



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

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

RE: Special Exception Amendment Application SEA 2008-MD-036
(Concurrent with Rezoning Application RZ 2011-PR-005)

Dear Ms. Baker:

At a regular meeting of the Board of Supervisors on November 19, 2013, the Board approved Special Exception Amendment Application SEA 2008-MD-036 in the name of NVCommercial Incorporated. The subject property is located at 8348 Leesburg Pike, on approximately 110,461 square feet of land, zoned C-7, C-8, HC and SC in the Providence District [Tax Map 29-3 ((1)) 32 and 71A pt. and Route 7 public right-of-way to be vacated and/or abandoned]. The Board's action amends Special Exception Application SE 2008-MD-036 previously approved to permit for an electrically-powered regional rail transit facility and associated components to permit deletion of land area and associated modifications to site design and development conditions pursuant to Sections 4-704, 4-804 and 9-401 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions. Previously approved conditions or those with minor modifications are marked with an asterisk (*).

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 these development conditions shall be included in all relevant plans, as determined by the Virginia Department of General Services (DGS), of each station.*

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. Certification from DGS shall be provided to the Fairfax County Department of Transportation and Department of Planning and Zoning that the project conforms to these special exception conditions prior to the issuance of a Non-Residential Use Permit (Non-RUP). Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance. As noted in the Memorandum of Understanding dated July 19, 2007, if the special exception development conditions are not addressed by DGS during its regulatory role for the Project, then Fairfax County shall be permitted access to all approved plans and shall be permitted to inspect the property facilities to verify that all special exception conditions were satisfactorily implemented by the Project. In such event, a schedule for such inspections shall be coordinated in writing by the Project with the Department of Planning and Zoning, Zoning Evaluation Division.*
5. Noise attenuation measures shall be utilized in order to meet Federal criteria and State and Fairfax County Noise Ordinance regulations except when necessary to meet WMATA safety practices.*
6. Vibration attenuation measures shall be utilized in order to meet WMATA standards and Federal criteria, and State and Fairfax County Zoning Ordinance regulations.*
7. Vibration attenuation measures as specified in the amended ROD dated November 17, 2006 shall be provided unless modifications are approved by the Fairfax County Department of Planning and Zoning.*
8. Stormwater management plans shall be implemented as determined by the Virginia Department of Conservation and Recreation (DCR) as based on the Memorandum of Understanding dated July 19, 2007 between Fairfax County and the Metropolitan Washington Airports Authority. As noted in the June 14, 2007 letter from the Office of the Governor to the Fairfax County Executive, the stricter of the state or Fairfax County standards shall be applied by the state reviewing authority.*
9. Signs shall be regulated by Washington Metropolitan Area Transit Authority (WMATA) standards.*
10. Advertising within the station shall be regulated by WMATA standards.*
11. Lighting shall be in conformance with WMATA standards and safety practices, and the standards contained in the Fairfax County Zoning Ordinance. The symbolic standard WMATA globe sidewalk lighting shall be allowed along the sidewalks and areas leading to the stations within the boundaries of the Special Exception.*

12. Erosion and Sediment control plans shall be implemented as determined by DCR. The stricter of the state or Fairfax County standards shall be applied by the state reviewing body.*
13. In order to maximize the survivability of vegetation onsite and to encourage innovative landscaping techniques, development of the landscape plan, including the selection of plantings to be used, shall be coordinated with Urban Forest Management Division of Fairfax County Department of Public Works and Environmental Services (UFMD), and UFMD shall be contacted for input during its development. Upon its completion of a landscape plan, a copy of the landscape plan shall be submitted to the Department of General Services (DGS) and UFMD for comment. Comments from UFMD received by DGS, or their designee, within 15 working days shall be considered for implementation.*
14. The project shall satisfy minimum planting area requirements for all proposed planting onsite unless modified and may include the use of soil cells, or other innovative techniques as recommended by UFMD. Planting details illustrating innovative techniques shall be included with landscape plans provided to UFMD for review.*
15. Additional pedestrian connections to the station such as pedestrian bridges and walkways may be established subject to the submission of a detailed design proposal to the Department of Planning and Zoning for staff evaluation and Administrative review at the Planning Commission.*
16. The pedestrian bridges shall be a minimum of 16 feet wide from handrail to handrail.*
17. Designs for significant changes to the architecture, landscaping and integration of the stations to the surrounding communities shall be submitted to the Chairman of the Board of Supervisors and the District Supervisor for review and comment.*

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 six (36) months after the date of approval unless the use has been established or construction has commenced on the elevated and/or at grade guideway as applicable. 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 Linda Smyth, Providence District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay
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, Department of Transportation
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



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

Amended
 APPLICATION No: SEA 2008-MD-036
 (Staff will assign)
RECEIVED
 Department of Planning & Zoning
 AUG 20 2013

APPLICATION FOR A SPECIAL EXCEPTION Zoning Evaluation Division
 (PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME NVCommercial Incorporated	
	MAILING ADDRESS 8230 Leesburg Pike, Suite 500 Vienna, VA 22182	
	PHONE HOME ()	WORK (703) 734-9839
	PHONE MOBILE ()	
PROPERTY INFORMATION	PROPERTY ADDRESS 8348 Leesburg Pike	
	TAX MAP NO. 29-3((1))71A pt.&portions of ROW assoc. Rt 7	SIZE (ACRES/SQ FT) 110,461 square feet <i>2.54 ac</i>
	ZONING DISTRICT C-7, C-8, HC, SC	MAGISTERIAL DISTRICT Hunter Mill
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: PTC, HC, SC	
	ZONING ORDINANCE SECTION 9-401	
SPECIAL EXCEPTION REQUEST INFORMATION	PROPOSED USE Delete land area from SE 2008-MD-036 to permit rezoning to PTC, HC and SC (RZ 2011-PR-005) for a mixed use development.	
	AGENT/CONTACT INFORMATION	
AGENT/CONTACT INFORMATION	NAME Martin D. Walsh, attorney/agent (Contact: Elizabeth Baker)	
	MAILING ADDRESS Walsh, Colucci Lubeley Emrich & Walsh, P.C. 2200 Clarendon Boulevard, Suite 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> <p align="right"><i>MD Walsh</i></p> <p>TYPE/PRINT NAME OF APPLICANT/AGENT SIGNATURE OF APPLICANT/AGENT</p>		

DO NOT WRITE IN THIS SPACE

SEA 2013-0224

Date Application accepted: 9/9/13 Application Fee Paid: \$ 1637.50

Virginia Ruffin

SEA 2008-MD-036

Zoning Application Closeout Summary Report

Printed: 12/3/2013

General Information

APPLICANT: NV COMMERCIAL INCORPORATED
DECISION DATE: 11/19/2013
CRD: NO
HEARING BODY: BOS
ACTION: APPROVE
STAFF COORDINATOR: SUZANNE LIN
SUPERVISOR DISTRICT: PROVIDENCE
DECISION SUMMARY: HUNTER MILL (PREV C)

ON NOVEMBER 19, 2013, THE BOARD UNANIMOUSLY APPROVED SEA 2008-MD-036 ON A MOTION BY SUPERVISOR SMYTH SUBJECT TO DEVELOPMENT CONDITIONS DATED OCTOBER 2, 2013.

APPLICATION DESCRIPTION:

AMEND SE 2008-MD-036 PREVIOUSLY APPROVED FOR AN ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITY AND ASSOCIATED COMPONENTS TO DELETE LAND AREA

Zoning Information

Existing Zoning		Proposed Zoning		Approved Zoning	
DISTRICT	AREA	DISTRICT	AREA	DISTRICT	AREA
				C- 7	0.54 ACRES
				C- 8	2.00 ACRES

Tax Map Numbers

0293 ((01)) 0071 A 0293 ((01)) 0032

Approved Land Uses

Zoning District: C- 7

LAND USE	DU'S	RES LAND AREA	ADU'S	WDU'S	GFA	FAR	NRES LAND AREA
REGIONRAIL							
REGIONRAIL							

TOTALS

Approved Development ConditionsDEVELOPMENT CONDITION STATEMENT DATE: 12-02-2013

<u>DEVELOPMENT CONDITION</u>	<u>DUE</u>	<u>TRIG #</u>	<u>TRIG EVENT</u>	<u>CONTRIB</u>	<u>EXPIR DTE</u>
PEDESTRIAN IMPROVEMENTS (CROSSWALKS / BRIDGES / SIGNAL)	01-01-0001	0	N/A	0	01-01-0001
LIGHTING/GLARE	01-01-0001	0	N/A	0	01-01-0001
RETURN PLANS FOR REVIEW (PC/ BOS, ETC)	01-01-0001	0	N/A	0	01-01-0001
OTHER - ENVIRONMENT	01-01-0001	0	N/A	0	01-01-0001
NOTIFICATION - GENERAL	01-01-0001	0	N/A	0	01-01-0001
COORDINATE STORMWATER MANAGEMENT	01-01-0001	0	N/A	0	01-01-0001
APPROVED FOR LOCATION/STRUCTURE/USES ETC ON PLATS	01-01-0001	0	N/A	0	01-01-0001
SIGNAGE	01-01-0001	0	N/A	0	01-01-0001
EROSION AND SEDIMENT CONTROL	01-01-0001	0	N/A	0	01-01-0001
URBAN FORESTRY REVIEW	01-01-0001	0	N/A	0	01-01-0001
NOISE ATTENUATION (STUDY / WALL)	01-01-0001	0	N/A	0	01-01-0001
OTHER - GENERAL	01-01-0001	0	N/A	0	01-01-0001