



County of Fairfax, Virginia

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

July 2, 2014

Francis A. McDermott
Hunton and Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102

Re: Special Exception Application SE 2013-SU-017
(Concurrent with Proffered Condition Amendment Application PCA 2003-SU-035-02)

Dear Mr. McDermott:

At a regular meeting of the Board of Supervisors held on July 1, 2014, the Board approved Special Exception Application SE 2013-SU-017 in the name of DD South Retail LC. The subject property is located between the Air and Space Museum Parkway and Historic Sully Way, E. of Route 28, on approximately 1.7 acres of land, zoned in the PDC, HD and WS Districts in the Sully District [Tax Map 34-2 ((1)) 1B pt]. The Board's action permits fast-food restaurant with drive-through, pursuant to Section 6-205 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 special exception (SE) plat entitled "Dulles Discovery South Retail" prepared by Kimley-Horn and Associates, Inc., dated July 26, 2013, and revised through May 22, 2014, consisting of 12 sheets, to include Sheet 5 and those elements of Sheets 1, 3, 6, 7, 8, 9, 11, 12, 14, 15, and 16 that are directly related to the fast food restaurant with drive-through, 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. Trash pick-up and deliveries shall be scheduled during times that do not significantly interfere with or impede the normal operations of the uses on Tax Map 34-2 ((1)) 1B.
5. The decibel level of the speaker phone for the drive-through window shall measure no more than 45 decibels at the property line abutting Historic Sully Way.
6. The fast food restaurant owner/operator shall be responsible for the daily removal of litter. On a daily basis, the vicinity of the fast food restaurant shall be inspected and any loose trash shall be picked up and placed in dumpsters.

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. 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 Michael Frey, Sully 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



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 2013-50-017
 (Staff will assign)
RECEIVED
 Department of Planning & Zoning

AUG 21 2013

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

APPLICANT	NAME DD South Retail LC
	MAILING ADDRESS 12500 Fair Lakes Circle, Suite 400 Fairfax, VA 22033
	PHONE HOME () WORK ()
	PHONE MOBILE ()
PROPERTY INFORMATION	PROPERTY ADDRESS NO POSTAL ADDRESS Between Air & Space Museum Parkway & Historic Sully Way, East of Route 28, Chantilly, VA 20151
	TAX MAP NO. 34-2-((1))-1B(pt) SIZE (ACRES/SQ FT) 1.70 ± 1,6951 ac.
	ZONING DISTRICT PDC; WS; HD(pt) MAGISTERIAL DISTRICT Sully
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: N/A
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION §§ 6-205, 9-501
	PROPOSED USE Fast Food Restaurant with Drive-Through
AGENT/CONTACT INFORMATION	NAME Francis A. McDermott
	MAILING ADDRESS Hunton & Williams LLP 1751 Pinnacle Drive, Suite 1700 McLean, VA 22102
	PHONE HOME () WORK (703) 714-7422
	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>DD South Retail LC, by Jon M. Peterson</p>	
TYPE/PRINT NAME OF APPLICANT/AGENT	SIGNATURE OF APPLICANT/AGENT

DO NOT WRITE IN THIS SPACE

Date Application accepted: 8/23/13

Application Fee Paid: \$ 16,375.00

Virginia Raffner SE 2013-0206
 8/23/13
 WR

SE 2013-SU-017

Zoning Application Closeout Summary Report

Printed: 7/30/2014

General Information

APPLICANT: DD SOUTH RETAIL LC
DECISION DATE: 07/01/2014
CRD: NO
HEARING BODY: BOS
ACTION: APPROVE
STAFF COORDINATOR: JOE GORNEY
SUPERVISOR DISTRICT:

DECISION SUMMARY:

ON JULY 1, 2014, THE BOARD OF SUPERVISORS UNANIMOUSLY APPROVED SE 2013-SU-017, ON A MOTION BY SUPERVISOR FREY, SUBJECT TO DEVELOPMENT CONDITIONS, DATED JUNE 10, 2014.

APPLICATION DESCRIPTION:

FAST FOOD RESTAURANT WITH DRIVE-THROUGH

Zoning Information

Existing Zoning		Proposed Zoning		Approved Zoning	
DISTRICT	AREA	DISTRICT	AREA	DISTRICT	AREA
				PDC	1.70 ACRES

Tax Map Numbers

0342 ((01))()0001 B

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					4,900	0.07	1.70	ACRES
TOTALS					4,900	0.07	1.70	ACRES

7/30/2014

Approved Development ConditionsDEVELOPMENT CONDITION STATEMENT DATE: 06-10-2014

<u>DEVELOPMENT CONDITION</u>	<u>DUE</u>	<u>TRIG #</u>	<u>TRIG EVENT</u>	<u>CONTRIB</u>	<u>EXPIR DTE</u>
LITTER/DEBRIS REMOVED DAILY	01-01-0001	0	N/A	0	01-01-0001
NON-RUP	01-01-0001	0	N/A	0	01-01-0001
MINOR MODIFICATIONS	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
SUBJECT TO SITE PLANS / SUBDIVISION PLATS	01-01-0001	0	N/A	0	01-01-0001
OTHER - LAND USE	01-01-0001	0	N/A	0	01-01-0001
EXPIRES IN NUMBER MONTHS / YEARS UNLESS IMPLEMENTED	01-01-0001	0	N/A	0	01-01-0001
OTHER - ENVIRONMENT	01-01-0001	0	N/A	0	01-01-0001

7/30/2014