



FAIRFAX COUNTY

ATTACHMENT 2
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

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November 8, 2002

Gregory A. Riegle, Esquire
McGuire, Woods, LLC
1750 Tysons Boulevard, Suite 1800
McLean, Virginia 22102-4215

RE: Special Exception Amendment Application
Number SEA 00-Y-017
(Concurrent with PCA 79-C-089)

Dear Mr. Riegle:

At a regular meeting of the Board of Supervisors held on September 9, 2002, the Board approved Special Exception Amendment Application Number SEA 00-Y-017 to amend SE 00-Y-017, previously approved for commercial development to permit an eating establishment and enclosure of previously approved swimming pools, in the name of Axar Management, Incorporated, generally located at the southwest corner of the intersection of Centerview Drive and Thunderbolt place, Tax Map 34-4 ((12)) C2, for the use of two hotels, each with a meeting room and an enclosed swimming pool, an eating establishment in addition to office uses, pursuant to Section 5-504 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

** Conditions marked with an asterisk (*) are conditions from the previously approved Special Exception (SE 00-Y-017). The following conditions supercede the previous 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. Other by-right special permit and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception Amendment.

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 Generalized Development Plan/Special Exception Amendment Plat entitled "Hotels @ Dulles Business Park", prepared by Greenhome & O'Mara and dated November 9, 2001 and revised through March 14, 2002, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.
4. The two hotels may be developed to a combined maximum of 286 rooms. Use of hotel facilities, including the swimming pool and other recreational facilities shall be limited to registered hotel guests only and shall not be open to the general public.
- *5. Landscaping shall be provided in substantial conformance with the location, size, quality, quantity and design as depicted on Sheet 2 of the Special Exception Amendment Plat as determined by the Urban Forestry Division.
- *6. The architecture of all four sides of Hotel A and Hotel B shall be in substantial conformance with the elevations prepared by D.R. Brasher Architects dated May 20, 2002 and shown on Sheets 4 and 5 of the Special Exception Amendment Plat, respectively.
7. Pedestrian connections shall be provided as displayed on Sheet 2 of the Special Exception Amendment Plat between the two hotels and the trail to the south of the site, located on Tax Map 34-4 ((12)) 12 and the sidewalks on Thunderbolt Place and Centerview Drive. Prior to the time of site plan approval for the first hotel, the applicant shall diligently pursue the off-site approvals necessary to provide a pedestrian connection between Thunderbolt Place and the existing trail which encircles the stormwater pond located on Tax Map 34-4 ((12)) 12. The applicant shall construct the connection to the standard determined by DPWES. If the necessary easements/agreements cannot be secured, it must be demonstrated to the satisfaction of DPWES that said easements/agreements were diligently pursued and adequate funds to construct the trail shall be escrowed, to DPWES satisfaction.
8. Outdoor lighting fixtures used to illuminate the parking area and walkways between buildings shall not exceed 20 feet in height, shall be of low intensity design, shall be full cut-off, shielded to minimize glare, shall focus directly on the subject property, and shall meet the Performance Standards set forth in Article 14 of the Zoning Ordinance. The lights shall be in general conformance with the light fixture detail shown on Sheet 1 and located in substantial conformance as illustrated on Sheet 2 of the Special Exception Amendment Plat

9. Disturbed areas shall not be left denuded for more than 14 consecutive days. Except for that portion of the site in which work will be continuous beyond that period as demonstrated to DPWES and the Northern Virginia Soil and Water Conservation District.
10. Off-site facilities shall be designed to provide detention for the subject site consistent with Section 6-0300 of the PFM and DPWES. Run-off shall be adequately conveyed to off-site facilities consistent with Section 6-0200 of the PFM and as approved by DPWES. A private agreement shall be entered into with Dulles Business Park Association for the purposes of maintaining the aforementioned facilities which is located on tax map number 34-4 ((12)) 12.

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.

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

SEA 00-Y-017
November 8, 2002

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cc: Chairman Katherine K. Hanley
Supervisor Frey, Sully District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Enforcement Branch
John Crouch, Deputy, Zoning Enforcement Branch, ZPRB
Audrey Clark, Director, BPRD, DPWES
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,
Charles Strunk, Project Planning Section, Department of Transportation
Michelle A. Brickner, Director, Site Development Services, DPWES
DPWES – Bonds & Agreements
Department of Highways, VDOT
Land Acqu. & Planning Div., Park Authority
District Planning Commissioner

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Zoning Evaluation Division