



APPLICATION ACCEPTED: June 22, 2006  
PLANNING COMMISSION: October 18, 2006  
BOARD OF SUPERVISORS: November 20, 2006  
@ 4:00 pm

# County of Fairfax, Virginia

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October 4, 2006

## STAFF REPORT

### APPLICATIONS PCA 2000-SU-033 & SE 2006-SU-015

#### SULLY DISTRICT

**APPLICANT:** Rita Powell and Mark A. Johnson

**ZONING:** I-5, WS, AN

**PARCEL:** 33-4 ((1)) 9A

**ACREAGE:** 5.3 acres

**FAR:** 0.16  
*including density credit from previous dedication*

**OPEN SPACE:** 61%

**PLAN MAP:** Industrial

**SE CATEGORY:** Category 5, Use 40: Kennels  
Category 6; Use 22: Modification of minimum yard requirements for certain existing structures

**PROPOSAL:** Expansion of an existing veterinary hospital and related uses (including animal crematory and caretaker's quarters) and outdoor kennels, previously approved under RZ 2000-SU-033 and SPA 94-Y-059

Yard modification to allow a shed constructed prior to 1937, located on the western property boundary, to remain

O:\tswaghdulles kennels PCA 2000-SU-033 SE 015\PCA 2000-SU-033 SE 2006-SU-015.doc

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

## **STAFF RECOMMENDATIONS:**

Staff recommends approval of PCA 2000-SU-033, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of SE 2006-SU-015, subject to development conditions consistent with those contained in Appendix 2.

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

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 TTY 711 (Virginia Relay Center).



# Proffered Condition Amendment

PCA 2000-SU-033

**Applicant:** RITA POWELL & MARK A. JOHNSON  
**Accepted:** 06/22/2006  
**Proposed:** TO AMEND RZ 2000-SU-033 PREVIOUSLY APPROVED FOR INDUSTRIAL DEVELOPMENT TO PERMIT ENLARGEMENT OF AN EXISTING OUTDOOR KENNEL

**Area:** 5.3 AC OF LAND; DISTRICT - SULLY  
**Zoning Dist Sect:**  
**Located:** LOCATED AT THE WESTERN TERMINUS OF UPPER CUB RUN DR., WEST OF ITS INTERSECTION WITH STONECROFT BOULEVARD

**Zoning:** I- 5  
**Overlay Dist:** WS AN  
**Map Ref Num:** 033-4- /01/ /0009A

# Special Exception

SE 2006-SU-015

**Applicant:** RITA POWELL & MARK A. JOHNSON  
**Accepted:** 06/22/2006  
**Proposed:** OUTDOOR KENNELS AND MODIFICATION OF MINIMUM YARD REQUIREMENTS FOR CERTAIN EXISTING STRUCTURES

**Area:** 5.3 AC OF LAND; DISTRICT - SULLY  
**Zoning Dist Sect:** 09-0625 05-0504  
**Art 9 Group and Use:** 6-22 5-40  
**Located:** 4500 UPPER CUB RUN DRIVE  
**Zoning:** I- 5  
**Plan Area:** 3,  
**Overlay Dist:** WS AN  
**Map Ref Num:** 033-4- /01/ /0009A



# Proffered Condition Amendment

**PCA 2000-SU-033**

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**Overlay Dist:** WS AN  
**Map Ref Num:** 033-4- /01/ /0009A

# Special Exception

**SE 2006-SU-015**

**Applicant:** RITA POWELL & MARK A. JOHNSON  
**Accepted:** 06/22/2006  
**Proposed:** OUTDOOR KENNELS AND MODIFICATION OF MINIMUM YARD REQUIREMENTS FOR CERTAIN EXISTING STRUCTURES

**Area:** 5.3 AC OF LAND; DISTRICT - SULLY

**Zoning Dist Sect:** 09-0625 05-0504

**Art 9 Group and Use:** 6-22 5-40

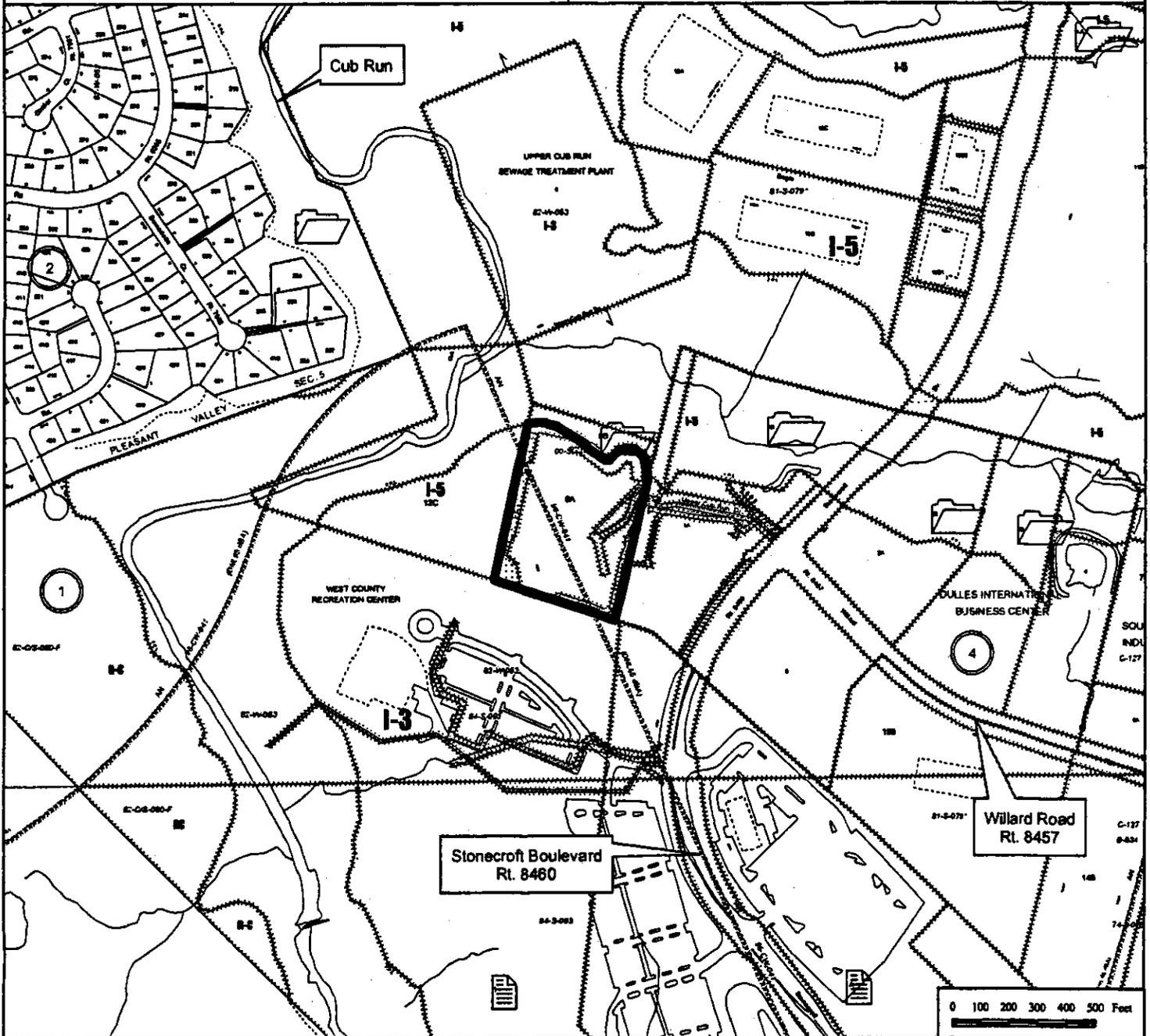
**Located:** 4500 UPPER CUB RUN DRIVE

**Zoning:** I- 5

**Plan Area:** 3,

**Overlay Dist:** WS AN

**Map Ref Num:** 033-4- /01/ /0009A









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

**DESCRIPTION OF THE APPLICATION**

**Proposal:**

The applicant requests to amend RZ 2000-SU-033 and approval of a special exception to allow expansion of an existing veterinary hospital and related uses (including animal crematory and caretaker's quarters) and outdoor kennels, previously approved under RZ 2000-SU-033 and SPA 94-Y-059.

The proposed expansion will not increase the footprint of the buildings approved in 2000, nor add any additional outdoor kennels or runs. The additional 16,000 square feet of building area is provided as a second story in the main building (only a portion of the building was previously proposed to be two stories). Some additional parking associated with the additional floor area is also provided.

Kennels, which were a special permit use in 2000 are now a special exception use, requiring a new special exception rather than an amendment to the existing special permit.

Additionally, the applicant requests approval of a Category 6 special exception to allow an existing shed (located on the property line) to remain

**Waivers & Modifications Requested:**     none

**LOCATION AND CHARACTER**

The application property is located at the terminus of Upper Cub Run Drive, to the west of the intersection of Willard Road and Stonecroft Boulevard. The property is currently developed with the Dulles Gateway Kennels, which includes outdoor animal runs and caretakers quarters. A portion of the original parcel, now known as Parcel 9B, consists of Environmental Quality Corridor (EQC) and Resource Protection Area (RPA), and was dedicated to the Park Authority after approval of the original rezoning. The remainder of the site is vegetated with mature trees.

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Public Park	I-5	Industrial
<b>East</b>	Vehicle Service Establishment	I-5	Industrial
<b>West</b>	Vacant	I-5	Industrial
<b>South</b>	West County RECenter	I-3	Industrial

## BACKGROUND

- On October 23, 1979, the Board of Zoning Appeals (BZA) approved Special Permit S-79-246 for a kennel in the R-1 District. The special permit was approved for a period of three years with an option for the Zoning Administrator to grant three one-year extensions. The special permit expired in October, 1982; however, operations at the site continued without receiving the required extensions.
- As part of the Occoquan rezoning, in July 1982, the Board of Supervisors (BOS) approved RZ 82-W-053 to rezoning approximately 1,640 acres, including the application property, to the I-3 District.
- SP 85-S-080 was filed in November 1985, requesting a kennel associated with a scientific research facility, but was withdrawn the application to allow the BOS time to consider amending the Zoning Ordinance to permit kennels in certain Industrial Districts.
- On November 7, 1998, the BOS approved Zoning Ordinance Amendment (ZO 98-314) to permit kennels without outdoor runs by-right in the I-3 District, and kennels with outdoor runs by special permit.
- On July 6, 1999, the BZA approved SP 94-Y-059 with conditions to permit a kennel with outdoor runs on the subject property, concurrent with VC 99-Y-060 for a detached caretaker's quarters. The Zoning Ordinance was subsequently amended to allow caretaker's quarters to be approved as part of application for certain uses, including kennels, therefore the caretaker's quarters no longer require a variance.
- On February 5, 2001, the BOS approved RZ 2000-SU-033 to rezone the application property from the I-3 District to the I-5 District. The rezoning was associated with a special permit amendment. See Appendix 6 for approved plat and proffers.
- On February 14, 2001, the BZA approved SPA 94-Y-059 to permit additional floor area and site modifications to the veterinary hospital and outdoor kennels, including an animal crematory and caretaker's quarters. See Appendix 6 for approved conditions.
- On June 25, 2001, the BOS approved ZO 01-337, which amended the Zoning Ordinance to convert kennels with outdoor runs from a special permit use to a special exception use, and became effective on October 24, 2001. Therefore, modifications to the site require the approval of a new special exception, rather than an amendment to the existing special permit.

## COMPREHENSIVE PLAN PROVISIONS (Appendix 7)

<b>Plan Area:</b>	Area III
<b>Planning Sector:</b>	Dulles Suburban Center, Land Unit H
<b>Plan Map:</b>	Industrial

**Plan Text:**

On Page 112 of the Fairfax County Comprehensive Plan, 2003 Edition, Area III, Dulles Suburban Center, as amended through May 15, 2006; the Plan states:

**Land Use**

1. Land Unit H is planned for industrial, research and development, and industrial/flex uses up to a maximum FAR of .35.

*See Appendix 7 for additional Plan Text.*

**ANALYSIS****Generalized Development Plan/Special Exception Plat (Copy at front of staff report)**

Title of GDP/SE Plat:	Dulles Gateway Kennels
Prepared By:	Dewberry & Davis LLC
Original and Revision Dates:	May 12, 2006 as revised through June 22, 2006

The combined Generalized Development Plan/Special Exception Plat (GDP/SE Plat) for applications PCA 2000-SU-033 and SE 2006-SU-015 consists of three sheets.

**Sheet 1** is the title page and includes a sheet index and a vicinity map.

**Sheet 2** shows the layout of the site, as explained below, and includes notes and tabulations.

**Sheet 3** depicts the architectural illustration, angle of bulk plane illustration, and stormwater management details.

The layout as depicted on the GDP/SE Plat shows the following:

- Existing kennels and outdoor runs located in the center of the site to remain.
- Proposed two-story building in the southern portion of the site to be utilized as a veterinary hospital with ancillary office space, animal crematory, and caretaker's quarters. *Note: this building was shown on the previous approvals with the same footprint but with only a small portion as two-stories. The additional floor area requested with this application is provided as a second story without increasing the footprint.*
- Existing house, used as caretaker's quarters, located between the existing kennels and the proposed two-story building, to remain.

- Four small sheds located behind the other buildings (two to remain in place; two to be relocated from within the area of the new two-story building). One shed is located on the western property line, necessitating the special exception request for a yard reduction for an existing building. *Note: all sheds were shown on the previous approval, however a note on that plat indicated that the shed on the western property line would be removed unless a special exception was approved to allow it to remain.*
- Access is from the terminus of Upper Cub Run Drive, which remains as previously approved.
- Parking is provided in surface lots, with 42 spaces located on the eastern side of the site. This is an increase of six spaces over what was previously approved.
- While no transitional screening is required, the GDP/SE Plat shows a conservation easement, generally 20 to 25 feet in width, located around the periphery of the site as part of the stormwater management / best management practices water controls. Some additional trees are shown to be planted around the parking areas and proposed two-story building; the applicant has further committed to additional trees (above that shown on the GDP/SE Plat).
- Stormwater management will be provided with a combination of conservation easements and a dry pond located in the northeastern corner of the site.
- Tax Map Parcel 33-4 ((1)) 9B, located immediately to the north of the subject parcel, was previously part of the site, and is located within both the floodplain and the Resource Protection Area. Parcel 9B was dedicated to the Park Authority in accordance with the previous approval. The subject property retains the density credit for this parcel.

### **Land Use Analysis**

The Comprehensive Plan land use guidance for this Land Unit recommends industrial uses up to an FAR of 0.35. The requested intensity of 0.16 is well within this recommendation, and the proposed uses (aside from the outdoor runs associated with the kennels) are by-right uses in the I-5 district. The application raises no land uses issues.

### **Environmental Analysis (Appendix 8)**

Based upon the original submission, the applicant was requested to provide additional trees around the expanded parking lot. The applicant has proposed a development condition committing to plant an additional four trees around the parking lot. Staff believes this commitment is sufficient to off-set the slight increase in impervious surface of six parking spaces. With the proposed conditions, the application has satisfactorily addressed the environmental issues.

**Transportation Analysis (Appendix 9)**

The proposal does not raise any transportation issues.

**Public Facilities Analysis**

*Water Service (Appendix 10)* – Adequate service available; no issues cited.

*Sewer Service (Appendix 11)* – Adequate capacity available; no issues cited. The site is located in the Cub Run Watershed, and sewered into the Upper Occoquan Sewer Authority Treatment Plant.

*Fire and Rescue (Appendix 12)* – Meets fire protection guidelines; no issues cited. The site is serviced by Station #415, Chantilly.

*Stormwater Analysis, DPWES (Appendix 13)* – No issues cited.

*Fairfax County Park Authority (Appendix 14)* – No issues cited.

**ZONING ORDINANCE PROVISIONS (Appendix 15)**

<b>BULK REGULATIONS (I-5)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	20,000 sq ft	5.3 acres
Lot Width	100 feet	560 feet ±
Building Height	75 feet	45 feet
Front Yard	45° ABP, not less than 40 feet (45 feet)	92.8 feet
FAR	0.5	0.16
Open Space	15	61%
Parking Spaces	10 spaces	42 spaces
<b>Transitional Screening and Barrier: none required</b>		

## OTHER ZONING ORDINANCE REQUIREMENTS

### **Special Exception Requirements (See Appendix 15)**

- General Special Exception Standards (Sect. 9-006)
- Group 5 Standards (Sect. 9-503)
- Additional Standards for Kennels, Animal Shelters (Sect. 9-530)
- Provisions for Modification of Minimum Yard Requirements for Certain Existing Structures (Sect. 9-625)

### **General Special Exception Standards (Sect. 9-006)**

The General Special Exception Standards require that the proposal be in harmony with the Comprehensive Plan, that there be a finding of no significant negative impacts on surrounding properties, and that safe and adequate vehicular and pedestrian access be provided. The modifications to the proposed development will not cause significant additional impacts on the surrounding area. The requested hours of operation for the veterinary hospital have not changed from the previous approval (24 hours a day, 7 days a week). The hours of operation requested for the kennels are slightly longer than those approved (now requesting 6 am to 10 pm daily). Because the site is entirely surrounded by industrial zoning and non-residential uses, staff believes the requested hours are reasonable. No addition to the number of animals to be maintained on site has been requested. Additional trees to off-set the slight increase in parking have been provided. With the imposition of the proposed development conditions, Staff believes that the use and development proposed satisfy all of the General Special Exception Standards.

### ***Category 5 Standards (Sect. 9-503)***

The Category 5 Standards require that the proposed development meet lot size and bulk requirements for the Zoning District, comply with performance standards, and be subject to site plan review. The proposed use meets these standards, except for the requested waivers of lot size and lot width. As noted, staff does not object to the approval of these waivers.

### ***Additional Standards for Kennels (Sect. 9-530)***

Paragraph 1 is not applicable to industrially zoned property; the subject site is in the I-5 District.

Paragraph 2 requires that no parking be located within 50 feet of a residential district; all of the surrounding property is zoned to industrial districts.

Paragraph 3 relates to adequate sound-proofing of buildings; the applicant has agreed to carry forward a development condition from the previously approved special permit that would ensure adequate soundproofing of the buildings.

Paragraph 4 required that dogs more than four months of age be kept in structures designed and maintained for secure confinement; the applicant has agreed to carry forward a development condition to that effect.

Paragraph 5 states that, in reviewing such an application, the Board consider the kinds and numbers of animals proposed to be kept, and management techniques for such animals. With the previous approval, the applicant committed that a maximum of 350 household pets would be kept in the kennel facility at any one time. With this amendment, the applicant proposes to keep the same maximum (350 animals) but has added security and law enforcement animals, as such are often treated at the facility.

*Provisions for Modification of Minimum Yard Requirements for Certain Existing Structures (Sect. 9-625)*

Paragraph 1 requires that the existing structure complied with the minimum required yards in effect when the use was established and that the yards have not been reduced to less than the yards required by this Ordinance since the effective date of this Ordinance. Aerial photographs from 1937 show the shed in question (on the western lot line) to be in the same location as today. Staff believes this standard has been met.

**Summary of Zoning Ordinance Provisions**

All applicable standards have been satisfied with the GDP/SE Plat, the draft proffers and the proposed development conditions.

**CONCLUSIONS AND RECOMMENDATIONS**

**Staff Conclusions**

Staff finds that the proposal for expansion of the floor area and parking of a previously approved veterinary hospital, animal crematory, kennels with outdoor runs, and caretaker's quarters is in harmony with the Comprehensive Plan, and in conformance with all applicable Zoning Ordinance provisions.

**Recommendations**

Staff recommends approval of PCA 2000-SU-033, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of SE 2006-SU-015 subject to the development conditions found in Appendix 2.

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

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

## APPENDICES

1. Draft Proffers
2. Proposed Development Conditions (*blacklined from the previously approved conditions*)
3. Rezoning Affidavit
4. Special Exception Affidavit
5. Statement of Justification
6. Approved GDP/SP Plat, proffers and special permit conditions
7. Plan Citations
8. Environmental Analysis
9. Transportation Analysis
10. Fairfax County Water Authority
11. Sanitary Sewer Analysis
12. Fire and Rescue
13. Stormwater Management Analysis, DPWES
14. Applicable Zoning Ordinance Provisions
15. Glossary

**PROFFERS**

Rita Powell and Mark A. Johnson/Dulles Gateway Kennels, Ltd.  
PCA 2000-SU-033  
September 28, 2006

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950, as amended, Rita Powell and Mark A. Johnson/Dulles Gateway Kennels, Ltd (hereinafter referred to as the "Applicants") for the owners, themselves, successors and assigns in Proffered Condition Amendment (PCA) 2000-SU-033 filed for property identified as Tax Map 33-4 ((1)) 9A (hereinafter referred to as the "Application Property") proffer the following, provided the Board of Supervisors approves the Proffered Condition Amendment and related Special Exception Application 2006-SU-015 and agree that development will be subject to the following terms and conditions. In the event the PCA application and the related Special Exception (SE) application SE 2006-SU-015 are approved, these proffers shall supercede and replace any previous proffers for the Application Property.

1. **DEVELOPMENT PLAN.** Development of the Application Property shall be in substantial conformance with the Generalized Development Plan Amendment (GDPA)/Special Exception (SE) Plat prepared by Dewberry & Davis LLC dated May 12, 2006 and revised through June 22, 2006, consisting of three (3) sheets, and the permitted uses shall be those set forth in Note 5 thereof, i.e., veterinary hospital, animal crematory, kennels with indoor and outdoor runs, and caretakers' quarters.

2. **MINOR MODIFICATIONS.** Pursuant to Par. 5 of Sect. 18-204 of the Zoning Ordinance, minor modifications from the GDPA/SE Plat may be permitted as determined by the Zoning Administrator.

3. **PARK DEDICATION.** In accordance with prior approved proffers, the Applicants have dedicated and conveyed in fee simple to the Fairfax County Park Authority (FCPA) for public park purposes that area designated as Parcel "B" on the GDPA/SE Plat (Parcel 33-4 ((1)) 9B).

4. **DENSITY CREDIT.** Density credit shall be reserved, as permitted by the provisions of Par. 4 of Sect. 2-308 of the Fairfax County Zoning Ordinance, for all

eligible dedications described herein in Proffer 3 or as may be reasonably required by Fairfax County or the FCPA at the time of site plan approval.

5. **SUCCESSORS AND ASSIGNS.** These proffers will bind and inure to the benefit of the Applicants and their successors and assigns.

6. **COUNTERPARTS.** These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

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RITA POWELL

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MARK A. JOHNSON

## PROPOSED DEVELOPMENT CONDITIONS

SE 2006-SU-015

October 4, 2006

If it is the intent of the Board of Supervisors to approve SE 2006-SU-015, currently located at 4500 Upper Cub Run Drive, Tax Map 33-4 ((1)) 9A, for a veterinary hospital and associated uses, caretakers quarters, and outdoor kennels and yard modifications for an existing structure, pursuant to Sect. 5-504 and 9-625 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions. *(blackline shows changes from conditions approved with SPA 94-Y-059)*

1. ~~This approval Special Exception is granted to the applicants only and is not transferable without further action of this Board, and is for location indicated on the application, 4500 Upper Cub Run Road, (6.05 acres) for and runs with the land indicated in this application, and is not transferable to other land.~~
2. This Special ~~Permit~~ Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the generalized development plan/special ~~permit exception~~ plat (GDP/SE Plat) prepared by Dewberry & Davis dated May 5, 2000, as revised through November 16, 2000, and approved with the application, as qualified by these development conditions.
3. ~~A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.~~
- 4.3. This Special ~~Permit~~ 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 ~~permit exception~~ shall be in substantial conformance with the approved Special Exception Plat entitled "Dulles Gateway Kennels" prepared by Dewberry & Davis LLC, and dated May 12, 2006, as revised through June 22, 2006, and these conditions. Minor modifications to the approved special ~~permit exception~~ may be permitted pursuant to Par. 4 of Sect. 89-004 of the Zoning Ordinance.
- 5.4. ~~The kennel shall be for the use of household pets and security and law enforcement animals only. The number of household pets animals in the facility shall not exceed 350 animals at any one time.~~
- 6.5. ~~The hours of operation for the kennel shall be limited to 6:00 AM to 10:00 PM (seven days a week) 8:00 a.m. to 7:00 p.m., Monday through Friday, Saturday 8:00 a.m. to 5:00 p.m., and Sunday 1:00 p.m. to 5:00 p.m. The veterinary hospital may operate 24 hours a day, seven days a week.~~

- 7.6. There shall be a maximum of ~~twelve (12)~~sixteen full time and ~~sixteen~~ twelve (12) part-time employees associated with these uses on-site at any one time.
- 8.7. There shall be a minimum of ~~thirty-six (36)~~42 parking spaces as shown on the generalized development plan/special permit plat. All parking shall be on-site.
- 9.8. All signs shall comply with the provisions of Article 12, Signs. If lit, sSignage shall be lighted internally to minimize glare.
- 10.9. The two (2) accessory dwellings shall be limited to use only by employees of the kennel to assist in the operation of the kennel after hours.
- 11.10. The cages used for all animals shall be designed to ensure the secure confinement of animals and shall comply with all State and County regulations.
- 12.11. The proposed building shall be soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. Noise levels shall conform to the provisions of Chapter 108 of the Code.
- 13.12. The maximum height of the proposed two-story building shall be 45 feet.
- 14.13. Rooftop mechanical equipment shall be screened to the maximum extent feasible to minimize the visual impact.
- 15.14. The proposed building architectural facade shall be consistent with the general style and quality of the ~~photograph~~architectural concept presented on Sheet 43 of the GDP/SE Plat.
- 16.15. Outdoor lighting fixtures used to illuminate the parking area and walkways between buildings shall not exceed twelve (12) feet in height, shall be of low intensity design and shall focus directly on the subject property. All other outdoor lighting fixtures shall be full cut-off; focused downward and shielded to minimize glare, and meet the Performance Standards set forth in Article 14 of the Zoning Ordinance.
- 17.16. All animal wastes from animals located inside on the concrete floors of the existing and proposed building shall be washed and drained into the sanitary sewage system. Wastes from small animals in cages shall be collected in newspapers and disposed of in the trash. Wastes from animals located in the outdoor gravel floor kennels shall be scooped up and disposed of in the trash on a daily basis. Liquid wastes from animals shall be washed down and drained into the sanitary sewage system. In no instance shall waste removal be directed towards the stormwater management pond or stream.
- 18.17. Limits of clearing and grading consistent with those reflected on the GDP/SPA SE Plat shall be maintained during construction, subject to the necessary installation of utilities as determined by DPWES. The limits of clearing and grading shall be designated on the site plan and subject to review and approval by ~~the Urban Forestry Branch~~Management. Prior to site plan approval the applicant shall walk the limits of clearing and grading with an Urban Forest Branch Management representative to determine where minor adjustments to the clearing limits can be made, if necessary

and where practical, to protect quality vegetation. The limits of clearing and grading shall be flagged prior to construction.

~~19.18.~~ Landscaping shall be provided, subject to the Urban Forester Management approval, in substantial conformance with the location and quantity as depicted on GDP/SPA-SE Plat.

~~20.19.~~ Prior to issuance of Non-Residential Use Permits (Non-RUP), the existing stormwater management pond shall be abandoned and restored to its natural state, as approved by the Urban Forester Management. The restoration may include the grassed areas from the RPA line north to the tree line to have three (3) foot wide strips roto-filled from east to west spaced every ten feet. The strips shall be planted with native woody seed mix or a variety of native seedling species planted on five foot centers. The RPA feature shall be identified as a "No mowing area". The applicant shall not be required to obtain a waiver from DPWES in order to conduct the restoration.

~~21.~~ ~~The applicant shall remove debris located in the Resource Protection Area (RPA) prior to dedication of the RPA to the Park Authority.~~

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 responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Sect. 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.



**REZONING AFFIDAVIT**

DATE: June 2, 2006  
 (enter date affidavit is notarized)

I, Charles L. Shumate, 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

91914

in Application No.(s): PCA 2000-SU-053  
 (enter County-assigned application number(s), e.g. RZ 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
* Rita Powell & Mark A. Johnson	4001 Legato Road Fairfax, VA 22033	<b>Applicant s/ Title Owners</b>
* Dulles Gateway Kennels, Ltd.	4500 Upper Cub Run Drive Chantilly, VA 20151	<b>Lessee</b>
* Charles L. Shumate	7737 Virginia Oaks Drive Gainesville, VA 20155	<b>Attorney/Agent for Applicants</b>
* Deuberry & Davis, LLC Philip B. Yates Tiffany C. Cullen (check if applicable)	8401 Arlington Boulevard Fairfax, VA 22031	<b>Engineers/Planner Agents for Applicant</b>

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

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

REZONING AFFIDAVIT

DATE: June 2, 2006  
(enter date affidavit is notarized)

9914

for Application No. (s): PCA 2000-SU-033  
(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)

Dulles Gateway Kennels, Ltd.  
4500 Upper Cub Run Drive  
Chantilly, VA 20151

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Donald C. Powell  
Mark A. Johnson

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

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

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

REZONING AFFIDAVIT

DATE: June 2 2006  
(enter date affidavit is notarized)

91914

for Application No. (s): PCA 2000-SU-033  
(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)

None

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

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

n/a

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

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

Rezoning Attachment to Par. 1(b)

DATE: June 2, 2006  
(enter date affidavit is notarized)

91914

for Application No. (s): N/A 2000-SU-033  
(enter County-assigned application number (s))

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

Deuberry & Davis LLC Virginia Limited Liability Company  
8401 Arlington Boulevard  
Fairfax, VA 22031

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)

<u>The Deuberry Companies LC</u>	<u>member</u>
<u>Eric D. Snellings</u>	<u>member</u>
<u>Dennis M. Couture</u>	<u>member</u>
<u>Steven A. Curtis</u>	<u>Member</u>

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

N/A

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

The Deuberry Companies LC Virginia Limited Liability Company  
8401 Arlington Boulevard  
Fairfax, VA 22031

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)

<u>Sidney O. Deuberry</u>	<u>member</u>	<u>Thomas L. Deuberry,</u>
<u>Barry K. Deuberry</u>	<u>member</u>	<u>member</u>
<u>Karen S. Grand Pre</u>	<u>member</u>	
<u>Michael S. Deuberry</u>	<u>member</u>	

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

N/A

(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 2, 2006  
(enter date affidavit is notarized)

91914

for Application No. (s): PCA 2000-SU-033  
(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 2, 2006  
(enter date affidavit is notarized)

91914

for Application No. (s): PCA 2000-SU-033  
(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)

*Charles L. Shumate*  
 Applicant  Applicant's Authorized Agent

Charles L. Shumate, Agent  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 2 day of June 20 06, in the State/Comm. of Virginia, County/City of Fairfax.

*[Signature]*  
Notary Public

My commission expires: 9/30/07

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: June 2, 2006  
 (enter date affidavit is notarized)

I, Charles L. Shumate, 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

91915

in Application No.(s): SE 2006-Su-015  
 (enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
* Rita Powell & Mark A. Johnson	4001 Legato Road Fairfax, VA 22033	<b>Applicants/ Title Owners</b>
* Dulles Gateway Kennels Ltd.	4500 Upper Cub Run Drive Chantilly, VA 20151	<b>Lessee</b>
* Charles L. Shumate	7737 Virginia Oaks Drive Gainesville, VA 20155	<b>Attorney/Agent for Applicants</b>
* Deuberry & Davis LLC PR:IP G. Yates Timothy C. Colleton	8401 Arlington Boulevard Fairfax, VA 22031	<b>Engineers/Planners Agents for Applicants</b>

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 2, 2006  
(enter date affidavit is notarized)

91915

for Application No. (s): SE 2006-SU-015  
(enter County-assigned application number(s))

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

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

CORPORATION INFORMATION

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

Dulles Gateway Kennels, Ltd.  
4500 Upper Cub Run Drive.  
Chantilly, VA 20151

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Donald C. Powell  
Mark A. Johnson

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 2, 2006  
(enter date affidavit is notarized)

91915

for Application No. (s): SE 0006-SU-015  
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

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

None  
2

(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)

N/A

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 2, 2006  
(enter date affidavit is notarized)

9/9/13

for Application No. (s): SE 2006-SU-015  
(enter County-assigned application number(s))

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

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

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

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

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

None

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

Special Exception Attachment to Par. 1(b)

DATE: June 2, 2006  
(Enter date affidavit is notarized)

for Application No. (s): SE 2006 SU-015  
(Enter County-assigned application number (s))

91915

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

Deuberry & Davis LLC Virginia Limited Liability  
8401 Arlington Boulevard Company  
Fairfax, VA 22031

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)

<u>The Deuberry Companies 2E</u>	<u>Member</u>
<u>Eric D. Snellings</u>	<u>Member</u>
<u>Dennis M. Couture</u>	<u>Member</u>
<u>Steven A. Curtis</u>	<u>Member</u>

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

The Deuberry Companies LC Virginia Limited Liability  
8401 Arlington Boulevard Company  
Fairfax, VA 22031

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)

<u>Sidney O. Deuberry, Member</u>	<u>Thomas L. Deuberry,</u>
<u>Barry K. Deuberry, Member</u>	<u>Member</u>
<u>Karen S. Grand Pre, member</u>	
<u>Michael S. Deuberry, Member</u>	

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

**Special Exception Attachment to Par. 1(c)**

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

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

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

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

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

*None*

RECEIVED  
Department of Planning & Zoning  
JUN 02 2006  
Zoning Evaluation Division

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

Application No. (s): SE 2006-54-015  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: June 2, 2006 91915  
(enter date affidavit is notarized)

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

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

None

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

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

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

WITNESS the following signature:

(check one)  Applicant  Applicant's Authorized Agent

Charles L. Shemate, Agent  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 2 day of June 2006, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]  
Notary Public

My commission expires 9/30/07

**STATEMENT OF JUSTIFICATION  
FOR  
PROFFERED CONDITION AMENDMENT  
AND  
SPECIAL EXCEPTION**

The property that is the subject of these concurrent Proffered Condition Amendment (PCA) and Special Exception (SE) applications was rezoned to the I-5 District on February 5, 2001, when the Board of Supervisors approved RZ-2000-SU-033. The property is further subject to the conditions related to the approval of SPA 94-Y-059, which was approved by the Board of Zoning Appeals on February 6, 2001.

The sole purpose of the PCA and SE applications is to increase the gross floor area in the previously approved building by 15,000 square feet. There is no change in the previously approved use(s), to wit: kennel with outdoor facilities, veterinary hospital and related office use, a crematory, and caretaker's quarters (one free standing and one within the previously approved structure).

The base information for the Generalized Development Plan Amendment (GDPA) and Special Exception (SE) Plat is from a site plan for the subject property (003772-SP-002-2) that was approved on September 9, 2005. The GDPA accompanies the PCA application to revise the approved proffered development program. The SE application has been filed (in lieu of a Special Permit Amendment application) because in the intervening years since BZA approval of SPA-94-Y-059 in 2001, the applicable provisions of the Fairfax County Zoning Ordinance have been amended such that kennels and ancillary veterinary hospitals are now subject to approval of a Category 5 Special Exception by the Board of Supervisors.

The subject property is located in Land Unit H of the Dulles Suburban Center Portion of the Comprehensive Plan. Land Unit H is planned for industrial, research and development, and industrial flex uses up to a maximum floor area ratio of 0.35. The existing/proposed development program is in accordance with the Comprehensive Plan recommendation.

Given the surrounding land use pattern and zoning, the nature of the existing/proposed uses, and the size of the subject property, there will be no adverse effects/impacts prompted by the proposed development. The proposed development conforms to all current land development ordinances, regulations, and adopted standards.

Reference is made to the accompanying GDPA/SE Plat and the notes therein contained, prepared by Dewberry & Davis, LLC, with the tabulations relative to floor area ratio (FAR), parking, and open space satisfaction. The proposed FAR would be 0.16

(0.35 FAR is permitted by the Comprehensive Plan), the amount of open space is 61% (15% is required), and provision is made for 42 parking spaces (10 are required). The decrease in land area to 5.30 acres from 6.05 acres, as originally approved, is the result of a proffered dedication to the Fairfax County Park Authority in conjunction with RZ 2000-SU-033. In this regard, reference is made to Note 6 of the GDPA/SE plat.

In view of the foregoing stated compliance with the Comprehensive Plan and all applicable land development standards, it is respectfully requested that the PCA and SE be approved by the Board of Supervisors to permit the logical, phased expansion of an existing kennel that has existed at this location, without incident or violation, since 1979.



Charles L. Shumate, Agent

6-22-06  
Date

## **SPECIAL EXCEPTION STATEMENT OF JUSTIFICATION**

The following information is provided in the required special exception application format as a supplement to the Statement of Justification for Proffered Condition Amendment and Special Exception, and is to be considered as part thereof.

### **A. TYPE OF OPERATION.**

Previously approved kennel with outdoor facilities, veterinary hospital and related office use, a crematory, and caretaker's quarters (one free-standing and one within the previously approved structure). The sole purpose of the PCA and SE applications is to increase the gross floor area in the previously approved building by 15,000 square feet. There is no change in the aforesaid approved use(s).

### **B. HOURS OF OPERATION.**

Sunday through Saturday: 6:00 a.m. – 10:00 p.m.

### **C. ESTIMATED NUMBER OF CLIENTS.**

5,560 annually

### **D. PROPOSED NUMBER OF EMPLOYEES.**

16 full-time and 16 part-time

### **E. ESTIMATE OF TRAFFIC IMPACTS.**

The traffic impact from the existing/proposed use is negligible. Based on a continuation of the existing level of service, less than 109 vehicle trips per day can be anticipated.

### **F. VICINITY OR GENERAL AREA TO BE SERVED BY USE.**

Western Fairfax County

### **G. DESCRIPTION OF BUILDING FAÇADE AND ARCHITECTURE OF PROPOSED NEW BUILDING OR ADDITIONS.**

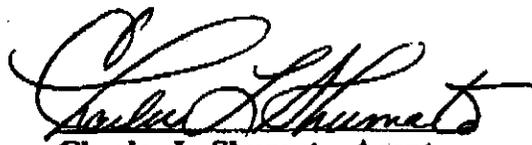
The existing structures are metal and wooden frame.

### **H. A LISTING, IF KNOWN, OF ALL HAZARDOUS OR TOXIC SUBSTANCES.**

To the best of our knowledge, there are no hazardous or toxic substances located on the subject property. The proposed uses, however, may generate, utilize, store, treat or dispose of hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Commonwealth of Virginia/Department of Waste Management VR 672-10-1 - Virginia Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280, and it is our understanding that any such substances that may be utilized, stored and/or disposed of in conjunction with the proposed uses and/or building and grounds maintenance will be in accordance with said regulations.

**I. A STATEMENT THAT THE PROPOSED USE CONFORMS TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS, ADOPTED STANDARDS AND ANY APPLICABLE CONDITIONS.**

The proposed development conforms to all current land development ordinances, regulations and adopted standards.

  
Charles L. Shumate, Agent

6-22-06  
Date

JUL 28 2006

Zoning Evaluation Division

**CHARLES L. SHUMATE**

*ATTORNEY AND COUNSELOR AT LAW*

7737 VIRGINIA OAKS DRIVE • GAINESVILLE, VIRGINIA 20155

TELEPHONE: 703.915.5031

E-MAIL: CLSHUMATE1@YAHOO.COM

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July 25, 2006

**VIA FACSIMILE AND  
FIRST CLASS MAIL**

Ms. Virginia Ruffner  
County of Fairfax  
Zoning Evaluation Division  
Department of Planning and Zoning  
12055 Government Center Parkway  
Suite 801  
Fairfax, Virginia 22035

Re: Rita Powell and Mark A. Johnson/Dulles Gateway Kennels, Ltd.  
Tax Map 33-4-((1))-9  
4500 Upper Cub Run Drive  
Chantilly, Virginia 22021  
PCA 2000-SU-033; SE 2006-SU-015

Dear Ms. Ruffner:

As a follow-up to our conversation of this date, I write to clarify a possible inconsistency between the above-referenced application, statement of justification, and GDPA/SEA plat relative to the retention of the frame shed that is located on the western property line of the subject property. Please consider this letter as an amendment of the subject application and statement of justification to coincide with Note 22 of the GDPA/SEA plat and serve as a request under Section 9-625 of the Zoning Ordinance.

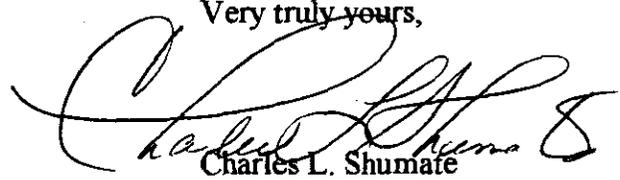
Note 22 states that the existing shed was believed to have been built prior to 1941 and, if so, would be the subject of a Section 9-625 SE request. The applicant has been able to substantiate that the frame shed pre-dated the March 1, 1941, effective date of the first Zoning Ordinance and can, therefore, satisfy Paragraph 1 of Section 9-625.

Aerial photographs on file with the County for the subject property, dated April 30, 1937, clearly show the existing shed. Staff may speak with Ms. Cindy Crisler in the GIS and Mapping Services office to confirm this finding.

Should you have any questions relative to this amendment submission, please do not hesitate to contact me.

Thank you.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Charles L. Shumate". The signature is written in black ink and is positioned above the printed name.

Charles L. Shumate

cc: Dr. Donald C. Powell  
Philip G. Yates



# FAIRFAX COUNTY

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

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

February 22, 2001

Rita Powell  
4001 Legato Road  
Fairfax, Virginia 22033

RE: Rezoning Application  
Number RZ 2000-SU-033

Dear Ms. Powell:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on February 5, 2001, granting Rezoning Application Number RZ 2000-SU-033 in the name of Rita Powell, to rezone certain property in the Sully District from the I-3, District, Airport Noise Impact Overlay and Water Supply Protection Overlay Districts to the I-5 District, Airport Noise Impact Overlay and Water Supply Protection Overlay Districts, subject to the proffers dated December 12, 2000, on subject parcel 33-4 ((1)) 9 consisting of approximately 6.05 acres.

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

## PROFFERS

Rita Powell and Mark A. Johnson

RZ 2000-SU-033

December 12, 2000

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950, as amended, Rita Powell and Mark A. Johnson (hereinafter referred to as the "Applicants") for the owners, themselves, successors and assigns in RZ 2000-SU-033 filed for property identified as Tax Map 33-4((1))-9 (hereinafter referred to as the "Application Property") proffer the following, provided the Board of Supervisors approves the rezoning of the Application Property to the I-5 District, and agree that development will be subject to the following terms and conditions:

1. **DEVELOPMENT PLAN.** Development of the Application Property shall be in substantial conformance with the Generalized Development Plan prepared by Dewberry and Davis dated May 5, 2000 and revised through November 16, 2000, consisting of 2 sheets, and the permitted uses shall be those set forth in Note 3 thereof, i.e., veterinary hospital, animal crematory, kennels with indoor and outdoor runs, and caretakers' quarters.

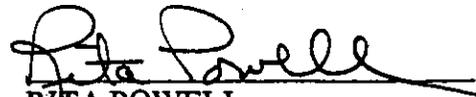
2. **MINOR MODIFICATIONS.** Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator.

3. **PARK DEDICATION.** Prior to site plan approval, if requested by the Fairfax County Park Authority ("FCPA"), the Applicants shall dedicate and convey in fee simple to the FCPA for public park purposes that area designated as RPA on the GDP. In the event that this area is not dedicated to the FCPA, the Applicants shall maintain this area as undisturbed open space.

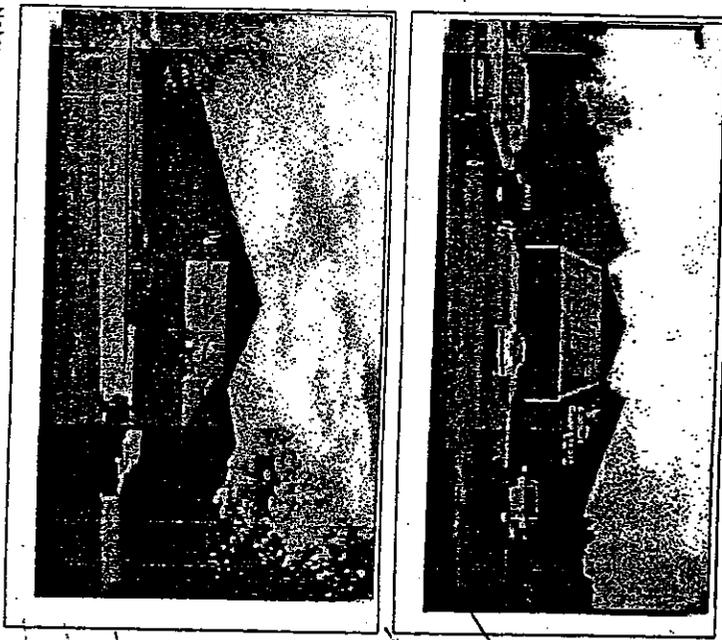
4. **DENSITY CREDIT.** Density credit shall be reserved, as permitted by the provisions of Paragraph 4 of Section 2-308 of the Fairfax County Zoning Ordinance, for all eligible dedications described herein in Paragraph 3 or as may be reasonably required by Fairfax County or the FCPA at the time of site plan approval.

5. SUCCESSORS AND ASSIGNS. These proffers will bind and inure to the benefit of the Applicants and their successors and assigns.

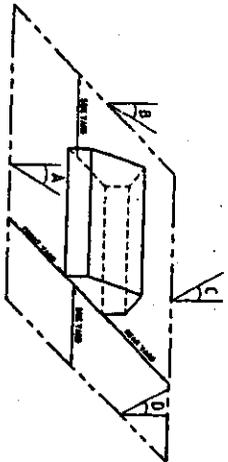
6. COUNTERPARTS. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

  
RITA POWELL

  
MARK A. JOHNSON



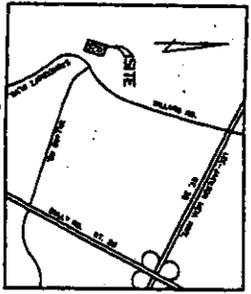
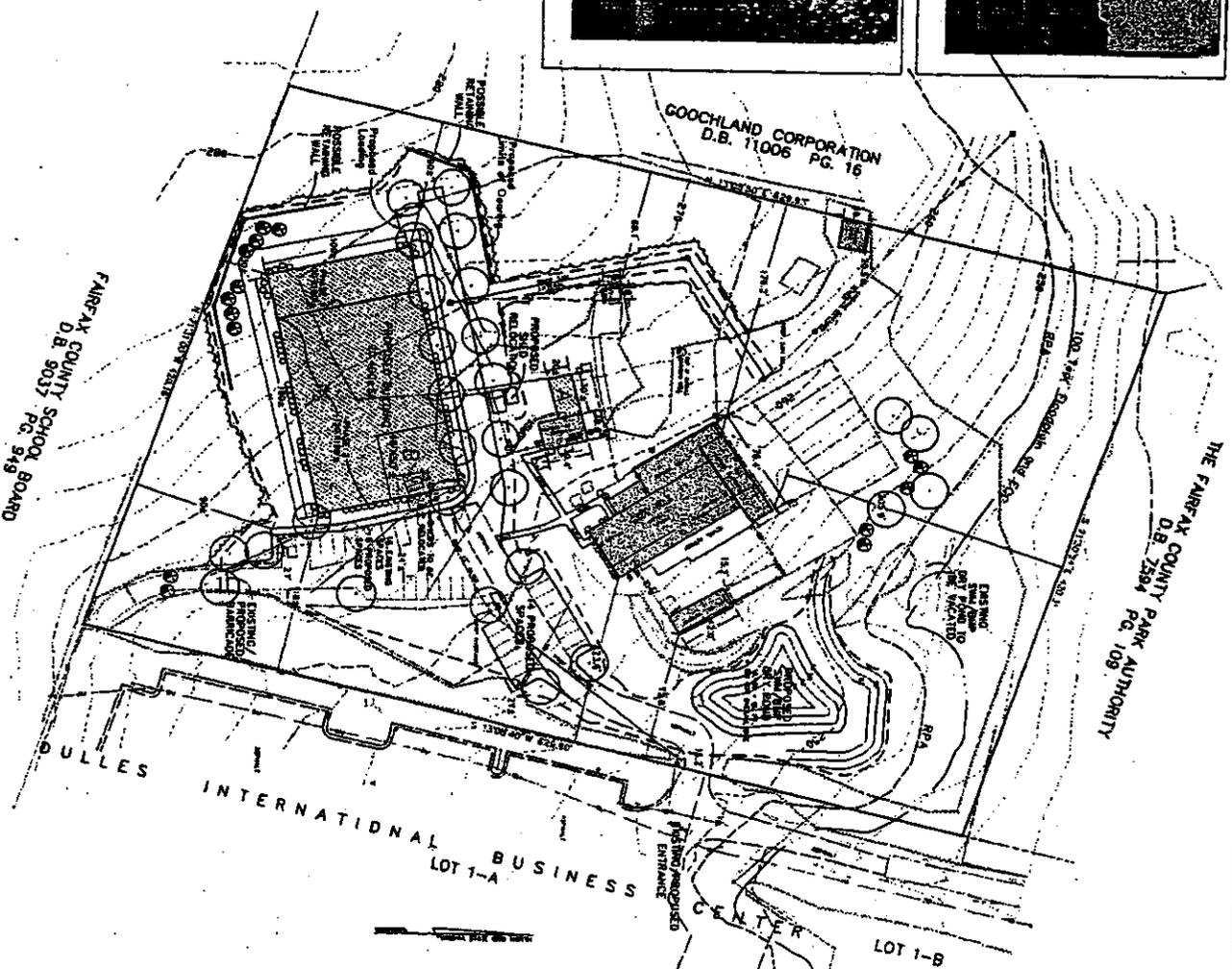
Note:  
 These photograph representations of existing Animal Care Centers are presented to characterize the proposed building. The final architecture has not been selected at this time. The representations are made simply to portray the general style and quality of the proposed building.



- ▲ A 1/4" = 1'-0" (Horizontal Scale)
- ▲ B 1/4" = 1'-0" (Vertical Scale)
- ▲ C 1/4" = 1'-0" (Horizontal Scale)

**DETAIL**

GENERAL DEVELOPMENT PLAN FOR BUILDING WITH 15 BARRIERS - 1-1 BARRIERS



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**SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS**

RITA POWELL, SPA 94-Y-059 Appl. under Sect(s). 5-503 of the Zoning Ordinance to amend SP 94-Y-059 previously approved for a kennel to permit site modifications, building additions, veterinary hospital, animal crematory and increase in land area. Located at 4500 Upper Cub Run Dr. on approx. 6.05 ac. of land zoned I-5, WS and AN. Sully District. Tax Map 33-4 ((1)) 9. (moved from 1/23/01 for notices) Ms. Gibb moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on February 8, 2001; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is I-5 as of February 5, 2001, and the area of the lot is 6.50 acres.
3. The Board of Zoning Appeals granted a special permit for this applicant in 1999 and this action is simply to make the applicant's plat and development conditions consistent with the Board of Supervisors' action in rezoning the property.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sect(s). 5-503 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is APPROVED with the following limitations:

1. This approval is granted to the applicants only and is not transferable without further action of this Board, and is for the location indicated on the application, 4500 Upper Cub Run Road, (6.05 acres), and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the generalized development plan/special permit plat prepared by Dewberry & Davis dated May 5, 2000, as revised through November 16, 2000, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This Special Permit 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 permit shall be in substantial

conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.

5. The kennel shall be for the use of household pets only. The number of household pets in the facility shall not exceed 350 animals at any one time.
6. The hours of operation for the kennel shall be limited to 8:00 a.m. to 7:00 p.m., Monday through Friday, Saturday 8:00 a.m. to 5:00 p.m., and Sunday 1:00 p.m. to 5:00 p.m. The veterinary hospital may operate 24 hours a day, seven days a week.
7. There shall be a maximum of twelve (12) full time and twelve (12) part-time employees associated with these uses.
8. There shall be a minimum of thirty-six (36) parking spaces as shown on the generalized development plan/special permit plat. All parking shall be on-site.
9. All signs shall comply with the provisions of Article 12, Signs. Signage shall be lighted internally to minimize glare.
10. The two accessory dwellings shall be limited to use only by employees of the kennel to assist in the operation of the kennel after hours.
11. The cages used for all animals shall be designed to ensure the secure confinement of animals and shall comply with all State and County regulations.
12. The proposed building shall be soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. Noise levels shall conform to the provisions of Chapter 108 of the Code.
13. The maximum height of the proposed building shall be 45 feet.
14. Rooftop mechanical equipment shall be screened to the maximum extent feasible to minimize the visual impact.
15. The proposed building architectural façade shall be consistent with the general style and quality of the photograph on Sheet 1.
16. Outdoor lighting fixtures used to illuminate the parking area and walkways between buildings shall not exceed twelve (12) feet in height, shall be of low intensity design and shall focus directly on the subject property. All other outdoor lighting fixtures shall be full cut-off; focused downward and shielded to minimize glare, and meet the Performance Standards set forth in Article 14 of the Zoning Ordinance.
17. All animal wastes from animals located inside on the concrete floors of the existing and proposed building shall be washed and drained into the sanitary sewage system. Wastes from small animals in cages shall be collected in newspapers and disposed of in trash. Wastes from animals located in the outdoor gravel floor kennels shall be scooped up and disposed of in the trash on a daily basis. Liquid wastes from animals shall be shall be

washed down and drained into the sanitary sewage system. In no instance shall waste removal be directed towards the stormwater management pond or stream.

18. Limits of clearing and grading consistent with those reflected on the GDP/SPA plat shall be maintained during construction, subject to the necessary installation of utilities as determined by DPWES. The limits of clearing and grading shall be designated on the site plan and subject to review and approval by the Urban Forestry Branch. Prior to site plan approval the applicant shall walk the limits of clearing and grading with an Urban Forestry Branch representative to determine where minor adjustments to the clearing limits can be made, if necessary and where practical, to protect quality vegetation. The limits of clearing and grading shall be flagged prior to construction.
19. Landscaping shall be provided, subject to the Urban Forester approval, in substantial conformance with the location and quantity as depicted on GDP/SPA plat.
20. Prior to Non-Residential Use Permits (Non-RUP) the existing stormwater management pond shall be abandoned and restored to its natural state, as approved by the Urban Forester. The restoration may include the grassed areas from the RPA line north to the tree line to have three foot wide strips roto-tilled from east to west spaced every ten feet. The strips to be planted with native woody seed mix or a variety of native seedling species planted on five foot centers. The RPA feature to be identified as a "No mowing area". The applicant shall not be required to obtain a waiver from DPWES in order to conduct the restoration.
21. The applicant shall remove debris located in the Resource Protection Area (RPA) prior to dedication of the RPA to the Park Authority.

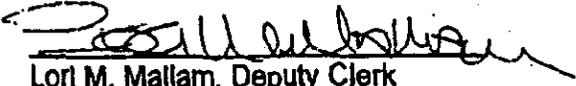
This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures,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

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit 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. Establishment of Phase 1 shall establish the use as approved pursuant to this special permit. The Board of Zoning Appeals 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 permit. 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.

Mr. Ribble seconded the motion which carried by a vote of 6-0. Mr. Kelley was absent from the meeting.

\*This decision was officially filed in the office of the Board of Zoning Appeals and became final on February 14, 2001. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:



Lori M. Mallam, Deputy Clerk  
Board of Zoning Appeals

## LAND UNIT H

### CHARACTER

Land Unit H contains approximately 880 acres and is unique in that existing development is predominantly industrial in character, although nearly 500 acres were vacant as of January 1992 (Figure 29). This land unit contains soft drink and beer bottling plants; a regional package shipping facility; and wholesale, warehousing and storage facilities. These and other similar uses generate considerable truck traffic on the local roads. In the Westfax Industrial Park, one mid-rise hotel has been built which is nominally on Route 50, but oriented to and accessed on Westfax Drive. Some industrial/flex uses exist, as well as some low-rise office development, particularly in the southeast corner of the land unit on Lee Road. A small amount of strip commercial development exists along Route 50.

Land Unit H contains the Dulles Meadows Mobile Home Park. The mobile home park provides important affordable housing; however, the majority of this community is located inside the DNL 60 dBA noise contour associated with projected operations at Dulles Airport.

There are approximately 70 acres of public land in the land unit, including parkland along Cub Run and its tributaries. The former Upper Cub Run Sewage Treatment Plant has been converted to a County materials storage yard.

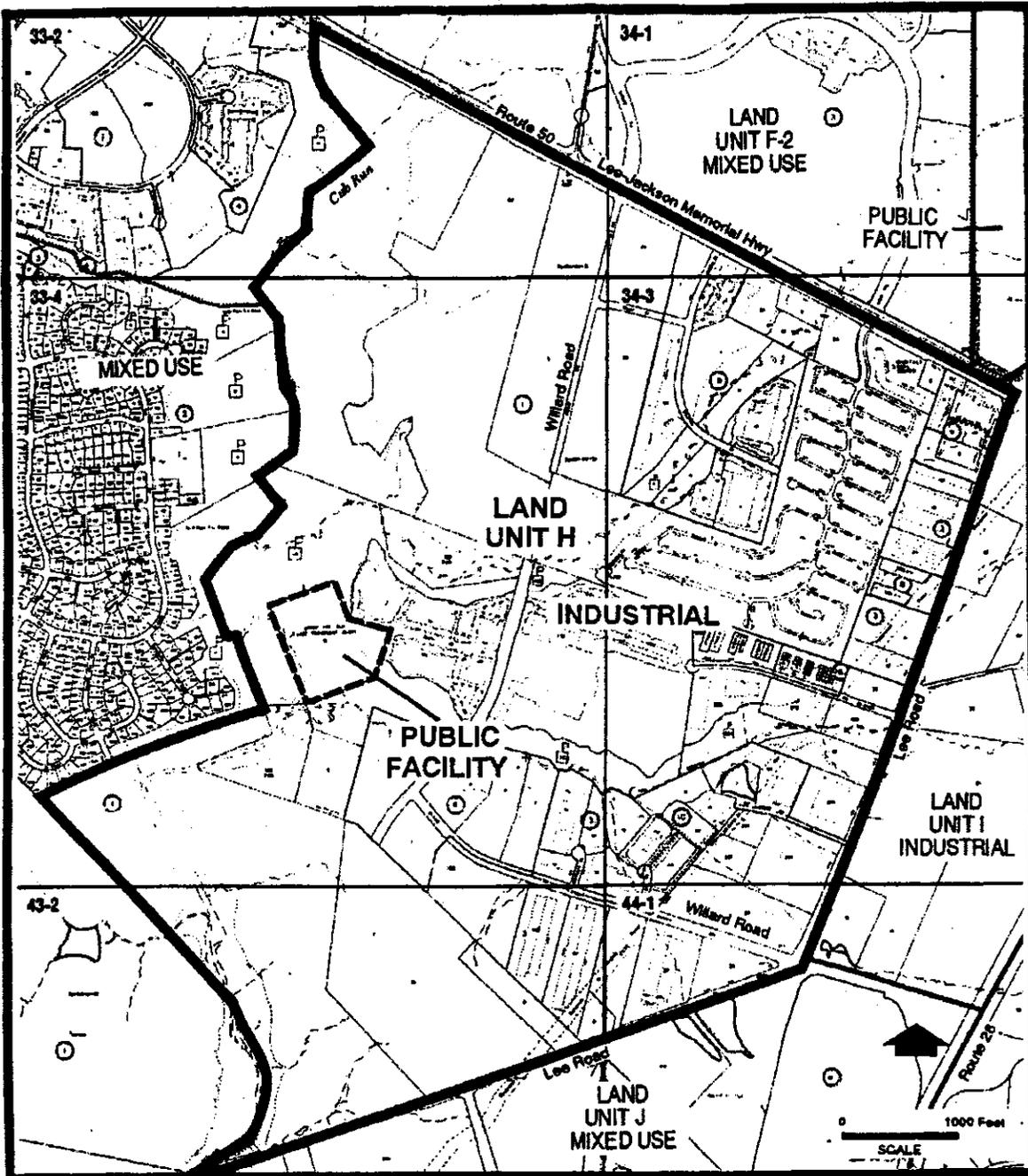
### RECOMMENDATIONS

#### Land Use

1. Land Unit H is planned for industrial, research and development, and industrial/flex uses up to a maximum FAR of .35.
2. An auto park may be appropriate as an optional use on Parcels 33-2((1))6 and 6A, if the conditions listed below are met. An auto park is defined as a large tract of land that accommodates two or more dealers engaged in automobile sales and service, as well as related ancillary services.

#### Conditions:

- The auto park is a minimum of 50 acres in size;
- A unified development plan is provided for the entire site, recognizing that development may be phased as dealerships are added to the park;
- The primary uses in the auto sales park are all related to vehicle sales and service. Ancillary uses to serve customers may also be considered;
- Substantial setbacks and a landscaped berm should be provided along Route 50 to screen view of the use from the road. A single freestanding sign to identify the auto park may be visible from Route 50; and



**LAND UNIT H  
LOCATION AND COMPREHENSIVE PLAN MAP DESIGNATION**

**FIGURE 29**

- Development should be oriented to Willard Road, preferably with building placement designed to screen outside display and storage facilities from Route 50. Substantial setbacks, screening and landscaping should be provided along Willard Road to establish a campus-style setting. Signage at the auto park entrance(s) may be appropriate.
- 3. Industrial/flex use is appropriate in the southern portion of the land unit, along Lee Road and adjacent to the boundary of Land Unit J (Westfields International Corporate Center). Light industrial, research and development use and training may also be appropriate. Development should be integrated with existing or planned uses in the area.
- 4. Public and/or private recreational uses to serve the local community and employees may be appropriate optional uses in this land unit.
- 5. Dulles Meadows Mobile Home Park should be recognized as a viable residential area. This residential neighborhood should be protected; transitional screening requirements on adjacent industrially planned parcels should neither be waived nor modified. Dulles Meadows Mobile Home Park should not be expanded because it is largely within the airport noise impact area. If the Mobile Home Park is redeveloped to other uses, then relocation assistance to the tenants of the park should be provided in accord with the guidelines of the Policy Plan.
- 6. Strip or freestanding commercial development is not planned for and is not appropriate along Route 50. Landscaping and facade improvements, including consistent signage, should be encouraged to enhance the appearance of existing retail uses.

#### Transportation

1. If future studies determine that right-of-way is needed in Land Unit H to facilitate development of an integrated transit system for the Dulles Suburban Center, the needed right-of-way should be provided through dedication, easements or other mechanisms, as appropriate. Land Unit H may be an appropriate location for maintenance facilities for an integrated transit system. Such facilities should be designed to be compatible with existing and planned land use in the vicinity, by using such techniques as buffering and screening.
2. A portion of this land unit is recommended as a possible location for a commuter park and ride lot to be served by transit.

#### Parks and Recreation

The Cub Run, Cain Branch and Schneider Branch EQCs are planned as public parkland. Portions of these stream valleys contain sensitive resource areas which should be protected through appropriate land management agreements with the Fairfax County Park Authority.

Portions of the undeveloped property bordering Cub Run Stream Valley immediately north of Westfields, Parcels 43-2((1))1 and 1A, may be suitable for development of active recreation facilities. This area is particularly well suited for park use because of its contiguity with the approximately 250-acre Richard W. Jones Park on the western side of Cub Run. The Fairfax County Park Authority should seek to acquire this property through dedication or a combination of dedication, easements, and use agreements.



# County of Fairfax, Virginia

## MEMORANDUM

DATE: August 25, 2006

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

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

**SUBJECT:** ENVIRONMENTAL ASSESSMENT for: PCA 2000-SU-033/  
SE 2006-SU-015  
Rita Powell and Mark Johnson

This memorandum, prepared by Deborah Albert, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. The citations are followed by a discussion of environmental concerns, including a description of potential impacts that may result from the proposed development as depicted on the Proffered Condition Amendment/Special Exception (SPA/SE) plan dated June 22, 2006. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

### COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

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

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

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

Department of Planning and Zoning  
Planning Division  
12055 Government Center Parkway, Suite 730  
Fairfax, Virginia 22035-5509  
Phone 703-324-1380  
Fax 703-324-3056  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

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

- Minimize the amount of impervious surface created.
- Site buildings to minimize impervious cover associated with driveways and parking areas and to encourage tree preservation. . . .
- Encourage the preservation of wooded areas and steep slopes adjacent to stream valley EQC areas.
- Encourage fulfillment of tree cover requirements through tree preservation instead of replanting where existing tree cover permits. Commit to tree preservation thresholds that exceed the minimum Zoning Ordinance requirements. . . .
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements. . . .”

In the Fairfax County Comprehensive Plan, Policy Plan, 2003 Edition, Environment sections as amended through November 15, 2004, on page 16, the Plan states:

**“Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.**

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices. . . .”

## ENVIRONMENTAL ANALYSIS

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

opportunities provided by this application to conserve the county's remaining natural amenities.

### **Tree Preservation**

At the time of this application, the subject property has already been cleared and graded for the previously approved expansion of an outdoor kennel, crematory, caretaker quarters and veterinary hospital. The site plan depicts an increase in gross floor area (GFA) of 15,000 square feet over the previously approved 26,500 square feet in order to accommodate a second story, and an additional six parking spaces over the 36 spaces previously approved. The previously approved plan dedicated 0.75 acre of open space to the Fairfax County Park Authority, including the Resource Protection Area (RPA) and 100-year floodplain on the subject property.

Prior to clearing and grading, the area planned for the expanded facility was forested. It is recommended that the applicant consider planting trees on the eastern periphery of the parking lot rather than grass, as shown on the PCA/SE plan. Trees in this area would provide shading for the parking lot, reducing the heat island effect as well as evaporation from the parking lot, which contributes to poor air quality.

### **Stormwater Management**

The subject property is in the Water Supply Protection Overlay District (WSPOD). Staff from the Department of Public Works and Environmental Services (DPWES) have indicated that the applicant should demonstrate that the previously approved expansion to the stormwater management pond will meet water quality requirements in the WSPOD. The site plan depicts grasscrete porous pavement to access the proposed loading area. Any proposed stormwater management/best management practice (SWM/BMP) facility will be subject to review and approval by staff in the Department of Public Works and Environmental Services.

### **COUNTYWIDE TRAILS PLAN**

The Countywide Trails Plan Map depicts a Major Paved Trail (defined as asphalt or concrete eight feet or more in width) along the Schneider Branch. This trail is not shown on the PCA/SE plat, however, it is described in Note 16.

PGN: DLA



# County of Fairfax, Virginia

## MEMORANDUM

DATE: August 11, 2006

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

**FROM:** Angela Kadar Rodeheaver, Chief *AKR by CAA*  
Site Analysis Section  
Department of Transportation

**FILE:** 3-4 (RZ 2000-SU-033)  
3-5 (SE 2006-SU-015)

**SUBJECT:** Transportation Impact

**REFERENCE:** PCA/GDPA 2000-SU-033 & SE 2006-SU-015  
Rita Powell & Mark Johnson – Dulles Gateway Kennels  
Traffic Zone: 1701  
Land Identification: 33-4 ((1)) 9A

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on the plats made available to this office dated May 12, 2006, and revised through June 22, 2006. The base information for the GDPA and SE Plat is from a site plan for the subject property (003772-SP-002-2) that was approved on September 9, 2005. The applicant proposes to increase the gross floor area in the previously approved building by 15,000 square feet and make the building two-story instead of one-story. There is no change in the previously approved uses: kennel with outdoor facilities, veterinary hospital and related uses, crematory, and caretaker's quarters.

This department has no transportation issues with this application, however, the applicant should commit to develop in accordance with the FDPA/Plat.

Note: Streets on Sheet 1 are incorrectly labeled. "Stonecroft Boulevard" is Lee Road and the actual Stonecroft Boulevard is not completely shown.

AKR/LAH/lah

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



FAIRFAX COUNTY WATER AUTHORITY  
8560 Arlington Boulevard, Fairfax, Virginia 22031  
www.fairfaxwater.org

**PLANNING & ENGINEERING  
DIVISION**

C. David Binning  
Director  
(703) 289-6325  
Fax (703) 289-6382

July 10, 2006

Ms. Barbara A. Byron, Director  
Zoning Evaluation Division  
Fairfax County Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5505

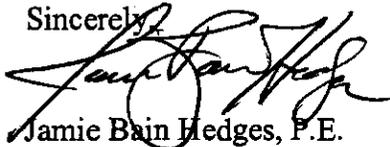
Re: PCA 00-SU-033  
SE 06-SU-015

Dear Ms. Byron:

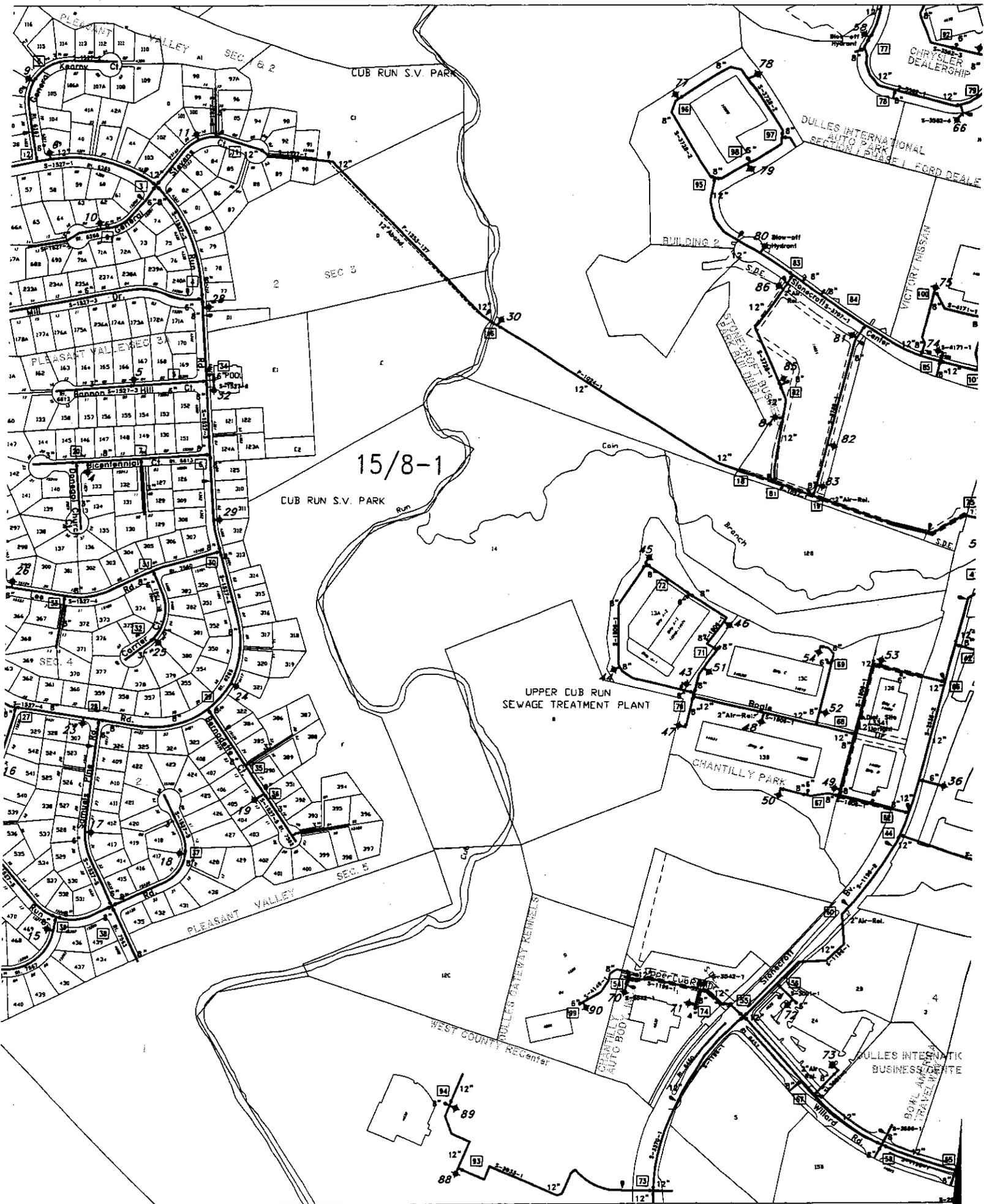
The following information is submitted in response to your request for a water service analysis for the above application:

1. The property is located within the Fairfax Water service area.
2. Adequate domestic water service is available at the site from existing 8-inch and 6-inch water mains located at the property. See the enclosed water system map. The Generalized Development Plan has been forwarded to Plan Control for distribution to the Engineering Firm.
3. Depending upon the configuration of the on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.
4. Due to the limited detail of these plans, Fairfax Water is not able to provide comprehensive comments with regard to existing and proposed water facilities. Fairfax Water will review for conformance with Fairfax Water's Design Standards Manual and Standard Details upon submittal of final site plans.

If you have any questions regarding this information please contact me at (703) 289-6302.

Sincerely,  
  
Jamie Bain Hedges, P.E.  
Manager, Planning Department

Enclosures  
Cc: Dewberry and Davis (Tim Culletion)







## County of Fairfax, Virginia

## MEMORANDUM

DATE: July 18, 2006

**TO:** Barbara Byron, Director  
Zoning Evaluation Division  
Office of Comprehensive Planning

**FROM:** Ralph Dulaney (246-3868)  
Information Technology Section  
Fire and Rescue Department

**SUBJECT:** Fire and Rescue Department Preliminary Analysis of Proffered Condition Amendment PCA 2000-SU-033 and Special Exception SE 2006-SU-015

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject:

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #415, Chantilly
2. After construction programmed \_\_\_\_\_ this property will be serviced by the fire station \_\_\_\_\_
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
  - a. currently meets fire protection guidelines.
  - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
  - c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
  - d. does not meet current fire protection guidelines without an additional facility. The application property is \_\_\_\_\_ of a mile outside the fire protection guidelines. No new facility is currently planned for this area.





# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** AUG - 7 2006

**TO:** Tracy Swagler, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Qayyum Khan, Chief Stormwater Engineer *QK*  
Site Review West, Environmental and Site Review Division  
Department of Public Works and Environmental Services

**SUBJECT:** Preferred Condition Amendment PCA 2000-SU-033 and Special Exception SE 2006-SU-015, Rita Powell and Mark A. Johnson, Plan revised June 22, 2006, LDS Project #3772-ZONA-001-1, Tax Map #033-4-01-0009-A (Property), Sully District, Cub Run Watershed

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

Chesapeake Bay Preservation Ordinance

There is Resource Protection Areas on the north side of the Property. The site is also located within the Water Supply Protection Overlay District.

Floodplain

There is regulated floodplains on the Property on the northern property line.

Downstream Drainage Complaints

There are no downstream drainage complaints on file.

Site Outfall

The applicant shall provide an outfall narrative and analysis on the plan per ZO 16-302(L).

Stormwater Management

The applicant shall demonstrate that the on-site enlarged pond will provide stormwater detention and water quality control for this project.

If further assistance is desired, please contact me at 703-324-1720.

QK/mw

cc: Steve Aitcheson, Director, Stormwater Planning Division, DPWES  
Assad Ayoubi, Director, Site Review West, ESRD, DPWES  
Zoning Application File (3772-ZONA-001-0-1)



**9-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

- 1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
- 2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
- 3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
- 4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
- 5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
- 6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
- 7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
- 8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.



## **9-503 Standards For All Category 5 Uses**

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

1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

**Additional Standards for Kennels, Animal Shelters**

1. For a kennel or animal shelter in the R-A, R-P, R-C, R-E and R-1 Districts which has any outdoor facilities, there shall be a minimum lot size requirement of two (2) acres, and any outdoor structure for the confinement, care or breeding of animals shall be located no closer than 100 feet to any lot line.
2. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in an R district.
3. A kennel or animal shelter may be located within a completely enclosed building, provided such building is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area.
4. All dogs more than four (4) months of age shall be kept in structures designed and maintained for secure confinement.
5. In reviewing an application for a permit, the Board shall consider the kinds and numbers of animals proposed to be kept, the characteristics thereof, the proposed management techniques and the location that such animals will be kept on the lot. The Board may impose such conditions, to include screening and minimum yards, as may be necessary to ensure that there will be no adverse impact on adjacent property and no emission or noise and/or odor detrimental to other property in the area.

**9-625 Provisions for Modification of Minimum Yard Requirements for Certain Existing Structures and Uses**

The Board may approve, only in conjunction with the approval of a rezoning or special exception for another use, a modification of any yard requirement for an existing structure or use, including but not limited to principal and accessory structures and off-street parking spaces, but only in accordance with the following:

1. It shall be demonstrated that the existing structure or use complied with the minimum required yards in effect when the use was established and that the yards have not been reduced to less than the yards required by this Ordinance since the effective date of this Ordinance, except by condemnation or by acquisition for public purposes by any governmental agency.
2. The Board may impose such conditions as it deems necessary, to include landscaping and screening, to minimize the impact of the existing structure or use on adjacent properties.

**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		