



County of Fairfax, Virginia

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

March 10, 2010

Shane M. Murphy
Cooley Godward Kronish LLP
One Freedom Square
Reston Town Center
11951 Freedom Drive
Reston, VA 20190-5656

Re: Special Exception Amendment Application SEA 95-M-039
(Concurrent with Rezoning Application RZ 2009-MA-011)

Dear Mr. Murphy:

At a regular meeting of the Board of Supervisors held on March 9, 2010, the Board approved Special Exception Amendment Application SEA 95-M-011 in the name of Westlawn Limited Partnership. The subject property is located at 3008, 3030 and 3040 Annandale Road and 6715 Arlington Boulevard on approximately 8.36 acres of land zoned C-6 and HC in the Mason District [Tax Map 50-4 ((1)) 6 and 7; 50-4 ((17)) H and H1]. The Board's action amends Special Exception Application SE 95-S-039, previously approved for a vehicle sales, rental and ancillary service establishment to permit an increase in land area, site modifications, modification of conditions, and vehicle sales rental and ancillary service establishment, drive-in financial institutions, drive-through pharmacy and an increase in building height from 40 ft. up to a maximum of 50 feet pursuant to Sections 4-604, 7-607 and 9-607 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous 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 by-right or special permit uses allowed by the Zoning Ordinance may be permitted on the property without a Special Exception Amendment, so long as such uses can be parked in accordance with Article 11 and are in substantial conformance with the SE Plat.

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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 "Bill Page Honda & Westlawn Shopping Center," consisting of 17 sheets, prepared by Walter L. Phillips, and dated March 16, 2009 as revised through February 5, 2010, 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. All vehicular service and maintenance shall occur indoors. If such service occurs between the hours of 10 pm and 8 am, it shall be in a fully enclosed interior space with no windows or doors open.
5. The car wash shown on the SE Plat shall not be open to the public, but shall be used solely by the vehicle sales, rental and ancillary service establishment. All cleaning (including washing, mechanical drying, vacuuming and detailing) shall take place inside the building. Hand drying shall be permitted outside.
6. The car wash shall be equipped to capture at least 80% of the waste water associated with a single cycle of the car wash operation. All waste water discharged from the car wash shall be discharged to the sanitary sewer system.
7. There shall be no outdoor, overnight storage of wrecked or inoperable vehicles on the site.
8. There shall be no outdoor storage or sales of materials on the site, with the exception of vehicles for sale (which may be parked in that area designated on the GDP/SE Plat as "Prop. Vehicle Display Area," or in the garage).
9. The free standing sign on the Annandale Road frontage shall be constructed such that the materials and colors are coordinated with the retail portion of the development. The free standing sign on the Arlington Boulevard frontage shall be constructed such that the materials and colors are coordinated with the vehicle sale, rental, and ancillary service establishment.
10. Signs shall be posted in the vicinity of the stacking area for the drive-through window for the pharmacy, stating the limitations on the uses of the window service. Such signs shall not exceed two square feet in size.
11. Prior to site plan approval, a public access easement which specifically allows pedestrian and bicycle access along the rear travel aisle (along Tripps Run) from Arlington Boulevard (Route 50) to Annandale Road

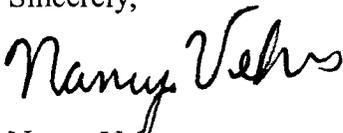
shall be recorded in the land records of Fairfax County in a form acceptable to DPWES and the County Attorney.

12. Prior to site plan approval, a Water Quality Impact Assessment shall be requested and approved. Any modifications to the site that are not in substantial conformance with the GDP/SE Plat shall require a Proffer Condition Amendment and a Special Exception Amendment.
13. The outdoor display area lighting for the vehicle sale, rental and ancillary service establishment, including both ground level and parking deck areas, shall not exceed a maintained lighting level of thirty (30) footcandles as measured horizontally at grade.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted. If the project is phased, development of the initial phase shall be considered to establish the use for the entire development as shown herein. 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/ph

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Cc: Chairman Sharon Bulova
Supervisor Penelope Gross, Mason District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division
Eric Teitelman, 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
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation