



County of Fairfax, Virginia

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

July 3, 2008

Elizabeth D. Baker
Walsh, Colucci, Lubeley, Emrich & Walsh
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

Re: Special Exception Application SE 2007-SU-032
(Concurrent with Rezoning Application RZ 2007-MA-017)

Dear Ms. Baker:

At a regular meeting of the Board of Supervisors held on June 2, 2008, the Board approved Special Exception Application SE 2007-MA-032 in the name of Amerikor Properties, LLC. The subject property is located at 4245 Markham Street on approximately 3.44 acres of land zoned PDC, CRD, HC, and SC in the Mason District [Tax Map 71-1 ((20)) 2]. The Board's action permits fast food restaurant uses pursuant to Sections 6-205 and 7-607 of the Fairfax County Zoning Ordinance, 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 (SE Plat) approved with this application, as qualified by these development conditions. Other by-right or Special Permit uses may be permitted without amendment to this application, so long as such uses are in substantial conformance with this SE Plat.
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 SE Plat entitled "Markham Plaza" consisting of five sheets, prepared by Walter L. Phillips, Inc., dated October 10, 2007, as revised through May 12, 2008. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. No fast food restaurants shall have drive through windows.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

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<http://www.fairfaxcounty.gov/bosclerk>

5. Prior to issuance of any Non-RUP, it shall be demonstrated to DPWES that adequate parking is provided in accordance with these conditions and to serve all uses on the site. Should adequate parking not be available, the proposed uses shall be reduced in size or uses eliminated to meet the minimum parking requirements.
6. There shall be no outdoor storage of goods for sale. This shall not preclude the temporary outdoor display of retail goods for sale.

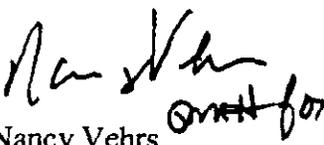
This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established 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 (which shall be defined as at least one of the four permitted fast food restaurants) 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.

The Board also:

- Modified the peripheral parking lot landscaping, in favor of that shown on the CDP/FDP/SE Plat.
- Modified the PFM Standard 12-0702.1B2 to permit reduction of the minimum planting width requirement, in favor of that shown on the CDP/FDP/SE Plat.

Sincerely,


Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms

Cc: Chairman Gerald E. Connolly
Supervisor Penelope Gross, Mason District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager. – GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation
Audrey Clark, Director – Building Plan Review, DPWES
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
Jose Comayagua, Director, Facilities Management
Denise James, Office of Capital Facilities/Fairfax County Public Schools
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

ZAPS USER GENERATED REPORT
ZONING APPLICATION SUMMARY REPORT
APPLICATION NUMBER: SE 2007-MA-032

DECISION DATE: 6/2/2008

HEARING BODY: BOS

CRD: YE

MAGISTERIAL DISTRICT: MASON

APPLICANT NAME AMERIKOR PROPERTIES, LLC

STAFF COORDINATOR: TSWAGL

ACTION: APPROVE

DECISION SUMMARY:

ON JUNE 2, 2008, THE BOARD UNANIMOUSLY APPROVED SE 2008
-MA-032 TO PERMIT FAST FOOD RESTAURANTS IN THE PDC DIST
RICT, SUBJECT TO DEVELOPMENT CONDITIONS DATED MAY 28, 2
008. THE BOARD ALSO APPROVED RZ 2007-MA-017 SUBJECT TO
PROFFERS DATED MAY 29, 2008.

TAX MAP NUMBERS

071-1- /20/ /0002-

WAIVERS/MODIFICATIONS

APPROVED WAIVERS/MODIFICATIONS

MODIFY PERIPHERAL PARKING LOT LANDSCAPING
SEE FILE FOR ALL WAIVERS AND MODIFICATIONS

SUPPLEMENTAL MOTIONS

SUPPLEMENTAL MOTIONS APPROVED

RECEIVED
Department of Planning & Zoning
JUL 30 2008
Zoning Evaluation Division