



# County of Fairfax, Virginia

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

June 2, 2009

Lynne J. Strobel  
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, Virginia 22201

Re: Special Exception Application SE 2008-LE-028  
(Concurrent with Rezoning Application RZ 2008-LE-014)

Dear Ms. Strobel:

At a regular meeting of the Board of Supervisors held on June 1, 2009, the Board approved Special Exception Application SE 2008-LE-028 in the name of Opus East, L.L.C. The subject property is located 7800 Backlick Road on approximately 14.98 acres of land zoned C-4 in the Lee District [Tax Map 99-1 ((1)) 22 and 23A; 99-1 ((5)) 3 and 4]. The Board's action permits a hotel and an increase in building height from 120 feet up to a maximum of 150 feet pursuant to Sections 4-404 and 9-607 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Generalized Development Plan/Special Exception Plat entitled "Patriot Ridge", prepared by Urban, Ltd. and dated July 2008 as revised through April 3, 2009, 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 maximum height of the buildings on the site shall not exceed that shown on the GDP/SE Plat.

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

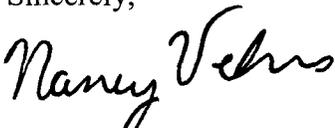
Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903  
Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)  
<http://www.fairfaxcounty.gov/bosclerk>

5. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
6. All signage shall be provided in accordance with Article 12 of the Zoning Ordinance.
7. Stormwater Management and Best Management Practices (SWM/BMPs) shall be provided in accordance with the Public Facilities Manual (PFM) as indicated on the GDP/SE Plat, subject to the approval of DPWES. If on-site SWM/BMP facilities are required as determined by DPWES and such facilities cannot be provided in substantial conformance with that shown on the GDP/SE Plat, a special exception amendment will be required.
8. Federal Aviation Administration (FAA) approval for the height of the buildings shown on the GDP/SE Plat shall be obtained as required prior to site plan approval. If FAA approval is not received, then the height of the buildings shall be lowered to that approved by the FAA.

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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction of either Building I, II, or III shown on the GDP/SE Plat has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/dms

Cc: Chairman Sharon Bulova  
Supervisor Jeffrey McKay, Lee District  
Janet Coldsmith, Director, Real Estate Division. Dept. of Tax Administration  
Regina Coyle, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division  
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Department of Highways-VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division  
District Planning Commissioner  
Barbara J. Lippa, Executive Director, Planning Commission  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation



**COUNTY OF FAIRFAX**  
 Department of Planning and Zoning  
 Zoning Evaluation Division  
 12055 Government Center Parkway, Suite 801  
 Fairfax, VA 22035 (703) 324-1290, TTY 711  
[www.fairfaxcounty.gov/dpz/zoning/applications](http://www.fairfaxcounty.gov/dpz/zoning/applications)

APPLICATION No: SE 2008-MD-008  
 (Staff will assign)  
 RECEIVED  
 Department of Planning & Zoning

**JUL 29 2008**

Zoning Evaluation Division

**APPLICATION FOR A SPECIAL EXCEPTION**

(PLEASE TYPE or PRINT IN BLACK INK)

<b>APPLICANT</b>	<b>NAME</b> Opus East, L.L.C.
	<b>MAILING ADDRESS</b> c/o Walsh Colucci Lubeley Emrich & Walsh, P.C. 2200 Clarendon Boulevard, #1300 Arlington, VA 22201
	<b>PHONE HOME</b> ( ) <b>WORK</b> (703 ) 528-4700
	<b>PHONE MOBILE</b> ( )
<b>PROPERTY INFORMATION</b>	<b>PROPERTY ADDRESS</b> Parcel 22 - 7800 Backlick Road, Parcels 23A, 3 and 4 - n/a
	<b>TAX MAP NO.</b> 99-1 ((1)) 22, 23A and 99-1 ((5)) 3, 4
	<b>SIZE (ACRES/SQ FT)</b> Approx. 14.98 acres
	<b>ZONING DISTRICT</b> C-8 and I-5 <b>MAGISTERIAL DISTRICT</b> Lee
	<b>PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:</b> C-4
<b>SPECIAL EXCEPTION REQUEST INFORMATION</b>	<b>ZONING ORDINANCE SECTION</b> 9-512 and 9-607
	<b>PROPOSED USE</b> Increase in building height and hotel use.
<b>AGENT/CONTACT INFORMATION</b>	<b>NAME</b> Lynne J. Strobel
	<b>MAILING ADDRESS</b> Walsh Colucci Lubeley Emrich & Walsh, P.C. 2200 Clarendon Boulevard, #1300 Arlington, VA 22201
	<b>PHONE HOME</b> ( ) <b>WORK</b> (703 ) 528-4700
	<b>PHONE MOBILE</b> ( )
<b>MAILING</b>	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact

The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.

Lynne J. Strobel, attorney/agent

TYPE/PRINT NAME OF APPLICANT/AGENT

SIGNATURE OF APPLICANT/AGENT Lynne J. Strobel 9/4/08

DO NOT WRITE IN THIS SPACE

Date Application accepted: 9/4/08

Application Fee Paid: \$5,295.00

*Virginia Ruffen*

SE 2008-0214