



# County of Fairfax, Virginia

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February 28, 2017

**2017 Planning  
Commission**

**Peter F. Murphy**  
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*Hunter Mill District*

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**Kimberly A. Bassarab**  
*Assistant Director*

**John W. Cooper**  
*Clerk to the Commission*

Noah B. Klein  
Odin, Feldman & Pittleman, PC  
1775 Wiehle Avenue, Suite 400  
Reston, VA 20190

**Re: SE 2016-HM-020/2232-H16-40 – MWAA & VIRGINIA DEPARTMENT OF  
RAIL AND PUBLIC TRANSPORTATION ON BEHALF OF WMATA AND  
THE BOARD OF SUPERVISORS  
Hunter Mill District**

Dear Mr. Klein:

At its February 23, 2017 meeting, the Planning Commission voted 11-0 (Commissioner Migliaccio was absent from the meeting) to **RECOMMEND APPROVAL** of SE 2016-HM-020 to the Board of Supervisors, subject to the development conditions dated February 9, 2017, as attached.


This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to the final decision by the Board of Supervisors.

Concurrently, the Planning Commission voted 11-0 (Commissioner Migliaccio was absent from the meeting) to **APPROVE** 2232-H16-40, pursuant to Section 15.2-2232 of the *Code of Virginia*, as amended. A copy of the verbatim transcript is attached.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits.

Sincerely,


  
John W. Cooper, Clerk  
Fairfax County Planning Commission

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.



Attachments (a/s)

cc: Catherine Hudgins, Supervisor, Hunter Mill District  
Frank A. de la Fe, Planning Commissioner, Hunter Mill District  
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of  
Supervisors, County Executive Office  
Mary Ann Tsai, Staff Coordinator, ZED, DPZ  
Robert Harrison, ZED, DPZ  
February 23, 2017 date file

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TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.

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**Fairfax County Planning Commission**  
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035  
703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)  
[www.fairfaxcounty.gov/planning](http://www.fairfaxcounty.gov/planning)



## PROPOSED DEVELOPMENT CONDITIONS

SE 2016-HM-020

February 9, 2017

If it is the intent of the Board of Supervisors to approve SE 2015-HM-020 located at Tax Map 17-3 ((8)) 2A part and 17-3 ((8))(3A) 2A part, for electrically-powered regional rail transit facilities pursuant to Sect. 9-405 of the Fairfax County Zoning Ordinance. Staff recommends that the Board of Supervisors condition its 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. Any plan submitted pursuant to the special exception shall be in substantial conformance with the approved SE Plat/Public Facilities Plan entitled "Reston Town Center Station – South" as prepared by Dewberry and consisting of nine sheets dated May 23, 2016, and revised through January 18, 2017. 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 development conditions approved by the Board of Supervisors shall be included in all relevant plans, as determined by the Department of General Services (DGS) and/or the Metropolitan Washington Airports Authority (MWAA).
5. Certification from DGS and/or MWAA shall be provided to the Department of Planning and Zoning that the project conforms to these special exception conditions prior to the issuance of a Non-Residential Use Permit (Non-RUP). Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
6. Stormwater management plans shall be reviewed and approved by the Department of Environmental Quality (DEQ), which assumed responsibility from the Virginia Department of Conservation and Resources for the Virginia Stormwater Management Act, Virginia Erosion and Sediment Control Act, and Chesapeake Bay Preservation Act and shall also be based on the Cooperative Agreement dated July 19, 2007 between the County and MWAA. The stricter of the State or Fairfax County standards shall be applied by the State reviewing authority.

7. Erosion and Sediment control plans shall be implemented as determined by DEQ. The stricter of the State or Fairfax County standards shall be applied by the State reviewing authority.
8. Subject to the standards and approval of the Virginia Department of Transportation, Fairfax County Department of Transportation, the Washington Metropolitan Area Transit Authority, and MWA, pedestrian access may be provided by the applicants or by others from the subject property to connect to the adjacent properties, and landscaping may be relocated or removed to accommodate such access, without the need for an amendment to the special exception.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by the Board of Supervisors.

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 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 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.

**County of Fairfax, Virginia  
Planning Commission Meeting  
February 23, 2017  
Verbatim Excerpt**

SE 2016-HM-020 – MWAA AND VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION ON BEHALF OF WMATA AND THE BOARD OF SUPERVISORS – Appl. under Sects. 2-517, 5-404, 5-408, 9-612 and 9-400 of the Zoning Ordinance to permit electrically powered regional rail transit facilities and wavier of open space requirements. Located at 2000 and 2001 Edmund Halley Dr. Reston, 20191 on approx. 1.88 ac. of land zoned I-4. Tax Map 17-3 ((8)) 2A (pt.) and 17-3 ((8)) (3A) 2A (pt.) (Concurrent with 2232-H16-40.) (Hunter Mill District)

2232-H16-40 – MWAA AND VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION ON BEHALF OF WMATA AND THE BOARD OF SUPERVISORS – Appl. under Sects. 15.2-2204 and 15.2-2232 of the Code of Virginia to permit a transit transfer facility. Located at 2000 and 2001 Edmund Halley Dr. Reston, 20191 on approx. 1.88 ac. of land zoned I-4. Tax Map 17-3 ((8)) 2A (pt.) and 17-3 ((8)) (3A) 2A (pt.) (Concurrent with SE 2016-HM-020.) (Hunter Mill District)

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Recognize Mr. de la Fe.

Commissioner de la Fe: Thank you, Mr. Chairman. As was stated by staff and the applicant, this is the last action, I hope, related to the Silver Line, so that, you know, so that we can really consider it well-underway and that we've done the necessary land use actions. Could I ask the applicant to come forward? I request that – confirm for the record agreement to the proposed special exception conditions dated February 9<sup>th</sup>, 2017.

Noah Klein, Applicant's Agent, Odin, Feldman & Pittleman, PC: We are so in agreement with conditions dated February 9<sup>th</sup>, 2017.

Commissioner de la Fe: Thank you very much. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THAT THE ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES PROPOSED UNDER APPLICATION 2232-H16-40 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15-2.2232 OF THE *CODE OF VIRGINIA*, AS AMENDED, AND IS SUBSTANTIALLY IN ACCORD WITH THE COMPREHENSIVE PLAN.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of the motion to approve 2232-H16-40, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. de la Fe.

