



# County of Fairfax, Virginia

January 20, 2016

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Department of Planning & Zoning

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Zoning Evaluation Division

**2016 Planning  
Commission**

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*Assistant Director*

**John W. Cooper**  
*Clerk to the Commission*

Andrew A. Painter, Attorney  
Walsh, Colucci, Lubeley & Walsh, P.C.  
2200 Clarendon Boulevard, Ste. 1300  
Arlington, Virginia 22201

**Re: SE 2014-PR-018/RZ 2015-PR-016 – BEYER I LLC  
Providence District**

Dear Mr. Painter:

At its January 13, 2016 meeting, the Planning Commission voted 9-0-1 (Commissioner Keys-Gamarra abstained; Commissioner Hurley was not present for the vote; Commissioner Migliaccio was absent from the meeting) to **RECOMMEND APPROVAL** on the above referenced special exception, subject to development conditions dated December 29, 2015, as attached, and the above referenced rezoning, subject to proffers dated December 29, 2015. A copy of the verbatim transcript is attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to final decision by the Board of Supervisors.

This action does not constitute exemption from the various requirements of this county and state. The applicant is responsible for ascertaining if permits are required and obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,

John W. Cooper, Clerk to the  
Fairfax County Planning Commission

Attachments (a/s)

cc: Linda Q. Smyth, Supervisor, Providence District  
Kenneth A. Lawrence, Planning Commissioner, Providence District  
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office  
Casey Gresham, Staff Coordinator, ZED, DPZ  
✓ Robert Harrison, ZED, DPZ  
January 13, 2016 date file

To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.

Fairfax County Planning Commission  
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035  
703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)  
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Planning Commission Meeting  
January 13, 2016  
Verbatim Excerpt

SE 2014-PR-018 – BEYER I, LLC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed, Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. I have a couple motions to make and then I would like a moment off of verbatim after I finish with that for compliments, as a matter of fact. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2015-PR-016, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED DECEMBER 29<sup>TH</sup>, 2015.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2015-PR-016, say aye.

Commissioners: Aye.

Commissioner Keys-Gamarra: Abstain.

Chairman Murphy: Opposed? Motion carries. Ms. Keys-Gamarra abstains. I'm going to get this.

Commissioner Lawrence: Secondly, Mr. Chairman, I move – I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-PR-016 (sic), SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED DECEMBER 29<sup>TH</sup>, 2015.

Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning: I'm sorry, Mr. Lawrence, it's -018.

Commissioner Lawrence: -018, sorry.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-PR-018, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Same abstention, motion carries.

Commissioner Lawrence: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE WAIVERS AND MODIFICATIONS, PROVIDED UNDER A SEPARATE ATTACHMENT AND DATED DECEMBER 29<sup>TH</sup>, 2015, AND AS NOTED IN THE STAFF REPORT.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve the waivers articulated by Mr. Lawrence, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, same abstention.

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(The motion carried by a vote of 9-0-1. Commissioner Keys-Gamarra abstained. Commissioner Hurley was not present for the vote. Commissioner Migliaccio was absent from the meeting.)

TMW

**PROPOSED DEVELOPMENT CONDITIONS****SE 2014-PR-018****December 29, 2015**

If it is the intent of the Board of Supervisors to approve SE 2014-PR-018 located at Tax Map 40-3 ((12)) 8A, 11, 13, (the "Property") to permit a vehicle sale, rental and ancillary service establishment with associated vehicle storage, pursuant to Sect. 4-804 of the Fairfax County Zoning Ordinance, staff recommends that the Board of Supervisors condition the approval 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 this application, as qualified by these development conditions.
3. 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 made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
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 GDP/SE Plat entitled "7113 and 7117 Shreve Road," prepared by Walter L. Phillips, Inc., dated October 10, 2013, as revised through December 21, 2015, consisting of 8 sheets and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.
5. There shall be no outdoor storage of wrecked or inoperable vehicles on the site for a period exceeding 72 hours. Any spaces reserved for loading, parking, vehicle storage and vehicle display shall not be used for wrecked or inoperable vehicles, and all non-operating vehicles must be stored away from Shreve Road. All parking of inoperable vehicles shall be located in designated, paved parking spaces.
6. There shall be no outdoor storage or sales of materials on the site, with the exception of vehicles for sale (which may be parked in that area designated on the GDP/SE Plat as "Vehicle Storage").
7. All vehicular service and maintenance shall occur indoors. If such service occurs between the hours of 10:00 p.m. and 8:00 a.m., it shall be in a fully enclosed interior space with no windows or doors open.

## APPENDIX 2

8. Approximately 3,012 square feet of right-of-way as depicted on the SE Plat shall be dedicated to the Board of Supervisors, in fee simple, along Shreve Road. The area within 41.5 feet from the existing centerline of Shreve Road shall be reserved for future dedication of right-of-way along Shreve Road as depicted on the SE Plat. Any amount of the 41.5-foot reservation shall be conveyed to the Board of Supervisors, in fee simple on demand. All intensity/density attributable to land area dedicated from the Application Property as designated on GDP/SE Plat and/or conveyed at no cost to the Board or any other public entity pursuant to these conditions, or as may be required at site plan, shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and is hereby reserved to the Application Property.
9. All loading and unloading of vehicles on transport carriers shall be conducted on-site. Absolutely no loading and unloading of vehicles shall take place on Shreve Road.
10. A landscape plan shall be submitted in conjunction with the site plan submitted on the Application Property for the review and approval of UFMD. Plantings shall be installed in general conformance to the GDP/SE Plat and native species shall be incorporated to the extent feasible.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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 responsible for obtaining the required Non-Residential Use Permit (Non-RUP) 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 a new (Non-RUP) has been issued to reflect this Special Exception. 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.

**PROFFERS****BEYER I LIMITED LIABILITY COMPANY****RZ 2015-PR-016****December 29, 2015**

Pursuant to Va. Code Ann. § 15.2-2303 (a) and subject to the Board of Supervisors approving a rezoning of the property identified as Tax Map 40-3 ((12)) 8A (hereinafter referred to as the "Application Property") from the I-5 District to the C-8 District, Beyer I Limited Liability Company (hereinafter referred to as the "Applicant"), for the owner, itself, and its successors and assigns, hereby proffers to the following conditions. If accepted, these proffers shall replace and supersede any previous proffers approved on the Application Property.

**1. GENERALIZED DEVELOPMENT PLAN**

- a. Subject to the provisions of § 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the generalized development plan/special exception plat ("GDP/SE Plat") consisting of eight sheets, prepared by Walter L. Phillips, Inc., dated October 10, 2013 and revised through December 21, 2015.
- b. Minor modifications to the GDP/SE Plat may be permitted as determined by the Zoning Administrator in accordance with the provisions of § 18-204 of the Zoning Ordinance. The Applicant reserves the right to modify the layout shown on the GDP/SE Plat at time of site plan based on final engineering and design provided that there is no decrease in the amount or location of open space or landscaping, or distances to peripheral lot lines, or increases in limits of clearing and grading as shown on the GDP/SE Plat.

**2. TRANSPORTATION**

Density credit is reserved consistent with § 2-308 of the Zoning Ordinance for all eligible dedications described herein or as may be required by Fairfax County or the Virginia Department of Transportation ("VDOT") pursuant to the Public Facilities Manual ("PFM"), at or prior to time of site plan approval.

**3. SUCCESSORS AND ASSIGNS**

These proffers will bind and inure to the benefit of the Applicant and its successors and assigns.

4. COUNTERPARTS

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one in the same instrument.



# County of Fairfax, Virginia

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January 9, 2015

**2015 Planning  
Commission**

**Peter F. Murphy**  
Chairman  
*Springfield District*

**Frank de la Fe**  
Vice Chairman  
*Hunter Mill District*

**James R. Hart**  
Parliamentarian  
*At-Large*

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**Julie Strandlie**  
*Mason District*

**John Ulfelder**  
*Dranesville District*

**Earl L. Flanagan**  
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*Sully District*

**Kenneth A. Lawrence**  
*Providence District*

**James Migliaccio**  
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**Timothy J. Sargeant**  
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**Jill G. Cooper**  
*Executive Director*

**Kimberly A. Bassarab**  
*Assistant Director*

**John W. Cooper**  
*Clerk to the Commission*

Andrew Painter  
Walsh, Colucci, Lubeley & Walsh, PC  
2200 Clarendon Boulevard, 13th Floor  
Arlington, Virginia 22101

**Re: SE 2014-PR-018 – BEYER I LIMITED LIABILITY COMPANY  
Providence District**

Dear Mr. Painter:

At its January 7, 2015 meeting, the Planning Commission voted 12-0 to **DEFER THE PUBLIC HEARING** of the above referenced application to a date to be determined. A copy of the verbatim transcript is attached.

Sincerely,

Jill G. Cooper, AICP  
Executive Director

Attachments (a/s)

cc: Linda Smyth, Supervisor, Providence District  
Ken Lawrence, Planning Commissioner, Providence District  
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office  
Michael Van Atta, Staff Coordinator, ZED, DPZ  
Robert Harrison, ZED, DPZ  
January 7, 2015 date file

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Planning Commission Meeting  
January 7, 2015  
Verbatim Excerpt

SE 2014-PR-018 – BEYER I LIMITED LIABILITY COMPANY

During Commission Matters

Commissioner Lawrence: Also, Mr. Chairman, I have a deferral. Tonight, we were to have the public hearing on 2014-PR-018 in the name of Beyer Limited Liability Company. There have been some interesting geometry problems. And, Mr. Chairman, I MOVE TO DEFER THE PUBLIC HEARING ON SE 2014-PR-018 TO A FUTURE DATE TO BE DETERMINED.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion to defer the public hearing – FDPA 81-S – oh, I’m sorry. It’s up here – SE 2014-PR-018, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Thank you very much, Mr. Chairman.

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(The motion carried by a vote of 12-0.)

JLC