



County of Fairfax, Virginia

September 12, 2006

STAFF REPORT

APPLICATION SE 2006-PR-008

PROVIDENCE DISTRICT

APPLICANT:	Sonic Development, LLC.	
ZONING:	I-5, HC	C-8, HC
PARCEL(S):	49-3 ((1)) 41A	49-3 ((1)) 42
ACREAGE:	1.0 acre	1.90 acres
FAR:	0.21	
OPEN SPACE:	16.8% (21,850 sq/ft) over the entire SE area.	
PLAN MAP:	Industrial	
SE CATEGORY:	9-501 - Vehicle sale, rental, and ancillary service establishment	
PROPOSAL:	Vehicle sales	

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2006-PR-008 subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a modification of streetscape requirements in favor of that shown on the Special Exception Plat.

Staff recommends approval of a waiver of the eight (8) foot planting area.

O:\jpapp0\SE\SE 2006-PR-008, Sonic Development, LLC\ Final Materials\ SE 2006-PR-008 - Sonic Development Report & Dev. Conditions.doc

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

Staff recommends approval of a waiver of the service drive along Route 29.

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

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

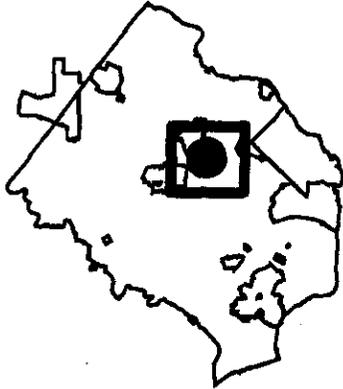
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



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

Special Exception

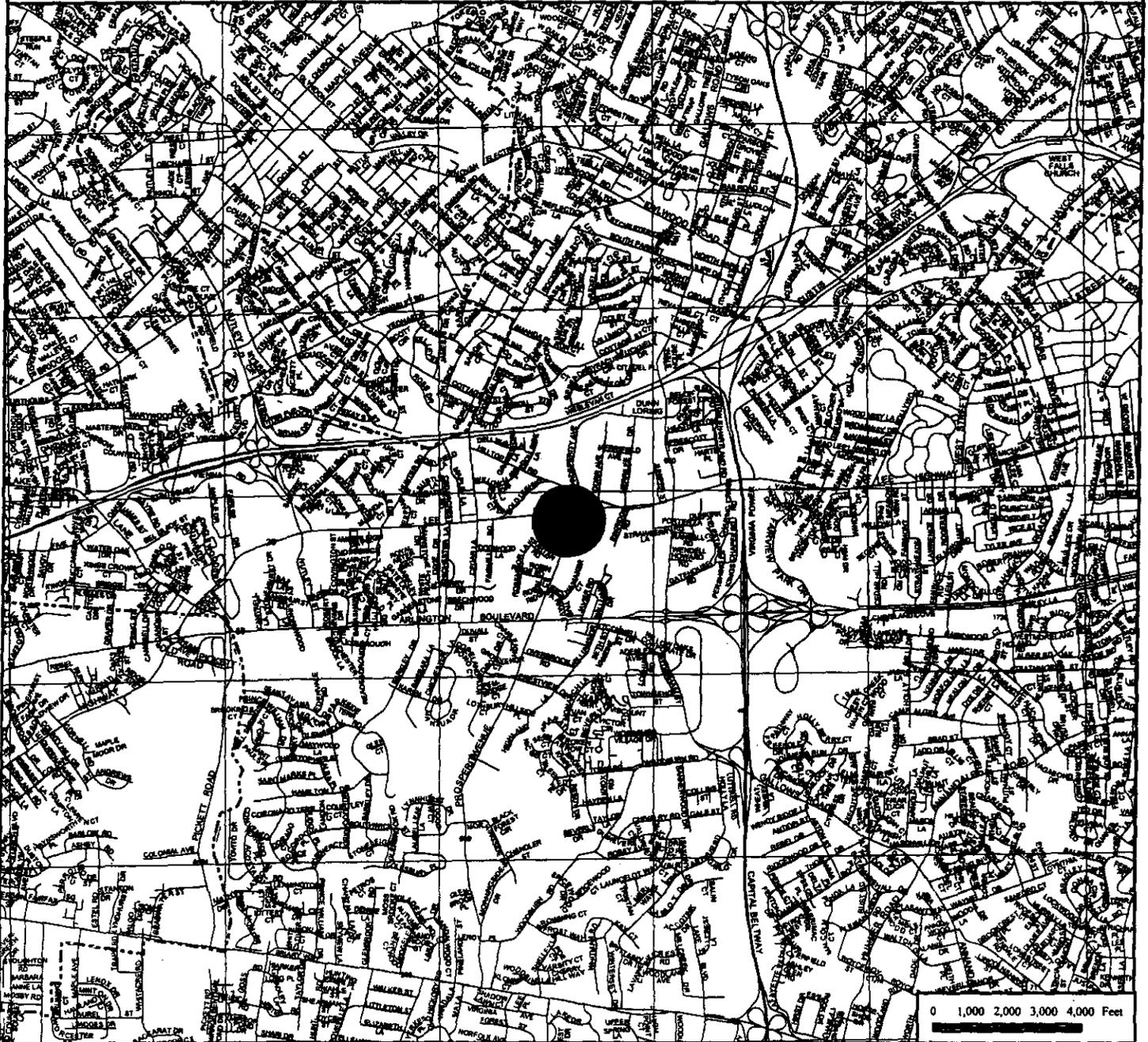
SE 2006-PR-008



Applicant: SONIC DEVELOPMENT, LLC
Accepted: 04/07/2006
Proposed: VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENTS

Area: 2.9 AC OF LAND; DISTRICT - PROVIDENCE
Zoning Dist Sect: 05-0504 04-0804
Art 9 Group and Use: 5-25
Located: 2924 PROSPERITY AVENUE AND 8427 LEE HIGHWAY

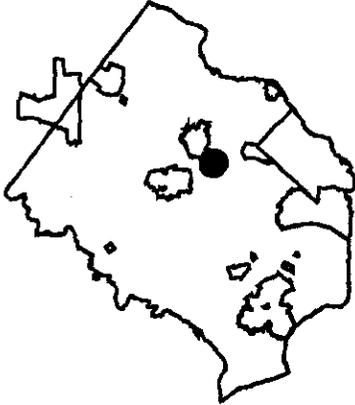
Zoning: I-5 AND C-8
Plan Area: 2
Overlay Dist: HC
Map Ref Num: 049-3-/01/ /0041A /01/ /0042



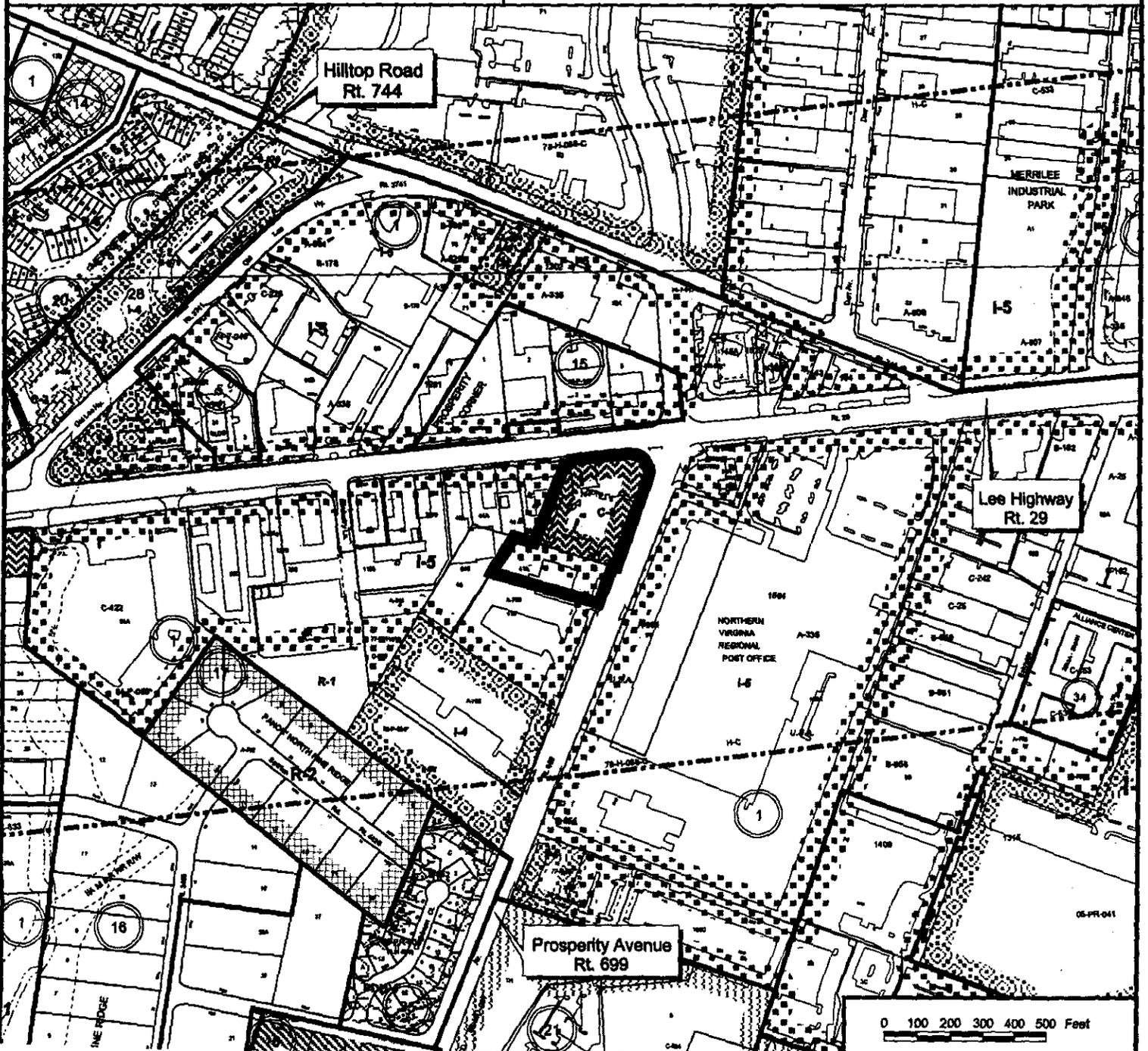
0 1,000 2,000 3,000 4,000 Feet

Special Exception

SE 2006-PR-008



Applicant: SONIC DEVELOPMENT, LLC
Accepted: 04/07/2006
Proposed: VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENTS
Area: 2.90 AC OF LAND; DISTRICT - PROVIDENCE
Zoning Dist Sect: 05-0504 04-0804
Art 9 Group and Use: 5-25
Located: 2924 PROSPERITY AVENUE AND 8427 LEE HIGHWAY
Zoning: I-5 AND C-8 Plan Area: 2
Overlay Dist: HC
Map Ref Num: 049-3- /01/ /0041A /01/ /0042



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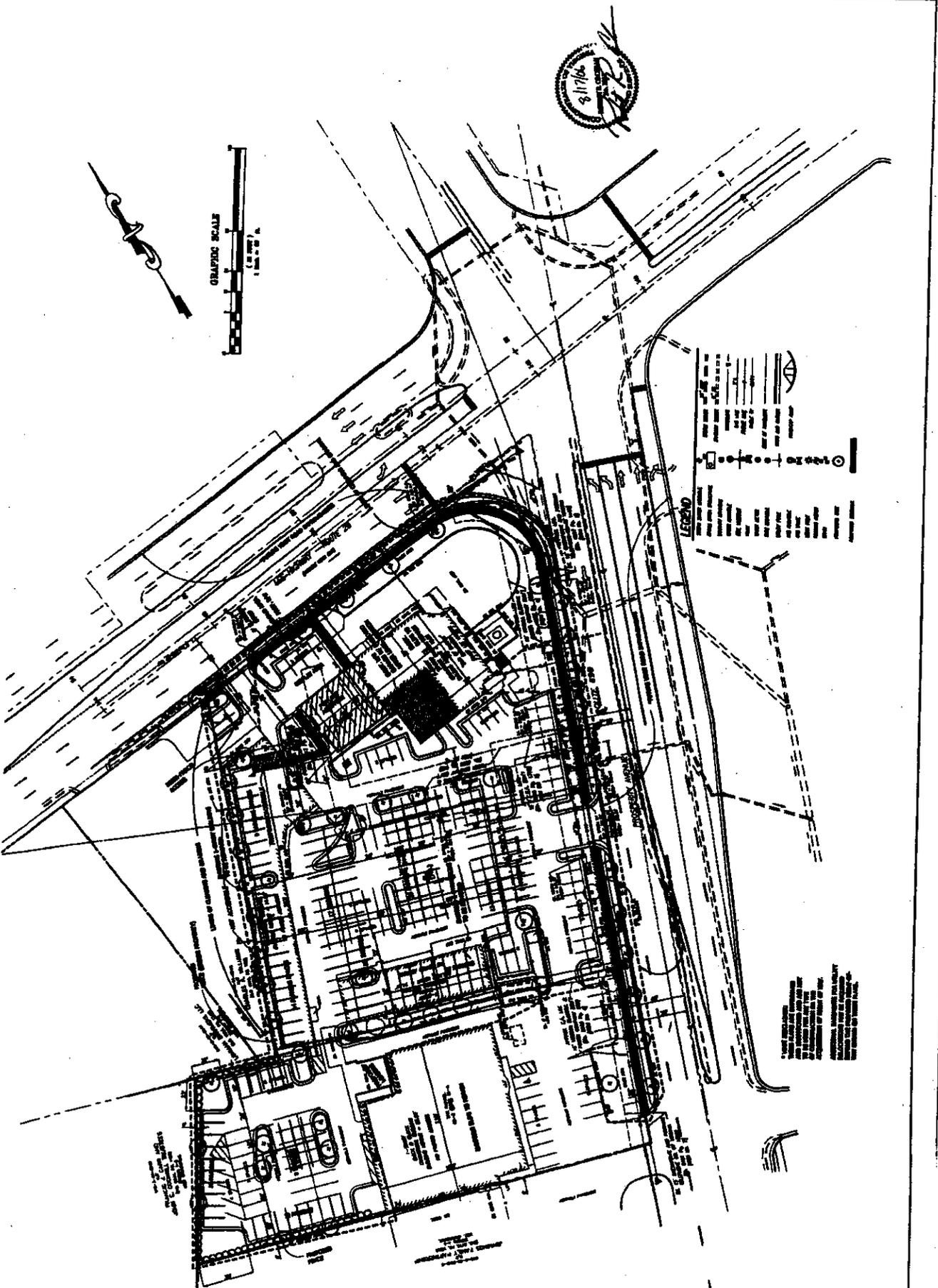
THE ENGINEER HAS REVIEWED THE PROPOSED PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCES OF THE CITY OF FAIRFAX, VIRGINIA. THE ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLANS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED OR THE COMPLETION OF THE PROJECT.

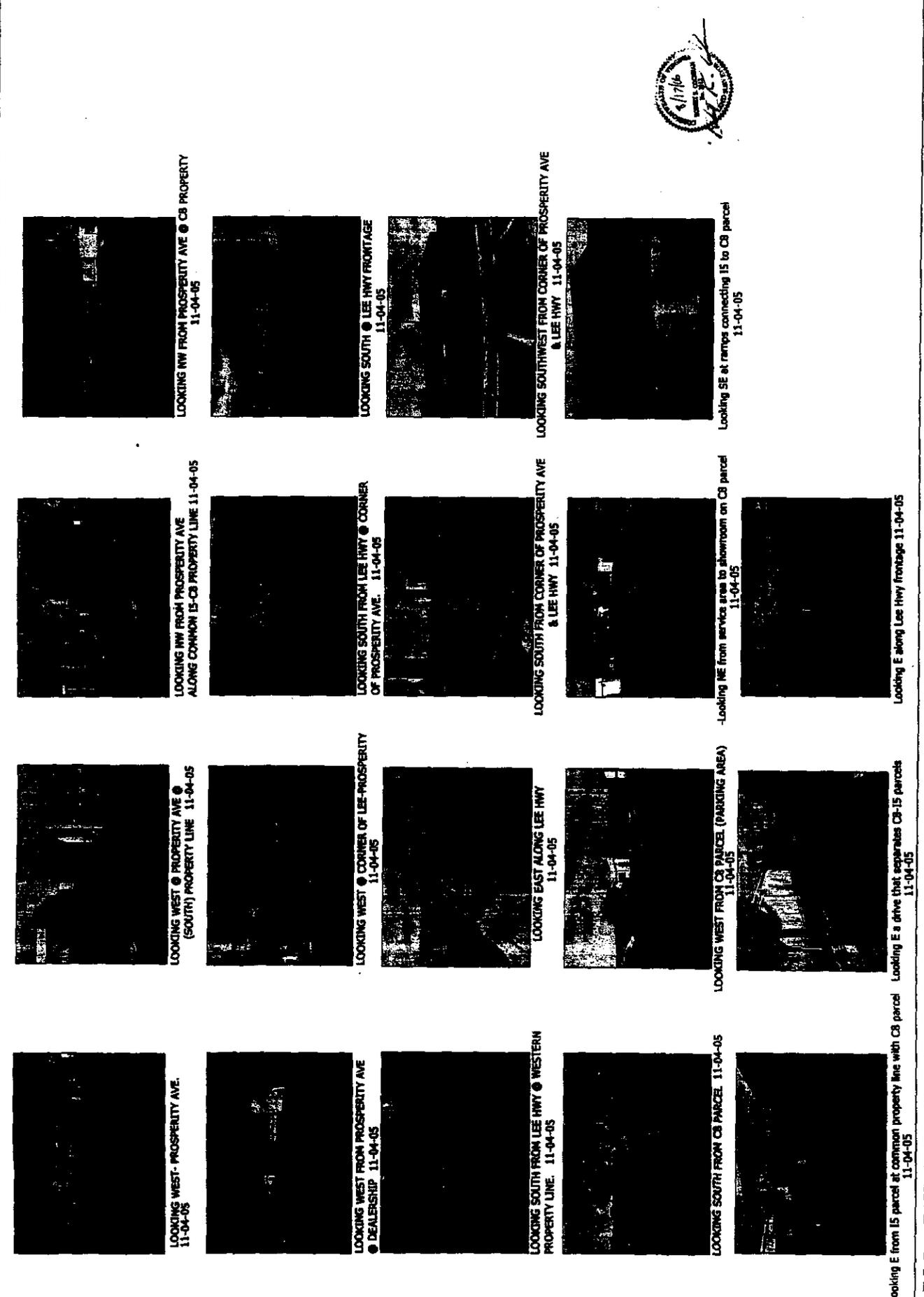
DATE: 12/15/2008
 BY: [Signature]
 TITLE: [Title]

BMW OF FAIRFAX SHOWROOM
PROVENCE DISTRICT
FAIRFAX COUNTY VIRGINIA

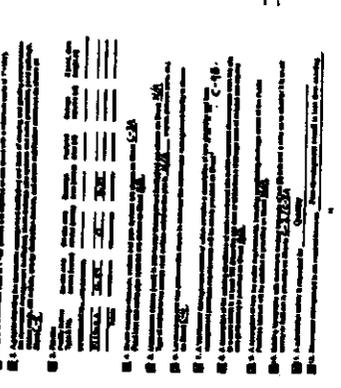
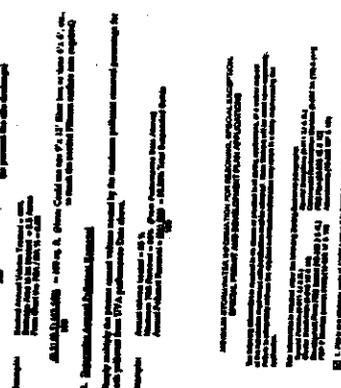
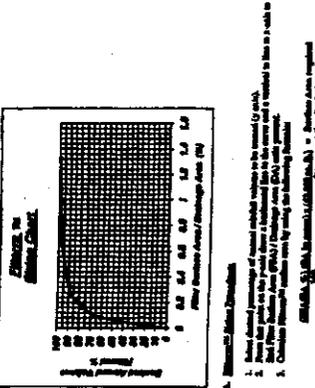
SPECIAL EXCEPTION PLAT
WITH FUTURE ADDITION

DATE		BY		SCALE	PROJECT/PLAT NO.	SHEET NO.	SHEETS
REV.	DATE	REV.	DATE				
1	12/15/08	1	12/15/08	1"=40'	100-000000-0000	1	1

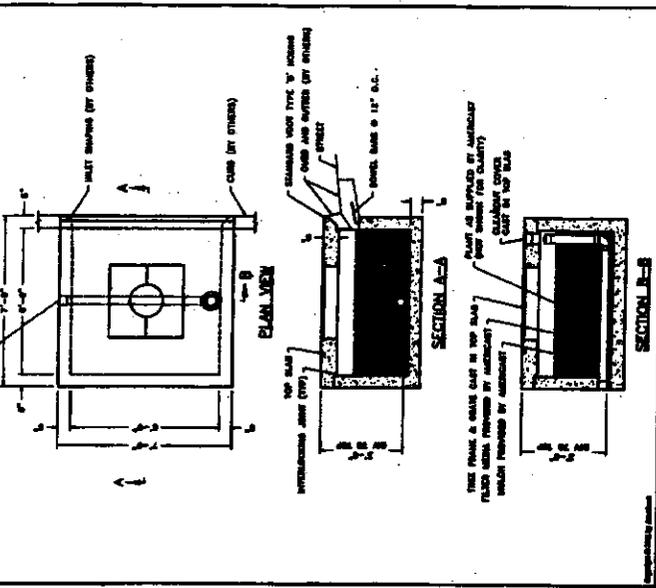




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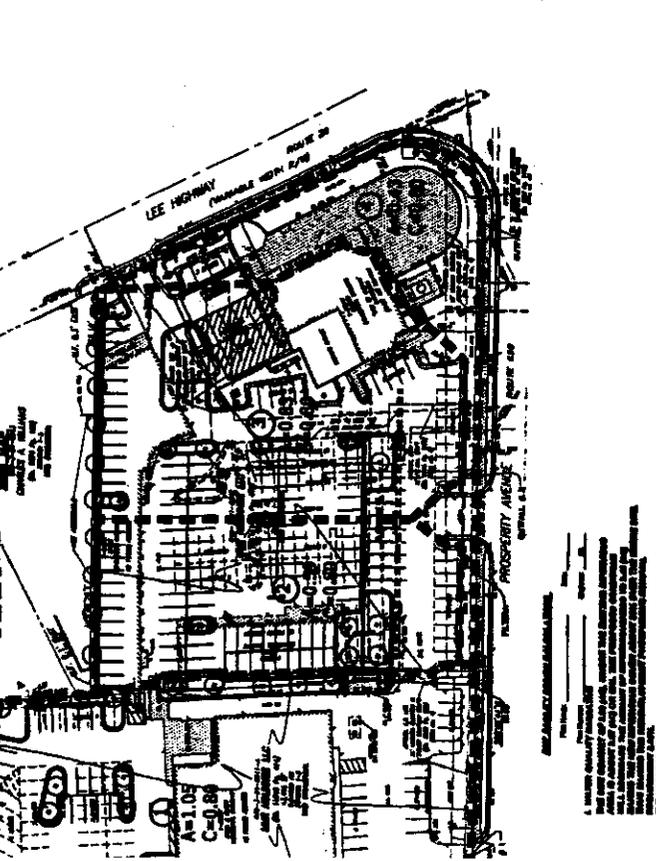


DESIGN NOTE:
 THE DESIGN OF ALL STORM WATER MANAGEMENT AND BEST MANAGEMENT PRACTICE FACILITIES SHOWN IN THIS PLAN IS BASED ON THE PRELIMINARY DATA AND INFORMATION PROVIDED BY THE CLIENT. ALL INFORMATION AND DATA SHALL BE VERIFIED BY THE DESIGNER PRIOR TO THE DEVELOPMENT OF THE FINAL CONTRACT DOCUMENTS.



THIS DRAWING IS THE PROPERTY OF AMERICAST PRECAST CONCRETE PRODUCTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF AMERICAST PRECAST CONCRETE PRODUCTS.

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FOR REVISIONS
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 CHECKED BY: [Name]
 PROJECT/FILE NO.
 SHEET NO. OF CS

STORMWATER
 MANAGEMENT
 COMPUTATIONS

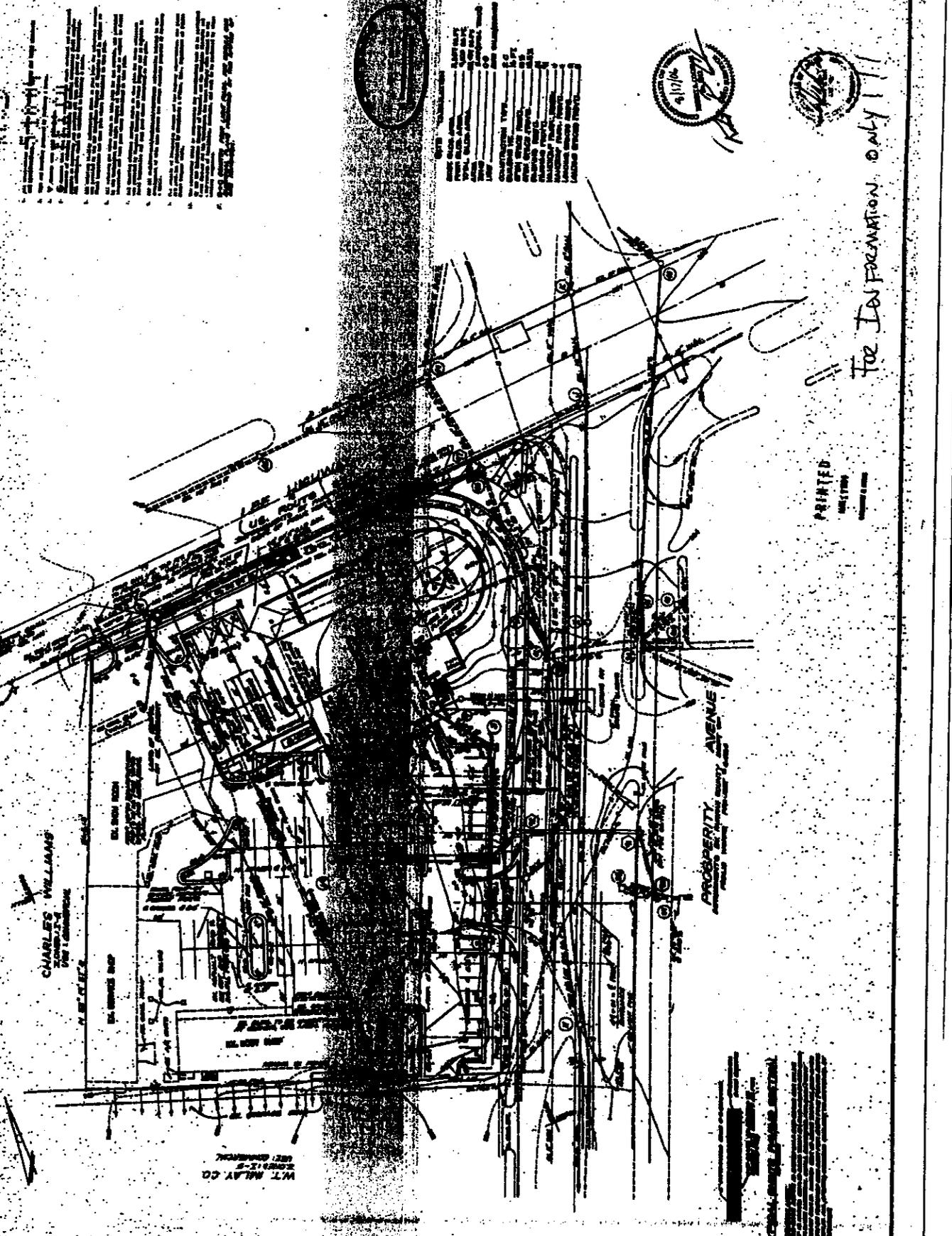
BMW OF FAIRFAX
 SHOWROOM
 PROVIDENCE DISTRICT
 FAIRFAX COUNTY VIRGINIA

DATE: 10/10/00
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 PROJECT/FILE NO.
 SHEET NO. OF CS

Dewberry & Davis
 Engineers, Architects, Planners, Inc.
 8001 Arlington Blvd., Falls Church, VA 22041
 703.261.4000

BMW of Fairfax
 Construction Division
 8471 Lee Highway, Fairfax, Virginia 22031

DATE: 10/10/00
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT/FILE NO.
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For Information only

PRINTED
 10/10/00

FOR REVISIONS
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STORMWATER
 MANAGEMENT
 COMPUTATIONS

BMW OF FAIRFAX
 SHOWROOM
 PROVIDENCE DISTRICT
 FAIRFAX COUNTY VIRGINIA

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STORM SEWER DESIGN COMPUTATIONS

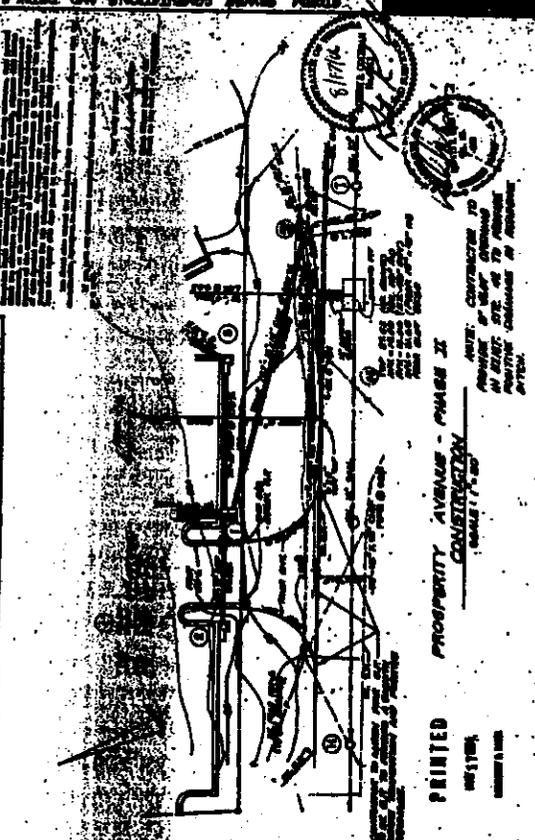
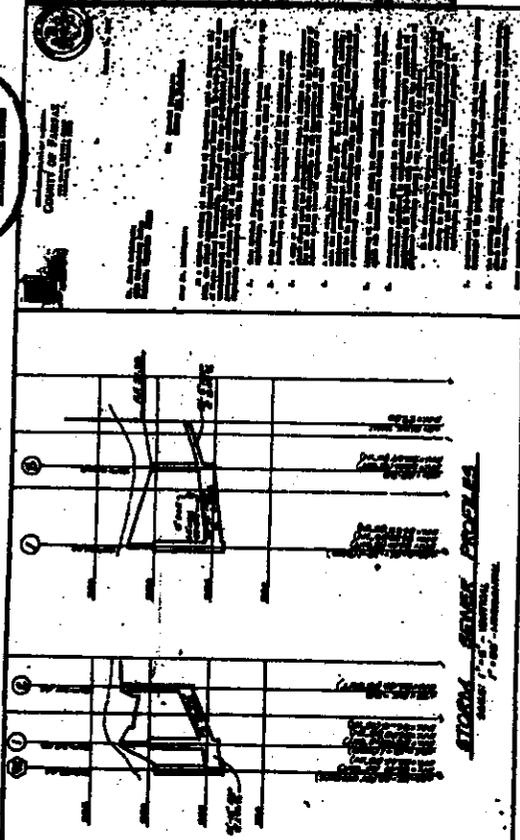
5-18-84

CITY OF FAIRFAX

LINE NO.	LINE DESCRIPTION	TYPE OF CONNECTION		SIZES OF MAINS		SIZES OF BRANCHES		SIZES OF INLETS		SIZES OF MANHOLES	
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STORM WATER INLET COMPUTATIONS

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PRINTED PROSPERITY AVENUE - PHASE II
CONSTRUCTION
 DATE: 1/1/84

NOTE: CONTRACTOR TO
 VERIFY ALL DIMENSIONS
 AND LOCATIONS OF
 MANHOLES AND INLETS
 BEFORE CONSTRUCTION.

For Information only!

THESE DOCUMENTS HAVE BEEN PREPARED SPECIFICALLY FOR THE PROJECT NAMED HEREIN. THEY ARE NOT SUITABLE FOR USE ON OTHER PROJECTS OR IN OTHER LOCATIONS WITHOUT THE APPROVAL AND PARTICIPATION OF THE ARCHITECT. REPRODUCTION IS PROHIBITED.

BMW of Fairfax
 RENOVATIONS FOR
 427 Lee Highway Fairfax, VA 22031
 COLLEBY ARCHITECTS PLLC / INFRASTRUCTURE INCORPORATED
 400 SOUTH MAIN STREET, SUITE 1000, FAYFAIR, VA 22031

DESIGN INTENT DRAWINGS
 SITE PLAN
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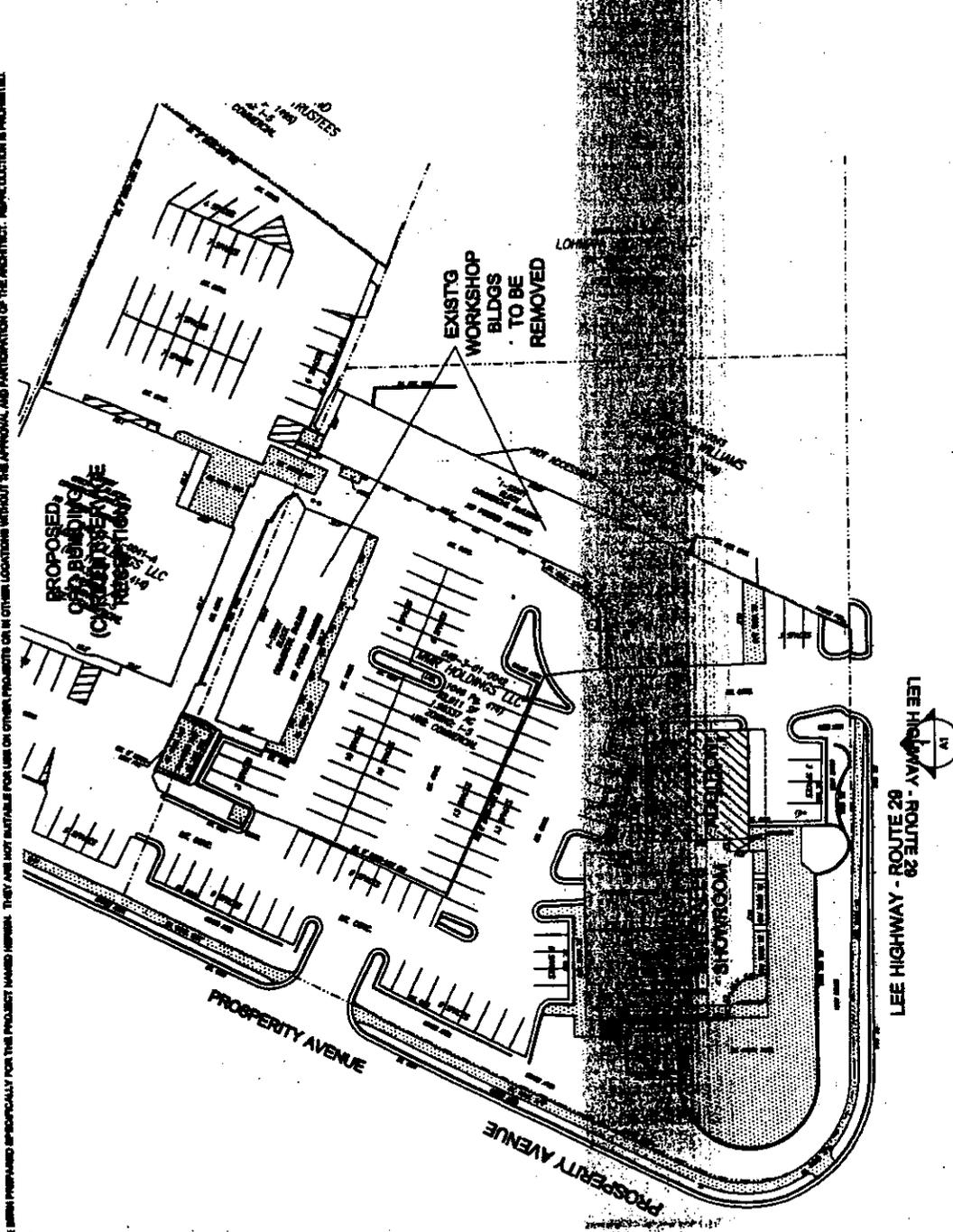
GENERAL NOTES:

1. THESE DRAWINGS ARE FOR ARCHITECTURAL DESIGN INTENT ONLY AND ARE NOT TO BE USED FOR CALCULATED DESIGN, STRUCTURAL, MECHANICAL, ELECTRICAL, OR PLUMBING DESIGN SYSTEMS.
2. THE MAIN CENTER OPERATOR OR GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONSTRUCTION DOCUMENTS TO BEAR FOR A REVIEW OF CONSTRUCTION DOCUMENTS BY THE LOCAL BUILDING DEPARTMENT.
3. NEW APPROVED EXTENSION AND IMPROVEMENTS SHALL BE POLARIZED AT THE POINT OF CONNECTION OF THE MAIN CONSTRUCTION. WEATHER-RESISTANT BARRIERS SHALL BE INSTALLED AT ALL JOINTS AND PENETRATIONS OF THE MAIN CONSTRUCTION.

DESIGN INTENT DOCUMENT DISCLAIMER:

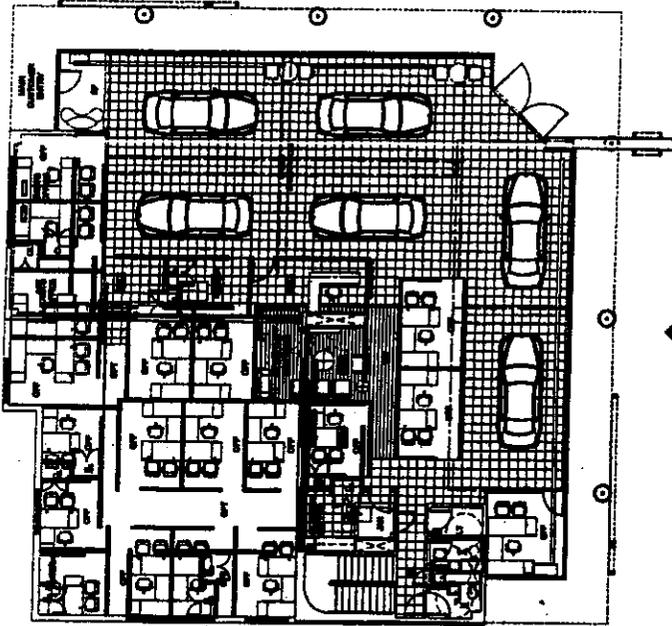
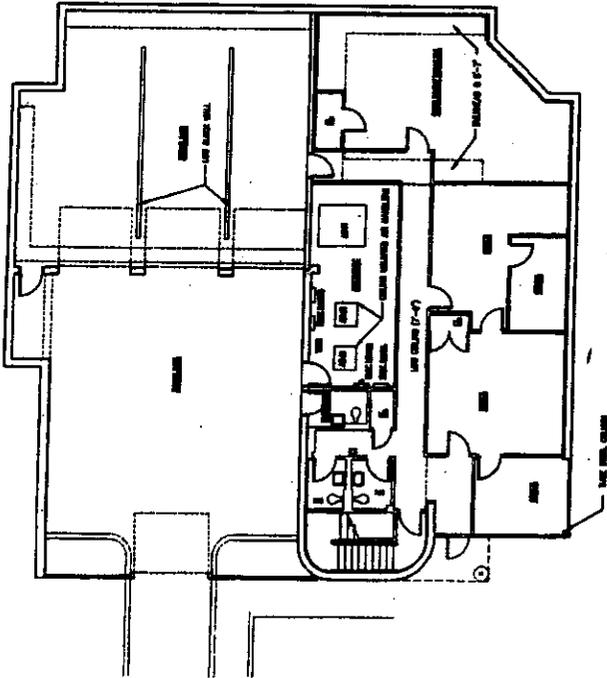
THE DESIGN INTENT DRAWINGS ARE INTENDED TO ESTABLISH THE DESIGN DIRECTION ONLY. IT IS NOT TO BE INTERPRETED AS AN AGREEMENT OR WARRANTY OF ANY KIND. THE ARCHITECT ASSUMES NO LIABILITY FOR THE USE OF ANY SUCH DOCUMENTS AND INFORMATION.

THE OWNER AND/OR THE OWNER'S ARCHITECT ASSUME ALL LIABILITY FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE ARCHITECT ASSUMES NO LIABILITY FOR THE USE OF ANY SUCH DOCUMENTS AND INFORMATION.



1 SITE PLAN - REVISED - JUNE 3, 2006

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1 PLANS

PLANT NORTH

GENERAL NOTES:

1. THESE DRAWINGS ARE INTENDED TO BE USED IN CONJUNCTION WITH THE CONTRACT DOCUMENTS AND ARE NOT TO BE USED FOR ANY OTHER PURPOSES. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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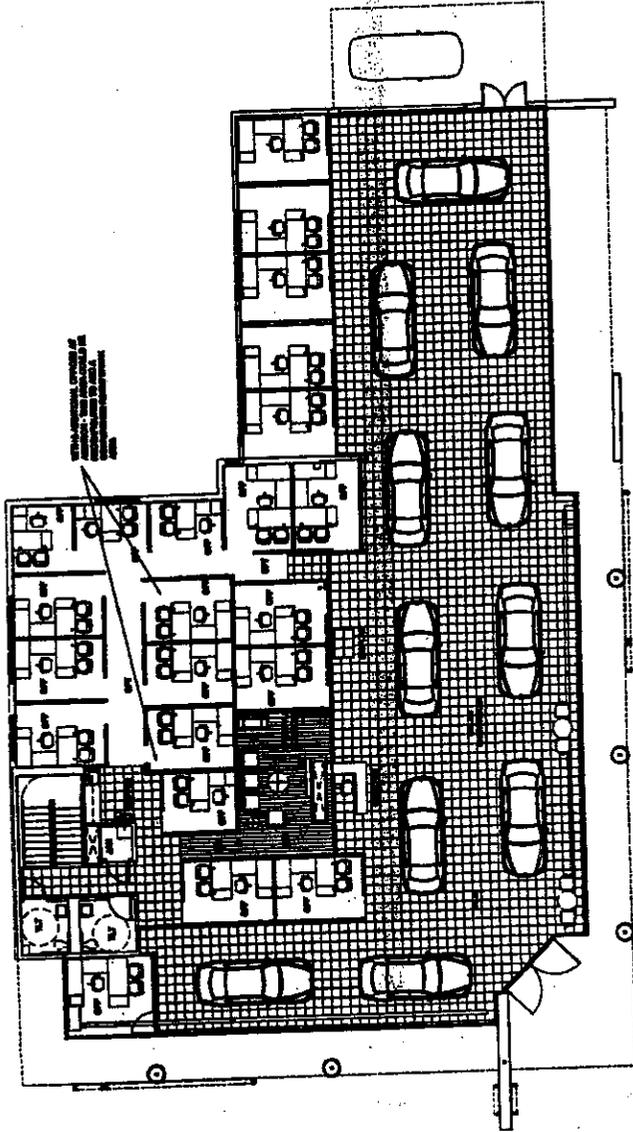
RENOVATIONS FOR
BMW of Fairfax
 8427 Lee Highway Fairfax, VA 22031

EVERTON OLSBERG ARCHITECTS PLLC / INFRASTRUCTURE INCORPORATED
 400 NORTHVALE BOULEVARD SUITE 2000 FARMERSVILLE, VA 22029

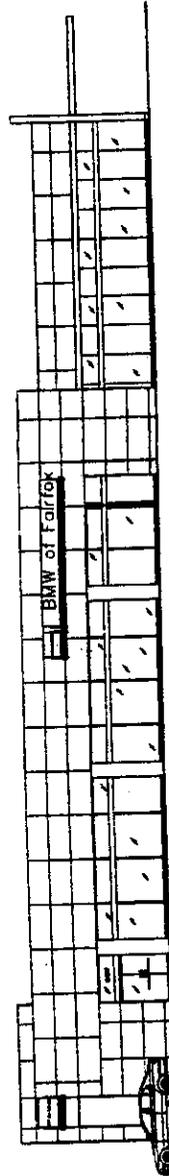
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2 SHOWROOM LEVEL PLAN - REVISED - JUNE 3, 2005



1 LEE HIGHWAY ELEVATION - REVISED - JUNE 3, 2005



GENERAL NOTES:

1. THESE DRAWINGS ARE FOR ARCHITECTURAL DESIGN INTENT ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION OR CALICATED DESIGN DRAWINGS FOR STRUCTURAL, MECHANICAL, ELECTRICAL, OR PLUMBING DESIGN PURPOSES.
2. THE BMW CENTER OPERATOR OR OPERATORS ON BEHALF OF THE BMW CENTER OPERATOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND TO BEAR FOR A REVIEW OF CONSTRUCTION DOCUMENTS.
3. BMW APPROVED EXTERIOR AND INTERIOR FINISHES SHALL BE USED AS SHOWN ON THE DRAWINGS. THE BMW CENTER OPERATOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND TO BEAR FOR A REVIEW OF CONSTRUCTION DOCUMENTS.

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THE OWNER AND/OR THE OWNER'S ARCHITECT SHALL BE FULLY RESPONSIBLE FOR THE PLANS AND SPECIFICATIONS FOR THE PROJECT. THE ARCHITECT AND/OR THE OWNER'S ARCHITECT ACKNOWLEDGE THEIR UNDERSTANDING OF THE DRAWINGS AS THEY STATED, AND THE OWNER AND/OR THE OWNER'S ARCHITECT SHALL BE FULLY RESPONSIBLE FOR THE PROJECT.

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RENOVATIONS FOR
BMW of Fairfax
 8427 Lee Highway, VA 22031
 EVERTON OGLESBY ARCHITECTS PLLC / INFRASTRUCTURE INCORPORATED
 400 NORTH VALE, NORTH WARRICK, TN 37057 (615) 895-1234



DESIGN INTENT DRAWINGS

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

DESCRIPTION OF THE APPLICATION

Proposal: Special Exception request to permit a vehicle sale establishment pursuant to Section 9-501 of the Fairfax County Zoning Ordinance. This proposed use will remove the vehicle repair use and two buildings from the existing site, and create a vehicle sales only establishment. This application also adds land area to the existing BMW of Fairfax site.

Waivers and Modifications: Modification of the streetscape and sidewalk/trail requirements along Route 29 and Prosperity Ave. in favor of that shown on the Special Exception Plat.

Waiver of the service drive along Route 29.

Waiver of the eight (8) foot planting area.

LOCATION AND CHARACTER

Existing Site Description:

The subject property is located on the southwest corner of the intersection of Route 29 and Prosperity Ave., and is located in the Merrifield Revitalization Area. The northern parcel (Tax Map 49-3 ((1)) 42) is zoned C-8, and contains the main showroom/office building, outdoor display space, and the two vehicle service buildings. This northern parcel contains a majority of the intensity of the site. The southern parcel (Tax Map 49-3 ((1)) 41A) is zoned I-5 and contains one building that houses the parts warehouse and parking.

The site contains three points of entrance; one off of Route 29 and two on Prosperity Ave. The southern entrance on Prosperity is a shared entrance for this site and the neighboring property to the south.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Gas Station, Warehouse	I-5	Industrial
East	Service Station, Northern Virginia Regional Post office	I-5	Public Facilities, Government & Institutional
South	Warehouse	I-5	Industrial
West	Warehouse, Veterinary Hospital	I-5	Industrial

BACKGROUND

The application site was originally constructed as an automobile dealership in the mid-1950s, and has been used in that capacity since then. There have been several different manufacturers that have occupied the space. There have also been several Rezoning and Special Exceptions filed on the site.

On March 26, 1979, the Board of Supervisors (Board) approved concurrently RZ 78-P-115 & SE 78-P-110 on the parcels (Tax Map 49-3 ((1)) 42, and 49-3 ((15)) 3). The Rezoning (RZ) changed the site's zoning designation from I-5 to C-8. The Special Exception (SE) was needed to allow the continued use as a vehicle sales, rental and ancillary service. These applications resulted from the 1978 change to the Zoning Ordinance.

On September 26, 1983, the Board approved SEA 78-P-110 which allowed for the expansion of the vehicle sales facilities. With this application the two story showroom/office building that currently sits on the northeast corner of the site was constructed. (See Appendix 4)

On May 19, 1986, a Proffer Condition Amendment (PCA) PCA 78-P-115-1 was approved by the Board which reaffirmed the proffers on southern parcel (Tax Map 49-3 ((1)) 42), and allowed for the separation of the northern parcel (Tax Map 49-3 ((15)) 3) from those proffers, to allow the northern parcel to be redeveloped with a different use. (See Appendix 4)

COMPREHENSIVE PLAN PROVISIONS (Appendix 6)

Plan Area:	Area I
Planning District:	Merrifield Suburban Center Land Unit E, Sub-Unit E-7
Plan Map:	Industrial
Plan Text:	Fairfax County Comprehensive Plan, 2003 Edition

See Appendix 6 for additional Plan Text:

"Sub-Unit E7:

This Sub-Unit is located at the southwest quadrant of Route 29 and Prosperity Avenue, and is developed with industrial uses, except for the southwest corner of Prosperity Avenue and Route 29 that is developed with an auto sales use. This sub-unit is planned to remain at current intensities. Any modification, expansion, and/or reuse of the existing buildings should be consistent with guidelines for Existing Uses and Buildings under the Area-Wide Land Use section.

Height Limit: The maximum building height in this sub-unit is 40 feet. See the Building Heights Map, Figure 16, and the Building Height Guidelines under the Area-Wide Urban Design section.”

“Existing Uses and Buildings:

In some instances, existing development may not be consistent with the long-term vision for the Merrifield Suburban Center. It is not the intent of the Plan to interfere with the continuation of these existing land uses or buildings. If the adaptive reuse and/or expansion of these buildings should occur prior to site redevelopment, the following guidelines should be met:

- The replacement of existing uses (except for replacements necessitated by casualty, i.e., from storm, fire) or expansion and/or remodeling of existing buildings, should implement certain design-related aspects of the Plan, such as improvements to building façades, open space/pedestrian amenities, and streetscape. If design-related improvements (i.e., building facades, open space/pedestrian amenities, and streetscape) are not feasible due to the existing building’s location on the site, or other site constraints, alternative site design improvements should be considered to help implement the Plan’s intent. For example, if a double row of street trees is recommended for the streetscape, but cannot be provided due to the location of existing sidewalks, a single row of street trees could be an appropriate alternative. In addition, road improvements, right-of-way dedication and/or right-of-way reservation are appropriate for consideration when there are significant expansions to a structure (i.e., over 15% additional floor area) and/or the existing use is replaced with a more intense use (i.e., a warehouse conversion to office or retail use) that necessitates changes in circulation or other site design issues.
- Retention of existing uses during redevelopment should be encouraged by permitting incorporation of the old use into the new, such as incorporating light industrial uses into a portion of a parking structure, or incorporating community retail or other commercial/ business-related uses into office and residential development.

Landscaped screening and/or buffering should be used to separate existing industrial uses from office and residential uses where necessary to achieve Plan objectives, but without blocking the provision of utilities as well as inter-parcel access recommended by the Transportation and Land Unit Recommendations.”

ANALYSIS

Special Exception Plat

(Copy at front of staff report)

Title of SE Plat:

BMW of Fairfax Showroom

Prepared By:

VIKA, Inc. (Sheets 1-12), Dewberry & Davis
(Sheets 13-15), Everton Oglesby Architects PLLC
/ Infrastructure Incorporated
(Sheets 16-19)

Original and Revision Dates: Dated February 3, 2006
As revised through August 15, 2006

The Special Exception Plat consists of nineteen (19) sheets containing the following information:

- | | |
|--------------|---|
| Sheets 1 & 2 | Cover, vicinity map, soil map; notes, zoning requirements, site tabulations, waiver & modification requests, meets and bounds, and parking tabulations. |
| Sheet 3 | Existing Conditions |
| Sheet 4 | Special Exception Plat without future addition |
| Sheet 5 | Special Exception Plat with future addition |
| Sheet 6 | Landscape plan with general notes and tree cover requirements/calculations |
| Sheet 7 | Existing vegetation Map |
| Sheet 8 | Pedestrian plan and site section |
| Sheets 9-10 | Photographs of subject property |
| Sheets 11-15 | Stormwater Management computations |
| Sheets 16-19 | Showroom design details (with and without proposed addition) |

The current site is developed with the main showroom/office building on the northeast corner of the northern parcel (49-3 ((1)) 42.) On the western and southern edges of the same parcel are located two maintenance buildings. The rest of the site is used for parking and outdoor display of vehicles. There is an existing structure on the southern parcel of the application (Tax Map 49-3 ((1)) 41A) which is used as a parts warehouse for the service use on site; there is also parking and loading associated with this building. There is one entrance onto the site from Route 29 and two off of Prosperity Ave. The southern entrance on Prosperity Ave. is a shared drive with the adjacent property to the south.

The site is proposed to be redeveloped and will be de-intensifying the use by moving the vehicle repair and warehouse uses to an off-site location. The site is proposed for continued use as a vehicle sales establishment. The Route 29 entrance is located in the northwest corner of the site. The site the interparcel access to the adjacent parcel (Tax Map 49-3 ((1)) 43) to the west is located parallel to Route 29, to the immediate west of the entrance, and the new car display area is located to the east of the entrance. Moving south on the site, the main showroom/office building, with a proposed future

addition, is situated toward the east. South of the main showroom/office building, where the two vehicle service buildings had been located, will be the new outdoor vehicle display areas and customer parking areas. South of the new outdoor display area is the second parcel (Tax Map 49-3 ((1)) 41A) which contains the existing parts warehouse building and new employee parking area. The warehouse building will be converted into an indoor vehicle preparation area. All new landscaping has been added throughout the site in planting islands and along both of the site's frontages.

Along the Route 29 and Prosperity frontages, the Merrifield Streetscaping has been implemented to the extent possible within the site constraints. Along Prosperity Ave., the only modification to the required streetscaping is that the trail is six (6) feet wide instead of the eight (8) foot wide trail that the Comprehensive Plan calls for. This change is due to the location of a utility pole that would fall two (2) feet into the trail. Along the Route 29 frontage, the only modification to the required streetscaping is that the landscape strip between the trail and roadway is six (6) feet instead of the eight (8) that the Comprehensive Plan calls for. Since the Comprehensive Plan makes recommendations for the entire Merrifield Revitalization Area, and is not parcel specific, some of the recommendations need to be modified for site specific issues that arise. Staff believes that the modifications the applicant has proposed with this application fulfill the intent of the Plan.

Along with the streetscaping, the applicant has also proposed additional landscaping throughout the site. There will be a row of trees planted along western property line as well as on the property line of the two parcels that make up the application. The southwest corner where the proposed employee parking is currently located, will be planted with trees and a low hedge. There are also several planting islands located throughout the parking and outdoor display areas, and several existing trees that will remain.

Land Use Analysis (Appendix 6)

Issue: Prosperity Streetscaping

The Comprehensive Plan has established streetscaping requirements throughout the Merrifield Suburban Center. Along Prosperity Ave, the Plan calls for an eight (8) foot wide trail to be constructed; the proposed development has provided a six (6) foot wide trail along this frontage.

Resolution:

The applicant has proposed a six (6) foot wide trail along the Prosperity Ave. frontage due to the location of an existing utility pole that prevents the trail from being constructed to the plans recommended eight (8) foot width, which is sufficient in this instance, as conditioned.

Issue: Route 29 & Prosperity Streetscape Improvements

The applicant has proposed tree plantings along both sides of the trail/sidewalk. Some of these plantings appear to be in close proximity to the existing overhead utility wires. Staff feels that ideally, the applicant should underground the utilities as the Comprehensive Plan calls for; in the event that the existing utility lines are not placed underground, the applicant should demonstrate that the streetscape depicted on the development plan can realistically be established. In addition, the applicant should provide planting details for both streetscapes to demonstrate the survivability of the street trees, particularly those proposed to be planted in 6-foot-wide landscape strips.

Resolution:

The applicant has stated that they will not financially be able to underground the utility lines due the extremely high cost. The proposed planting materials have been chosen to ensure that they survive in the narrow planting beds, and that they will not interfere with the utility lines. A condition has also been included to address the types of soils to be used in the narrower planting beds along portions of the property.

Stormwater Management (Appendix 7)

Since only a portion of the site is being disturbed, it is considered a "redevelopment"; as a result there are minimal BMP and no detention requirements for the site. The development is reducing the amount of impervious surface on the site by providing additional plantings throughout the site. The applicant is also proposing to include a Filterra to reduce the phosphorous levels for Best Management Practices (BMP) credit.

Issue: Proposed Filterra

The applicant is proposing to use a Filterra system for Best Management Practices (BMP) Credit. A modification to use this system is required to be approved prior to the final site plan approval for the site.

Resolution:

The applicant has been advised of the needed modification for the use of the Filterra, and a development condition has also been included to address this issue.

Issue: Outfall Narrative

At the time of the Staff memo, the applicant had not provided an outfall narrative which described the condition of the site outfall channel in terms of capacity and stability.

Resolution:

The applicant has provided an adequate outfall narrative with their last submission; this issue has been addressed.

Transportation Analysis (Appendix 8)**Issue: Landscape Clear Zone**

The applicant had shown landscaping within the clear zone for both Prosperity Ave. and Route 29.

Resolution:

The applicant has corrected these issues with the last submission; this issue has been addressed.

Issue: Right-of-Way Dedication

Staff requested dedication of right-of-way in order to facilitate the construction of improvements along Route 29 as shown on VDOT Plan #0029-029-119.

Resolution:

The applicant has agreed to dedicate the needed right-of-way when requested. A development condition has been included that addresses this issue.

Issue: Interparcel Access

The applicant was requested to provide an interparcel access and access easement to the west.

Resolution:

The applicant has provided the interparcel access to the property to the west as shown on the SE Plat, and a development condition has been provided to address the provision of a public access easement.

Urban Forester (Appendix 9)

All comments have been addressed with the last submission.

Environmental Analysis (Appendix 6)

There are no additional environmental issues associated with this proposal.

CONFORMANCE WITH PROFFERS (Appendix 5)

The Special Exception is subject to the proffers approved with PCA 78-P-115-1, approved on May 19, 1986; proposal is in conformance.

ZONING ORDINANCE PROVISIONS (Appendix 10)

Bulk Standards (C-8 Districts)		
Standard	Required	Provided
Minimum Lot Area	40,000 SF	1.9 acres (82,991 sq/ft)
Minimum Lot Width	200 feet	210 feet along Route 29
Intensity	0.50 FAR max.	0.16 FAR
Maximum Height	40 feet	12.6 feet
Open Space	15% (12449 SF)	17.7% (14720 SF)
Front Yard	45° ABP but not less than 40 feet (40 feet)	46.5 feet (Route 29 Frontage) & 48.4 feet (Prosperity Ave. Frontage)
Side Yard	No requirement	63 feet (western property line)
Rear Yard	20 feet	Approx. 195 feet

Bulk Standards (I-5 Districts)		
Standard	Required	Provided
Minimum Lot Area	20,000 SF	30,371 SF
Minimum Lot Width	100 feet	135 feet
Intensity	0.50 FAR max.	0.33 FAR
Maximum Height	40 feet	34.5 feet
Open Space	15% (6524 SF)	15% (6530 SF)
Front Yard	45° ABP but not less than 40 feet (40 feet)	Approx. 92 feet

Other Zoning Ordinance Requirements:**Waivers and Modifications**

Modification of the streetscape and sidewalk/trail requirements along Route 29 and Prosperity Ave. in favor of that shown on the Special Exception Plat: Since the Comprehensive Plan makes recommendations for the entire Merrifield Revitalization Area and is not parcel specific, some of the recommendations need to be modified for site specific issues that arise. Staff believes that the modifications that the applicant has proposed with this application fulfill the intent of the Plan.

Waiver of service drive along Route 29: The applicant is requesting a waiver of the service drive along the Route 29 frontage. The applicant's property is on the corner of Route 29 and Prosperity Ave. Due to this location the required service drive would terminate on the site. As the applicant has provided adequate interparcel access for the property to the west, Staff feels that the service drive would not benefit this site or any of the neighboring properties. Staff supports the service drive waiver request.

Waiver of the eight (8) foot planting area: Due to site constraints along the Route 29 frontage, the applicant has requested a waiver of the eight (8) foot wide planting area. Staff feels that this waiver is justified as conditioned.

Special Exception Requirements

General Special Exception Standards (Sect. 9-006)
Standards for all Category 5 Uses (sect. 9-503)
Additional Standards for Vehicle Sales, Rental and Ancillary Service
Establishments (Sect. 9-518)

General Special Exception Standards (Sect. 9-006)

The proposed use and development as shown on the SE plat meets all of the General Special Exception Standards with the proposed development conditions.

Standards for all Category 5 Uses (Sect. 9-503)

The proposed use and development as shown on the SE plat meets all of the Standards for all Category 5 Uses with the proposed development conditions.

Additional Standards for Vehicle Sales, Rental and Ancillary Service Establishments (Sect. 9-518)

Standard 1 requires that outdoor storage, parking and display be permitted only with a sales room on the same lot; there is an existing showroom and office building on site.

Standard 2 requires the area devoted to storage, loading, parking and display of goods be limited to that designated on the approved SE plat. The applicant proposes to do no loading of vehicles on this site, and will do all loading at an offsite location that has the same owner. A development condition has been proposed which would require display in designated areas only.

Standard 3 states that, notwithstanding the bulk regulations of the zoning district in which located, any outdoor display area that is located on the ground and is open to the sky may be located in any required yard but not nearer to any front lot line than ten (10) feet, except as may be qualified by the provisions of Article 13. All the proposed surface parking along the site's frontage is set more than ten (10) feet back from the lot lines.

Standard 4 states all uses shall be provided with safe and convenient access to a street. If any outdoor area is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Director in accordance with the Public Facilities Manual. Staff has determined that the proposed entrances and curb and gutter satisfy this standard.

Standard 5 states all outdoor areas, including aisles and driveways, shall be constructed and maintained with an approved surface in accordance with Par. 11 of Sect. 11-102, and shall be improved in accordance with construction standards presented in the Public Facilities Manual. The applicant will be required to demonstrate that the proposed asphalt surface meets this requirement at the time of site plan review.

Standard 6 states that all lighting fixtures used to illuminate such outdoor areas shall be designed to comply with the performance standards for glare, of the zoning district in which such facility is located. Such facilities shall not be lighted at any time other than during the same hours that the facility is open for business, except for necessary security lighting. The applicant has agreed to the standard development condition in regards to the lighting on site.

Standard 7 There is no vehicle rental use taking place with this application therefore this standard is not applicable.

Overlay District Requirements

Highway Corridor (HC) (Sect. 7-600)

Highway Corridor (HC) (Sect. 7-600)

The provisions of the Highway Corridor Overlay District restrict certain uses and do not apply to the existing use.

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed development conditions.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff finds that the proposed development is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions, only with imposition of the proposed development conditions contained in Appendix 1.

Recommendation

Staff recommends approval of SE 2006-PR-008 subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a modification of streetscape requirements in favor of that shown on the Special Exception Plat.

Staff recommends approval of a waiver of the service drive along Route 29.

Staff recommends approval of a waiver of the eight (8) foot planting area.

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

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

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Approved Development Conditions; SEA 78-P-110
5. Approved Proffers; PCA 78-P-115
6. Land Use Analysis & Environmental Assessment
7. Stormwater Analysis
8. Transportation Assessment
9. Urban Forest Management Assessment
10. Applicable Zoning Ordinance Provisions
11. Glossary of Terms



PROPOSED DEVELOPMENT CONDITIONS

SE 2006-PR-008

September 12, 2006

If it is the intent of the Board of Supervisors to approve SE 2006-PR-008 for a vehicle sales establishment located at 8427 Lee Highway and 2924 Prosperity Ave., (Tax Map 49-3 ((1)) 41A, 42), pursuant to Sect. 5-504 and 4-804 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions which supersede all previously approved development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services ("DPWES"). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception plat entitled "BMW of Fairfax Showroom", prepared by VIKA, Inc. (Sheets 1-12), Dewberry & Davis (Sheets 13-15), Everton Oglesby Architects PLLC / Infrastructure Incorporated (Sheets 16-19) which is dated February 3, 2006, as revised through August 15, 2006, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Landscaping shall be provided in substantial conformance with the location, quality and quantity of plantings depicted on the SE Plat. This plan shall be coordinated with, and approved by, Urban Forest Management, DPWES. The landscaping shall include a variety of native tree species, of various sizes, planted throughout the site including streetscape, peripheral and interior parking lot landscaping as approved by UFM. All landscaping shall be irrigated and maintained by the applicant.
5. Subject to approval by DPWES, the Applicant shall install street trees in planting strips/tree wells as shown on the SE Plat. In instances where such planting strips/tree wells contain less than 8 feet of surface width structural soil shall be installed in the planting areas as shown on the SE Plat and as approved by Urban Forest Management in order to promote the survivability of street trees. The Applicant shall provide Urban Forest Management written confirmation from a certified arborist demonstrating and verifying the installation of structural soil in

such locations and documenting that the structural soil was produced by a licensed company. In addition, the Applicant shall notify Urban Forest Management at least 72 hours in advance of the first installation of structural soil to afford Urban Forest Management representatives an opportunity to inspect the installation.

6. The outdoor area devoted to loading, parking and display of vehicles shall be limited to that area so designated on the Special Exception (SE) Plat, and no vehicles shall be displayed on the site in a manner that will impede the flow of traffic or pedestrian access on-site. No parking shall be permitted along sidewalks, service drives and within landscaped areas. No storage of vehicles shall be permitted on-site except for that area depicted for display of vehicles on the SE Plat.
7. The architecture shall generally conform with the illustrative architectural elevations as shown on the SE Plat Sheets 16 through 19, as determined by DPWES.
8. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
9. No more than one freestanding sign shall be permitted at the subject site. Such sign shall be a monument type; no pole signs shall be permitted. No buntings, flags, balloons, or other types of decorative materials used for promotional purposes shall be located in such a manner as to be visible from off-site, except as otherwise allowed by the provisions of Article 12 of the Zoning Ordinance.
10. Any dumpster and recycling containers located on the exterior of the building shall be located within a gated enclosure that is constructed of brick or architectural block.
11. There shall be no loading or unloading of vehicles for sale conducted on-site or on the adjacent streets. All such loading and unloading shall be done off-site at the dealers service center location (8504 Lee Highway.)
12. There shall be no vehicle repair or inoperable vehicles stored on-site.
13. There shall be no maintenance or refueling of vehicles on-site.
14. At the time of site plan approval, or upon demand by Fairfax County, whichever occurs first, dedication and conveyance in fee simple to the Board of Supervisors of right-of-way along the application's Lee Highway frontage shall be made in conformance with VDOT Plan #0029-029-119 or as otherwise determined necessary by DPWES.
15. The Applicant shall grant ingress/egress easements for the benefit of Lot 49-3 ((1)) 43 for the interparcel access shown on the SE Plat.

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 Permits through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



SPECIAL EXCEPTION AFFIDAVIT

DATE: 8/17/06
(enter date affidavit is notarized)

I, Benjamin T. Danforth, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) [] applicant
[x] applicant's authorized agent listed in Par. 1(a) below

91132a

in Application No.(s): SE 2006-PR-008
(enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Rows include Sonic Development, LLC; MMR Holdings, LLC; Lawson, Tarter & Charvet, PC; William B. Lawson, Jr.; Benjamin T. Danforth.

(check if applicable) [x] 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 Attachment to Par. 1(a)

DATE: 8/17/06
(enter date affidavit is notarized)

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for Application No. (s): SE 2006-PL-008
(enter County-assigned application number (s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Vika, Inc. Ryan O'Gara	8180 Greensboro Drive Suite 200 McLean, VA 22102	Engineer, Agent
Farrell McGlynn Architects, P.A. Robert H. Mortensen	3909 National Drive Suite 110 Burtonsville, MD 20866	Architect, Agent
Mortensen Associates Dennis W. McGlynn	6843 Churchill Road McLean, VA 22102	Engineer, Agent

(check if applicable)

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: 8/17/06
(enter date affidavit is notarized)

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for Application No. (s): SE 2006-PR-008
(enter County-assigned application number(s))

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

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

CORPORATION INFORMATION

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

Sonic Development, LLC
6425 Idlewild Road
Charlotte, NC 28212

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Sonic Automotive, Inc., its sole member and manager

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

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

Special Exception Attachment to Par. 1(b)

DATE: 8/17/06
(enter date affidavit is notarized)

91132a

for Application No. (s): SE 2006-PR-008
(enter County-assigned application number (s))

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

Sonic Automotive, Inc.
5401 E. Independence Boulevard
Charlotte, NC 28212

DESCRIPTION OF CORPORATION: (check one statement)

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

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

O. Bruton Smith
Sonic Financial Corporation
FMR Corp. (Fidelity Invest.)
Barclays Global Investors, N.A.

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

Sonic Financial Corporation
5401 E. Independence Boulevard
Charlotte, NC 28212

DESCRIPTION OF CORPORATION: (check one statement)

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

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

O. Bruton Smith

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

Special Exception Attachment to Par. 1(b)

DATE: 8/17/06
(enter date affidavit is notarized)

91132a

for Application No. (s): SE 2006-PR-008
(enter County-assigned application number (s))

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

FMR Corp.
82 Devonshire Street
Boston, MA 02109DESCRIPTION OF CORPORATION: (check one statement)

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

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

FMR Corp.'s stock is traded on a national
stock exchange. No shareholder of FMR
Corp. owns 10% or more of MMR
Holdings, L.L.C.

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

Barclays Global Investors, N.A.
45 Fremont Street
San Francisco, CA 94105DESCRIPTION OF CORPORATION: (check one statement)

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

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

Barclays Global Investors, N.A.'s stock is
traded on a national stock exchange. No
shareholder of Barclays Global Investors,
N.A. owns 10% or more of MMR Holdings,
L.L.C.(check if applicable) There is more corporation information and Par. 1(b) is continued further on a
"Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: 8/17/06
(enter date affidavit is notarized)

91132a

for Application No. (s): SE 2006-PR-008
(enter County-assigned application number (s))

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

MMR HOLDINGS, L.L.C.
6407 Idlewilde Road
Charlotte, NC 28212

DESCRIPTION OF CORPORATION: (check one statement)

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

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

CAR MMR, L.L.C., its sole member and manager

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

CAR MMR, L.L.C
6407 Idlewilde Road
Charlotte, NC 28212

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Capital Automotive L.P., its sole member and manager

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

Special Exception Attachment to Par. 1(b)

DATE: 8/17/06
(enter date affidavit is notarized)

91132a

for Application No. (s): SE 2006-PR-008
(enter County-assigned application number (s))

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

Capital Automotive LLC
8270 Greensboro Drive
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Flag Fund V LLC, its sole member
Capital Automotive Real Estate Services,
Inc., its manager

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

Capital Automotive Real Estate Services, Inc.
8270 Greensboro Drive
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Flag Fund V LLC

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

Special Exception Attachment to Par. 1(b)

DATE: 8/17/06
(enter date affidavit is notarized)

91132a

for Application No. (s): SE 2006-PR-008
(enter County-assigned application number (s))

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

Flag Fund V LLC
One Beacon Street
Boston, MA 02108

DESCRIPTION OF CORPORATION: (check one statement)

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

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

- | | |
|--|---------------------------------------|
| 1.
DRA G&I Flag Fund V Real Estate
Investment Trust, its managing member | 2.
Fund V Rash Co-Investment Trust |
|--|---------------------------------------|

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

DRA G&I Flag Fund V Real Estate Investment Trust
220 East 42nd Street
New York, NY 10017

DESCRIPTION OF CORPORATION: (check one statement)

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

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

DRA Growth and Income Fund

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

Special Exception Attachment to Par. 1(b)

DATE: 8/17/06
(enter date affidavit is notarized)

91132a

for Application No. (s): 8E 2006-PR-008
(enter County-assigned application number (s))

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

Fund V Rash Co-Investment Trust
One Beacon Street
Boston, MA 02108

DESCRIPTION OF CORPORATION: (check one statement)

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

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

DRA Growth and Income Fund V

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

DRA Growth and Income Fund V
220 East 42nd Street
New York, NY 10017

DESCRIPTION OF CORPORATION: (check one statement)

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

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

DRA Growth and Income Fund V's stock is traded on a national stock exchange. No shareholder of DRA Growth and Income Fund owns 10% or more of MMR Holdings, L.L.C.

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

Special Exception Attachment to Par. 1(b)

DATE: 8/17/06
(enter date affidavit is notarized)

91132a

for Application No. (s): SE 2006-PR-008
(enter County-assigned application number (s))

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

DRA Growth and Income Fund
220 East 42nd Street
New York, NY 10017

DESCRIPTION OF CORPORATION: (check one statement)

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

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

DRA Growth and Income Fund's stock is traded on a national stock exchange. No shareholder of DRA Growth and Income Fund owns 10% or more of MMR Holdings

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

Special Exception Attachment to Par. 1(b)

DATE: 8/17/06
(enter date affidavit is notarized)for Application No. (s): SE 2006-PR-008
(enter County-assigned application number (s))

91132a

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

Lawson, Tarter & Charvet, P.C.
6045 Wilson Boulevard
Suite 100
Arlington, VA 22205DESCRIPTION OF CORPORATION: (check one statement)

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

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

William B. Lawson, Jr.
P. David Tarter
Ina C. Charvet

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

Vika, Inc.
8180 Greensboro Drive, Suite 200
McLean, VA 22102DESCRIPTION OF CORPORATION: (check one statement)

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

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

John F. Amatetti
Charles A. Irish, Jr.
Robert R. Cochran
Harry L. Jenkins(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: 8/17/06
(enter date affidavit is notarized)

91132a

for Application No. (s): SE 2006-PR-008
(enter County-assigned application number (s))

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

Farrell McGlynn Architects, P.A.
3909 National Drive, Suite 100
Burtonsville, MD 20866

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Dennis W. McGlynn
James J. Farrell, Jr.

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

Mortensen Associates
6843 Churchill Road
McLean, VA 22101

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Robert H. Mortensen

(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: 8/17/06
(enter date affidavit is notarized)

91132a

for Application No. (s): SE 2006-PR-008
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)
Capital Automotive L.P.
8270 Greensboro Drive
McLean, VA 22102

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

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

Capital Automotive LLC, its general partner

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: 8/17/06
(enter date affidavit is notarized)

91132

for Application No. (s): SE 2006 PR-008
(enter County-assigned application number(s))

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

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

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

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

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

None

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

Application No.(s): SE 2006-PR-006
(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

DATE: 8/17/06
(enter date affidavit is notarized)

91132a

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

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

None

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

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

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

WITNESS the following signature:

(check one) BENJAMIN T. DANFORTH [] Applicant [x] Applicant's Authorized Agent

Benjamin T. Danforth, Esquire Attorney/Agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 17th day of August 2006, in the State/Comm. of Virginia, County/City of Arlington.

Neta Lewis
Notary Public

My commission expires: Jan. 31, 2007



LAWSON, TARTER & CHARVET, P.C.

WILLIAM BARNES LAWSON, JR.
P. DAVID TARTER
INA CHRISTINA CHARVET
ARISTOTELIS A. CHRONIS
PIER-ALYSIA M. COYNE
BENJAMIN T. DANFORTH

ATTORNEYS AT LAW
SUITE 100
6045 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22205-1546
(703) 534-4800
FACSIMILE (703) 534-8225

WILLIAM BARNES LAWSON, RETIRED

AUTHOR'S EMAIL:
blawson@lawsonarter.com

RECEIVED
Department of Planning & Zoning

June 23, 2006

JUN 27 2006

Zoning Evaluation Division

Ms. Barbara A. Byron
Director of Zoning Evaluation Division
Fairfax County
12055 Government Center Parkway
Suite 801
Fairfax, Virginia 22035

Re: Special Exception Amendment Application
Filed by Sonic Development, LLC (the "Applicant")
2924 Prosperity Avenue and 8427 Lee Highway
(collectively the "Property")

Dear Ms. Byron:

I represent the Applicant in regard to the above-referenced application, which is filed pursuant to Section 9-501 of the Fairfax County Zoning Ordinance. Please accept this letter as the Applicant's statement of justification.

The Property is zoned C-8 and I-5, and lies within the Merrifield Suburban Center of the Fairfax County Comprehensive Plan (the "Plan"). Two of the Plan's main objectives are to make Merrifield more pedestrian friendly and to make existing commercial areas more attractive. This application, which is consistent with the Plan, furthers both of those goals.

The Applicant proposes to use the Property as a vehicle sales establishment, which will generate less traffic than its current use (as a vehicle sales and vehicle parts establishment). This decrease in traffic will make the area safer and more inviting for pedestrians. In addition, the proposed use will lead to aesthetic improvements to the Property, primarily resulting from the development of a new landscaping plan and the adjustment of automobile display areas, which will provide a more interesting frontage to the Property.

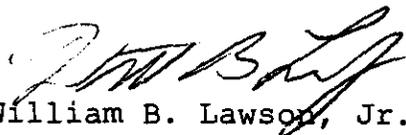
Mr. Barbara A. Byron
June 23, 2006
Page Two

The Applicant is aware that the Property is subject to an existing proffer that requires the Property's owner to dedicate no more than 12' of right of way along the Property's Lee Highway frontage upon the request of Fairfax County. The Applicant realizes that changes have been made to the Fairfax County Comprehensive Plan since the creation of said proffer and, in light thereof, agrees (despite the wording of the proffer to the contrary) to provide a dedication in excess of 12', the exact distance of which to be determined during the special exception and/or site plan application process.

Please see the Statement of Proposed Use, submitted as part of this application, for further details on how the Property will be used. Please note that as depicted on the Plat submitted with this application, the Applicant plans to commence improvements to the I-5 portion of the Property upon approval of the application, while possibly delaying improvements to the C-8 portion of the Property until a future date.

Please feel free to contact me at (703) 534-4800 with any questions about the application.

Very truly yours,



William B. Lawson, Jr.

RECEIVED
Department of Planning & Zoning
FEB 17 2006
Zoning Evaluation Division

SPECIAL EXCEPTION AMENDMENT APPLICATION
SONIC DEVELOPMENT LLC

Written Statement Describing Proposed Use

A. Type of Operation

Vehicle sale, rental and ancillary service establishments

B. Hours of Operation

The hours of operation for the proposed use are:

7:00 a.m. to 9:00 p.m.

C. Estimated number of patrons

50 per day

D. Estimated number of employees

55

E. Estimated traffic impact

The proposed use will result in fewer vehicular trips to and from the property, due to the removal of the automobile service facility. The estimated number of trips per day is 50, down from the current amount of around 300.

F. Vicinity or general area to be served by the use

The dealership primarily serves the Arlington, Alexandria, and Fairfax areas.

G. Description of building facade and architecture of proposed new buildings or additions

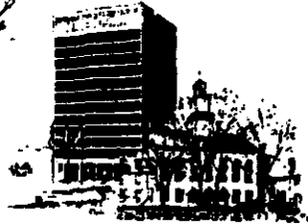
Metal panel and store front system, along with EIFS.

H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

There are no known hazardous or toxic substances on this property.

- I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions.



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030



October 4, 1983

Ms. Sarah Reifsnyder
4020 University Drive
Fairfax, Virginia 22030

Re: Special Exception
Number SEA 78-P-110-1

Dear Ms. Reifsnyder:

At a regular meeting of the Board of Supervisors held on September 26, 1983, the Board approved Special Exception Number SEA 78-P-110-1, in the name of Marco Limited Partnership, located as Tax Map 49-3((1))42 to permit the establishment of a vehicle sale, rental and ancillary service establishment pursuant to Section 4-804 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for the location indicated in the application and is not transferable to other land.
2. This Special Exception is granted for the building and uses indicated on the plats submitted with the application only.
3. A copy of this Special Exception SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during hours of operation of the permitted use.
4. A revised site plan shall be submitted for approval in accordance with the provisions of Article 17. This site plan shall satisfy Ordinance requirements for parking, landscaping and screening and shall be in general conformance with the layout design submitted as a preliminary site plan with this application.
5. Lighting of the site shall be directed away from adjacent lots and shall not interfere with driving conditions on adjacent highways.
6. Development of the site shall be in strict conformance with those conditions proffered in conjunction with the Board's approval of Application RZ 78-P-115 with the exception that the requirements of proffered condition Number 3 may be applied as follows:

October 4, 1983

- At the developer's option, construction of the proffered road construction may be substituted by a contribution to Fairfax County in the amount of \$73,000. This contribution shall satisfy all road construction commitments proffered in Application RZ 78-P-115.
- 7. Dedication and conveyance of right-of-way along the Prosperity Avenue frontage of the property to 45 feet from centerline.
- 8. The granting of temporary construction easements, to Fairfax County, along the Prosperity Avenue frontage of the property to accommodate its widening.

Under provisions of Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, eighteen (18) months after the effective date of the Special Exception unless construction has commenced, or an extension has been granted by the Board of Supervisors because of the occurrence of conditions unforeseen at the time of the granting of this Special Exception. Any request for extension should cite justification for the extension and be filed with the Zoning Administrator not less than thirty (30) days prior to the expiration date.

The Board also waived the service drive construction and directed that the Contribution Agreement be executed.

If you have any questions concerning this Special Exception, please give me a call.

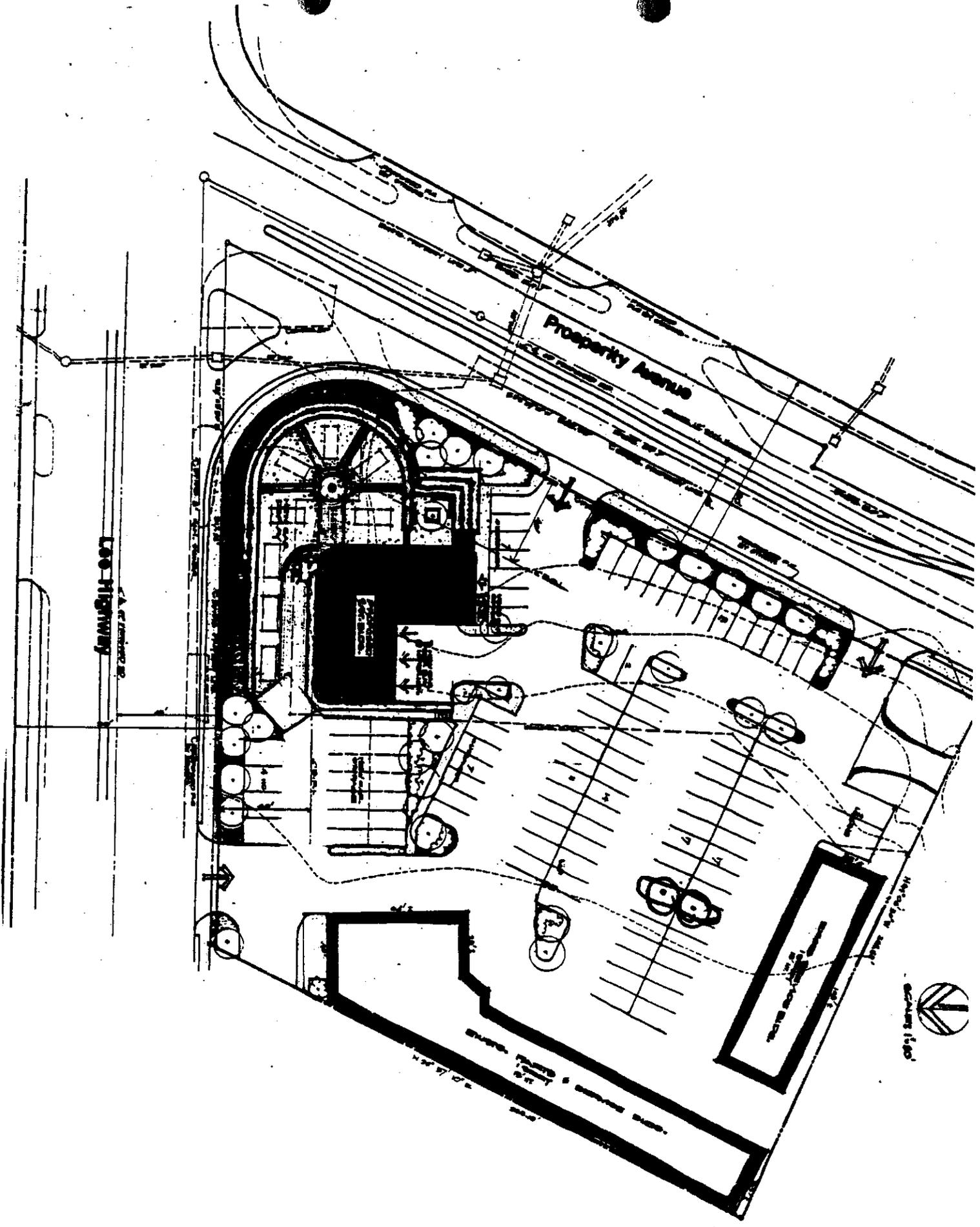
Very truly yours,



Ethel Wilcox Register, CMC
Clerk to the Board of Supervisors

EWR/vlt

cc: Mr. Patteson
✓ Mr. Knowlton
Mr. Covington
Mr. Montenegro
Mr. Ted Austell, III
Executive Assistant to the County Executive



Property Avenue

L-80 Highway



AMENDED PROFFER STATEMENT
Proffered Condition Amendment No. 78-P-115-1
Marco Limited Partnership

Pursuant to Section 15.1-491(a) of the Code of Virginia (1950, as amended) and Section 18-203 of the Zoning Ordinance of Fairfax County (1982, as amended), the owner/application in PCA 78-8-115-1 proffers that development of the tract shown on Tax Map 49-3 as Parcel 001-42 shall be strictly in accordance with the following conditions:

1. The use of the parcel will be limited to vehicle sale, rental and ancillary service establishments including vehicle major service establishments.

2. At such time as the widening of Lee Highway is assured, owner shall dedicate, upon the request of the Director of the Department of Environmental Management, additional right-of-way in Parcel 001-42 provided, however, that the area dedicated shall not extend further than 12 feet into Parcel 001-42 from its now existing northern property line.

3. Lighting of the site shall be directed away from adjacent lots and shall not interfere with driving conditions on adjacent highways.

4. Applicant will not permit automobiles waiting to be serviced to queue in the public right-of-way or service road.

5. Applicant will not employ a loud-speaker system to communicate with employees working outside.

MARCO LIMITED PARTNERSHIP

BY W. G. Heron
General Partner

Date: May 1/86



County of Fairfax, Virginia

MEMORANDUM

DATE August 24, 2006

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

FROM: Pamela G. Nee, Chief *PAN*
Environment and Development Review Branch, DPZ

SUBJECT: Land Use Analysis & Environmental Assessment: SE 2006-PR-008
Sonic Development, LLC

The memorandum, prepared by Jennifer Bonnette, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject Special Exception (SE) and development plan dated February 3, 2006 as revised through August 15, 2006. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

DESCRIPTION OF THE APPLICATION

The applicant, Sonic Development, LLC, is requesting special exception approval to redevelop an existing vehicle sale, rental, repair and parts establishment on 2.90 acres. The applicant plans to eliminate the vehicle repair and parts uses, provide additional parking for the vehicle sale and rental uses, construct an addition to the existing automobile display building, change the use of the southernmost building from vehicle service to vehicle rental, improve the streetscaping along both Lee Highway (Route 29) and Prosperity Avenue and provide additional landscaping internal to the site. The applicant proposes to improve the portion of the site zoned I-5 (0.99 acre) upon approval and the remainder of the site, zoned C-8 (1.90 acres), at a later date possibly. The site is planned for industrial use. The application would result in a total reduction in building area from 23,341 square feet to 19,000 square feet. 198 parking spaces would be provided with the future building addition and 201 spaces without the addition. The new floor area ratio (FAR) would be 0.21 with 16.8% open space provided. Access to the site would remain unchanged: from one location on Lee Highway and two on Prosperity Avenue.

Department of Planning and Zoning
Planning Division

12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/

LOCATION AND CHARACTER OF THE AREA

The subject property is located in the non-core area of the Merrifield Suburban Center in the southwest quadrant of the intersection of Lee Highway (Route 29) and Prosperity Avenue.

The site is surrounded by industrial and office development. Across Lee Highway to the north are a gas station and warehouse uses. Across Prosperity Avenue to the east are a gas station and the Northern Virginia Regional Post Office. Warehouse uses border the site to the south and west and a veterinary hospital also borders the site to the west. The repair and parts buildings that are proposed for removal are located immediately adjacent to the veterinary hospital and internal to the site. The proposed building additions are to the automobile display building located nearest the intersection of Lee Highway and Prosperity Avenue.

COMPREHENSIVE PLAN CITATIONS:

Land Use

Fairfax County Comprehensive Plan, 2003 Edition, Area I, The Merrifield Suburban Center as amended through July 21, 2003, Land Unit Recommendations, Sub-Unit E7, pages 75-76:

“Sub-Unit E7:

This Sub-Unit is located at the southwest quadrant of Route 29 and Prosperity Avenue, and is developed with industrial uses, except for the southwest corner of Prosperity Avenue and Route 29 that is developed with an auto sales use. This sub-unit is planned to remain at current intensities. Any modification, expansion, and/or reuse of the existing buildings should be consistent with guidelines for Existing Uses and Buildings under the Area-Wide Land Use section.

Option: As an option, the portion of this sub-unit that is oriented to Route 29 may be appropriate to redevelop with community-serving retail and office use up to .35 FAR. If an office component is provided, it should not exceed .10 FAR (or approximately 30% of the development's gross square feet). Any development proposal under this option must address all applicable Area-Wide recommendations as well as the following guidelines.

- Development applications should provide a consolidation of at least 8 contiguous acres; however, consolidations of at least 10 acres are encouraged. When a consolidation is less than 10 acres, development must show how any unconsolidated parcels are able to develop in conformance with the Plan.
- Any development should be designed as a retail center that integrates retail and office use. The center should include community-serving retail uses such as a grocery store and should not have freestanding uses. “Drive-through” uses, such as fast-food restaurants and car washes, should be discouraged.

- Landscape buffering and screening should be provided on the southern portion of the sub-unit adjacent to residential uses. Within the buffer area, existing mature trees should be retained and additional supplemental plantings should be provided to ensure adequate screening. In addition, the site should be designed in a manner that focuses both the loading areas and the site's lighting away from the residential area.

Height Limit: The maximum building height in this sub-unit is 40 feet. . . .”

Fairfax County Comprehensive Plan, 2003 Edition, Area I, The Merrifield Suburban Center as amended through July 21, 2003, Area-Wide Recommendations, Land Use Guidelines, pages 13-14:

“Existing Uses and Buildings – In some instances, existing development may not be consistent with the long-term vision for the Merrifield Suburban Center. It is not the intent of the Plan to interfere with the continuation of these existing land uses or buildings. If the adaptive reuse and/or expansion of these buildings should occur prior to site redevelopment, the following guidelines should be met:

- The replacement of existing uses (except for replacements necessitated by casualty, i.e., from storm, fire) or expansion and/or remodeling of existing buildings, should implement certain design-related aspects of the Plan, such as improvements to building façades, open space/pedestrian amenities, and streetscape. If design-related improvements (i.e., building facades, open space/pedestrian amenities, and streetscape) are not feasible due to the existing building's location on the site, or other site constraints, alternative site design improvements should be considered to help implement the Plan's intent. For example, if a double row of street trees is recommended for the streetscape, but cannot be provided due to the location of existing sidewalks, a single row of street trees could be an appropriate alternative. In addition, road improvements, right-of-way dedication and/or right-of-way reservation are appropriate for consideration when there are significant expansions to a structure (i.e., over 15% additional floor area) and/or the existing use is replaced with a more intense use (i.e., a warehouse conversion to office or retail use) that necessitates changes in circulation or other site design issues.
- Retention of existing uses during redevelopment should be encouraged by permitting incorporation of the old use into the new, such as incorporating light industrial uses into a portion of a parking structure, or incorporating community retail or other commercial/business-related uses into office and residential development.
- Landscaped screening and/or buffering should be used to separate existing industrial uses from office and residential uses where necessary to achieve Plan objectives, but without blocking the provision of utilities as well as inter-parcel access recommended by the Transportation and Land Unit Recommendations.”

Environment

Fairfax County Comprehensive Plan, 2003 Edition, Area I, The Merrifield Suburban Center as amended through July 21, 2003, Area-Wide Recommendations, page 47:

“STORM WATER MANAGEMENT

The Merrifield Suburban Center is located within two drainage sheds: Accotink and Cameron Run. There are existing storm water management facilities in the Merrifield Suburban Center such as the regional ponds at Willow Oaks Corporate Park and at Fairview Park, as well as several dry ponds. As development (i.e., new development, redevelopment and building expansions) occurs in the Merrifield Suburban Center, storm water management and Best Management Practices (BMPs) will need not only to meet on-site requirements, but also to help alleviate existing downstream drainage issues that are identified during the development review process.”

Fairfax County Comprehensive Plan, 2003 Edition, Policy Plan, Environment, as amended through November 15, 2004, pages 5-7:

“Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.

Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements. . . .

Policy j. Regulate land use activities to protect surface and groundwater resources.

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques. . . .

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations.”

Fairfax County Comprehensive Plan, 2003 Edition, Policy Plan, Environment, as amended through November 15, 2004, page 9:

“Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.

Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance, as applied to Chesapeake Bay Preservation Areas adopted by the Board of Supervisors . . .”

Fairfax County Comprehensive Plan, 2003 Edition, Policy Plan, Environment, as amended through November 15, 2004, page 16:

“Objective 10: 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 and developing 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.”

COMPREHENSIVE PLAN MAP: Industrial

LAND USE ANALYSIS

The Comprehensive Plan states that the application property is planned to remain at its current intensity. The Plan provides land use guidance for existing development within the Merrifield Suburban Center where modification, expansion, and/or reuse of existing buildings are proposed. The expansion and remodeling of existing buildings should implement design-related improvements, such as to building facades, open space, pedestrian amenities and streetscape. If design-related improvements are not feasible due to existing buildings' locations on a site or other site constraints, alternative site design improvements should be considered to meet the Plan's intent. Additionally, road improvements, right-of-way dedication and/or right-of-way reservation are appropriate if there is an increased intensity that necessitates changes in circulation or other site design issues. Furthermore, landscaped screening and/or buffering should be used to separate existing industrial uses from office and residential uses without blocking the provision of utilities and inter-parcel access. There is a development option to redevelop the site with community-serving retail and office use up to .35 FAR. The application, as currently proposed, is discussed below.

Development Intensity and Compatibility The proposed redevelopment would reduce the existing intensity of the site. The existing building area is 23,341 square feet and after demolition and expansion, the building area will be 19,000 square feet. In addition, the applicant is providing design-related improvements, including additional streetscaping and landscaping and changes to the vehicle display areas which will improve the frontage of the property. Elevations have been provided of the vehicle display building with the proposed addition.

Landscaping and Streetscaping The Comprehensive Plan provides extensive guidance regarding design amenities for the Merrifield Suburban Center such as streetscape design and landscaping. Streetscape concepts for both streets which access the site, Lee Highway and Prosperity Avenue, are provided. The streetscape concept for Lee Highway states that it

“features a wide, tree-lined road with well-defined pedestrian and bicycle features that include wide sidewalks along both sides of the street, street trees evenly spaced, medians with plantings of flowering trees, shrubs, and flowers. Street lighting should be distinctive, and designed for both pedestrian and vehicular use. The following guidelines are provided for achieving the boulevard streetscape character:

- **Landscape area next to curb:** Along a boulevard, the landscape strip should be, at a minimum, 8 feet in width; however, a 10-foot wide landscape strip is encouraged. Plantings should occur closest to the sidewalk, leaving room adjacent to the road for street lighting and signage. Major shade trees should be planted with a spacing of 40 to 50 feet on center, using trees that are 2½ to 3-inch caliper in size at the time of planting. Vegetation within the planting strip should include supplemental plantings such as ornamental shrubs, ground cover, flowering plants, and grasses. Where appropriate, special pavement treatments and trees in grates may be considered as alternatives to a planting strip. . .
- **Pedestrian activity area and/or landscape area between the sidewalk and building and/or parking:** A secondary landscape strip should be, at a minimum, 12 feet wide when adjacent to a building and 6 feet wide when surface parking is adjacent. Major shade trees should be planted with spacing of 40 to 50 feet on center, using trees that are 2½ to 3-inch caliper in size at the time of planting. The tree spacing along this landscape strip should be staggered with the first row of trees between curb and sidewalk, so that the effect of the two rows of trees is tree spacing at approximately 20 to 25 feet. Vegetation within the planting strip should include supplemental plantings such as ornamental shrubs, ground cover, flowering plants, and grasses. This pedestrian activity area/landscape strip, when adjacent to parking areas, should have supplemental plantings that will help to screen the parking from the pedestrian walkway and from the road.”

The applicant has provided a 6-foot wide landscape strip next to the curb along Lee Highway rather than the minimum 8-foot-wide strip recommended by the Plan. However, the proposed development plan adheres to Plan guidance with respect to the sidewalk and secondary landscape strip whose widths are 6 feet and 12 feet respectively. Given the existing site constraints, staff feels that the applicant has met the Plan intent regarding the streetscape widths along Lee Highway.

The streetscape guidance for Prosperity Avenue, considered a ring road in the Merrifield Suburban Center, states that:

- “Landscape area next to curb: Along the ring road, the landscape strip should be, at a minimum, 6 feet. Plantings should generally be placed in the center of the landscape strip, with major shade trees planted with a spacing of 25 to 30 feet on center, using trees that are

2½ to 3-inch caliper in size at the time of planting. Vegetation within the planting strip should include supplemental plantings such as ornamental shrubs, ground cover, flowering plants, and grasses. Where appropriate, special pavement treatments and trees in grates may be considered as alternatives to a planting strip, as well as pedestrian amenities such as bus shelters. Adjacent to this landscape strip, an 8-foot wide multi-purpose trail should be provided on the outside edge of the ring road. Along the inside edge of the ring road a 6-foot wide sidewalk should be provided, except adjacent to the Metro station where an 8-foot wide multi-purpose trail should be provided.

- Pedestrian activity area and/or landscape area between the sidewalk and building and/or parking: A secondary landscape strip should be, at a minimum, 12 feet wide when adjacent to a building and 6 feet wide when adjacent to surface parking. Plantings should be provided (to include shade and flowering trees, ornamental shrubs, ground cover, flowering plants, and grasses). When adjacent to parking areas, plantings should help buffer and screen parking from the pedestrian walkway and from the road. When ground level retail is provided in a building, a portion of this pedestrian activity area/landscape strip can be used for retail browsing and/or outdoor dining.
- At pedestrian crossings, ramps and special pavement should be designed to create a well-delineated and safe area for pedestrians to cross the street. Should a median be provided, it should be designed to create a safety island for pedestrians waiting to finish crossing the street.”

The applicant has provided the recommended minimum 6-foot wide landscape strips adjacent to the curb and parking lot along Prosperity Avenue, however, the sidewalk should be 8 feet wide rather than 6 feet wide as proposed in the development plan. The sidewalk also will serve as a county major paved trail, which has a requirement of a minimum 8 foot trail width.

Along both Lee Highway and Prosperity Avenue, major shade trees are shown to be planted on both sides of the sidewalk. However, a concern remains that the existing overhead utility wires may necessitate adjustments to the development plan. It is recommended that the applicant underground utilities. In the event that the existing utility lines are not placed underground, the applicant should demonstrate that the streetscape depicted on the development plan can be established before obtaining Special Exception approval. In addition, the applicant should provide planting details for both streetscapes to demonstrate the survivability of the street trees, particularly those proposed to be planted in 6-foot-wide landscape strips. The applicant also should include cross sections of the Lee Highway and Prosperity Avenue streetscapes which should depict the planned supplemental plantings in addition to the street trees. Moreover, along Prosperity Avenue, appropriate plantings should be used to screen the parking lot from the adjacent sidewalk and road. Future right-of-way dedication may impact the proposed streetscape along Lee Highway and/or Prosperity Avenue.

A solid vegetated buffer from uses to the west is provided in the development plan, including a hedge along the southwestern boundary of the property. In addition, inter-parcel access is provided to the adjacent property to the west with frontage on Lee Highway.

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions.

Water Quality Protection The 2.90-acre subject property is located in the Accotink Creek watershed as well as within the County's Chesapeake Bay Watershed. The Stormwater Management Computations (sheets C9A and C9B) provide details regarding the proposed stormwater management facilities and outfall analysis for the subject property. The development plan depicts four existing drainage areas and three existing outfalls. Drainage is via an onsite drainage channel and a proposed filtera which will serve 0.59 acres of the site and give the site a total phosphorous removal of 10.17%. The proposed development will reduce the impervious surface on the site from 89% to 83%, thus decreasing the existing runoff. The applicant is strongly encouraged to consider installing pervious pavement in appropriate areas of the site or providing other low impact development (LID) techniques to further reduce runoff from the site and improve water quality. Any proposed stormwater management/best management practice facility will be subject to review and approval by the Department of Public Works and Environmental Services.

Vegetation The proposed development plan includes improved streetscape and internal landscaping. However, additional trees should be provided in planting strips in the surface parking areas.

COUNTYWIDE TRAILS PLAN

The Countywide Trails Plan Map depicts a major paved trail (defined as asphalt or concrete, eight feet or more in width) on the west side of Prosperity Avenue and the south side of Lee Highway adjacent to the application property. The Comprehensive Plan language recommends a minimum 6-foot-wide sidewalk along Lee Highway which supersedes the trail plan recommendation for this highway. An evaluation of the applicant's proposed trails as shown on the development plan is included under the landscaping and streetscaping section of the land use analysis of this report.

PGN: JRB

ADDITIONAL PLAN CITATIONS

Fairfax County Comprehensive Plan, 2003 Edition, Area I, The Merrifield Suburban Center as amended through July 21, 2003 , Area-Wide Recommendations, Land Use Guidelines, pages 23-28:

“STREETSCAPE DESIGN

Attractive streetscape includes a well-designed road edge with street furniture and other features and provides improved identity, visual continuity and user safety. The streetscape concept shown on Figure 9 provides a streetscape hierarchy with four types of streetscape designs: Boulevard, Ring Road, Main Street and Cross Street. These streetscapes should create a unifying theme along each of the roads to visually and physically link Merrifield. This unifying theme consists of guidance for street tree location, spacing, and size. Below are general guidelines for all streetscapes, which are followed by design guidelines for each individual streetscape type.

General Streetscape Guidelines

Underground utilities: Undergrounding of utilities should be encouraged and should be coordinated with future roadway improvements and the rebuilding of sidewalks to foster a pedestrian environment and other Plan objectives. New development should provide underground utility conduits or provide commitments to construct these improvements in the future. If undergrounding utilities is not feasible, consideration should be given to relocating the utilities to the rear or side of the development.

Street Lighting: Street lighting should be provided that maintains the overall character and quality of the area, while providing adequate lighting levels that ensure public safety without creating glare or light spillage into neighboring low-density residential areas.

Gateways: Gateways define the major approaches to the area and are shown on Figure 9. At these points of entry to the Merrifield Suburban Center, gateways should have additional plantings and tree groupings in addition to the basic streetscape, and could also include signage and other design treatments that distinguish the location as an entrance to the Merrifield Suburban Center.

Streetscape Design Flexibility: When infill or expansion of buildings or other existing features constrain a site's design, variation from the streetscape guidance should be permitted when that variation results in acceptable sidewalk widths and amounts of street trees and landscaping. For example, if the guidance is to provide a double row of street trees, but due to site constraints not enough space exists for the staggered rows, an equal number of street trees planted in a single row may be an appropriate alternative.

When street trees and other plantings are to be located in proximity to roadways or within medians, safety and sight distance should be taken into consideration upon reviewing a development proposal's streetscape design. Modifications to the streetscape guidance is appropriate to account for these issues, but only if viable alternatives in streetscape design can be provided to ensure continuity in the streetscape pattern.

Streetscape Maintenance: The provision of the streetscape may be provided on a combination of publicly owned right-of-way and private property. In order for a future development to utilize the public right-of-way to provide streetscape improvements, commitments will need to be made by the property owner to maintain the streetscape area within the public right-of-way. In addition, in order to provide streetscape, the sidewalk may not be entirely within the right-of-way; therefore, additional right-of-way may be needed or a public access easement will need to be provided for that portion of the sidewalk located on private property.”



MEMORANDUM

DATE: July 6, 2006

TO: Jonathan Papp, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Valerie Tucker, Chief Stormwater Engineer
Site Review East, Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Application, SE 2006-PR-008, BMW of Fairfax Showroom
Special Exception Application dated March 21, 2006 (Plan), Tax Map #049-3-01-0041-A and 0042 (Site), Providence District

We have reviewed the referenced submission and offer the following comments related to stormwater management:

Chesapeake Bay Preservation Ordinance (CBPO)

There are no Resource Protection Areas designated on this Site. The applicant is required to incorporate best management practices (BMPs) into the development plan which would achieve a 10% phosphorus removal efficiency, as the proposed site improvements qualify as 'redevelopment' under the CBPO. The applicant indicates that BMP requirements will be met by the reduction of impervious surfaces and installation of a Filterra system.

A Public Facilities Manual (PFM) modification to use the Filterra system will be required to be approved by the Director prior to final site plan approval if water quality control credit is sought. The Filterra system must be appropriately sized and located as well as conform to manufacturer's specifications.

Floodplain

There are no regulated floodplains on the Site.

Downstream Drainage Complaints

There are no relevant downstream complaints on file along the Site outfall.

Stormwater Detention

The applicant has indicated that peak stormwater flows will be reduced by the reduction in impervious surfaces, therefore on-site detention is not required. The applicant will be required to make the appropriate outfall statements as to adequacy and no adverse downstream effects, on the site plan prior to final approval.

Site Outfall

An Outfall Narrative must be provided which describes the condition of the Site outfall channel in terms of capacity and stability. The drainage area at the point where the analysis ceases



Jonathan Papp, Staff Coordinator
SE 2006-PR-008
Page 2 of 2

shall be included in the narrative and must be where the watershed is at least 100 times the site size or 1 square mile, ZO 9-011.2J & 2L. An adequate outfall cannot be determined to exist or a statement as to its adequacy without a description of the condition of the outfall. The applicant must field verify the condition of the outfall rather than rely on completeness of County records for providing the Outfall Narrative.

Please contact me at 324-1720 if you have any questions or require further clarification.

cc: Steve Aitcheson, Director, Stormwater Planning Division, DPWES
Zoning Application file (5584-ZONAV-001-A-1)



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)
June 16, 2006

GREGORY A. WHIRLEY
ACTING COMMISSIONER

Ms. Barbara A. Byron
Director of Planning and Zoning
Office of Comprehensive Planning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5511

Re: SE 2006-PR-008 Sonic Development, LLC
Tax Map # 49-3((01)) 0041A & 49-3((01)) 0042
Fairfax County

Dear Ms. Byron:

I have reviewed the above plan submitted on June 12, 2006, and received on June 14, 2006. The following comments are offered:

1. The frontage should be improved to meet the Comprehensive Plan requirements. This includes right of way, any additional lanes and a right turn lane at Prosperity Avenue.
2. Interparcel access should be provided to the lot to the west.
3. All entrances will be required to be upgraded to meet the current CG-11 commercial entrance standards. This includes increased radii and the minimum width requirements.
4. All rights of way should be a minimum of 1' (3' preferred) beyond the sidewalk and CG-12 ramps.

The plan provided is quite cluttered and some of the details are difficult to distinguish. If you have any questions, please call me at (703)383-2424.

Sincerely,

Kevin Nelson
Transportation Engineer

cc: Ms. Angela Rodehaver
fairfaxpex2006-PR-008se2SonicDevelopmentLLC6-16-06BB



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

July 25, 2006

GREGORY A. WHIRLEY
ACTING COMMISSIONER

Ms. Barbara A. Byron
Director of Planning and Zoning
Office of Comprehensive Planning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5511

Re: SE 2006-PR-008 Sonic Development, LLC
Tax Map # 49-3((01)) 0041A & 49-3((01)) 0042
Fairfax County

Dear Ms. Byron:

I have reviewed the above plan submitted on July 18, 2006, and received on July 20, 2006. I have one comment in addition to those previously provided:

5. No landscaping will be permitted within the clear zone for Prosperity Drive or Lee Highway.

If you have any questions, please call me at (703)383-2424.

Sincerely,

A handwritten signature in black ink that reads "Kevin Nelson".

Kevin Nelson
Transportation Engineer

cc: Ms. Angela Rodehaver
fairfaxapex2006-PR-008ee3SonicDevelopment,LLC7-25-06BB

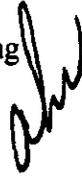


County of Fairfax, Virginia

MEMORANDUM

DATE: August 25, 2006

TO: Barbara A. Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief 
Site Analysis Section
Department of Transportation

FILE: 3-5 (SE 2006-PR-008)

SUBJECT: Transportation Impact

REFERENCE: SE 2006-PR-008-5; Sonic Development, LLC – BMW Dealership
Traffic Zone: 1557
Land Identification Map: 49-3 ((1)) 41A, 42.

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this office dated March 27, 2006, and revised through August 15, 2006. The applicant is seeking approval to change a vehicle sales and vehicle parts establishment to all sales, move the parts and service to another location, remove two buildings, and build an addition (in unspecified future). In addition, there will be a new landscape plan and changes to the automobile display area.

- The applicant should dedicate right-of-way along the Route 29-Lee Highway frontage and the Prosperity Avenue frontage as shown on VDOT Plan #0029-029-119 which is available at Fairfax County DOT (see Doug MacTavish). This has not been done.
- An interparcel access has been shown to the west. An access easement should also be provided.
- Note VDOT comments, especially regarding landscaping.
- A waiver of the service drive along the Route 29 frontage is required.

AKR/LAH/lah

cc: Michelle Brickner, Director, Office of Site Development Services, DPW&ES

Fairfax County Department of Transportation
12055 Government Center Parkway, Suite 1034
Fairfax, VA 22035-5500
Phone: (703) 324-1100 TTY: (703) 324-1102
Fax: (703) 324 1450
www.fairfaxcounty.gov/fcdot





County of Fairfax, Virginia

MEMORANDUM

April 28, 2006

TO: Andrew Hushour, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Todd Nelson, Urban Forester II
Forest Conservation Section, DPWES 

SUBJECT: BMW of Fairfax Showroom; SE 2006-PR-008

RE: Request for assistance dated April 25, 2006

This review is based upon a site visit conducted on April 27, 2006, and the Special Exception (SE) application stamped "Received, Department of Planning and Zoning, April 7, 2006."

Site Description: This site is an existing vehicle sales and vehicle parts establishment. There is an existing vehicle showroom located at the northeast corner of the site and vehicle maintenance bays along the western and southern areas of the site. Vegetation on this site is sparse and consists entirely of landscaping including red maple, zelkova, Japanese maple, and cherry. There are also several shrubs and ground cover located in various locations around the existing showroom.

- 1. Comment:** An existing vegetation map has been provided, however, it does not appear to be accurate. There are several existing landscape trees and shrubs located in various locations throughout the site that have not been accurately identified on the submitted EVM.

Recommendation: Provide an EVM that meets the requirements of Zoning Ordinance Chapter 112, Article 20. The EVM submitted with the GDP must accurately depict the existing vegetative cover types, and include all other required elements of the Zoning ordinance.

- 2. Comment:** Preliminary tree cover calculations have not been provided.

Recommendation: Applicant should provide preliminary tree cover calculations, including peripheral parking lot landscaping and interior parking lot landscaping, to demonstrate how tree cover requirements will be met on this site.



3. **Comment:** The five foot wide planting strips located throughout the property are not sufficient for tree planting, and are not in conformance with the PFM. The survivability of the 2.5-3.0 inch caliper deciduous trees shown to be planted in these strips will be poor.

Recommendation: The planting strips should be a minimum of eight feet wide.

4. **Comment:** Several trees are proposed to be planted under overhead electric wires. These trees may interfere with the overhead wires.

Recommendation: The trees should be relocated from under the overhead utility wires and the trees proposed to be planted adjacent to utility wires should consist of Category I and II deciduous trees.

5. **Comment:** It is not clear how the Applicant proposes to landscape this site.

Recommendation: A landscape plan should be submitted that shows a variety of native tree species, of various sizes, planted throughout the site. To receive additional tree cover credit, native and desirable trees should comprise at least 90% of all trees listed on site. Tree species and planting locations that are effective for energy conservation can also receive additional tree cover credit. See PFM sections 12-0501.5B and 12-0501.10D.

6. **Comment:** The landscaping and design of the site does not appear to be in conformance with the Boulevard Streetscape Guidelines and the Ring Road Streetscape Guidelines of the Merrifield Suburban Center Comprehensive Plan.

Recommendation: The landscaping and site should be designed to be in conformance with the Boulevard Streetscape Guidelines and the Ring Road Streetscape Guidelines of the Merrifield Suburban Center Comprehensive Plan.

Please contact me at 703-324-1770 if you have any questions.

TLN/
UFMID #: 113002

cc: RA File
DPZ File

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.

9-503 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, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

Additional Standards for Vehicle Sale, Rental and Ancillary Service Establishments

1. Outdoor storage, parking and display areas shall be permitted only on the same lot with and ancillary to a sales room, rental office or service facility, which shall be entirely enclosed on all sides.
2. The outdoor area devoted to storage, loading, parking and display of goods shall be limited to that area so designated on an approved special exception plat. Such areas shall not be used for the storage or display of vehicles that are not in operating condition.
3. Notwithstanding the bulk regulations of the zoning district in which located, any such outdoor area that is located on the ground and is open to the sky may be located in any required yard but not nearer to any front lot line than ten (10) feet, except as may be qualified by the provisions of Article 13.

All structures shall be subject to the bulk regulations of the zoning district in which located, except structures which are completely underground may be located in any required yard, but not closer than one (1) foot to any lot line.

4. All such uses shall be provided with safe and convenient access to a street. If any outdoor area is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Director in accordance with the Public Facilities Manual.
5. All outdoor areas, including aisles and driveways, shall be constructed and maintained with an approved surface in accordance with Par. 11 of Sect. 11-102, and shall be improved in accordance with construction standards presented in the Public Facilities Manual.
6. All lighting fixtures used to illuminate such outdoor areas shall be in conformance with the performance standards for outdoor lighting set forth in Part 9 of Article 14.
7. In the C-3, C-4, I-3, I-4, I-5, PDC, PRC and PRM Districts, only vehicle rental establishments may be allowed and such use shall be subject to Paragraphs 1 through 6 above and the following:

- A. Vehicle rental establishments shall be limited to the rental of automobiles and passenger vans and the rental of trucks or other vehicles shall not be permitted.
- B. There may be a maximum of twenty-five (25) rental vehicles stored on site and such vehicles shall be stored in a portion of the parking lot designated on the special exception plat for the storage of rental vehicles.
- C. There shall be no maintenance or refueling of the rental vehicles on-site.

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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