



County of Fairfax, Virginia

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

May 1, 2013

Elizabeth Baker
Walsh, Colucci, Lubeley, Emrich &
Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

Re: Special Exception Application SE 2012-PR-005
(Concurrent with Proffered Condition Amendment Application PCA C-108)

Dear Ms. Baker:

At a regular meeting of the Board of Supervisors held on April 30, 2013, the Board approved Special Exception Application SE 2012-PR-005 in the name of Arlington Boulevard Development, L.L.C. The subject property is located on the N. side of Arlington Boulevard, approximately 500 feet E. of its intersection with South Street, on approximately 2.58 acres of land, zoned PDC, CRD, HC and SC in the Providence District [Tax Map 51-3 ((1)) 1D]. The Board's action permits a fast food restaurant and waivers and modifications in the CRD, pursuant to Sections 7-607 and 9-622 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 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 "Arlington Boulevard Development, LLC," prepared by VIKA, Inc. dated March 12, 2012, as revised through April 9, 2013, consisting of 30 sheets, 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. A copy of this Special Exception and 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.
5. Exterior building and parking lot lighting shall comply with Par. 9 of Art. 14 of the Zoning Ordinance.
6. Hours of operation shall be limited to the following: 6:00 a.m.-12:00 a.m., daily.
7. All signage on the property shall conform to Article 12 of the Zoning Ordinance. The following types of signs shall be prohibited: inflatable signs, such as balloons; pennants; signs powered by any mechanical means; ground waver (sail banner) signs and pole signs.

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 the use has been established or construction has commenced and been diligently prosecuted. If the project is phased, development of the initial phase shall be considered to establish the use for the entire development as shown herein. 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:

- Approved a waiver to allow the total length of a group of single-family attached dwellings to measure 245 feet where a maximum of 240 feet is permitted.
- Waived frontage improvements along Arlington Boulevard in favor of the frontage improvements shown on the Conceptual Development Plan Amendment/Final Development Plan Amendment/Special Exception (CDPA/FDPA/SE) Plat.

- Modified the trail requirements along Arlington Boulevard and South Street in favor of the sidewalks shown on the CDPA/FDPA/SE Plat.
- Modified loading space requirements in favor of the loading space shown on the CDPA/FDPA/SE Plat.
- Reaffirmed the increase in floor area ratio (FAR) above 1.5 in the PDC district.
- Waived the privacy yard requirements for single-family attached dwellings in the PDC district in favor of the open space shown on the CDPA/FDPA/SE Plat.
- Modified and waived the transitional screening and barrier requirements in favor of the plantings shown on the CDPA/FDPA/SE Plat.
- Approved the modification of the PFM requirements at the time of site plan approval to locate underground stormwater management facilities in a residential area (PFM Section 6-0303.8) subject to the waiver conditions dated August 15, 2012 (Waiver number 24549-WPFM-001-1).
- Modified the Tree Preservation Target Area requirement in favor of the plantings shown on the CDPA/FDPA/SE plat.
- Modified the PFM for drive aisles and parking space geometrics to allow structural columns to extend by no more than four percent into the required stall area in parking structures and to allow 22-foot-wide aisles and ramps in areas indicated with no parking in the CDPA/FDPA/SE plat.

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Linda Smyth, Providence 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

SE 2012-PR-005

Zoning Application Closeout Summary Report

Printed: 6/6/2013

General Information

APPLICANT: ARLINGTON BOULEVARD DEVELOPMENT, L.L.C.
DECISION DATE: 04/30/2013
CRD: YES
HEARING BODY: BOS
ACTION: APPROVE
STAFF COORDINATOR: BRENT KRASNER
SUPERVISOR DISTRICT: PROVIDENCE

DECISION SUMMARY:

ON APRIL 30, 2013, THE BOARD UNANIMOUSLY APPROVED SE 2012-PR-005 ON A MOTION BY SUPERVISOR SMYTH SUBJECT TO DEVELOPMENT CONDITIONS DATED APRIL 9, 2013.

APPLICATION DESCRIPTION:

FAST FOOD RESTAURANTS AND WAIVERS AND MODIFICATIONS IN THE CRD

Zoning Information

Existing Zoning		Proposed Zoning		Approved Zoning	
DISTRICT	AREA	DISTRICT	AREA	DISTRICT	AREA
				PDC	2.58 ACRES

Tax Map Numbers

0513 ((01)) 0001 D

Approved Land Uses

Zoning District: PDC

LAND USE	DU'S	RES LAND AREA	ADU'S	WDU'S	GFA	FAR	NRES LAND AREA
FAST/FD/RE					14,800	0.13	2.58 ACRES
TOTALS							

Approved Waivers/Modifications

SEE FILE FOR ALL WAIVERS AND MODIFICATIONS

Approved Development ConditionsDEVELOPMENT CONDITION STATEMENT DATE: 04-09-2013

<u>DEVELOPMENT CONDITION</u>	<u>DUE</u>	<u>TRIG #</u>	<u>TRIG EVENT</u>	<u>CONTRIB</u>	<u>EXPIR DTE</u>
APPROVED FOR LOCATION/STRUCTURE/USES ETC ON PLATS	01-01-0001	0	N/A	0	01-01-0001
HOURS OF OPERATION	01-01-0001	0	N/A	0	01-01-0001
SUBJECT TO SITE PLANS / SUBDIVISION PLATS	01-01-0001	0	N/A	0	01-01-0001
SIGNAGE	01-01-0001	0	N/A	0	01-01-0001
COPY SHALL BE POSTED	01-01-0001	0	N/A	0	01-01-0001
LIGHTING/GLARE	01-01-0001	0	N/A	0	01-01-0001

6/6/2013

REVITALIZATION



COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Evaluation Division
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: SE 2012-PR-005
 (Staff will assign)

RECEIVED
 Department of Planning & Zoning

APR 06 2012

APPLICATION FOR A SPECIAL EXCEPTION

(PLEASE TYPE or PRINT IN BLACK INK)

Zoning Evaluation Division

APPLICANT	NAME Arlington Boulevard Development, L.L.C.	
	MAILING ADDRESS c/o Walsh Colucci Lubeley Emrich & Walsh, P.C. 2200 Clarendon Boulevard, #1300 Arlington, VA 22201	
	PHONE HOME ()	WORK (703) 528-4700
	PHONE MOBILE ()	
PROPERTY INFORMATION	PROPERTY ADDRESS 6406 Arlington Boulevard FALLS CHURCH VA, 22042	
	TAX MAP NO. 51-3 ((1)) 1D	SIZE (ACRES/SQ FT) 112,577 sf <u>2.58 ac</u>
	ZONING DISTRICT PDC, HC, SC, CRD	MAGISTERIAL DISTRICT Providence
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: N/A	
	ZONING ORDINANCE SECTION Section 6-206, Paragraph 10B and Section 9-611	
SPECIAL EXCEPTION REQUEST INFORMATION	PROPOSED USE Permit fast food restaurants in a residential building in the PDC District and reduce required non-residential parking as permitted in the CRD regulations.	
	NAME Martin D. Walsh, attorney/agent Contact: Elizabeth Baker	
AGENT/CONTACT INFORMATION	MAILING ADDRESS c/o Walsh Colucci Lubeley Emrich & Walsh, P.C. 2200 Clarendon Boulevard, #1300 Arlington, VA 22201	
	PHONE HOME ()	WORK (703) 528-4700
	PHONE MOBILE ()	
	MAILING Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact	
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>Martin D. Walsh, attorney/agent</p>		
TYPE/PRINT NAME OF APPLICANT/AGENT		SIGNATURE OF APPLICANT/AGENT

4/10/12
KGS

DO NOT WRITE IN THIS SPACE

SE 2012-0069

Date Application accepted: 4/10/12 Application Fee Paid: \$16,375.00

Virginia Puffer