



County of Fairfax, Virginia

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

March 9, 2011

Mark A. Drogalis
1221 Main Street, Suite 1000
Columbia, SC 29201

Re: Special Exception Amendment Application SEA 81-P-025

Dear Mr. Drogalis:

At a regular meeting of the Board of Supervisors held on March 8, 2011, the Board approved Special Exception Amendment Application SEA 81-P-025 in the name of Falls Church (E&A) LLC. The subject property is located at 7393 B-D Lee Highway on approximately 3.87 acres of land zoned C-8 and HC in the Providence District [Tax Map 50-1 ((1)) 39D]. The Board's action amends Special Exception Application SE 81-P-025 previously approved for a drive-in financial institution to permit a fast food restaurant in a highway corridor overlay district, an increase in land area and associated modifications to site design and development conditions pursuant to Section 4-804 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions; conditions carried forward unchanged from previous approvals 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 for only the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Amendment Plat approved with this application, as qualified by these development conditions which supersede all previous special exception conditions.*
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception Amendment shall be in conformance with the approved Special Exception Amendment Plat entitled "Echo Hills Shopping Center Special Exception," and prepared by VIKA Incorporated, dated May 10, 2010, as revised through January 5, 2011, and these conditions.

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

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4. A copy of the Special Exception Amendment shall be posted in a conspicuous place along with the non-Residential Use Permit (non-RUP) on the property of the use and be made available to all departments of the County of Fairfax during the hours of operated of the permitted use.*
5. Two drive-in windows for the financial institution shall be operational at all times.*
6. All signage shall be in conformance with Article 12 of the Zoning Ordinance.
7. No outdoor storage or display of goods for sale or rent shall be permitted.
8. Green building practices shall be incorporated into the existing retail/fast food building by the applicant. Such practices shall include the use of Energy Star appliances, to the extent available, faucets with low-flow aerators, and low wattage light bulbs. The use of low-flow toilets and an Energy Management System shall also be considered by the applicant. Prior to the issuance of a Non-Residential Use Permit, the Applicant shall provide a list of green building practices that have been used to the Department of Planning and Zoning.

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 shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as evidenced by the issuance of a new Non-Residential Use Permit. The Board of Supervisors may grant additional time to establish the use 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 Velhrs
Clerk to the Board of Supervisors
NV/ph

SEA 81-P-025
March 9, 2011

-3-

Cc: Chairman Sharon Bulova
Supervisor Linda Smyth, Providence District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, 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