



PCA, PCA, DPA APPLICATIONS ACCEPTED: May 7, 2007  
PRC APPLICATION ACCEPTED: September 5, 2007  
PLANNING COMMISSION: October 25, 2007  
BOARD OF SUPERVISORS: not scheduled

## County of Fairfax, Virginia

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October 10, 2007

### STAFF REPORT

APPLICATIONS DPA C-546-23, PRC C-546, PCA 75-8-036-2, PCA 1998-BR-073

### BRADDOCK DISTRICT

**APPLICANT:** Steuart-Burke Centre Shopping Center, LLC

**ZONING:** PRC

**PARCEL(S):**

|                  |                    |
|------------------|--------------------|
| DPA C-546-23:    | 77-1 ((1)) 63 & 64 |
| PRC C-546:       | 77-1 ((1)) 63 & 64 |
| PCA 1998-BR-073: | 77-1 ((1)) 64      |
| PCA 75-8-036-2:  | 77-1 ((1)) 63      |

**ACREAGE:**

|                  |             |
|------------------|-------------|
| DPA C-546-23:    | 13.18 acres |
| PRC C-546:       | 13.18 acres |
| PCA 1998-BR-073: | 2.18 acres  |
| PCA 75-8-036-2:  | 11 acres    |

**FAR:**

|                  |      |
|------------------|------|
| DPA C-546-23:    | 0.25 |
| PRC C-546:       | 0.25 |
| PCA 1998-BR-073: | 0.10 |
| PCA 75-8-036-2:  | 0.24 |

**OPEN SPACE:** 18.6% (overall site)

**PLAN MAP:** Residential Planned Community and Retail and Other Commercial Uses

O:\tswag\Burke Bank PCA 1998-BR-073 DPA 23\COVER.doc

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

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**PROPOSAL:**

Concurrent applications to amend the approved plans to allow an existing, free-standing pad site (currently in use as an eating establishment) to be redeveloped as a drive-in bank, keeping an option to permit non-drive-in uses on the pad site

**STAFF RECOMMENDATIONS:**

Staff recommends approval of DPA C-546-23, subject to development conditions consistent with those found in Appendix 2 of this report.

Staff recommends approval of PRC C-546.

Staff recommends approval of PCA 1998-BR-073, subject to the execution of proffers consistent with those found in Appendix 1 of this report.

Staff recommends approval of PCA 75-8-036-2, subject to the execution of proffers consistent with those found in Appendix 1 of this report.

Staff recommends approval of a modification of transitional screening and waiver of barrier along the northern property boundary.

It should be noted that it is not the intent of the 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; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, 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.

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 TTY 711 (Virginia Relay Center)



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).

# Planned Residential Community

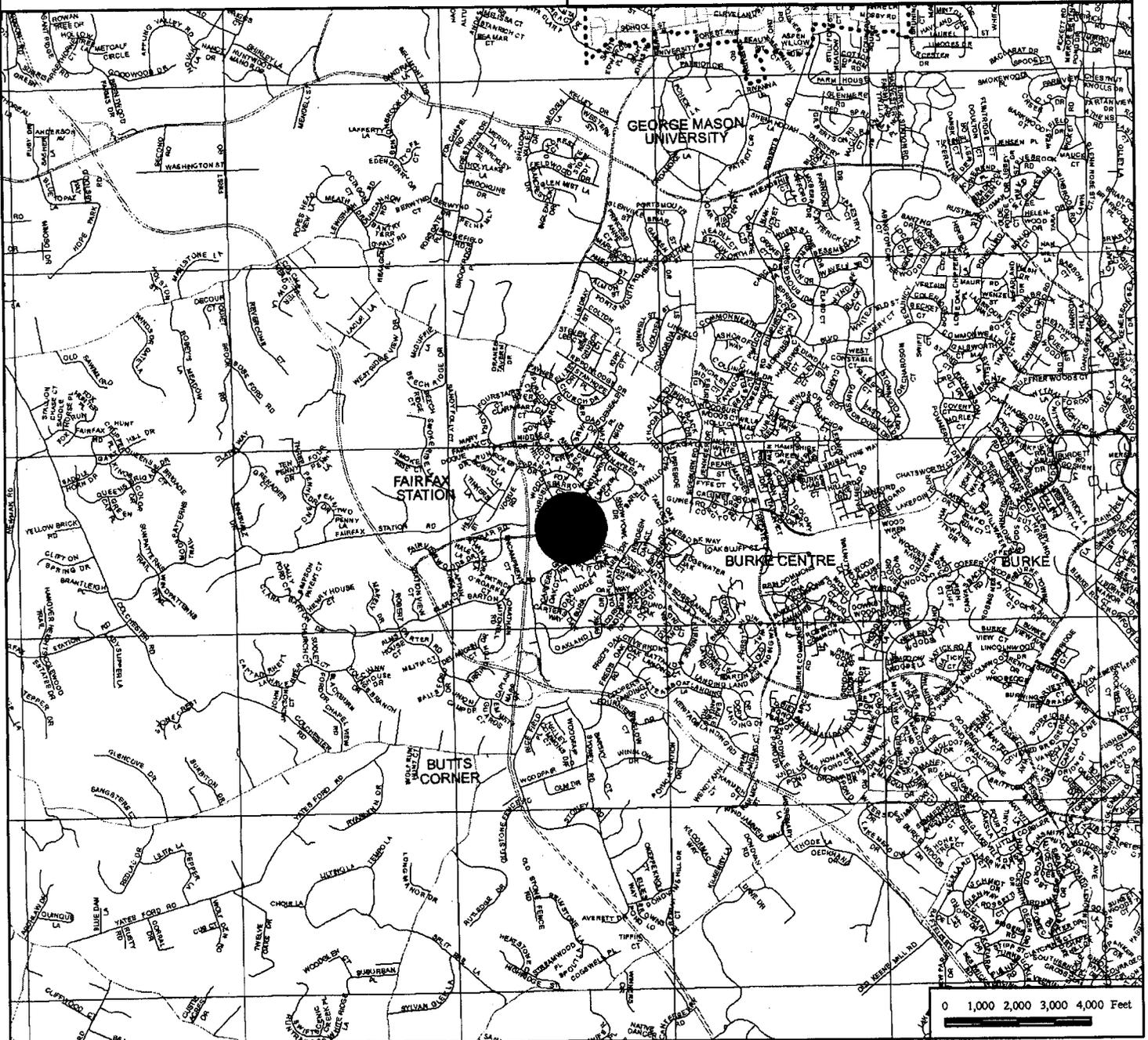
PRC -C-546

# Development Plan Amendment

DPA -C-546-23

**Applicant:** STEUART-BURKE CENTRE SHOPPING CENTER, L.L.C.  
**Accepted:** 09/05/2007  
**Proposed:** PLANNED RESIDENTIAL COMMUNITY  
**Area:** 13.18 AC OF LAND, DISTRICT - BRADDOCK  
**Zoning Dist Sect:** 06-0302  
**Located:** APPROXIMATELY 500 FEET EAST OF THE INTERSECTION OF OX ROAD AND BURKE CENTRE PARKWAY  
**Zoning:** PRC  
**Overlay Dist:**  
**Map Ref Num:** 077-1- /01/ /0063 /01/ /0064

**Applicant:** STEUART-BURKE CENTRE SHOPPING CENTER, L.L.C.  
**Accepted:** 05/07/2007  
**Proposed:** AMEND RZ C-546 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT TO PERMIT A DRIVE-IN BANK  
**Area:** 13.18 AC OF LAND, DISTRICT - BRADDOCK  
**Zoning Dist Sect:**  
**Located:** APPROXIMATELY 500 FEET EAST OF THE INTERSECTION OF OX ROAD AND BURKE CENTRE PARKWAY  
**Zoning:** PRC  
**Overlay Dist:**  
**Map Ref Num:** 077-1- /01/ /0063 /01/ /0064



# Planned Residential Community

PRC -C-546

# Development Plan Amendment

DPA -C-546-23

**Applicant:** STEUART-BURKE CENTRE SHOPPING CENTER, L.L.C.  
**Accepted:** 09/05/2007  
**Proposed:** PLANNED RESIDENTIAL COMMUNITY

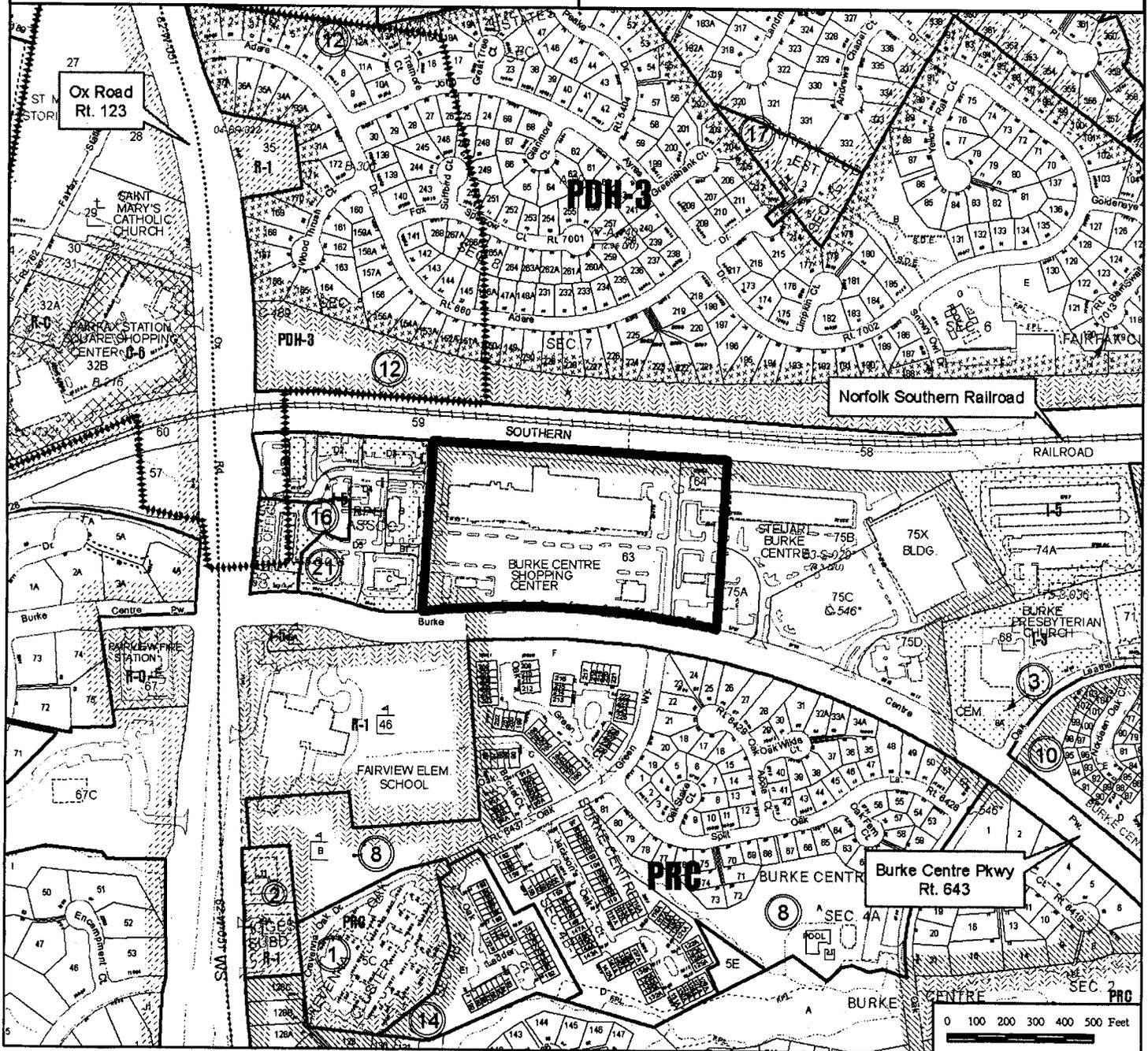
**Area:** 13.18 AC OF LAND; DISTRICT - BRADDOCK  
**Zoning Dist Sect:** 06-0302  
**Located:** APPROXIMATELY 500 FEET EAST OF THE INTERSECTION OF OX ROAD AND BURKE CENTRE PARKWAY

**Zoning:** PRC  
**Overlay Dist:**  
**Map Ref Num:** 077-1- /01/ /0063 /01/ /0064

**Applicant:** STEUART-BURKE CENTRE SHOPPING CENTER, L.L.C.  
**Accepted:** 05/07/2007  
**Proposed:** AMEND RZ C-546 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT TO PERMIT A DRIVE-IN BANK

**Area:** 13.18 AC OF LAND; DISTRICT - BRADDOCK  
**Zoning Dist Sect:**  
**Located:** APPROXIMATELY 500 FEET EAST OF THE INTERSECTION OF OX ROAD AND BURKE CENTRE PARKWAY

**Zoning:** PRC  
**Overlay Dist:**  
**Map Ref Num:** 077-1- /01/ /0063 /01/ /0064



## Proffered Condition Amendment

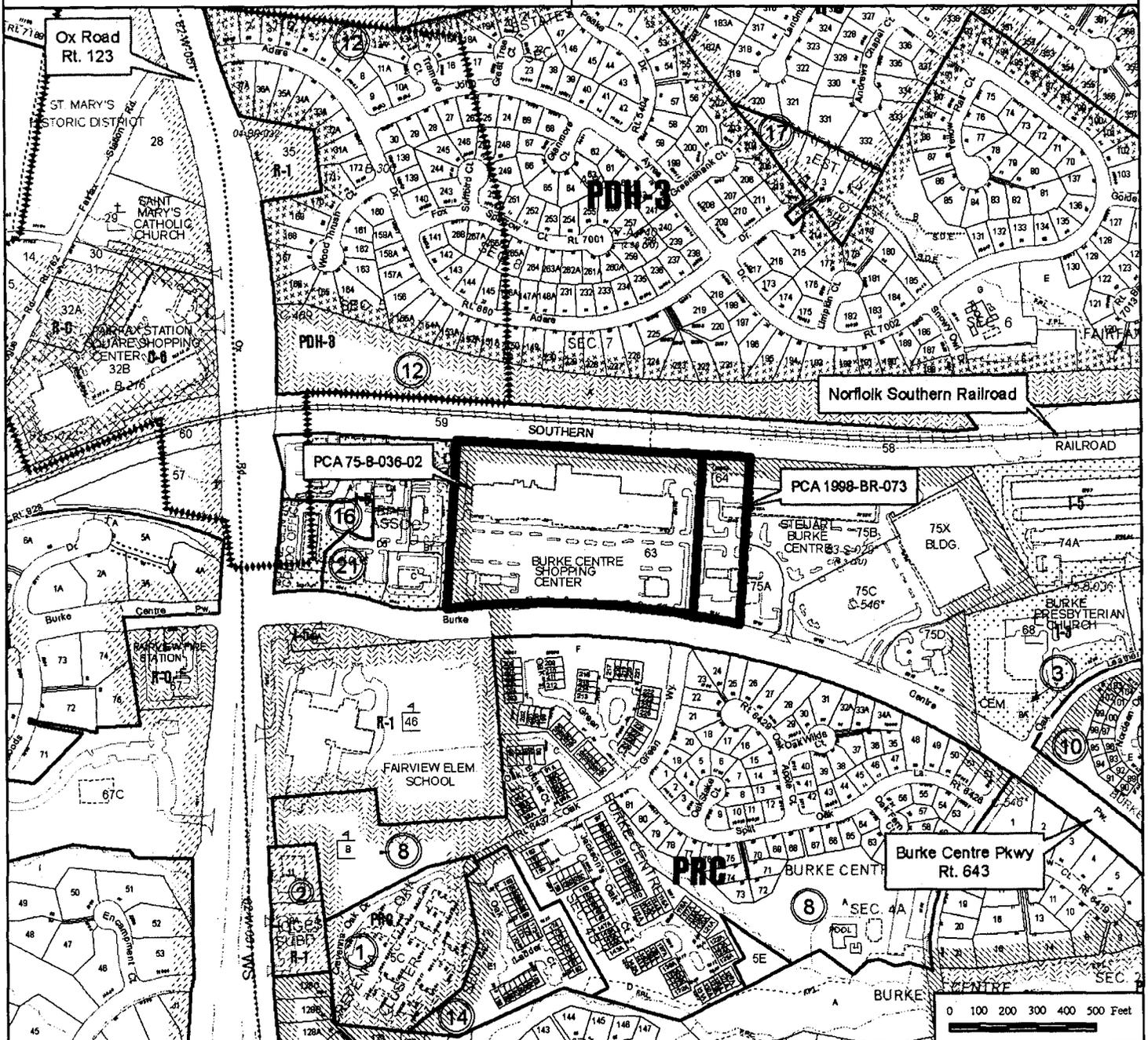
### PCA 1998-BR-073

Applicant: STEUART-BURKE CENTRE SHOPPING CENTER, L.L.C.  
 Accepted: 05/07/2007  
 Proposed: AMEND RZ 1998-BR-073 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT TO PERMIT A DRIVE-IN BANK  
 Area: 2.18 AC OF LAND; DISTRICT - BRADDOCK  
 Zoning Dist Sect: Located: APPROXIMATELY 500 FEET EAST OF THE INTERSECTION OF OX ROAD AND BURKE CENTRE PARKWAY  
 Zoning: PRC  
 Overlay Dist:  
 Map Ref Num: 077-1- /01/ /0064

## Proffered Condition Amendment

### PCA 75-8-036-02

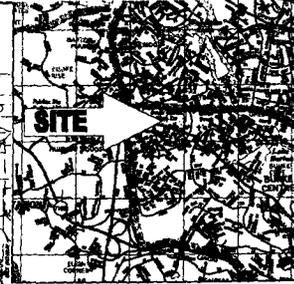
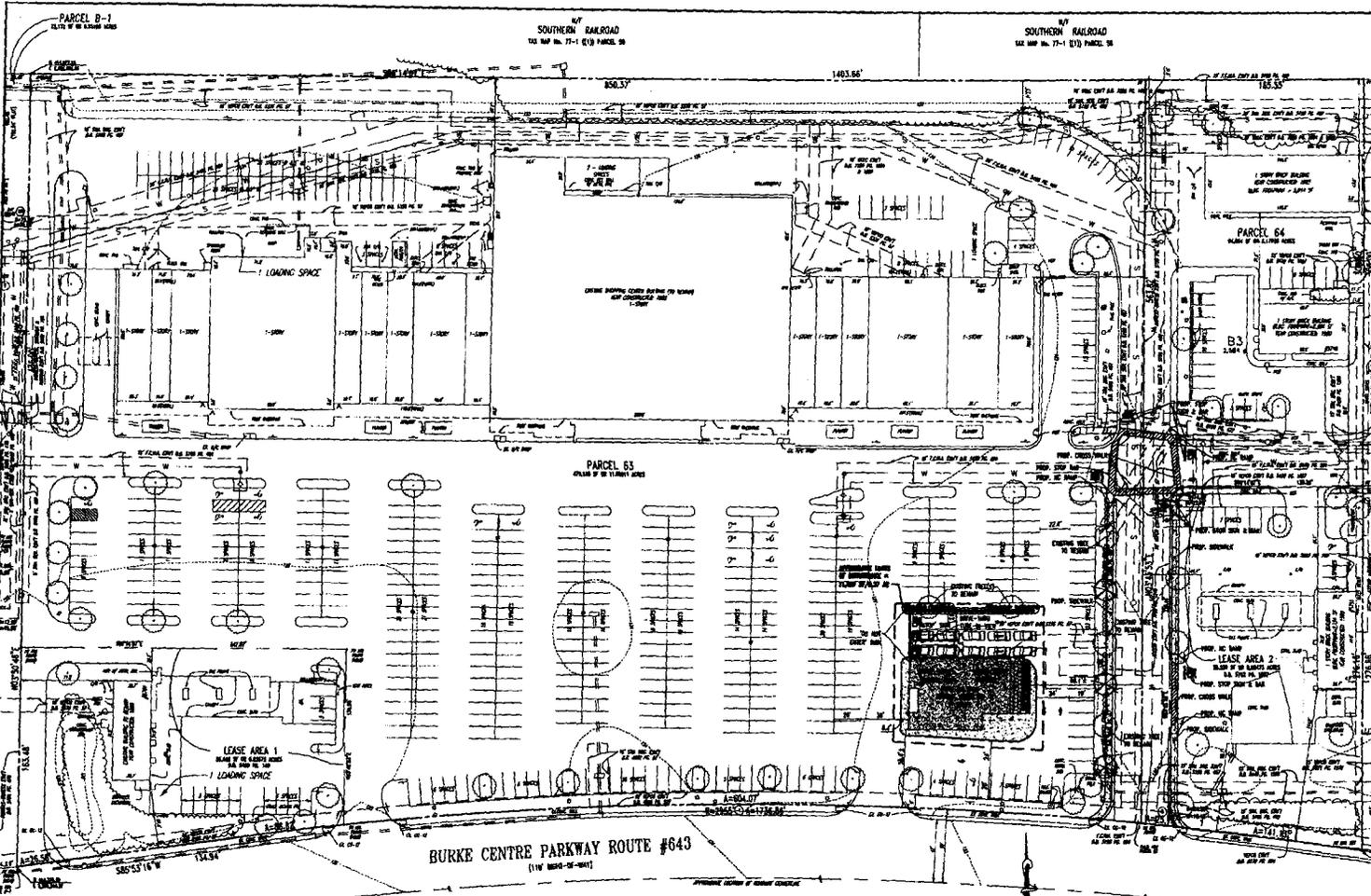
Applicant: STEUART-BURKE CENTRE SHOPPING CENTER, L.L.C.  
 Accepted: 05/07/2007  
 Proposed: AMEND RZ 75-8-036 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT TO PERMIT A DRIVE-IN BANK  
 Area: 11 AC OF LAND; DISTRICT - BRADDOCK  
 Zoning Dist Sect: Located: APPROXIMATELY 500 FEET EAST OF THE INTERSECTION OF OX ROAD AND BURKE CENTRE PARKWAY  
 Zoning: PRC  
 Overlay Dist:  
 Map Ref Num: 077-1- /01/ /0063











LOCATION MAP  
CONTAINED ON THE AIR PHOTO  
PLATE NO. 32-1013-1  
SCALE 1"=80'

SEE SHEET 6 FOR GENERAL NOTES

**MISS UTILITY**

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THE MISSISSIPPI VALLEY REGIONAL UTILITY DISTRICT  
IS A NON-PROFIT ORGANIZATION WHICH IS COMPOSED  
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AND WV. IT PROVIDES A COORDINATED SERVICE FOR  
THE CONSTRUCTION OF GAS, WATER, AND  
SEWER LINES IN THE MISSISSIPPI VALLEY REGION.



**A.J. VOLANTH**  
REGISTERED PROFESSIONAL ENGINEER  
No. 10000  
EXPIRES 12/31/2007

**BOHLER ENGINEERING, P.C.**  
REGISTERED PROFESSIONAL ENGINEERS  
No. 2000  
EXPIRES 12/31/2007  
No. 2000  
EXPIRES 12/31/2007  
No. 2000  
EXPIRES 12/31/2007

**OPA/PCA/PRC - BURKE CENTRE SHOPPING CENTER**  
**SITE PLAN (DRIVE-IN BANK) - OPTION 1**  
BURKE CENTRE PARKWAY  
BURKE, FAIRFAX COUNTY, VIRGINIA

REVISIONS

| NO. | DATE    | DESCRIPTION         |
|-----|---------|---------------------|
| 1   |         |                     |
| 2   | 8/29/07 | PER COUNTY COMMENTS |
| 3   | 8/29/07 | PER COUNTY COMMENTS |

SCALE (H): 1" = 40'  
(V)

DRAWN BY: ASJ  
CHECKED BY: AB  
DATE: 2/26/07  
DRAWING #: SWANTEL01  
SHEET NO.: 127









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

**DESCRIPTION OF THE APPLICATION**

**Proposal:** The applicant proposes to modify a pad site in the Burke Centre Shopping Center, to allow the existing eating establishment to be redeveloped as a free-standing drive-in bank. The applications also propose to keep most of the currently approved uses (including non-drive through uses) as available options for the pad site, as discussed later in this report. Although drive-in banks are allowed as a permitted use in the Village Center of the Burke Planned Residential Community (PRC), the pad site in question is not shown with a drive-through use on the applicable development plans, therefore the following applications are necessary:

- (1) DPA C-546-23, to amend DP C-546 to allow the proposed use;
- (2) PRC C-546 to approve the PRC Plan associated with DP C-546;
- (3) Proffer Condition Amendment PCA 75-8-036-2, to amend RZ 75-8-036 to allow the proposed drive-through use; and
- (4) Proffer Condition Amendment PCA 1998-BR-073, to amend RZ 1998-BR-073, which is tied to RZ 75-8-036 through proffers.

**Location:** The subject property is located on the north side of Burke Centre Parkway, to the east of Route 123.  
(5701 - 5765 Burke Centre Parkway)

**Acreage:**

|                  |             |
|------------------|-------------|
| PCA 75-8-036-2:  | 11.0 acres  |
| PCA 1998-BR-073: | 2.18 acres  |
| DPA C-546-23:    | 13.18 acres |
| PRC C-546:       | 13.18 acres |

**Density:**

|                  |           |
|------------------|-----------|
| PCA 75-8-036-2:  | 0.24 FAR  |
| PCA 1998-BR-073: | 0.10 FAR  |
| DPA C-546-23:    | 0.25 FAR* |
| PRC C-546:       | 0.25 FAR  |

\* Parcel 64 is developed with an FAR of 0.10; Parcel 63 is developed with an FAR of 0.24. No additional FAR is proposed with these applications, however the Burke Development Plan as amended (DP C-546) allows 0.25 FAR on both parcels.

**Waivers Requested:** Modification of transitional screening requirement and waiver of barrier requirement along the northern property boundary

**LOCATION AND CHARACTER**

**Site Description:**

The 13.18 acre subject property is fully developed with an existing shopping center, Burke Centre Shopping Center. Parcel 63 is developed with a strip center including a grocery store and a bank with a drive-through window. There are also two freestanding establishments in front of the strip center closer to Burke Centre Parkway, a service station to the west and an eating establishment to the east. Parcel 63 has access to Burke Centre Pkwy., with two direct access points from the parking lot and two access drives on the eastern and western sides of the parcel. Parcel 64 has three freestanding uses, a gas station, a veterinary office, and a tire/auto service center. Parcel 64 has access to Burke Centre Pkwy. via the access driveways. There are a few mature trees located in islands in and around the edges of the parking areas on both parcels.

**Surrounding Area Description:**

| Direction | Use   | Zoning |
|-----------|---|--------|
| North     | Railroad; Public land                       | PDH-3  |
| South     | Townhouses and Single Family Detached Homes | PRC    |
| East      | Shopping Center (Burke Village Centre)      | PRC    |
| West      | Commercial and Offices                      | I-5    |

**BACKGROUND**

**Site History:**

- ◆ C-546 was approved by the Board of Supervisors on August 11, 1975, rezoning 1,188.02 acres to the RPC District and 49.49 acres to the I-L District, with proffers; the RPC Comprehensive Plan designation was adopted as a part of the Area III Plan at the same time.

- ◆ RZ 75-8-036 and DPA C-546 were approved by the Board of Supervisors on December 6, 1976, rezoning 104.4 acres of land from the RE-1, I-L, and I-P Districts to the RPC District and 29.3 acres of land from the RE-1 and RPC Districts to the I-L District, with proffers
- ◆ RZ 83-S-029 and DPA C-546 were approved by the Board of Supervisors on September 12, 1983, bringing Parcels 77-1 ((1)) 75A, 75B, 75C, 75D, and 75X into the Burke Centre RPC, and identifying them as part of the Village Center. This created a "Village Center" in two pieces, separated by Parcel 64, which was not a part of the Burke Centre RPC.
- ◆ RZ 1998-BR-073, PCA 75-8-036 and DPA C-546-22 were approved by the Board on March 22, 1999. The rezoning and PCA were subject to proffers dated February 4, 1999; the DPA was subject to conditions dated March 19, 1999. (See Appendix 5 for plats, proffers and conditions)
- ◆ Other amendments to the Burke Centre Development Plan have not affected the property under consideration in this application.

### **COMPREHENSIVE PLAN PROVISIONS (See Appendix 6)**

**Plan Area:** Pohick Planning District; Area I

**Planning Sector:** Middle Run Community Planning Sector (P6)

**Plan Map:** Residential Planned Community and Retail and Other Uses

### **ANALYSIS**

#### **Development Plan Amendment (DPA)**

(Copy at front of staff report)

**Title of DPA:** Burke Centre Shopping Center  
**Prepared By:** Bohler Engineering, PC  
**Original and Revision Dates:** February 26, 2007  
as revised through August 29, 2007

The DPA consists of six (6) sheets.

**Sheet 1** is a title sheet, and includes location and soils maps and a sheet index.

**Sheet 2** shows the Burke Centre PRC as adopted; no changes are proposed:

- ◆ Note #1 states that the following uses may be established in Land Bays 10A and 8B as primary or secondary uses:
  - Accessory uses and accessory service uses, as permitted by Article 10 [of the Fairfax County Zoning Ordinance]
  - Business service and supply establishments
  - Amusement arcades\*
  - Automobile-oriented uses
  - Car washes
  - Drive-in banks
  - Fast-food restaurants
  - Quick-service food stores
  - Service stations
  - Service stations/mini-marts
  - Billiard and pool halls
  - Bowling alleys
  - Commercial swimming pools, tennis courts and similar courts
  - Health clubs
  - Miniature golf courses
  - Skating facilities
  - Any other similar commercial recreation use
  - Community uses (Group 4) [Special permit uses in the Fairfax County Zoning Ordinance]
  - Dwellings as permitted in Article 6-302 A [of the Fairfax County Zoning Ordinance]
  - Eating establishments
  - Financial institutions
  - Funeral chapels\*
  - Institutional uses (Group 3) [Special permit uses in the Fairfax County Zoning Ordinance]
  - Light public utility uses (Category 1) [Special exception uses in the Fairfax County Zoning Ordinance]
  - Offices
  - Personal service establishments
  - Public uses
  - Quasi-public uses (Category 3) [Special exception uses in the Fairfax County Zoning Ordinance]
  - Repair service establishments

- Retail sales establishments
- Taxi stands
- Theaters
- Transportation facilities (Category 4) [Special exception uses in the Fairfax County Zoning Ordinance]; Limited to bus or railroad stations and WMATA stations
- Vehicle light service establishments
- Veterinary hospitals

Notwithstanding the notes on both Sheets one and two, the applicant has proffered not to allow amusement arcades or funeral chapels on the application area.

Additionally, the applicant has proffered to prohibit the following uses on the proposed drive-in bank pad site only (in the southeast corner of Parcel 63): automobile-oriented uses (as defined by the Zoning Ordinance); car washes; service stations; service station/mini-marts; billiard or pool halls; commercial swimming pools, tennis courts, and similar courts; miniature golf courses; skating facilities; dwellings; light public utility uses (unless otherwise approved by Special Exception); taxi stands; and vehicle light service establishments.

**Sheet three** shows the existing conditions and existing vegetation map.

**Sheet four** includes a vicinity map, and depicts the proposed layout of Parcels 63 and 64 under the drive-in bank option, including the following features:

- ◆ Existing strip shopping center structure on the northern portion of Parcel 63 with a total of 114,119 square feet, and an in-line drive in bank at the western end (*no changes*)
- ◆ One (1) existing service station with pump canopy at the southwestern corner of the site (*no changes*)
- ◆ 517 parking spaces on Parcel 63
- ◆ Access drives on eastern and western boundaries of Parcel 63, with new sidewalks along both sides of the eastern drive
- ◆ New pedestrian crosswalks on all sides of the interior intersection of the western entrance drive and the interior access road running along the face of the shopping center
- ◆ Two (2) direct access points onto Burke Centre Parkway
- ◆ Existing tree line along a portion of the northern boundary
- ◆ Three (3) freestanding buildings on Parcel 64 (*no changes*)
- ◆ 42 parking spaces on Parcel 64 (*no changes*)
- ◆ Existing islands and trees in the parking lots of both parcels
- ◆ Additional landscaping along the Parcel 63 side of the western entrance drive

- ◆ One-story, 3,680 square foot bank to replace the pad site (eating establishment) in the southeast corner of the site. Two drive-through lanes plus a by-pass lane are shown on the northern side of the bank. Access and circulation are provided via the travel aisles of the parking lot

**Sheet five** depicts the proposed layout of Parcels 63 and 64 under the restaurant (non-drive-in) option. The only change between the two options is the following:

- ◆ Instead of the drive-in bank on the southeastern pad site, the existing building footprint is shown, which could be used for any of the (non-drive-in) uses allowed by the development plan (most likely an eating establishment as is existing). With this option, 523 parking spaces are provided. Site improvements such as the sidewalks and additional landscaping along the eastern entrance drive are shown to be provided with this option as well.

**Sheet six** contains the site tabulations, for both options, and the general notes.

#### **Transportation Analysis (See Appendix 7)**

The initial transportation analysis indicated that it would be desirable for the applicant to provide sidewalks along the eastern entrance drive, near the proposed new bank. An existing pedestrian signal at the entrance (to cross Burke Centre Parkway) currently channels pedestrians into an entrance drive with no sidewalks. The applicant has provided the pedestrian facilities requested. With the continuance of the previously approved DPA conditions, no additional transportation issues were raised by the application.

#### **Environmental Analysis (See Appendix 6)**

At staff's request, the applicant amended the development plan to show additional trees to be located along the entrance drive, adjacent to the new drive-in bank use. There are no environmental issues associated with this request.

#### **Land Use Analysis (See Appendix 6)**

While there are residential uses to the south of the application area, across Burke Centre Parkway, these residences are well buffered on their site. Staff does not believe that the replacement of a restaurant pad site with a drive-in bank will create any additional impacts beyond those created by the shopping center itself. There are no land use issues associated with this request.

#### **Public Facilities Analysis**

In staff's opinion, the addition of an option for a drive-through bank on an existing, developed pad site, will have no additional public facility impacts.

**ZONING ORDINANCE PROVISIONS (See Appendix 8)**

**General Standards for all Planned Developments: Sect. 16-101**

The general standards set forth in Sect. 16-101 require that the development conform to the adopted comprehensive plan; that the design achieve the intent of the PRC District more than under a conventional zoning district; that the development efficiently utilize available land, and preserve to the extent possible scenic assets and natural features; that the development prevent substantial injury to surrounding developments; that the development be located in an area in which transportation, police and fire protection, other public facilities and public utilities are provided; and that the development provide coordinated linkages among internal facilities and services and to major external facilities and services.

The proposal conforms with the Comprehensive Plan recommendations for use and intensity. The site is currently developed, and the proposal to replace an existing restaurant pad site with a drive-in bank pad site does not change the basic form or function of the shopping center. In staff's opinion, the general standards have been met with the imposition of the proposed proffers and DPA conditions.

**Design Standards for all Planned Developments: Sect. 16-102**

The first standard requires that, at the periphery of the planned development district, the bulk regulations, landscaping, and screening requirements shall generally conform to those of the most closely comparable conventional zoning district. The following table shows that this application meets the bulk standards requirements of the C-5 (Neighborhood Commercial Retail District).

| <b>Bulk Standards (C-5)</b> |  |   |
|-----------------------------|--|---|
| <b>Standard</b>             | <b>Required</b>                                  | <b>Provided</b>   |
| Min. Lot Size               | 40,000 sq. ft.                                   | 574,121 sq. ft.   |
| Max. Lot Width              | 200 ft.  | 1,115 ft.   |
| Building Height             | 40 ft. max.                                      | not shown (all existing and proposed buildings are one story) |
| Front Yard                  | 45° angle of bulk plane but not less than 40 ft. | 55 ft.  |
| Rear Yard                   | 20 ft.   | 57 ft.  |

The northern property boundary of the subject property is on the periphery of the Burke Centre PRC, and therefore must comply with the transitional screening and barrier requirements as found in the Zoning Ordinance; the modification and waiver request is discussed below.

Par. 2 states that open space, parking, loading, sign and other similar regulations shall have application in all planned developments. The application includes 18.6% open space (on the entire site), which is in excess of the open space requirement of 15%. While final parking requirements may change based on the final mix of uses, it appears that adequate parking is and will continue to be available.

Par. 3 states that streets and driveways should be designed to generally conform to the provisions of the Zoning Ordinance. This standard has been satisfied.

Par. 4 states that emphasis should be placed on the provision of recreational amenities and pedestrian access. As noted in the transportation section, the applicant has revised the DPA to significantly improve the pedestrian facilities, including sidewalks along both sides of the entrance drive and crossings at the interior intersection. Staff has proposed a DPA condition that would require the installation of such sidewalks prior to issuance of a Non-Residential Use Permit for the pad site (be it the bank or restaurant option). With the imposition of the proposed development conditions, this standard has been addressed.

**Purpose and Intent (PRC District):** Sect. 6-301

The PRC District regulations are designed to permit a greater amount of flexibility to a developer of a planned community by removing many of the restrictions of conventional zoning. This flexibility is intended to provide an opportunity and incentive to the developer to achieve excellence in physical, social and economic planning. To be granted this zoning district, the developer must demonstrate the achievement of the following specific objectives throughout all of his planning, design and development, including the review of PRC Plans.

**Objective 1:** *A variety of housing types, employment opportunities and commercial services to achieve a balanced community for families of all ages, sizes, and levels of income.* The applicant is not proposing any change to the specific mix of uses allowed in the Village Center portion of the Burke PRC, in which this site is located. Therefore, staff believes that this objective continues to be addressed.

**Objective 2:** *An orderly and creative arrangement of all land uses with respect to each other and to the entire community.* As noted in Objective 1, the applicant is not proposing any changes to the approved mix of uses and basic layout of the

PRC as a whole, therefore staff believes this objective continues to be addressed.

**Objective 3:** *A planned and integrated comprehensive transportation system provided in for a separate of pedestrian and vehicular traffic, to include facilities such as mass transportation, roadways, bicycle or equestrian paths and pedestrian walkways.* There is no change proposed to the vehicular transportation system in or surrounding the site. It should be noted, however, that the applicant has agreed to provide sidewalks on either side of an entrance aisle that at the moment has no pedestrian facilities. As these sidewalks provide access to a traffic signal with pedestrian activation facilities, the pedestrian system in the area will be significantly improved with this application.

**Objective 4:** *The provision of cultural, educational, medical, and recreational facilities for all segments of the community.* This objective does not apply to the current proposal, which will not impact the ability of the Burke PRC to provide such resources.

**Objective 5:** *The location of structures to take maximum advantage of the natural and manmade environment.* The application proposal will replace one free-standing building with a different building. The drive-through window lanes have been located to take advantage of an existing parking lot island with trees. Staff believes this objective is addressed.

**Objective 6:** *The provision of adequate and well-designed open space for the use of all residents.* This objective does not apply to this proposal, however, it should be noted that the site does continue to have more than the minimum required open space, and the proposal adds additional tree cover to the site.

**Objective 7:** *The staging of development in a manner which can be accommodated by the timely provision of public facilities and services.* As noted, there is no increase in GFA proposed on the site with this application, which seeks to replace an existing pad site with a different type of pad site. All public utility issues were addressed with the initial development of the site.

### **Waivers/Modifications**

This development would require a Transitional Screening 3 and Barrier E, F or G between it and the residentially zoned property to the north; the applicant has asked for a reaffirmation of the previously approved modification and waiver, consisting of a modification of the transitional screening requirement to that shown on the DP Plat, and a waiver of the barrier requirement along this property boundary.

**Basis:** Par. 11, Sect. 13-304:

This paragraph states that transitional screening and barriers may be waived or modified where the subject property abuts a railroad. The entire northern boundary of the subject property abuts the Southern Railroad, and no changes are proposed to this portion of the site. Staff therefore supports the request.

### **Summary of Zoning Ordinance Provisions**

Staff finds that all applicable standards have been satisfied.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Conclusions**

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proffers contained in Appendix 1 and the DPA conditions found in Appendix 2.

### **Recommendations**

Staff recommends approval of DPA C-546-23, subject to development conditions consistent with those found in Appendix 2 of this report.

Staff recommends approval of PRC C-546.

Staff recommends approval of PCA 1998-BR-073, subject to the execution of proffers consistent with those found in Appendix 1 of this report.

Staff recommends approval of PCA 75-8-063-2, subject to the execution of proffers consistent with those found in Appendix 1 of this report.

Staff recommends approval of a modification of transitional screening and waiver of barrier along the northern property boundary.

It should be noted that it is not the intent of the 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; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, 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. Proffers
2. Proposed Development Conditions
3. Affidavits
4. Statement of Justification
5. Proffers and plans adopted with PCA 75-8-036 and RZ 1998-BR-073
6. Plan Citations, Land Use & Environmental Analysis
7. Transportation Analysis
8. Applicable Zoning Ordinance Provisions Checklist
9. Glossary of Terms

**PROFFERED CONDITIONS****Burke Centre Shopping Center****PCA 1998-BR-073 / PCA 75-8-036-2****September 25, 2007*****Revised October 11, 2007***

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owner/applicant for itself and its successors and/or assigns (hereinafter referred to as the "Applicant") in the above-referenced applications proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference Nos. 77-1-((1))-63 and 64 (hereinafter referred to as the "Property") will be in accordance with the following proffered conditions (the "Proffered Conditions") subject to the approval of the above-referenced proffer condition amendment and development plan amendment. The Applicant, for itself, its successors and assigns, agree that these Proffered Conditions, if accepted, shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The proffers accepted with RZ 75-8-036 dated December 6, 1976, as amended, remain in full force and effect for the Property. These Proffered Conditions, if accepted, supersede the proffers accepted with RZ 1998-BR-073 dated February 4, 1999, and are as follows:

1. The development of the Property shall be in substantial conformance with the plat entitled, "Burke Centre Shopping Center Development Plan Amendment/Proffer Condition Amendment Plan/PRC Plan," (hereinafter referred to as the DPA/PCA/PRC Plan") prepared by Bohler Engineering, P.C., dated February 26, 2007, and revised through August 29, 2007.
2. Regardless of the list of uses shown on the DPA/PCA/PRC Plan, no amusement arcades, funeral chapels, or adult video/book stores will be permitted on the subject Property.
3. Regardless of the list of uses shown on the DPA/PCA/PRC Plan, no automobile oriented uses, car washes, service stations, service stations/mini-marts, billiard or pool halls, commercial swimming pools, tennis courts, or similar courts, miniature golf courses, skating facilities, dwellings, light public utility uses (unless approved by a special exception), taxi stands, or vehicle light service establishments will be permitted in the location of the drive-in bank pad site located in the southeast corner of Parcel 63.
4. The drive-in bank pad site located in the southeast corner of Parcel 63 shall be limited to a maximum of 5,000 square feet of floor area.

5. Any future modification to these proffers or the DPA/PCA/PRC Plan which affects only Parcel 63 or Parcel 64, individually, may be approved by the Board of Supervisors upon application for a proffered condition amendment or development plan amendment by the property owner for the individual parcel.

STEUART-BURKE CENTER SHOPPING, L.L.C.  
Title Owner of Tax Map Nos. 77-1-((1))-63 & 64

By: \_\_\_\_\_  
Guy T. Steuart, III  
Vice President

4494173.2

**PROPOSED DEVELOPMENT CONDITIONS****DPA C-546-23****October 10, 2007**

If it is the intent of the Board of Supervisors to approve DPA C-546-23, staff recommends that the Board of Supervisors condition the approval by requiring conformance with the following development conditions, which supersede all previously approved conditions on this property. Those conditions carried forward from previous approvals are marked with an asterisk. (\*)

1. Any plan submitted pursuant to this Development Plan Amendment shall be in conformance with the approved Development Plan Amendment, entitled "Burke Centre Shopping Center," consisting of six sheets, as prepared by Bohler Engineering, PC, which is dated February 26, 2007, as revised through August 29, 2007.
2. The applicant shall ensure that vehicles using the loading area behind the shopping center do not obstruct vehicular circulation behind the building, as determined appropriate by the Department of Public Works and Environmental Services (DPWES). \*
3. At the time of site plan approval, the applicant shall provide a parking tabulation and demonstrate that the parking requirements of Article 11 of the Zoning Ordinance have been met. \*
4. Additional interior parking lot landscaping shall be provided to the maximum extent possible, as determined by the Urban Forester, in order to visually break up the expanse of the parking lot, and to enhance the appearance of the shopping center from Burke Centre Parkway. This additional landscaping shall be at least 3,100 square feet, and shall not reduce the amount of existing parking. \*
5. The pedestrian facilities and landscaping shown along the eastern site entrance aisle shall be installed prior to issuance of any Non-Residential Use Permit for the pad site in the southeast corner of Parcel 63.

**REZONING AFFIDAVIT**

DATE: SEP 17 2007  
 (enter date affidavit is notarized)

I, Sheri L. Hoy, Land Use Planner, 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 95961a

in Application No.(s): PCA 75-8-036-02  
 (enter County-assigned application number(s), e.g. RZ 88-V-001)

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

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

**(NOTE:** All relationships to the application listed above in **BOLD** print must 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<br>(enter first name, middle initial, and last name)                                | ADDRESS<br>(enter number, street, city, state, and zip code) | RELATIONSHIP(S)<br>(enter applicable relationships listed in <b>BOLD</b> above) |
|--|--|---|
| Stuart-Burke Centre Shopping Center,<br>L.L.C.<br>Agent: Guy T. Steuart, III             | 5454 Wisconsin Avenue, Suite 160<br>Chevy Chase, MD 20815    | Applicant/Title Owner for Tax Map No.<br>77-1((1)) parcel 63                    |
| JBG/Rosenfeld Retail Properties LLC<br>Agents: Matthew L. Primm<br>Robert J.T. Rosenfeld | 4445 Willard Avenue, Suite 700<br>Chevy Chase, MD 20815      | Property Manager/Agent of Tax Map<br>No. 77-1((1)) parcel 63                    |
| Bohler Engineering, P.C.<br>Agents: Aaron M. Bodenschatz<br>Noelle A. Trent              | 22630 Davis Drive, Suite 200<br>McLean, VA 20164             | Engineers/Agent   |

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

Rezoning Attachment to Par. 1(a)

DATE: SEP 17 2007  
(enter date affidavit is notarized)  
PCA 75-8-036-02

95961a

for Application No. (s): \_\_\_\_\_  
(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.

| <b>NAME</b><br>(enter first name, middle initial, and last name)   | <b>ADDRESS</b><br>(enter number, street, city, state, and zip code) | <b>RELATIONSHIP(S)</b><br>(enter applicable relationships listed in <b>BOLD</b> above)   |
|--|---|--|
| McGuireWoods LLP<br>Agents: Carson Lee Fifer, Jr.<br>Gregory A. Riegler<br>Jonathan P. Rak<br>David R. Gill<br>Joanna C. Frizzell<br>Mark M. Viani<br>Lori R. Greenlief<br>Sheri L. Hoy<br>Lisa M. Chiblow | 1750 Tysons Boulevard, Suite 1800<br>McLean, VA 22102               | <b>Attorney/Agent</b><br><b>Attorney/Agent</b><br><b>Attorney/Agent</b><br><b>Attorney/Agent</b><br><b>Attorney/Agent</b><br><b>Attorney/Agent</b><br><b>Planner/Agent</b><br><b>Planner/Agent</b><br><b>Planner/Agent</b> |

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

REZONING AFFIDAVIT

DATE: SEP 17 2007  
(enter date affidavit is notarized)

45961a

for Application No. (s): PCA 75-8-036-02  
(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, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

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

CORPORATION INFORMATION

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

Steuart-Burke Centre Shopping Center, L.L.C.  
5454 Wisconsin Avenue, Suite 160  
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 SHAREHOLDERS:** (enter first name, middle initial, and last name)

Steuart Holding Company, L.L.C.  
Steuart-Burke Management Company

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer**, etc.)

Leonard P. Steuart, II, President (former) Frank T. Steuart, VP  
Guy T. Steuart, III, Vice President Karen Lawson Butler, Secty.  
John R. Clark, III, President  
Michael B. Goheen, Treasurer  
Bradley C. Steuart, Assistant Secretary

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Rezoning 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.

**Rezoning Attachment to Par. 1(b)**

DATE: SEP 17 2007  
(enter date affidavit is notarized)

95961a

for Application No. (s): PCA 75-8-036-02  
(enter County-assigned application number (s))

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

JBG/Rosenfeld Retail Properties LLC  
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 SHAREHOLDER:** (enter first name, middle initial, and last name)

JBG/Rosenfeld Equity Investments LLC, Managing Member  
1111 Management Associates LLC, Member

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

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

Bohler Engineering, P.C.  
22630 Davis Drive, Suite 200  
Sterling, VA 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  
Eric L. Steinfelt (former)

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

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

Rezoning Attachment to Par. 1(b)

DATE: SEP 17 2007

95961a

(enter date affidavit is notarized)  
PCA 75-8-036-02

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

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

1111 Management Associates LLC  
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 SHAREHOLDER:** (enter first name, middle initial, and last name)

JBG/Rosenfeld Equity Investments LLC, Managing Member  
James J. Garibaldi, Jr., Member  
Grant M. Ehat, Member

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

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

JBG/Rosenfeld Equity Investments LLC  
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/Retail, L.L.C., Managing Member  
Rosenfeld Realty Company, Inc., Managing Member

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

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

Rezoning Attachment to Par. 1(b)

DATE: SEP 17 2007  
(enter date affidavit is notarized)

95961a

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

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

JBG/Retail, 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 SHAREHOLDER:** (enter first name, middle initial, and last name)

Brian P. Coulter, Benjamin R. Jacobs, Porter G. Dawson, Robert A. Stewart, Michael J. Glosserman, Managing Members  
Robert H. Braunohler, Donald A. Brown, Joseph B. Gildenhorn, Lewis (nmi) Rumford, III, Members

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

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

Rosenfeld Realty Company, Inc.  
c/o JBG Rosenfeld Retail, 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)

Robert J.T. Rosenfeld

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

Robert J.T. Rosenfeld, President, Director  
Sheri A. Rosenfeld, VP, Director

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

**Rezoning Attachment to Par. 1(b)**

DATE: SEP 17 2007  
(enter date affidavit is notarized)

95961a

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Steuart Holding Company, L.L.C.  
5454 Wisconsin Avenue, Suite 1600  
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 SHAREHOLDER:** (enter first name, middle initial, and last name)

Steuart Investment Company

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer, etc.**)

Leonard P. Steuart, II, President (former) Frank T. Steuart, VP  
Guy T. Steuart, III, Vice President Karen Lawson Butler, Secty.  
John R. Clark, III, President Bradley C. Steuart, Asst. Secty.  
Michael B. Goheen, Treasurer

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Steuart-Burke Management Company  
5454 Wisconsin Avenue, Suite 1600  
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)

Steuart Holding Company, L.L.C.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer, etc.**)

Leonard P. Steuart, II, President (former) Frank T. Steuart, VP  
Guy T. Steuart, III, Vice President Karen Lawson Butler, Secty.  
John R. Clark, III, President Bradley C. Steuart, Asst. Secty.  
Michael B. Goheen, Treasurer

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

**Rezoning Attachment to Par. 1(b)**

DATE: SEP 17 2007

9596/a

for Application No. (s): \_\_\_\_\_  
(enter date affidavit is notarized)  
PCA 75-8-036-02  
(enter County-assigned application number (s))

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

Steuart Investment Company  
5454 Wisconsin Avenue, Suite 1600  
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 SHAREHOLDER:** (enter first name, middle initial, and last name)

Frank T. Steuart  
Leonard P. Steuart

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

|                                  |  |
|----------------------------------|--|
| Guy T. Steuart, II COB           | Guy T. Steuart, III, SVP                                     |
| Leonard P. Steuart, II, Vice COB | Bradley C. Steuart, Assistant Secretary, Assistant Treasurer |
| Frant T. Steuart, EVP            | Michael B. Goheen, CFO, Treasurer                            |
| John R. Clark, III, President    | Karen Lawson Butler, Secty.                                  |

=====

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

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

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

REZONING AFFIDAVIT

DATE: SEP 17 2007  
(enter date affidavit is notarized)

95961a

for Application No. (s): PCA 75-8-036-02  
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

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

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

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

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

Equity Partners of McGuireWoods LLP

Alphonso, Gordon R.  
Anderson, Arthur E., II  
Anderson, Donald D.  
Andre-Dumont, Hubert  
Bagley, Terrence M.  
Baril, Mary Dalton  
Barnum, John W.  
Barr, John S.

Beane, John C.  
Becker, Scott L.  
Becket, Thomas L.  
Beil, Marshall H.  
Belcher, Dennis I.  
Bell, Craig D.  
Boland, J. William  
Brown, Thomas C., Jr.

Busch, Stephen D.  
Cabaniss, Thomas E.  
Cacheris, Kimberly Q.  
Cairns, Scott S.  
Capwell, Jeffrey R.  
Carter, Joseph C., III  
Cason, Alan C.

(check if applicable)  There is more partnership information and Par. 1(c) is continued on a "Rezoning 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.

Rezoning Attachment to Par. 1(c)

DATE: SEP 17 2007

9596/a

for Application No. (s): PCA 75-8-036-02  
(enter County-assigned application number (s))

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

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

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

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

- |                               |                           |                          |
|-------------------------------|---------------------------|--------------------------|
| Cogbill, John V., III         | Getchell, E. Duncan, Jr.  | King, Sally Doubet       |
| Costan, James M.              | Gibson, Donald J., Jr.    | King, Donald E.          |
| Cromwell, Richard J.          | Glassman, Margaret M.     | Kittrell, Steven D.      |
| Culbertson, Craig R.          | Glickson, Scott L.        | Kratz, Timothy H.        |
| Cullen, Richard (nmi)         | Gold, Stephen (nmi)       | Krueger, Kurt J.         |
| Cutchins, Clifford A., IV     | Goldstein, Philip (nmi)   | La Fratta, Mark J.       |
| de Cannart d'Hamale, Emmanuel | Goodall, Larry M.         | Lawrie, Henry deVos, Jr. |
| De Ridder, Patrick A.         | Gordon, Alan B.           | Lias-Booker, Ava E.      |
| Dickerman, Dorothea W.        | Grandis, Leslie A.        | Lieberman, Richard E.    |
| Dillon, Lee Ann               | Greenberg, Richard T.     | Little, Nancy R.         |
| DiMattia, Michael J.          | Grieb, John T.            | Long, William M.         |
| Dimitri, James C.             | Harmon, Jonathan P.       | Mack, Curtis, L.         |
| Dorman, Keith A.              | Harmon, T. Craig          | Manning, Amy B.          |
| Douglass, W. Birch, III       | Harmon, Yvette (nmi)      | Marianes, William B.     |
| Dyke, James Webster, Jr.      | Hartsell, David L.        | Marshall, Gary S.        |
| Edwards, Elizabeth F.         | Hayden, Patrick L.        | Marsico, Leonard J.      |
| Evans, David E.               | Hayes, Dion W.            | Martin, George Keith     |
| Feller, Howard (nmi)          | Heberton, George H.       | Martinez, Peter W.       |
| Fennebresque, John C.         | Horne, Patrick T.         | Mason, Richard J.        |
| Fifer, Carson Lee, Jr.        | Isaf, Fred T.             | Matthews, Eugene E. III  |
| Foley, Douglas M.             | Iselin, Benjamin B.       | McArver, R. Dennis       |
| Fox, Charles D. IV            | Jackson, J. Brian         | McCallum, Steven C.      |
| France, Bonnie M.             | Jarashow, Richard L.      | McElligott, James P.     |
| Freedlander, Mark E.          | Jeffcoath, Brenton D.     | McElroy, Robert G.       |
| Freye, Gloria L.              | Kanazawa, Sidney (nmi)    | McFarland, Robert W.     |
| Fuhr, Joy C.                  | Katsantonis, Joanne (nmi) | McIntyre, Charles Wm.    |
| Germaise, Susan L.            | Keenan, Mark L.           | McRill, Emery B.         |
|                               |                           | Menges, Charles L.       |

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

**Rezoning Attachment to Par. 1(c)**

DATE: SEP 17 2007  
(enter date affidavit is notarized)  
PCA 75-8-036-02  
for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

9596/a

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

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

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

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

Menson, Richard L.  
Michels, John J., Jr.  
Milton, Christine R.  
Murphy, Sean F.  
Newman, William A.  
Nunn, Daniel B., Jr.  
Oakey, David N.  
O'Grady, Clive R. G.  
O'Grady, John B.  
O'Hare, James P.  
Oostdyk, Scott C.  
Padgett, John D.  
Pankey, David H.  
Parker, Brian K.  
Pellegrini, John B.  
Plotkin, Robert S.  
Pristave, Robert J.  
Pusateri, David P.  
Rak, Jonathan P.  
Rappaport, Richard J.  
Reid, Joseph K., III  
Ricciardi, James P.  
Richardson, David L.  
Riegle, Gregory A.  
Rifken, Lawrence E.  
Riley, James B., Jr.

Riopelle, Brian C.  
Robertson, David W.  
Robinson, Stephen W.  
Rogers, Marvin L.  
Rohman, Thomas P.  
Rosen, Gregg M.  
Russell, Deborah M.  
Rust, Dana L.  
Samuels, Lawrence R.  
Satterwhite, Rodney A.  
Schewel, Michael J.  
Schill, Gilbert E., Jr.  
Schmidt, Gordon W.  
Sellers, Jane Whitt  
Senica, John L.  
Shelley, Patrick M.  
Sippelle, Keith A.  
Skinner, Halcyon E.  
Slone, Daniel K.  
Smith, James C., III  
Smith, Stuart (nmi)  
Spahn, Thomas E.  
Spitz, Joel H.  
Stallings, Thomas J.  
Steen, Bruce M.  
Stein, Marta A.

Stone, Jacquelyn E.  
Strickland, William J.  
Summers, W. Dennis  
Suzumoto, Mark L.  
Swartz, Charles R.  
Tarry, Samuel L., Jr.  
Thornhill, James A.  
Tirone, Joseph G.  
Van der Mersch, Xavier G.  
Van Etten, David B.  
Vick, Howard C., Jr.  
Walker, Howard W.  
Walker, John Tracy, IV  
Walsh, James H.  
Watts, Stephen H., II  
Wells, David M.  
Werlin, Leslie M.  
Westwood, Scott E.  
Whittemore, Anne Marie  
Williams, Steven R.  
Williamson, Mark D.  
Wilson, Ernest G.  
Wood, R. Craig  
Young, Kevin J.  
Younger, W. Carter  
Zirkle, Warren E.

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

**Rezoning Attachment to Par. 1(c)**

DATE: SEP 17 2007

9596/a

(enter date affidavit is notarized)

PCA 75-8-036-02

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

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

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

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

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

(Former Equity Partner List)

Aaronson, Russell T.  
Adams, Robert T.  
Ames, W. Allen, Jr.  
Aucutt, Ronald D.  
Baran, Barbara (nmi)  
Bart, Hollis Gonerka  
Blanco, Jim L.  
Bolotov, Yuri A.  
Bracey, Lucius H. Jr.  
Broaddus, William G.  
Burke, John W., III  
Burkholder, Evan A.  
Burrus, Robert L. Jr.  
Casey, James J.  
Courson, Gardner G.  
Cranfill, William T.  
Crystal, Jules I.  
Deem, William W.  
den Hartog, Grace R.  
Di Cioccio, Stephen J.  
Dudley, Waller T.  
Ezell, Sandra Giannone  
Flemming, Michael D.  
Franklin, Stanley M.  
Gillece, James P., Jr.

Gordon, Mark L.  
Grimm, William K.  
Hampton, Glen W.  
Harrington, James T.  
Hodes, Scott (nmi)  
Howard, Marcia Morales  
Johnston, Barbara Christie  
Joslin, Rodney D.  
Kane, Richard F.  
Keefe, Kenneth M., Jr.  
Kidder, Jacquelyn F.  
King, Michael H.  
King, William H., Jr.  
Klenk, Timothy C.  
Lee, John Y.  
Lutter, Paul A.  
McGuigan, Philip P.  
McGuire, Mark J.  
McMenamin, Joseph P.  
Melson, David E.  
Mulroy, Thomas R.  
Nizio, Francis (nmi)  
Page, Rosewell II (nmi)  
Pelton, Russell M.

Pickens, B. Andrew, Jr.  
Price, James H., III  
Sable, Robert G.  
Schoeneberger, Keith P.  
Serritella, William D.  
Smith, Stephen R.  
Starkman, Gary L.  
Sterling, David F.  
Stroud, Robert E.  
Tetzlaff, Theodore R.  
Tashjian-Brown, Eva S.  
Valeta, Peter J.  
Waddell, William R.  
Wanguard, Robert E.  
Williams, Stephen E.  
Zehill, Louis W.  
Yorke, John B.

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

REZONING AFFIDAVIT

SEP 17 2007

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

9596/a

for Application No. (s): \_\_\_\_\_  
PCA 75-8-036-02  
(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 "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: SEP 17 2007  
(enter date affidavit is notarized)

95961a

for Application No. (s): PCA 75-8-036-02  
(enter County-assigned application number(s))

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.)

Within the twelve-month period prior to the public hearing on this application, the law firm of McGuireWoods LLP, listed in Par. 1(a) of the affidavit as the applicant's attorney/agent, hosted a fundraising event for the re-election of Gerald Connolly to the Fairfax County Board of Supervisors, the costs of which exceeded \$100.00.

(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 "Rezoning Attachment to Par. 3" form.

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

WITNESS the following signature:

(check one)

Applicant

Applicant's Authorized Agent

Sheri L. Hoy, Land Use Planner

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 17th day of SEPTEMBER 2007, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

My commission expires:

Patricia W. Young  
Commonwealth of Virginia  
Notary Public  
Commission No. : 160928  
Commission Expires 12/31/11

Patricia W. Young  
Notary Public

Rezoning Attachment to Par. 3

SEP 17 2007

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)  
PCA 75-8-036-02

95961a

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

James W. Dyke, Jr., Esquire, (McGuireWoods LLP) donated in excess of \$100 to Connolly for Chairman.

Jonathan P. Rak, Esquire (McGuireWoods LLP) donated in excess of \$100 to Connolly for Chairman.

Gregory A. Riegle, Esquire (McGuireWoods LLP) donated in excess of \$100 to Connolly for Chairman.

Carson Lee Fifer, Jr., Esquire (McGuireWoods LLP) donated in excess of \$100 to Connolly for Chairman.

(check if applicable)

There are more disclosures to be listed for Par. 3, and Par. 3 is continued further on a "Rezoning Attachment to Par. 3" form.

# REZONING AFFIDAVIT

DATE: SEP 17 2007  
(enter date affidavit is notarized)

I, Sheri L. Hoy, Land Use Planner, 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      959860

in Application No.(s): PCA 1998-BR-073  
(enter County-assigned application number(s), e.g. RZ 88-V-001)

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

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

(NOTE: All relationships to the application listed above in **BOLD** print must 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<br>(enter first name, middle initial, and last name)                                | ADDRESS<br>(enter number, street, city, state, and zip code) | RELATIONSHIP(S)<br>(enter applicable relationships listed in <b>BOLD</b> above) |
|--|--|---|
| Steuart-Burke Centre Shopping Center, L.L.C.<br>Agent: Guy T. Steuart, III               | 5454 Wisconsin Avenue, Suite 160<br>Chevy Chase, MD 20815    | Applicant/Title Owner for Tax Map No. 77-1((1)) parcel 64                       |
| JBG/Rosenfeld Retail Properties LLC<br>Agents: Matthew L. Primm<br>Robert J.T. Rosenfeld | 4445 Willard Avenue, Suite 700<br>Chevy Chase, MD 20815      | Property Manager/Agent of Tax Map No. 77-1((1)) parcel 64                       |
| Bohler Engineering, P.C.<br>Agents: Aaron M. Bodenschatz<br>Noelle A. Trent              | 22630 Davis Drive, Suite 200<br>McLean, VA 20164             | Engineers/Agent   |

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

**Rezoning Attachment to Par. 1(a)**

DATE: SEP 17 2007  
(enter date affidavit is notarized)

959868

for Application No. (s): PCA 1998-BR-073  
(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.

| <b>NAME</b><br>(enter first name, middle initial, and last name)  | <b>ADDRESS</b><br>(enter number, street, city, state, and zip code) | <b>RELATIONSHIP(S)</b><br>(enter applicable relationships listed in <b>BOLD</b> above)   |
|---|---|--|
| McGuireWoods LLP<br>Agents: Carson Lee Fifer, Jr.<br>Gregory A. Riegle<br>Jonathan P. Rak<br>David R. Gill<br>Joanna C. Frizzell<br>Mark M. Viani<br>Lori R. Greenlief<br>Sheri L. Hoy<br>Lisa M. Chiblow | 1750 Tysons Boulevard, Suite 1800<br>McLean, VA 22102               | <b>Attorney/Agent</b><br><b>Attorney/Agent</b><br><b>Attorney/Agent</b><br><b>Attorney/Agent</b><br><b>Attorney/Agent</b><br><b>Attorney/Agent</b><br><b>Planner/Agent</b><br><b>Planner/Agent</b><br><b>Planner/Agent</b> |

(check if applicable)

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

REZONING AFFIDAVIT

DATE: SEP 17 2007  
(enter date affidavit is notarized)

059866

for Application No. (s): PCA 1998-BR-073  
(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, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

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

CORPORATION INFORMATION

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

Steuart-Burke Centre Shopping Center, L.L.C.  
5454 Wisconsin Avenue, Suite 160  
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 SHAREHOLDERS:** (enter first name, middle initial, and last name)

Steuart Holding Company, L.L.C.  
Steuart-Burke Management Company

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer,** etc.)

Leonard P. Steuart, II, President (former) Frank T. Steuart, VP  
Guy T. Steuart, III, Vice President Karen Lawson Butler, Secty.  
John R. Clark, III, President  
Michael B. Goheen, Treasurer  
Bradley C. Steuart, Assistant Secretary

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Rezoning 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.

**Rezoning Attachment to Par. 1(b)**

DATE: SEP 17 2007

959866

(enter date affidavit is notarized)

PCA 1998-BR-073

for Application No. (s):

(enter County-assigned application number (s))

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

JBG/Rosenfeld Retail Properties LLC  
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 SHAREHOLDER:** (enter first name, middle initial, and last name)

JBG/Rosenfeld Equity Investments LLC, Managing Member  
1111 Management Associates LLC, Member

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

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

Bohler Engineering, P.C.  
22630 Davis Drive, Suite 200  
Sterling, VA 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  
Eric L. Steinfelt (former)

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

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

**Rezoning Attachment to Par. 1(b)**

DATE: SEP 17 2007

959866

(enter date affidavit is notarized)  
PCA 1998-BR-073

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

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

1111 Management Associates LLC  
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 SHAREHOLDER:** (enter first name, middle initial, and last name)

JBG/Rosenfeld Equity Investments LLC, Managing Member  
James J. Garibaldi, Jr., Member  
Grant M. Ehat, Member

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

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

JBG/Rosenfeld Equity Investments LLC  
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/Retail, L.L.C., Managing Member  
Rosenfeld Realty Company, Inc., Managing Member

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

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

Rezoning Attachment to Par. 1(b)

DATE: SEP 17 2007

959866

(enter date affidavit is notarized)  
PCA 1998-BR-073

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

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

JBG/Retail, 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 SHAREHOLDER:** (enter first name, middle initial, and last name)

Brian P. Coulter, Benjamin R. Jacobs, Porter G. Dawson, Robert A. Stewart, Michael J. Glosserman, Managing Members  
Robert H. Braunohler, Donald A. Brown, Joseph B. Gildenhorn, Lewis (nmi) Rumford, III, Members

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

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

Rosenfeld Realty Company, Inc.  
c/o JBG Rosenfeld Retail, 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)

Robert J.T. Rosenfeld

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

Robert J.T. Rosenfeld, President, Director  
Sheri A. Rosenfeld, VP, Director

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

Rezoning Attachment to Par. 1(b)

DATE: SEP 17 2007  
(enter date affidavit is notarized)

959866

for Application No. (s): \_\_\_\_\_  
PCA 1998-BR-073  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Stuart Holding Company, L.L.C.  
5454 Wisconsin Avenue, Suite 1600  
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 SHAREHOLDER:** (enter first name, middle initial, and last name)

Steuart Investment Company

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

|  |                                  |
|--|----------------------------------|
| Leonard P. Steuart, II, President (former) | Frank T. Steuart, VP             |
| Guy T. Steuart, III, Vice President        | Karen Lawson Butler, Secty.      |
| John R. Clark, III, President              | Bradley C. Steuart, Asst. Secty. |
| Michael B. Goheen, Treasurer               |                                  |

=====

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Steuart-Burke Management Company  
5454 Wisconsin Avenue, Suite 1600  
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)

Steuart Holding Company, L.L.C.

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

|  |                                  |
|--|----------------------------------|
| Leonard P. Steuart, II, President (former) | Frank T. Steuart, VP             |
| Guy T. Steuart, III, Vice President        | Karen Lawson Butler, Secty.      |
| John R. Clark, III, President              | Bradley C. Steuart, Asst. Secty. |
| Michael B. Goheen, Treasurer               |                                  |

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

**Rezoning Attachment to Par. 1(b)**

DATE: SEP 17 2007  
(enter date affidavit is notarized)

959860

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

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

Steuart Investment Company  
5454 Wisconsin Avenue, Suite 1600  
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 SHAREHOLDER:** (enter first name, middle initial, and last name)

Frank T. Steuart  
Leonard P. Steuart

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

|                                  |  |
|----------------------------------|--|
| Guy T. Steuart, II COB           | Guy T. Steuart, III, SVP                                     |
| Leonard P. Steuart, II, Vice COB | Bradley C. Steuart, Assistant Secretary, Assistant Treasurer |
| Frant T. Steuart, EVP            | Michael B. Goheen, CFO, Treasurer                            |
| John R. Clark, III, President    | Karen Lawson Butler, Secty.                                  |

=====

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

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

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

REZONING AFFIDAVIT

DATE: SEP 17 2007  
(enter date affidavit is notarized)

959866

for Application No. (s): PCA 1998-BR-073  
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

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

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

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

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

Equity Partners of McGuireWoods LLP

Alphonso, Gordon R.  
Anderson, Arthur E., II  
Anderson, Donald D.  
Andre-Dumont, Hubert  
Bagley, Terrence M.  
Baril, Mary Dalton  
Barnum, John W.  
Barr, John S.

Beane, John C.  
Becker, Scott L.  
Becket, Thomas L.  
Beil, Marshall H.  
Belcher, Dennis I.  
Bell, Craig D.  
Boland, J. William  
Brown, Thomas C., Jr.

Busch, Stephen D.  
Cabaniss, Thomas E.  
Cacheris, Kimberly Q.  
Cairns, Scott S.  
Capwell, Jeffrey R.  
Carter, Joseph C., III  
Cason, Alan C.

(check if applicable)  There is more partnership information and Par. 1(c) is continued on a "Rezoning 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.

**Rezoning Attachment to Par. 1(c)**

DATE: SEP 17 2007  
(enter date affidavit is notarized)

959865

for Application No. (s): PCA 1998-BR-073  
(enter County-assigned application number (s))

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

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

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

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

Cogbill, John V., III  
Costan, James M.  
Cromwell, Richard J.  
Culbertson, Craig R.  
Cullen, Richard (nmi)  
Cutchins, Clifford A., IV  
de Cannart d'Hamale, Emmanuel  
De Ridder, Patrick A.  
Dickerman, Dorothea W.  
Dillon, Lee Ann  
DiMattia, Michael J.  
Dimitri, James C.  
Dorman, Keith A.  
Douglass, W. Birch, III  
Dyke, James Webster, Jr.  
Edwards, Elizabeth F.  
Evans, David E.  
Feller, Howard (nmi)  
Fennebresque, John C.  
Fifer, Carson Lee, Jr.  
Foley, Douglas M.  
Fox, Charles D. IV  
France, Bonnie M.  
Freedlander, Mark E.  
Freye, Gloria L.  
Fuhr, Joy C.  
Germaise, Susan L.

Getchell, E. Duncan, Jr.  
Gibson, Donald J., Jr.  
Glassman, Margaret M.  
Glickson, Scott L.  
Gold, Stephen (nmi)  
Goldstein, Philip (nmi)  
Goodall, Larry M.  
Gordon, Alan B.  
Grandis, Leslie A.  
Greenberg, Richard T.  
Grieb, John T.  
Harmon, Jonathan P.  
Harmon, T. Craig  
Harmon, Yvette (nmi)  
Hartsell, David L.  
Hayden, Patrick L.  
Hayes, Dion W.  
Heberton, George H.  
Horne, Patrick T.  
Isaf, Fred T.  
Iselin, Benjamin B.  
Jackson, J. Brian  
Jarashow, Richard L.  
Jeffcoath, Brenton D.  
Kanazawa, Sidney (nmi)  
Katsantonis, Joanne (nmi)  
Keenan, Mark L.

King, Sally Doubet  
King, Donald E.  
Kittrell, Steven D.  
Kratz, Timothy H.  
Krueger, Kurt J.  
La Fratta, Mark J.  
Lawrie, Henry deVos, Jr.  
Lias-Booker, Ava E.  
Lieberman, Richard E.  
Little, Nancy R.  
Long, William M.  
Mack, Curtis, L.  
Manning, Amy B.  
Marianes, William B.  
Marshall, Gary S.  
Marsico, Leonard J.  
Martin, George Keith  
Martinez, Peter W.  
Mason, Richard J.  
Matthews, Eugene E. III  
McArver, R. Dennis  
McCallum, Steven C.  
McElligott, James P.  
McElroy, Robert G.  
McFarland, Robert W.  
McIntyre, Charles Wm.  
McRill, Emery B.  
Menges, Charles L.

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

Rezoning Attachment to Par. 1(c)

DATE: SEP 17 2007  
(enter date affidavit is notarized)

95986 ✓

for Application No. (s): PCA 1998-BR-073  
(enter County-assigned application number (s))

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

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

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

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

Menson, Richard L.  
Michels, John J., Jr.  
Milton, Christine R.  
Murphy, Sean F.  
Newman, William A.  
Nunn, Daniel B., Jr.  
Oakey, David N.  
O'Grady, Clive R. G.  
O'Grady, John B.  
O'Hare, James P.  
Oostdyk, Scott C.  
Padgett, John D.  
Pankey, David H.  
Parker, Brian K.  
Pellegrini, John B.  
Plotkin, Robert S.  
Pristave, Robert J.  
Pusateri, David P.  
Rak, Jonathan P.  
Rappaport, Richard J.  
Reid, Joseph K., III  
Ricciardi, James P.  
Richardson, David L.  
Riegle, Gregory A.  
Rifken, Lawrence E.  
Riley, James B., Jr.

Riopelle, Brian C.  
Robertson, David W.  
Robinson, Stephen W.  
Rogers, Marvin L.  
Rohman, Thomas P.  
Rosen, Gregg M.  
Russell, Deborah M.  
Rust, Dana L.  
Samuels, Lawrence R.  
Satterwhite, Rodney A.  
Schewel, Michael J.  
Schill, Gilbert E., Jr.  
Schmidt, Gordon W.  
Sellers, Jane Whitt  
Senica, John L.  
Shelley, Patrick M.  
Sipprelle, Keith A.  
Skinner, Halcyon E.  
Slone, Daniel K.  
Smith, James C., III  
Smith, Stuart (nmi)  
Spahn, Thomas E.  
Spitz, Joel H.  
Stallings, Thomas J.  
Steen, Bruce M.  
Stein, Marta A.

Stone, Jacquelyn E.  
Strickland, William J.  
Summers, W. Dennis  
Suzumoto, Mark L.  
Swartz, Charles R.  
Tarry, Samuel L., Jr.  
Thornhill, James A.  
Tirone, Joseph G.  
Van der Mersch, Xavier G.  
Van Etten, David B.  
Vick, Howard C., Jr.  
Walker, Howard W.  
Walker, John Tracy, IV  
Walsh, James H.  
Watts, Stephen H., II  
Wells, David M.  
Werlin, Leslie M.  
Westwood, Scott E.  
Whittemore, Anne Marie  
Williams, Steven R.  
Williamson, Mark D.  
Wilson, Ernest G.  
Wood, R. Craig  
Young, Kevin J.  
Younger, W. Carter  
Zirkle, Warren E.

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

**Rezoning Attachment to Par. 1(c)**

DATE: SEP 17 2007  
(enter date affidavit is notarized)

959866

for Application No. (s): PCA 1998-BR-073  
(enter County-assigned application number (s))

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

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

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

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

(Former Equity Partner List)

Aaronson, Russell T.  
Adams, Robert T.  
Ames, W. Allen, Jr.  
Aucutt, Ronald D.  
Baran, Barbara (nmi)  
Bart, Hollis Gonerka  
Blanco, Jim L.  
Bolotov, Yuri A.  
Bracey, Lucius H. Jr.  
Broaddus, William G.  
Burke, John W., III  
Burkholder, Evan A.  
Burrus, Robert L. Jr.  
Casey, James J.  
Courson, Gardner G.  
Cranfill, William T.  
Crystal, Jules I.  
Deem, William W.  
den Hartog, Grace R.  
Di Cioccio, Stephen J.  
Dudley, Waller T.  
Ezell, Sandra Giannone  
Flemming, Michael D.  
Franklin, Stanley M.  
Gillece, James P., Jr.

Gordon, Mark L.  
Grimm, William K.  
Hampton, Glen W.  
Harrington, James T.  
Hodes, Scott (nmi)  
Howard, Marcia Morales  
Johnston, Barbara Christie  
Joslin, Rodney D.  
Kane, Richard F.  
Keefe, Kenneth M., Jr.  
Kidder, Jacquelyn F.  
King, Michael H.  
King, William H., Jr.  
Klenk, Timothy C.  
Lee, John Y.  
Lutter, Paul A.  
McGuigan, Philip P.  
McGuire, Mark J.  
McMenamin, Joseph P.  
Melson, David E.  
Mulroy, Thomas R.  
Nizio, Francis (nmi)  
Page, Rosewell II (nmi)  
Pelton, Russell M.

Pickens, B. Andrew, Jr.  
Price, James H., III  
Sable, Robert G.  
Schoeneberger, Keith P.  
Serritella, William D.  
Smith, Stephen R.  
Starkman, Gary L.  
Sterling, David F.  
Stroud, Robert E.  
Tetzlaff, Theodore R.  
Tashjian-Brown, Eva S.  
Valeta, Peter J.  
Waddell, William R.  
Wanguard, Robert E.  
Williams, Stephen E.  
Zehill, Louis W.  
Yorke, John B.

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

REZONING AFFIDAVIT

DATE: SEP 17 2007  
(enter date affidavit is notarized)

959866

for Application No. (s): PCA 1998-BR-073  
(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 "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: SEP 17 2007  
(enter date affidavit is notarized)

959865

for Application No. (s): PCA 1998-BR-073  
(enter County-assigned application number(s))

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.)

Within the twelve-month period prior to the public hearing on this application, the law firm of McGuireWoods LLP, listed in Par. 1(a) of the affidavit as the applicant's attorney/agent, hosted a fundraising event for the re-election of Gerald Connolly to the Fairfax County Board of Supervisors, the costs of which exceeded \$100.00.

(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 "Rezoning Attachment to Par. 3" form.

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

WITNESS the following signature:

(check one)

Applicant

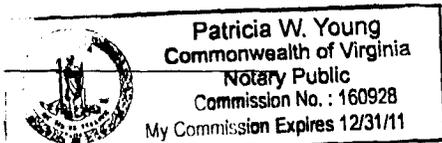
Applicant's Authorized Agent

Sheri L. Hoy, Land Use Planner

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 17th day of SEPTEMBER 2007, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

My commission expires:



Patricia W. Young  
Notary Public

**Rezoning Attachment to Par. 3**

DATE: SEP 17 2007  
(enter date affidavit is notarized)  
PCA 1998-BR-073

959866

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

James W. Dyke, Jr., Esquire, (McGuireWoods LLP) donated in excess of \$100 to Connolly for Chairman.

Jonathan P. Rak, Esquire (McGuireWoods LLP) donated in excess of \$100 to Connolly for Chairman.

Gregory A. Riegle, Esquire (McGuireWoods LLP) donated in excess of \$100 to Connolly for Chairman.

Carson Lee Fifer, Jr., Esquire (McGuireWoods LLP) donated in excess of \$100 to Connolly for Chairman.

(check if applicable)

There are more disclosures to be listed for Par. 3, and Par. 3 is continued further on a "Rezoning Attachment to Par. 3" form.

**REZONING AFFIDAVIT**

DATE: SEP 17 2007  
(enter date affidavit is notarized)

I, Sheri L. Hoy, Land Use Planner, 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      959630

in Application No.(s): DPA C-546-23  
(enter County-assigned application number(s), e.g. RZ 88-V-001)

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

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

(NOTE: All relationships to the application listed above in **BOLD** print must 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.)

| <b>NAME</b><br>(enter first name, middle initial, and last name)                         | <b>ADDRESS</b><br>(enter number, street, city, state, and zip code) | <b>RELATIONSHIP(S)</b><br>(enter applicable relationships listed in <b>BOLD</b> above) |
|--|---|--|
| Steuart-Burke Centre Shopping Center,<br>L.L.C.<br>Agent: Guy T. Steuart, III            | 5454 Wisconsin Avenue, Suite 160<br>Chevy Chase, MD 20815           | Applicant/Title Owner for Tax Map No. 77-1((1) parcels 63, 64                          |
| JBG/Rosenfeld Retail Properties LLC<br>Agents: Matthew L. Primm<br>Robert J.T. Rosenfeld | 4445 Willard Avenue, Suite 700<br>Chevy Chase, MD 20815             | Property Manager/Agent of Tax Map No. 77-1((1)) parcels 63, 64                         |
| Bohler Engineering, P.C.<br>Agents: Aaron M. Bodenschatz<br>Noelle A. Trent              | 22630 Davis Drive, Suite 200<br>McLean, VA 20164                    | Engineers/Agent  |

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

**Rezoning Attachment to Par. 1(a)**

DATE: SEP 17 2007  
(enter date affidavit is notarized)  
DPA C-546-23

959630

for Application No. (s): \_\_\_\_\_  
(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.

| <b>NAME</b><br>(enter first name, middle initial, and last name)   | <b>ADDRESS</b><br>(enter number, street, city, state, and zip code) | <b>RELATIONSHIP(S)</b><br>(enter applicable relationships listed in <b>BOLD</b> above)  |
|--|---|---|
| McGuireWoods LLP<br>Agents: Carson Lee Fifer, Jr.<br>Gregory A. Riegler<br>Jonathan P. Rak<br>David R. Gill<br>Joanna C. Frizzell<br>Mark M. Viani<br>Lori R. Greenlief<br>Sheri L. Hoy<br>Lisa M. Chiblow | 1750 Tysons Boulevard, Suite 1800<br>McLean, VA 22102               | <b>Attorney/Agent</b><br><b>Attorney/Agent</b><br><b>Attorney/Agent</b><br><b>Attorney/Agent</b><br><b>Attorney/Agent</b><br><b>Planner/Agent</b><br><b>Planner/Agent</b><br><b>Planner/Agent</b> |

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

REZONING AFFIDAVIT

DATE: SEP 17 2007  
(enter date affidavit is notarized)

959636

for Application No. (s): DPA C-546-23  
(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, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

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

CORPORATION INFORMATION

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Steuart-Burke Centre Shopping Center, L.L.C.  
5454 Wisconsin Avenue, Suite 160  
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 SHAREHOLDERS:** (enter first name, middle initial, and last name)

Steuart Holding Company, L.L.C.  
Steuart-Burke Management Company

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer, etc.**)

Leonard P. Steuart, II, President (former) Frank T. Steuart, VP  
Guy T. Steuart, III, Vice President Karen Lawson Butler, Secty.  
John R. Clark, III, President  
Michael B. Goheen, Treasurer  
Bradley C. Steuart, Assistant Secretary

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Rezoning 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.

**Rezoning Attachment to Par. 1(b)**

DATE: SEP 17 2007  
(enter date affidavit is notarized)

959635

for Application No. (s): \_\_\_\_\_  
DPA C-546-23  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
JBG/Rosenfeld Retail Properties LLC  
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 SHAREHOLDER:** (enter first name, middle initial, and last name)  
JBG/Rosenfeld Equity Investments LLC, Managing Member  
1111 Management Associates LLC, Member

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Bohler Engineering, P.C.  
22630 Davis Drive, Suite 200  
Sterling, VA 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  
Eric L. Steinfeld (former)

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

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

**Rezoning Attachment to Par. 1(b)**

DATE: SEP 17 2007  
(enter date affidavit is notarized)  
DPA C-546-23

959635

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

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

1111 Management Associates LLC  
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 SHAREHOLDER:** (enter first name, middle initial, and last name)

JBG/Rosenfeld Equity Investments LLC, Managing Member  
James J. Garibaldi, Jr., Member  
Grant M. Ehat, Member

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

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

JBG/Rosenfeld Equity Investments LLC  
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/Retail, L.L.C., Managing Member  
Rosenfeld Realty Company, Inc., Managing Member

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

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

Rezoning Attachment to Par. 1(b)

DATE: SEP 17 2007  
(enter date affidavit is notarized)  
DPA C-546-23

959636

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
JBG/Retail, 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 SHAREHOLDER:** (enter first name, middle initial, and last name)

Brian P. Coulter, Benjamin R. Jacobs, Porter G. Dawson, Robert A. Stewart, Michael J. Glosserman, Managing Members  
Robert H. Braunohler, Donald A. Brown, Joseph B. Gildenhorn, Lewis (nmi) Rumford, III, Members

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Rosenfeld Realty Company, Inc.  
c/o JBG Rosenfeld Retail, 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)

Robert J.T. Rosenfeld

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

Robert J.T. Rosenfeld, President, Director  
Sheri A. Rosenfeld, VP, Director

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

**Rezoning Attachment to Par. 1(b)**

DATE: SEP 17 2007  
(enter date affidavit is notarized)  
DPA C-546-23

959636

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

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

Steuart Holding Company, L.L.C.  
5454 Wisconsin Avenue, Suite 1600  
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 SHAREHOLDER:** (enter first name, middle initial, and last name)

Steuart Investment Company

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g.

**President, Vice-President, Secretary, Treasurer, etc.)**

|  |                                  |
|--|----------------------------------|
| Leonard P. Steuart, II, President (former) | Frank T. Steuart, VP             |
| Guy T. Steuart, III, Vice President        | Karen Lawson Butler, Secty.      |
| John R. Clark, III, President              | Bradley C. Steuart, Asst. Secty. |
| Michael B. Goheen, Treasurer               |                                  |

=====

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

Steuart-Burke Management Company  
5454 Wisconsin Avenue, Suite 1600  
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)

Steuart Holding Company, L.L.C.

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g.

**President, Vice-President, Secretary, Treasurer, etc.)**

|  |                                  |
|--|----------------------------------|
| Leonard P. Steuart, II, President (former) | Frank T. Steuart, VP             |
| Guy T. Steuart, III, Vice President        | Karen Lawson Butler, Secty.      |
| John R. Clark, III, President              | Bradley C. Steuart, Asst. Secty. |
| Michael B. Goheen, Treasurer               |                                  |

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

Rezoning Attachment to Par. 1(b)

DATE: SEP 17 2007

959636

(enter date affidavit is notarized)  
DPA C-546-23

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

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

Steuart Investment Company  
5454 Wisconsin Avenue, Suite 1600  
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 SHAREHOLDER:** (enter first name, middle initial, and last name)

Frank T. Steuart  
Leonard P. Steuart

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g.

**President, Vice-President, Secretary, Treasurer, etc.)**

|                                  |  |
|----------------------------------|--|
| Guy T. Steuart, II COB           | Guy T. Steuart, III, SVP                                     |
| Leonard P. Steuart, II, Vice COB | Bradley C. Steuart, Assistant Secretary, Assistant Treasurer |
| Frant T. Steuart, EVP            | Michael B. Goheen, CFO, Treasurer                            |
| John R. Clark, III, President    | Karen Lawson Butler, Secty.                                  |

=====

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

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g.

**President, Vice-President, Secretary, Treasurer, etc.)**

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

REZONING AFFIDAVIT

DATE: SEP 17 2007  
(enter date affidavit is notarized)

959630

for Application No. (s): DPA C-546-23  
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

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

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

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

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

Equity Partners of McGuireWoods LLP

Alphonso, Gordon R.  
Anderson, Arthur E., II  
Anderson, Donald D.  
Andre-Dumont, Hubert  
Bagley, Terrence M.  
Baril, Mary Dalton  
Barnum, John W.  
Barr, John S.

Beane, John C.  
Becker, Scott L.  
Becket, Thomas L.  
Beil, Marshall H.  
Belcher, Dennis I.  
Bell, Craig D.  
Boland, J. William  
Brown, Thomas C., Jr.

Busch, Stephen D.  
Cabaniss, Thomas E.  
Cacheris, Kimberly Q.  
Cairns, Scott S.  
Capwell, Jeffrey R.  
Carter, Joseph C., III  
Cason, Alan C.

(check if applicable)  There is more partnership information and Par. 1(c) is continued on a "Rezoning 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.

Rezoning Attachment to Par. 1(c)

DATE: SEP 17 2007  
(enter date affidavit is notarized)

959636

for Application No. (s): \_\_\_\_\_  
DPA C-546-23  
(enter County-assigned application number (s))

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

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

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

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

- |                               |                           |                          |
|-------------------------------|---------------------------|--------------------------|
| Cogbill, John V., III         | Getchell, E. Duncan, Jr.  | King, Sally Doubet       |
| Costan, James M.              | Gibson, Donald J., Jr.    | King, Donald E.          |
| Cromwell, Richard J.          | Glassman, Margaret M.     | Kittrell, Steven D.      |
| Culbertson, Craig R.          | Glickson, Scott L.        | Kratz, Timothy H.        |
| Cullen, Richard (nmi)         | Gold, Stephen (nmi)       | Krueger, Kurt J.         |
| Cutchins, Clifford A., IV     | Goldstein, Philip (nmi)   | La Fratta, Mark J.       |
| de Cannart d'Hamale, Emmanuel | Goodall, Larry M.         | Lawrie, Henry deVos, Jr. |
| De Ridder, Patrick A.         | Gordon, Alan B.           | Lias-Booker, Ava E.      |
| Dickerman, Dorothea W.        | Grandis, Leslie A.        | Lieberman, Richard E.    |
| Dillon, Lee Ann               | Greenberg, Richard T.     | Little, Nancy R.         |
| DiMattia, Michael J.          | Grieb, John T.            | Long, William M.         |
| Dimitri, James C.             | Harmon, Jonathan P.       | Mack, Curtis, L.         |
| Dorman, Keith A.              | Harmon, T. Craig          | Manning, Amy B.          |
| Douglass, W. Birch, III       | Harmon, Yvette (nmi)      | Marianes, William B.     |
| Dyke, James Webster, Jr.      | Hartsell, David L.        | Marshall, Gary S.        |
| Edwards, Elizabeth F.         | Hayden, Patrick L.        | Marsico, Leonard J.      |
| Evans, David E.               | Hayes, Dion W.            | Martin, George Keith     |
| Feller, Howard (nmi)          | Heberton, George H.       | Martinez, Peter W.       |
| Fennebresque, John C.         | Horne, Patrick T.         | Mason, Richard J.        |
| Fifer, Carson Lee, Jr.        | Isaf, Fred T.             | Matthews, Eugene E. III  |
| Foley, Douglas M.             | Iselin, Benjamin B.       | McArver, R. Dennis       |
| Fox, Charles D. IV            | Jackson, J. Brian         | McCallum, Steven C.      |
| France, Bonnie M.             | Jarashow, Richard L.      | McElligott, James P.     |
| Freedlander, Mark E.          | Jeffcoath, Brenton D.     | McElroy, Robert G.       |
| Freye, Gloria L.              | Kanazawa, Sidney (nmi)    | McFarland, Robert W.     |
| Fuhr, Joy C.                  | Katsantonis, Joanne (nmi) | McIntyre, Charles Wm.    |
| Germaise, Susan L.            | Keenan, Mark L.           | McRill, Emery B.         |
|                               |                           | Menges, Charles L.       |

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

**Rezoning Attachment to Par. 1(c)**

DATE: SEP 17 2007  
(enter date affidavit is notarized)

959630

for Application No. (s): DPA C-546-23  
(enter County-assigned application number (s))

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

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

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

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

Menson, Richard L.  
Michels, John J., Jr.  
Milton, Christine R.  
Murphy, Sean F.  
Newman, William A.  
Nunn, Daniel B., Jr.  
Oakey, David N.  
O'Grady, Clive R. G.  
O'Grady, John B.  
O'Hare, James P.  
Oostdyk, Scott C.  
Padgett, John D.  
Pankey, David H.  
Parker, Brian K.  
Pellegrini, John B.  
Plotkin, Robert S.  
Pristave, Robert J.  
Pusateri, David P.  
Rak, Jonathan P.  
Rappaport, Richard J.  
Reid, Joseph K., III  
Ricciardi, James P.  
Richardson, David L.  
Riegle, Gregory A.  
Rifken, Lawrence E.  
Riley, James B., Jr.

Riopelle, Brian C.  
Robertson, David W.  
Robinson, Stephen W.  
Rogers, Marvin L.  
Rohman, Thomas P.  
Rosen, Gregg M.  
Russell, Deborah M.  
Rust, Dana L.  
Samuels, Lawrence R.  
Satterwhite, Rodney A.  
Schewel, Michael J.  
Schill, Gilbert E., Jr.  
Schmidt, Gordon W.  
Sellers, Jane Whitt  
Senica, John L.  
Shelley, Patrick M.  
Sippelle, Keith A.  
Skinner, Halcyon E.  
Slone, Daniel K.  
Smith, James C., III  
Smith, Stuart (nmi)  
Spahn, Thomas E.  
Spitz, Joel H.  
Stallings, Thomas J.  
Steen, Bruce M.  
Stein, Marta A.

Stone, Jacquelyn E.  
Strickland, William J.  
Summers, W. Dennis  
Suzumoto, Mark L.  
Swartz, Charles R.  
Tarry, Samuel L., Jr.  
Thornhill, James A.  
Tirone, Joseph G.  
Van der Mersch, Xavier G.  
Van Etten, David B.  
Vick, Howard C., Jr.  
Walker, Howard W.  
Walker, John Tracy, IV  
Walsh, James H.  
Watts, Stephen H., II  
Wells, David M.  
Werlin, Leslie M.  
Westwood, Scott E.  
Whittemore, Anne Marie  
Williams, Steven R.  
Williamson, Mark D.  
Wilson, Ernest G.  
Wood, R. Craig  
Young, Kevin J.  
Younger, W. Carter  
Zirkle, Warren E.

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

**Rezoning Attachment to Par. 1(c)**

DATE: SEP 17 2007  
(enter date affidavit is notarized)  
DPA C-546-23  
(enter County-assigned application number (s))

959636

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

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

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

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

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

(Former Equity Partner List)

- |                        |                            |                         |
|------------------------|----------------------------|-------------------------|
| Aaronson, Russell T.   | Gordon, Mark L.            | Pickens, B. Andrew, Jr. |
| Adams, Robert T.       | Grimm, William K.          | Price, James H., III    |
| Ames, W. Allen, Jr.    | Hampton, Glen W.           | Sable, Robert G.        |
| Aucutt, Ronald D.      | Harrington, James T.       | Schoeneberger, Keith P. |
| Baran, Barbara (nmi)   | Hodes, Scott (nmi)         | Serritella, William D.  |
| Bart, Hollis Gonerka   | Howard, Marcia Morales     | Smith, Stephen R.       |
| Blanco, Jim L.         | Johnston, Barbara Christie | Starkman, Gary L.       |
| Bolotov, Yuri A.       | Joslin, Rodney D.          | Sterling, David F.      |
| Bracey, Lucius H. Jr.  | Kane, Richard F.           | Stroud, Robert E.       |
| Broadus, William G.    | Keefe, Kenneth M., Jr.     | Tetzlaff, Theodore R.   |
| Burke, John W., III    | Kidder, Jacquelyn F.       | Tashjian-Brown, Eva S.  |
| Burkholder, Evan A.    | King, Michael H.           | Valeta, Peter J.        |
| Burrus, Robert L. Jr.  | King, William H., Jr.      | Waddell, William R.     |
| Casey, James J.        | Klenk, Timothy C.          | Wanguard, Robert E.     |
| Courson, Gardner G.    | Lee, John Y.               | Williams, Stephen E.    |
| Cranfill, William T.   | Lutter, Paul A.            | Zehill, Louis W.        |
| Crystal, Jules I.      | McGuigan, Philip P.        | Yorke, John B.          |
| Deem, William W.       | McGuire, Mark J.           |                         |
| den Hartog, Grace R.   | McMenamin, Joseph P.       |                         |
| Di Cioccio, Stephen J. | Melson, David E.           |                         |
| Dudley, Waller T.      | Mulroy, Thomas R.          |                         |
| Ezell, Sandra Giannone | Nizio, Francis (nmi)       |                         |
| Flemming, Michael D.   | Page, Rosewell II (nmi)    |                         |
| Franklin, Stanley M.   | Pelton, Russell M.         |                         |
| Gillece, James P., Jr. |                            |                         |

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

REZONING AFFIDAVIT

DATE: SEP 17 2007  
(enter date affidavit is notarized)

959636

for Application No. (s): DPA C-546-23  
(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 "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: SEP 17 2007  
(enter date affidavit is notarized)

959634

for Application No. (s): DPA C-546-23  
(enter County-assigned application number(s))

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.)

Within the twelve-month period prior to the public hearing on this application, the law firm of McGuireWoods LLP, listed in Par. 1(a) of the affidavit as the applicant's attorney/agent, hosted a fundraising event for the re-election of Gerald Connolly to the Fairfax County Board of Supervisors, the costs of which exceeded \$100.00.

**(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 "Rezoning Attachment to Par. 3" form.

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

WITNESS the following signature:  
(check one)  Applicant  Applicant's Authorized Agent  
Sheri L. Hoy, Land Use Planner  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 17th day of SEPTEMBER 2007, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Patricia W. Young  
Notary Public

My commission expires:  Patricia W. Young  
Commonwealth of Virginia  
Notary Public  
Commission No. : 160928  
Commission Expires 12/31/11

**Rezoning Attachment to Par. 3**

DATE: SEP 17 2007  
(enter date affidavit is notarized)  
DPA C-546-23

959636

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

James W. Dyke, Jr., Esquire, (McGuireWoods LLP) donated in excess of \$100 to Connolly for Chairman.

Jonathan P. Rak, Esquire (McGuireWoods LLP) donated in excess of \$100 to Connolly for Chairman.

Gregory A. Riegle, Esquire (McGuireWoods LLP) donated in excess of \$100 to Connolly for Chairman.

Carson Lee Fifer, Jr., Esquire (McGuireWoods LLP) donated in excess of \$100 to Connolly for Chairman.

(check if applicable)

There are more disclosures to be listed for Par. 3, and Par. 3 is continued further on a "Rezoning Attachment to Par. 3" form.

## STATEMENT OF JUSTIFICATION

**DEVELOPMENT PLAN AMENDMENT  
PROFFER CONDITION AMENDMENT  
PRC PLAN**

**RECEIVED**  
Department of Planning & Zoning

**JUL 30 2007**

Steuart-Burke Centre Shopping Center, L.L.C.  
Burke Centre Shopping Center

**Zoning Evaluation Division**

March 19, 2007

*Revised July 30, 2007*

Pursuant to Sections 6-300, 16-302, and 18-204 of the Fairfax County Zoning Ordinance, dated August 14, 1978, as amended (the "Ordinance"), Steuart-Burke Centre Shopping Center, L.L.C. (the "Applicant"), as property owner, hereby requests approval of an amendment to the development plan for Burke Centre (DPA C-546-22) and an amendment to the approved proffer conditions dated January 29, 1999, revised February 4, 1999, associated with RZ 1998-BR-073/PCA 75-8-036. In addition, the Applicant is also submitting and requesting approval of a PRC Plan for the subject property. The requested amendments are to allow a drive-in bank to be shown as a pad site on the approved development plan for the shopping center. The Property is located in the Braddock District and is zoned PRC, Planned Residential Community (Village Center).

**REQUESTED AMENDMENTS:**

**Development Plan Amendment:**

The Applicant proposes an amendment to the Burke Centre Plan (DPA C-546-22) to show a drive-in bank pad site on Parcel 63. A drive-in bank is a permitted use for the shopping center as shown on the list of permitted uses previously approved by the Board of Supervisors for the shopping center. In addition, pursuant to Section 6-302(C) drive-in banks are permitted uses in areas designated as Village Centers within a PRC District. This development plan amendment is requested simply to show the drive-in facilities associated with the permitted use on the approved development plan.

In addition, the Applicant is reserving the option to revert this pad site to restaurant or retail uses in the future as shown the amended development plan.

**Proffer Condition Amendment:**

Pursuant to Section 18-204, the Applicant requests that the proffer conditions associated with the shopping center be revised to reflect the revised development plan. In addition, the approved proffers associated with the shopping center include Parcels 63 and 64. Proffer #3 has been added to permit future development plan amendments or proffer amendments for each parcel individually.

**PRC PLAN:**

Along with the above-noted applications, the Applicant is also submitting a PRC Plan for the Property which is included in the submitted Plan.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:**

The subject property is located in the Middle Run Community Planning Sector of the Pohick Planning District, which incorporates the Burke Centre Master Plan. The Burke Centre Master Plan designates Parcel 63 and 64 as a Village Centre. As such, the proposed Development Plan and Proffer Condition Amendment are consistent with the goals and recommendations of the Comprehensive Plan.

**WAIVERS AND/OR MODIFICATIONS:**

The Applicant requests that the modification of the transitional screening requirement and a waiver of the barrier requirement along the southern and northern boundaries of Parcel 63 and Parcel 64 previously approved by the Board of Supervisors be reaffirmed.

The Applicant also requests that the modification of the interior parking lot landscaping requirements and the perimeter parking lot landscaping requirements previously approved by the Board of Supervisors be reaffirmed.

**CONCLUSION:**

With approval of these requests, the proposed use will conform to the provisions of all applicable ordinances, regulations, standards, and conditions. Furthermore, the proposed use conforms to the spirit of the Zoning Ordinance and the recommendations of the Comprehensive Plan.

Therefore, for the reasons set forth herein, the Applicant respectfully requests the approval of this application.

Respectfully submitted,

McGUIREWOODS LLP

  
\_\_\_\_\_  
Sheri L. Hoy, Land Use Planner  
Agent for Applicant



# FAIRFAX COUNTY

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

V I R G I N I A

Telephone: 703-324-31  
FAX: 703-324-392  
TTY: 703-324-3903

April 14, 1999

Jonathan P. Rak, Esquire  
Wilkes, Artis, Hedrick and Lane, Ctd.  
11320 Random Hills Road - Suite 600  
Fairfax, Virginia 22030-6042

RE: Rezoning Application Number RZ 1998-BR-073  
(Concurrent with PCA 75-8-036 and DPA C-546-22)

Dear Mr. Rak:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on March 22, 1999 granting Rezoning Application Number RZ 1998-BR-073 in the name of Stuart-Burke Centre Shopping Center, L.L.C., to rezone certain property in the Braddock District from the I-5 District to the PRC District, subject to the proffers dated February 4, 1999, on subject parcel 77-1 ((1)) 64 consisting of approximately 2.18 acres.

The Board also:

- Reaffirmed modification of the transitional screening and waived the barrier requirements on the northern boundary.
- Modified the interior parking lot landscaping requirements and the peripheral parking lot landscaping requirements in favor of that reflected on the Development Plan, as conditioned.

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

RZ 1998-BR-073

April 14, 1999

- 2 -

cc: Chairman Katherine K. Hanley  
Supervisor-Braddock District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Administrator  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Fred R. Beales, Supervisor Base Property, Mapping/Overlay  
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation  
Ellen Gallagher, Project Planning Section, Dept. of Transportation  
Michelle Brickner, Deputy Director, DPW&ES  
DPW&ES - Bonds & Agreements  
Frank Edwards, Department of Highways - VDOT  
Land Acqu. & Planning Div., Park Authority  
District Planning Commissioner  
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES

**RECEIVED**  
DEPARTMENT OF PLANNING AND ZONING

APR 16 1999

ZONING EVALUATION DIVISION

**RZ 1998-BR-073  
PCA75-8-036  
Burke Centre Shopping Center  
January 29, 1999  
Revised February 4, 1999**

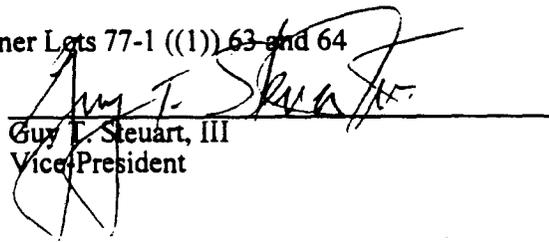
Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950, as amended, the property owner and applicant for itself and its successors and/or assigns (hereinafter referred to as the "Applicant") in this rezoning proffer that the development of the parcels under consideration and shown on the Fairfax County tax map as tax map reference 77-1 ((1))-63 and 64 (hereinafter the "Property") will be in accordance with the following conditions, subject to the approval of the above-referenced proffer condition amendment and rezoning application. Except as expressly amended below, the proffers accepted with RZ 75-8-036 dated December 6, 1976, as amended, remain in full force and effect for tax map reference 77-1 ((1))-63 and shall be applied to tax map 77-1 ((1))-64. The December 6, 1976, proffers are hereby revised as follows:

1. The development of the Property shall be in substantial conformance with the Plat entitled "Parcel 63 PCA/Parcel 64 Rezoning /Development Plan Amendment Burke Centre Shopping Center," prepared by Bowman Consulting Group dated Nov. 1998, and last revised January 26, 1999.
2. Regardless of the list of uses shown on the "Parcel 63 PCA/Parcel 64 Rezoning /Development Plan Amendment Burke Centre Shopping Center," no amusement arcades or funeral chapels will be permitted on the subject property.

Steuart Burke Centre Shopping Center, LLC

Title Owner Lots 77-1 ((1)) ~~63~~ and 64

By:

  
\_\_\_\_\_  
Guy T. Stewart, III  
Vice President

## **PROPOSED DEVELOPMENT CONDITIONS**

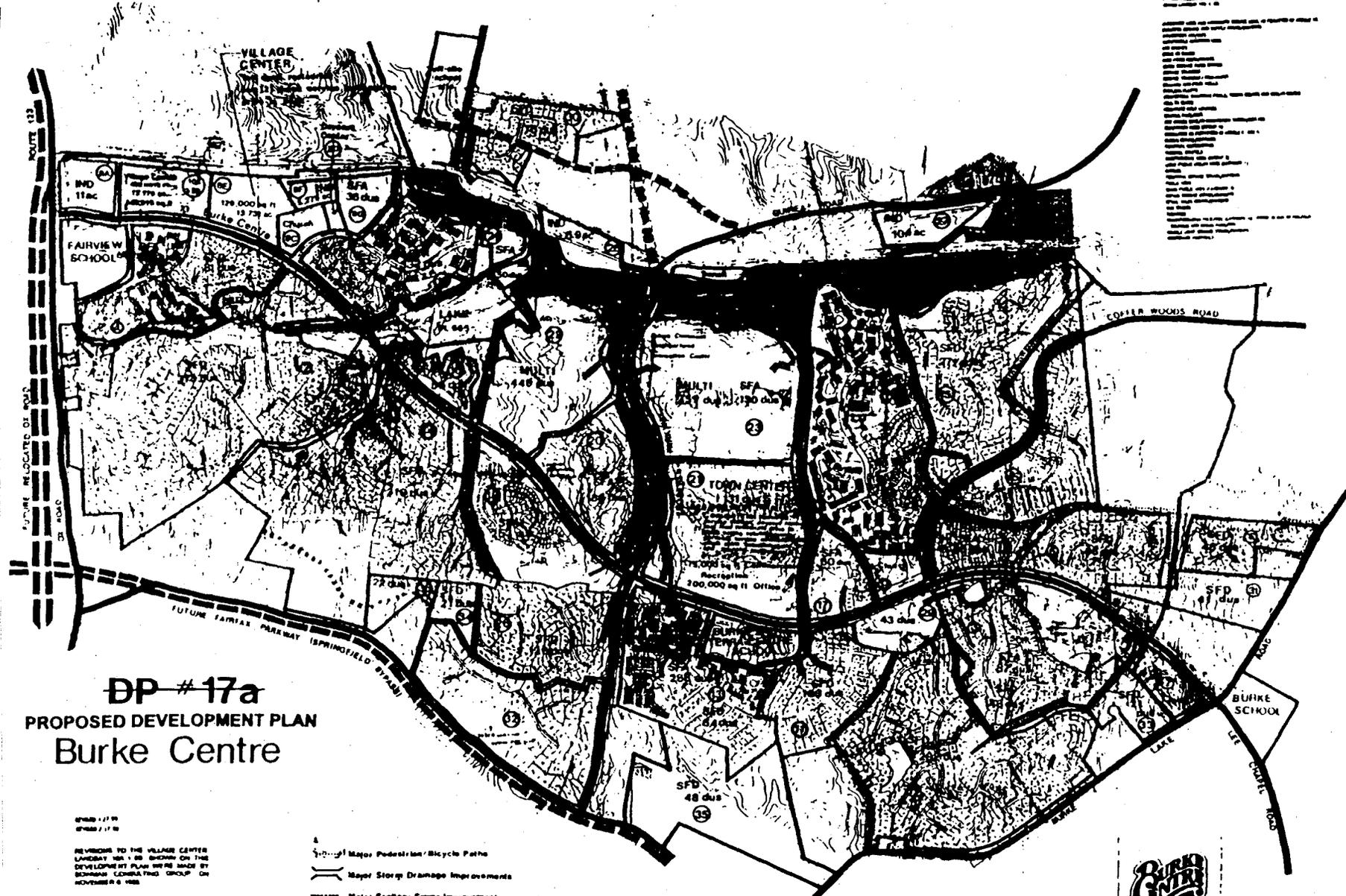
**DPA C-546-22**

**March 19, 1999**

If it is the intent of the Board of Supervisors to approve DPA C-546-22, staff recommends that the Board of Supervisors condition the approval by requiring conformance with the following development conditions.

1. Any plan submitted pursuant to this Development Plan Amendment shall be in conformance with the approved Development Plan Amendment, entitled Burke Centre, prepared by Bowman Consulting Group, which is dated November 6, 1998, and revised through February 17, 1999.
2. The applicant shall ensure that vehicles using the loading area behind the shopping center do not obstruct vehicular circulation behind the building, as determined appropriate by the Department of Public Works and Environmental Services (DPWES).
3. At the time of site plan approval, the applicant shall provide a parking tabulation and demonstrate that the parking requirements of Article 11 of the Zoning Ordinance have been met.
4. Additional interior parking lot landscaping shall be provided to the maximum extent possible, as determined by the Urban Forester, in order to visually break up the expanse of the parking lot, and to enhance the appearance of the shopping center from Burke Centre Parkway. This additional landscaping shall be at least 3,100 square feet, and shall not reduce the amount of existing parking.

1. All lots shown on this map are subject to the provisions of the Zoning Ordinance of the Village of Burke, Illinois, as amended.
   
 2. The area shown on this map is subject to the provisions of the Comprehensive Zoning Ordinance of the Village of Burke, Illinois, as amended.
   
 3. The area shown on this map is subject to the provisions of the Comprehensive Zoning Ordinance of the Village of Burke, Illinois, as amended.
   
 4. The area shown on this map is subject to the provisions of the Comprehensive Zoning Ordinance of the Village of Burke, Illinois, as amended.
   
 5. The area shown on this map is subject to the provisions of the Comprehensive Zoning Ordinance of the Village of Burke, Illinois, as amended.
   
 6. The area shown on this map is subject to the provisions of the Comprehensive Zoning Ordinance of the Village of Burke, Illinois, as amended.
   
 7. The area shown on this map is subject to the provisions of the Comprehensive Zoning Ordinance of the Village of Burke, Illinois, as amended.
   
 8. The area shown on this map is subject to the provisions of the Comprehensive Zoning Ordinance of the Village of Burke, Illinois, as amended.
   
 9. The area shown on this map is subject to the provisions of the Comprehensive Zoning Ordinance of the Village of Burke, Illinois, as amended.
   
 10. The area shown on this map is subject to the provisions of the Comprehensive Zoning Ordinance of the Village of Burke, Illinois, as amended.



**DP #17a**  
**PROPOSED DEVELOPMENT PLAN**  
**Burke Centre**

07/20/11  
 07/20/11

REVISION TO THE VILLAGE CENTER  
 LAYOUT IS AS SHOWN ON THE  
 DEVELOPMENT PLAN WHICH WAS MADE BY  
 SCHWAB CONSULTING GROUP ON  
 NOVEMBER 6, 1988

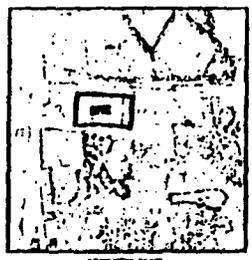
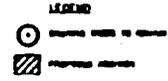
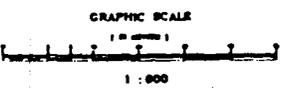
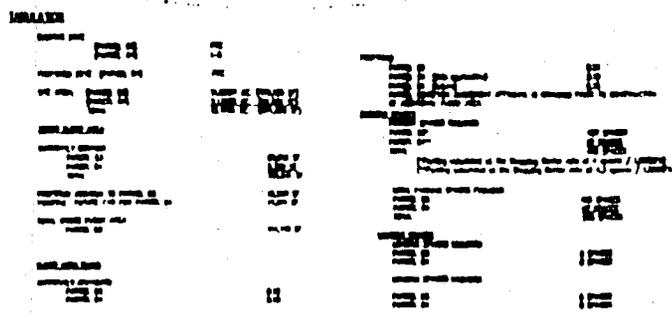
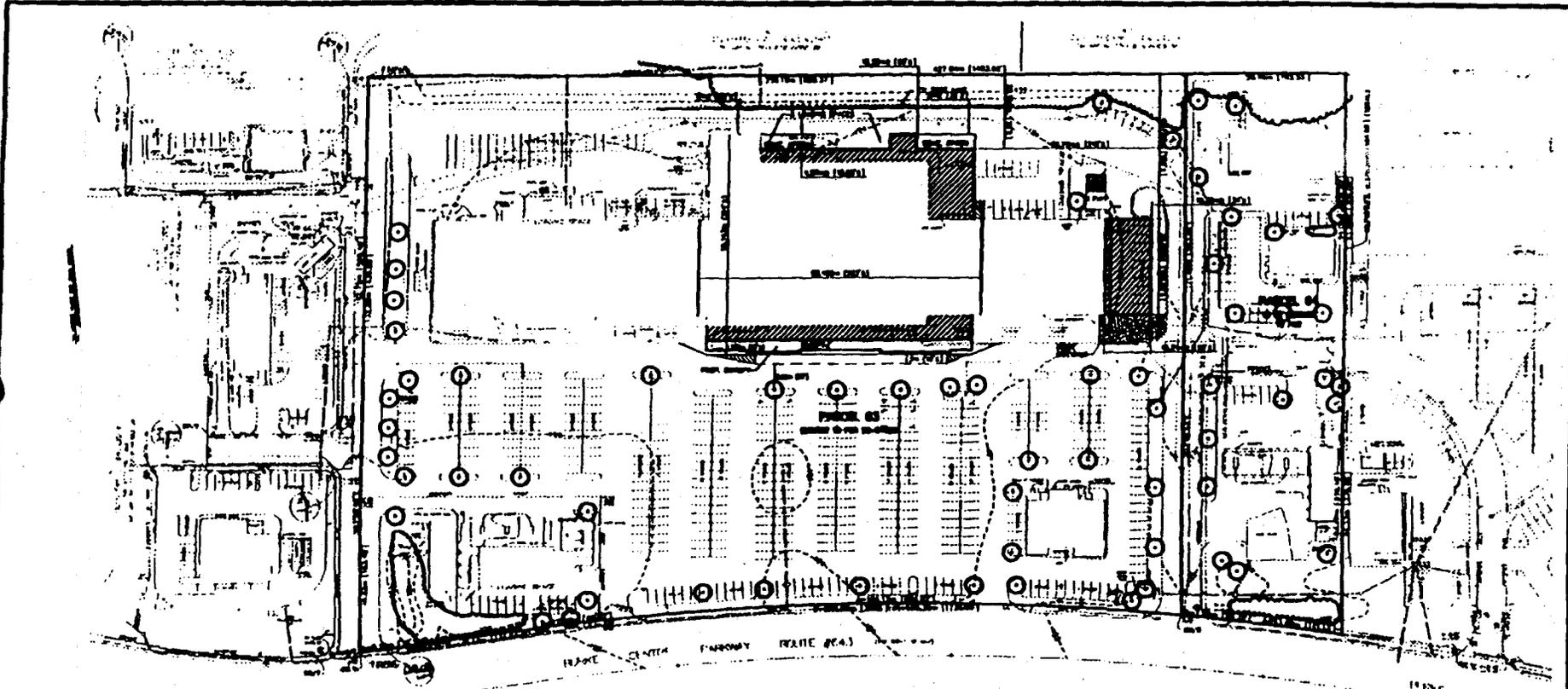
This plan was prepared by Schwab Consulting Group, Inc., 11111 Spring  
 Street, Skokie, Illinois 60076, (708) 471-1111. It is subject to the  
 provisions of the Comprehensive Zoning Ordinance of the Village of Burke,  
 Illinois, as amended.

- Major Pedestrian/Bicycle Paths
- Major Storm Drainage Improvements
- Major Sanitary Sewer Improvements
- Major Open Space
- Proposed Off-Site Roads by Others
- Existing and Committed Roads
- Possible Street Alignment

- SFD Single Family Detached
- SFA Single Family Attached
- IND Industrial
- MULTI Multi Family

Minimum driveway width shall be 10 feet. All other driveway widths shall be 12 feet.





NOTES

1. The site is located in the Burke Centre Shopping Center, Fairfax County, Virginia.
2. The site is bounded by [unclear] to the north, [unclear] to the south, [unclear] to the east, and [unclear] to the west.
3. The site is shown on the attached site plan.
4. The site is shown on the attached site plan.
5. The site is shown on the attached site plan.
6. The site is shown on the attached site plan.
7. The site is shown on the attached site plan.
8. The site is shown on the attached site plan.
9. The site is shown on the attached site plan.
10. The site is shown on the attached site plan.

NOTES

1. The site is located in the Burke Centre Shopping Center, Fairfax County, Virginia.
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3. The site is shown on the attached site plan.
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6. The site is shown on the attached site plan.
7. The site is shown on the attached site plan.
8. The site is shown on the attached site plan.
9. The site is shown on the attached site plan.
10. The site is shown on the attached site plan.



PHASE 13 PLAN/SECTION 14 RETAIL/DEVELOPMENT PLAN AND REPORT  
**BURKE CENTRE SHOPPING CENTER**  
 BRIDGE DISTRICT FAIRFAX COUNTY, VIRG.



|     |      |             |
|-----|------|-------------|
| NO. | DATE | DESCRIPTION |
| 1   |      |             |
| 2   |      |             |
| 3   |      |             |
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# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** August 6, 2007

**TO:** Regina Coyle, Director  
Zoning Evaluation Division, DPZ

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

**SUBJECT:** LAND USE & ENVIRONMENTAL ASSESSMENT for:

**PCA 1998-BR-073**  
**PCA 75-8-036-2**  
**DPA C-546-23**  
**PRC Plan**

Burke Centre Shopping Center – Drive-through Bank

This memorandum, prepared by John R. Bell, includes citations from the Comprehensive Plan that list and explain land use and environmental policies for this property. The citations are followed by a discussion of concerns, including a description of potential impacts that may result from the proposed development as depicted on the development plan dated February 26, 2007, as revised through June 28, 2007. The extent, to which the proposed use, intensity and development plan are consistent with the land use and environmental guidance contained in the Comprehensive Plan, is noted. Possible solutions to remedy identified land use issues and environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

### DESCRIPTION OF THE APPLICATION

The subject area is zoned PRC and is part of the land area of an existing commercial retail center. The applicants are seeking approval to permit a drive-in bank at this location on the site of an existing restaurant. With the exception of the drive-through area of the proposed bank, it would occupy the same land area as the existing restaurant. The proposed bank is part of a larger Village Center covering approximately 13 acres. The Village Center has a parking requirement of 457 spaces with 517 spaces provided.

**Department of Planning and Zoning**

Planning Division

12055 Government Center Parkway, Suite 730

Fairfax, Virginia 22035-5509

Phone 703-324-1380

Fax 703-324-3056

[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

## **LOCATION AND CHARACTER OF THE AREA**

The proposed bank site is located in the southeast corner of the shopping center adjacent to a shared entrance for the shopping center. Immediately north of the shopping center is the Southern Railroad right-of-way, to the east is a gas station, to the south is single-family attached dwelling also zoned PRC and to the east is another gas station.

## **COMPREHENSIVE PLAN CITATIONS:**

### **Land Use Citations:**

In the Fairfax County Comprehensive Plan, 2007 Edition, Area III, Pohick Planning District, as amended through September 25, 2006, P6 Middle Run Community Planning Sector, pages 68, the Plan states:

- “5. The parcels that are located east of Ox Road, south of the Southern Railroad, and north of Burke Centre Parkway, but not included in the Burke Centre Residential Planned Community are planned as follows:
  - a. Parcels 77-1 ((21))A, B, B1, C1, D1, D2, D3, D4, and D5 and 77-1((1))64 are planned for neighborhood-serving retail uses up to .25 FAR. Such uses are consistent with adjacent retail uses in the Burke Centre Residential Planned Community.”

In the Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Land Use – Appendix, as amended through March 12, 2007, page 19, the Plan states:

## **“APPENDIX 5**

### **GUIDELINES FOR DRIVE-THRU WINDOWS AND OTHER DRIVE-THRU FACILITIES**

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

### **Environmental Citations:**

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through November 15, 2004, on page 5 through 7, the Plan states:

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

Policy k. For new development and redevelopment, apply better site design and low impact development techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County’s streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives:

- Minimize the amount of impervious surface created. . . .
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements. . . .
- Maximize the use of infiltration landscaping within streetscapes consistent with County and State requirements.

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

Programs to improve water quality in the Potomac River/Estuary, and Chesapeake Bay will continue to have significant impacts on planning and development in Fairfax County. There is abundant evidence that water quality and the marine environment in the Bay are deteriorating, and that this deterioration is the result of land use activities throughout the watershed.

In order to protect the Chesapeake Bay and other waters of Virginia from degradation resulting from runoff pollution, the Commonwealth has enacted regulations requiring localities within Tidewater Virginia (including Fairfax County) to designate “Chesapeake Bay Preservation Areas”. Within which land uses are either restricted or water quality measures must be provided. Fairfax County has adopted a Chesapeake Bay Preservation Ordinance pursuant to these regulations. . . .

The other, less sensitive category of land in the Preservation Areas is called the "Resource Management Area (RMA)." Development is permitted in RMAs as long as it meets water

quality goals and performance criteria for these areas. These goals and criteria include stormwater management standards, maintenance requirements and reserve capacity for on-site sewage disposal facilities, erosion and sediment control requirements, demonstration of attainment of wetlands permits, and conservation plans for agricultural activities. In Fairfax County, RMAs include any area that is not designated as an RPA. . . .

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

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

**COMPREHENSIVE PLAN MAP:** Planned Residential Community and Retail and Other Uses

### LAND USE ANALYSIS

The Comprehensive Plan map shows that the subject property is planned mostly for planned residential community as a village center and retail and other uses. The Comprehensive Plan text provides limited guidance for the subject property. Nothing in the site specific guidance for this area would preclude the development of a drive-in bank at this location. However, the Comprehensive Plan text provides guidelines on drive-thru facilities (Appendix 5 of the Land Use section of the Policy Plan) which are applicable to the evaluation of the proposed bank with 2 drive-thru windows.

The application currently proposes a single free-standing building which would replace the existing freestanding restaurant at this same location. The restaurant and surrounding area are currently comprised of mostly impervious surface areas. The development of the drive-through bank at this location does not appear to increase the impervious surface areas and should be seen as an opportunity to improve landscaping and reduce runoff from this development.

Based on the foregoing discussion, staff concludes that the development, as currently proposed, is in conformance with the land use recommendation of the Comprehensive Plan.

### ENVIRONMENTAL ANALYSIS

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

*Regina Coyle*  
*PCA 1998-BR-073*  
*PCA 75-8-036-2*  
*DPA C-546-23*  
*PRC Plan*  
*Page 5*

## **Water Quality**

### **Issue:**

The subject property is located within the Pohick Creek watershed. While no increase in runoff is anticipated with the proposed redevelopment at this location, the applicants should be encouraged to seek opportunities to enhance the landscaped areas of the site as a means of reducing runoff from this location.

### **Resolution:**

Staff feels that while the applicants have noted measures to preserve some existing mature trees at this location, they should also be encouraged to seek additional opportunities to landscape the proposed bank area as a means of reducing runoff. Any final determination regarding stormwater management and BMPs for the proposed development will be made by staff in the Department of Public Works and Environmental Services (DPWES).

PGN:JRB



# County of Fairfax, Virginia

## MEMORANDUM

DATE: July 13, 2007

TO: Regina Coyle, Director  
Zoning Evaluation Division, DPZ

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

FILE: 3-4 (RZ 1998-BR-073)

SUBJECT: PCA 1998-BR-073, DPA C-546-23, PCA 75-8-036-2; Stuart-Burke Shopping Center  
Land Identification Map: 77-1 ((1)) 63, 64

This department has reviewed the generalized development plan revised through June 28, 2007. We have the following comments.

- Comment: Sidewalks are needed to connect Burke Centre parkway and the shopping center. There are three pedestrian routes that are recommended to be constructed on the site. The first is located east of the proposed use along the western edge of the east entrance where a pedestrian signal is already present. Another route constructed on the eastern edge of this same entrance can be linked to an existing, yet incomplete, sidewalk. A third pedestrian route on the eastern edge of the far west entrance would also serve for pedestrian access from the roadway to the shopping center.

Outcome: The applicant has addressed pedestrian access and added two of the three sidewalks suggested. One has been included along the western edge of the east entrance and another one on the opposite side to complete the previously incomplete sidewalk network to the east. At the new four-way stop, however, a handicap ramp is needed on the northwest corner of the sidewalk for Options 1 and 2.

- Comment: The applicant should provide more clarification on the location and quantity of teller windows proposed. The number of stacking spaces required will need to be reviewed based on this information.

Outcome: Notes have been added to the site plan to indicate the location and quantity of teller windows. Since the applicant is proposing two teller windows with five stacking spaces the zoning ordinance requires that both windows be operational when the drive through is open. A note to this regard should be a development condition.

- Comment: The stop bar at the drive-in will need to be pulled back approximately 4 - 5' to align with the building.

Outcome: The applicant has adjusted the stop bar.

Ms. Regina Coyle, Director  
July 13, 2007  
Page 2 of 2

AKR/MEC

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

**16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS****16-101 General Standards**

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

- 1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.
- 2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.
- 3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
- 4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.
- 5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.
- 6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

**16-102 Design Standards**

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:

- 1. In order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.
- 2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
- 3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

**Purpose and Intent**

The PRC District is established to permit the development of planned communities on a minimum of 750 contiguous acres of land, which at the time of the initial rezoning to establish a PRC District is owned and/or controlled by a single individual or entity. Such planned communities shall be permitted only in accordance with a comprehensive plan, which plan, when approved, shall constitute a part of the adopted comprehensive plan of the County and shall be subject to review and revision from time to time.

The PRC District regulations are designed to permit a greater amount of flexibility to a developer of a planned community by removing many of the restrictions of conventional zoning. This flexibility is intended to provide an opportunity and incentive to the developer to achieve excellence in physical, social and economic planning. To be granted this zoning district, the developer must demonstrate the achievement of the following specific objectives throughout all of his planning, design and development.

1. A variety of housing types, employment opportunities and commercial services to achieve a balanced community for families of all ages, sizes and levels of income.
2. An orderly and creative arrangement of all land uses with respect to each other and to the entire community.
3. A planned and integrated comprehensive transportation system providing for a separation of pedestrian and vehicular traffic, to include facilities such as mass transportation, roadways, bicycle or equestrian paths and pedestrian walkways.
4. The provision of cultural, educational, medical, and recreational facilities for all segments of the community.
5. The location of structures to take maximum advantage of the natural and manmade environment.
6. The provision of adequate and well-designed open space for the use of all residents.
7. The staging of development in a manner which can be accommodated by the timely provision of public utilities, facilities and services.

To these ends, rezoning to and development under this district will be permitted only in accordance with a comprehensive plan and development plan prepared and approved in accordance with the provisions of Article 16.

**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                        |         |  |

