



APPLICATION ACCEPTED: October 10, 2008
PLANNING COMMISSION: March 12, 2009
BOARD OF SUPERVISORS: Not Scheduled

County of Fairfax, Virginia

February 25, 2009

STAFF REPORT

APPLICATIONS FDPA 78-C-118-17
and SE 2008-SU-032

SULLY DISTRICT

APPLICANT: LB Franklin Farm LLC

PRESENT ZONING: PDH-2, WS

PARCEL(S): 35-1 ((4)) (22) 2B

ACREAGE: 35,895 sq. ft.

FAR: 0.08

OPEN SPACE: 49%

PLAN MAP: Residential 1-2 du/ac

SE CATEGORY: Category 5: Fast Food Restaurant

PROPOSAL: The FDPA application seeks to amend the Final Development Plan for RZ 78-C-118 previously approved for mixed use development to replace a previously approved, but never established, drive-in bank use with a fast food restaurant use (no drive-through). The proposal will not impact the proffered 0.25 FAR.

The SE application seeks approval of a Category 5 special exception to permit a fast food restaurant pursuant to Section 6-106 of the Zoning Ordinance.

STAFF RECOMMENDATIONS:

Staff recommends approval of FDPA 78-C-118-17 subject to the development conditions in Appendix 1.

William O'Donnell

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 recommends approval of SE 2008-SU-032 subject to the development conditions in Appendix 2.

Staff recommends approval of a modification of the peripheral parking lot landscaping requirements in favor of the landscaping shown on the FDPA/SE Plat.

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 recommendation 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 information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

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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).

Final Development Plan Amendment

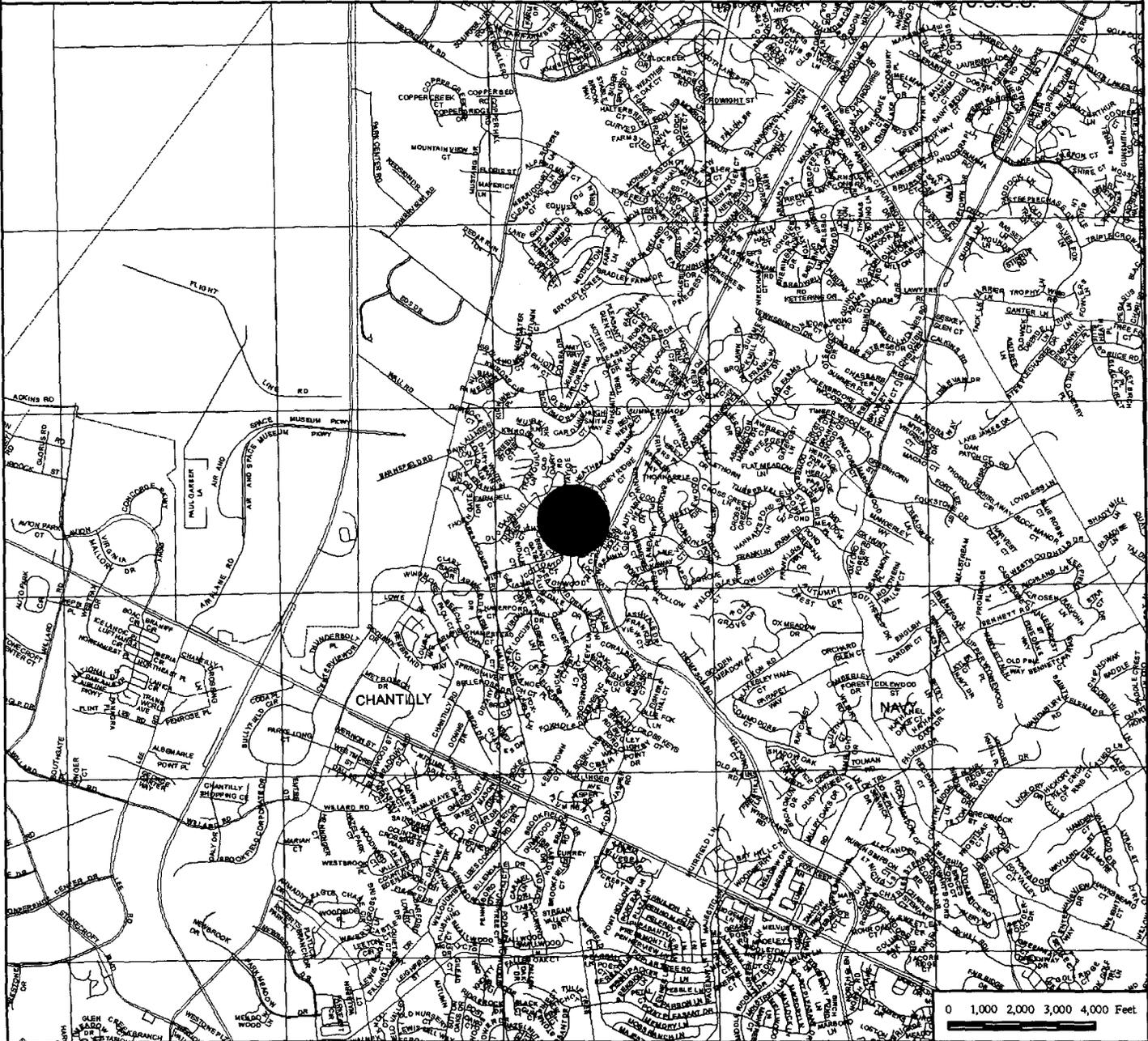
FDPA 78-C-118-17

Applicant: LB FRANKLIN FARM LLC
Accepted: 10/10/2008
Proposed: AMEND FDP 78-C-118 PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT TO PERMIT FAST FOOD RESTAURANT
Area: 35,895 SF OF LAND; DISTRICT - SULLY
Zoning Dist Sect: Art 9 Group and Use: 5-11
Located: NORTHEAST QUADRANT OF THE INTERSECTIONS OF FRANKLIN FARM ROAD AND STONE HEATHER DRIVE
Zoning: PDH- 2
Overlay Dist: WS
Map Ref Num: 035-1- /04/22/0002B

Special Exception

SE 2008-SU-032

Applicant: LB FRANKLIN FARM LLC
Accepted: 10/10/2008
Proposed: FAST FOOD RESTAURANT
Area: 35,895 SF OF LAND; DISTRICT - SULLY
Zoning Dist Sect: 06-0105
Art 9 Group and Use: 5-11
Located: 13354 FRANKLIN FARM ROAD
Zoning: PDH- 2
Plan Area: 3,
Overlay Dist: WS
Map Ref Num: 035-1- /04/22/0002B



Final Development Plan Amendment

FDPA 78-C -118-17

Applicant: LB FRANKLIN FARM LLC
Accepted: 10/10/2008
Proposed: AMEND FDP 78-C-118 PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT TO PERMIT FAST FOOD RESTAURANT

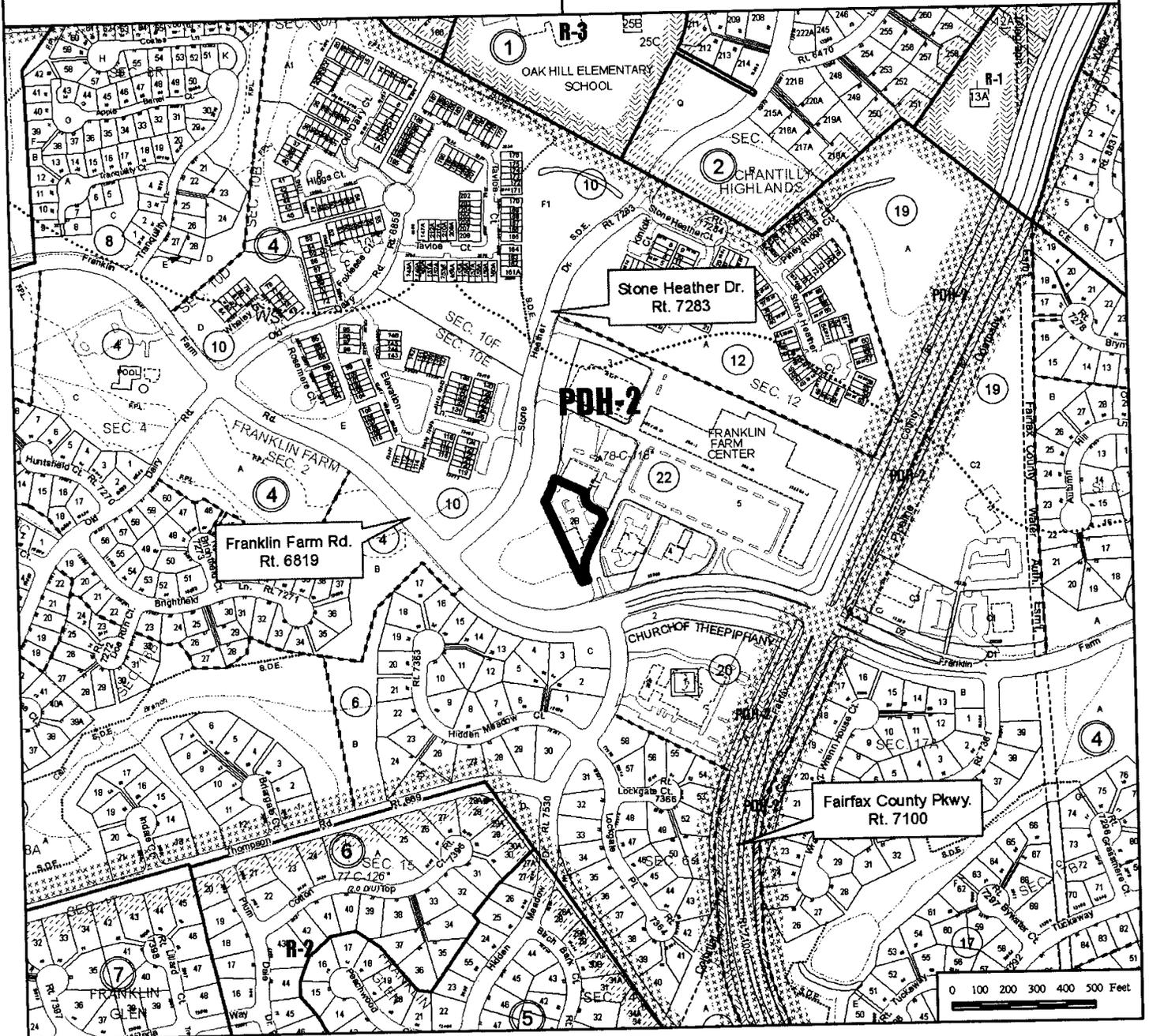
Area: 35,895 SF OF LAND; DISTRICT - SULLY
Zoning Dist Sect: ART 9 Group and Use: 5-11
Located: NORTHEAST QUADRANT OF THE INTERSECTIONS OF FRANKLIN FARM ROAD AND STONE HEATHER DRIVE

Zoning: PDH- 2
Overlay Dist: WS
Map Ref Num: 035-1- /04/22/0002B

Special Exception

SE 2008-SU-032

Applicant: LB FRANKLIN FARM LLC
Accepted: 10/10/2008
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Zoning: PDH- 2
Plan Area: 3,
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BOHLER ENGINEERING

1000 WEST MAIN STREET
 SUITE 200
 FARMINGTON, CT 06030
 TEL: 860-671-1111
 FAX: 860-671-1112
 WWW.BOHLER-ENR.COM

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NOT APPROVED FOR CONSTRUCTION

FINAL DEVELOPMENT PLAN ALIGNMENT/SPECIAL EXCEPTION PLAN

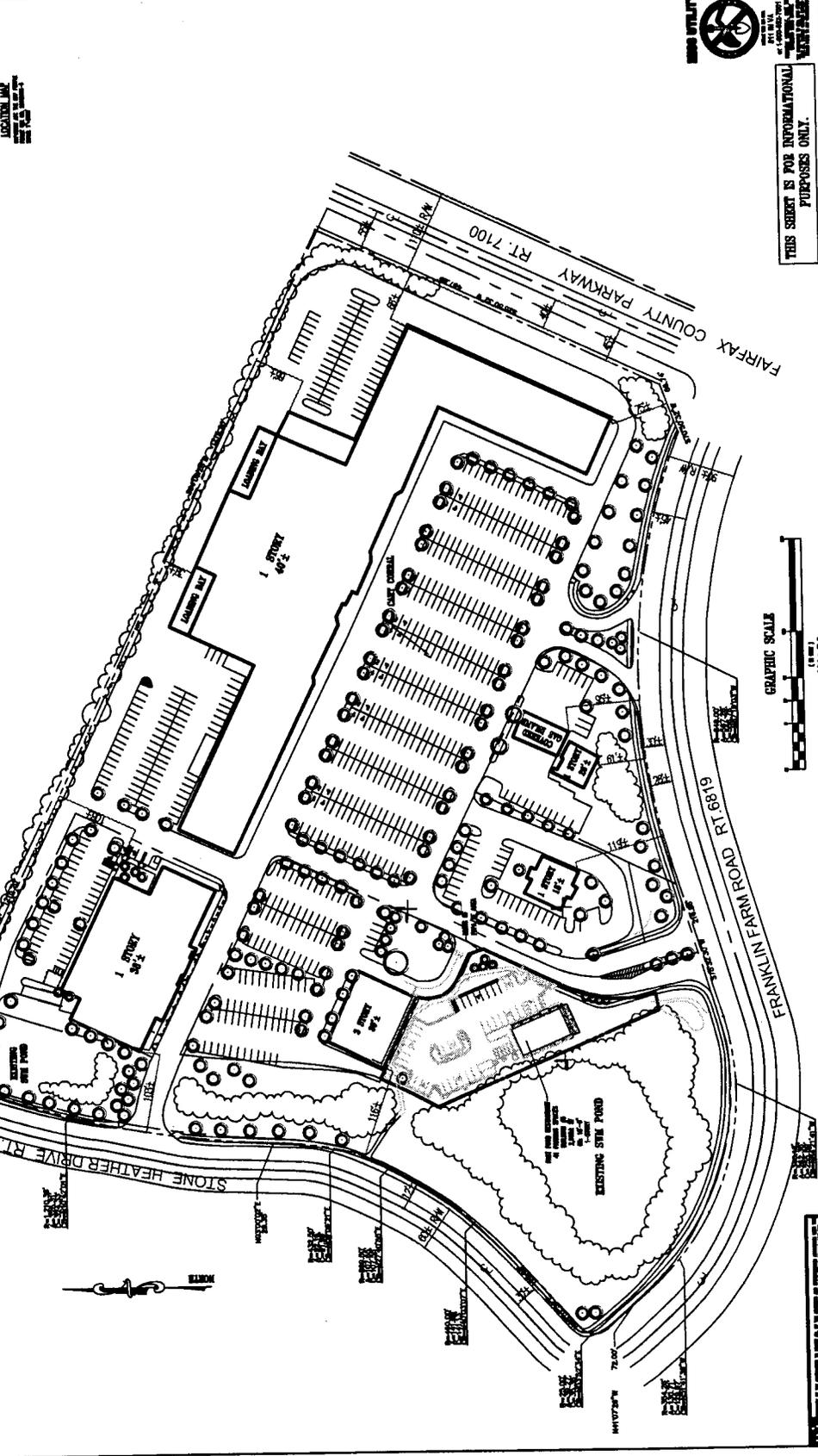
FRANKLIN FARM VILLAGE CENTER

NEWTON
 FARMINGTON COUNTY, VERMONT

A.J. VOLANTE

OVERALL SHOPPING CENTER PLAN

2 OF 2



THIS SHEET IS FOR INFORMATIONAL PURPOSES ONLY.

FAIRFAX COUNTY PARKWAY RT. 7100

FRANKLIN FARM ROAD RT 18919

STONE HEATHER DRIVE RT 7283

EXISTING STEEL POND

GRAPHIC SCALE
 0 25 50 75 100 FEET



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NOT APPROVED FOR CONSTRUCTION

FINAL DEVELOPMENT PLAN AMENDMENT/SPECIAL EXCEPTION PLAN

FRANKLIN FARM VILLAGE CENTER

A.J. VOLANTH

LANDSCAPE PLAN

5 OF 5



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**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

| | |
|-------------------------------|---|
| Applicant: | LB Franklin Farm LLC |
| Location: | Franklin Farm Village Center, which is in the northeast quadrant of Franklin Farm Road and Stone Heather Drive on the west side of the Fairfax County Parkway. |
| Proposal: | The applicant proposes to replace a previously approved, but never established, drive-in bank use with a fast food restaurant use. No new building construction is proposed. The applicant proposes to retrofit and reuse an existing, but currently vacant one-story, 2,900 gross square foot retail building for a fast food restaurant (no drive-through). The proposal will not impact the proffered FAR of 0.25 for the shopping center. |
| Hours of Operation: | 11:00 am to 10:00 pm daily |
| Employees: | 7 to 9 |
| Waivers/Modifications: | Modification of the peripheral parking lot landscaping requirements in favor of the landscaping shown on the FDPA/SE Plat. |

A reduced copy of the proposed Final Development Plan Amendment is included in the front of this report. The staff's Proposed Development Conditions for the FDPA and SE applications, Affidavit and Statement of Justification are included as Appendices 1 through 4.

LOCATION AND CHARACTER OF THE AREA

Site Description:

The subject property is located on a 35,895 square foot pad site of the total 20.06 acres in the Franklin Farms Village Center, which is zoned PDH-2 and WS. The pad site is currently developed with a vacant retail sales establishment and is adjacent to an existing stormwater management pond to the west. Vehicular access to the site is provided from one access point on the driveway from Franklin Farm Road.

Surrounding Area Description

The subject property is located on a small, centrally located portion of the Franklin Farms Village Center, which is located on 13354 Franklin Farm Road; the Village Center is surrounded by the following uses:

| DIRECTION | USE | ZONING | PLAN |
|-----------------------------------|-----------------------------------|--------|-----------------------|
| North | Single Family Attached | PDH-2 | Residential 1-2 du/ac |
| South | Single Family Detached and Church | PDH-2 | Residential 1-2 du/ac |
| East (across Fairfax Co. Parkway) | Child Care | PDH-2 | Residential 1-2 du/ac |
| West | Single Family Attached | PDH-2 | Residential 1-2 du/ac |

BACKGROUND

- On October 22, 1979, the Board of Supervisors approved RZ 78-C-118, which rezoned the Franklin Farm community to the PDH-2 District. The Conceptual Development Plan was a general “blob” plan that indicated commercial on this site. Proffers 6A and 6B indicated that the maximum FAR of the commercial area would not exceed 0.25 and that construction would not exceed forty (40) feet in height. These proffers limit the overall intensity of the Franklin Farm Village Center and apply to this proposal (Appendix 5).
- On December 5, 1984, the Planning Commission approved FDPA 78-C-118-4 to modify the approved plan by rearranging some of the original uses and eliminating one of the service stations.
- On March 1, 1984, the Planning Commission approved FDPA 78-C-118-5 to establish a shopping center on this site.
- On November 19, 1986, the Planning Commission approved FDPA 78-C-118-7 to include certain commercial uses in the shopping center and to increase the floor area by 8,795 square feet to a maximum of 165,500 square feet. The uses which were approved include offices, financial institutions/drive-in bank, and personal service establishments.
- On March 19, 1992, the Planning Commission approved FDPA 78-C-118-8 for the redistribution of 5,123 square feet of floor area within the existing Franklin Farm Village Center and modifications to the layout of previously approved secondary uses, including the addition of two (2) drive-through lanes to the one-story retail/drive-in bank site and an option for a drive-through lane to the retail site adjacent to the existing pond. The approved CDPA/ FDPA and development conditions are related to the subject property. (Appendix 6)

- On July 17, 2003, the Planning Commission approved FDPA 78-C-118-14 to permit an increase in gross floor area of approximately 3,300 square feet for the shopping center. The development conditions in this application maintained the restrictions from RZ 78-C-118 and stated that the maximum floor area of the Franklin Farm Village Center shall not exceed 168,500 square feet.
- On October 4, 2006, the Planning Commission approved FDPA 78-C-118-16 to replace an existing retail establishment with a 3,226 square foot drive-in bank. The development conditions maintained the restrictions from RZ 78-C-118 and stated that the maximum floor area of the Franklin Farm Village Center shall not exceed 168,500 square feet (Appendix 7).

COMPREHENSIVE PLAN PROVISIONS

| | |
|---------------------------|--|
| Plan Area: | Area III |
| Planning District: | Upper Potomac |
| Planning Sector: | UP7 - West Ox Community |
| Plan Map: | Residential 1-2 du/ac |
| Plan Text: | The Plan does not contain any site specific language |

ANALYSIS

Final Development Plan Amendment and Special Exception (FDPA/ SE Plat) (copy at front of staff report)

| | |
|-----------------------------|--|
| Title FDPA/ SE Plat: | Franklin Farm Village Center – Pad 3 |
| Prepared by: | Bohler Engineering, P.C. |
| Dates: | June 24, 2008 as revised through January 7, 2009 |

The FDPA/ SE Plat consists of five sheets.

Sheet 1 is a title sheet and includes an index, a location map, a legend, and contact information.

Sheet 2 is an overall shopping center plan, which shows the proposed site located on the southwest pad site in the Franklin Farms Village Center. The applicant proposes to retrofit and reuse an existing, but currently vacant one-story, 2,900 gross square foot retail building for a fast food restaurant. No new building construction is proposed. Additional outdoor seating is proposed to be located to the southwest of the existing building. Two existing pad sites are located immediately adjacent to the subject property, which include an existing one-story drive-in bank located to the east of the site and a three-story professional office building located to the north. The remainder of the shopping

center buildings are located to the northwest of the site and do not exceed one-story in height.

Sheet 3 is an existing conditions plan of the subject property, which shows an existing one-story brick retail building on the southwest portion of the site. Upland Forest trees are located along the western boundary and screen the site from the existing stormwater management pond to the west. Other existing trees are shown along the perimeter of the site. In addition, an existing asphalt pedestrian trail is shown along the north, south and east boundaries of the site, with a crosswalk at the vehicular access point to the site.

Sheet 4 shows the site plan for the subject property. The applicant proposes to retrofit and reuse an existing, but currently vacant one-story, 2,900 gross square foot retail building for a fast food restaurant. No new building construction is proposed. Minor modifications to the existing building facades are proposed. Additional outdoor seating is proposed to be located to the southwest of the existing building. Six additional surface parking spaces are proposed to replace an existing landscaped island located to the northeast of the existing building. The general notes indicate that the existing Franklin Farms Village Center is 168,043 gross square feet and the permitted gross floor area is 168,500 square feet with a 0.25 FAR. The proposed fast food restaurant will not increase the existing gross square footage of the shopping center. The stormwater and outfall narratives are also included on this sheet and indicate that the applicant proposes to use the existing offsite wet pond located to the west of the site to meet stormwater and outfall requirements.

Sheet 5 is the landscape plan for the site. Existing trees along the perimeter of the site will remain and 11 new trees are proposed to be planted along the perimeter of the site. In addition, 88 new deciduous and evergreen shrubs are proposed to be planted to the south of the proposed outdoor seating area and to the east of the six additional surface parking spaces. This sheet also contains the landscape schedule, tree cover calculations and the compliance charts for the Fairfax County Public Facilities Manual and the Zoning Ordinance.

Comparison with Currently Approved FDPA

This FDPA proposes to replace a previously approved, but never established, drive-in bank use with a fast food restaurant (no drive-through). The applicant proposes to retrofit and reuse an existing, but currently vacant one-story, 2,900 gross square foot retail building for a fast food restaurant. No new building construction is proposed. The proposed fast food restaurant will not increase the existing gross square footage of the shopping center.

Land Use/ Environmental Analysis

No land use or environmental issues were identified with this application.

Transportation Analysis (Appendix 8)

No transportation issues were identified with this application.

Stormwater Management Analysis (Appendix 9)

The Department of Public Works and Environmental Services reviewed the application and indicated that the applicant needs to ensure adequate storage capacity of the existing offsite wet pond for water quality and control and stormwater detention. Use of the existing offsite pond will require a stormwater detention waiver, which will be addressed during site plan approval.

Conformance with Conceptual Development Plan (CDP) and Proffers

Par. 1 of Sect. 16-402 of the Zoning Ordinance requires that all Final Development Plans be prepared in accordance with the approved Conceptual Development Plan and any conditions as may have been adopted by the Board of Supervisors. The approved CDP is a general plan for the original 823 acre site, which designates areas for residential and commercial developments, and a school site. The proposed FDPA to replace a previously approved but never established drive-in bank use with a fast food restaurant use in the Franklin Farms Village Center is in conformance with the CDP and proffers approved in conjunction with the initial rezoning. The FAR and height approved with the current proffers will not be affected by this request.

ZONING ORDINANCE PROVISIONS (Appendix 10)**Conformance with PDH District Regulations**

The property is currently zoned PDH-2 and continues to meet PDH-2 District regulations set forth in Part 1 of Article 6, Planned Development Districts, of the Zoning Ordinance. The application proposes to replace a retail sales establishment (a secondary use) with a fast food restaurant (Category 5 Special Exception use). The floor area of this special exception use does not exceed the limitations of the PDH-2 District, which are specified in the proffers for RZ 78-C-118.

Transitional Screening and Barrier Requirements

The proposed use replaces a retail sales use located on a commercial pad site within the Franklin Farms Village Center. No additional transitional screening and barriers are required.

Conformance with Article 16

All development within the PDH-2 District must conform to the standards set forth in Part 1 of Article 16.

Sect. 16-101 General Standards

The General Standards required: 1) substantial conformance with the adopted Comprehensive Plan; 2) a design that achieves the purpose of the Planned Development District better than would development under a conventional district; 3) efficient land utilization; 4) preservation of existing natural features; 5) demonstration that the proposed development will not be harmful to the use and value of the existing and planned development in the surrounding area; 6) and the availability of all necessary public facilities and utilities. These standards have been satisfied with the previous rezoning of this property to the PDH District and were reviewed with approval of the Conceptual Development Plan.

The proposed Final Development Plan Amendment to retrofit and reuse an existing, but currently vacant 1-story, 2,900 gross square foot retail building for a fast food restaurant would not have an adverse impact. In addition, the proposal will not exceed the available density for the Franklin Farms Village Center, which is restricted to a maximum density of 168,500 total square feet as stated in the development conditions for FDPA 78-C-118-16.

Sect. 16-102 Design Standards

Par. 1 states that, at the peripheral lot lines, the bulk regulations and landscaping and screening for the proposed development should generally conform with the provisions of the most comparable conventional district. In this instance the most comparable conventional district is the C-5 District. The minimum front yard setback required for a C-5 District is controlled by a 45 degree angle of bulk plane, but not less than 40 feet (resulting in a yard of 40 feet for a 18.8 foot high building). There is no side yard requirement and the minimum required rear yard setback is 20 feet. The building setbacks provided in the proposal are 26.9 and 110.2 feet for the front yards, and 15.1 feet for the rear yard. However, since the proposal includes retrofitting and reusing an existing building with no new construction, the existing setbacks are acceptable and do not negatively impact the original layout of Franklin Farms Village Center.

Par. 2 states that open space, parking, loading, sign and other similar regulations shall have application in all planned developments. The application continues to meet the Zoning Ordinance requirements for open space, landscaping, and parking for Franklin Farms Village Center. The application includes 49% open space, which is in excess of the open space requirement of 20% for the PDH-2 District, and 41 parking spaces, which meets the requirement for fast food restaurant in the Zoning Ordinance. All other applicable Zoning Ordinance provisions have been satisfied.

Par. 3 states that street systems should be designed to generally conform to the provisions of the Zoning Ordinance and should offer convenient access to mass transportation, recreational amenities and pedestrian access. Pedestrian access is provided to the existing building from a 5 foot wide asphalt sidewalk located along the periphery of the site that connects to other existing sidewalks in the Village Center. Staff believes that this standard has been satisfied.

Special Exception Requirements

The proposal to replace a previously approved but never established drive-in bank use with a fast food restaurant use requires conformance to the general special exception standards in Sect. 9-006, the category standards in Sect. 9-503 and the additional standards for fast food restaurants in Sect. 9-505 of the Zoning Ordinance. Staff believes that the proposal satisfies the general and category standards for special exceptions and has no issues with the current request.

In addition, since the proposed fast food restaurant use does not include a drive-through as part of the application and merely proposes to reuse and retrofit an existing vacant retail building, staff believes that two of the five additional standards for fast food restaurants in Sect. 9-505 of the Zoning Ordinance do not apply to the proposed use. The three additional standards that apply include requirements to provide: 1) architectural features compatible with the building group or neighborhood with which it is associated, 2) coordinated pedestrian and vehicular circulation with adjacent properties, and 3) a layout designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. The fast food restaurant use is proposed to occupy an existing but vacant retail building on the subject property. No changes are proposed to the existing building footprint, site entrance, and sidewalks. Minor changes are proposed to the existing building façade and surface parking lot. Staff believes that these changes do not negatively impact the existing layout of Franklin Farms Village Center and the existing vehicular/ pedestrian circulation patterns.

The applicant is proposing to update the existing building façade of brick, metal and stucco with beige, red and grey Hardie Panel cladding on the main facade of the building and to paint and repair the existing EIFS on the remainder of the building shown in the separate elevation provided in the statement of justification

(Appendix 4). Staff is concerned that the proposed façade changes may not be compatible with the base colors of the existing buildings in Franklin Farm Village Center. Staff has imposed a development condition to ensure that the proposed façade changes incorporate consistent architectural treatment on all four façades and that base colors that are compatible with the exterior building colors used in the Franklin Farm Village Center. Imposition of this development condition will satisfy staff's concerns.

Overlay District Requirements

Water Supply Protection (WSPOD)

The subject property is located within the Water Supply Protection Overlay District. No new building construction is proposed. However, six additional parking spaces are proposed, which will increase the impervious surface slightly. The applicant has proposed additional landscaping on the site, which includes 11 deciduous trees and 88 evergreen and deciduous shrubs, to help offset the slight increase in impervious surface. Staff believes that the additional landscaping improves the existing conditions of the site.

Summary of Zoning Ordinance Provisions

With imposition of the proposed development conditions, the application has satisfied all applicable standards.

Waiver and Modifications

Modification of the peripheral parking lot landscaping requirements in favor of the landscaping shown on the GDP/ SE Plat

The Zoning Ordinance requires *at least one (1) tree for each fifty (50) feet shall be planted in the landscaping strip; however, this shall not be construed as requiring the planting of trees on fifty (50) foot centers*. The applicant requested a modification of this requirement because an existing asphalt sidewalk is located in the buffer area. Staff believes that the overall site is adequately screened from the surrounding developments and supports the requested modification in favor of the proposed landscaping plan.

CONCLUSIONS AND RECOMMENDATION

Staff Conclusions

The proposed Final Development Plan Amendment to replace a previously approved, but never established, drive-in bank use with a fast food restaurant use (no drive-through) is in conformance with the purpose and intent of the

Comprehensive Plan and the PDH District; and with the approved Conceptual Plan and proffers. Staff believes that, as conditioned, the request is in conformance with the Comprehensive Plan and does not adversely impact the surrounding residential and commercial development.

Staff Recommendation

Staff recommends approval of FDPA 78-C-118-17 subject to the development conditions in Appendix 1.

Staff recommends approval of SE 2008-SU-032 subject to the development conditions in Appendix 2.

Staff recommends approval of a modification of the peripheral parking lot landscaping requirements in favor of the landscaping shown on the FDPA/ SE Plat.

It should be noted that it is not the intent of staff to recommend that the Planning Commission, 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 Planning Commission.

APPENDICES

1. Proposed FDPA 78-C-118-17 Development Conditions
2. Proposed SE 2008-SU-032 Development Conditions
3. Affidavit
4. Statement of Justification
5. RZ 78-C-118 Proffers Dated September 25, 1979, as amended October 15, 1979
6. FDPA 78-C-118-8 Development Conditions and CDPA/ FDPA
7. Final Development Plan Amendment Conditions FDPA 78-C-118-16
8. Transportation Analysis
9. Stormwater Management Analysis
10. Applicable Zoning Ordinance Provisions
11. Glossary of Terms

APPENDIX 1

PROPOSED DEVELOPMENT CONDITIONS FDPA 78-C-118-17

February 25, 2009

If it is the intent of the Planning Commission to approve FDPA 78-C-118-17 located at Tax Map 35-1 ((4)) (22) 2B, (13354 Franklin Farm Road) to replace a previously approved but never established drive-in bank use with a fast food restaurant use in the Franklin Farm Village Center, staff recommends that the approval be subject to the following development conditions. These conditions incorporate and supersede all previous development conditions as they pertain to the above listed Tax Map Number only. Previous conditions or those that have minor revisions are marked with an asterisk (*).

1. Development of the subject property shall be in substantial conformance with the FDPA plat entitled "Franklin Farm Village Center – Pad 3", prepared by Bohler Engineering, P.C., consisting of five (5) sheets, dated June 24, 2008 as revised through January 7, 2009. Minor modifications to the approved FDP may be permitted pursuant to Par.4 of Sect. 16-403 of the Zoning Ordinance.
2. The maximum floor area of the Franklin Farm Village Center shall not exceed 168,500 square feet and the maximum gross floor area ratio (FAR) of the Franklin Farm Village Center shall not exceed 0.25.*
3. The fast food restaurant building shall incorporate environmentally sustainable attributes into its building program, that may include, but not necessarily be limited to, such elements as high-efficiency mechanical systems, use of materials with recycled content, a high performance and insulated building envelope, water efficient fixtures, CO2 sensors and air filters, low volatile organic compounds in paints, sealants and finish materials, construction waste management, and storage and collection of recyclables.*
4. The applicant shall maintain existing vegetation located on the western and northern boundaries of the site and supplement this vegetation with new plantings of trees and shrubs as depicted on the FDPA/ SE plat; the applicant shall also maintain any vegetation installed in conjunction with this application.*
5. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.*

6. Parking spaces shall meet the provisions of Article 11 of the Zoning Ordinance and the geometric design standards in the Public Facilities Manual, as determined by DPWES; a parking tabulation which demonstrates that parking requirements are met for all uses in the Shopping Center shall be submitted to DPWES prior to issuance of a Non-RUP for the fast food restaurant.*

The proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.

**PROPOSED DEVELOPMENT CONDITIONS
SE 2008-SU-032**

February 25, 2009

If it is the intent of the Board of Supervisors to approve SE 2008-SU-032 located at Tax Map 35-1 ((4)) (22) 2B, (13354 Franklin Farm Road) to replace a previously approved but never established drive-in bank use with a fast food restaurant use in the Franklin Farms Village Center pursuant to Sect. 6-105 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

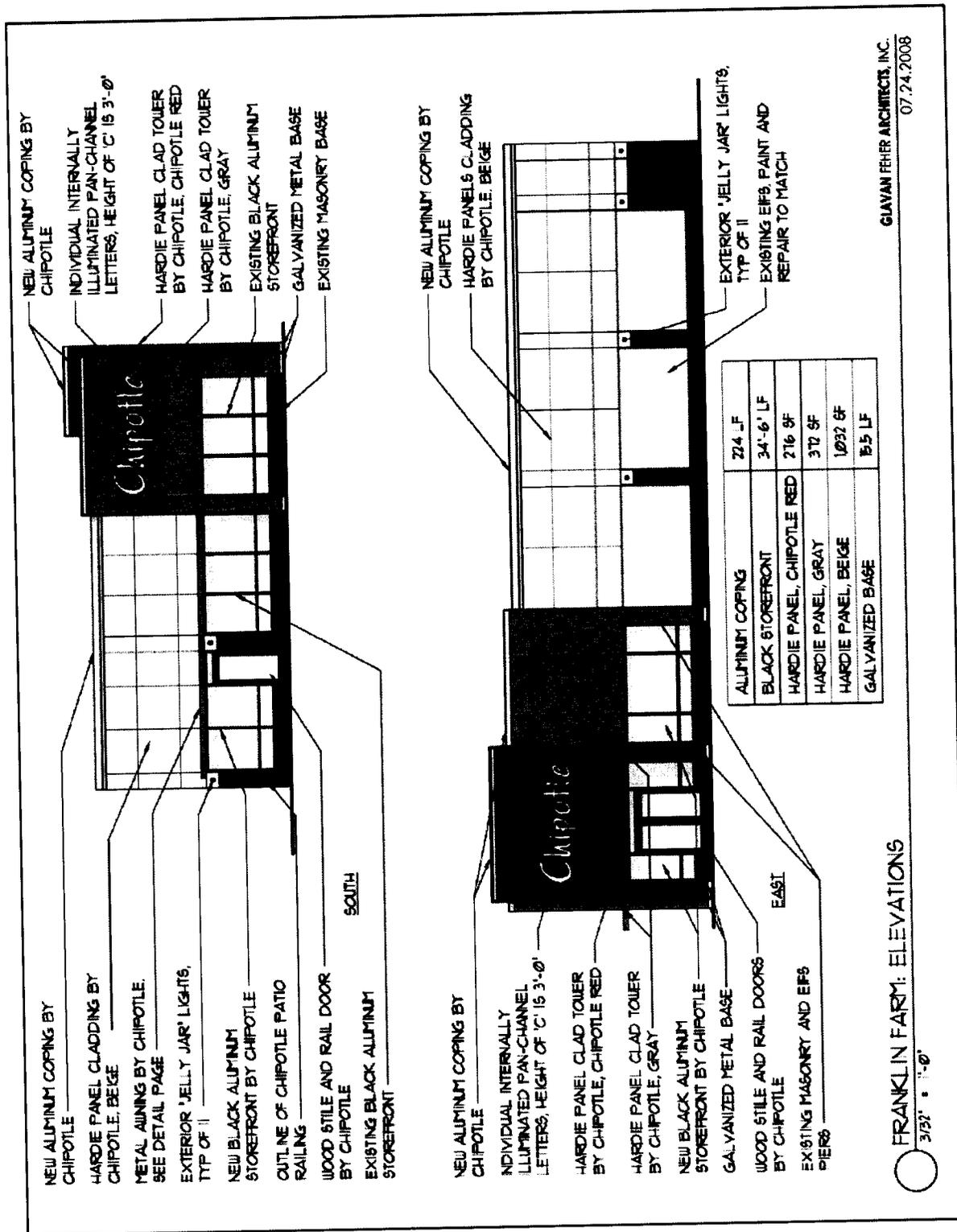
1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.*
3. This Special Exception Amendment 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 "Franklin Farm Village Center – Pad 3", prepared by Bohler Engineering, P.C., consisting of five (5) sheets, dated June 24, 2008, as revised through January 7, 2009. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The fast food restaurant shall be permitted as shown on the SE Plat provided that the total floor area of the building does not exceed a maximum area of 2,900 square feet of gross floor area as indicated on the SE Plat.
5. Outside seating for any fast food restaurant shall not block pedestrian access to the building.
6. The hours of operation shall be limited to 11:00 am to 10:00 pm daily.
7. All four sides of the fast food restaurant building shall be consistent with the elevations provided in Exhibit A. The base color of the Hardie Panel Cladding shown in Exhibit A shall match the base color of the existing main line buildings in the Franklin Farms Village Center. The Hardie Panel Clad Tower may be accented with the color shown on Exhibit A.

8. There shall be no freestanding signs on the subject property. Proposed locations and design/ composition of any building mounted signs shall be consistent with Exhibit B. All signs shall be in conformance with the provisions of Article 12 of the Zoning Ordinance and lighted only during the hours of operation.

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 or Residential Use 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 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.



- NEW ALUMINUM COPING BY CHIPOTLE
- HARDIE PANEL CLADDING BY CHIPOTLE, BEIGE
- METAL LINING BY CHIPOTLE. SEE DETAIL PAGE
- EXTERIOR 'JELLY JAR' LIGHTS, TYP OF II
- NEW BLACK ALUMINUM STOREFRONT BY CHIPOTLE
- OUTLINE OF CHIPOTLE PATIO RAILING
- WOOD STILE AND RAIL DOOR BY CHIPOTLE
- EXISTING BLACK ALUMINUM STOREFRONT
- SOUTH
- NEW ALUMINUM COPING BY CHIPOTLE
- INDIVIDUAL INTERNALLY ILLUMINATED PAN-CHANNEL LETTERS, HEIGHT OF 'C' IS 3'-0"
- HARDIE PANEL CLAD TOWER BY CHIPOTLE, CHIPOTLE RED
- HARDIE PANEL CLAD TOWER BY CHIPOTLE, GRAY
- EXISTING BLACK ALUMINUM STOREFRONT
- GALVANIZED METAL BASE
- EXISTING MASONRY BASE

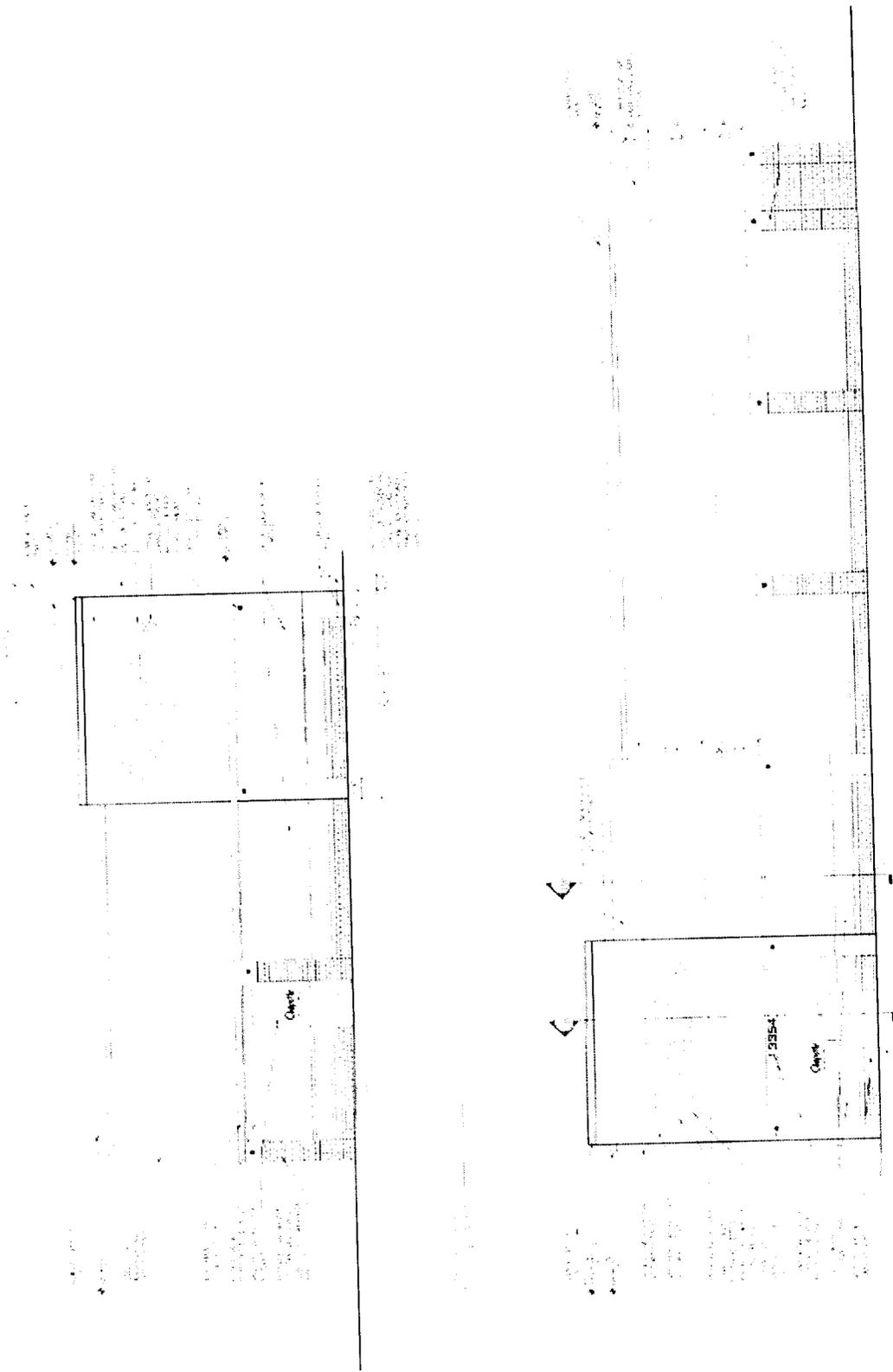
- NEW ALUMINUM COPING BY CHIPOTLE
- INDIVIDUAL INTERNALLY ILLUMINATED PAN-CHANNEL LETTERS, HEIGHT OF 'C' IS 3'-0"
- HARDIE PANEL CLAD TOWER BY CHIPOTLE, CHIPOTLE RED
- HARDIE PANEL CLAD TOWER BY CHIPOTLE, GRAY
- NEW BLACK ALUMINUM STOREFRONT BY CHIPOTLE
- GALVANIZED METAL BASE
- WOOD STILE AND RAIL DOORS BY CHIPOTLE
- EXISTING MASONRY AND EFB PIER
- EAST
- NEW ALUMINUM COPING BY CHIPOTLE
- HARDIE PANELS CLADDING BY CHIPOTLE, BEIGE
- EXTERIOR 'JELLY JAR' LIGHTS, TYP OF II
- EXISTING EFB, PAINT AND REPAIR TO MATCH

| | |
|----------------------------|-----------|
| ALUMINUM COPING | 224 LF |
| BLACK STOREFRONT | 34'-6" LF |
| HARDIE PANEL, CHIPOTLE RED | 216 SF |
| HARDIE PANEL, GRAY | 312 SF |
| HARDIE PANEL, BEIGE | 1032 SF |
| GALVANIZED BASE | 15 LF |

FRANKLIN FARM: ELEVATIONS
 3/52' x 1'-0"

GIUVAN FERER ARCHITECTS, INC.
 07.24.2008

EXHIBIT B



SPECIAL EXCEPTION AFFIDAVIT

DATE: February 5, 2009
 (enter date affidavit is notarized)

I, Inda E. Stagg, agent, 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

103574a

in Application No.(s): SE 2008-SU-032
 (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) |
|--|---|--|
| LB Franklin Farm LLC Agents: Samuel L. Lehrman Robert (nmi) Lehrman | c/o Rappaport Management Company 8405 Greensboro Drive, #830 McLean, Virginia 22102 | Applicant/Title Owner of Tax Map 35-1 ((4)) (22) 2B |
| Rappaport Management Company Agents: Gary D. Rappaport Larry M. Spott | 8405 Greensboro Drive, #830 McLean, Virginia 22102 | Management Consultant/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 Attachment to Par. 1(a)

DATE: February 5, 2009
(enter date affidavit is notarized)

103574a

for Application No. (s): SE 2008-SU-032
(enter County-assigned application number (s))

(NOTE: All relationships to the application 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) |
|---|---|--|
| Bohler Engineering, P.C. Agents: Adam J. Volanth Aaron M. Bodenschatz Lisa R. Fitch | 22630 Davis Drive, Suite 200 Sterling, Virginia 20164 | Engineers/Agent |
| Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Stagg Kara M. Whisler Megan C. Shilling Elizabeth A. McKeeby | 2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201 | Attorneys/Planners/Agent |
| M.J. Wells & Associates, Inc. f/k/a M.J. Wells & Associates, LLC Agent: Robin L. Antonucci | 1420 Spring Hill Road, Suite 600 McLean, Virginia 22102 | Transportation Consultant/Agent |

check if applicable)

[]

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: February 5, 2009
(enter date affidavit is notarized)

103574a

for Application No. (s): SE 2008-SU-032
(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)
LB Franklin Farm LLC c/o Rappaport Management Company
8405 Greensboro Drive, #830
McLean, Virginia 22102

DESCRIPTION OF CORPORATION: (check one statement)

- [X] 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)

Robert Lehrman (nmi), member
SL Real Estate Limited Partnership, member
Samuel L. Lehrman, manager

(check if applicable) [X] 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: February 5, 2009
(enter date affidavit is notarized)

103574a

for Application No. (s): SE 2008-SU-032
(enter County-assigned application number (s))

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

SL Management, LLC
5301 Wisconsin Avenue, NW, Suite 650
Washington, DC 20015

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)

Samuel L. Lehrman
Maxwell Jacob Lehrman Intervivos Trust II
(owns less than 10% of LB Franklin Farm
LLC)

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

Bohler Engineering, P.C.
22630 Davis Drive, Suite 200
Sterling, Virginia 20164

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)

Ludwig (nmi) Bohler
Eric L. Steinfelt

(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: February 5, 2009
(enter date affidavit is notarized)

103574a

for Application No. (s): SE 2008-SU-032
(enter County-assigned application number (s))

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

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

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)

| | |
|---|---|
| David J. Bomgardner, E. Andrew Burcher, | Michael D. Lubeley, J. Randall Minchew, |
| Thomas J. Colucci, Peter M. Dolan, Jr., Jay | M. Catharine Puskar, John E. Rinaldi, |
| du Von, Jerry K. Emrich, William A. | Lynne J. Strobel, Garth M. Wainman, Nan |
| Fogarty, John H. Foote, H. Mark Goetzman, | E. Walsh, Martin D. Walsh |
| Bryan H. Guidash, | |

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

M.J. Wells & Associates, LLC
1420 Spring Hill Road, Suite 600
McLean, Virginia 22102

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)

| | |
|---|--|
| M.J. Wells & Associates, Inc., Former Sole Member | M.J. Wells & Associates, Inc. Employee Stock Ownership Trust. All employees are eligible plan participants; however, no one employee owns more than 10% of any class of stock. |
|---|--|

(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: February 5, 2009
(enter date affidavit is notarized)

103574a

for Application No. (s): SE 2008-SU-032
(enter County-assigned application number (s))

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

M.J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 600
McLean, Virginia 22102

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)

M.J. Wells & Associates, Inc. Employee
Stock Ownership Trust. All employees are
eligible plan participants; however, no one
employee owns more than 1% of any class
of stock.

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

Rappaport Management Company
8405 Greensboro Drive, #830
McLean, Virginia 22102

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)

Gary D. Rappaport

(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: February 5, 2009
(enter date affidavit is notarized)

103574a

for Application No. (s): SE 2008-SU-032
(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)

SL Real Estate Limited Partnership
5301 Wisconsin Avenue, NW, Suite 650
Washington, DC 20015

(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)

Samuel L. Lehrman
SL Management, LLC

(check if applicable) [x] 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: February 5, 2009
(enter date affidavit is notarized)

103574a

for Application No. (s): SE 2008-SU-032
(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: February 5, 2009
(enter date affidavit is notarized)

103574a

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.)
None

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:

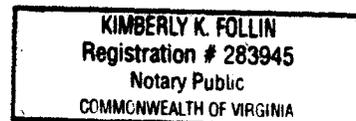
(check one) [] Applicant [] Applicant's Authorized Agent

Inda E. Stagg, agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 5 day of February 2009, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2011



Rezoning Attachment to Par. 1(a)

DATE: February 5, 2009
 (enter date affidavit is notarized)

102079a

for Application No. (s): FDPA 78-C-118-17
 (enter County-assigned application number (s))

(NOTE): All relationships to the application 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) |
|---|---|---|
| Bohler Engineering, P.C. Agents: Adam J. Volanth Aaron M. Bodenschatz Lisa R. Fitch | 22630 Davis Drive, Suite 200 Sterling, Virginia 20164 | Engineers/Agent |
| Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Stagg Kara M. Whisler Megan C. Shilling Elizabeth A. McKeeby | 2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201 | Attorneys/Planners/Agent |
| M.J. Wells & Associates, Inc. f/k/a M.J. Wells & Associates, LLC Agent: Robin L. Antonucci | 1420 Spring Hill Road, Suite 600 McLean, Virginia 22102 | Transportation Consultant/ Agent |

(check if applicable)

There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

REZONING AFFIDAVIT

DATE: February 5, 2009
(enter date affidavit is notarized)

102079a

for Application No. (s): FDPA 78-C-118-17
(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, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

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

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
LB Franklin Farm LLC c/o Rappaport Management Company
8405 Greensboro Drive, #830
McLean, Virginia 22102

DESCRIPTION OF CORPORATION: (check one statement)

- [X] 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)

Robert Lehrman (nmi), member
SL Real Estate Limited Partnership, member
Samuel L. Lehrman, manager

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice President, Secretary, Treasurer, etc.)

(check if applicable) [X] There is more corporation information and Par. 1(b) is continued on a "Rezoning 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.

Rezoning Attachment to Par. 1(b)

DATE: February 5, 2009
(enter date affidavit is notarized)

1020794

for Application No. (s): FDPA 78-C-118-17
(enter County-assigned application number (s))

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

SL Management, LLC
5301 Wisconsin Avenue, NW, Suite 650
Washington, DC 20015

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 SHAREHOLDER: (enter first name, middle initial, and last name)

Samuel L. Lehrman
Maxwell Jacob Lehrman Intervivos Trust II (owns less than 10% of LB Franklin Farm LLC)

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

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

Bohler Engineering, P.C.
22630 Davis Drive, Suite 200
Sterling, Virginia 20164

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)

Ludwig (nmi) Bohler
Eric L. Steinfeld

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

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

Rezoning Attachment to Par. 1(b)

DATE: February 5, 2009
(enter date affidavit is notarized)

102079a

for Application No. (s): FDPA 78-C-118-17
(enter County-assigned application number (s))

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

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

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 SHAREHOLDER: (enter first name, middle initial, and last name)

David J. Bomgardner, E. Andrew Burcher, Thomas J. Colucci, Peter M. Dolan, Jr., Jay du Von, Jerry K. Emrich, William A. Fogarty, John H. Foote, H. Mark Goetzman, Bryan H. Guidash, Michael D. Lubeley, J. Randall Minchew, M. Catharine Puskar, John E. Rinaldi, Lynne J. Strobel, Garth M. Wainman, Nan E. Walsh, Martin D. Walsh

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

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

M.J. Wells & Associates, Inc. f/k/a M.J. Wells & Associates, LLC
1420 Spring Hill Road, Suite 600
McLean, Virginia 22102

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)

M.J. Wells & Associates, Inc., Former Sole Member
M.J. Wells & Associates, Inc. Employee Stock Ownership Trust. All employees are eligible plan participants; however, no one employee owns more than 10% of any class of stock.

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

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

Rezoning Attachment to Par. 1(b)

DATE: February 5, 2009
(enter date affidavit is notarized)

102079a

for Application No. (s): FDPA 78-C-118-17
(enter County-assigned application number (s))

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

M.J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 600
McLean, Virginia 22102

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 SHAREHOLDER: (enter first name, middle initial, and last name)

M.J. Wells & Associates, Inc. Employee Stock Ownership Trust. All employees are eligible plan participants; however, no one employee owns more than 1% of any class of stock.

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

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

Rappaport Management Company
8405 Greensboro Drive, #830
McLean, Virginia 22102

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)

Gary D. Rappaport

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

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

REZONING AFFIDAVIT

DATE: February 5, 2009
(enter date affidavit is notarized)

102079a

for Application No. (s): FDPA 78-C-118-17
(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, number, street, city, state and zip code)

SL Real Estate Limited Partnership
5301 Wisconsin Avenue, NW, Suite 650
Washington, DC 20015

(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)

Samuel L. Lehrman
SL Management, LLC

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Rezoning 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.

REZONING AFFIDAVIT

DATE: February 5, 2009
(enter date affidavit is notarized)

102079a

for Application No. (s): FDPA 78-C-118-17
(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 "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: February 5, 2009
(enter date affidavit is notarized)

102079a

for Application No. (s): FDPA 78-C-118-17
(enter County-assigned application number(s))

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.)

None

(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.)

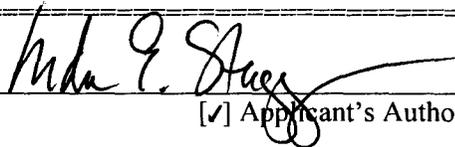
(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

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

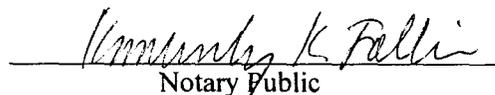


[x] Applicant's Authorized Agent

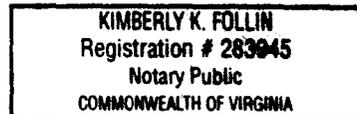
Inda E. Stagg, agent

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 5 day of February, 2009, in the State/Comm. of Virginia, County/City of Arlington.


Notary Public

My commission expires: 11/30/2011



Inda E. Stagg
Land Use Coordinator
(703) 528-4700 Ext. 5423
istagg@arl.thelandlawyers.com



RECEIVED
WALSH COLLETTE & WALSH PC
Department of Planning & Zoning
LUBELEY EMRICH
& WALSH PC
AUG 13 2008

August 5, 2008

Zoning Evaluation Division

RECEIVED
Department of Planning & Zoning
AUG 06 2008

Zoning Evaluation Division

Via Hand Delivery

Regina C. Coyle, Director
Fairfax County Department of Planning & Zoning, Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

**Re: Statement of Justification
Final Development Plan Amendment (the "FDPA Application")
Special Exception (the "SE Application")
(Together the "Applications")
LB Franklin Farm LLC (the "Applicant" and the "Owner")
Tax Map 35-1 ((4)) (22) 2B (the "Property")
13354 Franklin Farm Road**

Dear Ms. Coyle:

Please accept this statement as justification for the FDPA and SE applications. The FDPA Application has been filed in order to permit a fast food restaurant use to replace the currently approved (but never established) drive-in bank use on the Property. The SE Application has been filed to permit fast food uses in a P-District as a secondary use.

The proposed fast food use will occupy the existing, but now vacant, retail structure on the Property. Façade modifications are proposed, but all other existing site improvements will remain unchanged, such as the building footprint, site entrance, parking lot, and green space.

Property Description

The Property is located in the northeast quadrant of the intersections of Franklin Farm Road and Stone Heather Drive, and adjacent to the Franklin Farms Village Center's stormwater management pond in the Sully Magisterial District. The Property contains 35,895 square feet of land area (0.82 acres), and is zoned PDH-2 (Planned Development Housing – 2 dwelling units per acre) and WS (Water Supply Protection Overlay District).

PHONE 703 528 4700 ■ FAX 703 525 3197 ■ WWW.THELANDLAWYERS.COM
COURTHOUSE PLAZA ■ 2200 CLARENDON BLVD., THIRTEENTH FLOOR ■ ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 ■ PRINCE WILLIAM OFFICE 703 680 4664

No change in land area or zoning classification is requested with the Applications.

History

On October 22, 1979, the Property was rezoned to the PDH-2 District, with proffers, along with all of what then became the Franklin Farm community. These proffers continue to apply to development on the Property and, among other things, restrict the maximum FAR of the overall commercial area to 0.25 FAR.

Subsequent Final Development Plan Amendment applications modified the original concept and plans for the Property, including establishing a shopping center on the larger Franklin Farm's Village Center site in 1984. All development conditions from these applications have been superseded as they apply to the Property.

On January 27, 1994, a Boston Chicken eating establishment was established on the Property. This eating establishment was replaced by a Video Warehouse retail establishment on August 22, 2002; however, this retail establishment has since been abandoned, and the Property is currently vacant.

Most recently, on October 4, 2006, the Planning Commission approved FDPA 78-C-118-16, to permit a drive-in bank on the Property, with conditions dated October 4, 2006. These development conditions currently apply to the Property, and the Applicant is requesting a modification of these conditions with the Applications.

Final Development Plan Amendment

The currently approved FDPA Plan and conditions are specific to the drive-in bank use, including façade materials, and conditions of operation. The Applicant is requesting that the current Final Development Plan be amended to remove references to the drive-in bank, so that a fast food restaurant use may be established on the Property instead.

Special Exception Application

Fast Food Restaurants are permitted in the PDH-2 District with approval of a Special Exception. Sect. 9-007 of the Ordinance specifies the general standards that must be satisfied prior to approval of a special exception application. These standards are listed below, along with information regarding how the application satisfies those standards.

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
 - a. The Property is located within the Upper Potomac Planning District (Area III), West Ox Community Planning District (UP7). There is no

specific Plan text for the Property. The Plan Map designates the Property for residential development at 1-2 dwelling units per acre.

Franklin Farm is a PDH-2 District development, which has an approved commercial component. Therefore, the approval of uses that have been determined to be compatible with PDH-2 development is in harmony with the adopted comprehensive plan.

2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
 - a. The Applicant believes that the SE application is in harmony with the general purpose and intent of the PDH-2 regulations, which permits the establishment of fast food uses with the approval of a Special Exception if certain standards are met.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
 - a. The fast food restaurant will occupy an existing structure within an established shopping center. Façade modifications will occur to the existing structure. All other existing site elements have been previously determined to be appropriate, and will not change with these Applications. Therefore, the use should not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings, or impair their value. To the contrary, the fast food use will occupy what is currently a vacant building, which should increase the value of the nearby uses and structures.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
 - a. There are no changes proposed to the existing pedestrian or vehicular travel ways, and there is no drive-through associated with this request; therefore, the pedestrian and vehicular traffic associated with the fast food use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
 - a. Landscaping and screening will be provided in accordance with the provisions of Article 13. A waiver is requested pursuant to Sect. 13-202, Peripheral Parking Lot Landscaping, in order to permit existing sidewalk, curb and gutter to remain. Strict conformance with peripheral parking lot landscaping would require the reconstruction of existing sidewalk, curb and gutter, which does not seem necessary, given that no site construction is proposed.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
 - a. The PDH-2 District requires a minimum of 20% open space. The Applications, if approved, result in the provision of 51% open space on the Property, and 25% within the entire Franklin Farms Village Center.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
 - a. All of the necessary facilities shall be provided.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.
 - a. Signs shall be in conformance with Article 12, Signs.

In addition to the general standards listed above, all Category 5 special exception uses must satisfy the standards listed in Sect. 9-503 of the Ordinance. These standards are listed below, along with information regarding how the application satisfies those standards.

1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.
 - a. The use complies with the lot size and bulk regulations of the PDH-2 District, as demonstrated within the Special Exception Plat tabulations.

2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14.
 - a. The use shall comply with the PDH-2 District performance standards. A photometric plan is not required per the Ordinance.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.
 - a. The Applicant is aware of the site plan requirement and will comply with this standard.

Par. 7 of Sect 9-007 of the Ordinance requires a written statement describing the proposed use, giving all pertinent data, including specifically the following:

- A. Type of operation(s): Fast Food Restaurant (without drive-through)
- B. Hours of operation: 11:00 a.m. until 10:00 p.m., daily
- C. Estimated number of patrons/clients/patients/pupils/etc.: 75
- D. Proposed number of employees/attendants/teachers/etc.: 7-9
- E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day: Maximum 2,005 average daily trips. No AM Peak trips. Anticipate 147 PM peak trips.
- F. Vicinity or general area to be served by the use: It is expected that this use will serve a general area of 1 – 2 miles.
- G. Description of building facade and architecture of proposed new building or additions: The existing building façade of brick, metal and stucco, will be updated and replaced with beige, red and gray Hardie Panel cladding on the main part of the building, with paint and repair to the existing EIFS on the remainder of the building. New aluminum coping will be installed along the top of the building.
- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or

containers: There are no hazardous or toxic substances as defined above on the site.

- I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification: The proposed use conforms to all applicable provisions; however, a waiver is requested pursuant to Sect. 13-202, Peripheral Parking Lot Landscaping, in order to permit existing sidewalk, curb and gutter to remain. Strict conformance with peripheral parking lot landscaping would require the reconstruction of existing sidewalk, curb and gutter, which does not seem necessary, given that no site construction is proposed.

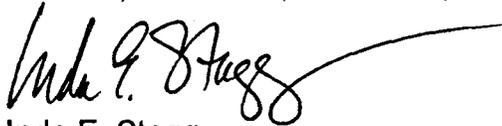
Summary

The Applicant is seeking to modify the current Final Development Plan in order to establish a fast food use on the Property. In order to do so, approval of a Special Exception is required as well. The Applicant believes that the proposed use meets the standards for approval, and that having an occupant in an otherwise vacant building will be a positive improvement for the Franklin Farms Village Center.

As always, we appreciate your attention to these matters. Please let me know if you have any questions or concerns.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

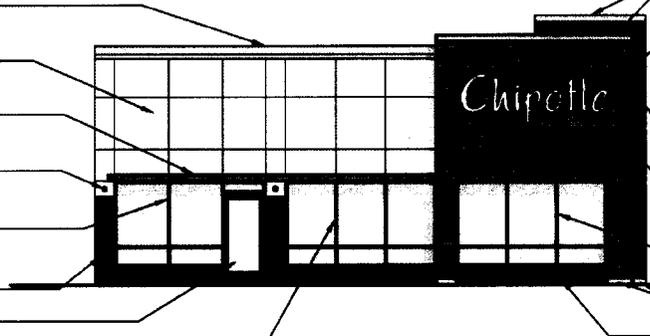


Inda E. Stagg
Land Use Coordinator

cc: Larry M. Spott, The Rappaport Companies
Aaron Bodenschatz, Bohler Engineering P.C.
Noelle Trent, Bohler Engineering P.C.
Robin Antonucci, Wells & Associates, LLC
M. Catharine Puskar, Walsh Colucci Lubeley Emrich and Walsh
Martin D. Walsh, Walsh Colucci Lubeley Emrich and Walsh

NEW ALUMINUM COPING BY CHIPOTLE
 HARDIE PANEL CLADDING BY CHIPOTLE, BEIGE
 METAL AWNING BY CHIPOTLE, SEE DETAIL PAGE
 EXTERIOR 'JELLY JAR' LIGHTS, TYP OF II
 NEW BLACK ALUMINUM STOREFRONT BY CHIPOTLE
 OUTLINE OF CHIPOTLE PATIO RAILING
 WOOD STILE AND RAIL DOOR BY CHIPOTLE
 EXISTING BLACK ALUMINUM STOREFRONT

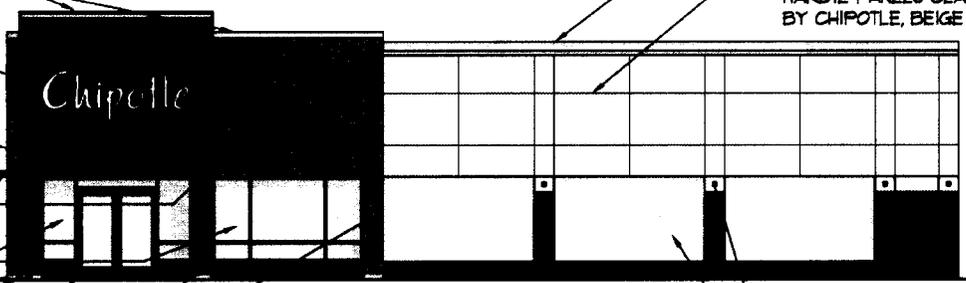
NEW ALUMINUM COPING BY CHIPOTLE
 INDIVIDUAL INTERNALLY ILLUMINATED PAN-CHANNEL LETTERS, HEIGHT OF 'C' IS 3'-0"
 HARDIE PANEL CLAD TOWER BY CHIPOTLE, CHIPOTLE RED
 HARDIE PANEL CLAD TOWER BY CHIPOTLE, GRAY
 EXISTING BLACK ALUMINUM STOREFRONT
 GALVANIZED METAL BASE
 EXISTING MASONRY BASE



SOUTH

NEW ALUMINUM COPING BY CHIPOTLE
 INDIVIDUAL INTERNALLY ILLUMINATED PAN-CHANNEL LETTERS, HEIGHT OF 'C' IS 3'-0"
 HARDIE PANEL CLAD TOWER BY CHIPOTLE, CHIPOTLE RED
 HARDIE PANEL CLAD TOWER BY CHIPOTLE, GRAY
 NEW BLACK ALUMINUM STOREFRONT BY CHIPOTLE
 GALVANIZED METAL BASE
 WOOD STILE AND RAIL DOORS BY CHIPOTLE
 EXISTING MASONRY AND EIFS PIERS

NEW ALUMINUM COPING BY CHIPOTLE
 HARDIE PANELS CLADDING BY CHIPOTLE, BEIGE



EAST

EXTERIOR 'JELLY JAR' LIGHTS, TYP OF II
 EXISTING EIFS, PAINT AND REPAIR TO MATCH

| | |
|----------------------------|-----------|
| ALUMINUM COPING | 224 LF |
| BLACK STOREFRONT | 34'-6" LF |
| HARDIE PANEL, CHIPOTLE RED | 216 SF |
| HARDIE PANEL, GRAY | 372 SF |
| HARDIE PANEL, BEIGE | 1032 SF |
| GALVANIZED BASE | 15.5 LF |

Re: Rezoning Application 78-C-118
Franklin Partnership

PROFFER

September 25, 1979

Amended October 15, 1979

The undersigned hereby proffer that in the event the subject property is rezoned to the PDH-2 District by the Board of Supervisors at the hearing scheduled October 22, 1979, development shall be substantially in accord with Development Plan previously filed among the papers of this case prepared by Dewberry, Nealon and Davis dated July 27, 1979 and revised September 19 and 20, 1979, which, in the event of rezoning to the PDH-2 District, shall be approved as the Conceptual Development Plan and shall be subject to the following terms and conditions:

1. The total residential lot yield shall be 1,656 dwelling units, i.e., a density of 2.0 dwelling units per acre.

A. There shall be no additional "bonus" units, i.e., those units allowed at the discretion of the Board of Supervisors pursuant to the PDH-2 zoning ordinance.

B. That portion of the development consisting of approximately 130 acres extending along the southern and southeastern boundary of the site generally from the point at which the site boundary and Thompson Road separate and the Harvey property, including a substantial portion of open space, shall be restricted to a density of 0.9 dwelling units per acre and all lots within said 130 acres shall be a minimum of 20,000 square feet in area.

C. All lots which have at least one boundary on West Ox Road shall be a minimum of 20,000 square feet in area.

D. Twenty percent (20%) of the total dwelling units may be single-family attached. Eighty-four of the aforesaid single-family attached units may be in structures containing no more than four units per structure and the balance shall be in structures containing no more than two units per structure. All single-family attached units shall be located west of Bypass alignment "VA," i.e., the westernmost Bypass alignment and in the vicinity of the proposed commercial center. There shall be no minimum lot size for single-family attached units and the additional open-space thus created shall be located east of Bypass alignment "VH." The exact location and configuration of the single-family attached units will be specified in the Final Development Plan.

- 2 -

2. Occupancy of the residential development shall not exceed the following incremental development schedule providing that any units not occupied within the assigned schedule may be occupied in subsequent years in addition to the incremental increase:

| | |
|-----------------|--------------------|
| January 1, 1981 | 156 units |
| January 1, 1982 | 300 units |
| January 1, 1983 | 400 units |
| January 1, 1984 | 400 units |
| January 1, 1985 | 400 units |
| | <u>1,656 units</u> |

3. Open space shall comprise 22 percent of the development. Applicant recognizes the requirement of the PDE-2 ordinance that a minimum sum of \$300 per dwelling unit be expended to provide developed recreational facilities. Recreational facilities shall include the following despite the fact that the cost of these facilities will substantially exceed the aforesaid minimum unit expenditure:

A. Two swimming pools with associated bath-houses and parking facilities. Pools are to be located in the areas designated on the aforesaid Development Plan for active recreation.

B. Four lighted tennis courts, four multi-purpose courts and eight tot lot/apparatus areas. The majority of these facilities shall be clustered within the areas designated on the aforesaid Development Plan for active recreation.

C. Benches, picnic tables, grills and similar passive recreational facilities at convenient locations within the open space.

D. Two soccer fields, cleared, graded and seeded, with sufficient area to accommodate softball and other group athletic activities in the area designated on the aforesaid Development Plan for playing fields. That portion of the open space between the east-west collector road and the north boundary of the subject application consisting of approximately 8 acres, including the soccer fields, shall be dedicated to the Fairfax County Park Authority providing the fields, after construction, shall be maintained for public use by the Park Authority.

E. A comprehensive trails plan shall be submitted with final development plans. The plan shall provide internal access between substantial open-space areas, commercial facilities and recreational facilities and shall utilize a combination of four-foot asphalt trails and sidewalks to provide appropriate internal circulation.

4. Right-of-way for trails as required by the County-wide Trails Plan not to exceed a width of 5 feet in addition to right-of-way dedication for street purposes shall be dedicated. This additional right-of-way shall be in accord with adopted public facilities policy providing nothing herein shall be construed to require construction of trails other than those which may be provided in accord with the trails plan to be submitted pursuant to aforesaid paragraph 3.E.

5. Right-of-way shall be dedicated along the Transcontinental Gas Pipeline and through the open-space area, sufficient for an 8-foot gravel trail providing there shall be no requirement for construction.

6. The commercial area of 15.2 acres permitted by the PDH-2 ordinance shall be located substantially as shown on the aforesaid Development Plan and shall be subject to the following:

A. The maximum floor area ratio shall be 0.25.

B. Construction shall not exceed 40 feet in height.

C. The north and west boundaries of the commercial area shall be bordered by a continuous strip of open space 100 feet in width. Within the aforesaid open-space area, a 75-foot border of existing tree cover shall be maintained subject only to slope grading, utility lines, storm drainage facilities and access areas. In addition to the preservation of existing forestation as aforesaid, berms and/or additional landscaping shall be utilized to provide visual relief to adjacent property proposed for residential use.

D. A 50-foot open-space border subject to access, utility and storm drainage facilities shall be preserved along both sides of the commercial frontage of the east-west collector road. That portion of the open space across the east-west collector from the commercial frontage shall contain a berm varying from 4 to 6 feet in height with appropriate landscaping.

E. In the event a portion of the Springfield Bypass/Dranesville (Bypass) connector shall be located along the eastern boundary of the commercial site, 25 feet of open space in addition to the right-of-way for the

Bypass (including the environmental corridor) hereinafter committed shall be provided. In the event the Bypass connector is not located along the eastern boundary of the commercial area, an open-space buffer of 100 feet shall be provided and existing forested area maintained to a width of 75 feet within said open-space area subject only to grading, utility lines, storm drainage facilities and access points. Additional berms and landscaping shall be provided in unforested areas of the open space.

7. An area of approximately 4.6 acres designated on the aforesaid Development Plan "commuter fringe parking area" shall be dedicated to the Board for parking lot construction at such time as the Board may request.

8. Reverse-frontage lots shall be provided along West Ox Road, Lees Corner Road, Thompson Road and Centreville Road.

9. The intersection of the east-west connector and Centreville Road shall be located a minimum of 800 feet north of Lees Corner Road in the general vicinity of Barnesfield Road.

10. Along Centreville Road, additional right-of-way shall be dedicated to provide a right-of-way width of 45 feet from centerline and a deceleration/right-turn lane shall be constructed for each site entrance. A left-turn lane serving southbound traffic on Centreville Road and a left-turn lane serving westbound traffic on the east-west connector road shall be constructed at the intersection of the east-west connector and Centreville Roads.

11. Along Lees Corner Road, additional right-of-way shall be dedicated to provide a right-of-way width of 45 feet from centerline and within said right-of-way a deceleration right-turn shall be constructed for each site entrance. Intersection spacing along Lees Corner Road shall be in accord with the 45 m.p.h. design speed criteria.

12. Along West Ox Road, additional right-of-way shall be dedicated to provide a right-of-way width of 45 feet from centerline and deceleration/right-turn lanes shall be provided at each site entrance in the right-of-way. Additional right-of-way shall be dedicated as may be required for adjustments in the alignment of West Ox Road providing the alignment remains generally within the existing location. A left-turn lane shall be constructed at the southern entrance on West Ox Road and West Ox Road reconstructed as necessary to provide adequate



● COUNTY OF FAIRFAX ●

APPENDIX 6

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

Patrick M. Henton, Vice Chairman
Susanne F. Harsel, Secretary
Mays A. Huber, Parliamentarian

James C. Wyckoff Jr., Executive Director
Barbara J. Lippa, Deputy Executive Director
Sara Rubin Hough, Administrative Assistant
Mary A. Potoso, Clerk to the Commission

(703) 246-2865

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

JUN 16 1993

Lawrence C. Baldwin
David P. Beaman
John R. Byers
Stephen J. Hubbard
Carl L. Bell, Jr.
Henry E. Brinkland
Allen L. Thomas

March 23, 1992 ZONING EVALUATION DIVISION

Mr. Frank McDermott, Esq.
Hunton & Williams
3050 Chain Bridge Road
Fairfax, VA 22030

RE: FDPA-C-118-8
Y. P. FRANKLIN
GENERAL PARTNERSHIP
Sully District

Dear Mr. McDermott:

This will serve as your record of the Planning Commission's action on FDPA-C-118-8, an application by Y. P. Franklin General Partnership, in the Sully District.

On Thursday, March 19, 1992, the Planning Commission voted unanimously (Commissioner Harsel not present for the vote; Commissioner Byers absent from the meeting) to approve FDPA-C-118-8, subject to the following development conditions:

1. The maximum floor area of the Franklin Farm Village Center shall not exceed 165,500 square feet and the maximum floor area ratio (FAR) of the Franklin Farm Village Center shall not exceed 0.25.
2. Development shall be in conformance with the approved proffers dated September 25, 1979, as amended October 15, 1979, and the development conditions adopted pursuant to FDP-78-C-118-5, FDPA-78-C-118-4, and FDPA-78-C-118-7. Development shall also be in conformance with the Final Development Plan entitled "Franklin Farm Village Center", prepared by Dewberry and Davis which is dated February 8, 1990, as revised through March 5, 1992, and these conditions.
3. The exterior design and building materials used in construction of the retail/drive-in bank and the retail site adjacent to the existing pond located on the west side of the spine road shall be compatible with the exterior building materials used in the Franklin Farm Village Center as approved by the Department of Environment Management (DEM).

4. There shall be no free-standing signs and all signs shall be compatible with the existing signs in the shopping center as approved by DEM. Signage shall be lighted only during the hours of operation. All signage shall be in conformance with Article 12 of the Fairfax County Zoning Ordinance.

5. To further screen the adjacent residences from the retail site adjacent to the existing pond, additional landscaping shall be provided along the western side of the retail pad, as approved by the Urban Forestry Branch of DEM. The screening material shall be subject to determination by the Urban Forestry Branch, DEM, as to the type, size, number, and adequacy in providing a continuous screen between the retail pad adjacent to the existing pond and the adjacent residential community to the south and west.

6. At least two (2) of the drive-thru windows for the one-story retail/drive-in bank shall be open when the drive-thru facility is operational.

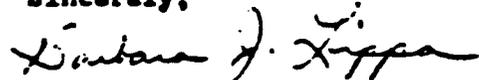
7. The location of the one-story retail building shown with the optional drive-thru lane adjacent to the existing pond shall be restricted to the general vicinity as shown on Final Development Plan 78-C-118-8. The drive-thru lane shall be deleted at the time of the final site plan approval.

8. At the time of site plan approval, the designation "HC" (for handicapped parking space) on the drive-in bank site may be relocated to another parking space within the drive-in bank site, subject to the approval of DEM after due consideration to its proximity to the site entrance and of code requirements to locate this parking space near the building entrance.

9. The point of access to and from the drive-in bank site along the shopping center's north-south spine road shall not permit a left turn exit from the drive-in bank site and shall be marked with an appropriate sign and striping prohibiting such left turn.

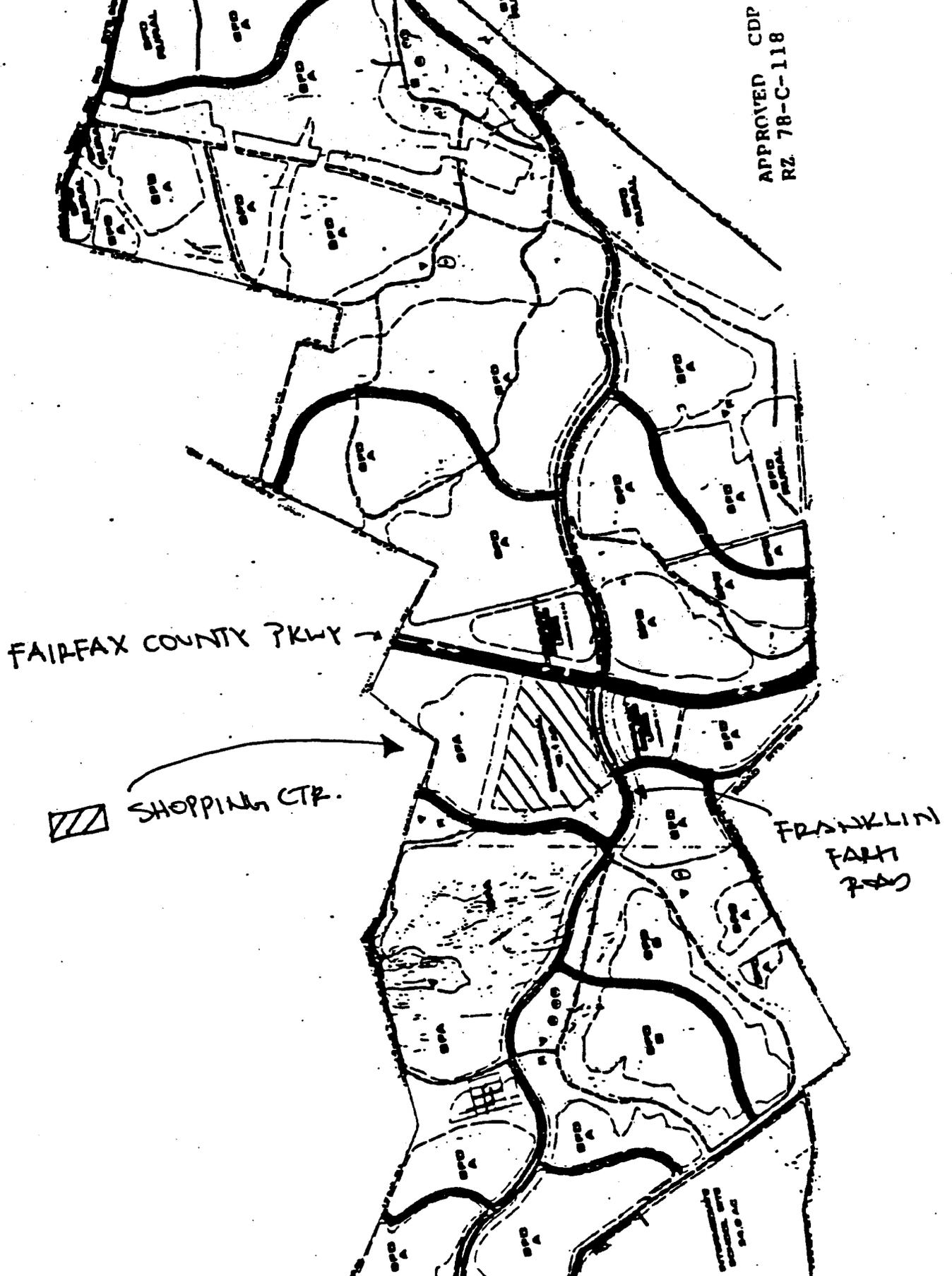
For your information, a copy of the verbatim excerpts from the Commission's action on this application is attached. Should you need any additional information, please do not hesitate to contact me at 246-2865.

Sincerely,


Barbara J. Lipps
Deputy Director

Attachment: A/S

cc: Michael Frey, Supervisor, Sully District
Ronald Koch, Commissioner, Sully District
✓ Robby Robinson, Staff Coordinator, OCP
March 19, 1992 Date File
Y-2 File



APPROVED CDP
RZ 78-C-118

FAIRFAX COUNTY PKWY →

▨ SHOPPING CTR. →

FRANKLIN
FARM
ROAD



County of Fairfax, Virginia

2006
Planning Commission

October 5, 2006

Peter F. Murphy, Jr.
Chairman
Springfield District

Jason Heinberg, Esquire
Walsh Colucci, Lubeley,
Emrich & Terpak, PC
2200 Clarendon Blvd.; Suite 1300
Arlington, Virginia 22201

John R. Byers
Vice Chairman
Mount Vernon District

Suzanne F. Harsel
Secretary
Bradford District

RE: FDPA 78-C-118-16 – PNC Bank, NA
Sully District

Walter L. Alcorn
Parliamentarian
At-Large

Dear Mr. Heinberg:

The purpose of this letter is to formally advise you, as the agent for the applicant on the above-referenced case, that on Wednesday, October 4, 2006, the Planning Commission voted unanimously (Commissioners Byers, de la Fe, and Wilson absent from the meeting) to approve FDPA-78-C-118-16, subject to the Development Conditions dated October 4, 2006, as attached.

Frank de la Fe
Hunter Mill District

Janet R. Hall
Arlington District

James R. Hart
At-Large

Also enclosed for your records is a copy of the verbatim of the Commission's action on this matter. If you need any additional information, please let me know.

Nancy Hopkins
Dranesville District

Sincerely,

Tonald W. Koch
Sully District

Barbara J. Lippa
Executive Director

Kenneth A. Lawrence
Providence District

Rodney L. Lusk
Lee District

Attachments (a/s)

Barbara J. Lippa
Executive Director

cc: Michael Frey, Supervisor, Sully District
Ron Koch, Commissioner, Sully District
William O'Donnell, Staff Coordinator, ZED, DPZ
October 4, 2004 Date File
O-3 (2) File

Sara Robin Hardy
Assistant Director



DEVELOPMENT CONDITIONS
FDPA 78-C-118-16

October 4, 2006

If it is the intent of the Planning Commission to approve FDPA 78-C-118-16 located at Tax Map 35-1 ((4)) (22) 2B, (13354 Franklin Farm Road) for a drive-in bank in the Franklin Farms Village Center, staff recommends that the approval be subject to the following development conditions. These conditions incorporate and supersede all previous development conditions as they pertain to the above listed Tax Map Number only. Previous conditions or those that have minor revisions are marked with an asterisk (*).

1. Development of the subject property shall be in substantial conformance with the FDPA plat entitled "PNC Bank Final Development Plan Amendment", prepared by Bohler Engineering, P.C., consisting of seven (7) sheets, dated April 13, 2006 as revised through September 27, 2006.. Minor modifications to the approved FDP may be permitted pursuant to Par.4 of Sect. 16-403 of the Zoning Ordinance.
2. The maximum floor area of the Franklin Farm Village Center shall not exceed 168,500 square feet and the maximum gross floor area ratio (FAR) of the Franklin Farm Village Center shall not exceed 0.25.
3. The exterior design, building materials and colors used in construction of the proposed drive-in bank located on the southwest pad site of the shopping center shall be consistent with the exterior building materials used in the Franklin Farm Village Center as approved by the Department of Public Works and Environmental Services (DPWES). Photographic documentation and any additional materials which DPWES requires to make such a determination shall be provided by the applicant with submittal of a building permit.
4. The drive-in bank building shall incorporate environmentally sustainable attributes into its building program, that may include, but not necessarily be limited to, such elements as high-efficiency mechanical systems, use of materials with recycled content, a high performance and insulated building envelope, water efficient fixtures, CO2 sensors and air filters, low volatile organic compounds in paints, sealants and finish materials, construction waste management, and storage and collection of recyclables.
5. There shall be no freestanding signs and all signs shall use colors consistent with the existing signs in the shopping center as approved by DPZ. Signs shall be lighted only during the hours of operation. All signs shall be in conformance with the provisions of Article 12 of the Zoning Ordinance.*

6. At least two (2) of the drive-through windows for the drive-in bank shall be open whenever the drive-thru facility is operational.*
7. The applicant shall maintain existing vegetation located on the western and northern boundaries of the site and supplement this vegetation with new plantings of trees and shrubs as depicted on the FDPA plat; the applicant shall also maintain any vegetation installed in conjunction with this application.
8. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading on the FDPA Plat marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a Urban Forest Management (UFM) representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions. If trees identified for preservation must be removed, as determined by UFM, during the construction process, then appropriate replacement trees shall be planted as determined by the UFM.
9. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
10. Parking spaces shall meet the provisions of Article 11 of the Zoning Ordinance and the geometric design standards in the Public Facilities Manual, as determined by DPWES; a parking tabulation which demonstrates that parking requirements are met for all uses in the Shopping Center shall be submitted to DPWES prior to issuance of a Non-RUP for the bank.
11. Parking spaces located south of the proposed site entrance shall be used for employee parking only and marked with appropriate signage and striping.
12. Both on- and off-site Stormwater Management and Best Management Practices (SWM/BMPs) shall be provided as indicated on the SE Plat, subject to the approval of DPWES. If SWM/BMP requirements cannot be met by facilities in substantial conformance with what is shown on the plat, an SE amendment may be required.



County of Fairfax, Virginia

MEMORANDUM

DATE: December 18, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief *AKR by CAA*
Site Analysis Section
Department of Transportation

FILE: 3-4 (RZ 78-C-118)
3-5 (SE 2008-SU-032)

SUBJECT: Transportation Impact

REFERENCE: FDPA 78-C-118-17 & SE 2008-SU-032, LB Franklin Farm LLC
Traffic Zone: 1735
Land Identification: 35-1 ((4)) (22) 2B

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this office dated June 24, 2008, and revised through October 1, 2008. The applicant proposes to replace the currently approved drive-in bank use on the site with a fast food restaurant in the existing, vacant retail building on the site. The bank use has never been established.

This department has no transportation issues with this application.

AKR/LAH/lah

cc: Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services



County of Fairfax, Virginia

MEMORANDUM

NOV 13 2008

DATE:

TO: William O'Donnell, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Qayyum Khan, Senior Stormwater Engineer *QK*
Stormwater and Geotechnical Section
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Final Development Plan Amendment and Special Exception Application, FDPA 78-C-118-17 Concurrent with SE 2008-SU-032, Plan Dated September 30, 2008, LDS Project #4819-ZONA-002-1, Tax Map #035-1-04-22-002B, Sully District

We have reviewed the subject application and offer the following comments related to Stormwater management (SWM):

Chesapeake Bay Preservation Ordinance

There is no Resource Protect Area on the site. It is located within the Water Supply Protection Overlay District.

Floodplain

There is no floodplain on the site.

Downstream Drainage Complaints

There is no complaint on file downstream of the subject project.

SWM

The applicant has not addressed the SWM requirements. It appears an existing offsite wet pond would be used for this purpose. The applicant needs to ensure adequate storage capacity both for water quality control and stormwater detention. Use of offsite pond will require a SW detention waiver approval. (PFM Section 6-0301.3)



William O'Donnell, Staff Coordinator
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Site Outfall

1. Narrative for outfall has been provided. Additional information regarding outfall sections/pipe sizes need to be provided at site plan submission.

If further assistance is desired, please contact me at 703-324-1720.

QK/mw

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES
Zoning Application File

ARTICLE 16**DEVELOPMENT PLANS****PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS****16-101 General Standards**

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.
2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.
3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.
5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.
6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

16-102 Design Standards

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:

1. In order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening

FAIRFAX COUNTY ZONING ORDINANCE

provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.

2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

SPECIAL EXCEPTIONS

R-2 District: Limited to uses 5, 12, 15, 17, 19, 27, 35 and 38
R-3, R-4 Districts: Limited to uses 5, 12, 15, 17, 19, 27 and 38
R-5, R-8 Districts: Limited to uses 5, 12, 15, 17, 27 and 38
R-12, R-16, R-20 Districts: Limited to uses 12, 15, 27 and 38
R-30 District: Limited to uses 12, 15, 17, 27 and 38
R-MHP District: Limited to uses 12, 15, 27 and 38

PDH District: Limited to uses 11, 27 and 35
PDC District: Limited to uses 11 and 27
PRC District: Limited to uses 27 and 35

C-1 District: Limited to uses 10, 27 and 38
C-2 District: Limited to uses 6, 9, 10, 27 and 38
C-3 District: Limited to uses 6, 9, 10, 14, 18, 21, 22, 25, 27 and 38
C-4 District: Limited to uses 6, 9, 10, 14, 21, 22, 25, 27 and 38
C-5 District: Limited to uses 2, 3, 6, 11, 15, 17, 20, 21, 23, 27, 33, 34, 36, 37, 38, 39 and 41
C-6 District: Limited to uses 2, 3, 4, 6, 11, 14, 15, 17, 20, 21, 23, 25, 27, 30, 33, 34, 36, 37, 38, 39 and 43
C-7 District: Limited to uses 2, 3, 4, 6, 7, 8, 10, 11, 15, 17, 20, 21, 23, 25, 26, 27, 30, 33, 34, 36, 37, 38, 39 and 43
C-8 District: Limited to uses 2, 3, 4, 6, 7, 10, 11, 15, 16, 17, 20, 21, 23, 24, 25, 27, 30, 33, 34, 36, 37, 38, 39 and 43
C-9 District: Limited to uses 2, 3, 4, 6, 10, 11, 17, 18, 20, 21, 23, 25, 26, 27, 33, 36, 37 and 43

I-I District: Limited to use 27
I-1 District: Limited to uses 27 and 38
I-2 District: Limited to uses 9, 14, 15, 18, 22, 27 and 38
I-3 District: Limited to uses 3, 6, 9, 14, 15, 16, 18, 21, 22, 25, 26, 27, 29, 37, 38, 39 and kennels (outdoor)
I-4 District: Limited to uses 3, 6, 9, 14, 15, 18, 19, 21, 22, 25, 27, 28, 32, 37, 38, 39 and kennels (outdoor)
I-5 District: Limited to uses 3, 6, 7, 9, 11, 14, 18, 19, 20, 21, 23, 25, 27, 32, 33, 37, 38, 39 and kennels (outdoor)
I-6 District: Limited to uses 3, 6, 7, 11, 13, 18, 19, 20, 21, 23, 27, 31, 33, 37, 38, 39 and kennels (outdoor)

9-503 Standards for all Category 5 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 5 special exception uses shall satisfy the following standards:

1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.
2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14.

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3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

9-504

Additional Standards for Amusement Arcades

1. Such a use shall not be located closer than 1000 feet to any school. In addition, except when located under the roof of a shopping center, such a use shall not be located within 100 feet of any adjoining property which is in an R district.
2. Such use shall be established only after approval by the Board of a plan setting forth acceptable rules for the operation of the establishment. Such plan shall specify (a) procedures to preclude gambling and loitering; (b) regulations regarding the use of the establishment by school age children; and (c) procedures for the enforcement of the rules.
3. In addition, the Board shall impose such conditions and restrictions as it may deem necessary to assure that the use will be compatible with and will not adversely impact the adjacent area. Such conditions and restrictions may include, but need not be limited to, the following:
 - A. Hours of operation.
 - B. Number of adult attendants required to be on the premises at all times.
 - C. Size of the establishment and the number of amusement machines.

9-505

Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Financial Institutions, Drive-Through Pharmacies, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Stations/Mini-Marts

1. In all districts where permitted by special exception:
 - A. Such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.
 - B. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.
 - C. The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
 - D. In reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area; information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

| | | | |
|---------|---|---------|--|
| A&F | Agricultural & Forestal District | PDH | Planned Development Housing |
| ADU | Affordable Dwelling Unit | PFM | Public Facilities Manual |
| ARB | Architectural Review Board | PRC | Planned Residential Community |
| BMP | Best Management Practices | RC | Residential-Conservation |
| BOS | Board of Supervisors | RE | Residential Estate |
| BZA | Board of Zoning Appeals | RMA | Resource Management Area |
| COG | Council of Governments | RPA | Resource Protection Area |
| CBC | Community Business Center | RUP | Residential Use Permit |
| CDP | Conceptual Development Plan | RZ | Rezoning |
| CRD | Commercial Revitalization District | SE | Special Exception |
| DOT | Department of Transportation | SEA | Special Exception Amendment |
| DP | Development Plan | SP | Special Permit |
| DPWES | Department of Public Works and Environmental Services | TDM | Transportation Demand Management |
| DPZ | Department of Planning and Zoning | TMA | Transportation Management Association |
| DU/AC | Dwelling Units Per Acre | TSA | Transit Station Area |
| EQC | Environmental Quality Corridor | TSM | Transportation System Management |
| FAR | Floor Area Ratio | UP & DD | Utilities Planning and Design Division, DPWES |
| FDP | Final Development Plan | VC | Variance |
| GDP | Generalized Development Plan | VDOT | Virginia Dept. of Transportation |
| GFA | Gross Floor Area | VPD | Vehicles Per Day |
| HC | Highway Corridor Overlay District | VPH | Vehicles per Hour |
| HCD | Housing and Community Development | WMATA | Washington Metropolitan Area Transit Authority |
| LOS | Level of Service | WS | Water Supply Protection Overlay District |
| Non-RUP | Non-Residential Use Permit | ZAD | Zoning Administration Division, DPZ |
| OSDS | Office of Site Development Services, DPWES | ZED | Zoning Evaluation Division, DPZ |
| PCA | Proffered Condition Amendment | ZPRB | Zoning Permit Review Branch |
| PD | Planning Division | | |
| PDC | Planned Development Commercial | | |