APPLICATION ACCEPTED: March 21, 2014
PLANNING COMMISSION: July 24, 2014
BOARD OF SUPERVISORS: July 29, 2014 @ 4:00 p.m.

County of Fairfax, Virginia

July 10, 2014

STAFF REPORT

SE 2014-SP-011

SPRINGFIELD DISTRICT

APPLICANT:	Starbucks Coffee Company
ZONING:	C-7, HC
LOCATION:	12001 Lee Jackson Memorial Highway
PARCEL(S):	46-3 ((8)) 16A
ACREAGE:	4.29 acres
FAR:	0.48
PLAN MAP:	Fairfax Center Area
SE CATEGORY:	Category 5 – Fast Food Restaurant with Drive-Thru
PROPOSAL:	To replace existing former financial institution with a fast food establishment with a drive-thru.

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2014-SP-011, subject to development conditions consistent with those contained in Appendix 1.

Casey V. Gresham

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

Staff recommends a waiver of the site plan requirement, as there is less than 250 square feet of site disturbance proposed with this application; and recommends a reaffirmation of a modification of transitional screening in favor of the existing vegetation on site.

It should be noted that it is not the intent of staff to recommend that the Board, in imposing any conditions, 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 O:\cgresham\Applications\SEs\SE 2014-SP-011\Staff Report\01 SE 2014-SP-011 SR Cover.docrecommendations of staff; it does not reflect the position of the Board of Supervisors.

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

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

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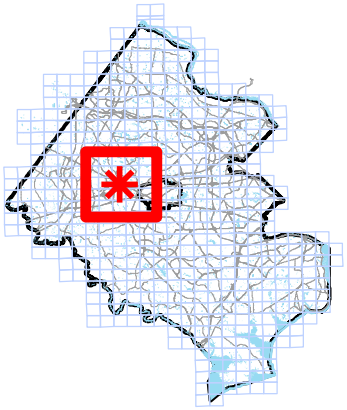
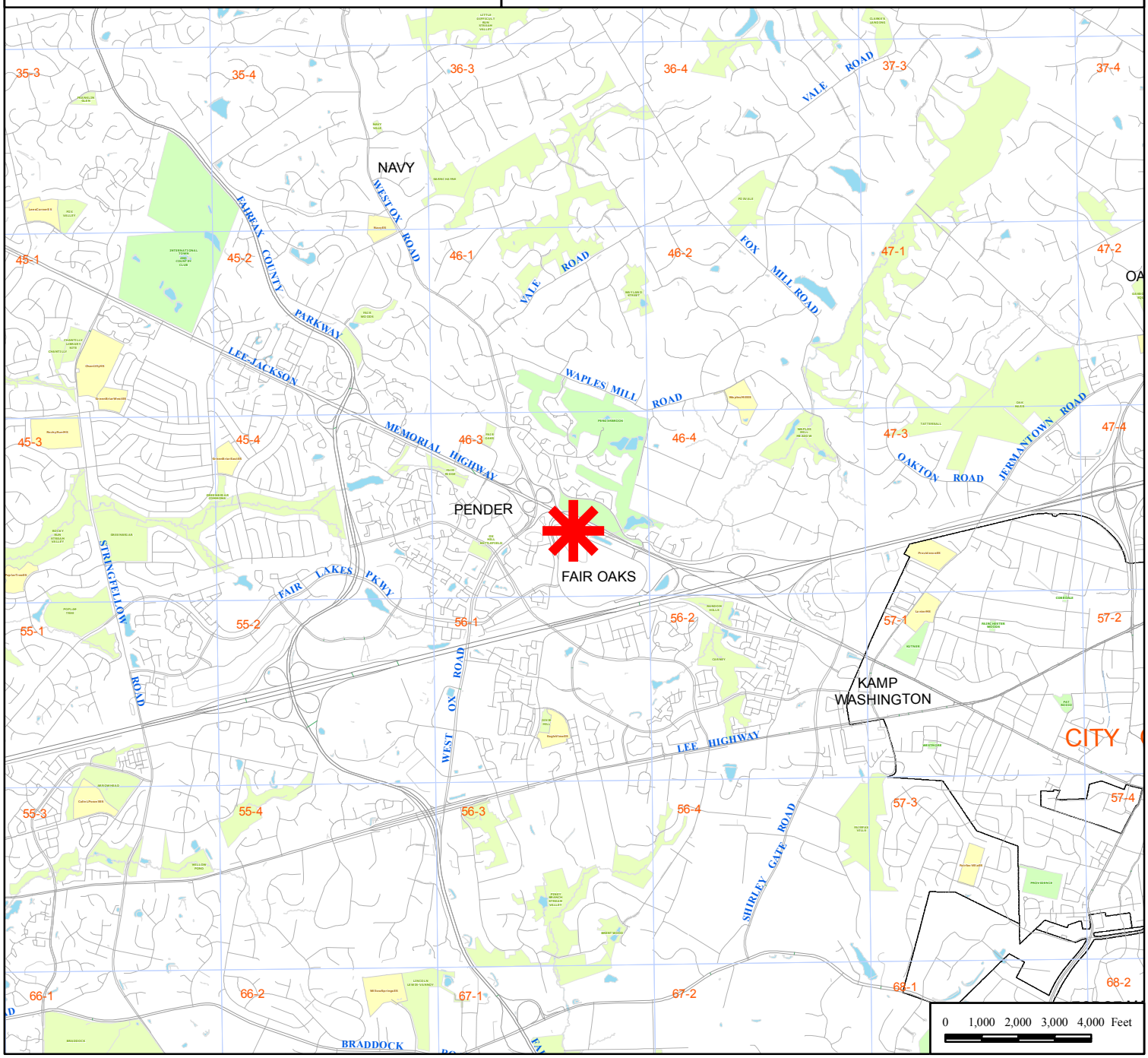
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception

SE 2014-SP-011



Applicant:	STARBUCKS COFFEE COMPANY
Accepted:	03/21/2014
Proposed:	FAST FOOD RESTAURANT DRIVE-THRU
Area:	4.29 AC OF LAND; DISTRICT - SPRINGFIELD
Zoning Dist Sect:	04-0704
Art 9 Group and Use:	5-11
Located:	12001 LEE JACKSON MEMORIAL HIGHWAY, FAIRFAX, VA 22030
Zoning:	C- 7
Plan Area:	2,
Overlay Dist:	HC
Map Ref Num:	046-3- /08/ /0016A



Special Exception

SE 2014-SP-011

Applicant: STARBUCKS COFFEE COMPANY
Accepted: 03/21/2014
Proposed: FAST FOOD RESTAURANT DRIVE-THRU
Area: 4.29 AC OF LAND; DISTRICT - SPRINGFIELD

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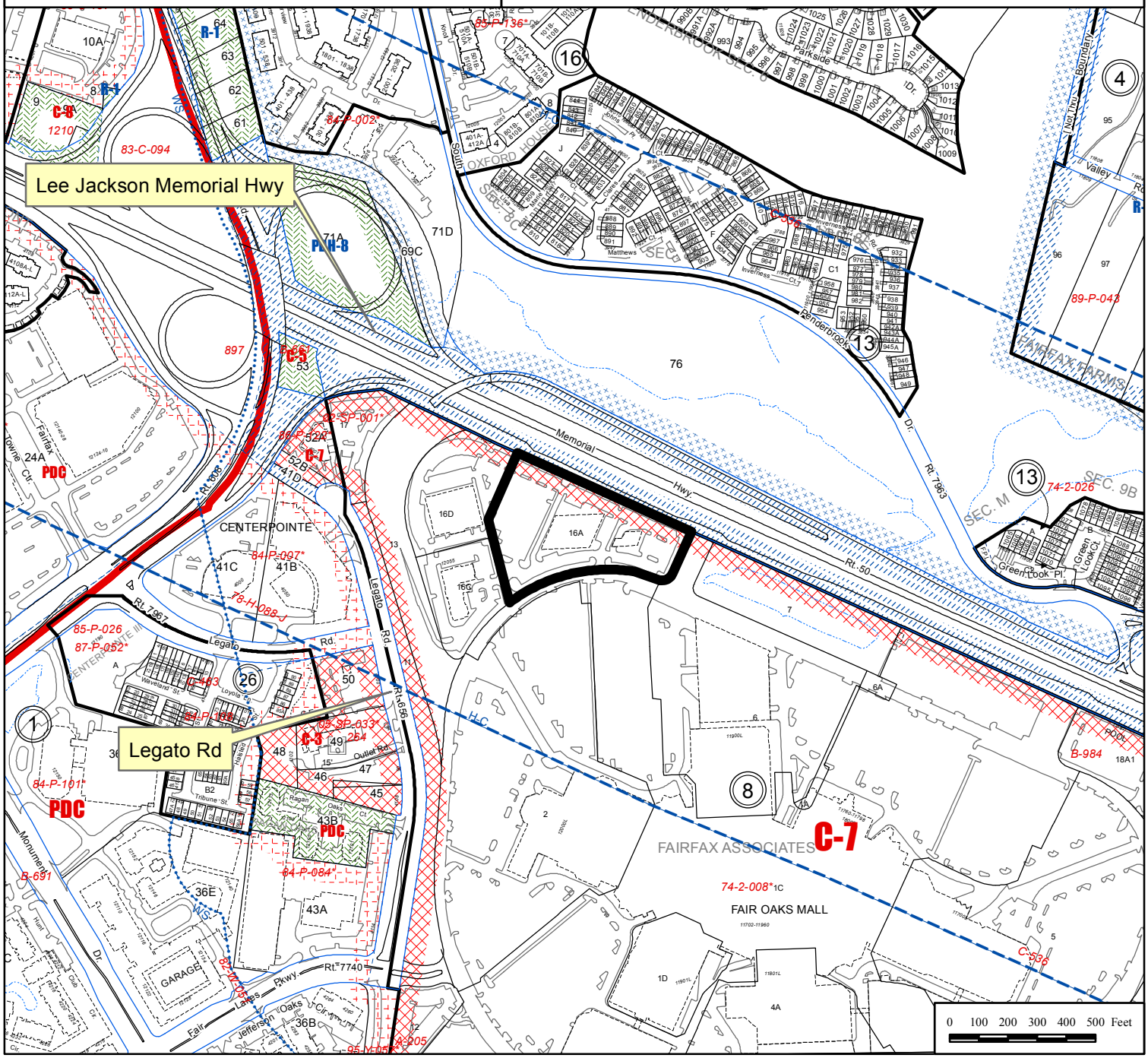


LEGAL DESCRIPTION

ALL THAT CERTAIN PROPERTY LOCATED IN FAIRFAX COUNTY, VIRGINIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 16-A, OF THE PROPERTY OF FAIRFAX ASSOCIATES AS THE SAME APPEARS RESUBDIVIDED, PLATTED AND RECORDED IN DEED BOOK 5513 AT PAGE 780, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.

SUBJECT TO AND TOGETHER WITH TERMS AND CONDITIONS AS SET FORTH IN CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT RECORDED IN DEED BOOK 4910 AT PAGE 313 AMONG SAID LAND RECORDS.

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF LEE-JACKSON MEMORIAL HIGHWAY (U.S. ROUTE 50), SAID POINT MARKING THE NORTHWESTERLY CORNER OF PARCEL 6, FAIRFAX ASSOCIATES; THENCE WITH THE WESTERLY LINE OF PARCEL 6 AND CONTINUING WITH THE NORTHWESTERLY LINE OF PARCEL 1C, FAIRFAX ASSOCIATES THE FOLLOWING COURSES: WITH A CURVE TO THE RIGHT WHOSE RADIUS IS 64.00 FEET AND WHOSE CHORD IS S19°08'30"W, 11.04 FEET, AN ARC DISTANCE OF 11.05 FEET; S24°05'24"W, 147.00 FEET; WITH A CURVE TO THE RIGHT WHOSE RADIUS IS 39.00 FEET AND WHOSE CHORD IS S69°05'24"W, 55.15 FEET, AN ARC DISTANCE OF 61.26 FEET; N65°54'36"W, 14.27 FEET; WITH A CURVE TO THE LEFT WHOSE RADIUS IS 445.00 FEET AND WHOSE CHORD IS S85°40'22"W, 423.54 FFET, AN ARC DISTANCE OF 441.41 FEET AND WITH A CURVE TO THE LEFT WHOSE RADIUS IS 645.00 FEET AND WHOSE CHORD IS S53°31'07"W, 84.09 FEET, AN ARC DISTANCE OF 84.15 FEET TO A POINT MARKING THE SOUTHEASTERLY CORNER OF PARCEL 16-C, UNITED ARTIST THEATER CIRCUIT; THENCE WITH THE EASTERLY LINE OF PARCEL 16-C AND CONTINUING WITH THE EASTERLY LINE OF PARCEL 16D, UNITED ARTIST THEATER CIRCUIT THE FOLLOWING COURSES: N13°30'16"W, 291.02 FEET AND N24°45'37"E, 244.00 FEET TO A POINT ON THE SOUTHERLY LINE OF LEE-JACKSON MEMORIAL HIGHWAY; THENCE WITH THE SOUTHERLY LINE OF LEE-JACKSON MEMORIAL HIGHWAY WITH A CURVE TO THE LEFT WHOSE RADIUS IS 11,540.00 FEET AND WHOSE CHORD IS S65°16'55"E, 253.00 FEET, AN ARC DISTANCE OF 253.00 FEET AND S65°54'36"E, 387.84 FEET TO THE POINT BEGINNING, CONTAINING 4.28939 ACRES OF LAND.

PARKING CALCULATIONS

12011 LEE-JACKSON MEMORIAL HWY

FOOTPRINT AREA = 17,028 SF
HEIGHT = 5 STORIES

USE: OFFICE (50,000 SF TO 125,000 SF)

PARKING REQUIREMENT: 3.0 SPACES PER 1,000 SF
GROSS AREA = 17,028 x 5 = 85,140

85,140 x 3.0/1,000 = 256 SPACES REQUIRED

12001 LEE-JACKSON MEMORIAL HWY

FOOTPRINT AREA = 2,608 SF
HEIGHT = 2 STORIES

USE:
1ST FLOOR: FAST FOOD RESTAURANT WITH DRIVE-IN
2ND FLOOR: OFFICE (50,000 SF OR LESS)

PARKING REQUIREMENT:
1ST FLOOR: 1 SPACE PER 2 SEATS + 11 CAR STACK
SEATING = 50 SEATS MAX.

50 SEATS/2 = 25 SPACES REQUIRED

2ND FLOOR: 3.6 SPACES PER 1,000 SF
GROSS AREA = 2,608 SF

2,608 x 3.6/1,000 = 10 SPACES REQUIRED

TOTAL PARKING REQUIRED = 256 + 25 + 10 = **291 SPACES**

TOTAL PARKING SPACES PROVIDED = **302 SPACES**
(INLCUDES 12 ACCESSIBLE SPACES)

TOTAL STACKING SPACES = **11 CARS**

SITE PLAN NOTES

A. THE PROPERTY DELINEATED ON THIS SITE PLAN IS LOCATED ON ASSESSMENT MAP 46-3 ((8)) 16A.

B. THE PROPERTY IS ZONED C-7.

C. STARBUCKS SPACE IS LOCATED ON THE 1ST FLOOR OF 12001 LEE-JACKSON MEMORIAL HWY. THE 2ND FLOOR OF THE BUILDING AND 5 STORIES OF 12011 LEE-JACKSON MEMORIAL HIGHWAY ARE EXISTING OFFICE USES, SHOWN FOR REFERENCE ONLY TO DETERMINE PARKING REQUIREMENT.

D. THE SCOPE OF WORK INCLUDES INTERIOR REMODELING OF FIRST FLOOR OF EXISTING BUILDING TO CONVERT AN EXISTING DRIVE THRU BANK TO A STARBUCKS COFFEE SHOP WITH DRIVE THRU (FAST FOOD RESTAURANT WITH DRIVE-IN), AND MINOR SITE IMPROVEMENTS AS NOTED BELOW.

(XX) SHEET NOTES

1. NEW DUMPSTER PAD AND ENCLOSURE. ENCLOSURE TO BE MIN. 6 FT HIGH WOOD FENCE WITH GATES.

2. NEW PARKING LOT STRIPING AND "DO NOT ENTER" FOR TRAFFIC CONTROL AWAY FROM DRIVE THRU.

3. NEW CURB AND GUTTER TO MATCH EXISTING. CLOSE EXISTING DRIVE LANE FROM DRIVE THRU. LEAVE MIN. 2 FOOT CHANNEL TO MAINTAIN DRAINAGE FLOW.

4. HEIGHT RESTRICTION BAR

5. PRE-MENU BOARD

6. 5-PANEL MENU BOARD

7. SPEAKER POST

8. DIRECTIONAL SIGNAGE WITH ARROWS

9. DIRECTIONAL SIGNAGE "THANK YOU/DO NOT ENTER"

10. NEW PARKING LOT ARROWS

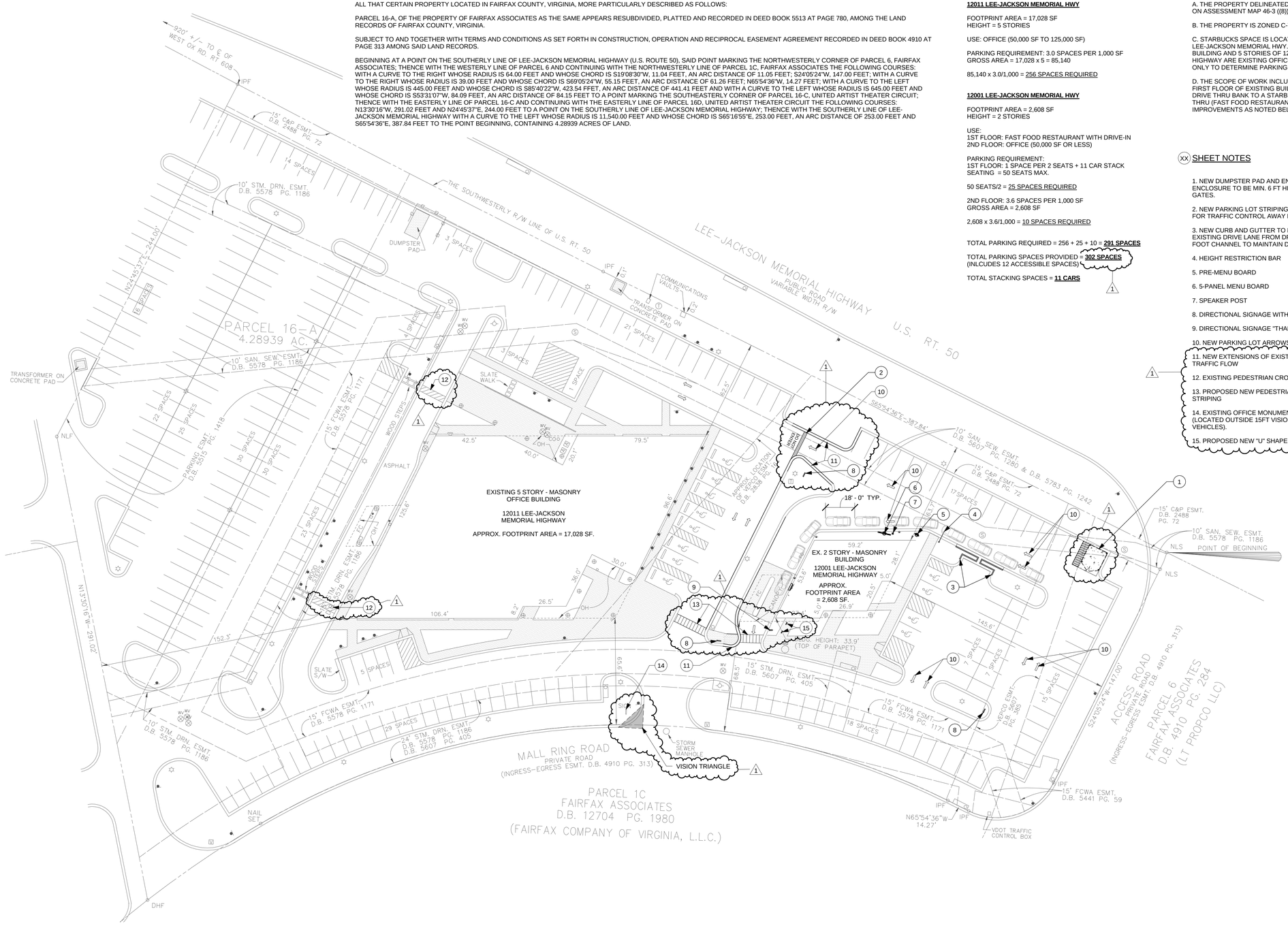
11. NEW EXTENSIONS OF EXISTING CURBS TO DIRECT TRAFFIC FLOW

12. EXISTING PEDESTRIAN CROSSWALK STRIPING

13. PROPOSED NEW PEDESTRIAN CROSSWALK STRIPING

14. EXISTING OFFICE MONUMENT SIGN TO REMAIN (LOCATED OUTSIDE 15FT VISION TRIANGLE OF EXITING VEHICLES).

15. PROPOSED NEW "U" SHAPED BIKE RACKS (2)



1 SITE PLAN
Scale: 1" = 30'-0"

N

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STARBUCKS COFFEE COMPANY
2401 UTAH AVENUE SOUTH
SEATTLE, WASHINGTON 98134
(206) 318-1575

THESE DRAWINGS AND SPECIFICATIONS ARE CONFIDENTIAL AND SHALL REMAIN THE SOLE PROPERTY OF STARBUCKS CORPORATION, WHICH IS THE OWNER OF THE COPYRIGHT IN THIS WORK. THEY SHALL NOT BE REPRODUCED (IN WHOLE OR IN PART), SHARED WITH THIRD PARTIES OR USED IN ANY MANNER ON OTHER PROJECTS OR EXTENSIONS TO THIS PROJECT WITHOUT THE PRIOR WRITTEN CONSENT OF STARBUCKS CORPORATION. THESE DRAWINGS AND SPECIFICATIONS ARE INTENDED TO EXPRESS DESIGN INTENT FOR A PROTOTYPICAL STARBUCKS STORE (WHICH IS SUBJECT TO CHANGE AT ANYTIME) AND DO NOT REFLECT ACTUAL SITE CONDITIONS. NEITHER PARTY SHALL HAVE ANY OBLIGATION NOR LIABILITY TO THE OTHER (EXCEPT STATED ABOVE) UNTIL A WRITTEN AGREEMENT IS FULLY EXECUTED BY BOTH PARTIES.

ARCHITECT OF RECORD
ASOOSOCIATES
Soos & Associates, Inc.
105 Schelter Road
Lincolnshire, IL 60069
p: 847 821 7667 f: 847 821 8570

Revision Schedule

Rev	Date	By	Description
1	6.5.14		STAFF COMMENTS

PROJECT NAME:
FAIR OAKS MALL
PROJECT ADDRESS:
12001 LEE JACKSON MEMORIAL HWY
FAIRFAX, VA 22033

FAIRFAX COUNTY

STORE #:
PROJECT #: 61355-001
CONCEPT:
PALETTE:
ISSUE DATE: 12.2.13
DESIGN MANAGER: C. CARRASCO
LEED® AP: T. REID
PRODUCTION DESIGNER:
CHECKED BY:

SHEET TITLE:
SITE PLAN - SPECIAL EXCEPTION
SCALE: As indicated

SHEET NUMBER:
A-0001

6/6/2014 10:46:56 AM S:\Studio\Clients\Starbucks\Projects\VIRGINIA\13 SB 167 Fair Oaks Pad\Drawings\AlFair Oaks Mall CD's SPECIAL EXCEPTION.rvt

DESCRIPTION OF THE APPLICATION

The applicant, Starbucks Coffee Company, requests approval of a special exception to convert an existing financial institution with drive-thru to a fast food establishment with drive-thru. The site is a 4.29 acre parcel which includes an existing 2,608 square foot, two-story building, and an existing mixed-use office building. The site is zoned C-7 and H-C and is located adjacent to the Fair Oaks Mall, outside of the ring road, in the Fairfax Center Area, Sub Unit J-5. The hours of operation will be from 5:30 am to 10:00 pm daily. The maximum seating capacity of the Starbucks will be 50 patrons, and there will be no more than three to four employees on site at any one time.

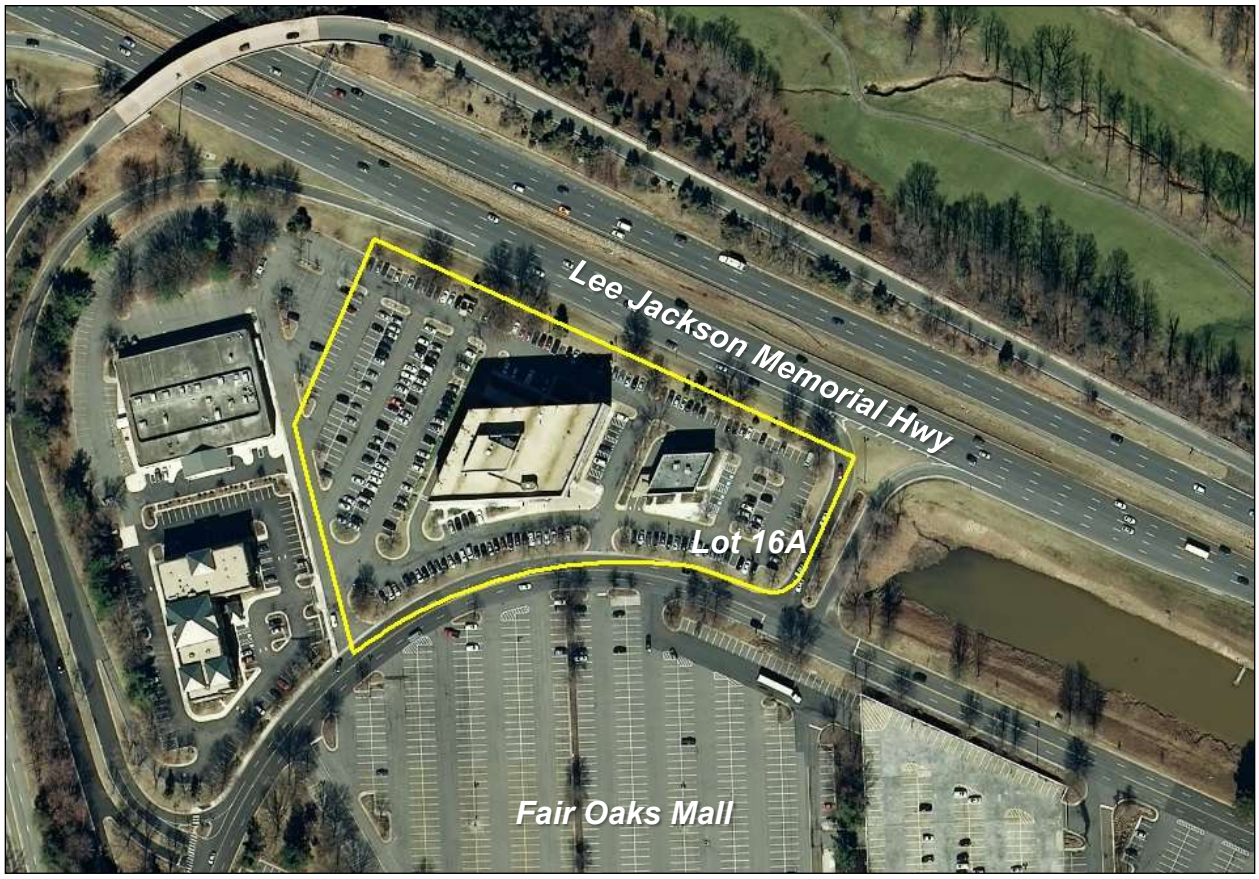

Figure 1: Existing conditions.

A reduced copy of the submitted SE Plat is included at the front of this report. Copies of the proposed development conditions, the affidavit and the applicant's statement of justification are included in Appendices 1, 2 and 3, respectively. The applicable Zoning Ordinance standards are in Appendix 5.

LOCATION AND CHARACTER

The 4.29 acre property is located on the outside of the ring road of Fair Oaks Mall, which is accessed by Lee Jackson Memorial Highway. The application property contains two existing office buildings. One is a mixed-use office building, which will remain unchanged by the application, and the second is a former financial institution, which will house the fast food with drive-thru on the first floor and offices on the second floor. Lee Jackson Memorial Highway runs to the north of the property, while the mall is to the south; to the west are the Extended Stay America Hotel and the Waterford at Fair Oaks; and to the east is a large stormwater management wet pond.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Penderbrook Golf Club	PDH-8	Fairfax Center Area
South	Fair Oaks Mall	C-7	Fairfax Center Area
East	Marriott Hotel	C-7	Fairfax Center Area
West	Extended Stay America Hotel Waterford at Fair Oaks	C-7	Fairfax Center Area

Figure 2: Surrounding uses.

WAIVERS AND MODIFICATIONS REQUESTED:

The applicant has requested a waiver of the site plan, which is discussed in further detail on page seven of this report.

BACKGROUND

On June 14, 1976, the Board of Supervisors approved RZ 74-2-008 in the name of Fairfax Associates, rezoning 137.6 acres from the RE-1 and RE-0.5 to the C-D and C-7 Districts. Copies of this approval are available with the Zoning Evaluation Division of the Department of Planning and Zoning as well as at the following link: http://ldsnet.fairfaxcounty.gov/ldsnet/ZAPSMain.aspx?cde=RZ&seq=3000428.

On December 15, 1980, the Board of Supervisors approved SE 80-S-111 in the name of Fairfax Associates, to permit a drive-in bank, subject to approved development conditions. Copies of this approval are available with the Zoning Evaluation Division of the Department of Planning and Zoning.

DESCRIPTION OF PROPOSAL:

Special Exception Plat (SE Plat): (Reduced copy at front of staff report)

Title of SE Plat:	Site Plan- Special Exception
Prepared by:	Soos & Associates, Inc.
Original and Revision Dates:	December 2, 2013 June 5, 2014
Plat Description:	The Special Exception Plat (SE Plat) consists of one sheet

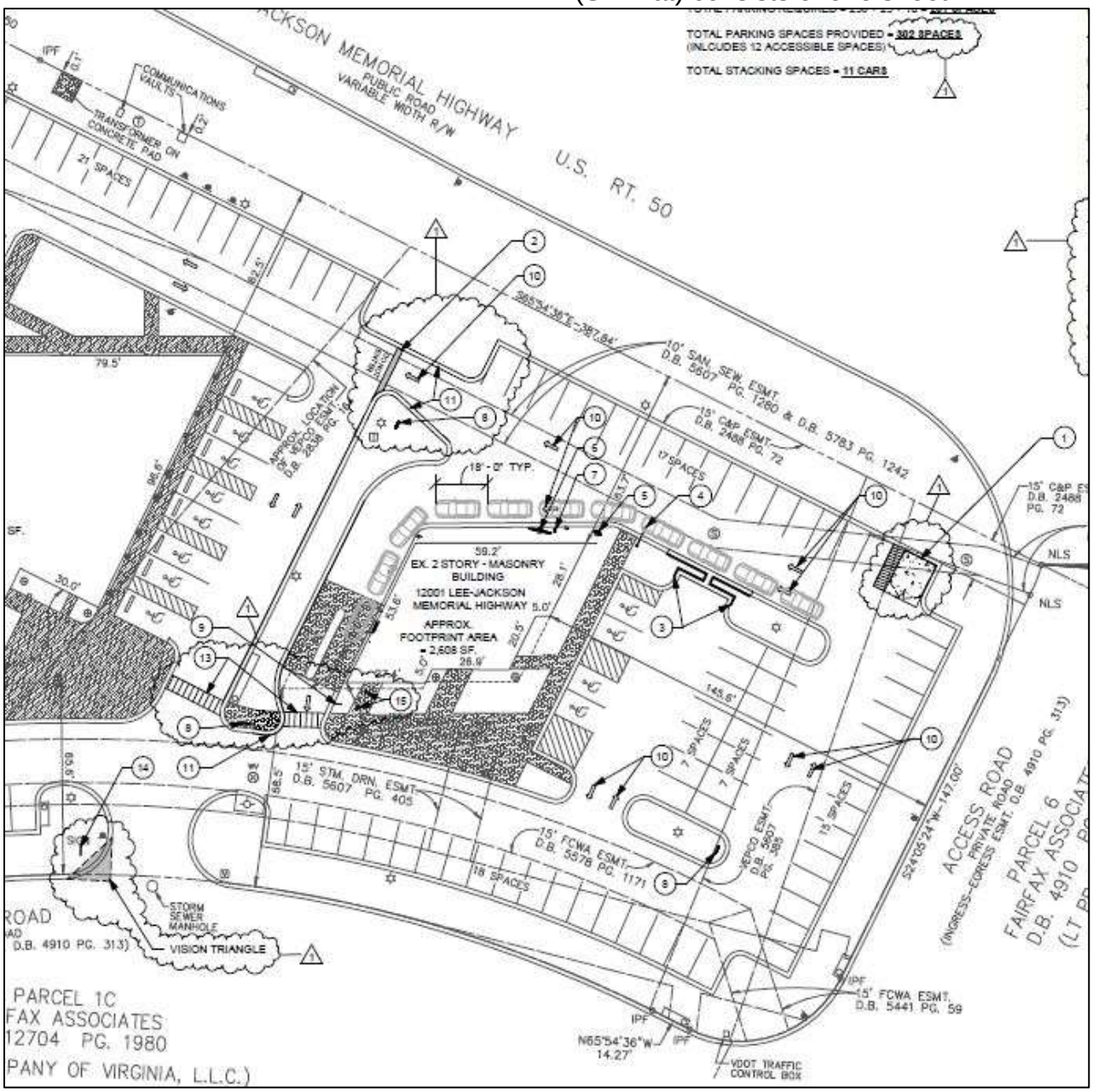

Figure 3: Detail of the Proposed SE Use

***Operational* Details:**

The number of employees at any one time will not exceed three to four, and the hours of operation will be limited to 5:30 a.m. to 10 p.m. daily, for both the fast food and drive-thru uses. The café will serve coffee and espresso beverages, blended beverages, pre-packaged food items, and warmed pastries. The seating capacity for the café is 50, and there is no proposed outdoor seating.

As a temporary measure, while the existing structure is undergoing renovation, the applicant has also requested the ability to store and operate two food trailers on-site. One trailer will be used to serve beverages, and the other trailer will be used for storage of items such as cups and ingredients. These trailers will have one employee, no seating, and will operate from 5:30 a.m. to 7:00 p.m. daily. Existing parking can accommodate the use. These trailers will be removed from the site prior to the issuance of a Non Residential Use Permit for the fast food use. Staff has discussed these trailers with Zoning Administration, and staff has no objections to the use. A development condition addressing the food trailers has been included. (Exhibit B further details the potential trailers).

Access, Circulation and Parking:

The proposed use fronts on the ring road of the mall, and access to the site is achieved via one full-movement access point along the ring road. This entrance is also used to access the office building that shares the site, but this building can also be accessed through another entrance along the ring road. The fast food use features a drive-thru window, which is located on the western side of the building. The stacking lane for the drive-thru is planned to accommodate 11 vehicles. Parking is available throughout the site, and 302 parking spaces are available for the use of the proposed Starbucks and the adjacent office building. Twelve spaces are reserved as ADA accessible. Pedestrian crosswalks are located from the adjacent office building, as well as throughout the site to better direct foot traffic.

COMPREHENSIVE PLAN PROVISIONS (See Appendix 4)

Plan Area:	Area III
Planning District:	Springfield Planning District
Planning Sector:	Legato Planning Sector
Special Area:	Fairfax Center Area: Land Unit J-5

The Comprehensive Plan Map shows this property as part of the Fairfax Center Area, which is further described in specific Plan text recommendations. The Comprehensive Plan recommends this site to be planned for retail, hotel, and office uses at the Overlay level. Relevant Plan text can be found in Appendix 4.

ZONING ORDINANCE PROVISIONS

The subject parcel is zoned C-7 and is in a Highway Corridor Overlay District. Per the Zoning Ordinance, Par. 1 of Section 7-705, a fast food restaurant would be permissible by-right in a C-7 district, if such use did not include a drive-thru facility. The current proposal, which includes a drive-thru facility, is only permissible as a Category 5 special exception use in these districts as listed in Par. 4 of Sect. 4-704, and pursuant to Par. 11 of Sect. 9-501 and Par. 2 of Sect. 9-502 of the Ordinance. As there is no change in the previously approved 0.48 FAR, no modifications to the building footprint or open space, and only minor site disturbances, the current proposal continues to meet all previously approved standards for a C-7 district.

Overlay District Requirements

- Highway Corridor (HC) (Sect. 7-600)
  A drive-thru fast food facility is subject to the requirements and use limitations as discussed by Section 7-608 of the Zoning Ordinance.

Parking		
	Required	**Provided**
Parking Spaces	**Fast Food:** 25 spaces (1 per every 2 seats) **Office <50,000 SF:** 10 Spaces (3.6 spaces per 1,000 SF) **Office 50,000SF-125,000 SF:** 256 spaces (3 spaces per 1,000 SF) **Total Required: 291**	302 Spaces
Loading Spaces	11 stacking spaces with min. of 5 for ordering stations	11 Stacking

Parking Standards (Par. 5 of Sect 11-104)

The Zoning Ordinance requires 291 spaces for the mix of uses on this site, and 302 parking spaces exist. Twelve of these existing spaces are designated as accessible, meeting ADA guidelines.

The ordinance also requires a minimum number of vehicle stacking spaces at drive-thru windows of fast food restaurants, to reduce the possibility of onsite circulation problems. The proposal exceeds the requirement of five stacking spaces in front of the ordering window, allowing for eleven stacking spaces in the drive-thru area.

Waivers and Modifications:

The applicant has requested a waiver of the site plan. Since less than 250 square feet of the site is proposed to be disturbed with this request, a site plan will not be required. According to Section 17-104 of the Zoning Ordinance, additions and alterations to existing uses that do not exceed 250 square feet of gross floor area or disturbed area are not required to provide a site plan or a minor site plan. Since the only disturbances proposed include a window opening, minor curb extensions to better direct circulation, and a dumpster enclosure, staff believes a site plan or minor site plan will not be required. The plans meet the requirements for uses exempt from a site plan or minor site plan set forth in the Zoning Ordinance, Section 17-104.

OTHER ZONING ORDINANCE REQUIREMENTS:

General Special Exception Standards (Sect. 9-006)

All special exception uses shall satisfy the following general standards:

General Standards 1 and 2 requires that the proposed use at the specified location “be in harmony with the adopted Comprehensive Plan” and “with the general purpose and intent of the applicable zoning district regulations”. Staff finds that the proposed fast food restaurant with drive-thru will be in harmony with the Comprehensive Plan and the purpose and intent of the C-7 district, which supports regional-serving retail and commercial development. Staff believes that the drive-thru fast food restaurant, which is an adaptive re-use of an existing office building, will provide coordinated access and parking and will not negatively affect the existing surrounding uses in the area.

General Standard 3 states that the proposed use shall “be harmonious with and not adversely affect the use or development of neighboring properties”. This standard also requires that “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 proposed reuse of the former financial institution building and drive-thru as a drive-thru fast food restaurant is not anticipated to create adverse impacts on the surrounding properties. The proposed use is consistent with the types of neighboring uses, and it will reuse the existing financial institution structure and drive-thru. This application is also consistent

with the Policy Plan Green Energy Policy, which encourages adaptive reuse. Staff believes that the proposed plan, subject to the included development conditions, would meet this standard.

General Standard 4 requires *"that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing or anticipated traffic"*. While the proposed use has a higher trip generation rate, the applicant has made necessary improvements to successfully accommodate the increase, such as directional arrows, curb extensions, and parking striping. In addition, the applicant has increased the pedestrian connectivity between this use and the adjacent office building through striped pedestrian walkways. Staff has concluded that the proposed plan meets this standard.

General Standard 5 stipulates that *"the Board shall require landscaping and screening in accordance with the provisions of Article 13".* With minimal land disturbance and no changes to the existing footprint, no new vegetation is proposed on this site. Existing vegetation exists along Route 50 as well as throughout the site, and the only adjacent uses requiring transitional screening are located north of Route 50 (golf course). A reaffirmation of the existing modification of transitional screening is requested.

General Standard 6 stipulates that *"open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located".* In this proposal, there is no change in previously approved open space. No new changes or modifications are proposed that would have any impact on existing open space. The proposed minor site alterations that include a dumpster enclosure and minor curb extensions only impact existing impervious areas. The proposal continues to meet this standard.

General Standard 7 states that *"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".* Currently, the existing 302 parking spaces on the site exceed the required 291 spaces. The existing 11 stacking spaces also meet the 11 spaces required. Twelve ADA accessible spaces also exist, satisfying the requirement of nine spaces. All utilities are currently in place and no modifications are proposed.

General Standard 8 specifies that *"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".* The applicant has stated that a new tenant signage will be submitted for approval separately from this SE application, and it will comply with Article 12 of the Zoning Ordinance.

Standards for All Category 5 Uses (Sect. 9-503)

This application is also subject to the three additional standards for all Category 5 special exception uses, which require conformance with the lot size and bulk

regulations of the Zoning Ordinance, the performance standards specified in the applicable zoning district, and Article 17 of the Zoning Ordinance, which concerns site plans. With imposition of the proposed development conditions, staff believes that these standards would be met.

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 (Sect. 9-505)

Fast food restaurants, when permitted by special exception, must also satisfy the following additional standards:

Standard A stipulates that "such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated". The current building is similar in nature to the adjacent parcels, and all four sides are similar in treatment, materials, and color. There will be no modifications to the exterior of the existing structure or building façade, with the exception of new signage, which will be submitted as a separate plan at a later date. Staff believes this standard has been met.

Standard B states that the use "shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties". Per FDCOT request, the applicant has provided plans detailing pedestrian circulation throughout the entirety of the site, which includes the adjacent office building. The vehicular circulation has also been detailed in the submitted SE plat. Pedestrian and traffic circulation patterns are clearly marked through striping, signage, and minor curb extensions. This application has met the standard.

Standard C specifies that "the site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation", and that "parking and stacking spaces shall be located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site". As previously discussed, all circulation patterns and parking and stacking are clearly delineated on the site. With only one drive-thru window provided, vehicular conflict is minimized. Stacking has been planned to accommodate the expected number of patrons, and FCDOT agrees with the planned bypass drive-thru lane to allow for improved circulation on this portion of the site. The current traffic pattern is in conformance with future plans for the ring road. Staff concurs that the proposal meets this standard.

Standard D states that "the lot must be 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". FCDOT review has determined that the existing parking and lot size will be able to accommodate the use. At peak hours, the estimated trip generation is expected to be between 90

and 100 trips per hour. With ample stacking and parking spaces, this standard has been met. Also, as there are no nearby residential areas, there will be no adverse effects on existing or planned residential areas.

Standard E applies to drive-through pharmacies; therefore, this standard is not applicable to this application.

ANALYSIS

Land Use Analysis

As there are no proposed modifications to the existing building, and there is very little land disturbance proposed, there are no land use issues with the application.

Transportation Analysis (Attachment 6)

The transportation analysis memorandum dated June 16, 2014 is based on the plan dated June 5, 2014. Following review by FCDOT, the applicant has addressed all previous concerns and requirements, and FCDOT has no issues with the current plans.

Environmental Analysis

As there are no proposed site modifications to the existing building, and there is very little land disturbance proposed, there are no environmental issues with the application.

Urban Forestry Analysis

As there are no proposed site modifications to the existing building, and there is very little land disturbance proposed, the comments related to forestry involve potential future signage associated with the property. Staff noted that signs should be located outside of the structural root zone of trees. Also, staff requires specifications for root pruning to minimize impacts to the root zones of existing trees. These notes can be found in Attachment 7, and a development condition has been included to address these issues.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The proposed re-use of a former financial institution with drive-thru for a drive-thru fast food establishment on the subject property will be consistent with the surrounding uses, and it will not adversely impact the site or neighboring properties. Staff concludes that the subject application is in harmony with the

Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1.

Staff Recommendations

Staff recommends approval of SE 2014-SP-011, subject to the Proposed Development Conditions contained in Appendix 1.

Staff recommends approval of a waiver of the site plan requirements, as minimal site disturbance is proposed, and a reaffirmation of the modification of transitional screening in favor of existing vegetation.

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

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

APPENDICES

1. Proposed Development Conditions
2. Special Exception Affidavit
3. Statement of Justification
4. Comprehensive Plan Provisions
5. Zoning Ordinance Provisions
6. FCDOT—Transportation Comments
7. Urban Forestry Memorandum
8. Glossary of Terms

APPENDIX 1

PROPOSED DEVELOPMENT CONDITIONS

SE 2014-SP-011

July 10, 2014

If it is the intent of the Board of Supervisors to approve SE 2014-SP-011 located at Tax Map 46-3 ((8)) 16A for a fast food establishment with drive-thru pursuant to Section 9-601 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat, as qualified by these development conditions.

3. This Special Exception is subject to the provision of Article 17, Site Plans as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Fair Oaks Mall Site Plan-Special Exception", consisting of one sheet and prepared by Soos & Associates, Inc., which is dated December 12, 2013 and revised through June 5, 2014, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

4. A copy of this Special Exception Permit SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

5. Any signage associated with the use shall be located outside of the structural root zone of the trees. The structural root zone is defined as a radius of three (3) feet from the base of the tree for each foot of trunk diameter measured at 4.5 feet above existing grade.

6. Where roots one inch or greater in diameter are encountered during any excavation, they shall be cut cleanly at the limits of the excavation. Cuts shall be made using a handsaw or lopping shears.

7. Prior to obtaining the Non-Residential Use Permit, the applicant shall make the noted changes to the pedestrian crosswalk striping and curb extensions on-site as shown in the Pedestrian Striping Plan (Exhibit A).

8. As a temporary measure, while the existing building is being renovated, the applicant may operate and store up to two food trailers on-site that are consistent with Exhibit B. Prior to the issuance of a Non-Residential Use Permit, the applicant shall remove all trailers.

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 upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 9-601 of the Zoning Ordinance, this special exception shall automatically expire, without notice, 30 months after the date of approval unless the use has been established as outlined above. The Board of Supervisors may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the it amount of time requested and an explanation of why additional time is required.

County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: June 20, 2014

TO: Casey Gresham, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Jo Ellen Groves, Paralegal
Office of the County Attorney

SUBJECT: Affidavit

Applicant: Starbucks Coffee Company
PC Hearing Date: 7/24/14
BOS Hearing Date: 7/29/14

REF.: 124868

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 6/19/14, which bears my initials and is numbered 124868, when you prepare the staff report.

Thank you for your cooperation.

Attachment
cc: (w/attach) Jonathan Buono, Planning Technician I (Sent via e-mail)
Zoning Evaluation Division
Department of Planning and Zoning

\\s17PROLAWPGC01\Documents\124868\JEG\Affidavits\612313.doc

SPECIAL EXCEPTION AFFIDAVIT

DATE: 06-19-14
(enter date affidavit is notarized)

I, Claudia M. Humphrey, do hereby state that I am an
(enter name of applicant or authorized agent)

124868

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

in Application No.(s): SE 2014-SP-011
(enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	**ADDRESS** (enter number, street, city, state, and zip code)	**RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above)
Starbucks Coffee Company (also known as Starbucks, Starbucks Corporation, and Starbucks Coffee)	2401 Utah Avenue South Seattle, Washington 98134	Applicant/Lessee
Agents: Jim Terry Shane Williams Heath Design Group, Inc. (see below)		Agent for Lessee
Streetsense Retail Advisors LLC Agent:Angie Trosper	3 Bethesda Metro Center #140 Bethesda, MD 20814	Real Estate Broker for Lessee
Heath Design Group, Inc. Agents: Brian D. Laug & Claudia M. Humphrey	516 North Charles Street Suite 500 Baltimore, MD 21201	Agent for Lessee
Guardian Realty Management, Inc. Agent: William F. Carbaugh	6000 Executive Boulevard Suite 400 North Bethesda, MD 20852	Agent for Title Owner/Lessor

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

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

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

Special Exception Attachment to Par. 1(a)

DATE: 06-19-14
(enter date affidavit is notarized)

124868

for Application No. (s): SE 2014-SP-011
(enter County-assigned application number (s))

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

NAME (enter first name, middle initial, and last name)	**ADDRESS** (enter number, street, city, state, and zip code)	**RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above)
LPC Commercial Services, Inc. Agent: Lincoln Property Company	2000 McKinney Avenue Suite 1000 Dallas, TX 75201	Real Estate Broker for Owner
Lincoln Property Company Agent: Thomas L.P. Jackman	1530 Wilson Blvd Suite 200 Arlington, VA 22203	Real Estate Broker for Owner
Oaks Associates Limited Partnership Agent: Guardian Realty Management, Inc.	6000 Executive Boulevard Suite 400 North Bethesda, MD 20852	Title Owner/Lessor
Guardian Realty Investments, LLLP Agent: Guardian Realty Management, Inc.	6000 Executive Boulevard Suite 400 North Bethesda, MD 20852	Agent for Title Owner/Lessor

(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: 06-19-14
(enter date affidavit is notarized)

124868

for Application No. (s): SE 2014-SP-011
(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) Starbucks Coffee Company (also known as Starbucks, Starbucks Corporation, and Starbucks Coffee)
2401 Utah Avenue South
Seattle, Washington 98134

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

124868

Special Exception Attachment to Par. 1(b)

DATE: 06/19/14
(enter date affidavit is notarized)

for Application No. (s): SE 2014-SP-011
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
LPC Commerical Services, Inc.
2000 McKinney Avenue, Suite 1000
Dallas, TX 75201

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)
Mack Pogue
William C Duvall
William Hickey

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Heath Design Group Inc.
516 North Charles Street
Suite 500
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)
Michael McGowan
Brian Laug
Vince Carran

(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.

124868

Special Exception Attachment to Par. 1(b)

DATE: 06-19-14
(enter date affidavit is notarized)

for Application No. (s): SE 2014-SP-011
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Streetsense Retail Advisors LLC
3 Bethesda Metro Center #140
Bethesda, MD 20814

DESCRIPTION OF CORPORATION: (check one statement)

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

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

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
- Streetsense LLC
3 Bethesda Metro Center #140
Bethesda, MD 20814

DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
- The Heiserman Group LLC
- Streetsense Companies

(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.

124868

Special Exception Attachment to Par. 1(b)

DATE: 06-19-14
(enter date affidavit is notarized)

for Application No. (s): SE 2014-SP-011
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
The Heiserman Group LLC
3 Bethesda Metro Center #140
Bethesda, MD 20814

DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Herbert Heiserman Sole Proprietor

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Streetsense Companies
3 Bethesda Metro Center #140
Bethesda, MD 20814

DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Marc Ratner
Guy Silverman

(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.

124868

Special Exception Attachment to Par. 1(b)

DATE: 06-19-14
(enter date affidavit is notarized)

for Application No. (s): SE 2014-SP-011
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Lincoln Property Company
1530 Wilson Blvd
Suite 200
Arlington, VA 22203

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)
Mack Pogue
William C Duvall
William Hickey

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
GA LLC
6000 Executive Boulevard
Suite 400
North Bethesda, MD 20852

DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Guardian Realty Investment LLLP its sole member
GR Holding LLLP
GRGP Inc

(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: 06-19-14
(enter date affidavit is notarized)

124868

for Application No. (s): SE 2014-SP-011
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
GRGP, Inc.
6000 Executive Boulevard
Suite 400
North Bethesda, MD 20852

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Marvin R. Lang	Sole Director
Anthony LaBarbara	President

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Guardian Realty Management, Inc.
6000 Executive Boulevard
Suite 400
North Bethesda, MD 20852

DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Marvin R. Lang
Delia Lang

(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: 06-19-14
(enter date affidavit is notarized)

1214868

for Application No. (s): SE 2014-SP-011
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Danville Management, LLC
6000 Executive Boulevard
Suite 400
North Bethesda, MD 20852

DESCRIPTION OF CORPORATION: (check one statement)

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

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

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Tuscan, LLC
6000 Executive Boulevard
Suite 400
North Bethesda, MD 20852

DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Marvin R. Lang Sole Owner

(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: 06-19-14
(enter date affidavit is notarized)

124868

for Application No. (s): SE 2014-SP-011
(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)
Oaks Associates Limited Partnership
6000 Executive Boulevard
Suite 400
North Bethesda, MD 20852

(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)**

GA LLC	General Partner
Guardian Realty Investments LLLP	Limited Partner

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

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

Special Exception Attachment to Par. 1(c)

DATE: 06/19/14
(enter date affidavit is notarized)

124868

for Application No. (s): SE 2014-SP-011
(enter County-assigned application number (s))

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

GR Holding LLLP
6000 Executive Boulevard
Suite 400
North Bethesda, MD 20852

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

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

GRGP, Inc	General Partner
Anthony LaBarbera	President
Delia Lang Irrevocable Trust #1 (beneficiary Delia Lang)	
Trust for the benefit of Wife & Descendants of Marvin R. Lang (beneficiaries Delia Lang, Steven Lang, Brian R. Lang, and Julie D. Lang)	
Lang Family Limited Partnership (beneficiaries Tuscan LLC, Steven Lang, Brian R. Lang, and Julie D. Lang)	
Danville Associates Limited Liability Limited Partnership	
Irrevocable Trust for the benefit of Brian R. Lang and Julie D. Lang (beneficiaries Brian R. Lang and Julie D. Lang)- independent from Lang Family Limited Partnership and associated beneficiaries.	

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

124868

Special Exception Attachment to Par. 1(c)

DATE: 06-19-14
(enter date affidavit is notarized)

for Application No. (s): SE 2014-SP-011
(enter County-assigned application number (s))

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

Danville Associates Limited Liability Limited Partnership
6000 Executive Boulevard
Suite 400
North Bethesda, MD 20852

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

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

Danville Management, LLC

Tuscan, LLC

Irrevocable Trust For the Benefit of Steven Lang (sole beneficiary is Steven Lang)

Irrevocable Trust For the Benefit of Julie Lang (sole beneficiary is Julie D. Lang)

Irrevocable Trust For the Benefit of Brian Lang (sole beneficiary is Brian R. Lang)

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

Special Exception Attachment to Par. 1(c)

1248168

DATE: 06-19-14
(enter date affidavit is notarized)

for Application No. (s): SE 2014-SP-011
(enter County-assigned application number (s))

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

Guardian Realty Investments, LLLP
6000 Executive Boulevard
Suite 400
North Bethesda, MD 20852

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

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

GR Holding LLLP	General Partner
GRGP Inc	General Partner

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

Special Exception Attachment to Par. 1(c)

124868

DATE: 06-19-14
(enter date affidavit is notarized)

for Application No. (s): SE 2014-SP-011
(enter County-assigned application number (s))

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

Lang Family Limited Partnership
6000 Executive Boulevard
Suite 400
North Bethesda, MD 20852

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

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

Tuscan, LLC

Irrevocable Trust For the Benefit of Steven Lang (sole beneficiary is Steven Lang)

Irrevocable Trust For the Benefit of Julie Lang (sole beneficiary is Julie D. Lang)

Irrevocable Trust For the Benefit of Brian Lang (sole beneficiary is Brian R. Lang)

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

124868

SPECIAL EXCEPTION AFFIDAVIT

DATE: 06-19-14
(enter date affidavit is notarized)

for Application No. (s): SE 2014-SP-011
(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.

Application No.(s): SE 2014-SP-011

(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

124868

DATE: 06-19-14

(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: CM Humphrey

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

Claudia M. Humphrey, Project Designer

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

Subscribed and sworn to before me this 19th day of June 2014, in the State/Comm. of Maryland, County/City of Carroll.

Notary Public

My commission expires: 1/26/2015

GINA HISE NOTARY PUBLIC EXP. JAN. 26, 2015 CARROLL COUNTY, MD

Heath Design Group
ARCHITECTURE AND INTERIORS

December 11, 2013
Revised February 18, 2014
Revised March 19, 2014

Fairfax County Department of Planning and Zoning
Kris Abrahamson
12055 Government Center Parkway
Suite 730
Fairfax, Virginia 22035

Re: Starbucks
12001 Lee Jackson Memorial Highway
Fairfax, VA 22033
Tax Map # 0463 08 0016A
Zoning District C-7, H-C overlay

Dear Ms. Abrahamson:

On behalf of the tenant listed above, we offer the following statement of justification for special exception application:

The existing pad site, located at the above-mentioned address, is a former financial institution with drive-thru. The special exception is requested in conformance with Article 9, Section 601 of the zoning regulations of Fairfax County with reference to a fast food establishment with drive-thru within a highway corridor overlay district. Fast food establishments are a permitted use by right within the zoning district, but it is recognized that a special exception is required to grant use of the space with drive-thru operation.

The café's proposed hours of operation are 5:30am to 10pm, 7 days a week, and will serve coffee & espresso beverages, blended beverages, pre-packaged food items, and warmed pastries. The seating capacity for the café is 50, and does not propose use of outdoor seating. The number of employees will be 3-4 persons. There is no impact on traffic as the result of this change of use and proposed operation within the immediate market area served at Fair Oaks. Modifications are proposed to the existing site to accommodate a larger car stack as required by current zoning regulations for fast food establishments with drive-thru.

The proposed alteration includes reuse of the existing drive-thru aisle and queue area, as well as window opening. There is no proposed modification to existing green space, stormwater management, or site access. A limited disturbance to the existing parking area will be required to accommodate a new dumpster enclosure as shown on the provided site plan. There will be no modifications to the existing

516 N. Charles Street, Suite 500 • Baltimore, Maryland 21201 • p: 410.752.2700 • f: 410.752.2752 • www.heathdesigngroup.com

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ARCHITECTURE AND INTERIORS

structure or building façade with the exception of new tenant signage, which will be submitted for approval separately.

Per our earlier conversations, the proposed use conforms to the intent of the zoning regulations and terms required for special exception approval within the C-7 zoning district. The package hereafter includes photographs of the existing site conditions, proposed site plan alterations with parking calculations, application affidavits, and disclosure information necessary for the property address listed above.

For additional consideration, we also offer the following information regarding traffic impact associated with the proposed alteration:

The 2,608 GSF first floor café space with drive-thru window is estimated to generate a total of 2,135 average daily trips. The outlined trip generation threshold of 5,000 new daily vehicle trips as identified in VDOT's Traffic Impact Analysis Regulations Administrative Guidelines is not exceeded by the proposed alteration, and therefore not considered a "substantial impact" to the transportation network and except from Chapter 870 compliance requirements.

On a typical weekday, Starbucks would generate approximately 262 AM peak hour trips (134 inbound and 128 outbound) and 112 PM peak hour trips (56 inbound and 56 outbound) during the corresponding peak hours of the adjacent street.

The existing entitlement for a 2,608 GSF drive-in bank, which is the previous occupancy classification for the tenant space in question, would generate a total of 386 average daily trips. Therefore, the proposed Starbucks' daily trip generation would theoretically be 1,749 net average daily trips, which is 386 fewer trips than a new Starbucks of the same size.

Full report details are available within separately attached report generated by Priyatham Konda, PE of Wells & Associates, Inc. This report has also been provided directly to Angela K. Rodeheaver at Fairfax County Department of Transportation for review.

If you have any additional questions or comments, please contact me at 410-752-2700.

Sincerely,

CHHumphrey

Claudia Humphrey
HEATH DESIGN GROUP

516 N. Charles Street, Suite 500 • Baltimore, Maryland 21201 • p: 410.752.2700 • f: 410.752.2752 • www.heathdesigngroup.com

- Coordinated development with adjacent development in Sub-unit J2 is encouraged, if feasible, to provide a second point of access to Sub-unit J3 and continuous pedestrian facilities on-site.

High-quality office use may be considered as an option up to 1.0 FAR at the overlay, comparable to that found in the adjacent Sub-unit J2, under the following conditions:

- Provide site and building design that mitigates the negative impacts of office use on the adjacent residential use, including, but not limited to, landscaping, buffering, and screening.
- Provide pedestrian facilities and landscaping on the frontage along Legato Road.
- Coordinated development with adjacent development in Sub-unit J2 is encouraged, if feasible, to provide a second point of access to Sub-unit J3 and continuous pedestrian facilities on-site.

Sub-unit J4

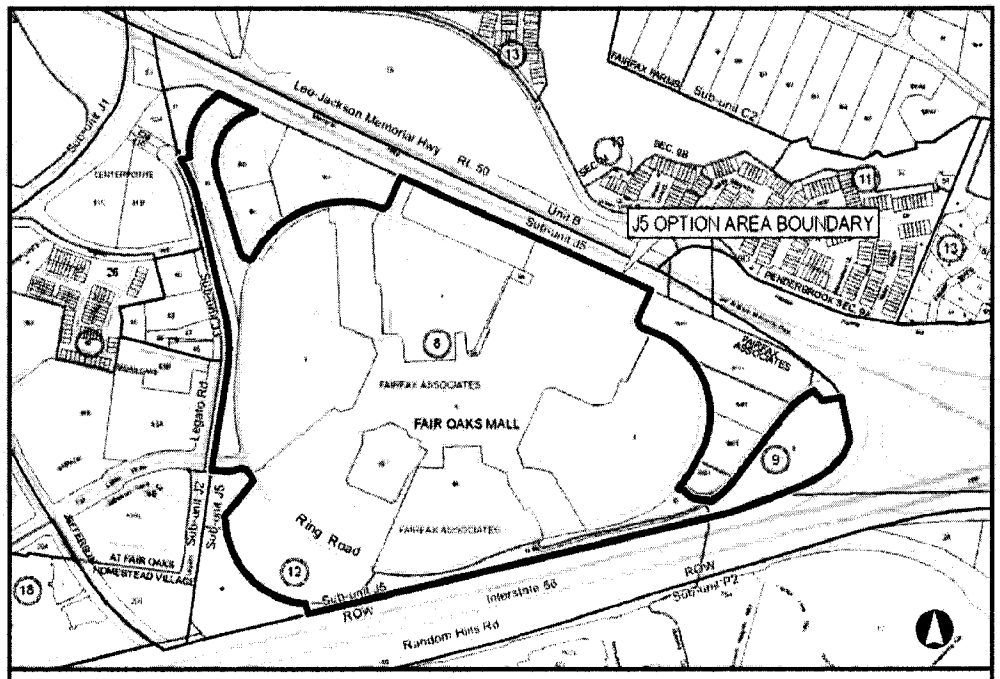
This sub-unit is planned for office mixed-use development at .50 FAR at the overlay level.

Sub-unit J5

Sub-unit J5 consists of approximately 133 acres and contains the Fair Oaks regional mall at its center and several office buildings and hotels around its perimeter. A Metrorail station is planned to be constructed along I-66 with a pedestrian connection to the sub-unit. Subject to adoption by the Board of Supervisors, a Bus Rapid Transit (BRT) system may be constructed as an interim or alternative transit mode. The BRT system, if deemed appropriate, would potentially extend westward toward the county line and potentially into Prince William County from the Vienna Metrorail station or points east. BRT is defined as a system operating in the median of I-66 in an exclusive lane, segregated from the public traffic on I-66. The system would be served by stations similar to Metrorail with bridge connections to adjacent parcels. Service would consist of larger buses such as articulated buses. BRT is a higher quality system than the express bus or bus priority system as recommended in the 2010 Virginia Department of Rail and Public Transit's (DRPT) I-66 Transit/Transit Demand Management (TDM) study.

Sub-unit J5 is planned at the Overlay level up to 0.65 FAR overall. The 109.5-acre portion of the sub-unit that contains the Fair Oaks Mall property ("mall property"), as shown on Figure 15, is planned for residential, retail, hotel, and office uses at the Overlay level, which equates to approximately 3.1 million square feet of development. The approximately 24-acre remainder of the sub-unit is planned for retail, hotel and office uses at the Overlay level. As an interim phase in the Overlay level, the mall property is planned for retail and office uses up to an intensity of 0.50 FAR. Redevelopment at the interim phase should meet the development elements and the performance criteria recommended at the Overlay level.

As options at the Overlay level, development on the mall property may be increased up to 3.8 million square feet (an intensity of up to 0.80 FAR) subject to adoption and funding of a BRT system ("BRT Option") and increased up to 4.8 million square feet (an intensity of up to 1.0 FAR), subject to funding of the planned extension of Metrorail along I-66 in the vicinity of the



Overlay level option area within Sub-unit J5

FIGURE 15

mall ("Metrorail Option"). The majority of the development under the Metrorail Option should be concentrated near the planned transit station within approximately ¼ mile of the platform. As redevelopment occurs across the mall property, the cumulative total square feet should not prevent the potential for the most intense development from being located near the station.

While preserving the sub-unit's role as a regional retail center, redevelopment of the sub-unit and the mall property, in particular, presents an opportunity to transform the auto-oriented, suburban-style character of the sub-unit into an inter-connected, urban-style, transit and pedestrian-friendly place. In order to achieve this goal, the ultimate vision for redevelopment should be defined at the earliest phase of redevelopment through a conceptual circulation plan. The plan should ensure that any redevelopment works toward achieving the ultimate goal of an integrated, transit-oriented development. If redevelopment includes individual development phases, a logical phasing plan should be part of any redevelopment proposal to demonstrate how ultimate development at the greatest planned intensity will achieve Comprehensive Plan goals.

Circulation into, around, and through the mall property, connecting to land uses on the periphery of the mall property and outside the land unit, should be the primary component of conceptual plan. The central location of the mall in the sub-unit and its spoke-like design present a challenge for movement, particularly for pedestrians. The future vision should identify multi-modal corridors of movement and how connections will be improved or enhanced to safely accommodate pedestrians, bicyclists, and transit in the sub-unit. Vehicular and pedestrian conflicts at intersections should be identified, and the needs balanced or prioritized. The design should bring the internal activity and vibrancy of the mall outward to the surrounding streetscapes of the new development by extending mall corridors outward to the new roadways. The circulation pattern should be logical and cohesive and recognize that the most direct connection across the site will occur through the mall building.

The vision should be realized through a synergistic mixture of land uses and a coordinated design. The retail use in the mall may expand up to two million square feet under the Overlay or Overlay Option levels. Initially, the mall's retail use should comprise the majority of the total development. As redevelopment occurs under the options on the mall property, the land use components should shift such that the mall square footage should become less of the total development, and the new development on the mall property at the Metrorail Option becomes the majority of the total square feet. Under the Metrorail Option, the residential component should be generally 30 percent of the total development, and the retail use of the mall should be generally 40 percent of the total development.

Residential uses should be designed and located in a manner that reduces the traffic-related noise impact on such uses, as per county policy. Retail uses, exclusive of the mall, should be conveniently located in the ground-floor of buildings in order to serve the residents and employees, animate the street, and promote pedestrian activity. The retail uses also should be located strategically to take advantage of visibility and promote walkability, at such areas as prominent entryways, corridors, or public plazas. Residents, employees, and visitors should have convenient access to urban parks, open space, recreational space, and other services. A network and hierarchy of open spaces and urban parks should be established per county policy.

The building orientation and site layout should contribute to the connectivity internal to the mall property, encourage walkability, and create a pedestrian-scaled environment. Block sizes should be compact with buildings located close to one another and aligned with and oriented to the street. A variety of building heights, massing, and articulation should be provided to create visual interest along the street and minimize sun shading of the street or adjacent parcels by tall structures. Loading areas, blank walls, and rear-facades should be treated in ways that do not detract from an urban street experience. Redevelopment along the perimeter of the mall property should be inviting and designed to relate to the neighboring uses. Entryways, including the Fair Lakes Parkway and the planned transit station, should contain notable gateway features, such as public art, plazas, landscape features, or interesting architecture to mark the threshold of the development. Signage or other wayfinding devices should be incorporated as gateways features and installed as part of a comprehensive wayfinding plan to facilitate easy movement around the property. The architecture, landscaping, signage, and materials should establish unified design themes at the earliest phase of development.

Improvements to roadways, streetscapes, and intersections may be phased as development builds out. These improvements should enhance non-motorized physical connections and to ensure safe usage for pedestrians, bicyclists, drivers, and transit riders of all ages and abilities. Sidewalks, bicycle lanes, or bicycle signage indicating that the road is shared with bicyclists should be constructed in accordance with the circulation plan as implemented through the phasing plan. Streetscapes should be animated and attractive through the usage of storefront

windows with browsing areas, entrances, landscaping, plazas, unique paving materials, outdoor cafes, seating areas, and other street furniture or amenities. Roads that are privately owned and/or maintained should be designed to provide mobility for vehicle, pedestrians, and cyclists. The ability of transit service to operate within the sub-unit should remain.

Parking should be consolidated into structures, under-ground or above ground, and integrated into the streetscape in order to minimize, if not eliminate, surface parking lots. On-street and underground parking with short-term on-street parking for the retail stores should be given preference over other forms of parking. Structured parking should be located behind buildings or, if visible from the street, screened or treated in a manner that contributes to the visual appeal of the streetscape. If surface lots must be utilized, redesign and consolidation is encouraged to accommodate space for trees and other landscaping features. Creative approaches to reduce the amount of required parking provided, such as shared parking strategies or parking maximums should be considered.

In anticipation of the transit station, the design and circulation on the mall property should promote connectivity throughout the mall property to the transit station. Redevelopment should provide a prominent connection from the station platform to the mall with the highest intensities located near the station platform and this connection. The connection should include street-level retail uses, cafes, or an urban park. A central plaza or park also may be a component of this linkage or located elsewhere on the site. This central feature should contribute to the distinct identity of the place and serve as a main attraction and foundation for a network of urban parks throughout the development. Facilities for the transit station users such as shelters, real time information displays, bus bays, bicycle racks, kiss and ride, or other related facilities and improvements, should be provided. When the BRT or Metrorail station becomes operational, the mall should provide a level of access through the building taking into account the operational aspects of the mall and the transit station. The mall will retain full control over its private property and may continue to enforce its access and other policies and rights.

Non-motorized connections into the sub-unit, across the Ring Road, and to the mall should be enhanced. The Ring Road is shown on Figure 15. Crossings of the Ring Road should be improved with pedestrian-activated signals and crosswalks at a minimum. Crosswalk design should alert drivers of the crossing and may include special paving materials and striping. Crossings should be complemented by a designated walkway to the mall building and should be designed with sufficient width to avoid conflict with vehicles. Above the Intermediate level, the pedestrian pathway from Legato Road, where the north-south section of Legato Road meets the east-west section of Legato Road, should be improved to increase safety for the pedestrian and potentially accommodate bicyclists with any redevelopment. As an alternative, a new pedestrian connection from Legato Road to the crosswalk where the Lee-Jackson Memorial Highway ramps meet the Ring Road may be considered.

In addition, redevelopment above the Intermediate level should accommodate a safe pedestrian crossing from Fair Lakes Parkway, across the Ring Road, and to the mall. An extension of the sidewalks, from Legato Road along both sides of Fair Lakes Parkway is the preferred option. At a minimum, the sidewalk on at least one side of the Parkway should be extended to the Ring Road. However, if the preferred option cannot be immediately accommodated, then an interim option may be explored, involving an improvement to the existing pedestrian connection from Fair Lakes Parkway to the Ring Road, which aligns with the existing sidewalk to the mall. If neither of these options is feasible with development up to an intensity of 0.50 FAR, then another option, which accomplishes the objective of a safe, signalized, pedestrian crossing at a crosswalk in the vicinity of the Fair Lakes Parkway and the Ring

Road, may be considered as an interim improvement. Redevelopment above 0.50 FAR should improve the intersection of Fair Lakes Parkway and the Ring Road to facilitate safe pedestrian movement. Redevelopment also should consider the impacts on nearby roadways. Fair Lakes Parkway is considered the major western access, and this roadway is anticipated to continue to function as such for all modes of travel in the future. As a result, redevelopment at the earliest phase should study Fair Lakes Parkway from the Ring Road to West Ox Road to improve traffic operations, and pedestrian safety should be balanced with vehicular needs. Furthermore, above the 0.50 FAR, evaluation, including a weave analysis, should be conducted for both right-in and right-out ramps on eastbound Lee-Jackson Memorial Highway at Fair Oaks Mall to the westbound and eastbound I-66 on-ramps. This movement should be monitored and potentially mitigated as development exceeds 0.50 FAR and builds-out to the 1.0 FAR. The operations of each Lee-Jackson Memorial Highway and Ring Road intersection also should avoid queuing onto Lee-Jackson Memorial Highway for any redevelopment.

Redevelopment above the 0.65 FAR should be predicated on at least one new vehicular connection into the sub-unit. In preparation for this connection(s), any redevelopment that interacts with or impedes the landing area of the potential connection(s) should include an evaluation of the feasibility of the extensions of 1) the east-west section of Legato Road to the Ring Road; and 2) Government Center Parkway across I-66 to the Ring Road. The study should consist of the preliminary design and/or conceptual engineering, (as appropriate depending on where and what level of development is proposed), the overall site concept, the interface of development with the extension, the connection into the Ring Road, and the safe accommodation of transit, pedestrians, and bicyclists. The connections should integrate into the circulation plan for the property, and the extension of Government Center Parkway should complement and not interfere with the location of the transit station. The Government Center Parkway extension should be considered a regional and a local improvement and would require both public and private investment. The addition of this improvement to the Fairfax Center Area Road Fund listed improvements should be considered, if the study deems the improvement feasible.

If the Government Center Parkway extension is not feasible, a pedestrian bridge from the mall property to Sub-unit P2 should be considered as part of a transit system improvement as a connection for pedestrians across I-66. A pedestrian bridge would not satisfy the need for a new vehicular connection elsewhere, such as Legato Road. The bridge should not interfere with the location of the transit station and should integrate into the circulation plan for the property. The study of the bridge should take into account the timing of the construction of the BRT or the Metrorail station, which may serve a similar purpose and deem the bridge unnecessary. The addition of this improvement to the Fairfax Center Area Road Fund listed improvements should be considered.

In addition to roadway improvements and enhancements to the pedestrian environment, other strategies to reduce vehicular trips should be employed. A Transit Demand Management program should be developed and implemented in order to reduce vehicular trips with any redevelopment. Overall trip reductions with redevelopment above the Intermediate level must be at least 16%. The overall trip reductions under the BRT Option and the Metrorail Option should be 21% and 30%, respectively. The Virginia Department of Rail and Public Transit has recommended a bus priority system along the I-66 corridor as short-term transit improvement. A TDM measure could include a contribution to the bus priority system or other measures to encourage the use of the bus priority system.

Redevelopment on the mall property also should continue to allow direct local bus access to and through the site to support the existing and planned local bus service that accesses the sub-

unit. On-site facilities should be improved by constructing an enhanced transit stop to serve the local bus services. The transit stop should be located as close as possible to existing or future development in a convenient and accessible area. Facilities for the transit riders, such as shelters, real time information displays, bus bays, bicycle racks, or other related improvements, should be provided. The enhanced transit stop should be incorporated into the phasing plan that will be established in the initial phases of redevelopment.

Any redevelopment also should address impacts to other county priorities. Redevelopment should provide affordable and workforce housing through compliance with the Affordable Dwelling Unit Ordinance and other county policies. For proposals that exceed the Overlay levels, any redevelopment should exceed the recommendations of the Overlay level in regards to affordable and workforce housing. For example, the total percentage of affordable housing, both Affordable Dwelling Units plus Workforce Dwelling Units may exceed the county policy of 12% plus applicable bonus density. Furthermore, any new nonresidential development at the Overlay option levels should also make a per-square foot financial contribution to the Fairfax County Housing Trust Fund that will be used to create affordable and workforce housing opportunities. The amount and period of time should be determined at the time of rezoning development review. If nonresidential floor area is achieved through a bonus for providing affordable and workforce dwelling units, the bonus floor area should not be included when calculating the contribution amount. Ground level retail located in office, hotel, and residential buildings should also not be included when calculating the contribution amount.

Any redevelopment should incorporate green building practices and energy conservation, water conservation, and stormwater management measures in new buildings as per county policy within designated activity centers. New development should commit to county policy on green building, including certification through established green building rating systems, such as Leadership in Energy and Environmental Design program or other equivalent programs with third party certification. Any expansion or substantial renovations of the existing structure should incorporate green building features to a significant extent. Incorporation of green building features for the existing mall building should be encouraged. Redevelopment should reduce impervious surface, achieve better control over stormwater runoff, and minimize or eliminate downstream degradation to the streams in the area. Low Impact Development practices of stormwater management (e.g., bioretention facilities; vegetated swales) should be utilized towards this end. Any redevelopment above the 0.65 FAR should include exceptional commitments that exceed the county policy for stormwater management and green building.

Any redevelopment also should address the impacts of the development on surrounding parks, recreation facilities, and schools. A contribution to the construction of new athletic fields and/or upgrading existing fields at parks within the service area, the construction of master planned park facilities, and the replacement or improvement of aging park facilities at nearby parks should be made when the Overlay options are implemented. The impact to schools by the residential uses that are included in the Overlay and the Overlay options should be mitigated at each phase of development.

PART 7 4-700 C-7 REGIONAL RETAIL COMMERCIAL DISTRICT

4-701 Purpose and Intent

The C-7 District is established to provide locations for a full range of retail commercial and service uses which are oriented to serve a regional market area containing 100,000 or more persons. The district should be located adjacent to major transportation facilities, and development within the district should be encouraged in centers that are planned as a unit.

Generally, the C-7 District in a given location in the County should contain an aggregate gross floor area in excess of 1,000,000 square feet.

4-702 Permitted Uses

1. Accessory uses as permitted by Article 10.
2. Amusement arcades, limited by the provisions of Sect. 705 below.
3. Bowling alleys.
4. Business service and supply service establishments.
5. Churches, chapels, temples, synagogues and other such places of worship.
6. Colleges, universities.
7. Commercial swimming pools, tennis courts and similar courts, indoor.
8. Community clubs, centers and meeting halls.
9. Cultural centers, museums.
10. Drive-in financial institutions, limited by the provisions of Sect. 705 below.
11. Drive-through pharmacy, limited by the provisions of Sect. 705 below.
12. Eating establishments.
13. Fast food restaurants, limited by the provisions of Sect. 705 below.
14. Financial institutions.
15. Funeral homes.
16. Garment cleaning establishments.
17. Health clubs.
18. Hotels, motels.

A. Alternate uses of public facilities

B. Child care centers and nursery schools

C. Churches, chapels, temples, synagogues and other such places of worship with a child care center or nursery school

D. Conference centers and retreat houses, operated by a religious or nonprofit organization

E. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

F. Medical care facilities

G. Quasi-public parks, playgrounds, athletic fields and related facilities

H. Sports arenas, stadiums as a principal use

3. Category 4 - Transportation Facilities, limited to:

A. Bus or railroad stations

B. Electrically-powered regional rail transit facilities

C. Heliports

D. Helistops

E. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Automobile-oriented uses

B. Baseball hitting and archery ranges, outdoor

C. Car washes

D. Commercial off-street parking in Metro Station areas as a temporary use

E. Commercial recreation restaurants

F. Drive-in financial institutions

G. Drive-in motion picture theatres

H. Drive-through pharmacy

I. Drug paraphernalia establishments

J. Fast food restaurants

K. Golf courses, country clubs

L. Golf driving ranges

M. Marinas, docks and boating facilities, commercial

N. Offices

O. Pawnshops

P. Quick-service food stores

Q. Retails sales establishments-large

R. Service stations

S. Service station/mini-marts

T. Truck rental establishments

U. Vehicle light service establishments

V. Vehicle sale, rental and ancillary service establishments

W. Wholesale trade establishments

X. Establishments for scientific research and development to include assembly, integration and testing of experimental prototype products as an incidental use

4-705 Use Limitations

1. Fast food restaurants, drive-in financial institutions, quick-service food stores and vehicle light service establishments shall be permitted by right in accordance with the following:

   A. Fast food restaurants without any drive-through facilities shall be permitted by right:

      (1) When located in a shopping center, and the fast food restaurant does not occupy (a) more than 1500 square feet of gross floor area and (b) more than thirty-five (35) percent of the gross floor area of the building in which located; or

      (2) When located in a shopping center of 25,000 square feet or more of gross floor area, the fast food restaurant may occupy more than 1500 square feet but not to exceed 2500 square feet of gross floor area, provided that the fast

food restaurant does not occupy more than twenty-five (25) percent of the gross floor area of the building in which located.

B. Fast food restaurants, other than those permitted under Par. 1A above, drive-in financial institutions, and quick-service food stores shall be permitted by right when:

(1) Such use is located within a building of a shopping center, which building contains at least six (6) other uses which are not fast food restaurants other than those permitted by Par. 1A above, drive-in financial institution, or quick-service food stores; and

(2) All uses within that building are connected by party walls or partitions to form one continuous structure.

C. Vehicle light service establishments shall be permitted by right when located within the main structure of a regional shopping center.

D. For all of the above, the shopping center and the building in which such drive-in financial institution, fast food restaurant, quick-service food store or vehicle light service establishment is located shall be subject to an approved unified site plan. In addition, vehicular access to the use shall be provided only via the internal circulation system of the shopping center.

Drive-in financial institutions, fast food restaurants, quick-service food stores and vehicle light service establishments which do not meet the limitations set forth above may be allowed by special exception in accordance with the provisions of Article 9.

2. Amusement arcades shall be permitted by right only when such use is located under the roof of the main structure of a regional shopping center.

3. All business, service, storage, and display of goods shall be permitted only on the same lot with and ancillary to a permitted, special permit or special exception use. Except for 250 square feet of accessory outdoor storage and display in accordance with Sect. 17-104, the outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan. The outdoor storage and display of all goods shall be subject to Sect. 2-504 and shall be limited to goods that are customarily used outside such as fertilizers, peat moss, shrubbery, mulch and those goods permitted to be sold at a service station or service station/mini-mart.

4. All refuse shall be contained in completely enclosed facilities.

5. All uses shall comply with the performance standards set forth in Article 14.

6. Except where expressly waived by the Director because of existing physical constraints, site configuration or safety considerations which would preclude strict compliance:

A. On a corner lot, no curb cut shall be located closer than sixty (60) feet to the curb line extended of the intersecting street.

B. No curb cut, except on a service drive, shall be located closer than twenty (20) feet to a side or rear lot line, unless a common curb cut serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent land uses be less than forty (40) feet.

C. Except where frontage is on a service drive, a freestanding use shall have no more than two (2) curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of forty (40) feet between them.

7. Kennels and veterinary hospitals shall be permitted by right when located within a completely enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. In addition, the Health Department shall approve the construction and operation of all veterinary hospitals prior to issuance of any Building Permit or Non-Residential Use Permit.

8. Offices shall be permitted only subject to the following:

A. The total gross floor area devoted to office shall not exceed fifty (50) percent of the maximum floor area permitted on the lot in accordance with the maximum floor area ratio for the district; provided that an increase in office use in excess of fifty (50) percent may be permitted by the Board in accordance with the provisions of Sect. 9-515.

9. Quasi-public athletic fields and related facilities shall be permitted by right in accordance with the following:

A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;

B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;

C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;

D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;

E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;

F. Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide; and

County of Fairfax, Virginia

MEMORANDUM

DATE: June 16, 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 2014-SP-011)

SUBJECT: Transportation Impact

REFERENCE: SE 2014-SP-011: Starbucks Coffee
Traffic Zone: 1691; (Fair Oaks Mall)
Land Identification Map: 46-3 ((08)) 16A

The special exception is to establish a drive-through operation for a proposed café along the ring road of the Fair Oaks Mall. This department has reviewed the revised special exception plat dated June 5, 2014 and mentions all previous concerns have been addressed.

MAD/AKR:W: SE2014SP011Starbucks

Fairfax County Department of Transportation
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County of Fairfax, Virginia

MEMORANDUM

DATE: May 9, 2014

TO: Casey Gresham, Staff Coordinator
Zoning Evaluation Division, DPZ

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

SUBJECT: Fair Oaks Mall-Starbucks Coffee Company, SE 2014-SP-011

Upon review of the above reference application and a site inspection on May 5, 2014, it was noted that existing vegetation may come into conflict at proposed sites chosen for installation of signs.

1. **Comment:** Signs located within the structural root zones could impact existing trees.

   Recommendation: Require a general note on the plan specifying that all signs be located far enough from the trunk of nearby trees to minimize impacts to structural roots. The note should read similar to the follow: ALL SIGNS SHALL BE LOCATED OUTSIDE OF THE STRUCTURAL ROOT ZONE OF TREES. THE STRUCTURAL ROOT ZONE IS DEFINED AS A RADIUS OF THREE (3) FEET FROM THE BASE OF THE TREE FOR EACH FOOT OF TRUNK DIAMETER MEASURED AT 4.5 FEET ABOVE EXISTING GRADE.

2. **Comment:** If signs are to be mounted on concrete slabs, installation will require excavation that could potentially result in root loss and/or damage. Impacts will likely be greater where as opposed to being oriented radially from the tree. Where signs or located within the critical root zone of trees, provide details of sign installation to show proximity and direction of orientation relative to the tree. The critical root zone is defined as an area around the tree having a radius of one (1) foot for each inch of trunk diameter measured at 4.5 feet above grade.

   Recommendation: Require specifications for root pruning to minimize impacts to the root zones of existing trees. Specifications should read similar to the following: WHERE ROOTS ONE INCH OR GREAT IN DIAMETER ARE ENCOUNTERED DURING ANY EXCAVATION, THEY SHALL BE CUT CLEANLY AT THE LIMITS OF THE EXCAVATION. CUTS SHALL BE MADE USING A HANDSAW OR LOPPING SHEARS.

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