



FAIRFAX COUNTY

OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

Tel: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3903

V I R G I N I A

www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm
Email: clerktothebos@fairfaxcounty.gov

March 26, 2004

Carson Lee Fifer, Jr., Esquire
McGuire, Woods, L.L.P.
1750 Tysons Boulevard, Suite 1800
McLean, Virginia 22102-4215

RE: Proffered Condition Amendment Number PCA 78-S-063-4
(Concurrent with RZ 2003-SU-040 and SE 2003-SU-025)

Dear Mr. Fifer:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on March 15, 2004, approving Proffered Condition Amendment PCA 78-S-063-4 in the name of LWL, LLC, to amend the proffers for a portion of RZ 78-S-063 previously approved for industrial development with an overall Floor Area Ratio (FAR) of 0.17 to permit reduction in land area, located in the southwest quadrant of the intersection of Westfields Boulevard and Sully Road (Route 28), Tax Map 44-3 ((6)) 21A pt., consisting of approximately 3.00 acres located in Sully District.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 15th day of March, 2004, the following ordinance was adopted.

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 78-S-063-4
(CONCURRENT WITH RZ 2003-SU-040 AND SE 2003-SU-025)

WHEREAS, LWL, LLC filed in the proper form an application to amend a portion of RZ 78-S-063 to permit reduction in land area pursuant to Virginia Code Ann. § 15.2-2303(a), and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Sully District,

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference this change and the rezoned land of RZ 78-S-063.

GIVEN under my hand this 15th day of March 2004.



Nancy Vehrs
Clerk to the Board of Supervisors



BURGESS & NIPLE

4160 Pleasant Valley Road ■ Chantilly, VA 20151
703 631.9630 ■ Fax 703 631.6041

METES AND BOUNDS DESCRIPTION

PART OF

PARCEL 21A

WESTFIELDS

DEED BOOK 7011, PAGE 1281

SULLY DISTRICT

FAIRFAX COUNTY, VIRGINIA

BEGINNING AT A POINT AT THE NORTHEASTERLY PROPERTY
CORNER OF LOT 5, PARCEL 21-1A WESTFIELDS, SAID POINT BEING
ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SULLEY ROAD ROUTE
28, VARIABLE WIDTH, AND BEING $423 \pm$ FEET IN AN EASTERLY
DIRECTION FROM THE POINT OF CURVATURE OF WESTFIELDS
BOULEVARD; THENCE, RUNNING WITH THE SOUTHERLY RIGHT-OF-
WAY LINE OF SULLY ROAD THE FOLLOWING COURSES AND
DISTANCES:

ALONG THE ARC OF A CURVE TO THE RIGHT BEING 560.00
FEET IN RADIUS, AN ARC DISTANCE OF 173.25 FEET, THE
CHORD OF SAID ARC RUNNING $S37^{\circ} 55' 21''E$, 172.56 FEET TO A
POINT; $S29^{\circ} 03' 34'' E$, 438.45 FEET TO A POINT;

THENCE, S58° 03' 37" W, 234.22 FEET WITH THE SOUTHWESTERLY
RIGHT-OF-WAY LINE OF SULLEY ROAD AND CONTINUING WITH THE
NORTHERLY PROPERTY LINE OF THE NOW OR FORMERLY KETTLER
PROPERTY TO A POINT; THENCE, N29° 03' 32" W, 508.81 FEET
RUNNING THROUGH PARCEL 21A, WESTFIELDS TO A POINT ON THE
EASTERLY PROPERTY LINE OF LOT 5, PARCEL 21-1A, WESTFIELDS,
THENCE, N32° 34' 53" E, 235.45 FEET WITH THE EASTERLY PROPERTY
LINE OF LOT 5, PARCEL 21-1A, WESTFIELDS TO THE POINT OF
BEGINNING AND CONTAINING 3.00 ACRES OF LAND.

PROFFERED CONDITIONS

LWL, LLC
RZ 2003-SU-040

March 15, 2004

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 ("PCA) Application and requested rezoning proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference 44-3-((6))-21A pt. (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-78-S-063, dated November 1985 for the portion of that property subject to this PCA, except as qualified below and only if, said request for the C-6 Zoning District is granted. In the event said application request is denied, these proffers shall be null and void. The Owners and the Applicant ("Applicant"), for themselves, their successors and assigns, 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. The proffered conditions are:

I. GENERALIZED DEVELOPMENT PLAN/SPECIAL EXCEPTION PLAT

1. Substantial Conformance. Subject to the provisions of Section 18-204 of the Zoning Ordinance, under which minor modifications to an approved plan are permitted, the Property shall be developed in substantial conformance with the plan entitled Generalized Development Plan/Special Exception Plat (GDP/SE) prepared by Burgess & Niple, Inc, dated June, 2003 and revised through March 9, 2004 (the "GDP").

2. Permitted Uses and FAR. The principal uses on the site may include business service and supply establishments, eating establishments, retail sales establishments, financial institutions, personal service establishments, and fast food

restaurants without a drive-through window. Adult video rental stores shall be prohibited. The Applicant reserves the right to alter individual building footprints and vary individual building sizes, if in substantial conformance with the GDP/SE Plat, provided the buildings are located within the building envelopes shown on the GDP/SE Plat and do not exceed an FAR of 0.17 and a maximum height of twenty-six (26') feet. The maximum number of tenants in each building shall be limited to four (4). The maximum number of tenants for the site shall be limited to a maximum of twelve (12). The maximum square footage for all fast food restaurants and eating establishments shall not exceed 16,000 square feet. The maximum number of fast food restaurants and eating establishments shall not exceed six (6) exclusive of fast food restaurants that do not serve or sell lunch, such as businesses whose primary purpose is to sell coffee and ice-cream shops.

3. Fast Food. The fast food restaurant(s) shall be permitted to operate daily between the hours of 6:00 a.m. and 11:00 p.m. There shall be no drive-through restaurants.

4. Hours of Operation. Tenant shall be limited so that no more than one-third (1/3) of the project will consist of restaurants that are open prior to 10:00 a.m. on weekdays.

II. ARCHITECTURAL DESIGN

5. Architecture. The architectural design of the buildings shall be in substantial conformance with the architectural elevations on pages 5 through 8 of the GDP. Modifications may be made if the final architectural designs are determined to be in substantial conformance with the elevations shown on the GDP/SE Plat by DPWES in consultation with DPZ. The development shall be coordinated with the surrounding commercial uses through the use of building materials, colors, landscaping or other similar design features and the following:

(a) A minimum of 25% of each building shall be constructed of brick which shall match the brick used on the existing Ameri-Suites Hotel and Sully Shopping Center located in close proximity to the subject property. Additional building materials may include architectural concrete block, architectural pre-cast concrete, stone, exterior

insulation finish system (E.I.F.S.), cementitious siding products (including Hardi-board, Hardi-plank), and reflective and non-reflective glass, and shall be substantially consistent with the conceptual renderings prepared by Zivic & Hurdle Architects and submitted as pages 5 through 8 of the GDP/SE.

(b) The majority of the roofline shall be a metal standing seam mansard roof. In addition, window dormers shall be incorporated into the building roofline.

(c) All buildings shall be constructed with consistent treatment on all four sides. Rooftop mechanical equipment shall be screened from view.

(d) At the time of building permit review, the Applicant shall submit to DPWES and to the Sully District Planning Commissioner architectural elevations of the proposed buildings to demonstrate conformance with this proffer.

6. Lighting. Lighting shall be subject to Part 9 of Article 14 of the Zoning Ordinance. All exterior parking lot lighting shall be of a low-intensity design which focuses the light directly onto the site and shall be approved at the time of site plan approval by DPWES. Shields shall be installed to prevent the light from projecting beyond the site. The maximum height of the light poles shall not exceed 14' in height.

7. Dumpsters. The dumpsters shall be screened in enclosures made of the same materials used in the building construction.

8. Trash Receptacles. There shall be a minimum of eight (8) trash receptacles dispersed throughout the site. Trash shall be picked up daily from public areas and deposited into dumpsters and/or receptacles.

III. SIGNAGE

9. Building Signs. All signage shall conform to the standards of Article 12 of the Zoning Ordinance. All building mounted signs shall be either internally illuminated or down lit. As stated in the Declaration of Protective Covenants and Restrictions that govern this property, all signs shall be uniform and consistent with the overall development of the Property and are subject to the prior written approval of the Westfields Board of Architectural Review as to the size, shape, color, material, design wording and location. No exposed neon building-mounted signage shall be permitted.

Neon encapsulated in a plastic covering shall be permitted. There shall be no cabinet mounted style fascia signs. Building signage will consist of individual signage letters.

10. Freestanding Signs. One freestanding sign shall be permitted on the site and it will be a ground-mounted, monument type. This identification sign shall conform to the provisions of Article 12 of the Zoning Ordinance. This sign shall be a maximum of twelve (12) feet in height with a maximum copy area of eighty (80) square feet to be divided among the tenants of the quadrant including Tax Map Reference 44-3-((6))-21A, 21C, 21D, 21E1, 21E2 and 21F.

IV. TRANSPORTATION

11. VDOT Easement. At the time of site plan approval, the Applicant shall grant to VDOT and/or Fairfax County a permanent utility and/or construction easement along the northern property boundary adjacent to the existing right of way as shown on the GDP, provided that such easements shall not preclude development or utilization of the subject property as depicted on the GDP.

12. Stonecroft Boulevard Extended. The Applicant shall provide a proportional share equal to one half (1/2) of the total cost for the extension of Stonecroft Boulevard to the east attributed to Tax Map 44-3-((6))-21A, as required by DPWES at the time of the subdivision of Parcel 21A to create the application parcel.

13. Interparcel Access. The Applicant shall grant an inter-parcel access easement to the property located to the south also identified as Tax Map 44-3-((1))-3 and as shown on the GDP subject to the following conditions:

- The construction of the access connection as shown on the GDP to be undertaken by the owner of Parcel 3, if not constructed concurrently with the site development, shall be provided by the owner of Parcel 3 at that owner's sole expense upon the development of Parcel 3.
- As a condition of use, the owner of Parcel 3 shall enter into an ongoing maintenance agreement to provide an equitable pro-rata contribution to the Applicant for the maintenance of the travel aisle and Westone Plaza, based on published Institute of Transportation Engineers (ITE)

trip generation rates for the proposed interparcel access connection, as approved by the Fairfax County Department of Transportation.

V. ENVIRONMENTAL

14. Stormwater Management Pond. Stormwater management facilities shall be provided in accordance with the Public Facilities Manual (PFM), as determined by the DPWES. Subject to approval by DPWES, the Applicant reserves the right to fulfill the obligation for stormwater management and BMP measures off-site in an existing stormwater management pond which is part of Tax Map Parcel 44-3-((1))-15 and/or in an existing pond located in Tax Map Parcel 44-3-((4))-2. In the event that stormwater capacity is not approved off-site, the Applicant reserves the right to provide an alternative stormwater detention facility on-site with BMP control measures, to include underground facilities, in substantial conformance with the GDP and subject to approval by DPWES.

15. Landscaping. Landscaping shall be provided in substantial conformance with the landscaping shown the GDP. Landscaping shall not be planted in the easement areas along the northern property boundary so as to allow full utility of the easement areas by VDOT. If, during the process of site plan review, any new landscaping shown on the GDP cannot be installed in order to locate utility lines, trails, etc., as determined necessary by the Urban Forestry Division, then an area of additional landscaping consisting of trees and/or plant material of a type and size generally consistent with that displaced, shall be substituted at an alternate location on the Property, subject to approval by the Urban Forestry Division.

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These proffers may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

Title Owner:
Fairfax County Tax Map
44-3-((6))-21A pt.

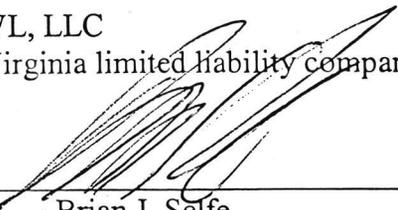
Manassas Technology Ventures, LLC
a Virginia limited liability company

By: Dashco, Inc., Virginia corporation,
Manager


By: Joan M. Smith
Title: Vice President

Contract Purchaser:
Fairfax County Tax Map
44-3-((6))-21A pt.

LWL, LLC
a Virginia limited liability company



By: Brian J. Selfe
Title: Managing Member

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