

## PROFFERS

Rita Powell and Mark A. Johnson

RZ 2000-SU-033

December 12, 2000

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950, as amended, Rita Powell and Mark A. Johnson (hereinafter referred to as the "Applicants") for the owners, themselves, successors and assigns in RZ 2000-SU-033 filed for property identified as Tax Map 33-4((1))-9 (hereinafter referred to as the "Application Property") proffer the following, provided the Board of Supervisors approves the rezoning of the Application Property to the I-5 District, and agree that development will be subject to the following terms and conditions:

1. **DEVELOPMENT PLAN.** Development of the Application Property shall be in substantial conformance with the Generalized Development Plan prepared by Dewberry and Davis dated May 5, 2000 and revised through November 16, 2000, consisting of 2 sheets, and the permitted uses shall be those set forth in Note 3 thereof, i.e., veterinary hospital, animal crematory, kennels with indoor and outdoor runs, and caretakers' quarters.

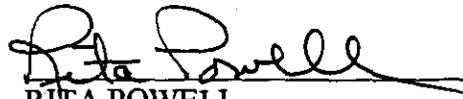
2. **MINOR MODIFICATIONS.** Pursant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator.

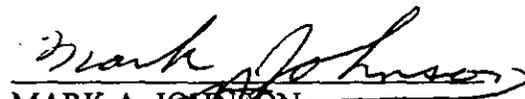
3. **PARK DEDICATION.** Prior to site plan approval, if requested by the Fairfax County Park Authority ("FCPA"), the Applicants shall dedicate and convey in fee simple to the FCPA for public park purposes that area designated as RPA on the GDP. In the event that this area is not dedicated to the FCPA, the Applicants shall maintain this area as undisturbed open space.

4. **DENSITY CREDIT.** Density credit shall be reserved, as permitted by the provisions of Paragraph 4 of Section 2-308 of the Fairfax County Zoning Ordinance, for all eligible dedications described herein in Paragraph 3 or as may be reasonably required by Fairfax County or the FCPA at the time of site plan approval.

5. SUCCESSORS AND ASSIGNS. These proffers will bind and inure to the benefit of the Applicants and their successors and assigns.

6. COUNTERPARTS. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

  
RITA POWELL

  
MARK A. JOHNSON

## REVISED PROPOSED DEVELOPMENT CONDITIONS

### SPA 94-Y-059

January 30, 2001

If it is the intent of the Board of Zoning Appeals to approve SPA 94-Y-059 located at 4500 Upper Cub Run Road (Tax Map 33-4 ((1)) 9) to allow an amendment to SP 94-Y-059 previously approved for a kennel with outdoor runs to permit a kennel with outdoor runs and animal crematory, veterinary hospital and caretaker's quarters pursuant to Sect. 5-503 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous development conditions. Those conditions carried forward from the previously approved special permit are marked with an asterisk. Minor edits have been made to conform with current terminology. These edits have been underlined.

- \*1. This approval is granted to the applicants only and is not transferable without further action of this Board, and is for the location indicated on the application, 4500 Upper Cub Run Road, (6.05 acres), and is not transferable to other land.
- \*2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the generalized development plan/special permit plat prepared by Dewberry & Davis dated May 5, 2000, as revised through November 16, 2000, and approved with this application, as qualified by these development conditions.
- \*3. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
- \*4. This Special Permit 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 permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
- \*5. The kennel shall be for the use of household pets only. The number of household pets in the facility shall not exceed 350 animals at any one time.
- \*6. The hours of operation for the kennel shall be limited to 8:00 a.m. to 7:00 p.m., Monday through Friday, Saturday 8:00 a.m. to 5:00 p.m., and Sunday 1:00 p.m. to 5:00 p.m. The veterinary hospital may operate 24 hours a day, seven days a week.

- \*7. There shall be a maximum of twelve (12) full time and twelve (12) part-time employees associated with these uses.
- \*8. There shall be a minimum of thirty-six (36) parking spaces as shown on the generalized development plan/special permit plat. All parking shall be on-site.
- \*9. All signs shall comply with the provisions of Article 12, Signs. Signage shall be lighted internally to minimize glare.
- \*10. The two accessory dwellings shall be limited to use only by employees of the kennel to assist in the operation of the kennel after hours.
11. The cages used for all animals shall be designed to ensure the secure confinement of animals and shall comply with all State and County regulations.
12. The proposed building shall be soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. Noise levels shall conform to the provisions of Chapter 108 of the Code.
13. The maximum height of the proposed building shall be 45 feet.
14. Rooftop mechanical equipment shall be screened to the maximum extent feasible to minimize the visual impact.
15. The proposed building architectural façade shall be consistent with the general style and quality of the photograph on Sheet 1.
16. Outdoor lighting fixtures used to illuminate the parking area and walkways between buildings shall not exceed twelve (12) feet in height, shall be of low intensity design and shall focus directly on the subject property. All other outdoor lighting fixtures shall be full cut-off; focused downward and shielded to minimize glare, and meet the Performance Standards set forth in Article 14 of the Zoning Ordinance.
17. All animal wastes from animals located inside on the concrete floors of the existing and proposed building shall be washed and drained into the sanitary sewage system. Wastes from small animals in cages shall be collected in newspapers and disposed of in trash. Wastes from animals located in the outdoor gravel floor kennels shall be scooped up and disposed of in the trash on a daily basis. Liquid wastes from animals shall be washed down and drained into the sanitary sewage system. In no instance shall waste removal be directed towards the stormwater management pond or stream.
18. Limits of clearing and grading consistent with those reflected on the GDP/SPA plat shall be maintained during construction, subject to the necessary

installation of utilities as determined by DPWES. The limits of clearing and grading shall be designated on the site plan and subject to review and approval by the Urban Forestry Branch. Prior to site plan approval the applicant shall walk the limits of clearing and grading with an Urban Forestry Branch representative to determine where minor adjustments to the clearing limits can be made, if necessary and where practical, to protect quality vegetation. The limits of clearing and grading shall be flagged prior to construction.

19. Landscaping shall be provided, subject to the Urban Forester approval, in substantial conformance with the location and quantity as depicted on GDP/SPA plat.
20. Prior to Non-Residential Use Permits (Non-RUP) the existing stormwater management pond shall be abandoned and restored to its natural state, as approved by the Urban Forester. The restoration may include the grassed areas from the RPA line north to the tree line to have three foot wide strips rototilled from east to west spaced every ten feet. The strips to be planted with native woody seed mix or a variety of native seedling species planted on five foot centers. The RPA feature to 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.
21. The applicant shall remove debris located in the Resource Protection Area (RPA) prior to dedication of the RPA to the Park Authority.

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 permit shall not be valid until this has been accomplished.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit 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. Establishment of Phase 1 shall establish the use as approved pursuant to this special permit. The Board of Zoning Appeals 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 permit. 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.