



County of Fairfax, Virginia

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

November 26, 2012

REVISED LETTER

(property address corrected)

Francis A. McDermott
Hunton and Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102

RE: Special Exception Amendment Application SEA 88-S-077-05

Dear Mr. McDermott:

At a regular meeting of the Board of Supervisors held on September 25, 2012, the Board approved Special Exception Amendment Application SEA 88-S-077-05 in the name of Brookfield-Beverly Road Associates Limited Partnership. The subject property is located at 4320, 4335, and 4368 Chantilly Shopping Center on approximately 49.73 acres of land zoned C-6, AN and WS in the Sully District [Tax Map 44-1 ((9)) A, B, C, D1, E2, F2 and F3]. The Board's action amends Special Exception Application SE 88-S-077 previously approved for a service station, quick-service food store, car wash, drive-in financial institutions, fast food restaurants with drive-thru windows, increase in building height, hotels and vehicle rental establishment and associated modifications to site design pursuant to Sections 4-604 and 9-607, and 9-620 of the Fairfax County Zoning Ordinance, to permit waiver of certain sign regulations by requiring conformance with the following development conditions. These conditions are in addition to all previously approved conditions; including Special Exception plats and details sheets:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception 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.
3. All previously approved Special Exception Plats remain in effect. In addition, this Special Exception Amendment for the proposed freestanding sign along Route 28 is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to the Special Exception Amendment shall be in substantial conformance with the approved Special Exception Amendment (SEA) Plat entitled "Special Exception Amendment Plat-Chantilly Place Shopping Center", consisting of three sheets prepared by Urban, Ltd. dated November 14, 2011, as revised through July 30, 2012, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

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. Any portion of the property may be subject to a Special Exception Amendment (SEA) without the joinder and/or consent of the owners of the other portion of the property if such SEA does not affect such other portion of the property. Previously approved development conditions applicable to the portion of the property not subject to the SEA shall otherwise remain in full force and effect.
5. The overall dimensions and design of the sign, including the number, size and orientation of the tenant panels, lettering styles, colors, materials, and associated plantings, shall be generally consistent with the monument sign elevation detail shown on Sheet 2 of the SEA Plat. (Specific logos, lettering styles and/or colors of the tenant panels may be changed without a Special Exception Amendment, provided the proposed changes remain consistent with the character of the sign depicted on the SEA plat.) The three tenant panels located at the base of the sign shall be consistent with each other in color, size and type of lettering. The use of the electronic changeable copy message board (LED panel) shall be limited to the Dulles Exposition Center and other noncommercial messages and shall not be utilized by other retail tenants.
6. With the exception of the waiver of maximum permitted sign area which is the subject of this application, the signage on the property shall conform to Article 12 of the Zoning Ordinance in all other respects. The LED panel shall not be operated in a manner that displays any flashing or intermittent lights, or lights of changing degrees of intensity of color or moving copy in accordance with Par. 6 of Sect. 12-104 of the Zoning Ordinance.
7. All trees to be removed as a result of this application shall be replaced with new 2-3 inch caliper Category IV trees such as but not limited to, *Quercus alba* (White Oak) or *Quercus bicolor* (Swamp White Oak). Final location and species selection will be subject to approval from the Urban Forest Management (UFM) branch of DPWES.
8. The proposed *Nandina domestica* (heavenly bamboo) shown on Sheet 3 of the SEA plat shall not be permitted and shall be substituted with a native species shrub, subject to the approval of the Urban Forester.
9. All landscaping shall be maintained in good condition and shall receive regular maintenance. This maintenance includes, but is not limited to, removal of dead/diseased plantings and their prompt replacement to maintain the required landscaping of this Special Exception, as determined by Urban Forest Management.
10. All lighting for the proposed sign shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.

11. No temporary or advertising signs, including "popsicle" signs shall be placed along the street frontages (Route 28 or Willard Road) of the subject property. Any such signs placed by tenants or other uses in the shopping center (except as permitted by law) shall be promptly removed by the management of the shopping center to the extent permitted by law.

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 (30) 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 proposed buildings. 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.

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

Cc: Chairman Sharon Bulova
Supervisor Michael Frey, Sully District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division
Donald Stephens, Department of Transportation
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