

# PROFFERED CONDITION AMENDMENT APPLICATION

## AXAR MANAGEMENT

PCA 79-C-089

April 22, 2002

Revised May 20, 2002

Revised June 7, 2002

Revised June 13, 2002

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in this Proffered Condition Amendment Application hereby reaffirms that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference No. 34-4 ((12)) C2 (hereinafter referred to as the "Property") will be in accordance with the proffered conditions accepted by the Board of Supervisors in the approval of RZ 79-C-089 except as qualified below. In the event the Proffered Condition Amendment request is denied, these proffers shall be null and void. The Owners and the Applicant ("Applicant"), for themselves, their successors and assigns, reaffirm all previous proffers except as specifically modified herein and agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. Additions and/or revisions to the proffered conditions accepted in the approval of RZ 79-C-089 are listed below.

1. Substantial Conformance Development of the Property will be in substantial conformance with the plan entitled "Special Exception Amendment Proffer Condition Amendment Hotels @ Dulles Buisiness Park" consisting of three sheets, dated November 9, 2001 and revised through May 20, 2002 and prepared by Greenhome & O'Mara (the "Plat").
2. Minor Modifications Pursuant to Par. 5 of Sect. 18-204 of the Zoning Ordinance, minor modifications from the Plat may be permitted as determined by the Zoning Administrator.
3. Floor Area Ratio The maximum Floor Area Ratio (FAR) of the site shall be limited to 0.42 (182,000 square feet). Hotel A may be developed to a maximum of 68,300 gross square feet, Hotel B to a maximum of 94,125 gross square feet, the office building/eating establishment shall not exceed 18,000 total gross square feet.
4. Building Height The maximum building height shall be 75 feet.
5. Building Architecture The design and architecture of the two (2) hotels shall be in substantial conformance with the general design described on the illustrative elevations titled "Staybridge Suites Hotel" and "Hawthorn Suites Hotel" and dated May 20, 2002, or of comparable quality as determined by the Department of Public Works and Environmental Services (DPWES). This proffer shall not preclude the enclosure of the swimming pools as

contemplated by this application and as shown on the Plat. The approved free standing restaurant shall be designed to incorporate a type and quality of materials that is compatible with the approved hotels, as demonstrated at the time of building permit reviews. Brand and logo information is conceptual and is subject to change. The requirements of these proffers should not preclude the use of signage and similar corporate identifiers provided that the same are in conformance with these proffers and the requirements of the Fairfax County Zoning Ordinance.

6. Signage All freestanding and building-mounted signs shall comply with the provisions of Article 12 of the Zoning Ordinance. No pole mounted signs shall be permitted. Signage shall be front-lit and light directed downward onto the sign to minimize glare. Back-lit building mounted signage may be installed provided it is demonstrated to the satisfaction of DPWES that (1) the sign is designed to minimize glare in accordance with the Performance Standards of Article 14 of the Zoning Ordinance and (2) that the sign will not generate glare beyond the boundary of the site.

7. Noise Mitigation Proffer 6 of RZ 79-C-089 is deleted in its entirety and replaced with the following:

- A. In order to achieve an interior noise level not to exceed DNL 45 dBA, those portions of the approved structure(s) located within the Airport Noise Overlay District shall have the following acoustical attributes as approved by the Department of Public Works and Environmental Services:

Roof and exterior walls shall have a laboratory sound transmission class (STC) of at least 39.

Doors and windows shall have a laboratory STC of approximately 28. If glazing functions as walls, then it shall have the STC specified for exterior walls.

Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

The Applicant may pursue other methods of mitigating interior noise if it can be demonstrated, through an independent noise study that is reviewed and approved by DPWES showing that these methods will be effective in reducing interior noise levels to DNL 45 dBA or less.

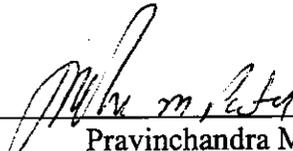
8. Erosion Control Prior to the start of construction perimeter erosion and sediment control measures shall be installed and other similar measures shall be coordinated with DPWES and the Northern Virginia Soil and Water Conservation District throughout the stages of development.

9. Traffic Signal Prior to site plan approval, the Applicant shall escrow with the Department of Public Works and Environmental Services (DPWES) \$25,000.00 for the construction of a traffic signal at the intersection of Skyhawk Drive and Centreville Road.

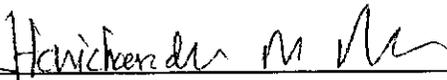
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TITLE OWNERS:

ARTEE & ASSOCIATES, LLC

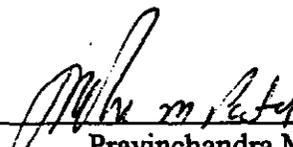
By:   
Name: Pravinchandra M. Patel  
Title: President

SHREE-JEE CORPORATION

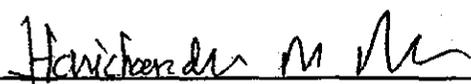
By:   
Name: Harichandra M. Patel  
Title: Secretary

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