



County of Fairfax, Virginia

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

November 17, 2010

Elizabeth A. McKeeby
Walsh, Colucci, Lubeley, Emrich and Walsh, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

Re: Special Exception Application SE 2010-LE-009
(Concurrent with Rezoning Application RZ 2010-LE-005)

Dear Ms. McKeeby:

At a regular meeting of the Board of Supervisors held on November 16, 2010, the Board approved Special Exception Application SE 2010-LE-009 in the name of Jennings Business Park, LLC. The subject property is located on the east side of Loisdale Road and west of CSX Railroad Tracks and south of Loisdale Park on approximately 23.17 acres of land, zoned C-8, in the Lee District [Tax Map 90-4 ((1)) 6A and 7]. The Board's action permits commercial development, pursuant to Sections 4-804, 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 Generalized Development Plan (GDP)/Special Exception (SE) Plat approved with the application, as qualified by these development conditions.
3. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous space on the Property and be made available to all departments of Fairfax County during the hours of operation of the permitted use.

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

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4. 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 GDP/SE Plat entitled "Jennings Toyota," prepared by Walter L. Phillips, Inc., consisting of 14 sheets dated February 19, 2010, as revised through October 1, 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.
5. The maximum number of employees on the Property at any given time shall be 200.
6. Landscaping shall be provided in general as shown on the GDP/SE Plat. The exact number, size and spacing of trees and other plant materials shall be submitted concurrent with site plan review and shall be subject to the review and approval by Urban Forest Management Division (UFMD), DPWES.
7. The following condition sets forth a program for a Transportation Demand Management Plan (the "TDM Plan") that shall be implemented by the Applicant to encourage the use of transit (Metrorail and bus), other high occupancy vehicle commuting modes, walking and biking all in order to reduce automobile trips generated by the Property.
 - a. Program Manager. Prior to the approval of the Site Plan, the Applicant shall designate an individual to act as the Program Manager ("PM"), whose responsibility shall be to implement the TDM strategies. The duties of the PM may be part of other duties assigned to the individual(s).
 - b. TDM Plan. Ninety (90) days after the appointment of the PM, the PM shall submit to FCDOT for review and approval the TDM Plan to be implemented for the Property. The TDM Plan and any amendments thereto shall include, but not be limited to, provisions for the following with respect to the Property:
 - i. Information Dissemination. The PM shall make Metrorail and bus maps, schedules and forms, ridesharing, and other relevant transit option information available to employees, visitors, and guests in a common area; such as the central lobby and management office.
 - ii. Ride Matching. The PM shall coordinate and assist with vanpool and carpool formation programs, ride-matching

services, and established guaranteed ride home programs for employees.

- iii. Preferential Parking. Applicant shall provide preferential parking for employees car/van pools in all parking facilities within the Property.
 - iv. Coordination. The PM shall work with FCDOT, and any other transportation management entities established in the local area of the development, to promote alternatives to single-occupant automobile commute trips.
- c. FCDOT Response. If FCDOT has not responded with any comments to the PM within ninety (90) days of receipt of the TDM Plan, the TDM Plan shall be deemed to be approved, and the Applicant, through the PM, shall implement the TDM Plan.
- d. Annual Surveys and Coordination with FCDOT. One (1) year following approval of the TDM program by FCDOT for the Property, the PM shall conduct a survey (the "Survey") to then be completed every four (4) years and provided to FCDOT. The Survey shall be conducted during a week without any holidays and when Fairfax County Public Schools are in session. The Survey shall gather information on the effectiveness of the TDM Plan and shall be used by the PM to determine whether changes to the TDM Plan are needed. If the Survey reveals that changes to the TDM Plan are needed, the Applicant, through the PM, shall coordinate such changes with FCDOT and implement and adjust the TDM Plan accordingly. The PM shall coordinate the preparation of the Survey materials and the methodology for validating survey results with FCDOT at least thirty (30) days prior to completing each Survey, and shall collect and analyze the results. Such analysis 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 people surveyed and the number of people who responded on the Property;
 - iii. The results of any surveys taken during the survey period;
 - iv. The number of employees participating in the TDM programs displayed by mode of use; and

- v. An evaluation of the effectiveness of the TDM Plan and its program elements and, if necessary, proposed modifications to the plan and program elements.
 - e. SmarTrip Cards. The Applicant shall offer SmarTrip Cards with a minimum beginning value of Five Dollars (\$5.00) to any interested employee at that employee's start of employment at the dealership.
8. The Applicant shall utilize the services of a LEED-accredited professional in the design of the dealership building. In addition, the Applicant shall register the project with the United States Green Building Council (USGBC) and pursue a goal of attaining the base certification level under the LEED NC V.3 program or the applicable program at the time of certification.
- The Applicant shall use thermoplastic membrane (PTO) roofing material with a Solar Reflectance Index (SRI) of greater than 0.50, which is the Energy Star standard. In addition, the Applicant shall have the option to consider the inclusion of additional green building technologies, such as solar panels. Should the Applicant pursue solar energy technologies in the future, panels and other related mechanical equipment shall be subject to Section 2-506 of the Zoning Ordinance.
9. There shall be no outdoor storage of wrecked or inoperable vehicles on the site for a period exceeding 72 hours. Any spaces reserved for loading, parking, vehicle storage and vehicle display shall not be used for wrecked or inoperable vehicles, and all non-operating vehicles must be stored away from public view along Loisdale Road. All parking shall be located in designated, paved parking spaces.
10. 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 designed on the GDP/SE Plat as "Vehicle Display Area" or indoors).
11. All vehicular service and maintenance shall occur indoors. If such service occurs between the hours of 10:00 p.m. and 8:00 a.m., it shall be in a fully enclosed interior space with no windows or doors open.
12. The car wash shown on the GDP/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.

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 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 or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use of 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.

The Board also:

- Waived the barrier requirement along the northern property line of parcel 7 in favor of that shown on the GDP/SE Plat.
- Waived the minor trail requirement.
- Waived the frontage improvements.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/ph

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
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