



# County of Fairfax, Virginia

November 2, 2006

## STAFF REPORT

APPLICATION PCA 1999-MV-025-02 & SEA 99-V-020-02

### MOUNT VERNON DISTRICT

APPLICANT:	Bank of America, N.A.
PRESENT ZONING:	C-6
PARCEL(S):	107-4((23)) pt. E4
ACREAGE:	1.34 acres
FLOOR AREA RATIO (FAR):	0.13 (Overall Shopping Center) 0.08 (Special Exception Area)
OPEN SPACE:	30% (Overall Shopping Center) 30% (Special Exception Area)
PLAN MAP:	Mixed Use
SE CATEGORY:	Category 5; Drive-in Bank
PROPOSAL:	Amend the proffers for RZ 1999-MV-025 and amend SE 99-MV-020 previously approved for increase in building height and a child care center to permit a drive-in bank.

### STAFF RECOMMENDATIONS:

Staff recommends that PCA 1999-MV-025-02 be approved subject to the draft proffers contained in Appendix 1.

Staff recommends that SEA 99-V-020-02 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.

O:\SWILL\PCAPCA 1999-MV-025-02-SEA 99-V-020-02\Staff Report\Cover.doc

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

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

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

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



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-025-02**

**Applicant:** BANK OF AMERICA, N.A.  
**Accepted:** 07/11/2006  
**Proposed:** TO AMEND RZ 1999-MV-025 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT TO PERMIT A DRIVE-IN BANK

**Area:** 1.34 AC OF LAND; DISTRICT - MOUNT VERNON

**Zoning Dist Sect:**  
**Located:** SOUTHWEST QUADRANT OF THE INTERSECTION OF LORTON ROAD

**Zoning:** C- 6  
**Overlay Dist:**  
**Map Ref Num:** 107-4- /23/ / E4 Pt.

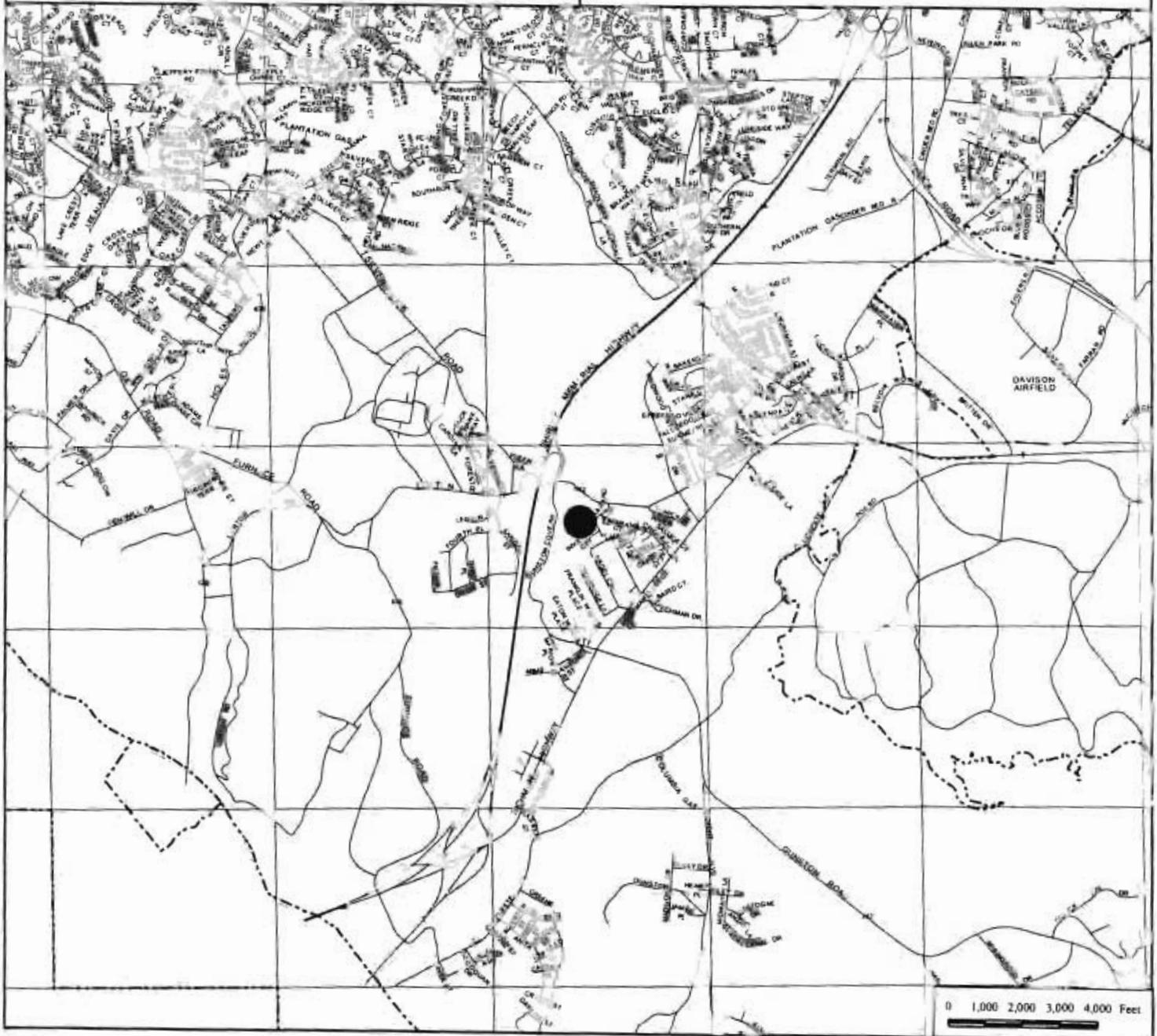
### Special Exception Amendment

**SEA 99-V -020-02**

**Applicant:** BANK OF AMERICA, N.A.  
**Accepted:** 07/11/2006  
**Proposed:** AMEND SE 99-V-020 PREVIOUSLY APPROVED FOR INCREASE IN BUILDING HEIGHT AND CHILD CARE CENTER TO PERMIT A DRIVE-IN BANK

**Area:** 1.34 AC OF LAND; DISTRICT - MOUNT VERNON

**Zoning Dist Sect:** 04-0604  
**Art 9 Group and Use:** 5-06  
**Located:** 9405 LORTON MARKET STREET  
**Zoning:** C- 6  
**Plan Area:** 4,  
**Overlay Dist:**  
**Map Ref Num:** 107-4- /23/ / E4 Pt.



### Proffered Condition Amendment

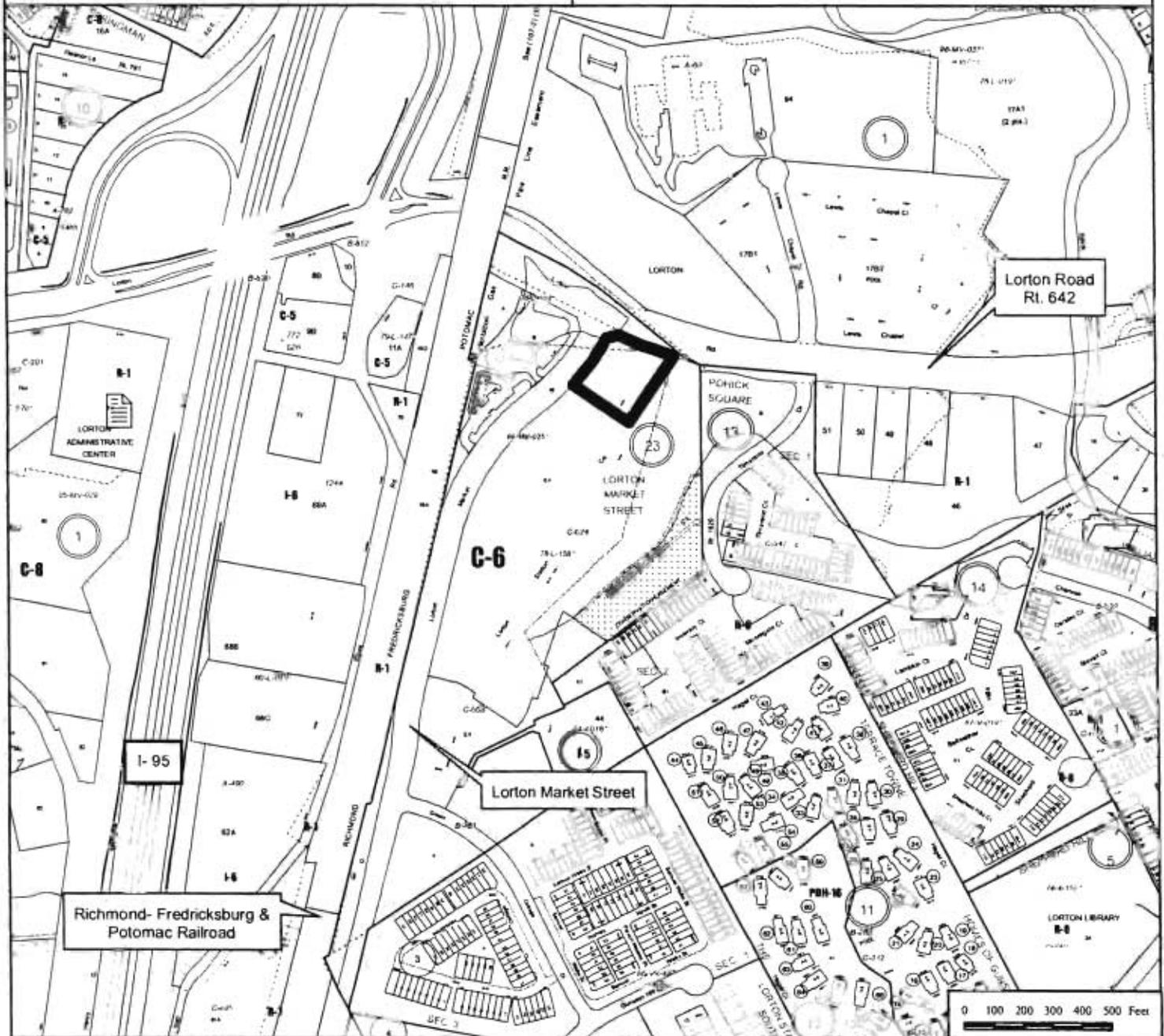
**PCA 1999-MV-025-02**

**Applicant:** BANK OF AMERICA, N.A.  
**Accepted:** 07/11/2006  
**Proposed:** TO AMEND RZ 1999-MV-025 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT TO PERMIT A DRIVE-IN BANK  
**Area:** 1.34 AC OF LAND; DISTRICT - MOUNT VERNON  
**Zoning Dist Sect:**  
**Located:** SOUTHWEST QUADRANT OF THE INTERSECTION OF LORTON ROAD  
**Zoning:** C-6  
**Overlay Dist:**  
**Map Ref Num:** 107-4- /23/ / E4 Pt.

### Special Exception Amendment

**SEA 99-V-020-02**

**Applicant:** BANK OF AMERICA, N.A.  
**Accepted:** 07/11/2006  
**Proposed:** AMEND SE 99-V-020 PREVIOUSLY APPROVED FOR INCREASE IN BUILDING HEIGHT AND CHILD CARE CENTER TO PERMIT A DRIVE-IN BANK  
**Area:** 1.34 AC OF LAND; DISTRICT - MOUNT VERNON  
**Zoning Dist Sect:** 04-0604  
**Art 9 Group and Use:** 5-06  
**Located:** 9405 LORTON MARKET STREET  
**Zoning:** C-6  
**Plan Area:** 4,  
**Overlay Dist:**  
**Map Ref Num:** 107-4- /23/ / E4 Pt.



# BANK OF AMERICA

## LORTON STATION SOUTH COMMERCIAL CENTER

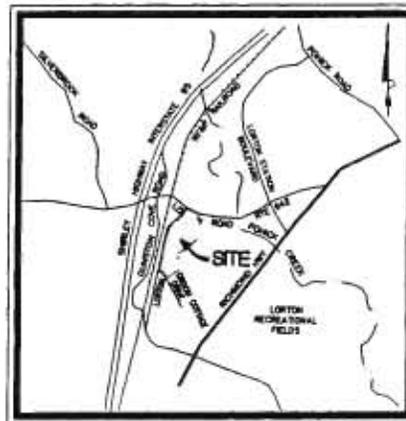
ADDITION OF DRIVE-IN BANK USE TO PREVIOUSLY PROFFERED PLAN

MOUNT VERNON DISTRICT    FAIRFAX COUNTY, VIRGINIA

### GENERALIZED DEVELOPMENT PLAN SPECIAL EXCEPTION AMENDMENT PLAT

PCA 1999-MV-025 /SEA 99-V-020

JULY 5, 2006  
REVISED THROUGH OCTOBER 23, 2006



**VICINITY MAP**  
SCALE: 1" = 200'

**APPLICANT:**

BANK OF AMERICA  
OAK CLIFF OFFICE  
400 S. ZANG BOULEVARD  
TX2-501-11-01  
DALLAS, TX 75205-6601

**PREPARED BY:**

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

**AGENT:**

COOLEY GODWARD, LLP  
ONE FREEDOM SQUARE  
RESTON TOWN CENTER  
11951 FREEDOM DRIVE  
RESTON, VA 20150

**SHEET INDEX**

1. COVER SHEET
2. NOTES & TABULATIONS
3. LIMITS OF PCA / SEA
4. OVERALL SHOPPING CENTER SITE (RZ-1999-MV-025) \*  
\* ORIGINAL APPROVED (RZ 1999-MV-025, SE 99-V-020)  
AS PREPARED BY DEWBERRY & DAVIS  
FOR INFORMATION ONLY

**Bowman**  
CONSULTING

Bowman Consulting Group, Ltd.  
14020 Thunderbolt Place  
Chantilly, Virginia 20151  
Phone: (703) 84-1000  
Fax: (703) 84-1000  
www.bowmanconsulting.com

COVER SHEET  
**BANK OF AMERICA**  
LORTON STATION SOUTH COMMERCIAL CENTER  
MOUNT VERNON DISTRICT    FAIRFAX COUNTY, VIRGINIA

SEA  
COUNTY PROJECT NUMBER

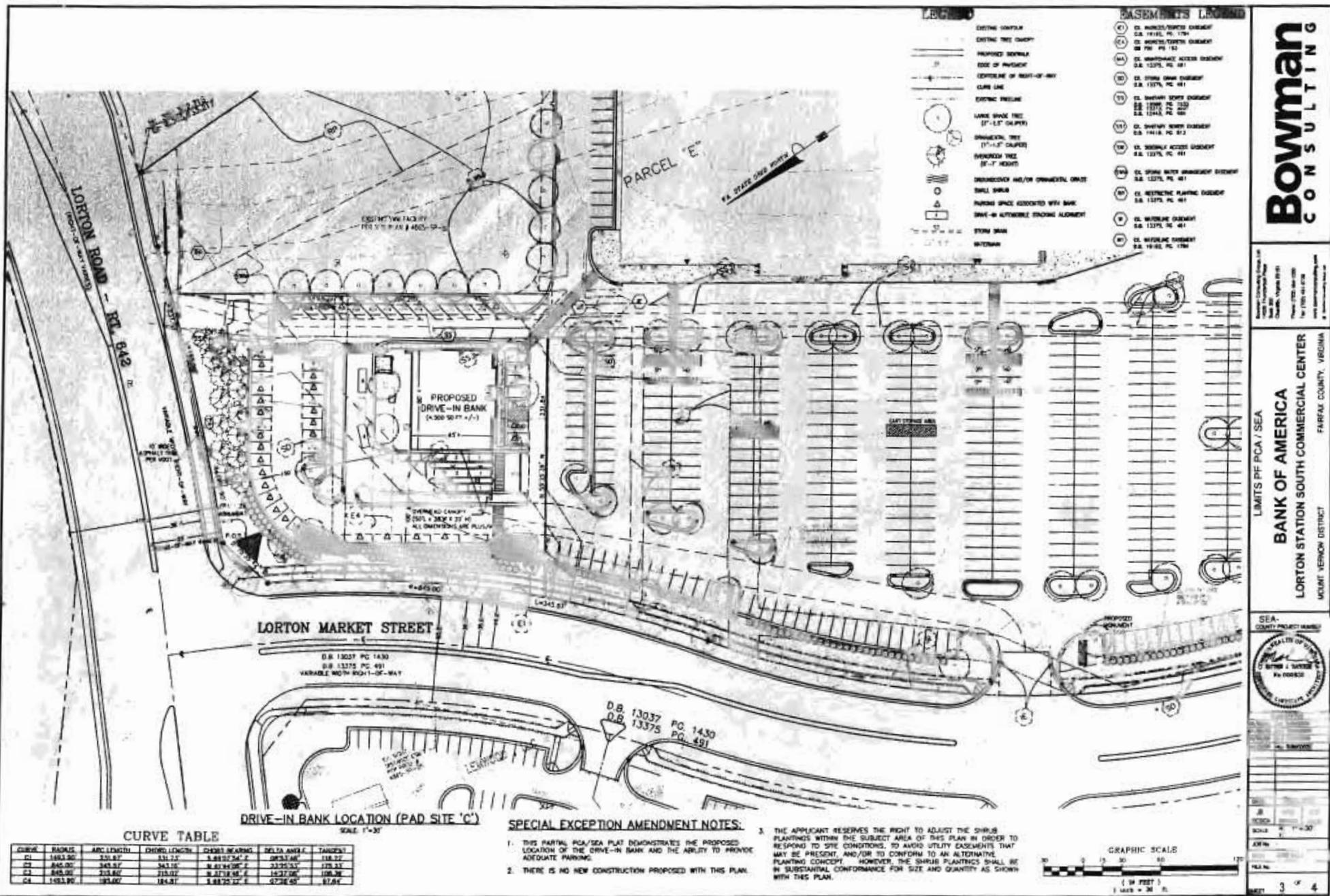


NO.	DESCRIPTION
1	COVER SHEET
2	NOTES & TABULATIONS
3	LIMITS OF PCA / SEA
4	OVERALL SHOPPING CENTER SITE (RZ-1999-MV-025) *

DATE	DESCRIPTION
BY	DATE
SCALE	AS NOTED
DATE	JUNE 2006
FILE NO.	





**LEGEND**

- EXISTING CURB
- EXISTING TREE CROWN
- PROPOSED SIDEWALK
- EDGE OF PAVEMENT
- CENTRAL LINE OF RIGHT-OF-WAY
- CLASH LINE
- EXISTING FENCE
- LARGE SHADE TREE (27'-12" DIA/DB)
- ORNAMENTAL TREE (17'-12" DIA/DB)
- SHRUBBED TREE (8'-7" HEIGHT)
- DRIVEWAY AND/OR ORNAMENTAL DRIVE
- SMALL SHRUB
- PARKING SPACE ASSOCIATED WITH BANK
- DRIVE-IN RETAIL/STORAGE ALIGNMENT
- STORM DRAIN
- WATERMAIN

**EASEMENTS LEGEND**

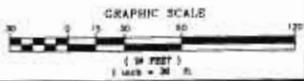
- (1) E. SIDEWALK/STREET EASEMENT  
S.B. 1916, PC 174
- (2) E. SIDEWALK/STREET EASEMENT  
S.B. 1916, PC 174
- (3) E. SIDEWALK/STREET EASEMENT  
S.B. 1916, PC 174
- (4) E. SIDEWALK/STREET EASEMENT  
S.B. 1916, PC 174
- (5) E. SIDEWALK/STREET EASEMENT  
S.B. 1916, PC 174
- (6) E. SIDEWALK/STREET EASEMENT  
S.B. 1916, PC 174
- (7) E. SIDEWALK/STREET EASEMENT  
S.B. 1916, PC 174
- (8) E. SIDEWALK/STREET EASEMENT  
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- (11) E. SIDEWALK/STREET EASEMENT  
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- (12) E. SIDEWALK/STREET EASEMENT  
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- (13) E. SIDEWALK/STREET EASEMENT  
S.B. 1916, PC 174
- (14) E. SIDEWALK/STREET EASEMENT  
S.B. 1916, PC 174
- (15) E. SIDEWALK/STREET EASEMENT  
S.B. 1916, PC 174
- (16) E. SIDEWALK/STREET EASEMENT  
S.B. 1916, PC 174
- (17) E. SIDEWALK/STREET EASEMENT  
S.B. 1916, PC 174
- (18) E. SIDEWALK/STREET EASEMENT  
S.B. 1916, PC 174
- (19) E. SIDEWALK/STREET EASEMENT  
S.B. 1916, PC 174
- (20) E. SIDEWALK/STREET EASEMENT  
S.B. 1916, PC 174

**CURVE TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	1843.90	331.87	331.12	S. 88°57'34" E	98°53'48"	118.22
C2	845.00	343.57	343.16	S. 81°34'08" E	33°25'33"	175.23
C3	845.00	323.80	323.02	S. 87°38'56" E	16°37'06"	108.36
C4	1453.00	193.67	184.31	S. 88°25'27" E	67°38'45"	87.61

**SPECIAL EXCEPTION AMENDMENT NOTES:**

- THIS PARTIAL PCA/SEA PLAN DEMONSTRATES THE PROPOSED LOCATION OF THE DRIVE-IN BANK AND THE ABILITY TO PROVIDE ADEQUATE PARKING.
- THERE IS NO NEW CONSTRUCTION PROPOSED WITH THIS PLAN.
- THE APPLICANT RESERVES THE RIGHT TO ADJUST THE SHRUB PLANTINGS WITHIN THE SUBJECT AREA OF THIS PLAN IN ORDER TO RESPOND TO SITE CONDITIONS, TO AVOID UTILITY EASEMENTS THAT MAY BE PRESENT, AND/OR TO CONFORM TO AN ALTERNATIVE PLANTING CONCEPT. HOWEVER, THE SHRUB PLANTINGS SHALL BE IN SUBSTANTIAL CONFORMANCE FOR SIZE AND QUANTITY AS SHOWN WITH THIS PLAN.



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Falls Church, Virginia 22046  
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LIMITS OF PCA / SEA  
**BANK OF AMERICA**  
LORTON STATION SOUTH COMMERCIAL CENTER  
MOUNT VERNON DISTRICT  
FAIRFAX COUNTY, VIRGINIA



DATE: 11-14-20  
SCALE: 1" = 30'  
JOB NO.  
SHEET 3 OF 4



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

**DESCRIPTION OF THE APPLICATION**

The applicant, Bank of America, N.A., has filed a request to amend the proffers for RZ 1999-MV-025 for a 1.34 acre portion of the Lorton Station Shopping Center and to amend SEA 99-V-020, previously approved for automobile-oriented uses and an increase in building height, and a child care center to allow a drive-in bank to be added to the previously approved shopping center. The proffers approved with the original rezoning listed pharmacies with drive-thru windows as a permitted use on Pad C only, and financial institutions were listed as a permitted use within the buildings as shown on the GDP/SE plat. However, the drive-in bank use was not listed in the approved proffers as an approved permitted use on the subject site nor included as a component of the special exception request. A site plan depicting a drive-in bank use was approved in error. Building permits for a drive-in bank were also approved in error. The drive-in bank has been constructed within a portion of the property previously approved for a 10,000 gross square foot pad site. A Non-Residential Use Permit (Non-RUP) has been approved for the financial institution with the limitation that the drive-in use is not to be used until such time as a Non-RUP is issued for a drive-in bank. The subject applications have been filed to seek the required approvals to permit the drive-in bank use. Each of the two applications covers the same 1.34 acre portion of the 32.97 acre property that is subject to both RZ 1999-MV-025 and SE-1999-MV-020.

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-025-02 is included as Appendix 1. Appendix 2 is the proposed development conditions for SEA 99-V-020-02. The applicant's affidavit is in Appendices 3 and 4 the statements provided by the applicant are in Appendix 5.

**LOCATION AND CHARACTER**

Shopping Center: The shopping center is located south of Lorton Road, east of the RF& P railroad tracks and along Lorton Market Street. The 1.34 acre application property for these amendment applications is a portion ("Pad Site C") of the original 32.97 acre application property subject to both RZ 1999-MV-025 and SE 1999-MV-020. The proffers approved with the original rezoning listed pharmacies with drive-thru windows as a permitted use on Pad C only, and the approved GDP showed a 10,000 gross square foot building footprint on Pad C.

The subject site is located east of Lorton Market Street, in the southeast quadrant of the intersection of Lorton Road and Lorton Market, and is accessed solely from Lorton Market Street via the main shopping center entrance. The main shopping center building, east of Lorton Market Street, contains 134,500 square feet of retail space and 16,000 square feet of other non-residential space on a second story. In addition, this area includes 21,000 square feet of office space to the south of the main

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care center located (previously approved with PCA 1999-MV-025 & SEA 99-V-020). The pending applications do not propose to change the approved architectural treatment, landscaping, or the location of the entrances to Lorton Market Street.

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**

On April 24, 2000, the Board of Supervisors approved RZ 1999-MV-025 to rezone 32.97 acres from the I-3, I-6, and PDH-5 Districts to the C-6 District subject to proffers dated April 18, 2000. The application property was included in the land area subject to RZ 1999-MV-025.

On April 24, 2000, the Board of Supervisors approved SE 99-V-020 for a combined service station/mini-mart and fast food restaurant, a fast food restaurant with drive-in facilities, a drive-through pharmacy, and an increase in building height to permit construction of a clock tower, subject to development conditions. The application property was included in the land area subject to SE 99-V-020.

On November 18, 2002, the Board of Supervisors approved additional time to commence construction for SE 1999-MV-020.

On May 9, 2005, the Board of Supervisors approved PCA 1999-MV-025 to allow a child care center in a shopping center, subject to proffers dated April 1, 2005. The application property was included in the land area subject to PCA 1999-MV-025. Concurrently, the Board of Supervisors approved SEA 99-V-020 to allow a 6,600 square foot child care center to be included within the main building of the shopping center. The application property was not included in the land area subject to SEA 99-V-020.

Copies of the Clerk to Board's letters, along with the approved proffers and development conditions for these applications are provided in Appendices 6-9.

## 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:** Bank of America, Lorton Station South Commercial Center – Addition of Drive-in Bank use to previously proffered plan

**Prepared By:** Bowman Consulting

**Original and Revision Dates:** June 2006 as revised through October 23, 2006

The submitted combined Generalized Development Plan/Special Exception Amendment Plat (GDP/SEA Plat) consists of a total of 4 sheets. Sheet 1, the Cover Sheet, contains a location map, sheet index; and the contact information for the applicant, owners, and engineer. Sheet 2, the Notes and Tabulations Sheet, contains the general notes, site tabulations, and minimum stormwater information.

Sheet 3 is the proposed site layout. As shown, access to the overall shopping center is provided along the western boundary from Lorton Market Street. The layout shows the existing one-story bank building with a gross floor area of 4,500 square feet. Sheet 4 is the overall shopping center layout approved with RZ 1999-MV-025.

#### Description of the drive-in bank:

The one-story drive-in bank is located on the northernmost end of the shopping center and contains approximately 4,500 gross square feet. The building faces southwest into the interior of the shopping center. The main entrance to the drive-in bank is on the southern façade, with the most of the parking located behind or on the north side of the building. There are five parking spaces located in front of the main entrance to the building, including two handicapped accessible spaces. There are two teller drive-thru lanes, one ATM drive-thru lane, and one bypass lane located on the west side of the building. The travel aisles throughout the parking area are 24 feet in width and eight foot wide pedestrian crosswalks are shown to be provided for pedestrian circulation throughout the site. A landscaped 28 foot wide buffer area is provided along the northern boundary of the site and 26 foot wide buffer area is provided along the western boundary of the site. The combined GDP/SEA also shows a 10 foot wide trail to be provided along Lorton Road, along the northern boundary of the subject site. Ingress/egress to the subject site is provided from the main shopping center area via 24 foot wide travel aisles.

The subject building is a rectangular building with an attached drive-thru canopy over three drive-thru lanes. The main entry is comprised of a window wall system that extends approximately two-thirds up the stucco building. There is a canopy along the eastern façade and along the front façade of the building over the ATM and the entrance to the building.

#### **Land Use Analysis**

The proposal to add a drive-in bank to the previously approved shopping center is consistent with the land use recommendations of the Comprehensive Plan with regard to this property.

**Transportation Analysis (Appendix 10)****Sidewalk Connection – Lorton Market Street****Issue:**

The applicant should reaffirm the commitment to provide the sidewalk connection (as shown on plan) along Lorton Market Street from Lorton Road to the main access to the shopping center.

**Resolution:**

The current GDP/SEA plat shows a 5 foot wide sidewalk connection along Lorton Market Street from its intersection with Lorton Road to the subject property's southwestern boundary. Therefore this issue has been resolved.

**Pedestrian Connection****Issue:**

A pedestrian connection from the eastern portion of the site to the existing Lorton Road trail should be provided.

**Resolution:**

The revised GDP/SEA plat shows a 10 foot wide trail to be provided along Lorton Road, along the northern boundary of the subject site, connecting to the Lorton Road trail. Therefore this issue has been resolved.

**Parking Spaces****Issue:**

The parallel parking spaces just west of the drive-through windows should be eliminated to improve vehicular circulation along the bypass lane to the west of the drive-thru lanes.

**Resolution:**

The applicant has revised the GDP/SEA plat to provide eight foot wide pedestrian crosswalks to be provided throughout the site. While staff continues to recommend that the parking spaces identified be eliminated, staff believes that the pedestrian and vehicular circulation associated with the use will not be hazardous.

**ZONING ORDINANCE PROVISIONS (Appendix 11)****Bulk Standards**

This application request to allow a drive-in bank on a 1.34 acre portion of the shopping center previously approved pursuant to RZ 1999-MV-025 is in conformance 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 11.

<b>Bulk Standards C-6</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	40,000 square feet	58,370 square feet (1.34 acres)
Max. Building Height	60 ft.	40 ft.
Front Yard (Lorton Road)	45° angle of bulk plane, but not less than 40 feet	150 ft.
Front Yard (Lorton Market Street)	45° angle of bulk plane, but not less than 40 feet	100 ft.
Side Yard	No requirement	N/A
Rear Yard	20 feet	N/A
FAR	0.40	0.08
Open Space	15%	30%
Parking Spaces	40 space	47 spaces

**Transitional Screening and Barriers**

Each of the two applications covers the same 1.34 acre portion of the 32.97 acre property that is subject to both RZ 1999-MV-025 and SE-1999-MV-020. With the approval of RZ 1999-MV-025 and SE 1999-MV-020, the following transitional screening and barrier waivers and modifications were approved for areas surrounding the application property.

- Transitional screening yard requirements were modified along the northern boundary abutting Lorton Road and across from HOA open space associated with Lorton Station;
- The barrier requirements were also waived along the northern boundary

This proposal to add a drive-in bank 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 drive-in bank in a shopping center is based on the shopping center rate of 4.0 spaces per 1000 square feet of GFA for customer service, lobby and teller area, plus additional space required for any associated offices. The tabulations on Sheet 2 state that 40 parking spaces are required; as illustrated on Sheet 3, there are 49 parking spaces located on the subject site, including two handicapped accessible spaces.

## **Special Exception Requirements (See Appendix 11)**

General Special Exception Standards (Sect. 9-006)

Category 5 Standards (Sect. 9-503)

Additional Standards for Automobile-oriented uses, car washes, drive in banks, drive-through pharmacies, fast food restaurants, quick service food stores, service stations, and service stations/mini-marts (Sect. 9-505)

### General Standards (Sect. 9-006)

- Par. 1 requires that the proposed use be in harmony with the Comprehensive Plan. Staff has concluded the proposed bank with three drive-thru windows is in harmony with the land use recommendations of the Comprehensive Plan, including Plan guidelines for floor area ratio, and pedestrian and vehicular circulation.
- Par. 2 requires that the proposed use be in harmony with the purpose and intent of the applicable zoning district regulations. Staff has concluded that the purpose and intent of the C-6 District has been satisfied because the proposed drive-thru bank is consistent with the purpose of the C-6 District to provide development 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; minimize traffic congestion; and provide for safe and unimpeded pedestrian movement.
- Par. 3 requires that the proposed use be harmonious with and not adversely affect the use or development of adjacent properties. The proposed drive-thru bank is located within a shopping center zoned C-6 and also planned for mixed uses, thereby satisfying this standard.
- Par. 4 states that pedestrian and vehicular traffic associated with the use not be hazardous or conflict with existing or anticipated traffic in the neighborhood. The access to the overall site was previously approved with RZ 1999-MV-025. The existing drive-in bank contains three drive-thru windows and a bypass lane and provided sufficient area for the required stacking spaces for three drive-thru windows. The combined

GDP/SE Plat shows eight foot wide pedestrian crosswalks to be provided throughout the site; therefore staff has concluded that the pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing or anticipated traffic in the neighborhood, and that this standard has been satisfied.

- Par. 5 addresses the requirements of Article 13, Landscaping, and Screening. The existing landscaping and screening for the site were previously approved with RZ 1999-MV-025. With this application has requested to have the transitional screening and barrier waivers and modifications previously approved to be reaffirmed. In addition the GDP/SEA plat shows additional shrubs and planting to be provided along the northern and eastern boundary of the site; therefore staff concludes that this standard has been satisfied.
- Par. 6 requires that open space be provided as required in the zoning district. The application property meets the minimum open space requirement of the C-6 District.
- Par. 7 addresses the adequate provision of utilities, drainage, parking and loading at the site. Adequate utilities, drainage, and parking requirements have been met with this application. The minimum required parking spaces required for the drive-in bank use is 40 parking the spaces. The existing site contains 49 parking spaces, including 2 handicapped accessible spaces. There are no issues related to utilities and drainage as there is no new construction proposed with this application.
- Par. 8 states that all signs are regulated by the provisions of Article 12, Signs. Staff has proposed a development condition to ensure all signs on the site will be in accordance with Article 12 of the Zoning Ordinance; therefore this standard has been satisfied.

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

*Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.*

The application meets the lot size and bulk requirements for the C-6 District.

*All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14.*

Staff has proposed a development condition to ensure that all lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.

*Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.*

Staff has proposed a development condition to ensure that this Special Exception will be subject to the provisions of Article 17.

Additional Standards for Automobile-oriented uses, car washes, drive in banks, drive-through pharmacies, fast food restaurants, quick service food stores, service stations, and service stations/mini-marts (Sect. 9-505)

*Such use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.*

Staff has proposed a development condition to ensure that the drive-in bank building will be architecturally similar to the main shopping center building; therefore this standard has been met.

*Such use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.*

The vehicular circulation proposed with this application is consistent with the circulation previously approved with RZ 1999-MV-025. Pedestrian circulation has been improved with this application which proposes 8 foot-wide pedestrian crosswalks throughout the site; therefore this standard has been met.

*The site shall be designed to minimize the potential for movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle pedestrian access to all uses on the site.*

As discussed previously, the minimum required parking spaces required for the drive-in bank use is 40 parking the spaces. The existing site contains 49 parking spaces, including 2 handicapped accessible spaces. The access to the overall site was previously approved with RZ 1999-MV-025. The existing drive-in bank contains three drive-thru windows and a bypass lane and provided sufficient area for the required stacking spaces for three drive-thru windows. The combined GDP/SE Plat shows eight foot wide pedestrian crosswalks to be provided throughout the site; therefore this standard has been met.

*In reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.*

The subject site is located within a commercial shopping center previously approved with RZ 1999-MV-025, the drive-in bank use will not adversely affect any nearby existing or planned residential areas; therefore this standard has been met.

*There shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.*

Staff has proposed a development condition to ensure that there will be no outdoor storage or display of goods offered for sale; therefore this standard has been met.

### **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 and PCA 1999-MV-025 and add the drive-in bank use as a permitted use on the site. These amendment applications conform with those proffers with the addition of the drive-in bank use to the proffered list of uses allowed within the shopping center located east of Lorton Market Street. 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 99-V-020-02 are in addition to development conditions previously approved with SEA 99-V-020. The conditions associated with SE 99-V-020 and SEA 99-V-020 remain in effect for those portions of that application not included in this amendment application property.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The proposal to add a drive-in bank to the shopping center located 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 with any of the bulk requirements of the C-6 District and the proposed drive-in bank complies with the applicable special exception standards.

Issues related to the environment, transportation and public facilities were addressed at the time of the approval of RZ 1999-MV-025 & SE 99-V-020. As this application is a request to allow drive-in bank with a GFA less than the previously approved drive-through pharmacy on the subject site and does not affect the compliance with the bulk standards for the C-6 District or applicable Zoning Ordinance provisions and Comprehensive Plan recommendations, no outstanding issues have been raised with this application.

### **Recommendation**

Staff recommends that PCA 1999-MV-025-02 be approved subject to the draft proffers contained in Appendix 1.

Staff recommends that SEA 99-V-020-02 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. Rezoning Affidavit (PCA 1999-MV-025-02)
4. Special Exception Affidavit (SEA 99-V-020-02)
5. Applicant's Statement of Justification
6. Clerk to the Board's Letter and Proffers for RZ 1999-MV-025
7. Clerk to the Board's Letter regarding SE 99-V-020
8. Clerk to the Board's Letter and Proffers for PCA 1999-MV-025
9. Clerk to the Board's Letter regarding SEA 99-V-020
10. Transportation Analysis
11. Selected Excerpts from the Zoning Ordinance
12. Glossary of Terms

**DRAFT PROFFERS****Bank of America, N.A.****PCA 1999-MV-025-02****October 23, 2006**

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)) Pt.E4 (the "Property"), Bank of America, N.A. (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 therein after 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 June 8, 2006 as revised through October 23, 2006.

**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:

- *Drive-In Bank (up to 10,000 SF on Pad "C" only)*

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

**APPLICANT/LESSEE**

By: **Bank of America, N.A.**

By: \_\_\_\_\_

Name: Jay Taylor

Title: Senior Vice President

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

**Columbia Lorton Station Marketplace, LLC**

By:

By: \_\_\_\_\_

Name:

Title:

**PROPOSED DEVELOPMENT CONDITIONS****SEA 99-MV-020-02****November 2, 2006**

If it is the intent of the Board of Supervisors to approve SEA 99-V-020-02 located at 9405 Lorton Market Street (Tax Map 107-4((23)) pt. E4) to amend SE 99-V-020 previously approved for a combined service station/mini-mart and fast food restaurant, a fast food restaurant with drive-in facilities, a drive-through pharmacy, and an increase in building height for construction of a clock tower, to permit a drive-in bank pursuant to Sect. 9-501 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions; these condition supersede all previous conditions for Pad C; tax Map 107-4((23)) pt. E4. The conditions associated with SE 99-V-020 and SEA 99-V-020 remain in effect for those portions of those applications not included in this special exception amendment.

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 Generalized Development Plan/Special Exception Plat entitled Bank of America, Lorton Station South Commercial Center, Addition of Drive-in Bank use to previously proffered plan, prepared by Bowman Consulting, consisting of four (4) sheets and dated June 2006 as revised through October 9, 2006, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. All modifications shown on the GDP/SE Plat, including parking lot modifications and landscaping improvements within the SE area, shall be completed prior to the issuance of a Non-Residential Use Permit.
5. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
6. A maximum of (three) drive through window lanes shall be allowed.

7. All signs shall use similar colors that are consistent with the existing signs in the shopping center as approved by DPZ. Such consistency shall be demonstrated to DPZ at the time of sign permit application. Signs shall be lighted only during the hours of operation. All signs shall be in conformance with the provisions of Article 12 of the Zoning Ordinance.
8. There shall be no outdoor storage or display of goods offered for sale
9. The exterior design, building materials and colors used for the drive-in bank shall be consistent with the exterior building materials used in the Lorton South Commercial Center as approved by the Department of Public Works and Environmental Services (DPWES). Similar architectural detail shall be used on all four sides of the building. Photographic documentation and any additional materials which DPWES requires to make such a determination shall be provided by the applicant with submittal of a building permit. The determination shall be made by DPWES prior to the issuance of a Non-RUP for the use.

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

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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless a Non-RUP for the use has been issued. The Board of Supervisors may grant additional time for issuance of a Non-RUP for the use 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: October 13 2006  
 (enter date affidavit is notarized)

I, Katherine D. Youngbluth, 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

92131a

in Application No.(s): PCA 1999-MV-025-02  
 (enter County-assigned application number(s), e.g. RZ 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Bank of America, N.A. Agent: Jay (nmi) Taylor Peter J. Schleck William (nmi) Mostyn	Bank of America Oak Cliff Office 400 S. Zang Boulevard TX2-501-11-01 Dallas, TX 75208-6601	Applicant/Lessee
Trammell Crow Company Agent: Lloyd C. Nurkiewicz Timothy J. Bowman	100 N. Tryon Street Charlotte, NC 28255	Agent for Bank of America, N.A.
	Trammell Crow Company 3401 Columbia Pike Suite 301 Arlington, VA 22205	

(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: October 13, 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(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)
KSI Services, Inc. Agents: Richard W. Hausler Charles J. Kieler William J. Fennell	8081 Wolftrap Road Vienna, VA 22182	<b>Agent</b>
Elmwood Retail, LLC (former) Agents: Robert C. Kettler Richard W. Hausler	c/o KSI Services, Inc. 8081 Wolftrap Road Vienna, VA 22182	<b>Owner</b>
Bowman Consulting Group, Ltd. Agents: Michael G. Bruen Matthew J. Tauscher Jonathan D. Bondi	14020 Thunderbolt Place Suite 300 Chantilly, VA 20151	<b>Engineer/Agent</b>
Cooley Godward Kronish LLP (formerly Cooley Godward LLP) Agents: Antonio J. Calabrese, Esquire Mark C. Looney, Esquire Colleen Gillis Snow, Esquire Andrew R. Levinson, Esquire Jill D. Switkin, Esquire Jeffrey A. Nein, AICP Hillary Katherine Zahm, AICP Meaghen P. Murray, Planner Ben I. Wales, Planner Katherine D. Youngbluth, Planner Jason R. Rogers, Planner Sara L. Duvall, Planner	Reston Town Center One Freedom Square 11951 Freedom Drive Reston, VA 20190	<b>Attorneys/Agents</b>
Columbia Lorton Station Marketplace LLC Agents: Alan T. Roth Anne (nmi) Brettingen	121 West Forsyth Street Suite 200 Jacksonville, FL 32202	<b>Owner/Agent</b>

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

REZONING AFFIDAVIT

DATE: October 13, 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(enter County-assigned application number(s))

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

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

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)  
Bank of America, N.A.  
100 N. Tryon Street  
Charlotte, NC 28255

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)  
Publicly traded company on the New York Stock Exchange as BAC with more than 500 shareholders.

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer, etc.**)  
Jay (nmi) Taylor, Senior Vice President  
Peter J. Schleck, Market President  
William (nmi) Mostyn, Secretary

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

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

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

DATE: October 13 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(enter County-assigned application number (s))

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

Trammell Crow Company  
3401 Columbia Pike  
Suite 301  
Arlington, VA 22205

**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)

Publicly traded company on the New York Stock Exchange as TCC with more than 500 shareholders

=====

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

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

William F. Concannon, Vice Chairman	Rowland T. Moriarty, Board of Directors	E. Stevenson Belcher, Regional Dir.
James R. Erwin, Board of Directors	Michael A. Moses, Board of Directors	James R. Groch, President, Funds & Inv.
Curtis F. Feeny, Managing Director	Robert E. Sulentic, Chairman & CEO	Michael S. Khourie, President, Dev. & Inv.
Jeffrey M. Heller, President, Lead Director & COO	J. McDonald Williams, Chairman Emeritus	Michael J. Lafitte, President, Global Serv.

=====

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

Trammell Crow Company (CONTINUED)

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

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

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

=====

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

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

William F. Concannon, Vice Chair	John A. Stirek, President, Development & Investment Group
Derek R. McClain, Chief Financial Officer	Robert E. Sulentic, Chairman & CEO
Diane S. Paddison, Chief Operating Officer	
T. Christopher Roth, President, Development & Investment Group	

(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: October 13, 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(enter County-assigned application number (s))

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

KSI Services, Inc.  
8081 Wolfrap Road  
Vienna, VA 22182

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

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

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

Robert C. Kettler  
Richard W. Hausler

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

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

Robert C. Kettler, Chairman; Leslie D. Furst, Sr. VP of Finance; Jamie H. Gorski, Chief Mkt Officer; John M. Chappellear, Sr. VP, Condo  
Richard W. Hausler, Chairman; Wayne A. Hobbs, Sr. VP of Construction; Richard R. Lanham, VP of Design & Engineering; Operations  
Richard I. Knapp, Sr. VP; Edward S. Byrne, Sr. VP of Planning; Charlie J. Kieler, Sr. VP of Commercial Development  
Andrew W. Buchanan, Chief Financial Officer & Sec. Thomas A. Williamson, Sr. VP of Development Operations (former)

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

Elmwood Retail, LLC, c/o KSI Services, Inc. (former)  
8081 Wolfrap Road  
Vienna, Va 22182

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

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

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

Lorton Valley L.C. - 100% member

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

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

N/A

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

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

DATE: October 13 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(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, VA 20151

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

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

**NAMES OF 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.)

Gary P. Bowman, President	Jeffrey A. Blair, Vice President
Robert A. Hickey, Secretary/Treasurer	Walter C. Sampsell III, Vice President
Michael G. Bruen, Vice President/Asst. Secretary	Michael P. Pointer, Vice President
Patrick D. Quante, Vice President	

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

Lorton Valley L.C., c/o KSI Services, Inc. (former)  
8081 Wolftrap Road, Suite 300  
Vienna, VA 22182

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

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

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

Robert C. Kettler; Richard W. Hausler; Robert C. Kettler 2001 Family Trust - Steven Snider, Trustee (Beneficiaries: Robert C. Kettler, Charlotte Roberson Kettler, Milton Taylor Kettler, Caroline Canfield Kettler, Robert Peyton Kettler, Forest Walker Kettler); Hausler Family Irrevocable Trust - James Sack, Trustee (Beneficiaries: Richard W. Hausler, Lyndon Mary Margarita Skelly-Hausler, Laurel H. Hausler, Lee Anne Hausler, Katie S. Hausler)

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

N/A

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

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

DATE: October 13 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(enter County-assigned application number (s))

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

Columbia Lorton Station Marketplace, LLC  
121 West Forsyth Street  
Suite 200  
Jacksonville, FL 32202

**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)

Columbia Lorton Station Marketplace Member, LLC

=====

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

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

none

=====

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

Columbia Lorton Station Marketplace Member, LLC  
121 West Forsyth Street, Suite 200  
Jacksonville, FL 32202

**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)

Columbia Regency Partners II, LLC

=====

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

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

none

(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: October 13 2016  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(enter County-assigned application number (s))

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

Columbia Regency Partners II, LLC  
121 West Forsyth Street  
Suite 200  
Jacksonville, FL 32202

**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)

Columbia Perfco, Limited Partnership  
Regency Centers, L.P. (managing member)

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

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

none

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

Columbia Perfco Holdings Corporation  
c/o Office of the State Treasurer  
350 Winter Street, Suite 100, Salem, OR 97301

**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)

Oregon Public Employees Retirement Fund

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

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

Ronald D. Schmitz, President  
Linda M. Haglund, Treasurer  
Michael M. Mueller, Secretary

(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: October 13, 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(enter County-assigned application number (s))

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

Regency Centers Corporation  
121 West Forsyth Street  
Suite 200  
Jacksonville, FL 32202

**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)

Publicly traded on the New York Stock Exchange

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

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

Directors:	A. R. Carpenter	Douglas S. Luke	Director Emeritus - Joan Wellhouse Newton
Martin E. Stein, Jr.	J. Dix Druce, Jr.	John C. Schweitzer	Officers:
Raymond L. Bank	Mary Lou Fiala	Thomas G. Wattles	Martin E. Stein, Jr., Chairman & Chief Exec. Officer
C. Ronald Blankenship	Bruce M. Johnson	Terry N. Worrell	Mary Lou Fiala, Pres. & Chief Operating Officer

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

Regency Centers Corporation (CONTINUED)

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

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

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

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

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

Bruce M. Johnson, Exec. VP & Chief Financial Officer	John F. Euart, Exec. VP	Taylor O. Chess, Sr. VP
Brian M. Smith, Chief Investment Officer	Mark W. Harrigian, Exec. VP	Thomas K. Engberg, Sr. VP
James G. Buis, Exec VP	James D. Thompson, Exec. VP	Daniel J. Fox, Sr. VP
John S. Delatour, Exec. VP	Dan M. Chandler, Sr. VP	Norman A. Hofheimer, Sr. VP

- (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: October 13 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(enter County-assigned application number (s))

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

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)

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

J. Christian Leavitt, Sr. VP, Sec. & Trea.	John H. Pharr, Sr. VP	David T. Birdsall, VP	William E. Coats, VP
Snowden M. Leftwich, Sr. VP	H. Craig Ramey, Sr. VP	W. Stuart Brackenridge, VP	John M. Colucci, VP
West (nmi) Miller, Sr. VP	Barry E. Argalas, VP	Anne (nmi) Brettingen, VP	John C. Compton, VP
Lisa (nmi) Palmer, Sr. VP	Powell W. Arms, VP	Richard E. Bucy, VP	Tom K. Fleming, VP

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

Scott R. Franklin, VP	Jack E. Heinemann, VP	Whitney B. Kantor, VP	Patrick P. Krejs, VP	Paul A. Loubet, VP
Brian M. Fraser, VP	John R. Hricko, VP	Michael R. Kinsella, VP	Frank R. Kroner, VP	Robert J. Mahoney, VP
Deborah S. Froeb, VP	Mark R. Huffman, VP	Peter J. Knoedler, VP	Enrique (nmi) Legaspi, VP	Michael J. Mass, VP
John P. Hayes, VP	Linda D. Jinks, VP	Shawna S. Knyal, VP	Michael D. Leonard, VP	Paul C. Maxwell, VP

(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: October 13, 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(enter County-assigned application number (s))

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

**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)

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

David A. McNulty, VP & Assist. Sec.	Scott R. Prigge, VP	Gregg R. Sadowsky, VP	Martin K. Smith, VP
Kathy D. Miller, VP & Assist. Sec.	Bruce R. Qualls, VP	Douglas W. Shaffer, VP	Don E. Stedham, VP
Thomas C. Paul, VP	James P. Reuter, VP	Jamie C. Shelton, VP	Peggy (nmi) Wei, VP
Celia R. Paulk, VP & Assist. Sec.	Alan T. Roth, VP	Randle P. Shoemaker, VP	Christopher A. Widmayer, VP

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

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

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

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

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

Heidi A. Williams, VP and Assist. Sec.  
Scott L. Wilson, VP

(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: October 13, 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(enter County-assigned application number (s))

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

Regency Texas, LLC  
121 West Forsyth Street  
Suite 200  
Jacksonville, FL 32202

**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)

Regency Centers Corporation

=====

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

None

=====

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

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

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

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

=====

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

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

## REZONING AFFIDAVIT

DATE: October 13, 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(enter County-assigned application number(s))

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

## PARTNERSHIP INFORMATION

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

Cooley Godward Kronish LLP  
Reston Town Center  
One Freedom Square  
11951 Freedom Drive  
Reston, VA 20190(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)

Jane K. Adams	Robert J. Brigham	John W. Crittenden
Kenneth J. Adelson (former)	John P. Brockland	Janet L. Cullum
Matthias (nmi) Alder (former)	James P. Brogan	John A. Dado
Gian-Michele a Marca	Matthew T. Browne	Craig E. Dauchy
Gordon C. Atkinson	Robert T. Cahill	Darren K. DeStefano
Michael A. Attanasio	Antonio J. Calabrese	Scott D. Devereaux
Frederick D. Baron	Linda F. Callison	Jennifer Fønner DiNucci
Lee F. Benton (former)	Lynda K. Chandler	Kirk C. Dizon (former)
Keith J. Berets	Dennis Childs	James J. Donato
Laura A. Berezin	Paul G. Churchill (former)	Michelle C. Doolin
Barbara L. Borden	Richard E. Climan	John C. Dwyer
Jodie M. Bourdet	Thomas A. Coll	Robert L. Eisenbach, III
Lance W. Bridges	Joseph W. Conroy	Brent D. Fassett
Matthew J. Brigham	Carolyn L. Craig	M. Wainwright Fishburn, Jr.

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

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

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

DATE: October 13 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s) PCA 1999-MV-025-02  
(enter County-assigned application number (s))

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

Cooley Godward Kronish LLP  
Reston Town Center  
One Freedom Square  
11951 Freedom Drive  
Reston, VA 20190

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

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

- |                           |                       |                         |
|---------------------------|-----------------------|-------------------------|
| Keith A. Flaum            | Craig D. Jacoby       | Vincent P. Pangrazio    |
| Grant P. Fondo            | Eric C. Jensen        | Timothy G. Patterson    |
| Daniel W. Frank           | Robert L. Jones       | Anne H. Peck            |
| Richard H. Frank          | Barclay J. Kamb       | D. Bradley Peck         |
| William S. Freeman        | Jeffrey S. Karr       | Susan Cooper Philpot    |
| Steven L. Friedlander     | Margaret H. Kavalaris | Frank V. Pietrantonio   |
| Thomas J. Friel, Jr.      | J. Michael Kelly      | Mark B. Pitchford       |
| Koji F. Fukumura          | James C. Kitch        | Michael L. Platt        |
| James F. Fulton, Jr.      | Michael J. Klisch     | Christian E. Plaza      |
| William S. Galliani       | Barbara A. Kosacz     | Lori R.E. Ploeger       |
| John M. Geschke           | Michael S. Levinson   | Thomas F. Poche         |
| Mark R. Goldberg (former) | Elizabeth L. Lewis    | Anna B. Pope            |
| Kathleen A. Goodhart      | Michael R. Lincoln    | Marya A. Postner        |
| Shane L. Goudey           | James C. T. Linfield  | Steve M. Przesmicki     |
| William E. Grauer         | David A. Lipkin       | Frank F. Rahmani        |
| Jonathan G. Graves        | Samuel M. Livermore   | Thomas Z. Reicher       |
| Kenneth L. Guernsey       | Douglas P. Lobel      | Eric M. Reifschneider   |
| Patrick P. Gunn           | Michael X. Marinelli  | Michael G. Rhodes       |
| John B. Hale              | John T. McKenna       | Michelle S. Rhyu        |
| Andrew (nmi) Hartman      | Daniel P. Meehan      | Julie M. Robinson       |
| Amy (nmi) Hartman         | Robert H. Miller      | Ricardo (nmi) Rodriguez |
| Judith A. Hasko (former)  | Ann M. Mooney         | Jane (nmi) Ross         |
| Bernard L. Hatcher        | Gary H. Moore         | Adam J. Ruttenberg      |
| Matthew B. Hemington      | Timothy J. Moore      | Adam L. Salassi         |
| Gordon K. Ho              | Webb B. Morrow, III   | Thomas R. Salley III    |
| Suzanne Sawochka Hooper   | Frederick T. Muto     | Martin S. Schenker      |
| Tami J. Howie             | Ryan E. Naftulin      | Joseph A. Scherer       |
| Mark M. Hrenya            | Ross W. Nadel         | Paul H. Schwartz        |
| Christopher R. Hutter     | Stephen C. Neal       | Whitty (nmi) Somvichian |
|                           | James E. Nesland      | Mark D. Spoto           |

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

Rezoning Attachment to Par. 1(c)

DATE: October 13, 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(enter County-assigned application number (s))

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

Cooley Godward Kronish LLP  
Reston Town Center  
One Freedom Square  
11951 Freedom Drive  
Reston, VA 20190

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

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

Neal J. Stephens  
Michael D. Stern  
Anthony M. Stiegler  
Anita F. Stork  
Steven M. Strauss  
Myron G. Sugarman  
Christopher J. Sundermeier  
C. Scott Talbot  
Mark P. Tanoury  
Philip C. Tencer

Gregory C. Tenhoff  
Timothy S. Teter  
John H. Toole  
Michael S. Tuscan  
Edward Van Gieson  
Erich E. Veitenheimer III  
Aaron J. Velli  
Robert R. Vieth  
Lois K. Voelz  
Craig A. Waldman

Kent M. Walker  
David A. Walsh  
Thomas S. Welk  
Christopher A. Westover  
Francis R. Wheeler  
Brett D. White  
Peter J. Willsey  
Nancy H. Wojtas  
John F. Young  
Kevin J. Zimmer

**ADDITIONS:**

Michael F. Armstrong  
Jonathan P. Bach  
Celia Goldwag Barenholtz  
James A. Beldner  
Russell S. Berman  
W. Lesse Castleberry  
Alan S. Cohen  
Steven M. Cohen  
Phillip (nmi) Gall  
Stephen D. Gardner

Lawrence C. Gottlieb  
Zvi (nmi) Hahn  
Joanna C. Hendon  
Cathy Rae Herschopf  
Jay R. Indyke  
Richard S. Kanowitz  
Scott L. Kaufman  
Gary M. Kravetz  
Shira Nadich Levin  
Alan (nmi) Levine  
Chet F. Lipton

Alison (nmi) Newman  
William H. O'Brien  
Thomas D. O'Connor  
Paul M. Ritter  
Adam C. Rogoff  
Richard S. Rothberg  
Renee (nmi) Schwartz  
William J. Schwartz  
Ronald R. Sussman  
David M. Warren  
Steven K. Weinberg  
Glen Y. Sato  
Nan (nmi) Wu

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

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

DATE: October 13, 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(enter County-assigned application number (s))

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

Regency Centers, L.P.  
121 West Forsyth Street, Suite 200  
Jacksonville, FL 32202

✓

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

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

General Partner:

Regency Centers Corporation

✓

Limited Partner:

Regency Texas, LLC

✓

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

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

DATE: October 13, 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(enter County-assigned application number (s))

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

Columbia Perfco, Limited Partnership  
c/o Office of the State Treasurer  
350 Winter Street, Suite 100  
Salem, OR 97301

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

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

General Partner:

Columbia Perfco Holdings Corporation  
(owns 1%)

Limited Partner:

Oregon Public Employees Retirement Fund  
(owns 99%)

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

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

DATE: October 13 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(enter County-assigned application number (s))

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

Oregon Public Employees Retirement Fund  
c/o Office of the State Treasurer  
350 Winter Street, Suite 100  
Salem, OR 97301

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

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

This entity is a statutory trust fund,  
established under Oregon Revised Statutes  
238.660. It does not have shareholders,  
officers or directors.

None of the beneficiaries of the trust owns  
a 10% or more interest.

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

REZONING AFFIDAVIT

DATE: October 15, 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(enter County-assigned application number(s))

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

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

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

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

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

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

REZONING AFFIDAVIT

DATE: October 13, 2006  
(enter date affidavit is notarized)

92131a

for Application No. (s): PCA 1999-MV-025-02  
(enter County-assigned application number(s))

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

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

Katherine D. Youngbluth

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

Subscribed and sworn to before me this 13<sup>th</sup> day of October, 2006, in the State/Comm. of Virginia, County/City of Fairfax.

Judith M. Wolf  
Notary Public

My commission expires: 9/3/07

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: October 13, 2006  
 (enter date affidavit is notarized)

I, Katherine D. Youngbluth, 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

92132a

in Application No.(s): SEA 99-V-020-02  
 (enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Bank of America, N.A. Agents: Jay (nmi) Taylor Peter J. Schleck William (nmi) Mostyn	Bank of America Oak Cliff Office 400 S. Zang Boulevard TX2-501-11-01 Dallas, TX 75208-6601	Applicant/Lessee
	100 N. Tryon Street Charlotte, NC 28255	
Trammell Crow Company Agents: Lloyd C. Nurkiewicz Timothy J. Bowman	3401 Columbia Pike Suite 301 Arlington, VA 22205	Agent for Bank of America, N.A.

(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: October 13, 2006  
(enter date affidavit is notarized)

92132a

for Application No. (s): SEA 99-V-020-02  
(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.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
KSI Services, Inc. Agents: Richard W. Hausler Charles J. Kieler William J. Fennell	8081 Wolftrap Road Vienna, VA 22182	Agent for Owner - Elmwood Retail, LLC
Elmwood Retail, LLC (former) Agents: Robert C. Kettler Richard W. Hausler	c/o KSI Services, Inc. 8081 Wolftrap Road Vienna, VA 22182	Owner
Bowman Consulting Group, Ltd. Agents: Michael G. Bruen Matthew J. Tauscher Jonathan D. Bondi	14020 Thunderbolt Place Suite 300 Chantilly, VA 20151	Engineer/Agent
Cooley Godward Kronish LLP (formerly Cooley Godward LLP) Agents: Antonio J. Calabrese, Esquire Mark C. Looney, Esquire Colleen Gillis Snow, Esquire Andrew R. Levinson, Esquire Jill D. Switkin, Esquire Jeffrey A. Nein, AICP Hillary Katherine Zahm, AICP Meaghan P. Murray, Planner Ben I. Wales, Planner Katherine D. Youngbluth, Planner Jason R. Rogers, Planner Sara L. Duvall, Planner	Reston Town Center One Freedom Square 11951 Freedom Drive Reston, VA 20190	Attorneys/Agents
Columbia Lorton Station Marketplace LLC Agents: Alan T. Roth Anne (nm) Brettingen	121 West Forsyth Street Suite 200 Jacksonville, FL 32202	Owner/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: October 13, 2006  
(enter date affidavit is notarized)

92132a

for Application No. (s): SEA 99-V-020-02  
(enter County-assigned application number(s))

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

(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)  
Bank of America, N.A.  
100 N. Tryon Street  
Charlotte, NC 28255

**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)

Publicly traded company on the New York  
Stock Exchange as BAC with more than  
500 shareholders.

(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: October 13, 2006  
(enter date affidavit is notarized)

92132a

for Application No. (s): SEA 99-V-020-02  
(enter County-assigned application number (s))

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

Trammell Crow Company  
3401 Columbia Pike  
Suite 301  
Arlington, VA 22205

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)

Publicly traded company on the New York  
Stock Exchange as TCC with more than 500  
shareholders.

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

KSI Services, Inc.  
8081 Wolftrap Road  
Vienna, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Robert C. Kettler  
Richard W. Hausler

(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: October 13, 2006  
(enter date affidavit is notarized)

92132a

for Application No. (s): SEA 99-V-020-02  
(enter County-assigned application number (s))

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

Elmwood Retail, LLC (former)  
c/o KSI Services, Inc.  
8081 Wolfrap Road  
Vienna, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Lorton Valley L.C. - 100% Member

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

Lorton Valley L.C. (former)  
c/o KSI Services, Inc.  
8081 Wolfrap Road, Suite 300  
Vienna, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Robert C. Kettler, Richard W. Hausler;	Robert Peyton Kettler, Forest Walker	Lee Ann Hausler, Katie S. Hausler)
Robert C. Kettler 2001 Family Trust-Steven Snider, Trustee (Beneficiaries: Robert C. Kettler, Charlotte Roberson Kettler, Milton Taylor Kettler, Caroline Canfield Kettler,	Kettler); Hausler Family Irrevocable Trust-James Sack, Trustee (Beneficiaries: Richard W. Hausler, Lyncion Mary Margarita Skelly-Hausler, Laurel H. Hausler,	

(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: October 13, 2006  
(enter date affidavit is notarized)

92132a

for Application No. (s): SEA 99-V-020-02  
(enter County-assigned application number (s))

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

Columbia Lorton Station Marketplace, LLC  
121 West Forsyth Street  
Suite 200  
Jacksonville, FL 32202

**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)

Columbia Lorton Station Marketplace  
Member, LLC

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

Columbia Lorton Station Marketplace Member, LLC  
121 West Forsyth Street  
Suite 200  
Jacksonville, FL 32202

**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)

Columbia Regency Partners II, LLC

(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: October 13, 2006  
(enter date affidavit is notarized)

92132a

for Application No. (s): SEA 99-V-020-02  
(enter County-assigned application number (s))

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

Columbia Regency Partners II, LLC  
121 West Forsyth Street  
Suite 200  
Jacksonville, FL 32202

**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)

Columbia Perfco, Limited Partnership ✓  
Regency Centers, L. P. ✓

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

Columbia Perfco Holdings Corporation ✓  
c/o Office of the State Treasurer  
350 Winter Street, Suite 100  
Salem, OR 97301

**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)

Oregon Public Employees Retirement Fund ✓

(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: October 13, 2006  
(enter date affidavit is notarized)

92132a

for Application No. (s): SEA 99-V-020-02  
(enter County-assigned application number (s))

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

Regency Centers Corporation  
121 West Forsyth Street  
Suite 200  
Jacksonville, FL 32202

**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)

Publicly traded on the New York Stock  
Exchange

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

Regency Texas, LLC  
121 West Forsyth Street  
Suite 200  
Jacksonville, FL 32202

**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)

Regency Centers Corporation

(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: October 13, 2006  
(enter date affidavit is notarized)

92132a

for Application No. (s): SEA 99-V-020-02  
(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, VA 20151

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Gary P. Bowman

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: October 13, 2006  
(enter date affidavit is notarized)

92132a

for Application No. (s): SEA 99-V-020-02  
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

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

Cooley Godward Kronish LLP  
Reston Town Center, One Freedom Square  
11951 Freedom Drive  
Reston, VA 20190

(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)

Jane K. Adams	Robert J. Brigham	John W. Crittenden
Kenneth J. Adelson (former)	John P. Brockland	Janet L. Cullum
Matthias (nmi) Alder (former)	James P. Brogan	John A. Dado
Gian-Michele a Marca	Matthew T. Browne	Craig E. Dauchy
Gordon C. Atkinson	Robert T. Cahill	Darren K. DeStefano
Michael A. Attanasio	Antonio J. Calabrese	Scott D. Devereaux
Frederick D. Baron	Linda F. Callison	Jennifer Fonner DiNucci
Lee F. Benton (former)	Lynda K. Chandler	Kirk C. Dizon (former)
Keith J. Berets	Dennis Childs	James J. Donato
Laura A. Berezin	Paul G. Churchill (former)	Michelle C. Doolin
Barbara L. Borden	Richard E. Climan	John C. Dwyer
Jodie M. Bourdet	Thomas A. Coll	Robert L. Eisenbach, III
Lance W. Bridges	Joseph W. Conroy	Brent D. Fassett
Matthew J. Brigham	Carolyn L. Craig	M. Wainwright Fishburn, Jr.

(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 Attachment to Par. 1(c)

DATE: October 13, 2006  
(enter date affidavit is notarized)

92132a

for Application No. (s): SEA 99-V-020-02  
(enter County-assigned application number (s))

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

Cooley Godward Kronish LLP  
Reston Town Center, One Freedom Square  
11951 Freedom Drive  
Reston, VA 20190

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

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

- |                           |                       |                         |
|---------------------------|-----------------------|-------------------------|
| Keith A. Flaum            | Craig D. Jacoby       | Vincent P. Pangrazio    |
| Grant P. Fondo            | Eric C. Jensen        | Timothy G. Patterson    |
| Daniel W. Frank           | Robert L. Jones       | Anne H. Peck            |
| Richard H. Frank          | Barclay J. Kamb       | D. Bradley Peck         |
| William S. Freeman        | Jeffrey S. Karr       | Susan Cooper Philpot    |
| Steven L. Friedlander     | Margaret H. Kavalaris | Frank V. Pietrantonio   |
| Thomas J. Friel, Jr.      | J. Michael Kelly      | Mark B. Pitchford       |
| Koji F. Fukumura          | James C. Kitoh        | Michael L. Platt        |
| James F. Fulton, Jr.      | Michael J. Klisch     | Christian E. Plaza      |
| William S. Galliani       | Barbara A. Kosacz     | Lori R.E. Ploeger       |
| John M. Geschke           | Michael S. Levinson   | Thomas F. Poche         |
| Mark R. Goldberg (former) | Elizabeth L. Lewis    | Anna B. Pope            |
| Kathleen A. Goodhart      | Michael R. Lincoln    | Marya A. Postner        |
| Shane L. Goudey           | James C. T. Linfield  | Steve M. Przesmicki     |
| William E. Grauer         | David A. Lipkin       | Frank F. Rahmani        |
| Jonathan G. Graves        | Samuel M. Livermore   | Thomas Z. Reicher       |
| Kenneth L. Guernsey       | Douglas P. Lobel      | Eric M. Reifschneider   |
| Patrick P. Gunn           | Michael X. Marinelli  | Michael G. Rhodes       |
| John B. Hale              | John T. McKenna       | Michelle S. Rhyu        |
| Andrew (nmi) Hartman      | Daniel P. Meehan      | Julie M. Robinson       |
| Amy (nmi) Hartman         | Robert H. Miller      | Ricardo (nmi) Rodriguez |
| Judith A. Hasko (former)  | Ann M. Mooney         | Jane (nmi) Ross         |
| Bernard L. Hatcher        | Gary H. Moore         | Adam J. Ruttenberg      |
| Matthew B. Hemington      | Timothy J. Moore      | Adam L. Salassi         |
| Gordon K. Ho              | Webb B. Morrow, III   | Thomas R. Salley III    |
| Suzanne Sawochka Hooper   | Frederick T. Muto     | Martin S. Schenker      |
| Tami J. Howie             | Ryan E. Naftulin      | Joseph A. Scherer       |
| Mark M. Hrenya            | Ross W. Nadel         | Paul H. Schwartz        |
| Christopher R. Hutter     | Stephen C. Neal       | Whitty (nmi) Somvichian |
|                           | James E. Nesland      | Mark D. Spoto           |

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

Special Exception Attachment to Par. 1(c)

DATE: October 19 2006  
(enter date affidavit is notarized)

92132a

for Application No. (s): SEA 99-V-020-02  
(enter County-assigned application number (s))

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

Cooley Godward Kronish LLP  
Reston Town Center, One Freedom Square  
11951 Freedom Drive  
Reston, VA 20190

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

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

- |                            |                           |                         |
|----------------------------|---------------------------|-------------------------|
| Neal J. Stephens           | Gregory C. Tenhoff        | Kent M. Walker          |
| Michael D. Stern           | Timothy S. Teter          | David A. Walsh          |
| Anthony M. Stiegler        | John H. Toole             | Thomas S. Welk          |
| Anita F. Stork             | Michael S. Tuscan         | Christopher A. Westover |
| Steven M. Strauss          | Edward Van Gieson         | Francis R. Wheeler      |
| Myron G. Sugarman          | Erich E. Veitenheimer III | Brett D. White          |
| Christopher J. Sundermeier | Aaron J. Velli            | Peter J. Willsey        |
| C. Scott Talbot            | Robert R. Vieth           | Nancy H. Wojtas         |
| Mark P. Tanoury            | Lois K. Voelz             | John F. Young           |
| Philip C. Tencer           | Craig A. Waldman          | Kevin J. Zimmer         |

**ADDITIONS:**

- |                          |                      |                      |
|--------------------------|----------------------|----------------------|
| Michael F. Armstrong     | Lawrence C. Gottlieb | Alison (nmi) Newman  |
| Jonathan P. Bach         | Zvi (nmi) Hahn       | William H. O'Brien   |
| Celia Goldwag Barenholtz | Joanna C. Hendon     | Thomas D. O'Connor   |
| James A. Beldner         | Cathy Rae Herschopf  | Paul M. Ritter       |
| Russell S. Berman        | Jay R. Indyke        | Adam C. Rogoff       |
| W. Lesse Castleberry     | Richard S. Kanowitz  | Richard S. Rothberg  |
| Alan S. Cohen            | Scott L. Kaufman     | Renee (nmi) Schwartz |
| Steven M. Cohen          | Gary M. Kravetz      | William J. Schwartz  |
| Phillip (nmi) Gall       | Shira Nadich Levin   | Ronald R. Sussman    |
| Stephen D. Gardner       | Alan (nmi) Levine    | David M. Warren      |
|                          | Chet F. Lipton       | Steven K. Weinberg   |
|                          |                      | Glen Y. Sato         |
|                          |                      | Nan (nmi) Wu         |

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

Special Exception Attachment to Par. 1(c)

DATE: October 13, 2006  
(enter date affidavit is notarized)

92132a

for Application No. (s): SEA 99-V-020-02  
(enter County-assigned application number (s))

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

Regency Centers, L.P.  
121 West Forsyth Street, Suite 200  
Jacksonville, FL 32202

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

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

General Partner:

Regency Centers Corporation ✓

Limited Partner:

Regency Texas, LLC ✓

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

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

DATE: October 13 2006  
(enter date affidavit is notarized)

92132a

for Application No. (s): SEA 99-V-020-02  
(enter County-assigned application number (s))

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

Columbia Perfco, Limited Partnership  
c/o Office of the State Treasurer  
350 Winter Street, Suite 100  
Salem, OR 97301

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

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

General Partner:

Columbia Perfco Holdings Corporation ✓  
(owns 1%)

Limited Partner:

Oregon Public Employees Retirement Fund ✓  
(owns 99%)

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

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

DATE: October 13, 2006  
(enter date affidavit is notarized)

92132a

for Application No. (s): SEA 99-V-020-02  
(enter County-assigned application number (s))

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

Oregon Public Employees Retirement Fund  
c/o Office of the State Treasurer  
350 Winter Street, Suite 100  
Salem, OR 97301

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

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

This entity is a statutory trust fund,  
established under Oregon Revised Statutes  
238.660. It does not have shareholders,  
officers or directors.

None of the beneficiaries of the trust owns a  
10% or more interest.

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: October 13 2006  
(enter date affidavit is notarized)

92132a

for Application No. (s): SEA 99-V-020-02  
(enter County-assigned application number(s))

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

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

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

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

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

None

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: October 13, 2006  
(enter date affidavit is notarized)

92132a

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

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

None

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

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

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

WITNESS the following signature:

(check one)

Applicant

Applicant's Authorized Agent

Katherine D. Youngbluth

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

Subscribed and sworn to before me this 13<sup>th</sup> day of October 2006, in the State/Comm. of Virginia, County/City of Fairfax.

Judith M. Wray  
Notary Public

My commission expires: 3/31/07

RECEIVED  
Department of Planning & Zoning

JUN 13 2006

Zoning Evaluation Division

**BANK OF AMERICA  
SPECIAL EXCEPTION AMENDMENT AND  
PARTIAL PROFFERED CONDITION AMENDMENT TO PERMIT A  
DRIVE-IN BANK  
JUNE 9, 2006**

## **I. INTRODUCTION AND OVERVIEW**

Bank of America (the "Applicant") requests approval of a special exception amendment ("SEA") and partial proffered condition amendment ("PCA") to permit a drive-in bank in accordance with Section 9-501 of the Zoning Ordinance. The application property is located in the southwest quadrant of the intersection of Lorton Road and Lorton Market Street, and is more particularly identified as a 1.34 acre portion of Fairfax County Tax Map 107-4 ((23)) Parcel E4 (the "Property").

In error, Fairfax County approved a site plan depicting a drive-in bank use for the Property, and also approved building permits for a drive-in bank. As a result, the Property is currently developed with a bank building (the "Bank") designed for drive-in bank use. The Applicant seeks to amend the previously approved PCA/SEA to allow a drive-in bank use for the Property.

In 2000, the Board of Supervisors approved RZ 1999-MV-025 to rezone approximately 33.97 acres in Lorton to the C-6 Community Retail Commercial District, which permits the construction of a drive-in bank with approval of a Category 5 special exception. The rezoning allowed retail and non-retail components for the site. The approved Generalized Development Plan ("GDP") for the retail site contained a large shopping center and three pad building sites. The non-retail component depicted townhouse-style office buildings.

After the original rezoning, the Board of Supervisors approved proffered condition amendment PCA 1999-MV-025 and special exception amendment SEA 99-V-020 for a 22.2 acre retail portion of the site. The PCA/SEA approved for the retail site. The SEA established a fast-food restaurant with drive-in facilities, a drive-through pharmacy, and a combined service station/mini-mart and fast food restaurant.

Construction of the entire retail center is complete. Four uses within the large retail buildings have obtained Non-Residential Use Permits ("Non-RUPs") and are operating. The Applicant built the Bank with three drive-in lanes, two lanes with teller windows and a third is an ATM. The approved proffers permit financial institutions and County Staff has issued Non-RUPs for the bank building and ATM lane. The Applicant seeks to amend the PCA/SEA to allow the use of a drive-in bank in the location designated for a drive-in pharmacy in order to operate the Bank's two drive-through teller windows.

## **II. PROPOSED USE**

The Applicant proposes to operate two constructed drive-through teller windows of the existing Bank. The Bank is approximately 4,387 square feet, and the Applicant does not propose any

additional square footage and no additional construction activity is necessary to operate the drive-through teller windows. The Bank's gross square footages is less than the amount of square footage approved for the freestanding drive-through pharmacy. The Bank includes three double-stacked drive-through lanes with teller and ATM service. The Bank also includes an ATM on the front of the building to provide automated banking service to walk-up customers.

Ingress/egress to the Bank is provided via Lorton Market Street. The internal road network that provides connection from Lorton Market Street to the Bank remains the same as that approved with the initial rezoning and special exception. Sufficient parking and stacking spaces for the proposed bank are provided as shown on the PCA/SEA plat. The Bank does not anticipate the need for loading spaces or a loading dock since few deliveries are expected; therefore, a loading space is provided in the drive-through queuing area. The Bank's existing landscaping is in conformance with the approved PCA/SEA.

As set out above, the Applicant seeks to replace approval of a drive-through pharmacy, which was approved as a free-standing building a part of a larger retail site, with approval of a freestanding drive-in bank. The Applicant therefore requests approval of a PCA/SEA for the Property to permit a drive-in bank as a Category 5 special exception.

### **III. CONFORMANCE WITH COMPREHENSIVE PLAN**

The Property is located in Sub-Unit E-8 of the LP2-Lorton-South Route 1 Community Planning Sector. The Sub-Unit is planned for a mix of uses such as retail, office, open space, cultural center, hotel and recreational uses up to .25 FAR. The FAR of the approved development at the Property is 0.13 and would not be increased by this proposed PCA/SEA. The approved development at Lorton Market Street and proposed drive-in bank are therefore in conformance with the Comprehensive Plan.

### **IV. CONFORMANCE WITH ZONING ORDINANCE REGULATIONS**

The following information, as requested by Part 7 of Section 9-011 of the Zoning Ordinance, provides specific details about the proposed drive-in bank use.

- A. Type of Operation: Bank with drive-in.
- B. Hours of Operation: The Applicant requests that the hours of operation permit the Banking Center to be open for customer business between 9 AM and 5 Monday through Friday and 9AM to 2PM on Saturday. The Application also requests that the Drive-In hours of operation be 9AM to 7PM Monday through Friday and 9AM to 2 PM on Saturday. The special exception which approved the drive-through pharmacy did not restrict opening times for the use.
- C. Estimated number of patrons/clients/patients/pupils/etc.: The Bank will likely attract approximately 550 customers per day.

- D. Proposed number of employees/attendants/teachers/etc.: The Bank will employ approximately 15 full-time employees on-site at one time.
- E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day: Per the Institute of Transportation Engineers 6<sup>th</sup> Edition Trip Generation Manual, the bank is expected to generate approximately 1,576 trips per day. Based on the 7<sup>th</sup> Edition ITE Trip Generation Manual, the bank is anticipated to generate 62 trips in the morning peak hour and 115 trips in the afternoon peak hour. While the normal background peak traffic flow occurs during the morning or afternoon rush hour, the Bank's peak hour is expected to occur in the middle of the day between 11:00 am and 1:30 pm, outside the normal rush hour.
- F. Vicinity or general area to be served by the use: The bank will draw patrons from the Lorton area.
- G. Description of building façade and architecture of proposed new building or additions: The bank is a rectangular building with an attached drive-through canopy. The main entry is comprised of a window wall system that extends approximately two-thirds up the stucco building. A canopy is provided over the building entrance and ATM to provide shelter to customers. Mechanical units on the roof are shielded with parapet walls. The architecture, building materials and colors of the façade will complement the neighboring Lorton Market Street shopping center.
- H. A listing, if known, of all hazardous or toxic substances as set forth in applicable County, State and Federal Regulations: To the best of the Applicant's knowledge, there are no such materials located or stored on the property.
- I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, standards or conditions: To the best of the Applicant's knowledge, the proposed development will comply with all applicable standards, ordinances and regulations.

V. CONFORMANCE WITH GENERAL STANDARDS (SECTION 9-006)

Section 9-006 of the Zoning Ordinance requires that all special exception applications satisfy the following general standards.

1. The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.

The proposed bank and site layout conform to the guidelines of the Comprehensive Plan. The use will complement the existing development in the area.

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

The C-6 Zoning District is appropriate for retail and commercial service uses and permits banks by-right. Drive-in banks are special exception uses.

3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan.

The proposed bank will not adversely affect the future development at the Lorton Market Street center or neighboring properties. The proposed use will occupy an approved building layout which was designed to be integrated with and compliment the existing and proposed neighboring properties.

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.

Pedestrian access to the site will be provided by approved sidewalks located within the Lorton Market Street center. Vehicular access will be provided by the center's approved parking and access layout.

5. In addition to the standards which may be set forth in this Article for a particular use, the Board shall require landscaping and screening in accordance with the provisions of Article 13, Landscaping and Screening, in the Zoning Ordinance.

Landscaping in accordance with Article 13 of the Zoning Ordinance will be provided onsite.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

The open space requirement for the Lorton Market Street center was determined and agreed to as part of RZ 1999-MV-025. The C-6 District regulations require 15% open space. The approved development at Lorton Market Street center provides approximately 30% open space.

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.

As indicated on the special exception plat, adequate utilities, stormwater management, parking and loading will be provided on the site.

8. Signs shall be regulated by the provisions of Article 12, Signs, in the Zoning Ordinance; however, the BZA may impose more strict requirements for a given use than those set forth in this Ordinance.

Signage will be provided in conformance with Article 12 of the Zoning Ordinance.

## **VI. CONFORMANCE WITH CATEGORY 5 USES (SECTION 9-503)**

In addition to the general standards discussed above, Section 9-503 of the Zoning Ordinance requires that all Category 5 special exception uses shall comply with the following standards.

**1.** Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.

The C-6 District bulk regulations and lot size requirements will be satisfied as indicated on the special exception plat.

**2.** All uses shall comply with the performance standards specified for the zoning district in which located.

The proposed bank will meet the performance standards of the C-6 Zoning District.

**3.** Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

A Site Plan as per the regulations of Article 17 of the Zoning Ordinance has been approved by Fairfax County for the proposed drive-in bank.

## **VII. ADDITIONAL STANDARDS FOR DRIVE-IN BANKS (SECTION 9-505)**

Section 9-505 of the Zoning Ordinance provides the following standards which are specific to drive-in banks.

**1A.** Such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.

The proposed building will have similar architectural features and will be architecturally compatible with the surrounding structures

**1B.** Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.

As indicated on the special exception plat, the pedestrian and vehicular circulation on the Property is consistent with that approved with RZ 1999-MV-025 and SE 99-V-020. This SEA application does not seek to change the approved circulation.

**1C.** The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.

The circulation through the site provides for efficient access of the proposed bank and the mini warehouse facility. This SEA application does not seek to amend the approved circulation.

**1D.** In reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.

The proposed bank is not located near residential areas. The proposed use will not adversely affect residential areas.

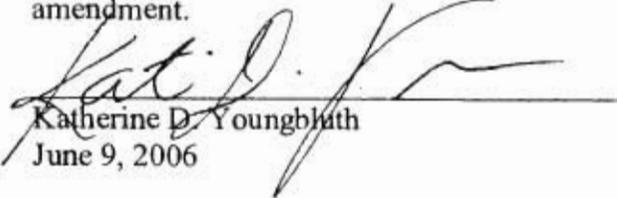
**3.** The additional standards required in the C-6 District are not applicable to the proposed drive-in bank or fast food restaurants proposed, since they apply to service station/mini-mart uses.

#### **VIII. PARTIAL PROFFERED CONDITION AMENDMENT**

The Applicant seeks to insert the drive-in bank use on Pad C of the approved proffers for the Property. The drive-in bank use will not modify the approved proffers in any way other than inserting an additional permitted use onto Pad 'C'. The Applicant simply wishes to insert 'Drive-in Bank' into the list of Uses in Section 3.a. All landscaping, parking, ingress-egress, land areas, gross floor areas, roads, and other items associated with the proffers that govern the site will remain unchanged. The drive-in bank use is within the 10,000 square feet approved for the approved pharmacy with drive-in on Pad C.

#### **IX. SUMMARY**

The Applicant simply seeks to amend the approved PCA/SEA to include a drive-in bank use that is the same building layout and size as the previously approve pharmacy with drive-in on Pad C. The County has approved building permits, site plan permits, and Non-RUPs for a financial institution for the drive-in bank Property. The building is built and the Applicant asks that the Board of Supervisors approve the partial proffer condition amendment and special exception amendment.

  
Katherine D. Youngbluth  
June 9, 2006



# FAIRFAX COUNTY

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 100  
Fairfax, Virginia 22035-6000

V I R G I N I A

May 12, 2000

Telephone: 703-324-3300

FAX: 703-324-3300

TTY: 703-324-3300

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 Acqu. & Planning Div., Park Authority  
District Planning Commissioner  
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES

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

## 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

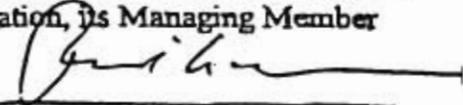
TITLE OWNER OF  
TAX MAP 107-4 ((1)) 52

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

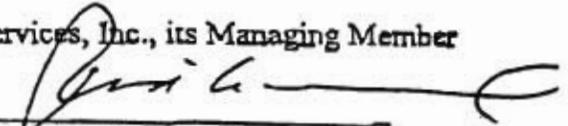
[SIGNATURES CONTINUE ON NEXT PAGE]

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 7

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:**

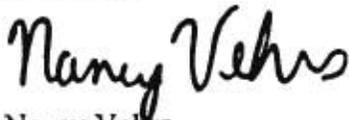
- **Approved modifications to the transitional screening along the eastern, southern, and northern boundaries.**
- **Waived the barrier requirements along the eastern, southern, and northern boundaries.**

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 Velts  
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



# FAIRFAX COUNTY

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

Tel: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3903

V I R G I N I A

[www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm](http://www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm)  
Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)

May 26, 2005

Kara M. Whisler  
Walsh, Colucci, Lubeley, Emrich & Terpak, PC  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, Virginia 22201-3359

RE: Proffered Condition Amendment Number PCA 1999-MV-025  
(Concurrent with SEA 99-V-020)

Dear Ms. Whisler:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on May 9, 2005, approving Proffered Condition Amendment PCA 1999-MV-025 in the name of Minnieland Private Day School, Incorporated, to amend proffers for RZ 1999-MV-025 previously approved for commercial development to allow a child care center in a shopping center with an overall Floor Area Ratio (FAR) of 0.19, subject to the proffers dated April 1, 2005. The shopping center is located in the southeast quadrant of the intersection of Lorton Market Street and Lorton Road (Tax Map 107-4 ((23)) E 4 and E 5, consisting of approximately 22.20 acres located in Mount Vernon District.

**The Board also modified the transitional screening requirements, as previously approved, along the northern, eastern, and southern boundaries and waived the barrier requirements, as previously approved, along all boundaries.**

Sincerely,

Patti M. Hicks  
Deputy Clerk to the Board of Supervisors

PMH/ns

May 26, 2005

- 2 -

cc: Chairman Gerald E. Connolly  
Supervisor Gerald W. Hyland, Mount Vernon District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Leslie B. Johnson, Deputy Zoning Administrator for Zoning Permit Review Branch  
Thomas Conry, Dept. Mgr. - GIS - Mapping/Overlay  
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.  
Charles Strunk, Project Planning Section, Dept. of Transportation  
Michelle Brickner, Deputy Director, DPWES  
Kenny King, Proffer Administrator, Plans & Document Control, OSDS, DPWES  
Deloris Harris, DPWES  
Department of Highways - VDOT  
Kirk Holley, Park Planning Branch Mgr., FCPA  
District Planning Commissioner  
Jack Seamon, Acting Director, Facilities Mgmt. Div., DPWES  
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools

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 9th day of May, 2005, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROFFERED CONDITION AMENDMENT PCA 1999-MV-025  
(CONCURRENT WITH SEA 99-V-020)

WHEREAS, Minnieland Private Day School, Incorporated filed in the proper form an application to amend the proffers for RZ 1999-MV-025 hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. § 15.2-2303(a), 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

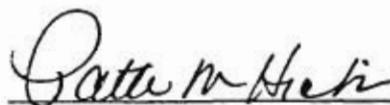
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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 further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., § 15.2-2303(a), which conditions are incorporated into the Zoning Ordinance as it affects 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 parcels.

GIVEN under my hand this 9<sup>th</sup> day of May, 2005.



Patti M. Hicks

Deputy Clerk to the Board of Supervisors

## PROFFERS

Minnieland Private Day School, Inc.

PCA 1999-MV-025

April 1, 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 hereinafter 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 March 14, 2005.

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

### 3. Uses

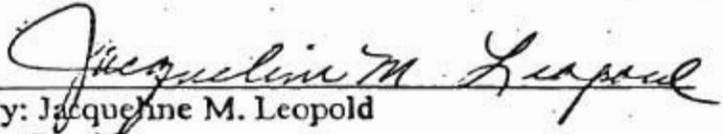
- a. The following additional use is permitted within the buildings shown on the GDP/SEA plat:

- *Child Care Center*

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

APPLICANT/LESSEE

MINNIELAND PRIVATE DAY SCHOOL, INC.

  
By: Jacqueline M. Leopold  
Its: President

[SIGNATURES CONTINUE ON NEXT PAGE]

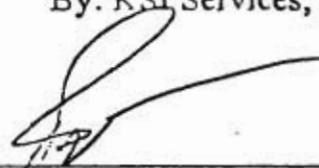
PCA 1999-MV-025

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



---

By: Robert C. Kettler  
Its: Chairman

[SIGNATURES CONTINUE ON NEXT PAGE]



# FAIRFAX COUNTY

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

Tel: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3903

V I R G I N I A

[www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm](http://www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm)  
Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)

May 26, 2005

Kara M. Whisler  
Walsh, Colucci, Lubeley, Emrich & Terpak, PC  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, Virginia 22201-3359

Re: Special Exception Application Amendment Number SEA 99-V-020  
(Concurrent with PCA 1999-MV-025)

Dear Ms. Whisler:

At a regular meeting of the Board of Supervisors held on May 9, 2005, the Board approved Special Exception Application Amendment Number SEA 99-V-020 in the name of Minnieland Private Day School, Inc., located at Tax Map 107-4 ((23)) E 4 and E 5 (Lorton Market Street) 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 Section 4-604 of the Fairfax County Zoning Ordinance, 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 Paragraph 4 of Section 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 Section 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 Section 12-103 (2) (g) and shall not exceed two (2) square feet in area.

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 Amendment. 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.

If you have questions regarding the expiration of this Special Exception Amendment 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,



Patti M. Hicks  
Deputy Clerk to the Board of Supervisors

SEA 99-V-020

May 26, 2005

- 4 -

PMH/ns

cc: Chairman Gerald E. Connolly  
Supervisor Gerald W. Hyland, Mount Vernon District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Leslie B. Johnson, Deputy Zoning Administrator for Zoning Permit Review Branch  
Audrey Clark, Director, BPRD, DPWES  
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,  
Charles Strunk, Project Planning Section, Department of Transportation  
Michelle A. Brickner, Director, Site Development Services, DPWES  
Marie Langhorne, Plans & Document Control, OSDS, DPWES  
Deloris Harris, DPWES - Environment & Facilities Review Division  
Department of Highways, VDOT  
Kirk Holley, Park Planning Branch Mgr., FCPA  
District Planning Commissioner  
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools

RECEIVED  
Department of Planning & Zoning  
JUN 03 2005  
Zoning Evaluation Division



# County of Fairfax, Virginia

## MEMORANDUM

DATE: October 17, 2006

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

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

**FILE:** 3-4 (RZ 1999-MV-025)  
3- 5 (SE 99-V-020)

**SUBJECT:** Transportation Impact

**REFERENCE:** PCA 1999-MV-025-02; SEA 99-V-020-02; Bank of America  
Traffic Zone: 1504  
Land Identification Map: 107-4 ((23)) E4 pt

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based on the revised plan dated October 9, 2006.

The application proposes to permit a drive-in bank in the location designated for a drive-in pharmacy in order to operate the bank's two drive through teller windows.

The department has reviewed the application and offers the following comments:

- The applicant should reaffirm the commitment to provide the sidewalk connection (as shown on plan) along Lorton Market Street from Lorton Road to the main access to the shopping center.
- The parallel parking spaces just west of the drive-through windows should be eliminated.
- A pedestrian connection from the eastern portion of the site to the existing Lorton Road trail should be provided.

AKR/AK C:SEA99V020BankofAmericaMarketStreet  
CC: Michelle Brickner, Director, Design Review, DPW & ES

**4-600 C-6 COMMUNITY RETAIL COMMERCIAL DISTRICT****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
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

**4-609 Additional Regulations**

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.
2. Refer to Article 11 for off-street parking, loading and private street requirements.
3. Refer to Article 12 for regulations on signs.
4. Refer to Article 13 for landscaping and screening requirements.
5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

**9-006      General Standards**

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

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

9-503

**Standards for all Category 5 Uses**

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

1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.
2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

**9-505 Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Banks, Drive-Through Pharmacies, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Stations/Mini-Marts**

1. In all districts where permitted by special exception:

A. Such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.

B. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.

C. The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.

D. In reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.

E. For a drive-through pharmacy, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line

2. In the C-3 and C-4 Districts, in addition to Par. 1 above:

A. All such uses, except drive-in banks, shall be an integral design element of a site plan for an office building or office building complex containing not less than 35,000 square feet of gross floor area.

B. Such a use shall have no separate and exclusive curb cut access to the abutting highway.

C. There shall be no outside storage or display of goods offered for sale.

D. Service stations shall not include any ancillary use such as vehicle or tool rental, and shall be limited to the servicing and retail sales of products used primarily by passenger vehicles.

E. Service stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

3. In the C-5 and C-6 Districts, in addition to Par. 1 above:

A. There shall be no outdoor storage or display of goods offered for sale except for the

outdoor storage or display of goods permitted at a service station or service station/mini-mart.

B. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two hours.

4. In the C-7, C-8 and C-9 Districts, in addition to Par. 1 above:

A. In the C-7 or C-9 District, there shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.

B. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

C. The outdoor area devoted to any use such as vehicle or tool rental shall be limited to the area so designated on an approved special exception plat.

5. In the I-3, I-4, I-5 and I-6 Districts, in addition to Par. 1 above:

A. All such uses, except drive-in banks, shall be an integral design element of a site plan for an industrial building or building complex containing not less than 30,000 square feet of gross floor area.

B. In an I-3 or I-4 District, there shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station.

C. In an I-3 or I-4 District, service stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

D. No Building Permit shall be approved for such a use unless a Building Permit has been approved for the related industrial building(s).

E. The outdoor area devoted to any use such as vehicle or tool rental shall be limited to that area so designated on an approved special exception plat.

6. In the PDH and PDC Districts, in addition to Par. 1 above:

A. In the PDH District, fast food restaurants may be permitted only in accordance with the provisions of Sect. 6-106 and the following:

(1) Such use may be permitted only upon a finding by the Board that the planned development is of sufficient size to support the proposed use, and that the use is designed to serve primarily the needs of the residents of the development.

(2) Such use shall be designed and located so as to maintain the intended secondary nature of the use, and so that the associated impacts, including but not limited to associated on-site and off-site vehicular traffic, noise, odors, and visual impact, will not adversely affect the residential character of the development and surrounding properties.

(3) All direct vehicular access to the use shall be provided via the internal circulation system of a commercial area of the PDH development, which commercial area shall contain not less than three (3) non-automobile-related commercial establishments.

(4) The proposed development shall provide clearly designated pedestrian facilities for safe and convenient access from surrounding residential and commercial uses.

B. In the PDC District, fast food restaurants may be permitted only in accordance with the provisions of Sect. 6-206.

## GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dBa:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBa value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area; information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

**EASEMENT:** A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

**ERODIBLE SOILS:** Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

#### Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PCH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		