



# FAIRFAX COUNTY

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 500  
Fairfax, Virginia 22035-0000

V I R G I N I A

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June 23, 1999

Keith C. Martin, Esquire  
Walsh, Colucci, Stackhouse  
Emrich and Lubeley, P.C.  
2200 Clarendon Boulevard  
Arlington, Virginia 22201-3359

RE: Rezoning Application  
Number RZ 1998-MA-029  
(Concurrent with SE 98-M-031)

Dear Mr. Martin:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on June 7, 1999, granting Rezoning Application Number RZ 1998-MA-029 in the name of Davco Restaurants, Incorporated, to rezone certain property in the Mason District from the R-2 District and Highway Corridor Overlay District to the C-6 District and Highway Corridor Overlay District, subject to the proffers dated May 25, 1999, on subject parcel 71-1 ((1)) Pt. 75, consisting of approximately 1.11 acres.

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

RZ 1998-MA-029  
June 23, 1999

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cc: Chairman Katherine K. Hanley  
Supervisor-Mason District  
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  
Michelle Brickner, Deputy Director, DPW&ES  
DPW&ES - Bonds & Agreements  
Frank Edwards, Department of Highways - VDOT  
Land Acqu. & Planning Div., Park Authority  
District Planning Commissioner  
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES

**RECEIVED**  
DEPARTMENT OF PLANNING AND ZONING  
JUN 28 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 June, 1999, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROPOSAL NUMBER RZ 1998-MA-029  
(CONCURRENT WITH SE 98-M-031)

WHEREAS, Davco Restaurants, Incorporated filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-2 District and Highway Corridor Overlay District. to the C-6 District and Highway Corridor Overlay District; 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

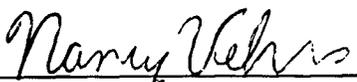
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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

Be, and hereby is, zoned to the C-6 District and Highway Corridor Overlay District; and said property is subject to the use regulations of said C-6 District and Highway Corridor Overlay District; 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 7<sup>th</sup> day of June, 1999.

  
\_\_\_\_\_  
Nancy Vehrs  
Clerk to the Board of Supervisors

**D.A. Bryant, P.C.**  
*Engineering ■ Surveying ■ Land Planning*  
22570 Markey Court, Suite 200 ■ Dulles, VA 20166-6901  
(703) 404-3700 ■ Fax (703) 404-3101

**Metes and Bounds Description  
Portion of the Property of  
Greater Annandale Recreation Center, Inc.  
DB 1221, PG 308  
Fairfax County, Virginia**

**RECEIVED**  
DEPARTMENT OF PLANNING AND ZONING  
JUL 1 1998  
ZONING EVALUATION DIVISION

Beginning at a point on the Northerly right-of-way line of Little River Turnpike, Route 236, said point being 293 feet ± in an Easterly direction from the Easterly right-of-way of Woodland Road: Thence, departing the Northerly right-of-way line of Little River Turnpike and running through the Greater Annandale Recreation Center, Inc. Property; N 16° 01' 00" E ~ 250.20 feet to a point and S 74° 11' 15" E ~ 199.41 feet passing over an iron pipe found at 2.24' to an iron pipe set in the Westerly property line of the Fairmont Associates Property; Thence, with the Westerly property line of the Fairmont Associates Property S 16° 01' 00" W ~ 235.60 feet to a drill hole set on the Northerly right-of-way line of Little River Turnpike, said drill hole being the Southwesterly property corner of the Fairmont Associates Property; Thence, departing the Southwesterly property corner of the Fairmont Associates Property and running with the Northerly right-of-way line of Little River Turnpike, N 78° 22' 30" W ~ 200.00 feet passing over a drill hole found at 197.76 feet to the point of beginning and containing 48,437 square feet or 1.1120 acres of land.

**PROFFERS**  
**RZ 1998-MA-029**  
**May 25, 1999**

Pursuant to Section 15.2-2303 (a), Code of Virginia, 1950 as amended, DavCo Restaurants, Inc. and the title owners for themselves, their successors and assigns (hereinafter referred to as the "Applicant"), the Applicant in RZ 1998-MA-029, filed for property identified on Fairfax County Tax Map as 71-1 ((1)) Pt. of Parcel 75 (hereinafter referred to as the "Application Property"), agrees to the following proffers, provided that the Fairfax County Board of Supervisors (hereinafter referred to as the "Board"), approves a rezoning of the Application Property from the R-2 Zoning District to the C-6 Zoning District.

1. **GENERALIZED DEVELOPMENT PLAN/SPECIAL EXCEPTION PLAT ("GDP/SE Plat")**
  - a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the GDP/SE Plat, prepared by D.A. Bryant, dated March 11, 1999.
  - b. Pursuant to Section 18-204 minor modifications from the GDP/SE Plat may be permitted as determined by Department of Public Works & Environmental Services (DPWES).
  - c. Development of the Application Property shall be limited to fast food restaurant with drive-in window. There shall be no other permitted uses as set forth in Article 4-601 of the Zoning Ordinance.
  
2. **TRANSPORTATION**
  - a. Prior to the issuance of the non-Residential Use Permit (non-RUP), the Applicant shall construct, subject to VDOT approval a curb cut from the Application Property onto the Route 236 service drive as shown on the GDP/SE Plat and a curb cut from the Route 236 service drive to Route 236, as approved by VDOT.
  - b. Applicant shall provide directional arrows and striping on the travel aisles and provide directional signage in conformance with Article 12 of the Zoning Ordinance.
  - c. Applicant shall construct a 5-foot wide sidewalk extension on the west side of the service drive entrance into the Application Property to align with the sidewalk that connects the parking lot the building.
  
3. **LANDSCAPING AND BARRIERS**
  - a. Parking lot and peripheral landscaping shall be provided by the Applicant as shown on the GDP/SE Plat. The exact location of the proposed plantings may be modified as necessary for the installation of utilities in coordination with the Urban Forester.
  - b. Prior to site plan approval, a landscape and tree preservation plan shall be submitted for review and approval by the Urban Forestry Branch, DPWES, and implemented.

This plan shall include, at a minimum, all landscape and tree preservation areas shown on the GDP/SE Plat. Landscaping species selection and installation shall be to the satisfaction of the Urban Forestry Branch, DPWES. If any such trees designated to be preserved have been removed or are dead, dying or hazardous by the time Applicant and the construction company qualify for release of bonds, then said trees shall be appropriately replaced in terms of species, size and quantity as determined by the Urban Forestry Branch pursuant to Section 12-403 of the Fairfax County Public Facilities Manual (PFM).

- c. The Applicant shall plant three (3) Zelkova Servatta (Japanese Zelkova) trees or their equivalent (6 feet tall at planting) along the Application Property's Route 236 frontage.
- d. The Applicant will generally adhere to the limits of clearing and grading and the tree save areas as shown on the GDP/SE Plat.
- e. The Applicant shall construct a decorative barrier as shown on the GDP/SE Plat. The barrier shall be six feet tall and be constructed with materials consisting of wood and masonry piers as depicted on the GDP/SE Plat. The fencing material shall be treated with a vandal-proof finish such as Armaglaze to protect against graffiti damage. Graffiti shall be removed from the fence within three business days.
- f. Shrubs shall be planted every 10 feet adjacent to the row of parking spaces closest to Route 236 to screen the parking lot. These shrubs shall be maintained in good health and appearance and shall be replaced with shrubs of similar species and size to the existing shrubs when no longer viable.

#### 4. HOURS OF OPERATION

- a. The hours of operation shall be limited to 10:00 a.m. to 1:00 a.m. Friday and Saturday; and 10:00 a.m. to 12:00 a.m. Sunday through Thursday.
- b. Deliveries shall be limited to the hours between 8:00 a.m. and 10:30 a.m. and 2:00 p.m. to 7:30 p.m., weekdays only.

#### 5. LOUDSPEAKER

The store manager shall at all times maintain the outside speaker box on the order window at a decibel level which shall not exceed a decibel level of 40 decibel level at all property lines.

#### 6. LIGHTING

- a. All pole-mounted lighting shall be appropriately shielded to direct light directly downward and onto the Application Property.

- b. All lighting shall be turned off one hour after closing.
- c. Three (3) acorn style streetlights as recommended by the Annandale & Baileys Crossroads Commercial Revitalization Areas shall be provided 50 feet on center adjacent to the trail along the Application Property's Route 236 frontage. Electrical connection and maintenance responsibility shall be provided by Fairfax County and/or Virginia Power upon installation by the Applicant.

7. LITTER CONTROL

The Applicant shall, on a daily basis, remove all litter and debris on the Application Property, its Route 236 frontage, and from the landscaped buffer along the eastern property line.

8. SIGNAGE

- a. All signs shall meet the zoning ordinance requirements of the Sign Control Overlay District.
- b. Any freestanding signage shall be monument style.

9. SIDEWALK

- a. The existing sidewalk shall be maintained until such time that a brick paver sidewalk is constructed pursuant to paragraph 9.b. below.
- b. At such time that a brick paver sidewalk is constructed on the Route 236 frontage of a contiguous parcel, the Applicant shall construct a five-foot wide brick paver sidewalk along the Application Property's Route 236 frontage to be maintained by Fairfax County or VDOT.

10. BRICK FACADE

The restaurant building facade shall be red brick.

11. SECURITY

If loitering becomes a problem, as determined by Zoning Enforcement Branch, Zoning Administration Division, the Applicant shall provide on-site security personnel.

OWNER:

GREATER ANNANDALE RECREATION CENTER, INC.

By: Robert L. Jordan  
Name: GARC President  
Title: Robert L. Jordan

APPLICANT:

DAVCO RESTAURANTS, INC.

By: Harvey Rothstein  
Name: Harvey Rothstein  
Title: SR. Executive Vice President of  
Real Estate - Development



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

BOARD OF SUPERVISORS ACTION  
ZONING MAP AMENDMENT  
DATE OF ACTION 06/07/99

APPLICATION NUMBER: RZ 98-M-029 MASON DISTRICT  
APPLICANT: DAVCO  
STAFF: LEWIS

APPLICATION DATA

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EXISTING ZONING AND ACREAGE

ZONING: R- 2  
ACRES: 1.11

PROPOSED: ACTION:  
C- 6 C- 6  
1.11 1.11

TOTAL ACRES TOTAL ACRES  
1.11 1.11

MAP NUMBERS

071-1- /01/ /0075- P

REMARKS:

ZONING MAP AMENDMENT

RZ 98-M-029

ZONING DISTRICT DATA

ZONING DISTRICT: C- 6

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
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COMMERICAL-GEN			PUBLIC/QUASI PUB		
HOTEL/MOTEL			OFFICE		
INDUSTRIAL-GEN			TRAN-UTIL-COMM		
CULT/EDU/RELG/ENT			RETAIL-EATING EST		
INDUST-WAREHOUSE			*****TOTAL*****		

REMARKS:

ZONING MAP AMENDMENT

RZ 98-M-029

CONDITION/CONTRIBUTION DATA

COND CODE DESCRIPTION	COND CODE DESCRIPTION
7A OTHER MISCELLANEOUS - SEE FILE	1A GENERALIZED DEVEL PLAN
1Z OTHER - GENERAL	1Z OTHER - GENERAL
4D BUFFER	4H LANDSCAPING
2Z OTHER - LAND USE	2I ARCHITECTURE
3Z OTHER - TRANSPORTATION	3F PEDESTRIAN FACILITY/TRAIL
1Z OTHER - GENERAL	4Z OTHER - ENVIRONMENT
4Z OTHER - ENVIRONMENT	4B TREES/COUNTY ARBORIST
4G TRANSITN *SCRN/BARRIER:WAIVE/MOD	4Z OTHER - ENVIRONMENT
4Z OTHER - ENVIRONMENT	4Z OTHER - ENVIRONMENT
4P LIGHTING	2Z OTHER - LAND USE

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:

6/7/99

4:00 p.m. Items - RZ-1998-MA-029 - DAVCO RESTAURANTS, INC.  
SE-98-M-031 - DAVCO RESTAURANTS, INC.  
Mason District

On Thursday, April 22, 1999, the Planning Commission voted 7-0-1 (Commissioner Kelso abstaining, Commissioners Downer, Harsel, Koch, and Palatiello absent from the meeting) to make the following recommendations to the Board of Supervisors pertinent to the subject applications:

- 1) approval of RZ-1998-MA-029, subject to the execution of proffers consistent with those dated April 20, 1999;
- 2) approval of SE-98-M-031, subject to the development conditions dated April 21, 1999;
- 3) modification of the transitional screening along the south property line to that shown on the GDP/SE plat;
- 4) waiver of the barrier requirement along the south property line;
- 5) waiver of the trail requirement along Route 236.

Planning Commission Meeting  
April 22, 1999  
Verbatim Excerpts

RZ-1998-MA-029 - DAVCO RESTAURANTS, INC.  
SE-98-M-031 - DAVCO RESTAURANTS, INC.

Decision Only During Commission Matters  
(Public Hearing held on April 15, 1999)

Commissioner Hall: Mr. Chairman, on April 20th (sic), the Planning Commission heard applications RZ-1998-MA-029 and SE-98-M-031, Davco Restaurants. If you will recall that evening we did have one speaker who spoke in opposition, Mr. Pratt, who represented his community. I wish I could address his concerns, but he does live one block from Little River Turnpike and that is a major thoroughfare and there's going to be traffic no matter what is developed there. The Annandale Swim Club, on the other hand, has been working with the community for in excess of two years, first through the Comprehensive Plan Review to get language in the Plan to facilitate this application, and then most recently with the application that's at hand. It has received the support of the Mason District Land Use Committee and I'm very happy to report -- one of the concerns of the community was that their children from Woodland Road will be walking across the Wendy's to get to the school bus stop. I was notified by Super (sic) Gross's office that, in fact, the school system has agreed to put a bus stop on Woodland and so that concern will no longer be a problem. With that, Mr. Chairman, I RECOMMEND THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY APPROVE REZONING 1998-MA-029, SUBJECT TO THE EXECUTION OF PROFFERS DATED APRIL 20, 1999.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-1998-MA-029, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Kelso: Mr. Chairman, I'll abstain. I wasn't here for the public hearing.

Chairman Murphy: Motion carries. Okay. Mr. Kelso abstains. Ms. Hall.

Commissioner Hall: I further RECOMMEND THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-98-M-031, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 21, 1999.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Kelso: Abstain.

Chairman Murphy: Motion carries. Mr. Kelso abstains. Ms. Hall.

Commissioner Hall: Thank you, Mr. Chairman. Again, I RECOMMEND THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS MODIFICATION OF THE TRANSITIONAL SCREENING ALONG THE SOUTH PROPERTY LINE TO THAT SHOWN ON THE GDP/SE PLAT.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Kelso: Abstain.

Chairman Murphy: Motion carries. Mr. Kelso abstains. Ms. Hall.

Commissioner Hall: I RECOMMEND THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS WAIVER OF THE BARRIER REQUIREMENT ALONG THE SOUTH PROPERTY LINE.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Kelso: Abstain.

Chairman Murphy: Motion carries. Mr. Kelso abstains.

Commissioner Hall: And finally, Mr. Chairman, I RECOMMEND THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS WAIVER OF THE TRAIL REQUIREMENT ALONG ROUTE 236.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Kelso: Abstain.

Chairman Murphy: Motion carries. Mr. Kelso abstains.

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(Each motion carried by a vote of 7-0-1 with Commissioner Kelso abstaining; Commissioners Downer, Harsel, Koch and Palatiello absent from the meeting.)

GLW