



FAIRFAX COUNTY

OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151
FAX: 703-324-3926
TTY: 703-324-3903

February 8, 2002

Elizabeth D. Baker, Land Use Coordinator
Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC
2200 Clarendon Boulevard - 13th Floor
Arlington, Virginia 22201-3359

RE: Special Exception Application Number SEA 95-Y-024
(Concurrent with RZ 2001-SU-015, RZ 2001-SU-016 and PCA 95-Y-016-2)

Dear Ms. Baker:

At a regular meeting of the Board of Supervisors held on January 7, 2002, the Board approved Special Exception Amendment Application Number SEA 95-Y-024 in the name of Starwood Ceruzzi, L.L.C., located in the northeast quadrant of the intersection of Lee Road and Penrose Place, Tax Map 34-3 ((1)) 7B pt., 7C, 7D pt., 19 pt., 26-29, 33 pt., and 33A pt., previously approved for an increase in building height and a waiver of certain sign regulations, to permit an increase in building height and a waiver of certain sign regulations; addition and deletion in land area; a drive-through bank, a fast food restaurant (with an alternative plan for a second drive-through bank) and a service station/quick service food store/car wash pursuant to Sections 9-607, 9-620, and 4-804 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

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 Amendment Plat approved with the application, as qualified by these development conditions. *
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 Amendment shall be in substantial conformance with the approved

Special Exception Amendment Plat entitled "Chantilly Crossing," prepared by VIKA Incorporated, consisting of sixteen sheets and dated February 7, 1995 as revised through December 20, 2001, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

4. Any portion of the property may be subject to a Special Exception Amendment without joinder and/or consent of the other portion of the property if such Special Exception Amendment does not affect any other portion of the property, as determined by the Zoning Administrator. Previously approved development conditions applicable to the portion of the property not subject to the Special Exception Amendment shall otherwise remain in full force and effect.*
5. All signage on the subject property shall conform with the provisions of Article 12 "Signs" of the Zoning Ordinance, with the exception that one freestanding identification sign for the development shall be permitted in the style, size and location as depicted on Sheet 8 of the combined Generalized Development Plan/Special Exception Amendment Plat (GDP/SEA); irregardless of the dimensions of the sign depicted on Sheet 8, the sign shall not exceed a height of 12 feet and a total sign area of 140 square feet. The sign area for this sign shall be calculated in accordance with the provisions of Paragraph 3 of Section 12-205 of the Zoning Ordinance. This sign shall be limited to identifying the proposed development and a maximum of six individual tenants.*
6. Changes to the sign face of the free-standing identification sign shall require approval of a sign permit in accordance with Article 12 of the Zoning Ordinance, but shall not require a Special Exception Amendment, provided that consistent letter treatment is maintained. Increases in sign area and/or height shall require approval of a Special Exception Amendment.*
7. One free-standing monument-style motor vehicle fuel price sign shall be permitted for the proposed service station, and shall be limited to a maximum sign area of twenty (20) feet and a maximum height of eight (8) feet from grade. No vendor name shall be permitted on the fuel price sign. All signs shall be either interior lit, or shall be lit downward.
8. The service station/quick service food store/car wash, fast food restaurant (or alternative drive-through bank) and eating establishment/retail pad sites shall be designed in accordance with the design elements set forth in Proffer #6 of PCA 95-Y-016-02 and consistent with the building elevations of the proposed retail center depicted on Sheet 16 of the combined GDP/SEA Plat.

9. The entrance to the service station/quick service food store/car wash from Lee Road shall not exceed 30 feet in width and shall be constructed to VDOT standards.*
10. Any food sales for the quick service food store deemed to be a fast food operation by Zoning Ordinance definition, shall be permitted only as an accessory use to the store, and no seating shall be permitted. The sale of alcoholic beverages shall be prohibited.*
11. If required by DPWES at time of site plan approval, the applicant shall implement an on-site water quality facility at an appropriate location, that has the capability of isolating toxic substances and preventing groundwater contamination. The design and location of such a facility shall be subject to review and approval by DPWES.
12. Seating for the fast food drive-through restaurant shall not exceed a total of 100 seats.
13. The fast food drive-through restaurant and service station/quick service food store shall be policed by the applicant/operator for trash/litter removal twice per day. The trash dumpsters shall be screened and dumpster lids shall remain closed at all times when not in use.
14. Clearly marked pedestrian crossings for parking areas for the service station and fast food drive-through sites shall be maintained where necessary across travel aisles as depicted on Sheet 11 of the combined GDP/SE Plat and as determined by DPWES.
15. The number and dimensions of stacking spaces and parking spaces shall be provided for the drive-in bank, service station/quick service food store/car wash, and fast food drive-through restaurant in conformance with Article 11 of the Zoning Ordinance and the Public Facilities Manual, as determined by DPWES. A nonresidential use permit shall not be issued for the proposed uses unless and until adequate parking, stacking and loading spaces are provided.
16. Neon shall not be used for ornamentation or signage on the exterior of the buildings.
17. Adult bookstores, adult video stores and massage parlors shall not be permitted.

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 Amendment shall not be valid until this has been accomplished.

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

The Board also waived the service drive requirement along the Route 28 frontage of the site.

If you have questions regarding the expiration of this Special Exception Amendment 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

NV/ns

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
FEB 13 2002
ZONING EVALUATION DIVISION