



APPLICATION ACCEPTED: December 11, 2009
PLANNING COMMISSION: May 5, 2010
BOARD OF SUPERVISORS: May 25, 2010 @ 3:30 pm

County of Fairfax, Virginia

April 21, 2010

CRD

STAFF REPORT

SPECIAL EXCEPTION APPLICATION SE 2009-MV-025

MOUNT VERNON DISTRICT

APPLICANT: CEC Entertainment, Inc.

ZONING: C-8, HC, CRD

PARCEL(S): 83-3 ((40)) 2 pt.

ACREAGE: 40,759 square feet

FAR: 0.37

OPEN SPACE: 0%

PLAN MAP: Retail and Other

SE CATEGORY: Category 5—Commercial Recreational Restaurant
Category 6—Modifications within a Commercial Revitalization District

PROPOSAL: To establish a commercial recreation restaurant (Chuck E. Cheese) on a portion of the existing Kings Crossing Shopping Center on Richmond Highway (Route 1) and to permit waivers and modifications in a Commercial Revitalization District (CRD).

Suzanne Lin

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2009-MV-025 subject to the proposed development conditions in Appendix 1.

Staff recommends that the Board of Supervisors waive the minimum lot width for this SE to permit a lot width of 95 feet instead of the required 200 feet.

Staff recommends that the Board of Supervisors waive the minimum rear yard to permit 0 feet instead of the required minimum rear yard of 20 feet.

Staff recommends that the Board of Supervisors waive the open space requirement for this special exception area.

Staff recommends that the Board of Supervisors direct the Director of DPWES to permit a deviation from the tree canopy percentage in favor of conditions depicted on the SE Plat.

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

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

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

N:\SE\SE 2009-MV-025 Chuck E. Cheese\Cover SE 2009-MV-025.doc



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 2009-MV-025

Applicant: CEC ENTERTAINMENT, INC.
Accepted: 12/10/2009
Proposed: COMMERCIAL RECREATION RESTAURANT AND
WAIVERS AND MODIFICATIONS IN A
COMMERCIAL REVITALIZATION DISTRICT



Area: 40,759 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 09-0622 04-0804

Art 9 Group and Use: 6-19 5-04

Located: EAST SIDE OF RICHMOND HIGHWAY AND
SOUTH OF SHIELDS AVENUE

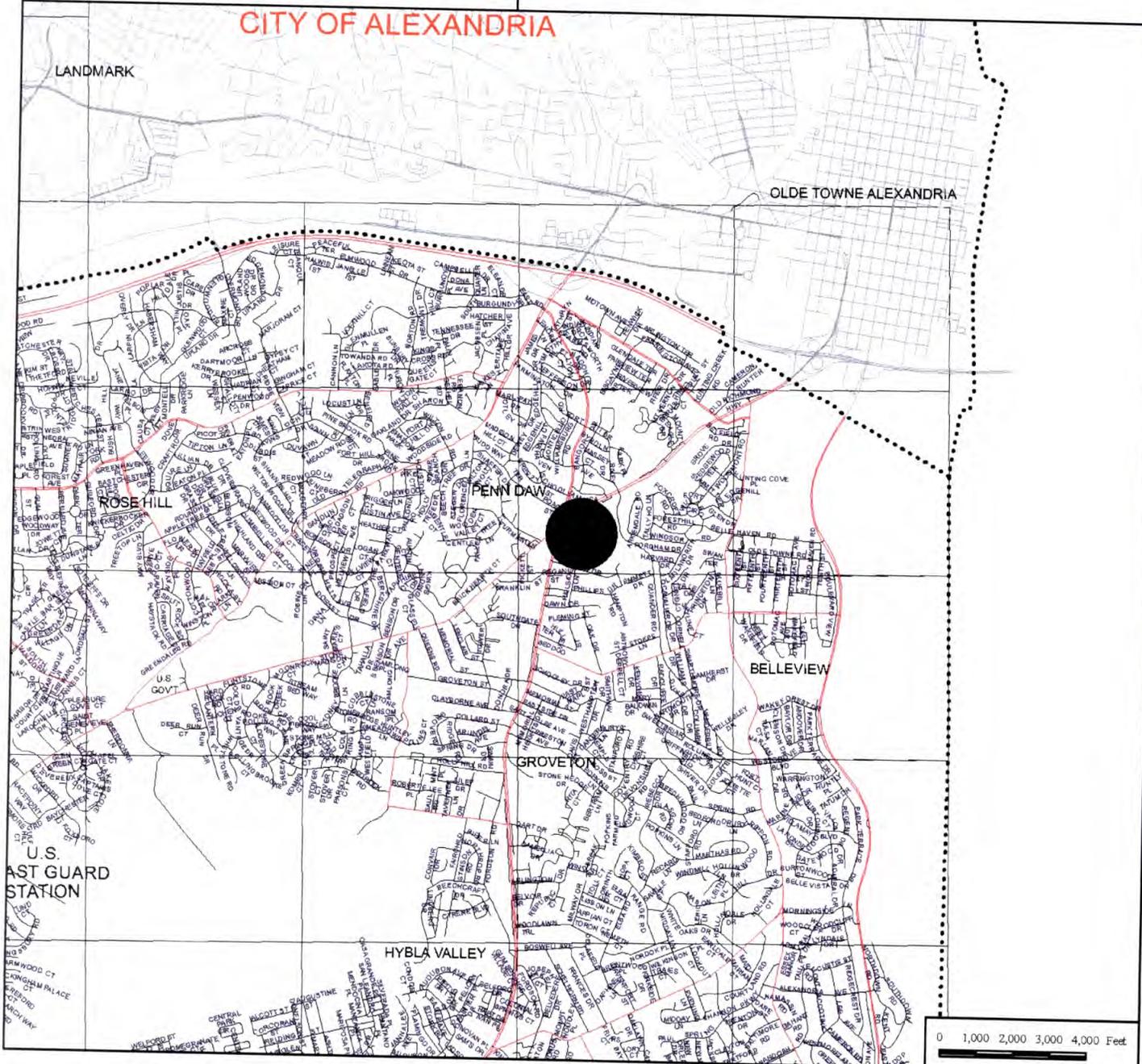
Zoning: C-8

Plan Area: 4,

Overlay Dist: CRD HC

Map Ref Num: 083-3- /40/ /0002 pt.

CITY OF ALEXANDRIA



Special Exception

SE 2009-MV-025



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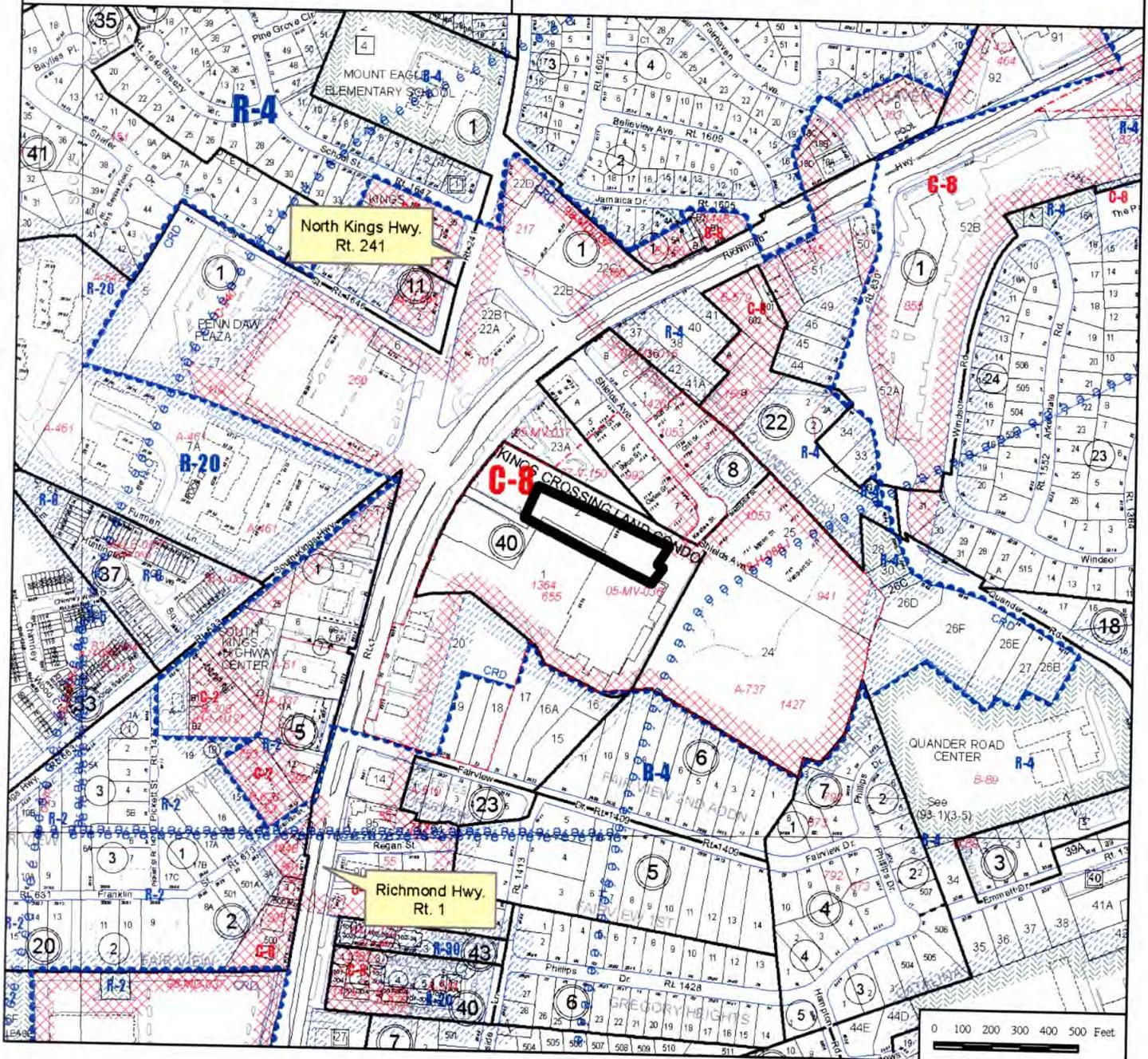
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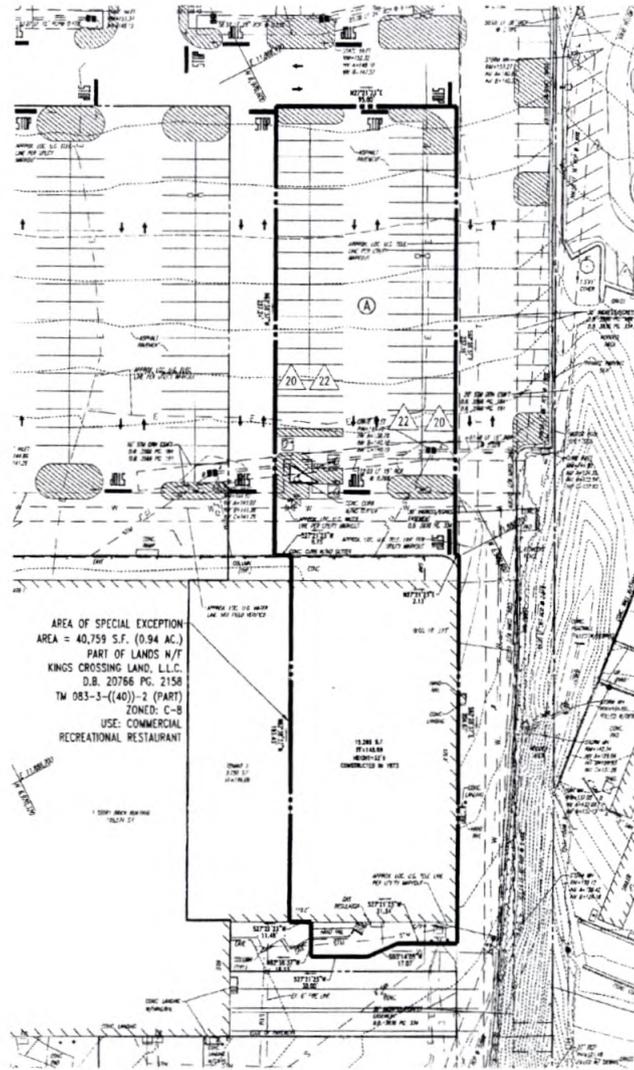
Zoning: C- 8

Plan Area: 4,

Overlay Dist: CRD HC

Map Ref Num: 083-3- /40/ /0002 pt.





AREA OF SPECIAL EXCEPTION
 AREA = 40,759 S.F. (0.94 AC.)
 PART OF LANDS M/F
 KINGS CROSSING LAND, L.L.C.
 D.B. 20766 PG. 2158
 TM 083-3-(140)-2 (PART)
 ZONED: C-B
 USE: COMMERCIAL
 RECREATIONAL RESTAURANT

EVM - 6301 Richmond Highway- Prepared by Bohler Engineering

TABLE 1. COVER TYPE SUMMARY TABLE - FAIRFAX COUNTY, VA

AREA	COVER TYPE	PRIMARY SPECIES	SEASONAL STATE	ACRAGE	COMMENTS
A	DEVELOPED LAND	NO EXISTING VEGETATION	N/A	0.00 AC.	SEE COVERAGE

TOTAL ACRAGE: 0.00 ACRES

Coverage Description: EXISTING VEGETATION WITH ASPHALT PAVING LOT.

TREE INVENTORY:

THERE ARE NO TREES WITHIN THE SPECIAL EXCEPTION PLAT LIMITS.

SURVEY NOTES:

- PROPERTY IS SHOWN AS THE LANDS OF KINGS CROSSING LAND, L.L.C., AS REFERRED IN DEED BOOK DEEDS AT PAGE 2158 HAVING THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA AND HAVING A TAX MAP NUMBER OF 083-3-(140)-2 (PART).
- LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE. ALL LOCATIONS AND DEPTHS ARE BASED ON UTILITY MAIN COPTS, ABOVE GROUND STRUCTURES THAT WERE VISIBLE & ACCESSIBLE IN THE FIELD, AND THE MAPS AS LISTED IN THE REFERENCES AVAILABLE AT THE TIME OF THE SURVEY. PROBABLE AND POSSIBLE PLUMBING AND UTILITY MAIN COPTS DOES NOT INCLUDE MARKING OF ALL UNDERGROUND UTILITIES AND STRUCTURES. BEFORE ANY EXCAVATION IS TO BE MADE, ALL UNDERGROUND UTILITIES SHOULD BE IDENTIFIED AS TO DEPTH, LOCATION, SIZE AND TYPE BY THE APPLICABLE LOCAL COMPANIES.
- THIS PLAN IS BASED ON INFORMATION PROVIDED BY A SURVEY PREPARED BY THE FIELD BY BOHLER ENGINEERING.
- VERTICAL AND ELEVATIONS ARE VERTS AND HAVES BEYOND VERTS MOVEMENTS. UPS IS WITH A PUBLISHED ELEVATION OF 111.81 FEET AND UPS IS WITH PUBLISHED ELEVATION OF 113.33 FEET.
- THE PROPERTY IS LOCATED IN ZONE 2 (LARGELY DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN PER PLAN REFERENCE #2).
- UNDERGROUND ELECTRIC, WATER, GAS & TELEPHONE UTILITIES ARE SHOWN PER MANHOLE AND FIELD LOCATION.
- CONING OR DRAINAGE COMMERCIAL DISTRICTS:
 - CONING: COMMERCIAL
 - FORMS: CONTROLLED BY A 45 DEGREE ANGLE OF BANK PLANE, BUT NOT LESS THAN 40 FEET, 20 FEET IN CURB WEAR - 20 FEET

PARKING SETBACK:

- WHERE THE PROPERTY LINE ADJUTS LAND NOT IN THE RIGHT-OF-WAY OF A STREET:
 - A. A LANDSCAPING STOP FENCE (40 FEET IN HEIGHT) SHALL BE LOCATED BETWEEN THE PARKING LOT AND THE ADJUTING PROPERTY LINES, EXCEPT WHERE OTHERS OR OTHER ORDINANCES MAY REQUIRE A DIFFERENT TREATMENT.
 - B. AT LEAST ONE (1) TREE FOR EACH FIFTY (50) FEET SHALL BE PLANTED IN THE LANDSCAPING STOP FENCE. HOWEVER, THIS SHALL NOT BE CONSIDERED AS PREVENTING THE PLANTING OF TREES ON THE FIFTY (50) FOOT CORNERS.
- WHERE THE PROPERTY LINE ADJUTS THE RIGHT-OF-WAY OF A STREET:
 - A. A LANDSCAPING STOP FENCE (40 FEET IN HEIGHT) SHALL BE LOCATED BETWEEN THE PARKING LOT AND THE PROPERTY LINE.

WALL FENCE - 6' HIGH

NO BURNING HEIGHT - 40 FEET

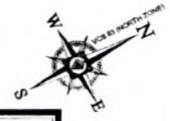
- ZONING INFORMATION IS PER THE ZONING ORDINANCE AS OF NOVEMBER 11, 2006 AND SHOULD BE VERIFIED PRIOR TO USE TO CORROBORATE REPRESENTATIVE CURRENT INFORMATION.
- THE FAIRFAX COUNTY, VIRGINIA DEPARTMENT OF TAX ADMINISTRATION, REAL ESTATE DIVISION, MAP NUMBER 083-3.
 - MAP ENTITLED "TERRA FLORENS INSURANCE RATE MAP, FAIRFAX COUNTY, VIRGINIA, UNINCORPORATED AREAS, PARCEL 150 OF 150", COMMUNITY PANEL NUMBER 0150 0, MAP REVISED MARCH 5, 1990.
 - MAP ENTITLED "COMMERCIAL IN-CITY URBAN DEPARTMENT OF HIGHWAYS PROJECT D001-079-101 SHEET 4 & 5, DATED JUNE 8, 1970.
 - MAP ENTITLED "FAIRFAX COUNTY TITLE SURVEY OF THE PROPERTY OF P&G CORP., W/ DENVER DISTRICT, FAIRFAX COUNTY, VIRGINIA", DATED FEBRUARY 2004 AND PREPARED BY GEMBERT & SHAY LLC.
 - PLAN ENTITLED "SITE PLAN, 4-WAY, W/ VENTURE DISTRICT" PREPARED BY ROBERT HEALON & SHAYS, SHEET 3 OF 14.
 - PLAN ENTITLED "PLAT SHOWING - DIVISION OF THE PROPERTY OF KINGS CROSSING LAND, L.L.C.", PREPARED BY BOHLER ENGINEERING DATED JUNE 8, 2006 AND REVISED JUNE 10, 2009. NOT YET RECORDED.

SURVEY REFERENCES:

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LEGEND

--- SPECIAL EXCEPTION AREA/
 COVER TYPE BOUNDARY



BOHLER ENGINEERING

1000 COMMONWEALTH BLVD. SUITE 200
 FALLS CHURCH, VA 22044
 TEL: (703) 799-8500
 FAX: (703) 799-8501
 WWW.BOHLERENGINEERING.COM

NO.	DATE	DESCRIPTION	BY
1	12/14/09	CONTRACT CHANGE #1	ATP
2	04/14/10	CONTRACT CHANGE #2	ATP

NOT APPROVED FOR CONSTRUCTION

PROJECT NO.	DATE
083-3-(140)-2	12/14/09
083-3-(140)-2	04/14/10

SPECIAL EXCEPTION PLAT

CEC ENTERTAINMENT, INC.
 KINGS CROSSING SHOPPING CENTER
 6301 RICHMOND HIGHWAY
 FAIRFAX COUNTY, VA

BOHLER ENGINEERING

1000 COMMONWEALTH BLVD. SUITE 200
 FALLS CHURCH, VA 22044
 TEL: (703) 799-8500
 FAX: (703) 799-8501
 WWW.BOHLERENGINEERING.COM



SHEET TITLE:
EVM AND EXISTING CONDITIONS PLAN

SHEET NUMBER:
3
 OF 6

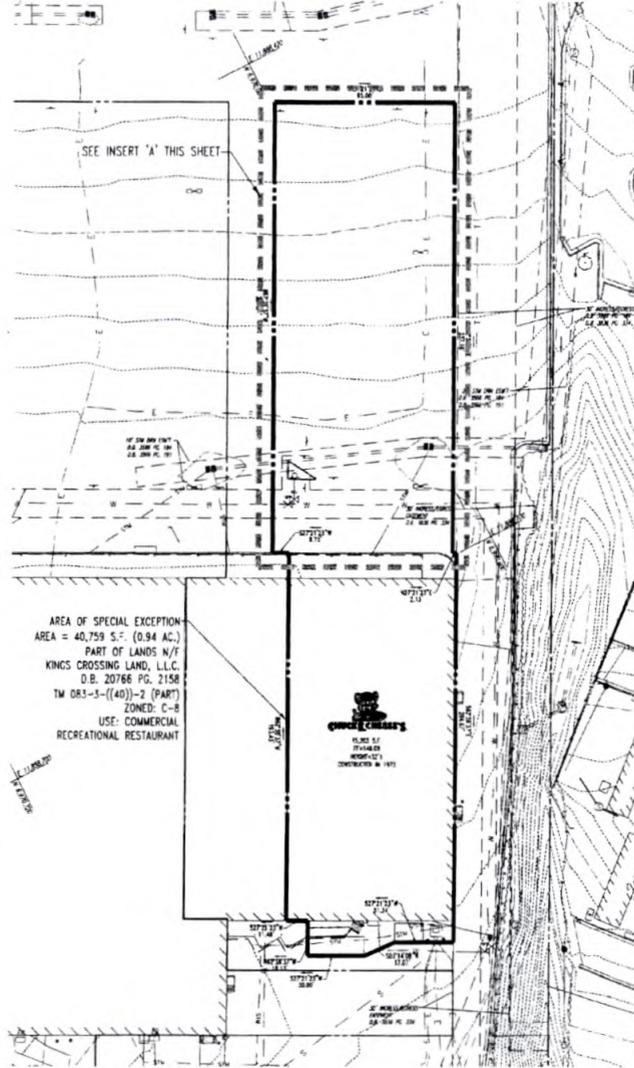
NOTE:
THE SPECIAL EXCEPTION AREA IS PART OF A LARGER DEVELOPED PARCEL. NO SITE IMPROVEMENTS ARE BEING PROPOSED WITH THIS SPECIAL EXCEPTION.

TABLE 12.3 TREE PRESERVATION TARGET CALCULATIONS AND STATEMENT

LETTER	DESCRIPTION	VALUE	UNIT
A	PRE-DEVELOPMENT AREA OF EXISTING TREE CANOPY (FROM EXISTING VEGETATION MAP) =	0	S.F.
B	PERCENTAGE OF GROSS SITE AREA COVERED BY EXISTING TREE CANOPY =	0	%
C	PERCENTAGE OF 10-YEAR TREE CANOPY REQUIRED FOR SITE (SEE TABLE 12.4) =	10	%
D	PERCENTAGE OF THE 10-YEAR TREE CANOPY REQUIREMENT THAT SHOULD BE MET THROUGH TREE PRESERVATION =	0	%
E	PROPOSED PERCENTAGE OF CANOPY REQUIREMENT THAT WILL BE MET THROUGH TREE PRESERVATION =	0	%
F	HAS THE TREE PRESERVATION TARGET MINIMUM BEEN MET? =	YES	
G	IF NO FOR LINE F, THEN A REQUEST TO DEVIATE FROM THE TREE PRESERVATION TARGET SHALL BE PROVIDED ON THE PLAN THAT STATES ONE OR MORE OF THE JUSTIFICATIONS LISTED IN SECTION 12-208.12 ALONG WITH A NARRATIVE THAT PROVIDES A SPECIFIC EXPLANATION OF WHY THE TREE PRESERVATION TARGET CANNOT BE MET. PROVIDE 3-611 NUMBER WHERE DEVIATION REQUEST IS LOCATED.		
H	IF STEP G REQUIRES A NARRATIVE, IT SHALL BE PREPARED IN ACCORDANCE WITH SECTION 12-208.12.		
I	PLACE THIS INFORMATION PRIOR TO THE 10-YEAR TREE CANOPY CALCULATIONS AS PER INSTRUCTIONS IN TABLE 12.12.		

TABLE 12.12 10-YEAR TREE CANOPY CALCULATION WORKSHEET

STEP	DETAILS	VALUE	UNIT
A. TREE PRESERVATION TARGET AND STATEMENT			
A1	TREE PRESERVATION TARGET CALCULATIONS	0	S.F.
B. TREE CANOPY REQUIREMENT			
B1	GROSS SITE AREA =	40,750	S.F.
B2	AREA DEDICATED TO PARKS AND ROAD FRONTAGE =	0	S.F.
B3	DIFFERENCE AREA OF EXEMPTIONS =	0	S.F.
B4	ADJUSTED GROSS SITE AREA (B1 - B2) =	40,750	S.F.
B5	10-YEAR TREE CANOPY REQUIREMENT =	4,075	S.F.
B6	PERCENTAGE OF 10-YEAR CANOPY REQUIRED =	10	%
B7	AREA OF 10-YEAR CANOPY REQUIRED (B4 X B6) =	4,075	S.F.
B8	VERIFICATION OF 10-YEAR TREE CANOPY REQUIREMENTS REQUESTED? =	YES	
B9	IF YES IS YES, THEN LIST PLAN SHEET WHERE VERIFICATION REQUEST IS LOCATED =	SHEET 1	
C. TREE PRESERVATION			
C1	TREE PRESERVATION TARGET AREA =	0	S.F.
C2	TOTAL CANOPY AREA MEETING STANDARDS OF SECTION 12-208.12 =	0	S.F.
C3	CS 1 1.5 =	0	S.F.
C4	TOTAL CANOPY AREA PROVIDED BY LANDSCAPE OR VALUABLE FOREST OR WOODLAND COMMUNITIES =	0	S.F.
C5	CS 4 1.5 =	0	S.F.
C6	TOTAL CANOPY AREA PROVIDED BY "HERITAGE," "WILLOW," "SPECIAL," OR "STREET" TREES =	0	S.F.
C7	CS 7 1.5 TO 1.8 =	0	S.F.
C8	CANOPY AREA OF TREES WITHIN RESOURCE PROTECTION AREAS AND 100-YEAR FLOODPLAINS =	0	S.F.
C9	CS 8 1.0 =	0	S.F.
C10	TOTAL OF C3, C5, C7, AND C9 =	0	S.F.
D. TREE PLANTING			
D1	AREA OF CANOPY TO BE MET THROUGH TREE PLANTING (D1-C10) =	0	S.F.
D2	AREA OF CANOPY PLANTED FOR AIR QUALITY BENEFITS =	0	S.F.
D3	D2 1 1.5 =	0	S.F.
D4	AREA OF CANOPY PLANTED FOR ENERGY CONSERVATION =	0	S.F.
D5	D4 1 1.5 =	0	S.F.
D6	AREA OF CANOPY PLANTED FOR WATER QUALITY BENEFITS =	0	S.F.
D7	D6 1 1.25 =	0	S.F.
D8	AREA OF CANOPY PLANTED FOR WILDLIFE BENEFITS =	0	S.F.
D9	D8 1 1.5 =	0	S.F.
D10	AREA OF CANOPY PROVIDED BY NATIVE TREES =	0	S.F.
D11	D10 1 1.5 =	0	S.F.
D12	AREA OF CANOPY PROVIDED BY IMPROVED CULTIVARS AND VARIETIES =	0	S.F.
D13	D12 1 1.25 =	0	S.F.
D14	AREA OF CANOPY PROVIDED THROUGH TREE SEEDLINGS =	0	S.F.
D15	AREA OF CANOPY PROVIDED THROUGH NATIVE SEEDS OF WOODY SEED AREA =	0	S.F.
D16	PERCENTAGE OF D14 REPRESENTED BY D15 =	0	%
D17	TOTAL OF CANOPY AREA PROVIDED THROUGH TREE PLANTING =	0	S.F.
D18	IS AN OFFSITE PLANTING BENEFIT REQUESTED? =	NO	
D19	TREE BANK ON THIS FRONT? =	NO	
D20	CANOPY AREA REQUESTED TO BE PROVIDED THROUGH OFFSITE PLANTING OF TREE FUND =	-	
D21	AMOUNT TO BE REQUESTED INTO THE TREE PRESERVATION AND PLANTING FUND =	-	
E	TOTAL OF 10-YEAR TREE CANOPY PROVIDED =	0	S.F.
F	TOTAL OF CANOPY AREA PROVIDED THROUGH TREE PRESERVATION (C10) =	0	S.F.
G	TOTAL OF CANOPY AREA PROVIDED THROUGH TREE PLANTING (D17) =	0	S.F.
H	TOTAL OF CANOPY AREA PROVIDED THROUGH OFFSITE PLANTING (D19) =	0	S.F.
I	TOTAL OF 10-YEAR TREE CANOPY PROVIDED =	0	S.F.

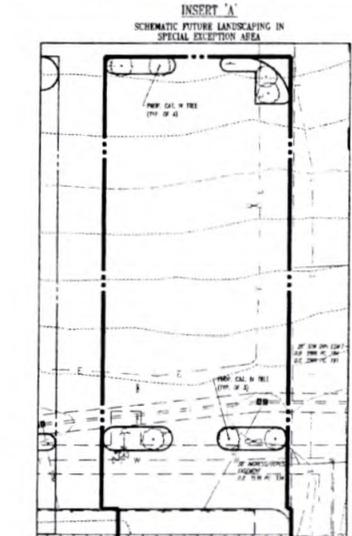


COMPLIANCE CHART FOR THE FAIRFAX COUNTY ZONING ORDINANCE

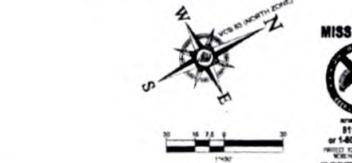
SECTION	REGULATIONS	COMPLIANCE (Y/N/A)
12-208.12	IF ANY PORTION OF THE SPECIAL EXCEPTION PLAN IS NOT COVERED BY THE SPECIAL EXCEPTION PLAN, THE SPECIAL EXCEPTION PLAN SHALL BE REJECTED. THE SPECIAL EXCEPTION PLAN SHALL BE REJECTED IF THE SPECIAL EXCEPTION PLAN IS NOT COVERED BY THE SPECIAL EXCEPTION PLAN.	N/A
12-208.13	TRADITIONAL TREESHEDDING SHALL BE PROVIDED IN ACCORDANCE WITH THE SPECIAL EXCEPTION PLAN. THE SPECIAL EXCEPTION PLAN SHALL BE REJECTED IF THE SPECIAL EXCEPTION PLAN IS NOT COVERED BY THE SPECIAL EXCEPTION PLAN.	N/A
12-208.14	THE SPECIAL EXCEPTION PLAN SHALL BE REJECTED IF THE SPECIAL EXCEPTION PLAN IS NOT COVERED BY THE SPECIAL EXCEPTION PLAN.	N/A

COMPLIANCE CHART FOR THE FACILITIES MANUAL

SECTION	REGULATIONS	COMPLIANCE (Y/N/A)
12-208.12	IF ANY PORTION OF THE SPECIAL EXCEPTION PLAN IS NOT COVERED BY THE SPECIAL EXCEPTION PLAN, THE SPECIAL EXCEPTION PLAN SHALL BE REJECTED. THE SPECIAL EXCEPTION PLAN SHALL BE REJECTED IF THE SPECIAL EXCEPTION PLAN IS NOT COVERED BY THE SPECIAL EXCEPTION PLAN.	N/A



NOTE: CURB RELANDS AND LANDSCAPING SHOULD BE PROVIDED IN ACCORDANCE WITH THE SPECIAL EXCEPTION PLAN. THE SPECIAL EXCEPTION PLAN SHALL BE REJECTED IF THE SPECIAL EXCEPTION PLAN IS NOT COVERED BY THE SPECIAL EXCEPTION PLAN.



REV	DATE	DESCRIPTION	BY
1	10/10/18	ISSUE FOR PERMIT	BOHLER
2	10/10/18	ISSUE FOR PERMIT	BOHLER

NOT APPROVED FOR CONSTRUCTION

SPECIAL EXCEPTION PLAN

CEC ENTERTAINMENT, INC.
KINGS CROSSING SHOPPING CENTER
6301 RICHMOND HIGHWAY
FAIRFAX COUNTY, VA



2285 DAVIS DRIVE
SUITE 200
1070 N.W. VIRGINIA BOULEVARD
FISHERS, VIRGINIA 22033
TEL: (703) 739-9000
WWW.BOHLERENGINEERING.COM

MISS UTILITY
811 IN VA
1-800-552-7071

LANDSCAPE PLAN

SHEET NUMBER
5
OF 6

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

DESCRIPTION OF THE APPLICATION

The applicant requests a Category 5 Special Exception to permit establishment of a commercial recreation restaurant, Chuck E. Cheese, on a portion of the Kings Crossing Shopping Center on Richmond Highway (Route 1). The applicant further requests approval of several waivers and modifications in a Commercial Revitalization District (CRD).

A previous Special Exception, SE 82-V-015, which covered the entire shopping center site, permitted the same commercial recreation restaurant to operate for approximately 25 years in another location within the same shopping center. The shopping center currently consists of a single large building which has been partitioned and leased in different sections to various tenants over the years. The previous Chuck E. Cheese was located approximately in the middle of the existing building. The applicant has since closed the restaurant and abandoned the SE on September 21, 2009. The applicant has now requested this new SE in order to open a new Chuck E. Cheese restaurant in a new location at the end of the existing building. The proposed SE for the commercial recreation restaurant has been filed only on the northern portion of the shopping center. Only interior renovations are proposed, and there is no land disturbance associated with this application as the Chuck E. Cheese proposes no change to the footprint of the existing center.

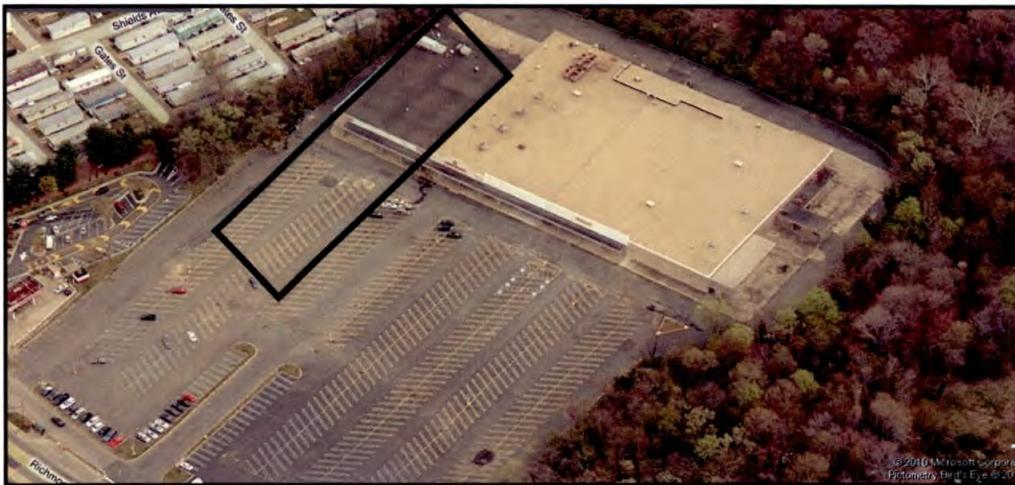


Figure 1 Aerial Photography of Site with approximate outline of the SE Area

The applicant proposes to operate in much the same fashion as its predecessor in the shopping center. The size of the facility is proposed to be approximately 15,203 SF, which is roughly 2,000 SF larger than the previous Chuck E. Cheese, and the hours of operation are proposed to be from 8:00 AM to 10:00 PM Sunday through Thursday, and 8:00 AM until 11:00 PM Fridays and Saturdays, which is an hour earlier on each day from the previous operation. The maximum number of employees is proposed to be fifteen (15) with approximately 400-450 guests per day.

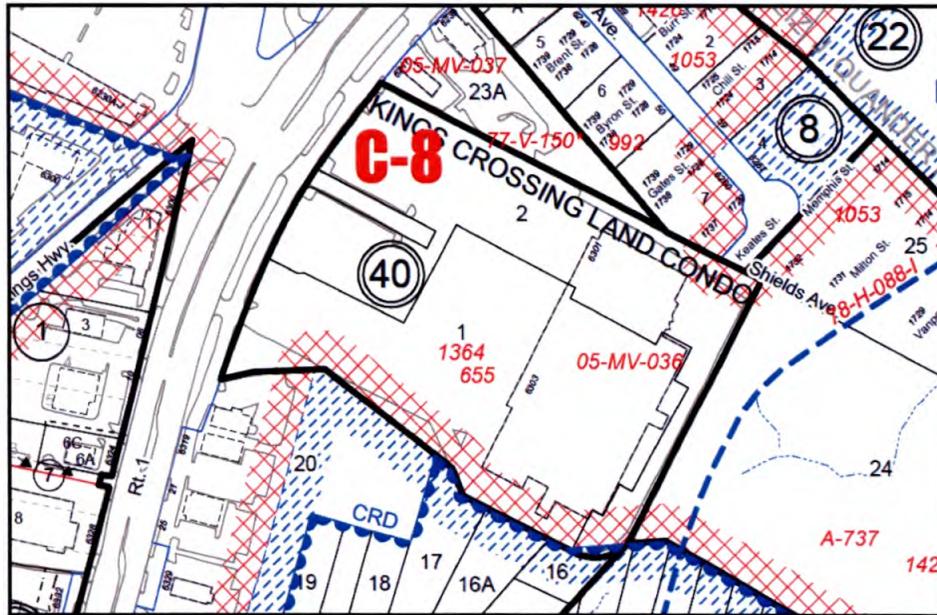


Figure 2 Tax Map for Kings Crossing Shopping Ctr

The applicant has filed the application only on parts of Tax Map Parcel 83-3 ((40)) 2 for a total area of 40,759 SF. This area includes the part of the existing building to be used for the commercial recreation restaurant and the parking lot area required to support this use. Given this limited land area, the applicant has requested the following waivers and modifications for uses within a Commercial Revitalization District (CRD).

- Waiver of minimum lot width to permit a lot width of 95 feet instead of the 200 feet as required by Section 4-806;
- Modification of minimum rear yard to permit 0 feet instead of the required minimum rear yard of 20 feet; and
- Waiver of the ten (10%) tree canopy cover requirement per Section 13-401.

The applicant's Statement of Justification can be found in Appendix 3.

LOCATION AND CHARACTER

The subject property is located on the east side of Richmond Highway in Alexandria. It includes a portion of the Kings Crossing Shopping Center. The site is zoned C-8, and is also located within the CRD and Highway Corridor Overlay District (HCOD). The Kings Crossing Shopping Center is currently developed with an approximately 140,000 SF vacant building and large asphalt parking lot to the front of the building. The subject application includes 15,203 SF of the building and 25,556 SF of the parking lot. The shopping center is accessed via three entrances from an existing service drive adjacent to Richmond Highway, with one main entrance directly accessing Richmond Highway. This application proposes no changes to the entrances. Generally the site slopes downward from Richmond Highway and there is no existing vegetation and/or landscaping on the site.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	McDonalds & Springbank Mobile Home Park, Gas Station	C-8	Retail and Other
South	Shopping Center	C-8	Retail and Other
East	Vacant	C-8	Retail and Other
West	Retail (Rite Aid Pharmacy)	C-8	Retail and Other

BACKGROUND

SE 82-V-015, the Special Exception that governed the previously-existing commercial recreation restaurant within Kings Crossing Shopping Center, was approved by the Board of Supervisors on June 28, 1982, subject to a series of conditions which, amongst other things, limited the hours of operation, specified required security at the site, and directed proper disposal of trash. This SE covered the entire shopping center site, but was abandoned by the applicant on September 21, 2009. A copy of the Clerk's Letter can be found at Appendix 4 to this staff report.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area IV
Planning District:	Mount Vernon Planning District
Planning Sector:	Richmond Highway Corridor Area Penn Daw Community Business District
Plan Map:	Retail and Other

In the Area IV volume of the Comprehensive Plan, 2007 edition, as amended through August 3, 2009, Land Use Recommendations, page 30, the Plan states:

Land Unit G

The area along the east side of Richmond Highway south of Shields Avenue to Fairview Drive is planned for community-serving retail use up to .50 FAR.

Existing conditions present an opportunity for a well-designed, mixed-use project that will serve as the focal point and core area for the Penn Daw Community Business Center. As an option, Land Unit G is planned for a well integrated mix of retail, office, hotel and residential uses with an overall intensity of up to 1.0 FAR.

Development proposals for a single integrated project or a project that allows for future coordination with other projects should meet the following conditions:

- *Consolidation of Parcels 83-3((1)) 20, 23A, 24, 24A and 24B together with consolidation of additional lots in adjacent Sub-units E-1, E-2 and E-3 is encouraged. If full consolidation is not achieved, interparcel access to adjacent uses should be provided;*
- *The level of non-residential development should not exceed two-thirds of the total gross floor area for the entire mixed-use development. Appropriate first floor support retail and service uses designed to serve the development in this land unit should be encouraged;*
- *Non-residential uses should be located at the front of the property and oriented to Richmond Highway. Residential uses should be located toward the middle and rear of parcels 24A and 24B in order to take advantage of the visual and passive recreational amenity provided by the adjacent stream valley area. Residential density and building heights should be tapered from mid-rise or garden-style apartments to townhouses located nearest to the existing adjacent neighborhood;*
- *Building heights are tapered down toward the existing single-family area;*
- *Adequate measures to mitigate against undue environmental impact are provided. Steep slopes, streams and floodplains with their existing vegetation located on the property are preserved as a public park. Where past practices have degraded these slopes and streams, bioengineering approaches should be followed to restore them to more natural conditions and functions;*
- *Sufficient buffering and screening are provided to mitigate adverse impacts on adjacent residential areas;*
- *Adequate right-of-way is provided for road improvements;*
- *Pedestrian circulation and the use of mass transit is encouraged through site design, connection with proposed and existing pedestrian circulation systems in the area and other methods;*
- *Urban design elements, such as streetscaping, public art, pedestrian plazas, cultural/ recreation facilities, landscaped open space, landmarks or building designs which will denote this area as a focal point of the Penn Daw Community Business Center are provided.*

The urban design recommendations found at the end of this Plan, should be used as a guide; and

- *Incorporation of residential use in office or retail buildings in an “above the shop” arrangement is encouraged.*

As an option, if Sub-units E-1, E-2 and E-3 are substantially and logically consolidated with Land Unit G, a well-integrated mix of uses with an overall intensity at up to 1.0 FAR that includes at least two of the following uses: retail, office, hotel and residential. The conditions listed above should be fulfilled for the entire assemblage.

ANALYSIS

Special Exception (SE) Plat (Copy of Reduction at front of staff report)

Title of SE Plat: CEC Entertainment Inc.

Prepared By: Bohler Engineering

Original and Revision Dates: December 8, 2009 as revised through March 16, 2010

The SE Plat for the proposed use consists of six (6) sheets.

CEC Entertainment, Inc.	
Sheet #	Description of Sheet
1 of 6	Cover Sheet, Sheet Index, Vicinity Map, Legend
2 of 6	Kings Crossing Shopping Center Depiction
3 of 6	Existing Conditions
4 of 6	Special Exception Plat (Layout) and Notes
5 of 6	Landscape Plans
6 of 6	Stormwater Management and Adequate Outfall

Site Layout and Landscaping

The applicant proposes to use the end (northern) portion of the existing shopping center to house the 15,203 SF commercial entertainment restaurant, Chuck E. Cheese. The applicant does not propose to expand the footprint of the existing building but proposes a new façade to identify the location of the restaurant. No new landscaping is proposed either along the façade or within the parking area dedicated to this use. It should be noted that the applicant does show curb islands with landscaping for informational purposes on Sheet 5, noting that the landscaping is proposed to be provided with future shopping center redevelopment and would be subject to change upon site plan approval for this redevelopment.

Parking and Access

The applicant proposes to use approximately 25,000 SF of the existing parking lot for their use, providing 84 parking spaces specifically for Chuck E. Cheese which reflects the 20% by-right parking reduction of the Richmond Highway CRD. The site will be accessed through the existing parking lot from three entrances from an existing service drive adjacent to Richmond Highway. The applicant proposes no changes to this overall access.

Stormwater Management

As no land disturbance or change in impervious area is proposed with this application, the applicant proposes no new stormwater management facilities. The applicant notes that the land area associated with this SE drains to two drains at the front of the parking lot for the shopping center. The stormwater ultimately drains into natural channels heading east from the site.

Land Use/Environmental Analysis (Department of Planning and Zoning)

Issue: Redevelopment along Richmond Highway

As noted above and further detailed in the Comprehensive Plan sections in Appendix 5 of this report, this area along Richmond Highway has been identified as a possible location for redevelopment and a coordinated mixed-use center. However, staff notes that this application is not the kind of *single integrated project* envisioned by the Comprehensive Plan which would prompt more landscaping, streetscape and excellence in urban design. Staff encouraged the applicant to consider interim improvements to landscaping and design such as landscaped islands within their parking area such that future development on this site would not be precluded from achieving the redevelopment goals for this area identified in the Comprehensive Plan,

Resolution:

The applicant notes that no land disturbance is proposed with this project since it merely seeks to move a previously approved use to a different location within an existing shopping center. Only interior renovations will occur and it as such no improvements to landscaping or design are proposed. As noted above, however, the applicant shows a possible landscaping layout with the insert on Sheet 5 of the SE Plat. The applicant further notes that the land area associated with this SE does not extend to Richmond Highway and as such no streetscape is proposed. However, staff remains concerned that this site be consistent with the rest of the shopping center when and if it redevelops. Staff has proposed a development condition which requires that any landscaping in the area associated with this SE be consistent with the entire site. The applicant has indicated that, to the best of their knowledge, an overall site plan with landscaping will be submitted to the County within the year and that the overall developer is cognizant of the need to provide an integrated development. With implementation of this condition, staff finds this issue is resolved.

Transportation Analysis (Fairfax County Department of Transportation)
(Appendix 7)

Issue: Islands within the Parking Area

As noted above, no landscaping islands exist or are proposed the parking lot area designated for this use. The Fairfax County Department of Transportation (FCDOT) within noted in its review that while painted islands are shown on the SE Plat and exist on site, the islands should be raised to provide better traffic control and a safer traffic operation especially with children and the nature of this business. These types of islands would also be better for any future landscaping on the site.

Resolution:

Staff has proposed a development condition requiring that raised islands be provided on this part of the site if that is consistent with the overall landscaping and traffic control plan for the entire site. Again, the proposed condition requires that the SE area be treated consistently at such time as a site plan is submitted for the overall site. With implementation of this development condition, staff finds this issue resolved.

Issue: Bicycle Racks

In order to encourage the reduction of vehicle trips, staff recommended that the applicant provide bicycle racks convenient to the building entrance.

Resolution:

No bicycle racks are depicted on the SE Plat. Staff has proposed a development condition requiring the installation of bicycle racks in coordination with FCDOT. Staff finds that with implementation of this development condition, this issue is resolved.

Urban Forestry and Stormwater Analysis (Department of Public Works and Environmental Services) (Appendix 8)

Due to the nature of this application, a review of this application by the agencies listed above raised no issues. Therefore, the aforementioned departments do not object to the approval of this application.

ZONING ORDINANCE PROVISIONS

Bulk Standards (C-8)		
Standard	Required	Proposed
Lot Size	40,000 SF	40,759 SF
Lot Width	200 ft	95 ft (waiver requested)
Building Height	40 ft	32 feet
Front Yard	Controlled by a 45° angle of bulk plane, but not less than 40 feet	250
Side Yard	None	None
Rear Yard	20 feet	None (waiver requested)
FAR	0.50	.037
Open Space	15%	None (waiver requested)
Parking Spaces	104	84 (CRD Parking Reduction)
Loading Spaces	1	1

No transitional screening or barriers are required with the proposal since the subject site is located within the existing shopping center.

Waivers and Modifications

The applicant has requested several modifications and/or waivers with this application. These requests are all related to the limited land area associated with this SE. The area has been specifically limited, by the applicant, to the 40,759 SF directly associated with this use, and staff notes that these requests are not related to innovative urban design of the site.

Waiver of Lot Width in a CRD (Section 9-622)

Paragraph 2 of Sect. A7-407 of the Zoning Ordinance permits the Board to waive the lot width requirements of the underlying zoning district regulations so long as the approval of the waiver shall be in accordance with and shall further the implementation of the adopted Comprehensive Plan for the Commercial Revitalization District

The required lot width in a C-8 District is 200 feet, while the lot width provided with the proposed SE area is 95 feet. The applicant notes that this requirement is only related to the SE area, and that the entire shopping center exceeds the 200 foot requirement. The Planning Objectives for the Richmond Highway Corridor as set forth in the Comprehensive Plan encourage revitalization and redevelopment of the

Richmond Highway Corridor to create more attractive, commercially viable, and functional efficient business centers and community focal points. Staff notes that approval of this request will encourage reuse of an empty shopping center and that the entire shopping center has a lot width well in excess of the 200 foot requirements. Staff finds that this waiver will not adversely affect the relationship of this use to nearby uses and, thus supports the requested waiver.

Waiver of Required Rear Yard (Section 9-622)

Paragraph 2 of Sect. A7-407 of the Zoning Ordinance permits the Board to waive the minimum yard requirements of the underlying zoning district regulations so long as the approval of the waiver is in accordance with and shall further the implementation of the adopted Comprehensive Plan for the Commercial Revitalization District.

The required rear yard in a C-8 district is 20 feet. Under this SE request, the applicant proposes no rear yard as the rear of the building also marks the rear of the land use area associated with this SE. As such, the applicant is requesting a waiver of the minimum yard setback pursuant to Section 9-622. It should be noted that the application property is part of a larger parcel which does meet the rear yard setback requirements. The Planning Objectives for the Richmond Highway Corridor as set forth in the Comprehensive Plan encourage revitalization and redevelopment of the Richmond Highway Corridor to create more attractive, commercially viable, and functional efficient business centers and community focal points. Staff notes that this request does encourage reuse of an empty shopping center and, as the overall parcel does provide sufficient rear yard for the entire shopping center building, staff does not find that this waiver will adversely impact neighboring uses and supports the requested waiver.

Waiver of Open Space Requirement (Section 9-622)

The applicant notes that in the case of an expansion or enlargement of a use, minimum open space requirements do not apply so long as the overall open space is not decreased. Since the open space calculations for the whole site are not included in this application, staff is concerned that the open space has actually decreased (at least from what can be determined per review of this *included* portion of this parcel), and that a waiver is required. The applicant has indicated that, based on the analysis conducted for the future site plan, the open space requirements for the Kings Crossing Shopping Center will be met with approximately 71,000 SF of open space, or 15%. As long as the applicable zoning ordinance provisions can be met for the entirety of the shopping center, staff finds that this request does encourage reuse of the shopping center into a more attractive and commercially viable center as envisioned by the Comprehensive Plans. As such, staff does not find this waiver will adversely impact neighboring uses and supports this waiver.

Deviation from the tree canopy target percentage

The applicant requests a deviation from the tree canopy percentage as they are providing no tree canopy within the SE land area since there is no land disturbance or expansion proposed. As above, the applicant has indicated that when the entire shopping center site is redeveloped, the tree canopy coverage requirements shall be met by providing over 47,000 SF of tree canopy, or 10%. Therefore, staff recommends that the Board of Supervisors direct the Director of DPWES to permit a deviation from the tree canopy percentage.

Special Exception Requirements (Appendix 7)General Special Exception Standards (Sect. 9-006)

General Standard 1 and 2 require that the proposed use be in harmony with the adopted Comprehensive Plan and the general purpose and intent of the applicable zoning district regulations. Staff finds that the proposed application is in harmony with the Comprehensive Plan, which recommends retail use for this site. Also, the applicant's requested waivers further the goals of the Comprehensive Plan as it allows for reuse of a vacant shopping center. Staff notes the waivers are only required for the subject site, not the entire shopping center. In addition, with approval of the proposed waivers and modifications, the application is in conformance with the applicable zoning district regulations.

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties. Staff finds that this use, located within an existing shopping center, will be harmonious with neighboring properties and notes that a series of development conditions regarding hours of operation, refuse removal and security will further protect nearby property owners.

General Standard 4 requires that the proposed use 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. The applicant has proposed no changes to the pedestrian or vehicular access to this site and the existing entrances will adequately serve this use. In order to improve traffic circulation on this site, staff has proposed a development condition requiring that any islands be consistent with the entire shopping center upon its future redevelopment and thus, staff finds that this standard is satisfied.

General Standard 5 requires that, in addition to the standards that may be set forth in this Article for a particular category or use, landscaping and screening be provided in accordance with the provisions of Article 13. No particular landscaping or screening is required for the special exception area and the applicant is proposing no landscaping to occur in conjunction with this request. However, landscaping will be provided with the future redevelopment of the shopping center. Staff has noted that it is essential that this SE be consistent with the rest of the shopping center and staff has proposed a development condition requiring consistent landscaping with

the rest of the shopping center upon its redevelopment. As such, this standard is satisfied.

General Standard 6 requires that open space be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. With approval of the waiver of open space in a commercial revitalization district, this standard is satisfied.

General Standard 7 requires adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided and that Parking and loading requirements shall be in accordance with the provisions of Article 11. Adequate utility, parking and loading has been provided onsite. In addition, as no land disturbance or expansion is proposed, staff finds that the proposal will not affect existing drainage onsite. Staff thus finds this standard is satisfied.

General Standard 8 states that signs are regulated by Article 12 but that stricter requirements may be imposed by the Board. The applicant will be expected to meet Article 12 of the Zoning Ordinance, thus staff finds this standard is satisfied.

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

Standard 1 requires that, except as qualified, all uses are to comply with the lot size and bulk regulations of the zoning district in which located. As noted above, the applicant has requested specific waivers to the size and bulk regulations based on its location in a CRD. With approval of these waivers, this use does satisfy this standard.

Standard 2 requires that all uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14. This use will not require a sports illumination plan and staff notes that the applicant will be expected to meet all elements of the Zoning Ordinance unless otherwise waived in this application. Therefore, staff finds this standard is satisfied.

Standard 3 requires that, before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans. This application will be subject to provisions of Article 17, although staff notes that interior renovations would not require a site plan. Staff has recommended a development condition requiring that the parking lot area landscaping and islands be consistently treated throughout the site when a site plan is submitted for redevelopment. Therefore, staff finds this standard is satisfied.

Additional Standards for Commercial Recreation Restaurants (Sect. 9-506)

Additional Standard 1 requires that all such uses be designed and operated as a combined use for family-oriented recreation and on-premise dining. With implementation of the proposed development conditions, staff finds this standard is satisfied.

Additional Standard 2 requires that no person under 18 years of age be permitted to frequent the premises unless accompanied by a parent or guardian. Staff has proposed a development condition prohibiting anyone under 18 to frequent the restaurant unless accompanied by a parent or guardian. Therefore, staff finds this standard is satisfied.

Additional Standard 3 requires that the sale and consumption of food, frozen deserts or beverages be limited to the premises, although carry-out service may be provided that such carry-out service is clearly not the principal business of that portion of the establishment devoted to the sale and consumption of food, frozen desserts or beverages. Staff has proposed a development condition reiterating the on-site nature of this use, and finds this standard is satisfied.

Additional Standard 4 requires that the recreation portion of the establishment not be advertised or operated as a separate facility. A development condition has been proposed noting that the recreation portion shall not be advertised or operated as a separate facility and staff finds this standard has been satisfied.

Additional Standard 5 requires that any areas devoted primarily to mechanical and/or electronic operated games encompass no more than twenty-five (25) percent of the total gross floor area of the establishment. Staff has reiterated this requirement in a development condition and finds that this standard is satisfied.

Summary of Zoning Ordinance Provisions

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

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

In staff's opinion, with the adoption of the proposed development conditions, this Special Exception is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

Staff Recommendations

Staff recommends that the Board of Supervisors approve SE 2009-MV-025, subject to the proposed development conditions in Appendix 1.

Staff recommends that the Board of Supervisors waive the minimum lot width permit a lot width of 95 feet instead of the required 200 feet.

Staff recommends that the Board of Supervisors waive the minimum rear yard to permit 0 feet instead of the required minimum rear yard of 20 feet.

Staff recommends that the Board of Supervisors waive the open space requirement for this special exception area.

Staff recommends that the Board of Supervisors direct the Director of DPWES to permit a deviation from the tree canopy percentage in favor of conditions depicted on the SE Plat.

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

The approval of this special exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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. Clerk's Letter for SE 82-V-015
5. Land Use Citations
6. Office of Community Revitalization and Reinvestment Analysis
7. Transportation Analysis
8. Urban Forestry Analysis
9. Applicable Zoning Ordinance Provisions
10. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS

SE 2009-MV-025

April 21, 2010

If it is the intent of the Board of Supervisors to approve CEC Entertainment, Inc. located at Tax Map 83-3 ((40) 2 pt. for a commercial recreation restaurant and waivers in a CRD, pursuant to Sect. 4-804 and 9-622 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, 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 CEC Entertainment, Inc., prepared by Bohler Engineering and dated December 8, 2009 as revised through March 16, 2010, 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. During all hours of operation, a staff person will be posted near the entrance to enforce both the County's Ordinance requirement and the restaurant's policy of not admitting children under 18 without a parent or guardian.
5. A copy of the approved Special Exception Development Conditions 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.
6. The facility shall close no later than 10:00 p.m. Sunday through Thursday, and no later than 11:00 p.m. on Friday and Saturday.
7. The restaurant shall not offer take out service.
8. All outdoor trash receptacles shall conform to the standards set forth in the Public Facilities Manual for placement and screening of such receptacles. Specifically, one or more trash dumpsters, of adequate capacity to handle all trash from the use shall be provided, to the rear of the building as shown on the SE Plat. Dumpsters shall have lids that are able to be fitted with locks to prevent

unauthorized use if needed. Bait stations shall be provided in the dumpster area to address rodent concerns. In addition, at least one (1) trash receptacle shall be provided in the vicinity of the front door of the restaurant.

The removal of the trash from the dumpster(s) shall occur no less than four (4) times per week and from the front receptacle(s) five (5) times a week, or as may be necessary to maintain a clean, debris free environment. The site, parking lot and nearby vicinity shall be monitored on a daily basis and shall be regularly cleared areas of trash and litter.

The site and trash collection areas may be viewed by community representatives to determine compliance with this condition, provided there is no interference with operation of the business.

9. Any landscaping within the special exception area as shown generally on Sheet 5 of the SE Plat shall be consistent with the rest of the shopping center.
10. Any parking lot islands within the special exception area shall be consistent with the rest of the shopping center, such that raised parking lot islands shall be provided in the special exception area if consistent with the rest of the shopping center.
11. Bicycle racks shall be installed prior to the issuance of the Non-RUP, subject to the review and approval of the Fairfax County Department of Transportation.
12. All signage for the site shall comply with provisions of Article 12 of the Zoning Ordinance.
13. All outdoor lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance architecture. Light poles shall be limited to a height of 25 feet.

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

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

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. The Board of Supervisors may grant additional time to establish the use 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.



County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: March 4, 2010

TO: Suzanne Lin, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Bette R. Crane, Paralegal *BR*
Office of the County Attorney

SUBJECT: Revised Affidavit
SE 2009-MV-025
Applicant: CEC Entertainment, Inc.
PC Hearing Date: 5/5/10
BOS Hearing Date: 5/25/10

REF.: 106994

Attached is an affidavit which has been approved by the Office of the County Attorney for the above-referenced case. Please include this affidavit dated 2/11/10, which bears my initials and is numbered 106994a, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Meredith Amonson, Planning Technician
Zoning Evaluation Division
Department of Planning and Zoning

SPECIAL EXCEPTION AFFIDAVIT

DATE: February 11, 2010
(enter date affidavit is notarized)

I, Elizabeth D. Baker, agent, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below 1069940

in Application No.(s): SE 2009-MV-025
(enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
CEC Entertainment, Inc. Agent: Alice M. Winters Don L. McKechnie	4441 W. Airport Freeway Irving, Texas 75062	Applicant/Lessee
Kings Crossing Land, L.L.C. Agents: Krista C. Di Iaconi John M. Mitchell Grant M. Ehat David G. Wagner	4445 Willard Avenue, Suite 700 Chevy Chase, MD 20815	Title Owner/Lessor

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

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

Special Exception Attachment to Par. 1(a)

DATE: February 11, 2010
 (enter date affidavit is notarized)

106994a

for Application No. (s): SE 2009-MV-025
 (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)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Stagg Kara M. W. Bowyer Megan C. Shilling Elizabeth A. McKeeby	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent
Bohler VA, LLC Agents: Adam J. Volanth Aaron M. Bodenschatz Keith G. Simpson David B. Logan	22630 Davis Drive, Suite 200 Sterling, Virginia 20164	Engineers/Agent

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: February 11, 2010
(enter date affidavit is notarized)

106994a

for Application No. (s): SE 2009-MV-025
(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)
CEC Entertainment, Inc.
4441 W. Airport Freeway
Irving, Texas 75062

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.
[X] 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)
Publicly traded on the NYSE.

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

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

Special Exception Attachment to Par. 1(b)

DATE: February 11, 2010
(enter date affidavit is notarized)

for Application No. (s): SE 2009-MV-025
(enter County-assigned application number (s))

106999a

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

Kings Crossing Land, L.L.C.
4445 Willard Avenue, Suite 700
Chevy Chase, MD 20815

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)

JBG/Rosenfeld Kings Crossing, L.L.C.,
Managing Member

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

JBG/Rosenfeld Kings Crossing, L.L.C.
4445 Willard Avenue, Suite 700
Chevy Chase, MD 20815

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)

JBG/Company Manager II, L.L.C., Managing Member (has no ownership interest in Kings Crossing Land, L.L.C.)	Members: JBG Investment Fund VI, L.L.C. ✓ Kings Crossing Investors 2007, L.L.C. (owns less than 10% of Kings Crossing Land, L.L.C.)	1111 Property Associates (2007-2) L.L.C. (has no ownership interest in Kings Crossing Land, L.L.C.)
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(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: February 11, 2010
(enter date affidavit is notarized)

106994

for Application No. (s): SE 2009-MV-025
(enter County-assigned application number (s))

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

JBG Investment Fund VI, L.L.C.
4445 Willard Avenue, Suite 700
Chevy Chase, MD 20815

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)

Manager: JBG/Fund VI Manager, L.L.C.
Member: JIF VI Holdings, LLC

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

JIF VI Holdings, LLC
c/o Yale Investments Office
55 Whitney Avenue, 5th Floor
New Haven, CT 06510-1300

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)

Fourth Century, LLC, Manager/Member

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

Special Exception Attachment to Par. 1(b)

DATE: February 11, 2010
(enter date affidavit is notarized)

106994 a

for Application No. (s): SE 2009-MV-025
(enter County-assigned application number (s))

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

Fourth Century, LLC
c/o Yale Investments Office
55 Whitney Avenue, 5th Floor
New Haven, CT 06510-1300

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)

3C Corporation, Manager (owns less than 10% of Kings Crossing Land, L.L.C.)	Yale University, Member [A not-for-profit Endowment Fund who owns less than 10% of Kings Crossing Land, L.L.C.]
---	---

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

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

Special Exception Attachment to Par. 1(b)

DATE: February 11, 2010
(enter date affidavit is notarized)

106994a

for Application No. (s): SE 2009-MV-025
(enter County-assigned application number (s))

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

Bohler VA, LLC
22630 Davis Drive, Suite 200
Sterling, Virginia 20164

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Ludwig H. Bohler
Adam J. Volanth
Daniel M. Duke
Mark R. Joyce

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

JBG/Fund VI Manager, L.L.C.
4445 Willard Avenue, Suite 700
Chevy Chase, MD 20815

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)

Managing Members: Benjamin R. Jacobs,
Michael J. Glosserman, Brian P. Coulter,
Porter G. Dawson, Robert A. Stewart

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: February 11, 2010
(enter date affidavit is notarized)

106994 a

for Application No. (s): SE 2009-MV-025
(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)
None

(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)

(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: February 11, 2010
(enter date affidavit is notarized)

106994a

for Application No. (s): SE 2009-MV-025
(enter County-assigned application number(s))

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

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

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

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

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

None

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: February 11, 2010
(enter date affidavit is notarized)

106994a

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.

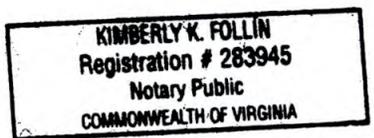
WITNESS the following signature: Elizabeth D. Baker
(check one) [] Applicant [x] Applicant's Authorized Agent

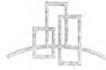
Elizabeth D. Baker, agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 11 day of February, 2010, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2011





Elizabeth D. Baker
Land Use Coordinator
(703) 528-4700 Ext. 5414
ebaker@arl.thelandlawyers.com

**WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC**

November 6, 2009

RECEIVED
Department of Planning & Zoning
NOV 09 2009
Zoning Evaluation Division

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

Re: CEC Entertainment, Inc.
Special Exception Amendment Application
Tax Map 83-3 ((1)) 24A pt., 24B pt. (the "Subject Property")

Dear Ms. Coyle:

Please accept this letter as a statement of justification for a special exception application for a new Chuck E. Cheese's commercial recreation restaurant to be located on a part of property known as Kings Crossing. The Subject Property is part of an existing shopping center located on the east side of Richmond Highway (Route 1) across from its intersection with North Kings Highway (Route 241). Zoned C-8, HCOD and CRD, the Subject Property is developed with one large retail building and a large surface parking lot. The shopping center has been underutilized for many years; however, the existing building is now being renovated to accommodate new tenants.

Previously a Chuck E. Cheese's restaurant operated in the center for more than twenty-five (25) years. It operated consistent with SE 82-V-015 which was approved in 1982. However, a new Wal-Mart will soon be occupying a large portion of the existing building, including a portion previously occupied by the Chuck E. Cheese's restaurant. Chuck E. Cheese's has vacated their previous location and by letter in September we notified the County that SE 82-V-015 had been abandoned. The new Chuck E. Cheese's commercial recreation restaurant proposes to occupy approximately 15,203 square feet at the northern end of the existing building. The Special Exception is being filed on an area 40,759 square feet in size and incorporates the portion of the building to be occupied by Chuck E. Cheese's as well as the portion of the parking lot needed to accommodate the restaurant.

In keeping with the Special Exception requirements, the following is a written description of the proposed special exception use.

- A. Type of Operation: Commercial recreation restaurant approximately 15,203 square feet in size, and associated parking. Chuck E. Cheese's restaurants are family oriented. The operation is geared to appeal to families with young children. Catering children's

birthday parties is a large part of their business. The restaurant offers kiddie rides, arcade games, skill games and video skill games.

- B. Hours of Operation: Sunday through Thursday from 8:00 a.m. to 10:00 p.m., Friday and Saturday from 8:00 a.m. to 11:00 p.m.
- C. Estimated Number of Clients/Patrons: Will vary; peak times are Friday evenings and weekends. On weekends, it is estimated that there will be 400 to 450 guests per day.
- D. Proposed Number of Employees: Fifteen (15) employees during peak times, fewer employees during non-peak times.
- E. Estimate of Traffic Impact: No additional impact is anticipated based on analysis prepared by Wells and Associates.
- F. Vicinity or General Area to be Served by the Use: Along the Route 1 corridor and within a five (5) to seven (7) mile radius of the Subject Property.
- G. Description of Building Facade and Architecture: There is no new building proposed. The commercial recreation restaurant will be included in the northern end cap of the existing building. The proposed facade is included in the Special Exception plat.
- H. Hazardous/Toxic Wastes on Site: The Applicant is unaware of any hazardous or toxic substances on the Subject Property.
- I. To the best of our knowledge, the proposed special exception use is in conformance with all applicable ordinances, regulations and adopted standards with the following exceptions:
 - 1. Pursuant to Section A7-404, a waiver of the minimum lot width of 200 feet as required by Section 4-806(2) of the Zoning Ordinance is requested. The area of the Special Exception is ninety-five (95) feet in width, however, the larger parcel on which the shopping center is located meets and exceeds the 200 foot width requirement.
 - 2. Pursuant to Section A7-404, a modification of the minimum rear yard of twenty (20) feet is hereby requested. The area of the Special Exception provides zero setback from the rear of the building, however, the larger parcel on which the shopping center is located meets and exceeds the twenty (20) foot requirement.
 - 3. Pursuant to Section A7-404, a modification to the required four (4) foot side setback and ten (10) foot rear setback between a parking lot and the property line is hereby requested. The area of the special exception provides zero setback between the parking and the side and rear property lines, however, this is part of a larger parking lot extending to the side and rear of the Special Exception property.
 - 4. A waiver of the ten percent (10%) tree canopy coverage requirement in Section 12-0514 of the Public Facilities Manual and Section 13-401 of the Zoning

Ordinance is hereby requested. No new construction, expansion or enlargement is proposed. The Special Exception seeks only approval of a commercial recreation restaurant under existing site conditions.

The Subject Property is located in the Richmond Highway Corridor area of the Mount Vernon Planning District (Area IV). More specifically, it is located within Land Unit G of the Penn Daw Community Business Center. The Comprehensive Plan recommends the area for community-serving retail uses and also provides an option for a mixed-use project under certain conditions. The proposed use is in keeping with the planning objectives of providing community serving retail uses.

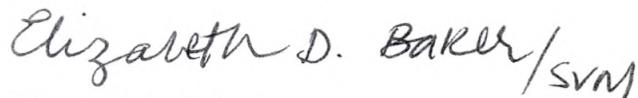
The Special Exception proposes no changes to the existing building footprint or site design. It does not propose an increase in building size. It merely seeks approval for a family-oriented recreational restaurant that has served the Route 1 corridor for twenty-five (25) years. Chuck E. Cheese's provides a safe and welcoming environment for children and their parents and is a favorite place for celebrating birthdays and special family events.

In summary, this application is sought to allow establishment of a long-standing neighborhood use in a new location. No changes in site design are requested. The proposal is in keeping with the Comprehensive Plan and helps ensure a community-oriented use.

Thank you for your attention to this matter. Should you require any additional information, please call me.

Very truly yours,

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



Elizabeth D. Baker
Land Use Coordinator



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030



APPENDIX 4

June 30, 1982

Michael J. Giguere
c/o Boothe, Prichard & Dudley
P. O. Box #338
Fairfax, Virginia 22030

Re: Special Exception
Number SE 82-V-015

6301 Richmond Hwy

Dear Mr. Giguere:

At a regular meeting of the Board of Supervisors held on June 28, 1982, the Board approved Special Exception Number SE 82-V-015 in the name of Family Entertainment Centers of Virginia, Inc., located as Tax Map 83-3((1))24A for use as a commercial restaurant within a shopping center pursuant to Section 4-804 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. The Special Exception is granted for the location indicated in the application and is not transferable to other land.
2. The Special Exception is granted for the building and uses indicated on the plats submitted with the application.
3. A copy of the Special Exception SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use, and shall be made available to all Departments of the County of Fairfax during hours of operation of the permitted use.
4. During all hours of operation, the applicant will provide a door guard to enforce both the County's Ordinance requirement and the restaurant's policy of not admitting children under 18 without a parent or guardian.
5. A parking tabulation will be provided to satisfy parking requirements of Section 11-104 of the Zoning Ordinance.
6. On a daily basis, the applicant will collect and properly dispose of trash originating from the restaurant.
7. This facility shall close at not later than 11:00 p.m., Sunday through Thursday, and at not later than midnight on Friday and Saturday.

- * 8. This application is approved for a one-year period from date of issuance of the non-residential use permit, at which time the Zoning Administrator will investigate any complaints relating to safety, e.g., security of patrons and staff. In the absence of complaints, the Zoning Administrator may grant an indefinite extension. Should the investigation reveal safety-related complaints, the Zoning Administrator shall bring the situation to the Board of Supervisors' attention and recommend whether a security guard shall be provided by the applicant during hours of operation -- a condition which may be activated by the Board of Supervisors at such time.

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

Under Section 9-014 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, eighteen (18) months after the effective date of the Special Exception unless the activity authorized has been established, or unless construction has commenced, or unless an extension is granted by the Board of Supervisors because of the occurrence of conditions unforeseen at the time of granting the Special Exception. A request for extension should justify the extension in writing, and should be filed with the Zoning Administrator not less than thirty (30) days prior to the expiration date.

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

Very truly yours,

Ethel Wilcox Register, cme.

Ethel Wilcox Register
Clerk to the Board

EWR/vlt

- cc: Mr. Patteson
- ✓ Mr. Knowlton
- Mr. Covington
- Ms. Chesrown



Sub-unit F-2

Parcels within this sub-unit include 83-3((1))22A and a portion of Parcel 22B and are planned for retail use up to .35 FAR. If substantial land is required for interchange improvements, the remaining property should also be acquired for use as a gateway park to provide a focal point for the Penn Daw Community Business Center.

Land Unit G

The area along the east side of Richmond Highway south of Shields Avenue to Fairview Drive is planned for community-serving retail use up to .50 FAR.

Existing conditions present an opportunity for a well-designed, mixed-use project that will serve as the focal point and core area for the Penn Daw Community Business Center. As an option, Land Unit G is planned for a well integrated mix of retail, office, hotel and residential uses with an overall intensity of up to 1.0 FAR. Development proposals for a single integrated project or a project that allows for future coordination with other projects should meet the following conditions:

- Consolidation of Parcels 83-3((1))20, 23A, 24, 24A and 24B together with consolidation of additional lots in adjacent Sub-units E-1, E-2 and E-3 is encouraged. If full consolidation is not achieved, interparcel access to adjacent uses should be provided;
- The level of non-residential development should not exceed two-thirds of the total gross floor area for the entire mixed-use development. Appropriate first floor support retail and service uses designed to serve the development in this land unit should be encouraged;
- Non-residential uses should be located at the front of the property and oriented to Richmond Highway. Residential uses should be located toward the middle and rear of parcels 24A and 24B in order to take advantage of the visual and passive recreational amenity provided by the adjacent stream valley area. Residential density and building heights should be tapered from mid-rise or garden-style apartments to townhouses located nearest to the existing adjacent neighborhood;
- Building heights are tapered down toward the existing single-family area;
- Adequate measures to mitigate against undue environmental impact are provided. Steep slopes, streams and floodplains with their existing vegetation located on the property are preserved as a public park. Where past practices have degraded these slopes and streams, bioengineering approaches should be followed to restore them to more natural conditions and functions;
- Sufficient buffering and screening are provided to mitigate adverse impacts on adjacent residential areas;
- Adequate right-of-way is provided for road improvements;
- Pedestrian circulation and the use of mass transit is encouraged through site design, connection with proposed and existing pedestrian circulation systems in the area and other methods;
- Urban design elements, such as streetscaping, public art, pedestrian plazas, cultural/recreation facilities, landscaped open space, landmarks or building designs which will denote this area as a focal point of the Penn Daw Community Business Center are

provided. The urban design recommendations found at the end of this Plan, should be used as a guide; and

- Incorporation of residential use in office or retail buildings in an “above the shop” arrangement is encouraged.

As an option, if Sub-units E-1, E-2 and E-3 are substantially and logically consolidated with Land Unit G, a well-integrated mix of uses with an overall intensity at up to 1.0 FAR that includes at least two of the following uses: retail, office, hotel and residential. The conditions listed above should be fulfilled for the entire assemblage.

Land Unit H

Land Unit H contains the Penn Daw Shopping Center and adjacent commercial uses between School and Poag Streets along North Kings Highway. The Penn Daw Shopping Center site is planned for retail use up to .35 FAR. Free-standing uses should be discouraged to preserve an opportunity for connections to the proposed "gateway park". Additional parking lot landscaping and the introduction of a landscaped berm between the front parking lot and North Kings Highway is encouraged.

The existing commercial uses between School and Poag Streets along the west side of North Kings Highway are planned for low-rise office or compatible institutional uses up to .25 FAR to serve as a transition between the residential and commercial areas located north and south of the subject property, respectively. As an option, if parcels are completely consolidated and an integrated, well-designed development is proposed, an FAR up to .35 may be appropriate.

Land Unit I

The triangle-shaped parcel bounded by Richmond Highway on the east, South Kings Highway on the west and the office located at the corner of South Kings Highway and Pickett Street and the Franklin office building at the northwest corner of Richmond Highway and Franklin Street is planned for retail, office or retail and office mixed-use up to .50 FAR. Restaurants with table service are especially encouraged. This area is a centerpiece of the Penn Daw Community Business Center and special attention to urban design elements will enhance its appearance and function.

SUBURBAN NEIGHBORHOOD AREAS BETWEEN PENN DAW AND BEACON/GROVETON COMMUNITY BUSINESS CENTERS (Refer to Figure 9)

1. The area which fronts on the west side of Richmond Highway between Franklin Street and the Service Merchandise retail center north of Beacon Mall to South Kings Highway includes commercial and residential uses. This area is planned for residential use at 4-5 dwelling units per acre and 8-12 dwelling units per acre as shown on the Comprehensive Plan map.
2. Lots fronting on the east side of Richmond Highway between Fairview Drive and Huntington Walk Condominiums and along Regan Street are planned for residential use at 16-20 dwelling units per acre, with substantial parcel consolidation. Elderly housing is encouraged. Landscape materials should be selected and located to provide effective buffering and screening to the residential community to the east.
3. This area is bounded on the west by Richmond Highway, Dawn Drive to the south and Hillside Lane to the east. It includes the Huntington Run and Huntington Walk Condominium



County of Fairfax, Virginia

MEMORANDUM

DATE: April 14, 2010

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

FROM: Elizabeth Hagg, Deputy Director *E.H.*
Office of Community Revitalization and Reinvestment

SUBJECT: CEC Entertainment, Inc., SE 2009-MV-025

The Office of Community Revitalization and Reinvestment (OCRR) has reviewed the above referenced Special Exception Plat date stamped as "Received Department of Planning and Zoning, March 22, 2010" and proposed Development Conditions dated April 21, 2010.

The special exception application will allow for the relocation of an existing business into a now vacant storefront furthering a renovation and updating of a deteriorated commercial building, thereby enhancing the appearance and economic viability of this area. The shopping center site on which the SE is located is one of the few larger sites envisioned for revitalization and redevelopment in the Richmond Highway corridor. Given the shopping center site's size, visibility, and central location in the Penn Daw CBC and CRD, it is essential that the SE be integrated into any future overall redevelopment of the shopping center site in a manner that is consistent with redevelopment goals in the Comprehensive Plan. Proposed Development Conditions #9 and #10, in particular, would serve to advance this goal.





County of Fairfax, Virginia

MEMORANDUM

DATE: March 25, 2010

TO: Regina Coyle, Director
Zoning Evaluation Division

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

SUBJECT: Transportation Impact

FILE: 3-5 (SE 2009-MV-025)

REFERENCE: SE 2009-MV-025; CEC Entertainment Inc. dba Chuck E. Cheese
Land Identification: 83-3 ((1)) parts of 24A and 24B

The following comments reflect the position of the Department of Transportation, and are based on the applicant's statement of justification dated November 6, 2009, and Special Exception Plat revised to December 8, 2009. Because this review is based in part on the information submitted, development and use of the site in accordance with this information, modified as noted below, should be a condition of approval.

The applicant is seeking permission to re-open a Chuck E. Cheese restaurant immediately adjacent to the prior location. The adjacent site was utilized as the Chuck E. Cheese restaurant for more than 25 years. The applicant's plat delineates the beginning and termination of parking aisles with painted island markings. This department very strongly recommends that the islands be raised islands constructed with curb and gutter. Raised islands provide for much better traffic control and a safer traffic operation. This is particularly important given that the use is oriented to small children. As a side benefit, the raised islands could accommodate landscaping and tree cover.

In order to encourage the reduction of vehicle trips, the applicant should also commit to provide bicycle racks convenient to the building entrance.

AKR/CAA

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

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877-5723
www.fairfaxcounty.gov/fcdot





County of Fairfax, Virginia

MEMORANDUM

January 12, 2010

TO: Suzanne Lin, Staff Coordinator

FROM: Phyllis Wilson, Urban Forester III
Forest Conservation Branch, DPWES

SUBJECT: CEC Entertainment, Inc., SE 2009-MV-025

No issues are noted on the subject special exception application.

Because the application use currently exists and the business is proposing only to move to another part of an existing structure, no revisions to the currently approved landscape provisions for the existing shopping center will be required at this time.

PAW/
UFMID #: 148360

cc: RA File
DPZ File



SPECIAL EXCEPTIONS

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

PDH District: Limited to uses 11, 27 and 35
PDC District: Limited to uses 11, 16 and 27
PRC District: Limited to uses 27 and 35

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

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

9-503 Standards for all Category 5 Uses

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

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

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

9-504 Additional Standards for Amusement Arcades

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

9-505 Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Financial Institutions, Drive-Through Pharmacies, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Stations/Mini-Marts

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

SPECIAL EXCEPTIONS

- (3) All direct vehicular access to the use shall be provided via the internal circulation system of a commercial area of the PDH development, which commercial area shall contain not less than three (3) non-automobile-related commercial establishments.
- (4) The proposed development shall provide clearly designated pedestrian facilities for safe and convenient access from surrounding residential and commercial uses.

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

9-506

Additional Standards for Commercial Recreation Restaurants

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

9-507

Additional Standards for Convenience Centers

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

SPECIAL EXCEPTIONS

4. Such special exception may be approved notwithstanding any existing nonconformity and any nonconformity that may be created by the public improvement, and approval of the special exception shall permit such nonconformities to continue as nonconformities.

Upon approving a special exception, the Board may impose such conditions as deemed necessary to address any impacts of the nonconformity or proposed modification.

9-620 Waiver of Certain Sign Regulations

The purpose of this special exception is to provide some relief where appropriate for those signs in the C and I districts which, because of certain unusual circumstances as specified below, do not provide identification as intended by the sign regulations. In the C and I districts, the Board may approve, either in conjunction with the approval of a rezoning or as a Category 6 special exception, a modification or waiver of the sign regulations in accordance with the following:

1. Such waiver may be for an increase in sign area, increase in sign height or different location of a sign, not otherwise provided by Sect. 12-304. Such waiver shall not allow the erection of a freestanding sign or off-site sign, not otherwise permitted by this Ordinance, or the establishment of any sign prohibited by the provisions of Sect. 12-104.
2. Such waiver may be approved only when it is demonstrated by the applicant that there are unusual circumstances or conditions in terms of location, topography, size or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.
3. It is determined that such waiver will be in harmony with the policies of the adopted comprehensive plan.
4. A waiver of the sign provisions may be approved only in those locations where, based upon a review of the relationship of the sign to the land, buildings and conforming signs in the neighborhood, it is determined that the sign will not have any deleterious effect on the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 12.

9-621 Provisions for Outdoor Storage in Association with Warehousing Establishments in the Sully Historic Overlay District

The Board may approve a special exception authorizing the establishment of outdoor storage in association with a warehousing establishment on land zoned I-5 or I-6 in the Sully Historic Overlay District in accordance with the provisions of Sect. A1-303.

9-622 Provisions for Modifications/Waivers/Increases and Uses in a Commercial Revitalization District

1. In a Commercial Revitalization District, the Board may approve, either in conjunction with the approval of a rezoning or as a special exception, the following:
 - A. A modification or waiver of the minimum lot size, minimum yard and/or minimum open space requirements of the underlying zoning district regulations,

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- B. An increase in the amount of office use permitted, increase in the maximum permitted building height or increase in the maximum permitted FAR in accordance with the underlying zoning district regulations,
 - C. A use allowed by special exception in the underlying zoning district regulations, to include other applicable Category 6 special exception uses,
 - D. A modification or waiver of the provisions of a Commercial Revitalization District, as provided for in that district, and/or
 - E. The establishment of a vehicle transportation service establishment in the C-6, C-7, C-8 or C-9 Districts.
2. Notwithstanding the provisions of Par. 2 of Sect. 011 above, the plat requirements set forth below shall apply. Upon receipt of a written request with justification, the Zoning Administrator may modify or waive a plat requirement, if it is determined that the requirement is clearly not necessary for the review of the application.
- A. Twenty-three (23) copies of a plat, including any resubmissions of the plat and supporting graphics, drawn to designated scale of not less than one inch equals fifty feet (1" = 50'), certified by a professional engineer, land surveyor, architect or landscape architect licensed by the State of Virginia, presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat and supporting graphics. If the proposal cannot be accommodated on one 24" x 36" sheet at a scale of 1" = 50', a scale of not less than 1" = 100' may be used. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. Such plat shall contain the following information:
 - (1) Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - (2) Total area of the property and of each zoning district in square feet or acres.
 - (3) Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and all supporting graphics.
 - (4) Location, dimensions and maximum height in feet, including penthouses, of all existing and proposed structures.
 - (5) A statement of the architectural concepts, building materials and color of any proposed structures, and schematic architectural sketches, if available.
 - (6) The location, dimensions, style and lighting of all signs.
 - (7) The distances of all existing structures that are proposed to remain and all proposed structures from the lot boundaries and abutting streets, and a graphic depiction of the angle of bulk plane, if applicable.

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Abbreviations Commonly Used in Staff Reports

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