parcel.

A copy - Teste



Theodore Austell, III
Clerk to the Board (Acting)

PARCEL 2

THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA
DEED BOOK 5204 PAGE 85 & DEED BOOK 7125 PAGE 13:7

GOVERNMENT CENTER
PARKWAY

THE BOARD OF SUPERVISORS
OF FAIRFAX COUNTY, VIRGINIA
DEED BOOK 5294 PAGE 85 &
DEED BOOK 7125 PAGE 13:7

EXISTING
TEMPORARY CONSTRUCTION
EASEMENT
DEED BOOK 7266 PAGE 687

LEE HIGHWAY ROUTE 29 & 211

EXISTING SUBSIDIARY EASEMENT
DEED BOOK 7125 PAGE 13:7

274.39 (101M)

2.776 SQ FT OR 0.06373 ACRES HEREBY
DEDICATED TO PUBLIC STREET PURPOSES

EXISTING TEMPORARY
CONSTRUCTION EASEMENT
DEED BOOK 7266 PAGE 687

1. 1724.34 M
2. 1,097.00
3. 287.16
4. 124.84
5. 124.84
6. 124.84
7. 124.84
8. 124.84
9. 124.84
10. 124.84
11. 124.84
12. 124.84
13. 124.84
14. 124.84
15. 124.84
16. 124.84
17. 124.84
18. 124.84
19. 124.84
20. 124.84
21. 124.84
22. 124.84
23. 124.84
24. 124.84
25. 124.84
26. 124.84
27. 124.84
28. 124.84
29. 124.84
30. 124.84
31. 124.84
32. 124.84
33. 124.84
34. 124.84
35. 124.84
36. 124.84
37. 124.84
38. 124.84
39. 124.84
40. 124.84
41. 124.84
42. 124.84
43. 124.84
44. 124.84
45. 124.84
46. 124.84
47. 124.84
48. 124.84
49. 124.84
50. 124.84
51. 124.84
52. 124.84
53. 124.84
54. 124.84
55. 124.84
56. 124.84
57. 124.84
58. 124.84
59. 124.84
60. 124.84
61. 124.84
62. 124.84
63. 124.84
64. 124.84
65. 124.84
66. 124.84
67. 124.84
68. 124.84
69. 124.84
70. 124.84
71. 124.84
72. 124.84
73. 124.84
74. 124.84
75. 124.84
76. 124.84
77. 124.84
78. 124.84
79. 124.84
80. 124.84
81. 124.84
82. 124.84
83. 124.84
84. 124.84
85. 124.84
86. 124.84
87. 124.84
88. 124.84
89. 124.84
90. 124.84
91. 124.84
92. 124.84
93. 124.84
94. 124.84
95. 124.84
96. 124.84
97. 124.84
98. 124.84
99. 124.84
100. 124.84

BENJAMIN M. SMITH, JR. & JACK W. CARNEY,
TRUSTEES

SURVEYOR'S CERTIFICATE
I HAVE BEEN A CALY CERTIFIED LAND SURVEYOR IN THE
COMMONWEALTH OF VIRGINIA DO HEREBY CERTIFY THAT THE
LAND DESCRIBED IN THIS SITE IS NOW IN THE NAME OF
BENJAMIN M. SMITH, JR. & JACK W. CARNEY, TRUSTEES AND
WAS ACQUIRED FROM FLORENCE E. FORD, ET AL BY DEED
DATED APRIL 13, 1980 AND RECORDED IN DEED BOOK 1877 AT
PAGE 151 ABOVE THE LAND RECORDS OF FAIRFAX COUNTY,
VIRGINIA.
I FURTHER CERTIFY THAT ALL COURSES ARE REFERENCED TO
THE VIRGINIA STATE GRID NORTH IN ACCORDANCE WITH THE
REQUIREMENTS OF THE FAIRFAX COUNTY SUBDIVISION CONTROL
ORDINANCE
GIVEN UNDER MY HAND THIS 13TH DAY OF APRIL, 1987.

James C. Tompkins, Jr.
Surveyor

OWNER'S CERTIFICATE

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE FOLLOWING DESCRIBED LAND, PART OF THE EASEMENT IN SMITH & CARNEY TRUSTS, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE TERMS OF THE UNRECORDED CONVEYANCE AND TRUSTS, IF ANY, WE FURTHER AGREE THAT IRON PIPES WILL BE SET IN ACCORDANCE WITH THE REQUIREMENTS OF THE FAIRFAX COUNTY SUBDIVISION CONTROL ORDINANCE.

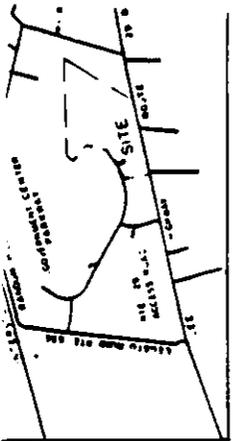
DATE

DATE

STREET DEDICATION
ON THE PROPERTIES OF
BENJAMIN M. SMITH, JR. & JACK W. CARNEY
TRUSTEES
DEED BOOK 1877 PAGE 151
SPRINGFIELD, VIRGINIA
FAIRFAX COUNTY, VIRGINIA



1808 Robert Fulton Drive • Reston, Virginia 22091
703-460-3800
APR 88



VICINITY MAP

NOTES

- 1. THE PLANNING DEVELOPMENT OF THIS SITE IS IN ACCORDANCE WITH THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA DEED BOOK 5204 PAGE 85 AND IS ZONED R-1.
- 2. PLANNING INFORMATION TAKEN FROM EXISTING RECORDS IS NOT TITLE REPORT FINISHED.



NOTICE:
 THIS MAP IS SUBJECT TO
 THE PROVISIONS OF
 THE ZONING ORDINANCE
 OF THE CITY OF
 DENVER, COLORADO

FOR BOARD PACKAGE

TO: COUNTY EXECUTIVE

DATE: June 29, 1989

VIA: Deputy County Executive

FROM: James P. Braham
Director, Office of Comprehensive Planning

SUBJECT: Action ITEM FOR BOARD MEETING ON: July 24, 1989
(text type) Date

TITLE: Density Credit for Advance Dedecation of Land for Public Street Purposes (Government Center Parkway) (Springfield District)

AUTHOR: Braham Phone No.: 246-1290

THIS ITEM HAS BEEN COORDINATED WITH: (Indicate if not applicable)

- County Attorney George A. Symanski
- OMB _____
- Office of Robert L. Moore
- Transportation _____

DISTRICT: Springfield

Is There Need For Supervisor To Be Advised Of This Item?

Yes, and Supervisor has been advised. No

Verbal Written

IS PROPOSED BOARD DATE CRITICAL? Yes No EXPLAIN: _____

IS FUNDING INVOLVED? Yes No

If YES, give amount, source. _____

NOTE: Be sure item is reviewed appropriately.

WHAT ACTION, EVENT, OR REQUEST INSTIGATED THIS ITEM? Request from Martin D. Walsh
dated April 11, 1989

COMMENTS: (Any special action necessary, etc.?)

Memo to the Board

July 24, 1989

A- Density Credit for Advance Dedication of Land for Public Street Purposes (Government Center Parkway) (Springfield District).

ISSUE: Board approval of density credit for a road dedication prior to the development of the land from which the right-of-way is to be severed.

RECOMMENDATION: I recommend that the Board approve density credit for the portion of land identified as Tax Map Parcel 56-2 ((1)) 69A (approximately 2,776 square feet) that is to be dedicated for public use for public street purposes.

TIMING: Routine.

BACKGROUND: A request for advance density credit has been submitted by letter dated April 11, 1989 from Martin D. Walsh of Walsh, Colucci, Stackhouse, Emrich & Lubeley on behalf of the applicants, Benjamin A. Smith, Jr., and Jack W. Carney. A copy of the request is enclosed as Attachment 1. The land being dedicated is to accommodate the planned road improvements for proposed Government Center Parkway as shown on the reduced copy of the dedication plat (see Attachment 3). The applicants are willing to dedicate the right-of-way necessary to construct the realignment of a portion of Government Center Parkway but have requested advance density credit be approved for future development of the parcel in lieu of monetary compensation.

Par. 5 of Sect. 2-308 of the Fairfax County Zoning Ordinance expressly allows such density credit for land that is dedicated to public use without monetary compensation, with prior approval of the Board of Supervisors.

ENCLOSED DOCUMENTS: 1) Copy of letter requesting advance density credit; 2) Reduction of Dedication Plat; 3) Locator Map; and 4) Resolution.

STAFF: James P. Zook, Director, Office of Comprehensive Planning; Barbara A. Byron, Director, Zoning Evaluation Division, OCP; Peter H. Braham, Senior Staff Coordinator, Zoning Evaluation Division, OCP.

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
990 NORTH GLEBE ROAD, SUITE 300
ARLINGTON, VIRGINIA 22203
(703) 528-4700
TELECOPY (703) 525-3197

D. WALSH
J. COLUCCI
S. MALINCHAK
STACKHOUSE
EMRICH
O. LUBELEY
S. L. SHUMATE

MARTIN
ERPAX
A. FOGARTY
S. BARNETT, JR.
BOMGARDNER
STEWART
A. RATHBUN

UNSEL
CANNON

PRINCE WILLIAM OFFICE
VILLAGE SQUARE
13863 OFFICE PLACE, SUITE 201
WOODBRIIDGE, VIRGINIA 22192
(703) 690-4664
METRO 690-4647
TELECOPY (703) 690-2412

LOUDOUN OFFICE
WAVERLY PARK
804 SOUTH KING STREET, SUITE 200
LEESBURG, VIRGINIA 22075
(703) 777-8977
METRO 478-1340
TELECOPY (703) 478-1348

April 11, 1989

Ms. Barbara Byron, Director
Zoning Evaluation Branch
Office of Comprehensive Planning
4050 Legato Road, 7th floor
Fairfax, Virginia 22030

Re: Advanced Dedication and Reservation of 2,776 Sq. Ft.
Tax Map No. 56-2((1)) Parcel 69A

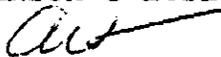
Dear Barbara:

Benjamin M. Smith, Jr. and Jack W. Carney, Trustees are preparing to dedicated 2,776 square feet of right of way for Government Center Parkway as shown on the attached plat. This road is in conformance with the County's Transportation Plan and will assist in the development of the Fairfax Government Center.

It is hereby requested that the Board of Supervisors make the necessary resolutions in order to provide for advanced dedication of this right of way with a reservation of density credit in accordance with Zoning Ordinance S2-308. Should you have any questions concerning the enclosed, please do not hesitate to call. As always, your cooperation and assistance are greatly appreciated.

Sincerely,

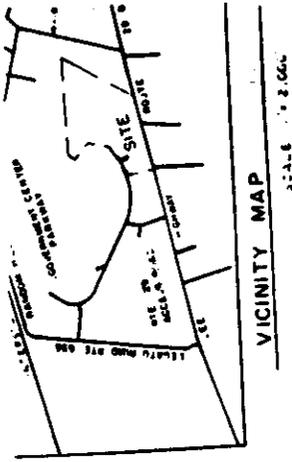
WALSH, COLUCCI, STACKHOUSE,
EMRICH & LUBELEY, P.C.



Martin D. Walsh

Enclosure

cc: Elaine McConnell
/Byron/5:LJS02



NOTES
 1. THE PLATS DELINEATED ON THIS PLAN IS THE OWNERS OWN
 2. COUNTY TAX MAP 54-2 (11) PARCEL 59-A AND IS ZONED PUM
 3. BOUNDARY INFORMATION TAKEN FROM EXISTING RECORDS
 4. NO TITLE REPORT P. 01N-54C

PARCEL 2

THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA
 DEED BOOK 5204 PAGE 85 & DEED BOOK 7125 PAGE 1517

**GOVERNMENT CENTER
 PARKWAY**

2,776.50 FT OR 0.06373 ACRES HEREBY
 DEDICATED TO PUBLIC STREET PURPOSES

OWNER'S CERTIFICATE
 THE TRUSTEES OR DEDICATION OF THE FOLLOWING DESCRIBED LAND, PROPERTY OF BENJAMIN M. SMITH, JR. & JACK W. CARNEY, TRUSTEES, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, TRUSTEES, AND TRUSTEES, IF ANY, WE FURTHER AGREE THAT IRON PIPES WILL BE SET IN ACCORDANCE WITH THE REQUIREMENTS OF THE FAIRFAX COUNTY SUBDIVISION CONTROL ORDINANCE.

**BENJAMIN M. SMITH, JR. & JACK W. CARNEY,
 TRUSTEES**

SURVEYOR'S CERTIFICATE

EUGENE C. DORN, I.C.A.S., CERTIFIED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, IS NOW IN THE NAME OF LAND EMBRACED IN THIS SITE, IN THE NAME OF BENJAMIN M. SMITH, JR. & JACK W. CARNEY, TRUSTEES AND WAS ACQUIRED FROM FLORENCE E. FORD, ET AL. BY DEED DATED APRIL 15, 1980 AND RECORDED IN DEED BOOK 1877 AT PAGE 1517 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
 I, FURTHER CERTIFY THAT ALL COURSES ARE REFERENCED TO THE VIRGINIA STATE GRID NORTH IN ACCORDANCE WITH THE REQUIREMENTS OF THE FAIRFAX COUNTY SUBDIVISION CONTROL ORDINANCE.
 GIVEN UNDER MY HAND THIS 05th DAY OF APRIL, 1982.

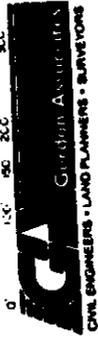
EUGENE C. DORN, I.C.S. #1545

LEE HIGHWAY ROUTE 29 & 211

THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA
 DEED BOOK 5204 PAGE 85 & DEED BOOK 7125 PAGE 1517

DATE _____ OWNER _____
 DATE _____ TRAVEE _____

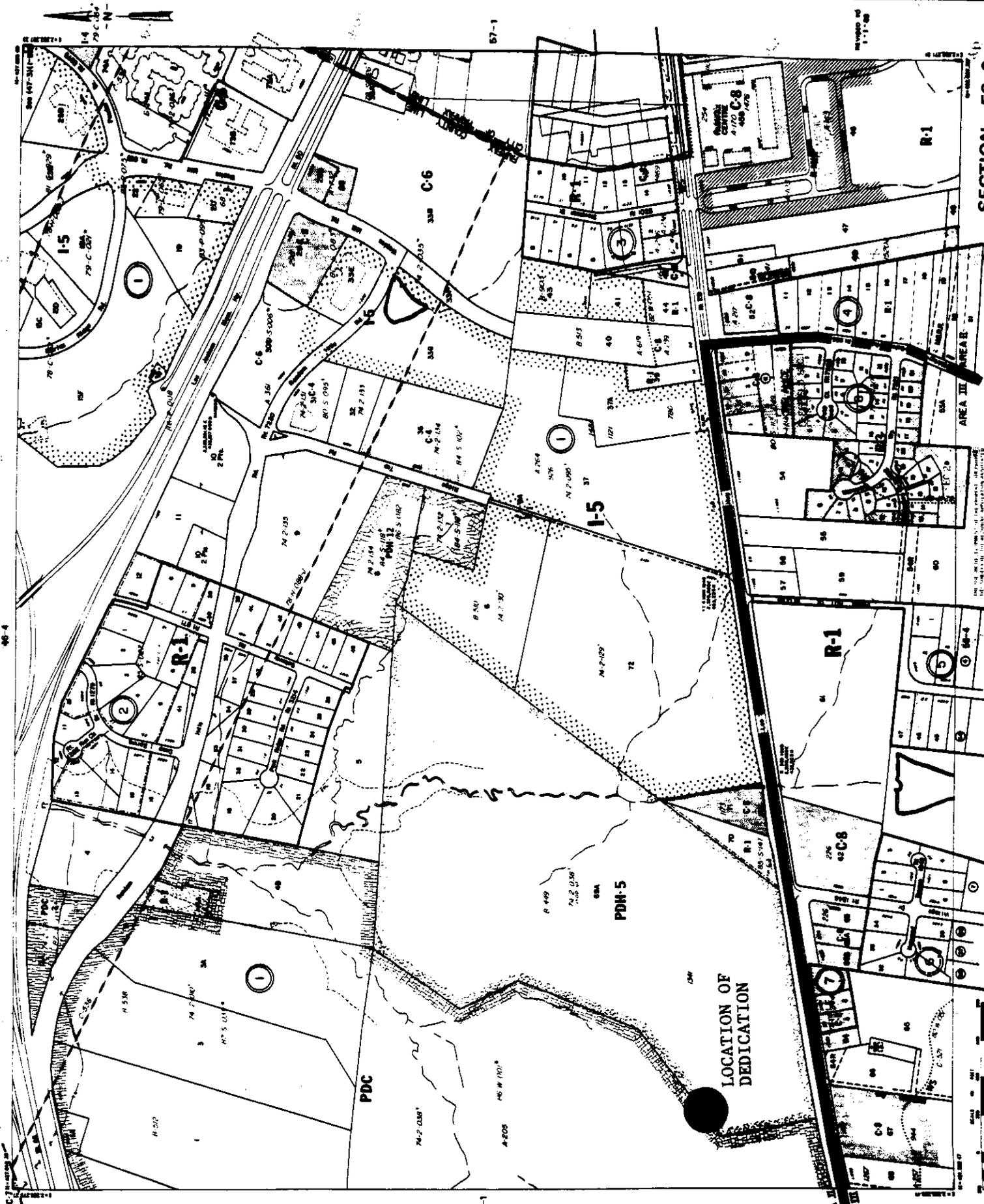
STREET DEDICATION
 ON THE PROPERTY OF
**BENJAMIN M. SMITH, JR. & JACK W. CARNEY
 TRUSTEES**
 DEED BOOK 1877 PAGE 1517
 SPRINGFIELD, VIRGINIA
 FAIRFAX COUNTY, VIRGINIA



1808 Robert Fulton Drive • Reston, Virginia 22081
 703-880-3800

APR 82

FAIRFAX COUNTY



SECTION 58-2

10
feet
1/4
INCHES
= 1
MILE

66-1

67-1

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room of the Massey Building at Fairfax, Virginia, on Monday, , 1989, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, the proposed construction of the Government Center Parkway requires street dedication on the portion of land identified as Tax Map Parcel 56-2 ((1)) 69-A (approximately 2,776 square feet), and

WHEREAS, the owners of the land have offered to grant the dedication, provided that density credit is granted in connection with any future development of the land, and

WHEREAS, the dedication will be made without any monetary consideration,

BE IT RESOLVED that this Board approves density credit pursuant to the Fairfax County Zoning Ordinance, Section 2-308, for land dedicated to public use by the said owners in connection with the project set forth above in proportion to the amount of right-of-way dedicated from each parcel.

A copy - Teste

Theodore Austell, III
Clerk to the Board (Acting)