



County of Fairfax, Virginia

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

April 27, 2011

Keith C. Martin
Tramonte, Yeonas and Roberts, P.C.
8221 Old Courthouse Road, Suite 300
Vienna, VA 22182

Re: Special Exception Amendment Application SEA 87-A-086-02
(Concurrent with Rezoning Application RZ 2009-BR-015 and
Proffered Condition Amendment Application PCA-C-083-02

Dear Mr. Martin:

At a regular meeting of the Board of Supervisors held on April 26, 2011, the Board approved Special Exception Amendment Application SEA 87-A-086-02 in the name of College Town Associates, L.P. The subject property is located at 10697 Braddock Road on approximately 18.8 acres of land zoned C-6 in the Braddock District [Tax Map 68-1 ((1)) 9A and 9 pt.]. The Board's action consolidates all of the previously approved special exceptions on the site into one application (which include a child care center with a maximum of 150 children, two drive-in financial institutions and a service station with a mini-mart). In addition, the Board's action permitted 1) modifications and relocation of the child care center with a maximum of 150 children; 2) modifications to the drive-in financial institutions; 3) an addition of a fast food restaurant with a drive-in; 4) retention of the service station with a mini-mart; 5) an increase in building height from 40 feet up to a maximum of 65 feet and 6) associated modifications to site design and development conditions pursuant to Sections 4-604 and 9-607 of the 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 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.*

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3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to the special exception shall be in substantial conformance with the approved Special Exception Amendment (SEA) Plat entitled "College Town Associates, L.P....University Mall," prepared by Bohler Engineering dated and sealed on March 11, 2011. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of this Special Exception Amendment and the Non Residential Use Permits SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. All exterior lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in accordance with the Performance Standards contained in Part 9, of Article 14 of the Zoning Ordinance. Any signage lighting that faces the residential communities to the south shall be dimmed at least 50 percent from 10 PM to dawn.
6. All signage shall comply with Article 12 of the Zoning Ordinance. As proffered, the applicant shall file a Special Exception Amendment in the future for a waiver of certain sign regulations to allow relocation of signs and additional sign areas that will not negatively impact the adjacent neighborhoods.
7. Parking spaces shall meet the provisions of Article 11 of the Zoning Ordinance and the geometric design standards in the Public Facilities Manual, as determined by DPWES; a parking tabulation which demonstrates that parking requirements are met for every use in the shopping center shall be submitted and approved by DPWES prior to issuance of a Non-Residential Use Permit (Non-Rup) for any additional uses on the property.
8. Pedestrian sidewalks and crosswalks located along the access point leading from George Mason University on Roanoke River Road to the north and the residential community to the south as shown on the GDP/ SEA Plat shall be depicted on the first site plan and shall be completed prior to the issuance of the first Non-residential Use Permit (Non-RUP).
9. Notwithstanding that shown on the GDP/ SEA Plat, an accurate setback from Ox Road for Building H shall be measured and provided on all site plan submissions. If the setback is determined to not meet the Zoning Ordinance requirement of 40 feet in a C-6 District, the applicant shall 1) provide evidence that the existing building has been taxed for a period of 15 years pursuant to Section 15.2307 of the Code of Virginia (which would deem the building as a legal nonconforming use without the ability to expand), or 2) apply for a modification of yard requirement during the first submission of the site plan. In

the event that these options fail, the applicant may need to remove the drive-in canopy on Building H to comply with the setback requirement.

Child Care Center

10. The maximum daily enrollment shall be limited to 150 students.*
11. The maximum number of staff for the child care center shall not exceed eighteen (18) persons on site at any one time.*
12. The hours of operation of the child care center shall be limited to 6:00 AM to 7:00 PM, Monday through Friday.*
13. The play area shall include a six foot tall wooden board on board fence as shown on the SEA Plat.
14. Cautionary signage shall be provided on or near Building F to enhance safety for pedestrian access to the child care center.
15. The parking area shall not be used for recreational purposes.
16. Based on the minimum required square footage of outdoor play area per child, no more than 50 children shall be in the outdoor play area at any one time.*

Fast Food Restaurant with Drive-in

17. There shall be a maximum of one fast food restaurant in Building G2 which may have a drive-in lane as shown on the SEA Plat.

Building Heights

18. The height of the accent towers on Buildings A, C, and D shall not exceed the maximum heights shown on the GDP/ SEA Plat. No gross square footage as defined by the Zoning Ordinance shall be permitted in the towers. In addition, no flagpoles or temporary signage shall be displayed on the towers.

Service Station

19. There shall be no separate free standing sign associated with the proposed service station/ mini-mart.*
20. The hours of operation shall be limited to 6:00 A.M. to Midnight, seven days a week.*
21. Landscaping shall be provided as shown on the SEA Plat. The service station bay entrance screening shall be evergreen and graduated in height to provide for safety and good visual buffer.*

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-six (36) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted for one of the buildings in the proposed development options. 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.

The Board also:

- Modified the peripheral parking lot landscaping requirements to provide a 10-foot minimum distance along the frontage of the northern and western property lines in favor of the landscaping shown on the GDP/SEA Plat.
- Modified the lot area, lot width, and open space requirements (for the R-1 zoned property of Rezoning Application RZ 2009-BR-015) to permit consolidation of this lot into the existing shopping center site.
- Modified the transitional screening and barrier requirements along the western and southern property lines in favor of the landscaping shown on the GDP/SEA Plat.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/ph

Cc: Chairman Sharon Bulova
Supervisor John Cook, Braddock 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