



# County of Fairfax, Virginia

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

August 4, 2009

Michael M. Pavlovich  
Westberg Croessmann & Warren, P.C.  
1220 N. Fillmore Street, Suite 310  
Arlington, Virginia 22201

RE: Special Exception Amendment Application SEA 2006-PR-019

Dear Mr. Pavlovich:

At a regular meeting of the Board of Supervisors held on August 3, 2009, the Board approved Special Exception Amendment Application SEA 2006-PR-019 in the name of Virginia International University. The subject property is located at 3953 and 3957 Pender Drive on approximately 11.0 acres of land zoned I-4 in the Providence District [Tax Map 57-1 ((1)) 10]. The Board's action amends Special Exception Application SE 2006-PR-019, previously approved for a college/university to permit modifications to site design and development conditions pursuant to Section 5-404 of the Fairfax County Zoning Ordinance, 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.\*

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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>

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:
  - i. Transportation Coordinator. Upon of 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.
  - ii. 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. Coordination with the property owner shall be performed to establish preferential parking spaces for carpools/vanpools.

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.

- iii. 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.
- iv. 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.

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.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/dms

Cc: Chairman Sharon Bulova  
Supervisor Linda Smyth, Providence 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:** SEA 2006-PR-019  
 (Staff will assign)

**RECEIVED**  
 Department of Planning & Zoning

**NOV 18 2008**

**APPLICATION FOR A SPECIAL EXCEPTION**

(PLEASE TYPE or PRINT IN BLACK INK)

Zoning Evaluation Division

<b>APPLICANT</b>	<b>NAME</b> Virginia International University
	<b>MAILING ADDRESS</b> 3957 Pender Drive Fairfax, Virginia 22030
	<b>PHONE HOME</b> ( ) <b>WORK</b> (703 ) 591-7042
	<b>PHONE MOBILE</b> ( )
<b>PROPERTY INFORMATION</b>	<b>PROPERTY ADDRESS</b> 3957 & 3953 Pender Drive, Fairfax, Virginia 22301
	<b>TAX MAP NO.</b> 0571-01-0010 <b>SIZE (ACRES/SQ FT)</b> 11 acres
	<b>ZONING DISTRICT</b> I-4 <b>MAGISTERIAL DISTRICT</b> Providence
	<b>PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:</b>
<b>SPECIAL EXCEPTION REQUEST INFORMATION</b>	<b>ZONING ORDINANCE SECTION</b> 9-009; 9-014; 9-300
	<b>PROPOSED USE</b> College/University Use (University within Office Building)
<b>AGENT/CONTACT INFORMATION</b>	<b>NAME</b> Michael M. Pavlovich, Esq. Westberg Croessmann & Warren, P.C.
	<b>MAILING ADDRESS</b> 1220 N. Fillmore Street, Suite 310 Arlington, Virginia 22201
	<b>PHONE HOME</b> ( ) <b>WORK</b> (703 ) 894-1224
	<b>PHONE MOBILE</b> ( 757 ) 206-4637
<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.

Michael M. Pavlovich, Esq.

TYPE/PRINT NAME OF APPLICANT/AGENT

SIGNATURE OF APPLICANT/AGENT

SEA 2008-0320 and 4619

DO NOT WRITE IN THIS SPACE

*Virginia Ruffner*

Date Application accepted: 4/2/09

Application Fee Paid: \$2,647.50