



# FAIRFAX COUNTY

**APPLICATION FILED:** November 9, 2004  
**PLANNING COMMISSION:** March 31, 2005  
**BOARD OF SUPERVISORS:** Not Scheduled

V I R G I N I A

March 17, 2005

## STAFF REPORT

**APPLICATION PCA 1999-MV-025 & SEA 99-V-020**

### MOUNT VERNON DISTRICT

**APPLICANT:** Minnieland Private Day School, Inc.

**ZONING:** C-6

**PARCEL(S):** 107-4 ((23)) E4 and E5

**ACREAGE:** 22.20 acres

**FLOOR AREA RATIO (FAR):** 0.19

**OPEN SPACE:** 10.0 acres (30 percent)

**PLAN MAP:** Mixed Use

**SE CATEGORY:** Category 3 (proposed child care center)  
Category 5 (previously approved automobile oriented uses)

**PROPOSAL:** Amend the Previous Approvals to allow a 6,600 square foot Child Care Center to be included within the Main Building of the Lorton Station South Commercial Center

### STAFF RECOMMENDATIONS:

Staff recommends that PCA 1999-MV-025 be approved subject to the draft proffers contained in Appendix 1.

Staff recommends that SEA 99-V-020 be approved subject to the development conditions in Appendix 2.

Staff further recommends that the previously approved modifications of transitional screening along the northern, eastern and southern boundaries and the previously approved waiver of the barrier requirements along all boundaries be approved.

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.

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.



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

### Proffered Condition Amendment

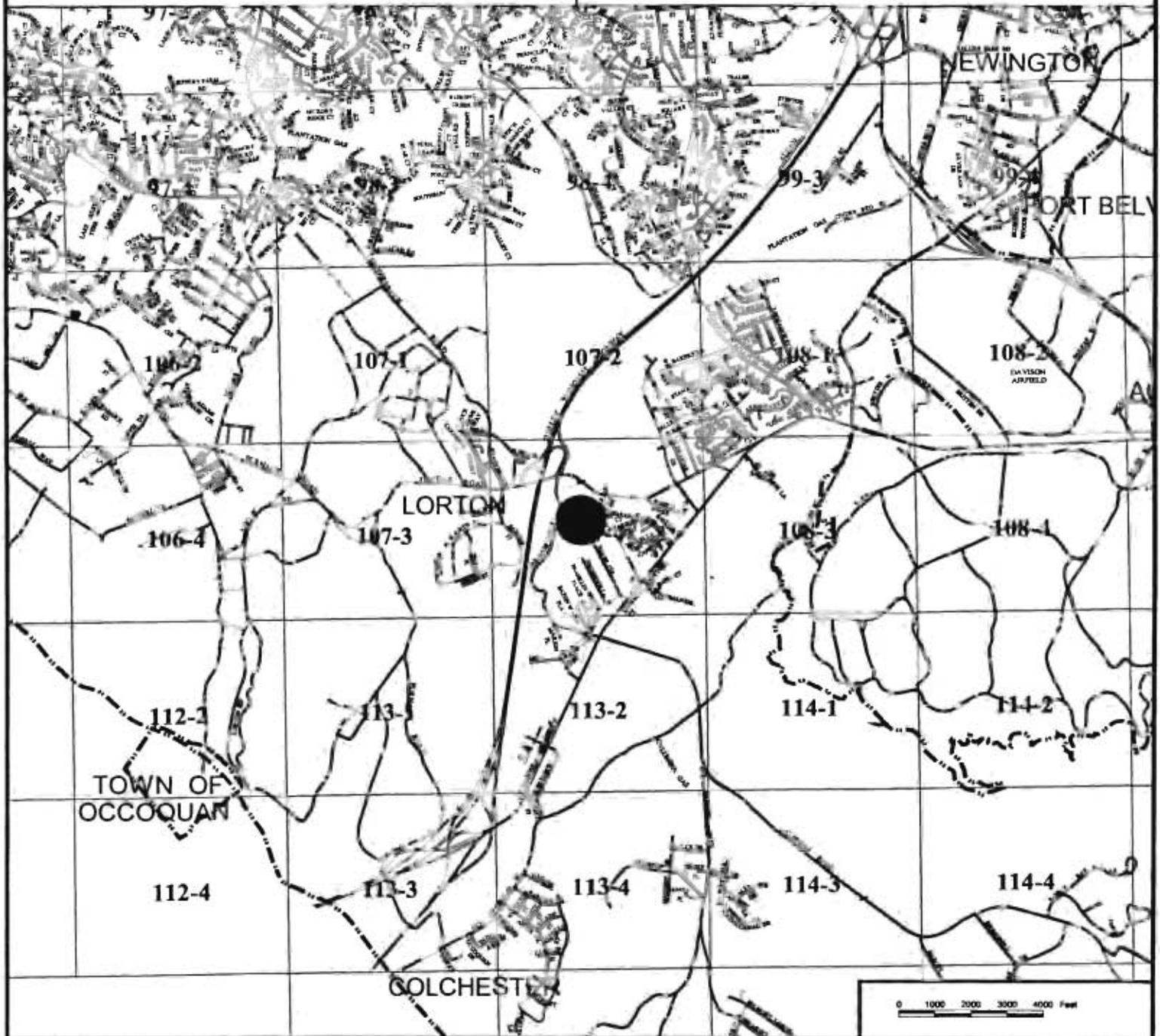
PCA 1999-MV-025

Applicant: MINNIELAND PRIVATE DAY SCHOOL, INC.  
Filed: 11/09/2004  
Area: 22.20 AC OF LAND; DISTRICT - MOUNT VERNON  
Proposed: AMEND RZ 1999-MV-025 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT TO PERMIT A CHANGE IN PROFFERS TO ALLOW A CHILD CARE CENTER  
Located: LOCATED IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF LORTON MARKET STREET AND LORTON ROAD  
Zoning: C- 6  
Overlay Dist:  
Map Ref Num: 107-4- /23/ / E4 /23/ / E5

### Special Exception Amendment

SEA 99-V -020

Applicant: MINNIELAND PRIVATE DAY SCHOOL, INC.  
Filed: 11/09/2004  
Area: 22 20 AC OF LAND, DISTRICT - MOUNT VERNON  
Proposed: AMEND SE 99-V-020 PREVIOUSLY FOR AN AUTOMOBILE ORIENTED USE, FAST FOOD RESTAURANT, SERVICE STATION/MINI-MART, CAR WASH, DRIVE-IN BANK, AND INCREASE IN BUILDING HEIGHT TO PERMIT ADDITION OF A CHILD CARE CENTER  
Zoning Dist Sect: 04-0604  
Art 9 Group and Use: 3-10  
Located: LOCATED IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF LORTON MARKET STREET AND LORTON ROAD  
Zoning: C- 6 Plan Area: 4  
Overlay Dist:  
Map Ref Num: 107-4- /23/ / E4 /23/ / E5



# Proffered Condition Amendment

## PCA 1999-MV-025

**Applicant:** MINNIELAND PRIVATE DAY SCHOOL, INC.  
**Filed:** 11/09/2004  
**Area:** 22 20 AC OF LAND; DISTRICT - MOUNT VERNON  
**Proposed:** AMEND RZ 1999-MV-025 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT TO PERMIT A CHANGE IN PROFFERS TO ALLOW A CHILD CARE CENTER  
**Located:** LOCATED IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF LORTON MARKET STREET AND LORTON ROAD  
**Zoning:** C-6  
**Overlay Dist:**  
**Map Ref Num:** 107-4- /23/ / E4 /23/ / E5

# Special Exception Amendment

## SEA 99-V-020

**Applicant:** MINNIELAND PRIVATE DAY SCHOOL, INC.  
**Filed:** 11/09/2004  
**Area:** 22 20 AC OF LAND, DISTRICT - MOUNT VERNON  
**Proposed:** AMEND SE 99-V-020 PREVIOUSLY FOR AN AUTOMOBILE ORIENTED USE, FAST FOOD RESTAURANT, SERVICE STATION/ MINI-MART, CAR WASH, DRIVE-IN BANK, AND INCREASE IN BUILDING HEIGHT TO PERMIT ADDITION OF A CHILD CARE CENTER  
**Zoning Dist Sect:** 04-0604  
**Art 9 Group and Use:** 3-10  
**Located:** LOCATED IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF LORTON MARKET STREET AND LORTON ROAD  
**Zoning:** C-6  
**Overlay Dist:**  
**Map Ref Num:** 107-4- /23/ / E4 /23/ / E5



# LORTON STATION SOUTH COMMERCIAL CENTER

ADDITION OF CHILD CARE CENTER USE TO PREVIOUSLY PROFFERED PLAN  
MOUNT VERNON DISTRICT FAIRFAX COUNTY, VIRGINIA

## PARTIAL PROFFERED CONDITION AMENDMENT PARTIAL SPECIAL EXCEPTION AMENDMENT

PCA 1999-MV-025  
RZ 1999-MV-025  
SE 99-V-020



VICINITY MAP  
SCALE: 1" = 200'

**APPLICANT:**

MINNIELAND PRIVATE DAY SCHOOL, INC.  
4300 PRINCE WILLIAM PARKWAY  
WOODBRIIDGE, VA 22129

**PREPARED BY:**

BOWMAN CONSULTING GROUP, LTD.  
14020 THUNDERBOLT PLACE, SUITE 300  
CHANTILLY, VA 20151

**AGENT:**

WALSH, COLUCCI, LUBELEY, ENRICH & TERPAK, PC  
COURTHOUSE PLAZA  
2200 CLARENDON BLVD  
THIRTEENTH FLOOR  
ARLINGTON, VA 22201



**SHEET INDEX**

1. COVER SHEET (NEW SHEET)
2. PARTIAL PROFFERED CONDITION AMENDMENT (COPIED SHEET FROM PREVIOUS PCA/RZ/SE)
- 2A. NOTES & TABULATIONS (NEW SHEET)
3. SITE FURNISHING AND SIGNAGE (COPIED SHEET FROM PREVIOUS PCA/RZ/SE)
4. SCHEMATIC ARCHITECTURAL ELEVATIONS AND PLAN VIEWS (COPIED SHEET FROM PREVIOUS PCA/RZ/SE)
5. SCHEMATIC ARCHITECTURAL ELEVATIONS AND PLAN VIEWS (COPIED SHEET FROM PREVIOUS PCA/RZ/SE)
- 5A. PROFFER INTERPRETATIONS (NEW SHEET)
6. SPECIAL EXCEPTION USES - 50' SCALE (COPIED SHEET FROM PREVIOUS PCA/RZ/SE)
- 6A. SPECIAL EXCEPTION USE - CHILD CARE CENTER (NEW SHEET)
7. LANDSCAPE DETAILS AND SECTION A-A (COPIED SHEET FROM PREVIOUS PCA/RZ/SE)
8. OVERALL PEDESTRIAN CIRCULATION ILLUSTRATIVE (COPIED SHEET FROM PREVIOUS PCA/RZ/SE)

**Bowman**  
CONSULTING

14020 Thunderbolt Place  
Suite 300  
Chantilly, Virginia 20151  
Phone: (703) 544-1400  
Fax: (703) 544-4100  
www.bowmanconsulting.com

COVER SHEET  
LORTON STATION  
SOUTH COMMERCIAL CENTER  
(MINNIELAND DAY SCHOOL)  
FAIRFAX COUNTY, VIRGINIA  
MOUNT VERNON DISTRICT

SE 99-V-020  
QUALITY PROJECT NUMBER

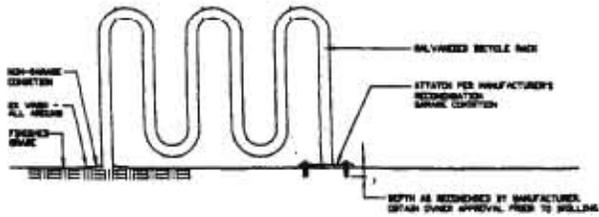


NO.	DESCRIPTION
1	COVER SHEET
2	PARTIAL PROFFERED CONDITION AMENDMENT
2A	NOTES & TABULATIONS
3	SITE FURNISHING AND SIGNAGE
4	SCHEMATIC ARCHITECTURAL ELEVATIONS AND PLAN VIEWS
5	SCHEMATIC ARCHITECTURAL ELEVATIONS AND PLAN VIEWS
5A	PROFFER INTERPRETATIONS
6	SPECIAL EXCEPTION USES - 50' SCALE
6A	SPECIAL EXCEPTION USE - CHILD CARE CENTER
7	LANDSCAPE DETAILS AND SECTION A-A
8	OVERALL PEDESTRIAN CIRCULATION ILLUSTRATIVE

P:\1199 - LORTON STATION SOUTH\1199-11-00 - PLANS\Plans\Plan and Submittals\DR05\COVER-001.dwg  
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 User: jw  
 Plot No: 1199-11-00







Bicycle Rack



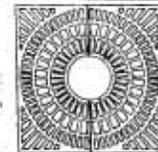
Ornamental/Landscape Pots



Light Poles



SKIN DETAILS, TYPEFACE AND MATERIALS ARE SUBJECT TO FINAL DESIGN. THE SIGN WILL COMPLY TO THE SPECIFICATIONS OF ARTICLE 12 OF THE ZONING ORDINANCE OR A SPECIAL EXCEPTION WILL BE FILED.



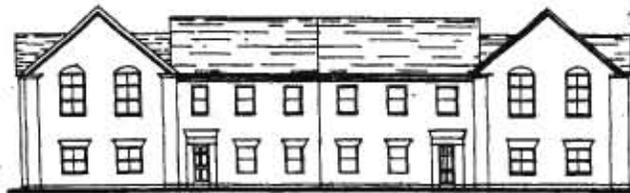
Tree Grates



Benches



Trash Receptacles



Office Townhouse - Illustrative Elevation

Community Monument / Sign  
 Note: Design and Materials subject to modification/retirement.



SEALED FOR AUTHENTICITY

SHEET INCLUDED IN PROFFERED GDP FOR RZ 1999 MV-025

NOTES: Structural and Building or application are representations of engineering and architecture. All work shall be in accordance with the Virginia Professional Code of Ethics.

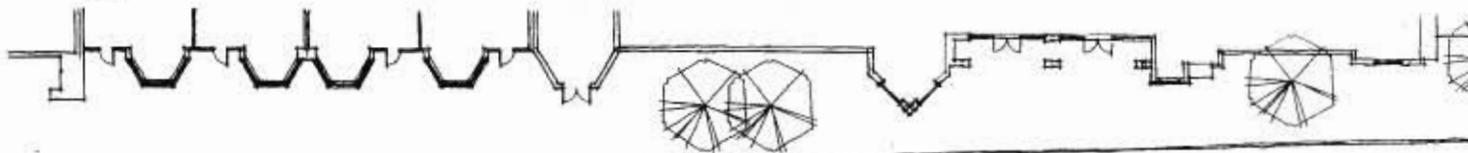
**Dewberry & Davis**  
 Registered Professional Engineers  
 Registered Professional Architects  
 6401 Arlington Blvd., Fairfax, Va. 22031  
 (703) 549-0100 FAX (703) 549-0518

SITE FURNISHINGS AND SIGNAGE  
**LORTON SOUTH STATION COMMERCIAL CENTER**  
 FAIRFAX COUNTY, VIRGINIA  
 MOUNT VERNON DISTRICT

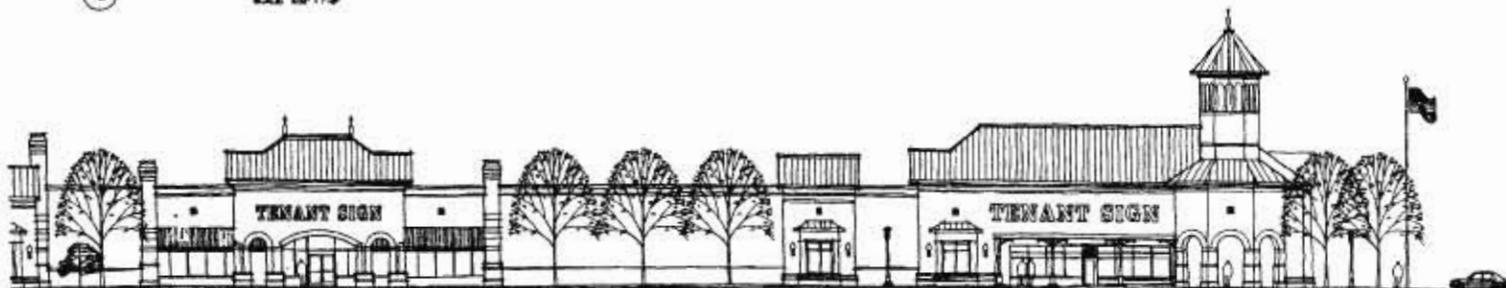
Project No.	1999-025
Sheet No.	1 of 1
Date	10/19/99
Scale	N/A
Author	JL
Checker	JL
Engineer	JL
Architect	JL
City	Fairfax
State	VA
Project Name	Lorton South Station Commercial Center
Project Address	1999-025
Project Description	Site Furnishings and Signage
Project Status	Final
Project Location	Mount Vernon District
Project Owner	1999-025
Project Contact	1999-025
Project Phone	1999-025
Project Fax	1999-025
Project Email	1999-025
Project Website	1999-025
Project Notes	1999-025



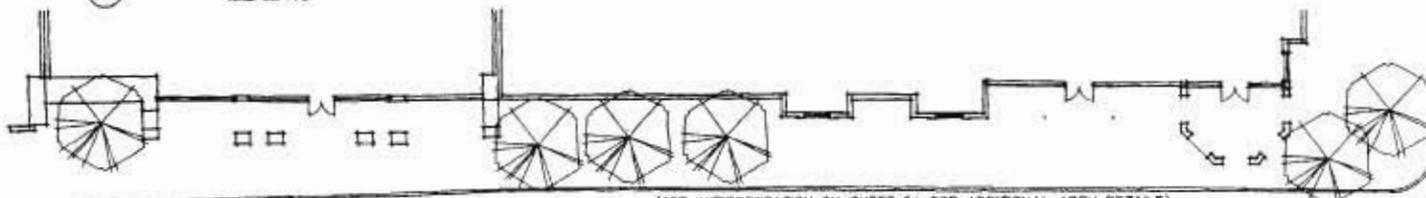
1 PARTIAL ILLUSTRATIVE ELEVATION  
SCALE 3/8" = 1'-0"



2 PARTIAL ILLUSTRATIVE SIDEWALK PLAN  
SCALE 3/8" = 1'-0"



3 PARTIAL ILLUSTRATIVE ELEVATION  
SCALE 3/8" = 1'-0"



(SEE INTERPRETATION ON SHEET 5A FOR ADDITIONAL ARCH DETAILS)

4 PARTIAL ILLUSTRATIVE SIDEWALK PLAN  
SCALE 3/8" = 1'-0"

SEALED FOR AUTHENTICITY  
SHEET INCLUDED IN PROFFERED GDP FOR RZ 1999 MV-025



SHEET 50 OF 5 BCG# 1299-11-001

RODGER VANDEKIE  
**R**  
ARCHITECTS  
11111 CLAYTON ROAD  
DALLAS, TEXAS 75241  
PHONE: 972-341-1111  
WWW.VANDEKIE.COM

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ILLUSTRATIVE ELEVATIONS

LOFTON STATION  
RETAIL CENTER  
FAIRFAX COUNTY, VIRGINIA

REVISIONS

NO.	DATE	DESCRIPTION

DATE: 04-04-00  
PROJECT NUMBER: 99073

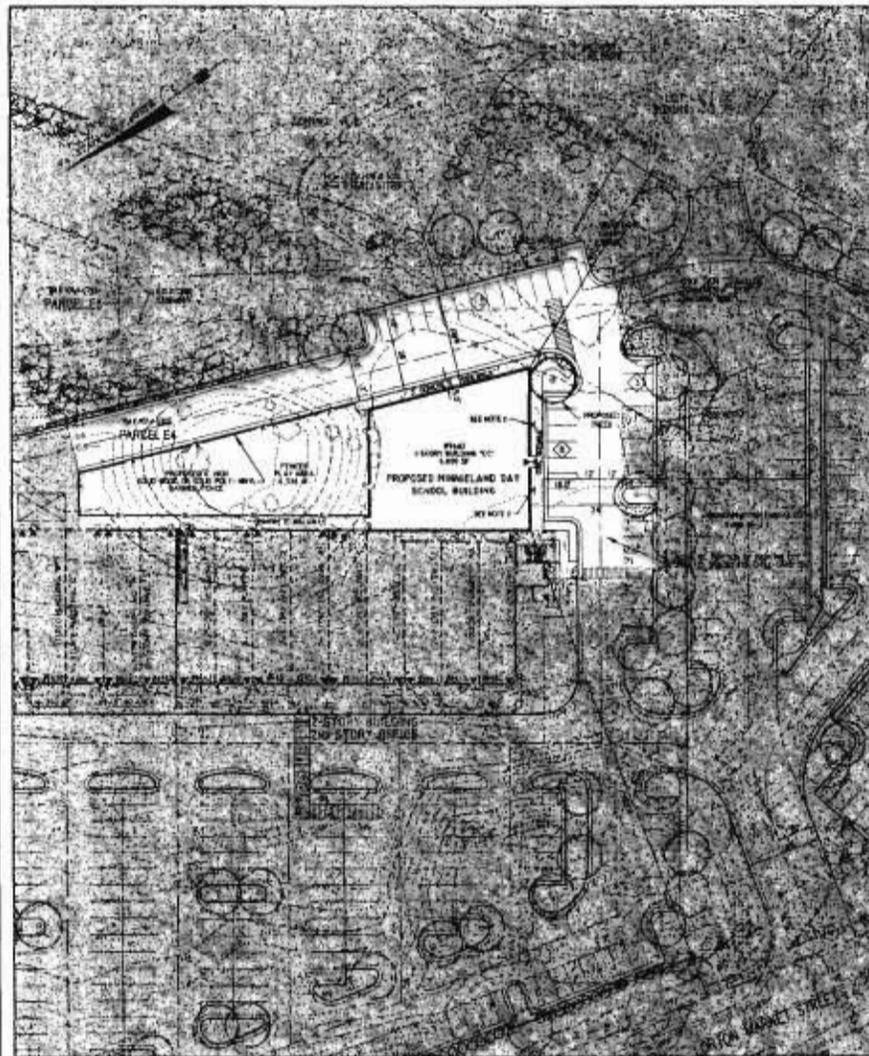
4

11-2004









**CHILD CARE CENTER LOCATION**  
SCALE: 1" = 50'



**NOTE:**

1. SIGNS TO BE ERECTED TO INDICATE PARKING ONLY FOR CHILD CARE CENTER USE.
2. SIGNS TO BE ERECTED TO INDICATE PARKING ONLY FOR DROP-OFF/PICK-UP.

**SPECIAL EXCEPTION AMENDMENT NOTES:**

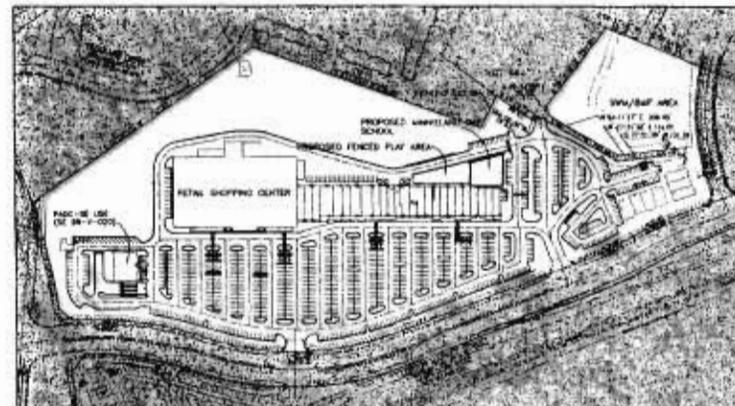
1. THIS CONCEPT DEVELOPMENT OF THE PROPOSED LOCATION OF THE CHILD CARE CENTER AND PLAY AREA HAS THE ABILITY TO ADEQUATELY PROVIDE PARKING.
2. DOOR LOCATIONS ARE FOR INFORMATION ONLY AND ARE SUBJECT TO CHANGE WITH FINAL ARCHITECTURE.
3. LANDSCAPING ITEMS ON THIS PLAN IS PER FAIRFAX COUNTY # 4863-SF-11-2.
4. FINAL ARCHITECTURE AND UTILITY LOCATIONS FROM LANDSCAPING PLANS WILL BE ON GROUND CONFORMED TO THE ZONING & SHOWING AS SUBJECT TO ADJUSTMENT DUE TO SITE CONDITIONS AND PLUMBING AVAILABILITY.
5. PARCELS 101-4 (11)-44 & ZONED L-5 AND WILL BE REQUIRED TO PROVIDE TRANSLUCENT SCREENING AND SHARED PER SECTION 15-200 OF THE ZONING ORDINANCE.
6. PLAY AREA TO BE FENCED AS NOTED AND TO BE SHARED. PLAY AREA TO BE SURFACED WITH RUBBERIZED MATING; SEE DRAWINGS FOR MORE INFORMATION.

**CHILD CARE CENTER TABULATIONS:**

ORIGINE FLOOR AREA - CHILD CARE & NURSERY ..... 8,300 SF  
 PARKING SPACES REQUIRED:  
 CHILD CARE & NURSERY SCHOOL  
 6 IN SPACES PER CHILD FOR SCHOOL OF 100+  
 100 CHILDREN X 6 = ..... 34 SPACES  
 PARKING SPACES PROVIDED: 34 SPACES + 1 HANDICAPPED ACCESSIBLE SPACE  
 (SEE SHEET 25 FOR DETAILED TABULATIONS REGARDING APPLICATION PROPERTY)

**LEGEND**

- EXISTING CONTAIN
- EXISTING TREE CANOPY
- PROPOSED SEWERALS
- LOOK OF FENCE
- CENTERLINE OF RIGHT-OF-WAY
- EXISTING PAVELINE
- LARGE SHADE TREE (12"-25" CALIPER)
- ⊙ DENIMATED TREE (12"-15" CALIPER)
- ⊙ EVERGREEN TREE (10'-7' HEIGHT)
- ▲ STOP SIGNS
- ▲ PARKING SIGNS



NOTE: LAYOUT REFLECTS SITE PLAN # 4863-SF-11-2

**OVERALL SITE MAP**  
SCALE: 1" = 50'

(NEW SHEET)

**Bowman CONSULTING**

SPECIAL EXCEPTION AMENDMENT EXHIBIT  
**LORTON STATION SOUTH COMMERCIAL CENTER**  
 (MINNELAND DAY SCHOOL)  
 MOUNT VERNON DISTRICT, FAIRFAX COUNTY, VIRGINIA

SE 99-V-020  
 COUNTY PROJECT NUMBER

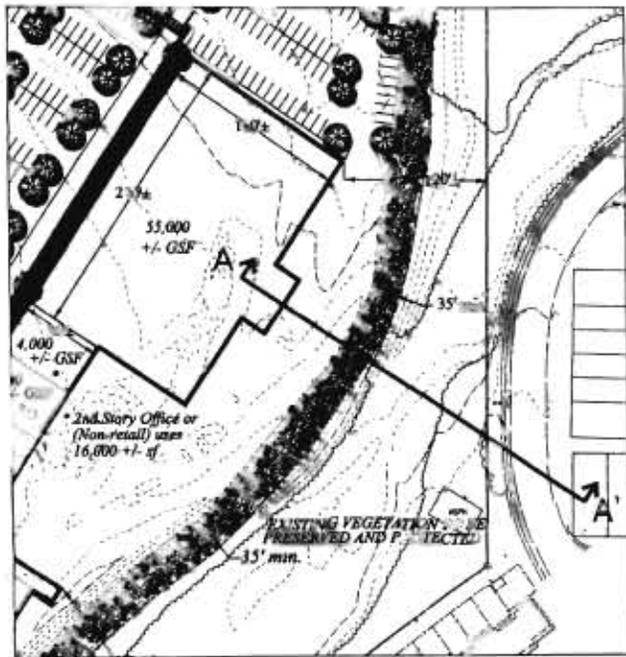
PLANNING BOARD  
 14 AUGUST 2004  
 5 P.M.

PLANNING BOARD  
 14 AUGUST 2004  
 5 P.M.

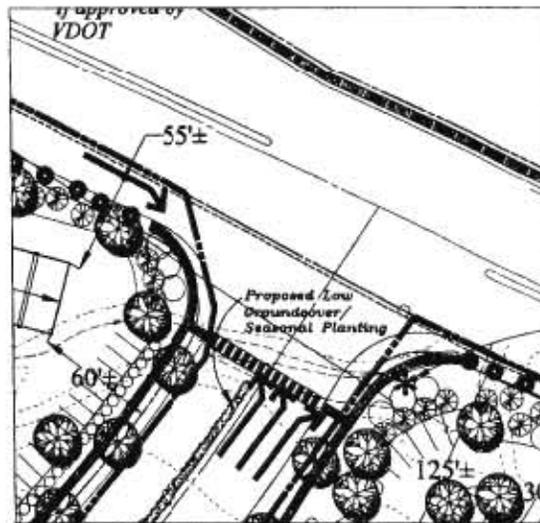
DATE	DESCRIPTION
02/14/04	APPV
07/14/04	DATE
AS NOTED	SCALE
12/01/01	DATE
AUGUST 2004	DATE
12/01/01	DATE

DATE: 08/14/04  
 FILE#: 12/01/01

SHEET: 6A OF 8



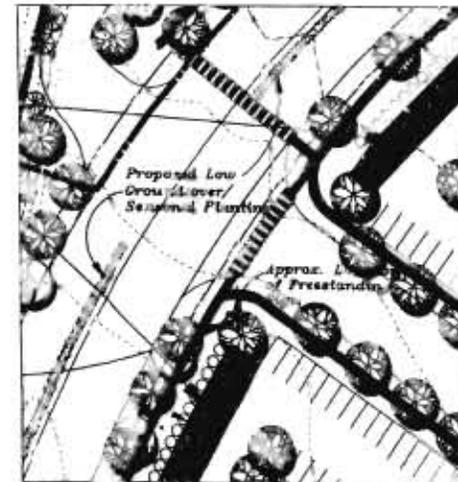
ENLARGEMENT  
 SCALE: 1" = 50'



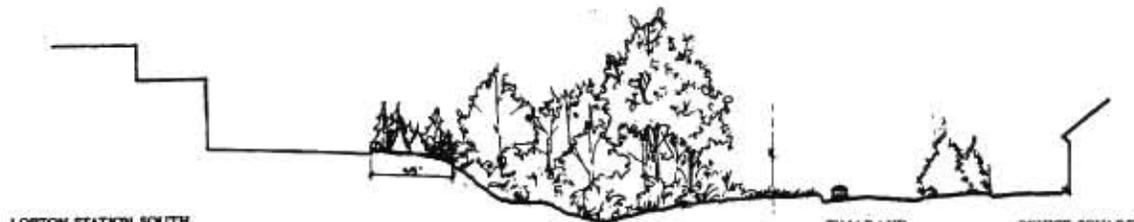
ENTRY ENLARGEMENT  
 SCALE: 1" = 30'

**LEGEND**

- PROPOSED SHADE/STREET TREES
- PROPOSED ORNAMENTAL TREE
- PROPOSED EVERGREEN TREE
- PROPOSED EVERGREEN AND/OR DECIDUOUS SHRUB
- PROPOSED LOW GROUNDCOVER/SEASONAL PLANTING



LANDSCAPE ENLARGEMENT  
 SCALE: 1" = 30'



LORTON STATION SOUTH  
 COMMERCIAL CENTER

SECTION A-A'  
 SCALE: 1" = 20'

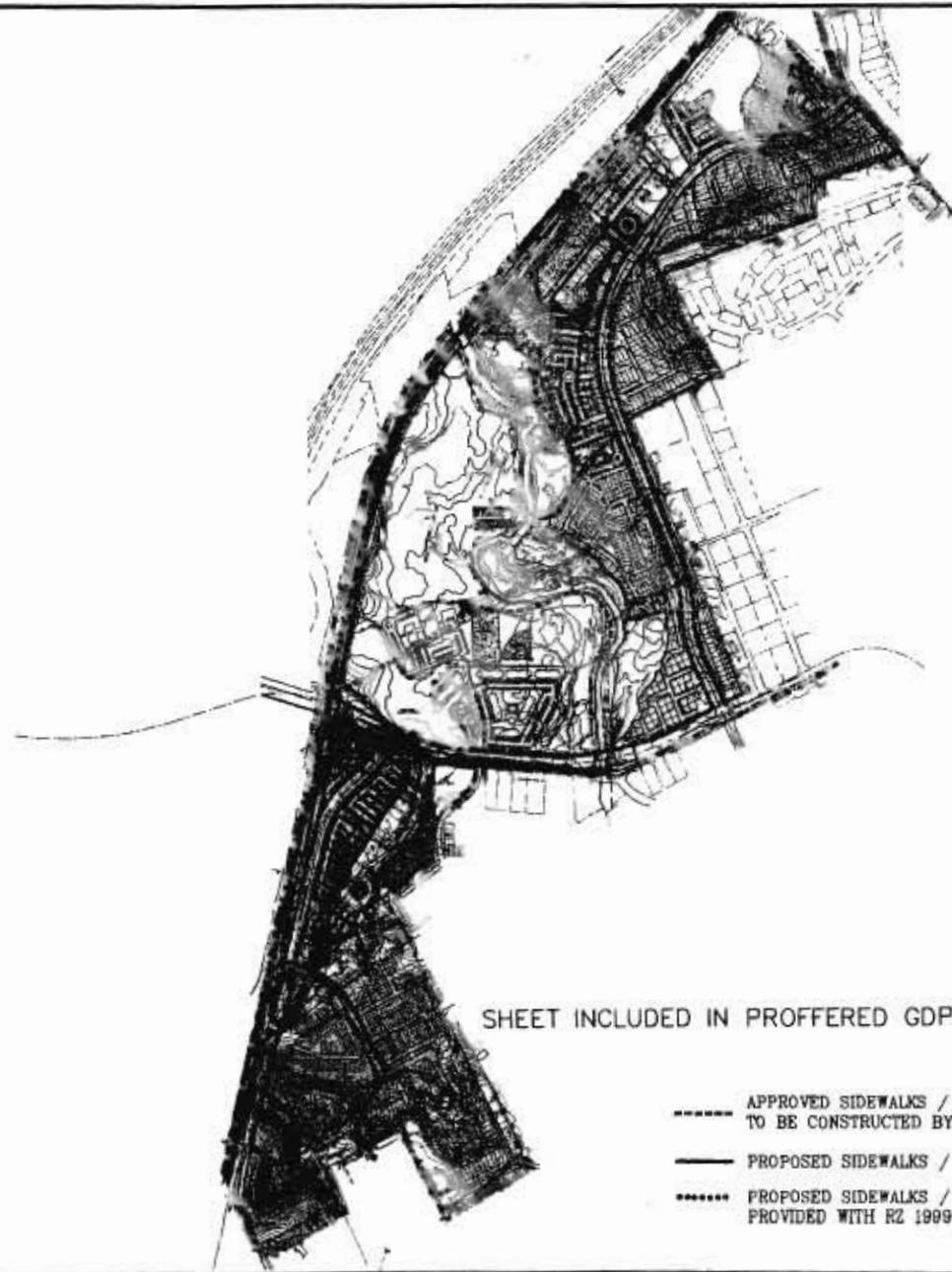
SHEET INCLUDED IN PROFFERED GDP FOR RZ 1999 MV-025

SEALED FOR AUTHENTICITY



SHEET 56 OF 5  
 BCG# 1299-11-001

DATE PLOTTED: 11/14/99 10:00 AM



SEALED FOR AUTHENTICITY

SHEET INCLUDED IN PROFFERED GDP FOR RZ 1999 MV-025

- APPROVED SIDEWALKS / TRAILS  
TO BE CONSTRUCTED BY OTHERS
- PROPOSED SIDEWALKS / TRAILS
- ..... PROPOSED SIDEWALKS / TRAILS TO BE  
PROVIDED WITH RZ 1999-MV-057

SHEET 5H OF 5  
BCG# 1299-11-001



**Dewberry & Davis**  
 5401 Arundel Drive, Fairfax, VA 22031  
 (703) 441-9100 FAX (703) 448-0118

OVERALL PEDESTRIAN CIRCULATION ILLUSTRATIVE  
 LORTON SOUTH STATION COMMERCIAL CENTER  
 MOUNT VERNON DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

PROJECT: LORTON SOUTH STATION COMMERCIAL CENTER / SHEET 5H OF 5

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

**DESCRIPTION OF THE APPLICATION**

The applicant, Minnieland Private Day School, Inc., has filed a request to amend the proffers for RZ 1999-MV-025 and to amend SE 99-V-020, previously approved for automobile-oriented uses and an increase in building height, to allow a child care center to be added to the previously approved shopping center. The proposed child care center is to be constructed within a 6,600 square foot portion of the previously approved shopping center building and would include a 6,327 square foot fenced play area. A maximum daily enrollment of 150 is requested with eighteen employees. Each of the two applications covers the same 22.20 acre portion of the 32.97 acre property that is subject to both RZ 1999-MV-025 and SE-1999-MV-020. (See the discussion under Location and Character below for a description of the original application property and of the portion included in these two amendment applications).

A reduction of the combined Generalized Development Plan/Special Exception Amendment Plat (GDP/SEA Plat) is included in the front of this report. The applicant's draft proffer statement for PCA 1999-MV-025 is included as Appendix 1. Appendix 2 is the proposed development conditions for SEA 1999-MV-020. The applicant's affidavit is in Appendix 3 and the statements provided by the applicant are in Appendix 4.

**LOCATION AND CHARACTER**

Shopping Center: The shopping center is under construction and located south of Lorton Road, east of the RF& P railroad tracks and along Lorton Market Street, which is partially constructed but not open to traffic. The 22.20 acre application property for these amendment applications does not include three areas that were part of the original 32.97 acre application property subject to both RZ 1999-MV-025 and SE 1999-MV-020. First, a triangularly shaped parcel, located west of this application property, which was approved for a clock tower and automobile oriented uses, including a drive-in bank, a fast-food restaurant, and a service-station/mini-mart with a car wash, is not included. An increase in building height was granted for the clock tower. Second, the pending applications do not include the right-of-way for Lorton Market Street and realigned Lorton Road. Finally, an area of open space utilized for stormwater management south of this application property is also not included.

Except the triangular area noted above, the major portion of the 32.97 acres subject to the original rezoning and special exception is located east of Lorton Market Street, including all of this 22.20 acre application property. All of the commercial development approved with the original applications, including the tri-angular area not part of these applications, will be accessed solely from Lorton Market Street. The main shopping center building, east of Lorton Market Street, contains 134,500 square feet of retail space and 16,000 square feet of non-retail space on a second story. In addition,

this area includes Pad C (10,000 square feet), and a 21,000 square foot office area to the south of the main building, where the child care center is proposed to be located. The pending applications do not propose to change the approved architectural treatment, landscaping or the location of the entrances to Lorton Market Street.

**Child Care Center:** The proposed child care center is to be located within 6,600 sq. ft. of gross floor area (GFA) at the southern end of the main shopping center building. The entrance to the child care center will be on the southern end of the building; the entrances to the other stores are on the western side of the building. The 6,237 sq. ft. play area will be located behind, or north of the child care center, and behind or east of the other stores. This location is adjacent to the travel aisle to the service area behind the main building. This proposal differs from the previous approval by placing the entrance to this space on the end of the main building (there were no entrances or store fronts shown on the end of building previously), by including a child care center as one of the uses within the shopping center and by adding the play area to the area behind the main building.

The following chart addresses the area surrounding the original 32.97 acre application property for RZ 1999-MV-025 and SE 99-V-020.

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Open Space - Lorton Station	PDH-5	Mixed Use
<b>South</b>	Single Family Attached – Gunston Square	PDH-8	8-12 du/ac
<b>East</b>	Single Family Attached – Pohick Square	R-8	5-8 du/ac
	Industrial – Parcel 44	I-5	Mixed Use
<b>West</b>	Retail/Industrial/Commuter Parking Lot across the Railroad Tracks	C-8, I-6 & R-1	Retail and Industrial

## **BACKGROUND**

Pursuant to the approval of RZ 1999-MV-025, 32.97 acres, which includes the 22.20 acre application property, was rezoned from the I-3, I-5 and PDH-5 Districts to the C-6 District subject to proffers. A copy of the Clerk to the Board's letter regarding the approval of RZ 1999-MV-025 and the accepted proffers are included in Appendix 5. SE 99-V-020 was approved concurrently with RZ 1999-MV-025 and on the same application property to permit automobile oriented uses and allow an increase in height for the clock tower. The special exception was approved subject to development conditions contained in the Clerk to the Board's letter regarding the approval of

SE 99-V-020 in Appendix 6. On November 18, 2002, the Board of Supervisors approved additional time to commence construction for SE 1999-MV-020. The records regarding the Board's approval of additional time to commence construction are on file with the Department of Planning and Zoning. A reduction of the proffered combined Generalized Development Plan and Special Exception Plat (GDP/SE Plat) is in Appendix 7.

## COMPREHENSIVE PLAN PROVISIONS

<b>Plan Area:</b>	IV
<b>Planning District:</b>	Lower Potomac Planning District
<b>Planning Sector:</b>	Lorton – South Route 1 (LP2)

The application property is located in Sub-unit E-8 of the Lorton – South Route 1 Community Planning Sector. On pages 75-74 of the Area IV volume of the Comprehensive Plan, 2003 edition, as amended through 2-10-03, under Lower Potomac Planning District, Lorton-South Route 1 Community Planning Sector (LP2), Recommendations, Land Use, Sub-unit E8, the Comprehensive Plan states:

### "Sub-unit E8

"Sub-unit E8 is located east of the RF&P Railroad tracks south of Lorton Road and includes Parcels 107-4((1)44, 52, 53, 55 and 57. Sub-unit E8 is planned for a mix of uses such as office, open space, retail, cultural center, hotel/motel and recreational uses. Development of a mixed-use project should be contingent upon satisfactory achievement of the following conditions:

- "• Substantial and logical parcel consolidation should be provided so that the area is developed as one unified project to provide for high quality design and an integration of uses;
- "• A thorough heritage resources survey should precede development and the recovery of significant heritage resources should be undertaken in conjunction with development;
- "• The overall floor area ratio is appropriate up to .25 FAR;
- "• Substantial contribution towards transportation improvements should be provided, including improvements to the railroad/ Lorton Road underpass;

- "• Uses and intensities should generally be arranged so that new uses situated next to existing residential uses are compatible in height, scale and intensity. Generous buffering and screening should be employed between non-residential and residential land uses;
- "• Good design principles should be employed including the provision of pedestrian and vehicular circulation systems within and to the sub-unit with special attention given to the linkages to the commuter rail station;
- "• Landscaping and trees should be used in parking lots, plazas, and streetside areas and medians along major roads to create boulevard-like effects;
- "• Architectural design features such as variations of window materials, as well as public space furniture or entry accents are encouraged. When appropriate, arcades, awnings or other building features to distinguish ground floor retail are desirable;
- "• Comprehensive sign systems that establish a distinctive theme and identity and eliminate visual clutter are desirable. Building mounted and ground mounted shopping center signs incorporated within a planting strip are encouraged. Pole mounted signs are discouraged; and
- "• Safe pedestrian access to the commuter rail station from adjacent recreational areas and from across Lorton Road, Pohick Road and the RF&P Railroad should be provided."

The Plan Map shows this property as planned for Mixed Use.

## ANALYSIS

### **Generalized Development Plan/Special Exception Amendment Plat** (Reduction at front of staff report)

**Title of GDP/SEA Plat:** Lorton Station South Commercial Center –  
Addition of Child Care Use to Previously  
Proffered Plan

**Prepared By:** Bowman Consulting

**Original and Revision Dates:** August 2004 as revised through  
March 14, 2005

The submitted combined Generalized Development Plan/Special Exception Amendment Plat (GDP/SEA Plat) consists of a total of 11 sheets. Most of these sheets are copies of sheets included in the GDP/SE Plat that was proffered pursuant to the approval of RZ 1999-MV-025 and referenced by the development conditions associated with the approval of SE 1999-MV-020. The new sheets are:

- Sheet 1, a revised cover sheet reflecting this specific request;
- Sheet 2A, revised tabulations and notes reflecting this specific request;
- Sheet 5A, depicting revised architectural elevations, which shifted the two story element of the shopping center to the southernmost end of the building, that were previously approved through proffer interpretation dated March 26, 2004, which is included on this sheet and is on file with the Zoning Evaluation Division;
- And, Sheet 6A, a detail sheet concerning the proposed child care center.

#### Description of the Proposed Child Care Center:

With the approval of the proffer interpretation regarding architectural elevations, the two story portion of the main shopping center building was shifted to the southern end of that building (see Sheet 6A). The second story is proffered to have "Non-Retail" uses as defined by the proffer. The front of the shopping center building and the second story portion faces westward.

The proposed one-story child care center is to be located on the southernmost end of the shopping center building facing southward. The main entrance to the child care center will be on the southern façade, with the outdoor play area located behind or on the north side of the child care center portion of the main building. The play area is to be 6,326 square feet in size and bounded on three sides by a solid fence, constructed of wood or poly-vinyl; the fourth side is the child care building. To the west of the play area will be a passageway providing delivery access to the future stores. The play area is bounded on the northern side by the service drive serving the main shopping center building. Parking will be provided in front of, or south of the child care center building, and to east of the building. These spaces are intended to be signed for the use of the child care center during its operating hours.

#### Land Use Analysis

The proposal to add a child care center to the previously approved shopping center is consistent with the land use recommendations of the Comprehensive Plan with regard to this property.

Page 17 of The Land Use Element of the Policy Plan Volume of the Fairfax County Comprehensive Plan, 2003 Edition also includes as Appendix 3, "Locational Guidelines for Child Care Facilities" as follows:

### **"APPENDIX 3**

#### **LOCATIONAL GUIDELINES FOR CHILD CARE FACILITIES**

In Fairfax County, as in other areas of the country, there is an increasing need for high-quality child care facilities. Such facilities should be encouraged throughout the County to the extent that they can be provided consistently with the following criteria:

1. Child care facilities should have sufficient open space to provide adequate access to sunlight and suitable play areas, taking into consideration the size of the facility.
2. Child care facilities should be located and designed to ensure the safety of children.
3. Child care facilities should be located and designed to protect children from excessive exposure to noise, air pollutants, and other environmental factors potentially injurious to health or welfare.
4. Child care facilities should be located and designed to ensure safe and convenient access. This includes appropriate parking areas and safe and effective on-site circulation of automobiles and pedestrians.
5. Child care facilities in Suburban Neighborhoods should be located and designed to avoid creating undesirable traffic, noise, and other impacts upon the surrounding community. Therefore, siting child care facilities in the periphery of residential developments or in the vicinity of planned community recreation facilities should be considered.
6. Child care facilities should be encouraged in employment centers to provide locations convenient to work places. However, these locations should make provisions for a safe and healthful environment in accord with the guidelines listed above.

The proposed child care center addresses the guidelines as follows:

- 6,623 square feet of play area that is open to the sky;
- the parking is available in front of the proposed child care center and the play area is to be fenced with a six foot tall wooden or vinyl fence;
- the play area is adjacent to the travel aisle serving the shopping center but is separated from the travel aisle by the proposed fencing protecting the children from excessive noise, air pollutants and other environmental factors;
- the proposed child care center is located within a shopping center now under construction and will be part of the main building, but separated from the other uses in the center by being on the end of the building and around the corner from the typical store fronts, parking and drop-off areas will be required to be located in front of the building and the proposed development conditions require that these areas be reserved for the child care center;
- and, this proposed child care center will not adversely affect nearby residential developments because it is separated from those developments by large areas of open space.

Staff has concluded that the proposed child care center meets the applicable location guidelines for such facilities that are contained in Appendix 3 of the Land Use Element of the Policy Plan volume of the adopted Comprehensive Plan. Given that the proposed child care center is located in a shopping center that is well buffered from the adjacent residential uses, the proposed development conditions do not include a limitation on the hours of operation.

**Transportation Analysis** (Appendix 8)

No transportation issues.

**Environmental Analysis** (Appendix 9)

No environmental issues.

**ZONING ORDINANCE PROVISIONS** (Appendix 10)

**Bulk Standards**

This proposal to locate a child care center within a 6,600 sq. ft. portion of the main shopping center building previously approved pursuant to RZ 1999-MV-025 does not affect the conformance of the building with the bulk standards applicable in the C-6 District. The bulk standards and other requirements of the C-6 District are contained in Appendix 10.

### **Transitional Screening and Barriers**

With the approval of RZ 1999-MV-025 and SE 1999-MV-020, the following transitional screening and barrier waivers and modifications were approved.

- transitional screening yard requirements were modified along the northern boundary abutting Lorton Road and across from HOA open space associated with Lorton Station;
- transitional screening yard requirements were modified along the eastern boundary in favor of the 35 foot buffer to be planted between the service lane behind the building and a preservation area that varies in depth from 100 to 200 in depth adjacent to Pohick Square, a residential community of single family attached dwellings;
- transitional screening was modified along the portion of the southern boundary that abuts residential land because this land abutted the area of the shopping center devoted to open space used as stormwater management; and,
- The barrier requirements were also waived along these same three boundaries.

This proposal to add a child care center to the previously approved shopping center building does not affect the transitional screening previously approved and does not warrant additional transitional screening or barriers.

### **Parking**

Pursuant to the provisions of Par. 23 of Sect. 11-104, the required parking for a child care center in a shopping center is based on the shopping center rate of 4.0 spaces per 100 square feet of GFA for a shopping center between 100,000 square feet and 400,000 square feet in size. However, given the special exception standards which require that adequate parking be provided for this use and that drop-off and pick-up of children be accommodated, staff requested that the applicant demonstrate that there is parking that meets the requirements for a child care center in the immediate vicinity of the entrance to the building. The tabulations on Sheet 6A are based on a maximum daily enrollment of 150 children; 24 parking spaces are required for 150 children. As illustrated on Sheet 6A, there are 30 parking spaces in close proximity to the proposed child care center, including one accessible space.

The proposed development conditions include restrictions to ensure that spaces are available in close proximity to the child care center to ensure safe drop-off and pick-up of the children.

**Special Exception Requirements (Appendix 10)**

The following discussion addresses the child care center only; the pending applications do not propose to alter the characteristics of the previously approved special exception uses within the application property.

Additional Standards for Child Care Centers and Nursery Schools (Sect. 9-309)  
Category 3 Standards (Sect. 9-304)  
General Special Exception Standards (Sect. 9-006)

With regard to Sect. 9-309, Additional Standards for Child Care Centers and Nursery Schools, the proposed child care center complies as follows:

- With 6,237 square feet in the play area, the number of children allowed in the play area at any one time is 62, which is limited by a proposed development condition;
- the proposed outdoor recreation area is separate from buildings or required off-street parking spaces, is outside the required front yard, is developable for active outdoor recreation purposes, and covers less than 80 percent of the required side and rear yards as required by Par. 1;
- Lorton Market Street meets the characteristics of a collector road as defined by the Zoning Ordinance (see the definition excerpted in Appendix 10) as required by Par. 2;
- the proposed child care center is designed to facilitate the drop-off and pick-up of all persons on the site and these elements are reinforced by the proposed development conditions in Appendix 2 as specified in Par. 3.

With regard to Sect. 9-304, Standards for All Category 3 Uses:

- Par. 1 addresses public uses and is not applicable;
- Par. 2 requires conformance with the minimum lot size requirement of the underlying zoning district; the 22.20 acre application property exceeds the 40,000 square minimum lot size of the C-6 District;
- Par 3 requires conformance with the bulk standards in the underlying zoning district. As described above, the proposed child care center will not affect the conformance of the main shopping center building with these requirements.
- Par. 4 requires that all Category 3 uses comply with the applicable performance standards found in Article 14 of the Zoning Ordinance, which includes lighting;
- Par. 5 states that Article 17, Site Plans, is applicable to the proposed use.

With regard to the provisions of Sect. 9-006, General Standards, which are applicable to all special exception uses, the child care center complies as follows:

- The application property is identified on the Plan Map and in the text as mixed use, and the proposed child care center meets the location guidelines contained in the Policy Plan volume of the Comprehensive Plan, thereby satisfying the requirement of Par. 1 to be in harmony with the adopted Comprehensive Plan.
- The proposed child care center is in harmony with the purpose and intent of the C-6 District, which is to provide locations for retail commercial and service uses that are oriented to serve several neighborhoods, as required by Par. 2.
- Staff has concluded that the proposed child care center will not affect the relationship of the shopping center with the adjacent properties, thereby satisfying Par. 3.
- The vehicular and pedestrian traffic associated with the proposed child care center will not be hazardous nor conflict with neighborhood traffic because the child care center will be in a shopping center which is accessed from a four lane divided roadway, Lorton Market Street, as required by the provisions of Par. 4.
- Transitional screening and barriers existing around the shopping center property will not be affected by the proposed child care center; therefore, Par. 5 has been satisfied.
- The amount of open space within the application property, 30 percent, exceeds the 15 percent that is required in the C-6 District, satisfying the requirements of Par. 6.
- Par. 7 addresses utilities and parking at the site. The addition of child care center within the shopping center building will not affect the utilities serving this property. Parking is discussed above and found to be adequate by staff.
- Par. 8 addresses signage. All signage on the site would be required to conform to the provisions of Article 12, Signs.

### **Proffers and Development Conditions**

The draft proffers for the proffered condition amendment incorporate the proffers previously accepted by the Board of Supervisors with the approval of RZ 1999-MV-025. These amendment applications conform with those proffers with the addition of the child care center to the proffered list of uses allowed within the main shopping center located east of Lorton Market Street, which is the 22.20 acre portion of the 32.97 acre application property for RZ 1999-MV-025 that constitutes the application property for these amendment applications. The proffers accepted pursuant to the approval of

RZ 1999-MV-025 will remain in effect for the portions of the original application property not included in this proffered condition amendment application. The proposed development conditions for SEA 1999-MV-020 include those conditions from the original approval that are applicable to the application property, which is a portion of the land area covered by SE 1999-MV-020, and incorporate additional conditions related specifically to the proposed child care center. The development conditions associated with the approval of SE 1999-MV-020 remain in effect for the portions of the original 32.97 acre application property that are not included the 22.20 acre application property for SEA 1999-MV-020.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The proposal to add a child care center to the main building of the shopping center now under construction south of Lorton Road and along Lorton Market Street conforms with the land use recommendations of the adopted Comprehensive Plan. The proposal does not affect the compliance of the main shopping building with the bulk requirements of the C-6 District and the proposed child care center complies with the applicable special exception standards.

### **Recommendation**

Staff recommends that PCA 1999-MV-025 be approved subject to the draft proffers contained in Appendix 1.

Staff recommends that SEA 99-V-020 be approved subject to the development conditions in Appendix 2.

Staff further recommends that the previously approved modifications of transitional screening along the northern, eastern and southern boundaries and the previously approved waiver of the barrier requirements along the same boundaries be approved.

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

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

**APPENDICES**

1. Draft Proffers
2. Proposed Development Conditions
3. Affidavit
4. Applicant's Statements
5. Clerk to the Board's Letter and Proffers for RZ 1999-MV-025
6. Clerk to the Board's Letter regarding SE 99-V-020
7. Reduction of the combined GDP/SE Plat for RZ 1999-MV-025 and SE 99-V-020
8. Transportation Analysis
9. Environmental Analysis
10. Selected Excerpts from the Zoning Ordinance
11. Glossary of Terms

**DRAFT PROFFERS****Minnieland Private Day School, Inc.****PCA 1999-MV-025****March 9, 2005**

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950, as amended, subject to the Board of Supervisors approving this Proffered Condition Amendment for Tax Map 107-4 ((23)) E4 and E5 (the "Property"), Minnieland Private Day School, Inc. (the "Applicant") and owners, for themselves, their successors and assigns, hereby reaffirm the previous proffers applicable to the Property accepted pursuant to the approval of RZ 1999-MV-025 and dated April 18, 2000, which will remain in full force and effect, except as amended as follows:

**Replace Existing Proffer 1.a. to reflect updated plan/plat information:**

**1. GENERALIZED DEVELOPMENT PLAN**

- a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance thereafter referred to as "Zoning Ordinance", development of the Property shall be in substantial conformance with the GDP/SEA plat, prepared by Bowman Consulting Group, Ltd., dated November 5, 2004, as revised through January 13, 2005.

**Amend Existing Proffer 3, to add use in list of permitted uses.**

**3. Uses**

- a. The following additional use is permitted within the buildings shown on the GDP/SEA plat:

- *Child Care Center*

**[SIGNATURES BEGIN ON THE FOLLOWING PAGE]**

PCA 1999-MV-025

APPLICANT/LESSEE

MINNIELAND PRIVATE DAY SCHOOL, INC.

---

By: Jacqueline M. Leopold  
Its: President

[SIGNATURES CONTINUE ON NEXT PAGE]

PCA 1999-MV-025

TITLE OWNER OF TAX MAP 107-4 ((23)) E4/  
LESSOR

ELMWOOD RETAIL L.L.C.

By: Lorton Valley, L.C., Its Sole Member

By: KSI Services, Inc., Its Manager

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By: Richard W. Hausler  
Its: President

[SIGNATURES CONTINUE ON NEXT PAGE]

PCA 1999-MV-025

TITLE OWNER OF TAX MAP 107-4 ((23)) E5/  
LESSOR

ELMWOOD TOWNHOUSE L.L.C.

By: Lorton Valley, L.C., Its Sole Member

By: KSI Services, Inc., Its Manager

---

By: Richard W. Hausler  
Its: President

[SIGNATURES END]

## PROPOSED DEVELOPMENT CONDITIONS

SEA 1999-MV-020

March 17, 2005

If it is the intent of the Board of Supervisors to approve SEA 1999-MV-020 located at Tax Map 107-4 ((23)) E4 and E5 (Lorton Market Street) on a 22.20 acre portion of the 32.97 acres subject to SE 1999-MV-020 which was previously approved for automobile oriented uses and an increase in building height to allow a 6,600 square foot child care center to be included within the main building of the Lorton Station South Commercial Center pursuant to Sect. 4-604 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which include the conditions adopted pursuant to SE 1999-MV-020 that are applicable to this portion of the original approval (these are identified with an asterisk\*). The conditions associated with SE 1999-MV-020 remain in effect for those portions of that application not included in this amendment application property.

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 Amendment 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 (DPW & ES). Any plan submitted pursuant to this Special Exception Amendment shall be in substantial conformance with the combined Generalized Development Plan/Special Exception Amendment Plat (GDP/SEA Plat) **entitled "Lorton Station South Commercial Center – Addition of Child Care Use to Previously Proffered Plan" prepared by Bowman Consulting, which is dated August 2004 as revised through March 14, 2005 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 building on Pad C shall be limited to a maximum of 10,000 square feet gross floor area.
5. \*The areas around the stormwater management facilities located on this property shall be landscaped to the maximum extent allowed pursuant to the policy regarding landscaping around stormwater management ponds adopted by the

Board of Supervisors on May 8, 1999, subject to the approval of the Urban Forestry Branch, DPWES. The plant materials used for such landscaping shall consist of native plant species.

6. \*The drive-through window for the pharmacy shall be used only for the drop off and pick-up of prescriptions and other medical items. General retail sales shall not be permitted through the drive-through window. Signs shall be posted in the stacking area for the drive-through window stating the limitations on use of the window service. Such signs shall not exceed the size limitations outlined in Sect. 9-505.
7. The child care center shall be located within the space identified on the GDP/SEA Plat.
8. The maximum daily enrollment shall be limited to 150 children and the maximum number of employees on the site at any one time shall be 25, except as necessary for staff meetings and other similar events.
9. The number of children using the 6,326 square foot outdoor play area shall be limited to 63 at any one time.
10. All lighting associated with the child care center shall conform with the provisions of Part 7, Outdoor Lighting, of Article 14, Performance Standards of the Fairfax County Zoning Ordinance.
11. The outdoor play area of the child care center shall be enclosed with a six (6)-foot high solid board-on-board fence or six (6)-foot high solid polyvinyl fence in the location shown on the GDP/SEA plat.
12. The surface of the outdoor play areas surrounding play equipment shall be comprised of a shredded, recycled rubber surface or similar material. Other areas of the outdoor play area may be solid concrete, including patio areas, paths, and/or play courts. At least one shade structure shall be provided to cover a portion of the outdoor play area.
13. The thirteen (13) parking spaces located along the eastern periphery of the parking lot in proximity to the child care center as shown on the GDP/SEA Plat shall be reserved for the child care center's use during the hours of operation of the child care center. In addition, the eight (8) parking spaces located immediately in front of the child care center entrance and three (3) parking spaces located immediately across the drive aisle in front of the child care center shall be reserved for pick-up and drop-off of children, as shown on the GDP/SEA plat.

14. Additional signage indicating a child play area shall be installed at the intersection of the drive aisle in front of the child care center and the drive aisle at the rear of the shopping center. These signs shall conform with Sect. 12-103 (2) (g) and shall not exceed two (2) square feet in area.

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 Amendment shall not be valid until this has been accomplished.

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

**REZONING AFFIDAVIT**

DATE: March 4, 2005  
 (enter date affidavit is notarized)

I, Kara M. Whisler, 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

85747c

in Application No.(s): PCA 1999-MV-025  
 (enter County-assigned application number(s), e.g. RZ 88-V-001)

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

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

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Minnieland Private Day School, Inc.  Agents: Katrina D. Walker-Bonds Charles W Leopold Rosemary A Burton	4300 Prince William Parkway Woodbridge, Virginia 22192	Applicant/Lessee
Elmwood Retail L.L.C.  Agents: Richard W. Hausler Troy M. DeHaven Charles J. Kieler	8081 Wolftrap Road Vienna, Virginia 22182	Title Owner of Tax Map 107-4 ((23)) E4 (formerly 107-4 ((23)) E1)/Lessor

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

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

**Rezoning Attachment to Par. 1(a)**DATE: March 4, 2005  
(enter date affidavit is notarized)

85747c

for Application No. (s): PCA 1999-MV-025  
(enter County-assigned application number (s))

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Elmwood Townhouse L.L.C.  Agents: Richard W. Hausler Troy M. DeHaven Charles J. Kieler	8081 Wolftrap Road Vienna, Virginia 22182	Title Owner of Tax Map 107-4 ((23)) E5 (formerly 107-4 ((23)) E2 and E3)/Lessor
Bowman Consulting Group, Ltd.  Agents: Michael G. Bruen Steven P. Grant Mark W Baker	14020 Thunderbolt Place Suite 300 Chantilly, Virginia 20151	Engineers/Planners/Agent
Walsh, Colucci, Lubeley, Emrich & Terpak, P.C.  Agents: Martin D Walsh Timothy S. Sampson Lynne J. Strobel M Catharine Puskar Elizabeth D. Baker Inda E. Stag Kara M. Whisler Susan K. Yantis James P. Downey Jerry K. Emrich Jason B. Heinberg Jane W. Gwinn Megan C. Shilling Tara E. Wiedeman Susan S. Blakely	2200 Clarendon Boulevard, 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Clerks/Agents

(check if applicable)

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

REZONING AFFIDAVIT

DATE: March 4, 2005  
(enter date affidavit is notarized)

85747c

for Application No. (s): PCA 1999-MV-025  
(enter County-assigned application number(s))

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

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

CORPORATION INFORMATION

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

Minnieland Private Day School, Inc.  
4300 Prince William Parkway  
Woodbridge, Virginia 22192

**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)

Charles W. Leopold (former shareholder)  
Jacqueline M Leopold

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

Jacqueline M Leopold, President  
Charles W Leopold, VP

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

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

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

DATE: March 4, 2005  
(enter date affidavit is notarized)

85747c

for Application No. (s): PCA 1999-MV-025  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Elmwood Retail L.L.C  
8081 Wolftrap Road  
Vienna, Virginia 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 SHAREHOLDER:** (enter first name, middle initial, and last name)  
Lorton Valley, L.C., Sole Member

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

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Elmwood Townhouse L.L.C  
8081 Wolftrap Road  
Vienna, Virginia 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)  
Lorton Valley, L.C., Sole Member

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

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

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

DATE: March 4, 2005  
(enter date affidavit is notarized)

85947c

for Application No. (s): PCA 1999-MV-025  
(enter County-assigned application number (s))

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

Lorton Valley, L.C.  
8081 Wolfrap Road  
Vienna, Virginia 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 SHAREHOLDER:** (enter first name, middle initial, and last name)

Robert C. Kettler, Member  
Richard W Hausler, Member  
KSI Services, Inc., Manager

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

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

KSI Services, Inc  
8081 Wolfrap Road  
Vienna, Virginia 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)

Robert C. Kettler  
Richard W. Hausler

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

Richard W. Hausler - President      Andrew W. Buchanan - CFO/Secretary  
Richard I Knapp - Senior Vice President      Robert C. Kettler, - Chairman/Director  
Susan M Brunkow - Treasurer

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

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

DATE: March 4, 2005  
(enter date affidavit is notarized)

85747c

for Application No. (s): PCA 1999-MV-025  
(enter County-assigned application number (s))

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

Bowman Consulting Group, Ltd  
14020 Thunderbolt Place, Suite 300  
Chantilly, Virginia 20151

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

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

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

Gary P. Bowman

=====

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

=====

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

Walsh, Colucci, Lubeley, Emrich & Terpak, PC  
2200 Clarendon Boulevard, 13th Floor  
Arlington, Virginia 22201

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

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

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

David J. Bomgardner, Thomas J. Colucci, James P. Downey, Jay du Von, Jerry K. Emrich, William A. Fogarty, John H. Foote, H. Mark Goetzman, Michael D. Lubeley, J. Randall Minchew, John E. Rinaldi, Timothy S. Sampson (former), Lynne J. Strobel, Nan E. Terpak, Garth M. Wainman, Martin D. Walsh, Susan S. Blakely

=====

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

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

REZONING AFFIDAVIT

DATE: March 4, 2005  
(enter date affidavit is notarized)

85747e

for Application No. (s): PCA 1999-MV-025  
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)  
None

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

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

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

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

REZONING AFFIDAVIT

DATE: March 4, 2005  
(enter date affidavit is notarized)

85747c

for Application No. (s): PCA 1999-MV-025  
(enter County-assigned application number(s))

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

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

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

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

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

None

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

REZONING AFFIDAVIT

DATE: March 4, 2005  
(enter date affidavit is notarized)

85747c

for Application No. (s): PCA 1999-MV-025  
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of \$200 or more, with any of those listed in Par. 1 above.

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

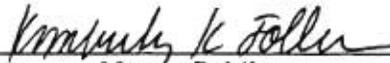
(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

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

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

WITNESS the following signature:   
(check one) [ ] Applicant [x] Applicant's Authorized Agent  
Kara M. Whisler, agent  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 4 day of March 2005, in the State/Comm. of Virginia, County/City of Arlington.

  
Notary Public

My commission expires: 11/30/2007

# SPECIAL EXCEPTION AFFIDAVIT

DATE: March 4, 2005

(enter date affidavit is notarized)

I, Kara M. Whisler, 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

85745c

in Application No.(s): SEA 99-V-020

(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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Minnieland Private Day School, Inc Agents: Katrina D. Walker-Bonds Charles W Leopold Rosemary A Burton	4300 Prince William Parkway Woodbridge, Virginia 22192	Applicant/Lessee
Elmwood Retail L.L.C. Agents: Richard W. Hausler Troy M DeHaven Charles J. Kieler	8081 Wolftrap Road Vienna, Virginia 22182	Title Owner of Tax Map 107-4 ((23)) E4 pt (formerly 107-4 ((23)) E1)/Lessor

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

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

**Special Exception Attachment to Par. 1(a)**DATE: March 4, 2005  
(enter date affidavit is notarized)

85745c

for Application No. (s): SEA 99-V-020  
(enter County-assigned application number (s))

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Bowman Consulting Group, Ltd Agents: Michael G Bruen Steven P. Grant Mark W. Baker	14020 Thunderbolt Place Suite 300 Chantilly, Virginia 20151	Engineers/Planners/Agent
Walsh, Colucci, Lubeley, Emrich & Terpak, PC Agents: Martin D. Walsh Timothy S Sampson Lynne J Strobel M Catharine Puskar Elizabeth D Baker Inda E Staggs Kara M Whisler Susan K Yantis Jerry K Emrich James P Downey Jason B Heinberg Jane W Gwinn Megan C Shilling Susan S Blakely	2200 Clarendon Boulevard , 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Clerks/Agent

(check if applicable)

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 4, 2005  
(enter date affidavit is notarized)

85745c

for Application No. (s): SEA 99-V-020  
(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)  
Minnieland Private Day School, Inc  
4300 Prince William Parkway  
Woodbridge, Virginia 22192

**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)  
Charles W Leopold (former shareholder)  
Jacqueline M Leopold

(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 4, 2005  
(enter date affidavit is notarized)

85745c

for Application No. (s): SEA 99-V-020  
(enter County-assigned application number (s))

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

Elmwood Retail L L C  
8081 Wolftrap Road  
Vienna, Virginia 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)

Lorton Valley, L C , Sole Member

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

Lorton Valley, L C  
8081 Wolftrap Road  
Vienna, Virginia 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)

Robert C. Kettler, Member  
Richard W Hausler, Member  
KSI Services, Inc , Manager

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

Special Exception Attachment to Par. 1(b)

DATE: March 4, 2005  
(enter date affidavit is notarized)

85745c

for Application No. (s): SEA 99-V-020  
(enter County-assigned application number (s))

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

KSI Services, Inc  
8081 Wolftrap Road  
Vienna, Virginia 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)

Robert C Kettler  
Richard W Hausler

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

Bowman Consulting Group, Ltd  
14020 Thunderbolt Place, Suite 300  
Chantilly, Virginia 20151

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

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

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

Gary P Bowman

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

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

DATE: March 4, 2005  
(enter date affidavit is notarized)

85745c

for Application No. (s): SEA 99-V-020  
(enter County-assigned application number (s))

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

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

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
David J Bomgardner                      John H Foote                      Timothy S Sampson (former)  
Thomas J Colucci                          H Mark Goetzman                  Lynne J Strobel  
James P Downey                          Michael D. Lubeley                  Nan E Terpak  
Jay du Von, Jerry K Emrich              J Randall Minchew                  Garth M. Wainman  
William A Fogarty                        John E Rinaldi                        Martin D Walsh, Susan S Blakely

**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 4, 2005  
(enter date affidavit is notarized)

85745c

for Application No. (s): SEA 99-V-020  
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)  
None

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

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 4, 2005  
(enter date affidavit is notarized)

85745c

for Application No. (s): SEA 99-V-020  
(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.

Application No.(s) SEA 99-V-020  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: March 4, 2005  
(enter date affidavit is notarized)

8574 5c

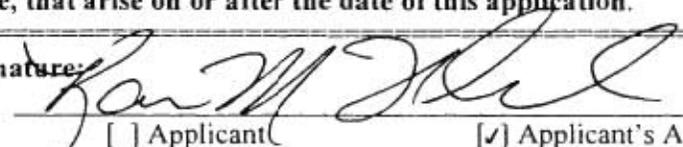
3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, 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 \$200 or more, with any of those listed in Par. 1 above **EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)  
None

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

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

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

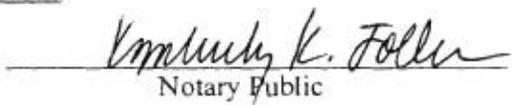
WITNESS the following signature:



(check one)  Applicant  Applicant's Authorized Agent

Kara M. Whisler, agent  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 4 day of March 2005, in the State/Comm. of Virginia, County/City of Arlington.

  
Notary Public

My commission expires: 11/30/2007



**WALSH COLUCCI  
LUBELEY EMRICH  
& TERPAK PC**

Kara M. Whisler  
Land Use Coordinator  
(703) 528-4700 Ext. 31  
[kwhisler@arl.thelandlawyers.com](mailto:kwhisler@arl.thelandlawyers.com)

**REVISED**

October 8, 2004

**RECEIVED**  
Department of Planning & Zoning

**OCT 08 2004**

**Zoning Evaluation Division**

Barbara A. Byron  
Zoning Evaluation Division  
Fairfax County Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, VA 22035

Re: Statement of Justification  
Partial Proffered Condition Amendment and Partial Special Exception Amendment  
Applications  
Parcels 107-4 ((23)) E4 & E5 (the "Subject Property")  
Minnieland Private Day School, Inc. (the "Applicant")

Dear Ms. Byron:

Please accept this letter as a statement of justification for a partial proffered condition amendment (PCA) and partial special exception amendment (SEA) applications for the Subject Property listed as Fairfax County Tax Map parcel 107-4 ((23)) E4 & E5.

Located on the east side of Lorton Market Road and south of Lorton Road in the Mount Vernon Magisterial District, the Subject Property, zoned C-6, a Community Retail District, is currently approved for development as a retail shopping center by the rezoning application, RZ 1999-MV-025. The original rezoning property consisted of 32.97 acres, of which approximately five (5) acres were dedicated to right-of-way, leaving 27.8545 acres of developable land area. The Subject Property consists of approximately 22.2 acres of that area. The Applicant is proposing to locate a childcare center within the shopping center, once construction of the shopping center is completed.

The Subject Property is located in the Lower Potomac Planning District (Area IV); Lorton-South Route 1 Community Planning Sector, Sub-Unit E8 of the Fairfax County Comprehensive Plan (the "Plan"). Sub-Unit E-8 is planned for a mix of uses, such as office, open space, retail, cultural center, hotel/motel and recreational uses. The proposed use conforms to the recommendations set forth in the Plan.

On April 24, 2000, the Board of Supervisors approved rezoning and special exception applications (RZ 1999-MV-025 and SE 1999-V-020) with proffers and conditions. The proffers included a list of permitted uses on the Subject Property. The Applicant proposes the location of a childcare center within the approved shopping center, and use as a "childcare center" is not

specifically listed as a permitted use. As such, the Applicant requests a partial proffered condition amendment to modify Proffer #3 to include "childcare center" as a permitted use, with a Category 3 special exception approval.

Pursuant to this proposed partial PCA, the Applicant also requests a partial special exception amendment to include a Category 3 Special Exception approval for a childcare center. The proposed childcare center would be located within 6,600 square feet on the southeast portion of the approved shopping center. Additionally, 6,950 square feet of adjacent outdoor space would be utilized for a play area.

In accordance with the requirements of Sect. 9-011 of the Zoning Ordinance, please accept the following information:

- The proposed type of operation is a childcare center located within the Lorton Marketplace Shopping Center.
- The proposed hours of operation are 6:30 a.m. – 6:30 p.m.
- The estimated number of children to be enrolled in the childcare center is 140.
- The estimated number of employees of the childcare center is 18.
- The estimated traffic impact from this use will be approximately 100 car trips, twice a day. The peak hours of traffic will occur from 6:30 a.m.–8:30 a.m. and 4:30 p.m.–6:30 p.m.
- The vicinity or general area to be served by the center is southeastern Fairfax County.
- No modifications to the exterior of the building are proposed with this application. The architecture and style of the shopping center shall be in general conformance with illustrations shown in the GDP/SE Plat associated with the approved rezoning application for the Property (RZ 1999-MV-025).
- To the best knowledge of the Applicant, no hazardous or toxic substances are known to be located on the Subject Property.
- The proposed use conforms to all applicable ordinances, regulations, adopted standards and conditions.

In conjunction with this application, the Applicant is requesting the following modifications of the submission requirements:

- **Par. 2 of Sect. 18-202 – Waiver of Certified Plat**

As the Applicant proposes no changes to the approved record plat, a waiver of the certified plat submission requirement is requested. The Applicant is providing a record plat, dated January 22, 2004 (last revision date), that shows the parcels affected by this application and associated Deed of Consolidation, Resubdivision and Conveyance. As such, the Applicant requests that this plat and deed be accepted in lieu of the Certified Plat.

- **Par. 3 of Sect. 18-202 – Waiver of Legal Description**

This application does not propose any changes or modifications to the legal description submitted as part of approved record subdivision. The Applicant is providing a record plat, dated January 22, 2004 (last revision date), that shows the parcels affected by this application and associated Deed of Consolidation, Resubdivision and Conveyance. As such, the Applicant requests that this plat and deed be accepted in lieu of the legal description.

- **Par. 9 of Sect. 18-202 – Waiver of Existing Vegetation Map (EVM)**

As the Subject Property has been substantially cleared of all vegetation, and this partial proffered condition amendment application will not produce any additional land disturbing activity, the Applicant also requests a waiver of the existing vegetation map requirement.

- **Par. 2 of Sect. 9-011 – Waiver of Existing Vegetation Map (EVM)**

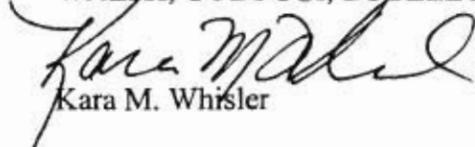
As the Subject Property has been substantially cleared of all vegetation, and this partial special exception amendment application will not produce any additional land disturbing activity, the Applicant also requests a waiver of the existing vegetation map requirement.

The Applicant's proposal is in harmony with the recommendations of the Plan, and purpose and intent of the Ordinance. The childcare center will benefit the community by providing a convenient and necessary service in the area.

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

Very truly yours,

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



Kara M. Whisler

KMW:jms

cc: Katrina D. Walker-Bonds  
Charles W. Leopold  
Mark Baker

Steven Grant  
Lynne J. Strobel  
Inda Stagg  
Martin D. Walsh



# FAIRFAX COUNTY

APPENDIX 5

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

V I R G I N I A

May 12, 2000

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

Keith C. Martin, Esquire  
Walsh, Colucci, Stackhouse, Emrich and Lubeley, P.C.  
2200 Clarendon Boulevard – 13<sup>th</sup> Floor  
Arlington, Virginia 22201-3359

RE: Rezoning Application Number RZ 1999-MV-025  
(Concurrent with PCA 1996-MV-037-2 and SE 99-V-020)

Dear Mr. Martin:



Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on April 24, 2000, granting Rezoning Application Number RZ 1999-MV-025 in the name of Elmwood LLC, to rezone certain property in the Mount Vernon District from the I-3, I-6, and PDH-5 Districts to the C-6 District, subject to the proffers dated April 18, 2000, on subject parcel 107-4 ((1)) 52, 53, 55, 56, 57 and Pt. 17A1 consisting of approximately 32.97 acres.

**The Board also:**

- Approved modifications to the transitional screening requirement along the eastern, southern and northern boundaries.
- Waived the barrier requirements along the eastern, southern and northern boundaries.

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

RZ 1999-MV-025  
May 12, 2000

- 2 -

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

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 24th day of April, 2000, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROPOSAL NUMBER RZ 1999-MV-025  
(CONCURRENT WITH PCA 1996-MV-037-2 AND SE 99-V-020)

WHEREAS, Elmwood LLC, in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the I-3, I-6, and PDH-5 Districts to the C-6 District, and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Mount Vernon District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the C-6 District and said property is subject to the use regulations of said C-6 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcel.

GIVEN under my hand this 24th day of April, 2000.



Nancy Veers

Clerk to the Board of Supervisors

## PROFFERS

ELMWOOD, LLC

RZ 1999-MV-025

April 18, 2000

Pursuant to Section 15.1-2303 (A), Code of Virginia, 1950, as amended, the undersigned applicants and property owners for themselves and for their successors and assigns (hereinafter "Applicant"), filed for a rezoning to the C-6 District on property identified as tax map reference 107-4 ((1)), Parcels 52, 53, 55, 56, and 57 and pt 17A1 (hereinafter referred to as "Application Property") hereby agree to the following proffers, provided the "Board of Supervisors" (hereinafter referred to as "Board") approves the rezoning of the Application Property. If the Board accepts these proffers, then all previously adopted proffers shall become null and void.

### 1. GENERALIZED DEVELOPMENT PLAN

- a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the GDP/SE plat, prepared by Dewberry & Davis, dated February 28, 2000.
- b. Pursuant to 18-204, minor modifications may be permitted as determined by the Department of Public Works and Environmental Services (DPWES). Further, the Applicant may revise the building footprints as shown on the GDP/SE plat without requiring approval of an amended GDP or a proffer condition amendment application, provided that such changes are in conformance with the Zoning Ordinance and are in substantial conformance with the GDP/SE plat and do not increase floor area ratio or decrease the amount of open space or change the setbacks.

### 2. TRANSPORTATION

- a. Dedication. At time of site plan approval or upon demand by Fairfax County or Virginia Department of Transportation (VDOT), whichever occurs first, the Applicant shall dedicate and convey in fee simple to the Board right-of-way as shown on the GDP/SE plat as follows:
  - i. Lorton Road. Dedicate Right-of-way and ancillary easements along Application Property's frontage as shown on GDP/SE plat in conformance with VDOT Project Number 642-029-221, Sections C-501, C-502, B-657 and B-658, as well as right-of-way required for right and left turn access into the

Application Property as required in the covenant recorded in Deed Book 7509 at page 1628 among the Deed records of Fairfax County, Virginia.

- ii. Spine Road. Ninety (90) foot, right-of-way to provide for a four-lane divided road running from Lorton Road to the southernmost entrance to the commercial center, then tapering to a sixty-six (66) foot right-of-way, four-lane undivided road to the Application Property's southern boundary, as shown on the GDP/SE plat. The Applicant may submit a request for a waiver of the Public Facilities Manual (PFM) standards for right-of-way to accommodate the sixty-six (66) foot wide right-of-way. If the waiver is not granted, the roadway will conform to the PFM or VDOT standards. Right-of-way shall be dedicated where necessary to accommodate right and left turn lanes.
  - iii. Residential Access Road. Fifty-two (52) foot right of way for a two-lane public road extending from the Project Spine Road to the southeastern boundary of the Application Property as generally shown on the GDP/SE plat.
- b. Road Improvements.
- i. Spine Road
    - Subject to the VDOT and DPWES approval, the Applicant shall construct a four-lane divided roadway section, with right and left turn lanes as shown on the GDP/SE plat where necessary, between Lorton Road and the southernmost commercial center entrance, then tapering down to a four-lane undivided section to the southern boundary of the Application Property as shown on the GDP/SE plat. In addition, the four-lane undivided road shall be constructed by the Applicant southbound off site within right-of-way dedicated by others to a point where it meets existing Gunston Cove Road, where it tapers to a two-lane section.
    - The Spine Road shall be open to traffic prior to the issuance of the first non-residential use permit (non-RUP).
    - The Applicant shall construct a five (5) foot wide sidewalk along the eastern side of the Spine Road as shown on the GDP/SE Plat.

ii. Lorton Road.

- Prior to the issuance of the first non-RUP and subject to VDOT and DPWES approval, the Applicant shall construct necessary pavement transitions and turn lanes at the intersection of Lorton Road and the Spine Road as they exist at time of Site Plan approval. These improvements shall be designed to tie into VDOT Project Number 642-029-221, Sections C-501, C-502, B-657 and B-658.
- At the time of site plan approval, the Applicant shall escrow funds in an amount determined by DPWES to the County for a one-half section of the six lane divided roadway project to include right and left turn lanes referenced in Paragraph 2.a.i along the frontage of the Application Property, subject to applicable credits, as agreed upon by VDOT and DPWES, for the cost of an interim improvements on Lorton Road constructed by the Applicant that can be used as ultimate improvements. If Lorton Road has already been funded, escrowed funds will be used for another Lorton Area road improvement.

iii. Residential Access Road. Prior to the issuance of the first non-RUP, the Applicant shall construct a two-lane road (38 feet of pavement) to public street standards within the dedicated right-of-way connecting to and in coordination with related road improvements as proffered in RZ-1999-MV-057.

iv. Lorton Road Signalization.

- The Applicant shall submit a warrant signal analysis to VDOT, at the time of the connection of the Spine Road to Lorton Road and/or prior to the issuance of the first non-RUP or upon demand by VDOT, whichever occurs first. The Applicant shall design and install signalization at the Application Property's entrance onto Lorton Road if approved and warranted by VDOT. The signal shall include a pedestrian cycle. In the event VDOT Project Number 642-029-221, Sections C-501, C-502, B-657 and B-658 is not complete prior to the issuance of the first non-RUP, then the Applicant shall escrow funds in an amount determined by DPWES for the design and installation of signalization including a pedestrian cycle, regardless of the conclusions of the signal warrant study.

- v. Lorton Road Trail.
  - Prior to the issuance of the first Non-RUP, the Applicant shall construct a ten (10) foot wide multi-purpose trail within dedicated right-of-way along the Application Property's Lorton Road frontage unless said trail is constructed first as part of the VDOT project identified in Proffer 2.a.i.
  
- c. Interparcel Access.
  - i. Prior to site plan approval for any portion of the Application Property adjacent to Tax Map Parcel 107-4 ((1)) 44, the Applicant shall submit a plat for subsequent DPWES approval showing dedication of a 30-foot wide public ingress/egress easement on site from Tax Map 107-4 ((1)) 44 to the public Spine Road or to the Residential Access road either directly or through the center's parking lot.
  - ii. Applicant shall record the easement among the land records of Fairfax County, Virginia prior to site plan approval.
  - iii. Applicant shall provide written evidence of Applicant's coordination with the land owner of Tax Map Parcel 107-4 ((1)) 44 on the location of this easement, subject to the approval of DPWES.
  - iv. The plat shall also include all on-site sanitary sewer and storm drainage easements necessary to connect Parcel 44 to adjacent utilities.
  
- d. Right Turn In/Off Lorton Road. The Applicant acknowledges that the proposed right turn-in only entrance along Lorton Road as shown on the GDP/SE Plat is subject to DPWES and VDOT site plan approval, and if deleted will not require a PCA or DPZ interpretation. If the entrance is deleted, the area will be landscaped consistent with the adjacent frontage landscaping shown on the GDP/SE plat.
  
- e. Gunston Cove Road Bridge. Prior to the issuance of the first non-RUP, the Applicant shall submit to Fairfax County a preliminary engineering study of the feasibility and estimated cost of replacing the existing Gunston Cove Road bridge. The methodology and assumption of the study shall be reviewed and approved by DOT prior to submission of the study.

f. Lorton Road Fund.

- i. At time of final site plan approval, the Applicant shall contribute funds in the amount of \$3.02 per gross square foot of building area, as adjusted by changes to the Consumer Price Index as published in the Engineering News Records from the date of rezoning approval and subject to credit for the value of the off-site design, engineering, bonding, construction and landscaping improvements outlined in paragraph 2.b.i., 4.a.i. and the study outlined in paragraph 2.e.

3. Uses.

- a. The following uses shall be permitted within the buildings as shown on the GDP/SE plat:
- Retail Sales Establishment
  - Business Supply and Service Establishment
  - Personal Services Establishment
  - Offices
  - Eating Establishments
  - Financial Institutions
  - Fast Food Restaurants with drive-thru windows (Pad B only)
  - Pharmacies with drive-thru windows (Pad C only)
  - Service Station/Mini Mart and Fast Food Restaurant (Pad A only)
  - Commercial Recreation Uses
  - Health Club
  - Medical Clinic
  - Private schools of general and special education
  - Other permitted uses under the C-6 District

- b. The Applicant reserves the right to substitute an eating establishment (sit down restaurant) or other C-6 permitted uses for the pharmacy building as shown on the GDP/SE plat without the need for a PCA.
- c. The following areas shall be developed solely as non-retail uses:
  - The 21,000 sq. ft. of townhouse offices shown on the GDP/SE plat.
  - The 16,000 sq. ft. in the second story of the main center building subject to the location requirements as set forth in paragraph 6.d. below.
  - Non-retail uses shall include, but are not limited to: Office, Private Schools of General and Special Education, Commercial Recreation, and Health Club, and Medical Clinics.
- d. Adult video stores shall be prohibited within the Application Property.

#### 4. LANDSCAPING

- a. The Applicant shall plant the following vegetation within noted areas as shown on the GDP/SE plat as follows subject to DPWES approval, VDOT approval, where applicable, and in coordination with the office of the Urban Forester, subject to meeting sight distance constraints:
  - i. Street trees planted fifty feet on center along Spine Road from Lorton Road to the Residential Access Road. Street trees planted 100 feet on center along the eastern side of the Spine Road south of the Residential Access Road to a point where Spine Road intersects with Gunston Hill Road. On the western side of the Spine Road, south of the Residential Access Road, street trees will have an average spacing of 100 feet, with actual spacing adjusted to account for steep slopes and existing utilities.
  - ii. Peripheral and internal parking lot landscaping as generally shown on the GDP/SE plat.
  - iii. Median plantings as shown on the Sheets 6 and 7 of the GDP/SE Plat.
- b. The sidewalk/plaza along the main portion of the commercial center shall be of sufficient width to accommodate landscaping and tree planters as well as pedestrian traffic, as generally shown on the GDP/SE plat.

**5. SIGNAGE**

- a. All building mounted and monument signs shall be in the general location shown on the GDP/SE Plat. Notwithstanding the signage shown on the GDP/SE plat, all signs shall be in conformance with Article 12 of the Zoning Ordinance or subject to the approval of a future special exception for waiver of certain sign regulations. The monument sign as depicted on the GDP/SE Plat may require the approval of a special exception for waiver of certain sign regulations.
- b. There shall be no pole-mounted signs within the Application Property, except where necessary to regulate parking and traffic control.

**6. ARCHITECTURE**

- a. The architectural style and scale of the main buildings shall be in general conformance with the illustrative shown on Sheets 4 and 5 of the GDP/SE Plat. Specific architectural details such as number and location of towers and window location may be modified.
- b. The architecture of the buildings within Pads A, B and C shall be consistent with the architecture of the main building as achieved through the use of similar architectural styles, materials, mass, proportions, color, and quality of design details. Accent colors may be used on areas such as doors, windows, awnings, and other trim or architectural details as may be appropriate to convey a corporate identity.
- c. Outdoor seating may be integrated with the overall design of the restaurant/retail buildings.
- d. The central portion of the main commercial center building(s) shall be designed to accommodate a two-story component, as shown on the GDP/SE Plat. However, subject to an interpretation by the Zoning Administrator, the two-story component may be relocated, if determined that the proposed location and design is integrated into the center and compatible with the illustrative shown on Sheets 4 of 5 of the GDP/SE Plat.
- e. All service areas, loading facilities, and trash dumpsters shall be screened from view through either fencing, existing or proposed landscaping, or building design.
- f. Pedestrian amenities such as benches, trash receptacles and street lights shall be provided, throughout the center in substantial conformance with the illustrative amenities features as shown on the GDP/SE plat.

**7. CLOCK TOWER MONUMENT**

- a. A clock tower monument for the Lorton Community shall be constructed as generally shown on the GDP/SE plat. The architectural design of the tower shall be in general conformance with the illustration shown on the GDP/SE plat.
- b. Clock tower lighting shall be limited to the internal illumination of the proposed clock face and the community logo.

**8. LIGHTING**

- a. All lighting shall be focused on parking/driving areas and sidewalks. Lighting shall comply with the glare standards of Article 14. Full cut off lighting should be provided for any proposed lighting of parking and loading areas. Outdoor lighting for signs identifying the Application Property shall be designed to minimize glare.
- b. Security lighting at the rear of the center shall be shielded and directed downward.

**9. ARCHEOLOGY**

- a. Prior to site plan approval, the Applicant shall submit a Phase I Archeology Study to Heritage Resources Branch covering an area of the Application Property as identified by Heritage Resources Branch, unless the Heritage Resources Branch determines there is little or no potential for evidence of archeological significance.

**10. COMMUTER PARKING**

- a. A minimum of 65 spaces as delineated on the GDP/SE plat shall be reserved for commuter parking Monday through Friday, 6:00 a.m. to 7:00 p.m. The spaces shall be clearly marked with signage.
- b. Prior to the issuance of the first non-RUP, the Applicant shall construct a bus shelter with trash receptacles, adjacent to the Application Property in a location approved by the Fairfax Department of Transportation Transit Operations. The shopping center management shall be responsible for trash removal at the bus shelter.

**11. BICYCLE RACKS**

- a. The Applicant shall install bicycle racks in two separate locations within the Application Property.

**12. STORMWATER MANAGEMENT**

- a. The Applicant shall construct stormwater management ponds in the locations as shown on the GDP/SE plat. The stormwater management facility located in the southern portion of the Application Property shall be designed to accommodate stormwater runoff and best management practices criteria for the adjacent proposed residential development subject to RZ 1999-MV-057/ PCA 86-V-045. The owners of the commercial center shall be responsible for maintenance of this facility. At the time of subdivision plat approval, the Applicant shall execute the necessary agreements to address shared SWM. Said agreements shall be in a form as approved by the Fairfax County Attorney and recorded among the land records.
- b. Landscaping to the maximum extent allowed shall be provided around the SWM areas pursuant to Board policy, subject to approval of DWPES.

**13. TREE PRESERVATION**

- a. The Applicant shall preserve and protect the existing trees and associated wetlands as shown on the GDP/SE plat.

**14. SEVERABILITY**

Any of the sections may be subject to a Proffered Condition Amendment ("PCA") without joinder and/or consent of the other sections, if such PCA does not affect any other sections. Previously approved proffered conditions applicable to the section (s) which is not the subject of such a PCA shall otherwise remain in full force.

**15. SUCCESSOR AND ASSIGNS**

These proffers will bind and inure to the benefit of the Applicant and his or her successors and assigns.

**16. COUNTERPARTS**

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

Proffers/RZ 1999-MV-025

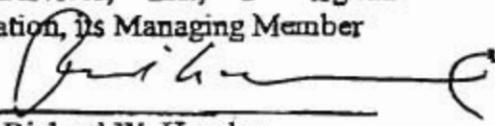
TITLE OWNER OF  
TAX MAP 107-4 ((1)) 52

ELMWOOD, LLC

By: KSI America, L.P., a Virginia limited  
partnership

By: KSI Services/America, LLC, a  
Virginia limited liability company,  
General Partner

By: KSI Services, Inc., a Virginia  
corporation, its Managing Member

By:   
Name: Richard W. Hausler  
Title: President

[SIGNATURES CONTINUE ON NEXT PAGE]

Proffers/RZ 1999-MV-025

TITLE OWNER OF  
TAX MAP 107-4 ((1)) 53, 55 - 57  
COMMONWEALTH ATLANTIC LAND  
COMPANY

By   
Name: Jeffrey V. Soffer  
Title: Vice-President

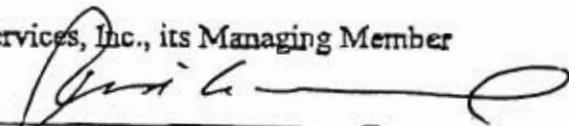
[SIGNATURES CONTINUE ON NEXT PAGE]

Proffers/RZ 1999-MV-025

TITLE OWNER OF  
TAX MAP 107-4 ((1)) 17A1pt.

SOUTH STATION, LLC

By: KSI Services, Inc., its Managing Member

By: 

Name: Richard W. Hausler

Title: President

[END SIGNATURES]



# FAIRFAX COUNTY

APPENDIX 6

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

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

May 12, 2000

Keith C. Martin, Esquire  
Walsh, Colucci, Stackhouse, Emrich and Lubeley, P.C.  
2200 Clarendon Boulevard - 13<sup>th</sup> Floor  
Arlington, Virginia 22201-3359

RE: Special Exception Number SE 99-V-020  
(Concurrent with RZ 1999-MV-025 and PCA 1996-MV-037-2)

Dear Mr. Martin:

At a regular meeting of the Board of Supervisors held on April 24, 2000, the Board approved Special Exception Number SE 99-V-020 in the name of Elmwood LLC, located at Tax Map 107-4 ((1)) 52, 53, 55, 56, 57, and Pt. 17A1 for a combined service station/mini-mart and fast food restaurant, a fast food restaurant with drive-in facilities and drive-through pharmacy pursuant to Section 4-604 of the Fairfax County Zoning Ordinance and an increase in building height to permit construction of a clock tower pursuant to the provisions of Section 9-610, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled Lorton Station South Commercial Center, prepared by Dewberry & Davis and dated February 28, 2000, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

4. The clock tower shall be limited to a maximum of sixty-five feet in height and shall be constructed as depicted on the architectural detail on Sheet 3 of the Generalized Development Plan/Special Exception (GDP/SE) Plat as determined by DPWES.
5. The community identification sign on the clock tower shall not be installed unless the Zoning Administrator determines that such a sign is permitted by the Zoning Ordinance and a sign permit issued.
6. The building on Pad A shall be limited to a maximum of 3750 square feet gross floor area.
7. The building on Pad B shall be limited to a maximum of 2500 square feet gross floor area.
8. The building on Pad C shall be limited to a maximum of 10,000 square feet gross floor area.
9. The building on Pad C may be converted to other uses permitted in the C-6 District and by the proffers without the approval of a Special Exception Amendment.
10. The lighting of the canopy for the service station/mini-mart shall be limited to the following: downward lights under the canopy; no upwardly directed lights; and, the fascia shall not be backlit except for any sign panels which may be located on the fascia of the canopy.
11. The areas around the three stormwater management facilities located on this property shall be landscaped to the maximum extent allowed pursuant to the policy regarding landscaping around stormwater management ponds adopted by the Board of Supervisors on May 8, 1999, subject to the approval of the Urban Forestry Branch, DPWES. The plant materials used for such landscaping shall consist of native plant species.
12. The drive-through window for the pharmacy shall be used only for the drop off and pick-up of prescriptions and other medical items. General retail sales shall not be permitted through the drive-through window. Signs shall be posted in the stacking area for the drive-through window stating the limitations on use of the window service. Such signs shall not exceed the size limitations outlined in Sect. 9-505.

13. The service station/mini-mart shall not be used for the performance of major repairs and shall not include the outdoor storage of any abandoned, wrecked or inoperable vehicles on the site. Accessory outdoor storage and display of goods offered for sale shall be limited to fifty (50) square feet. Sales of alcoholic beverages, rental of video tapes and video cassette recorders and the preparation of food, other than that allowed in a Limited Food-Service Establishment pursuant to Chapter 43.1 of The Code, shall not be permitted. The use of microwave ovens by customers for purchased food items shall be allowed.

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 for any given use, without notice, thirty (30) months after the date of approval for any of the uses unless that use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

**The Board also:**

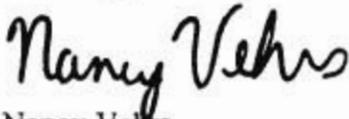
- **Approved modifications to the transitional screening along the eastern, southern, and northern boundaries.**
- **Waived the barrier requirements along the eastern, southern, and northern boundaries.**

SE 99-V-020  
May 12, 2000

- 4 -

If you have questions regarding the expiration of this Special Exception or filing a request for additional time they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Velhrs  
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Katherine K. Hanley  
Supervisor - Mount Vernon District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Administrator  
Frank Jones, Assistant Chief, PPRB, DPZ  
Audrey Clark, Director, BPRD, DPW&ES  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Robert Moore, Trnsprt'n. Planning Div., Department of Transportation  
Ellen Gallagher, Project Planning Section, Department of Transportation  
Michelle A. Brickner, Director, Site Development Services, DPW&ES  
DPW&ES - Bonds & Agreements  
Department of Highways, VDOT  
Land Acqu. & Planning Div., Park Authority  
District Planning Commissioner

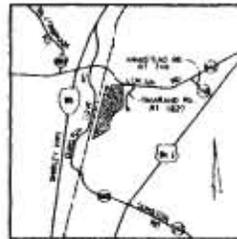
**RECEIVED**  
DEPARTMENT OF PLANNING AND ZONING  
MAY 15 2000

ZONING EVALUATION DIVISION

# LORTON STATION SOUTH COMMERCIAL CENTER

MOUNT VERNON DISTRICT  
FAIRFAX COUNTY, VIRGINIA

## GENERALIZED DEVELOPMENT PLAN SPECIAL EXCEPTION PLAT



VICINITY MAP  
SCALE: 1:2000

APPLICANT:

ELMWOOD L.L.C.  
c/o KSI SERVICES, INC.  
8081 WOLF TRAP ROAD, SUITE 300  
VIENNA, VIRGINIA 22182

### SHEET INDEX:

1. COVER SHEET
2. NOTES AND TABULATIONS/  
OVERALL GENERALIZED DEVELOPMENT PLAN
3. SITE FURNISHINGS AND SIGNAGE
4. SCHEMATIC ARCHITECTURAL ELEVATIONS AND PLAN VIEWS
5. SCHEMATIC ARCHITECTURAL ELEVATIONS AND PLAN VIEWS
6. SPECIAL EXCEPTION USES - 50' SCALE
7. LANDSCAPE DETAILS AND SECTION A-A'
8. OVERALL PEDESTRIAN CIRCULATION ILLUSTRATIVE

MARCH 18, 1999  
REV. AUGUST 17, 1999  
REV. SEPTEMBER 14, 1999  
REV. DECEMBER 3, 1999  
REV. DECEMBER 30, 1999  
REV. JANUARY 14, 2000  
REV. FEBRUARY 1, 2000  
REV. FEBRUARY 17, 2000  
REV. FEBRUARY 28, 2000



LORTON STATION SOUTH  
COMMERCIAL CENTER

MOUNT VERNON DISTRICT  
FAIRFAX COUNTY, VIRGINIA

BY 1000-MV-1005  
SE 99-V-000  
PCA 98-MV-037-2

GENERALIZED DEVELOPMENT PLAN  
SPECIAL EXCEPTION PLAT

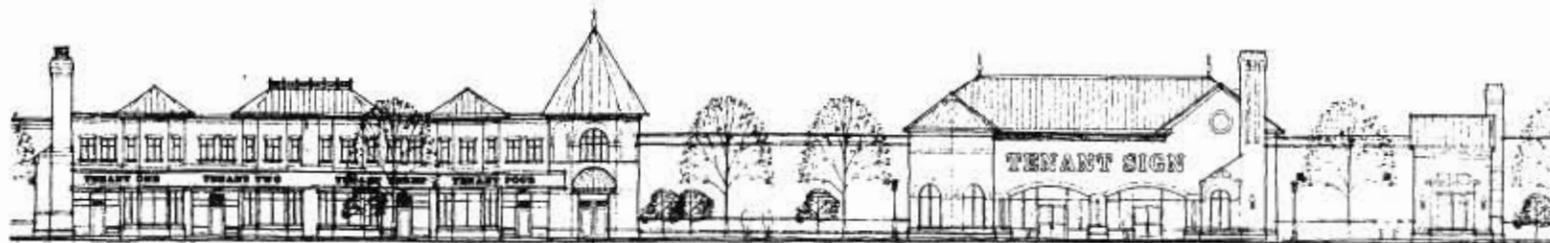
**Dewberry & Davis**

2001 Arlington Blvd., Fairfax, VA 22031  
TEL: (703) 948-6100 FAX: (703) 948-6118

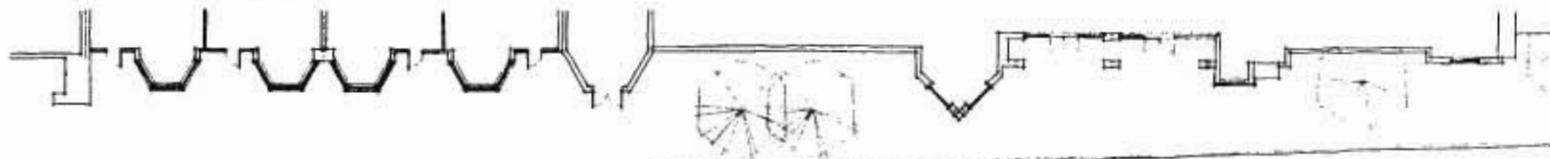
APPENDIX 7

M-

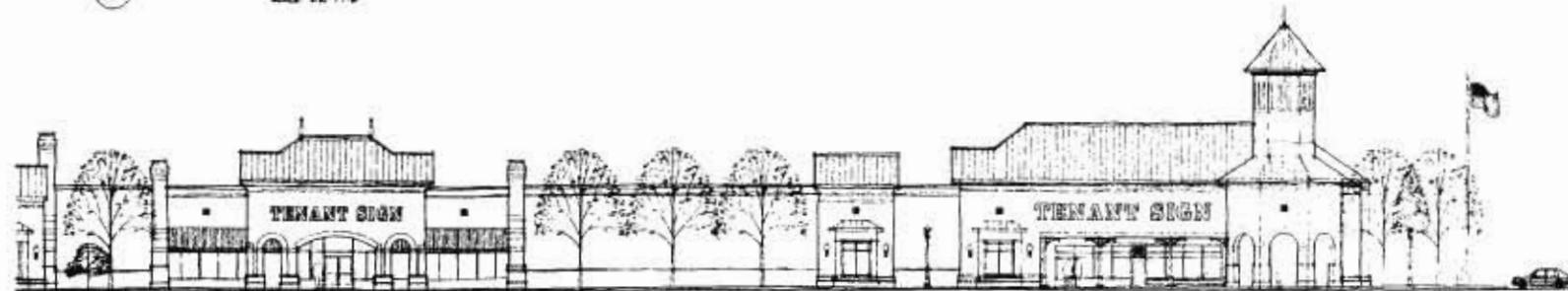




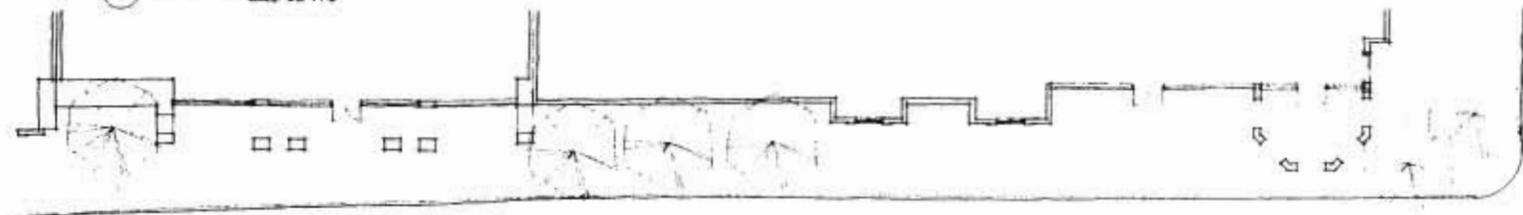
1 PARTIAL ILLUSTRATIVE ELEVATION  
SCALE 3/8" = 1'-0"



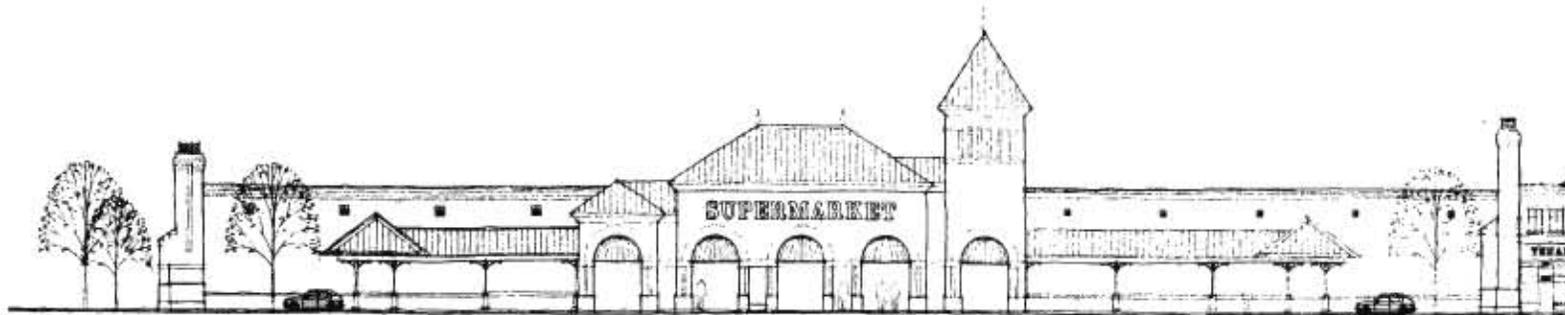
2 PARTIAL ILLUSTRATIVE SIDEWALK PLAN  
SCALE 3/8" = 1'-0"



3 PARTIAL ILLUSTRATIVE ELEVATION  
SCALE 3/8" = 1'-0"



4 PARTIAL ILLUSTRATIVE SIDEWALK PLAN  
SCALE 3/8" = 1'-0"



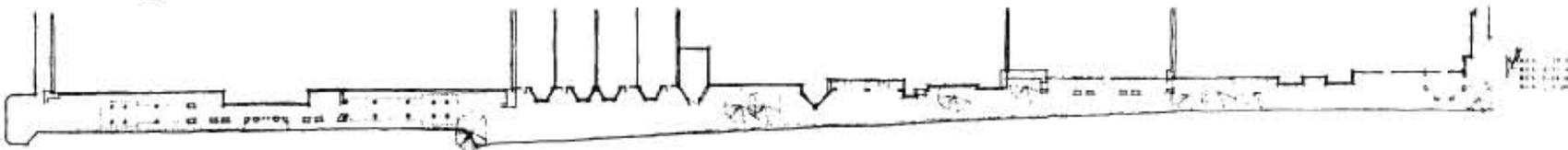
1 PARTIAL ILLUSTRATIVE ELEVATION  
SCALE 3/32" = 1'-0"



2 PARTIAL SIDEWALK PLAN  
SCALE 3/32" = 1'-0"



3 OVERALL ILLUSTRATIVE ELEVATION  
SCALE 1/64" = 1'-0"



4 OVERALL ILLUSTRATIVE SIDEWALK PLAN  
SCALE 1/64" = 1'-0"

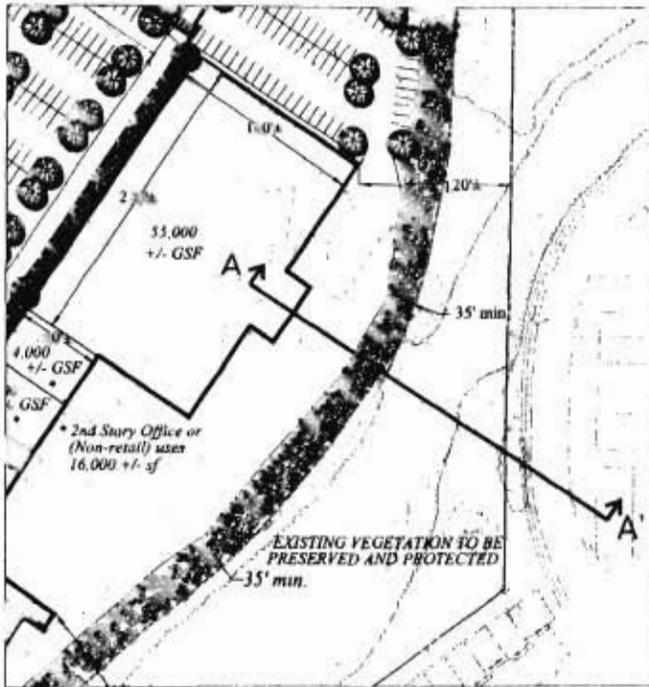
ROBERT VAN DYKE  
ARCHITECTS  
1514 N. HARRINGTON STREET  
FALLS CHURCH, VIRGINIA 22034  
PHONE 434-1111  
FAX 434-1112  
WWW.VAN DYKE ARCHITECTS.COM

ILLUSTRATIVE ELEVATIONS

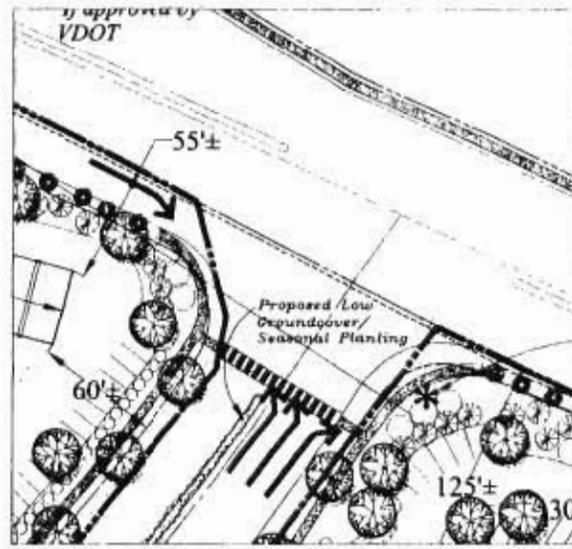
LOUSTON STATION SOUTH  
NEW & RE-DEVELOPMENT  
PART 1 - COURTYARD, VIRGINIA

NO. 100  
DATE 11-11-08  
SCALE 1/8" = 1'-0"  
99073  
SHEET 1 OF 8  
M 10004





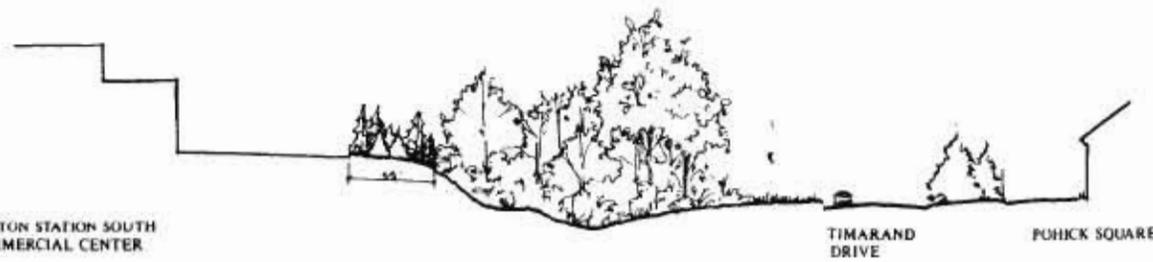
ENLARGEMENT  
SCALE: 1" = 50'



ENTRY ENLARGEMENT  
SCALE 1" = 30'

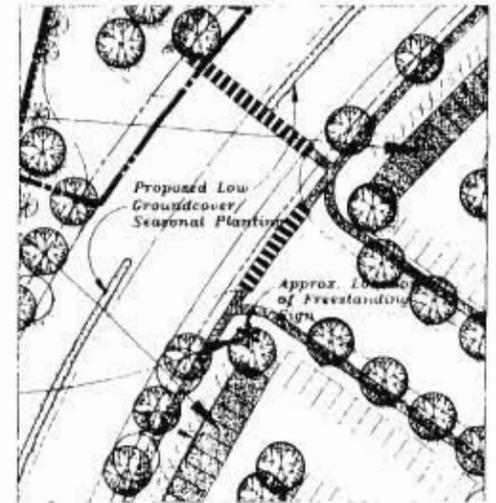
LEGEND

- PROPOSED SHADE/STREET TREES
- PROPOSED ORNAMENTAL TREE
- PROPOSED EVERGREEN TREE
- PROPOSED EVERGREEN AND/OR DECIDUOUS SHRUB
- PROPOSED LOW GROUNDCOVER/SEASONAL PLANTING



LORTON STATION SOUTH  
COMMERCIAL CENTER

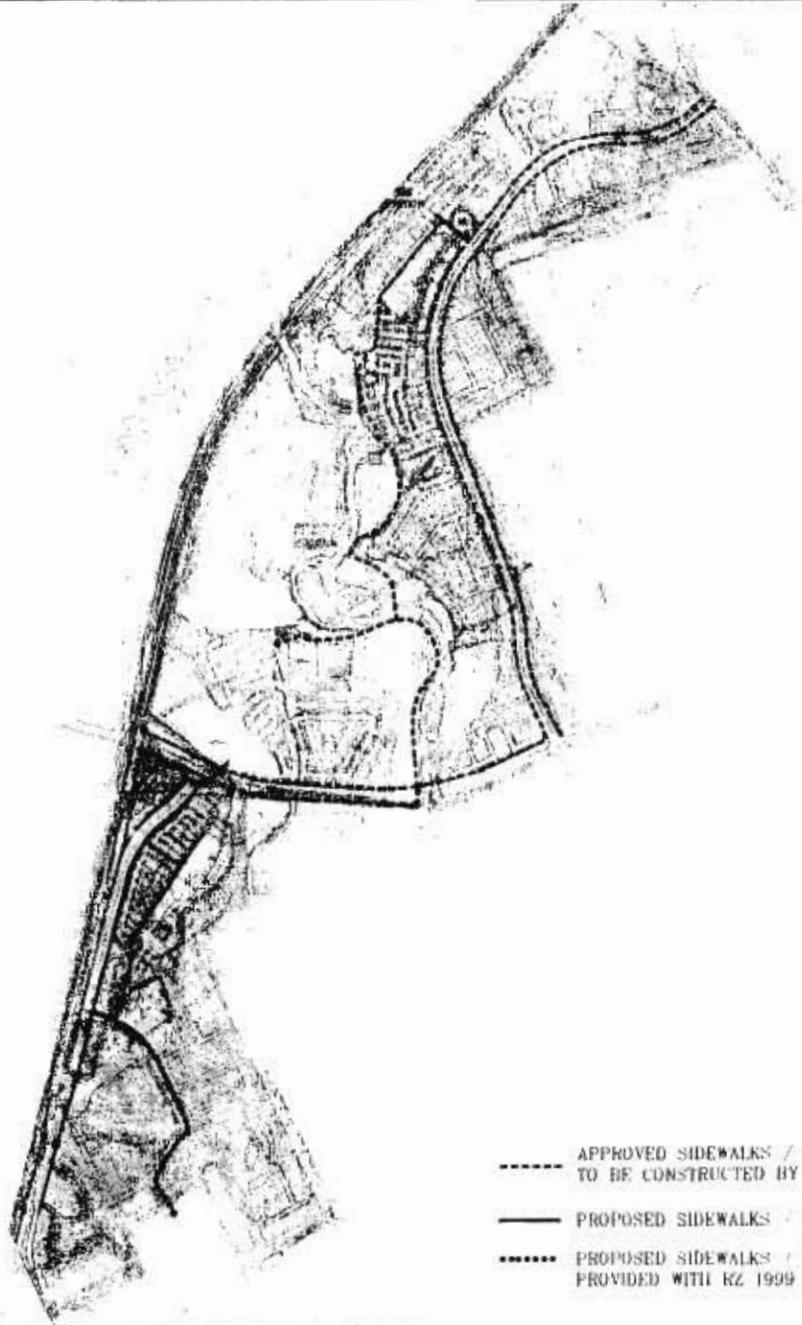
SECTION A-A'  
SCALE: 1" = 20'



LANDSCAPE ENLARGEMENT  
SCALE 1" = 30'



SHERRY B. L. BOSTON



- APPROVED SIDEWALKS / TRAILS TO BE CONSTRUCTED BY OTHERS
- PROPOSED SIDEWALKS / TRAILS
- ..... PROPOSED SIDEWALKS / TRAILS TO BE PROVIDED WITH RZ 1909 MV 057

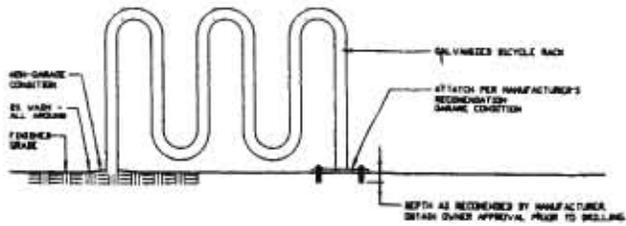


**Dewberry & Davis**  
 Engineers  
 4401 Arlington Blvd. Fairfax, Va. 22031  
 Telephone: (703) 849-0100 Fax: (703) 849-0110

PROJECT: LORTON NORTH STATION COMMERCIAL CENTER  
 LORTON NORTH STATION COMMERCIAL CENTER  
 PREPARED BY: [Signature]

DATE	11/11/03
DESIGNED BY	[Signature]
CHECKED BY	[Signature]
DATE	11/11/03
SCALE	AS SHOWN
FILE NUMBER	
PROJECT	
DATE	
FILE NUMBER	

DESIGNED BY: [Signature]



Bicycle Rack



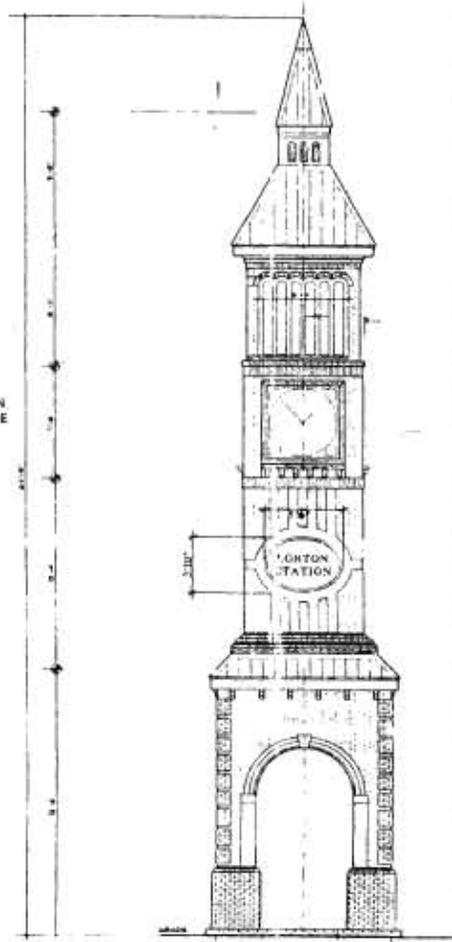
SIGN DETAILS, TYPEFACE AND MATERIALS ARE SUBJECT TO FINAL DESIGN THE SIGN WILL COMPLY TO THE SPECIFICATIONS OF ARTICLE 12 OF THE ZONING ORDINANCE OR A SPECIAL EXCEPTION WILL BE FILED



Light Poles



Tree Grates



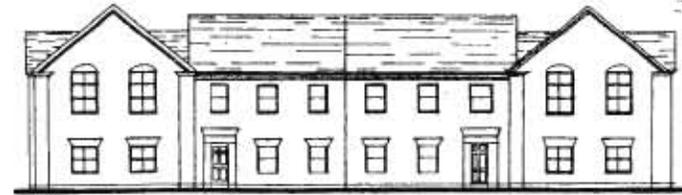
Ornamental/Landscape Pots



Benches



Trash Receptacles



Office Townhouse - Illustrative Elevation



NOTE: Illustrations are preliminary and represent an approximation of appearance. Subject to the Lorton South Station Commercial Center.

REVISED BY: [Signature]  
DATE: [Date]

**Dewberry & Davis**  
Engineers  
Planners  
Landscape  
Architects  
8401 Ash Road  
Fairfax, Va. 22031  
Tel: (703) 948-0518  
Fax: (703) 948-0518

SITE FURNISHINGS AND SIGNAGE  
**LORTON SOUTH STATION COMMERCIAL CENTER**  
FAIRFAX COUNTY, VIRGINIA  
MONITOR VERBACK DISTRICT

DATE: 08/11/00  
DESIGNED BY: [Signature]  
DATE: 08/11/00  
SCALE: 1/4"  
FILE NUMBER: [Number]  
SHEET: 3 of 8  
PROJECT NUMBER: 0-10004

## FAIRFAX COUNTY, VIRGINIA

## MEMORANDUM

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

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

**FILE:** 3- 4 (RZ 2004-MV-025)  
3-5 (SE 99-V-020)

**SUBJECT:** Transportation Impact

**REFERENCE:** RZ 2004-MV-025; SEA 99-V-020  
Traffic Zone: 1638  
Land Map ID# 107-4 ((23)) E4, E5

**DATE:** March 13, 2005

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based on plans made available to this Department dated November 5, 2004.

The applicant proposes the location of a childcare center, within the approved Special Exception. Maximum childcare enrollment is 140.

This department does not object to the subject application.

AKR/AK:ak  
c:\mword\rz-cases\rz04mv025

cc: Michele Brickner, Acting Director, Office of Site Development Services, DPW & ES

## FAIRFAX COUNTY, VIRGINIA

## MEMORANDUM

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

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

**SUBJECT:** ENVIRONMENTAL ASSESSMENT for: PCA 1999-MV-025  
SEA 99-V-020

Minnieland Private Day School, Inc.

**DATE:** January 26, 2005

The Environment and Development Review Branch has reviewed this application to permit a child care center within an approved shopping center. No significant environmental issues have been identified as a result of this evaluation.

## SELECTED EXCERPTS FROM THE ZONING ORDINANCE

### PART 6 4-600 C-6 COMMUNITY RETAIL COMMERCIAL DISTRICT

#### 4-601 Purpose and Intent

The C-6 District is established to provide locations for retail commercial and service uses which are oriented to serve several neighborhoods or approximately 20,000 persons. Typical uses to be found in the C-6 District include those uses found in the C-5, Neighborhood Retail Commercial District, and in addition such uses as a variety-department store, a florist, milliner, furniture store, radio and television repair shop, such specialty stores as children's shoes, gifts, candy, lingerie, liquor, women's apparel, book store, children's wear, toys, haberdashery, athletic goods, and a movie theater.

Development within the district should be encouraged in compact centers that are planned as a unit and preferably confined to one quadrant of an intersection so as to provide for orderly development; maximize comparison shopping; permit one-stop shopping; minimize traffic congestion; and provide for safe and unimpeded pedestrian movement.

Generally, the ultimate size of a C-6 District in a given location in the County should not exceed an aggregate gross floor area of 400,000 square feet or an aggregate site size of forty (40) acres.

#### 4-606 Lot Size Requirements

1. Minimum lot area: 40,000 sq. ft.
2. Minimum lot width: 200 feet
3. The minimum lot size requirements may be waived by the Board in accordance with the provisions of Sect. 9-610.

#### 4-607 Bulk Regulations

1. Maximum building height: 40 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607
2. Minimum yard requirements
  - A. Front yard: Controlled by a 45° angle of bulk plane, but not less than 40 feet
  - B. Side yard: No Requirement
  - C. Rear yard: 20 feet
3. Maximum floor area ratio: 0.40, provided however an increase to 0.50 may be permitted by the Board in accordance with the provisions of Sect. 9-618

SELECTED EXCERPTS FROM THE ZONING ORDINANCE

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

**4-608 Open Space**

15% of the gross area shall be landscaped open space

**ARTICLE 9**

**SPECIAL EXCEPTIONS**

**PART 0 9-000 GENERAL PROVISIONS**

**9-001 Purpose and Intent**

There are certain uses, like those regulated by special permit, which by their nature or design can have an undue impact upon or be incompatible with other uses of land. In addition, there are times when standards and regulations specified for certain uses allowed within a given district should be allowed to be modified, within limitations, in the interest of sound development. These uses or modifications as described may be allowed to locate within given designated zoning districts under the controls, limitations, and regulations of a special exception.

The Board of Supervisors may approve a special exception under the provisions of this Article when it is concluded that the proposed use complies with all specified standards and that such use will be compatible with existing or planned development in the general area. In addition, in approving a special exception, the Board may stipulate such conditions and restrictions, including but not limited to those specifically contained herein, to ensure that the use will be compatible with the neighborhood in which it is proposed to be located. Where such cannot be accomplished or it is determined that the use is not in accordance with all applicable standards of this Ordinance, the Board shall deny the special exception.

**9-006 General Standards**

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

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in

## SELECTED EXCERPTS FROM THE ZONING ORDINANCE

accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

### 9-304

#### **Standards for all Category 3 Uses**

In addition to the general standards set forth in Sect. 006 above, all Category 3 special exception uses shall satisfy the following standards:

1. For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.
2. Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.
3. Except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.
4. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

9-309

**Additional Standards for Child Care Centers and Nursery Schools**

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed. For the purpose of this provision, usable outdoor recreation area shall be limited to:
  - A. That area not covered by buildings or required off-street parking spaces.
  - B. That area outside the limits of the minimum required front yard, unless specifically approved by the Board in commercial and industrial districts only.
  - C. Only that area which is developable for active outdoor recreation purposes.
  - D. An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.
  
2. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the Director. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the Board deems to be necessary or advisable:

Number of Persons	Street Type
1-75	Local
76-660	Collector
660 or more	Arterial

3. All such uses shall be located so as to permit the pick-up and delivery of all persons on the site.
  
4. Such use shall be subject to the regulations of Chapter 30 of The Code or Title 63.1, Chapter 10 of the Code of Virginia.

**CHILD CARE CENTER:** A structure, other than a dwelling or mobile home, where one (1) or more children receive care, protection and supervision on a regular basis during only part of a twenty-four (24) hour day unattended by parent or legal guardian.

## SELECTED EXCERPTS FROM THE ZONING ORDINANCE

**STREET:** A strip of land intended primarily for vehicular traffic and providing the principal means of access to property, including but not limited to road, lane, drive, avenue, highway, boulevard, or any other thoroughfare.

- **STREET, COLLECTOR:** A street which provides for principal internal movements at moderate operating speeds within residential developments, neighborhoods and commercial or industrial districts. It also provides the primary means of circulation between adjacent neighborhoods and can serve as a local bus route. A collector street functions to distribute trips from arterials to local and other collector streets. Conversely, it collects traffic from local streets and channels it into the arterial system. The collector street provides for the dual purpose of land access and local traffic movement. In line with its dual function, there must be continuity in the pattern of these streets.

## 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.

**L<sub>dn</sub>:** 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. L<sub>dn</sub> 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	RJP	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		