



# County of Fairfax, Virginia

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

June 18, 2014

Ben I. Wales  
Cooley LLP  
One Freedom Square  
Reston Town Center  
11951 Freedom Drive, Suite 1500  
Reston, VA 20190

Re: Special Exception Application SE 2014-SP-007

Dear Mr. Wales:

At a regular meeting of the Board of Supervisors held on June 17, 2014, the Board approved Special Exception Application SE 2014-SP-007 in the name of Fairfax Company of Virginia L.L.C. The subject property is located at 11750 Fair Oaks Mall, on 109.56 acres of land, zoned C-7 and HC in the Springfield District [Tax Map 46-3 ((8)) 1C, 1A, 1D, 2, 4A, 5, 6, 6A, 7, 10, 11 and 13; 46-4 ((9)) 8, 18B1 pt.; 56-1 ((12)) 9 and 14]. The Board's action permits a waiver of certain sign regulations, pursuant to Section 9-620 of the Fairfax County Zoning, 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. Minor deviations in sign location, design and area may be permitted when the Zoning Administrator determines that such deviations are minor and are in substantial conformance with the SE Plat.
2. The scope of this Special Exception shall apply only to freestanding signage on the site as specifically depicted on the SE Plat. All prior Special Exception permits related to building-mounted mall signage (SE 80-S-032, SE 80-S-033, SE 01-Y-001 and SE 01-Y-003) including the respective development conditions associated with each, shall remain in full effect and shall not be superseded by this approval. Additional building-mounted signage may continue to be permitted as is allowed either by-right or by separate Special Exception or Special Permit approval. Any additional freestanding signs that require a permit shall require an amendment to this Special Exception.

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**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](mailto:clerktothebos@fairfaxcounty.gov)  
<http://www.fairfaxcounty.gov/bosclerk>

3. Any sign permitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Special Exception Plat for Wayfinding Signage", consisting of thirteen sheets and prepared by Walter L. Phillips, Incorporated, which is dated May 27, 2014, and these conditions. The number, size and total sign area for each sign type shall be consistent with the table of signage on Sheet P-0309 of the SE Plat. Signs not requiring permits, allowed by Section 12-103 in the Ordinance, may be permitted, as qualified by these development conditions
4. A matrix for signage shall be provided to the Zoning Administrator prior to the issuance of the first sign permit and all subsequent sign permits, which includes the sign type, sign height, sign area, and/or any other pertinent information deemed necessary by the Zoning Administrator in order to allow efficient tracking of all freestanding signage to be provided on site. Each sign permit shall be accompanied by a letter from the property owner, manager and/or agent of the property stating that the requested sign has been reviewed for compliance with this approval.
5. All freestanding signs shall be located outside of required sight lines and/or sight triangles, and shall not restrict visibility for drivers entering or exiting travel intersections, aisles or driveways, as determined at the time of sign permitting. Minor modifications to the locations of proposed signs may be permitted to achieve adequate sight distance without necessitating a special exception amendment, provided such changes are in substantial conformance with the locations depicted on the SE Plat. (Signs may be relocated to the opposite side of the roadway and/or set back further to achieve adequate sight distance.)
6. All signs shall be consistent with the color palette, typography and the use of logos indicated in the SE Plat. Minor modifications to sign design may be permitted without an SEA if such changes are consistent for all approved signage and are determined to be in substantial conformance with the character of the approved signs.
7. All sign lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
8. Any sign that would be located within the structural root zone of trees, or that would require removal of an existing tree shall require review and approval by the Forest Conservation Branch of DPWES prior to a sign permit being approved. Sign A3.1, specifically, shall be located so as to minimize adverse impacts to the mature trees in the proposed location area. (The structural root zone is defined as a radius of three (3) feet from the base of the tree for each foot of trunk diameter measured at 4.5 feet above existing grade). Any tree that must be removed or which dies as a result of the location of a sign shall be replaced with a tree of similar quality elsewhere on the site, as determined by the Forest Conservation Branch.

As an alternative, the Applicant may make minor modifications to the locations of

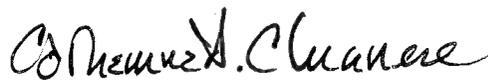
proposed signs to avoid structural root zones or the need for tree removal without necessitating a special exception amendment, provided such changes are in substantial conformance with the locations depicted on the SE Plat.

9. Where any tree roots one inch or greater in diameter are encountered during any excavation, they shall be cut cleanly at the limits of the excavation. Cuts shall be made using a handsaw or lopping shears.

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 Sign Permits 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, at a minimum, the use has been established; for the purpose of this SE, the use shall be deemed to be established with the issuance of the first sign permit for an approved sign, and the installation of such sign. 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 Pat Herrity, Springfield 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  
Michael Davis, 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



**APPLICATION FOR A SPECIAL EXCEPTION  
PROPERTY INFORMATION – TAX MAP NO.**

RECEIVED  
Department of Planning & Zoning  
MAY 19 2014  
Zoning Evaluation Division

046-3-08-1A	Fairfax Company of Virginia L.L.C.
046-3-08-1C	Fairfax Company of Virginia L.L.C.
046-3-08-1D	Fairfax Company of Virginia L.L.C.
046-3-08-2	Sears Roebuck and Company
046-3-08-4A	J C Penney Properties, Inc.
046-3-08-5	Macy's Retail Holdings, Inc. *
046-3-08-6	L T Propco LLC
046-3-08-6A	L T Propco LLC
046-3-08-7	Fairfax Company of Virginia L.L.C.
046-4-09-8	Fairfax Company of Virginia L.L.C.
056-1-12-9	Fairfax Company of Virginia L.L.C.
046-3-08-10	Fairfax Company of Virginia L.L.C.
046-3-08-11	Fairfax Company of Virginia L.L.C.
046-3-08-13	Fairfax Company of Virginia L.L.C.
056-1-12-14	Fairfax Company of Virginia L.L.C.
046-4-09-18B1 (in part)	Brandywine Acquisition Partners LP

\* This entity is incorrectly shown on the Fairfax County Tax Assessment records as being owned by The May Department Stores Company.

# SE 2014-SP-007

## Zoning Application Closeout Summary Report

Printed: 6/19/2014

### General Information

**APPLICANT:** FAIRFAX COMPANY OF VIRGINIA L.L.C.  
**DECISION DATE:** 06/17/2014  
**CRD:** NO  
**HEARING BODY:** BOS  
**ACTION:** APPROVE  
**STAFF COORDINATOR:** MICHAEL LYNSKEY  
**SUPERVISOR DISTRICT:** SPRINGFIELD

**DECISION SUMMARY:**

ON JUNE 17, 2014, THE BOARD UNANIMOUSLY APPROVED SE 2014-SP-007 ON A MOTION BY SUPERVISOR HERRITY SUBJECT TO DEVELOPMENT CONDITIONS DATED JUNE 10, 2014.

**APPLICATION DESCRIPTION:**

WAIVER OF CERTAIN SIGN REGULATIONS

### Zoning Information

Existing Zoning		Proposed Zoning		Approved Zoning	
DISTRICT	AREA	DISTRICT	AREA	DISTRICT	AREA
				C-7	109.56 ACRES

### Tax Map Numbers

0463 ((08)) ( )0013	0463 ((08)) ( )0011	0463 ((08)) ( )0001 D	0463 ((08)) ( )0002	0463 ((08)) ( )0006 A
0464 ((09)) ( )0018 B1	0463 ((08)) ( )0006	0463 ((08)) ( )0010	0561 ((12)) ( )0009	0463 ((08)) ( )0005
0463 ((08)) ( )0007	0463 ((08)) ( )0001 C	0561 ((12)) ( )0014	0463 ((08)) ( )0001 A	0463 ((08)) ( )0004 A
0464 ((09)) ( )0008				

### Approved Land Uses

**Zoning District:**

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

6/19/2014

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**Approved Development Conditions**DEVELOPMENT CONDITION STATEMENT DATE: 06-10-2014

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<u>DEVELOPMENT CONDITION</u>	<u>DUE</u>	<u>TRIG #</u>	<u>TRIG EVENT</u>	<u>CONTRIB</u>	<u>EXPIR DTE</u>
SIGNAGE	01-01-0001	0	BLDG SIGN PRMT	0	01-01-0001
URBAN FORESTRY REVIEW	01-01-0001	0	BLDG SIGN PRMT	0	01-01-0001
SIGHT DISTANCE	01-01-0001	0	BLDG SIGN PRMT	0	01-01-0001
APPROVED FOR LOCATION/STRUCTURE/USES ETC ON PLATS	01-01-0001	0	BLDG SIGN PRMT	0	01-01-0001

6/19/2014