



APPLICATION ACCEPTED: October 25, 2013
PLANNING COMMISSION: March 13, 2014
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

February 25, 2014

STAFF REPORT

APPLICATION PCA 85-D-081-02

DRANESVILLE DISTRICT

APPLICANT:	Federal Realty Investment Trust
PRESENT ZONING:	C-6 (Community Retail Commercial)
PARCEL:	31-3 ((1)) 112B
SITE AREA:	18,474 square feet
PLAN MAP:	Retail and Other Commercial
PCA Proposal:	The applicant seeks approval of a Proffered Condition Amendment (PCA) application to amend the proffers associated with RZ 85-D-081 to allow additional uses within a shopping center.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 85-D-081-02, subject to the execution of proffers consistent with those contained in Appendix 1.

Carmen Bishop

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



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Integrity * Teamwork * Public Service

Staff recommends approval of the following waivers and modification:

- Modification of Sect. 13-303 of the Zoning Ordinance for the transitional screening requirement along the northern property line.
- Waiver of Sect. 13-304 of the Zoning Ordinance for the barrier requirement along the northern property line.
- Waiver of Sect. 4-606 of the Zoning Ordinance for minimum lot area and width.

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

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

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



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

Proffered Condition Amendment

PCA 85-D-081-02

Applicant:
Accepted:
Proposed:

FEDERAL REALTY INVESTMENT TRUST
10/25/2013
AMEND PROFFERS ASSOCIATED WITH RZ 85-D-081 FOR
MODIFICATION TO PERMITTED USE

Area:

18474 SF OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect:

Located:

6252 OLD DOMINION DRIVE, MCLEAN, VA 22101

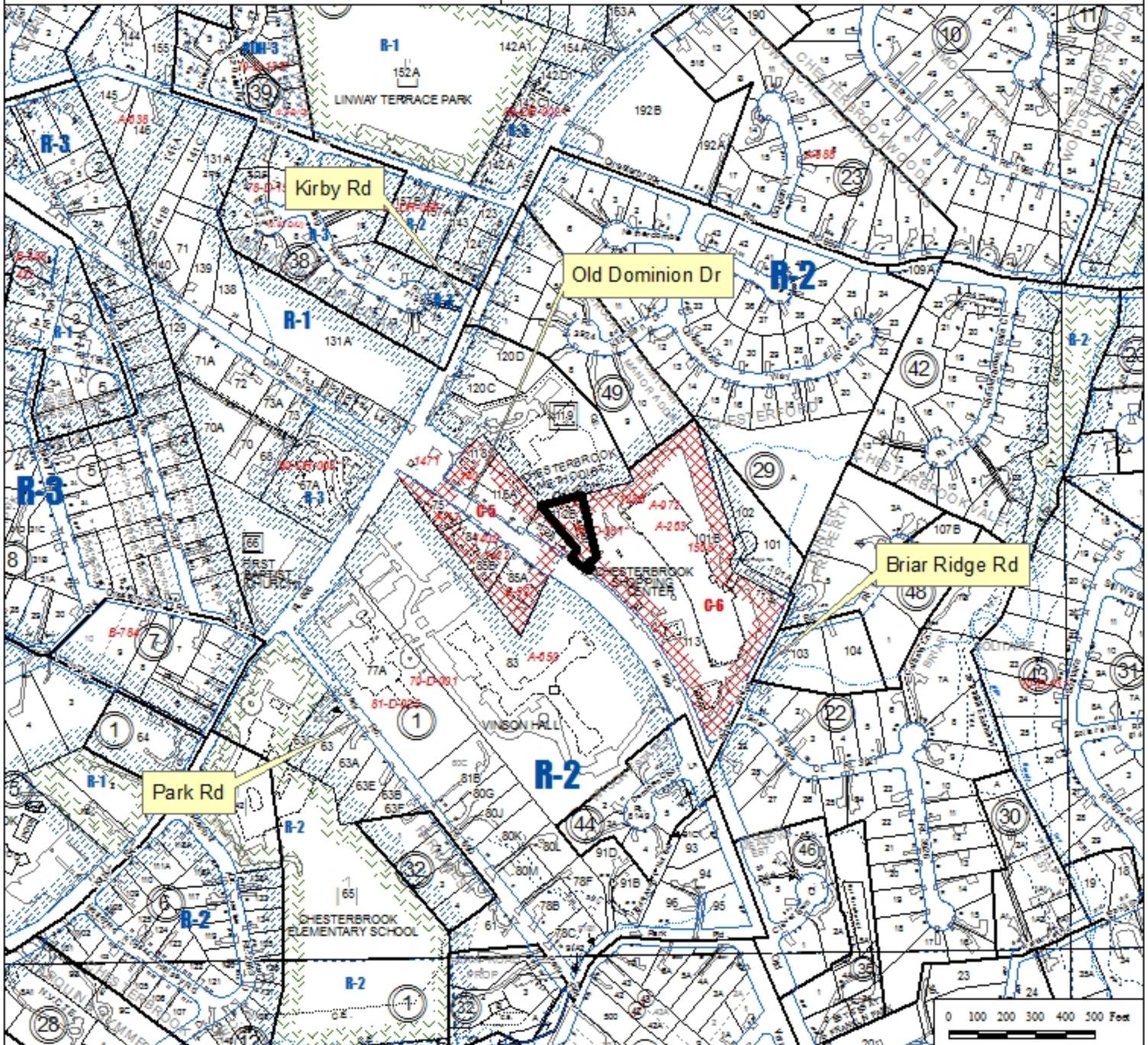
Zoning:

C-6

Overlay Dist:

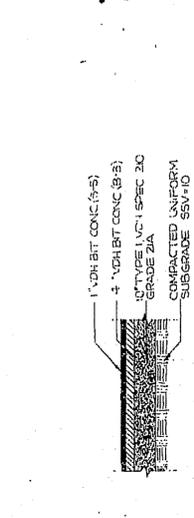
Map Ref Num:

031-3-/01/ /0112B

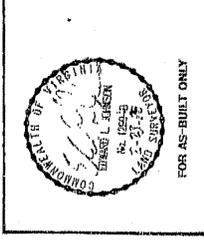


REVISION APPROVED BY		DIVISION OF DESIGN REVIEW	
NO	DESCRIPTION	DATE	APPROVED
1	REV. WATER MAIN	12/23/98	
2	REV. FIRE CONN.	12/23/98	
3	REV. STM & BARRIERS	1/23/99	

- NOTES:**
- ALL RADII TO BE 5 FEET UNLESS OTHERWISE NOTED.
 - PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL VERIFY FROM THE ARCHITECTURAL DRAWINGS ALL DIMENSIONS, DETAILS, DOOR LOCATIONS, TREATMENTS AND GRADES FOR THE PROPOSED BUILDING AND SURROUNDING AREAS. DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT IMMEDIATELY. NO CONSTRUCTION SO APPROPRIATE DESIGN CHANGES CAN BE PERFORMED.
 - CC-6R MAY BE USED IN LIEU OF CC-2 AT THE CONTRACTOR'S OPTION FOR ALL ON-SITE CURB.
 - PRIOR TO CONSTRUCTION ALL PROPOSED BUILDING MECHANICAL CONNECTIONS ARE TO BE VERIFIED WITH ARCHITECT'S AND MECHANICAL ENGINEER'S PLANS FOR PIPE SIZE, GRADES AND LOCATION AND ANY CONFLICTS ARE TO BE REPORTED BY THE CONTRACTOR TO THE ARCHITECT OR MECHANICAL ENGINEER.
 - ALL EXISTING UTILITIES SHALL BE PHYSICALLY LOCATED BY THE CONTRACTOR OR HIS AGENT PRIOR TO THE BEGINNING OF CONSTRUCTION. THE LOCATION OF ALL UTILITIES SHALL BE SHOWN ON THIS PLAN. THESE UTILITIES SHALL BE PROTECTED BY THE CONTRACTOR'S RESPONSIBILITY TO CONTACT EACH UTILITY COMPANY, DIG TEST PITS, AND TAKE ALL AND WHATEVER STEPS ARE NECESSARY TO ACCURATELY LOCATE AND PROTECT ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF UTILITIES HAVE BEEN MADE, AND IT HAS BEEN DETERMINED BY THE CONTRACTOR THAT CONSTRUCTION CAN BE COMPLETED IN ACCORDANCE WITH THESE PLANS WITHOUT UTILITY CONFLICT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF UTILITIES HAVE BEEN MADE, AND IT HAS BEEN DETERMINED BY THE CONTRACTOR THAT CONSTRUCTION CAN BE COMPLETED IN ACCORDANCE WITH THESE PLANS WITHOUT UTILITY CONFLICT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF UTILITIES HAVE BEEN MADE, AND IT HAS BEEN DETERMINED BY THE CONTRACTOR THAT CONSTRUCTION CAN BE COMPLETED IN ACCORDANCE WITH THESE PLANS WITHOUT UTILITY CONFLICT.
 - EXISTING PARKING LOT LIGHTS ARE TO BE RELOCATED AS REQUIRED TO ACCOMMODATE THE PROPOSED CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE RELOCATION OF LIGHTS AND APPROVED BY THE OWNER OR HIS REPRESENTATIVE PRIOR TO BEGINNING ANY RELOCATION WORK.
 - THERE IS NO RECYCLING CENTER PROPOSED WITH THIS PLAN.



- TYPICAL PAVEMENT SECTION**
- EXISTING PAVEMENT SECTION IS TO BE REMOVED
 - AS SHOWN IN SECTION, 1.5\"/>



AS-BUILT 2/23/98

SITE LAYOUT PLAN

CHESTERBROOK SHOPPING CENTER
DRANESVILLE DISTRICT

FAIRFAX COUNTY, VIRGINIA

WALTER L. PHILLIPS
INCORPORATED
CIVIL ENGINEERS LAND SURVEYORS PLANNERS
507 PARK AVENUE FALLS CHURCH, VIRGINIA 22042
(703) 532-5163

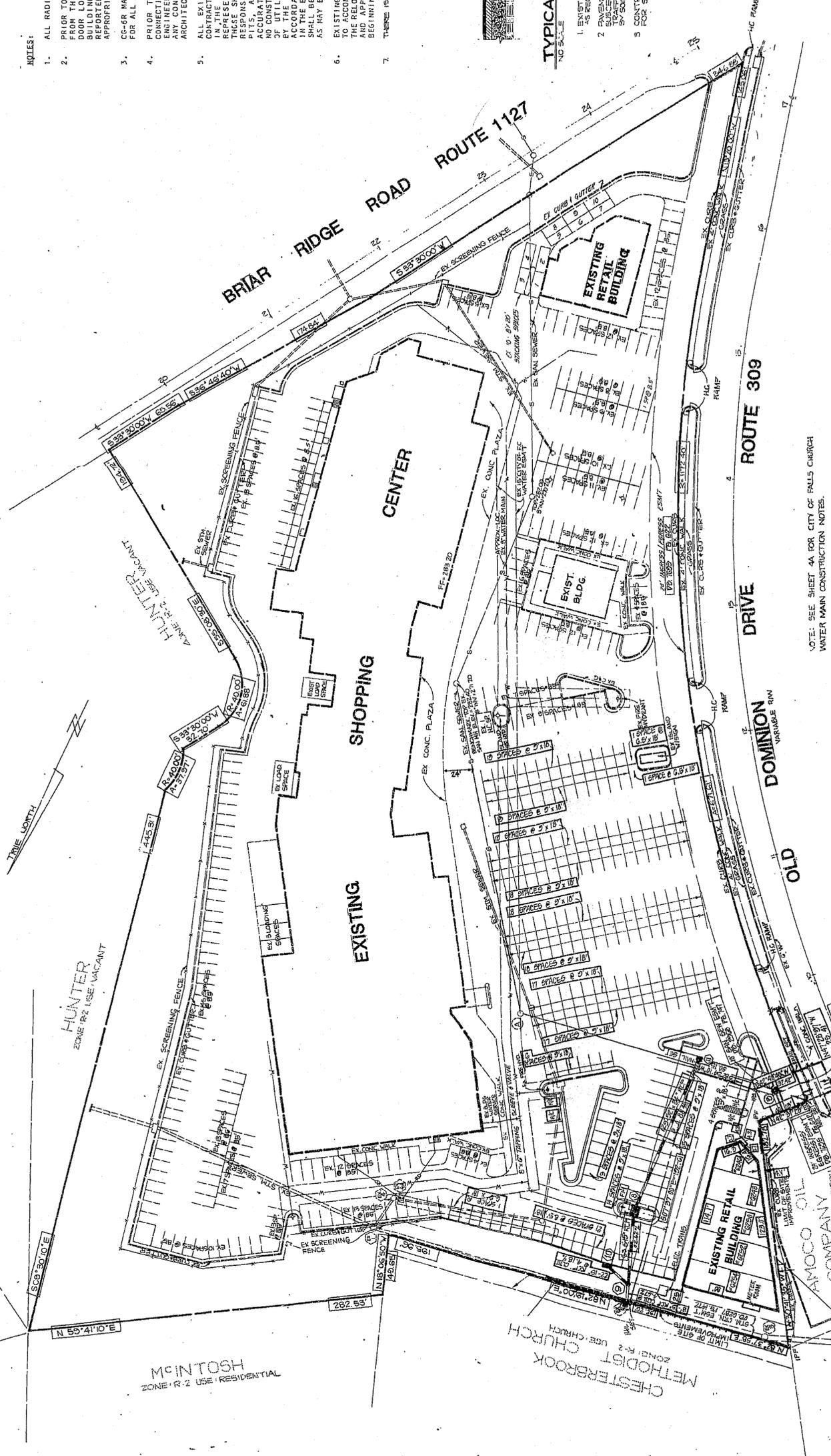
SCALE: 1"=40'

DATE: 2/23/98

DRAWN: V.P.

SHEET 3 OF 4

AS-BUILT 2/23/98 SHEET 2 OF 4 6130-SP-03



STORM SEWER DATA

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VICINITY MAP
 ACC THE MAP PEOPLE
 PERMIT USE NO. 20602185-5
 SCALE: 1"=2,000'

METES AND BOUNDS DESCRIPTION
 LANDS OF SAMUEL J. GORLITZ, DEED BOOK 7895 PAGE 1942, DRANESVILLE DISTRICT, FAIRFAX COUNTY, VIRGINIA

BEGINNING AT THE INTERSECTION OF THE DIVISION LINE BETWEEN THE LANDS OF SAMUEL J. GORLITZ (DEED BOOK 7895 PAGE 1942) ON THE WEST, AND THE LANDS OF CHESTERSBROOK LIMITED PARTNERSHIP (DEED BOOK 5862 PAGE 1291) ON THE EAST, WITH THE NORTHERLY RIGHT-OF-WAY LIMITS OF OLD DOMINION DRIVE - RTE. 309 (VARIABLE WIDTH RIGHT-OF-WAY), THENCE WITH SAID NORTHERLY RIGHT-OF-WAY LIMITS, 1. NORTH 65° 25' 55" WEST, 25.41 FEET, THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LIMITS, AND WITH THE DIVISION LINE BETWEEN THE LANDS OF LOWELL AVENUE, L.L.C. (DEED BOOK 21837 PAGE 1913) ON THE WEST, AND SAID LANDS OF SAMUEL J. GORLITZ ON THE EAST, THE FOLLOWING TWO COURSES AND DISTANCES:

- NORTH 34° 38' 08" EAST, 40.14 FEET, THENCE;
 - CONTINUING, NORTH 38° 35' 54" WEST, 182.79 FEET TO THE INTERSECTION OF SAID DIVISION LINE, WITH THE DIVISION LINE BETWEEN THE LANDS OF CHESTERSBROOK METHODIST CHURCH (DEED BOOK 1918 PAGE 489) ON THE WEST, AND SAID LANDS OF SAMUEL J. GORLITZ ON THE EAST, THENCE WITH SAID DIVISION LINE,
 - NORTH 74° 42' 38" EAST, 132.28 FEET TO THE INTERSECTION OF SAID DIVISION LINE, WITH THE SAID DIVISION LINE BETWEEN THE LANDS OF CHESTERSBROOK LIMITED PARTNERSHIP ON THE NORTH, AND THE LANDS OF SAMUEL J. GORLITZ ON THE SOUTH, THENCE WITH SAID DIVISION LINE, THE FOLLOWING THREE COURSES AND DISTANCES,
 - CONTINUING, SOUTH 74° 58' 51" WEST, 50.15 FEET, THENCE;
 - CONTINUING, SOUTH 34° 53' 21" WEST, 32.42 FEET, TO THE PLACE OF BEGINNING.
- CONTAINING 18.478 SQUARE FEET OR 0.425 ACRES

- NOTES:**
- PROPERTY IS KNOWN AS THE LANDS OF SAMUEL J. GORLITZ AS RECORDED IN DEED BOOK 7895 AT PAGE 1942 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA AND HAVING TAX MAP NUMBERS OF 31-3-01-112B.
 - AREA: 18.478 SQUARE FEET OR 0.425 ACRES
 - LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE. ALL LOCATIONS AND SIZES ARE BASED ON UTILITY MARK-OUTS, ABOVE GROUND STRUCTURES THAT WERE VISIBLE & ACCESSIBLE IN THE FIELD, AND THE MAPS AS LISTED IN THE REFERENCES AVAILABLE AT THE TIME OF THE SURVEY. AVAILABLE ASBUILT PLANS AND UTILITY MARKOUT DOES NOT ENSURE MAPPING OF ALL UNDERGROUND UTILITIES AND STRUCTURES. BEFORE CONSTRUCTION, ALL UTILITIES AND STRUCTURES SHOULD BE VERIFIED AS TO THEIR LOCATION, SIZE AND TYPE BY THE PROPER UTILITY COMPANIES.
 - THIS PLAN IS BASED ON INFORMATION PROVIDED BY A SURVEY PREPARED IN THE FIELD BY BOHLER ENGINEERING AND OTHER REFERENCE MATERIAL AS LISTED HEREON. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
 - THIS PROPERTY MAY BE SUBJECT TO RESTRICTIONS, COVENANTS AND/OR EASEMENTS, WRITTEN OR IMPLIED.
 - UNDERGROUND TANK SIZES AND LOCATIONS ARE APPROXIMATE AND ARE SUBJECT TO FIELD VERIFICATION.
 - ELEVATIONS ARE BASED ON NAVD 88 PER NGS MONUMENT GPS 140 WITH A PUBLISHED ELEVATION OF 255.97.
 - THE PROPERTY IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE 600-YEAR FLOODPLAIN) PER PLAN REFERENCE #2.
 - UTILITIES ARE SHOWN PER FIELD LOCATION OF ABOVE GROUND STRUCTURE AND PLANS RECEIVED FROM UTILITY COMPANIES AND LOCAL GOVERNMENT OFFICES.
 - EXISTING ZONING: C-6.

REFERENCES:

- THE FAIRFAX COUNTY, DEPARTMENT OF REAL ESTATE ASSESSMENTS, TAX MAP #31-3.
- MAP ENTITLED "FLOOD INSURANCE RATE MAP, FAIRFAX COUNTY, VIRGINIA, UNINCORPORATED AREAS, PANEL 83 OF 157, COMMUNITY-PANEL NUMBER 615525 0083 D, MAP REVISED DATE MARCH 5, 1990.
- MAP ENTITLED "SITE LAYOUT PLAN, CHESTERSBROOK SHOPPING CENTER, DRANESVILLE DISTRICT, FAIRFAX COUNTY, VIRGINIA, PREPARED BY WALTER L. PHILLIPS, INCORPORATED, DATED FEB 1, 1989 LAST REVISED JULY 10, 1980.
- MAPS ENTITLED "CHESTERSBROOK SHOPPING CENTER" PREPARED BY CITY OF FALLS CHURCH PUBLIC UTILITIES DIVISION WITH DATES OF 10-24-01, 01-02-03, 11-12-01, 01-08-02 AND 04-03-03.
- UNTITLED MAP, MAP-WG-3255 PROVIDED BY WASHINGTON GAS LIGHT COMPANY DATED 20060920.
- MAP ENTITLED "STORM SEWER INVENTORY GRID #61-3" PROVIDED BY AIR SURVEY DATED 1984.

RECEIVED
 Department of Planning & Zoning
 OCT 28 2013
 Zoning Evaluation Division

No.	REVISED PER COUNTY COMMENTS	S.U.	DATE
1	DESCRIPTION OF REVISION	BY:	DATE

FEDERAL REALTY INVESTMENT TRUST
 BOUNDAARY SUKZEY
 OLD DOMINION DRIVE
 DRANESVILLE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

BOHLER ENGINEERING
 2280 DAVIS DRIVE, SUITE 200
 STERLING, VIRGINIA 20166
 (703) 586-4300
 WWW.BOHLERENGINEERING.COM

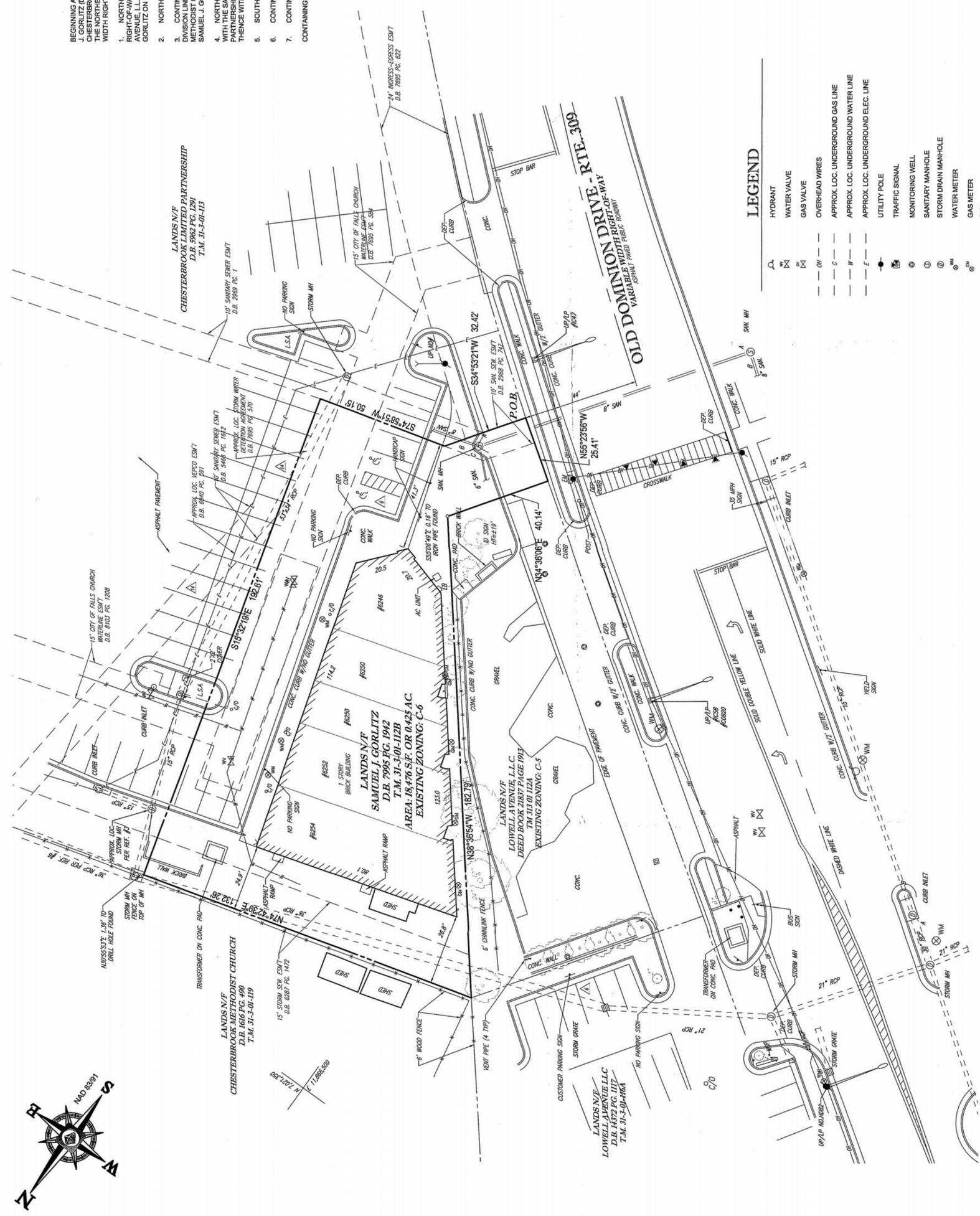
FILE NO. 8013604
 DATE 9/19/13
 FIELD DATE 10/22/08
 DRAWN J.W.
 CHECKED K.A.W.
 APPROVED S.U.
 SCALE 1"=20'
 DWG. NO. 1 OF 1

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PERFORMED IN THE FIELD UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE, BELIEF, AND INFORMATION, THAT THIS SURVEY HAS BEEN PERFORMED IN ACCORDANCE WITH CURRENTLY ACCEPTED ACCURACY STANDARDS FOR SURVEYS OF THIS TYPE AND THAT THE PROPERTY LINES AND LOCATIONS SHOWN ON THIS MAP AND THAT THERE ARE NO ENCROACHMENTS OR STRUCTURES ONTO SAID LAND EXCEPT AS SHOWN.

THE OFFSETS SHOWN ARE NOT TO BE USED FOR THE CONSTRUCTION OF ANY STRUCTURE, FENCE, PERMANENT ADDITION, OR OTHER IMPROVEMENTS.

ROBERT C. HARR, JR.
 CIVIL ENGINEER
 VIRGINIA LICENSED LAND SURVEYOR NO. 10111

DATE 10-27-13



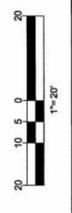
LEGEND

- HYDRANT
- WATER VALVE
- GAS VALVE
- OVERHEAD WIRES
- APPROX. LOC. UNDERGROUND GAS LINE
- APPROX. LOC. UNDERGROUND WATER LINE
- APPROX. LOC. UNDERGROUND ELEC. LINE
- UTILITY POLE
- TRAFFIC SIGNAL
- MONITORING WELL
- SANITARY MANHOLE
- STORM DRAIN MANHOLE
- WATER METER
- GAS METER
- SIGN
- BOLLARD
- FENCE
- LANDSCAPED AREA
- AREA LIGHT
- CLEAN OUT
- PAINTED ARROWS
- DENOTES PARKING SPACE COUNT
- UTILITY POLE/LIGHT POLE
- GUY WIRE
- TREE LINE
- TREE (SIZE AS NOTED)

UTILITIES:
 UTILITIES COMPANIES WERE NOTIFIED BY DELMARVA MISS UTILITY SYSTEM (1-800-682-2001) AND REQUESTED TO MARK OUT UNDERGROUND FACILITIES AFFECTING AND SERVING THIS SITE. THE UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS BASED UPON THE UTILITY COMPANIES RESPONSE TO THIS REQUEST. SERIAL NUMBER(S): 8069601149-008

UTILITY COMPANY
 COX COMMUNICATIONS-UTILIQUEST
 DOMINION VA POWER-UTILIQUEST
 CITY OF FALLS CHURCH
 FAIRFAX COUNTY PUBLIC WORKS
 LEVEL 3 VERIZON
 WASHINGTON GAS

PHONE NUMBER
 703-388-4300
 703-388-4300
 940-388-2005
 877-386-5844
 703-388-6466
 703-750-5510



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DESCRIPTION OF THE APPLICATION

The applicant, Federal Realty Investment Trust, is requesting a proffered condition amendment to expand the permitted uses associated with the Chesterbrook Shopping Center. Proffer 3 of the April 7, 1986 approval of RZ 85-D-081 limited the subject property to retail use only.

A reduced copy of the as-built site layout plan and the boundary survey are included in the front of this report. The applicant's proffers, statement of justification and affidavit are included in Appendices 1, 2 and 3, respectively.

Waivers and Modifications

The applicant requests the following modifications and waivers:

- Reaffirmation of the waiver of Section 4-606 of the Zoning Ordinance requiring a minimum lot area of 40,000 sq.ft. and a minimum lot width of 200 feet.
- Modification of the transitional screening and a waiver of the barrier requirements of Sections 13-303 and 13-304 of the Zoning Ordinance between the commercial uses on-site and the adjacent church use along the northern property line.

LOCATION AND CHARACTER

The subject property is located at 6252 Old Dominion Drive, McLean, approximately 500 feet southeast of the intersection with Kirby Road. It has an irregular shape with limited access to and visibility from Old Dominion Drive. The table and image below illustrate the character of the immediately surrounding area with community retail, other commercial and quasi-public uses.

Surrounding Area Description			
Direction	Use	Zoning	Plan Map
North	Chesterbrook Methodist Church	R-2	Residential, 1-2 du/ac
South	Retail, Eating Establishments, Office Vinson Hall Retirement Community	C-5 R-2	Retail & Other Comm. Public Fac., Gov't, Institutional
East	Chesterbrook Shopping Center	C-6	Retail & Other Comm.
West	vacant, approved TD Bank Chesterbrook Plaza retail	C-5	Retail & Other Comm.



Figure 1: Subject property and surrounding area. Source: Fairfax County GIS, 2011 Imagery

The 18,474 square foot property is presently developed with a 6,812 square foot retail building. Although subject to a separate rezoning, the property functions as part of the Chesterbrook Shopping Center. Two of the five existing tenant spaces in the applicant's building are occupied. One occupant is a gift shop and the other is a vacuum cleaner store. The applicant proposes no physical changes to the property. The FAR for the subject property is 0.37, but when considering the overall shopping center, the FAR is 0.23.

BACKGROUND

On April 7, 1986, the Board approved RZ 85-D-081 for the rezoning of the property from R-2 to C-6. The approval specified, "the intent of this rezoning application is to integrate the property ... with the adjoining Chesterbrook Shopping Center in order to provide an integrated community retail commercial center." The existing 6,812-square foot building on the subject property was constructed in 1991 with shared access and parking with the previously existing shopping center constructed in 1967 and consisting of approximately 85,156 square feet.

The approval included a waiver of Section 4-606 of the Zoning Ordinance for the minimum lot size requirements (lot area and width) of which this application requests reaffirmation. Proffer 3 restricted uses to retail. Although the record of this meeting does not elaborate on the reason for the limitation, at the Planning Commission hearing

on March 5, 1992, Commissioner Hubbard commented that the original intent in limiting the property to retail use only was to exclude office uses which were considered to be proliferating in the area. A copy of the April 7, 1986 approval is included in Appendix 4.

On May 4, 1992, PCA 85-D-081 was denied. The applicant had requested to expand the permitted uses to include:

- Business service and supply service establishments
- Fast food restaurants
- Financial institutions
- Personal service establishments
- Public uses
- Repair service establishments
- Retail sales establishments

The minutes of the March 5, 1992, Planning Commission meeting include general citizen concerns about transportation and specific concerns about a proposed Little Caesar's fast-food restaurant regarding litter and hours. At that time, Safeway expressed concern about an increased demand for parking. The lack of citizen support was noted as a concern by the Planning Commission. A copy of the May 20, 1992 letter from the Clerk to the Board of Supervisors and accompanying resolution, staff report dated November 20, 1991 and Verbatim Excerpts from the March 5, 1992 Planning Commission meeting are included as Appendix 5.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area II
Planning District: McLean
Planning Sector: Kirby Community
Plan Map: Retail and Other Commercial

The Comprehensive Plan provides the following guidance on the land use and the intensity/density for the property. On page 105 of the Kirby Community Planning District of the 2013 edition of the Area 11 Plan, under paragraph 11, the Plan states:

The expansion and design improvements of Chesterbrook Shopping Center should be considered within the constraints of currently-zoned commercial space with a maximum intensity of .25 FAR. This facility serves Sector M2 as well as M3 with convenience commercial uses.

ANALYSIS

Generalized Development Plan

Since no land disturbing activities are proposed, a modification of the submission requirements for a Generalized Development Plan was granted in favor of the existing As-Built Site Plan, 6130-SAN-01-1, prepared by Walter L. Phillips, Inc., dated February 23, 1998 and approved March 30, 1998, consisting of four sheets. (copy at front of staff report)

Land Use Analysis

The applicant is requesting the following uses:

- Accessory uses as permitted by Article 10
- Business service and supply service establishments
- Colleges, universities
- Community clubs, centers and meeting halls
- Eating establishments
- Fast food restaurants, limited by the provisions of Sect. 4-605
- Financial institutions
- Garment cleaning establishments
- Health clubs
- Offices, limited by the provisions of Sect. 4-605
- Personal service establishments
- Private clubs and public benefit associations
- Private schools of special education
- Quick service food stores, limited by the provisions of Sect. 4-605
- Repair service establishments
- Retail sales establishments

The proposed uses are a subset of permitted uses within the C-6 zoning district. The associated Chesterbrook Shopping Center was initially built in 1967 and is permitted to be developed consistent with the C-6 District. The applicant has excluded certain uses that might be considered to be incompatible with the site, such as mobile and land based telecommunication facilities, kennels and schools of general education.

The proposal to amend the approved proffers to expand the permitted uses does not adversely impact the previously approved plat and continues to meet the use limitations, lot size requirements, bulk regulations and open space standards for the C-6 district, except as noted below.

Transportation Analysis

Right-of-way was previously dedicated such that the property line matches that of the adjoining shopping center. Old Dominion Drive is serviced by Metrobus with a stop and bench in front of the shopping center and a stop with a shelter across Old Dominion Drive. The Virginia Department of Transportation reviewed the application and determined that the peak hour increase to traffic will be minimal. The Fairfax County Department of Transportation identified no concerns with the application. (Appendices 6 and 7)

Parking: The property shares parking with the shopping center which contains 477 total spaces. According to a tabulation prepared in 1998, 439.6 spaces were needed for the overall site, including the subject property. The applicant prepared an updated parking tabulation taking into account existing retail, office and eating establishment uses that indicates 403 spaces are required.

Vehicular Access: The property is accessed from state-maintained Old Dominion Drive (Rt. 309). Old Dominion Drive in this area is two lanes with a center turn lane and no median. The Chesterbrook Shopping Center has three parking lot entrances which provide access to the subject property. The entrance closest to the lot has a width of approximately 31 feet. The parking lot also connects to the adjoining lot 112A with the recently approved TD Bank. A traffic light is located in front of lot 112A accommodating the pedestrian crosswalk and left turns into lot 112A.

Pedestrian Access: Sidewalks exist along both sides of Old Dominion Drive to facilitate pedestrian access from the surrounding neighborhoods. As noted above, a crosswalk with a traffic light is located in front of lot 112A. In addition, landscaped timber steps and a gate in the fence allow pedestrian access from the church. According to the applicant, the church and/or associated school have an informal arrangement with the shopping center for special event parking.

The applicant has proffered to create a pedestrian access from the sidewalk along Old Dominion Drive to the sidewalk leading to the front of the building. This will include a crosswalk on the applicant's property across the service drive for lot 112A, stairs and additional sidewalk sections.

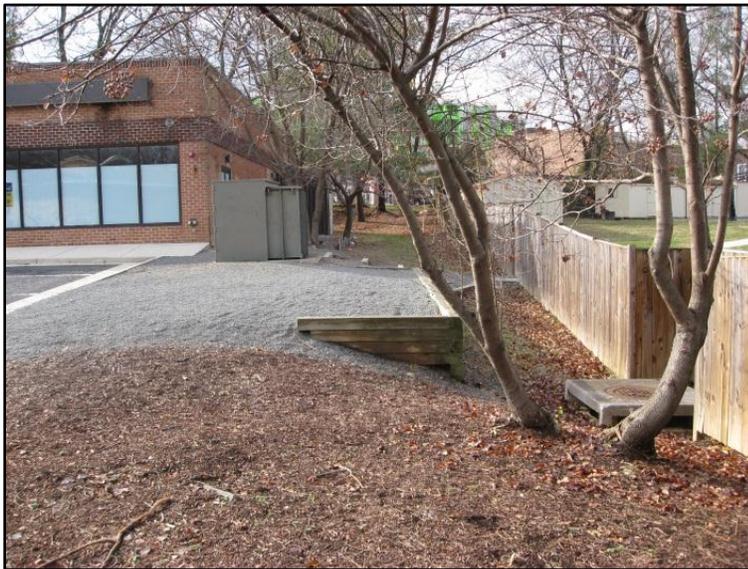
MODIFICATIONS/WAIVERS

Reaffirmation of Waiver of Lot Size Requirements: In accordance with Section 9-610, the applicant requests reaffirmation of the previously approved waivers of lot size, specifically the 40,000 square foot minimum lot area and 200 foot lot width requirements of Section 4-606 of the Zoning Ordinance. The property is already developed as an integrated part of the larger Chesterbrook Shopping Center with shared access and

parking, which alleviates the issues of lot size. The lot has not been reduced in width or area since the effective date of the Zoning Ordinance to a width or area less than required by the Ordinance. The development on the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or roadways. Staff does not object to this reaffirmation request.

Modification/Waiver of Transitional Screening and Barrier Requirements: The applicant requests a modification of the transitional screening and a waiver of the barrier requirements of Sections 13-303 and 304 of the Zoning Ordinance between the commercial uses on-site and the adjacent church use along the northern property line.

Fairfax County Urban Forest Management Division (UFMD) identified that the property is not in compliance with transitional screening and barrier requirements along the northern property line (Appendix 7). A 25-foot wide unbroken strip of landscaped open space is required in accordance with Sect. 13-303. The existing building and parking are set back approximately 25 feet from the northern property line. This area includes a number of obstructions and a 15-foot wide storm sewer easement, but remains essentially in open space. Specifically, the area presently contains three deciduous trees and one shrub, a shed of approximately 132 square feet attached to the building, a transformer



on a concrete pad of 56 square feet and a retaining wall of landscape timbers as well as landscape timber steps leading to a gate in the fence. According to the applicant, the graveled area bordered by landscape timbers was a requirement of the electrical transformer. Although this area is of a size to accommodate a dumpster, parking spaces are located in front of the area and it does not contain a refuse enclosure as required by Sect. 4-605 of the Zoning Ordinance.

Figure 2: View along northern property line, facing west.
Source: Staff photograph, December 15, 2013

It was noted during the review that a site plan (6130-SP-03-1) dated July 10, 1990, includes a landscape plan with ten white pines and nine American hollies for this transitional screening area which was not implemented.

The applicant has proffered to install shrubs along this area with the review and approval of the UFMD. Shrubs, rather than trees, are appropriate for this area considering the storm sewer easement, and the shrubs would not block the steps or gate to the church.

In view of the existing and proposed landscaping, and the presence of other features (transformer and associated gravel area, shed and steps to gate) which limit the ability to provide the required unbroken screening, staff does not object to the modification of the transitional screening requirements in favor of the existing and proposed landscaping. Because of the building and transformer locations, it would not be practical to include a barrier, and staff does not object to the waiver of the barrier requirement.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff finds that the proposal does not adversely impact the previously approved development plan and is in harmony with the Comprehensive Plan and in conformance with applicable Zoning Ordinance provisions.

Staff Recommendations

Staff recommends approval of PCA 85-D-081-02 subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of the following modifications and waivers.

- Modification of Section 13-303 of the Zoning Ordinance for transitional screening and waiver of Section 13-304 for the barrier requirements between the commercial uses on the property and the adjacent church use along the northern property boundary in favor of the existing landscaping.
- Reaffirmation of the previously approved waivers of the 40,000 square foot minimum lot size and 200 foot lot width requirements of Section 4-606 of the Zoning Ordinance.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicants/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that, should this application be approved, such approval 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. Proffers
2. Statement of Justification
3. Affidavit
4. Approval of RZ 85-D-081 (Clerk's letter, Resolution with Plat and Proffers
5. Denial of PCA 85-D-081 (Clerk's letter, Resolution, Staff Report (Appendices 2-13 omitted), Verbatim Excerpts from Planning Commission meeting of March 5, 1992)
6. Virginia Department of Transportation Review
7. Fairfax County Department of Transportation
8. Urban Forest Management Division Review
9. Glossary of Terms

DRAFT PROFFERS**FEDERAL REALTY INVESTMENT TRUST****PCA 85-D-081-02****February 13, 2014**

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, Federal Realty Investment Trust, (hereinafter referred to as the "Applicant"), for itself, successors and assigns in PCA 85-D-081-02, filed for property identified as Tax Map 31-3 ((1)) 112B (hereinafter referred to as the "Application Property") hereby proffers that the development of the Application Property shall be in accordance with the following proffers, provided that the Board of Supervisors approves PCA 85-D-081-02. These proffers shall supersede and replace all previously approved proffers and conditions that may be applicable to the Application Property.

1. GENERALIZED DEVELOPMENT PLAN

- a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance, (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with As-Built Site Plan 6130-SAN-01-1, prepared by Walter L. Phillips Incorporated, dated February 23, 1998 and approved March 30, 1998.
- b. Subject to the provisions of Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications to the GDP may be permitted as determined by the Zoning Administrator.

2. USES

- a. The following uses shall be permitted on the Application Property:
 - i. Accessory uses as permitted by Article 10
 - ii. Business service and supply service establishments
 - iii. Colleges, universities
 - iv. Community clubs, center and meeting halls
 - v. Eating establishments
 - vi. Fast food restaurants, limited by the provisions of Section 4-605
 - vii. Financial institutions
 - viii. Garment cleaning establishments
 - ix. Health clubs
 - x. Offices, limited by the provisions of Section 4-605
 - xi. Personal service establishments
 - xii. Private clubs and public benefit associations

- xiii. Private schools of special education
- xiv. Quick service food stores, limited by the provision of Section 4-605
- xv. Repair service establishments
- xvi. Retail sales establishments

3. PARKING AND CIRCULATION

- a. At such time as there is a change in use from what is reflected on the approved parking tabulation, the Applicant shall provide a parking tabulation to the Zoning Permit Review Branch to demonstrate that there is adequate parking on the Application Property and the adjacent property identified as Fairfax County Tax Map Reference 31-3 ((1)) 113 and 113A to accommodate the parking required for the proposed mix of uses.
- b. Parking, circulation, and pedestrian access shall be coordinated with the balance of the shopping center located on property identified as Fairfax County Tax Map Reference 31-3 ((1)) 113 and 113A. Prior to the issuance of any further Non-Residential Use Permits (Non-RUPs) for the Application Property, the Applicant shall demonstrate to the Zoning Permit Review Branch that there is a shared parking agreement in accordance with Section 11-102 of the Zoning Ordinance.
- c. The Applicant shall install a pedestrian path with handrails in general conformance with Exhibit A. Nothing herein shall require that said path be ADA-accessible. The path shall be installed no later than eighteen (18) months from the date of approval of this proffered condition amendment.
- d. The Applicant shall ensure that access to property identified as Fairfax County Tax Map Reference 31-3 ((1)) 119 is unobstructed.

4. LANDSCAPING AND SCREENING

The Applicant shall submit a plan for the provision of native shrubs (a minimum of 24 inches in height at time of planting) on the northwest side of the Application Property to the Urban Forest Management Division for review and approval. Landscaping shall be installed no later twelve (12) months from the date of approval of this proffered condition amendment, and once installed, the applicant shall contact the Urban Forest Management Division for an inspection of compliance with this proffer. In the event that any of the landscape plants are removed or damaged due to any required activity within the easement, they shall be replaced with the same species, size and quantity as that shown on the approved plan.

5. SITE FEATURES

No charity drop boxes shall be located on the Application Property.

6. SUCCESSORS AND ASSIGNS

These proffers shall bind and inure to the benefit of the Applicant and its successors or assigns.

[SIGNATURES BEGIN ON NEXT PAGE]

Applicant/Agent for Title Owner

FEDERAL REALTY INVESTMENT TRUST

By: _____
Dawn M. Becker
Its: Executive Vice President, Chief
Operating Officer

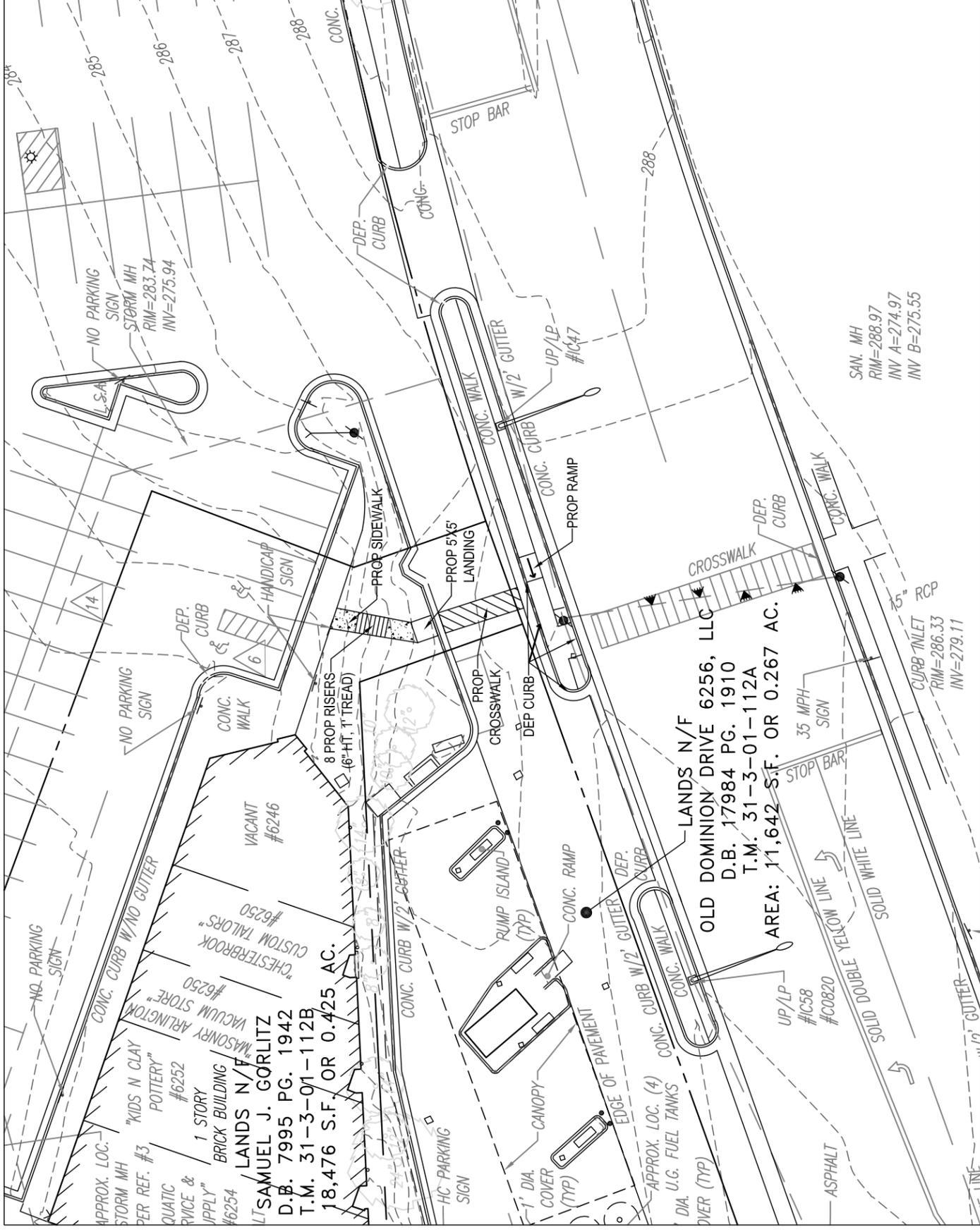
[SIGNATURES CONTINUE ON NEXT PAGE]

Title Owner of Tax Map 31-3 ((1)) 112B

CHESTERBROOK ONE, LLC

By: _____
Grace K. Gorlitz
Its: Manager

[SIGNATURES END]



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PROJECT NAME: CHESTERBROOK
6255 DOMINION DRIVE

SHEET TITLE: PEDESTRIAN ACCESS EXHIBIT		PROJECT NUMBER: SR013604
SHEET 1 OF 1		
SCALE: 1" = 30'	DATE: 01/28/14	CAD ID: EXO



BOHLER
ENGINEERING
22636 DAVIS DRIVE, SUITE 250 STERLING, VA 20164
PHONE: (703) 705-9500 FAX: (703) 705-9501

EXHIBIT A



Sara V. Mariska
 (703) 528-4700 Ext. 5419
 smariska@arl.thelandlawyers.com

**WALSH COLUCCI
 LUBELEY EMRICH
 & WALSH PC**

REVISED

December 27, 2013

Via Hand Delivery

Barbara C. Berlin, Director
 Zoning Evaluation Division
 Fairfax County Department of Planning & Zoning
 12055 Government Center Parkway, Suite 801
 Fairfax, Virginia 22035

Re: Proposed Proffered Condition Amendment Application
 Applicant: Federal Realty Investment Trust
 Subject Property: Fairfax County Tax Map Reference 31-3 ((1)) 112B

Dear Ms. Berlin:

Please accept this letter as a statement of justification for a proffered condition amendment on property identified as Fairfax County Tax Map Reference 31-3 ((1)) 112B (the "Subject Property").

The Subject Property is located on the northeast side of Old Dominion Drive (Route 309), approximately 500 feet east of its intersection with Kirby Road (Route 695) in the Dranesville Magisterial District. The Subject Property is an approximately 18,474 square foot portion of the larger Chesterbrook Shopping Center (the "Center").

On April 7, 1986 the Fairfax County Board of Supervisors (the "Board") approved RZ 85-D-081 in the name of GKG Limited Partnership, which rezoned the Subject Property to the C-6 District to integrate the Subject Property with the Center to provide an integrated community retail commercial center. The Subject Property is improved with an approximately 6,812 square foot shopping center and is subject to three (3) proffers. Proffer 3 limits the development to retail use only. The Applicant proposes to modify Proffer 3 to allow a wider range of permitted uses consistent with the remainder of the Center. The Applicant proposes no changes to square footage, gross floor area, parking, or any physical improvements, and simply seeks the ability to allow additional uses on the Subject Property. More specifically, the Applicant proposes to allow the following uses:

- Accessory uses
- Business service and supply service establishments
- Colleges, universities

- Community clubs, centers and meeting halls
- Eating establishments
- Fast food restaurants
- Financial institutions
- Garment cleaning establishments
- Health clubs
- Kennels
- Offices
- Personal service establishments
- Private clubs and public benefit associations
- Private schools of special education
- Quick service food stores
- Repair service establishments
- Retail sales establishments
- Veterinary hospitals

Given the lack of visibility of the Subject Property, the ability to have service uses/non-retail uses that do not require visibility are critical to the ability to find tenants for the Subject Property. Allowing both retail and non-retail uses as listed above will enhance the marketability of tenant spaces on the Subject Property and allow for additional community serving uses in a convenient location.

The Subject Property is in the Kirby Community Planning Sector (M3) of the McLean Planning District in Area II of the Fairfax County Comprehensive Plan (the "Plan"). The Plan map shows that the Subject Property is planned for retail use. The Plan states that the expansion and design improvements of Chesterbrook Shopping Center should be considered within the constraints of currently-zoned commercial space with a maximum intensity of 0.25 FAR. The Applicant proposes no changes to the existing FAR of the Center and is in harmony with the Plan's recommendations.

The Applicant continues to propose a high quality, vibrant, convenient community shopping center. The ability to offer additional uses will allow greater tenant flexibility to ensure a quality mix of community-serving uses in the future. To the best of the Applicant's knowledge, no hazardous or toxic substances will be generated, stored, treated, and/or disposed of on site. The proposal conforms to all provisions of all applicable ordinances, adopted standards except as may be modified by this application. The Applicant requests approval of the following:

- The Applicant requests a reaffirmation of the waiver of the 40,000 square foot minimum lot size requirement granted in conjunction with RZ 85-D-081 and a waiver of the minimum lot width of 200 feet. The Subject Property continues to meet the requirements outlined in Section 9-610 of the Zoning Ordinance given that:

- The Subject Property has not been reduced in width or area since the effective date of the Zoning Ordinance to a width or area less than required by the Zoning Ordinance.
- The development of the Subject Property will not have any deleterious effect on the existing or planned development of adjacent properties.
- The Subject Property complies with the remaining provisions of the Zoning Ordinance.
- Pursuant to Section 13-305(3), the Applicant requests a modification of transitional screening requirements. The Applicant proposes no physical changes to the Subject Property. The existing building and development have been designed so that there is minimal impact to adjacent properties. Only the side of a small building abuts the adjacent properties. The building is set back from the property line and there is a fence between the adjacent properties that provides screening. Additionally, there is transitional screening along the majority of the northern property line for the Center that provides a screen between the shopping center and the adjacent property and the side of the building, thereby complying with the spirit of the Zoning Ordinance.

In sum, the Applicant proposes a proffer modification that will enhance the overall quality of an attractive, convenient, community-serving development. Should you have any questions, or require additional information, please do not hesitate to contact me.

Very truly yours,

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



Sara V. Mariska

SVM/kae

cc: Nick Over
Lynne J. Strobel

REZONING AFFIDAVIT

DATE: January 30, 2014
 (enter date affidavit is notarized)

I, Sara V. Mariska, attorney/agent, do hereby state that I am an
 (enter name of applicant or authorized agent)

123114

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

in Application No.(s): PCA 85-D-081-02
 (enter County-assigned application number(s), e.g. RZ 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Federal Realty Investment Trust Agents: Chris Weber (former) John R. Tschiderer William D. Over Dawn M. Becker	1626 E. Jefferson Street Rockville, MD 20852	Applicant/Agent for Title Owner
Chesterbrook One, LLC Agents: John R. Tschiderer William D. Over Grace K. Gorlitz	1626 E. Jefferson Street Rockville, MD 20852	Title Owner of Tax Map 31-3 ((1)) 112B
Estate of Samuel J. Gorlitz Executor/Agent: Grace K. Gorlitz	1626 E. Jefferson Street Rockville, MD 20852	Former Title Owner of Tax Map 31-3 ((1)) 112B

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

* 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).

Rezoning Attachment to Par. 1(a)DATE: January 30, 2014
(enter date affidavit is notarized)

123114

for Application No. (s): PCA 85-D-081-02
(enter County-assigned application number (s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Walsh, Colucci, Lubeley & Walsh, P.C. (f/k/a Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.)	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent
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		Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent
Bohler VA, LLC	22636 Davis Drive, Suite 250 Sterling, Virginia 20164	Engineers/Agent
Agents: Keith G. Simpson Michael J. O'Hara		

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

REZONING AFFIDAVIT

DATE: January 30, 2014
(enter date affidavit is notarized)

123114.

for Application No. (s): PCA 85-D-081-02
(enter County-assigned application number(s))

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

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

CORPORATION INFORMATION

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

Federal Realty Investment Trust
1626 E. Jefferson Street
Rockville, MD 20852

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Publicly traded on the NYSE.

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

John R. Tschiderer, VP of Land Development; Dawn M. Becker, Executive Vice President, Chief Operating Officer; Darlene M. Hough, Assistant Secretary

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

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

Rezoning Attachment to Par. 1(b)

DATE: January 30, 2014
(enter date affidavit is notarized)

123114

for Application No. (s): PCA 85-D-081-02
(enter County-assigned application number (s))

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

Walsh, Colucci, Lubeley & Walsh, P.C. (f/k/a 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 SHAREHOLDER: (enter first name, middle initial, and last name)

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

=====

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

=====

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

Chesterbrook One, LLC
1626 E. Jefferson Street
Rockville, MD 20852

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)

Members:

Grace K. Gorlitz Revocable Trust f/b/o Grace K. Gorlitz
Paula M. Gorlitz
Gail W. Gorlitz

=====

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

Grace K. Gorlitz, Manager

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

Rezoning Attachment to Par. 1(b)

DATE: January 30, 2014
(enter date affidavit is notarized)

123114

for Application No. (s): PCA 85-D-081-02
(enter County-assigned application number (s))

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

Bohler VA, LLC
22636 Davis Drive, Suite 250
Sterling, Virginia 20164

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Ludwig H. Bohler
Adam J. Volanth
Daniel M. Duke
Mark R. Joyce

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

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

REZONING AFFIDAVIT

DATE: January 30, 2014
(enter date affidavit is notarized)

123114

for Application No. (s): PCA 85-D-081-02
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

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

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

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

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

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

REZONING AFFIDAVIT

DATE: January 30, 2014
(enter date affidavit is notarized)

123114

for Application No. (s): PCA 85-D-081-02
(enter County-assigned application number(s))

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

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

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

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

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

None

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

REZONING AFFIDAVIT

DATE: January 30, 2014
(enter date affidavit is notarized)

123114

for Application No. (s): PCA 85-D-081-02
(enter County-assigned application number(s))

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

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

None

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

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

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

WITNESS the following signature:

(check one)

[] Applicant

[x] Applicant's Authorized Agent

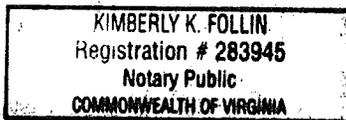
Sara V. Mariska
Sara V. Mariska, attorney/agent

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

Subscribed and sworn to before me this 30 day of January, 2014, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2015





COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
 FAIRFAX, VIRGINIA 22030



April 23, 1986

Mr. Frederick Struck
 Walter L. Phillips, Incorporated
 207 Park Avenue
 Falls Church, Virginia 22046

Re: Rezoning Application
 Number RZ 85-D-081

Dear Mr. Struck:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on April 7, 1986, granting, as proffered, Rezoning Application RZ 85-D-081 in the name of GKG Limited Partnership, to rezone certain property in the Dranesville District from the R-2 District to the C-6 District on subject parcels 31-3 ((1)) 112-B consisting of approximately .43 acres.

The Board approved waiver of the minimum lot size requirements and directed that the site plan be returned to the Board of Supervisors for approval to allow citizen review.

Very truly yours,

Ethel Wilcox Register, CMC
 Clerk to the Board of Supervisors

EWR:ns

cc: Lurty C. Houff Jr., Director
 Real Estate Division
 Gilbert R. Knowlton, Deputy
 Zoning Administrator
 Richard D. Faubion, Director
 Zoning Evaluation Division
 Fred R. Beales, Supervisor
 Base Property Mapping/Overlay

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia, on the 7th day of April, 1986 the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NO. RZ 85-D-081

WHEREAS, GKG Limited Partnership, filed in the proper form, an application requesting the zoning of a certain parcel of land hereinafter described, from the R-2 District to the C-6 District, and

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

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

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

Be, and hereby is, zoned to the C-6 District, and said property is subject to the use regulations of said C-6 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

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

GIVEN under my hand this 7th Day of April, 1986.


Ethel Wilcox Register, CMC
Clerk to the Board of Supervisors

WALTER L. PHILLIPS
INCORPORATED
CIVIL ENGINEERS
LAND SURVEYORS
PLANNERS

W. LEE PHILLIPS, P.E.
CHAIRMAN OF THE BOARD
ROBERT A. KINSEY, P.E.
PRESIDENT
TERRANCE M. ANDERSON, P.E.
EXECUTIVE VICE PRESIDENT
JERRY A. McKNIGHT, C.L.S.
VICE PRESIDENT—SURVEYING
PATRICIA R. MENHENNICK
VICE PRESIDENT—ADMINISTRATION

FOUNDED, 1945
WALTER L. PHILLIPS, P.E.
(1903-1976)

Description of the property of Havend Umstott, Dranesville District,
Fairfax County, Virginia.

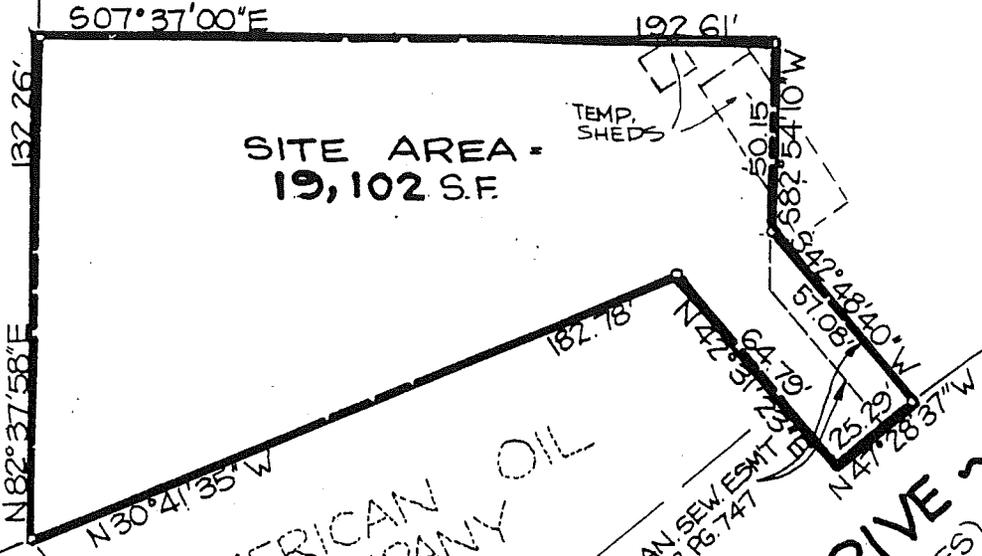
"Beginning at a point in the northeast line of Old Dominion Drive, Route 309, said point marking the west corner of Robert A. Perkins, et al; thence with the northeast line of Old Dominion Drive, Route 309, N 47° 28' 37" W, 25.29 feet to a point marking the south corner of Amoco Oil Company; thence departing the northeast line of Old Dominion Drive, Route 309, and running with the southeast line of Amoco Oil Company, N 42° 31' 23" E, 64.79 feet to a point marking the east corner of Amoco Oil Company; thence with the northeast line of Amoco Oil Company, N 30° 41' 35" W, 182.78 feet to a point making a corner common to Amoco Oil Company, I. B. F. Corporation, and the Chesterbrook Methodist Church; thence with the southeast line of Chesterbrook Methodist Church, N 82° 37' 58" E, 132.26 feet to a point marking the corner to Robert A. Perkins, et al; thence departing the southeast line of Chesterbrook Methodist Church and running with the line of Robert A. Perkins, et al, the following courses and distances, S 07° 37' 00" E, 192.61 feet to a point; thence S 82° 54' 10" W, 50.15 feet to a point; thence S 42° 48' 40" W, 57.08 feet to the point of beginning and containing 19,102 square feet or 0.4385 acres more or less."


Jerry A. McKnight, CLS

June 14, 1985

N/F ROBERT A. PERKINS, ETAL
 CHESTERBROOK
 SHOPPING CENTER
 ZONE: C-5

CHESTERBROOK
 METHODIST CHURCH
 ZONE: R-2



AMERICAN
 COMPANY OIL
 ZONE: C-5

I.B.F. CORP.
 ZONE: C-5

OLD DOMINION DRIVE ~ RTE. 309
 (R.O.W. WIDTH VARIES)

PLAT
 SHOWING THE PROPERTY OF
GKG LIMITED PARTNERSHIP
 DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

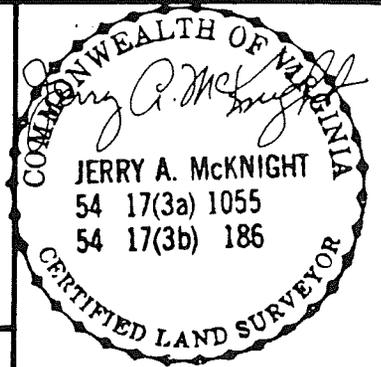
PLAT PREPARED FOR REZONING PURPOSES ONLY.



WALTER L. PHILLIPS
 INCORPORATED

CIVIL ENGINEERS
 LAND SURVEYORS
 PLANNERS

207 PARK AVENUE
 FALLS CHURCH, VIRGINIA 22046
 (703)532-6163



DRAWN FROM DEED RECORDED IN D.B. 6178 PG. 1503
 NO TITLE REPORT FURNISHED.

DATE
 6-17-85

SCALE
 1" = 50'

GKG LIMITED PARTNERSHIP PROFFERS

TO: Board of Supervisors
County of Fairfax
Fairfax, Virginia 22030

RE: Rezoning Application No. RZ 85-D-081

Pursuant to Section 15.1-491(a) of the Code of Virginia, the applicant, GKG Limited Partnership, hereby proffers that the development of the property subject to the referenced application shall be specifically controlled by the conditions set forth hereinafter.

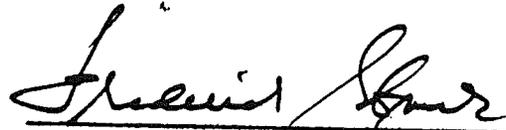
The intent of this rezoning application is to integrate the property which is the subject of the application with the adjoining Chesterbrook Shopping Center in order to provide an integrated community retail commercial center. Consistent with this aim, the following is proffered:

1. Right-of-way as required for Old Dominion Drive shall be dedicated to match the adjoining shopping center right-of-way and the existing entrance to the property shall be removed at the time of its development. Access to the subject property when developed shall be coordinated with the shopping center access using existing or relocated entrances on the existing shopping center subject to review and approval by the Virginia Department of Highways and Transportation and the Fairfax County Department of Environmental Management. This proffer shall not preclude the relocation of an existing shopping center entrance onto the subject property.
2. Development shall be coordinated with the existing center insofar as parking, internal circulation and pedestrian access is concerned.

3. ~~The following uses, which are allowed by right, will be excluded from the center:~~

- a. Churches, chapels and other places of worship.
- b. Funeral homes.
- c. Health clubs.
- d. General offices, however, store front type offices such as real estate offices, travel agencies and similar type uses may be provided.
- e. Public uses.
- f. Telecommunication exchanges.
- g. Theaters.
- h. ~~Vehicle service establishments.~~

*THE PROPERTY WILL BE DEVELOPED
FOR RETAIL USE ONLY. (P)*



Frederick Struck
General Managing Partner

Dated: ~~March 20, 1986~~
APRIL 7, 1986



FAIRFAX COUNTY

OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 553
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

May 20, 1992

Sarah H. Reifsnyder, Esquire
Blankingship and Keith
4020 University Drive - Suite 312
Fairfax, Virginia 22030

Re: Proffered Condition Amendment
Number PCA 85-D-081
(Denial)

Dear Ms. Reifsnyder:

Enclosed you will find a copy of a resolution adopted by the Board of Supervisors at a regular meeting held on May 4, 1992, denying Proffered Condition Amendment Application Number PCA 85-D-081, in the name of Samuel J. Gorlitz (formerly GKG Limited Partnership), located at Tax Map 31-3 ((1)) 112B consisting of .42 acre in Dranesville District.

If you have any questions concerning this denial, please give me a call.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: John M. Yeatman, Director, Real Estate Dvsn., Assessments
Melinda M. Artman, Deputy Zoning Administrator
Frank Jones, Assistant Chief, PPRB, OCP
Audrey Clark, Chief, Inspection Srvs., BPRD, DEM
Barbara A. Byron, Director, Zoning Evaluation Dvsn., OCP
Fred R. Beales, Supervisor, Base Prop. Mapping/Overlay
Robert Moore, Trnsprt'n. Planning Dvsn., Office of Transportation
Kathy Ichter, Trnsprt'n. Road Bond Dvsn., Office of Transportation
Department of Environmental Management
A. V. Bailey, Resident Engineer, VDOT
Land Acq. & Planning Dvsn., Park Authority

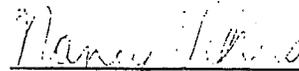
At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia, on the 4th day of May, 1992, the following resolution was adopted:

WHEREAS, Samuel J. Gorlitz, (formerly GKG Limited Partnership) filed with this Board an application Numbered PCA 85-D-081 to amend Proffered Conditions on parcel of land therein more particularly described, and

WHEREAS, after due consideration of the Planning Commission's recommendation and in consideration of those matters which were brought to this Board's attention at a duly called public hearing, it is the opinion of this Board that the application be denied.

NOW, THEREFORE, BE IT RESOLVED, that the said application be and the same is hereby denied.

A Copy Teste:



Nancy Vehrs
Clerk to the Board of Supervisors

PROFFERED CONDITION AMENDMENT

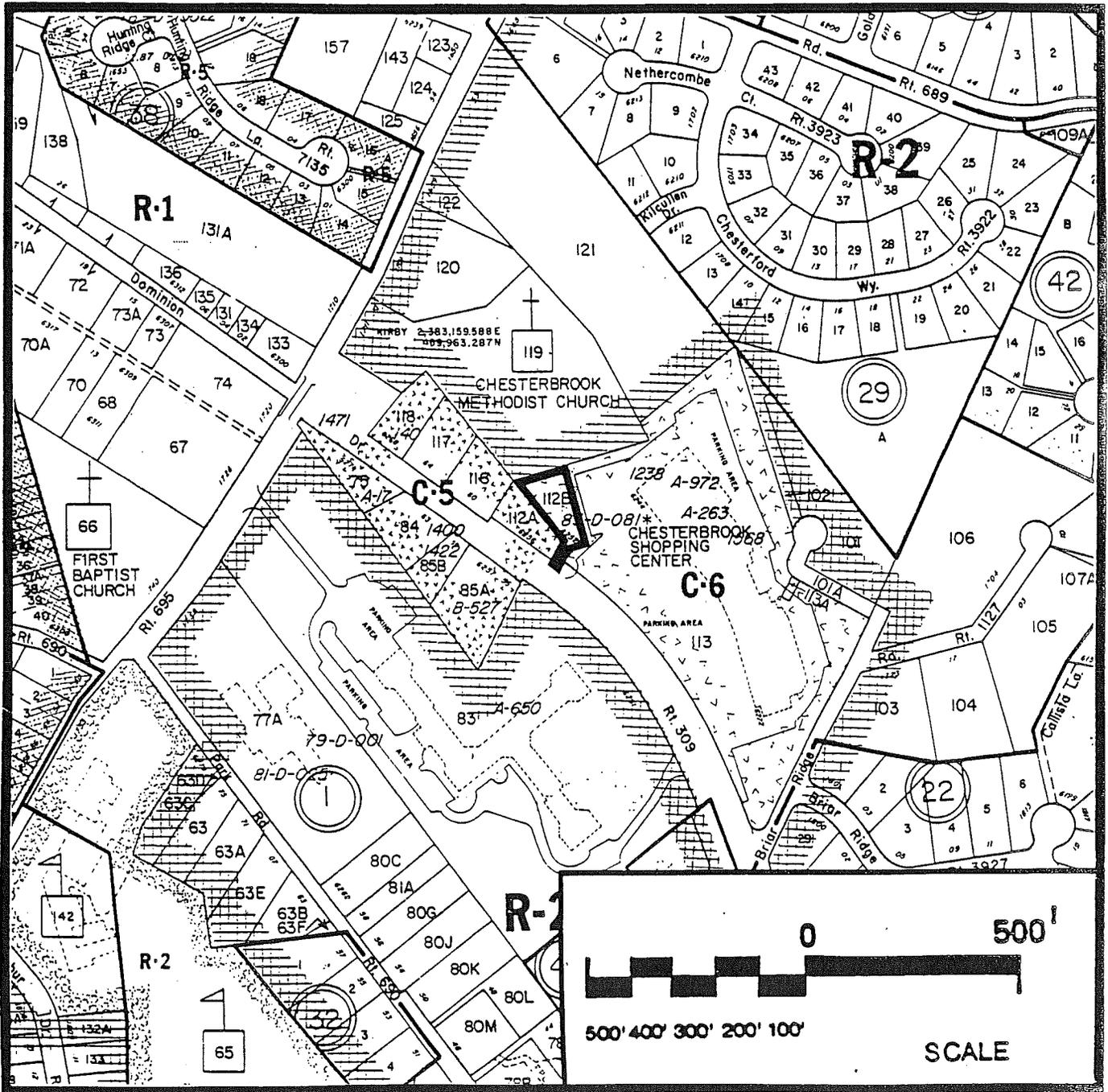
PCA 85-D-081

CA 85-D-081
FILED 07/30/91

GKG LIMITED PARTNERSHIP
PROFFERED CONDITION AMENDMENT
PROPOSED: SHOPPING CENTER
APPROX. 0.42 ACRES OF LAND; DISTRICT - DRANESVILLE
LOCATED: N. OF RT. 309 (OLD DOMINION DR.), APPROX.
500 FT. E. OF RT. 695 (KIRBY RD.)

ZONING: C-6
OVERLAY DISTRICT(S):

MAP REF 031-3- /01/ /0112-B





COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX



November 20, 1991

STAFF REPORT

APPLICATION NUMBER PCA 85-D-081

DRANESVILLE DISTRICT

Applicant: GKG Limited Partnership

Present Zoning: C-6

Requested: Proffered Condition
Amendment

Proposed Use: Shopping Center

Acreage: 0.42 acres
F.A.R.: 0.349

Subject Parcels: 31-3 ((1)) 112-B

Application Filed: July 30, 1991

Planning Commission Public Hearing: December 5, 1991

Board of Supervisors Public Hearing: Not Scheduled

Staff Recommendation: Staff recommends that PCA 85-D-081 be approved subject to the execution of the draft Proffers included in Attachment 1.

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

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

For Information Call Zoning Evaluation Division,
OCP at 246-1290.

GC/122

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

DESCRIPTION OF THE APPLICATION

PCA 85-D-081 is a request by GKG Limited Partnership to amend Proffer Number 3 accepted by the Board of Supervisors pursuant to the approval of RZ 86-D-081. Proffer Number 3 states, "The property will be developed for retail use only." As such, only those uses which fit within the Zoning Ordinances definition of retail uses can be developed on the site. The applicant seeks to amend this proffer to include several additional uses permitted in the C-6 Zoning District. The applicant seeks to amend Proffer Number 3 to read as follows:

- "3. The property will be used only for the following uses:
- a. Business service and supply service establishments
 - b. Fast food restaurants
 - c. Financial Institutions
 - d. Personal service establishments
 - e. Public uses
 - f. Repair service establishments
 - g. Retail sales establishments"

The applicants draft proffers are included as Appendix 1. The applicant's Affidavit and Statement of Justification are contained in Appendices 2 and 3 attached to this report, respectively.

LOCATION AND CHARACTER OF THE AREA

The 0.42 acre subject property, identified as Tax Map Parcel 31-3 ((1)) 112-B, is located at 6252 Old Dominion Drive, on the north side of Route 309 (Old Dominion Drive), approximately 500 feet east of its intersection with Route 695 (Kirby Road). The property is developed with a 6,445 square foot shopping center containing four (4) retail units with an FAR of 0.35. Although the subject property is a separate parcel and under different ownership than the adjacent parcel to the east (the Chesterbrook Shopping Center (Tax Map Parcel 31-3 ((1)) 112B)), which includes a Safeway supermarket and several other retail units, both function as a singular land use and operate under a shared parking agreement.

The adjacent area to the north is the Chesterbrook Methodist Church which is zoned R-2 (Residential-Two Dwelling Units Per Acre). As noted above, to the east of the subject property is the Chesterbrook Shopping Center which is Zoned C-6 (Community Retail). To the south of the property is Old Dominion Drive and adjacent property zoned R-2 and occupied by the Navy-Marine Retirement Residence. The property to the west is a parcel Zoned C-5 (Neighborhood Retail) which is occupied by a service station.

BACKGROUND

On April 7, 1986 the Board of Supervisors granted, as proffered, Rezoning Application RZ 85-D-081, rezoning the subject property from the R-2 District to the C-6 District. The Board also waived the minimum lot size requirements. Prior to the Board's approval of RZ 85-D-081 the applicant was granted a waiver of the Generalized Development Plan requirement for the application.

The current application (PCA 85-D-081) was originally filed concurrently with a Special Exception application (SE 91-D-033) to permit a fast food restaurant in a shopping center with less than six (6) uses under one roof. Subsequent to the filing of application, the Board of Supervisors amended the Zoning Ordinance on October 28, 1991 which resulted in a special exception no longer being required to permit the proposed use. Subsequent to the Board's action, the applicant withdrew the concurrent special exception application.

COMPREHENSIVE PLAN PROVISIONS

The 0.42 acre property is located in Kirby Community Planning Sector (M3) of the McLean Planning District in Area II. An assessment of the proposal for conformance with the Comprehensive Plan should be guided by the following citations from the Plan:

On page 257, under "Recommendations, Land Use" in the Kirby Community Planning Sector, as adopted by the Board of Supervisors on July 1, 1991, the Area II Plan states:

- "11. The expansion and design improvements of Chesterbrook Shopping Center should be considered within the constraints of currently-zoned commercial space with a maximum intensity of .25 FAR. This facility serves Sector M2 as well as M3 with convenience commercial uses."

The Comprehensive Plan map shows that the property is planned for retail use. Additional excerpts from the Comprehensive Plan may be found in Appendix 3 of this report.

ANALYSIS

Plan Description

RZ 85-D-081 was approved with the Generalized Development Plan waived by the Board of Supervisors. The applicant has provided a plan for reference which shows the 0.42 acre subject property as it exists, developed with a 6,445 square foot shopping center containing four retail units. The FAR of the shopping center is 0.35. Access to the site is provided by an entrance from Old Dominion Drive to the adjacent Chesterbrook Shopping Center which is connected to the property to the

south and east. The application does not involve any physical changes or intensification of the use as approved pursuant to RZ 85-D-081. A reduction of the plan is attached to the front of this report for reference.

Transportation Analysis

The complete Office of Transportation analysis and the comments of the Virginia Department of Transportation are contained in Appendix 4 of this report. The Office of Transportation identified no transportation issues in reviewing this proposal.

Environmental Analysis

The complete Environmental Analysis is contained in Appendix 5 of this report. There are no environmental issues regarding this application.

Comprehensive Plan Analysis

The Comprehensive Plan calls for retail use of this parcel, therefore, the proposed use is in conformance with the Plan. The additional uses included in the proposed amendment to Proffer Number 3 are permitted uses in the C-6 District. There are no land use issues associated with this application. The complete Comprehensive Plan Analysis is contained in Appendix 3.

Public Facilities Analysis

This application has been reviewed by the Department of Public Works, Trails Planner; Fairfax County Water Authority and City of Falls Church Water Works; the Fire and Rescue Department; and the Fairfax County Park Authority. Detailed comments from these agencies are contained in Appendices 7 through 11, respectively.

All public facilities are adequate to serve the proposed development.

ZONING ORDINANCE PROVISIONS

The development is subject to review under Article 4 and other provisions of the Zoning Ordinance.

Table 1 evaluates this request for compliance with the size and bulk requirements of the C-6 District, as well as for compliance with the parking provisions of Article 11 of the Zoning Ordinance.

TABLE 1

	<u>Required</u>	<u>Provided</u>
Minimum Lot Size	40,000 sq. ft.	18,476 sq. ft. *
Minimum Lot Width	200 feet	29 feet *
Maximum Building Height	40 feet	16.5 feet
Minimum Front Yard	40 feet	60 feet
Minimum Rear Yard	20 feet	25 feet
Parking	31 spaces	31 spaces

* Minimum lot size requirements waived pursuant to approval of RZ 85-D-081

The F.A.R. of the shopping center does not exceed the 0.35 maximum F.A.R. allowed in the C-6 District.

The application meets all requirements of the C-6 Zoning District except the minimum lot size and lot width requirements. As noted above, the minimum lot size and lot width requirements were waived for the subject property pursuant to the approval of RZ 85-D-081 by the Board of Supervisors.

Section 13 of the Zoning Ordinance requires that Transitional Screening 1 and Barrier A, B, or C be provided between the shopping center and the church property on the north side of the site. The existing landscaping meets these requirements. In addition the applicant must the Tree Cover Requirement Standards pursuant to Section 13-400 at the time of site plan approval.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The applicant is requesting the approval of an amendment to Proffer Number 3 accepted by the Board of Supervisors pursuant to the approval of RZ 86-D-081. Proffer Number 3 accepted pursuant to RZ 85-D-081 states, "The property will be developed for retail use only." The applicant seeks to amend this proffer to include several uses permitted in the C-6 Zoning District normally associated with shopping center use. No intensification or physical changes are proposed to the existing shopping center.

Recommendation

Staff recommends that PCA 85-D-081 be approved subject to the execution of the Proffers included in Appendix 1.

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

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

APPENDICES

1. Draft Proffers
2. Applicant's Affidavit
3. Statement of Justification
4. Land Use Analysis
5. Environmental Analysis
6. Office of Transportation and VDOT Analyses
7. Department of Public Works Comments
8. Trails Analysis
9. Water Service Analysis
10. Fire and Rescue Department Comments
11. Fairfax County Park Authority Comments
12. Proffers for RZ 85-D-081
13. Glossary of Terms

PROPOSED AMENDED PROFFERS

PCA 85-D-081

Pursuant to Section 15.1-491(a) of the Code of Virginia, subject to the Board of Supervisors' approving Proffered Condition Amendment 85-D-081, the Applicant proffers the following:

1. Right-of-way as required for Old Dominion Drive shall be dedicated to match the adjoining shopping center right-of-way and the existing entrance to the property shall be removed at the time of its development. Access to the subject property when developed shall be coordinated with the shopping center access using existing or relocated entrances on the existing shopping center subject to review and approval by the Virginia Department of Highways and Transportation and the Fairfax County Department of Environmental Management. This proffer shall not preclude the relocation of an existing shopping center entrance onto the subject property.

2. Development shall be coordinated with the existing center insofar as parking, internal circulation and pedestrian access is concerned.

3. The use of the subject property will be limited to the following:

- a. Business service and supply service establishments
- b. Fast food restaurants
- c. Financial institutions
- d. Personal service establishments
- e. Public uses
- f. Repair service establishments
- g. Retail sales establishments

GKG LIMITED PARTNERSHIP

By: _____
Frederick Struck, Managing Agent

Date

GKG\AmdPrfrs

5/4/92

4:30 p.m. Item - PCA-85-D-081 - GKG LIMITED PARTNERSHIP
Dranesville District

On Thursday, March 5, 1992, the Planning Commission voted 9-1-1 (Commissioner Huber opposed; Commissioner Bobzien abstaining; Commissioner Baldwin absent from the meeting) to recommend to the Board of Supervisors approval of PCA-85-D-081, subject to the execution of the draft proffers dated February 28, 1992.

Planning Commission Meeting
March 5, 1992
Verbatim Excerpts

PCA-85-D-081 - GKG LIMITED PARTNERSHIP

Decision Only During Commission Matters

Chairman Murphy: Mr. Hubbard.

Commissioner Hubbard: Mr. Chairman, I too have a decision only, PCA-85-D-081. Distributed last evening, I believe, in our packets were proffers and they've been redistributed this evening. Just to make sure we all have it, let me point out the differences very quickly. Proffer 3.b specifically limits the use, the fast food use, to this Little Caesar's application with a specific lease date. We have new additions to the proffers, 4, 5, 6, and 7; #4 indicating the use of storm sewer grates; #5 indicating that the property manager shall be responsible for litter control; #6 delineating hours of, of use; and #7, some transportation improvements to the intersection that are on the screen. Mr. Chairman, when the Commission heard this case in January citizens' comment was uniformly negative. After several deferrals, citizen comment is still negative. Some of it a little bit more louder than we heard before, certainly not muted by any stretch of the imagination. For just a moment, I'd like to review the case made by the citizens. There was concern for quote "short-stop type of shopping"; that this was inconsistent with the intent of retail zoning and that it generated associate traffic misbehavior. Interestingly enough, a letter from Safeway, also in our packets, the major tenant in this center, and in voicing its opposition to the use cites "greater demand for parking spaces . . . for longer periods of time than typical neighborhood retail uses." Secondly, there was concern that the applicant had obtained relief in lot size and width in the original zoning and that the applicant not -- now sought additional relief from their proffers. While I can't speak to the intent of the Board in its action, I can speak to the original zoning and a citizen's angle on the proffered phrase "retail use." In 1986, as Chairman of the planning -- the McLean Citizens Association Planning and Zoning Committee, I wrote to then Supervisor Falck, specifically requesting the phrase. But in 1986 what was of major concern was the proliferation of office uses in the area, in the middle of this shopping center, and across the street where automobile retail gave way to real estate office. The rezoning resolved a parcel of land wedged between commercial zoning with a planned retail use at an intensity appropriate for retail. The Plan and the zoning FAR cited by the citizens at this public hearing comes years after the original zoning and, from this chair, looks to be undone or imperiled by the current board. Mr. Byrnes, current chair of Planning and Zoning, speaks to criteria of "substantial change . . . in circumstances" or "new and significant benefits to the public" as conditions for PCA approval. I like the sentiment, but I do not see the requirement in the code or the Plan. As much as I like the sentiment, I do not know how I can impose it on the applicant. We'll have a bit more in public benefits in a minute though. The best argument from the citizens dealt with poor access to the shopping center and underestimated traffic data. They cited significant trips on Friday

evenings of 70 cars per hour. At my request, transportation staff did a second site visit in the evening and monitored access to the shopping center. Staff found confusion in the traffic movement but not an intensity that this use with 70 cars per Friday evening would interfere with. The applicant then conducted an analysis of the site and day long counts for similar sized facilities. They noted 38 cars during peak hour of which 36.8 percent made multiple stops within the center. One vehicle trip every two minutes. The applicant's expert also noted the confusing traffic pattern at the western most intersection. The recommended revisions that include signage, who has the right-of-way, stripping to delineate movement patterns, the extension of a crosswalk with signage through the interparcel access flanked by speed bumps. With the exception of the addition of speedbumps, this clarity at the intersection has staff's endorsement and OT's endorsement. There is concern that, lacking Safeway's consent, this improvement might not be constructed. I would point out that the proffer we have before us indicates that this use is contingent on this construction. This clarity is a significant improvement to the site's entrance and perhaps addresses the public improvement required by Mr. Byrnes. Other concerns raised by the citizens: litter, excessive hours. I pointed out the two proffers that deal with the restrictions of those. In addition, the PCA limits the fast food use specifically and only to this Little Caesar's. I think this revision brings us fundament -- down fundamentally to the use that none of the adjacent associations want including some that I have a lengthy history with and which I have a great deal of respect for. But I do not know how to hang my hat on how to make a negative recommendation before this Commission. Little Caesar's is allowed by-right in the main complex as a retail service function and as such seems to be in compliance with the Comprehensive Plan. A predominately off peak use, Little Caesar's would have minimal impact on the transportation network. With the improvements to the access point, the application makes site improvements. It is a use now constrained along the lines of the Potomac Hills Citizens' Association's guidelines. The applicant has failed to win a single endorsement from the community. From a pure marketing perspective, I would suggest that Little Caesar's look at the impact of placing its business in a hostile environment and the extent to which this environment would adversely impact its success in its operation. But from a land use and Comprehensive Plan perspective, I regretfully concur with staff's analysis based on the revised proffers. Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-85-D-081, SUBJECT TO THE EXECUTION OF PROFFERS DATED FEBRUARY 28TH.

Commissioner Hanlon: Second.

Chairman Murphy: Seconded by Mr. Hanlon. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA-85-D-081, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Huber: No.

Commissioner Bobzien: Mr. Chairman, I abstain.

Chairman Murphy: Ms. Huber votes no and Mr. Bobzien abstains.

Commissioner Hubbard: Thank you, Mr. Chairman.

//

(The motion passed by a vote of 9-1-1 with Commissioner Huber opposed;
Commissioner Bobzien abstaining; Commissioner Baldwin absent from the meeting.)

PAM



COMMONWEALTH of VIRGINIA
DEPARTMENT OF TRANSPORTATION

4975 Alliance Drive
Fairfax, VA 22030

GREGORY A. WHIRLEY
COMMISSIONER

December 13, 2013

To: Ms. Barbara Berlin
Director, Zoning Evaluation Division

From: Noreen H. Maloney
Virginia Department of Transportation – Land Development Section

Subject: PCA 85-D-081-02
Chesterbrook Shopping Center

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

This office has reviewed the subject application and offers the following comment.

- The application has been filed to allow a wider range of permitted uses. The peak hour increase to traffic will be minimal.



County of Fairfax, Virginia

MEMORANDUM

DATE: January 16, 2014

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief *MAR 2014*
Site Analysis Section
Department of Transportation *AKR*

FILE: 3-4 (RZ 85-D-081)

SUBJECT: Transportation Impact

REFERENCE: PCA 85-D-081-02 Federal Realty Investment Trust
Traffic Zone: 1464
Land Identification Map: 31-3 ((1)) 112B

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plans made available to this office showing the as built conditions February 2, 1998. Proffer #3 of the April 7, 1986, approval of RZ 85-D-081 limited the subject property to retail use only. The applicant wishes to amend Proffer#3 to increase the permitted uses to be consistent with the remainder of the associated Chesterbrook Shopping Center and the C-6 District. There are no proposed physical improvements or changes to square footage, gross floor area, and parking. Therefore, this department has no concerns with this application.

AKR/LAH/lah



County of Fairfax, Virginia

MEMORANDUM

DATE: December 2, 2013

TO: Carmen Bishop, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Craig Herwig, Urban Forester III 
Forest Conservation Branch, DPWES

SUBJECT: Chesterbrook Shopping Center; PCA 85-D-081-02

RE: Request for assistance dated November 8, 2013

This review is based on the proposed Proffer Condition Amendment Application stamped, "Received, Department of Planning and Zoning, May 6, 2013."

- 1. Comment:** It is unclear if the subject property is in conformance with the required Interior Parking Lot Landscaping as per 13-202 of the Zoning Ordinance.

Recommendation: Any parking lot of twenty or more spaces shall be provided with interior landscaping covering not less than five percent of the total area of the parking lot. The Applicant should demonstrate compliance with the Interior Parking Lot Landscaping requirements by providing interior parking lot landscaping calculations and graphical illustrations of the location of the plantings.

- 2. Comment:** It does not appear the subject property is in compliance with the required Transitional Screening Type I and barrier A, B, or C along the northern property boundary, adjacent to the Chesterbrook Methodist Church.

Recommendation: The Applicant should provide the required transitional screening type I and barrier A, B, or C along the northern property boundary as required by 13-300 of the Zoning Ordinance.

Please feel free to contact me at 703-324-1770 if you have any questions or concerns.

CSH/

UFMDID #: 186360

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



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		