



FAIRFAX COUNTY

APPLICATION FILED: October 27, 1988 (PCA/FDP)
January 17, 1995 (SE)
PLANNING COMMISSION: June 29, 1995
BOARD OF SUPERVISORS: Not Scheduled

V I R G I N I A

June 22, 1995

STAFF REPORT

APPLICATIONS PCA 84-L-020-7/FDP 84-L-020-4
(Concurrent with SE 95-L-010)

LEE DISTRICT

APPLICANT: Albert J. Dwoskin, Trustee

PRESENT ZONING: PDH-4

PROPOSAL: Proffered Condition Amendment (PCA) and Final Development Plan (FDP) to allow change in site access and layout for approved local serving commercial and institutional center and approval of a special exception to permit fast food restaurants.

PARCEL(S): 100-1 ((1)) 10B

ACREAGE: 8.9 acres

OPEN SPACE: 27%

FAR: 0.24

PLAN MAP: Residential at 3-4 du/ac

MODIFICATIONS/WAIVERS: Modification of transitional screening requirements and waiver of the barrier around the site periphery have been requested.

SPECIAL EXCEPTION: Category 5: Fast Food Restaurant

STAFF RECOMMENDATIONS:

Staff recommends denial of PCA 84-L-020-7. However, if the Board of Supervisors approves PCA 84-L-020-7, staff recommends that approval be subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends denial of FDP 84-L-020-4. However, if the Planning Commission approves FDP 84-L-020-4, staff recommends that it be subject to the Board of Supervisors approval of PCA 84-L-020-7 and to the Proposed Development Conditions contained in Appendix 2.

Staff recommends denial of SE 95-L-010. However, if the Board of Supervisors approves SE 95-L-010, staff recommends that it be subject to the development conditions contained in Appendix 2.

It should be noted that it is not the intent of the 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 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.

For information, contact the Zoning Evaluation Division, Office of Comprehensive Planning, 12055 Government Center Parkway, Suite 801, Fairfax, VA 22035-5505, (703) 324-1290.



Reasonable accommodation is available upon 7 days advance notice. For additional information call (703) 324-1334.

PROFFERED CONDITION AMENDMENT

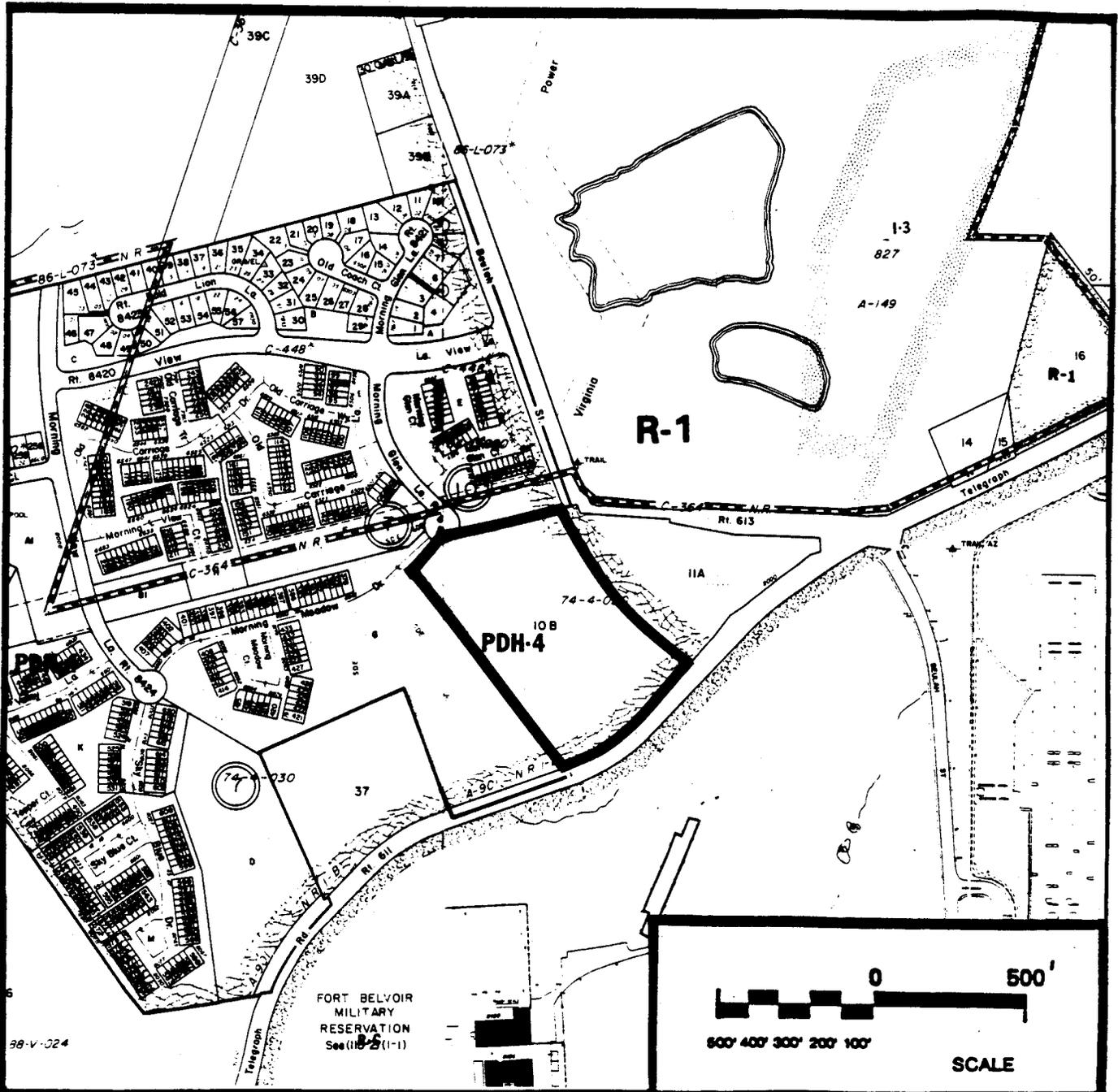
PCA 84-L-020-07

PCA 84-L-020 -07
FILED 10/27/88

ALBERT J. DWOSKIN, TRUSTEE
PROFFERED CONDITION AMENDMENT
PROPOSED: SHOPPING CENTER
APPROX. 8.91 ACRES OF LAND; DISTRICT - LEE
LOCATED: NORTH SIDE TELEGRAPH RD. NEAR ITS JUNCTION
WITH BEULAH ROAD

ZONING: PDH-4
OVERLAY DISTRICT(S):

MAP REF 100-1- /01/ /0010-B

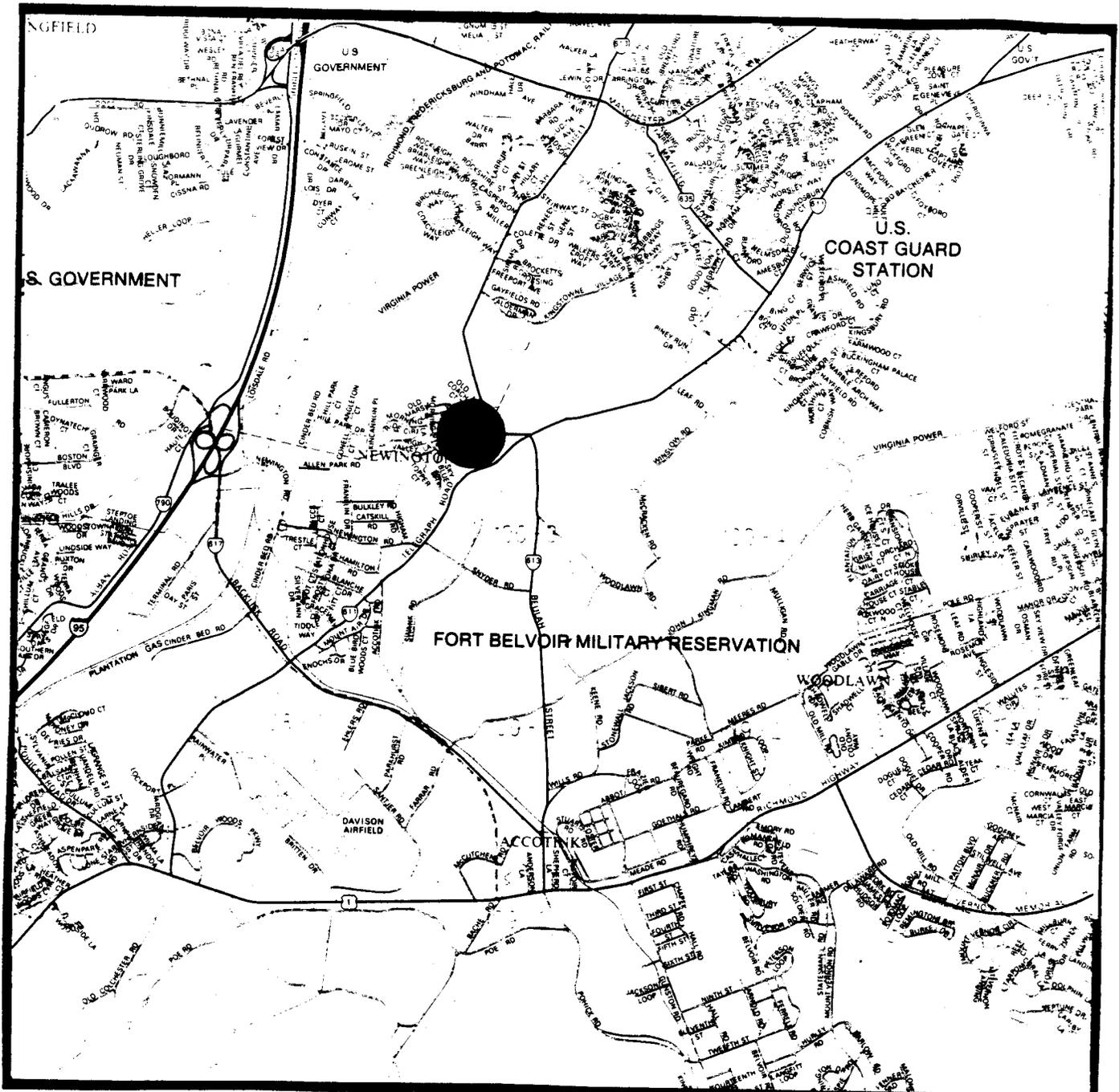


PROFFERED CONDITION AMENDMENT

PCA 84-L-020-07

PCA 84-L-020 -07
FILED 10/27/88

ALBERT J. DWOSKIN, TRUSTEE
PROFFERED CONDITION AMENDMENT
PROPOSED: SHOPPING CENTER
APPROX. 8.91 ACRES OF LAND; DISTRICT - LEE
LOCATED: NORTH SIDE TELEGRAPH RD. NEAR ITS JUNCTION
WITH BEULAH ROAD
ZONING: PDH-4
OVERLAY DISTRICT(S):
MAP REF 100-1- /01/ /0010-B



SPECIAL EXCEPTION APPLICATION

FINAL DEVELOPMENT PLAN

SE 95-L-010

FDP 84-L-020-4

SE 95-L-010
FILED 01/17/95

DWOSKIN, ALBERT J., TRUSTEE
FAST FOOD RESTAURANTS
ZONING DIST SECTION: 06-0105
ART 9 CATEGORY/USE: 05-11
8.90 ACRES OF LAND; DISTRICT - LEE
LOCATED: TELEGRAPH ROAD

ZONED PDH-4
OVERLAY DISTRICT(S):
100-1- /01/ /0010-B

PLAN AREA 4

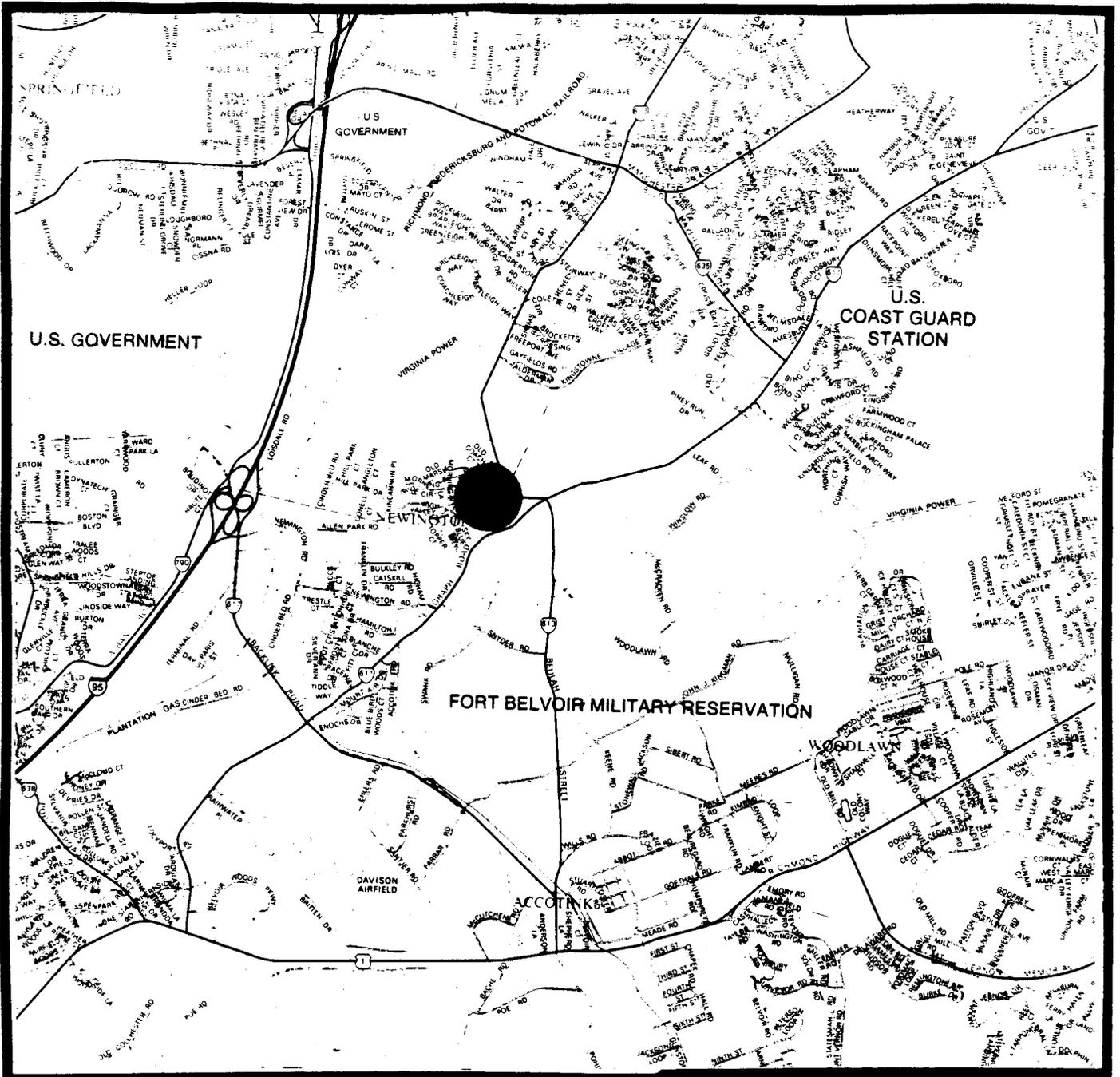
TAX MAP

FDP 84-L-020-04
FILED 10/27/88

ALBERT J. DWOSKIN, TRUSTEE
FINAL DEVELOPMENT PLAN
PROPOSED: SHOPPING CENTER
APPROX. 8.91 ACRES OF LAND; DISTRICT - LEE
LOCATED: N. SIDE TELEGRAPH RD. NEAR ITS JUNCTION
WITH
BEULAH RD.

ZONING: PDH-4
OVERLAY DISTRICT(S):
100-1- /01/ /0010-B

MAP REF



SPECIAL EXCEPTION APPLICATION

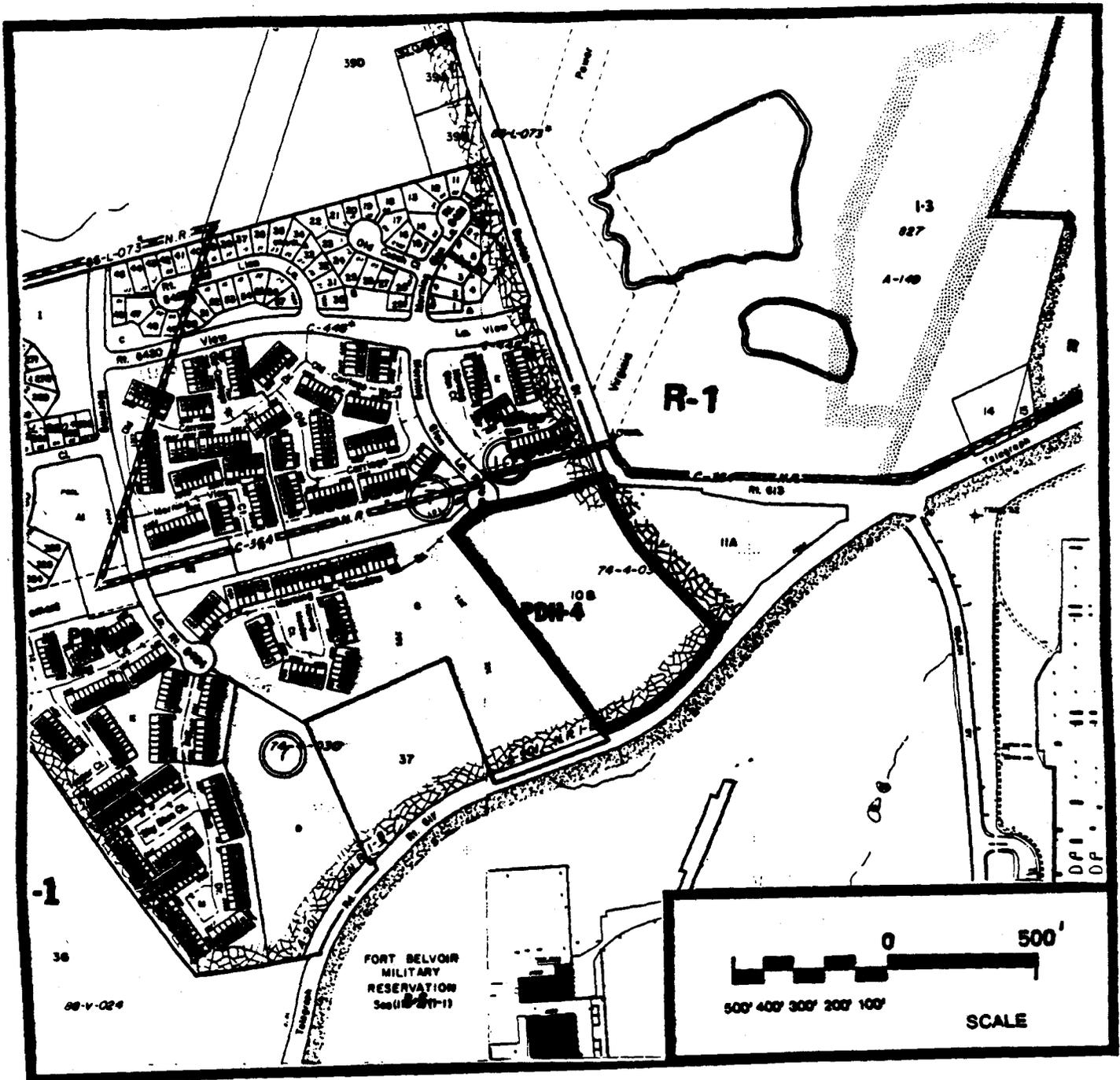
FINAL DEVELOPMENT PLAN

SE 95-L-010

FDP 84-L-020-4

SE 95-L-010 DWOSKIN, ALBERT J., TRUSTEE
 FILED 01/17/95 FAST FOOD RESTAURANTS
 ZONING DIST SECTION: 86-0105
 ART 9 CATEGORY/USE: 05-11
 8.91 ACRES OF LAND; DISTRICT - LEE
 LOCATED: TELEGRAPH ROAD
 ZONED PDH-4 PLAN AREA 4
 OVERLAY DISTRICT(S):
 TAX MAP 100-1- /01/ /0010-8

FDP 84-L-020 -04 ALBERT J. DWOSKIN, TRUSTEE
 FILED 10/27/88 FINAL DEVELOPMENT PLAN
 PROPOSED: SHOPPING CENTER
 APPROX. 8.91 ACRES OF LAND; DISTRICT - LEE
 LOCATED: N. SIDE TELEGRAPH RD. NEAR ITS JUNCTI
 WITH BEULAH RD.
 ZONING: PDH-4
 OVERLAY DISTRICT(S):
 MAP REF 100-1- /01/ /0010-8



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

DESCRIPTION OF THE APPLICATION

The applicant, Albert J. Dwoskin, Trustee, requests approval of a Proffered Condition Amendment application (PCA 84-L-020-7), a Final Development Plan application (FDP 84-L-020-4), and a Special Exception application (SE 95-L-010) on a 8.91 acre parcel of land located in the northwest quadrant of the intersection of Telegraph Road and re-aligned Beulah Street in the Landsdowne Development. The site encompasses Sections 58 and 59 of Landsdowne.

In **PCA 84-L-020-7**, the applicant seeks to amend existing Kingstowne proffers 111, 127, and 129 of the proffers dated June 17, 1985 which were adopted in conjunction with approval of RZ 84-L-020 by the Board of Supervisors. The proposed amendment to Proffer #111 is to proffer a revised CDP as it affects these sections of Landsdowne to modify the distribution of uses on the site and to propose changes in access to the site from that originally approved. A copy of this portion of the approved CDP for Landsdowne is attached in Appendix 6 which shows the site developed with local serving commercial use in Section 58 and institutional use in Section 59 with all access from Morning Glen Lane to the north. The proposed modifications locate both commercial and institutional uses in both Sections and provide all access from Beulah Street and Telegraph Road with no access from Morning Glen Lane except to a parking lot adjacent to the proposed child care center. Proffers 127 and 129 contain commitments to transportation improvements on both Telegraph Road and Beulah Street, specifically dedication of right-of-way and provision of easements, which the applicant proposes to modify to reflect current VDOT plans. A discussion of the transportation issues related to this application will follow in the Transportation Analysis section. No other changes to the previously executed proffers are proposed.

No Final Development Plan (FDP) has previously been approved for this site. In **FDP L-020-4**, the applicant proposes development of the site with a shopping center containing a total of 89,200 square feet of gross floor area consisting of the following uses:

shopping center	56,500 square feet
drive-in bank	3,500 square feet
service station with quick service food store	1,600 square feet
public library	15,000 square feet
child care center	12,600 square feet

The proposed FAR is 0.24. Note #19 on the FDP/SE Plat discusses gross floor area and states that the buildings may have cellar space(s) but that "those areas within a cellar that are not used exclusively for storage or for mechanical equipment shall be included as gross floor area". Twenty-seven percent (27%) of the site is proposed to be open space. The proposed child care center is designed to have a maximum daily enrollment of 180 children. A total of 405 parking spaces are proposed. The proposed public library will be located in Building #6 in the southernmost part of the site. Access to the site is proposed from both Beulah Street and Telegraph Road with the main entrance on Beulah

Street and right-in/right-out movements only on Telegraph Road. Access to a nine (9) space parking lot adjacent to the child care center play area is proposed from Morning Glen Lane.

In FDP L-020-4, the applicant also requests modifications of the transitional screening and barrier requirements specified in Article 13 of the Zoning Ordinance along all sides of the site. The specific modifications requested will be discussed in detail in the Zoning Ordinance Provisions section of this report.

In SE 95-L-010, the applicant seeks approval of a special exception to allow fast food restaurants which are a Category 5 Special Exception use in the PDH districts. Note 12 of the applicant's combined FDP/SE Plat states that one or several fast food restaurants will be located within Buildings 2, 5, and/or 6 and that they will have a combined maximum gross floor area of 12,500 square feet with no drive-thru facilities. Draft Proffer #10 (Fast Food Restaurants) states that no fast food restaurant shall exceed 3,500 square feet in size and that there will be no drive-through facilities. It further states that there will be no more than one fast food restaurant selling primarily ready-to-consume hamburgers or fried chicken and lists other fast food type restaurants which would be permitted.

The applicant's proposed draft proffers, staff proposed development conditions for the FDP, proposed development conditions for the fast food restaurants, the applicant's affidavit, and statement of justification are presented in Appendices 1, 2, 3, 4, and 5, respectively.

Applications in the PDH District must comply with the provisions of Sections 16-101 and 16-100 of the Zoning Ordinance, among others. A fast food restaurant is subject to the General Standards for all Special Exception uses in Sections 9-006 and to the standards of Section 9-501, among others. Copies of applicable Zoning Ordinance provisions are contained in Appendix 7.

LOCATION AND CHARACTER OF THE AREA

The Kingstowne mixed use development, including Landsdowne, is comprised of approximately 1100 acres located generally south of Franconia Road at its intersection with South Van Dorn Street, on both sides of South Van Dorn Street, extending southward on both sides of Kingstowne Boulevard and Kingstowne Village Parkway to Beulah Street. The development is zoned PDH-4, PDC and I-4 and approved to include up to 6,101 dwelling units, and nonresidential office, retail and local shopping center uses. The Landsdowne development is located in the northwest quadrant of the intersection of Beulah Street and Telegraph Road and was approved to include up to 620 residential dwelling units, recreation facilities, and a shopping center consisting of local-serving commercial and institutional uses on the subject site.

Surrounding Kingstowne are a number of residential neighborhoods which were, for the most part, existing prior to the approval of RZ 84-L-020. Most of these neighborhoods consist of single-family detached units, generally ranging from 1-4 dwelling units per acre. They are generally stable and are planned to continue as relatively low density residential areas. A major exception to the low densities surrounding Kingstowne is the development known as Manchester

Lakes, which is located between Kingstowne and Beulah Street and zoned PDH-8. It is developed at approximately eight dwelling units per acre and includes a shopping center at the intersection of Manchester Lakes Boulevard and Beulah Street. There are also several public uses adjacent to Kingstowne; the largest of these are Edison High School to the north and Hayfield High School to the southeast, and Greendale Golf Course to the east. The Hilltop debris landfill abuts the southern portion of Kingstowne and is east and north of the subject property. When the landfill reaches capacity and ceases operation, it is planned for private recreation use and possibly small areas of residential development.

To the north of Landsdowne is the residential development of Island Creek zoned PDH-4. It is approved at 3.99 dwelling units per acre and is in the early stages of construction. An area planned and generally used for industrial purposes is below Landsdowne to the west, in the lower elevations leading down to Cinder Bed Road and Long Branch. South of Landsdowne is Newington Park and the single-family detached neighborhood of Hunter Estates. The northern edge of Fort Belvoir is across Telegraph Road to the southeast.

The subject property is a vacant 8.9 acre parcel of land located in the northwestern quadrant of the intersection of re-aligned Beulah Street and Telegraph Road. Across Beulah Street from the site is the Hilltop Sand and Gravel property, part of which is being developed for a Little League ballfield. The property on the east is zoned PDH-4 and consists of common open space for Section 4 of Landsdowne. The property to the north is Section 2 of Landsdowne and is developed with single-family attached residences. A 130 foot wide VEPCO easement runs along the northern site boundary. To the south, across Telegraph Road, is Fort Belvoir which is zoned RC.

BACKGROUND

On June 17, 1985 the Board of Supervisors approved DPA C-448-2 and RZ 84-L-020 which collectively covered the development known as Kingstowne. DPA C-448-2 amended the development plan approved in 1976 for a project known as "New Franconia" and RZ 84-L-020 added land to the PDH-4 District approved for "New Franconia". RZ 84-L-020 also rezoned a portion of the PDH-4 District to the PDC and I-4 Zoning Districts. Both DPA C-448-2 and RZ 84-L-020 were approved subject to proffers dated June 17, 1985. The Kingstowne development based on the 1985 rezoning encompassed approximately 894 acres of land in the PDH-4 District which included a shopping center, approximately 125 acres in the PDC District, and approximately 26 acres in the I-4 District. The Kingstowne shopping center, the PDC and the I-4 areas constitute the Towne Centre located at the intersection of South Van Dorn Street and Kingstowne Boulevard. The total number of dwelling units approved for the development was 5,712.

The Conceptual Development Plan approved in conjunction with the original Kingstowne rezoning was a general "blob" plan which depicted the locations of development sections, roadway network, major open space areas and recreational facilities, and indicated the type and number of units and parking

spaces in each section. Final Development Plans were approved for 44 of the 55 sections of the Kingstowne Development concurrently with the June 17, 1985 approval of DPA C-448-2 and RZ 84-L-020. Although FDP approval was not granted for eleven sections, a conceptual layout and design of these sections was incorporated into the approval of DPA C-448-2 and RZ 84-L-020 for illustrative purposes. The limits of clearing and grading depicted on the illustrative development plans historically have been used as guidelines in the evaluation of any subsequent development plan approvals.

Additional land known as the Bank's property was incorporated into the Kingstowne development with the Board of Supervisors' approval of RZ 85-L-101 and DPA C-448-3 on April 7, 1986. This action rezoned 36.41 acres from the R-1 to the PDH-4 Zoning District and added an additional 182 residential units.

Pursuant to the February 23, 1987 Board of Supervisors' approval of RZ 86-L-033 and DPA C-448-4, an additional 41.46 acres known as the Young Property were added to the Kingstowne development and incorporated into the 1985 approved Conceptual Development Plan. This action added an additional 207 townhouse units.

Pursuant to the proffers accepted in conjunction with the above rezonings, an overall trails system and landscaping treatments were approved for the Kingstowne development. The approved landscape plan includes landscape treatments for development bay entrances, unit entrances, internal open space, and parking lots. All development within Kingstowne must conform with the proffered trails system and landscaping plans.

The subject property consists of Sections 58 and 59 of Landsdowne which contain a total of 8.9 acres. The property has not been developed and contains large areas of trees and scrub vegetation. The site contains steep slopes and problem soils.

The approved development plans and executed proffers for these rezoning applications and all subsequent amendments are on file with the Office of Comprehensive Planning. A reduction of the most current Conceptual Development Plan for the subject property is presented in Appendix 6, as are copies of those proffers relevant to the current applications.

PROVISIONS OF THE COMPREHENSIVE PLAN

The application property is located in the Newington Community Planning Sector (S6) of the Springfield Planning District in Area IV. An assessment of the proposal for conformance with the land use recommendations of the Comprehensive Plan should be guided by the following citations from the Plan as well as those contained in Appendix 8.

On page 368 of the 1991 edition of the Area IV Plan as amended through March 9, 1992, under the heading "Recommendations, Land Use," the Plan states:

- "7. The Lehigh Area is bounded by Beulah Street on the east, the Long Branch of Accotink Creek on the west, the Amberleigh subdivision on the north, and the Hunter Estates subdivision on the south. The following general policies apply to development in the Lehigh Area which is north of and does not include the Hunter Estates subdivision:
- Promote a balanced planned development community that will serve as a showcase community and future focal point of the County.
 - Plan residential densities within the planned development community to a maximum overall average of 3-4 dwelling units per acre with bonuses, as appropriate. . . .
 - Compatible land use and streetscape design should occur throughout any development.
 - Protect stable adjoining neighborhoods through use of compatible densities, unit type, design or natural features (e.g., trees, topography) which effectively screen or buffer incompatible or adverse uses. . . .
 - Promote a complete network of hiking, biking, and riding trails to be incorporated into the development plan for the area. Facilities should be provided for safe and convenient pedestrian access to and from residential neighborhoods and commercial areas. . . ."

The Comprehensive Plan map shows that the property is planned for residential use at 3-4 dwelling units per acre.

STAFF ANALYSIS

The Proffered Condition Amendment application (PCA 84-L-020-4), the Final Development Plan (FDP 84-L-020) application, and the Special Exception (SE 95-L-010) will be addressed together in the analysis below, with distinctions made where appropriate.

Description of the Proposed Development Plans

The applicant has submitted a separate proposed Conceptual Development Plan Amendment (CDPA) and a combined Final Development Plan (FDP)/Special Exception (SE) Plat on two separate sheets which show development of the site with a proposed shopping center which includes a public library and child care center, among other uses.

The applicant has submitted draft proffers which propose to render null and void and to supercede Proffers 111, 127, 129 of the previously approved proffers for the subject site which are those dated June 17, 1985, approved with DPA C-448-2 and RZ 84-L-020.

Proffer #111 which proffered substantial conformance with the CDP as revised on May 30, 1985, is replaced by Proffer # 2 which proffers conformance with the CDPA which is dated May 23, 1985. Draft Proffer #3 proffers that development of the site shall be in conformance with the Final Development Plan/Special Exception Plat, dated May 23, 1995.

Proffer #127 of the previously approved proffers commits the developer to dedicate right-of-way for realigned Beulah Street as shown on the CDP for Landsdowne and to provide additional right-of-way for construction of a right turn lane and transition lane by others. It also provides for grading and construction easements. The applicant's Draft Proffer #6 provides right-of-way dedication for Beulah Street in accordance with VDOT Project Plan NO. 0613-029-309, C504 and provides construction and ancillary utility easements.

Proffer #129 of the previously approved proffers provides for dedication of 45 feet of right-of-way on Telegraph Road with temporary construction easements. Draft Proffer #5 provides right-of-way to a width of 71.5 feet from the centerline of Telegraph Road and temporary construction and ancillary utility easements.

The above modifications to previously approved transportation improvements will be discussed within the Transportation Analysis section of the report.

The Conceptual Development Plan Amendment (CDPA) and Final Development Plan/ Special Exception Plat (FDP/SE Plat) submitted with this application are presented on two sheets and were prepared by Dewberry and Davis and are dated December 22, 1994, as revised through June 16, 1995.

The CDPA is the first of the two sheets and shows Sections 58 and 59 of Landsdowne within a bold line with a redistribution of the local serving commercial and institutional from that shown on the original CDP (See Appendix 6) so that both uses are represented in each of the sections. Previously, Section 58 was shown developed with only local serving commercial use and Section 59 was designated for institutional use. The proposed modification reflects the location of the public library in the southernmost building and the child care center in the northwest corner of the site. In addition, the originally approved CDP shows access to the center from Morning Glen Lane which is located to the north in the residential portion of Landsdowne. The proposed modification to the CDP shows the main entrance to the center from Beulah Street with right-in/right-out only on Telegraph Road. The only part of the center which can be accessed by vehicle from Morning Glen Lane is a nine (9) space parking lot adjacent to the child care center play area. There are no other changes proposed to the CDP.

Sheet 2 is the combined FDP/SE Plat and shows a shopping center layout developed with six (6) buildings. Buildings 1, 2, 3, and 5 are located along the northern and western sides of the site. Building 1 is shown as a drive-in bank containing 3,500 square feet. Building 2 contains 9,600 square feet and is proposed to contain shopping center uses. Building 3 is shown as a two-story

child care center with associated play area and is located in the northwest corner of the site. Directly north of the play area is a proposed parking lot containing nine (9) parking spaces which is intended to be used primarily by Landsdowne residents dropping children off at the day care center. Building 5 containing 28,000 square feet is the largest building and is located along the western side of the site. It is proposed for shopping center uses. Building 6, located in the southern portion of the site, contains 18,900 square feet of shopping center use in its upper level. The proposed public library containing 15,000 square feet is shown in the lower level. The front door entrance into the proposed library is on the south side, facing Telegraph Road. Building 4 is proposed as a service station with six (6) pump islands and a 1,600 square foot quick service food store.

The total amount of gross floor area proposed is 89,200 square feet which results in a FAR of 0.24. Twenty-seven percent (27%) open space is provided. Note 7 on Sheet 2 states that building footprints may be increased or decreased in size by a factor of 10% so long as the maximum gross floor area, minimum open space area, and the minimum dimensions to the peripheral lot lines are maintained. Note 19 states that cellar space in the buildings may be developed; however, cellar space that is not used exclusively for storage or for mechanical equipment shall be included as gross floor area.

Note 12 on Sheet 2 states that the primary use of Buildings 2, 5, and 6 will be a shopping center which will contain a mixture of the following secondary and special exception uses:

- bank teller machines
- business service and supply establishments
- community uses
- eating establishments
- fast food restaurants (total maximum GFA of 12,500 sq. ft.)
- financial institutions
- health clubs
- institutional uses
- light public uses
- offices
- personal service establishments
- public uses
- quasi-public uses
- quick service food stores
- repair service establishments
- retail sales establishments
- vehicle light service establishments
- veterinary hospitals

Note 12 also states that one or several fast food restaurants are proposed whose combined total gross floor area will not exceed 12,500 square feet and will have no drive-through facilities. Draft Proffer #10 states that no fast food restaurant will exceed 3,500 square feet in size and that there will be no more than one fast food restaurant selling primarily ready-to-consume hamburgers or fried chicken.

Primary access into the center is shown on Beulah Street. A right-in/right-out access is located on Telegraph Road near the site's western boundary. A parking lot containing nine (9) parking spaces is located north of the child care center play area which is accessed from the cul-de-sac at the southern terminus of Morning View Lane. The parking lot does not have a vehicular connection to the rest of the center. A total of 405 parking spaces are provided which are primarily located in the central portion of the site. Approximately 136 spaces are located south of Building 6 which, because of the site topography, is at a lower elevation than the rest of the center. These spaces would primarily serve the proposed public library in that building. Note 4 states that stormwater management and BMPs will be provided off-site in the common open space area west of the site. In the event that this area cannot fully satisfy stormwater management and BMP requirements and additional measures are needed, either underground facilities will be provided on-site in a location and design to be established during site plan review if such is in substantial conformance with the FDP or a FDPA will be filed.

Note 6 on Sheet 2 states that the entire site will be subject to clearing and grading. Landscaping proposed consists of deciduous, ornamental, and evergreen trees along the site periphery and within the parking lot and low growing hedges at the periphery of the parking lots. As transitional screening is required around the entire site, a detailed discussion of landscaping will be contained in the Zoning Ordinance Provisions section.

Land Use

Comments by the Planning Division of OCP are presented in Appendix 8. The Comprehensive Plan map shows the subject site planned for residential use at 3-4 dwelling units per acre. Landsdowne was rezoned to PDH-4 and approved with approximately 620 dwelling units with the subject area designated for ancillary commercial and institutional use. Staff continues to believe that a commercial center on the subject site in support of the residential community is an appropriate use. Staff concern during the review of this application has focused on the need for the applicant to present a design and justification for the center which demonstrate that it will serve primarily the needs of the residential community as specified in Sect. 6-106 of the Zoning Ordinance. The center no longer provides vehicular connection to the community which it was approved to serve and is now oriented to and accessed from Beulah Street and Telegraph Road. The applicant's initial submission did not provide adequate pedestrian connections to the neighborhood. The most recent development plan provides a sidewalk connection between the center and the cul-de-sac at the southern end of Morning Glen Lane and provides a nine (9) vehicle parking lot in the northwestern corner of the site near the child care center which is accessed from the cul-de-sac. The parking lot was added primarily to assist residents from the neighborhood utilize the child care center. The development plan provides improved access between the neighborhood and the center; however, a vehicular connection which would allow Landsdowne residents to drive to the center without using Beulah Street is highly desirable and has not been provided.

Also of issue in the Land Use Analysis is the number of fast food restaurants proposed in the application. The applicant's initial submission proposed at least three (3) fast food restaurants with a combined total gross floor area of 12,500 square feet. Staff concern was that this number of fast food restaurants may not be consistent with the PDH District which specifies that the center should primarily serve the needs of the neighborhood with which it is associated. Excessive traffic generation was also a concern. In discussions with the applicant, it was pointed out that the Zoning Ordinance definition of "fast food restaurant" encompasses "any establishment which provides as a principal use, the sale of food, frozen desserts, or beverages in ready-to-consume state for consumption either within the restaurant, within a motor vehicle parked on the premises, or off-premises...". As such, many uses which are by definition "fast food restaurants" do not generate heavy traffic and are typically local serving. In response to staff concerns, the applicant has subsequently proffered that no more than one (1) fast food restaurant serving primarily ready to consume hamburgers or fried chicken will be located in the center. The remaining fast food restaurants may be delicatessens; sandwich shops; pizza parlors; bagel or donuts shops; ice cream, frozen yogurt or frozen dessert stores; rotisserie or grilled chicken shops; and other similar uses. The applicant's draft proffer addresses, at least in part, staff's concern by limiting to one (1) the number of fast food restaurants which typically can be expected to generate the most traffic. In addition, more than one (1) fast food restaurant serving primarily hamburgers or fried chicken would not be consistent with the Ordinance requirement that the commercial uses be designed to serve primarily the needs of the neighborhood with which the center is associated.

Other issues cited in the Land Use Analysis concern open space and landscaping. The applicant's most recent submission at the time the Land Use Analysis was written showed improved landscaping from the original development plan; however, staff recommended that further improvements in the form of hedges around parking areas and foundation plantings around buildings should be provided. In addition, consistent architectural treatment of the front and backs of the buildings was recommended to improve compatibility with the neighborhood. The applicant's most recent development plan shows low growing hedges at the periphery of the parking lots adjacent to both Beulah Street and Telegraph Road. The applicant's draft proffers commit to traditional style architecture "of the quality and character depicted on the illustrative drawing entitled Landsdowne Center" and to a color scheme of earth tones with roof shingles similar in color to those of the Landsdowne community. The proffer states that all elevations of the proposed drive-through bank and child care center will be finished in the same material as the front. For the other buildings, specifically Buildings 2, 5, and 6, the proffer states that the rear shall consist primarily of dryvit, which, according to the applicant, is a material that resembles stucco. The rear of Building 2 will be screened by proposed landscaping. Adjacent to the rear of Building 5 the applicant proposes a row of large evergreen trees which will eventually provide screening of the building which is located twenty (20) feet from the property line. However, Building 6 has two fronts and no rear. One front faces the central parking area and the other faces the south

parking lot and Telegraph Road and, therefore, will be highly visible. In addition, Building 6, because of the topography, will be two-story as illustrated in Section A-A' on Sheet 2 of the development plan. Further, no foundation plantings are proposed along this side of the building. Staff believes that, at a minimum, landscaping should be provided along the rear of Building 6 to soften its appearance from the parking lot and from Telegraph Road. A development condition to that effect has been proposed and is contained in Appendix 2. A development condition is also proposed which requires the use of consistent architectural style and colors throughout the center and requires all buildings to have four (4) finished sides to avoid the appearance of the backs of buildings.

The Locational Guidelines for Child Care Facilities are cited in the Land Use Analysis and all six (6) of the recommendations have been met in this application. The Health Department will evaluate the proposed center and make a determination on the maximum number of children to be enrolled and the type and amount of facilities required.

The location and design of the drive-through bank generally fulfill the Guidelines for Drive-Through Windows and Other Drive-Through Facilities contained in the 1990 Policy Plan as long as the landscaped buffer proposed is adequate to buffer the use from the adjacent residential community. The applicant's development plan shows a landscaped area approximately twenty-five (25) feet wide north of the drive-through windows and stacking lanes planted with large evergreen trees. Staff has proposed a development condition to allow the Urban Forester to request supplementation of this area if the proposed plantings do not appear adequate to provide effective year-round screening.

In summary, the applicant's most recently submitted development plan and proffers address most of staff's previous issues. The major issue which remains is the fact that majority of the proposed center cannot be accessed by vehicle directly from the residential component of the Landsdowne development.

Environment

Comments by the Environmental and Heritage Resources Branch of OCP are presented in Appendix 9.

The only issue discussed in the Environmental Assessment is that of tree cover. The current application proposes to clear the entire site. Many areas of the site contain only replanted pine trees; however, there are some existing stands of mature hardwood trees which could be saved if the current proposal were modified. The applicant has stated that because of grading that will be needed within the site and in conjunction with transportation improvements, tree preservation is not realistic. The applicant also states that the CDP which was approved showed preservation of wooded areas in other parts of the development in recognition of the fact that this site would be developed more intensively with the commercial and institutional uses. The applicant's latest draft proffers state that "reasonable efforts shall be made to attempt to protect an

existing large Chestnut Oak tree located in the vicinity of the day care play area". This tree is not shown on the development plan; however, given the fact that this area is near the periphery of the site adjacent to the neighborhood, its preservation would be highly desirable and should be pursued in coordination with the Urban Forester. With the exception of the one tree, staff is of the opinion that tree preservation is not a realistic goal for this site.

Transportation

Comments by the Office of Transportation are presented in Appendix 10 and consist of a Transportation Impact Analysis, dated June 2, 1995, and a Transportation Impact Addendum, dated June 20, 1995. Transportation issues will be summarized in this section in the general order in which they are presented in the Addendum and on page 7 of the original Memorandum.

PCA 82-L-020-7

Local street access. The proposed change to the previously approved CDP deletes the connection from the shopping center to the residential community. The applicant has stated that this change is proposed in response to opposition to the connection and perceived cut-through traffic by residents of Landsdowne. According to the OT Memo, trips to the center will be shifted from Morning Glen Lane to View Lane and then to Beulah Street where vehicles will travel for approximately 600 feet before entering the center at its main entrance. The short trips and related turning movements will intensify traffic and congestion on Beulah Street and impact the flow of through traffic. Since no residential units front on Morning Glen Lane and the roadway was sized to accommodate both the local traffic and traffic to the retail center, staff believes that the connection to the whole of the center should not be eliminated. This remains as outstanding issue.

FDP 84-L-020-4/SE 95-L-010

Provision of Satisfactory Assurances that Traffic Queues at the Beulah Street Site Entrance will not Block the Through Lane of Beulah Street or Impair Traffic Movement on Telegraph Road. In the Transportation Impact Analysis, dated June 2, 1995, the Office of Transportation discussed a number of flaws which staff believed existed in the applicant's traffic study, including inaccuracies in the applicant's trip generation estimates and inadequate data on existing and future traffic volumes contained within it. Subsequent to publication of the Analysis, OT staff met with the applicant and representatives from VDOT and was advised that VDOT had accepted the applicant's traffic study. Given the above, this is no longer an issue.

Progressive Flow Analysis along Beulah Street. The applicant's analysis for the intersections of Beulah Street with View Lane, the site entrance, and Telegraph Road are all based upon signalized operation of these intersections. According to the memo, OT requested the applicant to provide additional analysis to determine to what extent, if at all, progressive flow can be achieved through these intersections. At the time the OT memo was written, no additional information had been submitted by the applicant. The Transportation Impact Addendum indicates that VDOT has approved the applicant's analysis; therefore, this issue is no longer outstanding.

Signalization or Phasing of Development. Since the levels of service shown in the applicant's analysis are based on the assumed signalized operation of the three intersections adjacent to the site, staff believes that the applicant should commit to modify the signal design and hardware at the intersection of Beulah Street and Telegraph Road as needed, and either to install a traffic signal at the intersection of Beulah Street and View Lane concurrent with development of the site, or to phase development of the site so that non-RUPs are not issued until such time as the intersection is signalized. A commitment is also needed to provide for the interconnection of these three signals in order to provide coordinated operation. If any of these improvements are provided by VDOT or the County prior to site development (in anticipation of development of the site), the applicant should commit to reimburse the County or VDOT for the cost of these improvements. This issue has not been resolved as the applicant has not made a commitment to provide for the signalization of the Beulah Street/View Lane intersection or to phase development so that Non-RUPs are not issued until signalization has occurred.

Frontage Improvements along Beulah Street and Telegraph Road. Although the draft proffers commit to provide right-of-way dedication for the widening/realignment of Beulah Street and Telegraph Road, there is minimal commitment to aid in the construction of these roadways. Draft proffer #7 provides for a cash contribution of \$227,000.00 for road improvements which, in the opinion of OT, is not adequate and does not include the cost of frontage improvements along Beulah Street or Telegraph Road. Frontage improvements are typically required by the Site Plan Ordinance and, in the opinion of staff, should be proffered by this applicant. Therefore, this issue remains unresolved.

Dedication and ancillary easements along Telegraph Road in accordance with VDOT project plans. Draft proffer #5 provides for right-of-way dedication along the Telegraph Road frontage to a maximum of 71.5 feet from the existing centerline. The roadway will be improved along a new design centerline and the width of additional right-of-way varies from station to station. As such, it is unclear whether 71.5 feet is sufficient in all cases. Therefore, staff suggests that the applicant should commit to provide right-of-way dedication and easements per the VDOT project plan cited in the OT Memo.

On-Site Circulation. The application proposes a service station with a quick service food store to be located adjacent to the Beulah Street entrance. OT previously had concerns about potential conflicts between the service station and the site entrance and suggested that the site design be modified to eliminate the conflict. The OT Memo cites Note 7 on the applicant's development plan which previously allowed for major re-design of the site as long as the maximum floor area, minimum open space and minimum dimensions to the peripheral lot lines are maintained. The applicant has modified the note so that no more than a 10% increase or decrease in building footprint can occur. Therefore, issues of on-site circulation have been addressed.

Pedestrian access into the site from Telegraph Road. According to the Office of Transportation Memo, although a trail is provided along the Telegraph Road frontage, no pedestrian access into the site is shown. The applicant's revised development plan addresses this issue which is noted in the Transportation Addendum.

Channelization needed in order to limit the Telegraph Road access to a right-in/right-out operation. The applicant's traffic study is based on the right-in/right-out operation of the Telegraph Road entrance, there previously was no commitment from the applicant to provide for channelization as needed to achieve the right-in/right-out access. The applicant has revised this issue in the latest development plan and in Draft Proffer 17.

Modification of notes on the applicant's development plan. The OT Memo cites some of the development plan notes as problematic. Note #7 has previously been discussed. Note #12 had previously stated that a minimum of three (3) fast food restaurants would be located in the center. Revised Note 12 states that "one or several fast food restaurants" will be located within Buildings 2, 5, and/or 6. The applicant has proffered that only one (1) of the fast food restaurants will sell "primarily ready-to-consume hamburgers or fried chicken." Note 19 had stated that cellar space would be utilized; however, it had not stated to what extent and for which uses. In response to staff concern, the note has been revised so that cellar space not utilized for storage or mechanical equipment will be included in the gross floor area of the site and will be parked in accordance with Ordinance requirements. Staff believes this issue has been resolved.

In summary, the issues of the lack of a local street connection to the center, signalization at Beulah Street and View Lane, and failure to commit funds for frontage improvements along Telegraph Road and Beulah Street remain unresolved.

Public Facilities

Comments indicating that water and sewer service are available are contained in Appendices 11 and 12. The Department of Public Works Memorandum is contained in Appendix 13 and states that the applicant should ensure that stormwater management and BMPs can be provided on the adjacent parcel as proposed. The Memo recommends that the applicant show a potential area on-site for stormwater management in the event off-site detention is not feasible. Note 4 on the applicant's development plan states that if the adjacent parcel cannot be used to provide stormwater management and BMPs, either underground facilities will be provided on-site or a FDPA will be filed. The Fire and Rescue Department Memorandum in Appendix 14 states that the application will meet fire protection guidelines when a proposed fire station becomes fully operational.

There is no letter from the Fairfax County Health Department with a review of the applicant's preliminary application and floor plan for the proposed child care center. Given the fact that the Health Department has not completed a preliminary review, staff has proposed a development condition which limits the number of children enrolled in the center to the number approved by the Health Department or to maximum daily enrollment of 180 children.

ZONING ORDINANCE PROVISIONS

The subject property is located in the PDH-4 District and is, therefore, subject to the provisions of Article 6, Planned Development District Regulations and to the General and Design Standards contained in Section 16-101 and 16-102,

among others. The Special Exception application for fast food restaurants is subject to the General Standards for all special exception uses in Sect. 9-006 and to the Standards for all Category 5 Uses and Additional Standards for Fast Food Restaurants in Sect. 9-503 and 9-505, among others. Copies of applicable Zoning Ordinance requirements are contained in Appendix 6.

PCA 84-L-020-7 and CDPA 84-L-020-3

The proposed revision of the CDP and proffers as they relate to the subject site is consistent with the existing Kingstowne proffers with the exception of the changes discussed above which are the subject of these applications. All previous relevant provisions of the existing proffers are carried forward in the proposed amended proffers and PDH is still an appropriate district.

In the opinion of staff, however, the applicant has not demonstrated how the proposed revision of the CDP which deletes access to the Landsdowne community to the proposed center meets the PDH District standard for secondary commercial uses contained in Par. 6 of Sect. 6-106 which states that secondary uses of a commercial nature except Group 6 outdoor recreation uses and offices shall be "designed to serve primarily the needs of the residents of the planned community in which they are located". The approved CDP showed the center with access from the residential community to the north and no access on Beulah Street or Telegraph Road which was consistent with the intent of the Ordinance for the commercial component of the PDH District to function as local serving.

Par. 6 of Sect. 6-106 contains the requirements for determining the total land area which can be devoted to commercial and office uses as secondary uses in the PDH District. In the PDH-4 District, 400 square feet of commercial/office per dwelling unit may be allowed. According to the applicant's development plan, Landsdowne was approved for a total of 620 units; therefore, 248,000 square feet or 5.69 acres can be developed as secondary commercial and office uses. The area includes, in addition to the gross floor area of buildings, all at-grade off-street parking and loading areas connected with the use. The applicant's proposal includes 5.6 acres of commercial and office uses and 2.9 acres of institutional use, which includes the public library and child care center. The total site area available for development is 8.5 acres based on a site of 8.9 acres with road dedication totalling 0.4 acres. Therefore, the applicant's proposal includes the maximum area allowed by Ordinance for commercial and office use.

FDP 84-L-020-4

A Final Development Plan must meet the General and Design Standards contained in Sections 16-101 and 16-102 of the Zoning Ordinance for Planned Development Districts.

The first General Standard requires substantial conformance with the Comprehensive Plan. The Comprehensive Plan recommendation for Landsdowne, which includes both the residential and commercial/institutional components, is residential development at a density of 3-4 dwelling units per

acre. The commercial/institutional use is proposed as secondary to the residential use which it serves. As previously stated, staff does not believe that the applicant has demonstrated how, with no vehicular connection between the residential neighborhood and the proposed center, the proposal is in conformance with the Plan.

The second General Standard requires that the design of the proposed development result in a more efficient use of the land or a higher quality site design than could be achieved in a conventional district. The most comparable conventional district in which the proposed center could develop is the C-5 (Community Retail Commercial) District. With the exception of the rear yard requirement of twenty (20) feet in the C-5 District which Building 2 does not meet, the center could be developed in the C-5 District. In staff's analysis, the proposed design is of at least equal quality to what could be achieved in the conventional district and, therefore, staff believes this second standard is met.

The third General Standard requires that the design of the proposed development protect and preserve the natural features of the site. The subject site contains scattered areas of trees which are not proposed to be preserved because of site grading. According to the Environmental Analysis in Appendix 9, it would be desirable if some areas of trees can be saved. The applicant has proffered to attempt to preserve one tree; however, additional tree save on this site is not reasonable because of the extensive grading which will be required. Therefore, this standard has been addressed.

The fourth General Standard requires that the proposed development be designed to prevent substantial injury to the use and value of existing surrounding development. The proposed development provides landscaping along all the street frontages. The western side of the development is adjacent to an area of common open space. The northern side of the site is adjacent to the Landsdowne community; however, a 130 foot wide VEPCO easement provides a separation between the uses. In this area the applicant proposes the installation of approximately twenty-five (25) feet of landscaping. Staff has proposed a development condition to require supplemental plantings if the Urban Forester determines that the plantings shown on the development plan will not provide adequate screening. Staff has also proposed a development condition to require foundation landscaping along the rear of Building 6 which is visible from Telegraph Road and is not landscaped on the applicant's development plan. Given the above, staff believes this standard has been met.

The fifth General Standard requires that a planned development be located in an area where transportation, police and fire protection and other public facilities and public utilities are available and adequate for the proposed use. As indicated in the analyses above, adequate public utilities exist to serve the subject site. It is staff's judgment that the fifth General Standard is therefore met.

The sixth General Standard requires that the planned development 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. The proposed center provides for pedestrian and vehicular connections within the site which are generally satisfactory. However, because of numerous transportation issues discussed in the Transportation Analysis, the connections to external facilities are not provided at a scale appropriate to the development. Therefore, this standard has not been met.

The design standards cited in Section 16-102 of the Zoning Ordinance require, in Par. 1, that at the peripheral lot lines, the bulk regulations of the proposed development and landscaping and screening provisions generally conform with the provisions of the most comparable conventional district. Par. 2 addresses the parking and open space Zoning Ordinance requirements. Par. 3 stipulates that streets and driveways generally conform to applicable County regulations and standards. Par. 4, emphasizes provision of recreational amenities.

The bulk requirements of the C-5 Zoning District, the most comparable conventional district to the proposed development, require rear yards not less than 20 feet which have not been met in this application for Building 2 which is located approximately 15 feet from the property line. All other bulk requirements are met along peripheral lot lines. Staff is of the opinion that the application has addressed this requirement.

Transitional Screening 3 and Barrier E, F, or G are required between a drive-in bank and single-family attached dwellings. The requirement is applicable along the eastern half of the northern property line. In this location, the applicant requests a modification of the screening requirement and waiver of barrier, pursuant to Par. 1 of Sect. 13-304 which states that transitional screening and barriers may not be required between uses that are to be developed under a common development plan or series of development plans within a PRC District or a common site plan. The applicant's justification is not applicable to this site which is not within a PRC District or part of a common site plan which includes the residential development. The required amount of screening is fifty (50) feet. The applicant proposes twenty-five (25) feet of landscaping with no barrier. Staff has proposed a development condition which requires this area to be supplemented if the Urban Forester determines it will not provide adequate screening as proposed. A 130 foot wide VEPCO easement exists between the northern site boundary and adjacent residences. The applicant has submitted a sections sheet which showed a proposed berm located on the VEPCO easement and additional landscaping on the berm. The berm and landscaping would require VEPCO approval. Par. 3 of Sect. 13-304 states that transitional screening may be modified where the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques. With the addition of a landscaped berm in the easement, staff would support the requested modification, pursuant to Par. 3. Absent that, staff finds no justification for the modification of transitional screening and waiver of barrier between the proposed drive-in bank and the neighborhood. The applicant has now proffered to the Sections Plan which shows the berm and supplemental plantings in the easement, subject to approval of the Landsdowne Community Association and Virginia Power and/or other easement owner. Therefore, staff supports the requested modification.

Transitional Screening 1 and Barrier D, E, or F are required between a child care center and single-family attached residences. The application proposes a child care center and play area along the northern portion of the western site boundary. The applicant requests a modification of transitional screening and waiver of barrier, pursuant to Par. 1 of Sect. 13-304, previously cited. As discussed above, Par. 1 is not applicable to this site. The applicant requests a modification of the requirement and proposes 22 feet of landscaping consisting of large evergreen trees between the proposed child care center and the property line and approximately 12 feet between the play area and property line. Twenty-five feet are required. A waiver of the barrier requirement is also requested, although a fence will be required around the play area. The child care center is adjacent to common open space in the Landsdowne development. The applicant has proffered that all elevations of the day care center will be finished in the same building material as the front. Given the above, staff supports the requested modification of transitional screening, pursuant to Par. 2 of Sect. 13-304, which states that where the strict provisions of this Part would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, transitional screening and/or barriers may be waived or modified by the Director where the side of a building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.

Transitional Screening 1 and Barrier D, E, or F are required along the remainder of the northern and western property lines and along the entire southern and eastern sides of the site. The applicant requests a modification of screening and waiver of barrier along the north and west, pursuant to Par. 1 of Sect. 13-304 which, as discussed previously is not applicable to this site. Staff supports the requested modification in screening and waiver of barrier in these locations, pursuant to Par. 2 cited above. The northern side of the site is adjacent to the VEPCO easement in which the applicant has proffered to install a berm and additional landscaping.

The applicant requests modification of transitional screening requirements and waiver of the barrier along the south and east, pursuant to Pars. 7 and 9 of Sect. 13-304 which state that transitional screening and barriers may be waived or modified when the adjoining property is used for any public purpose other than a school or hospital and where adjacent property is used for any use permitted by the Board of Zoning Appeals or the Board of Supervisors as a special permit or special exception use except nursery schools, day care centers, schools of general and special education. The property to the south is zoned RC and is developed with Fort Belvoir. To the east is land zoned R-1 developed with a Little League ballfield. Along the south and east the applicant proposes landscaping consisting of large deciduous trees and a hedge to screen the parking lot. Staff supports the requested modification and waiver as justified by the applicant.

In summary, staff supports the modifications of transitional screening requirements and waiver of barrier, as noted on the FDP/SE Plat, subject to development conditions. It is staff's evaluation that the proposed development

conforms with the bulk regulations and the landscaping and screening provisions of the most comparable conventional districts at the peripheral lot lines. The design standard specified in Par. 1 is therefore met.

In accordance with Pars. 2 and 4 of Sect. 16-102 of the Zoning Ordinance, the applicant is providing twenty-seven (27%) percent open space which exceeds the twenty (20%) required by the Zoning Ordinance. The applicant proposes to provide 406 regular parking spaces plus 4 loading spaces, as required by Article 11 for this use. Any sign provided will be required to conform with Article 12 of the Zoning Ordinance. Staff has proposed a development condition to require all signs to meet Zoning Ordinance requirements. The applicant's development plan shows pedestrian connections on both street frontages with a connection to the center from Beulah Street. With the above, Pars. 2 and 4 of Sect. 16-102 are satisfied.

The proposed service station is subject to review under the Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Banks, Fast Food Restaurants, Quick Service Food Stores and Service Stations. The first of these standards requires that the use shall have the same architectural features on all sides or be architecturally compatible with the building group or neighborhood with which it is associated. The applicant has not submitted architectural drawings for the service station. The draft proffers address architecture and compatibility for all buildings but the service station. Staff has proposed a development condition to require that the service station be constructed of the same building materials and utilize the same colors as the rest of the center; therefore, with this development condition, this standard has been met. The second standard states that such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties. The Office of Transportation Addendum in Appendix 9 states that the previously identified potential conflicts between the entrance to the service station and vehicles waiting to exit the site onto Beulah Street has now been addressed. Therefore, the second standard has been met.

A child care center must also be evaluated against the Additional Standards for Child Care Centers and Nursery Schools contained in Sect. 9-309 of the Ordinance. A copy of this Section is contained in Appendix 6. The application meets the requirements of Par. 1 of the Section by providing an outdoor recreation area. There are no calculations to show the size of the space or how many children could use it at any one time. The play area is not located in required front yards and is utilized exclusively as a recreation area. Since this site is located within the PDH District, there are no required rear or side yards. Par. 2 requires indoor recreation space in accordance with Chapter 30 of The Code. In accordance with Par. 3, the proposed child care center with an enrollment of 180 is located on a collector street. Par. 4 requires the use to be located to permit the pick-up and delivery of children which this application provides. Par. 5 states that no use shall be permitted unless it is determined by the County Department of Health Services that the location does not pose any hazard to the health, safety and welfare of the children. The Health Department

has not completed review of the proposed child care center; therefore, there is not a letter in the report giving preliminary approval to the location or capacity of the child care center. Staff has proposed a development condition to require conformance with Health Department regulations and recommendations. It, therefore, appears that the Additional Standards have been satisfied.

SE 95-L-010

Fast food restaurants are a Category 5 Special Exception use when located in the PDH District and are subject to the General Standards contained in Sect. 9-006, the Standards for all Category 5 Uses in Sect. 9-503, and to the Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Banks, Fast Food Restaurants, Quick Service Food Stores and Service Stations.

To satisfy the General Standards for all Special Exception Uses (Sect. 9-006) the applicant must demonstrate that the request is in harmony with the Comprehensive Plan; in harmony with the general purpose and intent of the applicable zoning districts; will not adversely affect the use or development of the neighboring properties; and that the pedestrian and vehicular traffic associated with the proposed use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. In addition, the applicant must provide landscaping and transitional screening, open space, utilities, drainage, parking, loading spaces, and signs in conformance with the Ordinance.

The requirements of General Standards 1-3 have previously been discussed as they relate to the entire application. Staff does not believe the applicant has demonstrated conformance with the general purpose and intent of the PDH District which is that it be secondary to the residential use which it serves. Since the proposed fast food restaurants are "in-line" and not freestanding uses, General Standard 4 requires that the proposed be such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. As discussed in the Transportation Analysis and Addendum in Appendix 10, the application does not provide a direct vehicular connection between the center and the residential community which will result in increased traffic on Beulah Street. Without this connection the potential to create conflicts with anticipated traffic in the area of the site remains an issue. Therefore, this standard has not been met. The remaining provisions of this section have been met. Landscaping and screening are adequate, open space has been provided as required, adequate parking and loading are provided, and signs will be required to conform with the requirements of Article 12.

In summary, staff believes that General Standards 2 and 4 have not been met.

Sect. 9-503 requires conformance with lot size and bulk regulations and with performance standards specified. It also requires site plan submission in accordance with the provisions of Article 17. The application meets the requirements of this Section.

Sect. 9-505 requires fast food restaurants to have the same architectural features on all sides or to be architecturally compatible with the building group or neighborhood with which it is associated and to be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties. The proposed fast food restaurants are "in line" and not freestanding buildings. As it applies to these restaurants, the provisions are satisfied in this application.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The applicant requests approval of three concurrent applications, Proffered Condition Amendment application PCA 84-L-020-7, Final Development Plan FDP 84-L-020-4, and Special Exception SE 95-L-010 to permit the development of a commercial center with retail and institutional uses with a FAR of 0.24. Proposed institutional uses include a child care center with a maximum daily enrollment of 180 and a 15,000 square foot public library. A service station with a quick service food store and a number of in-line fast food restaurants are also proposed. The applicant requests modification of transitional screening requirements and waiver of the barrier around the entire site which staff supports, with implementation of proposed development conditions.

It is staff's evaluation that the application has not demonstrated conformance with the Comprehensive Plan or how it meets the use limitations for the PDH District which state that secondary uses of a commercial nature shall be designed to serve primarily the needs of the residents of the planned development in which they are located. In addition, there are unresolved transportation issues as elaborated on in that section of the staff report.

Recommendations

Staff recommends denial of PCA 84-L-020-7. However, if the Board of Supervisors approves PCA 84-L-020-7, staff recommends that approval be subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends denial of FDP 84-L-020-4. However, if the Planning Commission approves FDP 84-L-020-4, staff recommends that it be subject to the Board of Supervisors approval of PCA 84-L-020-7 and to the Proposed Development Conditions contained in Appendix 2.

Staff recommends denial of SE 95-L-010. However, if the Board of Supervisors approves SE 95-L-010, staff recommends that it be subject to the development conditions contained in Appendix 2.

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

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

APPENDICES

1. Draft Proffers
2. Proposed FDP Development Conditions
3. Proposed SE Development Conditions
4. Applicants' Affidavits
5. Applicants' Statement of Justification
6. Previously approved CDP and excerpted proffers
7. Zoning Ordinance Provisions
8. Land Use Analysis
9. Environmental Analysis
10. Transportation Analysis
11. Water Authority Comments
12. Sanitary Sewer Analysis
13. Department of Public Works Utilities Planning and Design Memo
14. Fire and Rescue Memorandum
15. Glossary of Terms

CDPA 84-L-020-3
A.J. Dwoskin, Trustee
June 22, 1995

DRAFT PROFFERS

Pursuant to Section 15.1-491(a) of the Code of Virginia (1950 as amended), the applicant hereby proffers to develop the subject property in accordance with the following conditions, provided the Board of Supervisors approves CDPA 84-L-020-3 and SE 95-L-010 and the Fairfax County Planning Commission approves FDP 84-L-020-4, all as proffered herein. For the purpose of these proffers, the term "Developer" refers to the applicant herein, his successors or assigns.

1. Proffer Numbers 111, 127, and 129 of the Proffers in RZ 84-L-020, DPA C-448-2 are hereby rendered null and void and superseded by the proffers set forth herein. All other proffers remain in full force and effect on the property, subject to the conceptual development plan amendment and final development plan proffers stated herein.
2. **Conceptual Development Plan.** Development of the portion of property effected by this conceptual development amendment shall be in conformance with the plan entitled "Conceptual Development Plan," Dwoskin/

3. **Final Development Plan.** Development of the property shall be in conformance with the Final Development Plan entitled, "Final Development Plan, Special Exception Plat," Dwoskin/Landsdowne Centre ("FDPA/SE"), Sheet 2 of 2, prepared by Dewberry & Davis, last revised as of June 16, 1995.

4. **Minor Modifications.** Pursuant to paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the FDP may be permitted as referenced on the FDP or as further determined by the Zoning Administrator.

5. **Telegraph Road (Route 611).** The Developer shall dedicate and convey in fee simple to the Board of Supervisors right-of-way to a width of 71.5 feet from the existing centerline along the Telegraph Road frontage of the property as represented on the CDPA/FDP/SE Plat subject to Virginia Department of Transportation ("VDOT") approval in accord with VDOT project no. 0611-029-303, C503. Such dedication and conveyance shall be made upon demand by Fairfax County or VDOT, or at the time of site plan approval, whichever occurs first. All density related to such dedication is hereby reserved pursuant to paragraph 4 of Sect. 2-308 of the Zoning Ordinance. Associated temporary

construction easements and ancillary utility easements shall also be granted at no additional costs, provided said easements do not prevent the development of the subject property as proffered.

6. **Beulah Street (Route 613).** The Developer shall dedicate and convey in fee simple to the Board of Supervisors right-of-way for Beulah Street along the frontage of the subject property in accordance with VDOT Project Plan NO. 0613-029-309, C504. Such dedication and conveyance shall be made upon demand by Fairfax County or VDOT, or at the time of site plan approval for the first section of this development, whichever occurs first. All density/intensity related to such dedication is hereby reserved pursuant to paragraph 4 of Section 2-308 of the Zoning Ordinance. Associated temporary construction easements and ancillary utility easements shall also be granted at no additional costs, provided said easements do not prevent the development of the subject property as proffered.

7. **Transportation Contributions.** At the time of site plan approval, the Developer shall provide a cash contribution to VDOT of \$227,000 for Beulah Street/Telegraph Road improvements and traffic signalization, as

determined by VDOT. Additionally, the Developer shall provide VDOT either payment for the construction of a deceleration lane into the center from Telegraph Road or shall construct such improvements subject to VDOT's approval. Using the Board of Supervisors date of the subject CDPA/FDP/SE as a base date, the contribution payment shall be adjusted in accord with the Construction Cost Index as publicized in the Engineering News Record by McGraw Hill at the time of payment.

- 8. **Traffic Signal.** The Developer shall install a traffic signal on Beulah Street at the site's entrance, subject to VDOT approval. The timing of this signal will be coordinated with the traffic signal proposed at the intersection of Beulah Street and Telegraph Road.

- 9. **Non-residential use permits** shall not be issued for subject property uses until the realignment of Beulah Street from View Lane to Telegraph Road is open to the public for traffic.

- 10. **Fast Food Restaurants.** Fast food restaurants shall be limited to in-line locations in Building Nos. 2, 5 and/or 6. No fast food restaurant shall exceed 3,500 square feet in size and no drive-throughs will be permitted. There will be no more than one fast food

restaurant selling primarily ready-to-consume hamburgers or fried chicken. Other restaurants which qualify under the Fairfax County Zoning ordinance as "fast food restaurant," but do not sell primarily ready-to-consume hamburgers or fried chicken are not subject to the above limitations; these include, but are not limited to, delicatessens, submarine sandwich shops, pizza parlors, bagel shops, donut shops, ice cream yogurt and frozen dessert stores, rotisserie or grilled chicken and bakeries, etc.

11. **Public Library.** The Developer shall provide 15,000 square feet of building space (shell construction) for public library purposes. The Developer shall provide this space to the Fairfax County library system rent free, for a twenty (20) year term (unless otherwise reduced by Fairfax County), subject to charges for utilities and a pro rata share of real estate taxes as may be applicable, insurance, and the common area maintenance costs. Additionally, the County shall be granted the right to exercise two (2), ten (10) year options at the following rental rates plus utilities, and a pro-rata share of real estate taxes, insurance and common area maintenance costs, as referenced above): 1) the first ten (10) year option, if exercised, shall be at fifty percent (50%) of the then

market rental rate and 2) the second ten (10) year option, to be exercised consecutively shall be, at seventy-five percent (75%) of the then market rental rate. The library shall be located in Building No. 6. The issuance of a building permit for the construction of the library shell shall occur prior to, or concurrent with, the issuance of shell permits for Building Nos. 2, 3, 5 and 6. Construction of the library shell will be completed prior to the issuance of Non-Residential Use Permits (Non-Rups) for tenants located in Building Nos. 2, 3, 5 and 6.

12. **Architecture and Landscaping.** The architecture of Building Nos. 2, 5 and 6 shall be: 1) a traditional style (including gable features along the roof line), 2) of the quality and character depicted on the illustrative drawing entitled "Landsdowne Center", prepared by Richard Thomas Clausen and, 3) generally consisting of a combination of dryvit with brick and/or block trim, glass storefronts, and asphalt shingle roofs. The color scheme shall be earth tones, and the shingles shall be similar in color to those of the Landsdowne residential community. The rear elevations of Building Nos. 2 and 5 shall consist primarily of dryvit. Building No. 6 shall contain two primary frontal elevations, one facing the Telegraph Road side

of the center and the other facing the Beulah Street side. All elevations of the drive-through bank and day care that adjoin the residential community will be finished in the same building material as the front elevations of each building and shall be harmonious with other buildings in the center. Landscaping shall be of the quality and character shown on the FDP. Modifications to the architecture or landscaping shall be permitted subject to the administrative approval of the Lee District planning commissioner.

13. **Off-Site Buffering.** Supplemental landscaping and berming shall be provided on the Landsdowne residential property in general accord with the Plan entitled "Landscape Pond #2 and Landscape Enhancements", dated December 24, 1994, as revised through May 10, 1995. Said plan is attached hereto as Exhibit "A" and the Sections Plan prepared by Dewberry and Davis dated February 7, 1995, subject to the approval of the Landsdowne Community Association and Virginia Power (and/or other easement owner if that be the case). The supplemental landscaping and berming is identified on the Sections Plan as "proposed".

14. **Tree Protection.** Reasonable efforts shall be made to attempt to protect an existing large chestnut oak tree

located in the vicinity of the day care play area. However such attempts shall not require the Developer to redesign its FDP and it is recognized that preservation may not be possible.

15. **Storm Water Detention Facility Construction and Maintenance.** The Developer will be responsible for constructing improvements to existing stormwater detention facilities located within the Landsdowne Community Association common open space to accommodate the Developer's detention needs in addition to the capacity currently provided for the Community Association. The existing stormwater detention facilities that will be improved are the pond lying north of Morning Meadow Drive and the pond lying south of Morning Drive as depicted on Exhibit "A". Said construction shall be subject to County requirements and the granting of any additional easements that may be necessary by the Landsdowne Community Association. Upon the construction of said improvements, the maintenance of these stormwater detention facilities that will jointly serve Landsdowne Centre and the Landsdowne Community Association shall be subject to County requirements and mutually acceptable maintenance agreements with the Landsdowne Community Association. If for whatever reason, stormwater management cannot be

accommodated in the existing facilities located with the Landsdowne Community Association common open space, it will be accommodated on-site and the development plan may be subject to minor modifications to enable such accommodation.

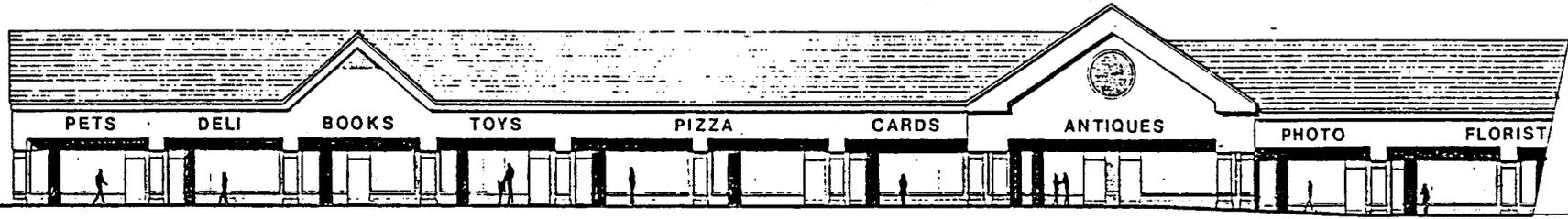
16. **Child Care.** Prior to the issuance of a Non-Rup for the child care center, Health Department approval for the use shall be obtained. Maximum daily enrollment shall be determined by the Health Department; however, in no case shall maximum daily enrollment exceed 180 children. The maximum number of employees on the site at any one time shall be twenty (20). The hours of operation for the child care center shall be limited to 6:30 a.m. to 9:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday.

17. **Telegraph Road Entrance.** Channelization and/or signage shall be provided at the site's entrance at Telegraph Road as may be needed to limit the access to the site

to a right in/right out operation subject to Department of Environmental Management (DEM) and VDOT's approval.

Albert J. Dvoskin, Trustee

LANDSDOWNE CENTER



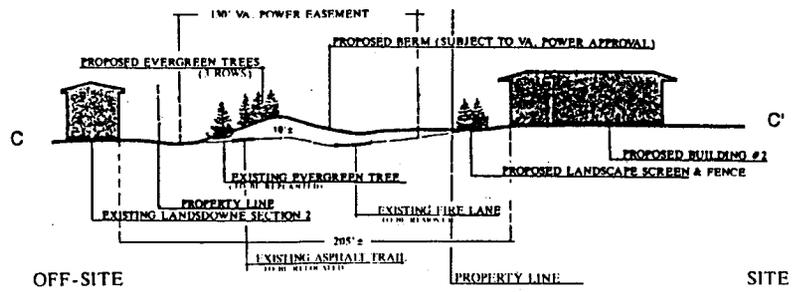
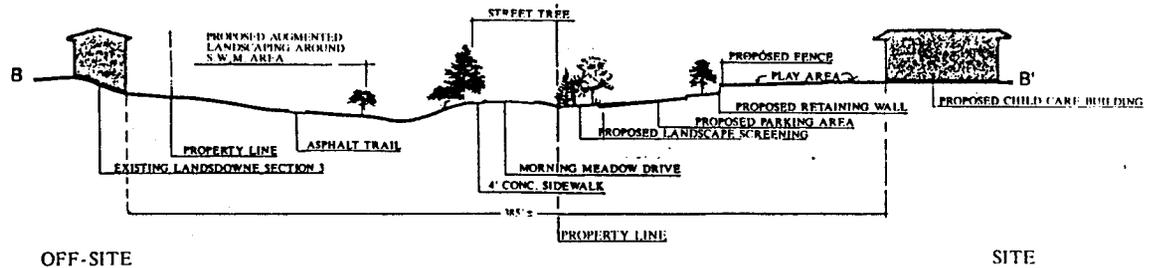
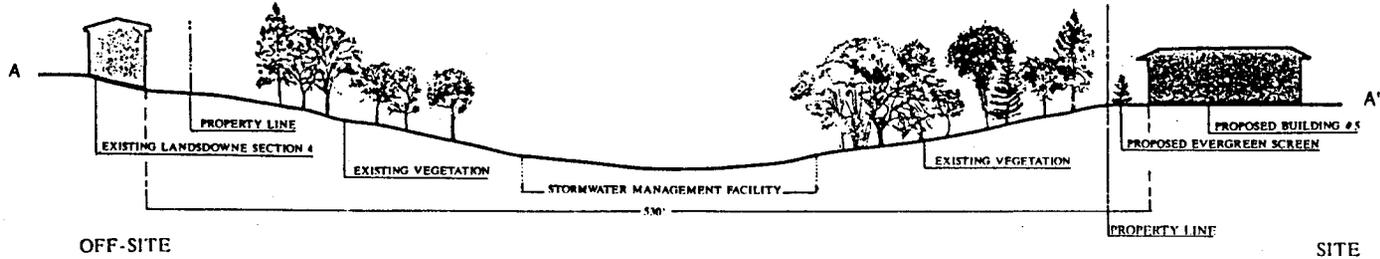
FRONT ELEVATION

RICHARD THOMAS CLAUSEN AIA
 210 N. LEE ST., SUITE 201
 ALEXANDRIA, VIRGINIA 22314
 ARCHITECTURE • DEVELOPMENT
 (703) 548-2223

REVISIONS:	DATE:

LANDSDOWNE CENTER
 PROJECT TITLE: LANDSDOWNE CENTER
 DATE: MAY 1997
 FRONT ELEVATION COPY 1 OF 2
 SHEET TITLE: FRONT ELEVATION COPY 1 OF 2
 SHEET NUMBER: 1 OF 2

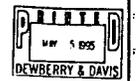
A1



SECTION LOCATION MAP



NOTE:
 THE PROPOSED LANDSCAPING REPRESENTED HEREON ON ADJACENT PROPERTIES WILL BE PROVIDED BY THE APPLICANT SUBJECT TO THE APPROVAL OF THE PROPERTY AND EASEMENT OWNERS.



Dewberry & Davis

SECTIONS
DWOSKIN / LANDSDOWNE CENTRE
 FAIRFAX COUNTY, VIRGINIA

DATE: 11/11/11
 DRAWN BY: J. J. JONES
 CHECKED BY: J. J. JONES
 SCALE: 1" = 200'



NOTE:
 THE PROPOSED LANDSCAPING REPRESENTED HEREON ON ADJACENT PROPERTIES WILL BE PROVIDED BY THE APPLICANT SUBJECT TO THE APPROVAL OF THE PROPERTY AND EASEMENT OWNERS.

LEGEND:

- LARGE DECIDUOUS TREE (12.5'-21')
- MEDIUM DECIDUOUS TREE (11.5'-18.5')
- ORNAMENTAL TREE
- LARGE EVERGREEN TREE (17'-)
- MEDIUM EVERGREEN TREE (15'-)
- EXISTING PLANT MATERIAL TO REMAIN
- RELOCATED EXISTING PLANT MATERIAL
- EXISTING PLANT MATERIAL TO BE RELOCATED
- PROPOSED PEDESTRIAN PATH/TRAIL/SIDEWALK

EXISTING TOP OF DAM
 ELEVATION = 186.9
 PROPOSED TOP OF DAM
 ELEVATION = 186.8

SECTION
 SCALE = 1"=30'

LANDSDOWNE POND #2 AND LANDSCAPE ENHANCEMENT

0 15' 30' 60'

NOVEMBER, 1994

REVISION DATE: APRIL 13, 1993
 APRIL 29, 1994
 MAY 9, 1995
 MAY 10, 1995

DEWBERRY & DAYS



7/31/95

5:00 p.m. Items - PCA-84-L-020-7 - ALBERT J. DWOSKIN, TRUSTEE
SE-95-L-010 - ALBERT J. DWOSKIN, TRUSTEE
Lee District

On Thursday, June 29, 1995, the Planning Commission voted 9-0-1 (Commissioner Byers abstaining; Commissioner Koch not present for the votes; Commissioner Palatiello absent from the meeting) to recommend to the Board of Supervisors the following actions:

- 1) approval of PCA-84-L-020-7, subject to the proffers dated June 29, 1995;
- 2) approval of SE 95-L-010, subject to the development conditions contained in Appendix 2 of the staff report dated June 22, 1995;
- 3) modification of the transitional screening requirements and a waiver of the barrier around the site periphery.

The Commission also voted 9-0-1 (Commissioner Byers abstaining; Commissioner Koch not present for the vote; Commissioner Palatiello absent from the meeting) to approve FDP-84-L-020-4, subject to the Board of Supervisors' approval of PCA-84-L-020-7, and the proposed development conditions contained in Appendix 2 of the staff report, modified as follows:

- amend Condition #12 so that the hours of operation of the service station shall not exceed 6:00 a.m. to midnight.

Planning Commission Meeting
June 29, 1995
Verbatim Excerpts

PCA-84-L-020-7 - ALBERT J. DWOSKIN, TRUSTEE
FDP-84-L-020-4 - ALBERT J. DWOSKIN, TRUSTEE
SE-95-L-010 - ALBERT J. DWOSKIN, TRUSTEE

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Mr. Sell.

Commissioner Sell: Thank you, Mr. Chairman. I am sure everyone will note the application was filed on October the 27th, 1988, so it's been around for a while. But then again, the SE wasn't filed until January the 17th, 1995. This is a case that has been under a microscope in Lee District, really, since about 1983 when the Kingstowne, the original Kingstowne application was approved. And it was shown in conceptual form and we did not do a final development plan in 1985 when Kingstowne was rezoned. There are a lot of good things about this application. The main one, in my mind, being the Fairfax County Library system will get a free 15,000-foot, or rent-free, they will pay their share of taxes and common open space and that sort of thing, for a 20-year period with an opportunity to renew that if they so choose. We need a permanent library facility badly in the Kingstowne/Landsdowne area and this case will help us realize that goal. It will not only help us but it will enable us to realize that goal. The people in the community are there now; they weren't in '85 when Kingstowne was approved. And they are there now and obviously they are not real thrilled about the idea of a lot of traffic coming through their neighborhood to get to the shopping center. And in there, if you could put up the map, the area map, of Landsdowne, I could try to discuss a little bit exactly what the -- if you see on the left of your screen there, Morning View Lane? Slide it over just a tad. That connects directly to Island Creek to the north. And it's a straight shot down Morning View Lane from Island Creek into, on a public street, into a cul-de-sac which then connects to a private street which is Morning Meadow Drive. You can go that way, if you have an access into the shopping center and into the other public street, Morning Glen Lane or you could come down Morning View to View and over and down on a public -- no, no, no, no, down, on a public street and then connect into the shopping center. So that the people who live along Morning Meadow Drive are concerned that since View Lane is a straight shot down that people will go all the way down and then hang a left on a private drive and try to work their way into that shopping center. And I'll tell you, that would be a sticky wicket at best. It is a private street and it would be difficult. And of course Morning Glen Lane is through the middle of the community and it will attract traffic from the north and people are concerned about that and I think justifiably so. So the Landsdowne community has worked very hard with the applicant and the land use committee on this application and has come to the conclusion, given the issues of buffering and screening, the library, the, the off-site landscaping that is going to be done in a separate agreement, as far as this application is concerned, the considerable landscaping on the site, child care center and neighborhood facilities, that,

STAFF PROPOSED DEVELOPMENT CONDITIONS

June 22, 1995

FDP 84-L-020-4

If it is the intent of the Planning Commission to approve Final Development Plan FDP 84-L-020-4 for secondary uses of a commercial nature and offices in the PDH District, pursuant to Sect. 6-103, on property located at Tax Map Parcel 100-1 ((1)) 10B, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. Development of the subject site shall be in substantial conformance with the combined Final Development Plan/ Special Exception Plat (FDP/SE Plat) entitled Dwoskin/Landsdowne Centers, prepared by Dewberry and Davis, dated December 22, 1994 and revised through June 16, 1995.
2. Prior to issuance of a Non-Residential Use Permit (Non-RUP) for the child care center, Health Department approval for the use shall be obtained. Maximum daily enrollment shall be determined by the Health Department; however, in no case shall the maximum daily enrollment exceed 180 children. The maximum number of employees on the site at any one time shall be twenty (20).
3. Hours of operation for the child care center shall be limited to 6:30 a.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday.
4. The types of items which may be sold in the service station quick service food mart shall be limited to prepackaged items which are normally sold from vending machines, including coffee and similar hot beverages, cakes, pies, soft drinks, juices, dairy products, prepackaged sandwiches, snack food items, e.g., pretzels, potato chips, etc., cookies, assorted gum, cigarettes and tobacco products and similar items. No groceries, other than as above, shall be permitted. Food preparation and the use of microwave ovens shall not be allowed. No alcoholic beverages shall be allowed to be sold. The marketing of video tapes or video machines shall not be allowed on the premises. These restrictions, however, shall not limit the sale of automobile-related products under the definition of service station.
5. All signage utilized on the site shall be in conformance with Article 12 of the Zoning Ordinance.
6. Architectural style and colors shall be coordinated throughout the center and shall be similar to those used in the adjacent residential community, as determined by DEM. The buildings shall be constructed with substantially similar building materials and colors utilized on all sides, subject to the approval of DEM. It is understood that the rear of the buildings may not be identical to the other sides; however, materials and colors used on the rear will be representative of those used on the other sides in order to provide continuity and to avoid the appearance of an unfinished rear wall.

7. The transitional screening area located on the north side of the site adjacent to the proposed drive-in bank and Building 2 shall be supplemented with additional plant materials, as determined necessary by the Urban Forester in order to provide adequate screening which satisfies the intent of Article 13.
8. All trash dumpsters or trash compactors shall be fully enclosed with wooden or masonry walls compatible with the rest of the center and shall be constructed with a gate which can be locked. In addition to the trash dumpsters/compactors shown on the FDP/SE Plat, one (1) or more recycling containers shall be located in the center. Recycling containers shall be enclosed in a manner similar to dumpsters or compactors described above, subject to approval of DEM.
9. The south side of Building 6 shall be landscaped with foundation plantings which enhance the view of the building from the parking lot and Telegraph Road, as determined necessary by the Urban Forester.
10. The outdoor play area located adjacent to the child care center in Building 3 shall be enclosed by a fence which is either black or green vinyl link or compatible with the rest of the center in color and materials, subject to the approval of DEM.
11. The service station quick service food store shall not exceed 1,600 gross square feet in size.
12. The hours of operation of the service station shall not exceed 6 a.m. to 11 p.m., seven (7) days per week.
13. Pursuant to Par. 6 of Sect. 6-106, the maximum total land area, including all at-grade off-street parking and loading areas, utilized for commercial and office uses, shall not exceed 5.7 acres, as shown on the FDP/SE Plat. At such time as the 15,000 square foot space and the associated parking area shown on the FDP for public library use is no longer used as a library, as set forth in the proffers, that space shall only be used for other institutional uses as may be permitted under the Zoning Ordinance since, pursuant to Par. 6 of Sect. 6-106, the maximum allowable land area for secondary uses of a commercial nature and offices (i.e. 400 square feet per dwelling unit) is already allocated on the CDP/FDP for such uses.

PROPOSED DEVELOPMENT CONDITIONS

SE 95-L-010

June 22, 1995

If it is the intent of the Board of Supervisors to approve SE 95-L-010 located at Tax Map 100-1 ((1)) 10B for use as fast food restaurants 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 which supercede all previous conditions on this property:

1. This Special Exception is granted for an runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this special exception shall be in conformance with the approved Final Development Plan/Special Exception Plat entitled **Dwoskin/Landsdowne** Center and prepared by Dewberry and Davis, which is dated December 12, 1994 as revised through May 23, 1995 and these conditions.
4. A total maximum of 12,500 gross square feet may be developed as fast food restaurants to be located in Buildings 2, 5, and/or 6 only. No restaurant shall exceed 3,500 square feet in size.
5. No fast food restaurant shall have any drive-through facilities.
6. Only one (1) of the fast food restaurants shall sell primarily ready to consume hamburgers or fried chicken.
7. The hours of operation of the fast food restaurants shall be limited to 6:00 a.m. to 11:00 p.m. Monday through Thursday, 6:00 a.m. to 1:00 a.m. Friday and Saturday, and 6:00 a.m. to 11 p.m. Sunday.

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

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

APPENDIX 3

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.

REZONING AFFIDAVIT

DATE: June 9, 1995
 (enter date affidavit is notarized)

I, Roni Robins, 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

95-1276

in Application No(s): FDP 84-L-020-4; PCA 84-L-020-7
 (enter County-assigned application number(s), e.g. AZ 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.)

NAME (enter first name, middle initial & last name)	ADDRESS (enter number, street, city, state & zip code)	RELATIONSHIP(S) (enter applicable relation- ships listed in BOLD above)
Albert J. Dvoskin, Trustee	3050 Chain Bridge Road, #200 Fairfax, VA 22030	Applicant/Owner/Trustee for the benefit of Landsdowne Centre Limited Partnership
A.J. Dvoskin & Associates, Inc. Agent - Roni Robins	3050 Chain Bridge Road, #200 Fairfax, VA 22030	Agent for Applicant/Owner
Landsdowne Centre Limited Partnership Agent - Albert J. Dvoskin	3050 Chain Bridge Road, #200 Fairfax, VA 22030	Beneficiary
Dewberry & Davis Agent - Philip G. Yates	8401 Arlington Boulevard Fairfax, VA 22031	Engineers/Agents

(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.

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

REZONING AFFIDAVIT

DATE: June 9, 1995
(enter date affidavit is notarized)

95-1276

for Application No(s): FDP 84-L-020-4; PCA 84-L-020-7
(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 herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)
A.J. Dwoskin & Associates, Inc.
3050 Chain Bridge Road, #200
Fairfax, VA 22030

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, last name & title)
Albert J. Dwoskin (sole shareholder)

_____	_____
_____	_____
_____	_____
_____	_____

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

** All listings which include partnerships or corporations 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 the stock. 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.

DATE: June 9, 1995
(enter date affidavit is notarized)

95-1276

for Application No(s): FDP 84-L-020-4; PCA 84-L-020-7
(enter County-assigned application number(s))

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)
Hazel & Thomas, P.C.
P.O. Box 12001
Falls Church, VA 22042

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 & last name)
William G. Thomas

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

DESCRIPTION OF CORPORATION: (check one statement)
 There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

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

DATE: June 9, 1995

(enter date affidavit is notarized)

95-1276

for Application No(s): FDP 84-L-020-4; PCA 84-L-020-7

(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 & zip code)

Landsdowne Centre Limited Partnership
3050 Chain Bridge Road, #200
Fairfax, VA 22030

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

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

GENERAL PARTNER:

Albert J. Dvoskin

LIMITED PARTNERS:

Dr. Joseph Dvoskin
Marc Crespi
Bernice Garchik
Frank W. & Juliette P. Tucker
SBS Associates 1
SSM Partners III 2
Richard E. Curtis, Trustee for Richard E. Curtis Revocable Trust for the benefit of: Richard E. Curtis, Jr.; Phillip James Curtis; Christine Louise Curtis; Mark Steven Curtis; Joan Francis Curtis
Richard and Suzanne Robertson
John O. Goldsmith, Trustee and Theodore C. Goldsmith, Trustee for Elsa Mayer Goldsmith Irrevocable Trust for the benefit of: Elsa M. Goldsmith
Charles A. & Sophia E. Young
Louise A. Caporaletti
Garchik Universal Limited Partnership 3
Michael Ochsman
Farhad & Lily Assari

LIMITED PARTNERS (cont'd)

Shirin Assari
John P. & Elizabeth C. Weeks
OMS Enterprises 4
Steven S. Snider
Mr. & Mrs. John P. Correnti
Mr. & Mrs. Wayne T. Day
Boggaru S. Setty
BSL Enterprises 5
H&S Investors General Partnership
Shirley B. Caplan, Trustee for Caplan Trust for the benefit of: Ellen Susan Epstein; Lawrence Neil Caplan; Richard Steven Caplan
Jerome Snider
Bernice Garchik, Trustee for Garchik Family Foundation for the benefit of: CHARITABLE TRUST - NO BENEFICIARIES
JAMSHE Limited Partnership
Michael Young
Theodore J. Wessel
Hugh Waale
John E. LeBarton
Robert A. Solomon
Joyce D. Poole
Elizabeth C. Weeks

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

** All listings which include partnerships or corporations 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 the stock. 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.

DATE: June 9, 1995
(enter date affidavit is notarized)

45-1276

for Application No(s): FDP 84-L-020-4; PCA 84-L-020-7
(enter County-assigned application number(s))

PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
Landsdowne Centre Limited Partnership
3050 Chain Bridge Road, #200
Fairfax, VA 22030

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

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

- LIMITED PARTNERS (cont'd):
- Carolyn June Gordon
 - Lynn E. Gray
 - Elaine M. Mulreany
 - Richard P. Robertson
 - Phillip E. Harrover
 - William C. Glascock
 - Roni Robins
 - Russell Boothby
 - Larry Rodgers
 - James R. Woodrow

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-1276

for Application No(s): FDP 84-L-020-4; PCA 84-L-020-7
(enter County-assigned application number(s))

PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
SBS Associates, co/ Sandy Garchik
Clark Enterprises, Inc.
7500 Old Georgetown Road, Bethesda, MD 20814

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

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

GENERAL PARTNERS:

Sandy Garchik

Stephen Garchik

LIMITED PARTNER:

Bernice Garchik

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-1276

for Application No(s): FDP 84-L-020-4; PCA 84-L-020-7
(enter County-assigned application number(s))

PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
SSM Partners III, c/o Steven S. Snider, Esq.
1624 Foxhall Road, N.W.
Washington, D.C. 20007-2020

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

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

GENERAL PARTNERS:

- Steven S. Snider
- Daniel Snider
- Jerome Snider
- Lawrence Snider

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-1276

for Application No(s): FDP 84-L-020-4; PCA 84-L-020-7
(enter County-assigned application number(s))

3 PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
Garchik Universal Limited Partnership
c/o Sandy Garchik, Clark Enterprises, Inc.
7500 Old Georgetown Road, Bethesda, MD 20814

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

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

GENERAL PARTNERS:

Sandy Garchik

Stephen Garchik

LIMITED PARTNERS:

Sydney Garchik

Jessica Garchik

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-127a

for Application No(s): FDP 84-L-020-4; PCA 84-L-020-7
(enter County-assigned application number(s))

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

OMS Enterprises
c/o Raymond J. Shelesky, Trustee
10625 Jones Street, #301A, Fairfax, VA 22030

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

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

GENERAL PARTNER:

Raymond J. Shelesky

LIMITED PARTNERS:

Barbara A. Shelesky
Francis T. Quinn, Jr.
Julie D. Quinn
William H. Metcalfe
Barbara Metcalfe

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-1276

for Application No(s): FDP 84-L-020-4; PCA 84-L-020-7
(enter County-assigned application number(s))

5 PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
BSI Enterprises
c/o Bruce Auernach, General Partner
453 Paramus Road, Paramus, NJ 07652

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

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

GENERAL PARTNER:

Bruce Auernach

LIMITED PARTNERS:

Larry Auernach

Steven Auernach

Marilyn Auernach

Rubin Auernach

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-1276

for Application No(s): FDP 84-L-020-4; PCA 84-L-020-7
(enter County-assigned application number(s))

7 PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
JAMSHE Limited Partnership
c/o P. Richard Zitelman, General Partner
1750 Rockville Pike, #20, Rockville, MD 20852

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

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

GENERAL PARTNER:

P. Richard Zitelman

LIMITED PARTNERS:

P. Richard Zitelman

Cindy Kramer Zitelman

Cindy Kramer Zitelman, Custodian for

Shelby Faye Zitelman, Jaclyn Ilene

Zitelman, Amy Michelle Zitelman

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-1276

for Application No(s): FDP 84-L-020-4; PCA 84-L-020-7
(enter County-assigned application number(s))

PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
8 TRES GIRLS LIMITED PARTNERSHIP, c/o
P. Richard Zitelman, G.P.
1750 Rockville Pike #20
Rockville, MD 20852

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

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

GENERAL PARTNER:
P. Richard Zitelman

LIMITED PARTNERS:
Cindy Kramer Zitelman, Custodian for
Shelby Fave Zitelman
Cindy Kramer Zitelman, Custodian for
Jaclyn Ilene Zitelman
Cindy Kramer Zitelman, Custodian for
Amy Michelle Zitelman

Blank lined area for additional partner information.

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-1270

for Application No(s): FDP 84-L-020-4; PCA 84-L-020-7
(enter County-assigned application number(s))

PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
Dewberry & Davis
8401 Arlington Boulevard
Fairfax, VA 22031

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

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

MANAGING GENERAL PARTNER:

Sidney O. Dewberry

GENERAL PARTNERS:

Barry K. Dewberry
KMT Limited Partnership

SPECIAL GENERAL PARTNERS:

David P. Habib
John P. Fowler, II
Dan M. Pleasant
Richard L. Ford, Jr.
Dennis M. Couture
Andrew C. Smith
Larry J. Keller

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-1276

for Application No(s): EDP 84-L-020-4; PCA 84-L-020-7
(enter County-assigned application number(s))

8 PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
KMT Limited Partnership
c/o Karen S. Grand Pre, General Partner
10707 Miller Road, Oakton, VA 22124

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

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

GENERAL PARTNER:
Karen S. Grand Pre

LIMITED PARTNERS:
Michael S. Dewberry Trust, Reva A. Dewberry Trustee, Michael S. Dewberry sole beneficiary
Thomas L. Dewberry Trust, Reva A. Dewberry Trustee, Thomas L. Dewberry sole beneficiary

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-127w

for Application No(s): PDP 84-L-020-4; PCA 84-L-020-7
(enter County-assigned application number(s))

PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
Venable, Baetier & Howard
2010 Corporate Ridge, #400
McLean, VA 22102

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

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

GENERAL PARTNERS:

- Robert G. Ames
- Lars E. Anderson
- James K. Archibald
- Jeffrey P. Avres
- Constance H. Baker
- Maurice Baskin
- Kenneth C. Bass, III
- Robert P. Bedell
- Joseph G. Block
- Sondra H. Block
- Robert J. Bolger, Jr.
- Neal D. Borden
- J. Michael Brennan
- Anthony M. Carey
- Jana Howard Carey
- Benjamin R. Civiletti
- James A. Cole
- Douglas D. Connah, Jr.
- A. Samuel Cook
- Bryson L. Cook
- Robert A. Cook
- John P. Cooney
- William D. Coston
- Kathleen G. Cox
- James E. Cumbie
- C. Carey Deelev, Jr.
- William D. Dolan, III
- George C. Doub, Jr.
- David D. Downes
- James A. Dunbar
- Jeffrey A. Dunn
- Ellen F. Dyke
- David M. Fleishman
- H. Russell Frisby, Jr.
- Susan K. Gauvey

GENERAL PARTNERS (cont'd):

- Ronald E. Glancz
- Paul T. Glasgow
- Joel T. Goldberg
- Jan K. Guben
- John M. Gurley
- Cynthia M. Hahn
- David J. Heubeck
- M. King Hill, III
- Gary M. Hnath
- Robert A. Hoffman
- Elizabeth C. Honeywell
- John B. Howard
- Elizabeth R. Hughes
- Jeffrey L. Ihnen
- Amy Herman Jackson
- George W. Johnston
- Nathaniel E. Jones, Jr.
- Bruce H. Jurist
- Thomas J. Kelly, Jr.
- Brigid E. Kenney
- Thomas J. Kenney, Jr.
- Jeffrey D. Knowles
- Mitchell Kilkin
- David G. Lane
- N. Peter Lareau
- David J. Levenson
- John H. Lewin, Jr.
- Alexander I. Lewis, III
- Linda L. Lord
- Robert E. Madden
- Thomas J. Madden
- L. Paige Marvel
- Stanley Mazaroff
- William J. McCarthy
- Christopher R. Mellott

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-1276

for Application No(s): FDP 84-L-020-4; PCA 84-L-020-7
(enter County-assigned application number(s))

PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
Venable, Baetjer & Howard
2010 Corporate Ridge, #400
McLean, VA 22102

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

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

GENERAL PARTNERS (cont'd):

- Lee M. Miller
- James R. Myers
- Herbert R. O'Connor, III
- Max Stul Oppenheimer
- George P. Pappas
- Peter P. Parvis
- Thomas P. Perkins, III
- Mary E. Pivec
- Russell R. Reno, Jr.
- David E. Rice
- Michael Schatzow
- Barbara F. Schlaff
- Jacques T. Schlenger
- Paul A. Serini
- James L. Shea
- Kevin L. Shepherd
- Joe A. Shull
- Joel Z. Silver
- Craig E. Smith
- Herbert Grooms Smith, II
- P. Dudley Staples, Jr.
- Judson W. Starr
- Patrick J. Stewart
- David T. Stitt
- Nell B. Strachan
- Paul F. Strain
- Ronald W. Taylor
- Bruce E. Titus
- Roger W. Titus
- Daniel O.C. Tracy, Jr.
- Ariel Vannier
- Ian D. Volner
- Robert L. Waldman
- William L. Walsh, Jr.
- Richard L. Wasserman

GENERAL PARTNERS (cont'd):

- G. Stewart Webb, Jr.
- Edward L. Wender
- Joseph C. Wich, Jr.
- N. Frank Wiggins
- James F. Worrall
- James D. Wright
- Alan D. Yarbro
- John H. Zink, III
- W. Robert Zinkman
- Herbert R. O'Connor, Jr.
- William D. Quarles
- Darrell R. VanDeusen
- Jeffrey J. Radowich
- John A. Roberts
- Robert G. Smith
- Edward P. Glynn, Jr.
- John J. Paylick, Jr.
- D.J. Whittlesey
- John G. Milliken
- Michael H. Davis

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-1274

for Application No(s): FDP 84-L-020-4; PCA 84-L-020-7
(enter County-assigned application number(s))

Sharon Bulova - Lease of 11215 D Lee Highway, Fairfax, VA April 1st, 1995
thru November 30, 1995 in the amount of \$1,202.00 per month (\$9,616.00)

[Lined area for additional disclosures]

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

REZONING AFFIDAVIT

DATE: June 9, 1995
(enter date affidavit is notarized)

95-1276

for Application No(s): FDP 84-L-020-4; PCA 84-L-020-7
(enter County-assigned application number(s))

2. That no member of the Fairfax County Board of Supervisors or 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 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.

3. That within the twelve-month period prior to the filing of this application, no member of the Fairfax County Board of Supervisors or 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 \$200 or more, with any of those listed in Par. 1 above.

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

Michael Frey - Lease of 5956 Centreville Crest Lane, Centreville, VA
April 1st, 1995 thru November 30, 1995 in the amount of \$1062.50 per month (\$8,500.00)

(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 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: A. J. Dwoskin & Associates, Inc.

By: Roni Robins
(check one) [] Applicant [x] Applicant's Authorized Agent

Roni Robins, V.P. of Development & Leasing
(type or print first name, middle initial, last name & title of signer)

Subscribed and sworn to before me this 9th day of June, 1995, in the state of Virginia.

My commission expires: June 30, 1996
Gloria R. Colby
Notary Public

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 9, 1995
 (enter date affidavit is notarized)

I, Roni Robins, 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 95-414

in Application No(s): SE 95-L-010
 (enter County-assigned application number(s). e.g. RZ 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.)

NAME (enter first name, middle initial & last name)	ADDRESS (enter number, street, city, state & zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Albert J. Dvoskin, Trustee	3050 Chain Bridge Road, #200 Fairfax, VA 22030	Applicant/Owner/Trustee for the benefit of Landsdowne Centre Limited Partnership
A.J. Dvoskin & Associates, Inc. Agent - Roni Robins	3050 Chain Bridge Road, #200 Fairfax, VA 22030	Agent for Applicant/Owner
Landsdowne Centre Limited Partnership Agent - Albert J. Dvoskin	3050 Chain Bridge Road, #200 Fairfax, VA 22030	Beneficiary
Dewberry & Davis Agent - Philip G. Yates	8401 Arlington Boulevard Fairfax, VA 22031	Engineers/Agents

(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.

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 9, 1995
(enter date affidavit is notarized)

95-416

for Application No(s): SE 95-I-010
(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 herein.)

CORPORATION INFORMATION

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

A.J. Dvoskin & Associates, Inc.
3050 Chain Bridge Road, #200
Fairfax, VA 22030

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, last name & title)

Albert J. Dvoskin (sole shareholder)

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

** All listings which include partnerships or corporations 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 the stock. 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.

DATE: June 9, 1995
(enter date affidavit is notarized)

95-416

for Application No(s): SE 95-L-010
(enter County-assigned application number(s))

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

Hazel & Thomas, P.C.
P.O. Box 12001
Falls Church, VA 22042

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 & last name)

William G. Thomas

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 9, 1995
(enter date affidavit is notarized)

95-416

for Application No(s): SE 95-L-010
(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 & zip code)

Landsdowne Centre Limited Partnership
3050 Chain Bridge Road, #200
Fairfax, VA 22030

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

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

GENERAL PARTNER:
Albert J. Dwoskin

LIMITED PARTNERS:

Dr. Joseph Dwoskin
Marc Crespi
Bernice Garchik
Frank W. & Juliette F. Tucker
SBS Associates 1
SSM Partners III 2
Richard E. Curtis, Trustee for Richard E. Curtis Revocable Trust for the benefit of: Richard E. Curtis, Jr.; Phillip James Curtis; Christine Louise Curtis; Mark Steven Curtis; Joan Francis Curtis
Richard and Suzanne Robertson
John O. Goldsmith, Trustee and Theodore C. Goldsmith, Trustee for Elsa Mayer Goldsmith Irrevocable Trust for the benefit of: Elsa M. Goldsmith
Charles A. & Sophia H. Young
Louise A. Caporaletti
Garchik Universal Limited Partnership 3
Michael Ochsman
Parhad & Lily Assari

LIMITED PARTNERS (cont'd)

Shirin Assari
John E. & Elizabeth C. Weeks
OMS Enterprises 4
Steven S. Snider
Mr. & Mrs. John P. Correnti
Mr. & Mrs. Wayne T. Day
Boggarin S. Setty
BSL Enterprises 5
H&S Investors General Partnership 6
Shirley B. Caplan, Trustee for Caplan Trust for the benefit of: Ellen Susan Epstein; Lawrence Neil Caplan; Richard Steven Caplan
Jerome Snider
Bernice Garchik, Trustee for Garchik Family Foundation for the benefit of: CHARITABLE TRUST - NO BENEFICIARIES
JAMSHE Limited Partnership 7
Michael Young
Tres Girls Limited Partnership 8
Hugh Waple
John E. LeBarton
Robert A. Solomon
Joyce D. Poole
Elizabeth C. Weeks

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

** All listings which include partnerships or corporations 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 the stock. 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.

DATE: June 9, 1995
(enter date affidavit is notarized)

95-410

for Application No(s): SE 95-L-010
(enter County-assigned application number(s))

PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
Landsdowne Centre Limited Partnership
3050 Chain Bridge Road, #200
Fairfax, VA 22030

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

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

LIMITED PARTNERS (cont'd):

- Carolyn June Gordon
- Lynn E. Gray
- Elaine M. Mulreany
- Richard P. Robertson
- Phillip E. Harrover
- William C. Glascock
- Roni Robins
- Russell Boothby
- Larry Rodgers
- James R. Woodrow

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-412

for Application No(s): SE 95-L-010.
(enter County-assigned application number(s))

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

2 SSM Partners III, c/o Steven S. Snider, Esq.
1624 Foxhall Road, N.W.
Washington, D.C. 20007-2029

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

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

GENERAL PARTNERS:

Steven S. Snider
Daniel Snider
Jerome Snider
Lawrence Snider

[Empty lined area for listing additional partners]

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-414

for Application No(s): SE 95-L-010
(enter County-assigned application number(s))

PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
3 Garchik Universal Limited Partnership
c/o Sandy Garchik, Clark Enterprises, Inc.
7500 Old Georgetown Road, Bethesda, MD 20814

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

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

GENERAL PARTNERS:

Sandy Garchik
Stephen Garchik

LIMITED PARTNERS:

Sydney Garchik
Jessica Garchik

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-410

for Application No(s): SE 95-L-010
(enter County-assigned application number(s))

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

H&S Investors General Partnership
c/o Grayson P. Hanes, Hazel & Thomas, P.C.
P.O. Box 12001, Falls Church, VA 22042

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

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

GENERAL PARTNERS:

Grayson P. Hanes
Eleanor Shelton

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-416

for Application No(s): SE 95-L-010
(enter County-assigned application number(s))

7 PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
JAMSHE Limited Partnership
c/o P. Richard Zitelman, General Partner
1750 Rockville Pike, #20, Rockville, MD 20852

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

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

GENERAL PARTNER:

P. Richard Zitelman

LIMITED PARTNERS:

P. Richard Zitelman

Cindy Kramer Zitelman

Cindy Kramer Zitelman, Custodian for

Shelby Faye Zitelman, Jaclyn Ilene

Zitelman, Amy Michelle Zitelman

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-410

for Application No(s): SE 95-L-010
(enter County-assigned application number(s))

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

8 TRES GIRLS LIMITED PARTNERSHIP, c/o
P. Richard Zitelman, G.P.
1750 Rockville Pike #20
Rockville, MD 20852

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

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

GENERAL PARTNER:

P. Richard Zitelman

LIMITED PARTNERS:

Cindy Kramer Zitelman, Custodian for
Shelbv Fave Zitelman
Cindy Kramer Zitelman, Custodian for
Jaclyn Ilene Zitelman
Cindy Kramer Zitelman, Custodian for
Amy Michelle Zitelman

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-412

for Application No(s): SE 95-L-010
(enter County-assigned application number(s))

PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
Dewberry & Davis
8401 Arlington Boulevard
Fairfax, VA 22031

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

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

MANAGING GENERAL PARTNER:
Sidney O. Dewberry

GENERAL PARTNERS:
Barry K. Dewberry
KMT Limited Partnership

SPECIAL GENERAL PARTNERS:
David P. Habib
John P. Fowler, II
Dan M. Pleasant
Richard L. Ford, Jr.
Dennis M. Couture
Andrew C. Smith
Larry J. Keller

Blank lined area for additional partner information.

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-416

for Application No(s): SE 95-L-010.
(enter County-assigned application number(s))

8 PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
KMT Limited Partnership
c/o Karen S. Grand Pre, General Partner
10707 Miller Road, Oakton, VA 22124

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

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

GENERAL PARTNER:

Karen S. Grand Pre

LIMITED PARTNERS:

Michael S. Dewberry Trust, Reva A. Dewberry Trustee, Michael S. Dewberry sole beneficiary

Thomas L. Dewberry Trust, Reva A. Dewberry Trustee, Thomas L. Dewberry sole beneficiary

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-41-w

for Application No(s): SE95-L-010
(enter County-assigned application number(s))

PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
Venable, Baetjer & Howard
2010 Corporate Ridge, #400
McLean, VA 22102

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

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

GENERAL PARTNERS:

- Robert G. Ames
- Lars E. Anderson
- James K. Archibald
- Jeffrey P. Avres
- Constance H. Baker
- Maurice Baskin
- Kenneth C. Bass, III
- Robert P. Bedell
- Joseph G. Block
- Sondra H. Block
- Robert J. Bolger, Jr.
- Neal D. Borden
- J. Michael Brennan
- Anthony M. Carey
- Jana Howard Carey
- Benjamin R. Civiletti
- James A. Cole
- Douglas D. Connah, Jr.
- A. Samuel Cook
- Bryson L. Cook
- Robert A. Cook
- John F. Cooney
- William D. Coston
- Kathleen G. Cox
- James E. Cumbie
- C. Carey Deeley, Jr.
- William D. Dolan, III
- George C. Doub, Jr.
- David D. Downes
- James A. Dunbar
- Jeffrey A. Dunn
- Ellen F. Dyke
- David M. Fleishman
- H. Russell Frisby, Jr.
- Susan K. Gauvey

GENERAL PARTNERS (cont'd):

- Ronald R. Glancz
- Paul T. Glasgow
- Joel T. Goldberg
- Jan K. Guben
- John M. Gurley
- Cynthia M. Hahn
- David J. Heubeck
- M. King Hill, III
- Gary M. Knath
- Robert A. Hoffman
- Elizabeth C. Honeywell
- John B. Howard
- Elizabeth R. Hughes
- Jeffrey L. Ihnen
- Amy Berman Jackson
- George W. Johnston
- Nathaniel E. Jones, Jr.
- Bruce H. Jurist
- Thomas J. Kelly, Jr.
- Bridgid E. Kenney
- Thomas J. Kenney, Jr.
- Jeffrey D. Knowles
- Mitchell Kilkin
- David G. Lane
- N. Peter Lareau
- David J. Levenson
- John H. Lewin, Jr.
- Alexander I. Lewis, III
- Linda L. Lord
- Robert E. Madden
- Thomas J. Madden
- L. Paige Marvel
- Stanley Mazaroff
- William J. McCarthy
- Christopher R. Mellott

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-416

for Application No(s): SE 95-L-010
(enter County-assigned application number(s))

PARTNERSHIP NAME & ADDRESS: (complete enter name & number, street, city, state & zip code)
Venable, Baetjer & Howard
2010 Corporate Ridge, #400
McLean, VA 22102

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

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

GENERAL PARTNERS (cont'd):

- Lee M. Miller
- James R. Myers
- Herbert R. O'Connor, III
- Max Stul Oppenheimer
- George P. Pappas
- Peter P. Parvis
- Thomas P. Perkins, III
- Mary E. Pivec
- Russell R. Reno, Jr.
- David E. Rice
- Michael Schatzow
- Barbara P. Schlaff
- Jacques T. Schlenger
- Paul A. Serini
- James L. Shea
- Kevin L. Shepherd
- Joe A. Shull
- Joel Z. Silver
- Craig E. Smith
- Herbert Grooms Smith, II
- F. Dudley Staples, Jr.
- Judson W. Starr
- Patrick J. Stewart
- David T. Stitt
- Nell B. Strachan
- Paul F. Strain
- Ronald W. Taylor
- Bruce E. Titus
- Roger W. Titus
- Daniel O.C. Tracy, Jr.
- Ariel Vannier
- Ian D. Volner
- Robert L. Waldman
- William L. Walsh, Jr.
- Richard L. Wasserman

GENERAL PARTNERS (cont'd):

- G. Stewart Webb, Jr.
- Edward L. Wender
- Joseph C. Wich, Jr.
- N. Frank Wiggins
- James F. Worrall
- James D. Wright
- Alan D. Yarbrow
- John H. Zink, III
- W. Robert Zinkman
- Herbert R. O'Connor, Jr.
- William D. Quarles
- Darrell R. VanDeusen
- Jeffrey J. Radowich
- John A. Roberts
- Robert G. Smith
- Edward P. Glynn, Jr.
- John J. Pavlick, Jr.
- D.J. Whittlesey
- John G. Milliken
- Michael H. Davis

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

DATE: June 9, 1995
(enter date affidavit is notarized)

95-4/b

for Application No(s): SE 95-L-010
(enter County-assigned application number(s))

Sharon Bulova - Lease of 11215 D Lee Highway, Fairfax, VA April 1st, 1995
thru November 30, 1995 in the amount of \$1,202.00 per month (\$9,616.00)

[Lined area for additional disclosures]

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 9, 1995
(enter date affidavit is notarized)

95-416

for Application No(s): SE 95-L-010
(enter County-assigned application number(s))

2. That no member of the Fairfax County Board of Supervisors or 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 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.

3. That within the twelve-month period prior to the filing of this application, no member of the Fairfax County Board of Supervisors or 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 \$200 or more, with any of those listed in Par. 1 above.

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

Michael Frey - Lease of 5956 Centreville Crest Lane, Centreville, VA April 1st, 1995 thru November 30, 1995 in the amount of \$1,062.50 per month (\$8,500.00)

(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 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: A.J. Dwoskin & Associates, Inc.

By: [Signature]
(check one) [] Applicant [x] Applicant's Authorized Agent

Roni Robins, V.P. of Development & Leasing
(type or print first name, middle initial, last name & title of signer)

Subscribed and sworn to before me this 9th day of June, 1995, in the state of Virginia.

My commission expires: June 30, 1996. [Signature] Notary Public

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

JAN 3 1995

ZONING EVALUATION DIVISION

Albert J. Dwoskin, Trustee
DPA 84-L-020-3

STATEMENT OF JUSTIFICATION

The applicant requests approval of an amendment to the proffered conditions and the conceptual development plan to modify the access to the commercial and institutional land bay. As currently approved, the only vehicular access to the commercial and institutional land bay is from the Landsdowne residential neighborhood on Morning Glen Drive.

The approval of the proposed amendments would provide vehicular access to the site from a full crossover at Beulah Street and a right-in/right-out on Telegraph Road. Pedestrian access is proposed from Morning Glen Drive. The applicant is also requesting VDOT approval for parking spaces off of the Morning Glen Drive cul-de-sac to facilitate the drop off of neighborhood children who will be attending the planned day care facility.

VDOT is currently in the process of completing construction plans for improvements to Beulah Street and Telegraph Road in the vicinity of the site. VDOT's advertisement date for public bids on these plans is scheduled for spring of 1995, and construction will commence sometime in early summer. VDOT has reviewed the applicant's proposed access and roadway design modifications to its Beulah Street and Telegraph Road intersection improvement plans and find them to be fully acceptable in terms of safety,

traffic capacity and control. The applicant's proposal provides the following advantages, which are depicted on an associated graphic:

- **The proposal eliminates the potential for cut-through traffic adversely impacting the Landsdowne residential community. The proposal provides alternative access to the site from a full crossover intersection with Beulah Street and a right-in/right-out entrance on Telegraph Road. By avoiding vehicular access from Morning Glen, the proposal mitigates problems associated with commercial and institutional cut-through traffic. (The proposal also mitigates the potential impact of added traffic to a narrow, privately maintained street within the Landsdowne residential community.)**
- **A full crossover on Beulah Street at the site's entrance (with a traffic signal the applicant intends to fund) will allow for the full coordination of traffic movements throughout the area. All traffic flows between the shopping center and ball fields (across Beulah Street) will be fully coordinated. Also, the traffic signal at this location can be timed to create traffic flow breaks along Beulah Street that will facilitate turning movements to and from the Landsdowne residential community onto Beulah Street.**

- The proposal disperses traffic traveling to and from the site. All site traffic is no longer forced through the Morning Glen intersection with Beulah Street. Instead, traffic is dispersed directly onto Beulah Street and Telegraph Road. Thus, traffic volumes moving through the intersection of Beulah Street and Telegraph Road and the intersection of Beulah Street and Morning Glen Drive are reduced.

The timing of the approval of this application is critical to ensure the efficient accommodation of desirable changes into VDOT's plan design process and to minimize the potential for subsequent disruption of traffic flows through the intersection resulting from retrofit construction.

If the applicant receives the required County approvals to accommodate the proposed access changes, the applicant proposes to dedicate additional right-of-way and to provide VDOT the funds required to design and construct the proposed roadway improvement modifications and a signal at the intersection of Beulah Street and Telegraph Road. These commitments will be detailed in an associated proffer statement.

The proposed amendment is justified because it complies with applicable provisions of the Comprehensive Plan and the Zoning Ordinance. The access change will protect the residential

character of the existing Landsdowne neighborhood. Protecting residential neighborhoods is an important tenet of both the Comprehensive Plan and the Zoning Ordinance. The following applicable provisions of the Comprehensive Plan and the Zoning Ordinance will be satisfied by the approval of this application:

1. On pages 17-18, Concept for Future Development and Land Classification System, the section on Suburban Neighborhoods:

- under LAND USE GUIDELINES, Transitions/Neighborhood Stability, Guideline No. 16 states:

"The following guidelines should be applied to new development and redevelopment within or adjacent to Suburban Neighborhoods involving either a significantly higher intensity or a change in use (second bullet):

- Gain primary access from major or secondary thoroughfares which do not traverse adjacent stable residential areas, and take other measures as necessary to minimize cut-through traffic affecting lower density areas."

- under TRANSPORTATION GUIDELINES, Roadways, Guideline No. 1 states:

"Residential streets should be designed to provide for a sufficient number of connections between neighborhoods to maximize neighborhood use of internal roads and minimize travel on arterials. However, these connections should be designed to minimize through traffic."

- also under TRANSPORTATION GUIDELINES, Pedestrian Connections, Guideline No. 7 states:

"Reliance on the automobile should be reduced by encouraging the provision of pedestrian accessible community-serving retail and support uses"

2. In addition to satisfying the Comprehensive Plan policy guidelines, the applicant will satisfy the intent of the applicable Area IV guidelines on page 370 by:

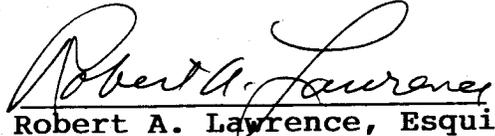
- dedicating additional rights-of-way necessary (approved CDP dedication is inadequate to accommodate planned intersection improvements);

- providing significant contribution to construction of roadway improvements and traffic signalization (original proffers made no contribution to Beulah Street and Telegraph Road improvements); and
 - providing "plan designs that create safe and harmonious vehicular and pedestrian access, especially in areas where high vehicular traffic volumes may exist."
3. The amendment will satisfy the intent of the PDH district regulations. Under Article 6, PLANNED DEVELOPMENT DISTRICT REGULATIONS, Paragraph 6 of Section 6-106 of the Zoning Ordinance states:
- "Secondary uses of a commercial nature except Group 6 outdoor recreation uses and offices shall be designed to serve primarily the needs of the residents of the planned development in which they are located, and such uses, including offices, shall be designed so as to maintain and protect the residential character of the planned development and adjacent residential neighborhoods as well"

In addition to the Proffered Condition and Development Plan Amendments, the applicant is requesting approval of an associated Final Development Plan. The plan proposes local serving

commercial uses, a public library and a day care center. The details of the proposal are currently being worked out with Fairfax County's Library Services staff.

By:


Robert A. Lawrence, Esquire
Agent for Applicant

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

JAN 3 1995

ZONING EVALUATION DIVISION

Albert J. Dwoskin, Trustee
Zoning Map Ref. No. 100-1((1))
Parcel 10B
December 30, 1994

APPLICANT'S STATEMENT

- A. Type of Operation: Fast food restaurants not to exceed a combined total maximum gross floor area of 12,500 square feet.
- B. Hours of Operation: Monday - Thursday:
6:00 a.m. - 11:00 p.m.
Friday - Saturday
6:00 a.m. - 1:00 a.m.
Sunday
6:00 a.m. - 11:00 p.m.
- C. Estimated Number of Patrons: Approximately the same number of patrons as by right secondary uses.
- D. Number of Employees: Approximately the same number of employees as by right secondary uses.
- E. Qualifications of Applicant: Operators of these fast food restaurants will have substantial experience in the operation of fast food restaurants.
- F. Traffic Impact: Approximately the same traffic impact as by right secondary uses.
- G. Vicinity to be Served: Two mile radius.
- H. Proposed Architecture: Generally the same architecture as other in line units within the shopping center.
- I. The proposed use conforms to the provisions of all applicable ordinances, regulations and adopted standards.

J. Any hazardous or toxic substances utilized on site shall utilized, stored and/or disposed of in accordance with applicable Federal, State and Local regulations.

Landsdowne Centre Site
PCA/CDPA 84-L-020

History

- The property was rezoned to PDH-4 as part of the overall Landsdowne conceptual plan in June of 1985. The conceptual development plan depicted local serving retail and institutional uses for the 9+ acre site and all access was provided to the commercial site via Morning Glen Drive.
- As encouraged by the PDH zoning, roadway connections, pedestrian connections, storm drainage and other utility needs were planned for coordination throughout the residential land bays and with the commercial site.
- The PDH zoning is a two step process which requires the approval of a final development plan for all landbays. The final development plans for all the residential landbays were approved at the time of the June 1985 rezoning. The final development plan for the commercial section was not submitted at that time.
- During the 1988-1991 period, A. J. Dwoskin & Associates worked with the community to develop a final development plan. A series of meetings were held with Supervisor Alexander, Carl Sell, members of the Landsdowne Community, Armstrong Management, and County staff. At that time a fire station was need in this area and was shown on our plans.
- During the 1991-present period, A. J. Dwoskin deferred action on the shopping center plans. The fire station found another site.
- Other in the changes the public facility environment include:
 - VDOT's scheduled construction of improvements to Beulah Street and through the Telegraph Road intersection. Construction of these improvements are scheduled to commence in June/July of 1995, and.
 - the need for a neighborhood/community library.

Landsdowne Community Association Meeting February 28, 1995

Landsdowne Neighborhood Commercial Proposal

- The currently proposed draft final development plan depicts a neighborhood retail and service center, a neighborhood library, a day care, a bank and a gas station with a convenience retail sales area. Vehicular access is from Beulah Street and Telegraph Road. Pedestrian access is provided from Morning Glen Drive.

- The building square footage by potential use categories is provided below:

Neighbor. retail, service, restaurant, professional & medical type tenants	56,500 sf
Bank with drive-through	3,500 sf
Gas station with retail area	<u>1,600 sf</u>
	Subtotal 61,600 sf
Child care	<u>6,300 sf</u>
	Subtotal 67,900 sf
Library	<u>15,000 sf</u>
	Total 82,900 sf
	FAR .21

- VDOT has determined that crossover spacing and access to the site are acceptable and that traffic lights can be coordinated throughout the area.

Proposed Public Commitments

- Work with Landsdowne Community to address its concerns.
- Construction of library facility and long term, no rent charge to the County.
- Contribution to Beulah Street and Telegraph Road construction including traffic light at site.

Albert J. Dwoskin
FDP 84-L-020-4

APPLICANT'S STATEMENT FOR CHILD CARE CENTER

- A. Type of Operation: Child care center
- B. Hours of Operation: 6:30 a.m. to 9:00 p.m., Monday through Friday; 8:00 a.m. to 5:00, Saturday
- C. Estimated number of children: Maximum attendance - 180
- D. Estimated number of employees: 20 employees
- E. Estimate of traffic impact of the proposed use: Sporadic traffic with peak periods of traffic on weekdays between 7:30 a.m. and 8:30 a.m. (50 vehicles) and 5:30 p.m. and 6:30 p.m. (60 vehicles)
- F. Vicinity or general area to be served by the use: Landsdowne and Kingstowne
- G. Description of building facade and architecture: Building materials to be determined
- H. A listing of all hazardous or toxic substances: The applicant is presently unaware of any hazardous or toxic substances that would be generated, utilized, stored, treated and/or disposed of on site
- I. The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions.

Landsdowne Centre
Summary of County/VDOT Issues and Applicant's Commitments
May 11, 1995

Library

1) County staff will not permit internal pumping of sewer from the lower level of building no., thus the applicant cannot accommodate the desire of Library Services to have a kitchen on the lower level.

Applicant's Commitment

- Applicant will has committed to provide a long term lease to Library Services at no rent charge, with the County only having to cover CAM, insurance, real estate taxes, utilities if any and its normal operating expenses. The estimated present value of this lease is over **\$2.1 million** (assuming a \$12/ft base rate for 15,000 sf, escalating at the rate of inflation, for a 25 year term, discounted at 10%).
- Provide a vanilla shell building consisting of approximately 15,000 sf total including the provision of elevator service from the lower level to the upper level and provision of space for bathrooms and a small kitchen on the upper level (unless the county provides permission to provide a kitchen downstairs).

Land Use

1) Orientation & Interparcel access

- Comp. Plan General Policy talks about design that is sensitive to residential development, i.e. is adequately buffered and avoids cut through traffic. It would be inappropriate from a compatible use standpoint(noise, traffic, visual impacts) focus the orientation of the shopping to the residential community. (Specific plan policy references are attached.)
- The residents are totally against a vehicular connection to the center.

Applicant's commitment

- The applicant has provided pedestrian connections and nine (9) parking spaces from the Morning Glen cul-de-sac for the residents to use---enough for the residents convenience but not enough to encourage impacts from outside of the neighborhood.

2) Number of Fast Food Restaurants and quick service food store with gas station can be supported primarily by the residents.

- Neighborhood centers typically consists of uses that provide convenience oriented goods and services. The uses include uses that the Fairfax County ordinance defines as fast food but are not ordinarily considered to be fast food, such as ice cream parlors, yogurt stores, donut shops, bakeries, coffee shops, sandwich shops, pizzerias, bagel shops, mom and pop dinners, etc. The applicant is requesting permission to accommodate these uses.

Applicant's commitment

- The applicant will proffer to limit the total amount of area devoted to these uses to 12,500 sf, no freestanding or drive-through uses, and limit the individual store size to not larger than 3,500 sf feet. Additionally the applicant will proffer: "There will be no more than one fast

food restaurant selling primarily ready-to-consume hamburgers or fried chicken. Other restaurants which qualify under the Fairfax County Zoning Ordinance as "fast food restaurants"; but do not sell primarily ready-to-consume hamburgers or fried chicken are not subject to this limitation; these include, but are limited to, delicatessens, submarine sandwich shops, pizza parlors, bagel shops, donut shops, ice cream yogurt and frozen dessert stores, rotisserie or grilled chicken and bakeries, etc.

- 3) Improve landscaping with hedges around parking areas especially along Beulah Street and Telegraph Road and foundation plantings. Provide consistent architectural treatment of fronts and backs of center to increase compatibility with the site's surroundings.

Applicant's Commitment

- See cross-sections for extensive landscape buffering for property boundaries adjoining the Landsdowne community. Also we are proposing 10 ft high berm in VEPCO easement provided the residents want and VEPCO approves). The closest building to the closest residence is 205 feet away and would be screened by the proposed berm in the VEPCO easement.
- Hedges will be added to the street frontages to shield parking areas on Beulah and Telegraph Road.
- The applicant will be constructing the center with a combination of brick trim, dryvit (stucco), glass and shingles. The color of the center both front and back will be earth tones, which together with extensive landscaped buffers proposed will do much to camouflage the existence of buildings.
- There will be no rear access, loading or lights on the rear of buildings. *no architectural yet*

- 4) Buffering of Drive-Through Bank

Applicant's Commitment

- A 25 ft landscaped buffer is proposed on site to buffer the drive-through. The berming and landscaping proposed in the VEPCO easement will further enhance the buffering.
- *The applicant is requesting modifications of any required buffer* in favor of the applicant's proposed landscaping treatments and the existing uses adjoining the property--extensive open space on the west, the VEPCO easement on the north, and the ball fields on the east and Ft. Belvoir on the south.

Environmental

*** 1) Tree Save

- Extensive tree save was provided with the overall Landsdowne CDP--over 30% of the entire 125 acres was placed in open space.
- Much of the shopping center property is covered in scrub pine, which is not considered to be quality vegetation. Additionally, much of the natural vegetation in the buffer areas would not provide adequate screening if preserved.
- In order to deal with the on site grades and tie back into the improvements on Beulah Street and Telegraph Road, the site must be graded.

Transportation

The applicant has not received the transportation report.

- The applicant notes that transportation commitments were made at the time of the original CDP approval in the amount of \$14 million for the approval of Landsdowne and Kingstowne.

The applicant is not proposing an increase in intensity from that previously proffered and thus believes that any additional commitments should be related to impacts associated with the access change only.

Applicant's Commitment

- right of way dedication ----estimated value is between \$75,000 and \$100,000, including sufficient right of way to improve the design over earlier scenarios.
- a cash contribution to VDOT a total of \$227,000 to be used in the manner VDOT wishes.

Originally VDOT had requested that the applicant provide a cash contribution of \$217,000 in order to complete the deal. The \$227,000 included the full funding for the traffic light at Beulah and Telegraph Road (\$95,000) and right of way acquisition for Ft. Belvoir (\$17,000) for plan changes (\$20,000), construction of improvements related to the access changes (\$95,000 estimated by VDOT). The applicant believes that it is excessive to require the applicant to fund the entire traffic signal at Beulah and Telegraph Road since the applicant's contribution to traffic impacts at this signal is limited as compared to impacts from other sources. The applicant instead prefers that VDOT take a portion of the funding for the traffic light at Beulah and Telegraph Road and use it to fund a traffic light at View Lane and Beulah Street in the event that VDOT believes a signal should be provided there. However, the applicant does not feel responsible for providing such as light at View Lane since the applicant is only proposing to provide minimum direct access from its day care use.

- The applicant will provide a traffic signal at its entrance on Beulah Street and Telegraph Road.

The overall contribution of the applicant for transportation improvements (in addition to the \$14 million originally proffered with the Landsdowne and Kingstowne applications) is approximately \$300,000, exclusive of right of way.

Including the library, transportation improvements associated with the FDP and the berming and landscaping the applicant proposes to provide in the VEPCO easement the applicant estimates his commitments to have a value of approximately \$2.7 million.

character of the existing Landsdowne neighborhood. Protecting residential neighborhoods is an important tenet of both the Comprehensive Plan and the Zoning Ordinance. The following applicable provisions of the Comprehensive Plan and the Zoning Ordinance will be satisfied by the approval of this application:

1. On pages 17-18, Concept for Future Development and Land Classification System, the section on Suburban Neighborhoods:

- under LAND USE GUIDELINES, Transitions/Neighborhood Stability, Guideline No. 16 states:

"The following guidelines should be applied to new development and redevelopment within or adjacent to Suburban Neighborhoods involving either a significantly higher intensity or a change in use (second bullet):

- Gain primary access from major or secondary thoroughfares which do not traverse adjacent stable residential areas, and take other measures as necessary to minimize cut-through traffic affecting lower density areas."

- under TRANSPORTATION GUIDELINES, Roadways, Guideline No. 1 states:

"Residential streets should be designed to provide for a sufficient number of connections between neighborhoods to maximize neighborhood use of internal roads and minimize travel on arterials. However, these connections should be designed to minimize through traffic."

- also under TRANSPORTATION GUIDELINES, Pedestrian Connections, Guideline No. 7 states:

"Reliance on the automobile should be reduced by encouraging the provision of pedestrian accessible community-serving retail and support uses"

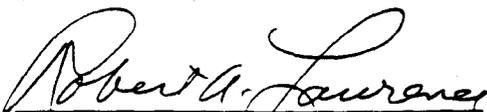
2. In addition to satisfying the Comprehensive Plan policy guidelines, the applicant will satisfy the intent of the applicable Area IV guidelines on page 370 by:

- dedicating additional rights-of-way necessary (approved CDP dedication is inadequate to accommodate planned intersection improvements);

- providing significant contribution to construction of roadway improvements and traffic signalization (original proffers made no contribution to Beulah Street and Telegraph Road improvements); and
 - providing "plan designs that create safe and harmonious vehicular and pedestrian access, especially in areas where high vehicular traffic volumes may exist."
3. The amendment will satisfy the intent of the PDH district regulations. Under Article 6, PLANNED DEVELOPMENT DISTRICT REGULATIONS, Paragraph 6 of Section 6-106 of the Zoning Ordinance states:
- "Secondary uses of a commercial nature except Group 6 outdoor recreation uses and offices shall be designed to serve primarily the needs of the residents of the planned development in which they are located, and such uses, including offices, shall be designed so as to maintain and protect the residential character of the planned development and adjacent residential neighborhoods as well"

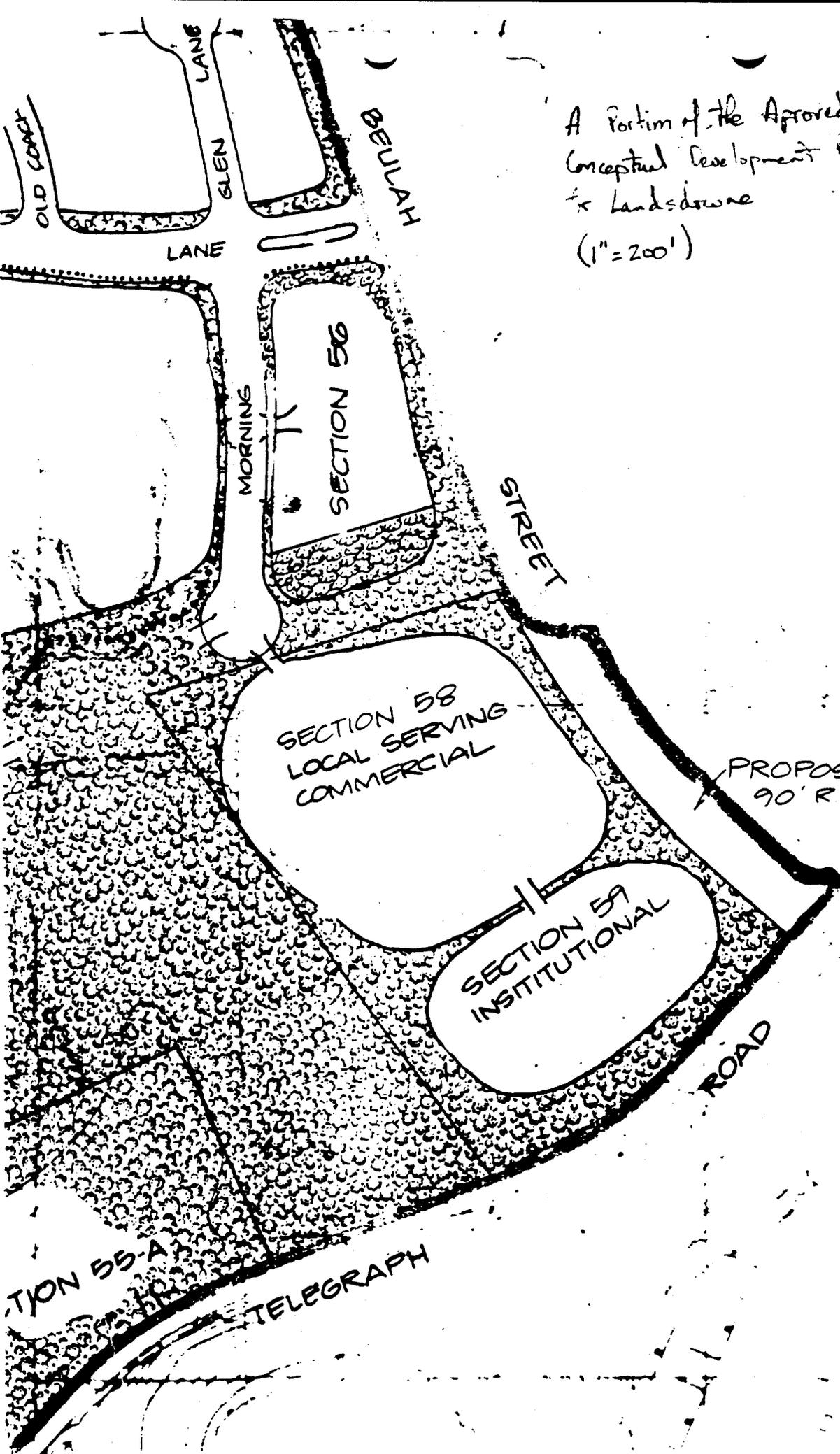
In addition to the Proffered Condition and Development Plan Amendments, the applicant is requesting approval of an associated Final Development Plan. The plan proposes local serving

commercial uses, a public library and a day care center. The details of the proposal are currently being worked out with Fairfax County's Library Services staff.

By: 
Robert A. Lawrence, Esquire
Agent for Applicant

A Portion of the Approved
Conceptual Development Plan
for Landsdowne
(1" = 200')

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OF

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SECTION 55-A TELEGRAPH

031 1010

traffic consultant (employed at the cost of the developer or its successor or successors) which achieve the projected level of trip generation shall be implemented and maintained.

- c. Developer agrees that the peak-hour traffic generation from the office and industrial uses for the subject property shall at no time exceed the total projections set forth in the Kellerco traffic study dated February 5, 1985, as modified by memo dated February 12, 1985. If vehicle counts taken by the County or VDH&T indicate that these projections are being exceeded, the actions described in paragraphs a and b shall be implemented and no additional building permits shall be issued within the I-4 District unless the developer can show that, through the use of additional TSM actions, that said projections will not be exceeded by the issuance of said additional building permits.

V. LANDSDOWNE DEVELOPMENT PLAN CONDITIONS

A. Conceptual Development Plan Proffered Conditions

111. Development of the subject property shall be in substantial conformance with the Conceptual Development Plan as revised May 30, 1985 (Sheet D-1). Densities shall not exceed those depicted on the Plan.

alternatives become available. The escrowed funds will be held by Fairfax County in interest-bearing escrow accounts. In the event that a temporary access road becomes permanent, the escrowed funds, plus any interest thereon, for said temporary access road, shall be refunded forthwith to the developer.

- d. Whenever land is to be dedicated or acquired for roads, said dedication or acquisition shall include necessary grading and construction easements.
- e. In instances where inconsistencies exist between said FDPs and these proffers, these proffers shall govern, and roads shall be constructed as set forth herein.

127. The developer will dedicate the right-of-way for realigned Beulah Street as shown on the Conceptual Development Plan for Landsdowne. At the proposed intersection for the new alignment for the intersection of Beulah Street Extended and Telegraph Road, additional right-of-way will be provided for eventual construction of a right turn lane and a transition lane by others. Grading and construction easements will also be provided for this road construction. Easements and dedications will be provided at the time of final plat review.

128. The curbing on the southern side of the entrance to Landsdowne has not been provided so as to allow flexibility for the eventual alignment of Beulah Street. Funds that would have been spent on this curbing will be escrowed with Fairfax County for construction at a later date or placed in a general fund for use at other locations directly related to Kingstowne, as may be determined by the Office of Transportation.

129. The developer will dedicate right-of-way 45 feet from centerline along the Landsdowne frontage of Telegraph Road, together with temporary construction easements.

Recreational Facilities

130. Trails not dedicated to the Fairfax County Park Authority will be provided as shown on Exhibit C attached hereto. Trail sections within Landsdowne which are open to the public, but not dedicated to, nor accepted for maintenance by, the Fairfax County Park Authority, shall be maintained by the LHOA.

131. Recreational facilities shall be in substantial conformance with the Conceptual and Final Development Plans attached hereto.

132. All recreational facilities shall be owned and operated by the Landsdowne Homeowners Association, other than the pools, and shall be available to all residents of Landsdowne.

Amend Article 6, Planned Development District Regulations, Part 1, PDH Planned Development Housing District, Sect. 6-106, Use Limitations, by revising Par. 6 to read as follows:

6. Secondary uses of a commercial nature except Group 6 outdoor recreation uses and offices shall be designed to serve primarily the needs of the residents of the planned development in which they are located, and such uses, including offices, shall be designed so as to maintain and protect the residential character of the planned development and adjacent residential neighborhoods as well. In order to accomplish these purposes:
 - A. Commercial and office uses shall be conducted within a completely enclosed building with no outside display except those uses which by their nature must be conducted outside a building.
 - B. When located within the same building as residential uses, commercial and office uses shall be limited to the lowest two (2) floors.
 - C. The maximum total land area, including all at-grade off-street parking and loading areas in connection therewith, devoted to commercial and office uses, except Group 6 outdoor recreation uses, shall be as follows:
 - (1) PDH-1 through PDH-4: 400 square feet of commercial/dwelling unit.
 - (2) PDH-5 through PDH-20: 300 square feet of commercial/dwelling unit.
 - (3) PDH-30 and PDH-40: 200 square feet of commercial/dwelling unit.

However, the Board may allow an increase in the commercial land area if there is a single commercial area proposed to serve two or more contiguous PDH Districts which are planned and designed as a single planned development and which are zoned concurrently. The Board may approve such an increase with the concurrent approval of a conceptual and final development plan which shows the layout, uses and intensity of the commercial land area. In such instance, the land area devoted to commercial use may be based on the total number of dwelling units in the PDH Districts,

provided, however, that the resultant commercial land area shall not exceed twice that which would have been permitted otherwise for the individual PDH District in which the commercial land area is located.

In no instance, however, shall office uses occupy more than ten (10) percent of the total gross floor area.

Amend Article 16, Development Plans, Part 4, Procedures for the Review and Approval of All P Districts Except the PRC District, Sect. 16-401, Conceptual Development Plan Approval, by revising Par. 8 to read as follows:

- 8. In approving a conceptual development plan, the Board may authorize a variance in the strict application of specific zoning district regulations whenever:
 - A. Such strict application would inhibit or frustrate the purpose and intent for establishing such a zoning district; and
 - B. Such variance would promote and comply with the standards set forth in Part 1 above.

In no case, however, shall the maximum density provisions under the PDH District and the maximum floor area ratio provisions under the PDC District, be varied or modified.

This amendment shall become effective on December 14, 1993 at 12:01 a.m.

GIVEN under my hand this 13th day of December, 1993.

Nancy Vehrs

NANCY VEHR

Clerk to the Board of Supervisors

- (a) the notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and
- (b) the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

The request for an addition submitted to the Zoning Administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and the Tax Map references for all parcels notified. No request for an addition shall be considered by the Zoning Administrator unless the affidavit has been provided in accordance with this paragraph.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved special exception, such modification shall require the approval of an amendment to the special exception in accordance with Sect. 014 below or a new special exception.

9-005**Establishment of Categories**

For purposes of applying specific conditions upon certain types of special exception uses, and for allowing special exception uses to be established only in those zoning districts which are appropriate areas for such uses, all special exception uses are divided into categories of associated or related uses, as hereinafter set forth in this Article 9.

9-006**General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be 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.
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.
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.

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.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
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.
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.

9-007**Conditions and Restrictions**

In addition to those standards set forth in this Article, the Board, in approving a special exception, may impose such conditions and restrictions upon the proposed use as it may deem necessary in the public interest to secure compliance with the provisions of this Ordinance and to protect the viability of the implementation of the adopted comprehensive plan. Such conditions or restrictions may include but need not be limited to a time limitation on the length of the exception in accordance with the provisions of Sect. 008 below and may require the posting of a guarantee or bond in a reasonable amount by the applicant.

9-008**Time Limitations, Extensions, Renewals**

In addition to the time limits set forth in this Article, the Board may require, as a condition of the approval of any special exception, that it shall be approved for a specified period of time; that it may be subsequently extended for a designated period by the Zoning Administrator; or that it may be periodically renewed by the Board. The procedure of granting an extension or renewal shall be as presented in Sections 012 and 013 below.

Unless otherwise stipulated by the Board, a specified period of time shall commence on the date of approval of a special exception.

9-009**Application for a Special Exception**

1. An application for a special exception may be made by any property owner, owner of an easement, possessor of the right of entry under the power of eminent domain, lessee, contract purchaser, official, department, board or bureau of any government or their agent.
2. The application shall be filed with the Zoning Administrator on forms provided by the County. The application shall be complete, and shall be accompanied by those submission requirements set forth in Sect. 011 below, such specified information as may be required for a given category or use, and such additional information as may be required by the Board. The application shall be accompanied by a fee as provided for in Sect. 18-106. No application shall be deemed to be on file with the County until all required submissions have been presented. All applications shall be subject to the provisions of Part 1 of Article 18.
3. The Zoning Administrator shall transmit a copy of every special exception to the Planning Commission. The Planning Commission shall hold a public hearing on each application and shall make recommendations on each application setting forth any conditions or restrictions for consideration by the Board.

SPECIAL EXCEPTIONS

9-503

- C-6 District: Limited to uses 6, 9, 11, 12, 17, 19, 20, 22 and 23
- C-7 District: Limited to uses 1, 2, 6, 9, 11, 12, 14, 17, 20, 22 and 23
- C-8 District: Limited to uses 2, 6, 9, 11, 12, 14, 17, 19, 20, 22, 23 and 26
- C-9 District: Limited to uses 1, 6, 9, 11, 14, 17, 20, 22 and 23
- I-I, I-1, I-2, I-3 Districts: Limited to uses 10 and 17
- I-4 District: Limited to uses 10, 16, 17 and 26
- I-5 District: Limited to uses 10, 16, 17, 23, 24 and 26
- I-6 District: Limited to uses 10, 16, 17, 23, 24 and 26

2. Category 5 uses may be allowed by special exception in the following districts:

- R-A District: Limited to use 19
- R-P, R-C Districts: Limited to uses 15, 17 and 19
- R-E, R-1 Districts: Limited to uses 10, 12, 15, 17, 19 and 27
- R-2, R-3, R-4 Districts: Limited to uses 5, 12, 15, 17, 19 and 27
- R-5, R-8 Districts: Limited to uses 5, 12, 15, 17 and 27
- R-12, R-16, R-20 Districts: Limited to uses 12, 15 and 27
- R-30 District: Limited to uses 12, 15, 17 and 27
- R-MHP District: Limited to uses 12, 15 and 27
- PDH and PDC Districts: Limited to uses 11 and 27
- PRC District: Limited to use 27
- C-1 District: Limited to uses 10 and 27
- C-2 District: Limited to uses 6, 9, 10 and 27
- C-3, C-4 Districts: Limited to uses 6, 9, 10, 14, 18, 21, 22 and 27
- C-5 District: Limited to uses 2, 6, 11, 12, 15, 17, 20, 21 and 27
- C-6 District: Limited to uses 2, 3, 4, 6, 11, 14, 15, 17, 18, 20, 21, 23, 25, 27 and 30
- C-7 District: Limited to uses 2, 3, 4, 6, 7, 8, 10, 11, 15, 17, 18, 20, 21, 23, 25, 26, 27 and 30
- C-8 District: Limited to uses 2, 3, 4, 6, 7, 10, 11, 15, 16, 17, 18, 20, 21, 23, 24, 25, 27 and 30
- C-9 District: Limited to uses 2, 3, 4, 6, 10, 11, 17, 18, 20, 21, 23, 25, 26 and 27
- I-I, I-1 Districts: Limited to use 27
- I-2 District: Limited to uses 9, 14, 15, 18, 22 and 27
- I-3 District: Limited to uses 3, 6, 9, 14, 15, 16, 18, 21, 22, 26, 27 and 29
- I-4 District: Limited to uses 3, 6, 9, 14, 15, 18, 19, 21, 22 and 27
- I-5 District: Limited to uses 3, 6, 9, 11, 14, 18, 19, 20, 21, 23 and 27
- I-6 District: Limited to uses 3, 6, 7, 11, 13, 18, 19, 20, 21, 23 and 27

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.
3. Before establishment, all uses shall be subject to the approval of a site plan prepared in accordance with the provisions of Article 17.

2. The Advisory Board, in making its recommendations, and the Board of Supervisors, in deciding on the issuance of such an exception, shall specifically consider whether or not:
 - A. There is a demonstrated need for the proposed facility, in the location, at the time, and in the configuration proposed. Such consideration shall take into account alternative facilities and/or services in existence or approved for construction, and the present and projected utilization of specialized treatment equipment available to persons proposed to be served by the applicant.
 - B. Any proposed specialized treatment or care facility has or can provide for a working relationship with a general hospital sufficiently close to ensure availability of a full range of diagnostic and treatment services.
 - C. The proposed facility will contribute to, and not divert or subvert, implementation of a plan for comprehensive health care for the area proposed to be served; such consideration shall take into account the experience of the applicant, the financial resources available and projected for project support and operation, and the nature and qualifications of the proposed staffing of the facility.
3. All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.
4. No freestanding nursing facility shall be established except on a parcel of land fronting on, and with direct access to, an existing or planned collector or arterial street as defined in the adopted comprehensive plan.
5. No building shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-A through R-4 District.
6. In the R-E through R-5 Districts, no such use shall be located on a lot containing less than five (5) acres.
7. For hospitals, the Board of Supervisors may approve additional on-site signs when it is determined, based on the size and nature of the hospital, that additional signs are necessary in order to provide needed information to the public and that such signs will not have an adverse impact on adjacent properties. All proposed signs shall be subject to the maximum area and height limitations for hospital signs set forth in Article 12. All requests shall show the location, size, height and number of all signs, as well as the information to be displayed on the signs.

9-309

Additional Standards for Child Care Centers and Nursery Schools

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

 - A. That area not covered by buildings or required off-street parking spaces.

FAIRFAX COUNTY ZONING ORDINANCE

- B. That area outside the limits of the minimum required front yard, unless specifically approved by the Board in commercial and industrial districts only.
 - C. Only that area which is developable for active outdoor recreation purposes.
 - D. An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.
2. For each person enrolled, indoor recreation space shall be provided in accordance with the provisions of Chapter 30 of The Code.
 3. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the Director. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the Board deems to be necessary or advisable:

Number of Persons	Street Type
4-75	Local
76-660	Collector
660 or more	Arterial

4. All such uses shall be located so as to permit the pick-up and delivery of all persons on the site.
5. No such use shall be permitted unless it is determined by the County Department of Health Services that the location does not pose any hazard to the health, safety and welfare of the children.

9-310

Additional Standards for Private Schools of General Education and Private Schools of Special Education.

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area for a private school of general education shall be of such size that:
 - A. 200 square feet of usable outdoor recreation area shall be provided for each child in grades K-3 that may use the space at any one time, and
 - B. 430 square feet of usable outdoor recreation area shall be provided for each child in grades 4-12 that may use the space at any one time.

Such usable outdoor recreation area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

- A. That area not covered by buildings or required off-street parking spaces.
- B. That area outside the limits of the required front yard.

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 Banks, Fast Food Restaurants, Quick-Service Food Stores and Service Stations

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.
2. In the C-3 and C-4 Districts, in addition to Par. 1 above:
 - A. All such uses, except drive-in banks, shall be an integral design element of a site plan for an office building or office building complex containing not less than 35,000 square feet of gross floor area.
 - B. Such a use shall have no separate and exclusive curb cut access to the abutting highway.
 - C. There shall be no outside storage or display of goods offered for sale.
 - D. Service stations shall not include any ancillary use such as vehicle or tool rental, and shall be limited to the servicing and retail sales of products used primarily by passenger vehicles.
 - E. Service stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.
3. In the C-5 and C-6 Districts, in addition to Par. 1 above:
 - A. There shall be no outside storage or display of goods offered for sale.

SPECIAL EXCEPTIONS

9-505

- B. Service stations shall not include any ancillary use such as vehicle or tool rental, and shall be limited to the servicing and retail sales of products used primarily by passenger vehicles.
 - C. Service stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.
4. In the C-7, C-8 and C-9 Districts, in addition to Par. 1 above:
- A. In the C-7 or C-9 District, there shall be no outside storage or display of goods offered for sale.
 - B. Service stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.
 - C. The outdoor area devoted to any ancillary use such as vehicle or tool rental shall be limited to the area so designated on an approved site plan.
5. In the I-3, I-4, I-5 and I-6 Districts, in addition to Par. 1 above:
- A. All such uses, except drive-in banks, shall be an integral design element of a site plan for an industrial building or building complex containing not less than 30,000 square feet of gross floor area.
 - B. In an I-3 or I-4 District, there shall be no outside storage or display of goods offered for sale.
 - C. In an I-3 or I-4 District, service stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.
 - D. No Building Permit shall be approved for such a use unless a Building Permit has been approved for the related industrial building(s).
 - E. The outdoor area devoted to any ancillary use such as vehicle or tool rental shall be limited to that area so designated on an approved site plan.
6. In the PDH and PDC Districts, in addition to Par. 1 above:
- A. In the PDH District, fast food restaurants may be permitted only in accordance with the provisions of Sect. 6-106 and the following:
 - (1) Such use may be permitted only upon a finding by the Board that the planned development is of sufficient size to support the proposed use, and that the use is designed to serve primarily the needs of the residents of the development.

FAIRFAX COUNTY ZONING ORDINANCE

- (2) Such use shall be designed and located so as to maintain the intended secondary nature of the use, and so that the associated impacts, including but not limited to associated on-site and off-site vehicular traffic, noise, odors, and visual impact, will not adversely affect the residential character of the development and surrounding properties.
- (3) All direct vehicular access to the use shall be provided via the internal circulation system of a commercial area of the PDH development, which commercial area shall contain not less than three (3) non-automobile-related commercial establishments.
- (4) The proposed development shall provide clearly designated pedestrian facilities for safe and convenient access from surrounding residential and commercial uses.

B. In the PDC District, fast food restaurants may be permitted only in accordance with the provisions of Sect. 6-206.

9-506

Additional Standards for Commercial Recreation Restaurants

1. All such uses shall be designed and operated as a combined use for family-oriented recreation and on-premise dining.
2. No person under 18 years of age shall be permitted to frequent the premises unless accompanied by a parent or guardian.
3. The sale and consumption of food, frozen deserts or beverages shall be limited to the premises. Notwithstanding the above, the establishment may provide a carry-out service provided that such carry-out service is clearly not the principal business of that portion of the establishment devoted to the sale and consumption of food, frozen desserts or beverages.
4. The recreation portion of the establishment shall not be advertised or operated as a separate facility.
5. Any areas devoted primarily to mechanical and/or electronic operated games shall encompass no more than twenty-five (25) percent of the total gross floor area of the establishment.

9-507

Additional Standards for Convenience Centers

1. No convenience center shall be approved in a neighborhood or subdivision which has been recorded or recorded in part prior to the effective date of this Ordinance. In addition, no convenience center shall be located on a lot adjacent to existing dwellings, unless such center was represented on an approved development plan.
2. The approval of a special exception for a convenience center shall be subject to the approval of a development plan prepared in accordance with the provisions of Sect. 16-502.
3. No convenience center shall be located within a distance of one (1) mile from any other similar retail commercial use.
4. Uses within a convenience center shall be limited to retail sales establishments, personal service establishments and quick-service food stores oriented to serve the residents of the immediate neighborhood.
5. In no event shall the gross floor area of a convenience center exceed 2000 square feet.

Amend Article 16, Development Plans, by revising Parts 1, 2 and 3 to read as follows:

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 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.

PART 2

16-200 PROCEDURES FOR REVIEW AND APPROVAL OF A PRC DISTRICT

All proposed developments of a PRC District, as permitted by the provisions of Part 3 of Article 6, shall be subject to the following procedures for review and approval.

4. There shall be different barrier requirements as identified on the matrix, which shall be provided as follows:
 - A. Barrier A shall consist of a 42-48 inch wall, brick or architectural block faced on the side facing the existing use and may be required to be so faced on both sides as determined by the Director.
 - B. Barrier B shall consist of a 42-48 inch solid wood or otherwise architecturally solid fence.
 - C. Barrier C shall consist of an evergreen hedge with an ultimate height of at least 42-48 inches and planted size of 36 inches.
 - D. Barrier D shall consist of a 42-48 inch chain link fence and may be required by the Director to have inserts in the fence fabric, to be coated, or to be supplemented by trees and/or shrubs.
 - E. Barrier E shall consist of a 6 foot wall, brick or architectural block faced on the side facing the existing use and may be required to be so faced on both sides as determined by the Director.
 - F. Barrier F shall consist of a 6 foot high solid wood or otherwise architecturally solid fence.
 - G. Barrier G shall consist of a 6 foot chain link fence and may be required by the Director to have inserts in the fence fabric or to be coated.
 - H. Barrier H shall consist of one row of 6 foot trees averaging 50 feet on centers, such trees being a variety of types. This requirement may be omitted in cases where the building is 6 feet or less from the property line.

13-304

Transitional Screening and Barrier Waivers and Modifications

Transitional screening and barriers may be waived or modified by the Director in any of the following circumstances. The Director may attach conditions to any waiver or modification which would assure that the results of the waiver or modification would be in accordance with the purpose and intent of this Part.

1. Transitional screening and barriers may not be required between uses that are to be developed under a common development plan or series of development plans within a PRC District or a common site plan.
2. Where the strict provisions of this Part would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, transitional screening and/or barriers may be waived or modified by the Director where the side of a building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.
3. Transitional screening may be modified where the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.
4. The transitional screening yard width and planting requirements may be reduced as much as two-thirds ($\frac{2}{3}$) where the developer chooses to construct a seven (7) foot brick or architectural block wall instead of the lesser barrier indicated by the matrix. This wall may be reduced to a height of six (6) feet

FAIRFAX COUNTY ZONING ORDINANCE

where the Director deems such a height will satisfy the purposes and intent of this Part.

5. Transitional screening and barriers may be waived or modified where the adjoining land is designated in the adopted comprehensive plan for a use which would not require the provision of transitional screening between the land under site plan and the adjoining property.
6. Transitional screening and barriers may be waived or modified where the adjacent property is zoned to allow a use similar to that of the parcel under site plan.
7. Transitional screening and barriers may be waived or modified where the adjoining property is used for any public purpose other than a school or hospital.
8. Transitional screening and barriers may be waived or modified when the adjoining land is used for a sawmilling operation or for a wayside stand.
9. Transitional screening and barriers may be waived or modified where adjacent residential property is used for any use permitted by the Board of Zoning Appeals or the Board of Supervisors as a special permit or special exception use except nursery schools, day care centers, schools of general and special education.
10. Transitional screening may be waived or modified when the adjoining land is an R district and is used for off-street parking as permitted by the provisions of Sect. 9-609.
11. Transitional screening and barriers may be waived or modified where the subject property abuts a railroad or interstate highway right-of-way, except the Dulles Airport Access Road.
12. The Director may waive or modify the barrier requirements where the topography of the lot providing the transitional screening and the lot being protected is such that a barrier would not be effective.
13. The Director may waive or modify the barrier requirements for single family attached dwelling units where a six (6) foot fence has been provided to enclose a privacy yard on all sides, and such fence is architecturally designed and coordinated with landscaping techniques to minimize adverse impact on adjacent properties.
14. Transitional screening and barriers may be waived or modified for any public use when such use has been specifically designed to minimize adverse impact on adjacent properties.
15. In affordable dwelling unit developments, where the strict application of the provisions of this Article would preclude compliance with the provisions of Part 8 of Article 2, transitional screening and/or barriers may be waived or modified.

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, OCP

FROM: *Bruce G. Douglas*
Bruce G. Douglas, Chief
Environment & Development Review Branch, OCP

FILE NO.: 2106 (ZONING)

SUBJECT: Land Use Analysis for: PCA 84-L-020-7
FDP 84-L-020-4
SE 95-L-010
Dwoskin/Landsdowne

DATE: 8 May 1995

This memorandum, prepared by Susie Leonard, includes citations from the Comprehensive Plan that list and explain land use and design policies for this property, and an analysis of the development plan dated May 1, 1995. The applications request approval of the final development plan for a shopping center in a P-district to include at least three fast food restaurants, a child care center, a service station and a drive-thru bank. Approval of this application would result in a floor area ratio (FAR) of .22. Possible solutions to address identified use and design concerns are suggested. Other solutions may be acceptable, provided they are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The 8.9-acre property is located in the Newington Community Planning Sector (S6) of the Springfield Planning District in Area IV. The assessment of the proposal for conformity with the land use and design recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

On page 368 of the 1991 edition of the Area IV Plan as amended through March 9, 1992, under the heading "Recommendations, Land Use," the Plan states:

- "7. The Lehigh Area is bounded by Beulah Street on the east, the Long Branch of Accotink Creek on the west, the Amberleigh subdivision on the north, and the Hunter Estates subdivision on the south. The following general policies apply to development in the Lehigh Area which is north of and does not include the Hunter Estates subdivision:

- Promote a balanced planned development community that will serve as a showcase community and future focal point of the County.
- Plan residential densities within the planned development community to a maximum overall average of 3-4 dwelling units per acre with bonuses, as appropriate. . . .
- Compatible land use and streetscape design should occur throughout any development.
- Protect stable adjoining neighborhoods through use of compatible densities, unit type, design or natural features (e.g., trees, topography) which effectively screen or buffer incompatible or adverse uses. . . .
- Promote a complete network of hiking, biking, and riding trails to be incorporated into the development plan for the area. Facilities should be provided for safe and convenient pedestrian access to and from residential neighborhoods and commercial areas. . . ."

On page 41 under the heading "Locational Guidelines for Child Care Facilities," the 1990 Policy Plan states:

"In Fairfax County, as in other areas of the country, there is an increasing need for high-quality child care facilities. Such facilities should be encouraged throughout the County to the extent that they can be provided consistently with the following criteria:

1. Child care facilities should have sufficient open space to provide adequate access to sunlight and suitable play areas, taking into consideration the size of the facility.
2. Child care facilities should be located and designed to ensure the safety of children.
3. Child care facilities should be located and designed to protect children from excessive exposure to noise, air pollutants, and other environmental factors potentially injurious to health or welfare.
4. Child care facilities should be located and designed to ensure safe and convenient access. This includes appropriate parking areas and safe and effective on-site circulation of automobiles and pedestrians.

5. Child care facilities in Suburban Neighborhoods should be located and designed to avoid creating undesirable traffic, noise, and other impacts upon the surrounding community. Therefore, siting child care facilities on the periphery of residential developments or in the vicinity of planned community recreation facilities should be considered.
6. Child care facilities should be encouraged in employment centers to provide locations convenient to work places. However, these locations should make provisions for a safe and healthful environment in accord with the guidelines listed above."

On page 43 under the heading "Guidelines for Drive-Thru Windows and Other Drive-Thru Facilities," the 1990 Policy Plan states:

"Drive-thru windows for commercial establishments and other drive-thru facilities have the potential to cause serious on-site and off-site traffic circulation problems. To address these potential problems, drive-thru windows and other drive-thru facilities should be approved only if the size and configuration of the lot are adequate to achieve a safe drive-thru facility, parking circulation and pedestrian system. All activity generated by the use must be accommodated on the site. Noise, glare and other nuisance aspects related to drive-thru facilities must not adversely affect adjacent properties."

The Comprehensive Plan map shows that the property is planned for residential use at 3-4 dwelling units per acre.

CHARACTER OF THE SURROUNDING AREA:

The wooded site abuts a triangular piece of land that will become an "island" when Beulah Street is extended to its new intersection with Telegraph Road. The "island", planned for residential use at 3-4 dwelling units per acre, contains a detached residence in the eastern portion and is approved for a ball field in the western portion. Beyond it to the northeast is the Hilltop debris landfill.

To the south, across Telegraph Road, is the northern edge of the main base of Fort Belvoir.

Abutting the site to the west is open space which is part of the overall Landsdowne residential development. To the north are townhouses which are part of Landsdowne. Like the subject property, the rest of Landsdowne is planned for residential use at 3-4 dwelling units per acre "with bonuses as appropriate".

PLANNING ANALYSIS:

This section characterizes land use and design concerns raised by an evaluation of this site and the proposed use. Suggested solutions are intended to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities to achieve compatibility with adjacent uses and to create a more attractive community.

If the applicant modifies the application, and/or accepts or proposes conditions comparable to the suggested solutions discussed below, the proposed development will be in conformance with the guidance of the Comprehensive Plan.

Most of the Plan guidance which applies to Landsdowne (cited on pages 1 and 2 above) was addressed in the initial rezoning which created the PDH-4 district. As described in the Plan text and shown on the Plan map, the area is planned for residential use at 3-4 dwelling units per acre "with bonuses as appropriate". Landsdowne was approved with approximately 620 dwelling units and, in its southeast corner, an area shown on the Conceptual Development Plan (CDP) as "local serving commercial" in conjunction with an area for institutional use. The retail and institutional uses proposed in this application have therefore already been approved in concept. However, some of the specific design details and the overall orientation of the non-residential area are of concern with the current proposal.

Overall Nature of the Proposed Shopping Center

Planned for residential use, Landsdowne was approved with a ancillary commercial component at this location. The intent, as discussed in the Zoning Ordinance for ancillary retail use in a PDH-zoned area, was that commercial uses designed to provide for the needs of the development in which they are located could be provided, thus promoting the creation of "balanced" neighborhoods which do not overwhelmingly depend on automobiles. The retail/commercial use is thus secondary to the residential use which it serves. The current proposal, however, is visually and functionally oriented toward Beulah Street and Telegraph Road rather than the Landsdowne development. It is located on an outside corner of the overall development, provides no vehicular access between the residential portion and the shopping center (except for parking for 9 cars in the northwest corner of the site), and presents the backs of several buildings to its Landsdowne surroundings. Pedestrian access from the southern end of Morning Glen Lane (as well as along Beulah Street) has been provided. Vehicular connections, which would allow Landsdowne residents to drive to their center without using Beulah Street,

would be highly desirable in order to ensure the local-serving nature of the use.

Inter-related with the issue of functional and visual orientation is a concern raised by the proposal's inclusion of "at least" (Note #12 on Sheet 2) three fast food restaurants totalling 12,500 square feet. The applicant should demonstrate that this number of fast food restaurants (in addition to the quick service food store associated with the service station) can be supported primarily by the Landsdowne community. During discussions with the applicant, the nature of the restaurants was described as being local serving, akin to bakeries, delicatessens, bagel shops, etc. but no commitment has been provided to that effect. A proffer restricting the location of the fast food restaurants to buildings 2, 5 and 6, and limiting the maximum size of each to 3,500 square feet, has been provided. It is still not clear that 4 fast food restaurants (the note says "at least three" up to a maximum of 12,500 square feet, which exceeds 3 restaurants of 3,500 square feet each) at this location can be characterized as being "local serving".

- "• Promote a balanced planned development community that will serve as a showcase community and future focal point of the County."

This recommendation was addressed at the time of the original rezoning.

- "• Plan residential densities within the planned development community to a maximum overall average of 3-4 dwelling units per acre with bonuses, as appropriate. . . ."

This recommendation was addressed at the time of the original rezoning.

- "• Compatible land use and streetscape design should occur throughout any development."

Assuming that the overall Landsdowne landscape and streetscape plans will apply to this development, this recommendation was addressed at the time of the original rezoning.

- "• Protect stable adjoining neighborhoods through use of compatible densities, unit type, design or natural features (e.g., trees, topography) which effectively screen or buffer incompatible or adverse uses. . . ."

Although the approved CDP implies that some open space and/or tree save was to occur around the sections shown for local serving commercial and institutional use, the Ordinance provisions allow a certain maximum amount of non-residential square footage which appears to preclude preservation of existing vegetation. Open

space already provided by Landsdowne to the west of the site provides a buffer in that direction. Recently-submitted Sheet #3, showing cross sections from Landsdowne, shows a berm in the Virginia Power easement which, assuming it can be implemented, will further shield the residential uses from the shopping center. Further improvements in the form of increased landscaping (e.g. hedges around parking areas, especially along Beulah Street and Telegraph Road and foundation plantings around the buildings) and consistent architectural treatment of the front and backs (i.e. finished backs) of the buildings would increase compatibility with the site's surroundings.

- "• Promote a complete network of hiking, biking, and riding trails to be incorporated into the development plan for the area. Facilities should be provided for safe and convenient pedestrian access to and from residential neighborhoods and commercial areas. . . ."

The FDP provides for internal pedestrian circulation as well as connections to Landsdowne to the north and a pedestrian crosswalk to the future ball field to the east.

Locational Guidelines for Child Care Facilities

- "1. Child care facilities should have sufficient open space to provide adequate access to sunlight and suitable play areas, taking into consideration the size of the facility."

The proposed child care center is located on the edge of the commercial use, on that portion of the site closest to residential uses. A play area is provided. The Health Department may wish to comment of its sufficiency.

- "2. Child care facilities should be located and designed to ensure the safety of children."

Located in the northwest corner of the site, significant circulation problems that could threaten the safety of the children do not appear to exist.

- "3. Child care facilities should be located and designed to protect children from excessive exposure to noise, air pollutants, and other environmental factors potentially injurious to health or welfare."

Again, the location on the edge of the site supports this recommendation. Proximity to the Virginia Power easement should be addressed in other analyses.

- "4. Child care facilities should be located and designed to ensure safe and convenient access. This includes appropriate parking areas and safe and effective on-site circulation of automobiles and pedestrians."

As in #2 above, this recommendation appears to have been met.

- "5. Child care facilities in Suburban Neighborhoods should be located and designed to avoid creating undesirable traffic, noise, and other impacts upon the surrounding community. Therefore, siting child care facilities on the periphery of residential developments or in the vicinity of planned community recreation facilities should be considered."

This recommendation has been fulfilled.

- "6. Child care facilities should be encouraged in employment centers to provide locations convenient to work places. However, these locations should make provisions for a safe and healthful environment in accord with the guidelines listed above."

Although not of a scale that can easily be characterized as an "employment center," locating the child care center in conjunction with the shopping center may provide for similar conveniences.

Guidelines for Drive-Thru Windows and Other Drive-Thru Facilities

The location and design of the drive-thru bank appear to generally fulfill the guidelines cited on Page 3 above. A buffer 25 feet wide if provided between the drive-thru windows and the northern edge of the site. The applicant should, however, demonstrate that the landscaping in that buffer will be substantial enough (in size and volume) to effectively screen the commercial use.

BGD:SL

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, OCP

FROM: *Bruce G. Douglas*
Bruce G. Douglas, Chief
Environment and Development Review Branch, OCP

FILE NO.: ZONING 2077

SUBJECT: ENVIRONMENTAL ASSESSMENT for: SE 95-L-010
Albert J. Dwoskin PCA 84-L-020-7
FDP 84-L-020-4

DATE: 2 May 1995

This memorandum, prepared by John Bell, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. The citations are followed by a discussion of environmental concerns including a description of potential impacts that may result from the proposed development as depicted on the development plan dated 01/24/95. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

On page 93 of the 1990 Policy Plan, under the heading "Environmental Resources", the Comprehensive Plan states:

"Objective 11: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.

Policy a: Protect or restore the maximum amount of tree cover on developed sites consistent with planned land use and good silvicultural practices.

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way."

Barbara A. Byron
SE 95-L-010
PCA 84-L-020-7
FDP 84-L-020-4
Page Two

ENVIRONMENTAL ANALYSIS:

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the County's remaining natural amenities.

Tree Cover

Concern:

The approved CDP for this site indicated that existing tree cover would be saved on portions of the subject property. The current application indicates that the entire site will be cleared and graded. While there are large areas on the site which currently support only replanted pines there are also some existing stands of mature mixed hardwoods which could be saved with some modifications to the current proposal.

Suggested Solution:

The applicant is encouraged to provide on-site tree save areas which include efforts to save specific trees or clusters of tree cover on the subject property. The applicant should develop a tree save plan in cooperation with the Urban Forester's Office in the Department of Environmental Management (DEM). A final determination on the most appropriate landscaping/tree save for this site will be made by the Urban Forester's Office.

BGD:JRB

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
JUN 21 1995
ZONING EVALUATION DIVISION

TO: Barbara Byron, Director
Zoning Evaluation Division
Office of Comprehensive Planning

FROM: Angela Kadar Rodeheaver, Chief *AKR*
Site Analysis Section
Office of Transportation

FILE: 3-4 (RZ 84-L-020),
3-5 (SE 95-L-010)

SUBJECT: Transportation Impact Addendum
PCA 84-L-020-7, CPDA 84-L-020-3, FDP 84-L-020-4
SE 95-L-010; A.J. Dwoskin

REFERENCE: Land Identification Map: 100-1 ((1)) 10-B

DATE: June 20, 1995

Transmitted herewith are the comments of the Office of Transportation with respect to the referenced application. These comments are based on plans made available to this Office dated June 16, 1995 and proffers dated June 17, 1995.

Issues identified in the summary of this Office's report of June 2, 1995:

1. Provision of a local street connection between the proposed secondary retail/institutional use land bay and the residential land bays of the subject site.
 - This issue remains outstanding.
2. Provision of satisfactory assurances that traffic queues at the proposed Beulah Street site entrance will not block the through lane of Beulah Street or impair the movement of traffic on Telegraph Road.
 - The Virginia Department of Transportation has signed off on the traffic study analysis for this site.

3. Provision of a progressive flow analysis and commitments as needed to ensure that minimal disruption of traffic will result from the proposed additional signals along Beulah Street.
 - The Virginia Department of Transportation has signed off on the traffic study analysis for this site.
4. Commitment to provide signalization at the intersection of Beulah Street and View Lane when warranted, or to phase site development so that the signal will be in place prior to the issuance of non-RUPS for the proposed uses.
 - The traffic analysis for the intersection of Beulah Street and View Lane is based on this intersection being signalized. To date no commitment has been made by the applicant to provide for the signalization of this intersection.
5. Provision to fund frontage improvements along both the Beulah Street and Telegraph Road frontages, or to reimburse the cost of these improvements if constructed by VDOT or the County prior to development of the site.
 - This issue has not been addressed. Although the applicant has proffered \$227,000 for Beulah Street/Telegraph Road improvements, this does not include the cost of frontage improvements along the site's Beulah Street and Telegraph Road frontages. Frontage improvements are required by the Site Plan Ordinance and are typically required/proffered at the time of zoning.
6. Commitment to provide dedication and ancillary easements along the Telegraph Road frontage in accordance with the VDOT project plans 0611-029-309, C504.
 - Proffer 5 addresses this issue. However, the project number should be included in the proffer for reference.
7. Modification of the proposed site development to improve the on-site circulation adjacent to the proposed service station and convenience market.
 - The development plan addresses this issue.
8. Provision of a sidewalk connection into the site along the proposed Telegraph Road entrance.
 - The development plan addresses this issue.

9. Commitment to provide channelization as may be needed in order to limit the Telegraph Road site access to a right-in/right-out operation.
 - The development plan addresses this issue.
10. Modification of the development plan notes.
 - This issue has been addressed by the applicant.

AKR/akr/kal/n:akr/rz841020

cc: John Winfield, Deputy Director, Design Review Division, Department of Environmental Management
Katharine D. Ichter, Chief, Highway Operations Division, Office of Transportation

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

JUN 08 1995

ZONING EVALUATION DIVISION

TO: Barbara A. Byron, Director
Zoning Evaluation Division, OCP

FROM: Angela Kadar Rodeheaver, Chief 
Site Analysis Section, OT

FILE: 3-4 (RZ 84-L-020), 3-5 (SE 95-L-010)

SUBJECT: Transportation Impact

REFERENCE: 3-4 (PCA 84-L-020-7, CPDA 84-L-020-3, FDP 84-L-020-4;
3-5 (SE 95-L-010); A. J. Dwoskin
Traffic Zone: 1103
Land Identification Map: 100-1 ((1)) 10-B

DATE: June 2, 1995

The following comments reflect the analysis of the Office of Transportation. These comments are based upon review of the proposed conceptual and final development plans and special exception plat made available to this Office dated December 22, 1994, with revisions to May 23, 1995, draft proffers dated May 26, 1995, and a traffic impact analysis dated August 9, 1994, with an attachment dated May 23, 1995, which reassigns traffic based on the revisions to the development plan.

The applicant is seeking to eliminate the local street access to the secondary retail center and institutional uses accepted with the PDH-4 zoning approval, and to establish all access to these secondary uses via the two adjacent arterial roadways. This Office cannot recommend that the application be approved in its current form. This Office could support the application if the issues identified below are satisfactorily addressed.

TRANSPORTATION ISSUES

Numerous transportation issues remain outstanding with the subject applications. One primary issue is the deletion of vehicular access to the residential community which the use is to serve. In addition, this Office cannot concur with the conclusions of the applicant's traffic study due to major concerns with the fundamental assumptions and the lack of supporting data. Other issues include the failure of the applicant to commit to provide or fund frontage improvements along either the Telegraph Road or Beulah Street site frontages of the proposed retail center; failure to provide requested information concerning the progressive flow of traffic along Beulah Street; inconsistencies between the traffic study and proffered commitments; potential traffic movement

conflicts at the proposed Beulah Street entrance; the need for pedestrian access into the site from Telegraph Road; the need to phase development of the site in the event that the roadway improvements and signalization by others, anticipated by the applicant to be operational, are not completed within the anticipated time frame; and failure to commit to dedicate right-of-way per the VDOT project for the improvement of Telegraph Road.

Local Street Access

The revised development plans propose to sever the previously approved connection to the residential land bays of this development. Although it appears that this change is proposed in response to the requests of some residents of the community, severing this road connection will not enhance local traffic circulation or the operation of Beulah Street. Severing the roadway will not eliminate trips between the residential land bays and the commercial element. These trips will be shifted from Morning Glen Lane to View Lane, and then for approximately 600 feet along Beulah Street. Residents returning from the center will be forced to turn left onto Beulah Street and then turn left again into View Lane. During the p.m. peak, many of the drivers making these left turns onto and from an arterial may have small children in their vehicles since the applicant has stated that the proposed day care is intended to primarily serve the residential sections of this development.

These short trips and related turning movements will intensify the traffic movements and congestion on Beulah Street and impact the flow of through traffic on the arterial. There are no residences which front on Morning Glen Lane. Since this connection was an element of the original development plan and site plan approval and the roadway was sized and constructed as a 38-foot wide roadway in order to serve both the local traffic and traffic to the retail center, the proposed development plan should be revised to reinstate this connection.

Traffic Impact Study

This Office cannot concur with the finding of the applicant's transportation impact evaluation due to the numerous issues noted below.

Inaccurate Trip Generation Data. The representation of the proposed site uses is inaccurate and results in a significantly lower trip generation data base. The study utilizes a trip generation estimate for the site which consists of a day care center, a bank, library, a smaller service station, and general retail uses. Applying the Institute of Transportation Engineers published trip generation data for these uses, the applicant's revised analysis is based on total site trip generation volumes of 313 vehicles in the a.m. peak hour and 840 trips during the p.m. peak hour. This analysis does not consider that the applicant is proposing numerous very heavy trip generating uses such as the service station with quick service food store, which appears to have the capacity to fuel 12 vehicles at any given time; and one major and various smaller fast food restaurants. Trip generation analysis by this Office is presented elsewhere in this memorandum.

The analysis from this Office considers only one major fast food use, but it should be recognized that a doughnut shop or a pizza delivery service could significantly increase the peak hour trip generation estimates. Based on the above parameters, this Office anticipates that the proposed uses may generate 490 trips in the a.m. peak hour and 1,085 trips during the p.m. peak hour.

Inadequate Base Data and Overly Optimistic Assumptions. The traffic study provides no existing traffic volume count data for any of the intersections studied, but bases all analysis on projected year 2001 volumes. A 1994 VDOT count at the intersection of Beulah Street and Telegraph Road indicates that the existing volumes on several approaches were greater in 1994 than projected by the applicant for 2001. In addition, there is no indication that the traffic study allowed for additional future trips from the approximately 1,040 dwelling units currently being constructed adjacent to the subject site, or the additional development currently under construction on nearby sections of the Fort Belvoir Military Reservation. As such, both the volume data estimates for the proposed development and the projected adjacent arterial street volumes do not appear to accurately reflect future traffic conditions.

The analyses for the intersections of Beulah Street and View Lane, Beulah Street and the proposed site entrance, and relocated Beulah Street and Telegraph Road are all based on the signalized operation of these intersections. First, signalization of the proposed Beulah Street/site entrance intersection may not be appropriate due to the relatively close proximity of the signals. Second, staff has specifically requested that if the applicant continued to base the transportation analysis on the signalization of these three intersections, further analyses be provided to determine to what extent, if at all, progression can be achieved along Beulah Street. No information has been provided concerning the ability to achieve progressive flow through the intersections.

Lack of Commitment. Since acceptable levels of service are based on the assumed signalized operation of the three intersections adjacent to the site, the applicant should commit to modify the signal design and hardware at the intersection of Beulah Street and Telegraph Road as needed, and to either install a traffic signal at the intersection of Beulah Street and View Lane concurrent with development of the site, or phase development of the site so that non-RUPS are not issued until such time as the intersection is signalized. A strong commitment is also needed to provide for the interconnection of these three signals in order to provide coordinated operation. If any of these improvements are provided by VDOT or the County prior to site development (in anticipation of development of the site) the applicant should commit to reimburse the County/VDOT for the cost of these improvements. Such commitments have not been provided.

Inaccurate Geometric Parameters. The geometric parameters utilized in the traffic study appear to be inaccurate. It is the understanding of this Office that realigned Beulah Street will not be extended into the Fort Belvoir reservation within the same time frame as VDOT proposes for completion of realignment and widening outside the Post. Therefore the intersection of

realigned Beulah Street and Telegraph Road will likely operate as a Tee intersection at such time as the proposed retail center opens. No queuing analysis or intersection operation scenario was evaluated with a Tee intersection configuration. In addition, the analysis indicated two approach lanes on the ball field approach to Beulah Street opposite the proposed site entrance. This approach is designed as a single lane approach.

Lack of Backup Data for Queue Analysis. The traffic study on Figure 4 delineates the minimum required left turn lane storage needed for each left turn lane in the study area. No queuing analysis work sheets or summary were provided as indicated in the text, and the distance allotted each queued vehicle was not identified. Information is not provided as to whether these minimum turn lane requirements are based on the average queue or the maximum queue lengths. An evaluation of the through movement queue length is equally important to ensure that access to the left turn storage lanes is not blocked whenever the traffic signal for the through movements is red. Also remember that these queue length conclusions are based on very optimistic site generated and background traffic volumes at best.

Questionable Distribution of Trips. Note also that although the proposed retail and institutional uses are to be secondary uses for the planned residential community, the applicant's traffic impact analysis indicates that between 73 and 74 percent of the trips associated with the proposed center will be drawn from other locations. Given the type and magnitude of the proposed uses, these distribution assumptions may be valid. However, these patterns indicate that it is questionable whether this use is truly secondary in nature to the underlying residential zoning.

Development Plan

Various specific transportation issues remain with the development plan as presently submitted. The applicant is proposing a large service station with convenience mart to be located immediately adjacent to the Beulah Street entrance. Whenever three vehicles are queued to exit the site, the first entrance to the service station will be blocked. Once this access is blocked, vehicles destined for the service station and the other retail uses will easily queue into Beulah Street. The site design should be modified to eliminate this potential conflict.

Although a trail will be provided with the reconstruction of Telegraph Road, no pedestrian access into the site is provided from Telegraph Road. All retail development should provide pedestrian access into the site from adjacent arterials. Pedestrian access should be added into the site adjacent to the Telegraph Road entrance.

Although the traffic analysis is based on the right-in/right-out operation of the Telegraph Road entrance, there is no commitment on the part of the applicant to provide for channelization as may be needed to achieve right-in/right-out access. The applicant should commit to provide

channelization as necessary to achieve the right-in/right-out operation in the event that a raised median has not been constructed along Telegraph Road prior to the site development.

Development plan notes number 7 and 18 afford almost total redesign options for the site so long as the maximum floor area, minimum open space and minimum dimensions to the peripheral lot lines are maintained. These notes should be deleted, with modifications as permitted in the Zoning Ordinance and as further discussed in the draft proffers.

Draft Proffers

Lack of Frontage Improvement Commitments. Although the draft proffers strengthen the commitment to provide right-of-way dedication for the widening/realignment of Beulah Street and Telegraph Road, there is minimal commitment to aid in the construction of these roadways. Access to realigned Beulah Street is necessary in order to support the intensity of development proposed by the applicant. Draft proffer 7 provides for a cash contribution of \$227,000 for Beulah Street/Telegraph Road improvements. The proposed cash contribution to address the outstanding transportation impacts associated with the subject application is not appropriate or adequate. In order to partly mitigate the transportation impacts to the motoring public and to adequately serve the subject site, left and right turn lanes should be provided on Beulah Street and a right turn lane should be provided on Telegraph Road at the proposed site entrances. In addition, modifications to the Beulah Street/Telegraph Road intersection may be necessary in order to facilitate the construction of adequate storage lanes for site traffic both at the site entrance and the intersection. The applicant should commit to provide these improvements or to reimburse VDOT for the cost of the improvements in the event that construction occurs prior to site development.

Insufficient Traffic Signal Commitments. The applicant's draft proffer for signals only commits to provide a signal at the site entrance and to coordinate the timing of that signal with the signal at Beulah Street and Telegraph Road. As noted above, signal modifications to the signal at the Beulah Street/Telegraph Road intersection will be necessary in order to interconnect that intersection with the site entrance signal and any signal at View Lane. The applicant should commit to provide signal modifications to the traffic signal at Beulah Street and Telegraph Road as may be necessary, provide for interconnection of the signals, and commit to the installation of a signal at the intersection of Beulah Street and View Lane, or to phase the site development until this signal has been installed by others.

Insufficient Right-of-way Dedication. Draft proffer number 5 provides for right-of-way dedication along the Telegraph Road frontage to a maximum of 71.5 feet from the existing centerline. The roadway will be improved along a new design centerline and the width of additional right-of-way varies from station to station. The applicant should commit to provide right-of-way dedication and easements as per VDOT project 0611-029-303, C503.

Trip Generation

Because of the spectrum of options and the combination of uses permitted with the existing zoning and proffered plan, a realistic trip generation range cannot be developed. However, detailed below are the trip generation characteristics for each of the proposed uses. It is recognized that a lesser number of overall trips may be generated due to multiple stops within the center.

<u>Proposed Uses</u>	<u>Trips Per</u>	
	<u>A.M. Peak Hour/P.M. Peak Hour</u>	
3,500 gsf national chain fast food restaurant	130 a.m. vph/140 p.m. vph ^{1a}	
Service station with convenience mart	120 a.m. vph/160 p.m. vph ^{1b}	
Day care center for 180 children	85 a.m. vph/130 p.m. vph ^{1c}	
15,000 gsf library	15 a.m. vph/ 70 p.m. vph ^{2a}	
3,500 gsf bank with drive through windows	30 a.m. vph/150 p.m. vph ^{2b}	
53,000 gsf retail center	<u>110 a.m. vph/435 p.m. vph^{2c}</u>	
	Total	490 a.m. vph/1,085 p.m. vph

¹ These trip generation estimates are based on data from Trip Generation, 1995 Update to the Fifth Edition, Institute of Transportation Engineers, and utilize the following parameters.

- a. Trip rate per 1000 gsf for fast food restaurants without drive through windows (ITE LUC 833). Since the applicant identifies 12,500 gsf of fast food restaurants, these rates reflect four fast food restaurants at 3,125 gsf each.
- b. Trip rate per fueling position for a service station with convenience mart and 12 fueling stations (ITE LUC 845).
- c. Trip rate per number of children for a day care facility (ITE LUC 565).

² These trip generation estimates are based on data from Trip Generation, Fifth Edition, Institute of Transportation Engineers, 1991, utilizing the following parameters.

- a. Trip rates per 1000 gsf for a library (ITE LUC 590).
- b. Trip rates per 1000 gsf for a bank with drive through windows (ITE LUC 912).
- c. Trip rates per 1000 gsf for shopping centers (ITE LUC 820).

Summary of Issues

This Office cannot recommend approval of the subject application unless the following issues are adequately addressed.

1. Provision of a local street connection between the proposed secondary retail/institutional use land bay and the residential land bays of the subject site.
2. Provision of satisfactory assurances that traffic queues at the proposed Beulah Street site entrance will not block the through lane of Beulah Street or impair the movement of traffic on Telegraph Road.
3. Provision of a progressive flow analysis and commitments as needed to ensure that minimal disruption of traffic will result from the proposed additional signals along Beulah Street.
4. Commitment to provide signalization at the intersection of Beulah Street and View Lane when warranted, or to phase site development so that the signal will be in place prior to the issuance of non-RUPS for the proposed uses.
5. Provision to fund frontage improvements along both the Beulah Street and Telegraph Road frontages, or to reimburse the cost of these improvements if constructed by VDOT or the County prior to development of the site.
6. Commitment to provide dedication and ancillary easements along the Telegraph Road frontage in accordance with the VDOT project plans 0611-029-309, C504.
7. Modification of the proposed site development to improve the on-site circulation adjacent to the proposed service station and convenience market.
8. Provision of a sidewalk connection into the site along the proposed Telegraph Road entrance.
9. Commitment to provide channelization as may be needed in order to limit the Telegraph Road site access to a right-in/right-out operation.
10. Modification of the development plan notes as detailed in the above text.

AKR/CAA/n:CAA/pca84102

cc: John Winfield, Deputy Director, Design Review Division, Department of Environmental Management
Katharine D. Ichter, Chief, Highway Operations Division, Office of Transportation

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

MAR 17 1995

ZONING EVALUATION DIVISION

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Staff Coordinator **DATE:** March 14, 1995
 Zoning Evaluation Division
 Office of Comprehensive Planning

FROM: Gilbert Osei-Kwadwo *GOK* Acting Chief
 System Engineering and Monitoring Division
 Office of Waste Management

SUBJECT: Development Plan Analysis

REFERENCE: Application No. PCA 84-L-020-7/
 FDP 84-L-020-4/SE 95-L-010
 Tax Map No. 100-1-((1))-0010-B

The above referenced Proferred Condition Amendment, Special Exception Application, and Final Development Plan will not impact the use of sanitary sewer facilities.

GOK/jh

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

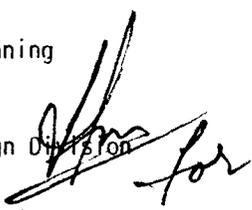
RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

DATE: MR 1-7 1995

ZONING EVALUATION DIVISION

TO: Barbara Byron, Director
Zoning Evaluation Division
Office of Comprehensive Planning

FROM: John W. Koenig, Director
Utilities Planning and Design Division
Department of Public Works



SUBJECT: Rezoning Application Review

Name of Applicant/Application: DWOSKIN, ALBERT J. TRYSTEE

Application Number: 95-L-010 84-L-020-4 84-L-020-7

Type of Application: SE FDP PCA

Information Provided

Application: YES

Development Plan: YES

Other: STATEMENT OF JUSTIFICATION

Date Received in UP&DD: 3-9-95

Date Due Back to OCP: 3-5-95

Site Information

o Location: 100-1-001-0010-B

o Area of Site: 8.91 acres

o Rezoned from: PDH-4 to _____

o Watershed/Segment: ACCOTINK / ACCOTINK

I. Drainage

o Master Drainage Plans: PBQR&D IAP SHOWS CULVERT AT NEWINGTON ROAD TO BE REPLACED. ACCOTINK SEGMENT PROJECT 6.

o UP&DD Ongoing County Drainage Projects: NONE

o UP&DD Drainage Complaint Files: Yes No Any downstream drainage complaints on file pertaining to the outfall for this property?

If yes, Describe: _____

o Other Drainage Information: None

II. Trails:

____ Yes No

Any Trail projects pending funding approval on this property?

If yes, Describe: _____

____ Yes No

Any funded trail projects affected by this rezoning?

If yes, Describe: _____

III. School Sidewalk Program:

____ Yes No

Any sidewalk projects pending funding approval or on the School Sidewalk Program priority list for this property?

If yes, Describe: _____

____ Yes No

Any funded sidewalk projects affected by this rezoning?

If yes, Describe: _____

IV. Sanitary Sewer Extension and Improvement (E&I) Program:

____ Yes No

Any existing residential properties adjacent to or draining through this property that are without sanitary sewer facilities?

If yes, Describe: _____

____ Yes No

Any ongoing E&I projects affected by this rezoning?

If yes, Describe: _____

V. Other UP&DD Projects or Programs:

____ Yes No

Any Board of Road Viewers (BORV) or Fairfax County Road Maintenance Improvement Projects (FCRMIP) affected by this rezoning?

If yes, Describe: _____

Other Program Information: _____

Application Name/Number: Albert J. Dwozkin, Trustee / SE 95-L-010, FDP 84-L-020-4
PCA 84-L-020-7

***** UTILITIES PLANNING AND DESIGN DIVISION, DPW, RECOMMENDATIONS *****

Note: The UP&DD recommendations are based on the UP&DD involvement in the below listed programs and are not intended to constitute total County input for these general topics.

DRAINAGE RECOMMENDATIONS: APPLICANT TO INSURE THAT STORM WATER MANAGEMENT
AND BEST MANAGEMENT PRACTICES CAN BE PROVIDED ON THE ADJACENT PARCEL AS
INDICATED IN NOTE 4 ON FDP. BOTH FROM AN ENGINEERING AND AUTHORIZATION
STANDPOINT. OTHERWISE APPLICANT TO SHOW A POTENTIAL AREA ON-SITE IN THE
EVENT OFF-SITE DETENTION/SWM CANNOT BE ACCOMODATED.

TRAILS RECOMMENDATIONS: NONE

SCHOOL SIDEWALK RECOMMENDATIONS: NONE

SANITARY SEWER E&I RECOMMENDATIONS:

 YES NOT REQUIRED

Extend sanitary sewer lines to the development boundaries on the _____ sides for future sewer service to the existing residential units adjacent to or upstream from this rezoning. Final alignment of the sanitary extension to be approved by Department of Public Works during the normal Department of Environmental Management plan review and approval process.

Other E&I recommendations: _____

OTHER UP&DD PROJECT/PROGRAM RECOMMENDATIONS: NONE

UP&DD Internal Sign Off by:
Planning Support Branch (Ron Kirkpatrick)
Public Improvements Branch (Walt Wozniak)
Stormwater Management Branch (Bill Henry)



JWK/crt(1631E)

- cc: Gordon Lawrence, Coordinator, Office of Safety, Fx. Co. Public Schools (cc only if SW Recommendation made)
- cc: Jerry Jackson, Chief, System Analysis Section, Office of Waste Management, DPW
- cc: Bruce Douglas, Chief, Environmental and Heritage Resources Branch, Office of Comprehensive Planning
- cc: David Marshall, Chief, Public Facilities and Services Branch, Office of Comprehensive Planning

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

March 17, 1995

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
APR 21 1995
ZONING EVALUATION DIVISION

TO: Barbara A. Byron, Director
Zoning Evaluation Division
Office of Comprehensive Planning

FROM: Christine Anderson (246-4677) *CA*
Research and Planning Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis
Proffered Condition Amendment 84-L-020-7/Final
Development Plan Amendment 84-L-020-4/Special
Exception 95-L-010

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject Proffered Condition Amendments:

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #05 Franconia.
2. After construction programmed for FY 1995, this property will be serviced by the fire station planned for the Kingstowne area.
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - a. currently meets fire protection guidelines.
 - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - c. does not meet current fire protection guidelines without an additional facility, however, a future station is projected for this area.
 - d. does not meet current fire protection guidelines without an additional facility; however, a station location study is currently underway, which may impact this rezoning positively.

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 in the zoning district if the site were developed as a conventional subdivision. See Sect. 9-615 of the Zoning Ordinance.

COUNTY 456 REVIEW PROCESS: A public hearing process pursuant to 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.

L_{dn}: 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. L_{dn} 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. 15.1-491 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 Environmental Management.

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 DEM 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 DEM 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	PDC	Planned Development Commercial
ADU	Affordable Dwelling Unit	PDH	Planned Development Housing
ARB	Architectural Review Board	PFM	Public Facilities Manual
BMP	Best Management Practices	PPRB	Permit, Plan Review Branch
BOS	Board of Supervisors	PRC	Planned Residential Community
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Central Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
DEM	Department of Environmental Management	SE	Special Exception
DDR	Division of Design Review, DEM	SP	Special Permit
DP	Development Plan	TDM	Transportation Demand Management
DPW	Department of Public Works	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, DPW
FDP	Final Development Plan	UMTA	Urban Mass Transit Association
GDP	Generalized Development Plan	VC	Variance
GFA	Gross Floor Area	VDOT	Virginia Dept. of Transportation
HCD	Housing and Community Development	VPD	Vehicles Per Day
LOS	Level of Service	VPH	Vehicles per Hour
Non-RUP	Non-Residential Use Permit	WMATA	Washington Metropolitan Area Transit Authority
OCP	Office of Comprehensive Planning	ZAD	Zoning Administration Division, OCP
OT	Office of Transportation	ZED	Zoning Evaluation Division, OCP
PD	Planning Division		

SPECIAL EXCEPTION APPLICATION

FINAL DEVELOPMENT PLAN

SE 95-L-010

FDP 84-L-020-4

SE 95-L-010
FILED 01/17/95

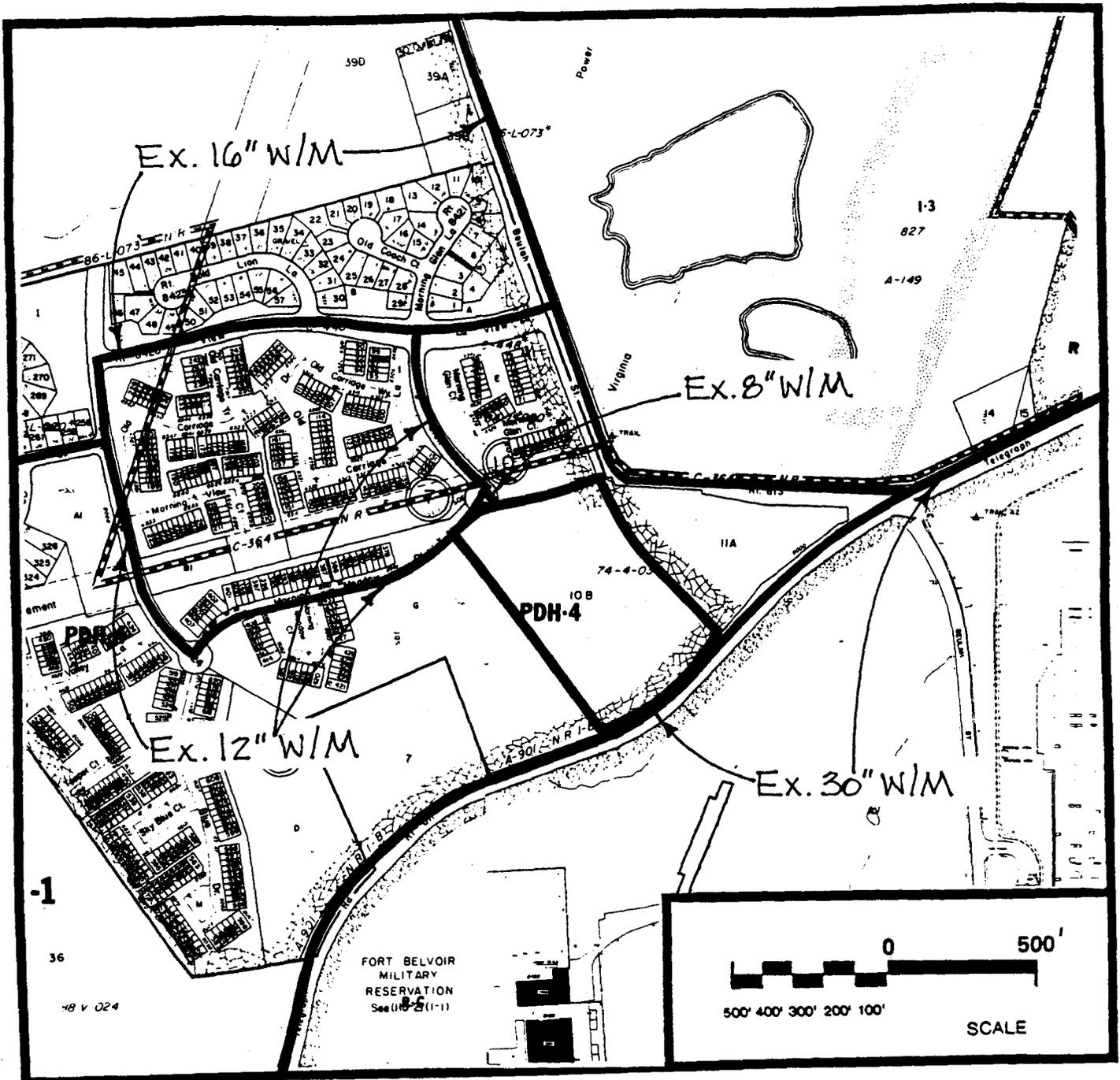
DWOSKIN, ALBERT J., TRUSTEE
FAST FOOD RESTAURANTS
ZONING DIST SECTION: 06-0105
ART 9 CATEGORY/USE: 05-11
8.90 ACRES OF LAND; DISTRICT - LEE
LOCATED: TELEGRAPH ROAD

ZONED PDH-4
OVERLAY DISTRICT(S):
TAX MAP 100-1- /01/ /0010-B

PLAN AREA 4

FDP 84-L-020-04
FILED 10/27/88

ALBERT J. DWOSKIN, TRUSTEE
FINAL DEVELOPMENT PLAN
PROPOSED: SHOPPING CENTER
APPROX. 8.91 ACRES OF LAND; DISTRICT - LEE
LOCATED: N. SIDE TELEGRAPH RD. NEAR ITS JUNCTION
WITH BEULAH RD.
ZONING: PDH-4
OVERLAY DISTRICT(S):
MAP REF 100-1- /01/ /0010-B



FAIRFAX COUNTY WATER AUTHORITY

8560 Arlington Boulevard - P. O. Box 1500
Merrifield, Virginia 22116-0815
(703) 698-5600

MEMORANDUM

March 13, 1995

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

MAR 16 1995

ZONING EVALUATION DIVISION

TO: Staff Coordinator (Tel. 324-1250)
Zoning Evaluation Division-Suite 800
12055 Government Center Parkway
Fairfax, VA 22035-5505

FROM: Planning Branch (Tel. 698-5600 ext. 384)
Engineering and Construction Division

SUBJECT: Water Service Analysis, Rezoning Application SE 95-L-010
FDP 84-L-020-4

The following information is submitted in response to your request for a water service analysis for the subject rezoning application:

1. The application property is located within the franchise area of the Fairfax County Water Authority.
2. Adequate water service is available at the site from existing 8&30-inch mains located at the property. See enclosed property map.
3. Depending upon the configuration of the onsite water mains, additional water main extensions may be necessary to accommodate water quality concerns.

Attachment