



# 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  
FAX: 703-324-3926  
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July 28, 1999

Francis A. McDermott, Esquire  
Hunton and Williams  
1751 Pinnacle Drive – Suite 1700  
McLean, Virginia 22102

RE: Rezoning Application  
Number RZ 1999-DR-012  
(Concurrent with SE 99-D-015)  
(**AMENDED** - To include correct GDP reduction)

Dear Mr. McDermott:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on June 28, 1999, granting Rezoning Application Number RZ 1999-DR-012, in the name of Robert Frank Pence, to rezone certain property in the Dranesville District from the C-6 District; Highway Corridor Overlay, Sign Control Overlay, and Commercial Revitalization Districts, to the C-3 District; Highway Corridor Overlay, Sign Control Overlay and Commercial Revitalization Districts, subject to the proffers dated June 22, 1999, on subject parcel 30-2 ((1)) 17 and 18, consisting of approximately 2.40 acres.

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/ns

RZ 1999-DR-012

July 28, 1999

- 2 -

cc: Chairman Katherine K. Hanley  
Supervisor-Dranesville District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Administrator  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Fred R. Beales, Supervisor Base Property, Mapping/Overlay  
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation  
Ellen Gallagher, Project Planning Section, Dept. of Transportation  
Michelle Brickner, Deputy Director, DPW&ES  
DPW&ES - Bonds & Agreements  
Frank Edwards, Department of Highways - VDOT  
Land Acqu. & Planning Div., Park Authority  
District Planning Commissioner  
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES

ZONING EVALUATION DIVISION

JUL 29 1999

DEPARTMENT OF PLANNING AND ZONING

RECEIVED

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 28th day of June, 1999, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROPOSAL NUMBER RZ 1999-DR-012  
(CONCURRENT WITH SE 99-D-015)

WHEREAS, Robert Frank Pence filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the C-6 District: Highway Corridor Overlay, Sign Control Overlay, and Commercial Revitalization Districts to the C-3 District: Highway Corridor Overlay, Sign Control Overlay, and Commercial Revitalization Districts, 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

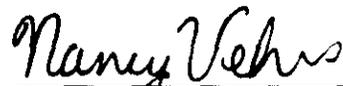
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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

Be, and hereby is, zoned to the C-3 District: Highway Corridor Overlay, Sign Control Overlay, and Commercial Revitalization Districts, and said property is subject to the use regulations of said C-3 District: Highway Corridor Overlay, Sign Control Overlay, and Commercial Revitalization Districts, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to 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 parcel.

GIVEN under my hand this 28th day of June, 1999.



Nancy Vehrs

Clerk to the Board of Supervisors



**RZ-1999-DR-012 - ROBERT FRANK PENCE  
PROFFER STATEMENT**

**APRIL 8, 1999**

**MAY 7, 1999**

**MAY 27, 1999**

**JUNE 8, 1999**

**JUNE 16, 1999**

**JUNE 17, 1999**

**JUNE 22, 1999**

Pursuant to Section 15.2-2303(A) of the Code of Virginia, as amended, and subject to the Board of Supervisors' approval of rezoning application RZ-1999-DR-012, as proposed, for rezoning from the C-6, HC, SC and CRD Districts to the C-3, HC, SC and CRD Districts, Robert Frank Pence (the "Applicant"), for himself and his successors and assigns, hereby proffers that development of Tax Map Parcels 30-2-((1))-17 and 18 (the "Property"), containing approximately 2.3974 acres, shall be in accordance with the following proffered conditions:

1. Substantial Conformity for Hotel Use. Subject to the provisions of Section 18-204 of the Zoning Ordinance, if the Property develops pursuant to special exception approval for a hotel use, the Property shall be developed in substantial conformance with the Generalized Development Plan entitled "Grand Duke Hotel, McLean" prepared by The Engineering Groupe, dated February 25, 1999; as revised through June 22, 1999 (the "GDP"), as further modified by these proffered conditions.
  
2. Substantial Conformity for Office Use. Subject to the provisions of Section 18-204 of the Zoning Ordinance, as an alternative to the hotel use should the hotel use not be implemented, the Property may be developed for office and mixed uses, not to exceed .7 FAR provided: (i) the building footprint for the office structure is located within the hotel building footprint and the expanded building envelope for office use as depicted on the GDP; (ii) those portions of the first floor of the office building fronting on Beverly Road and Old Dominion Drive shall be used for retail, financial institution, eating establishment, personal service establishment, business service and supply establishment and/or health club facility uses subject to the provisions of Section 4-300 and Article 10 of the Zoning Ordinance; however, the Applicant may use the entire first floor for such uses; (iii) the office structure shall be predominantly earth-toned red brick ("Virginia Brick") and of an architectural style similar to that depicted on sheet 4 of the GDP; (iv) parking for the office structure shall be in conformance with Article 11 of the Zoning Ordinance as modified by Section A7-300 (the McLean Commercial Revitalization District) of the Zoning Ordinance; (v) if the pool and recreation area depicted on the GDP are not constructed, this area may be converted to parking, loading spaces, and/or landscaping in which event access may be provided where loading spaces are presently shown or at such other location as may be approved by DPWES; and (vi) the office use shall be in substantial conformance with the GDP and these proffers.

3. Minor Modifications to Design. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, the Applicant may make minor adjustments to the GDP, if such changes are in substantial conformance with the GDP and these proffers, and if the changes do not increase total square footage, exceed maximum heights, decrease the minimum amount of open space, or decrease the amount of setback along the property boundaries. Such changes may include, without limitation, adjusting the size and location of building footprints and shifting parking spaces between surface and garage spaces.
4. Land Use. The maximum floor area ratio ("FAR") for the entire property shall not exceed 1.0 for hotel and Article 10 accessory and accessory service uses, or .70 for the office/mix and accessory uses permitted pursuant to Proffers 2 and 12. The Applicant reserves the right to develop a full service restaurant as a use accessory to the hotel or otherwise consistent with Article 4, Part 3 (the C-3 Office District) of the Zoning Ordinance.
5. Right-of-Way Dedication. As depicted on the GDP and/or as otherwise consistent with Proffer 9, the Applicant shall dedicate right-of-way along the Beverly Road frontage of the Property as depicted on the GDP. All right-of-way dedicated in conjunction with these proffers and as depicted on the GDP shall be conveyed to the Board of Supervisors in fee simple upon demand by the County or at the time of recordation of the approved final site plan, whichever occurs first.
6. Utilities. Subject to approval by the appropriate utility provider, the Applicant shall relocate, underground, any overhead utility lines located on or traversing the Property, within an approved utility easement, located in consultation with Fairfax County Department of Public Works and Environmental Services ("DPWES") at the time of site plan approval; however, the Applicant shall not be required to underground any utility lines traversing streets.
7. Architecture. The hotel structure shall be of an architectural style and quality comparable to the elevations on Sheet 4 of the GDP. Brick portions of the building façade shall be predominantly earth-toned red brick ("Virginia Brick").
8. Landscaping, Streetscaping and Plaza. Landscaping and streetscaping shall be provided in substantial conformance with the location, quality and quantity of plantings depicted on Sheets 2 and 3 of the GDP. The location and design of the plaza located on Beverly Road ("Plaza") and the location and design of the corner feature/amenity area at the intersection of Old Dominion Drive and Beverly Road shall be in substantial conformance with the illustrative plans on Sheet 3 of the GDP. If, during the process of site plan review, any landscaping shown on the GDP is removed or moved to locate utility lines as determined necessary by DPWES, an area of additional landscaping of equivalent value may be substituted at another location or locations on the Property; to facilitate approval by DPWES of the design and location of the Plaza as shown, the Applicant shall commit to restoration, to the approved design, should maintenance access by DPWES cause removal or destruction. It shall be the responsibility of the

Property owner/Applicant to prune trees planted within the VDOT right-of-way or within an easement maintained by VDOT to ensure adequate sight distance. If utility easements or line of sight issues preclude the planting of trees as depicted on Old Dominion Drive, the trees will be relocated to another portion of the site and the planting strip along Old Dominion Drive will be landscaped with a combination of low growing shrubs and flower beds. The Plaza shall be privately owned and maintained by the Applicant. Use of the Plaza for community sponsored public events will be evaluated by the Applicant on a case by case basis and, while it is the Applicant's intent to generally allow such uses so long as they are not detrimental to the Property and its users, such uses shall be permitted in each instance at the Applicant's sole discretion; in the absence of a PCA approved by the Board of Supervisors, the Plaza shall not be converted to parking, expanded structure, or other uses inconsistent with its design intent as a focal point and gathering place. Plant species, lighting fixtures and street furniture, including benches and trash receptacles actually provided, shall be in substantial conformance with the applicable McLean Central Business Center (CBC) Open Space Design Standards for Sub-area 22a as defined and described in Plan Amendment 95-30.

9. Sidewalks. As depicted on the GDP, and subject to approval by the Virginia Department of Transportation ("VDOT") and/or approval by DPWES, the Applicant shall construct (i) a 7 1/2' brick sidewalk with adjacent planting strip extending along the Property's Old Dominion Drive frontage and extending along the Property's Beverly Road frontage to the plaza area; and (ii) a 5' brick sidewalk with adjacent planting strip along the Property's Beverly Road frontage from the plaza area to the southwestern property boundary. Said sidewalks shall be designed in conformance with VDOT standards defined in Special Design Section A-97 or an alternative standard provided by DPWES; however, if required by VDOT or Fairfax County for maintenance purposes, said sidewalks may be constructed to a lesser width than noted in (i) and (ii) above, or of a lesser paving material (such as stamped concrete resembling brick or concrete paving units). All such sidewalk improvements shall be constructed within the public right-of-way, which may require additional right-of-way dedication from the Applicant, unless it is determined at the time of site plan approval that the improvements shall be accepted by VDOT for maintenance within a public access easement. If there is dedication of right-of-way to the Board of Supervisors in conjunction with sidewalk improvements, all intensity of use attributable to land areas dedicated and conveyed to the Board of Supervisors pursuant to these proffers shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and is hereby reserved to the residue of the subject Property.
10. Pedestrian Crosswalk. At the time of final site plan approval, the Applicant shall escrow \$27,360 to DPWES for construction by others of a brick/paver "crosswalk" across Beverly Road, within the VDOT right-of-way, in conformance with the design guidelines for the McLean Central Business Center. If said crosswalk has not been constructed by others within thirty-six (36) months of the aforesaid escrow deposit by Applicant, the escrow shall be released to Applicant by DPWES.

11. Signage. Signage shall be limited to monument and building mounted signs permitted per Article 12 of the Zoning Ordinance. The location and design of signs shall generally conform to the illustratives shown on Sheet 3 of the GDP.
12. Conversion of Hotel to Office Use. If the Property is developed for hotel use, future conversion of the hotel to office/mixed use may be permitted subject to the following conditions: (i) there shall be no piecemeal conversion of hotel rooms to office/mixed use; if conversion is proposed, all hotel space must be converted at the same time; (ii) the first floor of the structure will be used for retail, restaurant and/or financial institution uses consistent with Proffer 2 above; (iii) prior to issuance of a Non-Residential Use permit, the Applicant shall certify in writing to the Zoning Administrator and demonstrate to the Zoning Administrator's satisfaction that the total square footage for the office and mixed uses permitted pursuant to Proffer 2 above shall not exceed a .7 FAR; (iv) parking for uses located within the structure must conform to Article 11 of the Zoning Ordinance as modified by Section A7-300 (the McLean Commercial Revitalization District) of the Zoning Ordinance; (v) the basic exterior elements of the structure (such as the roofline, architectural style and materials) shall remain in substantial conformity with Sheet 4 of the GDP and Proffer 7. The Applicant acknowledges that conversion of the hotel structure to office/mixed use may involve significant design, engineering and construction costs and the Applicant is willing to accept the economic risk of such conversion.
13. Density Credit. All intensity of use attributable to land areas dedicated and conveyed to the Board of Supervisors pursuant to these proffers shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and is hereby reserved to the residue of the subject Property.
14. Successors and Assigns. Each reference to "Applicant" in this proffer statement shall include within its meaning and shall be binding upon, Applicant's successor(s) in interest and/or developer(s) of the site or any portion of the site.
15. Counterparts. To facilitate this execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all the parties to the Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.

*Robert Frank Pence by Francis A. Mc Dermott,  
Agent and Attorney-in-Fact*

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ROBERT FRANK PENCE  
BY FRANCIS A. MCDERMOTT, AGENT  
AND ATTORNEY-IN-FACT  
Applicant and Contract Purchaser

[SIGNATURES CONTINUE]

GEO. H. RUCKER REALTY CORPORATION  
Title Owner of Parcels 30-2-((1))-17 and 18

By: Richard Wolf  
Name: RICHARD C. WOLF  
Title: EXEC. V. P.

POWER OF ATTORNEY TO EXECUTE PROFFERS

KNOW ALL MEN BY THESE PRESENTS that I, Robert Frank Pence, of 1359 Beverly Road, McLean, Virginia 22101, applicant in Fairfax County rezoning application No. RZ 1999-DR-012, have made, constituted and appointed Francis A. McDermott, 1751 Pinnacle Drive, McLean, Virginia 22102, my true and lawful attorney to execute on my behalf any and all proffers in connection with Fairfax County Application RZ 1999-DR-012 pursuant to Section 15.2-2303A of the 1950 Code of Virginia, as amended, and for that purpose, for me and in my name, place, and stead, and as my act and deed, to do and execute, or to concur with persons jointly interested with me therein in the execution of said proffers, in the same manner and with the same effect as I myself might or could

KNOW ALL MEN FURTHER that this power of attorney, and the authority herein granted, shall not terminate on disability, incompetence, or incapacity of the principal.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 11<sup>th</sup> day of June, 1999.

Robert Frank Pence (SEAL)  
ROBERT FRANK PENCE

STATE OF Virginia  
COUNTY OF Fairfax, to wit:

I, the undersigned Notary Public in and for the State and County aforesaid, do hereby certify that Robert Frank Pence, whose name is signed to the foregoing, has this day personally appeared before me and acknowledged the same to be his act and deed.

GIVEN under my hand this 11<sup>th</sup> day of June, 1999.

Jeanne Stathopoulos  
NOTARY PUBLIC

My Commission Expires: 7.31.99

## PLANNING COMMISSION PROPOSED DEVELOPMENT CONDITIONS

SE 99-D-015

June 24, 1999

If it is the intent of the Board of Supervisors to approve SE 99-D-015 located at 1400 Beverly Road and 6841 Old Dominion Drive at Tax Map 30-2 ((1)) 17 and 18 for a five-story hotel with a maximum FAR of 1.0, pursuant to Sects. 4-304 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the proposed hotel indicated on the special exception plat consisting of two (2) sheets entitled "Grand Duke Hotel, McLean", dated February 25, 1999 and revised to June 22, 1999. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by DEM.
3. The proposed hotel shall be developed with a maximum of 150 rooms. With the exception of the proposed 80 seat eating establishment, there shall be no dining or meeting facilities in the hotel for use of the general public. Use of hotel facilities, including the swimming pool and sports court, shall be limited to registered hotel guests only and shall not be open to the general public.
4. Prior to the issuance of permits for signs, a coordinated signage plan for the hotel shall be submitted to DPZ which demonstrates that signage conforms with the requirements of Article 12 and utilizes a design which is consistent in style and materials throughout the site. No pole signs shall be used on the site.
5. The hotel shall be constructed of Virginia Brick similar to that used in the Riggs Bank Building located at 6805 Old Dominion Drive in McLean. Stone and EIFS accents may be used. The building design shall be in substantial conformance with that shown on Sheet 4 of the Generalized Development Plan submitted with RZ 1999-DR-012 which is dated March 8, 1999, with a revision date of June 22, 1999, except that the entire facade shall be constructed of brick with stone and EIFS accents. The roof shall be a dark earthtone, gray, or black, as approved by DPWES.

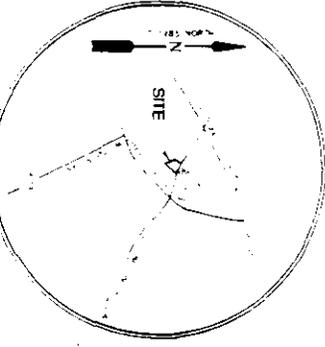
6. Construction techniques to ensure a maximum interior noise level of 45 dBA Ldn shall be provided in the hotel construction, as approved by DPWES.
7. The two (2) sections of hedge in front of the parking lot at the intersection of Old Dominion Drive and Beverly Road which are located in the storm sewer easement shall be planted in planters which can be removed, at the applicant's expense, if access to the storm sewer is required by the Maintenance and Construction Division of the Department of Public Works, as approved by DPWES.
8. A dumpster pad which is fully enclosed with a gate and constructed of materials similar to those used in the hotel shall be provided on the site as shown on the SE Plat.
9. Benches which conform with the Public Space Design Standards of the McLean CBC Plan shall be provided at both building entrances, as approved by the Site Review Branch of DPWES in coordination with DPZ. The landscape plan shall be revised to provide areas of bulb and perennial plantings, as recommended in the Public Space Design Guidelines, as approved by the Urban Forester. Lighting shall conform with the Public Space Guidelines.
10. A one (1) foot maintenance strip to permit VDOT access to maintain the brick paver sidewalks along Old Dominion Drive and Beverly Road shall be provided, subject to VDOT approval.
11. Trees depicted along Old Dominion Drive which cannot be planted as shown because of easements or the VDOT sight line shall be relocated elsewhere along the site frontage in order to provide a streetscape which, to the extent feasible, conforms with the McLean CBC design guidelines, as approved by the Urban Forester. Where trees cannot be planted in the planting strip between the sidewalk and street, the area shall be landscaped with low growing shrubs and flower beds, as approved by the Urban Forester and VDOT.
12. The plaza located along Beverly Road shall be planted with both shade and ornamental trees, as approved by the Urban Forestry Branch of DPWES.

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

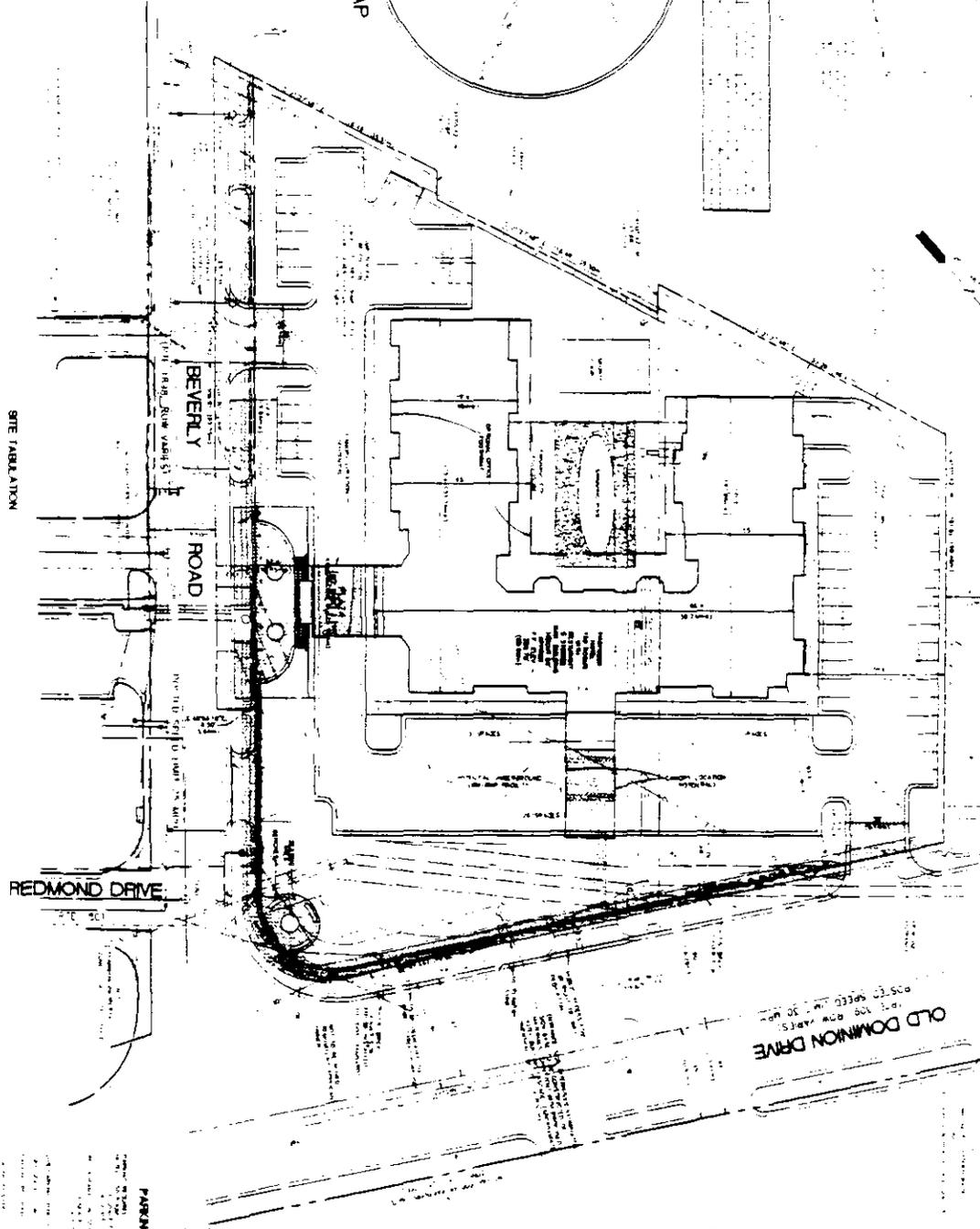
This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be itself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

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





VICINITY MAP  
SCALE 1" = 2,000'



SITE TABULATION

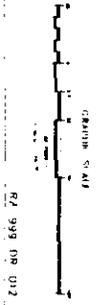
BEVERLY ROAD

ROAD

REDMOND DRIVE

OLD DOMINION DRIVE

PARKING TABULATION



SCALE 1" = 100'

NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND THE VIRGINIA BUILDING CODE.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.
6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL DURING CONSTRUCTION.
7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL CONSTRUCTION ACTIVITIES.
8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE COMMUNICATIONS WITH THE ARCHITECT AND OTHER STAKEHOLDERS.
9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL MATERIALS AND LABOR USED IN THE PROJECT.
10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL INSPECTIONS AND TESTS PERFORMED DURING CONSTRUCTION.

GENERALIZED DEVELOPMENT PLAN  
GRAND DUKE HOTEL, MCLEAN

DRANESVILLE DISTRICT  
FAIRFAX COUNTY, VIRGINIA



THE ENGINEERING GROUP, INC.

1625 OFFICE BLDG. SUITE 200  
WOODBRIDGE, VIRGINIA 22192  
703-870-7085 703-930-4540