



APPLICATION ACCEPTED: August 12, 2014
PLANNING COMMISSION: December 12, 2014
BOARD OF SUPERVISORS: TBD

County of Fairfax, Virginia

November 25, 2014

STAFF REPORT

SE 2014-SP-053



SPRINGFIELD DISTRICT

APPLICANT: Rolling Valley Mall, LLC

ZONING: C-6 (Community Retail Commercial);

PARCEL: 88-2 ((1)) 4A

ACREAGE: 19.43 acres

PLAN MAP: Retail and Other Commercial

SE CATEGORY: Category 6; Waiver of Certain Sign Regulations

PROPOSAL: Request to permit an increase to the height and sign area of a freestanding shopping center sign

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2014-SP-053, subject to the proposed development conditions contained in Appendix 1.

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

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

Sharon Williams

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



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

Special Exception

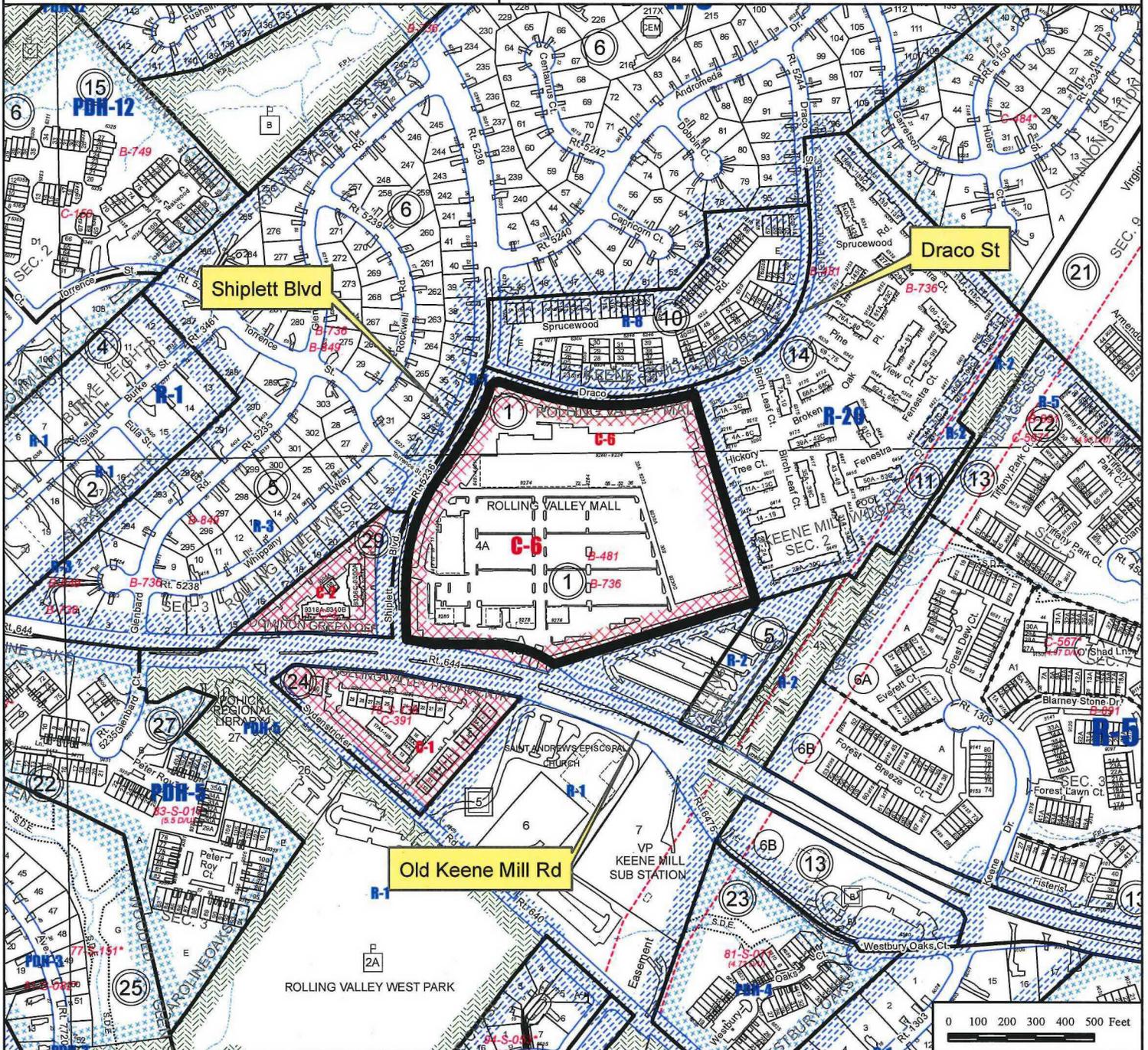
SE 2014-SP-053



Applicant: ROLLING VALLEY MALL LLC
Accepted: 08/12/2014
Proposed: WAIVER OF CERTAIN SIGN REGULATIONS
Area: 19.43 AC OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect: 09-0620
Located: 9276 OLD KEENE MILL ROAD, BURKE, VA 22015

Zoning: C-6
Plan Area: 3,
Overlay Dist:
Map Ref Num: 088-2- /01/ /0004A



SPECIAL EXCEPTION for ROLLING VALLEY MALL

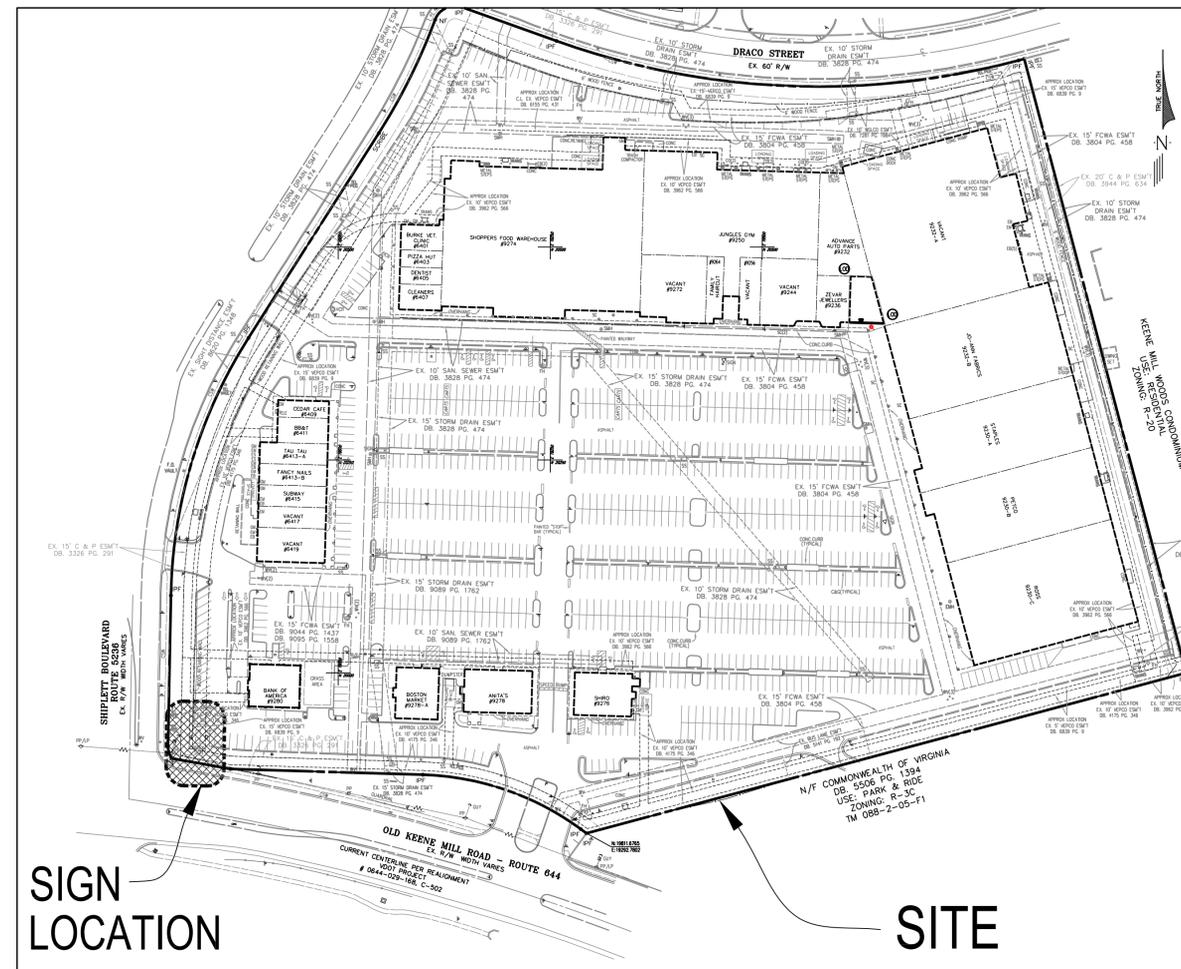
SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA

SE 2014-SP-053

APPLICANT OWNER
ROLLING VALLEY MALL, LLC (APPLICANT)
COMBINED PROPERTIES LP (OWNER)
1025 THOMAS JEFFERSON STREET NW
SUITE 700 EAST
WASHINGTON, DC 20007
CONTACT: MICHELLE NIELSEN (202.736.2807)

ATTORNEY
WALSH COLUCCI LUBELEY & WALSH, PC
2200 CLARENDON BOULEVARD, 13TH FLOOR
ARLINGTON, VA 22201
CONTACT: INDA STAGG, SENIOR URBAN PLANNER
MARTIN D. WALSH (703.528.4700)

LANDSCAPE ARCHITECT
URBAN, LTD.
7712 LITTLE RIVER TURNPIKE
ANNANDALE, VA 22003
(703) 642-8080
CONTACT: KEVIN TANKERSLEY



**SIGN
LOCATION**

SITE

VICINITY MAP
SCALE: 1" = 100'

SHEET INDEX

- 1 COVER SHEET
- 2 SITE PLAN, ELEVATION and NOTES
- 3 SIGN COMPARISON

GENERAL NOTES

1. THE PROPERTY THAT IS SUBJECT TO THIS SPECIAL EXCEPTION IS IDENTIFIED ON FAIRFAX COUNTY TAX MAP RECORDS AS TM 088-2-01-0004-A, AND IS ZONED C-6 COMMERCIAL. THIS SPECIAL EXCEPTION (SE) IS SOLELY TO REQUEST AN INCREASE IN THE HEIGHT AND SIGN AREA FOR A PROPOSED FREESTANDING SIGN FOR THE ROLLING VALLEY MALL. ALL OTHER EXISTING STRUCTURES ARE TO BE RETAINED.
2. THE SPECIAL EXCEPTION PLAT REFLECTS THE EXISTING BUILDING FOOTPRINTS AND ASSOCIATED PARKING CURRENTLY LOCATED ON THE SUBJECT PROPERTY ACCORDING TO AN ALTA SURVEY PREPARED BY URBAN, LTD DATED MARCH 2004 SUBJECT TO COMMITMENT FOR TITLE INSURANCE, CASE #V03-5087 WITH AN EFFECTIVE DATE OF SEPTEMBER 28, 2003, REVISED FEBRUARY 18, 2004 ISSUED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY. THIS SURVEY INFORMATION IS USED TO IDENTIFY THE LOCATION OF THE EXISTING AND PROPOSED FREESTANDING SIGN IN CONTEXT WITH THE EXISTING SHOPPING CENTER.
3. THE SITE IS SERVED BY PUBLIC WATER AND SEWER.
4. THERE IS NO FLOODPLAIN DESIGNATED BY THE THE FEDERAL INSURANCE ADMINISTRATION UNITED STATES GEOLOGICAL SURVEY OR FAIRFAX COUNTY ON THIS SITE.
5. ALL KNOWN UTILITY EASEMENTS ARE DESIGNATED.
6. EXISTING TOPOGRAPHY ON SHEET 2 IS FROM A FIELD RUN SURVEY BY URBAN, LTD. DATED JULY, 2014. THE CONTOUR INTERVAL IS TWO FEET.
7. THERE ARE NO KNOWN GRAVES, OR BURIAL SITES ON THE SUBJECT PROPERTY.
8. THERE ARE NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES GENERATED, UTILIZED, STORED, TREATED, AND/OR DISPOSED OF AT THIS SITE.

REQUESTED WAIVERS

A WAIVER OF ALL SPECIAL EXCEPTION REQUIREMENTS OF PARAGRAPH 2 OF 9-011 OF THE FAIRFAX COUNTY ZONING ORDINANCE IS REQUESTED TO PERMIT THE INFORMATION PROVIDED ON THIS SPECIAL EXCEPTION PLAT TO SATISFY THE SUBMISSION REQUIREMENTS FOR THE PROPOSED SIGN. THERE ARE NO PROPOSED CHANGES TO THE EXISTING SHOPPING CENTER BUILDINGS OR IMPROVEMENTS; THIS SPECIAL EXCEPTION IS ONLY FOR THE REPLACEMENT OF THE EXISTING FREESTANDING SIGN.

PLAN DATE	No.	DATE	DESCRIPTION
07-11-2014			
10-24-2014			
11-10-2014			
11-13-2014			

Urban, Ltd.
3060 Technology Court
Chantilly, Virginia 20151
Tel: 703.642.8080
www.urban-ltd.com

urban
Planners Engineers Landscape Architects Land Surveyors

COMMONWEALTH OF VIRGINIA
Kevin J. Tankersley
Lic. No. 983
11/13/2014
LANDSCAPE ARCHITECT

COVER SHEET
ROLLING VALLEY MALL
FREESTANDING SHOPPING CENTER SIGN
SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VA
SCALE: AS SHOWN
DATE: JULY 2014
C.I.: N/A

GENERAL NOTES

1. BASED UPON THE MSP APPLICATION #8054-MSP-004-1, THERE ARE SUFFICIENT PARKING SPACES FOR THIS SHOPPING CENTER. NO PARKING SPACES WILL BE REMOVED TO ALLOW THE NEW THE SIGN TO BE CONSTRUCTED. THE EXISTING BRICK WALL AND AN AREA OF EXCESS ASPHALT AT THE END OF THE PARKING ROW WILL BE REMOVED.

2. THE PROPOSED SIGN WILL INCORPORATE THE FOLLOWING MATERIALS:

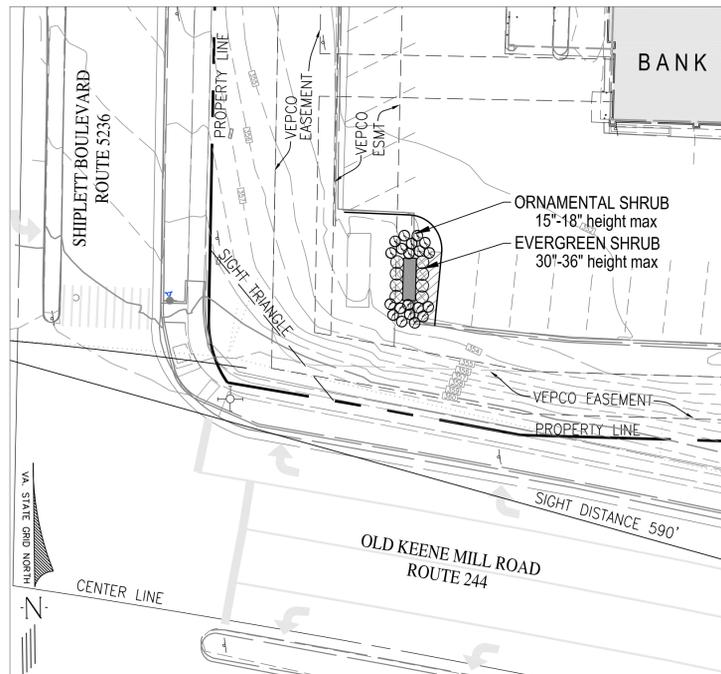
- ALUMINUM
- ACRYLIC
- TRANSLUCENT VINYL
- BRICK, TILE, STONE OR OTHER MASONRY MATERIALS
- STEEL
- PLASTIC, FIBERGLASS or HIGH DENSITY FOAM.

3. THE PROPOSED SIGN WILL BE INTERNAL/HALO ILLUMINATED WITH WHITE LIGHTING IN ACCORDANCE WITH FAIRFAX COUNTY OUTDOOR LIGHTING STANDARDS PER ZONING ORDINANCE SECTION 14-900.

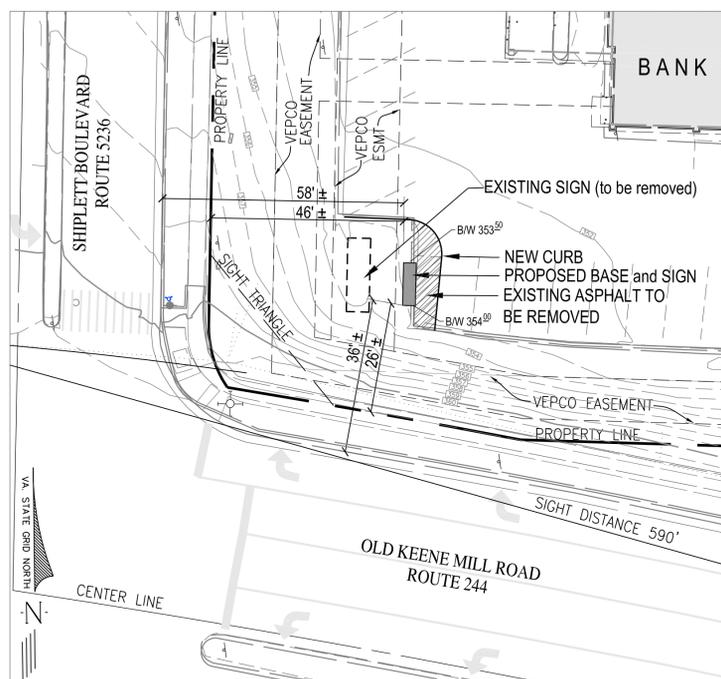
4. ACTUAL TENANT NAMES AND LOGOS WILL BE INSERTED AT THE TIME OF CONSTRUCTION AND MAY CHANGE BASED UPON FINAL TENANT LEASES.

5. THE AREA OF THE ASPHALT TO BE REMOVED IS A STRIPED OFF EXCESS AREA AT THE END OF A ROW. IT IS NOT A PARKING SPACE. NO PARKING SPACES WILL BE REMOVED.

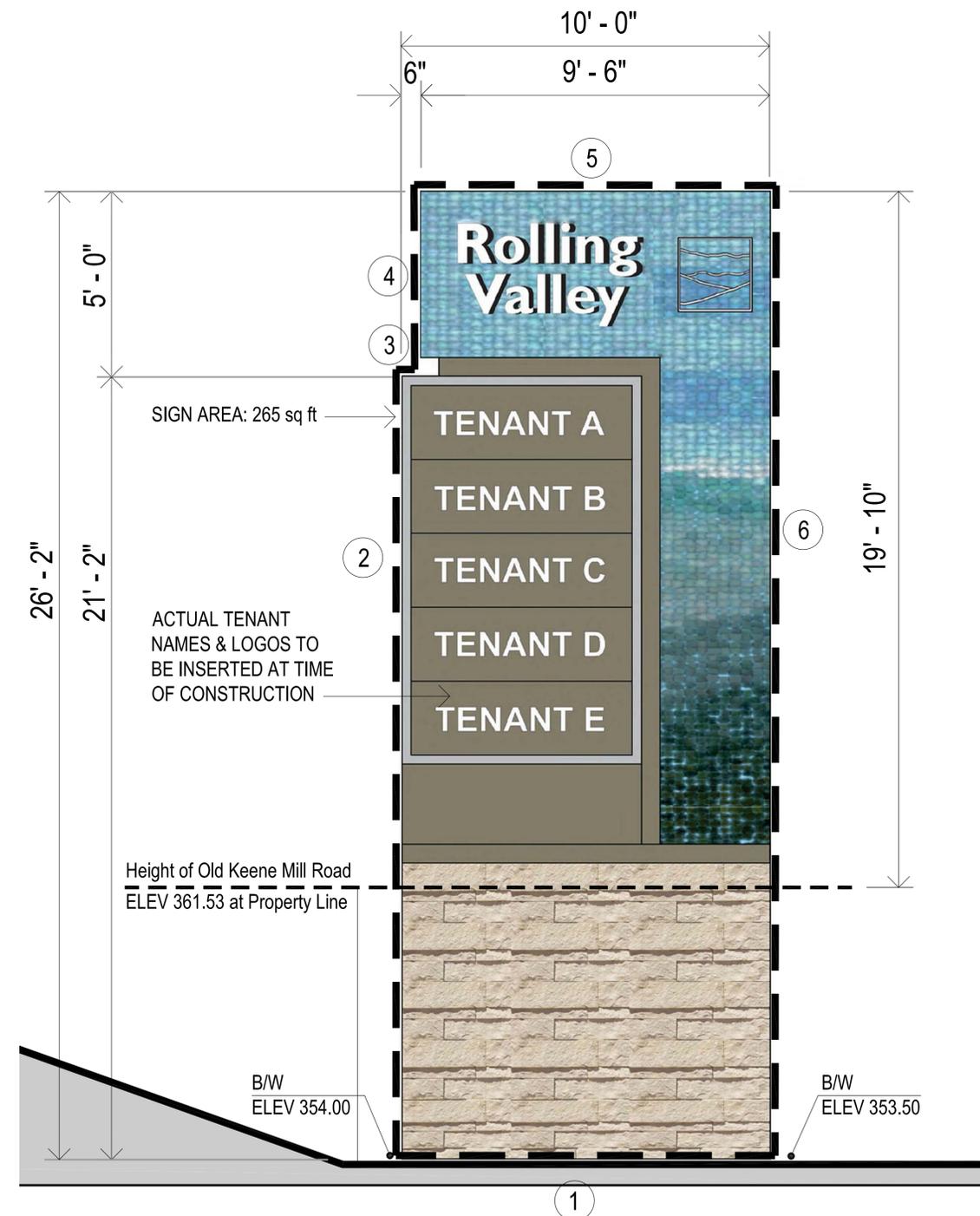
6. THE PLAN PROPOSES TO REMOVE THE EXISTING SIGN AND AN AREA OF EXCESS ASPHALT, CURRENTLY IMPERVIOUS TO CREATE A PLANTING AREA FOR SHRUBS, HERBACEOUS PLANTS AND LAWN. THIS WILL RESULT A NET INCREASE OF 242 S.F. PERVIOUS AREA.



3 PROPOSED PLANTING PLAN
Scale: 1"=20'

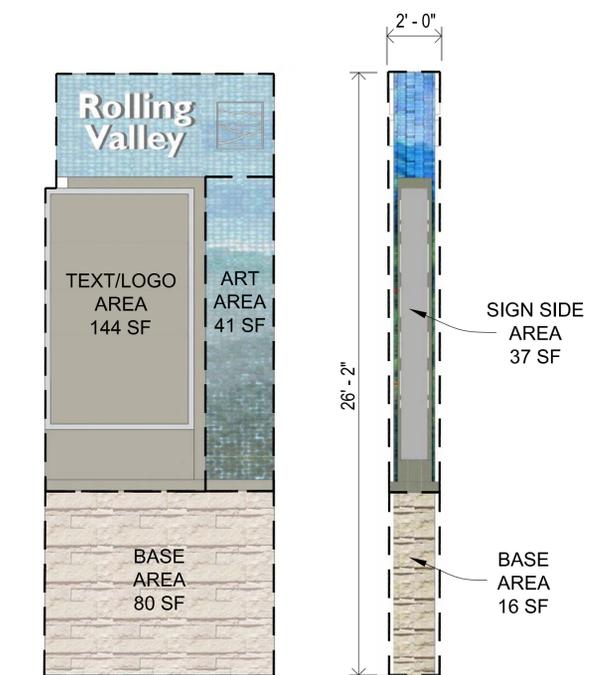


2 PROPOSED SIGN LAYOUT PLAN
Scale: 1"=20'



1 PROPOSED SIGN ELEVATION
Scale: not to scale

AVERAGE GROUND LEVEL = 353.75



SEE ELEVATION AND TABLE BELOW FOR FRONT FACE DIMENSIONS.

3 SIGN FRONT FACE SIDE FACE
Scale: N.T.S.

SIGN AREA DIMENSIONS

FRONT FACE DIMENSIONS

- ① = 10' - 0"
 - ② = 21' - 2"
 - ③ = 0' - 6"
 - ④ = 5' - 0"
 - ⑤ = 9' - 6"
 - ⑥ = 26' - 2"
- SIGN DEPTH: 24"
- SIGN AREA
FRONT FACE: 265 S.F.
SIDE FACE: 53 S.F.
TOTAL: 318 S.F.

No.	DATE	DESCRIPTION

PLAN DATE	DESCRIPTION
07-11-2014	
10-24-2014	
11-10-2014	
11-13-2014	

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11/13/2014
LANDSCAPE ARCHITECT

SITE PLAN and ELEVATIONS
ROLLING VALLEY MALL
FREESTANDING SHOPPING CENTER SIGN
SULLY DISTRICT
FAIRFAX COUNTY, VA
SCALE: AS SHOWN
DATE: JULY 2014
C.I.: N/A

SPECIAL EXCEPTION ROLLING VALLEY MALL

EXISTING SIGN



HEIGHT: 9'
 WIDTH: 16' - 8"
 DEPTH: 5' - 4"

SETBACK from Curbline
 at Old Keene Mill Road: 32'
 at Shiplett Boulevard: 43'

SIGN AREA: FRONT FACE: 150 sq ft
 SIDE FACE: 48 sq ft
 TOTAL SIGN AREA: 198 sq ft

ILLUMINATION: floodlight

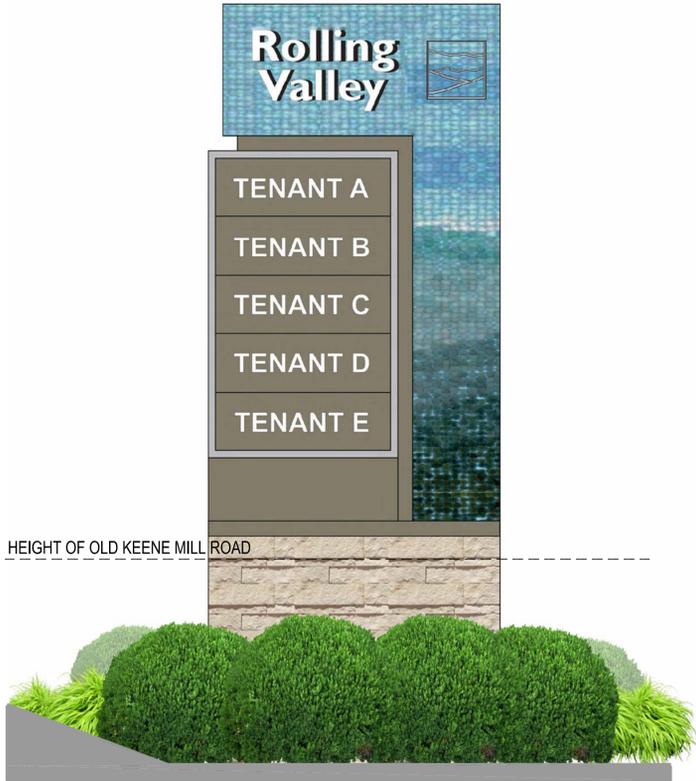
SIGN ORDINANCE REQUIREMENT

MAX HEIGHT (Sect 12-203.4): 20'
 (permitted without SE approval for increase in height)

SETBACK from Curbline (Sect 12.203.5):
 at Old Keene Mill Road: 5'
 at Shiplett Boulevard: 5'

MAXIMUM SIGN AREA (Sect 12-205.3): 80 sqft
 (permitted without SE approval for increase in sign area)

PROPOSED SIGN



HEIGHT: 26' - 2"
 WIDTH: 10' - 0"
 DEPTH: 2' - 0"

SETBACK from Curbline
 at Old Keene Mill Road: 36'
 at Shiplett Boulevard: 58'

SIGN AREA: FRONT FACE: 265 sq ft
 (SEE SHEET 2 SIDE FACE: 53 sq ft
 FOR ALL SIGN TOTAL SIGN AREA: 318 sq ft
 AREA DIMENSIONS)

ILLUMINATION: internal / halo

PLAN DATE	No.	DATE	DESCRIPTION
07-11-2014			
10-24-2014			
11-10-2014			
11-13-2014			

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 4260 Technology Court
 Chesapeake, Virginia 23051
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COMMONWEALTH OF VIRGINIA
 Kevin J. Tankersley
 Lic. No. 983
 11/13/2014
 LANDSCAPE ARCHITECT

SIGN ORDINANCE COMPARISONS

ROLLING VALLEY MALL
 FREESTANDING SHOPPING CENTER SIGN
 SULLY DISTRICT
 FAIRFAX COUNTY, VA

SCALE: AS SHOWN

DATE: JULY 2014

C.I.: N/A

DESCRIPTION OF THE APPLICATION

The applicant, Rolling Valley Mall LLC, requests to permit a waiver of certain sign regulations to increase the permitted height and sign area of a freestanding sign. The applicant specifically proposes to replace the existing 198 square foot, 9 feet tall freestanding sign and install the proposed 318 square feet, 26 feet 2 inches tall freestanding sign, increasing the square footage of signage by 120 square feet. The Zoning Ordinance would allow the applicant a 20 foot tall sign and a sign area of 80 feet by-right.

Staff notes that in accordance with section 12-105 (4) the support structure and one side of the sign are calculable as part of the sign area.

LOCATION AND CHARACTER

The 19.43 acre property is located at the northeast intersection between Old Keene Mill Road and Shiplett Boulevard. The subject property consists of one parcel developed as Rolling Valley Mall with six separate buildings located at 9230 Old Keene Mill Road. A summary of the surrounding lane use, zoning, and Comprehensive Plan recommendations is provided in the following table. The figure below illustrates the character of the area immediately surrounding the community shopping center.

Surrounding Area Description			
Direction	Use	Zoning	Plan Map
North	Single Family Residential	R-8	8-12 du/ac
South	Offices	C-1	Office
East	Single Family Attached Residential	R-20	16-20 du/ac
West	Single Family Detached Residential and Offices	R-3 C-2	2-3 du/ac Office



Figure 1: Subject property and surrounding area

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BACKGROUND

The subject property was rezoned from RE-1 to R-17 on November 30, 1966, pursuant to RZ B-481. On July 10, 1969, RZ B-736 was approved, rezoning the property from R-17 to C-D. With the adoption of the current Zoning Ordinance the site was reclassified from C-D District to the C-6 District in August of 1978. The property is not subject to any proffers.

On July 22, 1980, a variance was approved that permitted construction of a 26 foot tall shopping center sign, pursuant to V 80-S-116. In approving the variance the Board of Zoning Appeals made the findings of fact that the subject property had exceptional topographic problems. However, the variance expired before the shopping center sign was constructed.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area III
Planning District:	Pohick
Planning Sector:	Main Branch (P2)
Plan Map:	Retail and Other Commercial Uses
Plan Text:	Prohibit strip commercial development along Old Keene Mill Road, west of Rolling Road. Additional commercial uses are inappropriate because they would have adverse effects on traffic flow, safety, pedestrian circulation, and the visual and functional character of the area, which is closely associated with existing residential development.

ANALYSIS

Special Exception (SE) Plat:	(copy at front of staff report)
Title:	Rolling Valley Mall
Prepared by:	Urban, Ltd.
Original and Revision Dates:	July 11, 2014, as revised through November 13, 2014

The existing freestanding sign (Figure 2) is located on the southwest corner of the site, northeast of the Old Keene Mill Road and Shiplett Boulevard intersection. The name of the shopping center is located directly in the middle of the sign. The sign does not list specific tenant names and only serves to identify the shopping center from Old Keene Mill Road. The sign is double-sided and is not illuminated. The current sign faces topographical challenges, as it is located at the bottom of a 7-foot grade change from Old Keene Mill Road to the shopping center.



Figure 2: Existing Freestanding Sign

The applicant proposes to replace the existing sign with a larger sign (Figure 3). The applicant proposes to increase the height of the sign from its current height of 9 feet to a new height of 26 feet 2 inches. The proposed sign would include the name of the Shopping Center as well as five sign panels listing individual tenants. The total sign area will increase from 198 square feet to approximately 318 square feet, including the base of the proposed sign is 80 square feet and the side of the sign is 53 square feet. There is tile mosaic that will correspond with the future façade improvements to the shopping center. This mosaic area is 41 square feet. The tenant slots within the text area of the sign accounts for 144 square feet.



Figure 3: Proposed Freestanding Sign

SE 2014-SP-053

ZONING ORDINANCE PROVISIONS (Appendix 6)

Additional Standards for the Waiver of Certain Sign Regulations (Sect. 9-620)

Section 9-620 of the Zoning Ordinance allows the Board to approve, by Special Exception, waivers of selected aspects of the sign ordinance provisions, in Commercial and Industrial districts. Such waivers are expressly limited in scope, to include only:

1. *An increase in sign area, increase in sign height, or a different location of a sign that is otherwise allowed by Sect. 12-304 of the Ordinance.*

Pursuant to Sect. 12-204 of the Zoning Ordinance, the shopping center is permitted to have one freestanding sign. The proposed freestanding sign meets this Zoning Ordinance test. There are two other existing freestanding signs on the property that the applicant proposes to remove prior to the installation of the proposed sign.

2. *When it is demonstrated that there are unusual circumstances or conditions in terms of location, topography, size, or configuration of the lot, access to the lot, unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.*

The applicant states that there are unique circumstances in the topography of the land that negatively impacts the applicant's reasonable identification of the shopping center. Due to the grade of Old Keene Mill Road it is difficult to see the shopping center and existing sign. When the shopping center was originally constructed it was at the same grade as Old Keene Mill Road. Upon expansion, the road was raised which created a significant change in grade from the road to the shopping center. The grade change has resulted in a 7 foot difference between Old Keene Mill Road and the entrance of the shopping center. Because of this change in grade from the road to the shopping center, unless someone is familiar with the area, they may not know there is a shopping center there without adequate signage. Staff agrees with the applicant that the topography poses a unique challenge and that additional signage is necessary to overcome it.

3. *When such a waiver will be in harmony with the policies of the adopted Comprehensive Plan.*

The Comprehensive Plan encourages properties to develop a distinctive theme and image, while discouraging visual clutter. The proposed sign utilizes mosaic tiles to complement the future theme of the shopping center. Staff believes that the proposed sign is in harmony with the Comprehensive Plan.

4. *When it is determined that the sign will not have any deleterious effect on the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 12.*

SE 2014-SP-053

The proposed sign will generally be in the same location as the existing sign. The proposed sign would match the proposed shopping center façade. Staff believes that the sign will not have any adverse effect of the existing or planned development of adjacent properties.

General Special Exception Standards (Sect. 9-006)

The General Special Exception Standards require the proposal to be in harmony with the adopted Comprehensive Plan and with the general purpose and intent of the applicable zoning district regulations. In addition, the general special exception standards require a finding of no significant negative impacts on surrounding properties, safe and adequate vehicular and pedestrian access provide on the site and that signs shall be regulated by the provisions of Article 12 of the Zoning Ordinance.

The applicant seeks approval of a Category 6 Special Exception for an increase in sign area and height to allow a freestanding sign measuring 318 square feet and 26 feet 2 inches tall. Staff believes the request is reasonable given the topography of the subject property. Therefore, staff believes that the request satisfies all of the General Special Exception Standards.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the subject property is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

Recommendations

Staff recommends the approval of SE 2014-SP-053 subject to the proposed development conditions in Appendix 1.

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

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

APPENDICES

SE 2014-SP-053

1. Proposed Development Conditions
2. Statement of Justification
3. Affidavit
4. Transportation Analysis
5. Applicable Zoning Ordinance Provisions
6. Glossary of Terms

Proposed Development Conditions

SE 2014-SP-053

November 10, 2014

If it is the intent of the Board of Supervisors to approve SE 2014-SP-053 located at Tax Map 88-2 ((1)) 4A for a waiver of certain sign regulations pursuant to Sect. 9-620 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Other by-right, Special Exception/ Special Permit uses may be permitted without a Special Exception Amendment if they do not affect this special exception.
3. This Special Exception is subject to the issuance of a Sign Permit(s); any permit issued pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Rolling Valley Mall", prepared by Urban, Ltd., consisting of 3 sheets dated July 11, 2014 as revised through November 13, 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. No sign permits shall be issued for this sign until the two freestanding signs (Welcome to Rolling Valley Mall) have been removed.

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

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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless

the sign permits have been applied for and issued. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



**WALSH COLUCCI
LUBELEY & WALSH PC**

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

November 10, 2014

Via Hand Delivery

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

Re: Special Exception Application Statement of Justification
for Waiver of Certain Sign Regulations
Rolling Valley Mall LLC (the "Applicant")
Rolling Valley Mall's Freestanding Sign
TM 88-2 ((1)) 4A (the "Property")

Dear Ms. Berlin:

Please accept this statement as justification for a waiver of the permitted height and area of a freestanding shopping center sign to permit the Rolling Valley Mall's freestanding shopping center sign to be 26 feet 2 inches in height (19 feet 10 inches from the grade of Old Keene Mill Road) and 318 square feet in area (265 square feet for the main face and 53 square feet for the side panel), instead of 20 feet in height and 80 square feet in area as permitted as a matter-of-right when a shopping center is located on a major thoroughfare.

Property Description



The Property is located north of Old Keene Mill Road (Rt. 644), east of Shiplett Boulevard (Rt. 5236) and south of Draco Street (Rt. 5244) in the Springfield Magisterial District.

The Property is zoned C-6.

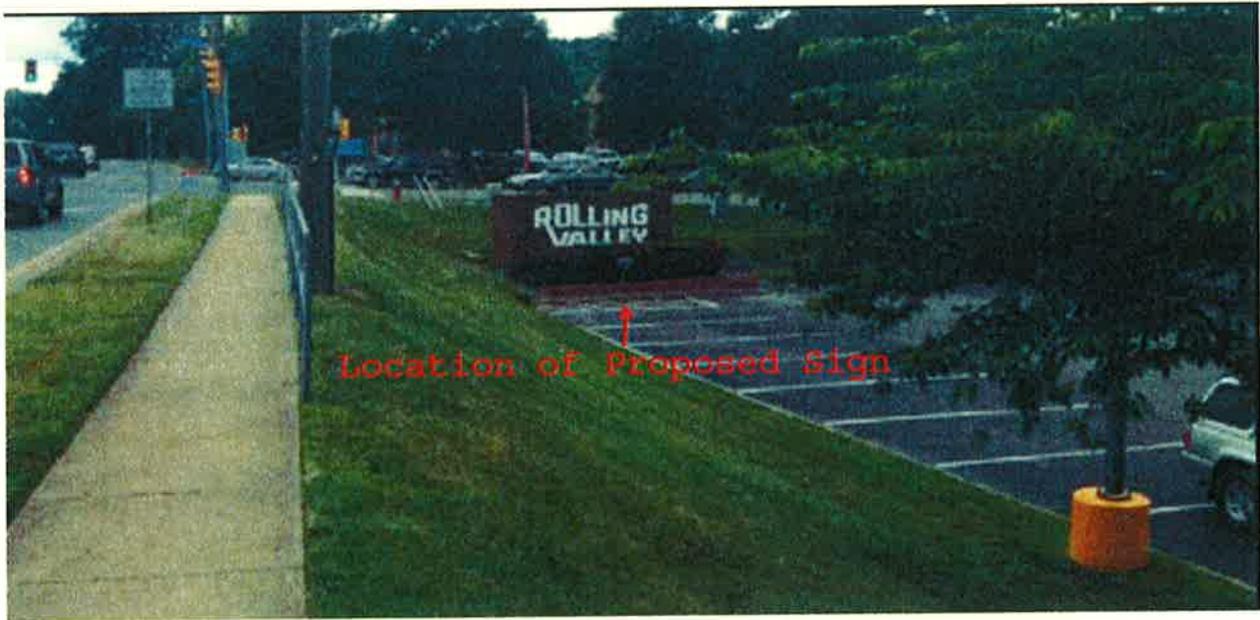
According to the Department of Tax Assessments, the 846,299 square foot (19.43 acre) Property is developed with the 221,165 square foot Rolling Valley Mall Shopping Center, which was constructed in 1974.

ATTORNEYS AT LAW

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

LOUDOUN 703 737 3633 ■ WOODBRIDGE 703 680 4664

There is an existing monument sign on the Property that is 9 feet in height and 150 square feet in area that is located below the grade of the intersection of Old Keene Mill Road and Shiplett Boulevard within a VEPCO easement. This existing sign will be removed, and a new sign will be constructed outside of the VEPCO easement area, if the Special Exception is approved. No parking spaces will be eliminated for by the construction of the proposed sign.



Response to Sect. 9-006, General Standards

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
 - a. The Property is planned for retail use. The freestanding shopping center sign is a permitted accessory use to a retail use.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
 - a. The C-6 District regulation permits shopping center uses. Signage is an accessory use that is intended to provide adequate visibility of businesses.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that

the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

- a. The proposed sign should not adversely affect the use or development of neighboring properties to develop in accordance with the Ordinance or Comprehensive Plan recommendations for those properties. The shopping center has been located on the Property for approximately 40 years and has not discouraged nearby commercial or residential development.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
 - a. The proposed sign has no effect on pedestrian or vehicular traffic, with the exception that it may be easier for vehicles to locate the shopping center if the Special Exception is approved.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
 - a. Transitional screening and barriers are not required for signs.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
 - a. No revision to the open space provided on the Property is proposed with this application.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
 - a. No revisions to the Property are proposed with the exception of the construction of a new freestanding sign.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.
 - a. It is understood that signs are regulated by the provisions of Article 12.

Renovations to the shopping center's façade relate to the new monument sign as represented by the "before" and "after" graphics below.



Existing Photo

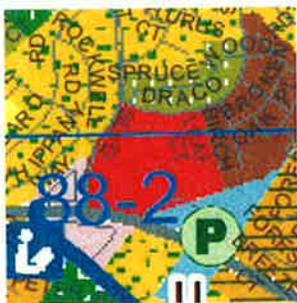


Proposed Perspective- Striped Lantern

Three large mosaic panels will be installed on the larger expanses of what is now a brick façade. These mosaic panels are abstract features created in tones of blues, greens and greys that directly relate to the tiles used on the monument sign. In addition, dropped ceilings with recessed lighting will be installed under the colonnade, and lit lantern features will be installed on the existing brick columns. The combination of the new monument sign and shopping center façade upgrades will present a modern, light and inviting experience for persons visiting Rolling Valley Mall.

Comprehensive Plan Recommendation

The Property is located in the Pohick Planning District (Area III); Main Branch Community Planning Sector (P2). Recommendation #14 specifically applies to the Property, which states, "Prohibit strip commercial development along Old Keene Mill Road, west of Rolling Road. Additional commercial uses are inappropriate because they would have adverse effects on traffic flow, safety, pedestrian circulation, and the visual and functional character of the area, which is closely associated with existing residential development."



"Retail" use of the Property is recommended as indicated by the red shading on the Comprehensive Plan Map.

The proposed sign is for a retail use that is not part of a strip commercial development. It is an existing retail shopping center that is not an additional commercial use in this corridor. For this reason, a retail shopping center sign is in harmony with the policies of the adopted comprehensive plan.

Summary

We request that this Special Exception request be approved. We do not believe that the increase in sign area and height will have any deleterious effect on the existing or planned development of adjacent properties. On the contrary, we believe that the proposed sign will help to provide adequate visibility to the Shopping Center, which is currently hampered by a significant grade difference between Old Keene Mill Road and the shopping center. We also submit that the proposed sign's mosaic art and stone base will positively relate to the proposed shopping center's façade upgrades, creating a positive shopping experience for the patrons of Rolling Valley Mall.

As always, we appreciate your attention to these matters.

Very truly yours,

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



Inda E. Stagg
Senior Land Use Planner

Enclosures

cc: Michelle Nielsen
Kevin Tankersley
Martin D. Walsh

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 12, 2014
 (enter date affidavit is notarized)

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

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below 126645a

in Application No.(s): SE 2014-SP-053
 (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)
Rolling Valley Mall LLC	1025 Thomas Jefferson Street, NW, #700 Washington, DC 20007	Applicant/Title Owner of Tax Map 88-2 ((1)) 4A
Agents: Andrew V. Marusak IV Michelle (nmi) Nielsen - Ronald S. Haft		

(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: November 12, 2014
 (enter date affidavit is notarized)

126645a

for Application No. (s): SE 2014-SP-053
 (enter County-assigned application number (s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
\ Walsh, Colucci, Lubeley & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Andrew A. Painter Matthew J. Allman \ Jeffrey R. Sunderland Elizabeth D. Baker Inda E. Stagg Elizabeth A. Nicholson \ Amy E. Friedlander	2200 Clarendon Boulevard Suite 1300 Arlington, VA 22201	Attorneys/Planners/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent
\ Urban Engineering & Associates, Inc. t/a Urban Ltd. Agent: \ Kevin J. Tankersley	7712 Little River Turnpike Annandale, Virginia 22003	Engineers/Agent

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 12, 2014
(enter date affidavit is notarized)

126645a

for Application No. (s): SE 2014-SP-053
(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) - Rolling Valley Mall LLC
1025 Thomas Jefferson Street, NW, #700
Washington, DC 20007

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)

- Rolling Valley Mall Manager LLC
- Combined Properties Finance Company LLC

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

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

Special Exception Attachment to Par. 1(b)

DATE: November 12, 2014
(enter date affidavit is notarized)

for Application No. (s): SE 2014-SP-053
(enter County-assigned application number (s))

126645a

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

CP Finance Company Manager, Inc.
1025 Thomas Jefferson Street, NW, #700
Washington, DC 20007

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)

Ronald S. Haft

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

CPLP GP Corp.
1025 Thomas Jefferson Street, NW, #700
Washington, DC 20007

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)

Ronald S. Haft

(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: November 12, 2014
(enter date affidavit is notarized)

for Application No. (s): SE 2014-SP-053
(enter County-assigned application number (s))

126645a

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

Rolling Valley Mall Manager LLC
1025 Thomas Jefferson Street, NW, #700
Washington, DC 20007

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)

RSH GP LLC

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

RSH GP LLC
1025 Thomas Jefferson Street, NW, #700
Washington, DC 20007

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)

Ronald S. Haft

(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: November 12, 2014
(enter date affidavit is notarized)

for Application No. (s): SE 2014-SP-053
(enter County-assigned application number (s))

126645a

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

Combined Properties Finance Company LLC
1025 Thomas Jefferson Street, NW, #700
Washington, DC 20007

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)

CP Finance Company Manager, Inc., RSH Tier II Limited Partnership, Member
Manager (less less than 1% of Rolling
Valley Mall LLC)

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

CP Finance Company Manager, Inc.
1025 Thomas Jefferson Street, NW, #700
Washington, DC 20007

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)

Ronald S. Haft

(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: November 12, 2014
(enter date affidavit is notarized)

for Application No. (s): SE 2014-SP-053
(enter County-assigned application number (s))

126645a

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

Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

DESCRIPTION OF CORPORATION: (check one statement)

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

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

David J. Bomgardner, E. Andrew Burcher,	J. Randall Minchew, G. Evan Pritchard,	Former Shareholders (effective 12/1/14):
Thomas J. Colucci, Michael J. Coughlin,	M. Catharine Puskar, John E. Rinaldi,	Michael D. Lubeley, Martin D. Walsh
Peter M. Dolan, Jr., Jay du Von, William A.	Kathleen H. Smith, Lynne J. Strobel,	
Fogarty, John H. Foote, H. Mark Goetzman,	Garth M. Wainman, Nan E. Walsh,	
Bryan H. Guidash, Michael J. Kalish,		

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

Urban Engineering & Associates, Inc. t/a Urban Ltd.
7712 Little River Turnpike
Annandale, Virginia 22003

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)

J. Edgar Sears, Jr.
Brian A. Sears

(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: November 12, 2014
(enter date affidavit is notarized)

for Application No. (s): SE 2014-SP-053
(enter County-assigned application number(s))

126645a

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)

Combined Properties Limited Partnership
1025 Thomas Jefferson Street, NW, #700
Washington, DC 20007

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

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

- General Partner:
CPLP GP Corp.
Limited Partners:
CPLP Investors LLC
CPLP Tier II Limited Partnership

(check if applicable) [x] 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: November 12, 2014
(enter date affidavit is notarized)

for Application No. (s): SE 2014-SP-053
(enter County-assigned application number (s))

126645a

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

CPLP Tier II Limited Partnership
1025 Thomas Jefferson Street, NW, #700
Washington, DC 20007

(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)

General Partner:
CPLP Tier II, Inc.

Limited Partners:
Ronald S. Haft
Robert M. Haft
Linda G. Haft

(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)

DATE: November 12, 2014
(enter date affidavit is notarized)

for Application No. (s): SE 2014-SP-053
(enter County-assigned application number (s))

126645a

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

RSH Tier II Limited Partnership,
1025 Thomas Jefferson Street, NW, #700
Washington, DC 20007

(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)

General Partner:
RSH GP, LLC (owns less than 1% of
Rolling Valley Mall LLC)

Limited Partners:
Ronald S. Haft
HCP Partner MD., Inc. (owns less than 1%
of Rolley Valley Mall LLC)

(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 AFFIDAVIT

DATE: November 12, 2014
(enter date affidavit is notarized)

126645a

for Application No. (s): SE 2014-SP-053
(enter County-assigned application number(s))

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

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

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

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

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

None

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 12, 2014
(enter date affidavit is notarized)

126645a

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

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

None

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

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

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

WITNESS the following signature:

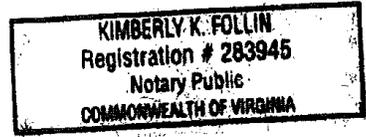
(check one) Applicant Applicant's Authorized Agent

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

Subscribed and sworn to before me this 12 day of November 20 14, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2015





County of Fairfax, Virginia

MEMORANDUM

DATE: September 22, 2014

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

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

FILE: SE 2014-SP-053

SUBJECT: Rolling Valley Mall LLC
9276 Old Keene Mill Road, Burke, VA 22015
Tax Map: #88-2 ((01)) 4A

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. This department reviewed the Special Exception Plat dated July 11, 2014. The applicant requests to waive certain sign regulations to permit a freestanding shopping center sign to be approximately twenty-nine (29) feet in height and located at the corner of Old Keene Mill Road and Shiplett Boulevard.

This department has no transportation issues with the application and does not object to its approval.

MAD/EAI

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877-5723
www.fairfaxcounty.gov/fcdot



Zoning Ordinance Provisions

9-006 General Standards

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

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance

9-620 Waiver of Certain Sign Regulations

The purpose of this special exception is to provide some relief where appropriate for those signs in the C and I districts which, because of certain unusual circumstances as specified below, do not provide identification as intended by the sign regulations. In the C and I districts, the Board may approve, either in conjunction with the approval of a rezoning or as a Category 6 special exception, a modification or waiver of the sign regulations in accordance with the following:

1. Such waiver may be for an increase in sign area, increase in sign height or different location of a sign, not otherwise provided by Section 12-304. Such a waiver shall not allow the erection of a freestanding sign or offsite sign, not otherwise permitted by this Ordinance, or the establishment of any sign prohibited by the provisions of Section 12-104.
2. Such waiver may be approved only when it is demonstrated by the applicant that there are unusual circumstances or conditions in terms of location, topography, size or configuration of the lot; access to the lot; unusual size or orientation of the structure of the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.
3. It is determined that such waiver will be in harmony with the policies of the adopted comprehensive plan.
4. A waiver of the sign provisions may be approved only in those locations where, based upon review of the relationship of the sign to the land, buildings and conforming signs in the neighborhood, it is determined that the sign will not have any deleterious effect on the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 12.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan, or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBa: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBa value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A GENERALIZED DEVELOPMENT PLAN (GDP) is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A CONCEPTUAL DEVELOPMENT PLAN (CDP) is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A FINAL DEVELOPMENT PLAN (FDP) is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon

or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

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