



FAIRFAX COUNTY

DPZ
OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151
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January 12, 1999

Christopher D. Bell, Esquire
McGuire, Woods, Battle and Boothe, L.L.P.
8200 Greensboro Drive – Suite 900
McLean, Virginia 22102

RE: Rezoning Application
Number RZ 1998-SU-024
(Concurrent with SE 98-Y-025)

Dear Mr. Bell:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on December 7, 1998 granting Rezoning Application Number RZ 1998-SU-024 in the name of S & S Development, L.L.C., to rezone certain property in the Sully District from the R-1 and C-8 Districts; Highway Corridor Overlay, Sign Control Overlay, and Water Supply Protection Overlay Districts to the C-8 District; Highway Corridor Overlay, Sign Control Overlay, and Water Supply Protection Overlay Districts, subject to the proffers dated September 30, 1998, on subject parcel 54-4 ((2)) Pt. A, Pt. 127, 129 and B consisting of approximately 1.68 acres.

The Board also modified the transitional screening requirements and waived the barrier requirements along the north and east property lines in favor of that shown on the Generalized Development Plan/Special Exception (GDP/SE) Plat with the understanding that, through the Site Plan process, the applicant will aspire to increase the transitional screening on the east side of the property.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

RZ 1998-SU-024
January 12, 1999

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NV/ns

cc: Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Fred R. Beales, Supervisor Base Property, Mapping/Overlay
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation
Ellen Gallagher, Project Planning Section, Dept. of Transportation
Department of Public Works and Environmental Services
Frank Edwards, Department of Highways - VDOT
Land Acqu. & Planning Div., Park Authority
Planning Commission (District)
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
JAN 22 1999
ZONING EVALUATION DIVISION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 7th day of December, 1998, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1998-SU-024

WHEREAS, S & S Development, L.L.C. filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1, C-8 Districts; Highway Corridor Overlay, Sign Control Overlay, and Water Supply Protection Overlay Districts to the C-8 District; Highway Corridor Overlay, Sign Control Overlay, and Water Supply Protection Overlay Districts. and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Sully District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the C-8 District; Highway Corridor Overlay, Sign Control Overlay, and Water Supply Protection Overlay Districts, and said property is subject to the use regulations of said C-8 District; Highway Corridor Overlay, Sign Control Overlay, and Water Supply Protection Overlay Districts, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcel.

GIVEN under my hand this 7th day of December, 1998.



Nancy Vehrs

Clerk to the Board of Supervisors

April 2, 1998

**DESCRIPTION OF
PART OF LOT 127 AND LOT 129 CENTREVILLE FARMS AND
PART OF OUTLOT "A" AND OUTLOT "B"
CLIFTON D. MAYHEW ET AL, TRS.
SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA**

Beginning at a point marking the intersection of the westerly line of Pickwick Road (Route 1021) and the northerly line of Lee Highway (Route 29); thence with the northerly line of Lee Highway N 86° 59' 43"W, 211.45 feet to a point; thence with Lee Highway and continuing with the easterly line of LH Properties, Inc. the following courses: N 02° 33' 38"W, 231.33 feet; S 88° 05' 23"W, 50.22 feet and N 02° 31' 20"W, 84.51 feet to a point; thence through Outlot "A" Clifton D. Mayhew et al Trs. and continuing through Lot 127 Centreville Farms N 88° 05' 23"E, 264.41 feet and to a point on the westerly line of Pickwick Road; thence with the westerly line of Pickwick Road S 01° 54' 37"E, 333.93 feet to the point of beginning, containing 1.68 acres of land.

All being more particularly described on a plat attached hereto and made a part hereof.

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RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
APR 3 1998
ZONING EVALUATION DIVISION

**PROFFER STATEMENT
FOR A REZONING BY
S & S DEVELOPMENT, L.L.C.**

**APPLICATION NUMBER RZ 98-SU-024
(CONCURRENT WITH SE 98-Y-025)**

September 30, 1998

Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978 amended), the Owners and Applicant (collectively, the "Applicant") in this rezoning application proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map References No. 54-4((1)) 129 and B and 54-4((2)), a portion of Parcel A and a portion of Parcel 127 (hereinafter, collectively, referred to as the "Property") will be in accordance with the following conditions if, and only if, said Rezoning request for the relevant parcels from R-1 to C-8 is granted. In the event said rezoning application request is denied, these proffers shall be null and void. The Applicant, for itself, its successors and assigns, agrees that these proffers, if accepted, shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia (the "Board of Supervisors") in accordance with applicable Fairfax County and State statutory procedures. The Applicant further agrees that these proffers shall remain fully binding on the Applicant and its successors or assigns and any and all future owners of the Property. These proffered conditions, if accepted, supersede all proffers existing on the Property. The proffered conditions are as follows:

1. Subject to the proffers and the provisions of Section 18-204 of the Zoning Ordinance, under which minor modifications to an approved generalized development plan are permitted, the Property shall be developed in substantial conformance with the Generalized Development Plan /General Development Plan Amendment and Special Exception Plat (collectively, the "GDP"), prepared by Dewberry & Davis and dated January 8, 1998, revised through September 15, 1998.

2. The Applicant shall contribute to the Centreville Area Road Fund in accordance with the Procedural Guidelines adopted by the Board of Supervisors. If necessary, said contribution amount shall be adjusted by increases to the Construction Cost Index from the Engineering News Record from the date of Board of Supervisors approval of this rezoning application to the date of site plan approval.

3. The Applicant will make a monetary contribution to the Department of Public Works and Environmental Services for the Applicants' pro rata share of the cost to relocate the existing traffic signal at the intersection of Lee Highway (Route 29) and Pickwick Road (Route 1021). This contribution will be made at the time of site plan approval. The amount of the contribution will be determined by the Virginia Department of Transportation ("VDOT") and Department of Public Works and Environmental Services, but shall represent the Applicants' pro rata share of the cost of the signal based on the number of P.M. peak hour trips generated at the intersection by the Applicants' proposed use of the Property.

4. The following road improvements involving Lee Highway (Route 29) will be provided by Applicant:

- a. Right-of-way along the Property frontage on Lee Highway as further shown on the GDP, measuring one hundred seven feet (107') from the existing centerline of Lee Highway will be dedicated by Applicant to Fairfax County pursuant to Proffer Six below.
- b. A service drive will be constructed by Applicant along the Property frontage on Lee Highway, as further shown on the GDP, as a twenty-six foot (26') travelway. Applicant will provide a public access easement across the service drive as said easement is reflected on the GDP.
- c. Curb and gutter with sidewalk will be constructed by Applicant along the Property's Lee Highway frontage, as further shown on the GDP.

5. The following road improvements involving Pickwick Road (Route 1021) will be provided by Applicant:

- a. Right-of-way along the Property frontage on Pickwick Road, as further shown on the GDP, measuring forty-five feet (45') from the existing centerline of Pickwick Road will be dedicated by Applicant to Fairfax County pursuant to Proffer Six below.
- b. Pickwick Road will be constructed by Applicant along the Property frontage, as further shown on the GDP, as a thirty-five foot (35') cross-section of pavement from centerline to face of curb.
- c. Curb and gutter with sidewalk will be constructed by Applicant along the Property's Pickwick Road frontage, as further shown on the GDP.

6. All of the foregoing public roadway improvements will be implemented in accordance with VDOT and Fairfax County standards, and all rights-of-way to accomplish said road improvements will be dedicated upon final approval of applicable site plans, or will be submitted for advanced density credit and dedication approval within sixty (60) days of written notice from the County. In such event, the Applicant will dedicate the right-of-way within thirty (30) days of advance density credit approval. All dedications will be made to the Fairfax County Board of Supervisors and will be conveyed in fee simple.

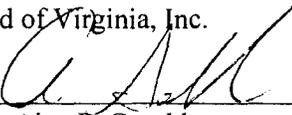
7. Stormwater management and erosion and sedimentation controls will be provided on the Property in accordance with applicable County ordinances, including, but not limited to, the BMP provisions of the Water Supply Protection Overlay District.

8. If required by the Department of Public Works and Environmental Services, a geotechnical study will be submitted by the Applicant for approval by Department of Public Works and Environmental Services as required by Department of Public Works and Environmental Services under Public Facilities Manual standards at the time of site plan approval.

9. Subject to the approval by the Urban Forestry Branch of the Department of Public Works and Environmental Services ("Urban Forestry Branch"), landscaping shall be provided as generally shown on the GDP. Minor modifications to the GDP concerning locations, layouts and species of vegetation may be permitted pursuant to final landscape plans submitted for review and approval to the Urban Forestry Branch at the time of site plan review.

10. All lighting for the property shall conform to the lighting plan depicted on the GDP. The height, to the top of the fixture, of any freestanding parking lot lights shall not exceed sixteen feet (16') from grade and shall be equipped with box-type light fixtures which direct light downward and inward to prevent light spill-over onto adjacent properties. All exterior lighting attached to the building shall also be so arranged and shielded.

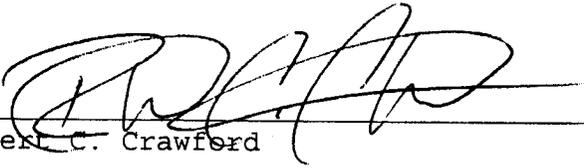
Rite Aid of Virginia, Inc.

By: 

Name: Alan P. Garubba

Title: Authorized Representative

Darrell H. Hildreth 10/15/98
Darrell H. Hildreth



Robert C. Crawford

F A I R F A X C O U N T Y

BOARD OF SUPERVISORS ACTION
ZONING MAP AMENDMENT
DATE OF ACTION 12/07/98

APPLICATION NUMBER: RZ 98-Y-024 SULLY DISTRICT
APPLICANT: S & S DEVELOPMENT L L C
STAFF: JOHNSON

APPLICATION DATA

EXISTING ZONING AND ACREAGE

ZONING: R- 1
ACRES: 1.68

PROPOSED: ACTION:
C- 8 C- 8
1.68 1.68

TOTAL ACRES TOTAL ACRES
1.68 1.68

MAP NUMBERS

054-4- /02/ / -A P B ,0127- P,0129-

REMARKS:

ZONING MAP AMENDMENT

RZ 98-Y-024

ZONING DISTRICT DATA

ZONING DISTRICT: C- 8

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
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PROFFERED/CONDITIONED NON-RESIDENTIAL GROSS FLOOR AREAS

USE	GFA	FAR	USE	GFA	FAR
COMMERICAL-GEN	11,200	.15	PUBLIC/QUASI PUB		
HOTEL/MOTEL			OFFICE		
INDUSTRIAL-GEN			TRAN-UTIL-COMM		
CULT/EDU/RELG/ENT			RETAIL-EATING EST		
INDUST-WAREHOUSE			*****TOTAL*****	11,200	.15

REMARKS:

ZONING MAP AMENDMENT

RZ 98-Y-024

CONDITION/CONTRIBUTION DATA

COND CODE DESCRIPTION	COND CODE DESCRIPTION
1Z OTHER - GENERAL	3Z OTHER - TRANSPORTATION
4Z OTHER - ENVIRONMENT	4P LIGHTING
4H LANDSCAPING	4M SOIL PROBLMS/GEOTECHNICAL REVIEW
4Z OTHER - ENVIRONMENT	4Z OTHER - ENVIRONMENT
3F PEDESTRIAN FACILITY/TRAIL	3Z OTHER - TRANSPORTATION
3Z OTHER - TRANSPORTATION	3Z OTHER - TRANSPORTATION
7A OTHER MISCELLANEOUS - SEE FILE	7A OTHER MISCELLANEOUS - SEE FILE

CONTRIB DATA:	CND CODE	AMOUNT	CONDITIONED	EXPIRES	CONTRIB CODE
		\$0		00/00/00	
		\$0		00/00/00	
		\$0		00/00/00	
		\$0		00/00/00	

REMARKS:

12/7/98

4:30 p.m. Items - RZ-1998-SU-024 - S & S DEVELOPMENT
SE-98-Y-025 - S & S DEVELOPMENT
Sully District

On Wednesday, October 7, 1998, the Planning Commission voted unanimously (Commissioner Downer not present for the vote; Commissioner Thomas absent from the meeting) to recommend to the Board of Supervisors approval of RZ-1998-SU-024, subject to the execution of proffers consistent with those dated September 30, 1998.

The Commission voted 9-0-1 (Commissioner Byers abstaining; Commissioner Downer not present for the vote; Commissioner Thomas absent from the meeting) to recommend to the Board of Supervisors approval of SE-98-Y-025, subject to the proposed development conditions dated September 23, 1998, modified as follows:

- 1) delete Condition #4 and renumber;
- 2) wherever "windows" is mentioned, change the word to "facilities";
- 3) delete the first two sentences of Condition #6;
- 4) delete "and east" from the second sentence of Condition #9.

The Commission also voted 8-0-2 (Commissioners Byers and Hall abstaining; Commissioner Downer not present for the vote; Commissioner Thomas absent from the meeting) to recommend to the Board of Supervisors a modification of the transitional screening and a waiver of the barrier requirement along the northern boundary line, in favor of that shown on the GDP/SE plat and as conditioned.

The Commission further voted 6-0-4 (Commissioners Byers, Hall, Harsel, and Alcorn abstaining; Commissioner Downer not present for the vote; Commissioner Thomas absent from the meeting) to recommend to the Board of Supervisors a modification of the transitional screening requirement and waiver of the barrier requirement along the east property boundary as conditioned.

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
NOV 20 1998
ZONING EVALUATION DIVISION

Planning Commission Meeting
October 7, 1998
Verbatim Excerpts

RZ-1998-SU-024 - S & S DEVELOPMENT
SE- 98-Y-025 - S & S DEVELOPMENT

After Close of the Public Hearing

Vice Chairman Byers: Recognize Commissioner Koch.

Commissioner Koch: Thank you, Mr. Chairman. This application is to rezone 1.68 acres from the R-1 and C-8 Districts to the C-8 District and Special Exception request to permit development of a pharmacy with two drive-through windows. The subject site is presently vacant and is bordered on the west by a bowling alley and shopping center. A single family detached unit which is planned for retail and other is the north and across Pickwick is vacant land which is planned for residential at 8-12 for an option for retail at .25 FAR. The applicant has appeared before the West Fairfax County Citizens Association Land Use Committee which voted to recommend approval of the application. The applicant has addressed the Committee's concerns in the proffers. As noted, this land is presently zoned for a gas station/car wash which could operate 24 hours a day. With the approval of the proposed proffers, staff is recommending approval of the Rezoning and with adoption of the development conditions, it is also recommending approval of the Special Exception. The applicant has requested a number of changes to the Special Exception conditions. The first is to request the deletion of number 4 which restricts the hours of operation. The applicant has indicated that if the need exists, they would like to remain open longer than the conditioned hours. This seems reasonable and it would be nice to have a facility of this nature that is open for emergencies in the early morning hours. Because the proposed facility will have two pick-up ordering points, the applicant would like to change the word "windows" to "facilities" in the first sentence of condition number 5. The applicant requests to remove the first two sentences of condition 6 as they would limit the facility to one drive-through lane and two are requested. And for the same reason, they request the words "and east" be removed from the second line of condition number 9. I appreciate staff's concerns with the possibility of there being residential across the street from this site. Most likely the final use will not be residential and if the townhouses are built, it will be after this facility is built and the people will know what type of environment they are moving into. Mr. Chairman, I MOVE THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-1998-SU-026, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THE THOSE DATED SEPTEMBER 30TH, 1998.

Commissioner Coan: Second.

Vice Chairman Byers: Seconded by Mr. Coan. Any discussion?

Commissioner Harsel: Mr. Chairman?

Vice Chairman Byers: Mrs. Harsel.

Commissioner Harsel: A question to staff. By allowing two drive-through facilities -- and I'll let you worry about changing "windows" to "facilities" in the rest of these -- I notice also number 6 that you have them shifted ten feet to the west with the two drive-through facilities -- what is that going to do? Are they still going to be able to shift ten feet to the west and still accommodate it, or do we have to strike that out?

Ms. Susan Johnson: That's the portion he's striking out.

Commissioner Harsel: Okay.

Vice Chairman Byers: Any other discussion? All in favor of the motion, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed? Motion carries. Mr. Koch.

Commissioner Koch: I MOVE THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-98-Y-025, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED SEPTEMBER 23, 1998 WITH THE FOLLOWING CHANGES:

DELETE NUMBER 4;

CHANGE "WINDOW" IN THE FIRST LINE OF NUMBER 5 TO
"FACILITIES;"

DELETE THE FIRST TWO SENTENCES OF CONDITION 6 AND

REMOVE THE WORDS "AND EAST" FROM THE SECOND
SENTENCE OF CONDITION NUMBER 9.

Vice Chairman Byers: I believe we also have to change "windows" and other terms to "facilities."

Commissioner Koch: Okay. WHEREVER "WINDOWS" IS MENTIONED, WE'LL CHANGE THEM TO "FACILITIES."

Vice Chairman Byers: Is there a second to the motion?

Commissioner Kelso: Second.

Vice Chairman Byers: Seconded by Mr. Kelso. Any discussion? All in favor of the motion, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed? Chair abstains.

Commissioner Koch: I FURTHER MOVE THAT THE COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A MODIFICATION OF THE TRANSITIONAL SCREENING AND A WAIVER OF THE BARRIER REQUIREMENT ALONG THE NORTHERN BOUNDARY LINE IN FAVOR OF THAT SHOWN ON THE GDP/SE PLAT AND AS CONDITIONED.

Commissioner Hunter: Second.

Vice Chairman Byers: Seconded by Mr. Hunter. Any discussion? All in favor of the motion, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed? Chair abstains.

Commissioner Hall: Abstain.

Vice Chairman Byers: Ms. Hall abstains.

Commissioner Koch: And finally, Mr. Chairman, I MOVE THAT THE COMMISSION RECOMMEND TO THE BOARD APPROVAL OF THE MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT AND WAIVER OF THE BARRIER REQUIREMENT ALONG THE EAST PROPERTY BOUNDARY AS CONDITIONED.

Commissioners Coan and Hunter: Second.

Vice Chairman Byers: Seconded by Mr. Coan and Mr. Hunter. Any discussion? All in favor of the motion, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioner Hall: Abstain.

Commissioner Harsel: Abstain.

Vice Chairman Byers: Ms. Hall, Ms. Harsel and the Chair abstain. Thank you very much, Mr. Koch. Thank you Ms. Johnson. Chair is yours.

Commissioner Murphy: Mr. Alcorn abstains.

Vice Chairman Byers: Mr. Alcorn abstains. Did you get that? Mr. Alcorn also abstained on the last vote.

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(The first motion carried unanimously with Commissioner Downer not present for the vote; Commissioner Thomas absent from the meeting.)

(The second motion carried by a vote of 9-0-1 with Commissioner Byers abstaining, Commissioner Downer not present for the vote; Commissioner Thomas absent from the meeting.)

(The third motion carried by a vote of 8-0-2 with Commissioners Byers and Hall abstaining; Commissioner Downer not present for the vote; Commissioner Thomas absent from the meeting.)

(The fourth motion carried by a vote of 6-0-4 with Commissioner Byers, Hall, Harsel and Alcorn abstaining; Commissioner Downer not present for the vote; Commissioner Thomas absent from the meeting.)

LBG