



FAIRFAX COUNTY

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OFFICE OF THE CLERK
BOARD OF SUPERVISORS
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Fairfax, Virginia 22035-0072

V I R G I N I A

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April 20, 1999

Thomas D. Fleury
West*Group Management LLC
1600 Anderson Road
McLean, Virginia 22102

RE: Special Exception Number SE 98-P-050
(Concurrent with RZ 1998-PR-052, SE 98-P-051,
PCA 92-P-001 and PCA 88-D-005-3)

Dear Mr. Fleury:

At a regular meeting of the Board of Supervisors held on March 22, 1999, the Board approved Special Exception Number SE 98-P-050 in the name of West*Group Properties, LLC, for an increase in building height located at Tax Map 30-3 ((28)) Part of Parcel B pursuant to Section 9-607 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions and to PCA 92-P-001:

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 Plat approved with the application, as qualified by these development conditions.
3. This Special Exception 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 shall be in substantial conformance with the approved Special Exception Plat entitled "West*Gate -- McKinley, Pierce, and Taylor Special Exception Plan for Additional Height Only" (Sheets 1-7), prepared by Huntley, Nyce and Associated, Ltd., dated May 18, 1998 and as revised through February 23, 1999, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

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4. All entrances to the site shall be to the satisfaction of Virginia Department of Transportation.
5. All sidewalks shall conform to the Americans with Disabilities Act (ADA) requirements, to the satisfaction of DPWES.
6. The buildings constructed on the application site shall be limited to 105 feet in height, exclusive of the penthouse structure. The penthouse structure shall be limited to twenty-five (25) feet in height, and shall comply with size limitations stated in Section 2-506 of the Zoning Ordinance.
7. Building-mounted signs shall be limited to those permitted by Article 12. Approval of the Special Exception does not constitute approval of any proposed signs shown on the Special Exception Plat. All signs, existing and proposed, shall conform with the regulations of Article 12 and Section 7-500 of the Fairfax County Zoning Ordinance.
8. Once the design of the transfer station is completed and prior to the approval of a site plan for the bus transfer station, and in the event that the proposed transfer station impacts the floodplain and it is determined by DPWES and DPZ that a Category 6 Special Exception for a Use in the Floodplain is required, an application for a Category 6 Special Exception shall be filed.
9. All pedestrian connections shall be clearly shown and highlighted on the site plan. Specifically, these connections shall provide pedestrians with *short cuts* from the buildings to the existing and proposed transit stations and from the buildings to the parking structures.
10. Applicant shall provide commercially reasonable best efforts to relocate the parking structure outside the limits of the RPA. However, if this is not economically viable or would cause a major project redesign, the Applicant shall provide 125% of heavily landscaped compensatory area elsewhere on site as a prerequisite to site plan approval pursuant to specific details in Proffers I. G. and I. I (EYE) of PCA 92-P-001.

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 itself 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.

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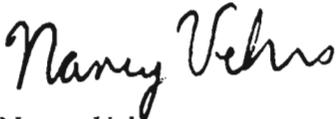
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Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, ten (10) years after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. 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. 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 transitional screening and waived the barrier requirements along the west property line to that shown on the Special Exception Plat.

If you have questions regarding the expiration of this Special Exception 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

cc: Chairman Katherine K. Hanley
Supervisor – Providence District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
Frank Jones, Assistant Chief, PPRB, DPZ
Audrey Clark, Chief, Inspection Svcs., BPRB, DPW&ES
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Robert Moore, Trnsprt'n. Planning Div., Office of Transportation
Ellen Gallagher, Project Planning Section, Office of Transportation
Michelle A Brickner Acting Director, Site Development Services, DPW&ES – Bonds & Agreements
Department of Highways, VDOT
Land Acqu. & Planning Div., Park Authority
District Planning Commissioner

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DEPARTMENT OF PLANNING AND ZONING
APR 29 1999
ZONING EVALUATION DIVISION