County of Fairfax, Virginia

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

November 21, 2012

Lynne J. Strobel
Walsh, Colucci, Lubeley, Emrich &
Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

Re: Special Exception Application SE 2012-MA-011
(Concurrent with Rezoning Application RZ 2012-MA-012)

Dear Ms. Strobel:

At a regular meeting of the Board of Supervisors held on November 20, 2012, the Board approved Special Exception Application SE 2012-MA-011 in the name Titan America LLC. The subject property is located at 6600 Electronic Drive on approximately 9.43 acres of land, zoned I-6 in the Mason District [Tax Map 80-2 ((1)) 33 and 33A]. The Board's action permits concrete mixing and batching plant and increase in building height from 75 feet to 85 feet pursuant to Sections 5-604 and 9-607 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

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 Generalized Development Plan/Special Exception Plat (GDP/SE Plat) approved with the application, as qualified by these development conditions.

3. A copy of the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

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. This Special Exception is subject to the provisions of Article 17 of the Zoning Ordinance, 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 GDP/SE Plat entitled "6600 Electronic Drive," prepared by Charles P. Johnson and Associates, dated May 4, 2012 as revised through November 13, 2012, containing 12 sheets, and these conditions.

5. Permitted Uses on the site shall be limited to Concrete Mixing and Batching Plants with storage and accessory uses.

6. The maximum floor area ratio (FAR) permitted on the site shall be up to a 0.05.

7. The maximum building height permitted on the site shall be 85 feet, as depicted on the GDP/SE Plat.

8. A maximum of 82 parking spaces shall be permitted on the site. Any parking spaces removed from the site shall be replaced with supplemental planting, subject to the review and approval of the Urban Forest Management Division (UFM) of DPWES.

9. If required, any SWM and BMP facilities shall be provided on-site in accordance with the Public Facilities Manual unless waived by DPWES. If indicated by engineering considerations or site conditions, as reviewed and approved by the Director of DPWES as part of site plan approval, development of the Property may include storm water detention or storm water management measures different from those shown on the SE Plat, without the necessity of further approval by the Board, subject to compliance with Article 17 of the Zoning Ordinance, provided said measures are determined to be in substantial conformance with the GDP/SE Plat.

10. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., within the floodplain.

11. All regularly scheduled truck traffic shall utilize Edsall Road (Route 643), the Edsall Road/Interstate 395 interchange, or the Backlick Road (Route 617)/Industrial Road (Route 2723) intersection for primary access to the Shirley Industrial Park. (Truck operators shall not be prohibited from taking a route through a residential community in the event of an emergency or in those instances where a delivery is scheduled to occur in or near that community). Annually, a point of contact shall be mailed to the President of the Lincolnia Park Civic Association, and to the Office of the Mason District Supervisor, to whom written concerns related to the community impacts of the use may be submitted.

The applicant shall provide a written response to any identified concern received, within 14 business days, with a copy of any response provided to the Office of the Mason District Supervisor.

12. To protect the RPA, erosion and sediment control measures shall be installed at all stages of construction, as determined by DPWES. A "super silt fence" or industry equivalent approved control measure shall be installed where necessary along the clearing and grading limits for the site. If deemed necessary by DPWES, additional controls shall be designed to achieve greater erosion and sediment control than that achieved by the minimum design standards set forth in the Public Facilities Manual and the Virginia Erosion and Sediment Control Handbook.

13. All lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.

14. All signs shall be in conformance with Article 12 of the Zoning Ordinance.

15. The Property may be developed in phases, as indicated on the GDP/SE Plat as Phase I and Phase II, and Phase III, without any further approval by the Board, subject to compliance of each Phase with Article 17 of the Zoning Ordinance.

16. Prior to the issuance of a Non-Residential Use Permit (Non-RUP) for the concrete mixing and batching plants, a truck wash down area shall be installed as shown on the GDP/SE Plat. All trucks leaving the Subject Property shall be rinsed through the proposed truck wash down area.

17. Prior to the issuance of a Non-RUP for any use involving any portion of the one-story cinder block building that is proposed to be retained in part on the site as a maintenance shop, the applicant shall do one of the following:

    A. Obtain a formal determination from the Zoning Administrator that the existing one-story cinder block building is legally non-conforming; or

    B. Obtain an approved Variance from the Board of Zoning Appeals, permitting the one-story cinder block building as shown on the GDP/SE Plat; or

    C. Relocate the proposed maintenance shop building to a location that complies with the setback requirements for the I-6 District and in substantial conformance with the GDP/SE Plat.

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 responsible for obtaining the Non-RUP through established procedures, and this Special Exception shall not be valid until this has been accomplished.

The approval of this special exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exceptions shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, a Non-RUP has been issued for Phase I as shown on the GDP/SE Plat. The establishment of Phase I shall establish all phases and uses approved by this Special Exception. 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:

- Waived the transitional screening and barrier requirements along all sides of the subject property, subject to the treatments on the GDP/SE Plat and as conditioned.

- Waived the requirements for right-of-way dedication and construction of curb, gutter, and sidewalk along Industrial Drive, Electronic Drive, and Iron Place, in favor of that shown on the GDP/SE Plat and as conditioned.

Sincerely,

Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Penelope Gross, Mason District
Tim Shirocky, Acting 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
Donald Stephens, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation