



APPLICATION ACCEPTED: March 19, 2008
PLANNING COMMISSION: July 31, 2008
BOARD OF SUPERVISORS: August 4, 2008 @ 3:30 PM

County of Fairfax, Virginia

CRD

July 24, 2008

STAFF REPORT ADDENDUM

APPLICATION SE 2008-MA-008

MASON DISTRICT

APPLICANT: Radley Automobiles, Incorporated

ZONING: C-8, SC, HC, CRD

PARCEL: 61-2 ((20)) 3A, 4 and 15

ACREAGE: 41,968 square feet

DENSITY: 0.32

OPEN SPACE: 17.6%

PLAN MAP: Commercial: Retail & Other

SE CATEGORY: Category 5: Vehicle Major Service Establishment

Category 6: Waivers and Modifications in a Commercial Revitalization Overlay District (CRD)

PROPOSAL: The applicant seeks special exception approval to permit a vehicle major service establishment in a Highway Corridor Overlay (HC) District and modifications/waivers in a CRD to permit a 20% reduction in required parking.

Shelby Johnson

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



STAFF RECOMMENDATION:

Staff recommends approval of SE 2008-MA-008, subject to development conditions in Attachment 1.

Staff recommends approval of a modification of the requirement to construct a 5-foot wide concrete trail along the frontage of Seminary Road and Center Lane in favor of a 5-foot wide concrete sidewalk as prescribed by the Streetscape Design Guidelines of the Baileys Crossroads Community Business Center, contained in the Comprehensive Plan.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

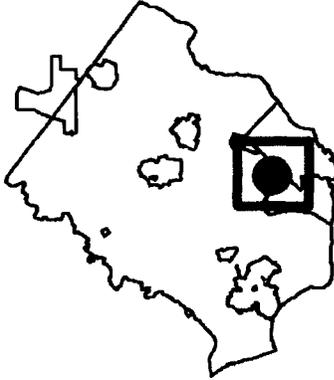
O:\SMCKN\ISE\SE 2008-MA-008 (CRD) Radley Automobiles\REPORT\Report Addendum.doc



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception

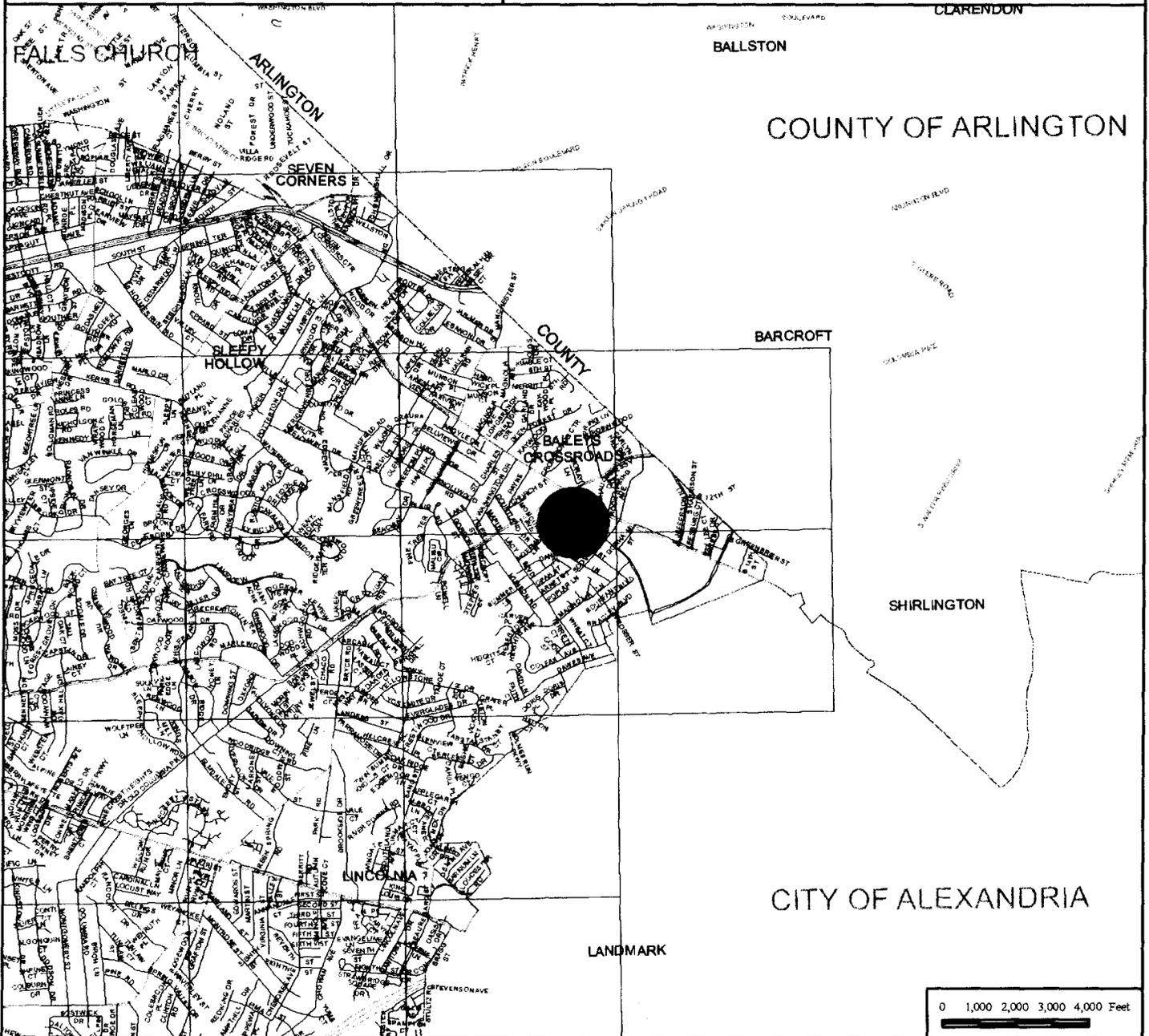
SE 2008-MA-008



Applicant:
Accepted:
Proposed:

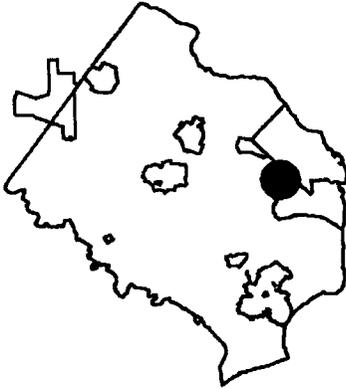
RADLEY AUTOMOBILES, INCORPORATED
03/19/2008
VEHICLE MAJOR SERVICE ESTABLISHMENT
AND MODIFICATIONS AND WAIVERS IN THE
COMMERCIAL REVITALIZATION DISTRICT

Area: 41,968 SF OF LAND; DISTRICT - MASON
Zoning Dist Sect: 09-062204-0804
Art 9 Group and Use: 6-19 5-24
Located: 5900 SEMINARY ROAD
Zoning: C- 8
Plan Area: 1,
Overlay Dist: SC CRD HC
Map Ref Num: 061-2- /20/ /0003A /20/ /0004
/20/ /0015



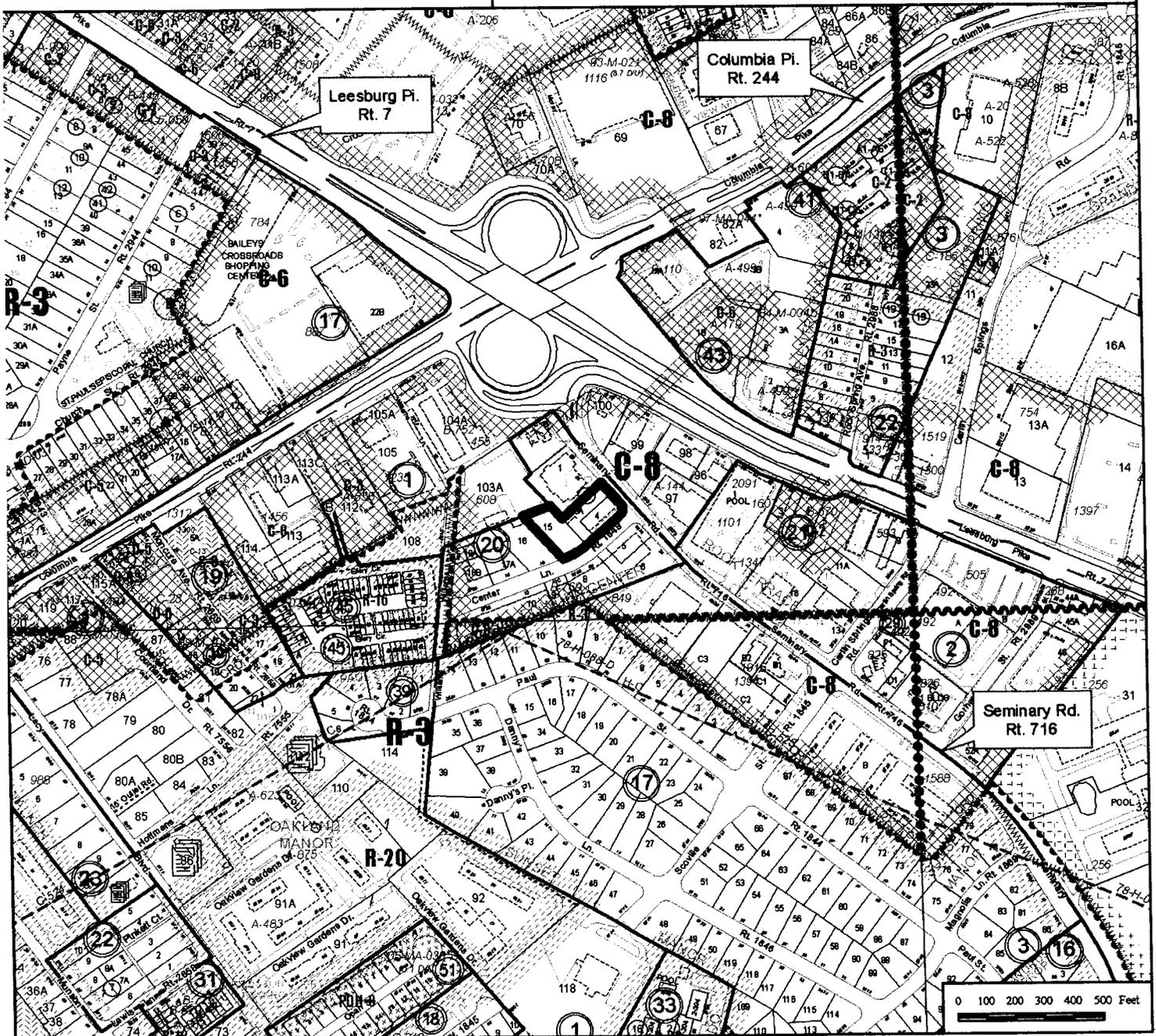
Special Exception

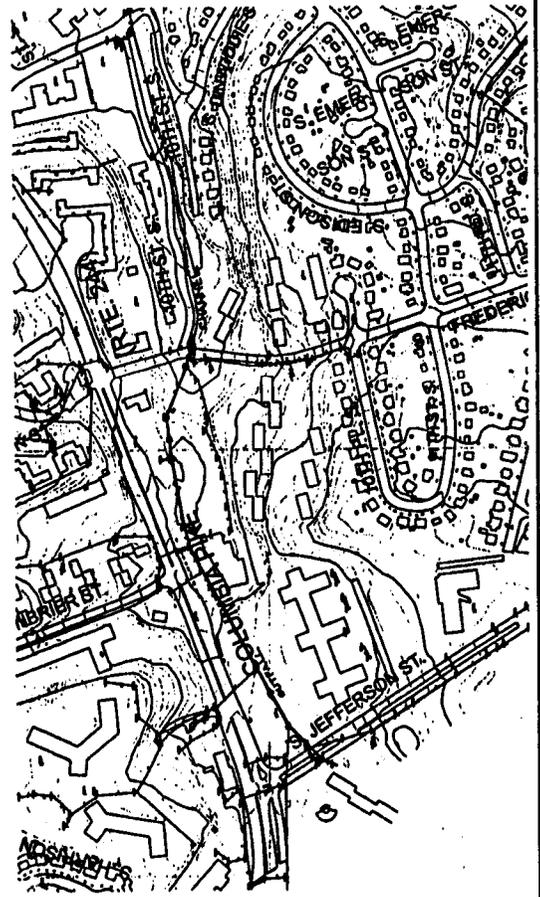
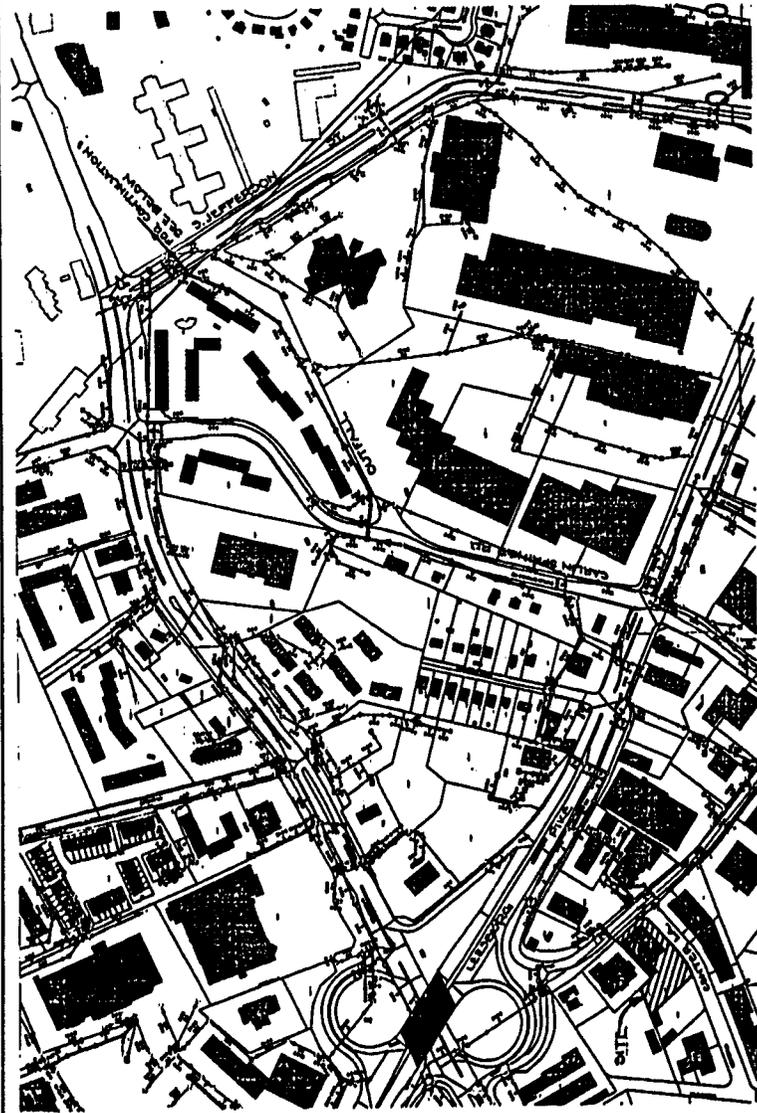
SE 2008-MA-008



Applicant: RADLEY AUTOMOBILES, INCORPORATED
Accepted: 03/19/2008
Proposed: VEHICLE MAJOR SERVICE ESTABLISHMENT AND MODIFICATIONS AND WAIVERS IN THE COMMERCIAL REVITALIZATION DISTRICT

Area: 41,968 SF OF LAND; DISTRICT - MASON
Zoning Dist Sect: 09-062204-0804
Art 9 Group and Use: 6-19 5-24
Located: 5900 SEMINARY ROAD
Zoning: C- 8
Plan Area: 1,
Overlay Dist: CRD HC SC
Map Ref Num: 061-2- /20/ /0003A /20/ /0004 /20/ /0015





OUTFALL MAP
 PLAT FOR SPECIAL EXCEPTION

DATE	12-22-06
SCALE	1" = 200'
SHEET	4 OF 6
OWNER	THE LAND OF RADLEY MANAGEMENT, LLC
DESIGNER	MARKS DISTRICT PLANNING ASSOCIATES, P.C.
DATE	7/10/06



Mark S. Marks - P.E. Commission
 No. 11406 - State of Virginia
 Date: 7/10/06 - Expires 7/10/12
 MARK S. MARKS



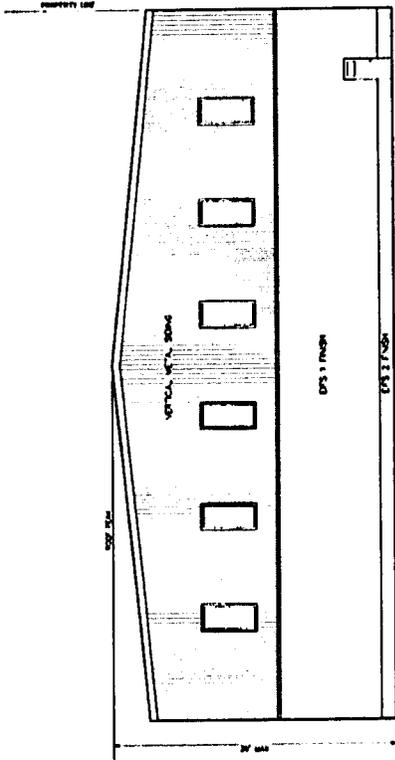
VERTICAL VINYL SIDING



EPS 1 FINISH

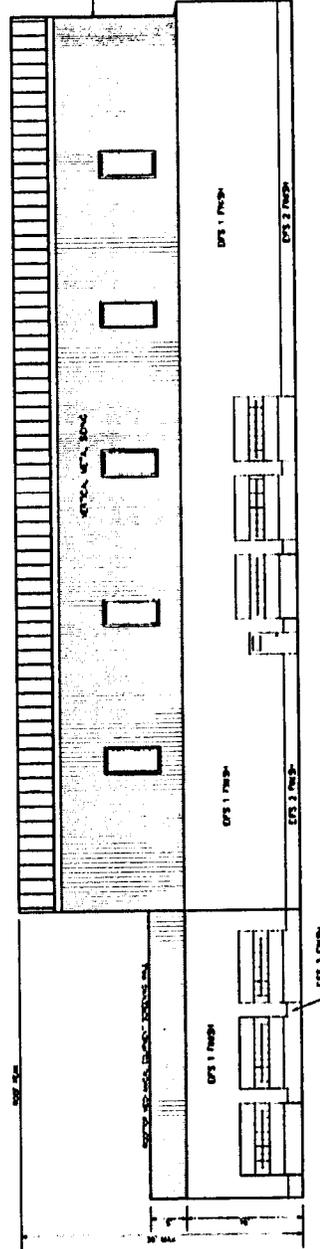


EPS 2 FINISH



SEMINARY ROAD ELEVATION
1/8" = 1'-0"

SEMINARY ROAD



CENTER LANE ELEVATION
1/8" = 1'-0"

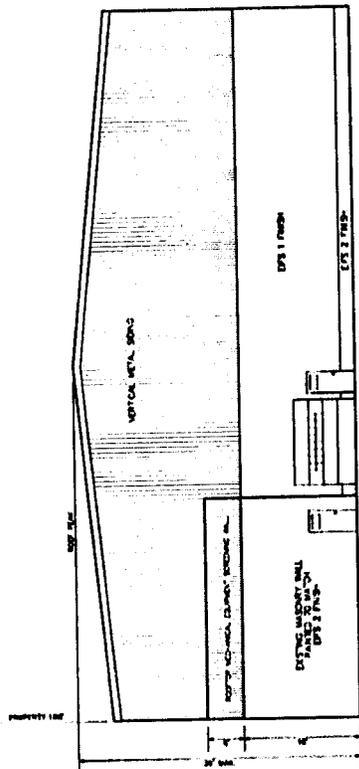
GEORGE H. COB
ARCHITECTURAL ELEVATION VIEWS
DRAWN FOR SPECIAL EXCEPTION

DATE	5-21-08
SCALE	AS SHOWN
SHEET	3 OF 6
CAD FILE	
FILE NO.	

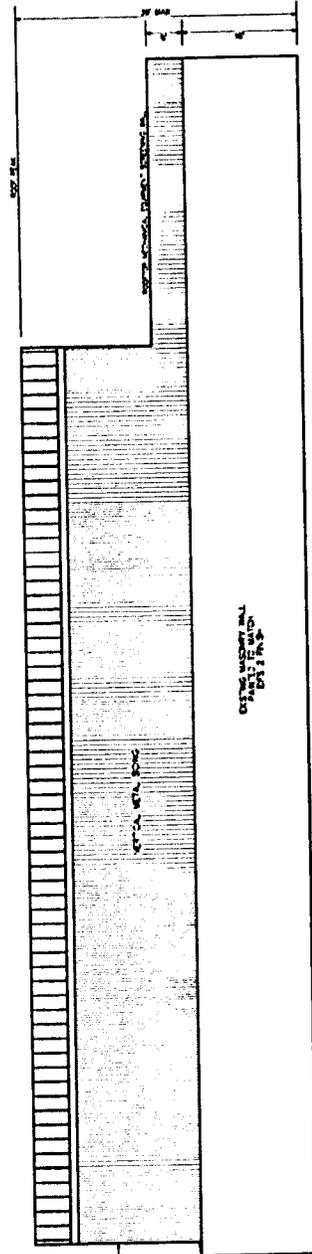


THE LAND OF
RADLEY MANAGEMENT, LLC
1000 W. 10TH STREET
FAIRBANKS, ALASKA 99701
REGULIAN ASSOCIATES, P.C.
1000 W. 10TH STREET
FAIRBANKS, ALASKA 99701
707-337-7449 • FAX 707-337-7100

State of Alaska
Professional Seal
No. 11248
Exp. 12/31/10



WEST SIDE ELEVATION
1/2" = 1'-0"



NORTH SIDE ELEVATION
1/2" = 1'-0"

SEMINARY ROAD

SE2008-MA-006
ARCHITECTURAL ELEVATION VIEWS
PLAN FOR SPECIAL EXCEPTION



THE LAND OF
RADLEY MANAGEMENT, LLC
HARDY COUNTY, VIRGINIA
BACHULIZIN ASSOCIATES, P.C.
700-B WASHINGTON ROAD
FARMERSVILLE, VA 22434-2128

Scale: 1/2" = 1'-0"
Date: 7/14/09
Architect: BACHULIZIN ASSOCIATES, P.C.
Professional Seal: [Seal]

BACKGROUND

As described in the staff report dated July 17, 2008, the applicant has requested Special Exception approval to allow a vehicle major service establishment and waivers and modifications permitted in a CRD. The amendment would permit improvements to raise the roof height of an existing building from 16 feet to 39 feet in order to maximize the use of the facility's repair equipment. The building will functionally remain a one-story building and there are no proposed increases to the building's gross floor area. As noted in the staff report, staff did recommend approval of the application with the adoption of conditions consistent with those in Appendix 1 of that staff report.

DISCUSSION

Since the publication of the staff report, the applicant has continued to work with staff to address the Planning Commissioner's request to provide access to the adjacent parcel [Tax Map 61-2 ((1)) 103A] that is leased by the applicant, Radley Automobiles, Inc., and to resolve some of staff's outstanding issues with the application. As a result, the applicant has proposed a modification to the design of the parking lot area to accommodate a drive aisle that will connect to the leased parcel, Parcel 103A. A revised SE Plat, now dated December 22, 2006 as revised through July 10, 2008, may be found at the front of this report.

Proposed changes include relocating a parking space from the western portion of the parking lot to the interior parking aisle in order to accommodate a drive aisle to the adjacent parcel; enlarging the landscape island in the center of the parking lot in order to accommodate relocated trees; and adding curbing to enclose the island. As a result of these changes, a portion of the travel aisle width has decreased from 23 feet to 15.5 feet and a one-way circulation pattern is proposed for the parking lot area. The quantity of proposed parking spaces remains the same at 40 spaces.

Other proposed changes include: a reduction in the width of the parking lot entrance to 30 feet; removal of the existing 4-foot wide concrete sidewalk adjacent to the building along its Seminary Road and Center Lane frontages; and revisions to the open space and parking lot landscaping computations. The SWM and Outfall Narratives were also revised to reflect the proposed changes to the site.

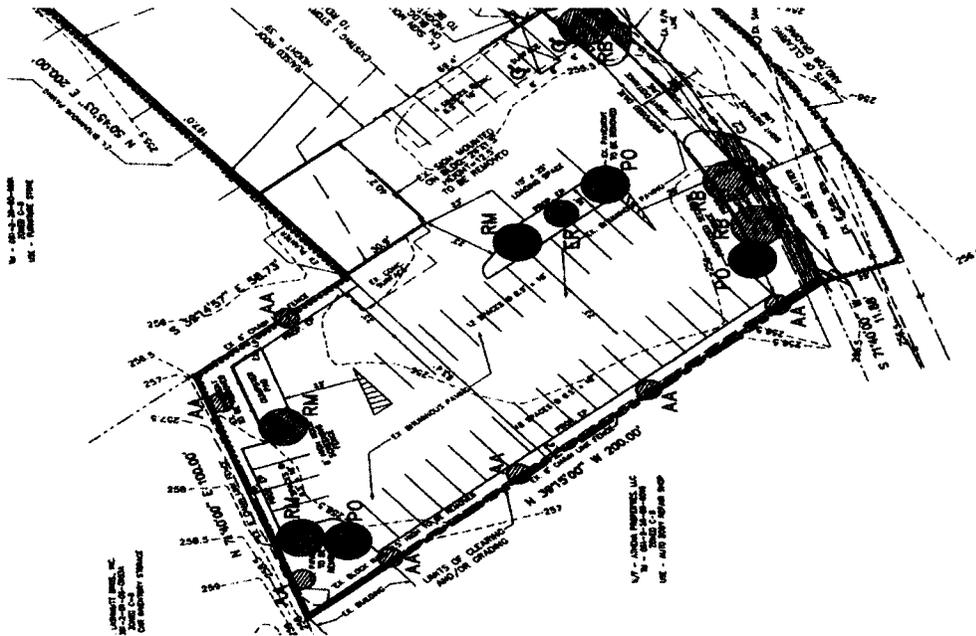
No changes are proposed to the point of access, streetscape, site operations or requested waivers and modifications. The following discussion addresses the proposed changes to the SE Plat.

Site Access and Parking

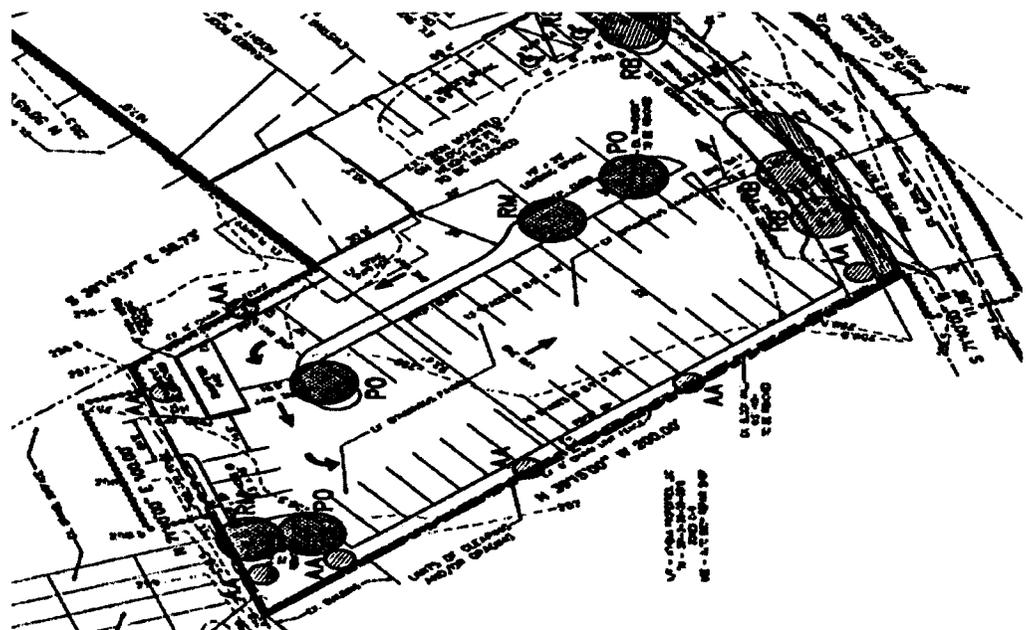
As previously noted, the applicant has proposed a drive aisle to be located along the western edge of the parking lot area to allow vehicular access to the adjacent parcel [Tax Map 61-2 ((1)) 103A], which is leased to the applicant, Radley Automobiles, Inc. In the previous plan, the parking lot area was to be enclosed by a six-foot high chain link fence with four parking spaces to be located adjacent to this fence. To accommodate the newly proposed drive aisle, one parking space has been relocated

from the western periphery to the interior parking aisle and a gate will be located in the adjacent fence along the western periphery, adjoining Parcel 103A. This modification to the parking lot will cause a reduction in the width of the internal travel aisle from 23 feet to 15 feet in some areas, and change the parking lot circulation pattern from a two-way to a one-way circulation pattern. The Center Lane entrance has been reduced to 30 feet in conformance with VDOT standards and the site will contain 40 parking spaces, as previously proposed. The following graphics compare the previously proposed layout (as discussed in the original staff report) with the current proposal.

Previous Proposal



Current Proposal



Tree Cover and Landscaping

In addition to the previously stated modifications to the parking lot, the interior parking lot landscape island has been enlarged and curb is proposed to enclose the island. Several trees have either been removed or relocated in order to avoid potential conflicts with utilities. The proposed pin oak and red maple tree species have increased in size from 1-inch caliber to 2-inch caliber in order to meet tree cover and landscaping requirements; thereby, the parking lot landscaping and open space computations have been revised to reflect these landscaping changes.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

While the previous plan was in harmony with the Comprehensive Plan for its use and intensity, the planning commissioner wanted the applicant to make every effort to reduce the vehicular traffic that their operations would bring along Williams Lane. In addition, staff did express some concerns with regard to tree cover and landscaping calculations; trees located within utility easements; and lack of curbing along landscaped areas. The applicant has addressed these issues in the revised SE Plat. Therefore, with approval of the proposed development conditions, staff continues to find the proposed application in harmony with the Comprehensive Plan and in conformance with all applicable Zoning Ordinance provisions.

Recommendations

Staff recommends approval of SE 2008-MA-008, subject to development conditions in Attachment 1.

Staff recommends approval of a modification of the requirement to construct a 5-foot wide concrete trail along the frontage of Seminary Road and Center Lane in favor of a 5-foot wide concrete sidewalk as prescribed by the Streetscape Design Guidelines of the Baileys Crossroads Community Business Center.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

ATTACHMENTS

1. Proposed Development Conditions
2. Affidavit

PROPOSED DEVELOPMENT CONDITIONS

SE 2008-MA-008

~~July 17~~ July 24, 2008

Changes shown in blackline from the original staff report

If it is the intent of the Board of Supervisors to approve SE 2008-MA-008 located at 5900 Seminary Road (Tax Map 61-2 ((20)) 3A, 4 and 15) to allow the establishment of a vehicle major service establishment and waivers and modifications in a Commercial Revitalization District pursuant to Sect. 4-804 and Sect. 9-622 of the Fairfax County Zoning Ordinance, the staff recommends that the Board 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 the application, as qualified by these development conditions.
3. A copy of this Special Exception and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be 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 Special Exception Plat entitled "Radley Management, LLC", prepared by DiGiulian Associates, PC which is dated December 22, 2006, and revised through ~~June 18~~ July 10, 2008, 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.
5. The maximum number of service bays on site shall be limited to fifteen (15) as depicted on the SE Plat. Vehicle repairs shall be performed within interior service bays only. No outdoor vehicle lifts shall be permitted.
6. All sides of the proposed structure on site shall be improved in substantial conformance with the architectural elevations depicted on the SE Plat.
7. The maximum number of employees assigned to staff the site at any one time shall be limited to twenty (20).
8. All exterior lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.

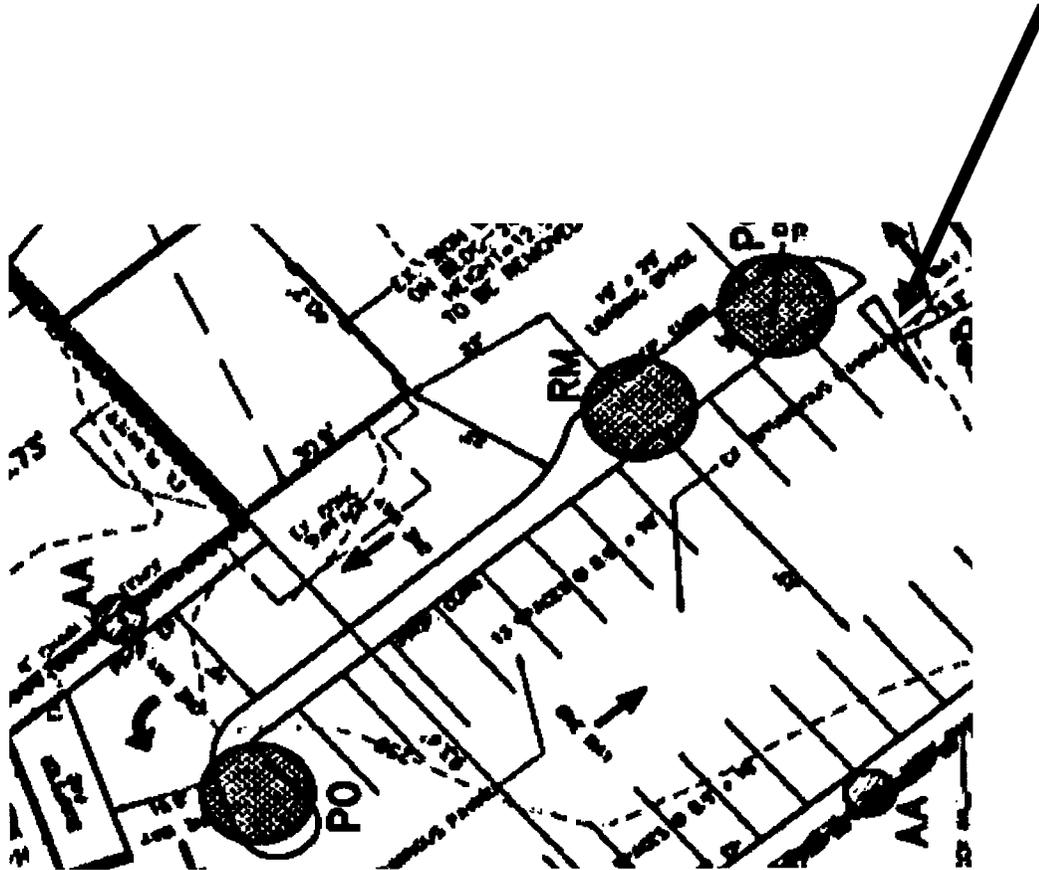
9. Irrespective of that shown on the SE Plat, all signage shall be in conformance with Article 12 of the Zoning Ordinance. The existing building mounted signs shall be removed. Pole mounted signs shall be prohibited.
10. A landscape plan shall be submitted concurrent with the first and all subsequent submissions of the site plan for review and approval of Urban Forest Management (UFM). This plan shall provide for the number and sizes of trees and plantings consistent with that shown on the SE plat and the additional requirements of these conditions, subject to UFM approval.
11. Prior to the issuance of the Non-RUP, the Applicant shall scarify and remove the "EX. PAVEMENT TO BE REMOVED" areas as shown on the SE Plat in order to increase the survivability of planted and landscaped areas.
- ~~11-12.~~ Any trees shown to be located within a public utility easement shall be coordinated with the holder of the easement and with UFM for viability. Any trees which are shown in the easement, but are not able to be located as shown, shall be relocated in as close proximity as possible to the locations shown, as approved by UFM.
- ~~12-13.~~ Irrespective of that shown on the SE Plat, curbing shall be provided along the periphery of the parking lot area and around the proposed landscaped island located within the parking lot area to serve as a barrier between the parking lot pavement and the landscaping. The curbing shall not include the area shown in Exhibit A.
- ~~13-14.~~ The streetscape elements and plantings along the Property's Seminary Road and Center Lane frontage as shown on the SE Plat shall be installed. Trees located within VDOT rights-of-way are subject to VDOT approval. If VDOT does not permit trees within the right-of-way, these failed attempts shall be demonstrated by the applicant to DPWES, and the same number of trees on-site shall be located adjacent to the right-of-way, and outside of any sight lines as approved by VDOT and outside of any necessary easements. All sidewalks shown on the SE Plat shall be maintained by the applicant.
- ~~14-15.~~ At the time of site plan approval, a public access easement shall be provided in a form approved by the County Attorney, for the purpose of providing access to the sidewalks along the Seminary Road and Center Lane frontages, in the approximate location shown on the SE plat.
- ~~15-16.~~ Any trash dumpsters shall be fully screened with a brick wall or board-on-board fence and a gate, as shown on the SE Plat.
- ~~16-17.~~ There shall be no outdoor storage or display of goods offered for sale.

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 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.

Applicant shall have the option to paint or provide a raised concrete island in this area, consistent with Development Condition 13.



SPECIAL EXCEPTION AFFIDAVITDATE: MAY 13, 2008
(enter date affidavit is notarized)I, Jane Kelsey, Jane Kelsey & Associates, Inc., do hereby state that I am an
(enter name of applicant or authorized agent)(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

CP9413a

in Application No.(s): SE 2008-MA-008
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in BOLD print are to be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Radley Management LLC Karen C. Radley	14700-A Jefferson Davis Highway Woodbridge, VA 22191	Property Owner, Lessor,
Radley Automobiles, Incorporated Karen C. Radley Mark S. Smith	14700-A Jefferson Davis Highway Woodbridge, VA 22191	Applicant, Lessee Agent Agent
DiGiulian Associates, P.C. Kenneth A. Marceron, Agent	7000-D Newington Road Lorton, VA 22079	Surveyor and Agent for Applicant
Jane Kelsey & Associates, Inc. Jane Kelsey, Agent Donald E. Lucas, Agent	4041 Autumn Court Fairfax, VA 22030	Agent for Applicant

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL EXCEPTION AFFIDAVIT

DATE: May 13, 2008
(enter date affidavit is notarized)

99413 a

for Application No. (s): SE 2008-MA-008
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)

Radley Management, LLC
14700-A Jefferson Davis Highway
Woodbridge, VA 22191

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

Matoax Irrevocable Trust
Rosier D. Dedwilder, Trustee
Vincent P. B. Radley, Beneficiary
Cory N. Radley, Beneficiary

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(b)

DATE: May 13, 2008
(enter date affidavit is notarized)

99413a

for Application No. (s): SE 2008-MA-008
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Radley Automobiles, Incorporated
14700-A Jefferson Davis Highway
Woodbridge, VA 22191

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Vincent P. B. Radley

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Jane Kelsey & Associates, Inc.
4041 Autumn Court
Fairfax, VA 22030-5168

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Jane Kelsey

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: May 13, 2008
(enter date affidavit is notarized)

99413a

for Application No. (s): SE 2008-MA-008
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DiGiulian Associates, P.C.
7000-D Newington Road
Lorton, VA 22079

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Kenneth A. Marceron
Joseph W. Bronder

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: May 13, 2008
(enter date affidavit is notarized)

99413a

for Application No. (s): SE 2008-MA-008
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) [] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: MAY 13, 2008
(enter date affidavit is notarized)

99413a

for Application No. (s): SE 2008-MA-008
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

None

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: MAY 13, 2008
(enter date affidavit is notarized)

99413a

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

Karen Radley, donation to re-election of Penelope Gross in excess of \$100.

James R. Hart is a member of the Fairfax County Planning Commission and the Fairfax County Board of Zoning Appeals. James R. Hart and his law firm, Hart & Horan, PC, represented two clients in a litigation matter; however, said clients are not parties to this application. Mr. Hart's clients hired Jane Kelsey of Jane Kelsey & Associates, Inc., as a consultant on the same litigation matter, and Jane Kelsey and Jane Kelsey & Associates, Inc., are listed as agents for the applicants in Par. 1(a) of this affidavit. Ms. Kelsey was also an expert witness in the case.

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

[] Applicant

[X] Applicant's Authorized Agent

JANE KELSEY, Pres, Jane Kelsey & Assoc Inc.
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 13 day of May, 2008, in the State/Comm. of Virginia, County/City of Fairfax.

Crishaon Jones
Notary Public

My commission expires: 01/22/2009

#359119
CRISHAON JONES
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JAN. 22, 2009