



County of Fairfax, Virginia

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

November 20, 2013

Inda E. Stagg
Walsh, Colucci, Lubeley, Emrich &
Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

Re: Special Exception Application SE 2013-LE-003

Dear Ms. Stagg:

At a regular meeting of the Board of Supervisors held on November 19, 2013, the Board approved Special Exception Application SE 2013-LE-003 in the name of DDR Southeast Spring Mall, L.L.C. The subject property is located at 6717 Spring Mall Road, on approximately 5.04 acres of land, zoned C-8 and SC in the Lee District [Tax Map 90-2 ((1)) 51]. The Board's action permits a fast food restaurant, pursuant to Section 4-804 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. A copy of this Special Exception and the Non-Residential Use Permit 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 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, 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 Minor Site Plan entitled "Commercial retail Building Existing, Uptons Building Site," prepared by Frederick Ward Associates, Inc., and dated November 3, 2000 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.
5. Changes to the SE Plat may be permitted without a Special Exception Amendment if (a) the proposed use is a permitted use in accordance with the Zoning Ordinance; and (b) does not involve the circulation, required parking, layout or landscaping of the fast food restaurant as shown on Exhibit A (attached).
6. All parking shall be on site shall be provided in accordance with Article 11 of the Zoning Ordinance.
7. All outdoor lighting shall comply with Part 9, Article 14 of the Zoning Ordinance.
8. All signage shall be in conformance with Article 12 of the Zoning Ordinance.
9. Landscaping shall be provided consistent with Exhibit A (attached), as determined by Urban Forest Management Division (UFMD) within six months of the approval date of this application. The landscaping may be installed at a later date if it is determined by UFMD that modifying the time of planting will improve the survival of the landscaping.
10. The three dead/dying trees on the eastern periphery of the site shall be removed and replaced with evergreens, within six months of the approval date of this application. The species and locations of the plantings shall be as determined by UFMD.
11. The fast food restaurant use shall only be permitted in the 1,500 SF freestanding building shown on the approved minor site plan.
12. The hours of operation for the fast food restaurant shall be 5:30 AM to 10:00 PM, seven days a week.
13. Trash dumpsters on the site shall be screened with an enclosure with the same architecture as the existing 1,500 SF freestanding building on the site, with brick colored split face block masonry construction.
14. Prior to the issuance of a Non-RUP for the fast food restaurant, the applicant shall contribute \$3,000 to the Lee District Trails Fund.
15. Donation Drop Boxes, used for the collection of clothing and/or other donated

materials shall not be permitted on the subject property.

16. Outdoor storage, if provided, shall be limited to the western and southern portions of the lot and shall be screened from properties to the north and east by the existing building.

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, eighteen (18) months after the date of approval unless the use has been established 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.

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Jeffrey McKay, Lee 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
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay
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
Jill Cooper, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

Create new planting bed at entrance with grasses, roses and nandinas

SPRING MALL RD

Install 3 additional 3" caliper White Dogwoods

Install 1, 3" caliper White Dogwood

Install 2 large Red Tips to help visually screen the Michael's trash compactor from Spring Mall Road

Install 1 additional 3" caliper White Dogwood

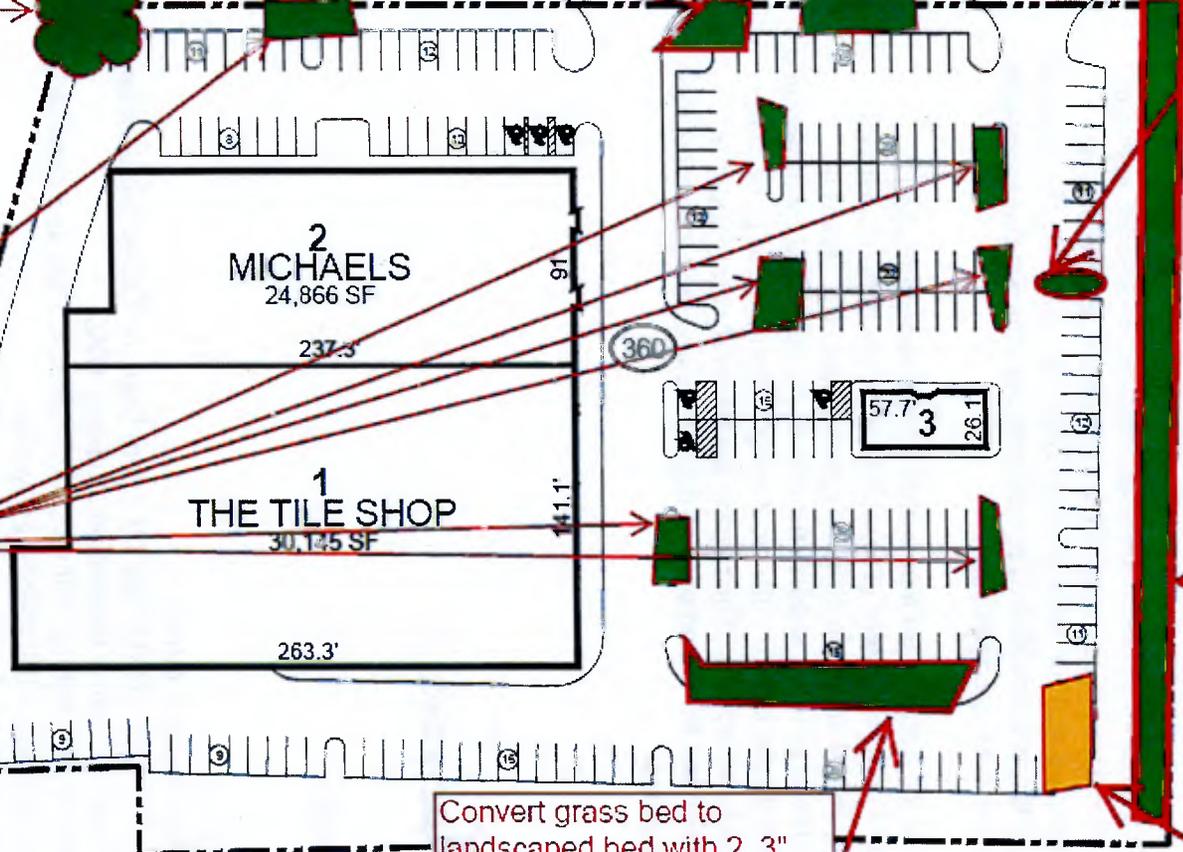
Install- 4 additional plants (Grasses/Roses) in each of these 6 landscaped beds.

320' x 30' area to be turned into a naturalized area, except for the 1st 4 feet adjacent to the Parking Lot, which will be mowed. Plant suggestion: 50 White Dogwood Seedlings, 50 Red Maple Seedlings, 24 Azaleas, and 14 Knock Out Roses. Install 320' of temporary fence while the naturalized area grows in.

Install 1, 10' x 8' dumpster enclosure for Subway

Convert grass bed to landscaped bed with 2, 3" caliper White Dogwoods, 6 Roses and 4 grasses.

All shrubs, trees and grasses will be Native species



FRANCONIA SPRINGFIELD PKWY

EXHIBIT A

TENANT INDEX

1	THE TILE SHOP	30,145
2	MICHAELS	24,866
3	SUBWAY	1,500



SPRING MALL CENTER

6717 Spring Mall Rd
SPRINGFIELD, VA 22150

Latitude: 38.7717, Longitude: -77.1775



FOR PRELIMINARY INFORMATION PURPOSES ONLY. ANY AND ALL FEATURES, MATTERS AND OTHER INFORMATION SPECIFIED HEREON OR OTHERWISE HEREBY ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE NOT INTENDED TO BE HELD UPON BY ANY PARTY AND ARE NOT INTENDED TO CONSTITUTE OR BE HELD UPON AS WARRANTIES AS TO CHARACTER OR THE REAL PROPERTY OF THE SITE AND NATURE OF IMPROVEMENTS TO BE CONSTRUCTED FOR THAT ANY IMPROVEMENTS WILL BE CONSTRUCTED ON THE BASIS OF ANY OCCUPANTS' DESIRE.

5501 Enterprise Parkway, Beachwood, OH 44122
Fax 216.755.1500 Phone 216.755.5500



AVAILABLE



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 2013-MA-0

(Staff will assign)
 RECEIVED
 Department of Planning & Zoning

JAN 23 2013

Zoning Evaluation Division

APPLICATION FOR A SPECIAL EXCEPTION

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME	TD Bank, National Association		
	MAILING ADDRESS	12000 Horizon Way, Mount Laurel, NJ 02054		
	PHONE HOME ()		WORK ()	
	PHONE MOBILE ()			
PROPERTY INFORMATION	PROPERTY ADDRESS	6566 Little River Turnpike Alexandria, VA 22312		
	TAX MAP NO.	0721 01 0020E	SIZE (ACRES/SQ FT)	29,408 sq. ft.
	ZONING DISTRICT	C-5, H-C	MAGISTERIAL DISTRICT	Mason
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:			
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION	Section 4-504(4) (E)		
	PROPOSED USE	Drive-in bank		
AGENT/CONTACT INFORMATION	NAME	Lori K. Murphy, Esquire		
	MAILING ADDRESS	2300 Wilson Blvd., 7th Floor Arlington, VA 22201		
	PHONE NUMBER	HOME	WORK	(703) 525-4000
	PHONE NUMBER	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>Lori K. Murphy, Esquire</p> <p>TYPE/PRINT NAME OF APPLICANT/AGENT</p>		<p><i>Lori K. Murphy</i></p> <p>SIGNATURE OF APPLICANT/AGENT</p>		

DO NOT WRITE IN THIS SPACE

SE 2013-0022

Date application accepted: 3/11/13

Application Fee Paid: \$ 16,375.00

3/11/13

WRS

Virginia Ruffner

SE 2013-LE-003

Zoning Application Closeout Summary Report

Printed: 11/22/2013

General Information

APPLICANT: DDR SOUTHEAST SPRING MALL, L.L.C.
DECISION DATE: 11/19/2013
CRD: NO
HEARING BODY: BOS
ACTION: APPROVE
STAFF COORDINATOR: ST. CLAIR WILLIAMS
SUPERVISOR DISTRICT: LEE

DECISION SUMMARY:

ON NOVEMBER 19, 2013, THE BOARD UNANIMOUSLY APPROVED SE 2013-LE-003 ON A MOTION BY SUPERVISOR MCKAY SUBJECT TO DEVELOPMENT CONDITIONS DATED NOVEMBER 18, 2013.

APPLICATION DESCRIPTION:

FAST FOOD RESTAURANT

Zoning Information

Existing Zoning		Proposed Zoning		Approved Zoning	
DISTRICT	AREA	DISTRICT	AREA	DISTRICT	AREA
				C-8	5.04 ACRES

Tax Map Numbers

0902 ((01))()0051

Approved Land Uses

Zoning District: C-8

LAND USE	DU'S	RES LAND AREA	ADU'S	WDU'S	GFA	FAR	NRES LAND AREA	
FAST/FD/RE					1,500	0.01	5.04	ACRES
RETAIL/EST					58,582			

TOTALS

Approved Waivers/Modifications

MODIFY TRANSITIONAL SCREENING REQUIREMENT
 WAIVE BARRIER REQUIREMENT

11/22/2013

Approved Development ConditionsDEVELOPMENT CONDITION STATEMENT DATE: 11-18-2013

<u>DEVELOPMENT CONDITION</u>	<u>DUE</u>	<u>TRIG #</u>	<u>TRIG EVENT</u>	<u>CONTRIB</u>	<u>EXPIR DTE</u>
LANDSCAPE PLAN REQUIRED	01-01-0001	0	YRS FROM EVENT	0	01-01-0001
LANDSCAPE MAINTENANCE	01-01-0001	0	ON DEMAND	0	01-01-0001
HOURS OF OPERATION	01-01-0001	0	NON-RUP	0	01-01-0001
DUMPSTER SCREENING / LOCATION	01-01-0001	0	NON-RUP	0	01-01-0001
MINOR MODIFICATIONS	01-01-0001	0	NON-RUP	0	01-01-0001
PARKING	01-01-0001	0	NON-RUP	0	01-01-0001
CONTRIBUTION / OTHER TRANSPORTATION	01-01-0001	0	NON-RUP	3,000	01-01-0001
SIGNAGE	01-01-0001	0	NON-RUP	0	01-01-0001
CONDITION - DEVELOPMENT PLAN	01-01-0001	0	NON-RUP	0	01-01-0001
LIGHTING/GLARE	01-01-0001	0	NON-RUP	0	01-01-0001
USE RESTRICTIONS	01-01-0001	0	NON-RUP	0	01-01-0001
APPROVED FOR LOCATION/STRUCTURE/USES ETC ON PLATS	01-01-0001	0	NON-RUP	0	01-01-0001
COPY SHALL BE POSTED	01-01-0001	0	NON-RUP	0	01-01-0001

11/22/2013