



County of Fairfax, Virginia

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

July 27, 2016

Mr. Mark C. Looney
Cooley LLP
11951 Freedom Drive
Reston, VA 20190

RECEIVED
Department of Planning & Zoning

AUG 18 2016

Zoning Evaluation Division

RE: Special Exception Application SE 2016-HM-012
(Concurrent with Planned Residential Community Application PRC C-020)

Dear Mr. Looney:

At a regular meeting of the Board of Supervisors held on July 26, 2016, the Board of Supervisors approved Special Exception Application SE 2016-HM-012 in the name of Tall Oaks Development Company LLC and Tall Oaks Commercial Center LLC. The subject property is located at 12000 and 12054 North Shore Drive, Reston, Virginia, 20190, on approximately 7.46 acres of land, zoned PRC, in the Hunter Mill District [Tax Map Number 18-1 ((5)) 8 A1 and 8 A2]. The Board's action permits up to 2,500 square feet of fast food uses and up to 4,000 square feet of quick-service food store uses 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, structure and/or use 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 Plan, as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the PRC Plan/SE Plat entitled "Tall Oaks," prepared by Urban, Ltd., dated September 8, 2015 and revised through June 20, 2016, consisting of 54 sheets (the "Plan"). Minor modifications may be permitted pursuant to Par. 8 of Sect. 16-203 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>

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4. No more than 2,500 square feet of fast food uses shall be permitted and no more than 4,000 square feet of quick service food store uses shall be permitted. No other Category or Group use shall be permitted without the approval of a special permit or special permit except as provided in Sects. 6-303 and 6-304 of the Zoning Ordinance or amendment to the development plan.
5. All trash dumpsters shall be screened on all sides. The screening shall be consistent with the color and style of the building. Doors shall consist of materials that are opaque and fully screen the 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 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, 30 months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a Non-Residential Use Permit for the fast food and/or quick-service food store use(s). 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.

The Board also:

- Modified Par. 2 of Sect. 6-306 of the Zoning Ordinance for the 200-square foot privacy yard requirement for single family attached dwelling unit lots to that shown on the PRC Plan/SE Plat
- Waived Par. 10 of Sect. 11-102 of the Zoning Ordinance to permit tandem parking for the two-over-two dwelling units to count towards the off-street parking requirement for multi-family dwelling units
- Modified Sect. 11-203 of the Zoning Ordinance for the required number of loading spaces to that shown on the PRC Plan/SE Plat

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- Modified Sects. 13-303 and 13-304 of the Zoning Ordinance for the transitional screening and barrier requirements to that shown on the PRC Plan/SE Plat

Sincerely,



Catherine A. Chianese

Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova

Supervisor Catherine Hudgins, Hunter Mill District

Howard Goodie, 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

Abdi Hamud, 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 2016-HM-012
 (Staff will assign) *Amended*

Concurrent with PRC C-020

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 Department of Planning & Zoning

JUN 09 2016

Zoning Evaluation Division

APPLICATION FOR A SPECIAL EXCEPTION

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME 1) Tall Oaks Development Company LLC & 2) Tall Oaks Commercial Center LLC	
	MAILING ADDRESS 1) 1420 Spring Hill Road, Suite 420, McLean VA 22102	
	PHONE HOME () 1) 703-579-0196 WORK ()	
	PHONE MOBILE ()	
PROPERTY INFORMATION	PROPERTY ADDRESS 12000 and 12054 North Shore Drive, Reston VA, 20190	
	TAX MAP NO. 18-1 ((5)) 8A1 and 8A2	SIZE (ACRES/SQ FT) 7.46 acres/325,337 SF
	ZONING DISTRICT PRC	MAGISTERIAL DISTRICT Hunter Mill
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:	
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION 6-302(B)(2)(e) & 6-302(B)(2)(g)	
	PROPOSED USE Fast food restaurants and quick-service food stores	
AGENT/CONTACT INFORMATION	NAME 1) Mark C Looney	
	MAILING ADDRESS 1) 11951 Freedom Drive, Reston VA 20190	
	PHONE HOME () 1) 703-456-8652 WORK ()	
	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>Mark C. Looney</p>		
TYPE/PRINT NAME OF APPLICANT/AGENT	SIGNATURE OF APPLICANT/AGENT	

DO NOT WRITE IN THIS SPACE

Deborah L. Subota

SE 2016-0121

Date Application accepted: May 19, 2016
 Amended: June 16, 2016

Application Fee Paid: \$ 2735.00