



APPLICATION ACCEPTED: April 2, 2009
PLANNING COMMISSION: July 30, 2009
BOARD OF SUPERVISORS: August 3, 2009 @ 4:00 PM

County of Fairfax, Virginia

July 15, 2009

STAFF REPORT

APPLICATION SEA 2006-PR-019

PROVIDENCE DISTRICT

APPLICANT: Virginia International University

PRESENT ZONING: I-4

PARCEL(S): 57-1 ((1)) 10

ACREAGE: 11 acres

FAR: 0.35 (entire site)

PLAN MAP: Office

SE CATEGORY: Category 3: College, Universities

PROPOSAL: The applicant seeks to amend SE 2006-PR-019 previously approved for a university use within a 7,478 square foot portion of a 12,482 square foot existing office building located at 3957 Pender Drive. The applicant proposes to expand the university into a 4,012 square foot portion of an adjacent office building located at 3953 Pender Drive. This expansion would result in a total of 11,490 square feet of university use in two portions of two existing office buildings. No increase in the overall FAR is proposed. The FAR on the entire site will remain at 0.35.

STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 2006-PR-019 subject to the proposed development conditions in Appendix 1.

William O'Donnell

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

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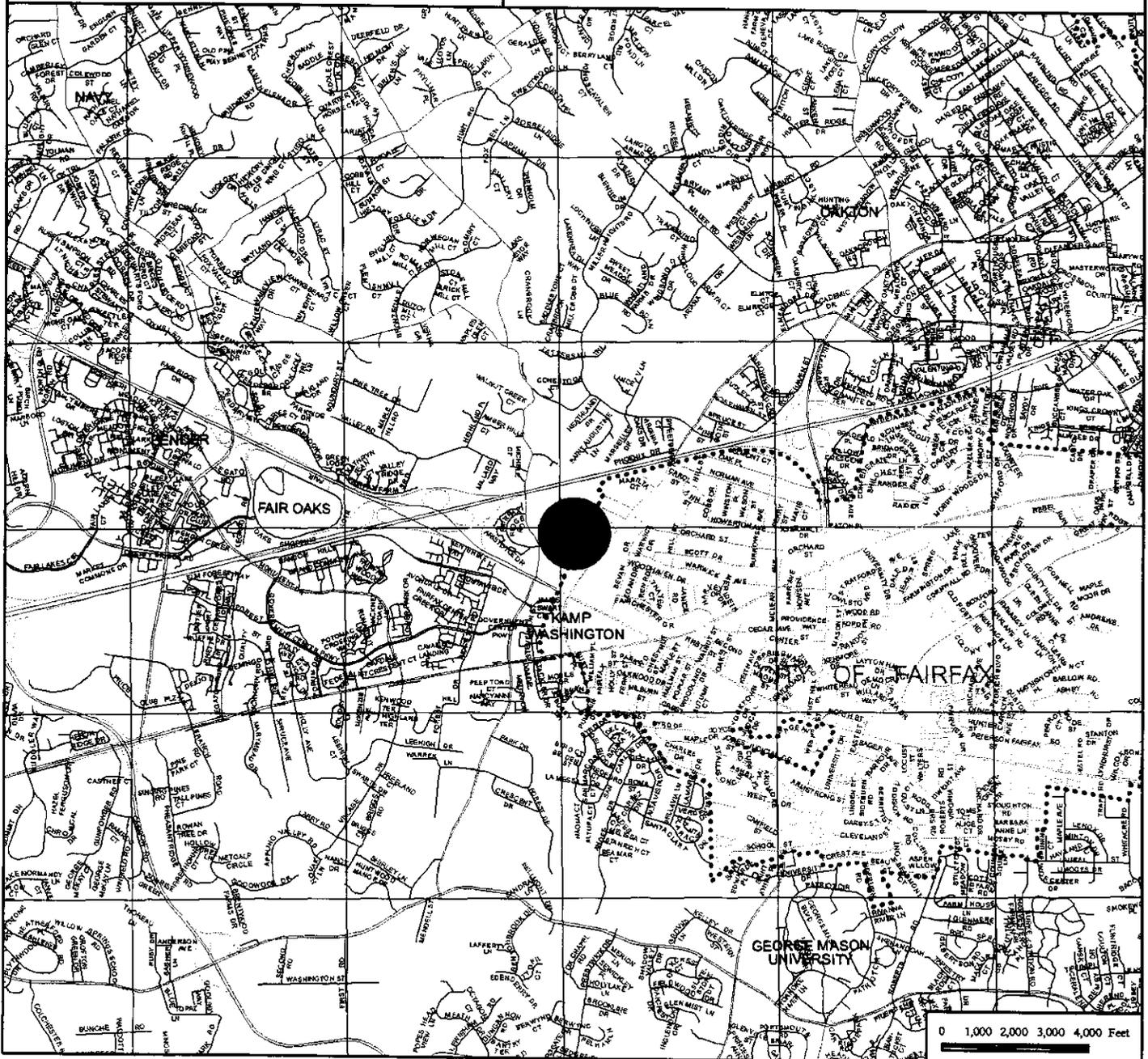
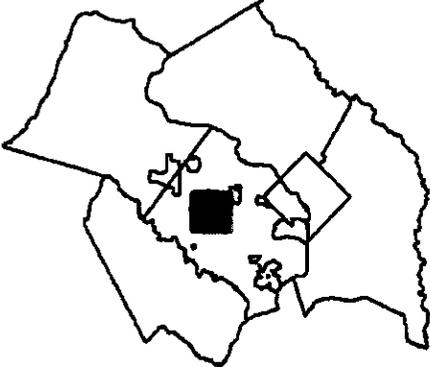
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception Amendment

SEA 2006-PR-019

Applicant: VIRGINIA INTERNATIONAL UNIVERSITY
Accepted: 04/02/2009
Proposed: AMEND SE 2006-PR-019 PREVIOUSLY APPROVED FOR COLLEGE/UNIVERSITY TO PERMIT SITE MODIFICATIONS

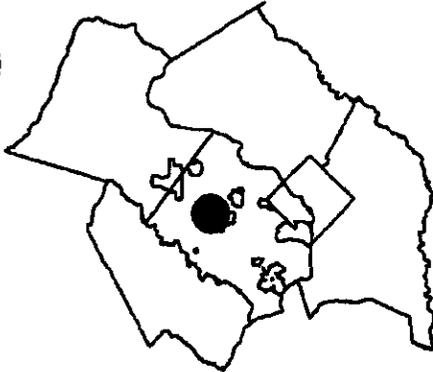
Area: 11 AC OF LAND, DISTRICT - PROVIDENCE
Zoning Dist Sect: 05-0404
Art 9 Group and Use: 3-01
Located: 3957 PENDER DRIVE
Zoning: I- 4
Plan Area: 2,
Overlay Dist:
Map Ref Num: 057-1- /01/ /0010



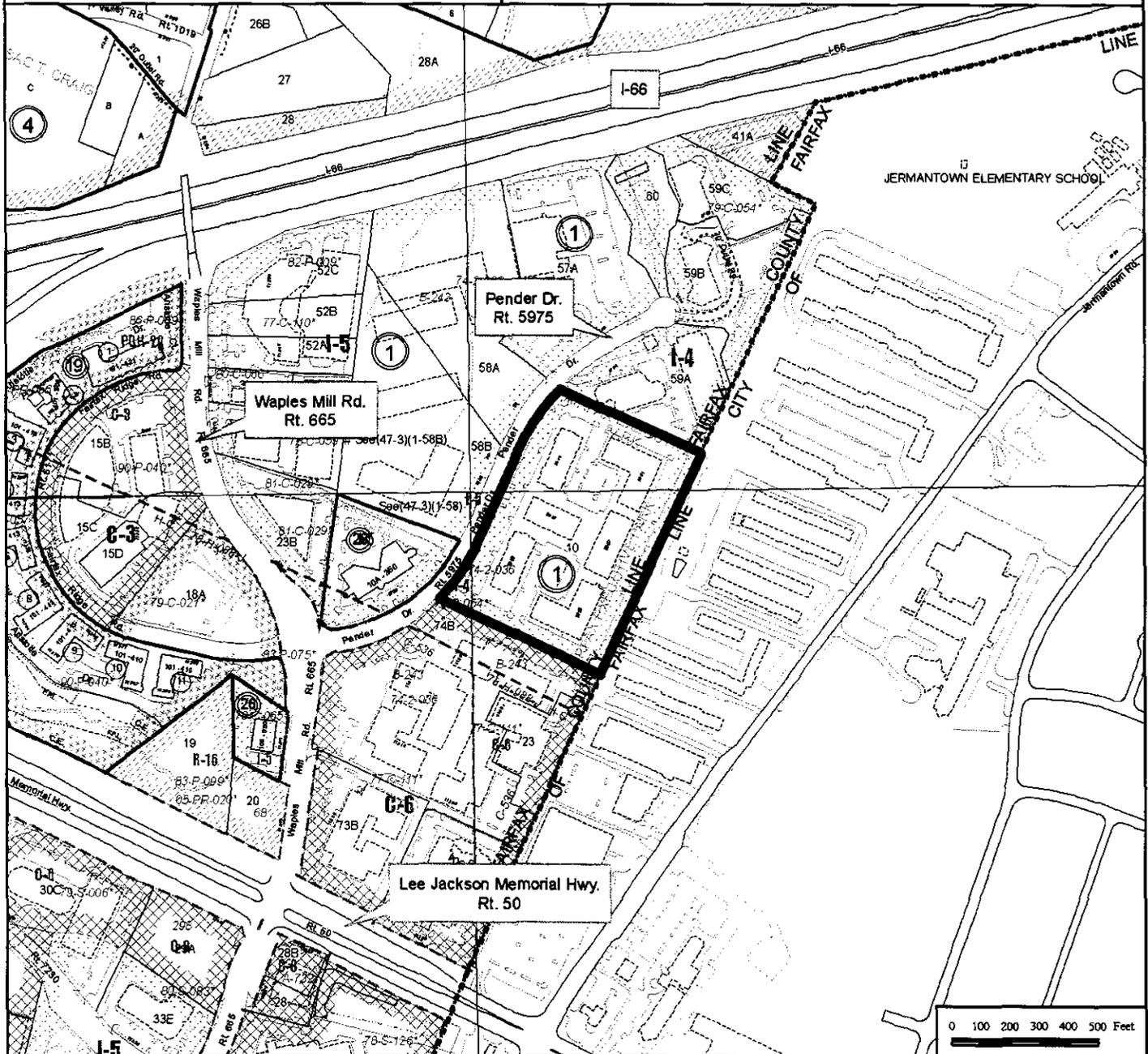
Special Exception Amendment

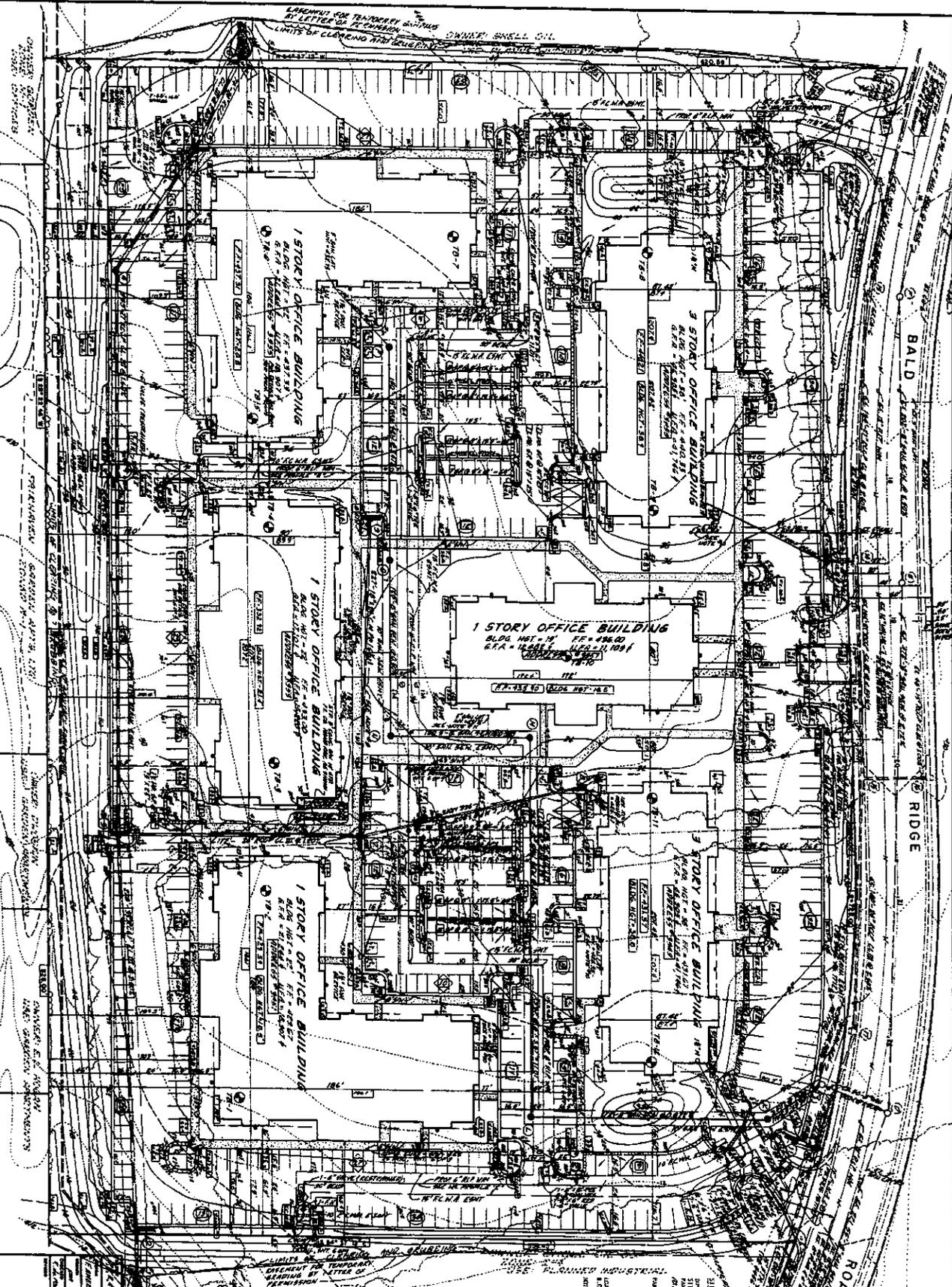
SEA 2006-PR-019

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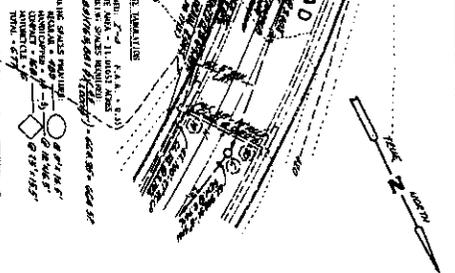


FAIRFAX EXECUTIVE PARK
AS-BUILT SITE PLAN
 GEORGETOWN, VIRGINIA
 11/15/73
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AS-BUILT NOT'GS

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2. THE CONSTRUCTION OF THE BUILDINGS SHOULD BE IN ACCORDANCE WITH THE SPECIFICATIONS AND CONDITIONS OF THE CONTRACT.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES ON THE SITE.
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**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

The subject property is currently developed as an office park with 165,881 gross square feet of office floor area in six office buildings. The applicant, Virginia International University, seeks to amend SE 2006-PR-019, previously approved for university use within a 7,478 square foot portion of the 12,482 square foot existing office building located at 3957 Pender Drive. The applicant is proposing to expand the university into a 4,012 square foot portion of an adjacent office building located at 3953 Pender Drive. This expansion would result in a total of 11,490 square feet of university use in two portions of two existing office buildings. Table 1 compares the previously approved special exception with the proposed change.

Table 1: Comparison between Special Exception Applications

Application	Existing and Proposed Gross Floor Area (GFA)	Enrollment
<p>SE 2006-PR-019 (previously approved special exception)</p>	<p>Existing Office Park: 165,881 sq ft 3957 Pender Drive (Office bldg): 12,482 sq ft VIU: 7,478 sq ft Remaining Office: 5,004 sq ft</p> <p>Total GFA for VIU = 7,478 sq ft</p>	<p><u>Students:</u> Morning Class (9:00 to 2:30) = 55 Afternoon Class (2:30 to 5:30) = 53 Evening Class (6:00 to 9:00) = 60</p> <p>Total = 168 students with a maximum daily enrollment of 170 students</p> <p><u>Faculty:</u> 35 (26 part time; 9 full time)</p>
<p>SEA 2006-PR-019 (Current Proposal)</p>	<p>Existing Office Park: 165,881 sq ft 3957 Pender Drive (Building 1): 12,482 sq ft 3953 Pender Drive (Building 2): 17,101 sq ft VIU in Building 1: 7,478 sq ft VIU in Building 2: 4,012 sq ft Remaining Office in Building 1: 5,004 sq ft Remaining Office in Building 2: 13,089 sq ft</p> <p>Total GFA for VIU = 11,490 sq ft</p>	<p><u>Students:</u> Morning Class (9:00 to 2:30) = 110 Afternoon Class (2:30 to 5:30) = 115 Evening Class (6:00 to 9:00) = 140</p> <p>Total = 365 students with a maximum daily enrollment of 400 students</p> <p><u>Faculty:</u> 40 maximum</p>

As shown in Table 1, the total approved GFA for the entire existing office park and the existing university use at 3957 Pender Drive does not change with the current proposal. However, the current proposal seeks to expand the approved GFA for the university from 7,478 gross square feet to 11,490 square feet, using the same square footage from the previously approved special exception and adding 4,012 square feet from an office building located at 3953 Pender Drive. No increase in the overall FAR on the subject property is proposed. The FAR on the entire site will remain at 0.35.

In addition, the applicant proposes to more than double the current maximum daily

enrollment (from 170 students to 400 students) for the university and the current number of students attending morning, afternoon and evening classes. The number of faculty members would also increase from 35 to 40. The overall hours of operation for the university would remain as currently approved from 8:30 am to 9:00 pm.

Waivers/Modifications: No waivers or modifications are requested with the application.

A reduced copy of the proposed Special Exception Plat is included in the front of this report. The proposed development conditions, the Affidavit and the statement of justification are included as Appendices 1 through 3.

LOCATION AND CHARACTER

Site Description

The application property consists of two existing office building located at 3957 and 3953 Pender Drive, which are part of a larger office park located approximately 800 feet northeast of the intersection of Pender Drive and Waples Mill Road on Tax Map 57-1((1)) 10. No physical changes are proposed to the property.

The entire site consists of approximately eleven (11) acres of land area with six separate office buildings on site; four (4) one-story and two (2) two-story office buildings. The proposed university would occupy the northern portion of the one-story building located in the middle of the site at 3957 Pender Drive and the eastern portion of the one-story building located at 3953 Pender Drive, which is located to the south of the 3957 Pender Drive office building. Three access points are provided from Pender Drive. Existing vegetation is located along the perimeter and includes a mixture of evergreen shrubs and trees. Additional landscaping is provided around each building. In addition, surface parking is provided along the perimeter of the site with two separate surface parking lots located in the middle of the site.

Surrounding Area Description

The subject property is located within a large office park that is located east of Waples Mill Road, south of Interstate 66 and north of Route 50. Table 2 lists the land use, zoning and current Plan for surrounding properties.

Table 2: Land use, Zoning and current Plan designations for surrounding properties.

Direction	Use	Zoning	Plan
North	Office	I-4	Fairfax Center Area Land Unit K: Office @ Overlay Level 0.50 FAR
South	Office	C-6	Fairfax Center Area Land Unit K: Office @ Overlay Level 0.50 FAR
East (City of Fairfax)	Residential Townhouses & Apartments	--	--
West	Office	I-5	Fairfax Center Area Land Unit K: Office @ Overlay Level 0.50 FAR

BACKGROUND

- On November 5, 1979, the Board of Supervisors approved RZ 79-C-054, which rezoned approximately 22 acres from R-12 (Residential 12 du/ac) to the I-4 District. The land area of this Special Exception consists of 11 of those 22 acres. Proffered Conditions A, B and C, subject to RZ 79-C-054, limit the floor area ratio (FAR) to 0.67 FAR, building heights to 70 feet and the total building coverage on-site to 60 percent. There is no proffered development plan.
- On November 5, 1979, the Board of Supervisors approved PCA 74-2-036 concurrent with RZ 79-C-054, which applied the same proffer conditions from RZ 79-C-054 to approximately 25.2 acres of property zoned to the I-5 district that is located on the west side of Pender Drive; copies of the accepted proffers are on file with the Zoning Evaluation Division, DPZ.
- On March 12, 2007, the Board of Supervisors approved SE 2006-PR-019 to allow a university use within a 7,478 square foot portion of a 12,482 square foot existing office building subject to development conditions dated January 26, 2007. ***Copies of the approved development conditions are contained in Appendix 4.***

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area III
Planning District:	Fairfax Center Area
Land Unit:	Land Unit K
Plan Map:	Office

The Fairfax County Comprehensive Plan, 2007 Edition, Area III, Fairfax Center Area as amended through January 26, 2009, Land Unit K, page 77, states:

"This area contains office use and a hotel. These uses are expected to remain. Undeveloped parcels are planned for medium intensity office use at .50 FAR at the overlay level to be compatible with the overall intensity of this area. Particular attention should be given to the presentation of a high-quality image from I-66 and Route 50. The planned roadway improvements for this area are shown on Figure 6.

Development in this area is constrained by an Environmental Quality Corridor (EQC) associated with the stream valley that traverses the western portion of the land unit. The EQC encompasses the floodplain, associated alluvial soils, and steep slopes. This EQC should be retained in open space."

ANALYSIS

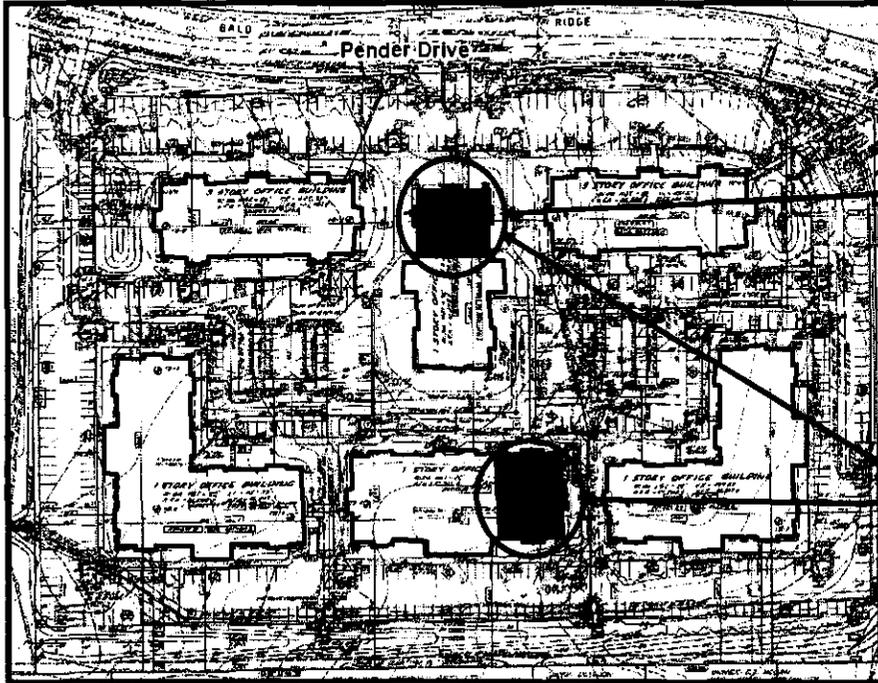
Special Exception Amendment Plat (Copy at front of staff report)

Title of SEA Plat: As Built Site Plan: Fairfax Executive Park

Prepared By: Patton, Harris, Rust and Guy

Original and Revision Dates: December, 1980 as revised through
October 10, 1985

The SEA Plat consists of one sheet, which represents the existing conditions and is taken from the approved "As Built Site Plan." The proposed university will occupy a 7,478 square foot portion of the 12,482 square foot office building located at 3957 Pender Drive and a 4,012 square foot portion of an adjacent office building located at 3953 Pender drive to the south. The site tabulation table indicates that the six existing office buildings total 165,881 square feet of gross floor area and required 664 parking spaces at the time of site plan approval. The site plan shows a total of 677 surface parking spaces which are primarily located along the perimeter of the site with two parking lots in the center of the site. No physical changes are proposed to the exteriors of the office buildings, the existing stormwater management, existing sidewalks or the existing landscaping, screening and tree cover. Three access points are shown on the SEA Plat from Pender Drive. Graphic 1 highlights portions of the existing office buildings located at 3957 and 3953 Pender Drive that are proposed to be university use.

Graphic 1: Proposed University Use in 3957 and 3953 Pender Drive

Previous SE Approval:
7,478 sq ft of university use in a portion of the office building located at 3957 Pender Drive

Proposal:
11,490 sq ft of university use in portions of two office buildings located at 3957 and 3953 Pender Drive

Land Use Analysis

The application proposes a university within portions of two existing office buildings located in Land Unit K of the Fairfax Center Area. The Plan text notes that this area contains office use and recommends office use at 0.50 floor area ratio for this site (see Appendix 5). The application does not propose to increase the gross floor area and is in harmony with the recommendations of the Comprehensive Plan.

Environmental Analysis

No environmental issues are associated with this application.

Fairfax Center Checklist Analysis

The Fairfax Center Checklist is a tool used by staff in evaluating zoning applications within the Fairfax Center Area for conformance with the Comprehensive Plan. Since the applicant seeks a special exception to expand a university use and proposes no physical change to the interior or exterior of the existing office buildings, a formal review of the Fairfax Center check list was not undertaken.

Transportation Analysis (See Appendix 6)

The Department of Transportation reviewed the application and indicated that the previously approved Transportation Demand Management (TDM) program should be continued as conditioned in the previously approved special exception

application with minor changes to include pre-loaded Smart Trip cards for faculty, staff and students to serve as an added incentive for transit use. Staff has carried forward the previously approved TDM development condition and provided additional incentives within the TDM Program to encourage transit use.

ZONING ORDINANCE PROVISIONS (See Appendix 7)

The current parking requirement for office and university uses is:

- a) Office Use: 125,000 square feet of gross floor area or more:
Two and six-tenths (2.6) spaces per 1000 square feet of gross floor area.
- b) University Use: Based on a review by the Director of each proposal including such factors as the occupancy load of all classroom facilities, auditoriums and stadiums, the availability of mass transportation, and the availability of areas on site that can be used for auxiliary parking in times of peak demand; but in no instance less than one (1) space per faculty and staff member and other full-time employee, plus a sufficient number of spaces to accommodate the anticipated number of students and visitors who will drive to the institution at any one time.

The number of existing parking spaces on the site (677) was based on the previous higher zoning requirement for office use (4.5 spaces per 1000 square feet of gross floor area).

Based on the current Zoning Ordinance requirements, 401 parking spaces are required for 154,391 gross square feet devoted to the office use (165,881 sq. ft. minus 11,490 sq. ft.), 40 parking spaces are required to accommodate all of the faculty and employees and the Director of the Department of Public Works and Environmental Services (DPWES) determines the requirement for the students. Since the applicant has requested 225 students during the day, the time period that would conflict with the use of the parking spaces by office workers, 225 spaces would likely be the maximum number required for the university. Since the required 666 parking spaces are less than the 677 existing on the site, staff believes that there would be enough parking on the site to accommodate the proposal to increase enrollment and gross floor area devoted to the university use. However, staff has proposed a development conditions to limit the number of students on site prior to 6:00 p.m. to 225 students and requested that an updated parking tabulation be provided prior to the issuance of the nonresidential use permit (Non-RUP).

Transitional Screening and Barrier Requirements

The subject property is bounded by office uses to the north, south, and west and residential uses to the east. According to the Zoning Ordinance, the residential uses to the east in the City of Fairfax require Transitional Screening I. This screening currently exists. Since no changes are proposed to the interior or exterior of the existing office buildings, Staff believes that the existing vegetation on all lot lines adequately screens the site.

Waivers and Modifications

No waivers or modifications were requested with this application.

Special Exception Requirements

The special exception amendment application does not change the previous analysis for the existing Category 3: College and University use, or the other applicable Zoning Ordinance provisions as established with the current conditioned SE Plat (SE 2006-PR-019) for the property. The applicant seeks to expand the approved GFA for the university from 7,478 gross square feet to 11,490 square feet using the same square footage from the previously approved special exception and adding 4,012 square feet from an office building located at 3953 Pender Drive. No increase in the overall FAR on the subject property is proposed. The FAR on the entire site will remain at 0.35. The previously approved site layout and development conditions for the university would be carried forward with this application with minor modifications to update development conditions to reflect current code requirements and the current application request. Staff believes that the proposal would not adversely impact the previously approved SE Plat and continues to meet the general standards for special exceptions (Sect 9-006), and the standards for all Category 3 uses (Sect. 9-304), and therefore would not object to the approval of the current request.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the proposal to expand the existing university use on the subject property is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

Staff Recommendations

Staff recommends approval of SEA 2006-PR-019, subject to the Proposed Development Conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Development Conditions for SE 2006-PR-019
5. Plan Citations
6. Transportation Analysis
7. Applicable Zoning Ordinance Provisions
8. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS

SEA 2006-PR-019

July 15, 2009

If it is the intent of the Board of Supervisors to approve SE 2006-PR-019 located at Tax Map 57-1 ((1)) 10 for use as a university within the existing office buildings (3957 and 3953 Pender Drive) pursuant to Sect. 5-404 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions (those conditions carried forward from previous approval are marked with an asterisk*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.*
2. This Special Exception Amendment 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. Other Permitted or Special Permit uses may be allowed on the site without amending this special exception so long as the proposed use is in substantial conformance with the SE Plat and all Zoning Ordinance requirements have been met.*
3. This Special Exception Amendment 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 As Built Site Plan: Fairfax Executive Park, prepared by Patton, Harris, Rust and Guy, consisting of 1 sheets dated December, 1980 as revised through October 10, 1985, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The amount of gross floor area devoted to the university use on the subject property shall be limited to a total of 13,000 square feet.
5. The maximum daily enrollment shall be limited to 400 students.
6. In no event shall more than 225 students be permitted to attend classes during the day before 6:00 p.m.
7. The maximum number of parking spaces for university employees and faculty members shall be limited to 40.
8. There shall be no dorms or dedicated eating establishments on the portions of the site devoted to university use.*

9. Prior to the issuance of a Non-Residential Use Permit (Non-Rup), the applicant shall provide a parking tabulation sheet to DPWES.

10. Prior to NonRUP, the applicant shall work with Fairfax County Department of Transportation (FCDOT) to revise and continue the existing Transportation Demand Management (TDM) program that serves transportation needs of the students, employees and faculty while reducing the number of vehicular trips to and from the site. This TDM Program shall include:

A. Transportation Coordinator. Upon approval of this Special Exception, an individual shall be designated to act as the Transportation Coordinator (TC), whose responsibility will be to implement the TDM strategies with on-going coordination with Fairfax County Department of Transportation (FCDOT). Written notice shall be provided to FCDOT of the appointment of the TC within thirty (30) days of such appointment, and thereafter, within thirty (30) days of any change in such appointment.

B. TDM Plan. Sixty (60) days after the appointment of the TC, an updated TDM Plan for the Property shall be submitted to FCDOT for review and approval. The TDM Plan and any amendments thereto shall include, at a minimum, the following measures:

i. Information Dissemination. Transit maps and schedules, ridesharing and other relevant information shall be made available to students, employees and faculty in an easily-accessible location and by electronic means such as websites, email and social networking media.

ii. SmarTrip Cards. Transit fare media, pre-loaded with fare value, will be provided to students, employees and faculty each academic year to encourage use of non-SOV transportation options. The amount of fare value and number of cards distributed each year will be determined in consultation with FCDOT.

iii. Ride Matching. Coordination and assistance with vanpool and carpool formation programs, ride matching services, and established guaranteed ride home programs shall be provided to employees and faculty;

iv. Bicycle Storage. Adequate bicycle racks for all users and visitors to the Property shall be provided. The location and design of the bicycle racks shall be determined in consultation with FCDOT.

v. Preferential Parking. Preferential parking spaces for carpools/vanpools shall be provided.

Other measures may be included as determined by FCDOT. If FCDOT has not responded with any comments to the TC within sixty (60) days of receipt of the TDM Plan, the TDM Plan shall be deemed approved.

C. Mode Share Goal. The objective of the TDM Plan shall be to increase the non-Single Occupant Vehicle (non-SOV) mode share (as measured by the Annual Survey) from year to year.

D. Annual Surveys & Coordination with FCDOT. Within thirty (30) days following the first day of classes of each calendar year, the TC shall conduct a survey of students, employees and faculty designed to evaluate the effectiveness of the TDM measures and to evaluate the need for changes to the TDM measures then in place. The TC shall coordinate the draft survey materials and the methodology with FCDOT at least thirty (30) days prior to each year's Survey. The survey content shall include at a minimum:

- i. A description of the TDM measures in effect for the survey period and a description of how such measures have been implemented;
- ii. The number of students, employees and faculty surveyed and the number who responded;
- iii. The results of the survey (including number of individuals participating in the TDM programs, displayed by category and mode of use); and,
- iv. An evaluation of the effectiveness of the TDM program elements in place, and, if necessary, proposed modifications to meet the Mode Share Goal, above.

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

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 the use has been established. 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 12, 2008
 (enter date affidavit is notarized)

I, Michael M. Pavlovich, Esq., do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

104189

in Application No.(s): SEA-2006-PR-019
 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Virginia International University	3957 Pender Drive, Fairfax, Virginia 22030	Applicant/Lessee
Dr. Isa Sarac, Ph.D	3957 Pender Drive, Fairfax, Virginia 22030	Agent
Christina Lavoie	3957 Pender Drive, Fairfax, Virginia 22030	Agent
Sue Ann Myers	3957 Pender Drive, Fairfax, Virginia 22030	Agent
RE VX 098 LLC	701 Western Avenue, Suite 200, Glendale, CA 91201	Title Owner
Melissa McKenna	2750 Prosperity Ave., Suite 230 Fairfax, VA 22031	Agent/Property Manager
Keith Summers	2750 Prosperity Ave., Suite 230 Fairfax, VA 22031	Agent/Regional Manager
Westberg Croessmann & Warren, P.C.	1220 N. Fillmore St. Suite 310, Arlington, VA 22201	Attorney/Agent for Applicant
Michael M. Pavlovich, Esq.	1220 N. Fillmore St. Suite 310, Arlington, VA 22201	Attorney/Agent for Applicant
Philip R. Croessmann, Esq.	1220 N. Fillmore St. Suite 310, Arlington, VA 22201	Attorney/Agent for Applicant

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 12, 2008
(enter date affidavit is notarized)

104189

for Application No. (s): SEA-2006-PR-019
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code) REVX 098 LLC 701 Western Avenue, Suite 200, Glendale, CA 91201

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

PS Business Parks, LP

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(b)

DATE: November 12, 2008
(enter date affidavit is notarized)

104189

for Application No. (s): SEA-2006-PR-019
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

PS Business Parks, Inc. 701 Western Avenue, Suite 200, Glendale CA 91201

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Westberg Croessmann & Warren, P.C. 1220 N. Fillmore St. Suite 310, Arlington, VA 22201

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Philip R. Croessmann
Peter L. Warren

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: November 12, 2008
(enter date affidavit is notarized)

104189

for Application No. (s): SEA-2006-PR-019
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Virginia International University 3957 Pender Drive, Fairfax, VA 22030

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Non-Profit Corporation- No Shareholders

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 12, 2008
(enter date affidavit is notarized)

104189

for Application No. (s): SEA-2006-PR-019
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)

PS Business Parks, LP 701 Western Avenue, Suite 201, Glendale, CA 91201

(check if applicable) The above-listed partnership has no limited partners

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

PS Business Parks, Inc. General Partner

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 12, 2008
(enter date affidavit is notarized)

104189

for Application No. (s): SEA-2006-PR-019
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 12, 2008
(enter date affidavit is notarized)

104189

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

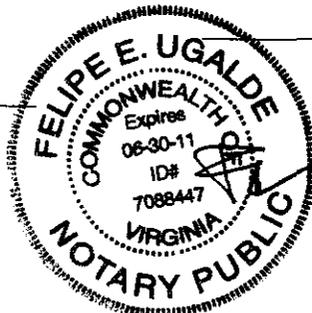
(check one) [] Applicant [x] Applicant's Authorized Agent

Michael M. Pavlovich Attorney/Agent for Applicant
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 12th day of November 20 08, in the State/Comm. of Virginia, County/City of Arlington.

[Signature]
Notary Public

My commission expires: _____



WESTBERG CROESSMANN & WARREN, P.C.

ATTORNEYS AT LAW

1220 Fillmore Street
 Suite 310
 Arlington, Virginia 22201
 Tel: 703.894.1224
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 Cell: 757.206.4637

November 13, 2008

Director
 Zoning Evaluation Division
 Fairfax County Department of Planning and Zoning
 12055 Government Center Parkway
 Suite 801
 Fairfax, Virginia 22035

RECEIVED
 Department of Planning & Zoning
 NOV 13 2008
 Zoning Evaluation Division

Re: **SEA-2006-PR-019**
Statement of Justification for Special Exception Amendment
Virginia International University

Dear Director:

Please accept the following as a Statement of Justification for a Special Exception Amendment to permit the use of an adjacent existing building located at 3953 Pender Drive and modifications to certain previously approved development conditions to an existing College/University Use (University with an Office Building) established at 3957 Pender Drive by SE-2006-PR-019 (the "Special Exception"). Pursuant to Sections 9-011 and 9-1014 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance"), Virginia International University ("VIU" or the "Applicant") submits this Statement of Justification describing the proposed amendments to the Special Exception to expand the College/University Use to an adjacent building and modify certain development conditions associated with the approved Special Exception.

The Special Exception was previously approved for 3957 Pender Drive ("Existing Use Building"). The Applicant is proposing to expand the Special Exception use to an adjacent building located at 3953 Pender Drive ("the Proposed Use Building"). Both Buildings consist of portions of a larger office park located on property identified on Fairfax County tax map records as 57-1 ((1)) (10) (the "Subject Property"). Additionally, VIU currently utilizes a portion of the building located at 11200 Waples Mill Road, Suite 360, Fairfax, Virginia 22030 (the "Waples Mill Property"), where the College/University Use is allowed by right under the Zoning Ordinance, as primarily an administrative and general office function for the University.

The Subject Property contains approximately 11 acres in the Providence Magisterial District. Existing improvements include single story buildings served by surface parking. The Subject Property is currently improved with a university within an office building operating as VIU and other general office uses in the surrounding

buildings. The Subject Property is zoned I-4 (Medium Intensity Industrial District) and is currently governed by proffered conditions associated with the rezoning application RZ 79-C-054. The Applicant proposes an expansion of the use to a portion of the Proposed Use Building and modification of the development conditions, including an increase in VIU's maximum daily enrollment, to enhance the existing use and to better serve the community.

The Subject Property is located within the Fairfax Center Area, Land Unit K of the Comprehensive Plan. The Plan addresses the Subject Property as containing office uses and a hotel, which office uses are expected to remain. The Applicant currently occupies roughly 7,478 square feet of the Existing Use Building's total 12,759 rentable square feet (58%), with the balance of this Building occupied by other tenants as standard office spaces. The Applicant has recently leased 4012 square feet of the Proposed Use Building's total 17,235 rentable square feet (23%), with the balance of this building occupied by other tenants as standard office spaces. The Applicant is not proposing any change to the Proposed Use Building's exterior or interior spaces. Therefore, the amendment is in harmony with the Plan's recommendations.

The Applicant has recently experienced a sustained increase amongst prospective students interested in enrolling in VIU's programs. The Applicant has identified the Proposed Use Building as necessary to satisfy this demand and to enhance its existing facilities for the benefit of the students who attend the university.

The Applicant is requesting an amendment to the Special Exception to expand their use as a college/university to the 4012 square feet of the Proposed Use Building. No changes are proposed to the interior or exterior of the Proposed Use Building located on the Subject Property. The Proposed Use Building will be used as primarily for classroom instruction with related uses.

The Applicant is also proposing to amend the following Development Conditions approved for the Special Exception:

- Amend Development Condition 4 to provide that the amount of gross floor area devoted to the university use within the buildings shall be 13,000 square feet. This figure will allow for modest expansion of the existing spaces occupied by the Applicant in the next few years should the need arise.

- Amend Development Condition 5 to increase the maximum allowed daily enrollment from 170 students to 400 students. This figure will accommodate the expected increase in demand experienced by the Applicant and will provide a viable number to keep up with any growth needs of the future over the next few years.

- Amend Development Condition 6 to increase the maximum allowed daily enrollment before 6:00pm from 110 students to 225 students. This figure keeps the same ratio of day students allowed with the previously approved Development Condition and

does not significantly increase the expected traffic and parking impacts for the reasons described below.

- Amend Development Condition 7 to increase the maximum number of parking spaces for university employees and faculty from 35 to 40. This figure takes into consideration the small number of additional faculty and employees expected to be added to accommodate the additional students.

- The Applicant will continue to adhere to the terms of the TDM Plan established between the Applicant and the Fairfax County Department Transportation ("FCDOT") and will continue to work with FCDOT to expand this Plan to accommodate the expanded use and increase in enrollment.

In accordance with the requirements of Section 9-011 of the Zoning Ordinance, please find the following information:

A. Type of Operation: VIU is an established college/university which provides classroom instruction in graduate courses to students in Masters in Business Administration and Masters in Information Management Systems programs. The Applicant also provides classroom instruction in undergraduate courses to students in International Business and Computer Science programs. The Applicant also provides diploma and certificate programs to students whose primary language is a language other than English. VIU has five (5) classrooms and one (1) computer lab which are contained completely within the existing structure located on the Subject Property. VIU is proposing to add additional classroom and accessory uses to the Proposed Use Building located on the Subject Property. The Applicant's current use will not change as a result of this application.

B. Hours of Operation: VIU is open and engages in classroom instruction during Monday through Friday from 9:00am to 9:00pm. VIU's small non-instructional staff at the Subject Property operates from Monday through Friday from 8:30am to 6:30pm. Morning classes begin at 9:00am and end at 2:30pm and currently enroll 55 students. These classes are expected to enroll approximately a maximum of 110 students based upon existing ratios if approved for the requested expanded enrollment. Afternoon classes begin at 2:30pm and end at 5:30pm and currently enroll 53 students. These afternoon classes are expected to enroll a maximum of approximately 115 students based upon existing ratios if approved for the requested expanded enrollment. Evening classes begin at 6:00pm and end at 9:00pm and currently enroll 60 students. These evening classes are expected to enroll a maximum of 140 students based upon existing ratios if approved for the requested expanded enrollment. There are no activities within the Existing Use Building and the Proposed Use Building located on the Subject Property other than during these time periods.

C. Estimated/Actual Number of Students: VIU currently has 170 students in all programs attending courses at VIU. The Applicant is requesting an

increase in allowed maximum enrollment to 400 students. Because the Applicant operates a split schedule, no more than 190 students would be present on the Subject Property at any one time.

D. Actual/Estimated Number of Faculty and Staff:

VIU currently utilizes 15 faculty members at the Subject Property who are employed on a part-time basis for instruction in all of VIU's programs of instruction. These part-time staff typically teach one to two classes per semester. This number is expected to increase to approximately 20 to 25 part-time instructors at the Subject Property to handle the proposed number of additional students. These adjunct instructors are present at varied times of the day and evening coinciding with class and meeting times. VIU currently has 17 administrative and non-instructory staff employees who are employed on a full-time basis and 4 full time faculty members. The majority of these staff employees are located at the Waples Mill Property. With respect to the Subject Property, VIU is anticipating a maximum of 10 full-time faculty and staff and 3 additional part-time staff (non-adjunct) at the Subject Property. This is not expected to change significantly to accommodate the proposed number of additional students.

E. Estimate of Traffic Impact of Proposed Use: The Subject Property is served by access roads which lead into the major arteries of Route 50 and Interstate 66. The majority of the students engaged in coursework at VIU make exclusive use of public transportation or ride share to commute to and from the Subject Property. A recent comprehensive survey of VIU's current transportation demand undertaken by VIU in cooperation with FCDOT revealed that approximately 22% of the faculty and students carpool to the Subject Property, approximately 43% use public bus service and approximately 32% use Metro to commute to and from the Subject Property. VIU is actively working with FCDOT to encourage the use of public transportation and rideshare amongst it's students and faculty/staff and has implemented a Transportation Demand Management Plan to achieve this. VIU will continue to work with FCDOT to manage the transportation demands for the Proposed Use Building and the proposed increase in enrollment.

Based upon numbers experienced by the current use, the maximum expected trip generation by automobile for individuals commuting to and from the Property for the current and proposed amended use during Monday through Friday is expected to be as follows: from 8:30am to 2:30pm: approximately 53 individuals utilizing automobiles for transportation are the expected maximum; from 2:30pm to 5:30pm: approximately 84 individuals utilizing automobiles for transportation are the expected maximum; and from 6:00pm to 9:00pm approximately 47 individuals utilizing automobiles for transportation are the expected maximum.

These numbers are based upon the maximum student enrollment expectation of 400 and the maximum proposed faculty/staff number at the Subject Property. Furthermore, the individual trip generation impact of these numbers is significantly

lessened by the Applicant's active encouragement of rideshare practices by its students and faculty, which have resulted in approximately 22% of these individuals utilizing automobiles to carpool to the Property. This trend is expected to continue. Peak traffic impacts are expected to occur immediately prior to and at the conclusion of each class session. Many of the trips are generated during off-peak hours and the trip times are generally staggered due to the needs of the students to study and engage in research and other activities outside of actual class room times.

F. Vicinity or General Area Served by Use: The vast majority of the students, faculty and staff of VIU are residents of Fairfax County, with the remaining students residing in surrounding jurisdictions. This is expected to remain constant based upon past and future student enrollment expectations.

G. Description of Building Façade and Architecture of Proposed New Building or Additions: The existing Proposed Use Building consists of a single story concrete block construction with a red brick façade identical to the surrounding buildings on the Subject Property and surrounding area. The Proposed Use Building has windows with an inoperable storefront glazing system with painted metal frames. The Proposed Use Building has a metal sloped roof constructed of preformed metal on wood rafters. The Applicant does not propose any changes or additions to the exterior or interior of the Proposed Use Building.

H. Hazardous or Toxic Substances: No hazardous or toxic substances as defined in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355 are present or shall be generated, utilized, stored, treated, and/or disposed of on the Property. No hazardous waste as defined in the Virginia Department of Environmental Quality Hazardous Waste Management Regulations are present or shall be generated, utilized, stored, treated, and/or disposed of on the Property. No petroleum products as defined in Title 40, Code of Federal Regulations Part 280 are present or shall be generated, utilized, stored, treated, and/or disposed of on the Property.

I. Conformity of Proposed Use: The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and all applicable conditions at this time for the establishment of such use on the Property.

J. Parking Tabulation: The following parking tabulation is provided in accordance with the requirements of Section 11-106 (4) of the Fairfax County Zoning Ordinance ("Zoning Ordinance") for the College or University Use:

Section 11-106(4) requires that at least one (1) parking space per full-time employee and faculty member be available plus a sufficient number of spaces to accommodate the anticipated number of students and visitors who will drive to the institution at any one time. The available parking at the Subject Property satisfies this requirement. The majority of VIU's full-time employees and faculty members are located at VIU's Waples Mill Property and do not park at the Subject Property. VIU

anticipates 13 full-time employees and faculty members at the Subject Property, including the expansion into the Proposed Use Building.

The majority of the students engaged in coursework at VIU make exclusive use of public transportation to commute to and from the Subject Property. The majority of the students engaged in coursework at VIU make exclusive use of public transportation or ride share to commute to and from the Subject Property. A recent comprehensive survey of VIU's current transportation demand undertaken by VIU in cooperation with FCDOT revealed that approximately 22% of the faculty and students carpool to the Subject Property, approximately 43% use public bus service and approximately 32% use Metro to commute to and from the Subject Property. VIU is actively working with FCDOT to encourage the use of public transportation and rideshare amongst its students and faculty/staff and has implemented a Transportation Demand Management Plan to achieve this. VIU will continue to work with FCDOT to manage the transportation demands for the Proposed Use Building and the proposed increase in enrollment.

Based upon numbers experienced by the current use, the maximum expected trip generation by automobile for individuals commuting to and from the Property for the current and proposed amended use during Monday through Friday is expected to be as follows: from 8:30am to 2:30pm: approximately 53 individuals utilizing automobiles for transportation are the expected maximum; from 2:30pm to 5:30pm: approximately 84 individuals utilizing automobiles for transportation are the expected maximum; and from 6:00pm to 9:00pm approximately 47 individuals utilizing automobiles for transportation are the expected maximum.

These numbers are based upon the maximum student enrollment expectation of 400 and the maximum proposed faculty/staff number. Furthermore, the individual trip generation impact of these numbers is significantly lessened by the Applicant's active encouragement of rideshare practices by its students and faculty, which have resulted in approximately 22% of these individuals utilizing automobiles to carpool to the Property. This trend is expected to continue. Peak traffic impacts are expected to occur immediately prior to and at the conclusion of each class session. Many of the trips are generated during off-peak hours and the trip times are generally staggered due to the needs of the students to study and engage in research and other activities outside of actual class room times. Because these expected maximum trip generation figures represent both numbers for all staff, employees, faculty and students, the parking spaces identified in the "As-Built" Site Plan are more than sufficient to satisfy the requirements of Section 11-106(4) of the Zoning Ordinance.

K. Traffic Impact Analysis Requirement (Section 15.2-2222.1 of the Code of Virginia): The Applicant asserts that because the proposed use will not generate more than 250 vehicles per peak hour, or more than 2,500 vehicles per day, the Code of Virginia does not require the Applicant to submit a traffic impact analysis with this proposed special exception amendment.

The Applicant's proposal is in harmony with the recommendations of the Comprehensive Plan and will enhance the Applicant's ability to continue to provide a valuable service to the community.

Should you have any questions regarding this proposal, or require additional information, please do not hesitate to give us a call. I would appreciate the acceptance of this application and the scheduling of a public hearing before the Fairfax County Planning Commission at your earliest convenience.

Sincerely,

WESTBERG CROESSMANN & WARREN, P.C.



Michael M. Pavlovich, Esq.



April 2, 2007

Michael M. Pavlovich
1005 Glebe Road, Ste., 600
Arlington, VA 22031

Re: Special Exception Application SE 2006-PR-019

Dear Mr. Pavlovich:

At a regular meeting of the Board of Supervisors held on March 12, 2007, the Board approved Special Exception Application SE 2006-PR-019 in the name of Virginia International University located at 3957 Pender Drive on approximately 11.0 acres of land in the Providence District [Tax Map 57-1 ((1))10]. The Board's action permits a college/university pursuant to Section 5-404 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. Other Permitted or Special Permit uses may be allowed on the site without amending this special exception so long as the proposed use is in substantial conformance with the SE Plat and all Zoning Ordinance requirements have been met.
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 As Built Site Plan: Fairfax Executive Park, prepared by Patton, Harris, Rust and Guy, consisting of 1 sheets dated December, 1980 as revised through October 10, 1985, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The amount of gross floor area devoted to the university use within the building shall be limited to 7,480 square feet.
5. The maximum daily enrollment shall be limited to 170 students.
6. In no event shall more than 110 students be permitted to attend classes during the day before 6:00 p.m.

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

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

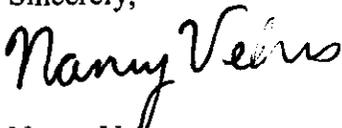
7. The maximum number of parking spaces for university employees and faculty members shall be limited to 35.
8. There shall be no dorms or dedicated eating establishments on the portion of the site devoted to university use.
9. Prior to NonRUP, the applicant shall work with Fairfax County Department of Transportation (FCDOT) to develop and implement a Transportation Demand Management (TDM) strategy that serves transportation needs of the students and faculty while reducing the number of vehicular trips to and from the site. This strategy may include the use of car pools, van pools, preferential parking, public bus service, SmartTrip cards, shuttle bus service, etc. The County shall review the TDM strategy and provide comments back to the Applicant within thirty (30) days upon receipt, or such longer time as may be agreed to by the FCDOT and the Applicant. An annual survey of students and faculty shall be created in cooperation with FCDOT and conducted at the beginning of each fall semester to evaluate the effectiveness of the TDM strategy and to create goals based on the results of the survey, which shall be implemented per FCDOT recommendation.

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 the use has been established. 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.

If you have questions regarding the expiration of this Special Exception or filing a request for additional time, they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

LAND UNIT K

CHARACTER

This land unit is located in the area north of Route 50, west of the City of Fairfax, south of I-66, and east of the Route 50/I-66 interchange.

RECOMMENDATIONS

Land Use

This area contains office uses and a hotel. These uses are expected to remain. Undeveloped parcels are planned for medium intensity office use at .50 FAR at the overlay level to be compatible with the overall intensity of this area. Particular attention should be given to the presentation of a high-quality image from I-66 and Route 50. The planned roadway improvements for this area are shown on Figure 6.

Development in this area is constrained by an Environmental Quality Corridor (EQC) associated with the stream valley that traverses the western portion of the land unit. The EQC encompasses the floodplain, associated alluvial soils, and steep slopes. This EQC area should be retained in open space.

As an option to office use at the overlay level, Parcels 46-4((1))15A, 36, 37, and 56-2((1))15F, 16, 18A and 22 (an area with approximately 24 acres), and Parcels 47-3((1))58A and 58B (an area with approximately 14 acres), may be considered for multifamily residential uses at 20 to 25 dwelling units per acre if all of either group of the above parcels are fully consolidated and considered under one rezoning. Low-rise multifamily use and/or mid-rise multifamily use may be appropriate if the proposal results in a quality living environment. Less intensive uses or other unit types are generally not appropriate because they would not be compatible with existing office use. A quality living environment would include usable open space for recreation, buffers, screening and noise mitigation measures. Residential development should be designed in a manner compatible with the adjacent office buildings in terms of scale and height. Any development application for this option should also be evaluated in terms of adequately addressing the following conditions:

- Preservation of the Environmental Quality Corridor and the Resource Protection Area.
- Provide usable open space and on-site active recreation facilities sufficient to serve the residents of this complex.
- Provide pedestrian walkways connecting all portions of the development and linkages to adjacent properties.
- Provide noise attenuation measures, which may include noise barriers and/or a substantial vegetative buffer adjacent to I-66 and/or the I-66/ Route 50 interchange; in addition, the site design should orient buildings in a manner that will further shield active recreational areas and open space areas from highway noise.
- At the time of zoning, provide an evaluation of the existing sewer system capacity and commit to providing any improvements necessary to offset the increased sewer flow demand of the residential development to the satisfaction of Fairfax City and Fairfax County.



County of Fairfax, Virginia

MEMORANDUM

DATE: May 27, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT 

FILE: 3-5(SE 2006-PR-019)

SUBJECT: ADDENDUM: SEA 2006-PR-019; Virginia International University
Land Identification Map: 57-1-((1))-10

This department has reviewed the "as built" site plan dated December 1980 as it pertains to the special exception amendment request. We offer the following comments:

- The applicant's previously approved development condition required the implementation of Transportation Demand Management (TDM) program. The TDM program should be continued and the development condition language should be revised to reflect standard FCDOT language for TDM.
- In addition to the existing program, it would be desirable for the applicant to provide additional incentives including pre-loaded SmartTrip cards to faculty, staff, and students as well as preferential parking for carpools/vanpools.
- Bicycle parking should also be accommodated on-site.

AKR/MEC

The relevant Zoning Ordinance standards are listed below.

1) INDUSTRIAL DISTRICT REGULATIONS

PART 4 5-400 I-4 MEDIUM INTENSITY INDUSTRIAL DISTRICT

5-401 Purpose and Intent

The I-4 District is established to provide areas for scientific research, development and training, offices, manufacture and assembly of products, and related supply activities. Basically, the provisions of the I-4 District are similar to those of the I-3 District, but a greater intensity of development is allowed than that permitted in the I-3 District.

5-404 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

3. Category 3 - Quasi-Public Uses, limited to:

D. Colleges, universities

2) ARTICLE 9: SPECIAL EXCEPTIONS

PART 0 9-000 GENERAL PROVISIONS

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening,

buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

PART 3 9-300 CATEGORY 3 QUASI-PUBLIC USES

9-301 Category 3 Special Exception Uses

1. Colleges, universities.

9-304 Standards for all Category 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 3 special exceptionuses shall satisfy the following standards:

1. For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.

2. Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.
3. Except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.
4. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

3) ARTICLE 11 OFF-STREET PARKING AND LOADING, PRIVATE STREETS

PART 1 11-100 OFF-STREET PARKING

11-104 Minimum Required Spaces for Commercial and Related Uses

14. Office (unless otherwise provided for in this Section):

A. 50,000 square feet of gross floor area or less: Three and six-tenths (3.6) spaces per 1000 square feet of gross floor area

B. Greater than 50,000 but less than 125,000 square feet of gross floor area: Three (3.0) spaces per 1000 square feet of gross floor area

C. 125,000 square feet of gross floor area or more: Two and six-tenths (2.6) spaces per 1000 square feet of gross floor area

11-105 Minimum Required Spaces for Other Uses

4. College or University: Based on a review by the Director of each proposal including such factors as the occupancy load of all classroom facilities, auditoriums and stadiums, the availability of mass transportation, and the availability of

areas on site that can be used for auxiliary parking in times of peak demand; but in no instance less than one (1) space per faculty and staff member and other full-time employee, plus a sufficient number of spaces to accommodate the anticipated number of students and visitors who will drive to the institution at any one time

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3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening,

buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

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GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		