



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

July 29, 2020

David S. Houston
Bean, Kinney & Korman, P.C.
2311 Wilson Blvd., Suite 500
Arlington, Virginia 22201

**RE: Rezoning and Special Exception Applications RZ 2019-SU-021 and SE 2019-SU-022
Blue Knob Investors, LLC
Sully District**

Dear Mr. Houston:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 28, 2020. The Board approved Rezoning Application RZ 2019-SU-021, subject to the executed Proffers dated June 19, 2020.

The Board also:

- Modified Zoning Ordinance Section 13-303 for transitional screening requirements along the eastern property line of the I-5 zoning district, in favor of the landscaping required by the development conditions
- Waived Zoning Ordinance Section 13-304 for barrier requirements along the eastern property line of the I-5 zoning district
- Modified Zoning Ordinance Section 13-203 Part 1 for peripheral parking lot landscaping for the eastern and western property lines, in favor of the existing and proposed vegetation shown on the GDP/SE Plat
- Modified Zoning Ordinance Section 17-201 Part 2A for the construction of a service drive adjacent to any primary highway, to permit inter-parcel access to satisfy the requirement

The Board also approved Special Exception Application SE 2019-SU-022, subject to the Development Conditions date June 15, 2020.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.

Department of Clerk Services
Clerk for the Board of Supervisors
12000 Government Center Parkway, Suite 552
Fairfax, Virginia 22035
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Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

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 (SE) is subject to the provisions of Article 17, Site Plans, as may be determined by the Director Land Development (LDS). Any plan submitted pursuant to this SE will be in substantial conformance with the approved SE Plat entitled "Generalized Development Plan/Special Exception Plan", prepared by Urban, dated May 20, 2020 (GDP/SE Plat), and these conditions. Minor modifications to the approved SE may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. For the vehicle sales establishment, areas for loading, vehicle storage, and vehicle display must be designated on the site plan and limited to the designated areas as approved by Fairfax County Department of Transportation (FCDOT). The designated areas shown on the site plan will be consistent with the Parking Area Exhibit on Sheet 7 of the GDP/SE Plat.
5. All loading, unloading, and parking of trucks or vehicles used in the transport of automobiles or other vehicles intended for delivery to and from the subject site must occur in designated vehicle delivery areas (one for each establishment) to be identified at site plan as approved by FCDOT; may not result in any disruption of the traffic on Route 50 or within the vehicle circulation pattern shown on the GDP/SE Plat; and must be consistent with the Parking Area Exhibit on Sheet 7 of the GDP/SE Plat.
6. Upon completion of the construction of the improvements shown on the GDP/SE Plat, outdoor storage or parking of construction equipment, construction vehicles, construction machinery or vehicles such as solid waste collection vehicles, dump trucks, cement mixers, tractors and/or trailers of tractor-trailer trucks is not permitted.
7. Only paved parking areas and garages may be used for parking, storage, and/or display of vehicles. No vehicles may be parked within landscaped areas nor within any fire lanes.
8. At site plan review, the applicant will provide additional landscaping as follows, as reviewed and approved by UFMD:
 - a. Provide building foundation plantings, consisting of shrubs and seasonal flowers, for the front entrance to the vehicle sales establishment.
 - b. Provide more vegetation along the east side of the property adjacent to each building, in addition to the proposed shrubs shown on the GDP/SE Plat and the 8 interior parking lot trees, in the area adjacent to the 15-foot easement. Additional vegetation must include at minimum 8 Category III or IV Deciduous trees (for a total of 16 trees along that side). This may be accomplished by increasing the size and/or amount of the proposed landscape islands or landscaped area. If required to provide adequate space for supplemental plantings, the applicant may be required to remove or reconfigure some surface parking spaces, provided parking requirements continue to be met.

9. Notwithstanding what is shown on the GDP/SE Plat, a more definitive visual and distinct boundary between the C-8 and I-5 Districts must be provided to be determined at site plan, which may include merging or enlarging concrete islands for a more distinct median, providing additional wayfinding signage, and/or use of paint markings.
10. Notwithstanding the signage shown on Sheet 8A, final determination from the Zoning Administrator will be required during the sign permit process to assess whether Zoning Ordinance provision 12-204.2(B) or 12-204.2(E)(2), or another provision, is applicable to the subject property. If required, the applicant must reduce monument signage area or the number of monument signs from that shown on the GDP/SE plat to meet the applicable provision.

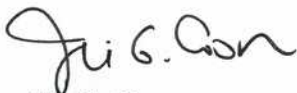
This approval, contingent on the above noted conditions, will not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant will be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special exception will not be valid until this has been accomplished.

The approval of this special exception does not interfere with abrogate or amend any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception will 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.

For additional information, please go to <http://ldsnet.fairfaxcounty.gov/ldsnet> or contact the Zoning Evaluation Division at (703) 324-1290.

Sincerely,



Jill G. Cooper
Clerk for the Board of Supervisors

David S. Houston
July 29, 2020

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Cc: Supervisor Kathy L. Smith, Sully District
Thomas Reed, Director, Real Estate Division, Dept. of Tax Administration
Tracy D. Strunk, Director, Zoning Evaluation Division, Dept. of Planning and Development
Deputy Zoning Administrator, Dept. of Planning and Development
Michael Liddle, Director, GIS Services, Department of Information Technology
Jeff Hermann, Section Chief, Transportation Planning Division
Andrea Dorlester, Park Planning Branch Manager, FCPA
Abdi Hamud, Program Administrator, DHCD/Design Development Division
Jessica Gillis, Coordinator, Facilities Planning, Fairfax County Public Schools
Michael Guarino, Chief Capital Projects Sections, Dept. of Transportation
Morgan Wolfe, Chief, Bonds & Agreements, Land Development Services



At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in Conference Room 11 of the Government Center at Fairfax, Virginia, on Tuesday, July 28, 2020, at which meeting a quorum was present and voting, the following ordinance was adopted:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
REZONING APPLICATION NUMBER RZ 2019-SU-021
(concurrent with Special Exception Application SE 2019-SU-022)**

WHEREAS, Blue Knob Investors, LLC filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the I-3, WS, AN and HC Districts to the C-8, WS, AN and HC Districts

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, and more particularly described as follows (see attached legal description):

Be and hereby is, zoned to the C-8, WS, AN and HC Districts and said property is subject to the use regulations of said C-8, WS, AN and HC Districts and further restricted by the conditions proffered and accepted pursuant to Virginia Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

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 the additional conditions governing said parcel.

GIVEN under my hand this 28th day of July 2020.



Jill G. Cooper

Clerk for the Board of Supervisors