



**APPLICATION ACCEPTED:** March 19, 2013  
**PLANNING COMMISSION:** September 19, 2013  
**BOARD OF SUPERVISORS:** Not yet scheduled

## County of Fairfax, Virginia

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**September 5, 2013**

**STAFF REPORT**

**SE 2013-LE-003**

**LEE DISTRICT**

**APPLICANT:** DDR Southeast Spring Mall, LLC

**ZONING:** C-8 (Highway Commercial), Sign Control (SC) Overlay District.

**PARCEL:** 90-2 ((1)) 51

**ACREAGE:** 5.04 acres

**FAR:** 0.27

**PLAN MAP:** Residential; 20+ dwelling units/acre

**SE CATEGORY:** Category 5; Fast Food Restaurant with no drive-through

**PROPOSAL:** To permit an existing fast food restaurant to remain on the subject property.

**STAFF RECOMMENDATIONS:**

Staff recommends approval of SE 2013-LE-003 subject to the draft development conditions in Appendix 1.

Staff recommends approval of a modification of the transitional screening requirement along the eastern boundary of the site in favor of that shown on the development conditions Exhibit A in Appendix 1.

Staff recommends approval of a waiver of the barrier requirement along the eastern boundary of the site.

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St.Clair Williams

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

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

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

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

O:\SWILLI\SE\SE 2013-LE-003 DDR Southeast Spring Mall LLC (Subway)\Staff Report\COVER.docx



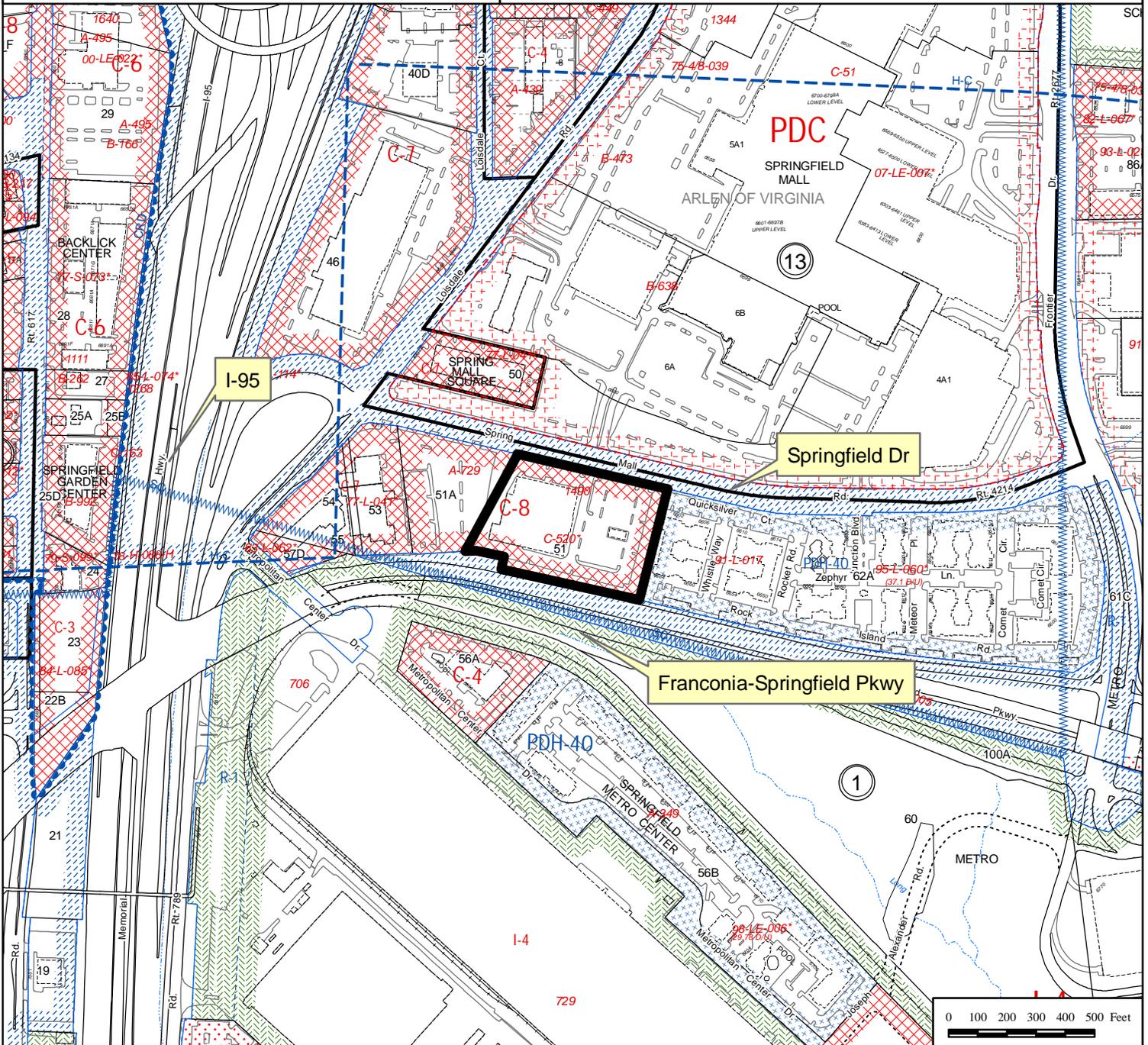
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Exception

SE 2013-LE-003



Applicant: DDR SOUTHEAST SPRING MALL, L.L.C.  
Accepted: 03/19/2013  
Proposed: FAST FOOD RESTAURANT  
Area: 5.04 AC OF LAND; DISTRICT - LEE  
Zoning Dist Sect: 04-0804  
Art 9 Group and Use: 5-11  
Located: 6717 SPRING MALL ROAD, SPRINGFIELD, VA 22150  
Zoning: C- 8  
Plan Area: 4,  
Overlay Dist: SC  
Map Ref Num: 090-2- /01/ /0051



**AS-BUILT EARTHWORK STRUCTURES**

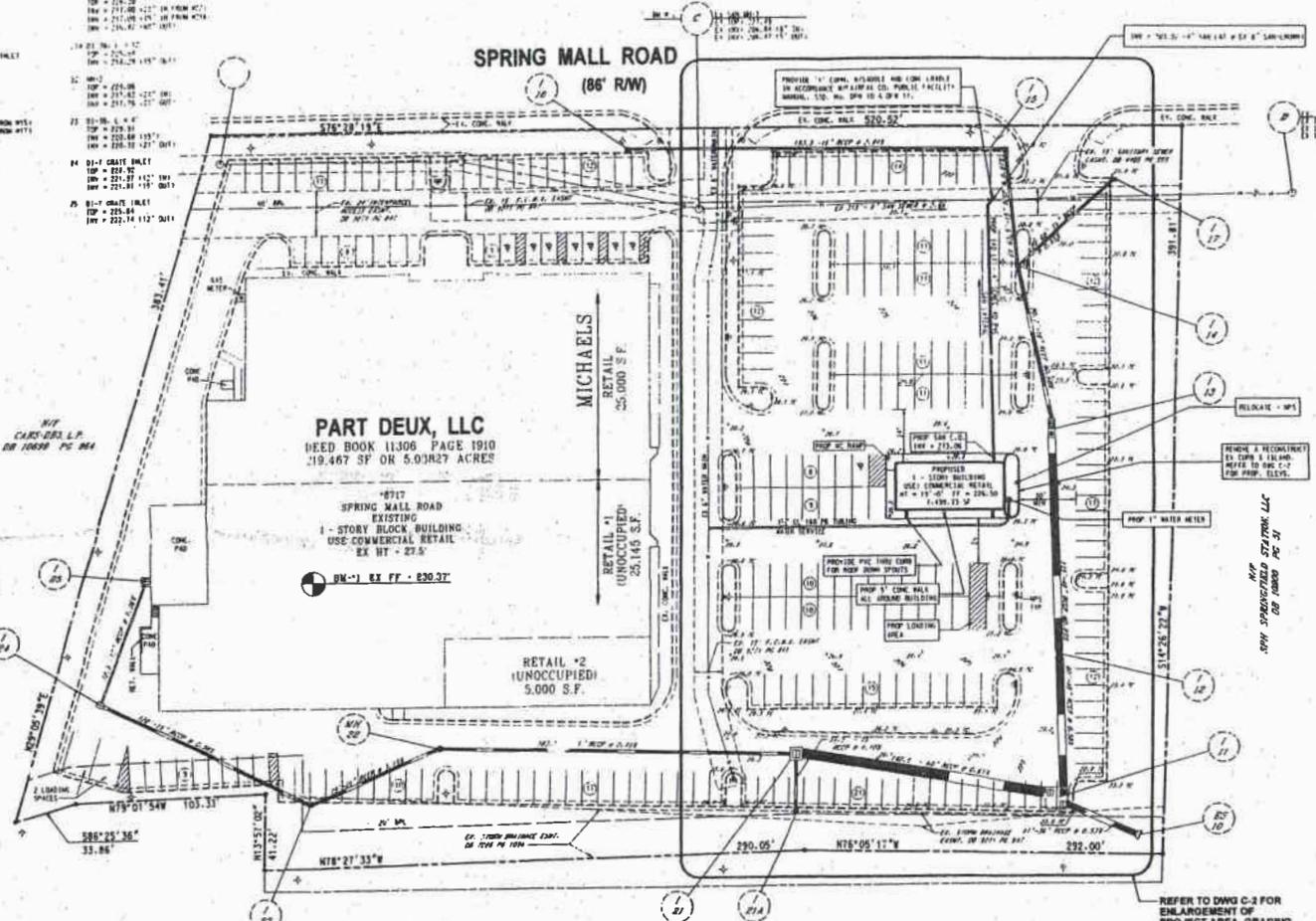
10	51-36.1 x 6	TOP = 214.34 (16' 0 1/2")
11	51-36.1 x 6	TOP = 224.44
12	51-36.1 x 6	TOP = 224.44
13	51-36.1 x 6	TOP = 224.44
14	51-36.1 x 6	TOP = 224.44
15	51-36.1 x 6	TOP = 224.44
16	51-36.1 x 6	TOP = 224.44
17	51-36.1 x 6	TOP = 224.44
18	51-36.1 x 6	TOP = 224.44
19	51-36.1 x 6	TOP = 224.44
20	51-36.1 x 6	TOP = 224.44
21	51-36.1 x 6	TOP = 224.44
22	51-36.1 x 6	TOP = 224.44
23	51-36.1 x 6	TOP = 224.44
24	51-36.1 x 6	TOP = 224.44
25	51-36.1 x 6	TOP = 224.44

**BENCH MARK INFORMATION**  
 PERMITS: 16-0-1-14  
 INTERIOR FINISH: 5,353.00  
 DATE: 4-22-22

**LANDSCAPE OPEN AREA**  
 PERMITS: 16-0-1-14  
 INTERIOR FINISH: 5,353.00  
 DATE: 4-22-22

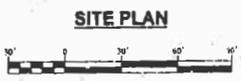


**FREDERICK WARD & ASSOCIATES, INC.**  
 1000 West Main Street, Suite 200, Charlottesville, Virginia 22902  
 Phone: (813) 437-2100  
 Fax: (813) 437-2101  
 Website: www.fwa.com



- SITE NOTES**
- THE TOTAL AREA OF THIS PROPERTY IS 219,467 SQ. FT. OR 5.003 ACRES.
  - OWNER: PART DEUX, LLC
  - RECORD BOOK: 11306 PAGE 1910
  - PROVIDE DELINEATED MICHENS 15 SHOW ON FAIRFAX COUNTY MAP MAP # 90-200-14
  - THE PROPERTY SHOWN HEREON IS CURRENTLY ZONED C-8 (COMMERCIAL) RESTRICTION WHICH A RETAIL SALES ESTABLISHMENT IS A PERMITTED USE.
  - FLOOR FINISHES: SEE MAP FROM LUMBERMILL PANEL NUMBER SYSTEMS 0316 D, DATED MARCH 5, 1990, SHEET 1. LAMBA OBTAINED TO BE DURING 2007 NEW FLOOR FINISHES.
  - THE OWNER HAS VENDORSHIP INFORMATION SHOWN HEREON WAS OBTAINED FROM A PLAN TITLED: "A FRANCIA LINE TITLE SURVEY", PREPARED BY LARRY L. STUBBS, CLAYTON B. JOHNSON, INC., AND DATED 03/14/2017. ADDITIONAL VENDORSHIP INFORMATION INCLUDING UTILITIES AND ELEVATIONS WERE OBTAINED FROM A MICHENS SITE PLAN PREPARED BY HANSON, DUNN, & ASSOCIATES, INC. - HANSON COMPANY.
  - THE CONTACT PERSON FOR THIS SITE PLAN IS: DAVID R. HALL, P.E., FREDERICK WARD & ASSOCIATES, INC., 5 WOOD POINTE LANE, SUITE 200, HANOVER, VA 22060, PHONE: (813) 345-2300
  - MINIMUM LAND REQUIREMENTS:  
 FRONT: CONTROLLED BY A 45' SIDE PLANE, 150' OR LESS THAN 40' FEET)  
 SIDE: NONE  
 REAR: 20'
  - FLOOR AREA RATIO (F.A.R.) ALLOWABLE: 0.30  
 FLOOR AREA RATIO (F.A.R.) PROVIDED: 0.18
  - OPEN SPACE REQUIREMENT: 15% (GROSS AREA)  
 OPEN SPACE PROVIDED: 15.0% (GROSS AREA)
  - BUILDING HEIGHT (FROM MEASUREMENT): 00'-00"  
 BUILDING HEIGHT PROPOSED: 10'-00"
  - PARKING REQUIREMENTS:  
 MINIMUM REQUIRED FOR C-8 (COMMERCIAL, DISTRICT 1)  
 = USE CHANGING CENTER REQUIREMENTS FOR MULTIPLE RETAIL  
 ONE SPACE FOR EACH 1,000 SQ. FT. OF GROSS FLOOR FLOORPLAN
  - EXISTING LOT'S BUILDING:  
 MICHENS  
 TOTAL REQUIRED PARKING SPACES = 205 SPACES  
 1. 25,000/1,000 = 25.0 - 25 SPACES REQUIRED  
 PROPOSED RETAIL AREA #1  
 19,467/1,000 = 19.5 - 19 SPACES REQUIRED  
 PROPOSED RETAIL AREA #2  
 5,000/1,000 = 5.0 - 5 SPACES REQUIRED  
 TOTAL REQUIRED PARKING SPACES = 205 SPACES  
 1. 25,000/1,000 = 25.0 - 25 SPACES REQUIRED  
 PROPOSED RETAIL AREA #1  
 19,467/1,000 = 19.5 - 19 SPACES REQUIRED  
 PROPOSED RETAIL AREA #2  
 5,000/1,000 = 5.0 - 5 SPACES REQUIRED  
 TOTAL REQUIRED PARKING SPACES = 205 SPACES  
 1. 25,000/1,000 = 25.0 - 25 SPACES REQUIRED  
 PROPOSED RETAIL AREA #1  
 19,467/1,000 = 19.5 - 19 SPACES REQUIRED  
 PROPOSED RETAIL AREA #2  
 5,000/1,000 = 5.0 - 5 SPACES REQUIRED  
 TOTAL REQUIRED PARKING SPACES = 205 SPACES
  - THESE ARE NOT KNOWN OR BELIEVED WITHIN THE PARTS OF CONSTRUCTION.  
 THERE ARE NO CHESAPAKE BAY PROTECTION AREAS (CBPAs) WITHIN THE LINES OF CONSTRUCTION.
  - THE PROPERTY BELIEVED HEREON IS CURRENTLY UTILIZING A STORMWATER MANAGEMENT SYSTEM AND BEST MANAGEMENT PRACTICE FACILITY. THIS FACILITY IS NOT BEING MAINTAINED. THE PROPOSED IMPROVEMENTS DO NOT INCREASE THE SUPERVISORY AREA OF THE SITE AND NO IMPROVEMENT TO THE STORMWATER FACILITY IS REQUIRED.
  - ALL PROPOSED EXCAVATIONS, EROSION AND SEDIMENT CONTROL SHALL CONFORM TO THE REQUIREMENTS AND SPECIFICATIONS OF THE EROSION CONTROL ACT AND THE FAIRFAX COUNTY PUBLIC FACILITIES MANUAL, LATEST EDITION. THE CONTRACTOR SHALL NOTIFY THE UTILITIES AND THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AT LEAST 14 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- THIS MINOR SITE PLAN IS BASED ON INFORMATION OBTAINED FROM A RECENT ALTA/CASB LAND TITLE SURVEY AND INFORMATION OBTAINED FROM AS-BUILT SITE PLANS, FAIRFAX COUNTY NUMBER 8488-BAS-05-A, DATED 08/17/04

**FRANCONIA - SPRINGFIELD PARKWAY VA STATE ROUTE 7900**  
 (R/W VARIES)



RECEIVED  
 Department of Planning & Zoning  
 MAR 01 2023  
 Zoning Enforcement Division

**STANBERRY**  
 Development  
 1317 West Main Street  
 Columbia, Ohio, 43201  
 Phone: 614/437-8100  
 E-MAIL: STANBERRY@STANBERRY.COM

**STANBERRY**  
 COMMERCIAL RETAIL BUILDING  
 (EXISTING LOT'S BUILDING SITE)  
 8717 SPRING MALL ROAD  
 FAIRFAX COUNTY, VA, VIRGINIA

DESIGNED BY: SW  
 DRAWN BY: SW  
 SCALE: AS NOTED  
 DATE: 11-03-20  
 TAG: SW  
 DRAWING NO.: 2000217-00  
 DRAWING NO.: C-1  
 SHEET 2 OF 3

## APPLICATION DESCRIPTION

The applicant, DDR Southeast Spring Mall, LLC, requests approval of a Special Exception (SE) application to permit an existing fast food restaurant with no drive-through to remain on the site. The property is zoned Highway Commercial (C-8) and located within a Sign Control (SC) Overlay District. The application does not propose any new construction or land disturbance on the subject property. The project site is a single 5.04-acre parcel located at 6717 Spring Mall Drive developed with two buildings: 1) a one-story, 58,582 square foot (SF) building containing retail uses; and a one-story, 1,500 SF building containing the fast food restaurant (Subway).

A reduced copy of the SE plat is included at the front of this report. Copies of the proposed development conditions, the affidavit, and the applicant's statement of justification are included in Appendices 1, 2 and 3, respectively and an electronic copy of the staff report is available at

<http://ldsnet.fairfaxcounty.gov/ldsnet/ZAPSMMain.aspx?cde=SE&seq=4173736>.



Aerial View of the Subject Site Source: Fairfax County GIS

## LOCATION AND CHARACTER

### Site Description:

The 5.04-acre site is located on the south side of Spring Mall Drive, southeast of the intersection of Spring Mall Drive and Loisdale Road.

**Surrounding Area:**

The subject site is surrounded by the Springfield Station apartments to the east, the Springfield Town Center to the north, commercial auto sales to the west, and the Franconia-Springfield Parkway to the south.

**BACKGROUND**

On September 17, 1975, the Board of Supervisors approved RZ C-520, rezoning 9.80 acres (including the subject property) from the RE-1 District to the C-8 District.

On January 23, 2002, a Use Determination letter (Appendix 4) was issued by the Department of Planning and Zoning stating that an eating establishment (Subway) was permitted by right in the C-8 District. Per the Zoning Ordinance, an eating establishment is defined as:

*Any establishment, which provides as a principal use, the sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design or principal method of operation includes: 1) customers are provided with an individual menu and are served by a restaurant employee at the same table or counter at which said items are consumed; and 2) said items are served on nondisposable plates or containers and nondisposable eating utensils are provided. Customers are not expected to clear their table or dispose of their trash.*

On May 16, 2002, a Non-Residential Use Permit (Non-RUP) was granted to Subway for an eating establishment.

On June 14, 2012, a Notice of Violation (appendix 5) was issued by the Department of Code Compliance when it was determined that the subject use was operating on the site not as an eating establishment but as a fast food restaurant, which is only permitted in the C-8 District with a Special Exception. Per the Zoning Ordinance, a fast food restaurant is defined as:

*Any establishment, which provides as a principal use, the sale of food, frozen desserts, or beverages in ready-to-consume state for consumption either within the restaurant, within a motor vehicle parked on the premises, or off-premises, and whose design or principal method of operation includes one or more of the following characteristics:*

- 1. Food, frozen desserts, or beverages are served in edible containers or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable.*
- 2. Food, frozen desserts, or beverages are usually served over a general service counter for the customer to carry to a seating facility within the restaurant, to a motor vehicle or off-premises. If consumed*

*on premises, customers generally are expected to clear their own tables and dispose of their trash.*

3. *Forty-five (45) percent or more of the gross floor area of the establishment is devoted to food preparation, storage and related activities which space is not accessible to the general public.*
4. *Food, frozen desserts, or beverages are served to the occupants of motor vehicles while seated therein, such as through a drive-in window.*

## **COMPREHENSIVE PLAN PROVISIONS**

The Fairfax County Comprehensive Plan, 2011 Edition; Franconia-Springfield Area and Fort Belvoir North Area, Land Unit J as amended through February 12, 2013, is planned for multi-family residential use at a density of 35 dwelling units per acre, as detailed in the Comprehensive Plan on pages 49-50 and at

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/area4/franconiaspring.pdf>

## **ANALYSIS**

SE Proposal: The proposal is a request to permit an existing fast food restaurant with no drive-through to remain on property; no new construction is proposed on the subject property.

The applicant was approved for a modification of the submission requirements for a special exception to allow them to submit Sheet 2 of Minor Site Plan 005449-MSP-01-1 (copy at the front of staff report). The site conditions are analyzed below.

Existing Site Conditions: The site is developed with a one-story, 58,582 square foot (SF) building containing retail uses and a one-story, 1,500 SF building containing a fast food restaurant (Subway). Parking for all uses is provided on a surface parking lot.

Access and Parking: There are two access points to the subject property along Spring Mall Road. A full access is located at the central portion of the site, and eastern portion of the site and school parking is provided along the northern, eastern, and southern portions of the site; both would remain unchanged.

Stormwater Management: No changes are proposed to the previously approved stormwater management system.

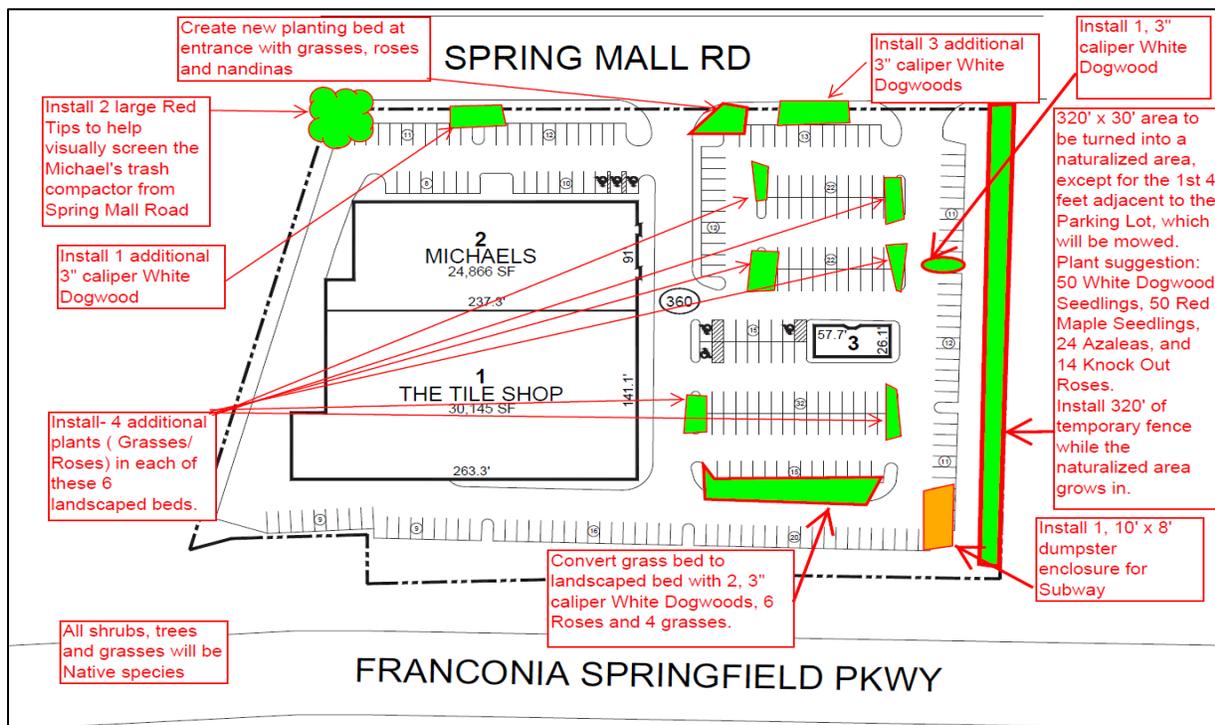
## **LAND USE AND ENVIRONMENTAL ANALYSIS (Appendix 6)**

This application does not propose any new construction on the subject property. The current use, a fast-food restaurant, has operated on the site for 11 years without

benefit of a Special Exception. Although the use is not consistent with the intent of the Comprehensive Plan designation of multi-family residential use for this site, the Comprehensive Plan recognizes that near-term interim uses may foster longer-term revitalization, although they may not be in conformance with the long-term vision. In such cases, the Comprehensive Plan recommends that the interim use should result in public benefits, such as improvements in parking or landscaping, which can outweigh the adverse effects of the subject land use.

In this case, the applicant is proposing to provide measures to improve the site including:

- Installing a trash dumpster enclosure in the southeastern corner of the site to screen trash dumpsters located at the rear of the site,
- Install additional plantings (grasses/roses) within six existing islands in the eastern section of the parking lot near the fast food restaurant,
- Convert a grass bed to a landscaped be with two trees and roses and grasses within the southernmost parking lot island in the southeast portion of the site,
- Install a 3" caliper White Dogwood tree in the eastern portion of the parking lot,
- Install a 320' x 30' landscaped area along the eastern boundary of the site. This area would be turned into a naturalized area (no mowing), except for the first four feet adjacent to the parking lot, which will be mowed,
- Provide six new trees along the Spring Mall Road frontage of the site, and a new planting bed near the entrance.



All of the proposed improvements are depicted on Exhibit A (above), which is attached to the development conditions. A note on the exhibit states that all shrubs, trees, and

grasses provided will be native species. The final determination on the location of and types of plantings shall be made by the Urban Forest Management Division (UFMD) of the Department of Public Works and Environmental Services (DPWES). Staff believes that the proposed improvements would be in harmony with the recommendation for public benefits.

### **URBAN FORESTRY ANALYSIS (Appendix 7)**

As no new construction or changes to the existing development on the site are proposed, the applicant has requested a modification of the transitional screening requirement and waiver of the barrier requirements on the eastern boundary of the site to allow that approved pursuant to Minor Site Plan 5449-MSP-01 and as currently exists on the site.

With the initial submission, UFMD staff was concerned that sufficient information had not been provided to allow staff to make a determination regarding the adequateness of the landscaping on the site. The applicant subsequently submitted a planting exhibit (Development Condition Exhibit A) to depict the new landscaping proposed for the site. Because no new construction is proposed with the application; the use has been operating on the site for 11 years; and the existing landscaping on the site is in accordance with that approved with the minor site plan for the site, staff has no objection to a modification of the transitional screening requirement and waiver of the barrier requirement along the eastern boundary of the site subject to the additional landscaping proposed.

### **TRANSPORTATION ANALYSIS (Appendix 8)**

Because no road improvements are proposed with this application and no changes are proposed to the site access or onsite circulation, staff had no comments regarding this proposal.

### **ZONING ORDINANCE PROVISIONS (Appendix 9)**

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

Par. 1, 2, and 3 of Sect. 9-006 require that the proposed use be in harmony with the adopted comprehensive plan, the general purpose and intent of the Zoning district regulations, and not adversely affect, hinder or discourage the appropriate use or development of adjacent or nearby properties. As previously discussed, the fast food use has been operating on the site for 11 years. The applicant has filed the application to cure a notice of violation, which was issued because there had been no approved special exception to permit a fast food restaurant for the site. The approval of a special exception would bring the site into compliance with the C-8 standards. Furthermore, the fast food restaurant is part of a larger existing retail development, consisting of a Michael's crafts store and the Tile Shop. The proposed use will not adversely impact

any adjacent or nearby properties or hinder their use or development in accordance with the Comprehensive Plan or Zoning Ordinance.

Par. 4 states that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with the existing and anticipated traffic in the area. No changes are proposed to the existing pedestrian and vehicular facilities at the site, which were previously approved via a minor site plan. Therefore, this standard has been met.

Par. 5 states that landscaping and screening in accordance with Article 13 shall be required. The applicant has requested a modification of the transitional screening requirement and waiver of the barrier requirement along the eastern boundary of the site. The existing landscaping is in accordance with that approved with the minor site plan approved for the site; and the applicant has provided a planting exhibit depicting additional landscaping and screening to be provided on the site. Staff has no objection to the modification and waiver requests and believes that this standard has been met.

Par. 6 states that open space be provided in accordance with that required for the zoning district in which it is located. The site currently contains 19.6% open space, which exceeds the 15% requirement for the C-8 District and no decrease in open space is proposed with this application. Therefore, this standard has been met.

Par. 7 requires that adequate utility, drainage, parking and loading facilities be provided in accordance with Article 11. All of the utility, and drainage facilities, and parking and loading on the site are in accordance with that approved with the approved minor site plan and no changes are proposed to those facilities. Therefore, this standard has been met.

Par. 8 requires that all signs be regulated by Article 12 of the Zoning Ordinance. Staff has proposed a development condition to ensure that all signs on the site be in accordance with Article 12 of the Zoning Ordinance. Therefore, this standard has been met.

### **Sect. 9-503 Standards for All Category 5 Uses**

The standards for all Category 5 uses requires that all uses comply with the lot size and bulk regulation, and performance standards for the zoning district they are located in, and be subject to the Zoning Ordinance. The existing development on the site complies with the lot size and bulk standards for the C-8 District. A Minor Site Plan 5449-MSP-01 was previously approved to permit the existing development on the site and now new construction is proposed with this application. Therefore, in staff's opinion; this application complies with these standards.

### **Sect. 9-505 Standards for Fast Food Restaurants**

The applicable standards of Sect. 9-505, which address architecture, pedestrian and vehicular circulation, parking, glare, and other operational factors are all elements that

were evaluated at the time of Minor Site Plan review for the existing development. No new construction or changes to the measures approved with the minor site plan are proposed with this application, and no drive-through use is proposed. Therefore, in staff's opinion, this application complies with these standards.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The subject fast food restaurant has been operating on the site for 11 years would continue to be housed in an existing building on the site, and that no structural improvements or exterior construction are planned. Furthermore, the applicant proposes to provide improvements on the site in the form of an enclosure for the trash dumpsters on the site and additional landscaping. Staff concludes that the proposal would have no adverse impacts on the surrounding area, and the proposed use would be in harmony with the Comprehensive Plan and the applicable Zoning Ordinance provisions.

### **Recommendations**

Staff recommends approval of SE 2013-LE-003 subject to the development conditions contained in Appendix 1.

Staff recommends approval of a modification of the transitional screening requirement along the eastern boundary of the site in favor of that shown on the development conditions Exhibit A in Appendix 1.

Staff recommends approval of a waiver of the barrier requirement along the eastern boundary of the site.

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

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. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Use Determination Letter – Subway
5. Notice of Violation

**APPENDICES (CONT'D)**

6. Land Use and Environmental Analysis
7. Urban Forest management Analysis
8. Transportation Analysis
9. Applicable Zoning Ordinance Provisions
10. Glossary of Terms

**DRAFT DEVELOPMENT CONDITIONS**

SE 2013-LE-003

September 5, 2013

If it is the intent of the Board of Supervisors to approve SE 2013-LE-003 located at 6717 Spring Mall Road, Tax Map 90-2 ((1)) 51, to permit a fast food restaurant with no drive-through pursuant to Sect. 4-804 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval 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. A copy of this Special Exception and the Non-Residential Use Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during hours of operation of the permitted use.
4. 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 Minor Site Plan entitled "Commercial retail Building Existing, Uptons Building Site," prepared by Frederick Ward Associates, Inc., and dated November 3, 2000 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.
5. All parking shall be on site shall be provided in accordance with Article 11 of the Zoning Ordinance.
6. All outdoor lighting shall comply with Part 9, Article 14 of the Zoning Ordinance.
7. All signage shall be in conformance with Article 12 of the Zoning Ordinance.
8. Landscaping shall be provided consistent with Exhibit A (attached), as determined by Urban Forest Management Division (UFMD) within six months of the approval date of this application. The landscaping may be installed at a later date if it is determined by UFMD that modifying the time of planting will improve the survival of the landscaping.

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, eighteen (18) months after the date of approval unless the use has been established 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 5, 2013
(enter date affidavit is notarized)

I, Inda E. Stagg, agent, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) [ ] applicant
[✓] applicant's authorized agent listed in Par. 1(a) below 120409a

in Application No.(s): SE 2013-LE-003
(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.)

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Includes entries for DDR Southeast Spring Mall, L.L.C. and M.J. Wells & Associates, Inc.

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

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

DATE: June 5, 2013  
 (enter date affidavit is notarized)

120409a

for Application No. (s): SE 2013-LE-003  
 (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)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	<b>Attorneys/Planners/Agent</b>
Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Jonathan D. Puvak Elizabeth D. Baker Inda E. Stagg Elizabeth A. Nicholson f/k/a Elizabeth A. McKeeby		<b>Attorney/Agent</b> <b>Attorney/Agent</b> <b>Attorney/Agent</b> <b>Attorney/Agent</b> <b>Attorney/Agent</b> <b>Attorney/Agent</b> <b>Planner/Agent</b> <b>Planner/Agent</b> <b>Planner/Agent</b>

(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: June 5, 2013
(enter date affidavit is notarized)

120409a

for Application No. (s): SE 2013-LE-003
(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)

DDR Southeast Spring Mall, L.L.C.
3300 Enterprise Parkway
Beachwood, OH 44122

DESCRIPTION OF CORPORATION: (check one statement)

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

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

DDR Retail Real Estate Limited Partnership, Sole Member

(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: June 5, 2013  
(enter date affidavit is notarized)

120409a

for Application No. (s): SE 2013-LE-003  
(enter County-assigned application number (s))

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

DDR Corp.  
3300 Enterprise Parkway  
Beachwood, OH 44122

**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 NYSE.

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

DDR IRR Acquisition LLC  
3300 Enterprise Parkway  
Beachwood, OH 44122

**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)

DDR Corp., Sole Member

(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: June 5, 2013  
(enter date affidavit is notarized)

120409a

for Application No. (s): SE 2013-LE-003  
(enter County-assigned application number (s))

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

M.J. Wells & Associates, Inc.  
1420 Spring Hill Road, Suite 600  
McLean, Virginia 22102

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

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

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

M.J. Wells & Associates, Inc. Employee  
Stock Ownership Trust. All employees are  
eligible plan participants; however, no one  
employee owns 10% or more of any class of  
stock.

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

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13th Floor  
Arlington, Virginia 22201

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

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

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

David J. Bomgardner, E. Andrew Burcher,	J. Randall Minchew, M. Catharine Puskar,
Thomas J. Colucci, Michael J. Coughlin,	John E. Rinaldi, Kathleen H. Smith,
Peter M. Dolan, Jr., Jay du Von, William A.	Lynne J. Strobel, Garth M. Wainman,
Fogarty, John H. Foote, H. Mark Goetzman,	Nan E. Walsh, Martin D. Walsh
Bryan H. Guidash, Michael D. Lubeley,	

(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: June 5, 2013  
(enter date affidavit is notarized)

120409a

for Application No. (s): SE 2013-LE-003  
(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)  
DDR Retail Real Estate Limited Partnership  
3300 Enterprise Parkway  
Beachwood, OH 44122

(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)

General Partner: DDR Corp.  
Limited Partner: DDR IRR Acquisition  
LLC

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 5, 2013  
(enter date affidavit is notarized)

120409a

for Application No. (s): SE 2013-LE-003  
(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: June 5, 2013  
(enter date affidavit is notarized)

120409a

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

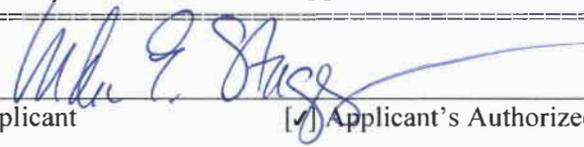
**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)  
None

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

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

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

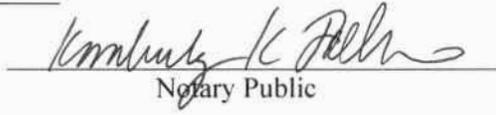
WITNESS the following signature:



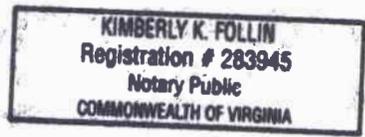
(check one) [ ] Applicant [x] Applicant's Authorized Agent

Inda E. Stagg, agent  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 5 day of June, 2013, in the State/Comm. of Virginia, County/City of Arlington.

  
Notary Public

My commission expires: 11/30/2015



**APPENDIX 3**



**WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC**

Inda E. Stagg  
(703) 528-4700 Ext. 5423  
istagg@arl.thelandlawyers.com  
Fax: (703) 525-3197

**RECEIVED**  
Department of Planning & Zoning

**MAR 01 2013**

**Zoning Evaluation Division**

February 28, 2013

**Via Hand Delivery**

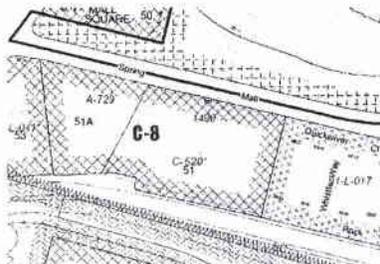
Barbara C. Berlin  
Director, Fairfax County DPZ/ZED  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035

Re: Request for Special Exception Amendment  
DDR Southeast Spring Mall, L.L.C. ("DDR" or the "Applicant")  
TM 90-2 ((1)) 51 (the "Property")

Dear Ms. Berlin:

Please accept this statement as justification for a Special Exception Amendment application for DDR in order to permit an approximately 1,500 square foot Fast Food Restaurant with no drive through ("Subway®") in a C-8 District. The establishment of Subway® as an eating establishment occurred prior to DDR's acquisition of the Property. DDR was informed by the Department of Code Compliance that on May 16, 2002, their tenant, Dream Unlimited, Incorporated, doing business as Subway®, mistakenly obtained a Non Residential Use Permit ("NonRUP") for an "Eating Establishment" use, which is permitted as a matter of right in the C-8 District, instead of obtaining a NonRUP for a "Fast Food Restaurant" use, which requires special exception approval in the C-8 District. DDR is unaware of any particular concerns regarding the operation of Subway® on the Property, with the exception of the need to obtain Special Exception approval for the correct Fast Food Restaurant use. No modification to current operations, façade or site configuration is requested with this application. No drive-through is requested with this application.

**Property Description**



The approximately 5.04 acre (219,467 square foot) Property is located in the Lee Magisterial District, is zoned C-8, and is developed with one 58,582 square foot retail building housing a Michaels® and Tile Shop®, as well as a freestanding

**PHONE 703 528 4700 | FAX 703 525 3197 | WWW.THELANDLAWYERS.COM**  
**COURTHOUSE PLAZA | 2200 CLARENDON BLVD., THIRTEENTH FLOOR | ARLINGTON, VA 22201-3359**

**LOUDBON OFFICE 703 737 3633 | PRINCE WILLIAM OFFICE 703 680 4664**

ATTORNEYS AT LAW

1,500 square foot Subway® restaurant. The Property is located between Spring Mall Road and the Franconia-Springfield Parkway, approximately 500 feet west of their intersections with Loisdale Drive.

Vehicular access for the Property is in two locations along Spring Mall Road; the eastern-most access point is right-in/right-out only and the western-most access point allows free movement of vehicles into and out of the Property. A sidewalk extends across the entire frontage of the Property along Spring Mall Road.

### **History**

On September 17, 1975, the Board of Supervisors rezoned the Property, along with other property totaling 9.778 acres of land, from the RE-1 District to the C-8 District for the development of retail commercial uses.

### **Information Regarding the Proposed Use (Par. 7 of Sect. 9-001 of the Ordinance)**

In accordance with Par. 7 of Sect. 9-001 of the Ordinance, Submission Requirements, responses regarding the proposed use are provided in the lettered paragraphs below.

#### **A. Type of operation(s).**

DDR is seeking Special Exception approval in order to permit the continuation of Subway® restaurant operations on the Property as a Fast Food Restaurant use, as opposed to the currently NonRUP designation as an Eating Establishment use.

#### **B. Hours of operation.**

This Subway® restaurant currently operates from 7:00 a.m. until 10:00 a.m. It is requested that these hours of operation continue to be permitted.

#### **C. Estimated number of patrons/clients/patients/pupils/etc.;**

#### **D. Proposed number of employees/attendants/teachers/etc.**

#### **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.**

It is estimated that the number of employees should not exceed 5 at any one time and that, estimated on the trip generation analysis for this type of use, the number of patrons should not exceed an average of approximately 250 patrons per day during the summer and about 100 patrons per day in other seasons. On average, there are about 20 – 30 patrons per hour, depending on the time of the year. As stated earlier, summers are the busiest times for this use. There will more people at the restaurant between the hours of 11:00 a.m. – 1:30 p.m. to accommodate lunch traffic.

According to the Institute of Transportation Engineers' Trip Generation 9<sup>th</sup> Edition, the 1,508 square foot Fast Food Restaurant use does not trigger the Chapter 870 thresholds; therefore, a Chapter 870 TIA is not required.

F. Vicinity or general area to be served by the use.

According to the official Subway® restaurant website, there are ten Subway® restaurants within 3.5 miles of this Subway® restaurant. The next closest Subway® restaurant to the Property is approximately 1 mile from this restaurant.

G. Description of building façade and architecture of proposed new building or additions.

No new buildings or additions to the existing building are proposed. The Subway® restaurant's façade is a combination of concrete or masonry substrate with outside insulation board, and is similar to the façade of the main retail structure on the Property.

H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on-site and the size and contents of any existing or proposed storage tanks or containers.

To the best of our knowledge there are no hazardous or toxic substances generated, utilized, stored, treated or disposed of on the site. If any of these materials are used, such use will comply with all applicable laws and regulations.

I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

The proposed use complies with all applicable ordinances, regulations, adopted standards and applicable conditions, with the exception of the following, for which waivers/modifications are requested:

1. Waiver of Submission requirements to permit Sheet C-1 of the approved Minor Site Plan, 5449-MSP-01, to be used in lieu of a Special Exception Plat, including all SE Plat requirements that may not be included on Sheet 3 of the approved Minor Site Plan.

2. Modification of transitional screening and waiver of barriers on the Property's eastern periphery to those previously approved pursuant to Minor Site Plan 5449-MSP-01, and as currently exist on the Property.
3. Waiver of the requirement to provide photographs of the Property. The Subway® restaurant has been constructed and located on the Property for approximately 11 years. No revisions are proposed to this building's façade or other constructed elements on the Property.

### **Response to Special Exception General Standards**

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

The Property is located in the Franconia-Springfield Area and Fort Belvoir Area (Area IV); Franconia-Springfield Area, Land Unit J. The base Plan recommendation for all of Land Unit J is for multifamily development at a maximum density of 35 du/ac. Two development options include: (1) residential use at a maximum density of 45 du/ac, and (2) mixed use development comprised of retail and residential development up to maximum development intensity of 1.0 FAR. The ultimate vision for this area includes the provision for a new road that would extend through the approximate middle of the Property to connect the Springfield Mall to the GSA Property to the south, and provides for a "focal point of place making" around the center of the Property.

The proposed Fast Food Restaurant use is located within an existing 1,500 square foot structure that could be used for any number of "by-right" uses without the requirement to be in harmony with the adopted Comprehensive Plan. Although the proposed Fast Food Restaurant use is not in harmony with the adopted Comprehensive Plan recommendation for multifamily development, it does not hinder the future implementation of the Plan recommendations.

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

The Property is zoned C-8. Retail uses, which are the majority of the uses on the Property, are permitted as a matter of right in the C-8 District. Eating establishments are also permitted as a matter of right in the C-8 District. Fast Food Restaurant uses require Special Exception approval, which is the purpose of this application. The proposed Fast Food Restaurant use is in harmony with the general purpose and intent of the C-8 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.

The use of the Property has not changed in over 11 years. We are unaware of any specific concerns regarding the Subway® restaurant or its operations during that time, despite the fact that a large apartment complex is located immediately to the east. Redevelopment of the Springfield Mall, which is located immediately north of the Property, is beginning. It does not appear that the proposed Fast Food Restaurant use will hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings.

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 and vehicular traffic associated with this use was determined appropriate by the Department of Public Works and Environmental Services with the approval of the associated minor site plan, and this configuration has not changed since the restaurant opened in 2002. The Property is developed in accordance with the requirements of the PFM standards. The Fast Food Restaurant use will not be hazardous and will not 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.

DDR is requesting a modification of the transitional screening requirements and a waiver of the barrier requirements in lieu of the existing screening that currently exists on the Property's eastern periphery. A number of uses could be permitted on the Property as a matter of right without the requirement for transitional screening or barriers. The Subway® use does not include a drive through window or outside speakers and the restaurant entrance faces Spring Mall Drive, away from the apartments to the east.

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

According to the approved minor site plan, the Property contains 19.6% open space, which exceeds the minimum requirement of 15% open space in the C-8 District.

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.

All facilities to serve the use are adequate, as indicated on the approved minor site plan.

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.

Signs will be/are in accordance with the provisions of Article 12.

### Summary

DDR purchased the Property subsequent to the establishment of the Subway® restaurant at this location. Now that the concern has been brought to their attention, DDR is seeking to remedy the violation and understands the requirements to file a special exception application so that the existing Subway® restaurant can continue to operate in its current location. Subway® is a good tenant and DDR would like to retain them. To our knowledge, there have not been complaints regarding this use, other than to note that special exception approval is necessary for it to operate in this location. Permitting Subway® to remain in this location will not help or hinder the establishment of the overall vision for Land Unit J of the Franconia-Springfield Area. DDR requests your favorable review and recommendation for approval of this use.

Please do not hesitate to contact me if you should have any questions or require additional information in order to process this application.

Very truly yours,

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



Inda E. Stagg  
Senior Land Use Planner

Enclosures

cc: Noam Magence  
Martin D. Walsh



# FAIRFAX COUNTY

## APPENDIX 4

DEPARTMENT OF PLANNING AND ZONING

Zoning Administration Division

Zoning Permit Review Branch

12055 Government Center Parkway, Suite 250

Fairfax, Virginia 22035-5508

V I R G I N I A

(703) 324-1359

Fax (703) 324-2301

January 23, 2002

Mr. Andrew G. Segall  
Trout, Segall & Doyle LLC  
Village Square, Suite 219  
Village of Cross Keys  
Baltimore, Maryland 21210

RE: Use Determination – Subway  
6711 Spring Mall Road  
Tax Map Ref: 90-2 ((1)) 51  
Zoning District: C-8

Dear Mr. Segall:

This is in response to your letter of January 15, 2002 which requested a use determination for the proposed Subway establishment at the above-referenced property.

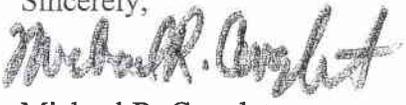
As stated in your letter the proposed establishment will consist of approximately 1,500 square feet. Customers will be provided with an individual menu and are served their food, frozen deserts or beverages by a restaurant employee at the same table or counter at which the items are consumed. The food, frozen deserts or beverages are served on non-disposable plates or containers and non-disposable eating utensils are provided and customers are not expected to clear their tables. Based on this information, it is my determination that proposed Subway is an eating establishment.

The above-referenced property is zoned C-8. An eating establishment is permitted by right in the C-8 zoning district subject to verification of the adequacy of the parking for the site and the issuance of a Building Permit and Non-Residential Use Permit (Non-RUP).

For questions pertaining to the Building Permit process, please contact the Permits Application Center of the Department of Public Works and Environmental Services at (703) 222-0801. For information pertaining to Non-RUP's, please call the Zoning Permit Review Branch at (703) 222-1082.

Mr. Andrew G. Segall  
January 23, 2002  
Page 2

I trust this information will be helpful. Should you need additional assistance, please do not hesitate to contact me.

Sincerely,  
  
Michael R. Congleton  
Deputy Zoning Administrator for  
Zoning Permit Review Branch

MRC/JWC/gsm

Attachment: A/S

cc: Dana Kauffman, Supervisor  
Lee District  
Jane W. Gwinn  
Zoning Administrator

COMMERCIAL SPECIALIZING  
IN COMMERCIAL PROPERTIES  
SUITE 515, VILLAGE SQUARE  
BILBILLS OF CROSS KEYS  
240 THORPE, MARYLAND 21210  
PHONE: 301-405-4000  
FAX: 301-405-4277 FAX  
E-MAIL: [info@www.troudegsell.com](mailto:info@www.troudegsell.com)

TRIPLEX OFFICE  
12500 JORDAN, VIRGINIA



January 15, 2002

Mr. Michael R. Congleton  
Deputy Zoning Administrator  
Zoning Permit Review Branch  
Zoning Administration Division  
FAIRFAX COUNTY  
Suite 259  
12055 Government Center Parkway  
Fairfax, VA 22035



**RE: Subway Facility, Spring Mall Center - Springfield, VA**

Dear Mr. Congleton:

I am writing on behalf of the ownership of the above-referenced property. Our company recently secured the building permit to construct a free-standing 1,500 square foot building in front of an existing 60,000 square foot retail facility. The 1,500 square foot building is proposed to be occupied by a Subway franchise. Construction is nearly complete at this time; however, our contractor has been unable to secure the required Non-Residential Use Permit to allow the facility to be occupied. He was informed by your staff that, as a general rule, a Subway sandwich shop is considered to be a "Fast-Food Restaurant" for the purposes of administering the Fairfax County Zoning Ordinance and that such a Fast-Food Restaurant is only permitted on the property subject to the approval of a Special Exception application by the Board of Supervisors. It was also explained that a so-called "Eating Establishment" is permitted as a use by-right and that, subject to certain operational commitments, the Subway facility could be opened as an eating establishment subject to compliance with the definition of the same.

The project's ownership has initiated preparation of the required Special Exception application. We expect this application to be filed within the next several weeks. Consistent with our discussions with your office and in the interest of opening the restaurant facility in the near term, Subway has agreed to operate in a way, which we believe fully complies with the definition of an eating establishment.

Under Article 20 of the Fairfax County Zoning Ordinance, the definition of an Eating Establishment has two (2) principal components, including:

**(1) customers are provided with an individual menu and are served their food, frozen desserts or beverages by a restaurant employee at the same table or counter at which said items are consumed.**

The operator of the Subway facility has agreed to comply with this requirement by preparing individual printed menus. Subway will also provide the staff necessary to carry ordered food to the customer's table. An employee will also be assigned to collect trays, serving utensils, plates and trash from the individual tables.



ALBUQUERQUE \* ATLANTA \* AUSTIN \* BALTIMORE \* BOSTON \* BUFFALO \* CHARLOTTE \* CHICAGO \* CINCINNATI \* DALLAS \* DELAWARE \* DENVER  
DETROIT \* HARTFORD \* HONOLULU \* HOUSTON \* INDIANAPOLIS \* KANSAS CITY \* LOS ANGELES \* MIAMI \* MINNEAPOLIS \* ORANGE COUNTY \* RALEIGH  
SACRAMENTO \* SAN FRANCISCO \* SAN DIEGO \* SAN ANTONIO \* SEATTLE \* SILVERDALE \* ST. LOUIS \* TAMPA \* TULSA \* WASHINGTON, D.C.

**(2) The food, frozen desserts or beverages are served on non-disposable plates or containers and non-disposable eating utensils are provided. Customers are not expected to clear their table and dispose of their trash.**

As discussed above, Subway will provide staff necessary to clear tables. Subway will further commit that, for those patrons who are using the dining-in establishment, all food will be served using glass, china, and flatware. Disposable packaging will only be used for carry-out items.

These operational changes appear to clearly distinguish the Subway use from the fast-food restaurant definition. We would appreciate your confirmation that the above factors sufficiently qualify the proposed facility as an eating establishment. Please contact me if you have any questions or require any additional information. I can be reached at the letterhead address or former number.

Very truly yours,

A handwritten signature in cursive script that reads "Andrew G. Segall/meh".

Andrew G. Segall

AGS:abm  
cc: Jon Meyer  
cc: Gregory Riegler



# County of Fairfax, Virginia

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

## NOTICE OF VIOLATION

**DATE OF ISSUANCE:** June 14, 2012

**CERTIFIED MAIL #:** 7011 1570 0001 6632 5852

**CASE #:** 201203747 **SR#:** 83994

**SERVE:** DDR Southeast Loisdale, L. L.C.  
C/o CT Corporation System  
4701 Cox Road  
Suite 301  
Glen Allen, Virginia 23060-6802

**LOCATION OF VIOLATION:** 6711 Spring Mall Road  
Springfield, Virginia 22150-1907  
Tax Map #: 90-2 ((1)) 51  
Zoning District: C-8

Dear Responsible Party:

Please forward this Notice of Violation to your client. An inspection of the above referenced property on June 12, 2012 revealed the following violations of the Fairfax County Zoning Ordinance.

### § 18-701 Non Residential Use Permit:

It has been determined that Dream Unlimited, Incorporated, doing business as SUBWAY, is occupying the above-referenced property without having obtained the required Non-Residential Use Permit (Non-RUP) for use as a Fast Food Restaurant. Therefore, you are in violation of Sect. 18-701 of the Fairfax County Zoning Ordinance which states:

No occupancy or use shall be made of any structure hereinafter erected or of any premises hereinafter improved, and no change in use shall be permitted, unless and until a Residential or Non-Residential Use Permit has been approved in accordance with the provisions of this Part. A Residential or Non-Residential Use Permit shall be deemed to

Department of Code Compliance  
12055 Government Center Parkway, Suite 1016  
Fairfax, Virginia 22035-5508  
Phone 703-324-1300 FAX 703-324-9346  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)

authorize and is required for both the initial and continued occupancy and use of the building or land to which it applies.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by either vacating the premises or obtaining the required Non-RUP within thirty (30) days of the date of this Notice.

Specific instructions and requirements relative to this permit can be obtained by contacting the Zoning Permit Review Branch, 12055 Government Center Parkway, Fairfax, Virginia, telephone 703-222-1082, between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday.

### **§ 2-304 (1) SPECIAL EXCEPTION**

Our records have revealed that Dream Unlimited, Incorporated, doing business as SUBWAY, was issued Non-Residential Use Permit #: A-2002-0676 on May 16<sup>th</sup>, 2002, for use of the listed property as an Eating Establishment in a C-8 District. An Eating Establishment is defined in Article 20 of the Fairfax County Zoning Ordinance as:

Any establishment, which provides as a principal use, the sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design or principal method of operation includes both of the following characteristics:

1. Customers are provided with an individual menu and are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
2. The food, frozen desserts, or beverages are served on nondisposable plates or containers and nondisposable eating utensils are provided. Customers are not expected to clear their table or dispose of their trash.

Notwithstanding the above, a cafeteria where food, frozen desserts, or beverages are: (a) generally consumed within the establishment; and (b) served on nondisposable plates or containers, and nondisposable eating utensils are provided shall be deemed an eating establishment.

An eating establishment may provide a carry-out service, provided that such carry-out service is clearly not the principal business of such establishment. For the purpose of this Ordinance, a fast food restaurant shall not be deemed an eating establishment. In addition, an eating establishment shall not be deemed to include a snack bar or refreshment stand at a public or non-private recreational facility which is operated solely by the agency or group operating the recreational facility for the convenience of the patrons of the facility.

Entertainment which is provided for the enjoyment of the patrons shall be considered accessory to an eating establishment, to include dancing by patrons, provided the space made available for such dancing

shall not be more than one-eighth (1/8) of that part of the floor area available for dining. Provisions for dancing made available under this definition shall be subject to the licensing requirements of Chapter 27 of The Code.

This investigation has determined that you have changed or allowed the change of use of the above referenced property from that of an Eating Establishment to that of a Fast Food Restaurant. A Fast Food Restaurant is defined in Article 20 of the Fairfax County Zoning Ordinance as:

Any establishment, which provides as a principal use, the sale of food, frozen desserts, or beverages in ready-to-consume state for consumption either within the restaurant, within a motor vehicle parked on the premises, or off-premises, and whose design or principal method of operation includes one or more of the following characteristics:

1. Food, frozen desserts, or beverages are served in edible containers or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable.
2. Food, frozen desserts, or beverages are usually served over a general service counter for the customer to carry to a seating facility within the restaurant, to a motor vehicle or off-premises. If consumed on premises, customers generally are expected to clear their own tables and dispose of their trash.
3. Forty-five (45) percent or more of the gross floor area of the establishment is devoted to food preparation, storage and related activities which space is not accessible to the general public.
4. Food, frozen desserts, or beverages are served to the occupants of motor vehicles while seated therein, such as through a drive-in window.

For the purpose of this Ordinance, a fast food restaurant shall not be deemed an eating establishment.

Therefore, the change in use of the above listed property to a Fast Food Restaurant requires an approved special exception from the Board of Supervisors. Therefore you are in violation of Par. 1 Sect. 2-304 of the Zoning Ordinance that states:

No use of a structure or land that is designated as a special exception use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, unless a special exception has been secured from the Board in accordance with the provisions of Article 9.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by the following:

DDR Southeast Loisdale, L. L.C.

June 14, 2012

Page 4

- Discontinue use of the above referenced property as a Fast Food Restaurant, or;
- Applying for and gaining approval of a special exception from the Board of Supervisors.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1993 or (703)324-1300.

Sincerely,

John Comiskey  
Code Compliance Investigator



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** May 29, 2013

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division, DPZ

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

**SUBJECT:** **Land Use Analysis**  
SE 2013-LE-003 (Subway)

The memorandum, prepared by Michelle Stahlhut, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the general development plan/special exception plat dated November 3, 2000 and land use plan dated 5/16/13. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

### DESCRIPTION OF THE APPLICATION

The applicant, DDR Southeast Spring Mall, L.L.C., is requesting a special exception for a site consisting of one parcel, totaling 5.04 acres (219,467 square feet), in order to legalize an existing free-standing fast food restaurant with no drive-through. The property is zoned C-8 Highway Commercial District and within the Sign Control (SC) zoning overlay district, with an existing strip mall, surface parking lot, and a centrally located free-standing pad building. The fast-food use is an existing unpermitted use in the free-standing pad building.

### LOCATION AND CHARACTER OF THE AREA

The subject property is located south of Spring Mall Road and west of Frontier Drive, and includes the Springfield Station apartments to the east, Springfield Mall to the north, commercial auto sales to the east, and the Franconia-Springfield Parkway to the south. The site is zoned C-8 and is planned for multi-family residential use at a density of 35 dwelling units per acre.

## **COMPREHENSIVE PLAN CITATIONS**

Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Franconia-Springfield Area and Fort Belvoir North Area as amended through February 12, 2013, Franconia Springfield Area Area-wide Recommendations, pages 10-11, the Plan states:

### **“AREA WIDE RECOMMENDATIONS**

#### **Land Use**

Redevelopment within the urban village and the town center should act as a catalyst for additional and complementary redevelopment in their respective areas. Additional, future redevelopment should enhance the development centers through consolidated, urban mixed-use projects, supported by a grid of streets and urban parks. In the Springfield Plaza and GSA area (Land Units B and O), these supporting features are illustrated in the final report of the Connectivity Study and in the following recommendations, on such figures as Figure 2. Future redevelopment proposals should consider this type of redevelopment and should implement these transportation and placemaking improvements. It is recognized that interim uses, which are not in conformance with this long-term vision may be able to foster near-term revitalization efforts. In this case, proposed development should result in public benefits, such as improvements in circulation or access, parking, landscaping, site design or building design, which outweigh any adverse effects of the land use change.

In order to encourage continuity among land uses and discourage automobile usage, small, single-use free-standing structures and uses should be avoided, unless it can be demonstrated that their design and placement would enhance the area or provide an appropriate transition among adjacent areas. In this case, the architecture should be of similar character and/ or scale as the nearby uses. Similarly, drive-through uses should be minimized in the area and, specifically, their design and placement would enhance the area or provide an appropriate transition among adjacent areas. In this case, the architecture should be of similar character and/ or scale as the avoided near the town center in the long-term development plans.”

Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Franconia-Springfield Area and Fort Belvoir North Area as amended through February 12, 2013, Franconia Springfield Area Land Use Recommendations, pages 49-50, the Plan states:

### **“LAND UNIT RECOMMENDATIONS**

#### **Land Unit J**

This land unit is located south of Spring Mall Road and west of Frontier Drive and includes the Springfield Station apartments, which are developed at a density of 45 dwelling units per acre. The approximately 28-acre land unit is bordered on the south by the Franconia-Springfield Parkway.

All of Land Unit J is planned for multi-family residential use at a density of 35 dwelling units per acre. A mix of garden apartments and mid- or high-rise structures is encouraged. Residential use in this area will serve to expand housing opportunities in proximity to a major transportation center. Limited retail uses to serve the residents of the development may be appropriate, provided that the retail uses are not contained in free-standing structures.

Land Unit J includes an area currently used as an automobile dealership (Tax Map 90-2((1))53, 54, 55, 57D). Expansion of this use beyond these parcels within the land unit is not recommended, and consolidation of these parcels with the remainder of Land Unit J for residential or mixed-use development is encouraged to achieve the unified development of this land unit.

Two options for development have been identified for this land unit: residential use at a density of 45 dwelling units to the acre, or mixed-use development comprised of residential and retail use at an intensity of up to 1.0 FAR. Mixed-use development must be predominantly mid- or high-rise residential in character with no more than one-third of the total gross square footage devoted to retail use. The retail and residential uses must be integrated and physically linked to one another to create a cohesive project, as opposed to a development that represents a mixture of disparate uses on the site.

Under either option, the following conditions must be met in addition the conditions established in the Overview section:

- Structures are mid- or high-rise, rather than garden style units, in order that they may be compatible with existing and planned development in the immediate area. Structures should be located to provide an appropriate setback from the Franconia-Springfield Parkway to mitigate noise. Other noise mitigation measures should be provided as necessary;
- At least one-third of the required parking is provided either underground, in structures or designed as a combination of the two. This will help maximize land area for open space and recreational amenities;
- Effective landscaping is provided on the periphery of the site to adequately buffer this residential development from existing and planned non-residential use in the immediate area;
- Safe pedestrian access and connections are provided to the Springfield Mall and to the Transportation Center. The pedestrian circulation plan and network for this land unit should be part of the overall circulation plan for the Transit Station Area;
- A high quality living environment with active recreation and other site amenities is provided to meet the active recreation needs of residents; and,
- Pedestrian access to and from the Transportation Center should be provided as a part of any development of this land unit. Development in this land unit should be linked with the Joe

Alexander Transportation Center through the provision of high frequency transit service, such as a bus circulator system.”

**COMPREHENSIVE PLAN MAP:** Residential use at 20+ dwelling units per acre (du/ac)

## **LAND USE ANALYSIS**

### **Use & Intensity**

The current use as a fast-food restaurant has existed for several years without benefit of a Special Exception permit, and the use is not consistent with the intent of the Comprehensive Plan designation of multi-family residential use for this site. The Comprehensive Plan also recognizes that near-term interim uses may foster longer term revitalization although they may not be in conformance with the long-term vision. In these cases, the interim use should result in public benefits, such as improvements in parking or landscaping, which can outweigh the adverse effects of the land use change.

In order to provide public benefits, the applicant is proposing to screen an existing unscreened garbage area located at the rear of the site and provide additional landscaping around the periphery of the site. A proposal that includes a high-quality garbage enclosure, additional landscaping consisting of native trees and bushes, and a reduction of any excess parking by converting extra parking to additional landscaping would meet the standard for public benefits. Additionally, a restriction on future development of the drive-through would further support the use as an interim use and reduce the possibility for further auto-oriented uses in the near-term.

PGN/MKS

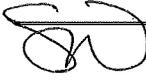


# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** April 25, 2013

**TO:** St. Clair Williams, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Samantha Wangsgard, Urban Forester II  
Forest Conservation Branch, DPWES 

**SUBJECT:** Uptons Building Site; SE 2013-LE-003

This review is based upon the application for a Special Exception, SE 2013-LE-003 and supporting documentation date stamped "Received, Department of Planning and Zoning, March 1, 2013". A site visit was conducted on April 24, 2013.

**Site Description:** The project site is an existing building surrounded by a paved parking lot. It is bounded to the north by Spring Mall Road and to the south by the Franconia-Springfield Parkway. To the west is other commercial development and to the east an apartment complex. The site has parking lot islands with scattered landscape trees, a strip of grass along Spring Mall Road and a screening yard along the eastern property boundary.

**Specific Comment:**

1. Comment: Existing and proposed landscaping has not been shown and it is unclear if the site is in conformance with the following items:
  - Urban Design and Streetscape Guidelines of the Comprehensive Plan for the Franconia-Springfield and North Fort Belvoir Area;
  - Transitional Screening and Barrier requirements of Zoning Ordinance 13-300 through 13-305;
  - Interior Parking Lot Landscaping requirements of Zoning Ordinance 13-202;
  - And Peripheral Parking Lot Landscaping requirements of Zoning Ordinance 13-203

**Recommendation:** Identify existing and proposed landscaping and provide calculations demonstrating how the site:

- Conforms with the Comprehensive Plan;
- Meets transitional screening and barrier requirements for a fast food establishment adjacent to multi-family dwellings;
- Meets interior parking lot landscaping and peripheral parking lot landscaping requirements for a site providing twenty (20) or more parking spaces.

SW/  
UFMDID #: 180162  
cc: DPZ File

Department of Public Works and Environmental Services  
Urban Forest Management Division  
12055 Government Center Parkway, Suite 518  
Fairfax, Virginia 22035-5503  
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769  
[www.fairfaxcounty.gov/dpwes](http://www.fairfaxcounty.gov/dpwes)





# County of Fairfax, Virginia

## MEMORANDUM

DATE: May 6, 2013

TO: Barbara Berlin, Director  
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief  
Site Analysis Section, DOT

FILE: 3-5 (SE 2013-LE-003)

SUBJECT: SE 2013-LE-003 - DDR Southeast Spring Mall, LLC  
Site - Subway Restaurant, 6717 Spring Mall Road  
Land Identification Maps: 90-2 ((1)) 51

MAD  
AKR

This department has reviewed the subject Special Exception application. The applicant's statement of justification indicates that a street connection through the site is planned by Fairfax County. FCDOT staff has reviewed the Comprehensive Plan recommendations for this area and concluded that there is no recommendation supporting this assertion. Given this circumstance and a review of the existing conditions, we have no objection to approval of this application.

AKR/MAD

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