



FAIRFAX COUNTY

APPLICATION FILED: March 8, 1999
PLANNING COMMISSION: June 17, 1999
DECISION ONLY: June 23, 1999
BOARD OF SUPERVISORS: June 28, 1999

V I R G I N I A

CRD

June 23, 1999

STAFF REPORT ADDENDUM II

APPLICATION RZ 1999-DR-012/SE 99-D-015

DRANESVILLE DISTRICT

APPLICANT:	Robert Frank Pence
CURRENT ZONING:	C-6, CR, HC, SC
REQUESTED ZONING:	C-3, CR, HC, SC
PARCEL(S):	30-2 ((1)) 17, 18
ACREAGE:	2.40 Acres
FAR:	1.0 (Hotel) 0.70 (Office)
OPEN SPACE:	15%
PLAN MAP:	Office
PROPOSAL:	To rezone 2.4 acres from the C-6 District to the C-3 District in order to permit development of an extended stay hotel with an eating establishment with a FAR of 1.0 or development of an office building at a FAR of 0.70. Approval of a Category 5 special exception to permit construction of a five-story hotel with 150 rooms and an eating establishment.

Approval of a Category 6 special exception to permit a 20% parking reduction and a reduction in building setback, pursuant to the Commercial Revitalization District Ordinance.

WAIVERS/MODIFICATIONS:

Waiver of the service drive along Old Dominion Drive

Waiver of the trail requirement along Old Dominion Drive in favor of a sidewalk

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 1999-DR-012, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of SE 99-D-015, subject to the proposed development conditions in Appendix 2.

Staff recommends approval of a waiver of the service drive along Old Dominion Drive.

Staff recommends approval of a waiver of the trail along Old Dominion Drive in favor of a sidewalk.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



**SPECIAL EXCEPTION APPLICATION
SE 99-D-015**

**REZONING APPLICATION
RZ 1999-DR-012**

SE 99-D-015
FILED 03/08/99

PENCE, ROBERT FRANK
HOTEL AND MODIFICATIONS, WAIVERS, INCREASES
AND USES IN COMMERCIAL REVITALIZATION DISTRICT
ZONING DIST SECTION: 04-0304 09-0622
ART 9 CATEGORY/USE: 05-14 06-19

2.40 ACRES-OF LAND; DISTRICT - DRANESVILLE
LOCATED: 1400 BEVERLY ROAD, 6841 OLD DOMINION DRIVE

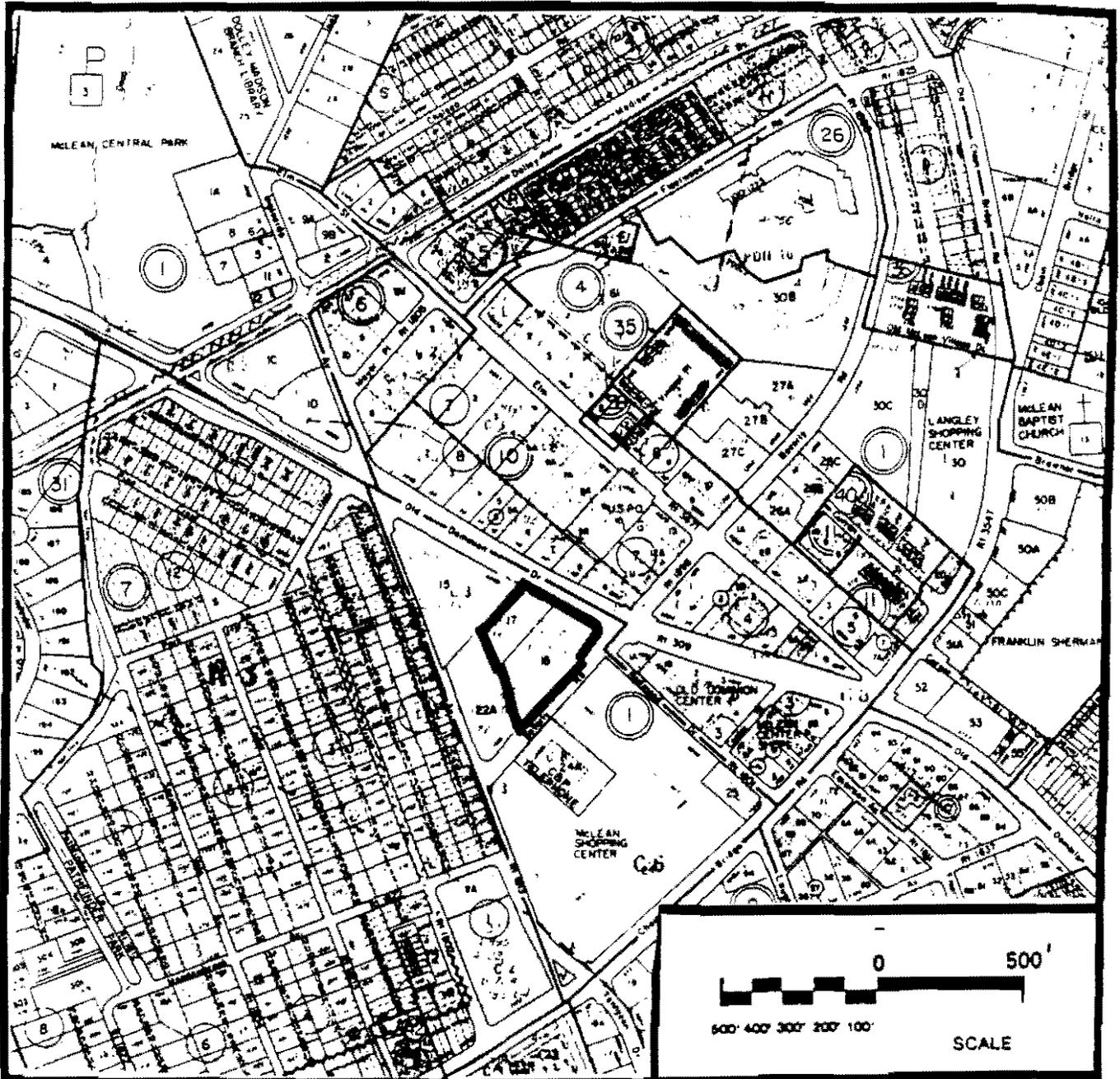
ZONED C-3
OVERLAY DISTRICT(S): HC SC CR
TAX MAP 030-2- /01/ /0017- .0018-

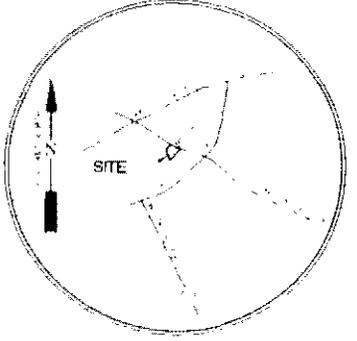
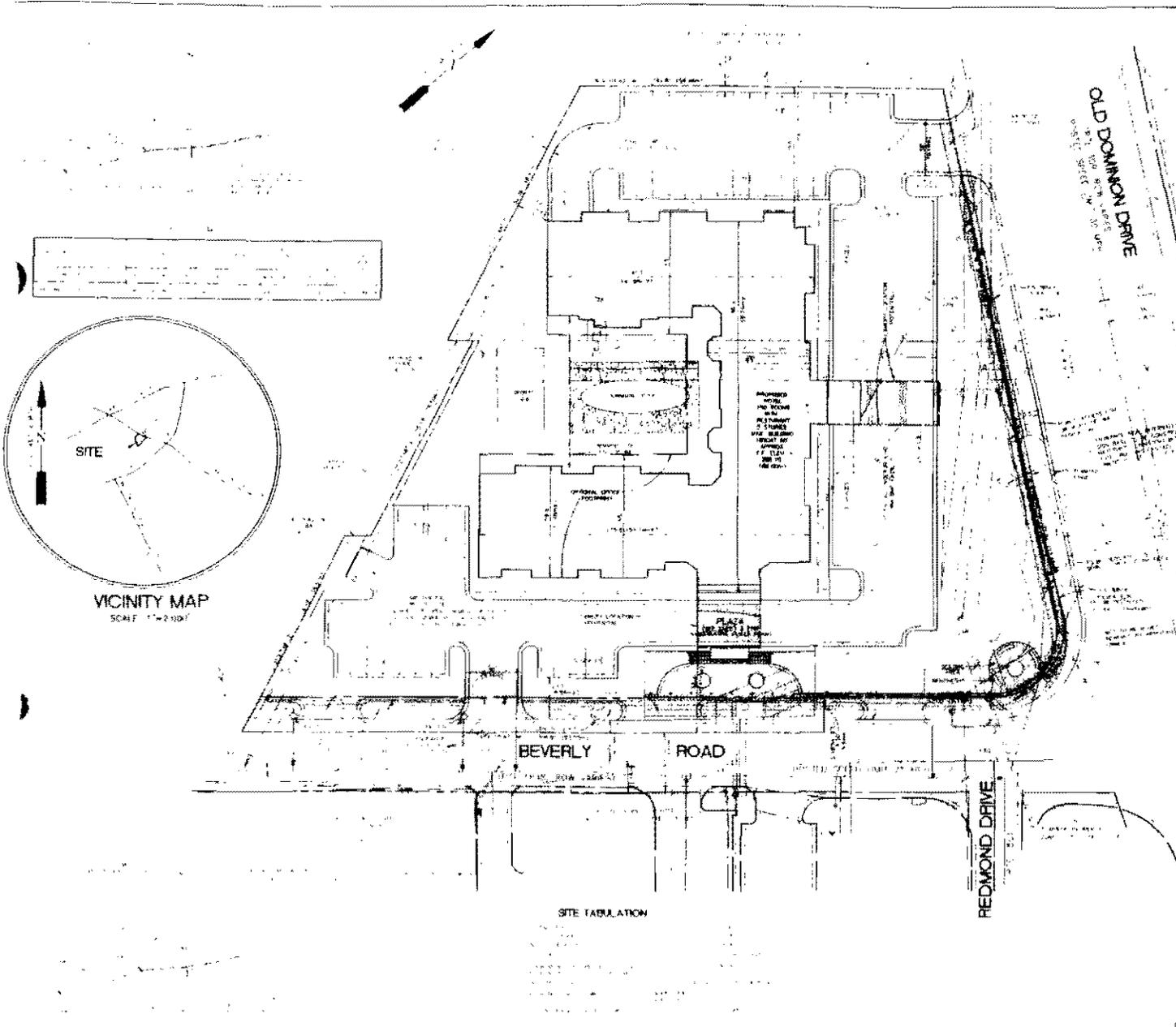
PLAN AREA 2

FILED 03/08/99

ROBERT FRANK PENCE
TO REZONE: 2.40 ACRES OF LAND; DISTRICT - DRANESVILLE
PROPOSED: COMMERCIAL DEVELOPMENT
LOCATED: SOUTHWEST QUADRANT OF THE INTERSECTION OF
OLD DOMINION DR AND BEVERLY RD

ZONING: C-6
TO: C-3
OVERLAY DISTRICT(S): CR HC SC
MAP REF 030-2- /01/ /0017- .0018-





VICINITY MAP
SCALE: 1"=200'

SITE TABULATION

BEVERLY ROAD

REDMOND DRIVE

OLD DOMINION DRIVE

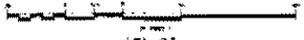
NOTES

1. THE ARCHITECT HAS CONDUCTED VISUAL ANALYSIS OF THE SITE AND HAS IDENTIFIED THE VISUAL CORRIDORS AND VISUAL BARRIERS. THE VISUAL CORRIDORS ARE THE AREAS WHERE VISUAL IMPACT IS MOST LIKELY TO BE OBSERVED. VISUAL BARRIERS ARE THE AREAS WHERE VISUAL IMPACT IS LEAST LIKELY TO BE OBSERVED.
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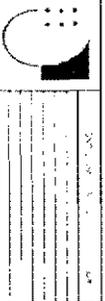
PARKING TABULATION

TYPE OF PARKING	NO. OF SPACES	TOTAL
Surface	100	100
Garage	50	50
Handicap	5	5
Other	5	5
TOTAL	160	160

GRAPHIC SCALE



THE ENGINEERING GROUP, INC.
1000 JEFFERSON AVENUE
FARMINGTON, CONNECTICUT 06030



GENERALIZED DEVELOPMENT PLAN
GRAND DUKE HOTEL, MCLEAN
DRAVESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA





BEVERLY ROAD - SIDE ELEVATION

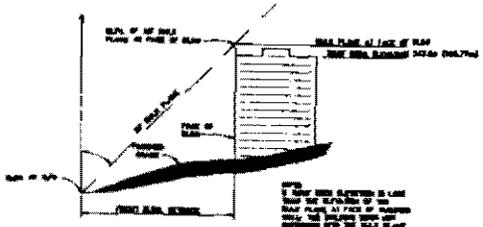


OLD DOMINION DRIVE - FRONT ELEVATION

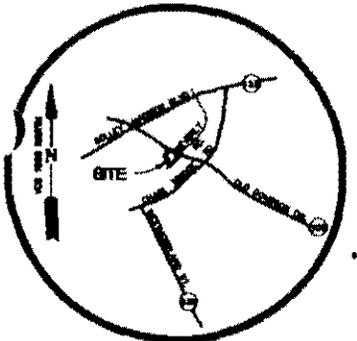
THE
ENGINEERING GROUP, INC.
1913 BRUCE ROAD, SUITE 200
WOODBRIDGE, VIRGINIA 22191
703-670-0885

GRAND DUKE HOTEL, MCLEAN
BRANESVILLE DISTRICT

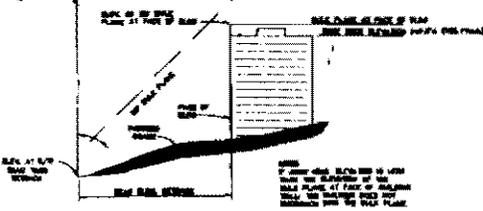
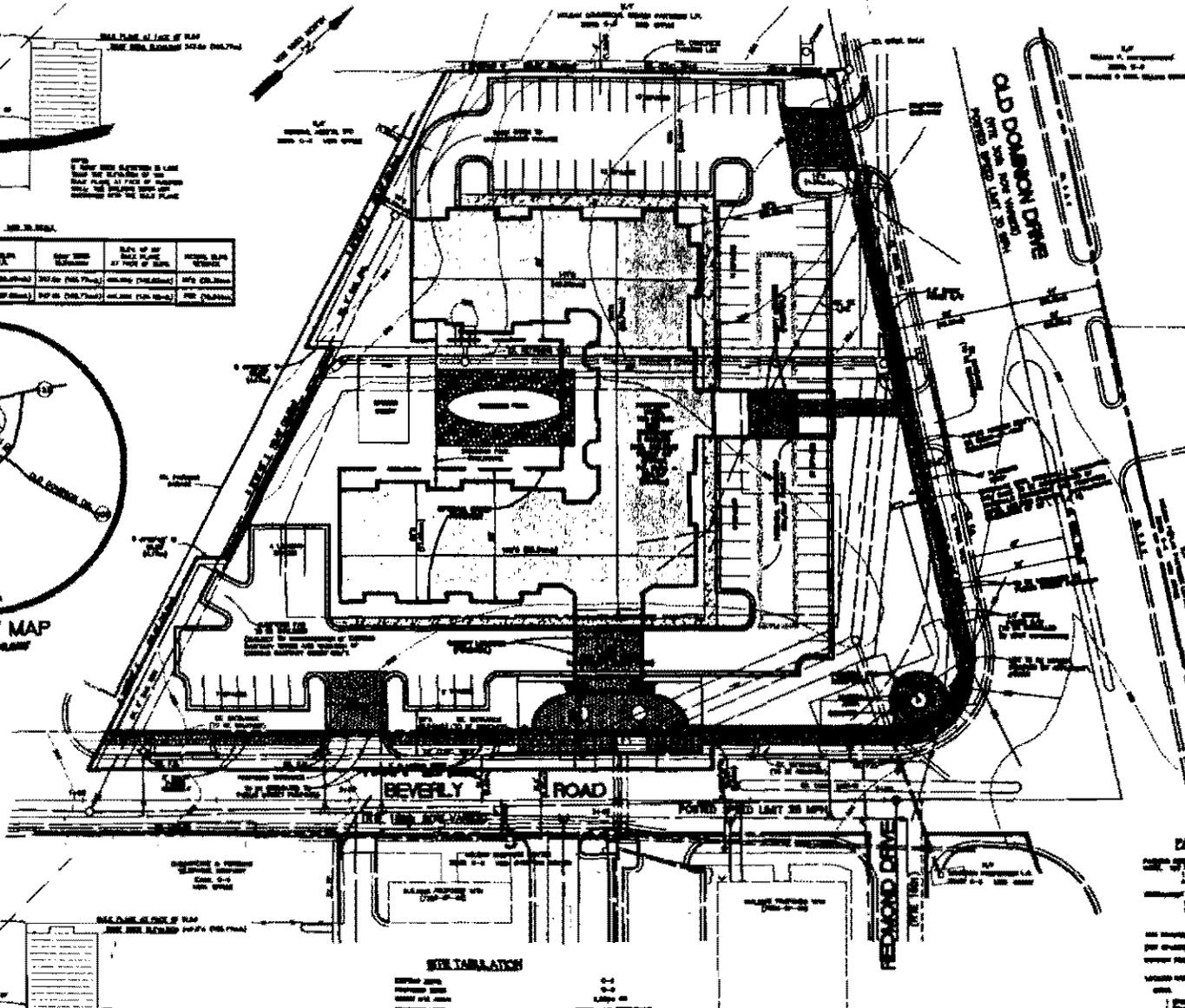




Location	One Day	Two Day	Three Day	Four Day	Five Day
100 ROOMS	100	200	300	400	500
200 ROOMS	200	400	600	800	1000
300 ROOMS	300	600	900	1200	1500



VICINITY MAP
SCALE 1"=1/4 MILE



Location	One Day	Two Day	Three Day	Four Day	Five Day
100 ROOMS	100	200	300	400	500
200 ROOMS	200	400	600	800	1000
300 ROOMS	300	600	900	1200	1500

SITE TABLE

Room	Area	Volume
Room 1	100	1000
Room 2	200	2000
Room 3	300	3000

NOTES

1. THE ARCHITECT HAS CONDUCTED VISUAL SURVEYS OF THE SITE AND HAS FOUND IT TO BE SUITABLE FOR THE PROPOSED DEVELOPMENT.
2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL PLANNING COMMISSION AND THE BOARD OF SUPERVISORS.
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10. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL PLANNING COMMISSION AND THE BOARD OF SUPERVISORS.

DEVELOPMENT TABLE

Room	Area	Volume
Room 1	100	1000
Room 2	200	2000
Room 3	300	3000



THE ENGINEERING CORPORATION, INC.
1000 NORTH AVENUE, SUITE 100
FAIRFAX COUNTY, VIRGINIA 22031
703-462-1000

SPECIAL RESERVING PLAN

GRAND DUKE HOTEL, MCLEAN
DRAWSVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA





BACKGROUND

Both the staff report, dated June 3, 1999, and Staff Report Addendum I, dated June 10, 1999, published for RZ 1999-DR-012 and SE 99-D-015 filed by Robert Frank Pence, recommended denial of the two (2) concurrent applications. The applicant had requested approval to rezone 2.4 acres from the C-6 District to the C-3 District in order to permit development of an extended stay hotel with an eating establishment with a FAR of 1.0 or development of an office building with a FAR of 0.70, and, approval of a Category 5 special exception to permit a five-story hotel with eating establishment. The applicant also requested approval of a Category 6 special exception in the Commercial Revitalization District (CRD) to permit a 20% parking reduction and a reduction in building setback. Waivers of the service drive and trail along Old Dominion Drive were also requested. The applicant proposed a sidewalk in lieu of the required trail. A total of 15% open space was provided with the hotel development and 19% open space if the previously approved office development were constructed.

The staff report and Addendum I recommended denial of the application, primarily because of two of the applicant's proposed uses of the property. As discussed in both the staff report and the addendum, even though the applicant submitted a development plan for a hotel to be developed on the subject property, notes on the applicant's development plan indicated that office and other C-3 uses may be developed on the subject property. The applicant's Draft Proffer #2 stated that the site may be developed with an office/mixed use development which was approved with a FAR of 0.70, pursuant to the Board's approval of RZ 85-D-039 in 1989, when the subject property was rezoned to the C-6 District. As stated in the staff report and the addendum, the previously approved office/mixed use plan did not meet the current Plan design guidelines. The applicant was invited to submit a revised development plan for an office/mixed use development for the site but declined to do so.

The applicant's Draft Proffer #12 presented a third scenario for possible development of the site and stated that "If the Property is developed for hotel use, future conversion of the hotel to office/mixed use may be permitted...." The proffer stated that the proposed conversion would not be "piecemeal" and the total square footage would not exceed a 0.70 FAR. No details were provided regarding how the conversion would occur and, of greatest concern, how the reduction in FAR from 1.0 to 0.70 would be accomplished. The applicant contended that the reduction in FAR could be dealt with by the Permit Review Branch of Zoning Administration during the issuance of a new Non-RUP for the site; however, staff was of the opinion that a plan showing the office/mixed use development that would result from conversion of the hotel should be submitted for review. The applicant declined to submit such a plan.

In addition to the issue of proposed uses on the site, as discussed in the report and addendum, the applicant's landscape plan did not conform with the Plan guidelines for landscaping in the McLean CBC. The subject property is impacted by the presence of numerous easements along Old Dominion Drive and at the intersection of Old Dominion Drive and Beverly Road. The applicant's original landscape plan proposed a number of trees in easements or in the VDOT sight line that would not be approved at site plan review. Staff had suggested to the applicant that the sidewalk along Old Dominion Drive be shifted further into the site to allow the landscape strip against Old Dominion Drive to be expanded so the trees could be planted out of the VDOT sight line. At the time the Staff Report Addendum was published, the sidewalk had not been relocated.

Another issue concerned the applicant's proposed plaza along Beverly Road and the proffer language regarding its use by the public. The plaza is an area intended by the Plan to be used by the public as an after hours activity generator and as a critical terminus of the proposed new "main street" which is the heart of the McLean CBC. Staff was concerned that the applicant's draft proffer did not adequately provide for use of the plaza by the general public. The applicant had added a sentence to Proffer #8 which stated that "Use of the plaza for community sponsored public events will be evaluated by the Applicant on a case by case basis and permitted at the Applicant's sole discretion." Staff had been of the opinion that, either a public access easement should be recorded on the plaza to guarantee that the plaza would be available to the public or the proffer should be expanded. Staff had proposed a development condition which required the applicant to record a public access easement on the plaza.

A public hearing before the Planning Commission was held on June 17, 1999 with the decision deferred to June 23, 1999.

Subsequent to publication of Staff Report Addendum I on June 10, 1999, the applicant's draft proffers were revised several times. Draft proffers dated June 16, 1999, were distributed by staff to the Planning Commissioners on June 16, 1999. The applicant delivered revised draft proffers, dated June 17, 1999, to the Planning Commission prior to the public hearing that evening. The most recent revised proffers, dated June 22, 1999, are contained in Attachment 1. The applicant has also submitted a revised GDP and SE Plat, both dated June 22, 1999. Reductions of the development plans are attached at the front of the report. Revised staff proposed development conditions are contained in Attachment 2.

ANALYSIS

The most significant change to the application can be seen in draft Proffer #2 which no longer proposes to develop an office use in conformance with the development plan and proffers adopted in conjunction with the Board's approval of RZ 85-D-039 in 1989. Instead, Proffer #2 now proposes the development of an office at a 0.70 FAR with a footprint located within the hotel building footprint and an expanded footprint delineated on the GDP within the inner courtyard area. The footprint delineated for the office development can be seen on Sheet 1 of the applicant's revised GDP and SE Plat. The draft proffer also makes it clear that, if the site is developed with an office, it shall be in substantial conformance with the GDP and proffers.

Another significant change can be seen in draft Proffer #12 which deals with the possible future conversion of the hotel to an office use. Staff had consistently objected to this proffer and had requested the applicant to provide a plan showing how the hotel built at a 1.0 FAR would be converted to an office use at a 0.70 FAR. Absent a plan, staff had requested the applicant to provide a detailed explanation of how such conversion would occur. The applicant had declined to provide the requested information. The June 22, 1999 revision of draft Proffer #12 has added two commitments which address most of staff's concerns about the possible future conversion of the hotel to an office with reduced FAR. First, the applicant's proffer states that "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...". Second, the proffer now states that "the basic exterior elements of the structure (such as roofline, architectural style and materials) shall remain in substantial conformity with Sheet 4 of the GDP and Proffer 7."

The final significant change to the application concerns the issue of the streetscape along Old Dominion Drive. As discussed in both the staff report and the addendum, utility easements and a VDOT sight line located along Old Dominion Drive presented constraints to providing the street trees called for in the McLean CBC Plan. The applicant had been advised to relocate the proposed sidewalk along Old Dominion Drive further into the site in order to expand the planting strip between the sidewalk and street so that trees could be planted out of the VDOT sight line. The applicant had not relocated the sidewalk and, instead, had clustered the trees along Old Dominion Drive which did not conform with the Plan. The June 22, 1999, revision of the Landscape Plan now provides a relocated sidewalk and street trees placed along the walkway as called for in the Plan. The applicant's revised draft Proffer #8 states that the

applicant shall be responsible for pruning trees within the VDOT right-of-way or within a VDOT maintained easement to ensure adequate sight distance. Note 4 on the revised landscape plan contains similar wording. With the above changes, the issue of street trees which conform with the Plan has been addressed. Along with the street trees, a brick paver sidewalk has been proffered along both Old Dominion Drive and Beverly Road. In order to address issues regarding VDOT maintenance of the 7.5 foot wide sidewalk which had not been adequately resolved, the applicant has revised draft Proffer #9 to state that "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."

The applicant has revised draft Proffer #10 to extend the time period for which \$27,360 will be held in escrow for construction of a brick/paver crosswalk across Beverly Road from eighteen (18) months to thirty-six (36) months. Staff had felt the 18 month time limit was not adequate and would result in the funds being returned to the applicant.

The applicant has submitted a revised GDP and SE Plat. All sheets of both the GDP and SE Plat show revision dates of June 22, 1999 which reflect the changes described above.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

This is an application to rezone 2.4 acres of land from the C-6 District to the C-3 District in order to permit development of an extended stay hotel with an eating establishment with a FAR of 1.0 or an office/mixed use development at a FAR of 0.70 and for approval of a Category 5 special exception to permit construction of a five-story hotel with 150 rooms and an eating establishment. A Category 6 special exception has also been requested to permit a 20% parking reduction and a reduction in building setback. The applicant has also requested waivers of the service drive and sidewalk along Old Dominion in favor of a brick paver sidewalk.

The applicant's revised proffers and development plans have addressed staff issues concerning proposed uses on the site and landscaping and streetscape which conform with the McLean Plan.

Staff Recommendations

Staff recommends approval of RZ 1999-DR-012, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of SE 99-D-015, subject to the proposed development conditions in Appendix 2.

Staff recommends approval of a waiver of the service drive along Old Dominion Drive.

Staff recommends approval of a waiver of the trail along Old Dominion Drive in favor of a sidewalk.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

ATTACHMENTS

1. Applicant's Draft Proffers
2. Staff Proposed Development Conditions

**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 14, 1999 and sealed on June 15 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 ~~and/or landscaping, 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 ~~service~~ uses permitted pursuant to ~~paragraphs~~ Proffers 2 and 12 of these proffers. 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. ~~The 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 ~~within the public right-of-way and/or within a public access easement running to VDOT, whichever is deemed by the Applicant to be more appropriate at the time of site plan review;~~ (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 ~~eighteen (18)~~ 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; and(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 ~~STEPHEN P. PENCE~~ 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: _____

Name: _____

Title: _____



STAFF REVISED PROPOSED DEVELOPMENT CONDITIONS

SE 99-D-015

June 10~~23~~, 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 ~~May 26, 1999 (Sheet 1)~~ and ~~May 25, 1999 (Sheet 2)~~, 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 ~~primarily~~ of Virginia Brick similar to that used in the Riggs Bank Building located at 6805 Old Dominion Drive in McLean. Stone and dryvit 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 ~~May 24, June 22, 1999~~, except that the entire facade shall be constructed of brick with stone and dryvit 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. A public access easement shall be recorded on the plaza area located along Beverly Road to insure that the space shall be open to the public and shall remain open, i.e., without gates or other barricades, at all times. Maintenance of the plaza shall be the responsibility of the owner/applicant.~~
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 ~~submerged, removable~~ 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 wide maintenance strip shall be provided on the inside of the brick paver sidewalks along Old Dominion Drive and Beverly Road which is located within the public right-of-way.~~ A 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.