



# County of Fairfax, Virginia

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

CL# 81  
10/20/08

October 28, 2008

Elizabeth D. Baker  
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, Virginia 22201

Re: Special Exception Application SE 2008-HM-018  
(Concurrent with Proffered Condition Amendment Application PCA-C-696-07)

Dear Ms. Baker:

At a regular meeting of the Board of Supervisors held on October 20, 2008, the Board approved Special Exception Application SE 2008-HM-018 in the name of Dulles Development, LLC. The subject property is located at 2320, 2323, 2330, and 2333 Dulles Station Boulevard on approximately 20.25 acres of land zoned PDC in the Hunter Mill District [Tax Map 15-4 ((5)) 2A, 2B, 3A, 7A1, 7A2, and 8A]. The Board's action permits fast food restaurants in residential buildings pursuant to Section 6-205 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 approved with the application, as qualified by these development conditions.\*
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 Special Exception Plat entitled "Conceptual Development Plan Amendment, (CDPA), Final Development Plan Amendment (FDPA) and Proffer Conditioned Amendment (PCA) for Dulles Station at Dulles Corner Hotels, Hunter Mill District, Fairfax County, Virginia dated February 7, 2005 and revised through July 5, 2006. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

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Fairfax, Virginia 22035

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5. Fast food restaurants shall be permitted within the residential buildings shown on the SEA Plat provided that the total combined area of the fast food restaurants in those buildings (Land Bay II) does not exceed twenty (20) percent of the gross floor area of all residential uses in the development. No drive-through windows shall be permitted.
6. Outside seating for any fast food restaurant shall not block pedestrian access to the restaurant or other uses within the buildings.
7. Parking for the fast food restaurants shall be provided in accordance with the Zoning Ordinance.

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 or Residential Use Permits through established procedures, and this Special Exception shall not be valid until this has been accomplished.

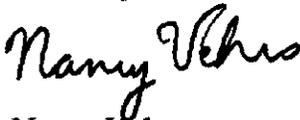
Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional 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.

**The Board also:**

- Modified the loading space requirement in favor of loading spaces shown on the CDPA/FDPA.
- Modified the transitional screening yard and barrier requirements along a portion of the southern boundary of the site where it abuts the existing multifamily development in favor of the landscaping shown on the CDPA/FDPA.
- Waived the 600 foot maximum length for a private street.

- Modified the construction materials for sidewalks per Section 8-0100 of the Public Facilities Manual (PFM).
- Modified the construction materials for trail requirements per Section 8-0200 of the PFM.
- Modified the use limitation for the PDC District to permit the gross floor area of residential uses (secondary use) to exceed 50% of the principal uses to allow residential uses up to 81 percent of the principal uses.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/dms

Cc: Chairman Gerald E. Connolly  
Supervisor Catherine Hudgins, Hunter Mill 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  
José Comayagua, Director, Facilities Management  
Denise James, Office of Capital Facilities/Fairfax County Public Schools  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation