



**APPLICATION ACCEPTED:** January 24, 2014  
**PLANNING COMMISSION:** July 24, 2014  
**BOARD OF SUPERVISORS:** Not yet scheduled

## County of Fairfax, Virginia

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July 8, 2014

### STAFF REPORT

SEA 79-S-031-03

### SPRINGFIELD DISTRICT

**APPLICANT:** McDonald's Corporation

**ZONING:** C-6 (Community Retail Commercial)

**PARCEL:** 88-1 ((1)) 14C

**ACREAGE:** 12.45 acres  
(27,268 sf occupied by McDonald's)

**FAR:** 0.12 (overall)

**OPEN SPACE:** 15% (overall)

**PLAN MAP:** Retail and Other Commercial Uses

**SE CATEGORY:** Category 3 – Fast Food Restaurant

**PROPOSAL:** A special exception amendment to permit building additions (172 sf); façade renovations; modifications to the drive-through configuration; removal of approximately 450 sf of pavement; and expansion of the hours of operation to 24 hours per day.

### STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 79-S-031-03, subject to the proposed development conditions in Appendix 1.

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Joe Gorney

Staff recommends reaffirmation of the modification of the transitional screening and waiver of the barrier requirements along the southern lot line, in favor of the treatment shown on the Special Exception Amendment plat and as conditioned.

Staff recommends reaffirmation of the modification of the stacking space requirement to permit 10 spaces to fulfill the requirement.

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 amendment 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.

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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 79-S-031-03

Applicant:  
Accepted:  
Proposed:

MCDONALD'S CORPORATION  
01/24/2014  
AMEND SE 79-S-031 PREVIOUSLY APPROVED  
FOR FAST FOOD RESTAURANT TO PERMIT  
BUILDING ADDITIONS AND SITE MODIFICATIONS



Area: 12.45 AC OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect: 04-0604

Art 9 Group and Use: 5-11

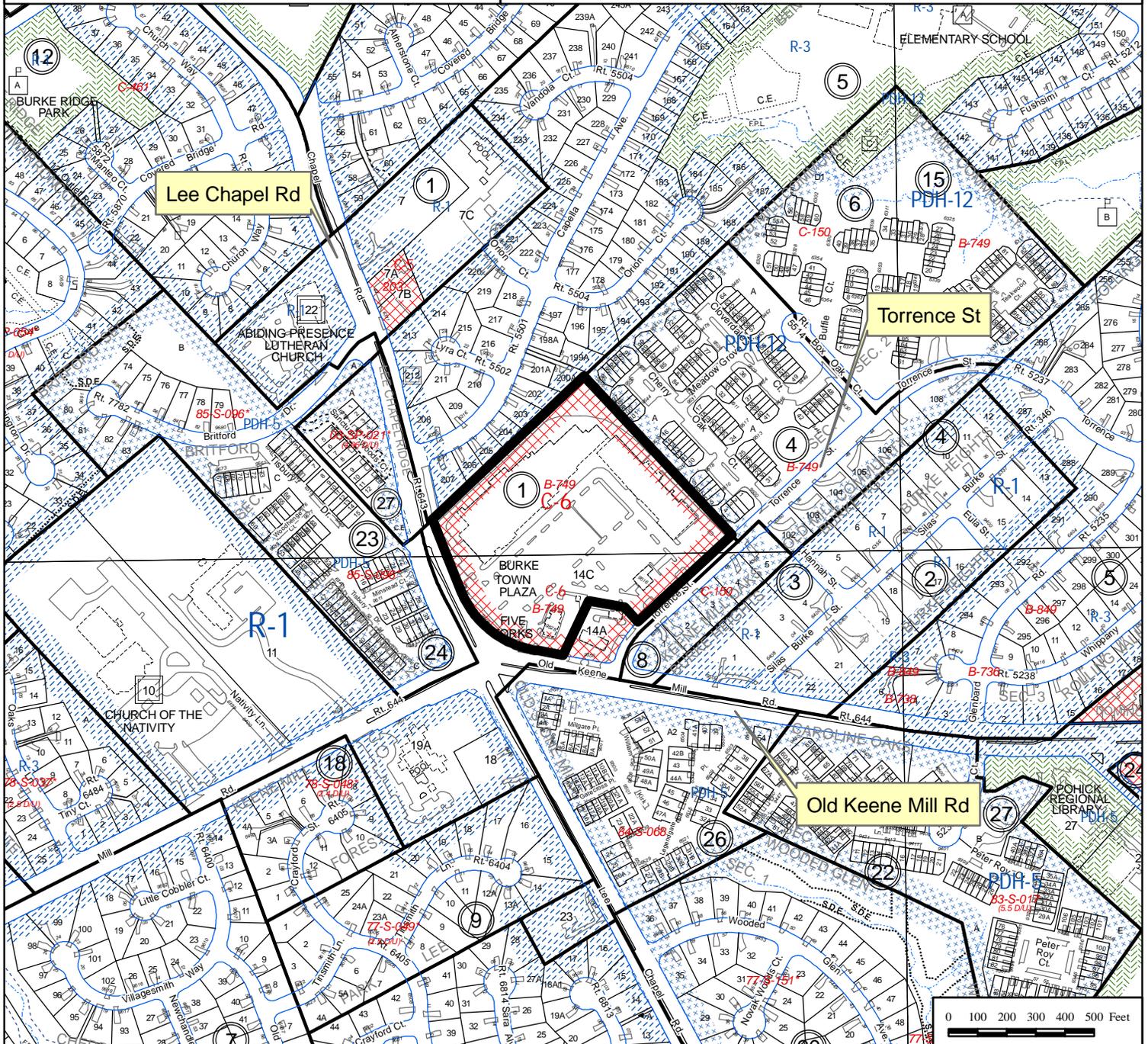
Located: 9528 OLD KEENE MILL ROAD, BURKE, VA 22015

Zoning: C-6

Plan Area: 3,

Overlay Dist:

Map Ref Num: 088-1- /01/ /0014C





REVISIONS		
NO.	DESCRIPTION	DATE

DATE: 06/24/14  
 SCALE: AS NOTED  
 BUILDING AREA 3,887 SQ. FT.  
 PROJECT # :11ARCADE11  
 DRAWN BY:GLC CHECKED BY:GWF

PROJECT TITLE  
 ALTERATIONS TO  
 McDONALD'S  
 OLD KEENE MILL  
 9528 OLD KEENE MILL RD  
 BURKE, VA 22015  
 FAIRFAX COUNTY

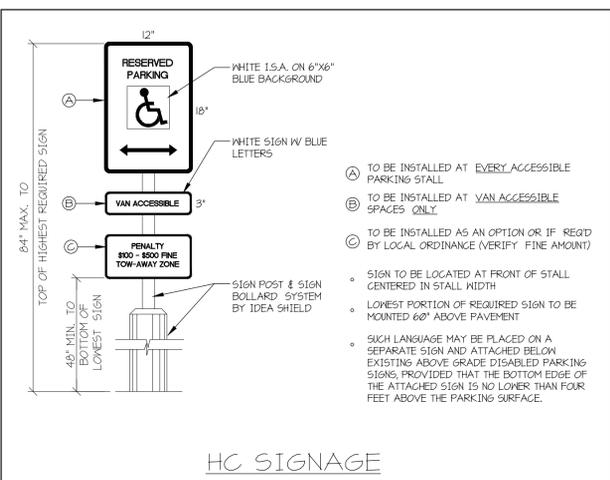
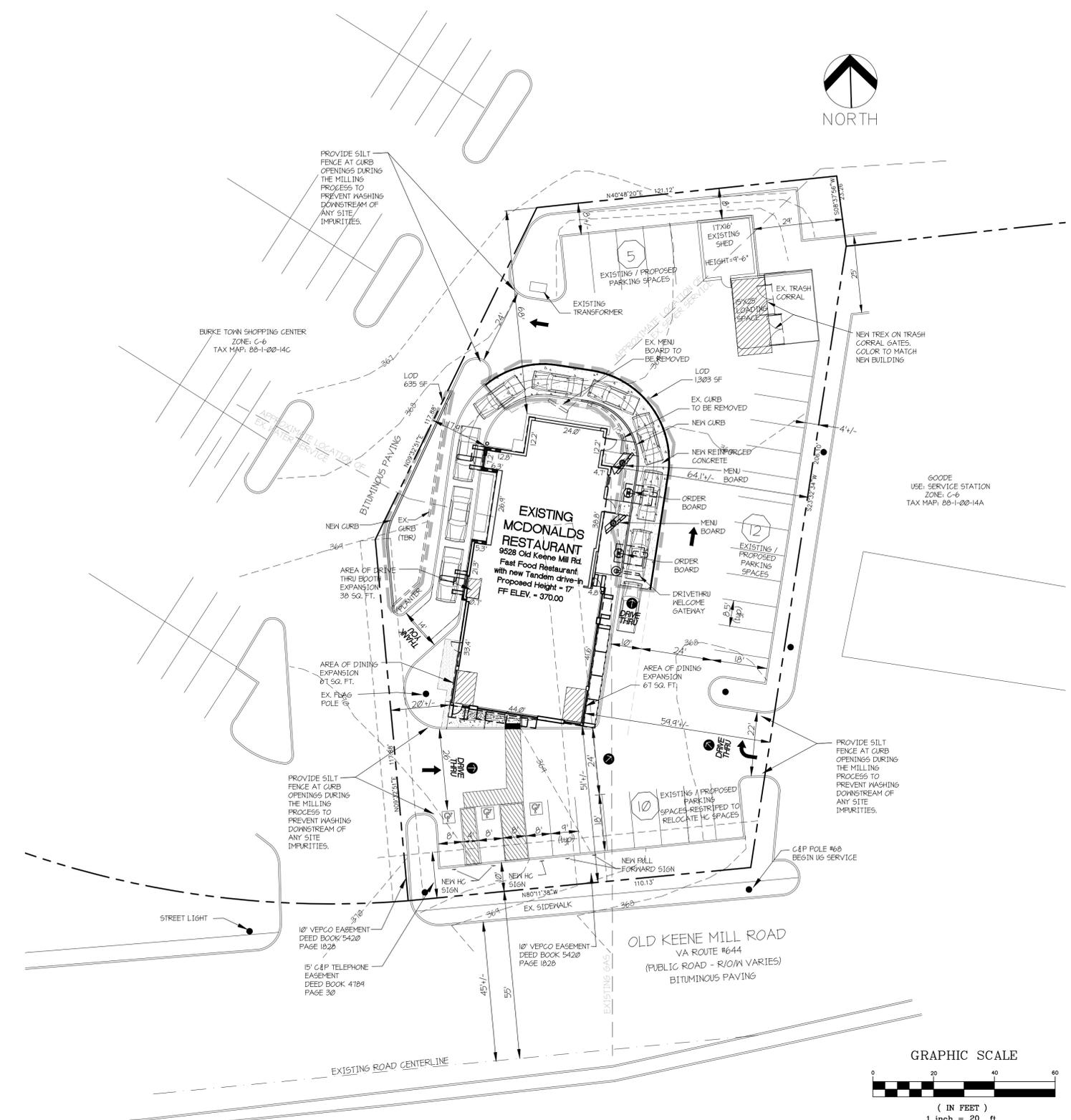
REGION: BWR  
 LC NO. 045-1061

SHEET TITLE  
 SPECIAL EXCEPTION  
 AMENDMENT PLAT  
 (SEA-79-S-031-03)  
 SHEET 2 of 6  
 SHEET NOSPL-1.00-00

**STORMWATER MANAGEMENT STATEMENT**  
 THIS PLAN FOR REDEVELOPMENT DISTURBS LESS THAN 2,500 SQUARE FEET AND THIS IS NOT REQUIRED TO PROVIDE STORMWATER MANAGEMENT.

- CHESAPEAKE BAY PRESERVATION ORDINANCE (CBPO)** - THERE IS NO RESOURCE PROTECTION AREA (RPA) ON THIS SITE.
- FLOODPLAINS** - THERE ARE NO REGULATED FLOODPLAINS ON THE PROPERTY/SITE.
- DOWNSTREAM DRAINAGE COMPLAINTS** - THERE ARE NO SIGNIFICANT, CONTEMPORARY DOWNSTREAM DRAINAGE COMPLAINTS ON FILE WITH THE COUNTY.
- STORMWATER DETENTION** - STORMWATER DETENTION IS NOT REQUIRED FOR THIS SITE AS THE IMPERVIOUS SURFACE IS BEING REDUCED AS A PART OF THE REDEVELOPMENT.
- SITE OUTFALL** - THIS REDEVELOPMENT SITE DRAINS WITH ADEQUATE FLOW FROM THE SITE INTO THE PARKING LOT OF THE OVERALL SHOPPING CENTER. DUE TO THE FACT THAT THE OVERALL IMPERVIOUS AREA IS BEING REDUCED BY CREATING ADDITIONAL ISLANDS AND PLANTING AREAS, THE DOWNSTREAM IMPACT FROM THIS SITE IS BEING REDUCED AND THIS CREATING LESS OF A DOWNSTREAM IMPACT THAN EXISTS TODAY.

**DAM BREACH** - THE PROPERTY IS NOT LOCATED WITHIN A DAM BREACH INUNDATION ZONE.



- (A) TO BE INSTALLED AT EVERY ACCESSIBLE PARKING STALL
  - (B) TO BE INSTALLED AT VAN ACCESSIBLE SPACES ONLY
  - (C) TO BE INSTALLED AS AN OPTION OR IF REQ'D BY LOCAL ORDINANCE (VERIFY FINE AMOUNT)
- SIGN TO BE LOCATED AT FRONT OF STALL CENTERED IN STALL WIDTH
  - LOWEST PORTION OF REQUIRED SIGN TO BE MOUNTED 68" ABOVE PAVEMENT
  - SIGN LANGUAGE MAY BE PLACED ON A SEPARATE SIGN AND ATTACHED BELOW EXISTING ABOVE GRADE DISABLED PARKING SIGNS, PROVIDED THAT THE BOTTOM EDGE OF THE ATTACHED SIGN IS NO LOWER THAN FOUR FEET ABOVE THE PARKING SURFACE.

HC SIGNAGE

**1 SITE PLAN**

SCALE: 1"=20'-0"

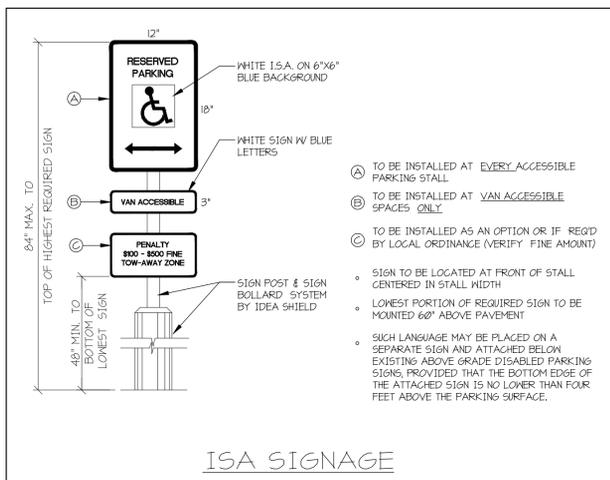
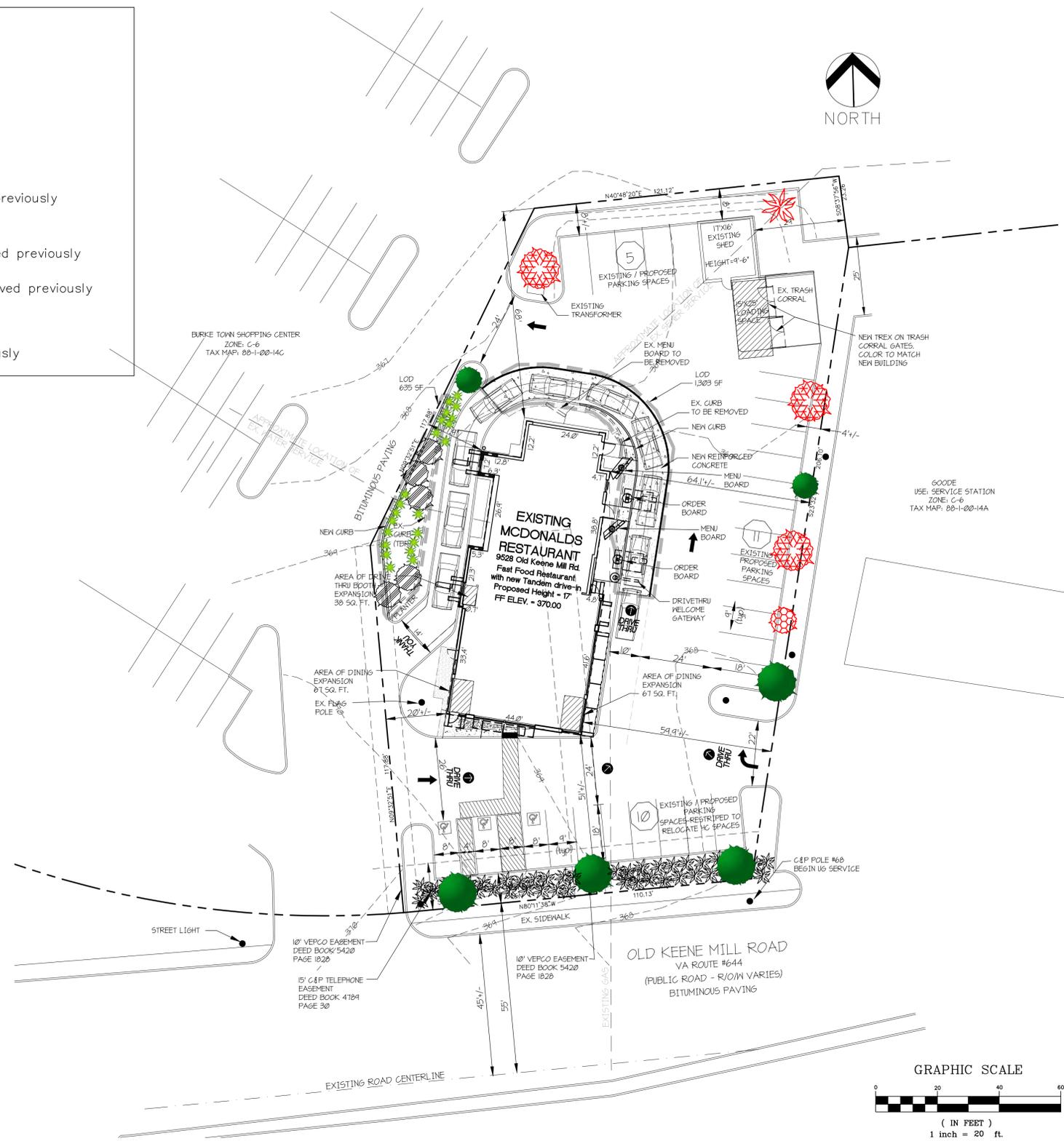
- LEGEND**
- 536 --- EXISTING CONTOUR
  - PROPERTY LINE / LEASE LINE
  - ===== EXISTING CURB
  - LIMIT OF DISTURBANCE
  - ===== PROPOSED CURB
  - ▨ BUILDING ADDITION
  - ▨ PROPOSED CONCRETE
  - EXISTING EASEMENT
  - EXISTING LIGHT OR POWER POLE

**PURPOSE:**  
 THIS PLAN IS FOR THE MINOR RECONFIGURATION OF THE EXISTING DRIVE THRU, THREE SMALL BUILDING ADDITIONS TOTALING 172 SF AND NEW BUILDING FACADE. THE PARKING LOT WILL BE MILLED AND OVERLAID AND RE-STRIPPED

Developer / Applicant Name:  
 McDonald's USA LLC  
 6403 Rockledge Drive  
 Suite 110  
 Bethesda, Maryland 20817  
 c/o Jeffrey Bell, J.  
 (240) 441-5100

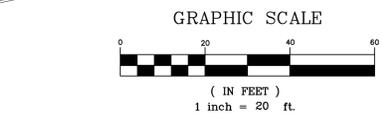
Owner Name:  
 Roland Goode  
 c/o Kmc Realty Corp.  
 3333 New Hyde Park Rd.  
 Suite 100  
 New Hyde Park, NY. 11040

TREE LEGEND	
	Existing Shade Tree – Type and location as approved previously
	Existing Evergreen Tree – Type and location as approved previously
	Existing Ornamental Tree – Type and location as approved previously
	Existing Shrubs
	Proposed Shade Tree – to be planted in replacement of tree not existing but approved previously
	Proposed Evergreen Tree – to be planted in replacement of tree not existing but approved previously
	Proposed Ornamental Tree – to be planted in replacement of tree not existing but approved previously
	Proposed Ornamental Tree – to be planted in new green area (Crape Myrtle)
	Proposed Shrub – to be planted in replacement of tree not existing but approved previously



**1 SITE PLAN**  
SCALE: 1" = 20'-0"

LEGEND	
	EXISTING CONTOUR
	PROPERTY LINE / LEASE LINE
	EXISTING CURB
	LIMIT OF DISTURBANCE
	PROPOSED CURB
	BUILDING ADDITION
	PROPOSED CONCRETE
	EXISTING EASEMENT
	EXISTING LIGHT OR POWER POLE



PURPOSE:  
THIS PLAN IS FOR THE MINOR RECONFIGURATION OF THE EXISTING DRIVE THRU, THREE SMALL BUILDING ADDITIONS TOTALING 122 SF AND NEW BUILDING FACADE. THE PARKING LOT WILL BE MILLED AND OVERLAID AND RE-STRIPPED

Developer / Applicant Name:  
McDonald's USA LLC  
6903 Rockledge Drive  
Suite 110  
Bethesda, Maryland 20817  
c/o Jeffrey Bell Jr.  
(240) 411-3100

Owner Name:  
Roland Goode  
c/o Kimco Realty Corp.  
3333 New Hyde Park Rd.  
Suite 1020  
New Hyde Park, NY. 11040



419 North Charles Street  
Baltimore, Maryland 21201  
t: 410.837.3622  
f: 410.837.3621



**CMS**  
CMS Associates LLC  
4925 Ellis Lane  
Ellicott City, Md 21043  
(410) 988-2436  
gciniero@cms-engineering.net  
c/o Geoffrey Ciniero

REVISIONS		
NO.	DESCRIPTION	DATE

DATE: 06/24/14  
SCALE: AS NOTED  
BUILDING AREA 3,887 SQ. FT.

PROJECT # :11ARCADE11  
DRAWN BY:GLC CHECKED BY:GWF

PROJECT TITLE  
ALTERATIONS TO  
McDONALD'S  
9528 OLD KEENE MILL RD  
BURKE, VA 22015  
FAIRFAX COUNTY

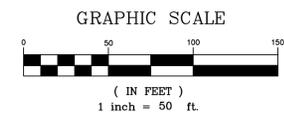
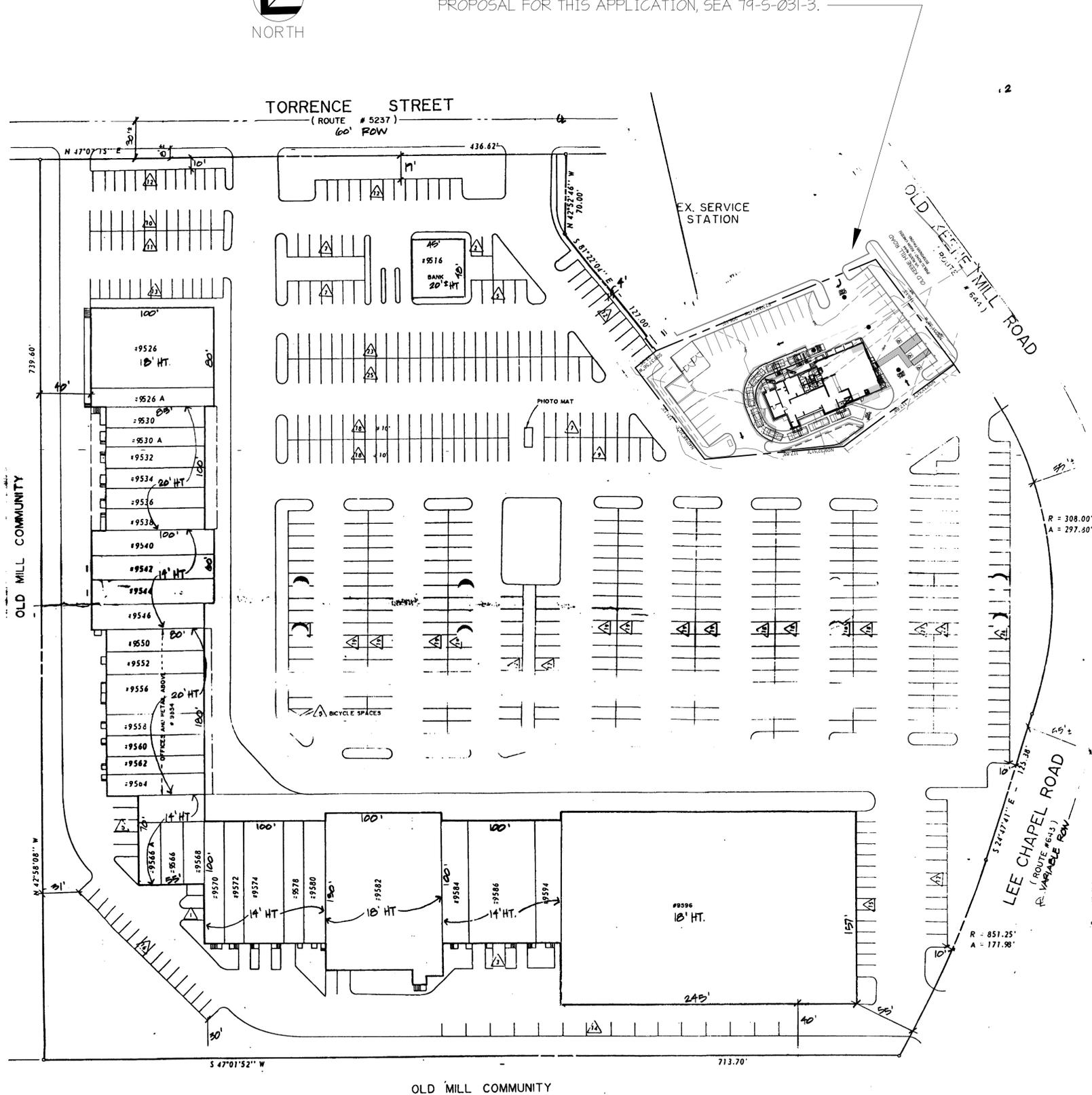
REGION: BWR  
LC NO. 045-1061

SHEET TITLE  
SPECIAL EXCEPTION  
AMENDMENT PLAT  
LANDSCAPING  
(SEA-79-S-031-03)  
SHEET 3 of 6  
SHEET NO.SPL-1.00-01



THIS AREA HAS BEEN MODIFIED FROM THAT SHOWN ON SHEET 3 OF THE PLAT FOR SEA 79-5-031-2 IN ORDER TO ACCURATELY REFLECT THE DEVELOPMENT PROPOSAL FOR THIS APPLICATION, SEA 79-5-031-3.

REGARDLESS OF SIGNAGE SHOWN ON THIS SHEET, ALL SIGNAGE SHALL BE IN CONFORMANCE WITH ARTICLE 12, SIGNS.



Developer / Applicant Name:  
 McDonald's USA LLC  
 6903 Rockledge Drive  
 Suite 110  
 Bethesda, Maryland 20817  
 c/o Jeffrey Bell Jr.  
 (240) 411-3106

Owner Name:  
 Roland Goode  
 c/o Kinco Realty Corp.  
 3333 New Hyde Park Rd.  
 Suite 100  
 New Hyde Park, NY, 11040



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 Baltimore, Maryland 21201  
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 4925 Ellis Lane  
 Ellicott City, Md 21043  
 (410) 988-2436  
 gcinero@cms-engineering.net  
 c/o Geoffrey Cintero

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 PROJECT # :11ARCADE11  
 DRAWN BY: GLC CHECKED BY: GWF

PROJECT TITLE  
 ALTERATIONS TO  
 McDONALD'S  
 OLD KEENE MILL  
 9528 OLD KEENE MILL RD  
 BURKE, VA 22015  
 FAIRFAX COUNTY  
 REGION: BWR  
 LC NO. 045-1061

SHEET TITLE  
 PLOT PLAN  
 BURKE TOWN PLAZA  
 (SEA-79-S-031-03)  
 SHEET 4 of 6  
 SHEET NOSPL-1.01-00





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

**APPLICATION DESCRIPTION**

The applicant, McDonald's Corporation, requests approval of a Special Exception Amendment to SE 79-S-031, originally approved for a fast-food restaurant, to permit building additions (172 square feet (sf)); façade renovations; modifications to the drive-through configuration; a net reduction of 553 sf of impervious surfaces; and expansion of the hours of operation to 24 hours per day. The project site consists of one 12.45-acre parcel, located at 9528 Old Keene Mill Road, within the Community Retail Commercial (C-6) Zoning District. The proposed use is part of the Burke Town Plaza shopping center and would occupy 27,268 sf of the 12.45-acre site.

**Aerial View of the Project Site Looking North**



### Waivers and Modifications:

The applicant requests reaffirmation of the following modifications of the Zoning Ordinance requirements:

- Reaffirmation of the previous modification of the transitional screening and waiver of the barrier requirements along the southern lot line; and
- Reaffirmation of the previous modification of the stacking space requirement to permit the currently approved 10 stacking spaces instead of the required 11 spaces.

A reduced copy of the Special Exception Amendment plat is included at the front of this report. Copies of the proposed development conditions, the affidavit, and the applicant's statement of justification are included in Appendices 1, 2 and 3, respectively. The most recently approved development conditions and plat are included in Appendices 4 and 5. Agency analyses are included in Appendices 6 through 10. The applicable Comprehensive Plan text is included as Appendix 11 and the applicable Zoning Ordinance standards are included in Appendix 12.

### LOCATION AND CHARACTER

#### Site Description:

The 12.45-acre site is located on Parcel 88-1 ((1)) 14C at 9528 Old Keene Mill Road (on the north side of Old Keene Mill Road, east of the intersection of Old Keene Mill Road and Lee Chapel Road) within the Burke Town Plaza shopping center. The restaurant use, which includes the previously approved fast-food restaurant with drive-through, parking, and landscape areas, occupies 27,268 sf of the 12.45-acre shopping center.

A summary of the surrounding land use, zoning, and Comprehensive Plan recommendations is provided in the following table:

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Comprehensive Plan Recommendation</b>
<b>Northeast</b>	SFA Residential	PDH-12	Residential at 8-12 du/ac
<b>Southeast</b>	Gas station (open 24 hours); SFD Residential	C-6; PDH-12	Retail and Other Commercial Uses; Residential at 1-2 du/ac
<b>Southwest</b>	SFA Residential	PDH-5	Residential at 4-5 du/ac; Residential at 2-3 du/ac
<b>Northwest</b>	SFD Residential	R-3	Residential at 2-3 du/ac

## BACKGROUND

The original request for a Special Exception for the fast food restaurant (SE 79-S-031) was approved by the Board of Supervisors on September 10, 1979, for a Roy Rogers restaurant. The Board of Supervisors approved a Special Exception Amendment (SEA 79-S-031-1) on October 5, 1987, to permit an addition to the existing building.

On November 17, 1997, the Board of Supervisors approved a second Special Exception Amendment, in the name of McDonald's Corporation (SEA 79-S-031-2), for a fast-food restaurant with a drive-through window (see Appendices 4 and 5).

## COMPREHENSIVE PLAN PROVISIONS

<b>Plan Area:</b>	III
<b>Planning District:</b>	Pohick
<b>Planning Sector:</b>	P-2, Main Branch
<b>Plan Map:</b>	Retail and Other Commercial Uses

There is no site-specific text that pertains to the shopping center or the proposed fast food use, although the Comprehensive Plan Map recommends this site for Retail and Other Commercial Uses.

The Trails Plan envisions Onroad Bike Routes along Old Keene Mill Road and a Major Paved Trail on the south side of Old Keene Mill Road.

Relevant Comprehensive Plan text is included in Appendix 11.

## ANALYSIS

<b>Special Exception Amendment Plat:</b>	(copy at front of staff report)
<b>Title:</b>	Alterations to McDonald's
<b>Prepared by:</b>	CMS Associates, LLC
<b>Date:</b>	June 24, 2014
<b>Number of Pages:</b>	6

Proposal: The applicant proposes the renovation of an existing McDonald's fast food restaurant. Renovations would include the removal of a glass atrium; several minor building additions (totaling 172 sf); the renovation of the entire façade; the renovation of a shed exterior and dumpster enclosure; modifications to the drive-through configuration to enhance operational efficiency (including the addition of a second ordering station); a net reduction of 553 sf of impervious surfaces (including the removal of 635 sf of pavement adjacent to the drive-through pick-up window and its replacement with landscape materials); the installation of reinforced concrete pavement for the drive-through; the replacement of several missing shade and ornamental trees; and the replacement of all parking lot and building lighting to meet current Zoning Ordinance standards. Additionally, the applicant requests the

expansion of the hours of operation to 24 hours per day. The existing use is currently limited to the following hours of operation:

- Monday through Thursday – 6:00 a.m. to 11:00 p.m.;
- Friday and Saturday – 6:00 a.m. to midnight; and
- Sunday – 7:00 a.m. to 11:00 p.m.

The applicant also plans to seek administrative approval through DPWES as part of the site planning process to mill and repave the parking lot.

Existing Site Conditions: The site currently contains a McDonald's fast food restaurant with drive-through. The north side of Old Keene Mill Road features a sidewalk near the curb and a 13-foot wide landscape strip on the interior side of the sidewalk, between the sidewalk and the on-site parking for the restaurant.

Access and Parking: Primary access for the restaurant is provided through one of the four driveway entrances for the Burke Town Plaza shopping center. The nearest shopping center entrance accesses Old Keene Mill Road. The McDonald's site has two internal driveway connections to the larger shopping center (to the west) and one driveway connection to the adjacent gas station (to the east). The site does not have direct access onto Old Keene Mill Road and all vehicular drive-through queues are contained on-site. No access modifications are proposed.

#### **Aerial View of the Project Site (view to north)**



The fast food restaurant was originally required to provide 36 parking spaces under SE 79-S-031. Twenty-seven spaces are provided on the restaurant lease area and another nine spaces are provided within the shopping center by agreement with the owner. The applicant proposes no changes to the number of seats in the restaurant and no changes to the parking lot configuration. Although the Zoning Ordinance has been revised to require additional spaces for fast food restaurants above the amount approved in the original Special Exception, the applicant benefits from an excess of parking within the larger shopping center (577 spaces required for the shopping center; 598 provided, according to the latest parking tabulation, which was approved on June 5, 2012).

**Front of Building (view to northeast)**



**Rear of Building (view to south)****Land Use Analysis**

The subject property is designated as Retail and Other Commercial Uses on the Comprehensive Plan Land Use Map and is generally surrounded by residential areas. Comprehensive Plan text encourages supporting neighborhood-serving commercial services in the area, provided that the proposed intensities and character are compatible with the surrounding area.

The proposed use would be a continuation of the existing use, would be housed in an existing building, and would generally operate under the previously approved conditions (with the exception of the hours of operation, which would be increased to 24 hours per day). The proposed renovations would enhance the restaurant operations, the building façade, and site lighting. The building façade would be enhanced through the use of brick veneer, cultured stone veneer, and corrugated metal panels. The use of Exterior Insulation Finishing System (EIFS) materials would be restricted to the upper portions of the façade, approximately 10 feet above the ground level and higher.

The applicant proposes the replacement of all building and site lighting with fixtures that meet current Zoning Ordinance requirements. Although the nearest residential uses are located on the south side of Old Keene Mill Road, the applicant has also agreed to a development condition that would restrict the decibel level of the speaker phones for the drive-through to no more than 45 decibels at the property line abutting Old Keene Mill Road.

The existing use is currently limited to the following hours of operation:

- Monday through Thursday – 6:00 a.m. to 11:00 p.m.;
- Friday and Saturday – 6:00 a.m. to midnight; and
- Sunday – 7:00 a.m. to 11:00 p.m.

The applicant proposes an increase in the hours of operation to 24 hours each day. The applicant has stated that 24-hour operations would allow operational efficiencies, would offer convenience for those traveling to and from work during the evening and early morning hours (including commuters who use the park-and-ride lot, which is approximately 0.7-mile to the east), and would enhance security through a more regular flow of customers and employees during the overnight hours. Currently, a small number of employees remain at the restaurant after normal business hours to clean and, later, to prepare for opening.

The fast food restaurant has been a long-standing presence in the community and would continue to serve local needs. Staff concludes that the changes proposed would enhance the existing use and finds that proposed use is in harmony with the Comprehensive Plan.

### **Forestry Analysis (Appendix 8)**

The applicant proposes the removal of 635 sf of pavement adjacent to the drive-through and its replacement with landscape materials, along with replacement of several missing shade and ornamental trees.

The proposed actions would improve the aesthetics of the site, enhance compatibility with the surrounding uses, reduce water runoff, increase the amount of shade, and reduce the heat generated by the impervious surfaces.

Urban Forestry staff reviewed the application and found that all landscaping and tree preservation requirements have been adequately addressed.

### **Stormwater Analysis (Appendix 9)**

Stormwater Management staff found that the proposed land disturbance appears to be less than 2,500 sf, such that water quality controls would not be required. Staff also noted that the impervious surface would be reduced through the removal of pavement adjacent to the drive-through lane and its replacement with an expanded planting area, such that no detention would be required. Additionally, the proposal would result in the net reduction of the site's impervious surfaces, which could be used to limit the Adequate Outfall evaluation during the final engineering stage of development.

Although staff noted that appropriate erosion and sediment controls would be needed for the resurfacing of the parking lot, this disturbance is not included in the calculations on which the need for permanent water quality controls is based.

Given that the area of disturbance would be more than 250 sf but less than 2,500 sf (approximately 2,110 sf), it is anticipated that a Minor Site Plan will be required.

Staff also noted that a new stormwater ordinance and updates to the Public Facilities Manual (PFM) will become effective on July 1, 2014, such that the site plan associated with this application will be required to conform to the updated PFM and the new ordinance.

### **Transportation (Appendices 6 and 7) and Sanitary Sewer (Appendix 10) Analyses**

FCDOT and VDOT staff evaluated the proposal. Given that the use has been in operation since 1979; no increase in seating capacity is proposed; there would be no increase in the hours of operation during peak travel times; and the proposal would not impact any of the public improvements or operations along Old Keene Mill Road, staff found no transportation issues associated with the application. Additionally, DPWES staff found that the existing sanitary sewer facilities are adequate to serve the proposed use.

## **ZONING ANALYSIS**

### **Lot Size Requirements, Bulk Regulations, and Parking**

<b>C-6 Lot Requirements and Parking (Sect. 4-606, Sect. 4-607, Sect. 4-608, &amp; Article 11, Part 1)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
<b>Min. Lot Area</b>	40,000 sf	12.45 acres
<b>Min. Lot Width</b>	200 feet	+/- 685 feet
<b>Max. Building Height</b>	40 feet	+/- 25 feet
<b>Front Yard</b>	45° angle of block plane, not less than 40 feet	51 feet
<b>Rear Yard</b>	20 feet	40 feet
<b>Maximum FAR</b>	0.40	0.12
<b>Open Space</b>	15%	15%
<b>Parking</b>	577 spaces <sup>1</sup> (36 spaces required for fast food restaurant <sup>2</sup> )	598 <sup>1</sup> (36 spaces provided for fast food restaurant <sup>2</sup> )
<b>Stacking Spaces</b>	11 spaces	10 spaces <sup>3</sup>

<sup>1</sup> The number of spaces is based on the latest parking tabulation, which was approved on June 5, 2012.

<sup>2</sup> Parking space requirements are based on the previous approval (SEA 79-S-031-02); twenty-seven spaces are provided on the restaurant lease area and another nine spaces are provided within the shopping center by agreement with the owner.

<sup>3</sup> See the analysis below, entitled Modifications and Waiver.

## **Section 9-006 - General Standards**

All special exception uses shall satisfy the following general standards:

*General Standard 1 requires that the proposed use at the specified location be in harmony with the adopted Comprehensive Plan.*

Staff concludes that the proposal, which is located in an area that envisions Retail and Other Commercial uses, is in harmony with the Comprehensive Plan. This standard has been met.

*General Standard 2 requires that the proposed use be in conformance with the general purpose and intent of the applicable zoning district regulations.*

The Zoning Ordinance states, in part, that “[t]he C-6 District is established to provide locations for retail commercial and service uses which are oriented to serve several neighborhoods or approximately 20,000 persons,” and that “[d]evelopment within the district should be encouraged in compact centers that are planned as a unit and preferably confined to one quadrant of an intersection so as to provide for orderly development.”

Given that the proposed use would continue to be located within an established shopping center, that no changes are proposed to the site’s access points, and that renovations are intended to enhance both the building and the site, staff feels that the proposed use would continue to effectively serve local needs and meets the general standard.

*General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size, and height of buildings, structures, walls, and fences, and the nature and extent of screening, buffering, and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.*

The fast food restaurant is designed to be compatible with the other existing uses through the articulation of all four sides of the building and a commitment to the elevations contained on Sheets 5 and 6 of the SEA plat. The fast food restaurant has been integrated into the larger 12.45-acre commercial site and the surrounding community, with both vehicular and pedestrian connections, and appropriate screening, and would not adversely impact the surrounding uses.

*General Standard 4 requires that the proposed use be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.*

The proposed plat identifies pedestrian and vehicular pathways, such that residents are able to safely drive or walk to the use.

*General Standards 5, 6, and 7 require landscaping, screening, open space, adequate utility, drainage, parking, loading, and other necessary facilities to serve the proposed use to be regulated in accordance with the Zoning Ordinance. These issues have been addressed with the previous approval. The applicant would expand the planting area adjacent to the drive-through and replace missing shade and ornamental trees. A modification of the screening requirement along the southern boundary, a waiver of the barrier requirement along the southern boundary, and a modification of the number of stacking spaces are recommended, as discussed below. Staff feels that this standard has been met.*

*General Standard 8 states that signs shall be regulated by the provisions of Article 12 and that the Board may impose more strict requirements for a given use than those set forth in the Zoning Ordinance. Any new signs would be required to be in conformance with Article 12 of the Zoning Ordinance.*

### **Section 9-503 - Standards for all Category 5 Uses**

*All Category 5 special exception uses shall comply with the lot size and bulk regulations of the zoning district in which located; shall comply with the performance standards specified for the zoning district in which located; and shall be subject to the provisions of Article 17, Site Plans.*

The proposed fast food restaurant complies with the lot size and bulk regulations of the C-6 District. The applicant would meet the performance standards for the zoning district, with the exception of the requested modifications and waiver, as discussed below. The applicant would be required to comply with the provisions of Article 17, Site Plans.

### **Section 9-505 - Additional Standards for Fast Food Restaurants, et al**

*In all districts where permitted by special exception, fast food restaurants 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; shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties; and shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.*

The fast food restaurant is designed to be compatible with the other existing uses through the articulation of all four sides of the building and a commitment to the elevations contained on Sheets 5 and 6 of the plat. Pedestrian and vehicular pathways have been previously constructed and are coordinated with those of adjacent properties. Additionally, the applicant proposes the removal of 635 sf of pavement adjacent to the drive-through and its replacement with landscape materials, along with replacement of several missing shade and ornamental trees,

and the replacement of all building and site lighting with fixtures that meet current Zoning Ordinance requirements.

Staff concludes that the proposed fast food restaurant meets the standards of Sect. 9-505 related to fast food restaurants.

## **MODIFICATIONS AND WAIVER**

### **Transitional Screening and Barrier Requirements**

*Transitional Screening 3 and Barriers E, F, or G are required along the portion of the southern lot line, within the area of C-6 zoning abutting the land zoned PDH-5.*

The applicant requests reaffirmation of the modification of the transitional screening and waiver of the barrier requirements along the southern lot line. Transitional screening and barrier requirements were considered with the previous approvals and were modified and waived, respectively, along the southern lot line. The site currently contains a 13-foot wide landscape strip along Old Keene Mill Road and is further separated from the nearest residences by Old Keene Mill Road. A reaffirmation of the modification of the transitional screening requirements allows parking, vehicular queuing, and an ingress-egress easement to continue to be maintained within the existing paved areas. Staff notes that the applicant proposes the enhancement of existing landscape areas, including the area along Old Keene Mill Road, through the replacement of missing shade and ornamental trees. The low shrubs currently in place along Old Keene Mill Road would be retained to provide some screening of the parking lot area and soften the headlight glare for the residences to the south. Additionally, a reaffirmation of the waiver of the barrier requirement would allow continued visual access to the site above the shrubs and through the proposed trees from the public right-of-way, enhancing security.

Staff recommends a reaffirmation of the modification of the transitional screening requirement and a reaffirmation of the waiver of the barrier requirement along the southern property line, as shown on the Special Exception Amendment plat.

### **Stacking Requirement**

*In accordance with Sect. 11-104, Par. 9 of the Zoning Ordinance, fast food restaurants with drive-through facilities are to provide 11 stacking space for the drive-in window, with a minimum of five such spaces designated for the ordering station.*

The applicant requests a reaffirmation of the modification of the stacking space requirement to permit the currently approved 10 stacking spaces instead of the required 11 stacking spaces. The applicant proposes two ordering stations to help achieve operational efficiencies in the drive-through operations and minimize the

need for the eleventh stacking space. Additionally, the drive-through has been located so as not to impede pedestrians or vehicular circulation.

Staff recommends a reaffirmation of the modification of the stacking requirement to permit 10 spaces to fulfill the requirement.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The fast food restaurant has been a long-standing presence in the community and would continue to serve local needs. The proposed use would be housed in an existing building and site, would generally operate as previously approved, and would enhance the existing landscaping and lighting. The expanded hours of operation may better serve the community (including commuters who use the park-and-ride lot, which is approximately 0.7-mile to the east).

Given these factors, staff concludes that the proposed use would be in harmony with the Comprehensive Plan and the applicable Zoning Ordinance provisions.

### **Recommendations**

Staff recommends approval of SEA 79-S-031-03, subject to development conditions.

Staff recommends reaffirmation of the modification of the transitional screening requirement and reaffirmation of the waiver of the barrier requirement along the southern property line, as shown on the Special Exception Amendment Plat and as conditioned.

Staff recommends reaffirmation of the modification of the stacking requirement to permit 10 spaces to fulfill the requirement.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The approval of this application does not interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Previously Approved Development Conditions – SEA 79-S-031-2
5. Previously Approved Plat – SEA 79-S-031-2
6. Transportation Analysis - FCDOT
7. Transportation Analysis – VDOT
8. Forestry Analysis – DPWES/UFMD
9. Stormwater Management Analysis – DPWES/SDID
10. Sanitary Sewer Analysis – DPWES/WPMD
11. Comprehensive Plan Excerpts
12. Applicable Zoning Ordinance Standards
13. Glossary of Terms

**PROPOSED DEVELOPMENT CONDITIONS**

SEA 79-S-031-03

July 8, 2014

If it is the intent of the Board of Supervisors to approve Special Exception Amendment SEA 79-S-031-03, located at Tax Map 88-1 ((1)) 14C, to permit a fast food restaurant with drive-through pursuant to Sections 9-503 and 9-505 of the Fairfax County Zoning Ordinance, Staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions for the subject property. (Those conditions that are identical to conditions that were included in the previous approval or that contain only minor editorial changes are marked with an asterisk\*).

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. The conditions of the Special Exception Amendment shall only apply to the building, parking spaces and other related facilities associated with the fast food restaurant and drive-through window. Modifications to other uses or portions of the site which do not require a special exception may be permitted as applicable without amending this Special Exception Amendment.\*
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 Amendment shall be in substantial conformance with the approved Special Exception Amendment Plat entitled "Alterations to McDonald's," consisting of six (6) sheets, prepared by CMS Associates, LLC, and dated June 24, 2014, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A minimum of ten (10) stacking spaces shall be provided for the drive-through window as shown on the Special Exception Amendment Plat.\*
5. Landscaping shall be provided in substantial conformance with the concepts shown on Sheet 3 as determined and approved by Urban Forest Management Division (UFMD). Any tree or shrub determined to impact existing utility easements or sight distances shall be replaced with an appropriately sized plant or relocated elsewhere on the site with a plant of equal size and quality, as determined by UFMD. Trash cans shall be placed to preclude conflicts with landscaping materials.

6. Understory evergreen and/or flowering shrubs and/or evergreen trees shall be maintained along the southern lot line as may be deemed appropriate and feasible by UFMD in order to improve screening of the parking lot area and soften headlight glare for the residences to the south. All supplemental landscaping shall be planted and maintained in accordance with Public Facilities Manual (PFM) standards.\*
7. The ingress-egress easement for the existing travel lane near the southern lot line (recorded at DB 7906, Page 1787) shall continue to be maintained.
8. Seating capacity shall be limited to a maximum of one hundred twenty-two (122) seats.\*
9. The building façade shall be generally consistent with the architectural elevations provided on the SEA Plat, in terms of color, building materials, and style.
10. The trash dumpster(s) shall be screened on all four sides. The screening enclosure(s) shall be consistent in terms of color and style with the restaurant building. Doors shall consist of materials which are opaque and fully screen the dumpster(s). Other accessory on-site storage structures shall be consistent in terms of color, building materials, and style with the restaurant building and shall not obstruct parking or pedestrian access.
11. The fast food restaurant and drive-through shall be allowed to operate 24 hours each day.
12. Signage shall be in conformance with Article 12 of the Zoning Ordinance.
13. The fast food restaurant owner/operator shall be responsible for the daily removal of litter. The lease area, as identified on Sheet 2 of the SEA Plat, and the generally surrounding area shall be policed by the applicant/operator for litter removal every mid-morning, mid-afternoon, and evening.
14. All lighting, including security lighting, signage lighting, and pedestrian or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
15. There shall be no advertising signage and/or promotional displays including banners, flags, inflated balloons, or figures displayed on the roof, the external sides of the building, lightpoles, windows, or anywhere else on the Special Exception Amendment site, as prohibited by Article 12 of the Zoning Ordinance.\*
16. Parking spaces shall meet the geometric design standards in the PFM, as determined by DPWES, prior to issuance of a Non-RUP.
17. The applicant/operators shall not allow the discharge of air contaminants generated by the restaurant or their solid waste which cause objectionable odors within adjacent

residential areas. The applicant/operators shall employ, but not be limited to, the following control measures:\*

A. All "putrescible" material, as defined by the Fairfax County Code Section 109.1-1-2, shall be stored in sealed containers, which are reserved exclusively for use by the restaurant. Such putrescible material shall not be shredded or unsealed.\*

B. All putrescible materials shall be removed by a commercial refuse hauler from the subject property a minimum of twice a week. Said trash removal shall be confined to the hours of 9:00am to 6:00pm.\*

These standards shall be in addition to any other performance standards, regulations, ordinances, or restrictions provided by the law.\*

18. The decibel level of the speaker phone(s) for the drive-through shall measure no more than 45 decibels at the property line abutting Old Keene Mill Road.

19. A copy of these development conditions shall be posted conspicuously in the restaurant near a public entrance.\*

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

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

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

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: April 24, 2014  
 (enter date affidavit is notarized)

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

124147

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

in Application No.(s): SEA 79-S-031-03  
 (enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
McDonald's Corporation  Agents: Jeffrey G. Bell, Sr. Catherine A. Griffin Padraic G. Molloy Meghan (nmi) McGuire Mauro (nmi) Aguilar	c/o McDonald's USA, LLC 6903 Rockledge Drive, Suite 1100 Bethesda, MD 20817	Applicant/Lessee of Tax Map 88-1 ((1)) 14C \
Burketown Plaza, LLC  Agents: Wilbur E. Simmons III Gregory H. Reed	1954 Greenspring Drive, Suite 330 Timonium, MD 21093	"Title Owner" by virtue of a ground lease in excess of 30 years)/Ground Lessee/Lessor of Tax Map 88-1 ((1)) \14C
Burke Springs Investment Trust Roland E. Goode, trustee and beneficiary	3333 New Hyde Park Road #100 Hyde Park, NY 11040	Ground Lessor ("Fee Owner") of Tax Map 88-1 ((1)) 14C.

(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)**

124147

DATE: April 24, 2014  
(enter date affidavit is notarized)

for Application No. (s): SEA 79-S-031-03  
(enter County-assigned application number (s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Walsh, Colucci, Lubeley & Walsh, P.C. (f/k/a Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.)	2200 Clarendon Boulevard Suite 1300 Arlington, Virginia 22201	<b>Attorneys/Planners/Agent</b>
Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Jonathan D. Puvak (former) Andrew A. Painter Matthew J. Allman Elizabeth D. Baker Inda E. Stagg Elizabeth A. Nicholson		<b>Attorney/Agent</b> <b>Attorney/Agent</b> <b>Attorney/Agent</b> <b>Attorney/Agent</b> <b>Attorney/Agent</b> <b>Attorney/Agent</b> <b>Attorney/Agent</b> <b>Attorney/Agent</b> <b>Planner/Agent</b> <b>Planner/Agent</b> <b>Planner/Agent</b>
CMS Associates LLC Agent: Geoffrey L. Ciniero	4925 Ellis Lane Ellicott City, MD 21043	<b>Engineer/Agent</b>
The Chesapeake Design Group Architects, Inc. Agent: Robert C. Goldman	419 North Charles Street Baltimore, MD 21201	<b>Architect/Agent</b>
M.J. Wells & Associates, Inc. Agents: Robin L. Antonucci William F. Johnson Michael R. Pinkoske Lester E. Adkin	1420 Spring Hill Road, Suite 610 McLean, Virginia 22102	<b>Transportation Consultant/Agent</b>

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 24, 2014
(enter date affidavit is notarized)

124147

for Application No. (s): SEA 79-S-031-03
(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) - McDonald's Corporation
c/o McDonald's USA, LLC
6903 Rockledge Drive, Suite 1100
Bethesda, MD 20817

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.
[X] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

Publicly traded on NYSE.

(check if applicable) [X] 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: April 24, 2014  
(enter date affidavit is notarized)

124147

for Application No. (s): SEA 79-S-031-03  
(enter County-assigned application number (s))

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

Burketown Plaza, LLC  
1954 Greenspring Drive, Suite 330  
Timonium, MD 21093

**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)

Kimco Income Fund I LP, Sole Member

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

Kimco Income Fund I GP, Inc.  
1954 Greenspring Drive, Suite 330  
Timonium, MD 21093

**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)

Kimco Realty Corporation

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

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

DATE: April 24, 2014  
(enter date affidavit is notarized)

124147

for Application No. (s): SEA 79-S-031-03  
(enter County-assigned application number (s))

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

Kimco Realty Corporation  
3333 New Hyde Park Road, Suite 100  
New Hyde Park, NY 11042

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

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

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

Publicly traded

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

(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: April 24, 2014  
(enter date affidavit is notarized)

124147

for Application No. (s): SEA 79-S-031-03  
(enter County-assigned application number (s))

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

M.J. Wells & Associates, Inc.  
1420 Spring Hill Road, Suite 610  
McLean, Virginia 22102

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

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

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

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

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

CMS Associates LLC  
4925 Ellis Lane  
Ellicott City, MD 21043

**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)

Geoffrey L. Ciniero, sole member/manager

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

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

DATE: April 24, 2014  
(enter date affidavit is notarized)

124147

for Application No. (s): SEA 79-S-031-03  
(enter County-assigned application number (s))

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

The Chesapeake Design Group Architects, Inc.  
419 North Charles Street  
Baltimore, MD 21201

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

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

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

Robert C. Goldman, sole shareholder

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

AXA Equitable Life Insurance Company  
1290 Avenue of the Americas  
New York, NY 10104

**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)

AXA Equitable Financial Services, LLC

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

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

DATE: April 24, 2014  
(enter date affidavit is notarized)

124147

for Application No. (s): SEA 79-S-031-03  
(enter County-assigned application number (s))

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

AXA Equitable Financial Services, LLC  
1290 Avenue of the Americas  
New York, NY 10104

**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)

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

New York Life Insurance Company  
51 Madison Avenue  
New York, NY 10010

**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)

<p>New York Life Insurance Company is a non-stock company with no shareholders. Instead, policyholders share in the ownership of the company.</p>	<p>There are in excess of thousands of policyholders, none of whom own 10% or more of Burketown Plaza, LLC.</p>
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(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: April 24, 2014  
(enter date affidavit is notarized)

124147

for Application No. (s): SEA 79-S-031-03  
(enter County-assigned application number (s))

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

Knights of Columbus  
1 Columbus Plaza  
New Haven, CT 06510

**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)

The Knights of Columbus is a Fraternal Benefit Society under Internal Revenue Code Section 501(c)(8). It is recognized as a nonprofit tax-exempt organization under a group exemption ruling from the IRS.

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

Northwestern Mutual Life Insurance Company  
720 East Wisconsin Avenue  
Milwaukee, WI 53202

**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)

Northwestern Mutual Life Insurance Company is a non-stock company with no shareholders. Instead, policyholders share in the ownership of the company. There are in excess of thousands of policyholders, none of whom own 10% or more of Burketown Plaza, LLC.

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

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

DATE: April 24, 2014  
(enter date affidavit is notarized)

124147

for Application No. (s): SEA 79-S-031-03  
(enter County-assigned application number (s))

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

New York Life Investment Management LLC  
51 Madison Avenue  
New York, NY 10010

**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)

New York Life Insurance Company

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

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

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 24, 2014
(enter date affidavit is notarized)

124147

for Application No. (s): SEA 79-S-031-03
(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)

Kimco Income Fund I LP
1954 Greenspring Drive, Suite 330
Timonium, MD 21093

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

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

General Partner:
Kimco Income Fund I GP, Inc.

Limited Partners:
AXA Equitable Life Insurance Company
Northwestern Mutual Life Insurance Company
New York Life Investment Management LLC
Knights of Columbus
Kimco Realty Corporation

(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: April 24, 2014  
(enter date affidavit is notarized)

124147

for Application No. (s): SEA 79-S-031-03  
(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**

124147

DATE: April 24, 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.

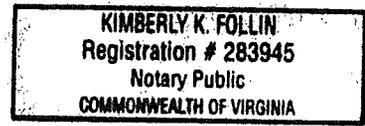
4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, 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.

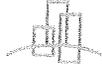
WITNESS the following signature:  
(check one) [ ] Applicant [x] Applicant's Authorized Agent  
Inda E. Stagg, agent  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 24 day of April, 2014, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin  
Notary Public

My commission expires: 11/30/2015





WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC

Inda E. Stagg  
Senior Land Use Coordinator  
(703) 528-4700 Ext. 5423  
istagg@arl.thelandlawyers.com

October 30, 2013

RECEIVED  
Department of Planning & Zoning

OCT 31 2013

Zoning Evaluation Division

Via Hand Delivery

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

Re: Statement of Justification  
Special Exception Amendment- Fast Food Restaurant with Drive-Through  
(Category 5) (the "Application")  
McDonald's Corporation (the Applicant)  
9528 Old Keene Mill Road (TM 88-1 ((1)) 14C pt.) (the "Application  
Property")  
L/C #045-1031 (McDonald's Identification Number)

Dear Ms. Berlin:

The McDonald's Corporation ("McDonald's") is seeking Special Exception Amendment approval in order to revise the façade of their current restaurant located on the Property, provide for minor modifications to the drive through configuration, and to modify the hours of operation.

The Property is encumbered by development conditions that were imposed by the Board of Supervisors in 1997 pursuant to their approval of SEA 79-S-031-2 (the "Current SEA Approval"). In answer to a recent request for an interpretation of the Current SEA Approval's Development Condition #8, it was determined that revisions to the existing façade would not be in substantial conformance with SEA 79-S-031-2 and that in order to allow façade revisions, the submission of a special exception amendment application and its approval by the Board of Supervisors would be required. Development Condition #8 of the Current SEA Approval states,

"The proposed building additions shall be architecturally compatible with the building façade and shall be generally consistent with the architectural elevation contained in Attachment 1 of these conditions. All four sides shall have the same architectural façade treatments in term of color, building material and style."

McDonald's is seeking an amendment to the Current SEA Approval's development conditions to substitute a new Attachment 1, which is referenced in Development Condition #8, depicting a revised façade for the restaurant. The revised façade adds

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

LOUDOUN OFFICE 703 737 3633 • PRINCE WILLIAM OFFICE 703 680 4664

172 square feet to the existing restaurant by enclosing what are currently three insets in the building (67 sq. ft., 67 sq. ft., and 38 sq. ft.).

Since SEA approval is necessary in order to revise the façade, McDonald's is taking this opportunity to provide a more efficient drive through configuration, which is depicted on the Special Exception Amendment Plat submitted with the Application. The façade revisions and the revised drive through configuration require the approval of a new Special Exception Amendment Plat and the revision of Development Condition #3 of the Current SEA Approval, which states,

"The Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Department of Environmental Management (DEM). Any plan submitted pursuant to this Special Exception Amendment shall be in conformance with the approved Special Exception Plan entitled "McDonald's Corporation Special Exception Amendment Plan" and prepared by PHR&A which is dated May 1997, as revised through October 8, 1997, consisting of three (3) sheets and these conditions."

In addition to the façade and drive through revisions, McDonald's is seeking to modify the hours of operation. Development Condition #9 of the Current SEA Approval, states,

"Hours of operation shall be limited to the following: Monday through Thursday from 6:00 am to 11 pm; Friday and Saturday from 6:00 am to midnight and Sunday from 7:00 am to 11:00 pm."

McDonald's is seeking to amend Development Condition #9 in order to permit operations of this restaurant, which is located within the Burke Town Plaza Shopping Center, 24 hours per day.

### **Property Description**

The Property is located in the Burke Town Plaza Shopping Center that is located the northeast quadrant of the intersections of Lee Chapel Road (Rt. 643) and Old Keene Mill Road (Rt. 644), and is also adjacent to Torrence Street (Rt. 5237) which runs along the Property's southeastern property line.

According to the Fairfax County Tax Assessor, the Property contains approximately 542,284 square feet (12.45 acres) of land area, 129,529 GFA Burke Town Plaza constructed in 1980, a 2,030 GFA Burke and Herbert Bank constructed in 1981, and a 3,775 GFA McDonald's restaurant constructed in 1979. The Property is zoned C-6 (Community Retail Commercial District).

### **History**

On November 17, 1997, the Board of Supervisors approved Special Exception Amendment Application SEA 79-S-031-2 in the name of McDonald's Corporation for a

fast food restaurant and drive-through window, with conditions. This is the Current SEA Approval.

### **Comprehensive Plan**

The Application Property is located in the Pohick Planning District (Area III); Main Branch Community Planning Sector (P2). There are no specific recommendations for the Property. The Plan Map indicates that the Property is planned for "Retail and Other Commercial Uses".

### **Response to Sect. 9-006 – General Standards**

In addition to the specific standards for particular special exception uses, all Special Exception uses must satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
  - a. The proposed use is in harmony with the adopted comprehensive plan which recommends Retail and Other Commercial Uses on the Property.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
  - a. The proposed use is permitted with the approval of a special exception within the existing zoning district and has been found to be in harmony with the general purpose and intent of the C-6 district regulations pursuant to previous SE and SEA approvals.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
  - a. The proposed use (fast food restaurant) has existed on the Property since 1979. The proposed façade revisions will provide an updated look and should be an asset, and not a hindrance to the appropriate development and use of the nearby land and buildings.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

- a. The traffic patterns proposed by the Application will not change. The new application will not generate additional traffic and should not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
    - a. No revisions to the existing landscaping and screening are requested with this application, as the only modification proposed is to the restaurant's façade.
  6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
    - a. 15.8% open space was provided with the Current SEA Approval, where 15% is required. No modifications to the current open space are proposed.
  7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
    - a. Adequate facilities are provided for the proposed use, as shown on the Current SEA Approval's plat. No revisions to the facilities provided with the Current SEA Approval are proposed.
  8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.
    - a. Signage will be in conformance with Article 12.

**Response to Par. 7 of Sect. 9-011**

A. Type of operation(s).

This is a fast food restaurant with drive-through. No change to the type of operation is proposed.

B. Hours of operation.

24 Hours per day.

C. Estimated number of patrons/clients/patients/pupils/etc.

Approximately 2,800 patrons per day. No change is proposed.

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

It is estimated that there will only be an average of 18 employees on-site during peak hours. No change is proposed.

E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.

This application requests a façade revision. No change to the seating capacity or increase in hours of operation during peak travel times is proposed; therefore there is no traffic impact.

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

Typically, fast food restaurants are frequented by customers who are already driving by the restaurant while on their way to another destination; however, it is anticipated that the general area to be served by the use is approximately two miles.

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

McDonald's is requesting that the hip roof elements depicted in the Current Approval's Attachment 1 be removed. McDonald's is requesting a façade that is consistent with their current branding, which provides a straight E.I.F.S and flat roof structure, with elements of cultured stone veneer on the front and near the side entrance and a corrugated metal parapet band around the top of the building.

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

There are no known hazardous materials on the site. The proposed development shall not generate any hazardous materials.

I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any

waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and applicable conditions, with the exception of the following requested waivers:

- Waiver of the SE Plat requirement to permit the previously approved SEA Plat depicting the entire Burke Town Plaza Shopping Center to be used as an "overall site" sheet. No change to the Current SEA Approval is requested, with the exception of McDonald's proposed façade revision and minor changes to the drive through configuration.
- Reaffirmation of the transitional screening and barrier requirements along the southern lot line.
- Reaffirmation of the modification of the stacking space requirement to permit the currently approved 10 stacking spaces instead of the required 11 stacking spaces.

### Summary

The new restaurant on the Application Property will be an exciting upgrade and an asset to the shopping center and the community. The McDonald's Corporation welcomes the opportunity to continue operation in this location. No revisions are proposed to the Current SEA Approval with the exception of the restaurant's façade, increase in drive through efficiency and expansion of operation hours. No new site construction is proposed and so previously approved waivers and modifications are requested to be reaffirmed as described in Paragraph I in the section above. The Applicant believes that they meet the criteria for approval and requests approval of the application. Please let me or Cathy Puskar know if you have any additional questions about this request.

Very truly yours,

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

  
Inda E. Stagg  
Senior Land Use Coordinator

cc: Pat Herrity; Supervisor, Springfield District  
Pete Murphy; Planning Commissioner, Springfield District  
Jeff Bell; Construction Manager, McDonald's USA, LLC  
Geoffrey Ciniero; Engineer, CMS Associates, LLC  
M. Catharine Puskar; Agent, Walsh Colucci Lubeley Emrich and Walsh PC



# 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  
TDD: 703-324-3903

November 26, 1997

Tracy L. Steele, Esquire  
Walsh, Colucci, Stackhouse,  
Emrich and Lubeley, P.C.  
2200 Clarendon Boulevard  
Thirteenth Floor  
Arlington, Virginia 22201-3359

RE: Special Exception Amendment  
Number SEA 79-S-031-2

Dear Ms. Steele:

At a regular meeting of the Board of Supervisors held on November 17, 1997, the Board approved Special Exception Amendment Number SEA 79-S-031-2 in the name of McDonald's Corporation, located at Tax Map 88-1 ((1)) Pt. 14C, for use a fast food restaurant and drive-through window pursuant to Sections 9-503 and 9-505 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions. Those conditions marked with an asterisk (\*) are brought forward from the previous Special Exception Amendment.

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. The conditions of the Special Exception Amendment shall only apply to the building, parking spaces and other related facilities associated with the fast food restaurant and drive-through window. Modifications to other uses or portions of the site which do not require a special exception may be permitted as applicable without amending this Special Exception Amendment.

3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Department of Environmental Management (DEM). Any plan submitted pursuant to this Special Exception Amendment shall be in conformance with the approved Special Exception Plat **entitled "McDonald's Corporation Special Exception Amendment Plat" and prepared by PHR&A which is dated May 1997, as revised through October 8, 1997, consisting of three (3) sheets and these conditions.**
4. A minimum of ten (10) stacking spaces shall be provided for the drive-through window as shown on the Special Exception Amendment Plat.\*
5. The existing three (3) trees located along the southern lot line shall be supplemented with understory evergreen and/or flowering shrubs and/or evergreen trees as may be deemed appropriate and feasible by the Department of Environmental Management (DEM) in order to improve screening of the parking lot area and soften headlight glare for the residences to the south. All supplemental landscaping shall be planted and maintained in accordance with Public Facilities Manual (PFM) standards.
6. A public access easement for the existing travel lane shall be recorded in the land records of Fairfax County \*
7. Seating capacity shall be limited to a maximum of one hundred twenty-two (122) seats. Prior to the issuance of a new Non Residential Use Permit (Non-RUP), a revised parking tabulation shall be submitted to the Department of Environmental Management (DEM) which demonstrates that parking will be provided for the existing uses within the shopping center including the fast food restaurant, in accordance with the current Zoning Ordinance requirements or as may be determined by the Zoning Administrator. Otherwise, the total number of seats in the fast food restaurant must be reduced such that required parking can be accommodated.
8. The proposed building additions shall be architecturally compatible with building facade and shall be generally consistent with the architectural elevation contained in Attachment 1 of these conditions. All four sides shall have the same architectural facade treatments in term of color, building material and style.
9. Hours of operation shall be limited to the following: Monday through Thursday from 6:00 am to 11 pm; Friday and Saturday from 6:00 am to midnight and Sunday from 7:00 am to 11:00 pm.

10. All signs shall be in conformance with Article 12 of Zoning Ordinance.
11. The subject property and the surrounding area of the shopping center (Burke Towne Plaza) shall be policed by the applicant/operator for trash/litter removal every mid-morning, mid-afternoon and prior to closing.
12. All exterior building-mounted security lighting shall be of a low-intensity design which focuses the light directly on-site and does not project glare off-site into adjacent residential areas.
13. There shall be no advertising signage and/or promotional displays including banners, flags, inflated balloons or figures displayed on the roof, the external sides of the building or anywhere else on the on the Special Exception Amendment site.
14. The applicant/operators shall not allow the discharge of air contaminants generated by the restaurants or their solid waste which cause objectionable odors within adjacent residential areas. The applicant/operators shall employ, but not be limited to, the following control measures:
  - A. All "putrescible" material as defined by the Fairfax County Code Section 109-1-1 shall be stored in sealed containers and shall be disposed in a container reserved exclusively for use by the restaurants. Such putrescible material shall not be shredded or unsealed.
  - B. All putrescible materials shall be removed by a commercial refuse hauler from the subject property on at least Monday and Friday of each week. Said trash removal shall be confined to the hours of 9:00 am to 6:00 pm.

These standards shall be in addition to any other performance standards, regulations, ordinances or restrictions provided by the law.
15. A copy of these development conditions shall be conspicuously posted in the restaurant near a public entrance.

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.

SEA 79-S-031-2  
November 26, 1997

4.

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

**The Board also approved a reduction of the 11 stacking spaces required by the Zoning Ordinance, and to permit the 10 parking spaces as reflected on the Special Exception Amendment Plat.**

If you have questions regarding the expiration of this Special Exception Amendment or filing a request for additional time they should be directed to the Zoning Evaluation Division 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,



Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

cc: John M. Yeatman, Director, Real Estate Div., Dept. of Tax Administration  
Melinda M. Artman, Deputy Zoning Administrator  
Frank Jones, Assistant Chief, PPRB, OCP  
Audrey Clark, Chief, Inspection Svcs., BPRB, DEM  
Barbara A. Byron, Director, Zoning Evaluation Div., OCP  
Robert Moore, Trnsprt'n. Planning Div., Office of Transportation  
Paul Eno, Project Planning Section, Office of Transportation  
Department of Environmental Management  
Dorothy Purvis, Permits Department, VDOT  
Land Acqu. & Planning Div., Park Authority

RECEIVED  
OFFICE OF COMPREHENSIVE PLANNING

DEC 9 1997

ZONING EVALUATION DIVISION







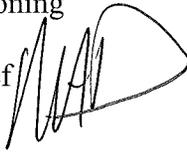


# County of Fairfax, Virginia

## MEMORANDUM

DATE: March 3, 2014

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

**FROM:** Michael A. Davis, Acting Chief   
Site Analysis Section  
Department of Transportation

**FILE:** 3-5 (SE 79-S-031)

**SUBJECT:** Transportation Impact

**REFERENCE:** SEA 79-S-031-03 McDonald Corporation  
Traffic Zone: 1587  
Land Identification Map: 88-1 ((1)) 14C

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this office dated December 30, 2013. The applicant wishes to revise the façade of their current restaurant located at 9528 Old Keene Mill Road within the Burke Town Plaza Shopping Center, provide for minor modifications to the drive through configuration, and modify the hours of operation to allow operations 24 hours per day.

The proposed use (fast food restaurant) has existed since 1979. There will be no change in the seating capacity or increase in hours of operation during peak travel times with the proposed façade update.

This department has no transportation issues with this application.

AKR/LAH/lah



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

CHARLES A. KILPATRICK, P.E.  
COMMISSIONER

4975 Alliance Drive  
Fairfax, VA 22030  
April 30, 2014

**To:** Ms. Barbara Berlin  
Director, Zoning Evaluation Division

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

**Subject:** SEA 1979-S-031-03 McDonald's Corporation – Old Keene Mill Road  
Tax Map # 88-1((01))0014C

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 April 25, 2014, and received on April 30, 2014. None of the proposed improvements appear to impact any of the public improvements or operations along Old Keene Mill Road. I have no objection to the approval of the latest revision to this proposal.

If you have any questions, please call me.

cc: Ms. Angela Rodeheaver  
fairfaxspex1979-S-031-03sea2McDonaldsOldKeeneMillRd4-30-14BB



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** May 9, 2014

**TO:** Joe Gorney, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Hugh Whitehead, Urban Forester II *HWW*  
Forest Conservation Branch, DPWES

**SUBJECT:** McDonalds Corporation, SEA 79-S-031-03

I have reviewed the Special Exception Amendment Plat for the above referenced SEA application, stamped as received by the Zoning Evaluation Division on April 25, 2014. All landscaping and tree preservation requirements have been adequately addressed.

Forest Conservation Branch staff has no additional comments regarding this application.

If there are any questions or further assistance is desired, please contact me at 703-324-1770.

HCW/  
UFMDID #: 188601

cc: DPZ File





# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** May 7, 2014

**TO:** Joseph C. Gorney, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** William J. Veon, Jr., Senior Engineer III (Stormwater)  
Central Branch, Site Development and Inspections Division  
Department of Public Works and Environmental Services

**SUBJECT:** Special Exception Application No.: SEA 79-S-031-03  
McDonalds Corporation  
Special Exception Amendment Plat (REVISED dated April 14, 2014)  
LDS Project No.: 002411-ZONA-001-1  
Tax Map No.: 088-1-01-0014C  
Springfield District

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The subject application revision has been reviewed, and the following stormwater management comments are offered at this time:

The applicant has still not provided a Stormwater Information Sheet (LTI 06-06).

Chesapeake Bay Preservation Ordinance (CBPO)

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

Water quality controls will be required for this redevelopment (PFM 6-0401) if the total land disturbance exceeds 2,500 sq. ft., or unless waived (PFM 6-0401.2E). The proposed land disturbance appears to be less than 2,500 sq. ft. according to the current Special Exception Amendment Plat. So, if the final engineering site plan includes no more land disturbance than is represented on this plat, water quality controls will not be required – although a short final engineering BMP narrative will be needed to support/explain this outcome.

Floodplains

There are no regulated floodplains on the property/site.

Downstream Drainage Complaints

There are no significant, contemporary downstream drainage complaints on file.



#### Stormwater Detention

Stormwater detention is required, if not waived (PFM 6-0301.3). However, the net site impervious surface is to be reduced with the proposed removal of significant pavement and creation of an expanded planter area adjacent to the drive-thru lane. So, although stormwater detention will need to be addressed in a short final engineering Stormwater Management narrative, the impervious surface reduction will result in no actual detention being required.

#### Site Outfall

An adequate outfall statement has not been provided. Adequate drainage of surface waters is required for all land development activities (PFM 6-0201), and the adequacy of the downstream drainage system or outfall must be addressed (PMF 6-0203). Some site pervious area is to be converted to impervious surface. However, a larger amount of impervious surface is to be removed, and this area is to be converted to a pervious planting area. The proposed net reduction in the site's existing impervious surface can be used in the final engineering Adequate Outfall narrative to limit the outfall evaluation (PFM 6-0202.6).

#### Stormwater Planning Comments

This site is located in the Pohick Creek Watershed and the Pohick-Upper Watershed Management Area. There is a future County stream restoration project proposed for the Pohick Creek tributary channel segment that ultimately receives the stormwater from the subject site. However, the applicant's proposed project should have little to no impact on this future County project.

#### Dam Breach

The property is not located within a dam breach inundation zone.

#### Miscellaneous

A site plan will be required for this site due to a proposed land disturbance of more than 250 sq. ft. (ZO 17-104).

The proposed parking lot milling work will constitute a land disturbing activity as a consequence of the creation of dust/sediment by this operation. The dust/sediment may wash-off the site if it should rain prior to surface stabilization (resurfacing). So, appropriate erosion and sediment controls will need to be employed during this operation, but this disturbance is not included in the land disturbance value on which the need for water quality controls is based.

**Please Note:** The preceding comments are based on the 2011 version of the Fairfax County Public Facilities Manual (PFM). However, a new stormwater ordinance and updates to the PFM's stormwater requirements were adopted by the County's Board of Supervisors on January 28, 2014. The effective date of implementation of these new regulations is scheduled for July 1, 2014, but is subject to possible change pending the outcome of the review of the regulations by

Joseph C. Gorney, Staff Coordinator  
Special Exception Application No.: SEA 79-S-031-03  
May 7, 2014  
Page 3 of 3

the State's Department of Environmental Quality. The site plan for this application may be required to conform to the updated PFM and the new ordinance.

Please contact me at 703-324-1648 or [William.Veon@fairfaxcounty.gov](mailto:William.Veon@fairfaxcounty.gov), if you have any questions or require additional information.

WJV/

cc: Don Demetrius, Chief, Watershed Projects Evaluation Branch, SPD, DPWES  
Fred Rose, Chief, Watershed Planning & Assessment Branch, SPD, DPWES  
Durga Kharel, Chief, Central Branch, SDID, DPWES  
Hani Fawaz, Senior Engineer III, Central Branch, SDID, DPWES  
Zoning Application File



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** February 18, 2014

**TO:** Joe Gorney  
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 79-S-031-03**  
**Tax Map No. 088-1-((01))-0014-C**

The following information is submitted in response to your request for a sanitary sewer analysis for above referenced application:

- The application property is located in Pohick Creek (N-1) watershed. It would be sewer into the Noman M. Cole Pollution Control Plant (NMCPCP).
- Based upon current and committed flow, there is excess capacity in the NMCPCP. For purposes of this report, committed flow shall be deemed that for which fees have been paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
- An existing 8 inch line located on the property is adequate for the proposed use at this time.
- The following table indicates the condition of all related sewer facilities and the total effect of this application.

<u>Sewer Network</u>	<u>Existing Use +Application</u>		<u>Existing Use + Application +Previous Applications</u>		<u>Existing Use + Application + Comp Plan</u>	
	<u>Adeq.</u>	<u>Inadeq</u>	<u>Adeq.</u>	<u>Inadeq</u>	<u>Adeq.</u>	<u>Inadeq</u>
Collector	X		X		X	
Submain	X		X		X	
Main/Trunk	X		X		X	

- Other pertinent comments:**



**COMPREHENSIVE PLAN EXCERPTS**

**FAIRFAX COUNTY COMPREHENSIVE PLAN, 2013 Edition, AREA III, Pohick Planning District, Amended through 4-9-2013, P2-Main Branch Community Planning Sector, Page 30:**

**Concept for Future Development**

“This entire sector is classified as Suburban Neighborhood. Uses in the sector are generally consistent with the uses outlined for the Suburban Neighborhood category.”

**Land Use Recommendations**

“The Main Branch Community Planning Sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.”

**FAIRFAX COUNTY COMPREHENSIVE PLAN, 2013 Edition, Policy Plan, Glossary, Amended through 4-29-2014, Page 15:**

**Suburban Neighborhoods:** “Suburban Neighborhoods contain a broad mix of allowable residential densities, styles and parks and open space. Where appropriate, supporting neighborhood-serving commercial services, public facilities, and institutional uses are encouraged provided that the proposed intensities and character are compatible with the surrounding area.”

## ZONING ORDINANCE PROVISIONS

### 4-601 Purpose and Intent

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

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

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

### 9-006 General Standards [Special Exceptions]

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

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

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

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

7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

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

### **9-503 - Standards for all Category 5 [Special Exception] Uses**

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

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

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

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

### **9-505 - Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In 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.

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

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

**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		