

**Proffers for  
Fourth Hotel Associates Limited Partnership  
5716 Van Dorn Street  
PCA 81-L-093-03, PCA 82-L-083-03, PCA 83-L-074  
September 28, 2011**

Pursuant to Section 15-2.2303A of the Code of Virginia, 1950 edition, as amended, and subject to the Board of Supervisors approval of the Proffered Condition Amendments, the Applicant/Owners, their successors or assigns, herein after referred to as "the Owner" proffers the following. All previous proffers which apply to the application property shall, as applicable, remain in effect as stated in the proffer statement RZ 83-L-074, PCA 82-L-083-1 and PCA 81-L-093-2 approved January 24, 1983, by the Board of Supervisors. Should there be any inconsistencies between these proffers and prior proffers, these proffers shall replace and supersede those prior proffers or portions thereof to the extent of said inconsistencies. Those proffers carried forward without change from the previously approval of RZ 83-L-074, PCA 82-L-083-1 and PCA 81-L-093-2 are marked with an asterisk. These proffers delete previous proffer #17 which referenced the previous special exception approval for an increase in height to 80 feet.

1. The property shall be developed in substantial conformance with the Generalized Development Plan dated 11/5/82 and revised 9/26/83 and 10/12/83, prepared by Bengston, DeBell, Elkin & Titus entitled "Van Dorn Street Hotel," which Development Plan contemplates a nine story hotel containing 194 units as amended by the Special Exception Plat entitled "Verizon Wireless along with AT&T Mobility," prepared by Morris and Ritchie Associates, Inc., and dated January 12, 2010, as revised through September 6, 2011, to permit an increase in the building height to 95 feet to accommodate telecommunication facilities. Revisions to the location, size and/or number of additional telecommunication facilities shall not require an amendment to the Generalized Development Plan and shall not require a Proffered Condition Amendment if such revisions do not increase the height permitted by this Proffer Amendment and are otherwise in accordance with the Zoning Ordinance.

2. Right of way to fifty-five (55) feet from the center line of South Van Dorn Street shall be dedicated and a third traffic lane shall be constructed therein.\*

3. A right turn lane will be constructed at the entrance into the site, as shown on the attached development plan.\*

4. A left turn lane for north bound traffic on South Van Dorn Street will be provided by widening the street on the east side thereof, within existing VDH&T right of way, so as to create two (2) lanes in addition to a left turn lane, as shown on the attached development plan.\*

5. The site will be graded to allow for maximum sight distance, particularly toward the northern end thereof, in accordance with the attached development plan.\*

6. The entrance to the site will be constructed as a channelized, single lane section, in accordance with the attached development plan.\*

7. The exit from the site will be constructed as a two lane section, with one right turn lane and one left turn lane, as shown on the attached development plan.\*

8. The written approval of the Virginia Department of Highways and Transportation will be obtained for changes in construction contemplated within the South Van Dorn/VDH&T right of way.\*

9. Requirements in the Public Facilities Manual for storm water management in effect at the time of final site plan approval shall be satisfied.\*

10. A maximum noise of 55dBA shall be achieved within the hotel, either by undertaking the acoustical treatment procedure previously described in the Fairfax County Staff Report for Rezoning #79-L-019 or through such other acoustical treatment as achieve that standard.\*

11. A complete soils report prepared by a professional engineer will be furnished prior to, or concurrent with, the submission of building plans.\*

12. In the event that VDH&T constructs a sidewalk under the length of the I-495/I-95 bridge on the west side of South Van Dorn Street, then the applicant will construct steps leading from the north end of the parking lot down to a connection with such sidewalk.\*

13. A site plan, prepared in accordance with the provisions of Article 17 and all the other proffers contained herein shall be submitted and approved, said site plan to comply with ordinance requirements for parking, landscaping and screening.\*

14. All applicable ordinances, regulations and adopted standards shall continue to apply, except as modified by the special exception; the undersigned shall

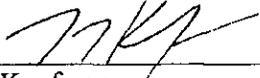
be responsible for obtaining the required residential/non-residential use permit through established procedures; the special exception shall not be valid until said use permit has been obtained and the requirements herein complied with.\*

15. The applicant and owner shall construct a third south-bound lane in South Van Dorn Street within the existing VDH&T right of way as shown on the attached development plan.\*

16. The design of the entrance/exit into the hotel site shall be reviewed by and found acceptable to VDH&T and Fairfax County.\*

Fourth Hotel Associates Limited Partnership

By: Curzon Development Corp.

By:   
Jay Kaufman

Its: Vice President



## **DEVELOPMENT CONDITIONS**

**SE 2011-LE-005**

**September 21, 2011**

If it is the intent of the Board of Supervisors to approve SE 2011-LE-005, located at 5716 South Van Dorn Street, Tax Maps 81-2 ((1)) 12B; 81-2 ((3)) 1, 2 to permit an increase in building height pursuant to Sect. 9-607 of the Fairfax County Zoning Ordinance, the 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 purpose(s), structure(s) and/or use(s) indicated on the special exception 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 "Verizon Wireless along with AT&T Mobility," prepared by Morris and Ritchie Associates, Inc., and dated January 12, 2010, as revised through September 6, 2011, 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. A copy of the Special Exception SHALL BE POSTED in a conspicuous place on the property along with the Non-Residential Use Permit of the use and shall be made available to all Department of the County of Fairfax during hours of operation of the permitted use.
5. An eight foot high solid wood or otherwise architecturally solid fence shall be installed and properly maintained around the generators as shown on the SE Plat.
6. The screens for the telecommunication facilities shall be designed to have a color substantially similar to the color of the penthouse.
7. Prior to the installation of the proposed telecommunication facilities all existing antennas that exceed 98 feet in height shall be removed.
8. Notwithstanding the depictions and descriptions on the SE Plat, the telecommunication antennas on the building rooftop may be modified or increased in number and size if they continue to be shielded from the ground by the screening shown on the SE plat. Furthermore, the addition of flush mounted antennas, equipment or modifications of the existing unscreened antennas may be approved by the Zoning Administrator in



accordance with Par. 4 of Sect. 9-004 of the Zoning Ordinance. The provision of additional areas for unscreened antennas not reflected on the SE Plat that are not flush mounted should be considered a modification of the SE Plat and require an amendment. The provision of additional areas for screening for antennas not reflected on the SE Plat should be considered a modification and require an amendment.

9. Notwithstanding the above, any future telecommunication facility shall be subject to Section 15.2-2232 of the Code of Virginia.

The above 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 applicants from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicants shall be themselves 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, at a minimum, 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.

