

Board Agenda Item
July 25, 2005

ADMINISTRATIVE

Additional Time to Commence Construction for Special Exception Amendment SEA 00-Y-017, Axar Management, Incorporated (Sully District)

ISSUE:

Board consideration of additional time to commence construction for SEA 00-Y-017 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve thirty (30) months of additional time for SEA 00-Y-017 to September 9, 2007.

TIMING:

Routine.

BACKGROUND:

Under Section 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced within the time period specified by the Board of Supervisors, an approved special exception shall automatically expire without notice, unless additional time is approved by the Board. A request for additional time must be filed with the Zoning Administrator prior to the expiration date of the special exception. The Board may approve additional time if it determines that the use is in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

On September 9, 2002, the Board of Supervisors approved Special Exception Amendment SEA 00-Y-017 for the use of two hotels, each with a meeting room, an enclosed swimming pool, and an eating establishment, subject to development conditions. This approval was concurrent with the Board's approval of Proffered Condition Amendment PCA 79-C-089, subject to proffers. The special exception amendment application was filed in the name of Axar Management, Incorporated, for the property located at Tax Map 34-4 ((12)) C2 (see the Locator Map in Attachment 1). SEA 00-Y-017 was approved with a condition that the use be established or construction be commenced and diligently prosecuted within 30 months of the approval date, unless the Board grants additional time. The development conditions for SEA 00-Y-017 are included with the Clerk to the Board's letter contained in Attachment 2.

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On February 18, 2005, the Department of Planning and Zoning received a letter dated February 15, 2005, and on April 28, 2005, a revised letter dated April 26, 2005, from Sheri L. Hoy, agent for the applicant, requesting thirty (30) months of additional time to commence construction. The letters of request are included as Attachment 3. The revised letter cites the time required for site plan approvals for various phases of construction for this multi-use site as the primary source of delay. Ms. Hoy indicates that the first hotel, Staybridge Suites is constructed and in operation. The site plan, SP 5611-21-B1, for the second hotel was submitted on January 28, 2005, and was returned with comments on April 15, 2005. Ms. Hoy indicates that construction of the second hotel is expected to begin upon site plan approval. However, development of the remaining approved restaurant would require the submission of another site plan revision and its approval prior to the commencement of construction.

Staff has reviewed SEA 00-Y-017 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance. Further, staff knows of no change in land use circumstances which affect the compliance of SEA 00-Y-017 with the special exception standards applicable to the use and which should cause the filing of a new special exception application and review through the public hearing process. Finally, the conditions associated with the Board's approval of SEA 00-Y-017 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Locator Map

Attachment 2 – Letter dated November 8, 2002, to Gregory A. Riegler, agent for the applicant from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions of approval for SEA 00-Y-017; letter dated November 8, 2002, to Gregory A. Regal, agent for the applicant from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the approval of Proffered Condition Amendment PCA 79-C-089 and proffers

Attachment 3 – Letters dated February 15, 2005, and April 26, 2005, from Sheri L. Hoy, agent for the applicant, requesting additional time to commence construction

STAFF:

Robert A. Stalzer, Deputy County Executive

James P. Zook, Director, Department of Planning and Zoning (DPZ)

Barbara A. Byron, Director, Zoning Evaluation Division (ZED), DPZ

Kevin J. Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ

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Marianne R. Gardner, Chief, Policy Plan and Development Branch, DPZ
Kul Sandhu, Staff Coordinator, ZED, DPZ