



APPLICATION ACCEPTED: December 4, 2013
PLANNING COMMISSION: May 7, 2014
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

April 23, 2014

STAFF REPORT

SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 78-D-075-2

PROVIDENCE DISTRICT

APPLICANT: Crown Real Properties, L.C.

ZONING: C-7, HC

LOCATION: 8602 and 8610 Leesburg Pike

PARCEL(S): 29-1 ((1)) 15 and 16

ACREAGE: 8.72

FAR: 0.16

OPEN SPACE: 15%

PLAN MAP: Office

PROPOSAL: Amend the previously approved special exception for a vehicle sale, rental and ancillary service establishment to permit building additions totaling approximately 10,340 SF.

Suzanne Lin

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 RECOMMENDATIONS:

Staff recommends that SEA 78-D-075-2 be approved subject to the proposed development conditions contained in Appendix 1.

Staff further recommends that the requested modifications and waivers be approved:

- Modification of the Comprehensive Plan's Major Paved Trail requirement along Leesburg Pike in favor of the existing 16-foot wide sidewalk.
- Modification of the transitional screening and waiver of the barrier requirements along the northern property boundaries in favor of the landscaping depicted on the SEA Plat.
- Modification of peripheral parking lot landscaping requirements in favor of the landscaping depicted on the SEA Plat.

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

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

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

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

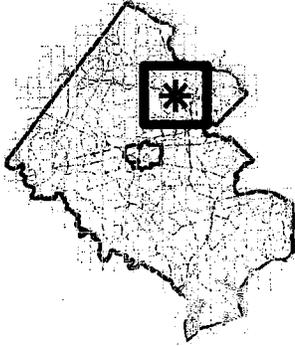
X:\DPZ\Tysons-Core\CASES\Toyota Crown Real Properties, SEA 78-D-75-2\Cover.doc



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

Special Exception Amendment

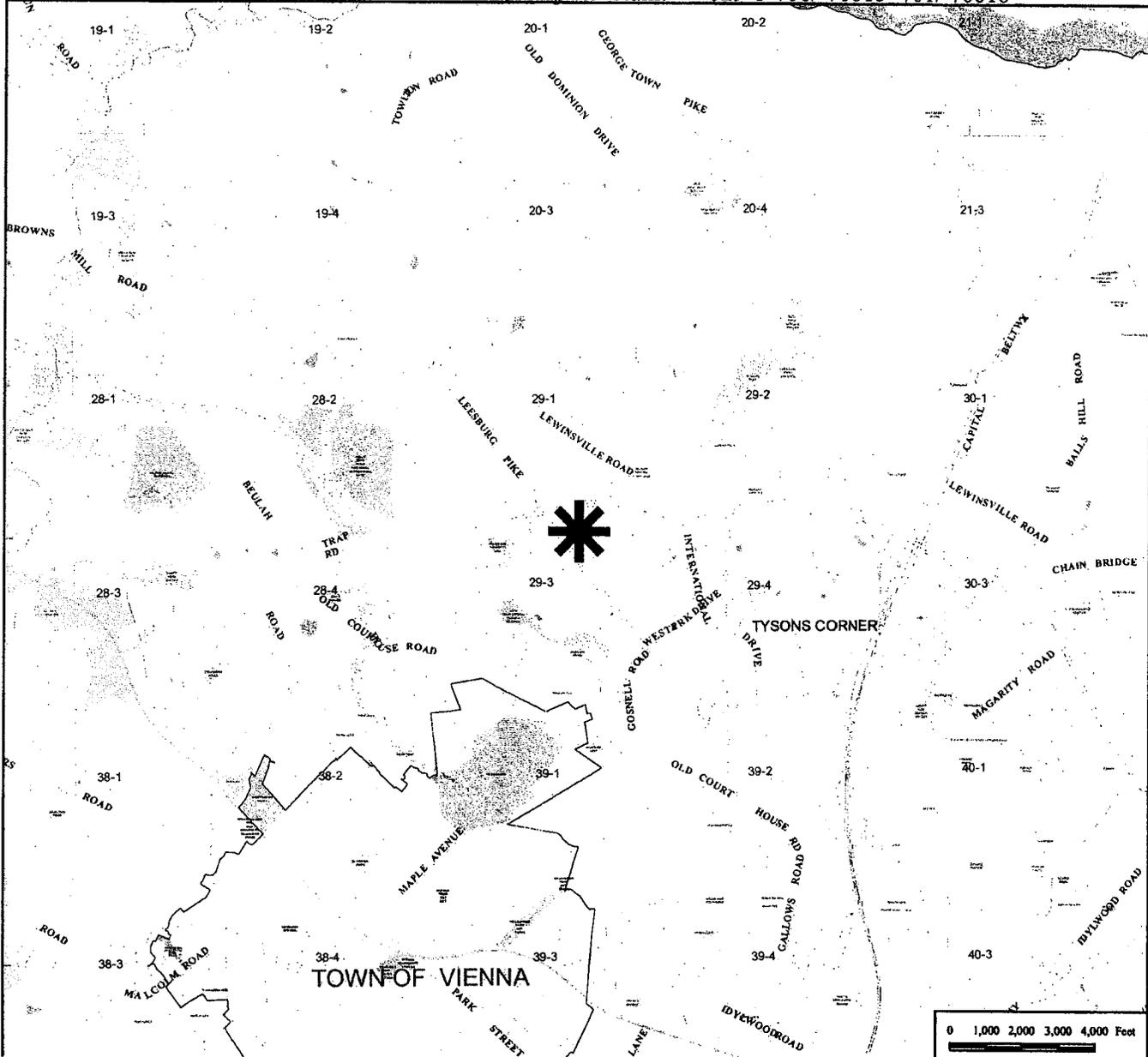
SEA 78-D-075-02



Applicant:
Accepted:
Proposed:

CROWN REAL PROPERTIES, L.C.
12/04/2013
AMEND SEA 78-D-075 PREVIOUSLY APPROVED FOR A VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENT TO PERMIT BUILDING ADDITION, SITE MODIFICATIONS AND MODIFICATION OF DEVELOPMENT CONDITIONS

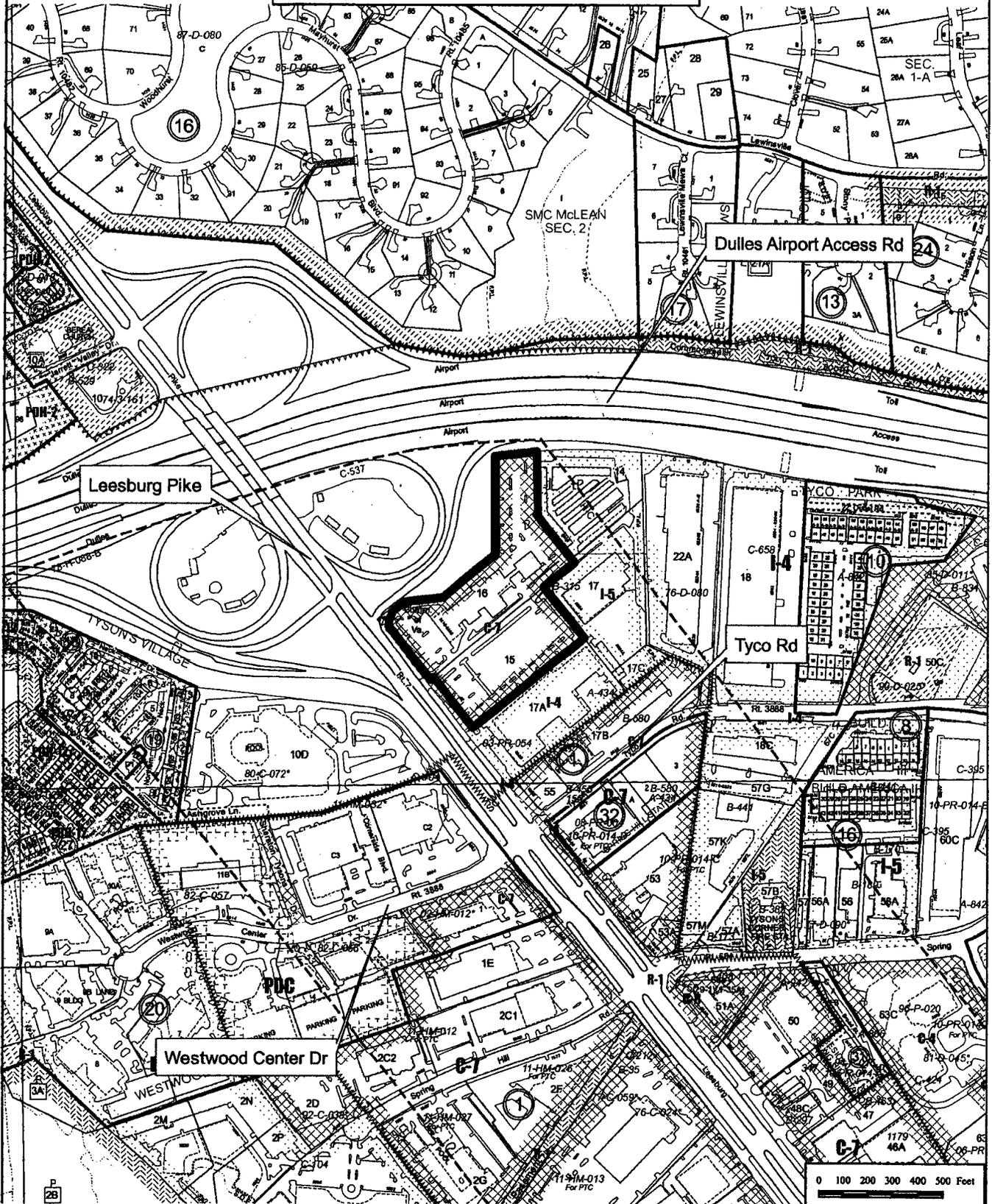
Area: 8.72 AC OF LAND; DISTRICT - PROVIDENCE
Zoning Dist Sect: 04-0704
Art 9 Group and Use: 5-25
Located: 8602 AND 8610 LEESBURG PIKE, VIENNA, VA 22182
Zoning: C-7
Plan Area: 2,
Overlay Dist: HC
Map Ref Num: 029-1- /01/ /0015 /01/ /0016



Special Exception Amendment

SEA 78-D-075-02

CROWN REAL PROPERTIES, L.C.



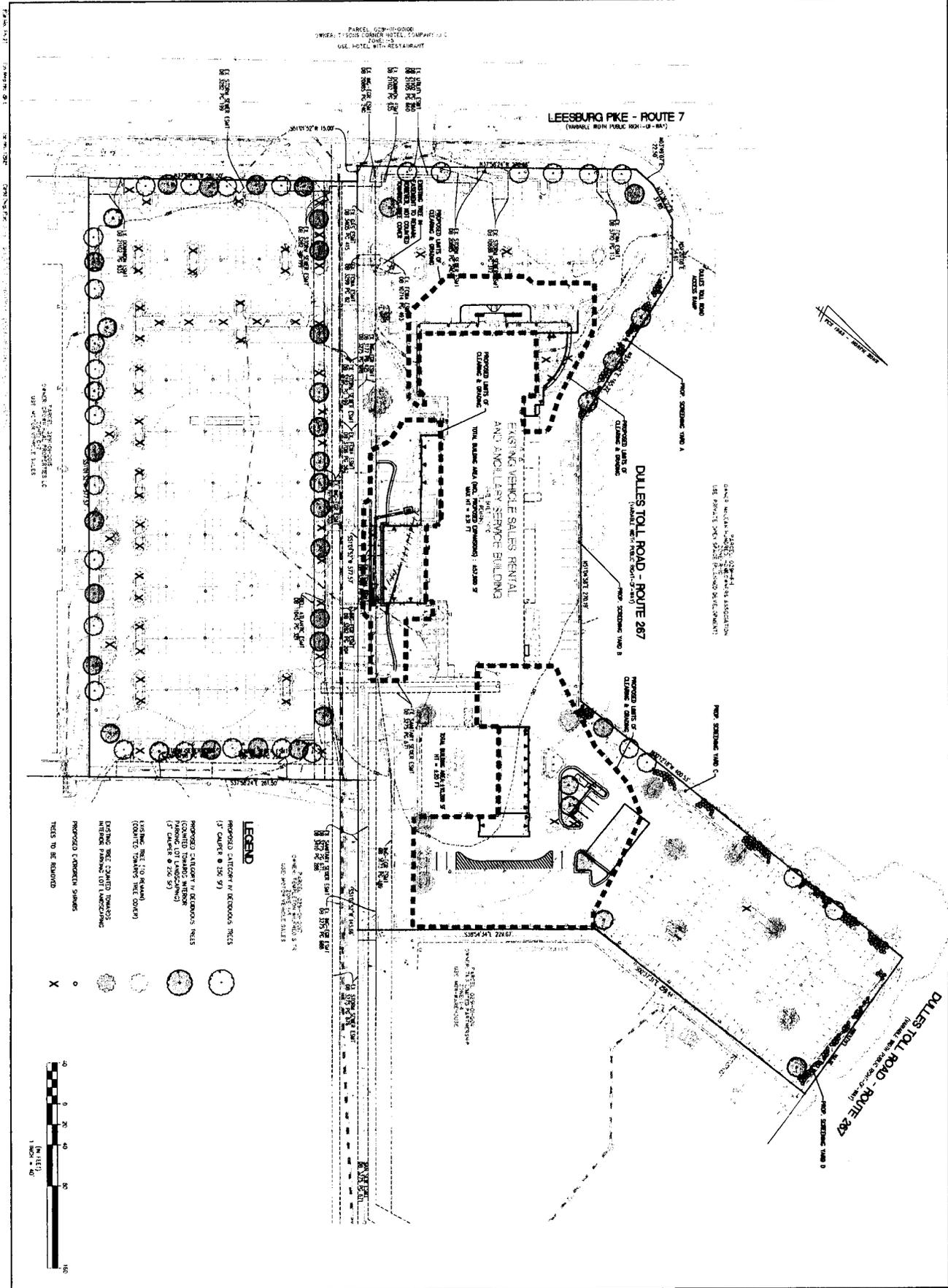
Leesburg Pike

Dulles Airport Access Rd

Tyco Rd

Westwood Center Dr

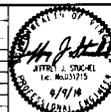
0 100 200 300 400 500 Feet



CONCEPTUAL LANDSCAPE PLAN

KOONS TYSONS TOYOTA
 PROVIDENCE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

| REVISION APPROVED BY | | | | |
|----------------------|-------------|------|----|----------|
| NO. | DESCRIPTION | DATE | BY | APPROVED |
| | | | | |
| | | | | |

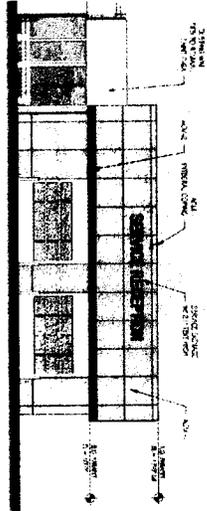


WALTER L. PHILLIPS
 INCORPORATED
 ESTABLISHED 1945

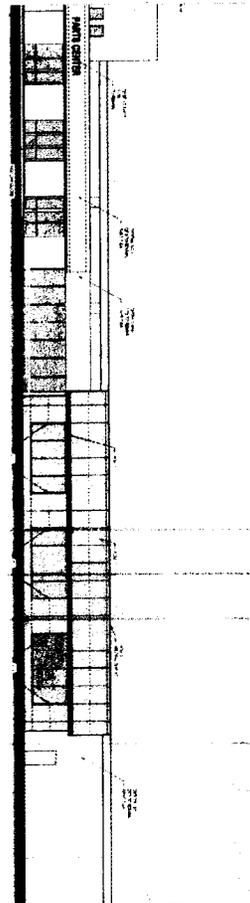
Engineers • Surveyors • Planners
 Landscape Architects • Arborists
 207 PARK AVENUE
 FALLS CHURCH, VIRGINIA 22046
 (703) 532-4183 Fax (703) 538-1301
 www.WLPHINC.com

SCALE: 1" = 40' (AS SHOWN) DATE: 6/1/2014 PROJECT: KOONS TYSONS TOYOTA, PROVIDENCE DISTRICT, VA 22046

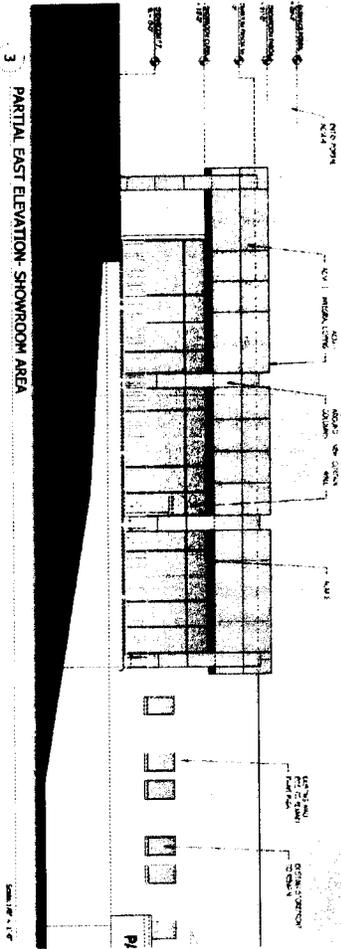
SHEET P-0401



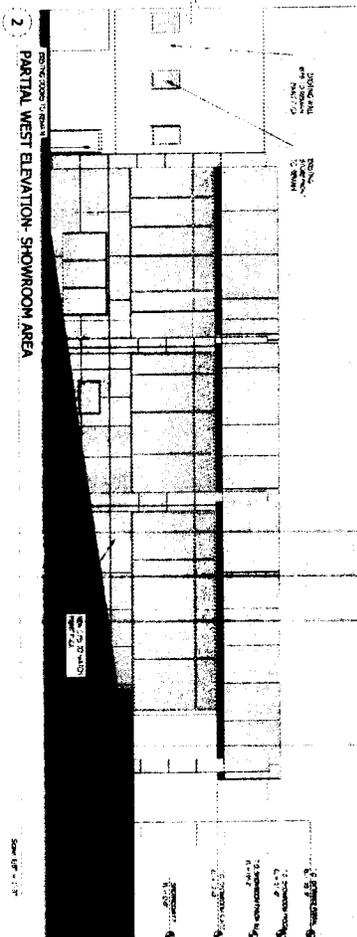
5 PARTIAL SOUTH ELEVATION - SERVICE DRIVE LANES AREA
Scale: 1/8" = 1'-0"



4 PARTIAL EAST ELEVATION - SERVICE DRIVE LANES AREA
Scale: 1/8" = 1'-0"

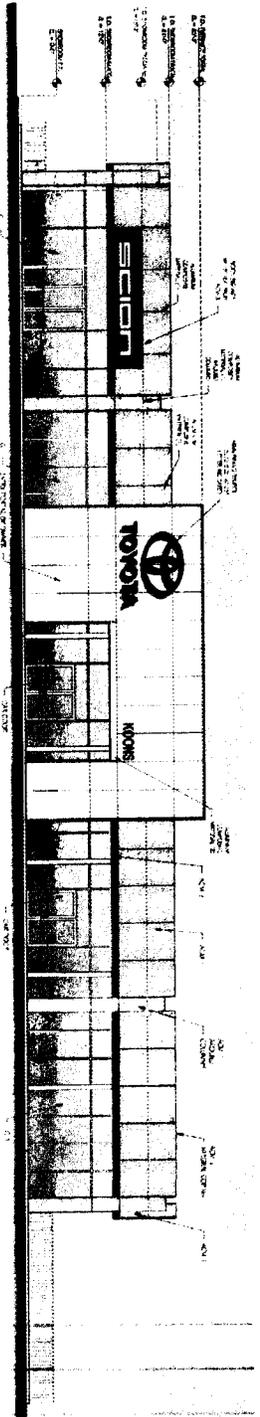


3 PARTIAL EAST ELEVATION - SHOWROOM AREA
Scale: 1/8" = 1'-0"



2 PARTIAL WEST ELEVATION - SHOWROOM AREA
Scale: 1/8" = 1'-0"

1 SOUTH ELEVATION
Scale: 1/8" = 1'-0"



pd
PENNEY DESIGN GROUP
2000 Chain Bridge Road
Manassas, VA 20108
703.797.1000 | 703.797.1001 | www.penneydesigngroup.com

Jim Koons Automotive Companies
2000 Chain Bridge Road
Manassas, VA 20108

TYSONS TOYOTA RENOVATION
CONCEPTUAL WORKSHOP ELEVATION
3/17/2014

KOONS TYSONS TOYOTA
6410 LESTERBICK PIKE
MANASSAS, VA 20108

P-0603
1" = 10'-0"

DESCRIPTION OF THE APPLICATION

The applicant, Crown Real Properties, LC, requests approval of a Special Exception Amendment (SEA) to permit building expansions to the existing automobile dealership. SEA 78-D-075 was previously approved for a vehicle sale, rental and ancillary service establishment and this SEA would permit building additions, site modifications and modifications to the development conditions. No changes to the access, parking, display spaces, or dealership operations are proposed. The applicant proposes to construct improvements totaling 10,340 SF which consist of a showroom addition with office space on the basement level below the showroom, a service building addition, a car wash and the enclosure of two areas currently covered by canopies for customer service.

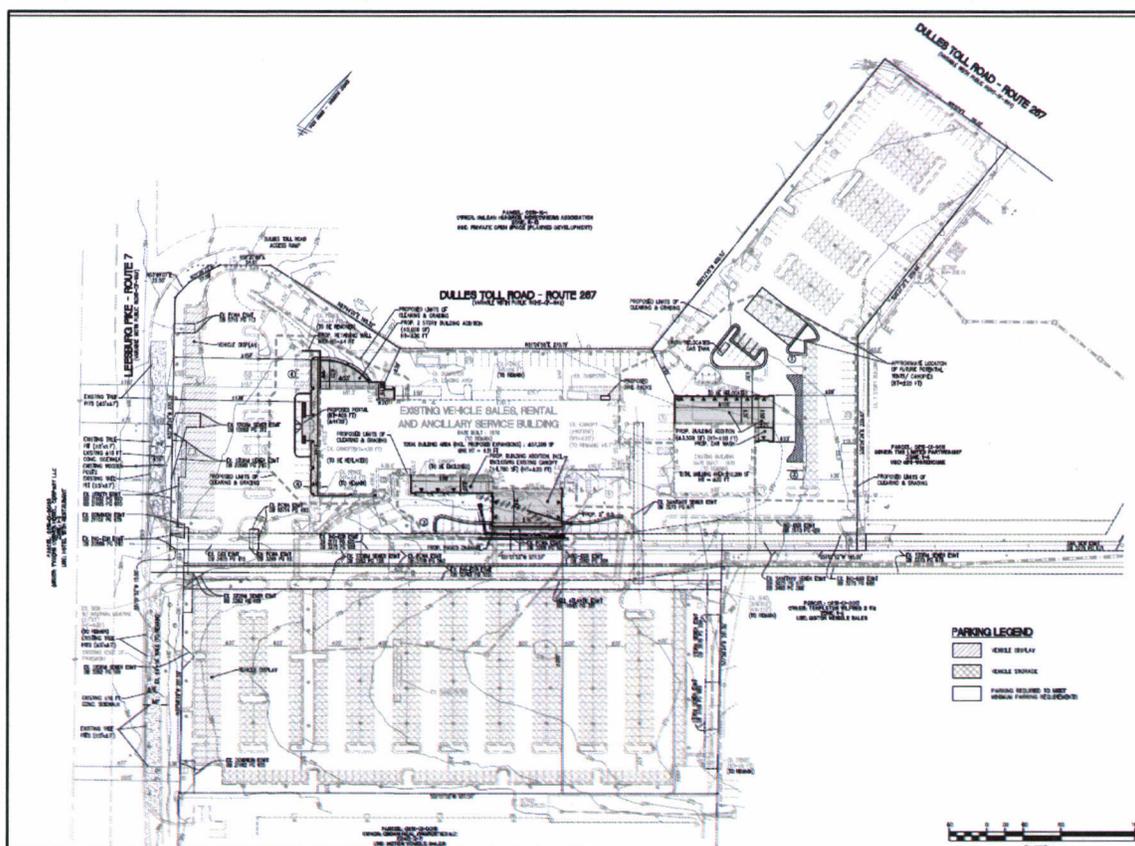


Figure 1 SEA Plat (Source Walter L. Phillips)(Darker grey areas depict expansion)

A reduced copy of the proposed Special Exception Amendment (SEA) Plat is included in the front of this report. The staff's proposed development conditions are included in Appendix 1. The applicant's affidavit and statement of justification and affidavit are included in Appendices 2 and 3, respectively.

Waivers and Modifications

The applicant is requesting a modification of the Comprehensive Plan's Major Paved Trail requirement along Leesburg Pike in favor of the 16-foot wide concrete sidewalk recently constructed as a part of the Dulles Rail Project.

The applicant is requesting a modification of transitional screening and waiver the barrier requirement along the northern property boundaries in favor of the landscaping depicted on the SEA Plat.

The applicant is also requesting a modification of peripheral parking lot landscaping requirements in favor of the landscaping depicted on the SEA Plat.

LOCATION AND CHARACTER

The subject property, consisting of two contiguous parcels, is bounded by Leesburg Pike to the southwest, the Dulles Airport Access Road (DAAR) to the northwest, self storage to the northeast, and similar industrial uses to the southeast. The site is also directly across Leesburg Pike from the Tysons West development, which was recently zoned to the Planned Tysons Corner Urban District (PTC) under RZ 2011-HM-032. The 8.72 acre subject site is developed with the existing Koons Toyota dealership and its associated parking.

| SURROUNDING AREA DESCRIPTION | | | |
|-------------------------------------|---|---------------|------------------------------|
| Direction | Use | Zoning | Plan |
| North | Right-of-Way (DAAR ramp) | ROW | Road |
| South | Vehicle Sales Establishment (Audi/Porsche of Tysons Corner) | I-4/HC | Transit Station Mixed Use |
| East | Vehicle Sales Establishment (Audi/Porsche of Tysons Corner) | I-5/HC | Office/Residential Mixed Use |
| West | Tysons West (Sheraton/Wal-mart) | PTC | Residential Mixed Use |



Figure 2 Subject Site (Source: Fairfax County GIS)

BACKGROUND

This site was originally developed with two separate vehicle sales and service establishments in 1973. With the adoption of the current Zoning Ordinance, this use became a special exception use and, subsequently, pursuant to SE 78-D-075, the use was expanded onto Tax Map Parcel 29-1 ((1)) 15. On July 27, 1998, the Board of Supervisors approved SEA 78-D-075 on Parcels 29-1 ((1)) 15 and 16 for vehicle sales, rental and ancillary service establishment. The approved development conditions associated with SEA 78-D-075 are found in Appendix 4.

COMPREHENSIVE PLAN PROVISIONS (Appendix 5)

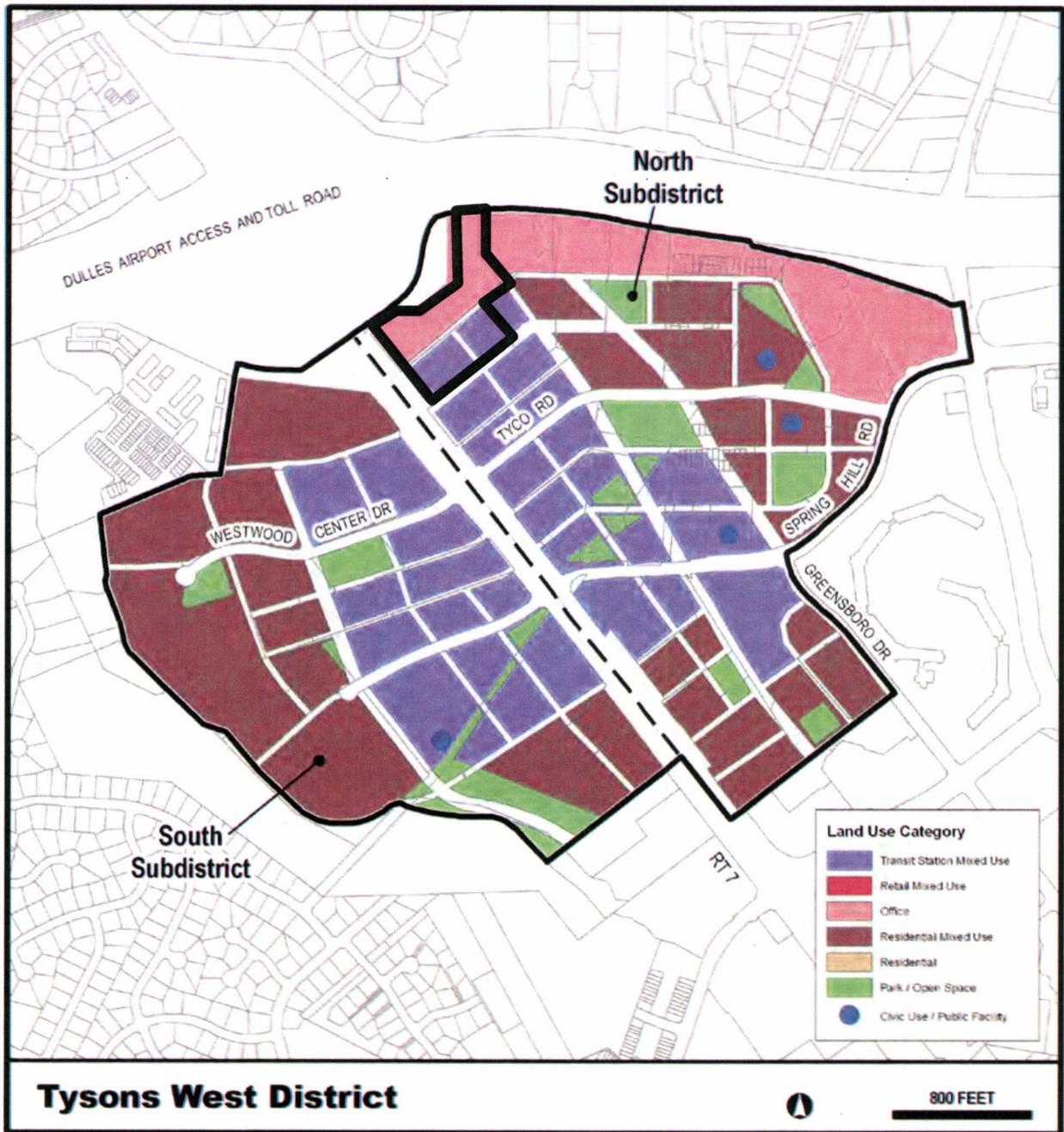


Figure 3 Tysons West District (Source: Comprehensive Plan)

Fairfax County Comprehensive Plan, 2013 Edition, Area II Plan, Tysons Corner Urban Center, Amended through February 12, 2013, Tysons West District, North Subdistrict, Land Unit Recommendations, states:

NORTH SUBDISTRICT

The North Subdistrict is comprised of about 125 acres and is bounded by the DAAR on the north, Leesburg Pike on the southwest, and the Tysons Central 7 and North Central Districts on the southeast.

Base Plan

Auto sales and retail uses are the predominant land uses along Leesburg Pike, along with one high-rise office building. This area is developed and planned for auto sales and retail uses, as well as portions developed and planned for office use with support retail and service uses at existing intensities between 0.7 FAR and 1.3 FAR.

In the area away from Leesburg Pike, industrial and industrial flex uses are the predominant land uses. On the eastern end of Tyco Road, there is an electrical substation and a three building office complex. On Spring Hill Road, there is a fire station, post office and two office buildings. This area is planned for low intensity industrial and industrial flex uses and office use with support retail and service uses at existing intensities between 0.5 FAR and 0.7 FAR...

DESCRIPTION OF THE SPECIAL EXCEPTION AMENDMENT (SEA) PLAT (Copy included at the front of the report.)

The SEA Plat entitled "Koons Tysons Toyota" was submitted by Walter L. Phillips Inc. consisting of 10 sheets dated September 16, 2013 as revised through April 9, 2014, is described below.

| Koons Tysons Toyota | |
|----------------------------|--|
| Sheet # | Description of Sheet |
| 1 of 10 | General Notes, Vicinity Map, Site Tabulations, Parking Tabulations, Sheet Index, Stormwater Checklist, Angle of Bulk Plane |
| 2 of 10 | Existing Conditions and Vegetation Map |
| 3 of 10 | Special Exception Amendment Plat |
| 4 of 10 | Conceptual Landscape Plan |
| 5 of 10 | Conceptual Landscape Notes |
| 6 of 10 | Preliminary Stormwater Management Analysis |
| 7 of 10 | Preliminary Outfall Analysis |
| 8 of 10 | Photometrics |
| 9 of 10 | Architectural elevations |
| 10 of 10 | Architectural elevations |

Proposal

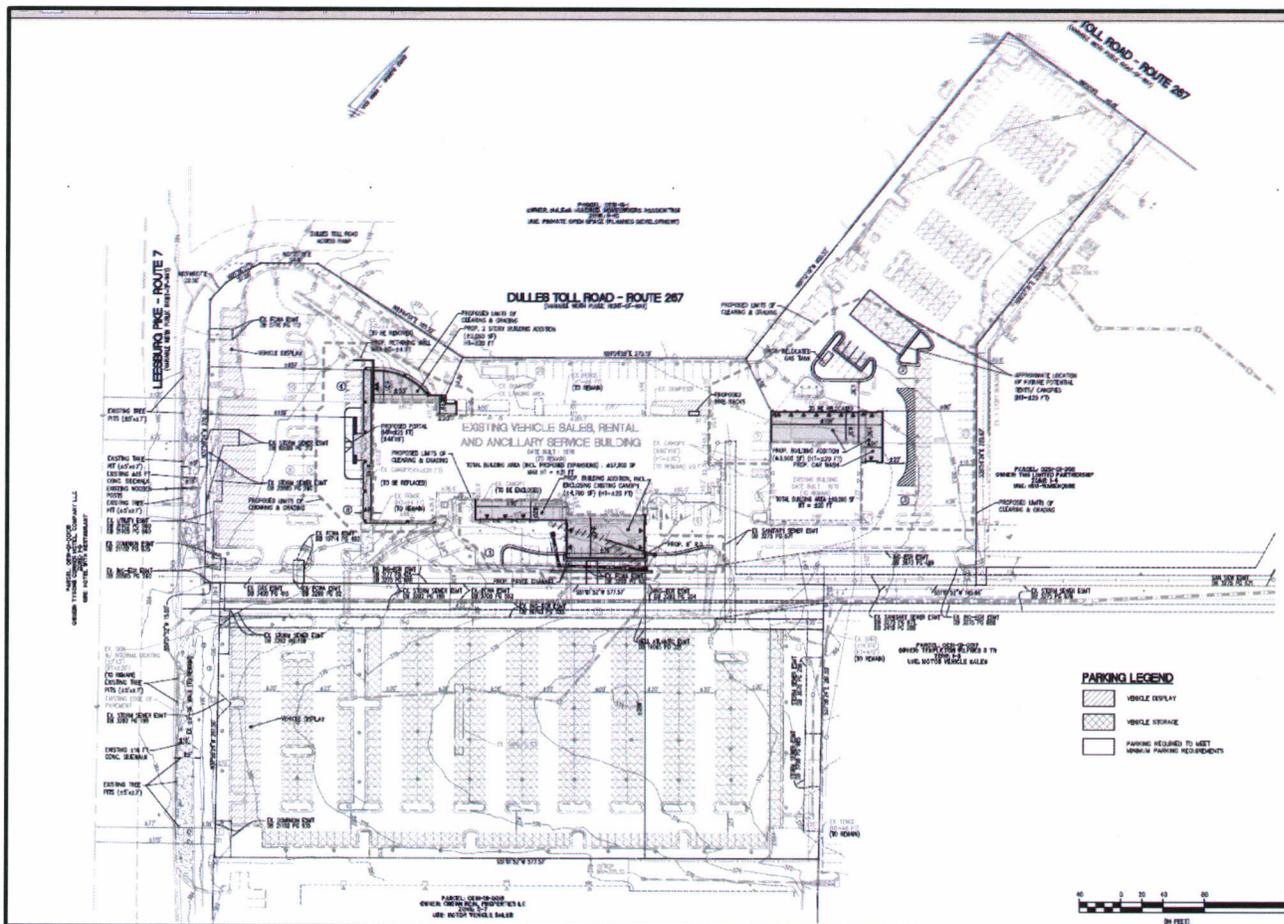


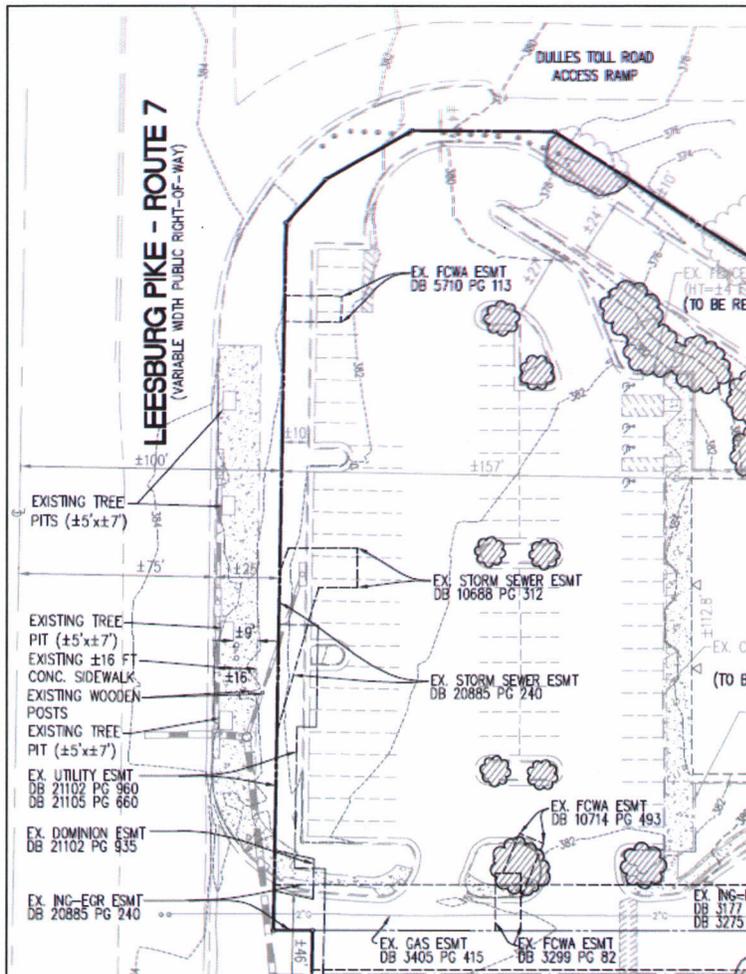
Figure 4 SEA Plat (Source: Walter L. Philips)

As described above, the applicant proposes a little over 10,000 square feet (SF) of additions to the existing dealership. The SEA Plat above shows the darker grey areas as the location of the additional space. The additions consist of a showroom addition with office space, a service building addition and enclosure of two areas currently covered by canopies. No change is proposed to the site’s parking, vehicle storage and display or dealership operations.

Vehicular Site Access

The site is accessed directly from Leesburg Pike from an existing driveway. The driveway is also covered with existing ingress and egress easements running to Parcels 29-1 ((1)) 11, 14, and 17 for access to Leesburg Pike. Parcels 11, 14 and 17 are located behind the subject site and without these easements, they would have no access to Leesburg Pike.

Pedestrian Amenities



The frontage along Leesburg Pike has been recently improved by the Dulles Rail Project. The project has added a 16-foot wide sidewalk along the entire Leesburg Pike width.

The SEA Plat here shows the 16 foot sidewalk and tree pits which were installed along Leesburg Pike.

Existing and Proposed Vegetation

The existing vegetation consists of landscaping trees located within the parking lot and surrounding the existing building. The proposed two-story expansion would require removal of three existing trees.

Many of the existing trees located in the parking lot on Parcel 16 have been severely pruned or are otherwise in poor condition. The applicant has proposed to remove the trees in poor condition and to plant new trees along the periphery of the parking areas. The applicant

has proposed to retain the existing trees in areas where they are generally in good health.

The applicant has also proposed several new deciduous trees and ground cover along the existing property boundary with the DAAR.

Architectural Elevations/Cross Sections

The applicant has provided conceptual elevations of the proposed additions. Figures 5 and 6 below depict the additions as well as the curtain walls and color scheme associated with those additions.

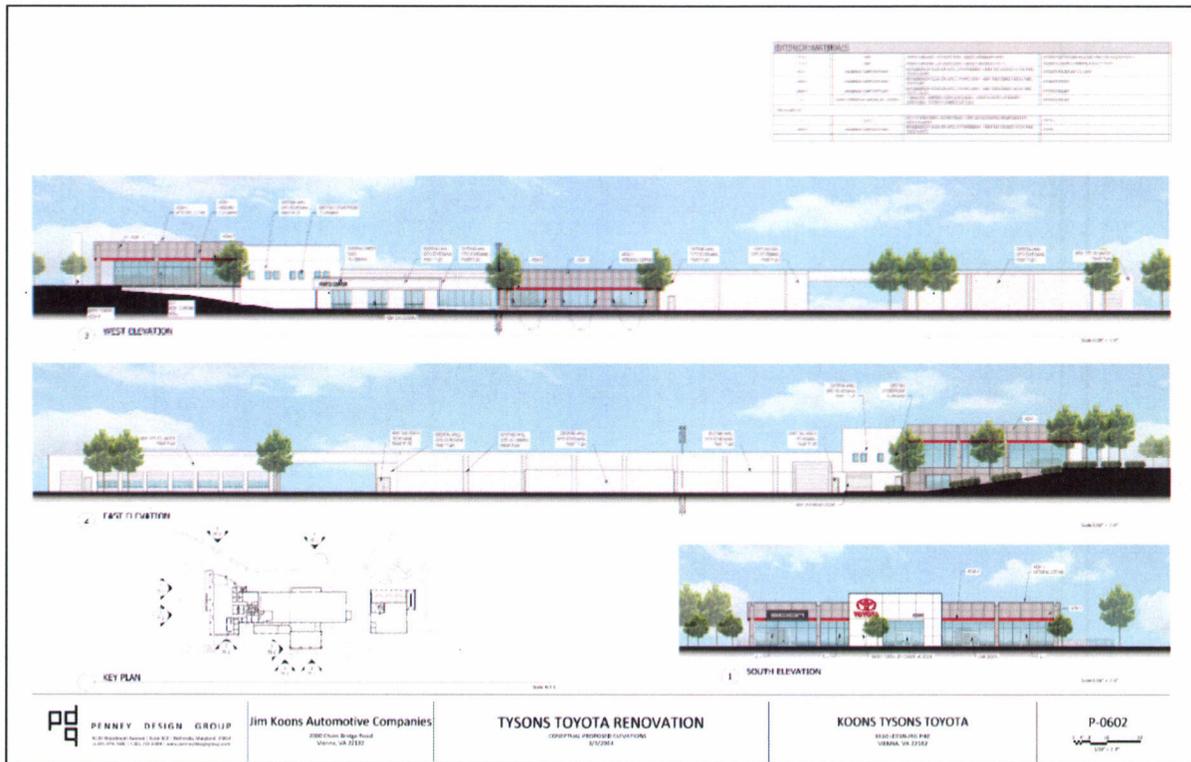


Figure 5 Tysons Toyota Renovation (Source: Walter L. Phillips)

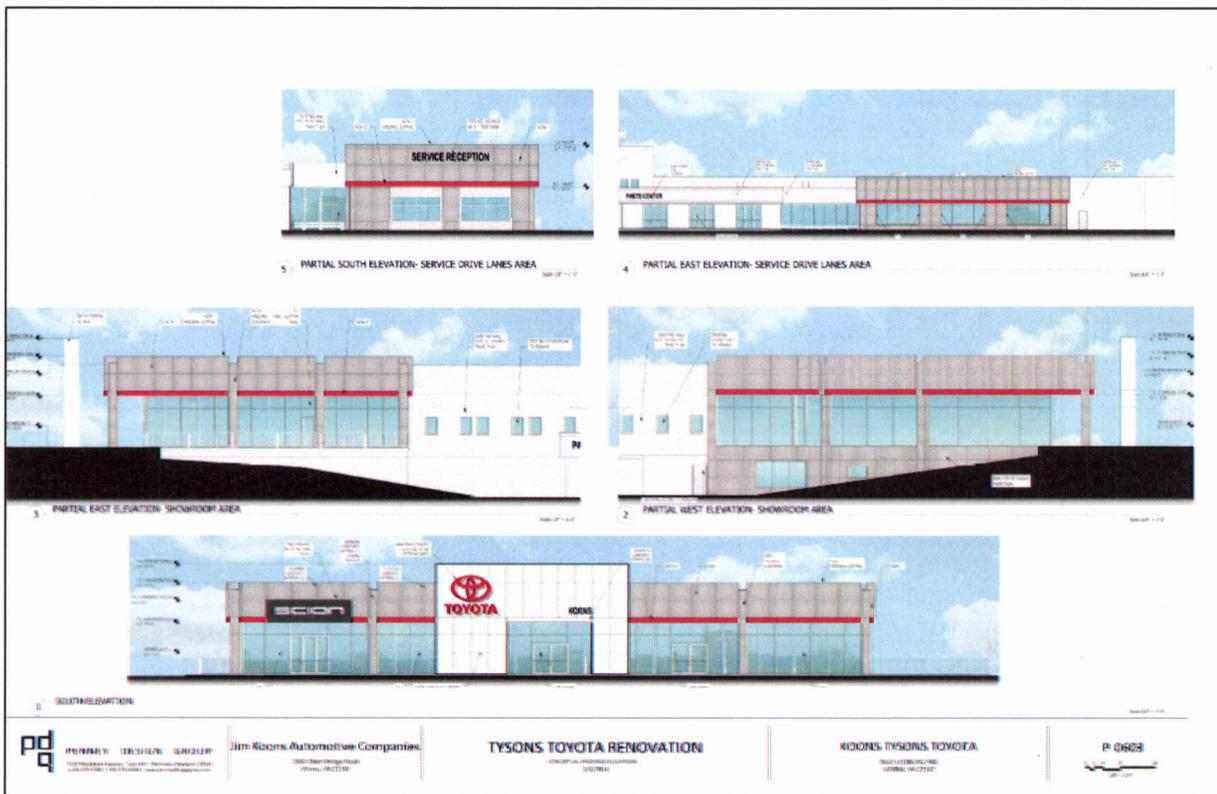


Figure 6 Tysons Toyota Renovation (Source: Walter L. Phillips)

Land Use Analysis (Appendix 5)

There are no land use issues related to this application. The proposed FAR of 0.16 is below the base plan recommendation for existing and planned auto sales and retail uses. The limited building expansion proposed on the site does not conflict with the Plan's guidance for future redevelopment, and staff believes that the application will remain in conformance with the land use recommendations of the Comprehensive Plan for the subject property.

Transportation Analysis (Appendix 7)

Access

Under the approved SEA, the development conditions reference the need for maintaining access to Parcels 11, 14 and 17 to the rear of the site through appropriate easements. Development Condition #4 notes that the SEA Plat submitted during that review contained physical impediments to access including parking spaces. The development condition offered options on how to provide clear access, including moving the easements or removing the physical impediments. The condition expressly allowed the access to have curbs and sidewalks or features associated with ingress or egress, but was clear that unobstructed access needed to be provided. At this time, these obstructions have been removed from the easements. Staff, however, proposes to continue the sections of the condition that describe how access will be maintained, especially with regard to customer parking and vehicle transport to and from the site. With continuation of this development condition, staff finds this issue resolved.

Transportation Funds

On January 28, 2014, the Board of Supervisors approved Tysons-wide Transportation Fund and Tysons Grid Fund which states that all new square footage in the Tysons Urban Center would contribute to both funds. As the applicant proposes 10,340 SF of new development, the proposed development conditions provide for contributions to both funds. The development conditions provide that these contributions will be made. With provision of these development conditions, staff finds this issue is resolved.

Bicycle Amenities

The Comprehensive Plan envisions a robust non-motorized transportation network for Tysons Corner, which include bicycle amenities such as bike lanes and racks. Since it is envisioned that employees within Tysons will take advantage of the new bicycle trails and transit in the area, staff recommended that the applicant provide two four-bike racks on site. The SEA Plat depicts proposed bike rack areas and staff has proposed a development condition that the applicant coordinate with the Fairfax County Transportation Bicycle Coordinator to ensure the correct type/brand is purchased and a proper installation location is selected. With implementation of this development condition, staff finds this issue is resolved.

Future Grid of Streets

Staff notes that the applicant's expansion at the main doors, which face the internal access road and parking, will be located close to a new grid street shown on the conceptual grid of streets in the area. While this application does not require the provision of this new street, staff has noted to the applicant that this new street will be needed upon any redevelopment of the site.

Environmental Analysis (Appendix 8)

The primary environmental issue presented with this application was the poor condition and treatment of the existing vegetation on site. The application is expected to meet all the Zoning Ordinance and Public Facilities Manual (PFM) landscaping requirements related to tree cover and parking lot landscaping. During site visits, staff found that the existing trees had been topped severely within some of the parking areas. As a result of this damage, Urban Forest Management Division (UFMD) staff determined that much of the existing vegetation would either not survive or not be able to provide the tree cover over time as required by the Zoning Ordinance and PFM. The applicant agreed to remove the trees in poor condition and develop a new landscaping plan which would place many of the trees along the periphery of the parking areas to reduce the likelihood of pruning. Staff has also proposed a development condition in order to assure proper future maintenance and treatment of the trees. With this condition and the replanting of the vegetation, staff finds this issue resolved.

Public Facilities Analysis (Appendices 9-11)

Stormwater Management

This application has been reviewed to determine that it meets quality and quantity treatment requirements for stormwater generated onsite. The application proposes to meet these requirements with an existing sandfilter to be supplemented by a stormfilter or bayfilter and overland relief.

The stormwater management narrative assumes that this project will be grandfathered from the new stormwater ordinance. If the project fails to meet the timing requirements of the grandfathering provisions, additional stormwater management facilities may be required, which would need to remain in substantial conformance with the SEA Plat otherwise an amendment to the SEA could be required.

There are no other public facility issues associated with this project.

ZONING ORDINANCE PROVISIONS (Appendix 12)

| Bulk Standards (C-7 Zoning) | | |
|------------------------------------|---|--|
| Standard | Required | Provided |
| Lot Size | 10,500 SF | 380,008 SF |
| Lot Width | 200 feet | 566 feet |
| Front Yard | Controlled by a 45° angle of bulk plane, but not less than 40 feet | 139 feet |
| Side Yard | None | None |
| Rear Yard | 20 feet | 90 feet |
| Building Height | 90 feet | 31 feet |
| Setback from DAAR | 75 feet | Predates establishment of Zoning Ordinance |
| FAR | 0.80 | 0.16 |
| Open Space | 15% | 15% |
| Tree Cover | 10% | 10% |
| Parking Spaces* | 9,100 SF enclosed sales area (19 spaces) 12,500 open sales display lot area (5 spaces) 42 service bays (84 spaces) 85 employees (85 spaces) Total required = 193 spaces | 206 (not including spaces designated for vehicle storage or display) |
| Loading Spaces | 3 | 3 |

| | | |
|---------------------------------------|--------------|--|
| Transitional Screening North (Zoning) | 50 foot yard | Modification requested to permit the existing landscaping which is 2 feet at its narrowest point |
| South (Zoning) | Not required | |
| East (Zoning) | Not required | |
| West (Zoning) | Not required | |

| Barrier | | |
|----------------|--------------------|------------------|
| North (Zoning) | Barrier E, F, or G | Waiver requested |
| South (Zoning) | Not required | |
| East (Zoning) | Not required | |
| West (Zoning) | Not required | |

Waivers/Modifications

Waiver/Modification: Modification of Transitional Screening and Waiver of Barrier Requirement Along Northeastern Boundary of Property adjacent to DAAR

Basis: Par. 3 of Sect. 13-305

The application property shares a northern boundary with the DAAR. The applicant requests a continuation of a previously approved modification to the transitional screening requirement and waiver of the barrier requirement in favor of the existing landscaping. In this SEA Plat, the applicant has divided the yards into three distinct sections, Yards A, B, and C, because while each is designed to need a modification, they are treated differently. In Yards A and C, the applicant has provided a roughly 10 foot wide planting strip with new or existing deciduous trees and evergreen shrubs. In Yard B, the applicant is not changing the existing condition which is about a 2 foot wide strip between the barrier and the parking lot. This use was previously granted a modification to the screening requirements along the DAAR due to the distance between this use and the residences to the north of the DAAR, as well as the basic design of the building. The proposal here remains consistent with those previous approvals. The application proposes minimal additions which are architecturally consistent with the entire building. In addition, where possible, the applicant has added landscaping along the northern boundary consisting of new deciduous trees and groundcover vegetation. Considering the nature of the additions and the minimal impacts, staff supports continuation of both this modification and waiver of the barrier requirement.

Waiver/Modification: *Peripheral Parking Lot Landscaping*

Basis: Par. 3 of Sect. 13-302

In the previous application, this peripheral parking lot landscaping modification was provided so that the applicant could provide additional parking for vehicles onsite as offsite parking was not allowed. [Offsite parking had been provided on Parcel 11, but since this use is only available in an I-4 Zoning District (with approval of a Special Exception), the parking had to be added to the application property]. In the requested application, the proposed changes will have no impact on peripheral parking lot landscaping as approved. Staff finds that continuation of this modification will not have a deleterious impact on the development of the adjacent property. Staff also notes that the applicant has agreed to replant parking lot landscaping on the site. As such, staff supports this modification.

Waiver/Modification: Waiver of Comprehensive Trail Requirement along Leesburg Pike

The Comprehensive Plan recommends a major paved trail (at least 8 feet wide) along Leesburg Pike. The applicant requests a waiver of this trail requirement in favor of the existing and recently installed 16-foot wide sidewalk which was installed with the Dulles Rail Project. Staff notes that sidewalks are preferred in Tysons and as such, staff supports this waiver.

Other Zoning Ordinance Requirements:

Special Exception Requirements (Appendix)

General Special Exception Standards (Sect. 9-006)

The proposed use (an expansion of a previously approved use) is in harmony with the recommendations of the Comprehensive Plan as specified in Standard 1, subject to the implementation of the proposed development conditions.

The use is in harmony with the purpose and intent of the applicable zoning district regulations as specified in Standard 2.

Standard 3 requires that that proposed use be harmonious with and not adversely impact the development of adjacent properties. Considerable effort was made with the previous approval to assure adequate access to the parcels to the rear of this property, Parcels 11, 14 and 17. These access easements are existing and appear to be working appropriately. The development conditions continue previously approved requirements for maintaining clear and open access. As such, staff finds this standard satisfied.

Standard 4 requires that pedestrian and vehicular traffic associated with the proposed use would not be hazardous nor conflict with the existing traffic. The recently installed 16-foot wide sidewalk has improved the pedestrian amenities in the area and, given the proposed development condition providing further amenities to bicyclists, staff finds that the applicant has provided adequate pedestrian and bicycle facilities. In addition, given the development condition related to access and the continuation of the one access point, staff finds this standard has been satisfied.

Standard 5 requires that the landscaping and screening generally complies with the requirements of Article 13 of the Zoning Ordinance. The trees on the site were generally in poor condition when the application was originally submitted. In order to rectify this situation, the applicant has agreed to replant all the trees in order to achieve the required tree canopies. In addition, staff has proposed development conditions relating to the monitoring of landscaping onsite. As such, with implementation of these development conditions, staff finds this standard has been satisfied.

Standard 6 requires that the open space requirements for the Zoning District be met. The applicant proposes to provide 15% open space as provided in the Zoning Ordinance.

As required by Standard 7, adequate utility and drainage facilities are located on the site at this time and the parking and loading will conform with the requirements of Article 11, Parking and Loading. The applicant has been informed that any development must be in conformance with applicable Stormwater Ordinance provisions and, should grandfathering of the new requirements not be available, a SEA could be required if additional SWM facilities are required. Nonetheless, the SEA Plat as currently proposed meets the requirements of the Zoning Ordinance and thus Standard 7 is satisfied.

Standard 8 addresses signage and any signs on the property will be required to be in compliance with the provisions of Article 12, Signage.

Category Standards (Sect. 9-503)

As discussed elsewhere in the report, the proposed vehicle sales, rental and ancillary service establishment conforms to the lot size and bulk regulations for the C-7 District as required by Standard 1. The use will be required to conform to the Zoning Ordinance performance standards (in this case, the photometric plan) as specified in Article 14 during its operation as specified in Standard 2. The use is subject to the requirements of Article 17, Site Plans, as specified in Standard 3.

Additional Standards for Vehicle Sales, Rental and Ancillary Service Establishments (Sect. 9-518)

Standard 1 requires that all outdoor storage, parking and display areas shall be permitted only on the same lot with and ancillary to a sales room, rental office or service facility, which shall be entirely enclosed on all sides. As discussed previously, all parking is located on-site. Therefore, staff finds that this standard is satisfied.

Standard 2 requires that the outdoor area devoted to storage, loading and parking and display of goods shall be limited to that area so designated on an approved special exception plat. Such areas are not be used for the storage or display of vehicles that are not in operating condition. The SEA plat depicts these areas with different hatching in order to delineate normal parking from storage or display. Staff has proposed a development condition which limits the use of these spaces to that depicted on the SEA Plat. Staff has also proposed a development condition that limits employee parking to that depicted on an approved site plan. With these conditions, this standard is satisfied.

Standard 3 requires that all display parking spaces be set back from the front lot line by ten (10) feet. The display parking spaces are depicted on Sheet 3 and are shown as at least 10 feet from the front property line. The spaces for which the peripheral parking lot landscaping modification is requested are designated as

required parking spaces, not display spaces. In addition, the structures on the site area meet the bulk standards of the Zoning District.

Standard 4 requires that these uses be provided with safe and convenient access to the street. The site has safe and convenient access to a public street, in this case, Leesburg Pike. As noted in the memorandum from the Virginia Department of Transportation (VDOT), all entrances must comply with the state requirements regarding use of asphalt at the entrance to Leesburg Pike. The applicant has noted that this entrance was recently reinstalled with the removal of the service drive along Leesburg Pike. Staff notes that all entrances must be in conformance with VDOT regulations. As this entrance will be reviewed at site plan, staff finds this standard is satisfied.

Standard 5 requires that all display areas be constructed in accordance with the requirements of the Public Facilities Manual. No new outdoor display areas are proposed with this application.

Standard 6 requires that all light fixtures used to illuminate outdoor areas shall be in conformance with the performance standards for outdoor lighting set forth in Part 9 of Article 14. The photometric plan shows this standard will be met, and will be reviewed again at site plan. Therefore, this standard is satisfied.

Standards 7 and 8 relate to Zoning Districts other than C-7. As such, they are not applicable.

Overlay District Requirements

Highway Corridor (HC) (Sect. 7 600)

A vehicle sales, rental and ancillary service establishment is not subject to the requirements of the Highway Corridor Overlay District.

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed development conditions.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

With the adoption of the proposed development conditions, the proposed Special Exception Amendment application would be in conformance with the applicable zoning ordinance standards and would be in harmony with the Comprehensive Plan.

Recommendation

Staff recommends that SEA 78-D-075-2 be approved subject to the proposed development conditions contained in Appendix 1.

Staff further recommends approval of the following modifications and waivers be approved:

- Modification of the Comprehensive Plan's Major Paved Trail requirement along Leesburg Pike in favor of the existing 16-foot wide sidewalk
- Modification of the transitional screening and waiver of the barrier requirements along the northern property boundaries in favor of the landscaping depicted on the SEA Plat.
- Modification of peripheral parking lot landscaping requirements in favor of the landscaping depicted on the SEA Plat.

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

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

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

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Background
5. Plan Citations and Land Use Analysis
6. Office of Community Revitalization Analysis
7. Transportation Analysis
8. Urban Forest Management Division Analysis
9. Stormwater Analysis
10. Sanitary Sewer Analysis
11. Parks Analysis
12. Applicable Zoning Ordinance Provisions
13. Glossary

PROPOSED DEVELOPMENT CONDITIONS

SEA 78-D-075-2

April 23, 2014

If it is the intent of the Board of Supervisors to approve SEA 78-D-075-2 located at 8602 and 8610 Leesburg Pike [Tax Map Parcels 29-1 ((1)) 15 and 16] for use as a vehicle sales, rental and ancillary service establishment pursuant to Sect. 4-704 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. The conditions marked by an asterisk (*) denote previously approved conditions.

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Other by-right special permit and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.*
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Koons Tysons Toyota", prepared by Walter L. Phillips, Inc., and dated September 16, 2013 as revised through April 9, 2014, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.*
4. The SEA Plat depicts several ingress/egress easements providing access to Tax Map Parcels 29-1 ((1)) 11, 14 and 17. The private roadway resulting from these easements shall be kept clear of any site improvements, except those which would be normally part of the construction of a roadway, such as sidewalks and curbs. The resulting private roadway shall be kept open at all times to provide unimpeded access to Parcels 11, 14 and 17 located to the northeast of the application property. As such, activities, such as, but not limited to, unloading of trucks and/or car carriers; standing or parking of vehicles being offered for sale; parking of vehicles at the site for service of any kind; temporary storage of cars, trucks or any other vehicles; storage of merchandise, automobile parts or any other material; and/or any blocking of

this easement is prohibited. This condition does not exclude activities necessary for the maintenance of the roadway or the utilities located within or adjacent to the easement. No standing or parking of vehicles of any type, including without limitation customers' vehicles, shall be permitted along either side of the roadway, both sides of which shall be posted "No Parking", provided, however, limited customer parking on the southeast side of the roadway shall be acceptable if specifically permitted by easement agreement among owners of Tax Map Parcels 29-1 ((1)) 11, 1, 16 and 17. Further, all loading, unloading and parking of trucks or vehicles used in the transport of automobiles or other vehicles shall occur within the bounds of the application property, although not within the private roadway (the easements) and shall not result in any disruption of the traffic on Leesburg Pike.*

5. Customer parking shall be designated on the site plan and identified by appropriate signage on-site, and customers shall park only in those locations. Employee parking shall be designated on the site plan and all employees shall be required to park in such locations. There shall be a minimum of eight-five (85) employee parking spaces. The number of employees shall be limited onsite at any one time and shall be limited to that number unless a display space is made available for the additional employee parking. Employees shall not park within any parking spaces designated for customer parking on the site plan.*
6. At the time of site plan approval, display spaces shall be labeled on the site plan, as approved by DPWES. Only those spaces which are labeled as display spaces shall be utilized for vehicle display. No vehicles shall be parked, stored, displayed or otherwise located on any portion of the site which is labeled for other purposes on the Special Exception Plat.*
7. All signs shall conform to the requirements of Article 12 of the Zoning Ordinance.*
8. Loudspeakers shall not be directed to the side of the property along the Dulles Airport Access Road and along the boundary with Tax Map Parcel 29-1 ((1)) 11. Further, any outdoor intercom system or other such system shall not be operated between the hours of 9:00 p.m. and 8:00 a.m.*
9. The private roadway between Parcels 15 and 16 may be widened within the easement area shown on the Special Exception Amendment Plat, and referenced in Condition 4 (or within the easement should the relocation not occur), without the requirement to obtain approval of a Special Exception Amendment. Subject to the determination of the agent of the Zoning Administration that the landscaping is in substantial conformance with the SEA Plat, the private roadway may be expanded beyond the relocated

easements, including such elements normally associated with roadway construction, such as, but not limited to, curb and gutter and sidewalks.*

10. All applicable Stormwater Management ordinance requirements shall be met. If any changes are required which are not in substantial conformance with the approved SEA Plat, a Special Exception Amendment may be required.
11. A Landscape Plan shall be submitted at the time of site plan submission wherein management practices, prepared by a Certified Arborist or Registered Consulting Arborist, shall be identified and provided by the applicant for the protection of vegetation—both new and existing, subject to the review and approval of the Urban Forest Management Division.
12. Any future tree pruning on all landscape trees shall be performed in accordance with the latest edition of American National Standards Institute (ANSI) A300 Pruning Standards. Any trees that have been improperly pruned, negatively impacting their long-term health and canopy coverage, shall be replaced as determined by the Urban Forest Management Division.
13. All trees located within private easements, such as the existing Bell Atlantic easement, shall be replaced in the event that the trees are damaged or removed as determined by the Urban Forest Management Division to sustain the 10-year canopy.
14. Tysons Grid Fund Contributions. No later than the time of issuance of the first Non-RUP, \$6.75 per each new square foot of non-residential space shall be contributed to the Tysons Grid Fund.
15. Tysons-wide Transportation Contributions for Table 7 Improvements. No later than the time of the first Non-RUP, \$5.74 for each new square foot of non-residential space shall be contributed to the Tysons Area-Wide Fund.
16. The installation, location, number and type/brand of bicycle rack shall be coordinated with the Fairfax County Transportation Bicycle Coordinator during site plan review and installation of the racks.

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

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

SPECIAL EXCEPTION AFFIDAVITDATE: March 10, 2014
(enter date affidavit is notarized)I, Jonathan D. Puvak, attorney/agent, do hereby state that I am an
(enter name of applicant or authorized agent)

123514a

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) belowin Application No.(s): SEA 78-D-075-2
(enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|---|---|--|
| Crown Real Properties, L.C. Agents: Amy E. Collins Joseph M. Rinaldis | 2000 Chain Bridge Road Vienna, VA 22182 | Applicant/Title Owner of Tax Map 29-1 ((1)) 15 and 16 |
| Walter L. Phillips, Incorporated Agents: Monica R. Westgate Jeffrey J. Stuchel | 207 Park Avenue Falls Church, Virginia 22046 | Engineer/Agent |
| Penney Design Group, LLC Agents: Jonathan J. Penney Peter W. Beylo | 8120 Woodmont Avenue, Suite 450 Bethesda, Maryland 20814 | Architect/Agent |

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

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

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

Special Exception Attachment to Par. 1(a)

DATE: March 10, 2014
(enter date affidavit is notarized)

123514a

for Application No. (s): SEA 78-D-075-2
(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 Suite 1300 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 Attorney/Agent Planner/Agent Planner/Agent Planner/Agent |

(check if applicable)

[]

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 10, 2014
(enter date affidavit is notarized)

123514a

for Application No. (s): SEA 78-D-075-2
(enter County-assigned application number(s))

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

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

CORPORATION INFORMATION

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

Crown Real Properties, L.C.
2000 Chain Bridge Road
Vienna, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

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

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

- Managing Member: Members:
- Jim Koons Management Company, Inc.
 - Jim Koons Management Company, Inc.
 - The DMK Trust f/b/o Dresden M. Koons
 - The KCK Trust f/b/o Krystal C. Koons
 - The TAK Trust f/b/o Tiffany A. Koons

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

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

Special Exception Attachment to Par. 1(b)

DATE: March 10, 2014
(enter date affidavit is notarized)

123514a

for Application No. (s): SEA 78-D-075-2
(enter County-assigned application number (s))

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

Walter L. Phillips, Incorporated
207 Park Avenue
Falls Church, VA 22046

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)

Brian G. Baillargeon
Jeffrey J. Stuchel
Aaron M. Vinson
Karen L. White

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

Penney Design Group, LLC
8120 Woodmont Avenue, Suite 450
Bethesda, Maryland 20814

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)

Jonathan J. Penney

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

Special Exception Attachment to Par. 1(b)

DATE: March 10, 2014
(enter date affidavit is notarized)

123514a

for Application No. (s): SEA 78-D-075-2
(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, Suite 1300
Arlington, Virginia 22201

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

Jim Koons Management Company, Inc.
2000 Chain Bridge Road
Vienna, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

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

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

James E. Koons

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

SPECIAL EXCEPTION AFFIDAVIT

123514a

DATE: March 10, 2014
(enter date affidavit is notarized)

for Application No. (s): SEA 78-D-075-2
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

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

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

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 10, 2014
(enter date affidavit is notarized)

123514a

for Application No. (s): SEA 78-D-075-2
(enter County-assigned application number(s))

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

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

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

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

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

None

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

SPECIAL EXCEPTION AFFIDAVIT

123514a

DATE: March 10, 2014
(enter date affidavit is notarized)

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

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

None

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

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

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

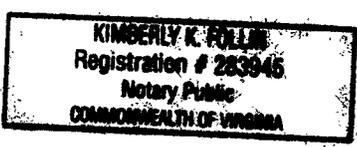
WITNESS the following signature: *Jonathan D. Puvak*
(check one) [] Applicant [x] Applicant's Authorized Agent

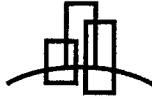
Jonathan D. Puvak, attorney/agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 10 day of March 20 14, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Pella
Notary Public

My commission expires: 11/30/2015





WALSH COLUCCI
LUBELEY & WALSH PC

Lynne J. Strobel
(703) 528-4700 Ext. 5418
lstrobel@thelandlawyers.com

RECEIVED
Department of Planning & Zoning

APR 03 2014

Zoning Evaluation Division

REVISED
April 3, 2014

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: Fairfax County Tax Map Reference: 29-1 ((1)) 15 and 16
Applicant: Crown Real Properties, L.C.

Dear Ms. Berlin:

Please accept the following as a statement of justification for a special exception amendment application to permit building additions, site modifications and a modification of development conditions associated with SEA 78-D-075.

The Applicant is the owner of approximately 8.72 acres located in the Providence Magisterial District, which are identified among the Fairfax County tax map records as 29-1 ((1)) 15 and 16 (the "Subject Property"). The Subject Property is located on the north side of Leesburg Pike in proximity to the Leesburg Pike and Dulles Airport and Access Road Interchange. Surrounding properties are zoned to the I-4 and I-5 Districts and commercially developed. The Subject Property is currently zoned to the C-7 District, as defined by the Fairfax County Zoning Ordinance (the "Zoning Ordinance").

An automobile dealership has been located on the Subject Property since 1973. Subsequent to the adoption of current Zoning Ordinance in 1978, the Subject Property has been the subject of several land use approvals. Most recently, the Board of Supervisors (the "Board") approved SEA 78-D-075 on July 27, 1998. The approval permits the continued operation of a vehicle sales, rental and ancillary service establishment as defined by the Zoning Ordinance.

The Applicant proposes to construct minor improvements to the existing buildings located on the Subject Property. The improvements consist of a small showroom addition with office space on basement level directly below, a service building addition, a car wash and the enclosure of two (2) areas currently covered by canopies for customer service. The proposed improvements have a combined total of 10,340 square feet and, when combined with existing

ATTORNEYS AT LAW

703 528 4700 ■ WWW.THELANDLAWYERS.COM
2200 CLARENDON BLVD. ■ SUITE 1300 ■ ARLINGTON, VA 22201-3359

LOUDOUN 703 737 3633 ■ WOODBRIDGE 703 680 4664

square footage, results in a .16 FAR. The proposed .16 FAR is well below the .80 FAR permitted for uses in the C-7 District. All of the improvements are intended to better serve the Applicant's existing clients and not to generate new business. The showroom addition will accommodate the vehicle manufacturer's expanding product line, the office addition will provide a needed administrative area for employees and the remaining improvements will enhance customer service. The car wash will be accessory to the automobile dealership and not open to the public. The improvements will not generate the need for additional employees. On-site physical characteristics of the Subject Property, such as access and traffic circulation, will remain the same. A minor increase in the parking requirement is needed to satisfy the requirements established by the Zoning Ordinance. This increase can be accommodated by the existing parking on the Subject Property.

The Subject Property is located within the Tysons Corner Urban Center and subject to a Comprehensive Plan for the area adopted by the Board on June 22, 2010 (the "Plan"). Specifically, the Subject Property is located within the North Sub-district of the transit-oriented development (TOD) District referred to as Tysons West. The Base Plan for the North Sub-district acknowledges existing auto sales and retail uses along Route 7. The Plan specifically identifies this area as developed and planned for auto sales, retail uses, as well as office with support retail and service establishments at existing intensities between 0.7 FAR and 1.3 FAR. The Applicant proposes these improvements within the context of the Base Plan text and does not propose to implement the higher intensity mixed use Redevelopment Option as described in the Plan. The Applicant's proposal is consistent with the Plan's guidance regarding the continuation of interim uses as Tysons Corner redevelops.

In accordance with the Zoning Ordinance requirements of Section 9-011, please accept the following information regarding the Applicant's proposal.

- The type of operation will continue to be a vehicle sale, rental and ancillary service establishment.
- The hours of operation will continue to be as follows:
 - Monday through Friday – 7:00 a.m. to 11:00 p.m.
 - Saturdays – 8:00 a.m. to 9:00 p.m.
 - Sundays – 9:00 a.m. to 9:00 p.m.
- The estimated number of patrons that will visit the Subject Property is approximately 165 per day. It is not anticipated that the number of patrons per day will increase with the proposed improvements.
- The total proposed number of employees is 135, with approximately 85 present on the Subject Property on any given time. The number of employees will not increase with this application.

- The total number of vehicle trips to the Subject Property will be approximately 670 per day, Monday through Friday. The peak trip generation for the Subject Property is on Saturday between the hours of 8:00 a.m. and 5:00 p.m., where approximately 125 vehicles enter and exit the Subject Property resulting in approximately 250 vehicle trips. This peak trip generation is off-peak from the typical traffic associated with the office uses in Tysons Corner. Therefore, the impact on the surrounding roadways will be minimized. The number of current vehicle trips is not anticipated to increase with the improvements associated with this application.
- The existing automobile dealership preliminary serves Fairfax County within a radius of approximately 35 miles. This radius includes Fairfax, Vienna, Reston, and Merrifield.
- The proposed building addition will be architecturally compatible with the existing improvements on the Subject Property. Building materials will include aluminum composite material (ACM) paneling, exterior insulation finish system (EIFS), glass and glass framing as well as wall paint; materials are consistent with the vehicle manufacturer's corporate identity program. Conceptual proposed elevations have been included on Sheets P-0602 and P-0603 of the special exception plat.
- The operation of a vehicle sale, rental and ancillary service establishment requires the utilization and storage of certain hazardous materials. All of these materials are utilized, stored, treated and disposed of in accordance with all local and state regulations.
- The proposed use conforms to all provisions of applicable ordinances, regulations and adopted standards except as may be noted on the special exception plat and as follows:
 - A modification of the Comprehensive Plan trail requirement along Leesburg Pike in favor of existing conditions. The modification will permit the newly constructed sidewalk to remain.
 - A waiver of the proposed roads through the Subject Property as shown on the proposed grid of streets as part of the Comprehensive Plan. As the existing use is an interim use, the proposed roads will be constructed in conjunction with a future development on the Subject Property.
 - A modification of the peripheral parking lot landscaping requirements as previously approved in conjunction with SEA 79-D-075. The modification of this requirement will have no deleterious effect on the existing or planned development of adjacent properties and is consistent with the prior approvals.

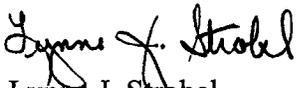
- Re-evaluation and reaffirmation of a modification of transitional screening, and a waiver of the barrier requirement along the northeast boundary, pursuant to Section 13-305, the distance between the Subject Property and the adjacent property, as well as, the existing vegetation, will minimize the adverse impact of the proposed use. The Applicant has added additional plantings along a substantial portion of this property line to bolster the screening. For ease of reference, the property line adjacent to the Dulles Toll Road has been separated into four different areas and delineated on Sheets P-0402 and 0403 of the special exception plat. The minor improvements proposed by this application do not warrant a change to the prior approvals.
- Pursuant to Paragraph 4 of Sect. 2-414, the lot adjacent to the Dulles Toll Road (Fairfax County tax map 29-1 ((1)) 16) was created prior to the effective date of the Zoning Ordinance. Therefore, the minimum distance of 75 feet between the existing and proposed buildings and the right(s)-of-way of the Dulles Toll Road is not applicable to the Subject Property.

I would appreciate the acceptance of this application and the scheduling of a public hearing before the Fairfax County Planning Commission at your earliest convenience. The Applicant's proposal will improve an existing automobile dealership to provide better service to its existing clients. In addition, the Applicant will continue to provide an important community service through the operation of its business in a more efficient manner.

Should you have any questions regarding the above, or require additional information, please do not hesitate to give me a call.

Very truly yours,

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


Lynne J. Strobel

cc: Joe Rinaldis
Amy Collins
Jeff Stuchel
Monica Westgate
Jon Penney



FAIRFAX COUNTY

APPENDIX 4

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

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

August 12, 1998

Timothy S. Sampson, Esquire
Walsh, Colucci, Stackhouse,
Emrich and Lubeley, P.C.
2200 Clarendon Boulevard
Thirteenth Floor
Arlington, Virginia 22201-3359

RE: Special Exception Amendment
Number SEA 78-D-075

Dear Mr. Sampson:

At a regular meeting of the Board of Supervisors held on July 27, 1998, the Board approved Special Exception Amendment Number SEA 78-D-075 in the name of Kline Tysons Imports, Incorporated, located at Tax Map 29-1 ((1)) 15 and 16 (8602 Leesburg Pike), for use as a vehicle sales, rental and ancillary service establishment pursuant to Section 4-704 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede the previous conditions:

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Amendment Plat approved with the application, as qualified by these development conditions.
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Department of Public Works and Environmental Services (DPW & ES). Any plan submitted pursuant to this Special Exception Amendment shall be in conformance with the approved Special Exception Amendment Plat entitled Kline Tysons Toyota and prepared by Tri-Tek Engineering which is dated January 15, 1998 as revised through July 9, 1998 and these conditions.

4. The Special Exception Amendment Plat shows an existing fifteen (15) foot ingress/egress easement on Parcel 16 and includes proposed parking spaces within the bounds of that easement. Either the parking spaces, curbing and other improvements within this easement shall be removed; or, in the alternative, the easement shall be vacated and reinstated onto the opposite side of the two (2) adjacent 17.5 easements as shown on the Special Exception Amendment Plat, prior to the approval of a site plan. The private roadway resulting from either alternative shall be kept clear of any site improvements, except those which would be normally part of the construction of a roadway, such as sidewalks and curbs. The resulting private roadway shall be kept open at all times to provide unimpeded access to Parcels 11, 14A and 17 located to the northeast of the application property the application property. As such, activities, such as, but not limited to, unloading of trucks and/or car carriers; standing or parking of vehicles being offered for sale; parking of vehicles at the site for servicing of any kind; temporary storage of cars, trucks or any other vehicles; storage of merchandise, automobile parts or any other material; and/or any blocking of this easement is prohibited. This condition does not exclude activities necessary for the maintenance of the roadway or the utilities located within or adjacent to the easement. No standing or parking of vehicles of any type, including without limitation customers' vehicles, shall be permitted along either side of the roadway, both sides of which shall be posted "No Parking", provided, however, limited customer parking southeast side of the roadway shall be acceptable if specifically permitted by easement agreement among owners of Parcels 11, 15, 16, and 17. Further, all loading, unloading and parking of trucks or vehicles used in the transport of automobiles or other vehicles shall occur within the bounds of the application property, although not within the private roadway, and shall not result in any disruption of the traffic on the Route 7 service drive. During the construction of the private roadway, a paved section at least 24 feet wide shall remain open at all times, and no construction equipment may be parked in any part of the roadway.

5. Customer parking shall be designated on the site plan and identified by appropriate signage on-site, and customers shall park only in those locations. Employee parking shall be designated on the site plan and all employees shall be required to park in such locations. There shall be a minimum of eighty-five (85) employee parking spaces. The number of employees shall be limited on site at any one time and shall be limited to that number unless a display space is made available for the additional employee parking. Employees shall not park within any parking spaces designated for customer parking on the site plan.

SEA 78-D-075
August 12, 1998

3.

6. At the time of site plan approval, display spaces shall be labeled on the site plan, as approved by the DPW & ES. Only those spaces which are labeled as display spaces shall be utilized for vehicle display. No vehicles shall be parked, stored, displayed or otherwise located on any portion of the site which is labeled for other purposes on the Special Exception Amendment Plat or in the service drive.
7. All signs shall conform with the requirements of Article 12 of the Zoning Ordinance.
8. Loudspeakers shall not be directed to the side of the property along the Dulles Airport Access Road and along the boundary with Parcel 11. Further, any outdoor intercom system or other such system shall not be operated between the hours of 9:00 p.m. and 8:00 a. m.
9. The private roadway between Parcels 15 and 16 may be widened within the relocated easement area shown on the Special Exception Amendment Plat, and referenced in Condition Number 4 (or within the easement should the relocation of the easement not occur), without the requirement to obtain approval a Special Exception Amendment. Subject to the determination of the agent of the Zoning Administrator that the landscaping is in substantial conformance with the Special Exception Amendment Plat, the private roadway, may be expanded beyond the relocated easements, including such elements normally associated with roadway construction, such as, but not limited to, curb and gutter and sidewalks.

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

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

SEA 78-D-075
August 12, 1998

4.

The Board also:

- **Modified the transitional screening yard;**
- **Waived the barrier along the northeastern boundary; and**
- **Modified the peripheral parking lot landscaping along the northern and eastern boundaries as depicted on the Special Exception Amendment Plat.**

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

Sincerely,



Patti M. Hicks
Deputy Clerk to the Board of Supervisors

PMH/ns

cc: Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
Frank Jones, Assistant Chief, PPRB, DPZ
Audrey Clark, Chief, Inspection Svcs., BPRB, DPW&ES
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Robert Moore, Trnsprt'n. Planning Div., Dept. Of Transportation
Paul Eno, Project Planning Section, Dept. of Transportation
Department of Public Works and Environmental Management
Department of Highways, VDOT
Planning Commission
Land Acq. & Planning Div., Park Authority

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
SEP 8 1998
ZONING EVALUATION DIVISION



County of Fairfax, Virginia

MEMORANDUM

DATE: March 21, 2014

TO: Barbara C. Berlin, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Land Use Analysis: SEA 87-D-075-02, Crown Real Properties, LC

The memorandum, prepared by Brenda Cho, includes citations from the Comprehensive Plan (Plan) that provide guidance for the evaluation of the Special Exception Amendment (SEA) application dated September 16, 2013, as revised through March 4, 2014. The extent to which the application conforms to the applicable guidance contained in the Plan is noted.

DESCRIPTION OF THE APPLICATION

The applicant proposes to amend the previously approved Special Exception application SE 78-D-075 to add 10,340 square feet in area for an existing vehicle sales, rental and ancillary service establishment. A Floor Area Ratio (FAR) of 0.16 is proposed. The application site, which measures 8.72 acres, is located at 8602 and 8610 Leesburg Pike [Tax Map # 29-1 ((1)) 15 and 16] and is zoned C-7 Regional Retail Commercial District and Highway Corridor Overlay District (HC).

COMPREHENSIVE PLAN CITATIONS:

Fairfax County Comprehensive Plan, 2013 Edition, Area II, Tysons Corner Urban Center, as amended through February 2, 2013, District Recommendations, pages 120 – 128:

“NORTH SUBDISTRICT

The North Subdistrict is comprised of about 125 acres and is bounded by the DAAR on the north, Leesburg Pike on the southwest, and the Tysons Central 7 and North Central Districts on the southeast.

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/



Base Plan

Auto sales and retail uses are the predominant land uses along Leesburg Pike, along with one high-rise office building. This area is developed and planned for auto sales and retail uses, as well as portions developed and planned for office use with support retail and service uses at existing intensities between 0.7 FAR and 1.3 FAR.

In the area away from Leesburg Pike, industrial and industrial flex uses are the predominant land uses. On the eastern end of Tyco Road, there is an electrical substation and a three building office complex. On Spring Hill Road, there is a fire station, post office and two office buildings. This area is planned for low intensity industrial and industrial flex uses and office use with support retail and service uses at existing intensities between 0.5 FAR and 0.7 FAR...

Redevelopment Option

The subdistrict is envisioned for substantial redevelopment to mixed use with office being focused along Leesburg Pike and adjacent to the DAAR and Toll Road. Urban residential neighborhoods should be provided and will enliven the vibrancy of this mixed use district. Other land uses should include hotels, arts and entertainment, retail and support services. A series of urban parks should be provided and be linked by the street grid; this green network will provide places for people of all ages to walk and enjoy parks and open space.

To achieve this vision, development proposals should address the Areawide Recommendations, and provide for the following.

- The vision for this subdistrict is to redevelop with office buildings with significantly higher intensity near the Metro station as well as to become more diverse in land uses, including hotels, residential dwellings, arts and entertainment uses, as well as retail and support services. Sites within 1/8 mile of the Metro station should be redeveloped predominantly with office use. Beyond 1/8 mile it is envisioned that the area will transition to urban residential neighborhoods. The intensities and land use mix should be consistent with the Areawide Land Use Recommendations.
- Logical and substantial parcel consolidation should be provided that results in well-designed projects that function efficiently on their own, include a grid of streets and public open space system, and integrate with and facilitate the redevelopment of other parcels in conformance with the Plan. In most cases, consolidation should be sufficient in size to permit redevelopment in several phases that are linked to the provision of public facilities and infrastructure and demonstrate attainment of critical Plan objectives such as TDM mode splits, green buildings and affordable/workforce housing. If consolidation cannot be achieved, as an alternative, coordinated proffered development plans may be provided as indicated in the Areawide Land Use Recommendations.

- Throughout this subdistrict, the goal for assembling parcels for consolidation or coordinated proffered development plans is at least 20 acres. A consolidation of less than 20 acres should be considered if the performance objectives for consolidation in the Land Use section of the Areawide Recommendations are met.
- When a consolidation includes land located in the first intensity tier (within 1/8 mile of a Metro station), it should also include land in the second intensity tier (between 1/8 and 1/4 mile of a station), in order to ensure connectivity to the Metro station.
- For property along Spring Hill Road, redevelopment proposals should address the redevelopment and relocation of the existing fire station and/or post office.
- Redevelopment should occur in a manner that fosters vehicular and pedestrian access and circulation. Development proposals should show how the proposed development will be integrated within the subdistrict as well as the abutting districts/subdistricts through the provision of the grid of streets. The major vehicular circulation and access improvements in this subdistrict are the extension of Greensboro Drive and the planned new ramps from the DAAR and Toll Road connecting to Greensboro Drive.
- Redevelopment along planned street alignments should provide right-of-way, construct portions of the street integral to the development, and further the implementation of streets serving the development. Other streets should create urban blocks and pedestrian and bike circulation improvements should be provided. The ability to realize planned intensities will depend on the degree to which access and circulation improvements are implemented consistent with guidance in the Areawide Urban Design and Transportation recommendations.
- Urban design amenities, such as streetscapes, plazas, courtyards, landscaping, public art, lighting and seating should be provided consistent with the Areawide Urban Design Recommendations.
- As discussed above under the South Subdistrict, a second electrical power substation will need to be constructed near the Dominion Power easement which contains a high voltage line. This improvement will need to be located either in the Tysons West District or in the abutting Tysons Central 7 District. From the second substation to the existing substation on Tyco Road, the high voltage line should be placed underground, in order to ensure a pedestrian friendly environment. However, if undergrounding proves infeasible, redevelopment should relocate the line or accommodate it in place.
- The green network planned for this subdistrict illustrates how the existing Dominion Power easement could be used as a pedestrian and open space amenity that links the Tysons West Metro station to the rest of the subdistrict. Along the power line easement, a series of urban parks are envisioned which link to other urban parks by the street grid. Alternatives that provide open spaces linking this subdistrict to the area's Metro station in a similar manner should be considered.

- Additional urban parks are to be located throughout the subdistrict. All urban parks in this subdistrict should be large enough for open-air activities such as farmers' markets and musical performances by small groups for residents and workers in the area. The sizes of these parks should be between 1/2 to over one acre. At least one two acre recreation-focused park should be provided in the subdistrict to serve the recreation and leisure needs of future residents and workers. Facilities could include sport courts, playground features, skate parks, splash pads, or other small-footprint facilities. Publicly accessible open space and recreational facilities should be provided in this subdistrict consistent with the Areawide Environmental Stewardship Recommendations.
- When redevelopment includes a residential component, it should include recreational facilities and other amenities for the residents, as well as affordable/workforce housing as indicated under the Areawide Land Use Recommendations.
- Public facility, transportation and infrastructure analyses should be performed in conjunction with any development application. The results of these analyses should identify needed improvements, the phasing of these improvements with new development, and appropriate measures to mitigate other impacts. Also, commitments should be provided for needed improvements and for the mitigation of impacts identified in the public facility, transportation and infrastructure analyses, as well as improvements and mitigation measures identified in the Areawide Recommendations. It is anticipated that existing Fire Station 29 and the U.S. Post Office on Spring Hill Road will be relocated as redevelopment occurs.
- Building heights will vary depending upon location, as conceptually shown on the Building Height Map in the Areawide Urban Design Recommendations. The tallest buildings should be closest to the Metro station where building height is planned up to 400 feet. Building heights (generally between one-eighth and one-quarter mile from the Metro station) should be between 175 and 225 feet. Beyond one-quarter mile, buildings should have lower heights, as conceptually shown on the Building Height Map in the Areawide Urban Design Recommendations. Building heights should be consistent with the above guidance as well as the guidelines in the Areawide Urban Design Recommendations.
- Exposed parking structures adjacent to the DAAR should not be visible to the residential neighborhoods north of the DAAR.
- A potential circulator alignment extends through this subdistrict as described in the Areawide Transportation Recommendations. In addition to the above guidance for this area, redevelopment proposals along the circulator route should provide right-of-way or otherwise accommodate the circulator and should make appropriate contributions toward its construction cost. See the Intensity section of the Areawide Land Use Recommendations.”

COMPREHENSIVE PLAN MAP: Retail and Other Commercial Uses

CONCLUSION

The applicant proposes to add 10,340 square feet in area for an existing vehicle sales, rental and ancillary service establishment building, which will measure approximately 57,000 square feet in area with the additions. The proposed FAR of 0.16 is below the base plan recommendation for existing and planned auto sales and retail uses, as well as portions developed and planned for office with support uses, between 0.7 and 1.3 FAR. Other proposed site modifications include relocating a gas tank and planting additional trees and shrubs for improved screening around the site. The limited building expansion proposed on the site does not conflict with the Plan's guidance, and staff believes that the application will remain in conformance with the land use recommendations of the Comprehensive Plan for the subject property.

PGN:BJC

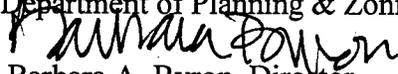


County of Fairfax, Virginia

MEMORANDUM

DATE: April 14, 2014

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

FROM: 
Barbara A. Byron, Director
Office of Community Revitalization

SUBJECT: OCR Comments – Crown Real Properties, L.C.
SEA 87-D-075-02

The Office of Community Revitalization (OCR) has reviewed the above referenced Special Exception Amendment application dated April 9, 2014.

The applicant proposes to expand the existing automobile dealership by 10,340 sq.ft. to provide an improved showroom and supporting office space, and to enclose an existing outdoor car washing area.

OCR has no objections regarding the proposed development. An improved showroom and the proposed enclosure of the car wash area will enhance the appearance of the site. The existing development conditions related to ingress/egress easements and the restriction of parking for vehicles for sale or service within those easement areas should be reaffirmed.

CC: Suzanne Lin, DPZ/ZED
Scott Sizer, Revitalization Program Manager, OCR
OCR File

Office of Community Revitalization
12055 Government Center Parkway, Suite 1048
Fairfax, VA 22035
703-324-9300, TTY 711
www.fcrcv.org



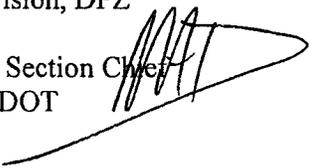


County of Fairfax, Virginia

MEMORANDUM

DATE: April 4, 2014

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Michael Davis, Acting Section Chief
Site Analysis Section, DOT 

FILE: 3-5 (SE 78-D-075)

SUBJECT: SEA 78-D-075-2; Crown Real Properties – Koons Toyota
Land Identification Map: 29-1((1))0015 & 0016

This department has reviewed the revised special exception plat dated March 4, 2014. FCDOT offers the following comments:

- SEA 78-D-075 development conditions four (4) and nine (9) which were approved by the Board of Supervisors (BOS) on July 27, 1998 should convey with the current application SEA 78-D-075-2.
- The subject parcel is located in the Tysons West section of Tysons Corner Urban Center and is subject to contributions to both the Tysons-wide Transportation Fund and Tysons Grid Fund. As it states in the approved policies for each fund, they are intended to collect monies in conjunction with development of property within the Tysons Corner Urban Center pursuant to any PTC rezoning action. This will include Special Exception and Special Permit applications that result in an increase in building square footage. The intent of the funds is to secure contributions for these applications regardless of whether they are allied with a PTC zoning request. The current contribution rate approved by the BOS on January 28, 2014, should be added to the development conditions with the following language:
 - *Tysons Grid Fund Contributions.* At the time of issuance of the first Non-RUP, the applicant shall contribute \$6.57 for each new square foot of non-residential space to the Tysons Grid Fund in accordance with the Board of Supervisors' policy adopted on January 28, 2014. These payments may be made earlier than required pursuant to this Paragraph.
 - *Tysons-wide Transportation Contributions for Table 7 Improvements.* The Applicant shall contribute \$5.74 for each new square foot of non-residential space to the Tysons Area-Wide Fund in accordance with the Board of Supervisors' policy adopted on January 28, 2014. These payments may be made earlier than required pursuant to this paragraph.

Ms. Barbara Berlin, Director

April 4, 2014

Page 2 of 2

- The expansion on the south side of the main building is approximately seven (7) feet from the existing easement/private road (Industrial Way). This access road is identified as a possible connection to the Dulles Toll Road on the Tysons Grid of Streets. Future requests for intensification of the property may prompt the need for dedication and/or construction of this grid street.
- In support of alternate modes of transportation, bike racks should be provided for employees. Based on the number of employees (85 – 135), a minimum of two (2) to four (4) bike racks would be sufficient. Prior to purchase and installation, applicant/owner must consult with the Fairfax County Transportation Bicycle Coordinator to ensure the correct type/brand is purchased and a proper installation location is selected.
- FCDOT supports a waiver of the trail/sidewalk requirement as the current sidewalk construction along Route 7 is in conformance with the Tysons Urban Design standards.

MAD/mdg



COMMONWEALTH of VIRGINIA
DEPARTMENT OF TRANSPORTATION

4975 Alliance Drive
Fairfax, VA 22030

January 10, 2014

GREGORY A. WHIRLEY
COMMISSIONER

To: Ms. Barbara Berlin
Director, Zoning Evaluation Division

From: Kevin Nelson
Virginia Department of Transportation – Land Development Section

Subject: SEA 1987-D-075-02 Crown Real Properties, L.C.
Tax Map # 29-1((01))0015 & 0016

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.

I have reviewed the above plan submitted on December 12, 2013, and received on December 18, 2013. The following comments are offered:

1. The entrance should be modified to meet the current CG-11 standard. The existing entrance does not meet the current standards with the concrete gutter extending across the entrance. This should be entirely asphalt.

If you have any questions, please call me.

cc: Ms. Angela Rodeheaver
fairfaxspex1987-D-075-02sea1CrownRealPropLC1-10-14BB



County of Fairfax, Virginia

MEMORANDUM

DATE: March 19, 2014

TO: Suzanne Lin, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Todd Nelson, Urban Forester II 
Forest Conservation Branch, DPWES

SUBJECT: Koons Tysons Toyota; SEA 87-D-075-02

RE: Request for assistance dated March 6, 2014

This review is based upon the Special Exception Amendment Plat (SEA) 87-D-075-02 stamped "Received, Department of Planning and Zoning, March 4, 2013". A site visit was conducted on January 20, 2014, as part of a review of the SEA stamped "Received, Department of Planning and Zoning, November 21, 2013".

General Comment: Urban Forest Management Division (UFMD) comments and recommendations on the previously submitted SEA were provided to DPZ in the memo dated January 27, 2014. Several comments and recommendations contained in the memo were not adequately addressed and are similar to several of the following. Additional comments and recommendations are provided to address 10-year tree canopy requirements and landscaping.

- 1. Comment:** There is a littleleaf linden tree located in the interior parking lot landscaping island at the western portion of the site identified as existing tree counted towards interior parking lot landscaping" that is cracked and in poor condition. This tree does not meet the pre-development tree condition standards for structural integrity and health and shall not be afforded tree canopy cover credits for purposes of meeting 10-year tree canopy requirements.

Recommendation: The tree canopy credit claimed for the preservation of the existing littleleaf linden tree located at the western portion of the site should be removed from the Tree Preservation Target Calculations and Statement on sheet P-0201, the 10-year Tree Canopy Calculations, and the Interior Parking Lot Landscaping calculations on sheet P-0402. Revised Tree Preservation Target Calculations and Statement, 10-year Tree Canopy Calculations, Interior Parking Lot Landscaping calculations, and landscape plan should be provided demonstrating how these requirements will be fulfilled, as part of the SEA.



2. **Comment:** The Applicant is requesting reaffirmation of the approved modification of the peripheral parking lot landscaping along the northern and eastern portions of the site. The peripheral parking lot landscaping requirements for this application have not been provided and it is unclear how these requirements will be fulfilled.

Recommendation: Prior to consideration of the modification request, peripheral parking lot landscaping requirements for the entire site should be provided. If the Applicant wishes to pursue a modification of various peripheral parking lot landscaping requirements, a justification should be provided as part of the SEA.

3. **Comment:** Three category IV deciduous trees are proposed to be planted inside the existing utility easement at the southern portion of the site adjacent to Leesburg Pike. Trees shall not be located within any proposed or existing public utility easement.

Recommendation: The proposed trees at the southern portion of the site adjacent to Leesburg Pike should be relocated outside of the existing utility easement.

4. **Comment:** Twelve category IV deciduous trees are proposed to be planted inside the existing Bell Atlantic easement located at the central portion of the property adjacent to the eastern parking lot. Trees shall not be located within any proposed or existing public utility easement.

Recommendation: The proposed trees at the central portion of the site adjacent to the eastern parking lot should be relocated outside of the existing Bell Atlantic easement.

Please contact me at 703-324-1770 should you have any questions.

TLN/
UFMDID #:187487

cc: DPZ File



County of Fairfax, Virginia

MEMORANDUM

DATE: April 7, 2014

TO: Suzanne Lin, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Bin Zhang, Tysons Corner Site Reviewer
Site Development and Inspections Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Application #SEA 78-D-075-02;
LDS Project #9764-ZONA-001-1;
Koons Tysons Toyota SEAP dated April 3, 2013;
Difficult Run Watershed;
Tax Map #029-1-((1))-0015 & 0016; Providence District

We have reviewed the subject application and offer the following stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) designated on the site.

Floodplain

There are no regulated floodplains on the site.

Downstream Drainage Complaints

There are no applicable downstream drainage complaints on file.

Stormwater Quality Control

There is an existing sand filter (County ID SF0224) located on Parcel 15. The applicant indicates that the sand filter was designed to provide all of the phosphorous removal requirements for a previous redevelopment of the 8.87 acre property. There are no changes proposed for the sand filter or its drainage area. A Bayfilter or Stormfilter has been proposed to achieve the phosphorous removal requirements of this redevelopment.

The applicant has assumed that the upcoming stormwater regulations will not apply to this project. DPWES has issued a Technical Bulletin (No. 14-04) on February 19, 2014 to clarify requirements for grandfathered projects and projects with state General Permit coverage. If this



Suzanne Lin, Staff Coordinator
Special Exception #SEA 78-D-075-02; Koons Tysons Toyota
LDS Project # 9764-ZONA-001-1
Page 2 of 2

project failed to be comply with provisions in §124-1-11 (Time Limits on Applicability of Approved Design Criteria), the new stormwater regulation shall be applied. An amendment to this Special Exception application may be required.

Stormwater Quantity Control

Since the proposed development would have less impervious area, stormwater detention is not required under current regulations.

Adequate Outfall

An outfall narrative has been provided. The extent of review for this SEA is located at the entrance to the 10'x4' box culvert underneath Dulles Toll Road where the total contributing drainage area is 227 acres which is greater than 100 times the site area (145 acres). The outfall requirements specified in the PFM shall be addressed with site plan submission.

Recent County Code and Regulation changes:

On January 28, 2014, the Fairfax County Board of Supervisors adopted the Stormwater Management Ordinance (Ordinance), Chapter 124 of The Code of the County of Fairfax, Virginia, and related amendments to the Public Facilities Manual (PFM). The new Ordinance and PFM amendments implement the Virginia Stormwater Management Act (Va. Code Ann. § 62.1-44.15:24, et seq.) and Virginia Stormwater Management Program (VSMP) Regulation (9VAC25-870 et seq.). The Ordinance becomes effective July 1, 2014, except that the Board approval allows for deferring implementation if the State delays the effective date. Land-disturbing activities that are not exempt from the Ordinance and that either do not have coverage under the state General Permit for Discharges of Stormwater from Construction Activities prior to the effective date, or do not meet the criteria for grandfathering, must comply with the new technical requirements contained in Article 4 of the Ordinance. DPWES has issued a Technical Bulletin (No. 14-04) on February 19, 2014 to clarify requirements for grandfathered projects and projects with state General Permit coverage.

Notwithstanding any notes, analysis, computations, narrative, facilities, details and/or design presented on the Special Exception Plat, or statements in the Proffers, the final design, construction, operation and maintenance of the site, including, but not limited to, the stormwater facilities, shall be subject to review and approval by DPWES, in accordance with all applicable Codes, requirements, standards, specifications, policies and procedures in effect at the time of Site Plan approval.

Please contact me at 703-324-1720 if you require additional information.

cc: Durga Kharel, Chief, Central Branch, SDID, DPWES
Zoning Application File





County of Fairfax, Virginia

MEMORANDUM

DATE: January 13, 2014

TO: Suzanne Lin
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sharad Regmi, P.E.
Engineering Analysis and Planning Branch

SUBJECT: Sanitary Sewer Analysis Report

REF: Application No. SEA 87-D-075-02
Tax Map No. 029-1-((01))-0015 & 0016

The above referenced zoning application is within Tysons Corner Urban Center (see attached map). As such, prior to site plan submission, the applicant shall be required to provide sewer capacity analysis study to Wastewater Planning and Monitoring Division of all the lines within the Urban Center which its site contributes flow to. If it is determined that any of the lines within the Tysons Corner Urban Center are inadequate, the applicant will be required to perform necessary upgrades prior to or concurrent with site plan submission.

For sanitary trunk sewers that serve the Tysons Corner Urban Center but are located beyond the boundary of the Center, the projected wastewater flow is anticipated to increase significantly, resulting in potentially overloading the system. To accommodate the added flow, pipe improvement will be necessary in the future, hence, the possibility of pro-rata share may be applicable.

If you have any questions or comments, please do not hesitate to contact me at (703) 324-5008.

FAIRFAX COUNTY
WASTEWATER MANAGEMENT



Quality of Water = Quality of Life

Department of Public Works and Environmental Services
Wastewater Planning & Monitoring Division
12000 Government Center Parkway, Suite 358
Fairfax, VA 22035
Phone: 703-324-5030, Fax: 703-803-3297
www.fairfaxcounty.gov/dpwes





FAIRFAX COUNTY PARK AUTHORITY



M E M O R A N D U M

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

FROM: Sandy Stallman, AICP, Manager *SS*
Park Planning Branch, PDD

DATE: January 9, 2014

SUBJECT: SEA 87-D-075-02, Koons Tysons Toyota
Tax Map Numbers: 29-1 ((1)) 15 & 16

The Park Authority staff has reviewed the above referenced plan. Based on that review, staff has determined that this application bears no adverse impact on the land, resources, facilities or service levels of the Park Authority.

FCPA Reviewer: Andrea Dorlester
DPZ Coordinator: Suzanne Lin

Copy: Cindy Walsh, Director, Resource Management Division
Cathy Lewis, Branch Chief, Zoning Evaluation Division, DPZ
Suzanne Lin, DPZ Coordinator
Chron Binder
File Copy

FAIRFAX COUNTY ZONING ORDINANCE

R-A District: Limited to uses 19 and 40
 R-P District: Limited to uses 15, 17, 19, 35, 38, 40 and 42
 R-C District: Limited to uses 15, 17, 19, 35, 38, 39, 40 and 42
 R-E, R-1 Districts: Limited to uses 10, 12, 15, 17, 19, 27, 35, 37, 38, 39, 40, 41 and 42
 R-2 District: Limited to uses 5, 12, 15, 17, 19, 27, 35 and 38
 R-3, R-4 Districts: Limited to uses 5, 12, 15, 17, 19, 27 and 38
 R-5, R-8 Districts: Limited to uses 5, 12, 15, 17, 27 and 38
 R-12, R-16, R-20 Districts: Limited to uses 12, 15, 27 and 38
 R-30 District: Limited to uses 12, 15, 17, 27 and 38
 R-MHP District: Limited to uses 12, 15, 27 and 38

PDH District: Limited to uses 11, 27 and 35
 PDC District: Limited to uses 11, 16 and 27
 PRC District: Limited to uses 27, 34 and 35

C-1 District: Limited to uses 10, 27 and 38
 C-2 District: Limited to uses 6, 9, 10, 27 and 38
 C-3 District: Limited to uses 6, 9, 10, 14, 18, 21, 22, 25, 27 and 38
 C-4 District: Limited to uses 6, 9, 10, 14, 21, 22, 25, 27 and 38
 C-5 District: Limited to uses 2, 3, 6, 11, 15, 17, 20, 21, 23, 27, 33, 34, 36, 37, 38, 39 and 41
 C-6 District: Limited to uses 2, 3, 4, 6, 11, 14, 15, 17, 20, 21, 23, 25, 27, 30, 33, 34, 36, 37, 38, 39 and 43
 C-7 District: Limited to uses 2, 3, 4, 6, 7, 8, 10, 11, 15, 17, 20, 21, 23, 25, 26, 27, 30, 33, 34, 36, 37, 38, 39 and 43
 C-8 District: Limited to uses 2, 3, 4, 6, 7, 10, 11, 15, 16, 17, 20, 21, 23, 24, 25, 27, 30, 33, 34, 36, 37, 38, 39 and 43
 C-9 District: Limited to uses 2, 3, 4, 6, 10, 11, 17, 18, 20, 21, 23, 25, 26, 27, 33, 36, 37 and 43

I-I District: Limited to use 27
 I-1 District: Limited to uses 27 and 38
 I-2 District: Limited to uses 9, 14, 15, 18, 22, 27 and 38
 I-3 District: Limited to uses 3, 6, 9, 14, 15, 16, 18, 21, 22, 25, 26, 27, 29, 37, 38, 39 and kennels (outdoor)
 I-4 District: Limited to uses 3, 6, 9, 14, 15, 18, 19, 21, 22, 25, 27, 28, 32, 37, 38, 39 and kennels (outdoor)
 I-5 District: Limited to uses 3, 6, 7, 9, 11, 14, 18, 19, 20, 21, 23, 25, 27, 32, 33, 37, 38, 39 and kennels (outdoor)
 I-6 District: Limited to uses 3, 6, 7, 11, 13, 18, 19, 20, 21, 23, 27, 31, 33, 37, 38, 39 and kennels (outdoor)

9-503 Standards for all Category 5 Uses

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

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

SPECIAL EXCEPTIONS

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

9-504

Additional Standards for Amusement Arcades

1. Such a use shall not be located closer than 1000 feet to any school. In addition, except when located under the roof of a shopping center, such a use shall not be located within 100 feet of any adjoining property which is in an R district.
2. Such use shall be established only after approval by the Board of a plan setting forth acceptable rules for the operation of the establishment. Such plan shall specify (a) procedures to preclude gambling and loitering; (b) regulations regarding the use of the establishment by school age children; and (c) procedures for the enforcement of the rules.
3. In addition, the Board shall impose such conditions and restrictions as it may deem necessary to assure that the use will be compatible with and will not adversely impact the adjacent area. Such conditions and restrictions may include, but need not be limited to, the following:
 - A. Hours of operation.
 - B. Number of adult attendants required to be on the premises at all times.
 - C. Size of the establishment and the number of amusement machines.

9-505

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

1. In all districts where permitted by special exception:
 - A. Such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.
 - B. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.
 - C. The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.

SPECIAL EXCEPTIONS

- C. Lighting, public address systems and hours of operation;
 - D. Location and type of nursery stock, materials and other items stored, displayed or offered for sale outside, provided, however, that no such storage, parking of equipment or vehicles used for landscape contracting services, display, or sales area shall be located in any minimum required yard.
8. In the R-A through R-4 Districts, notwithstanding the provisions of Sect. 9-003, the Board may vary, modify or waive the provisions of Paragraphs 4, 5 and 6 above and the provisions of Article 13 for a plant nursery which is accessory to a single family detached dwelling, provided the dwelling is the domicile of the nursery operator.
 9. The off-street parking requirement shall be based on one (1) space per 200 square feet of net floor area for the first 1000 square feet, plus six (6) spaces per each additional 1000 square feet; plus one (1) space per 500 square feet of outdoor sales/display area to include greenhouses used for the sales/display of plant materials; plus one (1) space per employee and company/commercial vehicle and sufficient space for the parking of any related equipment for landscape contracting services as an accessory component. However, the Board, in its review of a plant nursery, may modify this parking requirement, based on the specific characteristics of the plant nursery use, such as the size and scale and/or the types of accessory uses, when the applicant has demonstrated that fewer parking spaces than those required above will adequately serve the plant nursery and all accessory uses. All off-street parking areas, including aisles and driveways shall be constructed and maintained with a dustless surface in accordance with the provisions of the Public Facilities Manual, unless a modification or waiver of the dustless surface requirement is approved by the Director.

9-518

Additional Standards for Vehicle Sale, Rental and Ancillary Service Establishments

1. Outdoor storage, parking and display areas shall be permitted only on the same lot with and ancillary to a sales room, rental office or service facility, which shall be entirely enclosed on all sides.
2. The outdoor area devoted to storage, loading, parking and display of goods shall be limited to that area so designated on an approved special exception plat. Such areas shall not be used for the storage or display of vehicles that are not in operating condition.
3. Notwithstanding the bulk regulations of the zoning district in which located, any such outdoor area that is located on the ground and is open to the sky may be located in any required yard but not nearer to any front lot line than ten (10) feet, except as may be qualified by the provisions of Article 13.

All structures shall be subject to the bulk regulations of the zoning district in which located, except structures which are completely underground may be located in any required yard, but not closer than one (1) foot to any lot line.
4. All such uses shall be provided with safe and convenient access to a street. If any outdoor area is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such

FAIRFAX COUNTY ZONING ORDINANCE

dimension, location and construction as may be approved by the Director in accordance with the Public Facilities Manual.

5. All outdoor areas, including aisles and driveways, shall be constructed and maintained with an approved surface in accordance with Par. 11 of Sect. 11-102, and shall be improved in accordance with construction standards presented in the Public Facilities Manual.
6. All lighting fixtures used to illuminate such outdoor areas shall be in conformance with the performance standards for outdoor lighting set forth in Part 9 of Article 14.
7. In the C-3, C-4, I-3, I-4, I-5, PDC, PRC and PRM Districts, only vehicle rental establishments may be allowed and such use shall be subject to Paragraphs 1 through 6 above and the following:
 - A. Vehicle rental establishments shall be limited to the rental of automobiles and passenger vans and the rental of trucks or other vehicles shall not be permitted.
 - B. There may be a maximum of twenty-five (25) rental vehicles stored on site and such vehicles shall be stored in a portion of the parking lot designated on the special exception plat for the storage of rental vehicles.
 - C. There shall be no maintenance or refueling of the rental vehicles on-site.
8. In the PTC District, vehicle sale, rental and ancillary service establishments may only be permitted in accordance with the provisions of Sect. 6-505.

9-519 Additional Standards for Wholesale Trade Establishments

1. All business, service, storage and display of goods shall be conducted within a completely enclosed building.

9-520 Additional Standards for Commercial Off-Street Parking in Metro Station Areas as a Temporary Use

The purpose of this special exception is to provide for an interim solution to Metro Station parking deficiencies by allowing private property within a specified distance of a Metro Station to be used temporarily for parking. The temporary parking lot use is intended only as an interim use to serve a public need and not as a transitional use to a higher density or intensity development than currently is planned. To this end, the Board may approve a special exception to allow a privately operated commercial off-street parking lot, as a temporary use, in Metro Station areas, but only in accordance with the following provisions:

In all districts where permitted by special exception:

1. The site for the proposed parking area shall not be used for any purpose other than to provide ground surface parking of motor vehicles for the general public. No motor vehicle repair work except emergency service shall be permitted in association with any such off-street parking area.

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 | | |