



APPLICATION ACCEPTED: March 6, 2012
PLANNING COMMISSION: June 28, 2012
BOARD OF SUPERVISORS: Not Scheduled

County of Fairfax, Virginia

June 14, 2012

STAFF REPORT

APPLICATION SEA 79-P-120-04

PROVIDENCE DISTRICT

APPLICANT: McDonald's Corporation

ZONING: C-5, SC, and HC

PARCEL: 39-1 ((3)) 2A

LOCATION: 2089 Chain Bridge Road

SITE ACREAGE: 40,101 square feet (0.92 acres)

PLAN MAP: Office

SPECIAL EXCEPTION CATEGORY: Category 6 – Waiver of Certain Sign Regulations

PROPOSAL: To amend SE 79-P-120 previously approved for a fast food restaurant with a drive-through to permit an increase in building-mounted sign area and an increase in sign area and height for a freestanding sign in a Sign Control Overlay District

STAFF RECOMMENDATIONS:

Staff recommends denial of SEA 79-P-120-04. However, if it is the intent of the Board of Supervisors to approve SEA 79-P-120-04, staff recommends that the approval be subject to the proposed development conditions listed in Appendix 1.

If it is the intent of the Board of Supervisors to approve SEA 79-P-120-04, staff recommends such approval include modification of the minimum lot width requirement to permit a lot width of 185 feet instead of the required 200 feet.

Nick Rogers

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



If it is the intent of the Board of Supervisors to approve SEA 79-P-120-04, staff recommends such approval include a waiver of the transitional screening requirement and the barrier requirement along the northern and southern boundaries of the application site.

If it is the intent of the Board of Supervisors to approve SEA 79-P-120-04, staff recommends such approval include a waiver of the loading space requirement.

If it is the intent of the Board of Supervisors to approve SEA 79-P-120-04, staff recommends such approval include a deviation from the tree canopy percentage in favor of the landscaping shown on the SE Plat.

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

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

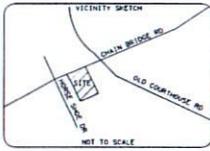
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



- NOTES:
- STATE PLANE COORDINATES AND DISTANCE HEIGHT DERIVED FROM TWO-HOUR STATIC GPS OBSERVATIONS. POSITIONING PROCESSED USING NGS SPW-STATIC POSITIONAL ACCURACY=1.0M.
 - HORIZONTAL DATUM- VIRGINIA NORTH ZONE STATE PLANE 440 83 VERTICAL DATUM- NAVD 83
 - THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A FULL TITLE REPORT. THE MAY BE EASEMENTS OR RIGHT OF WAY WHICH ARE NOT SHOWN.
 - TOPOGRAPHIC DATA COLLECTED BY FIELD SURVEY.
 - LOCATION OF ALL EXISTING UTILITY EASEMENTS 25' OR MORE IN WIDTH ARE SHOWN.
 - NO DRAWS, OBJECTS OR STRUCTURES SAUNING A PLACE OF BURIAL WERE FOUND.
 - EVIDENCE FOUND SHOWS POSSIBLE RIGHT OF WAY DEDICATION ALONG SERVICE ROAD, BUT NO DEDICATION FOUND TO BE ACCEPTED.

I, JONATHAN F. MURPHY, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS SURVEY WAS DRAWN FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION. THE RELATIVE POSITION AND ACCURACY OF THIS SURVEY DOES NOT EXCEED:

JONATHAN F. MURPHY, PLS
DATE: 18 APRIL 2012
LICENSE NO. 2713



FEMA INFORMATION:
PER REVIEW OF FEMA FIRM PANEL NO. 410030018E, DATED SEPTEMBER 17, 2010, THIS PARCEL IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA. THE FLOOD ZONE DESIGNATION IS ZONE X.

ZONING INFORMATION:
ZONING: C-5 (NEIGHBORHOOD RETAIL)
SETBACKS:
FRONT: 40'
SIDE: 0'
REAR: 20'
MAXIMUM BUILDING HEIGHT: 40'

PARKING:
38 EXISTING REGULAR SPACES
2 EXISTING HANDICAP SPACES
PARKING REQUIREMENTS:
1 SPACE PER 2 SEATS
24 EXISTING SEATS IN BUILDING
27 PARKING SPACES REQUIRED

PUBLIC WATER/SEWER SERVICE:
WATER- FAIRFAX COUNTY WATER AUTHORITY, 6520 EXECUTIVE PARK AVENUE, FAIRFAX, VA
SEWER- FAIRFAX COUNTY PUBLIC WORKS, 12025 GOVERNMENT CENTER PARKWAY, FAIRFAX, VA

PREPARED FOR:
FREELAND and KAUFFMAN INC.
Engineers & Landscaping Architects
209 Pied State Zoning
Greenbelt, South County TRAC
564-223-5491
703-654-223-0945

LEGEND OF SYMBOLS:
L: LIGHT POLE
P: POLE
E: ELECTRIC APPARATUS
G: GAS ASSEMBLY
S: SANITARY MANHOLE
C: CLEANOUT
T: TRAP
B: BASKET
D: DRAINAGE STRUCTURE
Y: YARD INLET W/ DATE
I: INLET W/ CONC CAP
F: FIRE HYDRANT
W: WATER VALVE
M: WATER METER
S: SERVICE CONNECTION
P: POST INDICATOR VALVE
W: WELL
B: BORED HOLE
C: BURIED CABLE MARKER
S: SIGN
H: HANDICAPPED SPACE

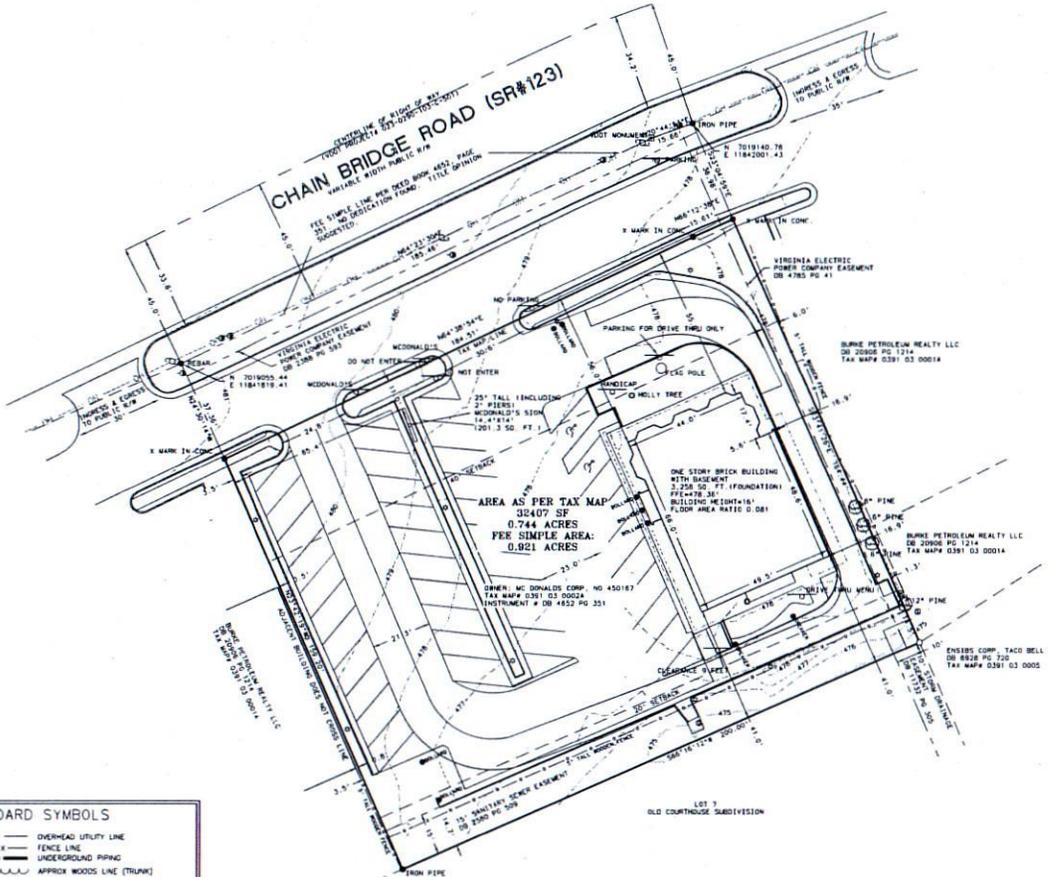
LEGEND OF STANDARD SYMBOLS

○	LIGHT POLE	—○—	OVERHEAD UTILITY LINE
□	TELECOM APPARATUS	—□—	FENCE LINE
⊞	ELECTRIC APPARATUS	—■—	UNDERGROUND PIPING
⊞	GAS ASSEMBLY	—●—	APPROX WOODS LINE (TRUNK)
⊞	SANITARY MANHOLE	—○—	GAS LINE MARKINGS
⊞	CLEANOUT	—LE—	UNDERGROUND LINE MARKINGS
⊞	TRAP	—M—	WATER LINE MARKINGS
⊞	BASKET	△	HORIZONTAL CONTROL POINT
⊞	DRAINAGE STRUCTURE	⊞	TEMPORARY BENCH MARK
⊞	YARD INLET W/ DATE		
⊞	INLET W/ CONC CAP		
⊞	FIRE HYDRANT		
⊞	WATER VALVE		
⊞	WATER METER		
⊞	SERVICE CONNECTION		
⊞	POST INDICATOR VALVE		
⊞	WELL		
⊞	BORED HOLE		
⊞	BURIED CABLE MARKER		
⊞	SIGN		
⊞	HANDICAPPED SPACE		

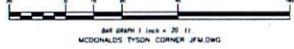
IF TREES ARE SHOWN, THE TREE SYMBOL HAS BEEN SCALED BASED ON THE TRUNK DIAMETER TO PROVIDE A QUICK GRAPHIC IDEA OF THE SIZE OF THE TREE. THE SYMBOLS DO NOT DEPICT DRIP LINE OR CANOPY OF INDIVIDUAL TREES.

NOTE - ANY UNDERGROUND LINES SHOWN ARE BASED ON SURFACE EVIDENCE. THIS SURVEYOR CANNOT CERTIFY TO LOCATION OF NON-MOBILE STRUCTURES. IF UNDERGROUND LOCATION IS CRITICAL, THE LINE SHOULD BE EXPOSED AND VERIFIED. THIS SURVEYOR CANNOT ACCEPT LIABILITY FOR UNDERGROUND STRUCTURE LOCATION.

NO.	DATE	DESCRIPTION	BY
1	1/18/2012	ADDRESS COMMENTS FROM SIGN CHECKLIST	JKM
2	2/28/2012	ADDRESS ADDITIONAL COMMENTS	JKM
3	4/18/2012	CHANGE BOUNDARY TO REFLECT TAX MAP	JKM



TOPOGRAPHIC SURVEY
OF
MCDONALD'S RESTAURANT
2089 CHAIN BRIDGE ROAD
VIENNA, FAIRFAX COUNTY, VA
OCTOBER 2011 SCALE 1"=20'
FIELD WORK PERFORMED 10/12/11



murphy GEOMATICS
Professional Land Surveying
8308 L. Richard Drive, (918) 952-9822
Ponca City, OK 74603-1400 Fax: 918-952-9822
E-mail: info@murphygeomatics.com

FILE NAME: MCDONALDS TYSON CORNER JFM.dwg

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

DESCRIPTION OF THE APPLICATION

The applicant, McDonald's Corporation, has requested the approval of a Special Exception Amendment (SEA) for a waiver of certain sign regulations to allow structural modifications to the existing freestanding McDonald's sign that measures approximately 174 square feet in area and 25 feet in height. The existing sign does not conform to the current regulations, which limit freestanding signs for individual enterprises on commercially or industrially zoned land in Sign Control Overlay Districts which have frontage on primary highways or major thoroughfares to a maximum height of 20 feet and a maximum square footage of 40 feet. Specifically, the applicant proposes to remove the existing sign from its support pole, rebuild the foundation for the support pole, install a new pole, and reinstall the existing sign atop the new pole.

Section 12-110 of the Zoning Ordinance prohibits nonconforming signs such as the freestanding sign on the subject property from being enlarged, extended or structurally reconstructed or altered in any manner. A change to the sign face is permitted provided the new face is equal to or reduced in height and/or sign area. The act of replacing the support pole and foundation as outlined in the applicant's request would constitute a structural reconstruction of the sign. Thus, the applicant was required to submit a SEA application to replace the pole and foundation for the existing sign in order to retain the height and size of the existing nonconforming sign.

In addition to the freestanding sign's pole replacement, the applicant has requested an additional 11 square feet of building-mounted sign area beyond what would be permitted by the Zoning Ordinance. Based on the building's frontage, the applicant may have up to 99 square feet of building-mounted sign area¹. Over the course of the last four decades, sign permits have been issued for 102 square feet of building-mounted signs. The applicant has requested an additional 8 square feet of sign area beyond the existing amount of building-mounted sign area, for a total of 110 square feet, in order to allow an existing 8 square foot sign in the restaurant's window to remain. The applicant will be removing a 28 square foot sign that was installed without an approved sign permit.

An approved SEA would allow the applicant's building-mounted signs to exceed the maximum square footage allowed at this location, while providing an opportunity to rebuild and replace the nonconforming freestanding sign's pole and foundation.

¹ For buildings housing only one tenant, building frontage shall be that one face or wall of a building which is architecturally designed as the front of the building and which contains the main entrance for use by the general public. The main entrance is located on the western façade of the building, which is 66 feet long. Part 8 of Sect. 12-203 of the Zoning Ordinance limits building-mounted signs to one and one-half (1.5) square feet of sign area for each linear foot of building frontage. The building frontage for the McDonald's restaurant is 66 feet, which is the length of the western façade where the restaurant's entrance is located. The applicant is permitted to have up to 99 square feet of building-mounted sign area (66 x 1.5 = 99).

Finally, the applicant has submitted two requests for waivers and modifications:

- A modification of the minimum lot width requirement in a C-5 district to permit a lot width of 185 feet instead of the required 200 feet; and,
- A waiver of the transitional screening and barrier requirements along the property's northern and southern boundary.

A reduced copy of the submitted SEA Plat is included at the beginning of this staff report. Copies of the affidavit and the applicant's statement of justification are included in Appendices 2 and 3, respectively.

LOCATION AND CHARACTER

The subject property is located at 2089 Chain Bridge Road along the southern side of the road. McDonald's Corporation has operated a 4,344 square foot fast food restaurant at this location since 1977. The restaurant is served by 40 parking spaces and a drive-through lane, which was added in 1981, that wraps around the eastern side of the building and exits back into the parking lot. Motorists access the restaurant from a service drive that connects Horse Shoe Drive with Old Courthouse Road. A small office building and an Exxon service station/mini-mart are the only other businesses located on the service drive. Table 1 provides additional details on the surrounding uses.

A five-foot tall fence separates the developed portion of the property from a 15-foot wide sanitary sewer easement, which runs the entire length of the rear property boundary. A number of evergreen and deciduous trees have grown and matured within this easement; these trees, coupled with the trees on the vacant parcel, provide a landscaped buffer between the single family detached residences along Tysons Trace Court and the McDonald's restaurant. Other than the trees in the easement, the site's landscaping includes some low lying shrubs found near the building's front façade and four pine trees between the drive-through lane and the Exxon.

Direction	Use	Zonin	Plan
North	Service station/mini-mart Single-family attached dwellings	C-8 R-8	Residential: 5-8 du/ac
South	Vacant	R-1	Residential: 2-3 du/ac
East	Service station/mini-mart	C-8	Office
West	Office	C-2	Office

In addition to the existing freestanding sign, several building-mounted signs have been erected during the restaurant's occupancy at this location. Table 2 identifies each of these signs and their respective square footages. Most of these signs have been granted sign permits by the Department of Planning and Zoning (DPZ), but the last two signs listed in the table were never granted permits and installed without receiving DPZ approval.

There are a number of other signs on the property, such as those in Figures 1 and 2, which are not permitted by Article 12 of the Zoning Ordinance. These include the banners along the rear fence, the banner above the building's roofline, and the directional signs which advertise 24-hour lobby service for dining room customers.

TABLE 2 – BUILDING-MOUNTED SIGNS			
Sign Copy	Location	Area (ft ²)	Permit on File
McDonald's with two logos	Northern façade	60	Yes
McDonald's logo	Eastern façade	14	Yes
"Drive-thru"	Northern façade	8	Yes
McDonald's logo	Vestibule on Western façade	20	Yes
"McCafe"	Vestibule on Western façade	8	No
Removable/"Smoothies"	Western façade	28	No



Figures 1 and 2: The banner above the building to the left and the banner below are prohibited signs according to Article 12 of the Zoning Ordinance (Source – DPZ site visit on 3/21/2012)



BACKGROUND

Fast Food Restaurant Use

The McDonald's at this location was originally approved through the site plan process in 1977 and obtained its Non-Residential Use Permit (Non-RUP) in December of that year. The original site plan did not depict a drive-through lane at this location. On March 3, 1980, the Board of Supervisors (BOS) approved SE 79-P-120 for a fast food restaurant with a drive-through lane, which was added in 1981. The letter to the applicant from the Clerk to the Board of Supervisors has been attached as Appendix 4.

The applicant made two applications to amend the SE. The first, SEA-79-P-120, was denied by the BOS on February 25, 1985. The applicant had requested an increase in the number of seats in the restaurant from 100 to 143 and a corresponding request to increase the site's parking spaces from 43 to 83. At the time, the applicant was the contract purchaser of the adjacent property to the south, and some of the additional parking spaces and a new site entrance on to Horse Shoe Drive would have been located on a portion of this adjacent property. This additional parking required a SE to allow commercial parking in an R district because the property was zoned R-1.

The second attempt to amend the SE came when the Planning Commission reviewed SEA 79-P-120-02 and RZ 91-P-007 concurrently at their September 18, 1991 meeting. The application was very similar to the 1985 SEA, except that the applicant proposed to rezone the adjacent R-1 property to the south to the C-5 district, which would have obviated the need for a SE for parking in an R district. Staff recommended denial of the applications due to the same nonconformance with the Comprehensive Plan. A number of other outstanding issues were cited in the staff report, such as insufficient transitional screening and barrier provisions, no participation in the cost of a traffic signal at Chain Bridge Road and Horse Shoe Drive, and insufficient right-of-way and road improvements on Horse Shoe Drive. The Planning Commission indefinitely deferred the item, and it was ultimately withdrawn in 2002 after several extensions.

On May 20, 2011, SEA 79-P-120-3 was dismissed due to inactivity. This application was filed in May of 2009 and requested demolition of the existing structure in order to construct a new fast food restaurant with drive-through facilities. The applicant requested an indefinite deferral of the case on August 20, 2009.

Nonconforming Freestanding Sign

The existing McDonald's freestanding sign (Figure 3) was issued a sign permit and installed in 1977 at the same time as the site's development as a McDonald's restaurant. The Zoning Ordinance's regulations related to signs were structured in a different manner from today's Article 12, with different sets of regulations based on the parcel's location in Fairfax County, land use, and zoning. A summary of the significant changes to the sign ordinance since 1970, and their application in this SEA, is included as Appendix 5 for reference.

At the time, the McDonald's property was allowed to have a freestanding sign up to 175 square feet in area and 26 feet in height. The applicant's sign permit application lists the proposed sign dimensions as 12 feet by 14 feet, or 168 square feet. However, the design submitted for review shows a sign that is 14 feet, 2 inches at its widest, which would result in a 198 square foot sign. The design lists 24 feet as the height. Staff reviewed the measurements from this design with staff from DPZ's Zoning Administration Division (ZAD).

Using these measurements and applying the measuring methods prescribed by the Zoning Ordinance², staff approximates the design submitted with the sign permit to be 180 square feet. It is staff's opinion that the original reviewer for the 1977 sign permit relied on the applicant's measurements and did not review them in the manner prescribed by the Zoning Ordinance at that time. Appendix 6 includes the approved sign permit and accompanying design.

The applicant included measurements made in 2011 of the existing sign in the SEA submission. Staff, in consultation with ZAD, applied the measuring methods listed in the Zoning Ordinance to the applicant's submission. The existing sign, using a single continuous rectilinear perimeter of not more than eight lines, would be approximately 174 square feet. The 2011 measurements list a height of 25 feet. Each of these measurements would have conformed to the 1977 sign regulations.

The applicant has received several Notices of Violation over the years for installing signs without approved sign permits. These violations have stemmed from complaints



Figure 3: The view looking east from the northwestern corner of the subject property. The existing freestanding sign is prominently located at the center of the photo (Source – DPZ site visit on 3/21/2012)

- 2 Sect. 12-105 of the Zoning Ordinance prescribes that “the area of a sign shall mean and shall be computed as the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines enclosing the extreme limits of writing, representation, emblems or a figure of similar character together with all material, color or lighting forming an integral part of the display or used to differentiate the sign from the background against which it is placed.” The structural support(s) for the sign are not included in this calculation unless designed to form an integral background of the display.

associated with promotional banners and signs for new menu items, similar to those shown in Figures 1 and 2.

DESCRIPTION OF THE SPECIAL EXCEPTION PLAT

The SE Plat shows the location of the fast food restaurant on the eastern side of the parcel. The restaurant's drive through lane begins at the service drive's western access and travels through the parking lot to the rear of the building. Motorists who are not using the drive-through lane can travel to the left of the drive-through lane and exit from the eastern access on the service drive. Other than three pine trees with six-inch caliper trunks at the property's southeastern corner and a holly tree near the front of the building, no other landscaping is shown. The 15' wide sanitary easement and the 5' tall wooden fence can be seen along the property's rear lot line.

The applicant has identified the location of the freestanding sign, but indicates slightly different dimensions on the SE Plat and the accompanying sign drawings than what was originally approved in 1977. The applicant shows the existing McDonald's sign as 201.3 square feet and 25 feet high. In measuring the square footage, the applicant took into account a portion of the sign's structural support, which according to Par. 4 of Sect. 12-105 of the Zoning Ordinance, is not to be included in the sign's square footage. Staff has verified and determined, in consultation with ZAD based on the 2011 measurements submitted by the applicant, that the approximate sign area for the existing freestanding sign to be 174 square feet and the approximate height to be 25 feet.

ANALYSIS

General Special Exception Standards (Sect. 9-006)

All special exception uses shall satisfy the following general standards:

1. *The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.*

The subject property is located within the Tysons Corner Urban Development Area. Specifically, it is located in the South Old Courthouse Subdistrict in a narrow strip of non-residential development planned for low-rise office use up to 0.50 FAR. This subdistrict will act as a transition in intensity from the mid- and high-rise commercial development along Route 7 to the single-family neighborhoods to the south. The Comprehensive Plan notes that "[a]ny future infill or redevelopment should retain the area's low-rise scale and character, in order to be compatible with the adjacent neighborhoods³." Building heights are limited to 35 feet.

³ Fairfax County Comprehensive Plan, 2011 Edition: Tysons Corner Urban Center, Amended through 6-22-2010, p. 164.

The Tysons Corner Urban Design Guidelines includes a chapter on signs, which encourages all signage to be “well-organized, neat, well-maintained, concise and legible⁴.” The typeface, characters, and graphics of storefront signs should be scaled to pedestrians and motorists, as applicable, and the scale and materials used for signs should be appropriate to the neighborhood⁵.

The use of a fast food restaurant would be compatible with the transitional uses outlined above, and the additional 11 square feet of building-mounted sign area would conform to the Urban Design Guidelines. However, the freestanding sign is only scaled to motorists, not pedestrians, and the scale is out of place with the surrounding uses, which include residential, office, and retail uses in similarly-sized buildings that do not have large freestanding signs.

This standard can only be satisfied in part given the applicant’s request.

2. *The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.*

The purpose and intent of the C-5 district is to provide locations for convenience shopping facilities of a neighborhood-oriented variety, such as supermarkets, drugstores, personal service establishments, and a small number of professional offices. The districts are to be integral, homogeneous components of the neighborhoods they serve and be oriented to pedestrian and vehicular traffic. Moreover, C-5 districts should not be so large as to attract substantial trade from outside the neighborhood.

The height and the size of the applicant’s sign is typical of highway commercial development of the 1960s and 1970s, where large, tall signs were installed to attract business from automobile travelers. The size and height of the sign, which exceed the current Zoning Ordinance’s requirements, do not address the pedestrian character and the neighborhood orientation discussed in the purpose and intent of the C-5 district.

The proposed use would not be harmonious with the C-5 district purpose and intent.

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 Tysons Corner Urban Design Guidelines, p. 5-4.

5 Tysons Corner Urban Design Guidelines, p. 5-4.

The increase in building-mounted sign area would satisfy General Standard 3, as the increase requested is too incremental to adversely impact the adjacent properties. Retaining the existing size of the freestanding sign, however, is out of character with the signs on other commercial properties along this stretch of Chain Bridge Road. Maintaining a freestanding sign of this size could set a concerning precedent where adjacent property owners would request similarly sized signs that would create a visually distracting corridor that would not be compatible with Article 12's purpose and intent to protect the character of various communities in Fairfax County.

The replacement of the pole and foundation would not adversely affect the use or development of neighboring properties, nor would it hinder or discourage the appropriate development and use of adjacent land and/or buildings, or impair their value.

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.*

Article 12 gives the Building Official the authority to have removed or repaired any sign which has become unsafe and poses an immediate threat to the public. Furthermore, the applicant would be required to keep the existing sign in good repair unless declared by the Building Official to be unsafe and thus required to be removed. Due to the size of the sign, it could not be repaired or restored in such a way to make it conform to the applicable provisions of the Zoning Ordinance.

Given the applicant's obligations listed above, the sign would not be hazardous or conflict with pedestrian or vehicular traffic in the neighborhood whether the SE is approved or denied. It should be noted that the Building Official has not issued a declaration that the existing freestanding sign is unsafe or poses an immediate threat.

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.*

Article 13 of the Zoning Ordinance requires the applicant to provide a 50-foot wide landscaped buffer along the property's northern and southern boundaries. A six-foot high barrier fence or wall would also be required. Finally, the restaurant's parking lot would need to comply with the interior and peripheral parking lot landscaping requirements, which would require 5% of the total area of the parking lot to be landscaped and 4-foot wide landscaped buffers to the east and west along with the aforementioned transitional screening.

The appropriateness of these landscaping and screening provisions are discussed in greater detail on pages 12 and 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.*

Section 4-508 of the Zoning Ordinance requires the applicant to provide a minimum of 20% of the site's gross area as landscaped open space. The applicant has not provided calculations on the SE Plat to show that the minimum 20% landscaped open space requirement has been met. The applicant was able to meet the Zoning Ordinance's requirements in 1977 when the site was originally developed. Since no new land disturbance is associated with the applicant's request, other than that necessary to replace the foundation for the freestanding sign, the applicant's request would satisfy this standard.

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.*

The Department of Public Works and Environmental Services has verified with staff that adequate utilities to serve the proposed use are in place. The existing 40 parking spaces would satisfy the minimum number of parking spaces required per the Zoning Ordinance. A loading space was not required with the construction of the existing structure. The Zoning Ordinance requires existing uses and structures to provide loading when the use or structure is expanded or enlarged. Although this application is limited to increased signage, staff recommends a development condition that restricts loading activities to the period between 12:00 a.m. and 8:00 a.m. to avoid on-site traffic circulation conflicts.

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.*

Based on the building frontage as measured using the methodology from Article 12, the applicant would be allowed up to 99 square feet of building-mounted sign area. Freestanding signs may not exceed 20 feet in height according to Par. 4 of Sect. 12-203 of the Zoning Ordinance.

The subject property contains an individual enterprise located in a Sign Control Overlay District, and this stretch of Chain Bridge Road is listed as a major thoroughfare in Appendix 8 of the Zoning Ordinance. Par. 2 of Section 12-204 limits freestanding sign area for properties with these attributes to a maximum of 40 square feet.

Sect. 9-620 allows an applicant to request a Special Exception for a waiver of certain sign regulations to provide relief where appropriate for signs on commercial and industrially zoned land if unusual circumstances do not provide identification as intended by the sign regulations. The applicant's

request to increase the building-mounted sign area and to retain the nonconforming freestanding sign falls under this type of SE. The provisions of Sect. 9-620 are discussed in greater detail below.

In summary, the applicant's request does not satisfy all of the General Special Exception Standards.

Standards for Waiving Certain Sign Regulations (Sect. 9-620)

The BOS may approve a modification or waiver of the sign regulations in accordance with the following standards:

1. *Such waiver may be for an increase in sign area, increase in sign height or different location of a sign, not otherwise provided by Sect. 12-304. Such waiver shall not allow the erection of a freestanding sign or off-site sign, not otherwise permitted by this Ordinance, or the establishment of any sign prohibited by the provisions of Sect. 12-104.*

Article 12 limits this property to one freestanding sign. The applicant has not proposed additional freestanding signs, nor any prohibited signs. The applicant's request is for an increase in the maximum sign area for a freestanding sign, and for the maximum amount of building-mounted sign area.

2. *Such waiver may be approved only when it is demonstrated by the applicant that there are unusual circumstances or conditions in terms of location, topography, size or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.*

In the statement of justification, the applicant contends that the structure's orientation toward the parking lot and the drive-through lane limits the ability to provide reasonable notification from the road using the Zoning Ordinance's maximum amount of building-mounted signage. The applicant cites the presence of an off-site tree that screens the view of the restaurant from the northbound lanes and the approved sign permit as justification for the necessity to retain the existing freestanding sign.

It is staff's position that a focus of the building-mounted square footage at the building's front façade along Chain Bridge Road, in tandem with a freestanding sign that conforms to Article 12, would provide reasonable notification for motorists. The applicant currently has 42 square feet of building mounted signage along the sides of the building which are not critical for customers who have parked and already arrived at their destination.

The approximate area of the existing freestanding sign, 174 square feet, is over four times the maximum area limit of the Zoning Ordinance for freestanding signs in Sign Control Districts for individual enterprises on commercially or industrially zoned land which have frontage on primary highways or major thoroughfares. Motorists have two access points from Chain Bridge Road to the service drive before the intersection with Old Courthouse Road, and the restaurant can be seen with enough time to make a turning movement into either of these access points.

With a flat, rectangular lot that faces Chain Bridge Road of almost one acre that has adequate access for pedestrians and motorists, staff cannot identify a unique circumstance or condition related to the lot's size, orientation, access, or any other aspect that impedes the applicant's ability to reasonably identify the use.

3. *It is determined that such waiver will be in harmony with the policies of the adopted comprehensive plan.*

Based on the staff analysis provided on page 7, it is staff's assertion that such a waiver would be harmonious with the Comprehensive Plan for the increase in building-mounted sign area, but not for retaining the nonconforming freestanding sign.

4. *A waiver of the sign provisions may be approved only in those locations where, based upon a review of the relationship of the sign to the land, buildings and conforming signs in the neighborhood, it is determined that the sign will not have any deleterious effect on the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 12.*

The adjacent properties have land uses of similar intensity as the fast food restaurant. The properties to the east and north are occupied by service station/mini-marts, and there is an office building to the west. The rear property lines of the residences along Tyson's Trace to the south are located over 160 feet away from the rear property line of the restaurant; this distance and the existing stand of trees minimizes the visual impacts any signs would have. The applicant's request would not have a deleterious effect on the existing or planned development of the adjacent properties.

However, the request must also be consistent with the purpose and intent of Article 12. The purpose and intent of the sign ordinance is to regulate all exterior signs and interior signs placed for exterior observance so as to protect property values, to protect the character of the various communities in the County, to facilitate the creation of a convenient, attractive and harmonious community, to protect against danger in travel and transportation, to improve and protect the public health, safety, convenience and general welfare, and to further the stated purpose and intent of the Zoning Ordinance.

As the character of Tysons Corner changes from a suburban, auto-oriented place to an urban, transit-oriented hub of activity, large signs such as those requested for continuance in this application will become increasingly out of character with the pedestrian community around it. The freestanding sign's significant height and size in comparison to the maximum allowed by Article 12 makes it unattractive and out of context when compared to its surroundings and the future vision for this part of the County. Increasing the maximum building-mounted sign area or the height and size of the freestanding sign do not improve or protect the public health, safety, convenience or general welfare of the community.

In summary, the applicant's request would not satisfy all of the Standards for Waiving Certain Sign Regulations.

Sign Control Overlay District Standards (Sect. 7-500)

The subject property is located in a Sign Control Overlay District, which are established in furtherance of Sect. 12-101 by restricting freestanding signs in the intensely developed commercial and industrial areas of Fairfax County where there is an increased need to reduce visual clutter, sight distance obstructions, and interference with traffic control signals and mechanisms and where the speed of traffic does not warrant the freestanding signs otherwise permitted by the provisions of Article 12. For individual enterprises with frontage on a primary highway or major thoroughfare which is not located within or on the same lot with a shopping center, such as the McDonald's fast food restaurant on the subject property, 1 freestanding sign is permitted with a maximum sign area of 40 square feet.

As stated previously, the applicant's request would exceed the amount of freestanding sign area by approximately 134 square feet. This dramatic increase beyond the maximum limit permitted, which would contribute to visual clutter and would not be needed given the posted speed limit of 35 miles per hour, would not further the purpose and intent of the overlay district standards.

Highway Corridor Overlay District Standards (Sect. 7-600)

The subject property is located in a Highway Corridor Overlay District. Fast food restaurants are subject to the provisions of this overlay district. The site has been developed in such a way that the pedestrian and vehicular circulation has been coordinated with the adjacent properties, with a sidewalk for pedestrians and a service drive that has two access points along Chain Bridge Road. The applicant does not have outdoor storage or display of goods offered for sale.

The use of the property conforms to the Highway Corridor district standards.

ZONING ORDINANCE PROVISIONS

The SE must comply with the applicable regulations of the Zoning Ordinance. A comparison of the C-5 District requirements and the lot shown on the SE Plat are outlined below in Table 4:

TABLE 4 - Bulk Standards for C-5 Zoning		
Standard	Required	Provided
Lot Size	Minimum 40,000 sq. ft.	40,101 sq. ft.
Lot Width	Minimum 200 ft.	185 ft. ⁶
Maximum Building Height	Maximum 40 ft.	16 ft.
Required Front Yard	45 degree angle of bulk plane, but no less than 40 feet.	55 feet
Required Side Yard	None required	16.9 feet (eastern property line) ≈131 feet (western property line)
Required Rear Yard	20 feet	41 feet
Maximum FAR	0.30	0.08
Minimum Open Space	20% of gross area shall be landscaped open space	No calculations provided
Parking Spaces (Shopping Center)	37 spaces ⁷	40 spaces
Loading Spaces	1	None

WAIVERS AND MODIFICATIONS

- **Lot width** (Section 9-610)

The BOS may modify the lot width requirement in conjunction with the approval of a special exception. The lot width has not been reduced since the effective date of the Ordinance, and the applicant's request would not impact existing vegetation, topography, or the other features listed in Par. 2 of Sect. 9-610. A waiver of the lot width requirement would not have a deleterious impact on the existing or planned development of the adjacent properties or roadways.

Such waivers may only be granted in the instance that the remaining provisions of the Zoning Ordinance have been satisfied. The applicant's request does satisfy the provisions for a waiver of certain sign requirements or in Article 13, which focuses on landscaping, based on the staff analysis in this report.

- **Peripheral and interior parking lot landscaping** (Sections 13-202 and 13-203)
- **Transitional screening and barrier requirements** (Section 13-300)
- **Tree canopy percentage**

⁶ The applicant has requested a waiver of the minimum lot width requirement.

⁷ Article 11 of the Zoning Ordinance requires 1 space per two seats for table and/or counter seating, whether such seating is inside or outside (1/2 x 74 seats = 37 spaces).

Due to the R-1 property to the south and the R-8 properties to the north, the applicant would be required to provide Transitional Screening 3 and either Barrier E, F, or G per Article 13 of the Zoning Ordinance⁸. The applicant has included this waiver request in the statement of justification, stating that a strict application of the Ordinance would reduce the usable area of the lot beyond its reasonable use. Staff agrees with the applicant's assertion, and would support the requested waivers if it is the intent of the BOS to approve the SEA.

The applicant has not included calculations to verify that the peripheral and interior parking lot landscaping requirements have been met, or to determine whether an adequate amount of tree canopy is on site to meet the Public Facilities Manual's (PFM) requirements. With very little land disturbance associated with the applicant's request, staff would support a deviation from the tree preservation target if it is the intent of the BOS to approve the SEA.

CONCLUSIONS

The applicant's request to increase the permitted amount of building-mounted sign area by 11 square feet would satisfy the standards for granting such a waiver as outlined in the Zoning Ordinance. The minimal increase in the building-mounted sign area would be focused on the existing parking lot and have minimal visibility from the adjacent properties.

However, the applicant's request to waive the maximum sign area and height for a freestanding sign would not satisfy the standards for granting such a waiver as outlined in the Zoning Ordinance. The specific requirements related to an unusual or unique circumstance are not found at this site. The applicant would not need the aid of a sign waiver to provide reasonable notification of the business, and the existing, nonconforming freestanding sign does not meet the purposes and intent of the Zoning Ordinance.

8 Transitional Screening 3 shall consist of an unbroken strip of open space a minimum of fifty (50) feet wide planted with all of the following: (1) A mixture of large and medium evergreen trees and large deciduous trees that achieves a minimum ten (10) year tree canopy of seventy-five (75) percent or greater; (2) A mixture of trees consisting of at least seventy (70) percent evergreen trees, and consisting of no more than thirty-five (35) percent of any single species of evergreen or deciduous tree; and (3) A mixture of predominately medium evergreen shrubs at a rate of three (3) shrubs for every ten (10) linear feet for the length of the transition yard area. The shrubs shall generally be located away from the barrier and staggered along the outer boundary of the transition yard.

Barrier E shall consist of a 6 foot wall, brick or architectural block faced on the side facing the existing use and may be required to be so faced on both sides; Barrier F shall consist of a 6 foot high solid wood or otherwise architecturally solid fence; Barrier G shall consist of a 6 foot chain link fence and may be required to have inserts in the fence fabric or to be coated.

STAFF RECOMMENDATION

Staff recommends denial of SEA 79-P-120-04. However, if it is the intent of the Board of Supervisors to approve SEA 79-P-120-04, staff recommends that the approval be subject to the proposed development conditions listed in Appendix 1.

If it is the intent of the Board of Supervisors to approve SEA 79-P-120-04, staff recommends such approval include modification of the minimum lot width requirement to permit a lot width of 185 feet instead of the required 200 feet.

If it is the intent of the Board of Supervisors to approve SEA 79-P-120-04, staff recommends such approval include a waiver of the transitional screening requirement and the barrier requirement along the northern and southern boundaries of the application site.

If it is the intent of the Board of Supervisors to approve SEA 79-P-120-04, staff recommends such approval include a waiver of the loading space requirement.

If it is the intent of the Board of Supervisors to approve SEA 79-P-120-04, staff recommends such approval include a deviation from the tree canopy percentage in favor of the landscaping shown on the SE Plat.

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

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

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

APPENDICES

1. Proposed Development Conditions dated June 14, 2012.
 - a. Exhibit A – McDonald's sign drawing from applicant
2. Affidavit dated March 13, 2012
3. Applicant's Statement of Justification
4. Clerk's Letter for SE 79-P-120
5. Historical Sign Ordinance Research and Context
 - a. Exhibit B - Map of 1970 Sign Ordinance's Tysons Corner CBD area
 - b. Exhibit C – Map of 1983 Zoning Map Amendment that included the McDonald's property within the Sign Control Overlay District
6. Copy of 1977 Sign Permit for Freestanding Sign
 - a. Exhibit D – McDonald's sign drawing that accompanied the 1977 sign permit
7. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS**SEA 79-P-120-04****June 14, 2012**

If it is the intent of the Board of Supervisors to approve SEA 79-P-120-04 located at 2089 Chain Bridge Road, Tax Map 39-1 ((3)) 2A, previously approved for a fast food restaurant to permit a waiver of certain sign regulations, pursuant to Sect. 4-504 and 9-620 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. Those conditions carried forward from the previous approval are marked with an asterisk (*) and may include revised language.

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Topographic Survey of McDonald's Restaurant" prepared by Murphy Geomatics, which is dated January 18, 2012 and revised through April 16, 2012 and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The support pole and foundation for the existing freestanding sign shall be replaced and be in substantial conformance with the design attached as Exhibit A entitled "MCDONALDS 4358 | Arch Sign – Deep Cabinet" prepared by McFarland Engineering.
5. The applicant shall provide an interior parking and circulation pattern which provides a two aisle, one-way circulation pattern with angled parking. *
6. Loading shall occur between 12:00 a.m. and 8:00 a.m. to avoid on-site traffic circulation conflicts.
7. The maximum amount of building-mounted sign area shall be 110 square feet.

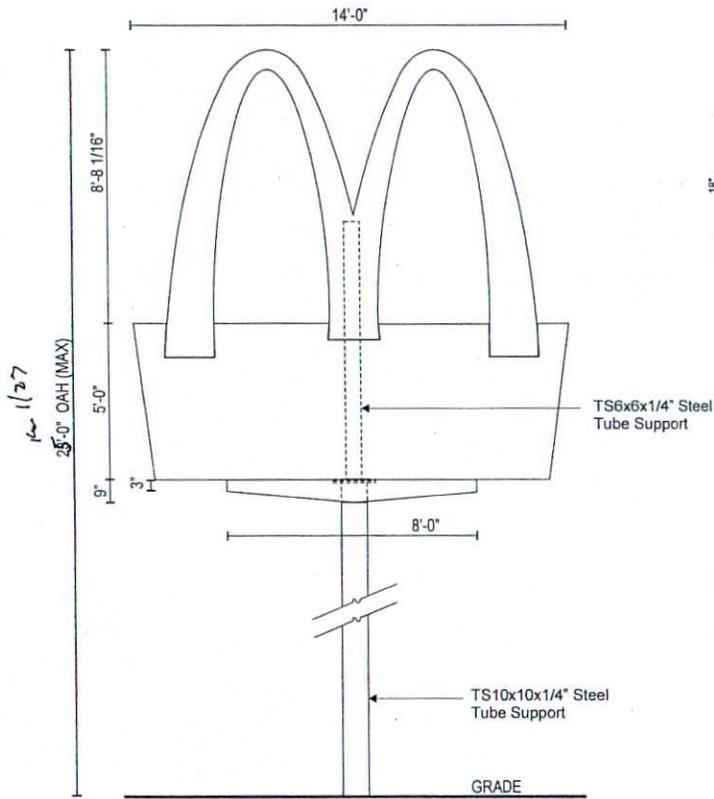
8. Prior to the issuance of a sign permit for the replacement of the existing freestanding sign authorized with this SEA, the applicant shall demonstrate to the Zoning Administrator that the site complies with the building mounted signage area limitations of this SEA which may require, but is not limited to, the removal of or obtaining approval for signage that has been installed without approved sign permits.
9. The applicant shall provide directional signs to enforce the orderly queuing of vehicles for service at the pick-up window. All directional signage on site shall comply with Article 12 of the Zoning Ordinance.*
10. Irrespective of the landscaping shown on the SEA Plat, the applicant shall provide supplemental landscaping in the area in front of the building's northern façade, subject to the review and approval of DPWES – Urban Forest Management Division (UFMD).*
11. The applicant shall obtain approval of a sign permit for a freestanding sign that complies with the height and area limitations of Article 12 of the Zoning Ordinance within 90 days of the approval of a plan for the renovation, demolition or reconstruction of the existing fast food structure. This freestanding sign shall be installed prior to the issuance of the Non-Rup for the renovated, demolished or reconstructed fast food structure.

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

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

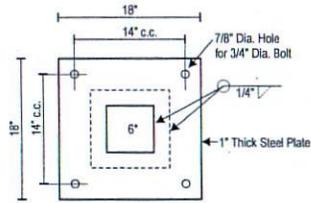
Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a sign permit for the freestanding sign. 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.

EXHIBIT A

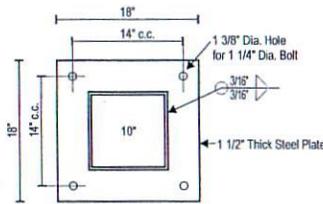


D/F PYLON SIGN ELEVATION SCALE: 1/4"=1'-0"

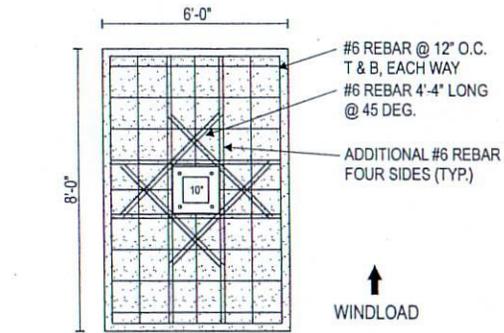
Sign S.F. $14.4' \times 14' = 201.3 \text{ S.F.}$



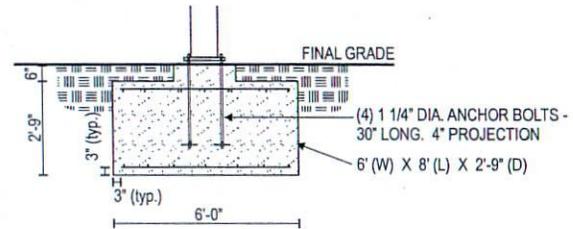
MATCH PLATE DETAIL
3/4" x 1'-0"
A307 Anchor Bolts
A36 Steel Plate



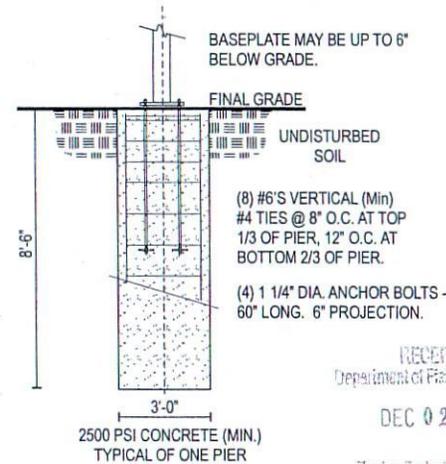
BASE PLATE DETAIL
3/4" x 1'-0"
A307 Anchor Bolts
A36 Steel Plate



FOUNDATION PLAN VIEW SCALE: 1/4"=1'-0"



FOUNDATION SECTION SCALE: 1/4"=1'-0"



2500 PSI CONCRETE (MIN.)
TYPICAL OF ONE PIER

McFarland Engineering
5555 Fellowship Lane
Spring, TX 77379
Structural Sign Design & Engineering Services
Ph: (281) 813-7439
Fax: (888) 712-5364
Email: sean@signstructures.com
Web: www.signstructures.com

ME # 23825 -
McDONALDS #4358
Arch Sign - Deep Cabinet
Address: 2089 CHAINBRIDGE ROAD
City/State: VIENNA, VA
Client: US SIGNS
This Drawing Is Engineering of Supports and Foundation Only Unless Noted Otherwise. No Cabinet Engineering Is Implied.
Revisions: _____
Texas Firm Registration: F-6996
Virginia License Number: 0402-040528
Virginia Expiration Date: 10/31/2012

NOV 9 2011

The electronic seal appearing on this document was authorized by Sean M. McFarland, PE on November 9, 2011.



RECEIVED
Department of Planning & Zoning

DEC 02 2011

Zoning Evaluation Division

Date: 11-9-2011
Sheet #: 1 of 1

SPECIAL EXCEPTION AFFIDAVITDATE: March 13, 2012
(enter date affidavit is notarized)I, Keith C. Martin, Agent, do hereby state that I am an
(enter name of applicant or authorized agent)(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

115309

in Application No.(s): SEA 79-P-120-04
(enter County-assigned application number(s), e.g. SE 88-V-001)

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

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS,** and **LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:**(NOTE:** All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
McDonald's Corporation	2915 Jorie Blvd Oak Brook, IL 60523	Applicant/Title Owner
Tramonte, Yeonas, Roberts & Martin PLLC Keith C. Martin	8221 Old Courthouse Rd # 306 Vienna, VA 22182	Attorneys/Agents Attorney/Agent

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 13, 2012
(enter date affidavit is notarized)

115309

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

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

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

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)
McDonald's Corporation
2915 Jorie Blvd
Oak Brook, Il. 60523

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)

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

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

Special Exception Attachment to Par. 1(b)

DATE: March 13, 2012
(enter date affidavit is notarized)

115309

for Application No. (s): SEA 79-P-120-04
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Tramonte, Yeonas, Roberts & Martin PLLC
8221 Old Courthouse Rd #300
Vienna, VA 22182

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)

Vincent A. Tramonte II
George P. Yeonas
Jill J. Roberts
Keith C. Martin

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 13, 2012
(enter date affidavit is notarized)

115 309

for Application No. (s): SEA 79-P-120-04
(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)

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

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 13, 2012
(enter date affidavit is notarized)

115 309

for Application No. (s): SEA 79-P-120-04
(enter County-assigned application number(s))

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

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

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

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 13, 2012
(enter date affidavit is notarized)

115 309

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.

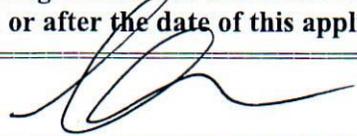
EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)
None

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 [x] Applicant's Authorized Agent

Keith C. Martin, Agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 13th day of March 2012, in the State/Comm. of Virginia, County/City of Fairfax

My commission expires: 1-31-2014



TRAMONTE, YEONAS, ROBERTS & MARTIN PLLC
ATTORNEYS AND COUNSELLORS AT LAW

8221 OLD COURTHOUSE ROAD, SUITE 300
VIENNA, VIRGINIA 22182
TELEPHONE: 703-734-4800
FACSIMILE: 703-442-9532

May 16, 2012

Ms. Barbara Berlin
Dept. of Planning & Zoning
12055 Govt. Center Pkwy., Suite 801
Fairfax, VA 22035

Re: Special Exception for Waiver of Certain Sign Requirements
Tax Map 39-1((3))2A
McDonald's Corporation

Dear Ms. Berlin:

The following is submitted as a statement of justification for the above referenced Special Exception Application. McDonald's Corporation erected the existing pylon sign at its location on Chain Bridge Road in Vienna in 1971. It was legally permitted at the time but has since become a legal non-conforming use due to its height (25 feet) and size (201.3 s.f.). The foundation has deteriorated and interior steel pole corroded over 40 years. Replacement of both amount to a structural alteration which is prohibited on non-conforming uses. Therefore a Special Exception is required to perform the necessary repairs. In addition, the building is allowed, by Article 12, 99 square feet of building mounted signage. Currently there is 97 square feet of building mounted signs that have received permits. There is an additional sign, a 1 foot by 8 foot window sign that require a permit. Therefore, it is requested that the Board approve 6 square feet of additional building mounted signage.

The following is a description of the proposed use:

- A. Type of Operation: waiver of certain sign regulations to allow repair to a 25 foot tall 201.3 square foot existing pylon sign. For existing Fast Food Restaurant with a Drive-in window and 6 feet of additional building mounted signage.
- B. Hours of operation: 24 hours a day.
- C. Estimated patrons: approximately 400 patrons a day.
- D. Proposed number of employees: 10 employees per shift.
- E. Estimate of Traffic Impact: 50 A.M. Peak Trips; 40 P.M. Peak Trips.

- F. Vicinity of area to be served by the use: Vienna/Tysons Corner.
- G. Description of facade and architecture of new building: not applicable.
- H. No known toxic substances.
- I. Proposed use conforms to all applicable ordinances.

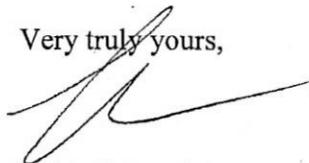
It is submitted that this proposal meets the criteria set forth in Article 9-620 as follows:

1. The waivers are for increase in free standing and building mounted signage and height only.
2. The waiver for the free standing sign is the result of a unique circumstance of the structure that impacts the Applicant's ability to provide reasonable notification of the use. The sign was legally permitted and erected in 1971. Surrounding jurisdictions have permitted similar repair work with only the issuance of a building permit. The building mounted sign requesting a 6 square foot increase are the result of the orientation of the structure which faces the parking lot and drive thru lane and are not visible from the main road. It is also submitted that the freestanding sign's size and height are necessitated by the line of sight blockage from a large off-site deciduous tree that screens the restaurant from northbound traffic on Route 123.
3. The waiver is in harmony with the Policy Plan to promote business interests.
4. The existing proposed signs will have no deleterious effects on adjacent properties.

Pursuant to Section 13-305 of the Zoning Ordinance, it is hereby requested that the Transitional Screening Requirements for the Property's Northern and Southern yards be waived based on the following justification:

Where strict provisions of this part would reduce the usable area of the lot due to lot configuration or size to a point which would preclude reasonable of the lot.

Very truly yours,



Keith C. Martin

cc: Daniel Moons
p



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030



March 7, 1980

Mr. William H. Hansbarger
10523 Main Street
Fairfax, Virginia 22030

APPENDIX 4

Re: Special Exception
Number 120-P-79

Dear Mr. Hansbarger;

At a regular meeting of the Board of Supervisors held on March 3, 1980, the Board approved Special Exception Number 120-P-79 (Board of Supervisors For: Franchise Realty Interstate Corporation - McDonald's) located as Tax Map 39-1 (5)) 2 and 3 for the expansion of a fast food restaurant pursuant to Section 4-504 and Section 7-607 of the Fairfax County Zoning Ordinance by requiring conformance with the following development conditions:

1. This Special Exception is granted for the location indicated in the application and is not transferable to other land.
2. This Special Exception is granted for the building and uses indicated on the plats submitted with the application only.
3. A copy of this Special Exception SHALL BE POSTED in a conspicuous place along with the Residential/Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during hours of operation of the permitted use.
4. A site plan will be submitted and must be approved in accordance with the provisions of Article 17.
5. Provision of an interior parking and circulation pattern which provides a two aisle one-way circulation pattern with angled parking.
6. Revision of the interior parking layout to relocate the landscaped island located at the southern end of the center double parking bay to the north not less than 8 feet.

7. Revision of the pick-up window exit to exclude the four parking spaces at the front (north) of the main building, and extend the curbing of the exit aisle to a point where it meets the parking lot travel aisle providing, however, not less than a 30 foot wide entrance to the service drive.
8. Relocation of the order box or station to the west not less than 15 feet.
9. Dedication of the service drive along the frontage of the application property to the VDH&T.
10. Closure of the curb cut from Route 123 onto the service drive in front of the application property.
11. Landscaping of the area in front of the building to the satisfaction of the Director of the Department of Environmental Management.
12. Provide signs to enforce the orderly queueing of vehicles for service at the pick-up window.
13. This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards. The applicant shall be himself responsible for obtaining the required Residential/ Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been complied with.

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

Very truly yours,

Ethel Wilcox Register
Ethel Wilcox Register
Clerk to the Board

EWR/mg

cc: Mr. Patteson
✓ Mr. Knowlton
Mr. Covington
Mr. Montenegro

Historical Sign Ordinance Research and Context

1970 Sign Ordinance Categories

Land Use Category	Zones
Residential	
Single-family residential areas	R-A, R-C, R-E, R-1 through R-12, R-MHP, and all land used for single-family dwellings in other zones
Multi-family residential areas	R-20, R-30, and multi-family uses within any other zone
Commercial	
Central Business Districts (CBD)	All commercially zoned land and uses within areas designated CBDs on the maps included in the Ordinance
Highway Corridor (HC)	All commercially zoned land and uses with direct frontage on highways in the state's primary system which are not included in a CBD
Neighborhood Commercial (NC)	All commercially zoned land and uses except C-2, C-3, C-4, and office uses not within the CBD and HC areas
Neighborhood Office (NO)	C-2, C-3, C-4 and all office uses not within the CBD and HC areas
Industrial	
Industrial Areas	I-I, I-1 through I-6

The 1970 sign ordinance (ZO-59-146) was researched for this report using historical records from the Department of Planning and Zoning's Zoning Administration Division (ZAD). It was adopted by the BOS on October 7, 1970. Staff has converted the zoning districts used at the time to their names used in today's Zoning Ordinance (ex. C-O is now C-3, and I-G is now I-6).

As the chart shows above, signs were regulated by their zoning district classification, current land use, proximity to a highway within the state primary system, and location within a Central Business District (CBD), if applicable. The CBDs were not zoning overlay districts, but were areas mapped out containing the primary commercial and industrial clusters within Fairfax County. The CBDs delineated in the 1970 sign ordinance revision were Annandale, Bailey's Crossroads, Centreville, McLean, Seven Corners, Springfield, and Tysons Corner.

The McDonald's property was just outside of the Tysons Corner CBD and classified as a Highway Corridor, which allowed freestanding signs to be limited to 175 square feet in area and 26 feet in height. The Tysons Corner CBD map is attached as Exhibit B.

1978 Zoning Ordinance

With the comprehensive overhaul of the Zoning Ordinance in 1978, Article 12's sign regulations were revised to clear up some of the confusion with the use of the categories adopted in 1970.

The CBD sign regulations were retained, but placed in a new overlay district classification called the Central Business District (CBD) Sign Control Overlay District. The McDonald's property was now regulated as a "Commercial Use Adjacent to a Primary Highway and Major Thoroughfare" instead of "Highway Corridor", which would have been mistaken for the Highway Corridor Overlay District which was adopted along major roads within the county to limit the number of car washes, service stations, and fast food restaurants.

The maximum square footage for freestanding signs in this group of uses was reduced from 175 square feet to 80 square feet. Furthermore, the maximum height of freestanding signs was reduced from 26 feet to 20 feet.

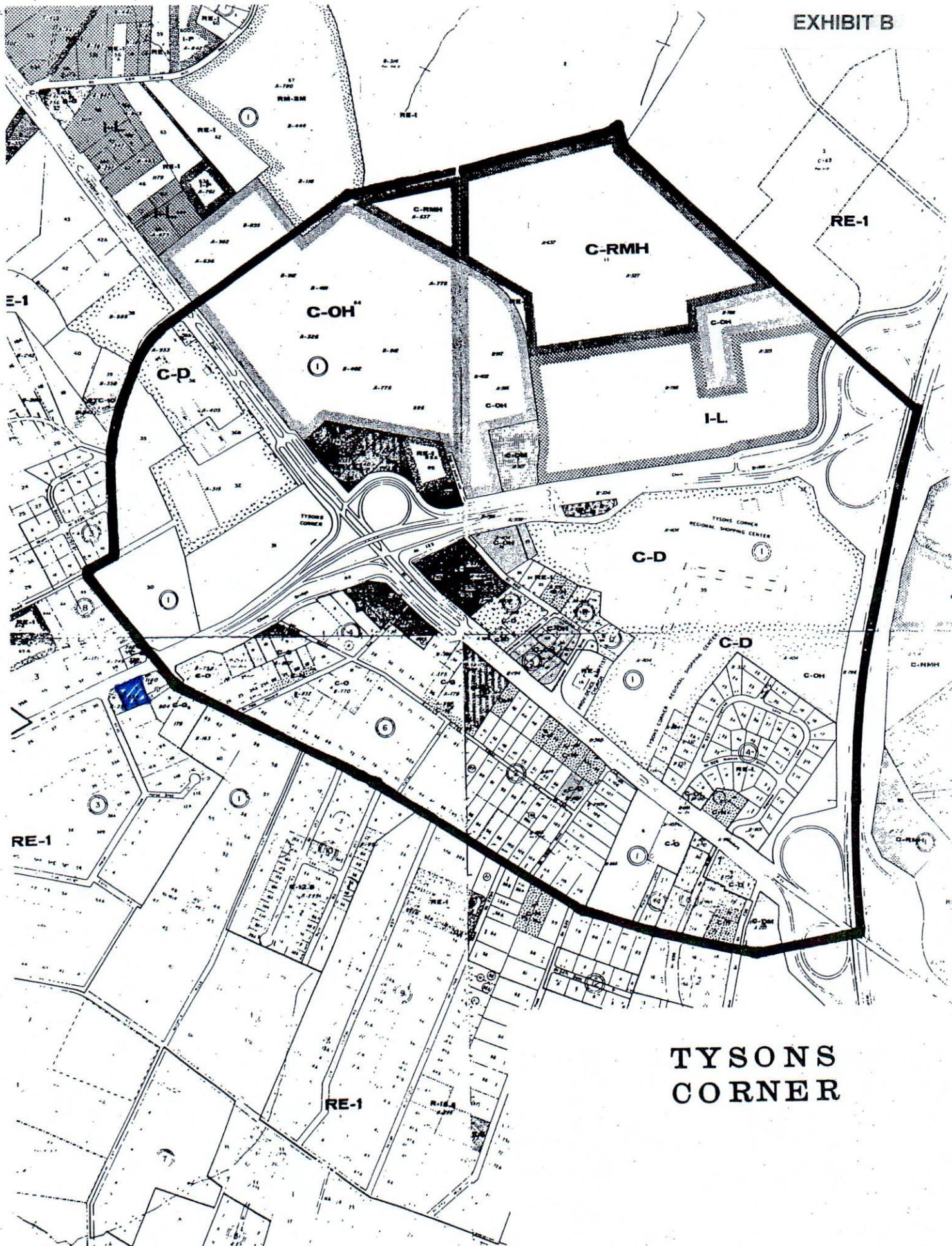
CBD Sign Control Overlay Districts also had their maximum size for freestanding signs reduce, from 100 square feet to 40 square feet.

1983 Revision to Sign Control Overlay Districts

CBD had been used up until that point in the context of the sign ordinance, but CBD was also used in the Comprehensive Plan to identify nodes of commercial activity within the county. The two sometimes overlapped, but did not maintain consistent boundaries. Two of the CBD Sign Control Overlay Districts, Centreville and Tysons Corner, were not identified in the Comprehensive Plan at that time as CBDs, but instead as Complex Areas according to the accompanying staff report.

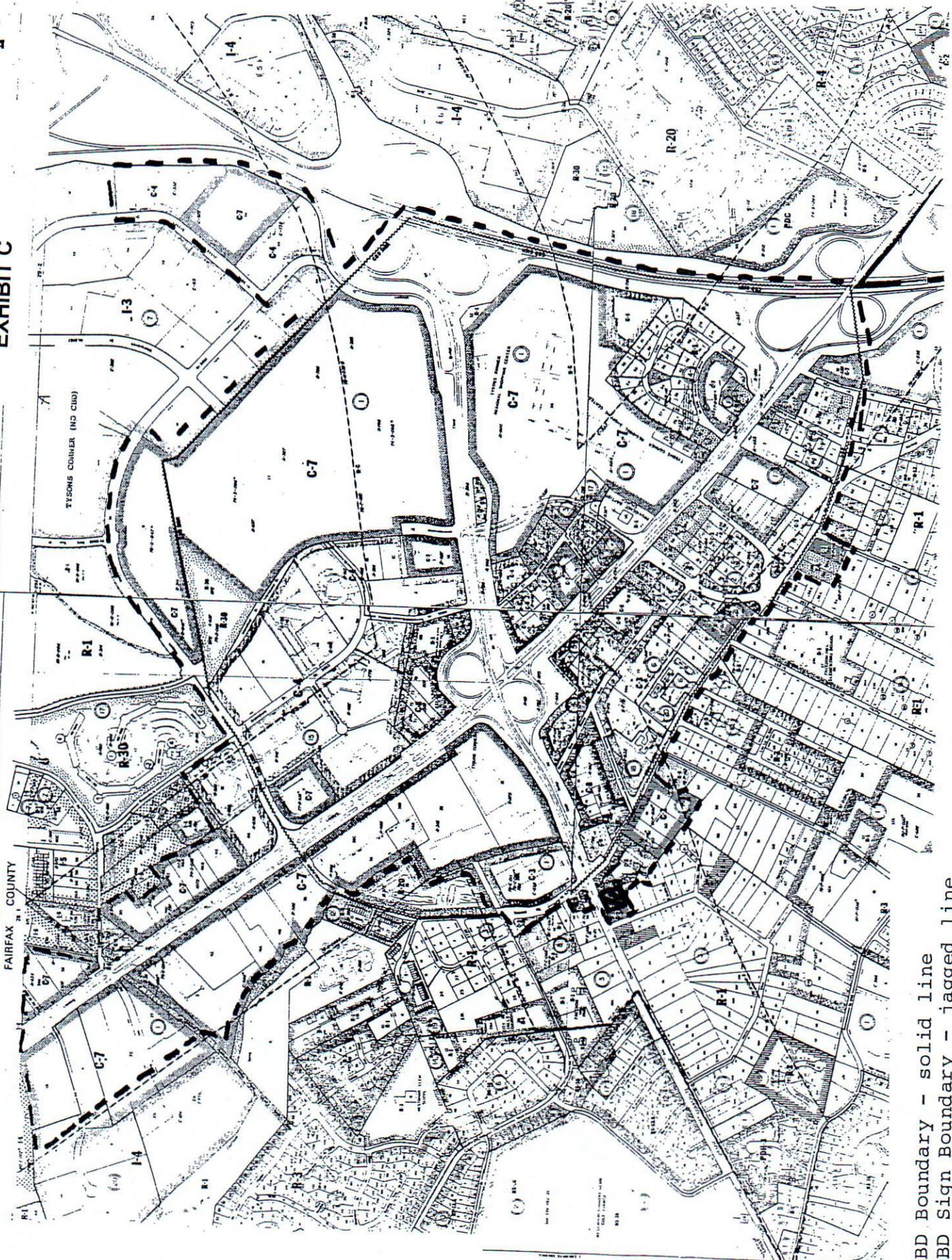
This report, published on January 24, 1983, reviewed the Board of Supervisor's own motion to revise the Sign Control Overlay District Boundaries. The Board took the opportunity to omit residential areas that were not affected by the Overlay District from the districts' boundaries, and adjacent commercial and industrial areas were included.

The "CBD" was dropped from the district name, which simply became "Sign Control Overlay District". In the case of the McDonald's property subject to this SEA, the Sign Control Overlay District located in Tysons Corner was extended down Chain Bridge Road, toward Vienna and slightly beyond its intersection with Old Courthouse Road, to encompass the subject property (Exhibit C). This effectively halved the maximum square footage that could be achieved with a conforming freestanding sign.



**TYSONS
CORNER**

EXHIBIT C



CBD Boundary - solid line
CBD Sign Boundary - jagged line
Proposed SCOD Boundary - broken line

P. PROVIDENCE
COUNTY OF FAIRFAX, VIRGINIA
OFFICE OF ZONING ADMINISTRATOR

APPENDIX 6

OK 10-27-77
OSC

APPLICATION FOR PERMIT TO ERECT, ALTER OR RELOCATE SIGN

SIGN PERMIT # 7707-7781-0283

Date of Application 7-5-77

Date Issued 7-14-77

Sign Owner MCDONALDS

Address TYSONS - Old Courthouse Rd RT-123 & CHAIN BRIDGE ROAD

Occupant MCDONALDS

Address RT-123 & CHAIN BRIDGE ROAD

Sign Contractor PATRICK SIGNS INC

Address 5411 RANDOLPH RD POTOMAC MD

(Sign Contractor's Surety Bond or Liability Insurance Certificate in the amount of \$50,000.00, is on file with the Zoning Administrator; or Individual's Surety Bond or Liability Insurance Certificate in the amount of \$1,000.00, is on file with the Zoning Administrator. Liability Surety to be in-force during the life of the sign).

Type of Business RESTAURANT

Location 2089 Chain Bridge Rd. BEHIND B.R.L.

New Sign Relocate Alteration

Number of Signs Existing on Premises NONE Dimensions _____ Total Sq.Ft. _____

Proposed Sign Dimensions 12x14' Total Square Foot Area 168'

Building Frontage in Linear Feet 44' Lot Frontage in Linear Feet 184'

Free Standing Sign Roof Sign Wall Sign Other

7707E 0571

INSTRUCTIONS

1. Application to be completed in Duplicate for each Sign.
2. A Separate Building Permit must be secured for each Sign.
3. A Separate Electrical Permit must be secured for each Electrical Sign.
4. Attach Sign Design Drawings (3) for each Sign.
5. Attach Site Plan Drawings (3) for each Free Standing Sign.

Code Section: 30-16. 2.3.7 Zone C-N Inspected by C. Kennedy Permit Fee \$7.50

SPECIAL NOTICE

1. A Surety Bond or Liability Insurance evidence must be on file in the above amount prior to the issue of a Sign Permit.
2. Sign Permit Number must be attached in the lower righthand corner of the Sign, legible from the ground.
3. This Sign Permit is Null and Void should the Sign not be erected within Six (6) Months from the date of issuance.
4. Annual Inspection Fee for Free Standing Signs is \$10.00

I hereby certify that I have the authority to make the foregoing application, that the information is correct; and that the construction and/or erection of this Sign will conform to all Fairfax County, Virginia, regulations.

James Schwarz
Applicant's Signature

J.R. Knorr
Zoning Administrator's Approval

Address 5411 RANDOLPH ROAD

Telephone Number 770-6200

77007 B 0059

EXHIBIT D

Drawing No. _____ Date 7.1.77 Scale 1/4" = 1'-0"

Designed for McDONALD'S

Site Location _____

Purchaser Approval _____ Date _____

This Original Drawing Copy is Submitted for Your Personal Use in Connection With a Project We are Planning for You. It is Not to be Copied, Reproduced or Exhibited to Anyone Outside Your Organization Without Written Permission from



Designers/Manufacturers of Electrical Signs
411 Randolph Road, Rockville, Maryland



BASE BY GENERAL CONTRACTOR

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		