



APPLICATION ACCEPTED: April 7, 2010  
PLANNING COMMISSION: July 29, 2010

# County of Fairfax, Virginia

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July 14, 2010

## STAFF REPORT

APPLICATION FDPA 78-C-118-19

### SULLY DISTRICT

**APPLICANT:** LB Franklin Farm LLC

**PRESENT ZONING:** PDH-2, WS

**PARCEL(S):** 35-1 ((4)) (22) 1, 2A, 2B, 3, 4, 5

**ACREAGE:** 20.06 acres

**FAR:** 0.25

**OPEN SPACE:** 25%

**PLAN MAP:** Residential 1-2 du/ac

**PROPOSAL:** The FDPA application seeks to amend the Final Development Plan for RZ 78-C-118 previously approved for mixed use development to permit additional secondary uses. The proposal will not impact the proffered 0.25 FAR.

### STAFF RECOMMENDATIONS:

Staff recommends approval of FDPA 78-C-118-19 subject to the development conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

Suzianne Zottl

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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/)



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

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

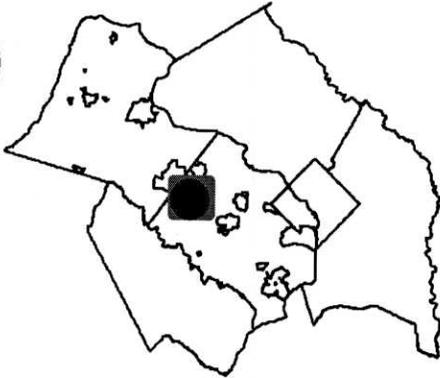
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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Final Development Plan Amendment

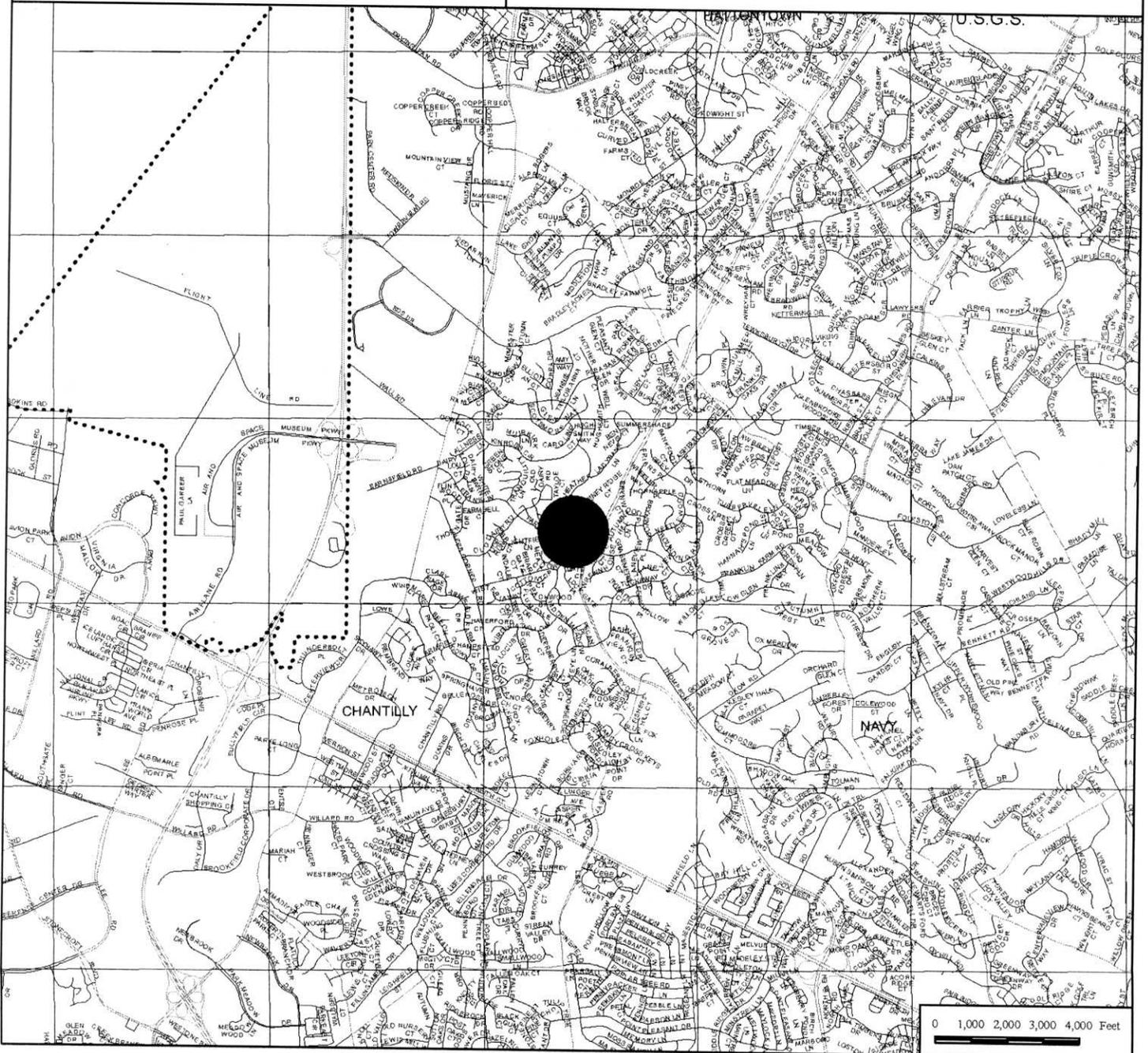
FDPA 78-C-118-19



Applicant: LB FRANKLIN FARM LLC  
Accepted: 04/07/2010  
Proposed: AMEND FDP 78-C-118 PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT TO PERMIT MODIFICATION TO THE PREVIOUSLY APPROVED PERMITTED USES

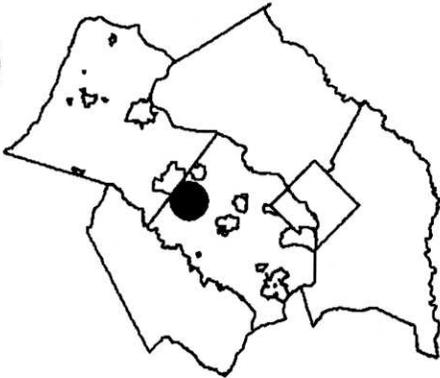
Area: 20.06 AC OF LAND; DISTRICT - SULLY  
Zoning Dist Sect:  
Located: NORTHEAST QUADRANT OF THE INTERSECTIONS OF FRANKLIN FARM ROAD AND STONE HEATHER DRIVE

Zoning: PDH- 2  
Overlay Dist: WS  
Map Ref Num: 035-1- /04/22/0001 /04/22/0002A  
/04/22/0002B /04/22/0003  
/04/22/0004 /04/22/0005



# Final Development Plan Amendment

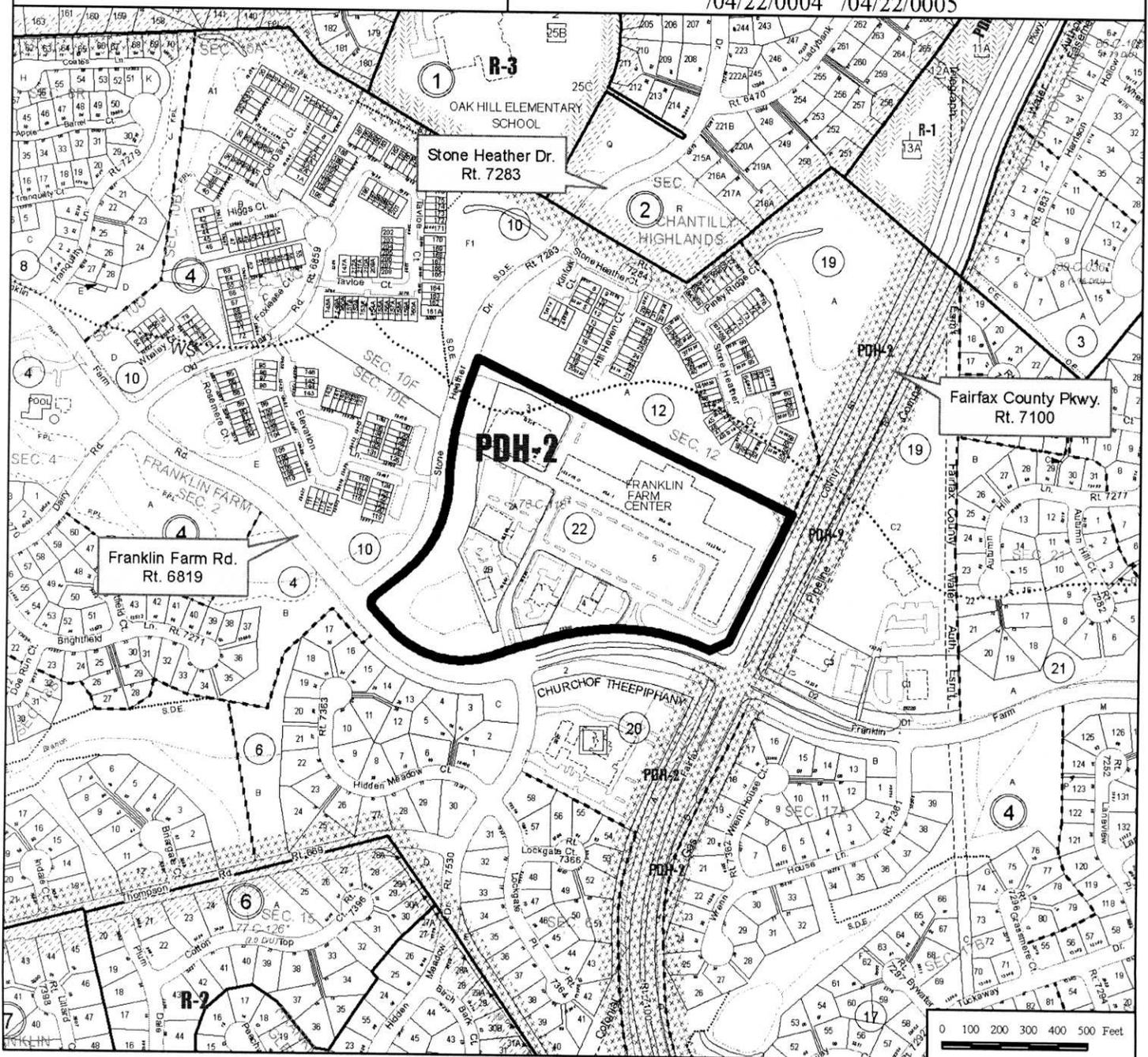
FDPA 78-C-118-19



Applicant: LB FRANKLIN FARM LLC  
Accepted: 04/07/2010  
Proposed: AMEND FDP 78-C-118 PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT TO PERMIT MODIFICATION TO THE PREVIOUSLY APPROVED PERMITTED USES

Area: 20.06 AC OF LAND; DISTRICT - SULLY  
Zoning Dist Sect:  
Located: NORTHEAST QUADRANT OF THE INTERSECTIONS OF FRANKLIN FARM ROAD AND STONE HEATHER DRIVE

Zoning: PDH- 2  
Overlay Dist: WS  
Map Ref Num: 035-1- /04/22/0001 /04/22/0002A  
/04/22/0002B /04/22/0003  
/04/22/0004 /04/22/0005







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

**DESCRIPTION OF THE APPLICATION**

- Applicant:** LB Franklin Farm LLC
- Location:** Franklin Farm Village Center; located between the Fairfax County Parkway and Stone Heather Drive, north of Franklin Farm Road.
- Proposal:** The applicant proposes to add secondary uses. No new building construction is proposed. The proposal will not impact the proffered FAR of 0.25 for the shopping center.

A reduced copy of the proposed Final Development Plan Amendment is included in the front of this report. Proposed Development Conditions, Affidavit and Statement of Justification are included as Appendices 1 through 3.

**LOCATION AND CHARACTER OF THE AREA**

**Site Description:**

The subject property is the Franklin Farms Village Center, a 20.06 acre property that is zoned PDH-2 and WS and is located between the Fairfax County Parkway and Stone Heather Drive, north of Franklin Farm Road.

**Surrounding Area Description**

The Village Center is surrounded by the following uses:

<b>DIRECTION</b>	<b>USE</b>	<b>ZONING</b>	<b>PLAN</b>
<b>North</b>	Single Family Attached	PDH-2	Residential 1-2 du/ac
<b>South</b>	Single Family Detached and Church	PDH-2	Residential 1-2 du/ac
<b>East</b> (across Fairfax Co. Parkway)	Child Care	PDH-2	Residential 1-2 du/ac
<b>West</b>	Single Family Attached	PDH-2	Residential 1-2 du/ac

## BACKGROUND

- On October 22, 1979, the Board of Supervisors approved RZ 78-C-118, which rezoned the Franklin Farm community to the PDH-2 District with proffers dated September 25, 1979 as amended on October 15, 1979. The Conceptual Development Plan was a general “blob” plan that indicated commercial on this site. Proffers 6A and 6B indicated that the maximum FAR of the commercial area would not exceed 0.25 and that construction would not exceed forty (40) feet in height. These proffers limit the overall intensity of the Franklin Farm Village Center and apply to this proposal (Appendix 4).

The applications as described below address only the commercial areas/Shopping Center; FDPA applications for areas outside of the commercial use are not listed.

- On December 5, 1984, the Planning Commission approved FDPA 78-C-118-4 to modify the approved plan by rearranging some of the original uses and eliminating one of the service stations.
- On March 1, 1984, the Planning Commission approved FDPA 78-C-118-5 to establish a shopping center on this site.
- On November 19, 1986, the Planning Commission approved FDPA 78-C-118-7 to include certain commercial uses in the shopping center and to increase the floor area by 8,795 square feet to a maximum of 165,500 square feet. The uses which were approved include offices, financial institutions/drive-through bank, and personal service establishments.
- On March 19, 1992, the Planning Commission approved FDPA 78-C-118-8 for the redistribution of 5,123 square feet of floor area within the existing Franklin Farm Village Center and modifications to the layout of previously approved secondary uses, including the addition of two (2) drive-through lanes to the one-story retail/drive-through bank site and an option for a drive-through lane to the retail site adjacent to the existing pond.
- On July 17, 2003, the Planning Commission approved FDPA 78-C-118-14 to permit an increase in gross floor area of approximately 3,300 square feet for the shopping center. The development conditions in this application maintained the restrictions from RZ 78-C-118 and stated that the maximum floor area of the Franklin Farm Village Center shall not exceed 168,500 square feet.
- On October 4, 2006, the Planning Commission approved FDPA 78-C-118-16 to replace an existing retail establishment with a 3,226 square foot drive-through bank. The development conditions maintained the restrictions from RZ 78-C-118 and stated that the maximum floor area of the Franklin Farm Village Center shall not exceed 168,500 square feet.

- On March 12, 2009, the Planning Commission approved FDPA 78-C-118-17 to replace the previously approved but never established drive-through bank use with a fast food restaurant use (no drive-through) on parcel 2B. On April 27, 2009, the Board of Supervisors approved a Category 5 Special Exception, SE 2008-SU-032, to permit the fast food restaurant. (Appendix 5)

## COMPREHENSIVE PLAN PROVISIONS

<b>Plan Area:</b>	Area III
<b>Planning District:</b>	Upper Potomac
<b>Planning Sector:</b>	UP7 - West Ox Community
<b>Plan Map:</b>	Residential 1-2 du/ac
<b>Plan Text:</b>	The Plan does not contain any site specific language

## ANALYSIS

### Final Development Plan Amendment (FDPA) (copy at front of staff report)

<b>Title of FDPA:</b>	Franklin Farm Village Center – Final Development Plan Amendment
<b>Prepared by:</b>	Bohler Engineering, P.C.
<b>Dates:</b>	March 29, 2010 as revised through May 28, 2010

The FDPA consists of two sheets.

**Sheet 1** is a title sheet and includes an index, a location map, a legend, and contact information.

**Sheet 2** is an overall shopping center plan, which shows the Franklin Farm Village Center building layout, parking, access, and landscaping. General note number 4 lists the secondary uses that are proposed to be allowed in the shopping center.

### Comparison with Currently Approved FDPA

This FDPA proposes to add additional secondary uses as allowable uses on the site. No new building construction is proposed. The change in allowable uses will not increase the existing gross square footage of the shopping center. The current approved FDP depicts only a shopping center use and fast food restaurant use. The applicant proposes to add the following secondary uses to the FDP:

- Health Clubs
- Offices

- Places of Worship (not to exceed 5,000 square feet)
- Colleges and Universities (not to exceed 5,000 square feet)
- Personal Service Establishments
- Private Schools of Special Education
- Repair Service Establishments
- Financial Institutions with or without Drive-Through (as shown on the FPDA)
- Service Station/Mini-Marts (as shown on the FDPA)
- Community uses, and
- Veterinary Hospitals

### **Land Use/ Environmental Analysis**

No land use or environmental issues were identified with this application.

### **Stormwater Management Analysis** (Appendix 6)

No stormwater issues were identified with this application.

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

#### **Issue: Pedestrian Connectivity**

There are insufficient pedestrian connections on the west side of the shopping center site. Additionally, the pedestrian standing area and access to the pedestrian signal have little barrier from vehicles turning right at the intersection of Franklin Farm Road and Fairfax County Parkway. Any future development on site should include the construction of new sidewalks along the west side's main drive aisle and provide an improved pedestrian standing area at the intersection. Furthermore, the proposed crosswalks shown on the plan are not located near existing pedestrian infrastructure and are encumbered by a high planting bed and vegetation. The crosswalks should not be painted at this time. New crosswalks should be integrated along pedestrian paths only when formal pedestrian connections are made available.

#### **Resolution:**

As no new construction is proposed with this application, staff believes that the pedestrian improvements should be proposed and reviewed at such time as a major site plan for the property is filed. Staff has included a development condition to this effect and believes this issue is addressed at this time.

**Issue: Bike Racks**

To encourage alternative means of transportation to the site, nine inverted U-style bike racks, or another appropriate design as approved by FCDOT, should be installed. The location of the bike racks on-site should be done in consultation with FCDOT.

**Resolution:**

The two existing bike racks on the property are installed incorrectly and block pedestrian pathways. As a result, staff has included a development condition to require the applicant to install bike racks in a type and quantity as approved by FCDOT prior to the issuance of the next non-RUP for the subject property. This issue is addressed.

**Conformance with Conceptual Development Plan (CDP) and Proffers**

Par. 1 of Sect. 16-402 of the Zoning Ordinance requires that all Final Development Plans be prepared in accordance with the approved Conceptual Development Plan and any conditions as may have been adopted by the Board of Supervisors. The approved CDP is a general plan for the original 823 acre site, which designates areas for residential and commercial developments, and a school site. The proposed FDPA to expand the uses allowed in the Franklin Farms Village Center is in conformance with the CDP and proffers approved in conjunction with the initial rezoning. The FAR and height limits approved with the existing proffers will not be affected by this request.

**ZONING ORDINANCE PROVISIONS (Appendix 10)****Conformance with PDH District Regulations**

The property is currently zoned PDH-2 and continues to meet PDH-2 District regulations set forth in Part 1 of Article 6, Planned Development Districts, of the Zoning Ordinance. The application proposes to expand the uses allowed on the site. This modification does not affect the square footage limitations of the PDH-2 District, which are specified in the proffers for RZ 78-C-118.

**Transitional Screening and Barrier Requirements**

No additional transitional screening and barriers are required as part of this application.

## **Conformance with Article 16**

All development within the PDH-2 District must conform to the standards set forth in Part 1 of Article 16.

### Sect. 16-101 General Standards

The General Standards required: 1) substantial conformance with the adopted Comprehensive Plan; 2) a design that achieves the purpose of the Planned Development District better than would development under a conventional district; 3) efficient land utilization; 4) preservation of existing natural features; 5) demonstration that the proposed development will not be harmful to the use and value of the existing and planned development in the surrounding area; 6) and the availability of all necessary public facilities and utilities. These standards have been satisfied with the previous rezoning of this property to the PDH District and were reviewed with approval of the Conceptual Development Plan.

The proposed Final Development Plan Amendment to allow additional secondary uses would not have an adverse impact. These uses are intended to serve the surrounding community. In addition, the proposal will not affect the available density for the Franklin Farms Village Center, which is restricted to a maximum density of 168,500 total square feet as stated in the development conditions for FDPA 78-C-118-17.

### Sect. 16-102 Design Standards

Par. 1 states that, at the peripheral lot lines, the bulk regulations and landscaping and screening for the proposed development should generally conform with the provisions of the most comparable conventional district. In this instance, the most comparable conventional district is the C-5 District. The minimum front yard setback required for a C-5 District is controlled by a 45 degree angle of bulk plane, but not less than 40 feet (resulting in a yard of 40 feet for an 18.8 foot high building). There is no side yard requirement and the minimum required rear yard setback is 20 feet. This application does not proposed additional buildings or construction.

Par. 2 states that open space, parking, loading, sign and other similar regulations shall have application in all planned developments. The application continues to meet the Zoning Ordinance requirements for open space, landscaping, and parking for Franklin Farms Village Center. The overall development provides 25% open space, which is in excess of the open space requirement of 20% for the PDH-2 District, and 730 parking spaces, which exceeds the in the Zoning Ordinance requirement of 687 spaces. All other applicable Zoning Ordinance provisions have been satisfied.

Par. 3 states that street systems should be designed to generally conform to the provisions of the Zoning Ordinance and should offer convenient access to mass transportation, recreational amenities and pedestrian access. Pedestrian access to the site could be improved by providing sidewalks and crosswalks on the site. Staff has included a development condition to require sidewalks and crosswalks to be provided at such time as a major site plan for the property is filed. Staff believes that this standard has been satisfied.

### **Overlay District Requirements**

Water Supply Protection (WSPOD)

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

With imposition of the proposed development conditions, the application has satisfied all applicable standards.

## **CONCLUSIONS AND RECOMMENDATION**

### **Staff Conclusions**

The proposed Final Development Plan Amendment to allow additional secondary uses is in conformance with the purpose and intent of the Comprehensive Plan and the PDH District; and with the approved Conceptual Plan and proffers. Staff believes that, as conditioned, the request is in conformance with the Comprehensive Plan and does not adversely impact the surrounding residential and commercial development.

### **Staff Recommendation**

Staff recommends approval of FDPA 78-C-118-19 subject to the development conditions in Appendix 1.

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

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

## **APPENDICES**

1. Proposed FDPA 78-C-118-19 Development Conditions
2. Affidavit
3. Statement of Justification
4. RZ 78-C-118 and Approved CDP
5. Development Conditions for FDPA 78-C-118-17
6. Stormwater Management Analysis
7. Transportation Analysis
8. Applicable Zoning Ordinance Provisions
9. Glossary of Terms

**PROPOSED DEVELOPMENT CONDITIONS****FDPA 78-C-118-19****July 14, 2010**

If it is the intent of the Planning Commission to approve FDPA 78-C-118-19 located at Tax Map 35-1 ((4)) (22) 1, 2A, 2B, 3, 4 and 5, to allow additional secondary uses, staff recommends that the approval be subject to the following development conditions. These conditions incorporate and supersede all previous development conditions as they pertain to the above listed Tax Map Numbers only. Previous conditions or those that have minor revisions are marked with an asterisk (\*).

1. Development of the subject property shall be in substantial conformance with the FDPA plat entitled "Franklin Farm Village Center – Final Development Plan Amendment", prepared by Bohler Engineering, P.C., consisting of two (2) sheets, dated march 29, 2010 as revised through May 28, 2010. Minor modifications to the approved FDP may be permitted pursuant to Par.4 of Sect. 16-403 of the Zoning Ordinance.
2. The maximum floor area of the Franklin Farm Village Center shall not exceed 168,500 square feet and the maximum gross floor area ratio (FAR) of the Franklin Farm Village Center shall not exceed 0.25.\*
3. The fast food restaurant building shall incorporate environmentally sustainable attributes into its building program, that may include, but not necessarily be limited to, such elements as high-efficiency mechanical systems, use of materials with recycled content, a high performance and insulated building envelope, water efficient fixtures, CO2 sensors and air filters, low volatile organic compounds in paints, sealants and finish materials, construction waste management, and storage and collection of recyclables.\*
4. The existing vegetation located on the western and northern boundaries of the shopping center site shall be maintained by the applicant.
5. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.\*
6. Parking spaces shall meet the provisions of Article 11 of the Zoning Ordinance and the geometric design standards in the Public Facilities Manual, as determined by DPWES; a parking tabulation which demonstrates that parking requirements are met for all uses in the Shopping Center shall be submitted to DPWES prior to issuance of the next non-RUP for the subject property.

## APPENDIX 1

7. Nine inverted U-style bike racks, or another appropriate number and/or design as approved by FCDOT, shall be installed in consultation with FCDOT prior to the approval of the next Non-RUP for the subject property.
8. Prior to the approval of the first major site plan that is submitted for the subject property, sidewalks and crosswalks shall be provided on the site, subject to review and approval by FCDOT. Any vegetation displaced as a result of these pedestrian improvements shall be replanted, subject to the satisfaction of UFMD.
9. The following uses shall be allowed on-site: Health Clubs, Offices, Places of Worship (not to exceed 5,000 square feet), Colleges and Universities (not to exceed 5,000 square feet), Personal Service Establishments, Private Schools of Special Education, Repair Service Establishments, Financial Institutions with or without Drive-Through (as shown on the FPDA), Service Station/Mini-Marts (as shown on the FDPA), Community uses, and Veterinary Hospitals. The following uses shall not be allowed on-site: adult book stores; video/DVD stores primarily dealing with the sale, rental, or exhibition of adult oriented material; tattoo parlor/piercing establishments; psychic readers/fortune tellers; topless or nude dancing/stripping establishments; adult movie or "peep show" establishments.

The proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.

**REZONING AFFIDAVIT**

DATE: June 14, 2010  
 (enter date affidavit is notarized)

I, Sara V. Mariska, attorney/agent, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)       applicant  
                           applicant's authorized agent listed in Par. 1(a) below      108022a

in Application No.(s): FDPA 78-C-118-19  
 (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> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
LB Franklin Farm LLC  Agents: Samuel (nmi) Lehrman Robert (nmi) Lehrman	c/o Rappaport Management Company 8405 Greensboro Drive, #830 McLean, Virginia 22102	Applicant/Title Owner of Tax Map 35-1 ((4)) (22) 1, 2B, 3, 4, 5
Rappaport Management Company  Agents: Gary D. Rappaport Larry M. Spott Joshua S. Goldman	8405 Greensboro Drive, #830 McLean, Virginia 22102	Management Consultant/Agent for Applicant

(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: June 14, 2010  
 (enter date affidavit is notarized)

108022a

for Application No. (s): FDPA 78-C-118-19  
 (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> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
JLH Properties of Virginia I, LLC  Agent: Jerry L. Holly	2061 Forest Hill Circle Coralville, IA 52241	Title Owner of Tax Map 35-1 ((4)) (22) 2A
Bohler VA, LLC f/k/a Bohler Engineering, P.C.  Agents: Adam J. Volanth Aaron M. Bodenschatz Lisa R. Fitch (former)	22630 Davis Drive, Suite 200 Sterling, Virginia 20164	Engineers/Agent
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Stagg Kara M. Whisler Megan C. Shilling Elizabeth A. McKeeby	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent

(check if applicable)

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

REZONING AFFIDAVIT

DATE: June 14, 2010
(enter date affidavit is notarized)

108022a

for Application No. (s): FDPA 78-C-118-19
(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)
LB Franklin Farm LLC c/o Rappaport Management Company
8405 Greensboro Drive, #830
McLean, Virginia 22102

DESCRIPTION OF CORPORATION: (check one statement)

- [X] 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)

Robert Lehrman (nmi), member
SL Real Estate Limited Partnership, member
Samuel (nmi) Lehrman, manager

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

(check if applicable) [X] 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: June 14, 2010  
(enter date affidavit is notarized)

108022a

for Application No. (s): FDPA 78-C-118-19  
(enter County-assigned application number (s))

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

SL Management, LLC  
5301 Wisconsin Avenue, NW, Suite 650  
Washington, DC 20015

**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)

Samuel (nmi) Lehrman  
Maxwell Jacob Lehrman Intervivos Trust II (owns less than 10% of LB Franklin Farm LLC)

=====

**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 VA, LLC f/k/a Bohler Engineering, P.C.  
22630 Davis Drive, Suite 200  
Sterling, Virginia 20164

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

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

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

Ludwig H. Bohler  
Adam J. Volanth  
Daniel M. Duke  
Mark R. Joyce  
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: June 14, 2010  
(enter date affidavit is notarized)

108022a

for Application No. (s): FDPA 78-C-118-19  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13th Floor  
Arlington, Virginia 22201

**DESCRIPTION OF CORPORATION:** (check one statement)  
 There are 10 or less shareholders, and all of the shareholders are listed below.  
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)  
David J. Bomgardner, E. Andrew Burcher, Thomas J. Colucci, Peter M. Dolan, Jr., Jay du Von, Jerry K. Emrich, William A. Fogarty, John H. Foote, H. Mark Goetzman, Bryan H. Guidash, Michael D. Lubeley, J. Randall Minchew, M. Catharine Puskar, John E. Rinaldi, Lynne J. Strobel, Garth M. Wainman, Nan E. Walsh, Martin D. Walsh

=====  
**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)  
JLH Properties of Virginia I, LLC  
2061 Forest Hill Circle  
Coralville, IA 52241

**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)  
Jerry L. Holly, Sole 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: June 14, 2010  
(enter date affidavit is notarized)

108022a

for Application No. (s): FDPA 78-C-118-19  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Rappaport Management Company  
8405 Greensboro Drive, #830  
McLean, Virginia 22102

**DESCRIPTION OF CORPORATION:** (check one statement)  
 There are 10 or less shareholders, and all of the shareholders are listed below.  
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)  
Gary D. Rappaport

=====

**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)

**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: June 14, 2010  
(enter date affidavit is notarized)

108022a

for Application No. (s): FDPA 78-C-118-19  
(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)

SL Real Estate Limited Partnership  
5301 Wisconsin Avenue, NW, Suite 650  
Washington, DC 20015

(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**)

Samuel (nmi) Lehrman  
SL Management, LLC

(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 AFFIDAVIT

DATE: June 14, 2010  
(enter date affidavit is notarized)

108022a

for Application No. (s): FDPA 78-C-118-19  
(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: June 14, 2010  
(enter date affidavit is notarized)

108022a

for Application No. (s): FDPA 78-C-118-19  
(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.)

None

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

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

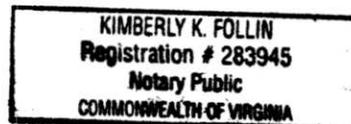
Sara V. Mariska  
[ ] Applicant [x] Applicant's Authorized Agent

Sara V. Mariska, attorney/agent  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 14 day of June, 2010, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin  
Notary Public

My commission expires: 11/30/2011





Sara V. Mariska  
 (703) 528-4700 Ext. 5419  
[smariska@arl.thelandlawyers.com](mailto:smariska@arl.thelandlawyers.com)

WALSH COLUCCI  
 LUBELEY EMRICH  
 & WALSH PC

RECEIVED  
 Department of Planning & Zoning  
 APR 20 2010  
 Zoning Evaluation Division

**REVISED**  
 April 20, 2010

**Via Hand Delivery**

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

Re: Proposed Final Development Plan Amendment  
 Applicant: LB Franklin Farm LLC

Dear Ms. Coyle:

Please accept the following as a revised statement of justification for a final development plan amendment on property identified among the Fairfax County tax map records as 35-1 ((4)) (22) 1, 2A, 2B, 3, 4, 5 (the "Subject Property").

The Subject Property contains approximately 20.06 acres and is located in the northeast quadrant of the intersection of Franklin Farm Road (Route 6819) and Stone Heather Drive (Route 7283) in the Sully Magisterial District. The Subject Property is zoned to the PDH-2 and Water Supply Protection Overlay (WS) Districts and has been the subject of several prior land use applications. On October 22, 1979, the Board of Supervisors (the "Board") approved RZ 78-C-118 which rezoned the Subject Property and surrounding acreage to the PDH-2 District. On March 1, 1984, the Planning Commission approved FDPA 78-C-118-5 to establish a shopping center on the Subject Property to serve the surrounding residential development. Most recently, the Planning Commission approved FDPA 78-C-118-17 and the Board approved SE 2008-SU-032 to replace a previously approved, but never established, drive-in bank use with a fast food restaurant without a drive-through. The Subject Property's zoning to the PDH-2 District permits only limited secondary retail uses. The Franklin Farm Shopping Center is an existing, developed shopping center that is developed at its maximum intensity under the applicable zoning approvals. Accordingly, any new shopping center tenants are simply replacing existing square footage.

Over the last 25 years, a number of amendments have been approved on the Subject Property to incorporate community-serving uses and to add variety to the shopping center's existing retail offerings. Providing a variety of uses at the shopping center increases its vitality and reduces the number of vehicle trips on the surrounding road network as patrons can perform

multiple tasks at one location. As an alternative to addressing each change in use at the shopping center with an amendment to the final development plan, the Applicant proposes to add a number of permitted secondary uses to the final development plan. Expanding the list of permitted uses on the final development plan will allow the shopping center to respond much faster to potential tenants and provide better leasing opportunities for desired users. No site modifications or changes to the proffered 0.25 FAR are proposed.

The currently approved final development plan depicts only a shopping center use and fast food restaurant use. The Applicant proposes to add the following secondary uses to the final development plan:

- Health Clubs;
- Offices;
- Places of Worship (not to exceed 5,000 square feet);
- Colleges and Universities (not to exceed 5,000 square feet);
- Personal Service Establishments;
- Private Schools of Special Education;
- Repair Service Establishments;
- Financial Institutions with Drive-Through (as shown on the FDPA);
- Financial Institutions without Drive-Throughs;
- Service Station/Mini-Marts (as shown on the FDPA);
- Community Uses; and
- Veterinary Hospitals.

The addition of the above, community-serving uses will provide needed flexibility to maintain a quality mix of tenants. The additional uses will not create additional traffic impacts and will enhance the shopping center for area residents. No site modifications or change to the approved center is proposed except for the addition of the above-listed uses to the approved final development plan. Parking will be provided for each use in accordance with the requirements of Article 11 of the Fairfax County Zoning Ordinance.

The Subject Property is in Area III of the Fairfax County Comprehensive Plan (the "Plan"), within the Upper Potomac Planning District, within the West Ox Community Planning Sector (UP7). The Plan does not contain any text specific to the Subject Property. Given the prior approvals on the Subject Property, the proposal is in conformance with the Plan's recommendations.

In summary, the Applicant proposes the addition of a number of secondary uses to the Subject Property's final development plan. The Applicant is not proposing any additional intensity or site modifications. The addition of a number of secondary uses to the final development plan will allow for greater diversity in the shopping center's tenant mix and will allow the shopping center to continue serving the community's needs by providing quality tenants.

April 20, 2010

Page 3 of 3

Should you have any questions regarding the above, or require additional information, please do not hesitate to give me a call. I would appreciate the acceptance of this application and the scheduling of a public hearing before the Fairfax County Planning Commission at your earliest convenience. As always, I appreciate your cooperation and assistance.

Very truly yours,

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

A handwritten signature in cursive script that reads "Sara V. Mariska".

Sara V. Mariska

Enclosures

cc: Josh Goldman  
Aaron Bodenschatz  
Lynne J. Strobel  
Martin D. Walsh

{A0190900.DOC / 1 Statement of Justification Revised 4-20-10 000284 000043}

Re: Rezoning Application 78-C-118  
Franklin Partnership

## PROFFER

September 25, 1979

Amended October 15, 1979

The undersigned hereby proffer that in the event the subject property is rezoned to the PDH-2 District by the Board of Supervisors at the hearing scheduled October 22, 1979, development shall be substantially in accord with Development Plan previously filed among the papers of this case prepared by Dewberry, Nealon and Davis dated July 27, 1979 and revised September 19 and 20, 1979, which, in the event of rezoning to the PDH-2 District, shall be approved as the Conceptual Development Plan and shall be subject to the following terms and conditions:

1. The total residential lot yield shall be 1,656 dwelling units, i.e., a density of 2.0 dwelling units per acre.

A. There shall be no additional "bonus" units, i.e., those units allowed at the discretion of the Board of Supervisors pursuant to the PDH-2 zoning ordinance.

B. That portion of the development consisting of approximately 130 acres extending along the southern and southeastern boundary of the site generally from the point at which the site boundary and Thompson Road separate and the Harvey property, including a substantial portion of open space, shall be restricted to a density of 0.9 dwelling units per acre and all lots within said 130 acres shall be a minimum of 20,000 square feet in area.

C. All lots which have at least one boundary on West Ox Road shall be a minimum of 20,000 square feet in area.

D. Twenty percent (20%) of the total dwelling units may be single-family attached. Eighty-four of the aforesaid single-family attached units may be in structures containing no more than four units per structure and the balance shall be in structures containing no more than two units per structure. All single-family attached units shall be located west of Bypass alignment "VA," i.e., the westernmost Bypass alignment and in the vicinity of the proposed commercial center. There shall be no minimum lot size for single-family attached units and the additional open-space thus created shall be located east of Bypass alignment "VH." The exact location and configuration of the single-family attached units will be specified in the Final Development Plan.

2. Occupancy of the residential development shall not exceed the following incremental development schedule providing that any units not occupied within the assigned schedule may be occupied in subsequent years in addition to the incremental increase:

January 1, 1981	156 units
January 1, 1982	300 units
January 1, 1983	400 units
January 1, 1984	400 units
January 1, 1985	400 units
	<u>1,656 units</u>

3. Open space shall comprise 22 percent of the development. Applicant recognizes the requirement of the PDH-2 ordinance that a minimum sum of \$300 per dwelling unit be expended to provide developed recreational facilities. Recreational facilities shall include the following despite the fact that the cost of these facilities will substantially exceed the aforesaid minimum unit expenditure:

A. Two swimming pools with associated bath-houses and parking facilities. Pools are to be located in the areas designated on the aforesaid Development Plan for active recreation.

B. Four lighted tennis courts, four multi-purpose courts and eight tot lot/apparatus areas. The majority of these facilities shall be clustered within the areas designated on the aforesaid Development Plan for active recreation.

C. Benches, picnic tables, grills and similar passive recreational facilities at convenient locations within the open space.

D. Two soccer fields, cleared, graded and seeded, with sufficient area to accommodate softball and other group athletic activities in the area designated on the aforesaid Development Plan for playing fields. That portion of the open space between the east-west collector road and the north boundary of the subject application consisting of approximately 8 acres, including the soccer fields, shall be dedicated to the Fairfax County Park Authority providing the fields, after construction, shall be maintained for public use by the Park Authority.

E. A comprehensive trails plan shall be submitted with final development plans. The plan shall provide internal access between substantial open-space areas, commercial facilities and recreational facilities and shall utilize a combination of four-foot asphalt trails and sidewalks to provide appropriate internal circulation.

4. Right-of-way for trails as required by the County-wide Trails Plan not to exceed a width of 5 feet in addition to right-of-way dedication for street purposes shall be dedicated. This additional right-of-way shall be in accord with adopted public facilities policy providing nothing herein shall be construed to require construction of trails other than those which may be provided in accord with the trails plan to be submitted pursuant to aforesaid paragraph 3.E.

5. Right-of-way shall be dedicated along the Trans-continental Gas Pipeline and through the open-space area, sufficient for an 8-foot gravel trail providing there shall be no requirement for construction.

6. The commercial area of 15.2 acres permitted by the PDH-2 ordinance shall be located substantially as shown on the aforesaid Development Plan and shall be subject to the following:

A. The maximum floor area ratio shall be 0.25.

B. Construction shall not exceed 40 feet in height.

C. The north and west boundaries of the commercial area shall be bordered by a continuous strip of open space 100 feet in width. Within the aforesaid open-space area, a 75-foot border of existing tree cover shall be maintained subject only to slope grading, utility lines, storm drainage facilities and access areas. In addition to the preservation of existing forestation as aforesaid, berms and/or additional landscaping shall be utilized to provide visual relief to adjacent property proposed for residential use.

D. A 50-foot open-space border subject to access, utility and storm drainage facilities shall be preserved along both sides of the commercial frontage of the east-west collector road. That portion of the open space across the east-west collector from the commercial frontage shall contain a berm varying from 4 to 6 feet in height with appropriate landscaping.

E. In the event a portion of the Springfield Bypass/Dranesville (Bypass) connector shall be located along the eastern boundary of the commercial site, 25 feet of open space in addition to the right-of-way for the

Bypass (including the environmental corridor) hereinafter committed shall be provided. In the event the Bypass connector is not located along the eastern boundary of the commercial area, an open-space buffer of 100 feet shall be provided and existing forested area maintained to a width of 75 feet within said open-space area subject only to grading, utility lines, storm drainage facilities and access points. Additional berms and landscaping shall be provided in unforested areas of the open space.

7. An area of approximately 4.6 acres designated on the aforesaid Development Plan "commuter fringe parking area" shall be dedicated to the Board for parking lot construction at such time as the Board may request.

8. Reverse-frontage lots shall be provided along West Ox Road, Lees Corner Road, Thompson Road and Centreville Road.

9. The intersection of the east-west connector and Centreville Road shall be located a minimum of 800 feet north of Lees Corner Road in the general vicinity of Barnesfield Road.

10. Along Centreville Road, additional right-of-way shall be dedicated to provide a right-of-way width of 45 feet from centerline and a deceleration/right-turn lane shall be constructed for each site entrance. A left-turn lane serving southbound traffic on Centreville Road and a left-turn lane serving westbound traffic on the east-west connector road shall be constructed at the intersection of the east-west connector and Centreville Roads.

11. Along Lees Corner Road, additional right-of-way shall be dedicated to provide a right-of-way width of 45 feet from centerline and within said right-of-way a deceleration right-turn shall be constructed for each site entrance. Intersection spacing along Lees Corner Road shall be in accord with the 45 m.p.h. design speed criteria.

12. Along West Ox Road, additional right-of-way shall be dedicated to provide a right-of-way width of 45 feet from centerline and deceleration/right-turn lanes shall be provided at each site entrance in the right-of-way. Additional right-of-way shall be dedicated as may be required for adjustments in the alignment of West Ox Road providing the alignment remains generally within the existing location. A left-turn lane shall be constructed at the southern entrance on West Ox Road and West Ox Road reconstructed as necessary to provide adequate

site distance at each site entrance, providing said left-turn lane and reconstruction can be accomplished within existing or proffered right-of-way. The specific reconstruction required shall be determined at time of subdivision plan review.

13. On Thompson Road, additional right-of-way shall be dedicated to provide a right-of-way width of 30 feet from centerline. Additional right-of-way shall be dedicated as necessary for realignment of Thompson Road, providing the ultimate alignment is generally in the existing corridor location. Access to the site shall, to the extent practical, be located opposite planned or existing collectors serving subdivisions south of the subject application.

14. Ashburton Avenue shall connect with a connector road serving the subject development substantially as shown on the Development Plan and such additional right-of-way shall be dedicated as may be necessary to provide an access between the subject site and a public road proposed to connect with Ashburton Road approximately 75 feet north of the boundary of the subject application.

15. A single access point shall be provided substantially at the location shown on the aforesaid Development Plan to serve those properties shown in the name of Robb and Hauck providing construction of the connecting road shall be required only in the event an appropriate "turn-around" easement is dedicated, without cost to the applicant, by the adjacent property owners served by the connection. Right-of-way shall be dedicated to provide a subdivision street connection between the subject development and the Carr property and the connection constructed providing additional right-of-way necessary for a "turn-around" easement is dedicated without cost to the applicant.

16. Four alternate locations designated "VA," "VH," "VC" and "VB," referring to the TAMS/VDH&T study of the Bypass extension alignments are shown on the aforesaid Development Plan.

A. In the event one of these alignments shall be selected as the location of the Bypass prior to January 1, 1981, a right-of-way 110 feet in width for road purposes together with an environmental protection corridor of 25 feet on each side of the 110-foot right-of-way, i.e., a total of 160 feet in width, shall be dedicated to the Board of Supervisors.

B. No lot shall be recorded within any of these four proposed corridors prior to January 1, 1981.

C. Upon selection of one of the four alignments, the other three alignments shall be released from all commitment for highway purposes and shall be free for development.

D. During the period from date of zoning to January 1, 1981, the applicant shall be entitled to prepare and submit plats providing for development including development within the proposed rights-of-way and said plats shall be routinely reviewed and processed subject only to the commitment that no plat be recorded prior to that date which creates lots within the area reserved.

E. In the event one of the four alignments is selected for the Bypass, a revised Development Plan shall be submitted to the Board of Supervisors providing appropriate adjustment in the development concept to accommodate the selected alignment.

F. In the event none of the four Bypass alignments is selected by January 1, 1981, or a Bypass alignment is selected other than on the subject application, or the Bypass shall be abandoned by either Fairfax County or VDH&T and Bypass studies discontinued, all reservation of land for the Bypass shall immediately terminate and the corridors reserved for Bypass alignments shall be deemed forthwith released for normal development.

Selection for the purpose of this paragraph 16 shall not be construed to require approval of any federal agency.

G. Any road alignment shown on Fairfax County Master Plans shall be recognized by appropriate right-of-way dedication, i.e., in the event the Bypass alignments are relocated or otherwise abandoned and the Fairfax County Master Plan continues to show a north-south highway alignment through the subject property, the right-of-way for the remaining Master Plan alignment shall be dedicated at time of site plan approval.

17. Provision for an extension of Stringfellow Road north from Route 50 to Thompson Road in the several development and preliminary plans applicable to that area between Route 50 and Thompson Road is recognized.

A. In the event Fairfax County obtains a commitment for construction of at least a two-lane section of the Stringfellow extension from Thompson Road to Route 50 prior to January 1, 1983, a connection shall be provided through the subject property from the intersection of the Stringfellow Road extension with Thompson Road to the east-west connector road.

B. The sum of \$100,000 shall be paid to the Board of Supervisors to be used for the construction of a stream crossing necessary for the Stringfellow Road extension, provided this tender shall expire if construction does not commence within five years from date of zoning. Payment shall be made at such time as required to fund actual construction of the stream crossing.

C. Commitment, for the purpose of this paragraph 17, shall consist of approved plans and profiles for the construction of the Stringfellow Road extension from Route 50 to Thompson Road with routine executed performance bond.

18. Plans for transportation improvements within the subject property and in the immediate vicinity of the subject property shall be publicized, by reasonable means, in an effort to assure that prospective residents shall be aware of such proposals.

19. A conservation easement providing for preservation of all healthy, existing trees of a diameter of 4 inches or more measured at a level of 2 feet from the ground shall be preserved within a strip 50 feet in width commencing at Thompson Road and extending along the south boundary of the property to that parcel shown on the referenced Development Plan to be in the name Loughrie. The conservation easement shall be subject to clearing as necessary and installation of all utilities and storm drainage facilities.

20. A. Along the frontage of West Ox Road commencing with the Baptist Church property and extending for approximately 1,200 feet to the proposed site entrance, lots shall be a minimum of 150 feet in depth and there shall be constructed a berm varying in height from 4 to 6 feet with appropriate landscaping, extending for 80% of the frontage.

B. Along the frontage of West Ox Road commencing with the corner at Lambert and extending to the corner with Reber, a berm varying in height from 4 to 6 feet with appropriate landscaping shall be constructed extending for 50% of the frontage.

C. The berms provided in this paragraph 21 shall be designed to convey the appearance of natural topographical features and sited to provide visual relief along West Ox Road. Accordingly, the berms shall not be a continuous barrier and shall vary in height and alignment.

21. Storm water shall be managed in accord with adopted Fairfax County ordinances and policies in effect at the time of subdivision plat and plan approval.

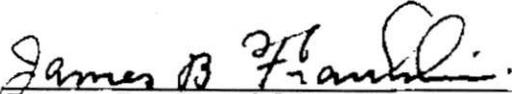
22. The internal road system shown on the Development Plan shall be generally in accord with the analysis (dated September 19, 1979) contained within the Staff Report dividing the internal system into eight segments for analytical purposes. The east-west connector pursuant to the referenced analysis shall consist of 24 and 36 foot rural sections where access is restricted and frontage is generally along open space on one or both sides of the road. A 44-foot urban section shall be provided lots which directly access the east-west connector and a four-lane divided section shall be provided along the commercial frontage. The Staff recommendation aforesaid is accepted providing left-turn lanes as required shall be included in the 36-foot section and there shall be no right-turn lanes required in addition to the referenced section widths.

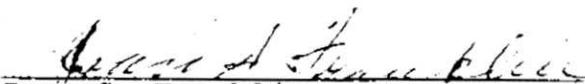
As an alternate and in lieu of the 44-foot section provided between the entrance to the eastern recreation area and the commercial site (a portion of Segment 1 and Segment 2), applicant may elect to construct a 24-foot east-west connector road section realigned to provide a direct connection between Segment 1 and Segment 3. In the event a 24-foot section on a relocated alignment is elected, the reverse-frontage lot concept shall be utilized.

In the event the Bypass is located through the subject property, appropriate accommodation of the said alignment will necessitate adjustments in the internal road system to provide appropriate distance from Bypass intersections.

23. A 13.9-acre elementary school site situated east of Bypass alignments "VA" and "VH" shall be dedicated to the Board of Supervisors. The location shall be determined and fixed at the time of Final Development Plan approval.

24. The development of the subject site shall be in compliance with the provisions of all applicable statutes, ordinances, regulations, policy standards, the Conceptual Development Plan and the specific proffers set forth in this document. Comments, suggestions, recommendations and requests which may have been contained in Staff reports or discussions but are not included specifically in either the proffered Conceptual Development Plan or this proffer shall not be deemed development commitments.

  
James B. Franklin

  
Jean S. Franklin

FRANKLIN PARTNERSHIP

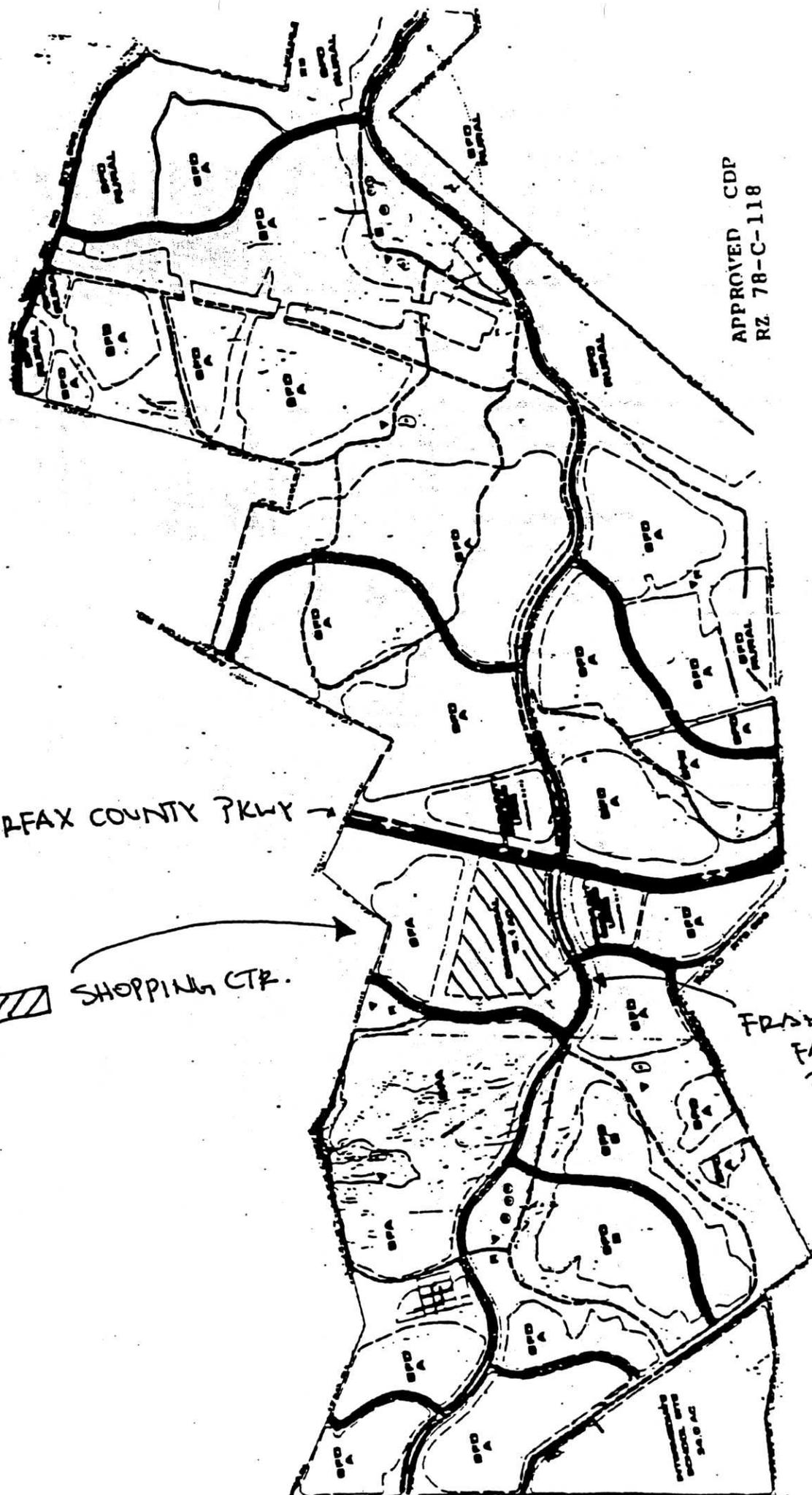
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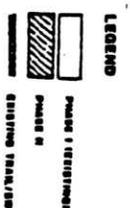
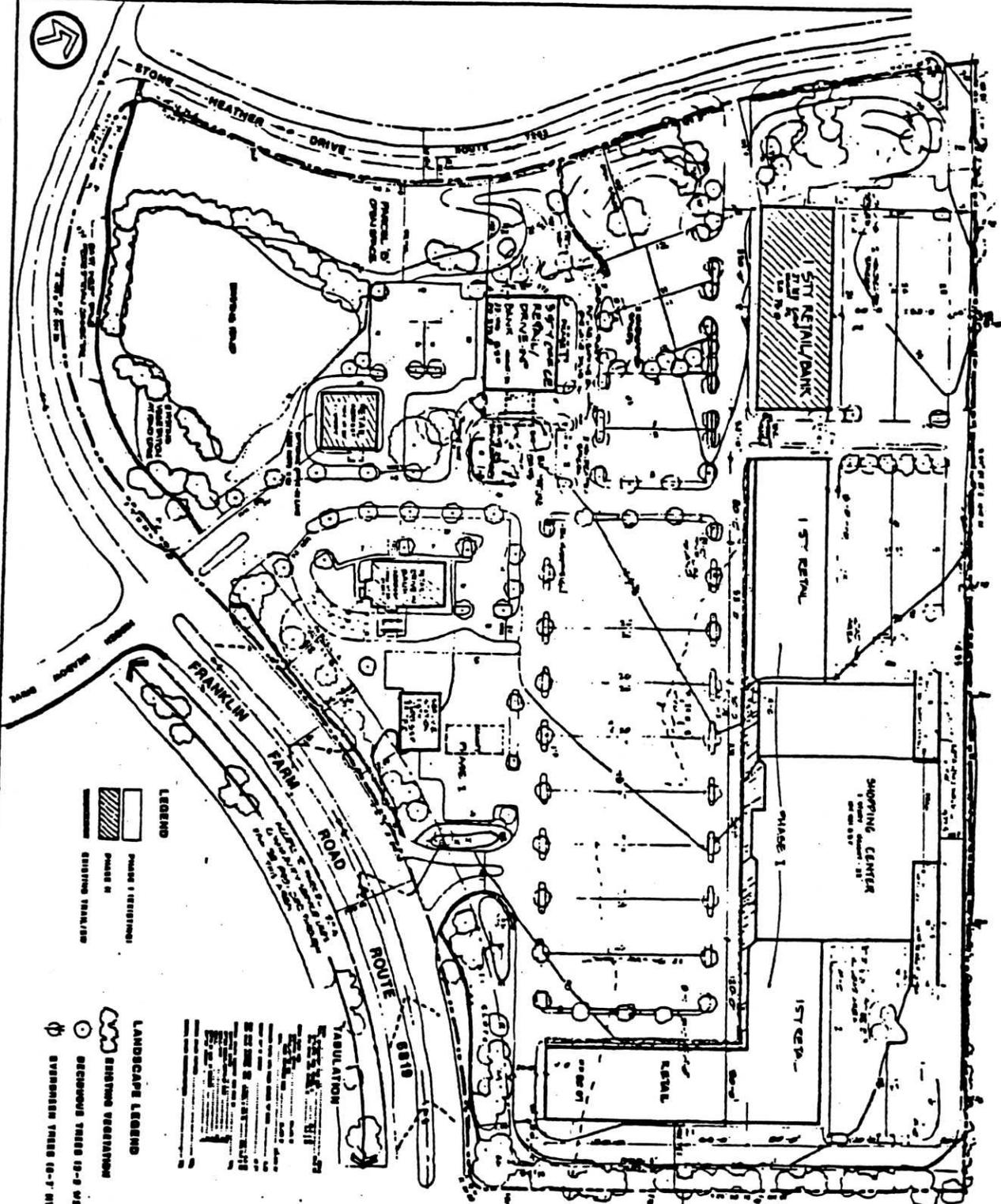
APPROVED CDP  
RZ. 78-C-118

FAIRFAX COUNTY PKWY

SHOPPING CTR.

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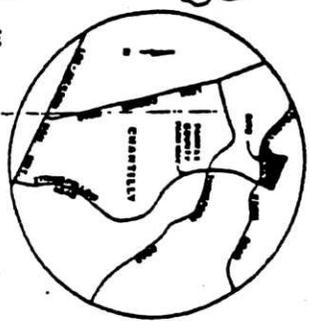




VEGETATION  
EXISTING VEGETATION  
PROPOSED TREES 8-12' DBH  
PROPOSED TREES 12-15' DBH

NOTE  
UTILITIES BY LANDSCAPE  
FROM EAST

FAIRFAX COUNTY PARKWAY ROUTE 7100



PROPERTY MAP

1. [Area 1]	2. [Area 2]	3. [Area 3]	4. [Area 4]	5. [Area 5]	6. [Area 6]	7. [Area 7]	8. [Area 8]	9. [Area 9]	10. [Area 10]	11. [Area 11]	12. [Area 12]	13. [Area 13]	14. [Area 14]	15. [Area 15]	16. [Area 16]	17. [Area 17]	18. [Area 18]	19. [Area 19]	20. [Area 20]	21. [Area 21]	22. [Area 22]	23. [Area 23]	24. [Area 24]	25. [Area 25]	26. [Area 26]	27. [Area 27]	28. [Area 28]	29. [Area 29]	30. [Area 30]	31. [Area 31]	32. [Area 32]	33. [Area 33]	34. [Area 34]	35. [Area 35]	36. [Area 36]	37. [Area 37]	38. [Area 38]	39. [Area 39]	40. [Area 40]	41. [Area 41]	42. [Area 42]	43. [Area 43]	44. [Area 44]	45. [Area 45]	46. [Area 46]	47. [Area 47]	48. [Area 48]	49. [Area 49]	50. [Area 50]	51. [Area 51]	52. [Area 52]	53. [Area 53]	54. [Area 54]	55. [Area 55]	56. [Area 56]	57. [Area 57]	58. [Area 58]	59. [Area 59]	60. [Area 60]	61. [Area 61]	62. [Area 62]	63. [Area 63]	64. [Area 64]	65. [Area 65]	66. [Area 66]	67. [Area 67]	68. [Area 68]	69. [Area 69]	70. [Area 70]	71. [Area 71]	72. [Area 72]	73. [Area 73]	74. [Area 74]	75. [Area 75]	76. [Area 76]	77. [Area 77]	78. [Area 78]	79. [Area 79]	80. [Area 80]	81. [Area 81]	82. [Area 82]	83. [Area 83]	84. [Area 84]	85. [Area 85]	86. [Area 86]	87. [Area 87]	88. [Area 88]	89. [Area 89]	90. [Area 90]	91. [Area 91]	92. [Area 92]	93. [Area 93]	94. [Area 94]	95. [Area 95]	96. [Area 96]	97. [Area 97]	98. [Area 98]	99. [Area 99]	100. [Area 100]
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FINAL DEVELOPMENT PLAN AMENDMENT  
FDPA 78-C-118-8  
**FRANKLIN FARM VILLAGE CENTER**  
CENTREVILLE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

**Dewberry & Davis**  
Architects Engineers Planners Surveyors  
1000 Association Road, Suite 100  
Centreville, VA 20120  
703-441-1100

FDPA 78-C-118-8



# County of Fairfax, Virginia

*To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County*

May 4, 2009

Inda E. Stagg  
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, Virginia 22201

Re: Special Exception Application SE 2008-SU-032

Dear Ms. Stagg:

At a regular meeting of the Board of Supervisors held on April 27, 2009, the Board approved Special Exception Application SE 2008-SU-032 in the name of LB Franklin Farm LLC. The subject property is located at 13354 Franklin Farm Road on approximately 35,895 square feet of land zoned PDH-2 and WS in the Sully District [Tax Map 35-1 ((4)) (22) 2B]. The Board's action permits a fast food restaurant pursuant to Section 6-105 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.\*
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.\*
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Franklin Farm Village Center – Pad 3", prepared by Bohler Engineering, P.C., consisting of five (5) sheets, dated June 24, 2008, as revised through January 7, 2009. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The fast food restaurant shall be permitted as shown on the SE Plat provided that the total floor area of the building does not exceed a maximum area of 2,900 square feet of gross floor area as indicated on the SE Plat.

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**Office of the Clerk to the Board of Supervisors**

12000 Government Center Parkway, Suite 533

Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903

Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)

<http://www.fairfaxcounty.gov/bosclerk>

5. Outside seating for any fast food restaurant shall not block pedestrian access to the building.
6. The hours of operation shall be limited to 11:00 am to 10:00 pm daily.
7. All four sides of the fast food restaurant building shall be consistent with the elevations provided in Exhibit A. The base color of the Hardie Panel Cladding if used as shown in Exhibit A shall match the base color of the existing main line buildings in the Franklin Farms Village Center. The Hardie Panel Clad Tower may be accented with the colors shown on Exhibit A.
8. There shall be no freestanding signs on the subject property. Proposed locations and design/ composition of any building mounted signs shall be consistent with Exhibit B. All signs shall be in conformance with the provisions of Article 12 of the Zoning Ordinance and lighted only during the hours of operation.

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

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

(NOTE: On March 12, 2009, the Planning Commission approved Final Development Plan Amendment Application FDPA 78 C-118-17, subject to the development conditions dated February 25, 2009.)

**The Board also:**

- Modified the peripheral parking lot landscaping requirements in favor of the landscaping shown on the FDPA/SE Plat.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/dms

Cc: Chairman Sharon Bulova  
Supervisor Michael Frey, Sully District  
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration  
Regina Coyle, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division  
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Department of Highways-VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division  
District Planning Commissioner  
Barbara J. Lippa, Executive Director, Planning Commission  
Karyn Mooreland, Chief Capital Projects Sections, Dept. of Transportation

**DEVELOPMENT CONDITIONS  
FDPA 78-C-118-17**

**February 25, 2009**

If it is the intent of the Planning Commission to approve FDPA 78-C-118-17 located at Tax Map 35-1 ((4)) (22) 2B, (13354 Franklin Farm Road) to replace a previously approved but never established drive-in bank use with a fast food restaurant use in the Franklin Farm Village Center, staff recommends that the approval be subject to the following development conditions. These conditions incorporate and supersede all previous development conditions as they pertain to the above listed Tax Map Number only. Previous conditions or those that have minor revisions are marked with an asterisk (\*).

1. Development of the subject property shall be in substantial conformance with the FDPA plat entitled "Franklin Farm Village Center – Pad 3", prepared by Bohler Engineering, P.C., consisting of five (5) sheets, dated June 24, 2008 as revised through January 7, 2009. Minor modifications to the approved FDP may be permitted pursuant to Par.4 of Sect. 16-403 of the Zoning Ordinance.
2. The maximum floor area of the Franklin Farm Village Center shall not exceed 168,500 square feet and the maximum gross floor area ratio (FAR) of the Franklin Farm Village Center shall not exceed 0.25.\*
3. The fast food restaurant building shall incorporate environmentally sustainable attributes into its building program, that may include, but not necessarily be limited to, such elements as high-efficiency mechanical systems, use of materials with recycled content, a high performance and insulated building envelope, water efficient fixtures, CO2 sensors and air filters, low volatile organic compounds in paints, sealants and finish materials, construction waste management, and storage and collection of recyclables.\*
4. The applicant shall maintain existing vegetation located on the western and northern boundaries of the site and supplement this vegetation with new plantings of trees and shrubs as depicted on the FDPA/ SE plat; the applicant shall also maintain any vegetation installed in conjunction with this application.\*
5. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.\*

6. Parking spaces shall meet the provisions of Article 11 of the Zoning Ordinance and the geometric design standards in the Public Facilities Manual, as determined by DPWES; a parking tabulation which demonstrates that parking requirements are met for all uses in the Shopping Center shall be submitted to DPWES prior to issuance of a Non-RUP for the fast food restaurant.\*

The proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** May 13, 2010

**TO:** Suzianne Zottl, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Beth Forbes, Stormwater Engineer *BF*  
Environmental and Site Review Division  
Department of Public Works and Environmental Services

**SUBJECT:** Final Development Plan Amendment Application #FDPA 78-C-118-19,  
LB Franklin Farm, FDPA plan dated March 29, 2010, LDS Project #4819-  
ZONA-003-1, Tax Map #35-1-04-22-0001, -0002A, -0002B, -0003, -0004 & -  
0005, Sully District

We have reviewed the subject application and offer the following stormwater management comments.

The applicant has not provided a Stormwater Information Sheet (LTI 06-06).

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) on this site. Since no land disturbance is proposed, water quality controls would not be required. A farm pond exists at this site located within the Water Supply Protection Overlay District.

Floodplain -- There are no regulated floodplains on the property.

Downstream Drainage Complaints -- There are no downstream drainage complaints on file.

Stormwater Detention

Since no land disturbance has been proposed, additional detention capacity will not be required. A farm pond exists at the site.

Site Outfall

An outfall narrative has been provided.

Please contact me at 703-324-1720 if you require additional information.

BF/

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES  
Jeremiah Stonefield, Chief, Stormwater & Geotechnical Section, ESRD, DPWES  
Zoning Application File

Department of Public Works and Environmental Services  
Land Development Services, Environmental and Site Review Division  
12055 Government Center Parkway, Suite 535  
Fairfax, Virginia 22035-5503  
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359





# County of Fairfax, Virginia

## MEMORANDUM

DATE: June 10, 2010

TO: Regina Coyle, Director  
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief  
Site Analysis Section, DOT *AKR for*

FILE: 3-4 (RZ 78-C-118)

SUBJECT: FDPA 78-C-118-19; LB Franklin Farm LLC  
Land Identification Map: 35-1-((4))-22-1, 2A, 2B, 3, 4, 5 *AKR*

This department has reviewed the final development plan amendment revised through May 28, 2010. We have the following comments.

- There are insufficient pedestrian connections on the west side of the shopping center site. Additionally, the pedestrian standing area and access to the pedestrian signal have little barrier from vehicles turning right at the intersection of Franklin Farm Road and Fairfax County Parkway. Any future development on-site should include the construction of new sidewalks along the west side's main drive aisle and provide an improved pedestrian standing area at the intersection.
- The proposed crosswalks shown on the latest submission are not located near existing pedestrian infrastructure. Any pedestrian attempting to traverse the path set out by the crosswalks is encumbered by a high planting bed and heavy vegetation. The existing condition makes this path unsuitable for pedestrians and thus the proposed crosswalks should not be painted at this time. New crosswalks should be integrated along pedestrian paths only when formal pedestrian connections are made available.
- To encourage alternative means of transportation to the site, nine inverted U-style bike racks, or another appropriate design as approved by FCDOT, should be installed. The location of the bike racks on-site should be done in consultation with FCDOT.

AKR/MEC

**ARTICLE 16**  
**DEVELOPMENT PLANS**

**PART 1    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

## FAIRFAX COUNTY ZONING ORDINANCE

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.

**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		