



County of Fairfax, Virginia

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

November 2, 2011

Lori Greenlief
McGuire Woods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

Re: Special Exception Amendment Application SEA 2008-MD-034
(Concurrent with Public Facilities Application 2232-P11-11)

Dear Ms. Greenlief:

At a regular meeting of the Board of Supervisors held on November 1, 2011, the Board approved Special Exception Amendment Application SEA 2008-MD-034 in the name of Metropolitan Washington Airports Authority in coordination with the Virginia Department of Rail and Public Transportation on behalf of Washington Metropolitan Area Transit Authority. The subject property is located at the northwest and southwest quadrant of the intersection of Leesburg Pike and Spring Hill Road and a portion of Leesburg Pike right-of-way on approximately 3.23 acres of land zoned C-7 and I-5, HC and SC in the Hunter Mill and Providence Districts [Tax Map 29-3 ((1)) 53 pt., 53A, 57H pt., 57J and portions of right-of-way associated with Route 7]. The Board's action amends Special Exception Application SE 2008-MD-034 previously approved for an electrically-powered regional rail transit facility to permit increase in land area to accommodate a kiss and ride lot, and associated modifications to site design and development conditions pursuant to Sections 4-704 and 5-504 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 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. *
3. A copy of these development conditions shall be included in all relevant plans, as determined by the Virginia Department of General Services (DGS), of each station. *

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

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

4. Certification from DGS shall be provided to the Fairfax County Department of Transportation and the Fairfax County Department of Planning and Zoning that the project conforms to these special exception conditions prior to the issuance of a Non-residential Use Permit (Non-RUP). Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance. As noted in the Memorandum of Understanding dated July 19, 2007, if the special exception development conditions are not addressed by DGS during its regulatory role for the Project, then Fairfax County shall be permitted access to all approved plans and shall be permitted to inspect the property facilities to verify that all special exception conditions were satisfactorily implemented by the Project. In such event, a schedule for such inspections shall be coordinated in writing by the Project with the Fairfax County Department of Planning and Zoning, Zoning Evaluation Division. *
5. Noise attenuation measures shall be utilized in order to meet Federal criteria and State and Fairfax County Zoning noise regulations. *
6. Vibration attenuation measures shall be utilized in order to meet Washington Metropolitan Area Transit Authority (WMATA) standards and Federal criteria, and State and Fairfax County Zoning Ordinance regulations. *
7. Stormwater management plans shall be implemented as determined by the Virginia Department of Conservation and Recreation (DCR) as based on the Memorandum of Understanding dated July 19, 2007, between Fairfax County and the Metropolitan Washington Airports Authority. As noted in the June 14, 2007, letter from the Office of the Governor to the Fairfax County Executive, the stricter of the state or Fairfax County standards shall be applied by the state reviewing authority. *
8. Signs shall be regulated by WMATA standards. *
9. Advertising within the station shall be regulated by WMATA standards. *
10. Lighting shall be in conformance with WMATA standards and safety practices, and the standards contained in the Fairfax County Zoning Ordinance. The symbolic standard WMATA globe sidewalk lighting shall be allowed along the sidewalks and areas leading to the stations within the boundaries of the special exception. *
11. Erosion and Sediment control plans shall be implemented as determined by DCR. The stricter of the State or Fairfax County standards shall be applied by the state reviewing authority. *

12. In order to maximize the survivability of vegetation onsite and to encourage innovative landscaping techniques, development of a landscape plan, including the selection of plantings to be used, shall be coordinated with the Urban Forest Management Division of Fairfax County Department of Public Works and Environmental Services (UFMD), and UFMD shall be contacted for input during its development. Upon completion of the landscape plan, a copy of the landscape plan shall be concurrently submitted to DGS and UFMD for comment. Comments from UFMD received by DGS, or their designee, within 15 working days shall be considered for implementation. *
13. The landscape plan shall be in substantial conformance with the landscaping shown on Sheet 3 of the Special Exception Plat titled "Tysons West Station, Dulles Corridor Metrorail Project," prepared by Dewberry & Davis LLC, and dated June 20, 2011 as revised through October 13, 2011 (the SE Plat).
14. The project shall satisfy minimum planting area requirements for all proposed planting onsite unless modified, and may include the use of soil cells or other innovative techniques as recommended by UFMD. Planting details illustrating innovative techniques shall be included with landscape plans provided to UFMD for review. *
15. All landscaping shall be maintained by WMATA as the operator of the station, pavilion and kiss and ride lot or by another entity with which they enter into an agreement. Maintenance shall include irrigation for, at a minimum, a 2-year establishment period and weeding a minimum of three times per year (spring, mid-summer and late summer).
16. Additional pedestrian connections to the station such as pedestrian bridges and walkways may be established subject to the submission of a detailed design proposal to the Fairfax County Department of Planning and Zoning for staff evaluation and administrative review at the Planning Commission. *
17. The pedestrian bridges shall be a minimum of 16 feet wide from handrail to handrail. *
18. Designs for significant changes to the architecture, landscaping and integration of the stations to the surrounding communities from that shown on the SE Plat shall be submitted to the Chairman of the Board of Supervisors and the District Supervisor for review and comment. *
19. Seating, bus shelters and windscreens, and bicycle parking shall be provided in general conformance with that shown on Sheets 2 - 4 of the SE Plat subject to relocation in accordance with WMATA design standards.
20. The Spring Hill Road entrance shown on the SE Plat is subject to approval of a design exception by the Virginia Department of Transportation (VDOT). The

final design of this entrance may vary from the design shown on the SE Plat subject to VDOT approval.

21. This entrance shall be considered a temporary primary entrance to the Kiss and Ride lot, until such time as an alternate access is provided by others via a future driveway or public road connected to either Spring Hill Road or Tyco Road. When such alternate access is open to traffic, Fairfax County or VDOT may either close the Springhill Road entrance or modify it so that it is an entrance only without requiring a Special Exception Amendment.
22. Should the portion of the special exception dedicated to the Kiss and Ride lot be abandoned, any operational or physical requirements of the special exception on the abandoned portion, such as, but not limited to, parking, lighting, landscaping, benches, fences, windscreens and walkways shall no longer be required and may be removed without a special exception amendment.
23. A directional signage plan shall be developed in coordination with Fairfax County Department of Transportation to direct patrons to the Kiss and Ride lot from Route 7 eastbound and westbound, and such signs shall be installed subject to WMATA design standards and VDOT approval.
24. The bus bays along Route 7 (westbound) shall be signed "buses only," subject to VDOT approval.

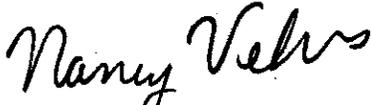
The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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 the use has been established or construction has commenced on the elevated and/or at grade guideway as applicable. 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.

Please note that on October 20, 2011, the Planning Commission approved Public Facilities Application 2232-P11-11, as meeting the criteria of character, location, and extent as specified in Section 15.2-2232 of the *Code of Virginia* and being in accord with the adopted Comprehensive Plan.

Sincerely,



Nancy Velts
Clerk to the Board of Supervisors
NV/ph

Cc: Chairman Sharon Bulova
Supervisor Catherine Hudgins, Hunter Mill District
Supervisor Lynda 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
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation