

PROFFERS

Rita Powell and Mark A. Johnson/Dulles Gateway Kennels, Ltd.  
PCA 2000-SU-033  
September 28, 2006

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950, as amended, Rita Powell and Mark A. Johnson/Dulles Gateway Kennels, Ltd (hereinafter referred to as the "Applicants") for the owners, themselves, successors and assigns in Proffered Condition Amendment (PCA) 2000-SU-033 filed for property identified as Tax Map 33-4 ((1)) 9A (hereinafter referred to as the "Application Property") proffer the following, provided the Board of Supervisors approves the Proffered Condition Amendment and related Special Exception Application 2006-SU-015 and agree that development will be subject to the following terms and conditions. In the event the PCA application and the related Special Exception (SE) application SE 2006-SU-015 are approved, these proffers shall supercede and replace any previous proffers for the Application Property.

1. **DEVELOPMENT PLAN.** Development of the Application Property shall be in substantial conformance with the Generalized Development Plan Amendment (GDPA)/Special Exception (SE) Plat prepared by Dewberry & Davis LLC dated May 12, 2006 and revised through June 22, 2006, consisting of three (3) sheets, and the permitted uses shall be those set forth in Note 5 thereof, i.e., veterinary hospital, animal crematory, kennels with indoor and outdoor runs, and caretakers' quarters.

2. **MINOR MODIFICATIONS.** Pursuant to Par. 5 of Sect. 18-204 of the Zoning Ordinance, minor modifications from the GDPA/SE Plat may be permitted as determined by the Zoning Administrator.

3. **PARK DEDICATION.** In accordance with prior approved proffers, the Applicants have dedicated and conveyed in fee simple to the Fairfax County Park Authority (FCPA) for public park purposes that area designated as Parcel "B" on the GDPA/SE Plat (Parcel 33-4 ((1)) 9B).

4. **DENSITY CREDIT.** Density credit shall be reserved, as permitted by the provisions of Par. 4 of Sect. 2-308 of the Fairfax County Zoning Ordinance, for all

## **DEVELOPMENT CONDITIONS**

**SE 2006-SU-015**

**October 18, 2006**

If it is the intent of the Board of Supervisors to approve SE 2006-SU-015, currently located at 4500 Upper Cub Run Drive, Tax Map 33-4 ((1)) 9A, for a veterinary hospital and associated uses, caretakers quarters, and outdoor kennels and yard modifications for an existing structure, pursuant to Sect. 5-504 and 9-625 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions.

1. This Special Exception is for and runs with the land indicated in this application, and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the generalized development plan/special exception plat (GDP/SE Plat) approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Dulles Gateway Kennels" prepared by Dewberry & Davis LLC, and dated May 12, 2006, as revised through June 22, 2006, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The kennel shall be for the use of household pets and security and law enforcement animals only. The number of animals in the facility shall not exceed 350 animals at any one time.
5. The hours of operation for the kennel shall be limited to 6:00 AM to 10:00 PM (seven days a week). The veterinary hospital may operate 24 hours a day, seven days a week.
6. There shall be a maximum of sixteen full time and sixteen part-time employees associated with these uses on-site at any one time.
7. There shall be a minimum of 42 parking spaces as shown on the generalized development plan/special permit plat. All parking shall be on-site.
8. All signs shall comply with the provisions of Article 12, Signs. If lit, signage shall be lighted internally to minimize glare.
9. The two (2) accessory dwellings shall be limited to use only by employees of the kennel to assist in the operation of the kennel after hours.

woody seed mix or a variety of native seedling species planted on five foot centers. The RPA feature shall be identified as a "No mowing area". The applicant shall not be required to obtain a waiver from DPWES in order to conduct the restoration.

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 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 Sect. 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.