



APPLICATIONS ACCEPTED: April 8, 2014  
PLANNING COMMISSION: January 14, 2015  
BOARD OF SUPERVISORS: January 27, 2015 @ 3:30 pm

# County of Fairfax, Virginia

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January 7, 2015

STAFF REPORT

# CRD

RZ 2014-MA-011 / SE 2014-MA-013

MASON DISTRICT

**APPLICANT:** Spectrum Development, LLC

**EXISTING ZONING:** C-2, R-3, CRD, HC, SC

**PROPOSED ZONING** C-6, CRD, HC, SC

**PARCEL(S):** 61-2 ((17)) (D) 1, 3, 4, and 5;  
61-2 ((18)) 1, 2, 3, 4, and 5

**ACREAGE:** 2.72 acres

**FAR:** 0.22

**OPEN SPACE:** 17.7%

**PLAN MAP:** Office, Residential @ 2-3 du/ac.

**SE CATEGORY:** Category 5: drive through pharmacy and fast food restaurant(s)  
Category 6: Waivers and Modifications in a CRD

**PROPOSAL:** Rezone from C-2 and R-3 to C-6 to allow for the development of an in-line retail shopping center plus a free-standing pharmacy and retail pad site with a total of 25,905 sf. of gross floor area;

Brent Krasner, AICP

Special Exception approval to permit a drive-through pharmacy and fast food restaurant uses in the shopping center;

CRD waivers and modifications to allow a parking reduction of 20.0% (27 spaces)

### **STAFF RECOMMENDATIONS:**

Staff recommends denial of RZ 2014-MA-011, as proposed. If it is the Board's intent to approve RZ 2014-MA-011, staff recommends that such approval be subject to the execution of proffers consistent with those contained in Attachment 1.

Staff recommends denial of SE 2014-MA-013, as proposed. If it is the Board's intent to approve SE 2014-MA-013, staff recommends that such approval be subject to the development conditions contained in Attachment 2.

### **Waivers and Modifications Requested:**

20% parking reduction as permitted in a Commercial Revitalization District (CRD) to allow 108 parking spaces instead of 135 (reduction of 27 spaces or 20.0%)

Waiver of the front yard setback requirement in the C-6 District per the CRD provisions to permit a 10 foot setback to Leesburg Pike and 7 foot setback to Washington Drive, where 40 feet is required.

Waiver of the minimum lot width standard in the C-6 District per the CRD provisions to allow 160 feet after the dedication of right-of-way along Charles Street where 200 feet is required.

Modification of the trail requirements along Leesburg Pike to permit an 8 foot wide paver walkway in accordance the Bailey's Crossroads streetscape standards in the Comprehensive Plan

Modification of the transitional screening and a barrier requirements along all or portions of the east, south and west property lines, in favor of the plantings and masonry walls shown on the GDP/SE Plat.

Waiver of the Tree Preservation Target Area in favor of the proposed plantings shown on the GDP/SE Plat.

Waiver of the service drive requirement along Leesburg Pike in favor of the frontage improvements shown on GDP/SE Plat.

Modification of the loading space requirements to permit one loading area where three spaces are required.



It should be noted that it is not the intent of the 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; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application

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

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 TTY 711 (Virginia Relay Center).

*O:\bkrasner\ZED\Applications\Rezoning\RZ 2014-MA-011 & SE 2014-MA-013 Spectrum Charles Street\Report\Charles - Draft Staff Report and Cover.doc*



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

# Special Exception

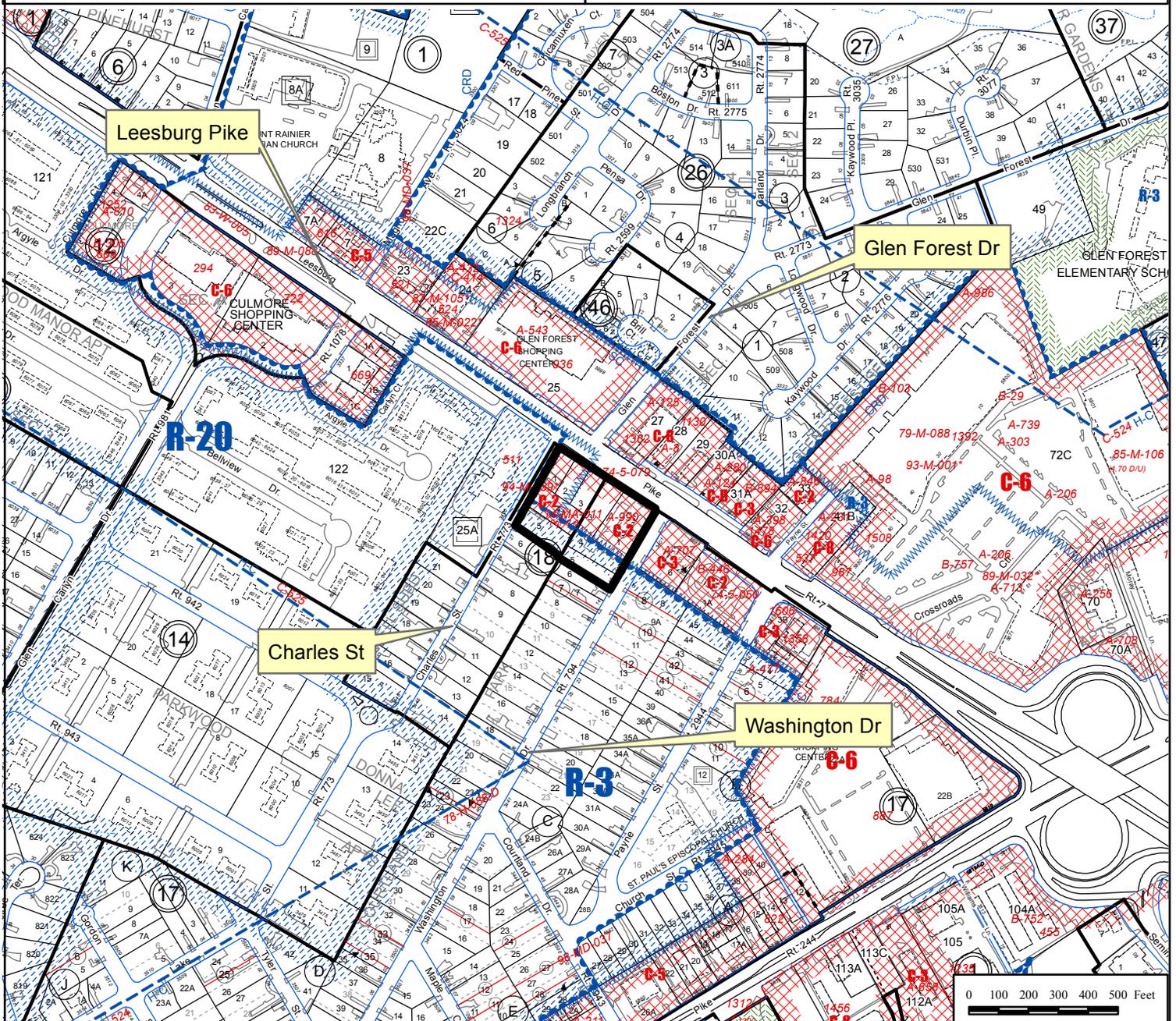
SE 2014-MA-013

Applicant: SPECTRUM DEVELOPMENT, LLC  
Accepted: 04/08/2014  
Proposed: DRIVE-THROUGH PHARMACY AND FAST FOOD RESTAURANT(S)  
Area: 2.72 AC OF LAND; DISTRICT - MASON  
Zoning Dist Sect: 04-060404-0604  
Art 9 Group and Use: 5-36 5-11  
Located: 5885 LEESBURG PIKE, 3408 & 3410 WASHINGTON DRIVE AND 3425 & 3401 CHARLES STREET FALLS CHURCH, VA 22041  
Zoning: C-6  
Plan Area: 1,  
Overlay Dist: CRD SC HC  
Map Ref Num: 061-2- /17/D /0001 /17/D /0003 /17/D /0004 /17/D /0005 /18/ /0001 /18/ /0002 /18/ /0003 /18/ /0004 /18/ /0005

# Rezoning Application

RZ 2014-MA-011

Applicant: SPECTRUM DEVELOPMENT, LLC  
Accepted: 04/08/2014  
Proposed: RETAIL, DRIVE-THROUGH PHARMACY AND FAST FOOD  
Area: 2.72 AC OF LAND; DISTRICT - MASON  
Zoning Dist Sect: SOUTH SIDE OF LEESBURG PIKE BETWEEN CHARLES STREET AND WASHINGTON DRIVE  
Zoning: FROM R-3, C-2 TO C-6  
Overlay Dist: CRD SC HC  
Map Ref Num: 061-2- /17/D /0001 /17/D /0003 /17/D /0004 /17/D /0005 /18/ /0001 /18/ /0002 /18/ /0003 /18/ /0004 /18/ /0005



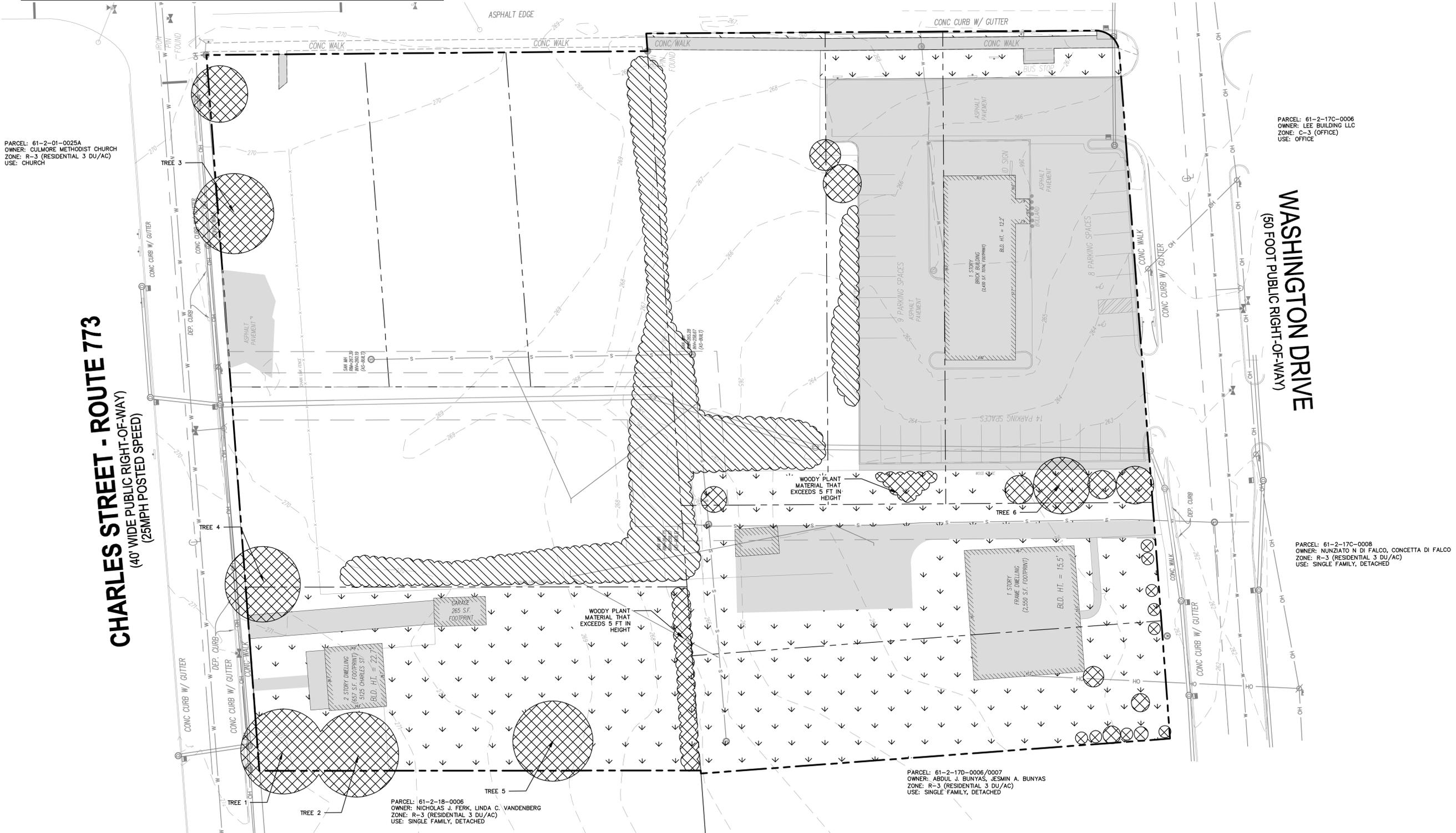
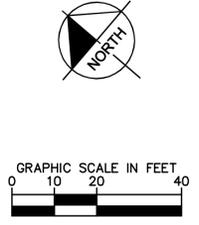


Plotted By: Johnson, Jacqui. Sheet: Sht-Kha. Layout: 2. EXISTING VEGETATION PLAN. December 31, 2014. 02:25:25:25pm. K:\NVA\_LL\LP\110374001\_Spectrum - Charles St. CVS\CAD\Plan\_Sheets\2. EXISTING VEGETATION PLAN.dwg  
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EXISTING VEGETATION SUMMARY					
SYMBOL	COVER TYPE	PRIMARY SPECIES	CONDITION	ACREAGE	COMMENTS
	OPEN FIELD	MEDIUM GRASSES AND VINES	FAIR	1.08 ac	COVER TYPE CONSISTS PRIMARILY OF MEDIUM GRASSES IN OPEN AREAS AND LOW-LYING AREAS.
	DEVELOPED LAND	N/A	GOOD	.68 ac	COVER TYPE CONSISTS OF DEVELOPED COMMERCIAL BUILDING AND PARKING LOT, RESIDENTIAL HOMES AND DRIVEWAY, SIDEWALKS, AND ABANDONED ASPHALT DRIVEWAY ON VACANT PARCEL.
	MAINTAINED GRASSLANDS	MANICURED LAWNS, DOMESTIC PLANTINGS	FAIR - GOOD	.66 ac	COVER TYPE CONSISTS OF RESIDENTIAL LOT LAWNS AND LANDSCAPING.
	BOTTOMLAND FOREST	PRIMARILY SYCAMORE (PLATANUS OCCIDENTALIS), ELM (ULMUS SP.), CHERRY (PRUNUS SP.)	FAIR	.18 ac	COVER TYPE CONSISTS PRIMARILY OF SMALL TREES WITH A DBH OF 4-6" AND A HEIGHT OF 10-15'. INVASIVE SPECIES PRESENT.
	LANDSCAPED TREE CANOPY	PRIMARILY NORTHERN CATALPA (CATALPA SPECIOSA), PINE (PINUS SP.), HOLLY (ILEX SP.), BOX ELDER (ACER NEGUNDO), CRAPE MYRTLE (LAGERSTROMIA SP.), AND ARBORVITAE (THUJA SP.)	GOOD	.10 ac	TREES WITH A DBH GREATER THAN 12" ARE DESCRIBED IN THE "TREE INVENTORY AND CONDITION ANALYSIS" TABLE.
		DOMESTIC LANDSCAPE SHRUBS	GOOD	.02 ac	WOODY PLANT MATERIAL THAT EXCEEDS 5 FT IN HEIGHT AT TIME OF INVENTORY
TOTAL ACREAGE:				2.72 ac	

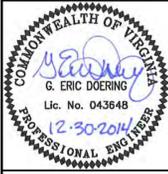
TREE INVENTORY AND CONDITION ANALYSIS					
NUMBER	SPECIES	DIAMETER AT BREAST HEIGHT (DBH)	CANOPY COVER COUNTED	CONDITION	COMMENTS
TREE 1	NORTHERN CATALPA / CATALPA SPECIOSA	22" DBH	750 SF	GOOD	TREE NOT TO BE PRESERVED. NORTHERN CATALPA IS INCLUDED IN TABLE 12.8 "SPECIES THAT CAUSE PROBLEMS AFTER PRESERVATION" OF FAIRFAX COUNTY'S PUBLIC FACILITIES MANUAL, AND CONSTRUCTION WOULD OCCUR WITHIN THE TREE'S CRITICAL ROOT ZONE.
TREE 2	NORTHERN CATALPA / CATALPA SPECIOSA	24" DBH	750 SF	GOOD	TREE NOT TO BE PRESERVED. NORTHERN CATALPA IS INCLUDED IN TABLE 12.8 "SPECIES THAT CAUSE PROBLEMS AFTER PRESERVATION" OF FAIRFAX COUNTY'S PUBLIC FACILITIES MANUAL, AND CONSTRUCTION WOULD OCCUR WITHIN THE TREE'S CRITICAL ROOT ZONE.
TREE 3	BOX ELDER / ACER NEGUNDO	20" DBH	NO CANOPY COVERAGE ALLOTTED	POOR	LOCATED UNDER OVERHEAD WIRES. ALL SCAFFOLD BRANCHES HEAVILY PRUNED. CANOPY COVER COUNTED PROPORTIONATE TO ACTUAL COVER. NO CANOPY COVERAGE ALLOTTED DUE TO POOR STRUCTURAL AND HEALTH CONDITION OF TREE.
TREE 4	HOLLY / ILEX SP.	18" DBH	500 SF	GOOD	
TREE 5	PINE / PINUS SP.	18" DBH	500 SF	UNKNOWN	LOCATED IN INACCESSIBLE RESIDENTIAL PROPERTY BACK YARD. LOCATION AND DBH APPROXIMATE.
TREE 6	HOLLY / ILEX SP.	12" DBH	500 SF	GOOD	TWO HEADED - AT DBH ONE STEM MEASURED AT 8" AND ONE AT 12"

EXISTING TREE CANOPY		
CATEGORY	CANOPY COVER COUNTED	METHOD CALCULATED
TREES WITH DBH > 12	3000 SF	CANOPY COVERAGE BASED ON TREE TYPE AND DBH (SEE TREE INVENTORY TABLE)
TREES WITH DBH < 12	1265 SF	CANOPY COVERAGE BASED ON APPROXIMATE TREE CANOPY SQUARE FOOTAGE
WOODY PLANTS THAT EXCEED 5 FT IN HEIGHT	775 SF	SQUARE FOOTAGE BASED ON APPROXIMATE AREA OF COVERAGE
BOTTOMLAND FOREST	7,676 SF	CANOPY COVERAGE FOR BOTTOMLAND FOREST CALCULATED BASED ON SQUARE FOOTAGE OF THE COVER TYPE
EXISTING SQUARE FOOTAGE ON SITE : 12,716 SF		



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 WWW.KIMLEY-HORN.COM

PROJECT	DATE	SCALE	DESIGNED BY	DRAWN BY	CHECKED BY	DATE
KHA PROJECT #110374001	03/31/2014		KHA	JUN	GED	
1	07/03/2014					ADRESSED COUNTY COMMENTS
2	09/11/2014					ADRESSED COUNTY COMMENTS
3	11/14/2014					ADRESSED COUNTY COMMENTS
4	12/17/2014					ADRESSED COUNTY COMMENTS
5	12/31/2014					ADRESSED COUNTY COMMENTS

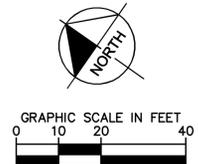


**EXISTING VEGETATION PLAN**  
**THE SHOPS AT BAILEY'S CROSSROADS**  
 MASON DISTRICT  
 FAIRFAX COUNTY, VIRGINIA  
 SHEET NUMBER  
**2 OF 10**

Plotted By: Johnson, Jacqual. Sheet: Sht:Kha. Layout:3. GDP. December 31, 2014. 02:25:42pm. K:\NVA\_LALP\10374001\_Spectrum - Charles St. CIVS\CAD\Plan Sheets\3\_GENERALIZED DEVELOPMENT PLAN.dwg  
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**CHARLES STREET - ROUTE 773**  
 (40' WIDE PUBLIC RIGHT-OF-WAY)  
 (25MPH POSTED SPEED)

**LEESBURG PIKE - ROUTE 7**  
 (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)  
 (40 MPH POSTED SPEED)



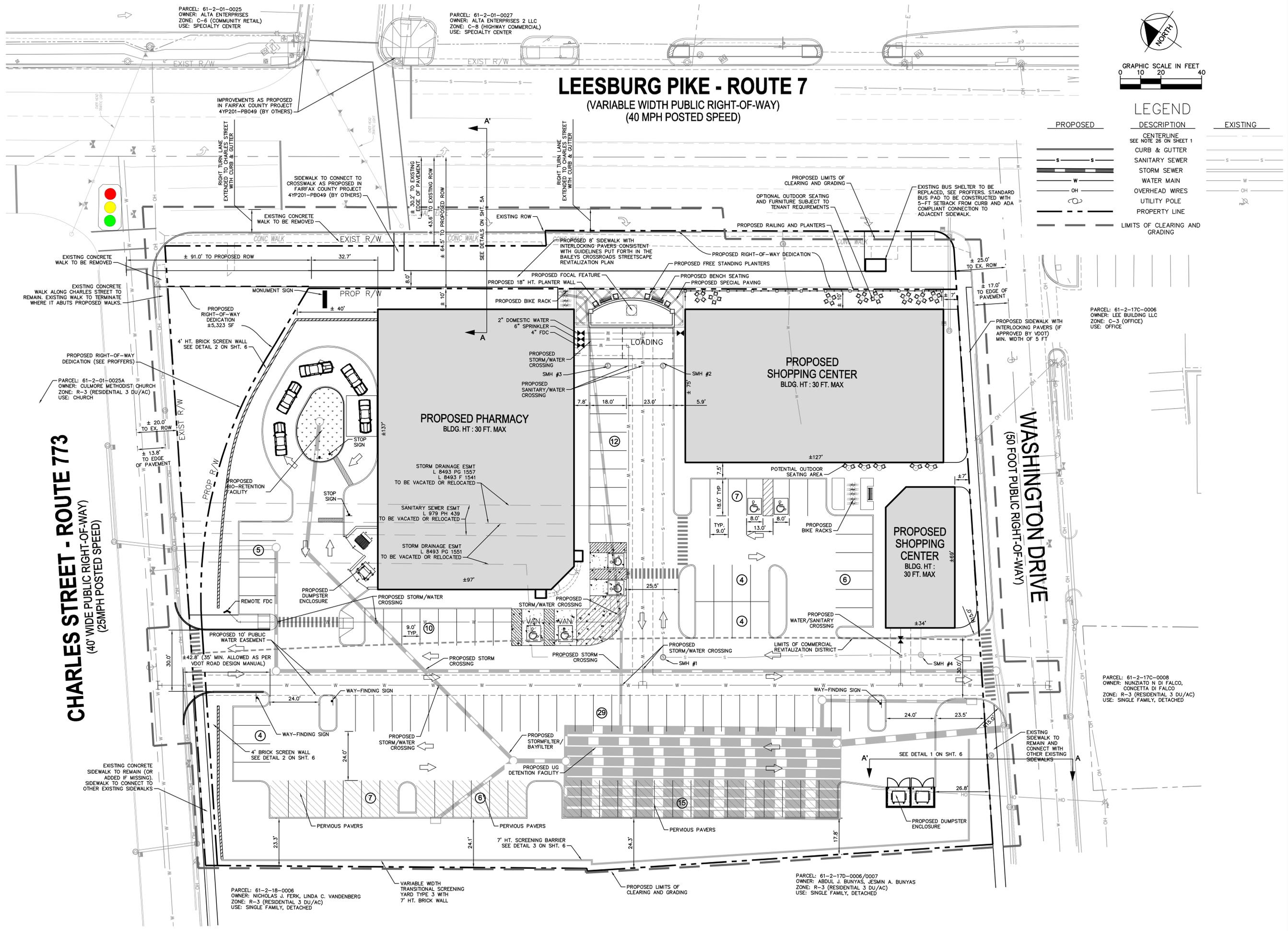
PROPOSED	DESCRIPTION	EXISTING
—	CENTERLINE SEE NOTE 26 ON SHEET 1	—
—	CURB & GUTTER	—
—	SANITARY SEWER	—
—	STORM SEWER	—
—	WATER MAIN	—
—	OVERHEAD WIRES	—
—	UTILITY POLE	—
—	PROPERTY LINE	—
—	LIMITS OF CLEARING AND GRADING	—

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KHA PROJECT #	DATE	SCALE	DESIGNED BY	DRAWN BY	CHECKED BY	GED	No.	REVISIONS	DATE
1	03/31/2014		KHA	JUN					
2	03/31/2014								
3	03/31/2014								
4	03/31/2014								
5	03/31/2014								



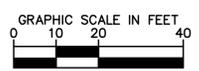
**GENERALIZED DEVELOPMENT PLAN**  
**THE SHOPS AT BAILEY'S CROSSROADS**  
 MASON DISTRICT  
 FAIRFAX COUNTY, VIRGINIA



Plotted By: Johnson, Jacqui. Sheet: Sht.Kha. Layout: 4. CONCEPTUAL LANDSCAPE PLAN. December 31, 2014. 02:26:05pm. K:\NVA-LALP\10374001\_Spectrum - Charles St. CVS\CAD\Plan Sheets\4. CONCEPTUAL LANDSCAPE PLAN.dwg  
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**CHARLES STREET - ROUTE 773**  
 (40' WIDE PUBLIC RIGHT-OF-WAY)  
 (25MPH POSTED SPEED)

**LEESBURG PIKE - ROUTE 7**  
 (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)  
 (40 MPH POSTED SPEED)



PARCEL: 61-2-01-0025  
 OWNER: ALTA ENTERPRISES  
 ZONE: C-6 (COMMUNITY RETAIL)  
 USE: SPECIALTY CENTER

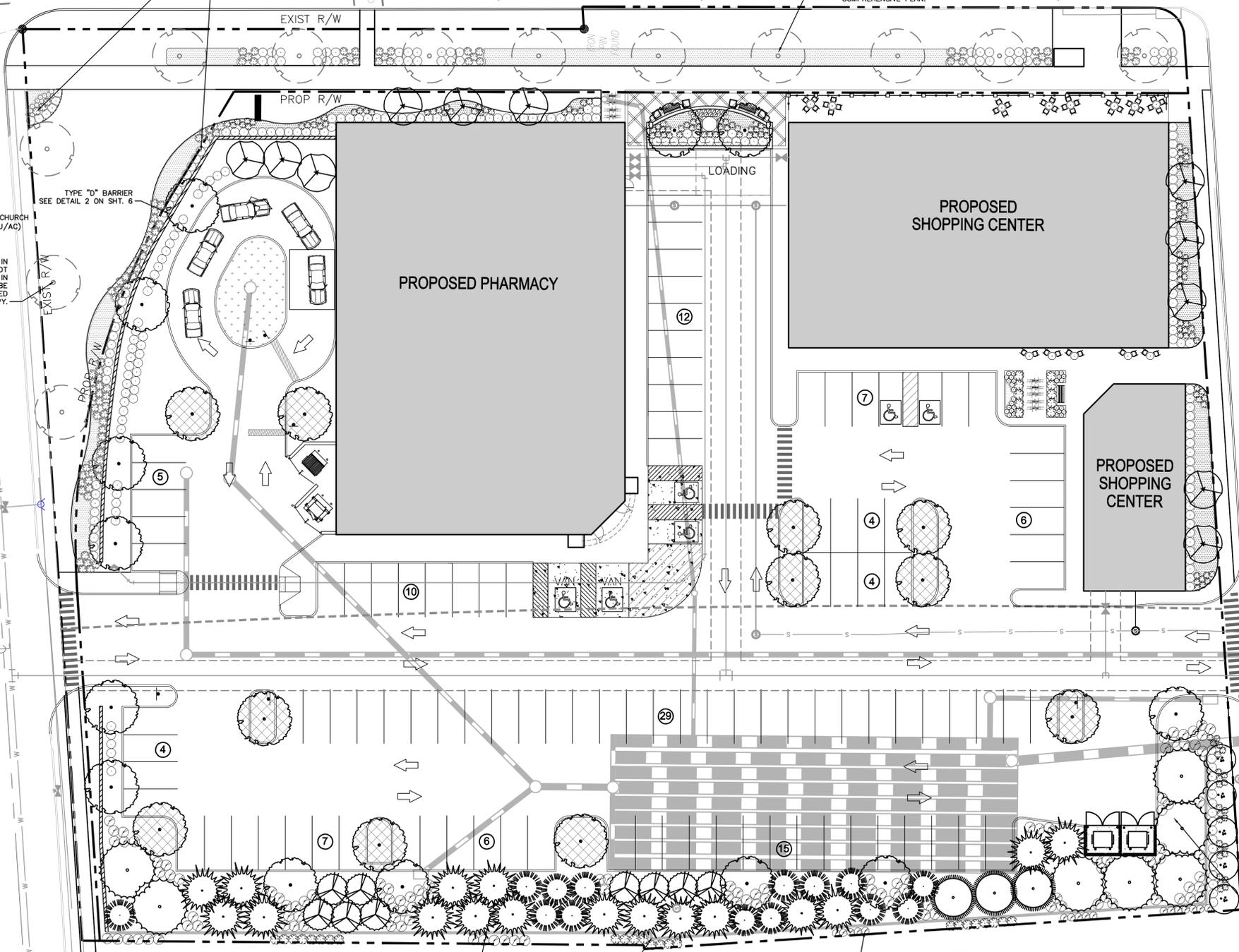
PARCEL: 61-2-01-0027  
 OWNER: ALTA ENTERPRISES 2 LLC  
 ZONE: C-8 (HIGHWAY COMMERCIAL)  
 USE: SPECIALTY CENTER

PARCEL: 61-2-01-0025A  
 OWNER: CULMORE METHODIST CHURCH  
 ZONE: R-3 (RESIDENTIAL-3 DU/AC)  
 USE: CHURCH

STREET TREES AND PLANTINGS IN RIGHT-OF-WAY SUBJECT TO VDOT APPROVAL. ANY PLANTINGS IN THE RIGHT-OF-WAY WILL NOT BE COUNTED TOWARDS REQUIRED TREE CANOPY.

PROPOSED TEMPORARY LANDSCAPING IN RIGHT-OF-WAY IS SUPPLEMENTAL AND IS NOT COUNTED TOWARDS ANY LANDSCAPE REQUIREMENTS (LANDSCAPING VDOT / FODOT APPROVAL)

STREET TREES AND PLANTINGS IN RIGHT-OF-WAY SUBJECT TO VDOT APPROVAL. ANY PLANTINGS IN THE RIGHT-OF-WAY WILL NOT BE COUNTED TOWARDS REQUIRED TREE CANOPY. PLANTINGS ALONG LEESBURG PIKE ARE LOCATED TO BE IN ACCORDANCE WITH FIGURE 15 - LEESBURG PIKE STREETScape SECTION IN THE COMPREHENSIVE PLAN.



PARCEL: 61-2-18-0006  
 OWNER: NICHOLAS J. FERK, LINDA C. VANDENBERG  
 ZONE: R-3 (RESIDENTIAL 3 DU/AC)  
 USE: SINGLE FAMILY, DETACHED

VARIABLE WIDTH TYPE 3 TRANSITIONAL SCREENING YARD WITH 7' HT. BRICK WALL

7' BRICK WALL SCREENING BARRIER SEE DETAIL 3 ON SHT.6

SUPPLEMENTAL SHRUB PLANTINGS

PARCEL: 61-2-17D-0006/0007  
 OWNER: ABDUL J. BUNYAS / JESMIN A. BUNYAS  
 ZONE: R-3 (RESIDENTIAL 3 DU/AC)  
 USE: SINGLE FAMILY, DETACHED

VARIABLE WIDTH TYPE 3 TRANSITIONAL SCREENING YARD WITH 7' HT. BRICK WALL

PARCEL: 61-2-17C-0006  
 OWNER: LEE BUILDING LLC  
 ZONE: C-3 (OFFICE)  
 USE: OFFICE

PARCEL: 61-2-17C-0008  
 OWNER: NUNZIATO N DI FALCO, CONCETTA DI FALCO  
 ZONE: R-3 (RESIDENTIAL 3 DU/AC)  
 USE: SINGLE FAMILY, DETACHED

LANDSCAPE LEGEND	
	CATEGORY IV DECIDUOUS TREE
	CATEGORY II DECIDUOUS TREE
	CATEGORY I DECIDUOUS TREE
	CATEGORY IV EVERGREEN TREE
	CATEGORY III EVERGREEN TREE
	CATEGORY II EVERGREEN TREE
	CATEGORY I EVERGREEN TREE
	SHRUBS
	ORNAMENTAL GRASSES / PERENNIALS
	BIO-RETENTION PLANTINGS <small>Plantings to be selected from Fairfax County's "Recommended Plant List for Stormwater Facilities."</small>
	INTERIOR PARKING LOT TREE
	STREET TREE <small>Subject to VDOT approval</small>

KHA PROJECT #	DATE	SCALE	DESIGNED BY	DRAWN BY	CHECKED BY	NO.	DATE
10374001	03/31/2014	KHA					

ADDRESSSED COUNTY COMMENTS	DATE
1	07/03/2014
2	09/11/2014
3	11/14/2014
4	12/17/2014
5	12/31/2014

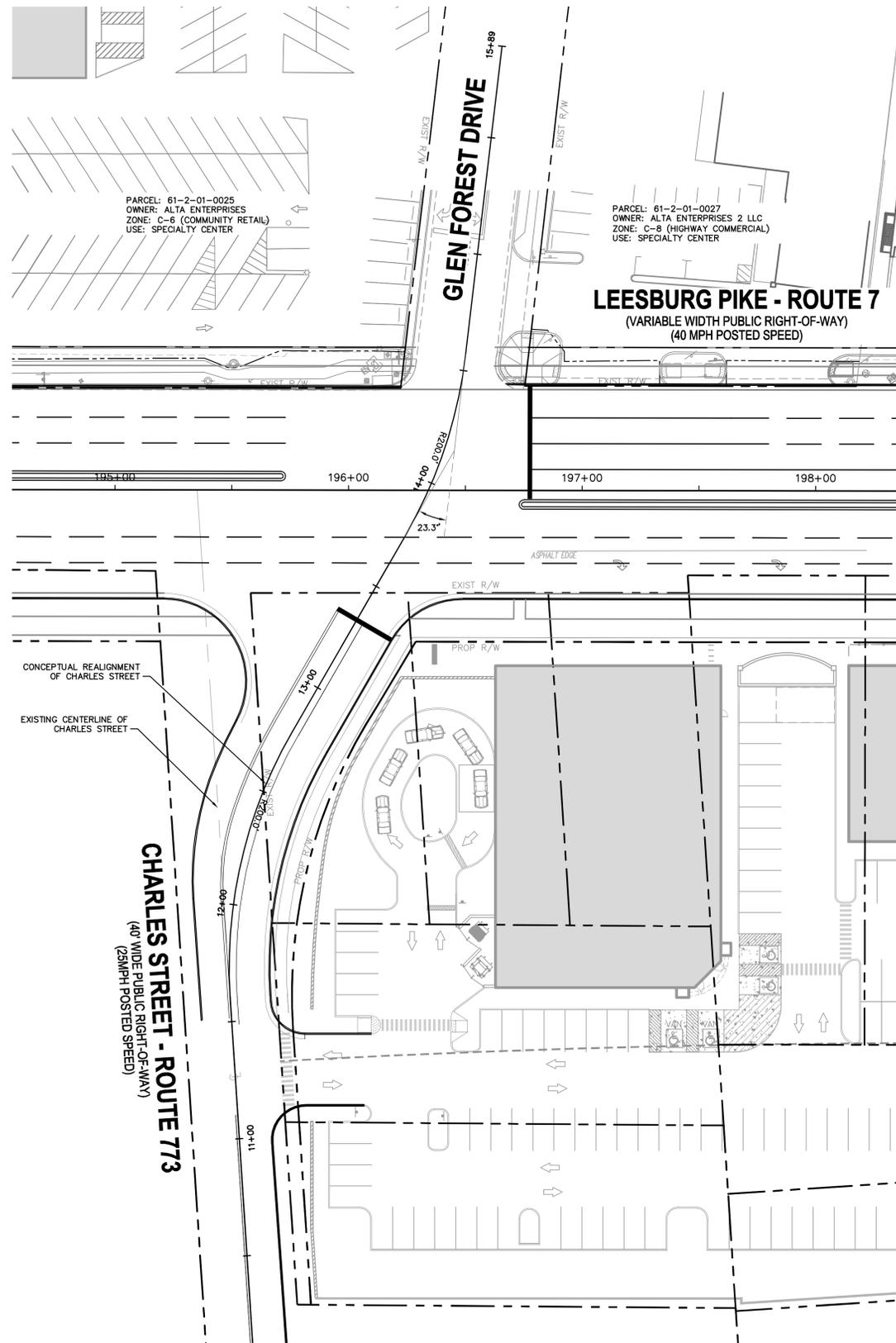
REVISIONS	DATE

**CONCEPTUAL LANDSCAPE PLAN**  
**THE SHOPS AT BAILEY'S CROSSROADS**

MASON DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

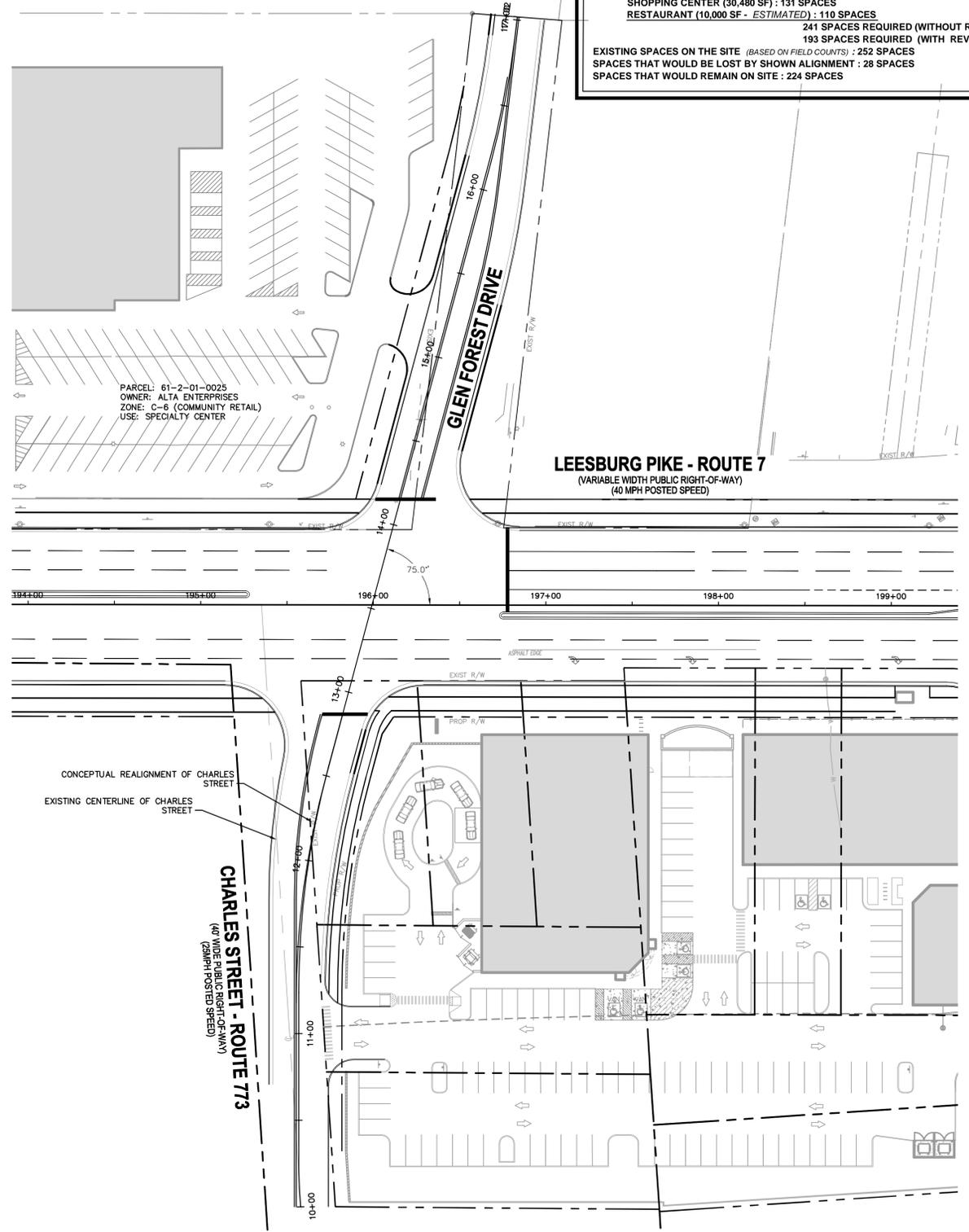
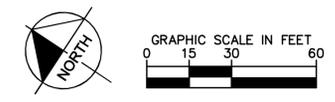


Plotted By: Johnson, Jacqui. Sheet: Sht:Kha. Layout:5 CHARLES STREET CONCEPTUAL ALIGNMENTS. December 31, 2014. 02:26:38pm. K:\NVA\LALP\110374001 Spectrum - Charles St. CVS\CAD\Plan Sheets\5 LEESBURG PIKE STREET SECTIONS.dwg  
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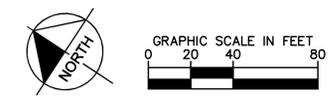
**ALTERNATIVE "A" -**  
 CONCEPTUAL REALIGNMENT OF CHARLES STREET WITH GLEN FOREST DRIVE -  
 ASSUMES ALL RIGHT-OF-WAY FOR ALIGNMENT TO BE PROVIDED ALONG CHARLES STREET

**NOTE :** THIS PLAN IS INTENDED ONLY TO SHOW THAT THE PROPOSED ROW DEDICATION IS ADEQUATE FOR THE FUTURE REALIGNMENT OF CHARLES STREET WITH GLEN FOREST DRIVE, AS PER VDOT PLAN #0007--29-117. NO REALIGNMENT OF CHARLES STREET IS PROPOSED WITH THIS PLAN.



**ALTERNATE "B" :**  
 CONCEPTUAL REALIGNMENT OF CHARLES STREET WITH GLEN FOREST DRIVE -  
 ASSUMES RIGHT-OF-WAY FOR ALIGNMENT TO BE PROVIDED ALONG BOTH GLEN FOREST DRIVE AND CHARLES STREET

**NOTE :** THIS PLAN IS INTENDED ONLY TO SHOW A POTENTIAL SOLUTION FOR THE REALIGNMENT OF CHARLES STREET AND GLEN FOREST DRIVE. NO REALIGNMENT OF CHARLES STREET OR GLEN FOREST DRIVE IS PROPOSED WITH THIS PLAN. NO ACQUISITION OF RIGHT-OF-WAY ALONG GLEN FOREST DRIVE IS PROPOSED WITH THIS PLAN. PARKING CALCULATIONS FOR PARCEL 61-2-01-0025 ARE PRELIMINARY AND FOR GENERAL INFORMATION PURPOSES ONLY.



**POTENTIAL IMPACTS OF ALTERNATE "B" ALIGNMENT TO PARKING ON PARCEL 61-2-01-0025:**  
 SHOPPING CENTER SIZE (BASED ON FAIRFAX COUNTY RECORDS) : 40,480 SF GROSS FLOOR AREA  
 ZONING : C-6 (COMMUNITY RETAIL)  
 REQUIRED PARKING RATIO FOR SHOPPING CENTERS : 4.3 / 1,000 SF OF GROSS FLOOR AREA

ASSUMED REQUIRED SPACES : 241 SPACES  
 SHOPPING CENTER (30,480 SF) : 131 SPACES  
 RESTAURANT (10,000 SF - ESTIMATED) : 110 SPACES

241 SPACES REQUIRED (WITHOUT REVITALIZATION DISTRICT REDUCTION)  
 193 SPACES REQUIRED (WITH REVITALIZATION DISTRICT REDUCTION)

EXISTING SPACES ON THE SITE (BASED ON FIELD COUNTS) : 252 SPACES  
 SPACES THAT WOULD BE LOST BY SHOWN ALIGNMENT : 28 SPACES  
 SPACES THAT WOULD REMAIN ON SITE : 224 SPACES

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NO.	DATE	DESIGNED BY	DRAWN BY	CHECKED BY	REVISIONS	DATE
1	03/31/2014	KHA	JUN	GED		07/03/2014
2	03/31/2014	KHA	JUN	GED		09/11/2014
3	03/31/2014	KHA	JUN	GED		11/14/2014
4	03/31/2014	KHA	JUN	GED		12/17/2014
5	03/31/2014	KHA	JUN	GED		12/31/2014

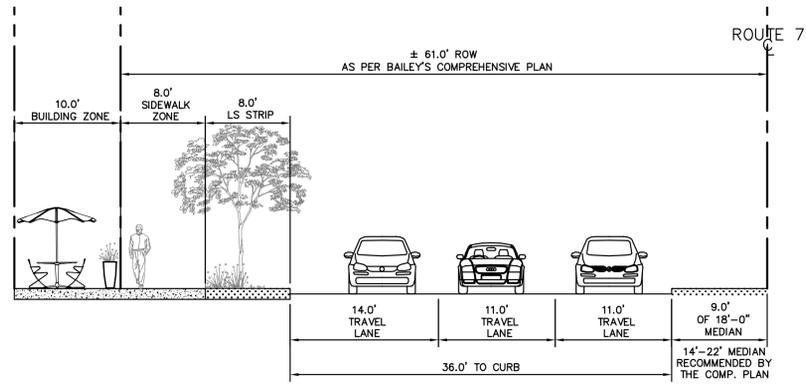
**COMMONWEALTH OF VIRGINIA**  
 G. ERIC DOERING  
 Lic. No. 043648  
 12-30-2014  
 PROFESSIONAL ENGINEER

**CHARLES STREET CONCEPTUAL ALIGNMENTS  
 THE SHOPS AT BAILEY'S CROSSROADS**

MASON DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

SHEET NUMBER  
**5 OF 10**

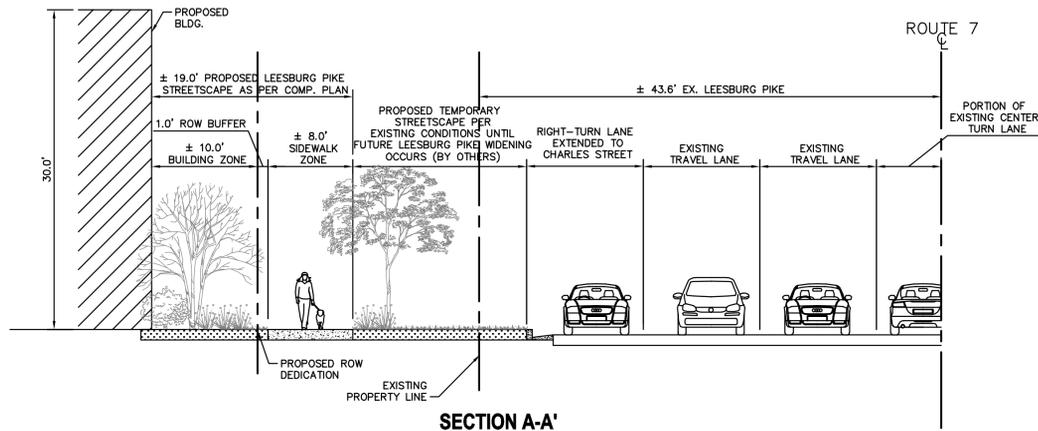
Plotted By: Johnson, Jacqui. Sheet: Sht:Kha. Layout: 5A. LEESBURG PIKE STREETSECTIONS & SITE FURNISHINGS. December 31, 2014. 02:26:41pm. K:\NVA-LA\LA\10374001\_Spectrum - Charles S1.CAD\NPlan\_Sheets\5 LEESBURG PIKE STREETSECTIONS.dwg. This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



**1 STREETScape SECTION AS PER BAILEY'S CROSSROADS COMPREHENSIVE PLAN**

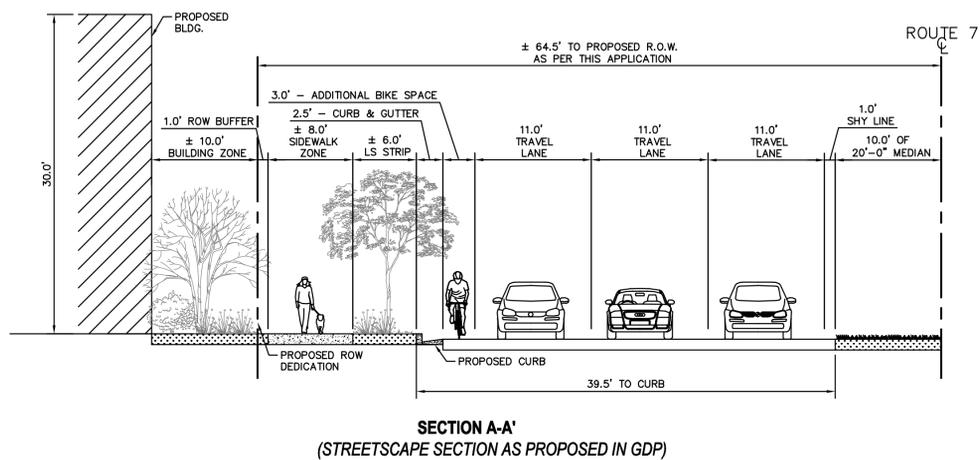
SCALE: 1/8" = 1'-0"

SECTION SHOWS THE RECOMMENDED STREETScape SECTION FOR LEESBURG PIKE IN THE TOWN CENTER DISTRICT AS SHOWN IN FIGURE 15 OF THE 2013 EDITION OF THE BAILEY'S CROSSROADS COMPREHENSIVE PLAN. SECTION ASSUMES THAT R.O.W. EXTENDS TO THE BACK OF THE SIDEWALK AREA TO THE CENTER OF THE MEDIAN.



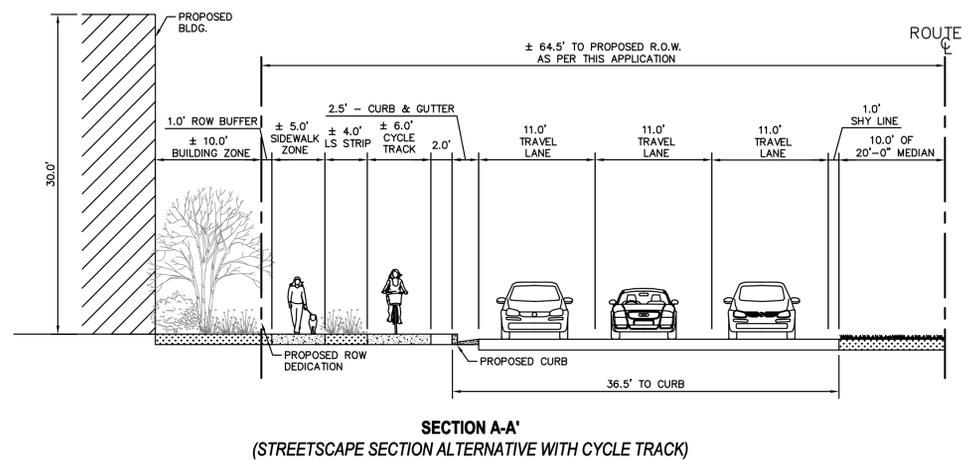
**2 LEESBURG PIKE - PROPOSED CONDITION AFTER 'THE SHOPS AT BAILEY'S CROSSROADS' DEVELOPMENT**

SCALE: 1/8" = 1'-0"



**3 LEESBURG PIKE - FUTURE ROAD WIDENING CONDITIONS (BY OTHERS)**

SCALE: 1/8" = 1'-0"



**4 BENCHES**

N.T.S.



**6 TRASH RECEPTACLE**

N.T.S.



**5 TABLES & CHAIRS**

N.T.S.



**7 BIKE RACK**

N.T.S.



**8 LIGHTING**

N.T.S.



**9 PLANTERS**

N.T.S.



**10 FOCAL FEATURE**

N.T.S.

**NOTE:** SITE FURNISHINGS, LIGHTING, AND WALLS SHOWN ON THIS SHEET ARE CONCEPTUAL AND ARE INTENDED TO REFLECT THE GENERAL THEME AND CHARACTER OF THE PROPOSED DEVELOPMENT. FINAL PRODUCT SELECTION MAY VARY AT THE TIME OF SITE PLAN, BUT WILL BE CONSISTENT WITH THE QUALITY OF DESIGN REPRESENTED HEREON.

NO.	DATE	REVISIONS
1	07/03/2014	ADDRESS COUNTY COMMENTS
2	09/11/2014	ADDRESS COUNTY COMMENTS
3	11/14/2014	ADDRESS COUNTY COMMENTS
4	12/17/2014	ADDRESS COUNTY COMMENTS
5	12/31/2014	ADDRESS COUNTY COMMENTS

PROJECT	DATE	SCALE	DESIGNED BY	DRAWN BY	CHECKED BY	GED	NO.
KHA PROJECT #10374001	03/31/2014		KHA	JUN			



Plotted By: Johnson, Jacqual. Sheet: Sht:Kha. Layout: 6 ARCHITECTURAL DETAILS. December 31, 2014. 02:27:07pm. K:\NVA\_LALP\110374001 Spectrum - Charles St. CVS\CAD\Plan\_Sheets\6 BUILDING ELEVATIONS.dwg  
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**BUILDING ELEVATIONS - LEESBURG PIKE**



**BUILDING ELEVATIONS - CHARLES STREET**



**BUILDING ELEVATIONS - WASHINGTON DRIVE**



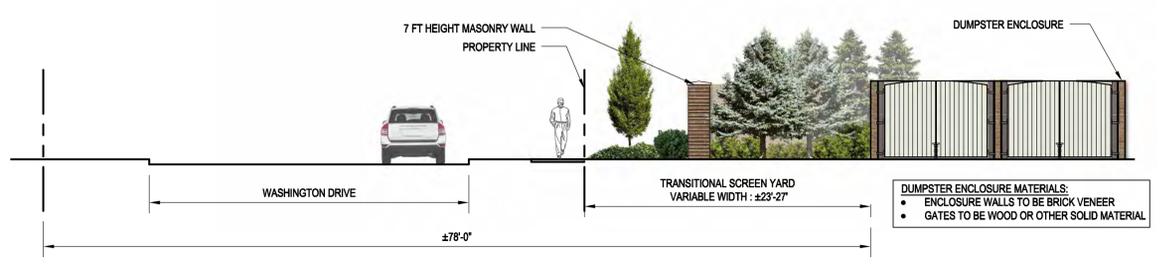
PHARMACY ELEVATION BEYOND

**NOTE:** THE ELEVATIONS ON THIS SHEET ARE PRELIMINARY IN NATURE AND ARE PROVIDED TO AID IN THE UNDERSTANDING OF THE PROPOSED DEVELOPMENT PROGRAM IN RELATION TO THE SITE. THE ELEVATIONS ARE SUBJECT TO CHANGE WITH FINAL ENGINEERING AND ARCHITECTURAL DESIGN.

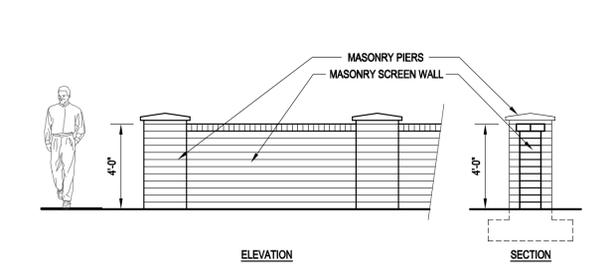


**GTM ARCHITECTS**

7735 OLD GEORGETOWN ROAD, SUITE 700, BETHESDA, MD 20814 - TEL: (240) 333-2000 - FAX: (240) 333-2001



**1 TRANSITIONAL SCREEN YARD BUFFER SECTION**  
SCALE: 1/8"=1'-0"



**2 TYPE "D" BARRIER (MODIFIED)**  
SCALE: 1/4"=1'-0"



**3 TRANSITIONAL SCREEN YARD WALL : ELEVATION**  
SCALE: 1/4"=1'-0"



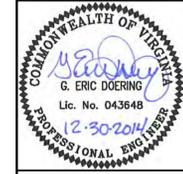
**4 TRANSITIONAL SCREEN YARD WALL : SECTION**  
SCALE: 1/4"=1'-0"



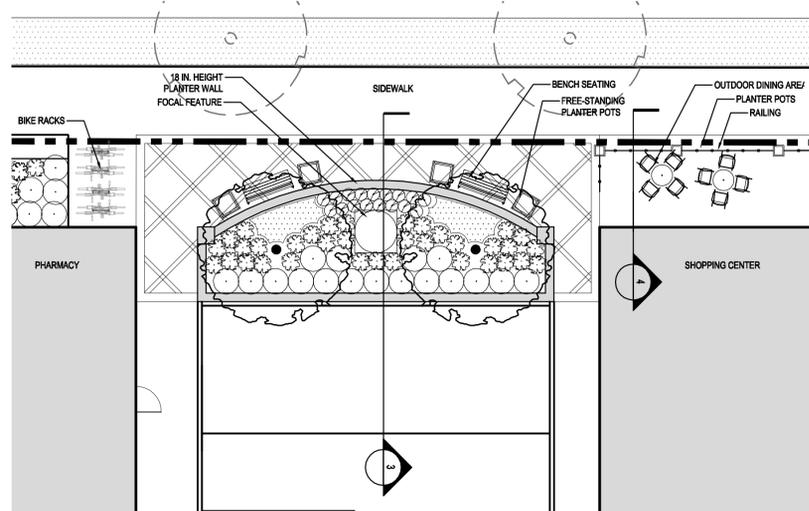
**5 TRANSITIONAL SCREEN YARD WALL : PERSPECTIVE**

**NOTE:** WALLS SHOWN ON THIS SHEET ARE CONCEPTUAL AND ARE INTENDED TO REFLECT THE GENERAL THEME AND CHARACTER OF THE PROPOSED DEVELOPMENT. FINAL PRODUCT SELECTION MAY VARY AT THE TIME OF SITE PLAN, BUT WILL BE CONSISTENT WITH THE QUALITY OF DESIGN REPRESENTED HEREON.

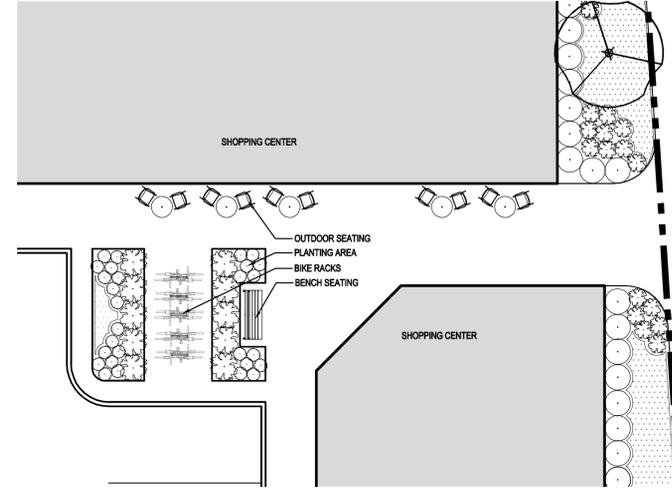
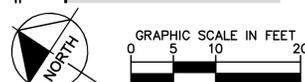
NO.	DATE	BY	CHECKED BY	REVISIONS
1	07/03/2014	KHA	JUN	ADDRESSED COUNTY COMMENTS
2	09/11/2014	KHA	JUN	ADDRESSED COUNTY COMMENTS
3	11/14/2014	KHA	JUN	ADDRESSED COUNTY COMMENTS
4	12/17/2014	KHA	JUN	ADDRESSED COUNTY COMMENTS
5	12/31/2014	KHA	JUN	ADDRESSED COUNTY COMMENTS



Plotted By: Johnson, Jacqui. Sheet: Sht:Kha - Layout:7 LANDSCAPE AMENITY AREAS & PERSPECTIVES. December 31, 2014. 02:27:38pm. K:\NAVA\LALP\110374001\_Spectrum - Charles St. CVS\CAD\Plan Sheets\G AMENITY AREAS DESIGN.dwg  
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**1** ENTRY PLAZA AMENITY AREA  
 SCALE: 1" = 10'-0"



**2** SIDE PLAZA AMENITY AREA  
 SCALE: 1" = 10'-0"



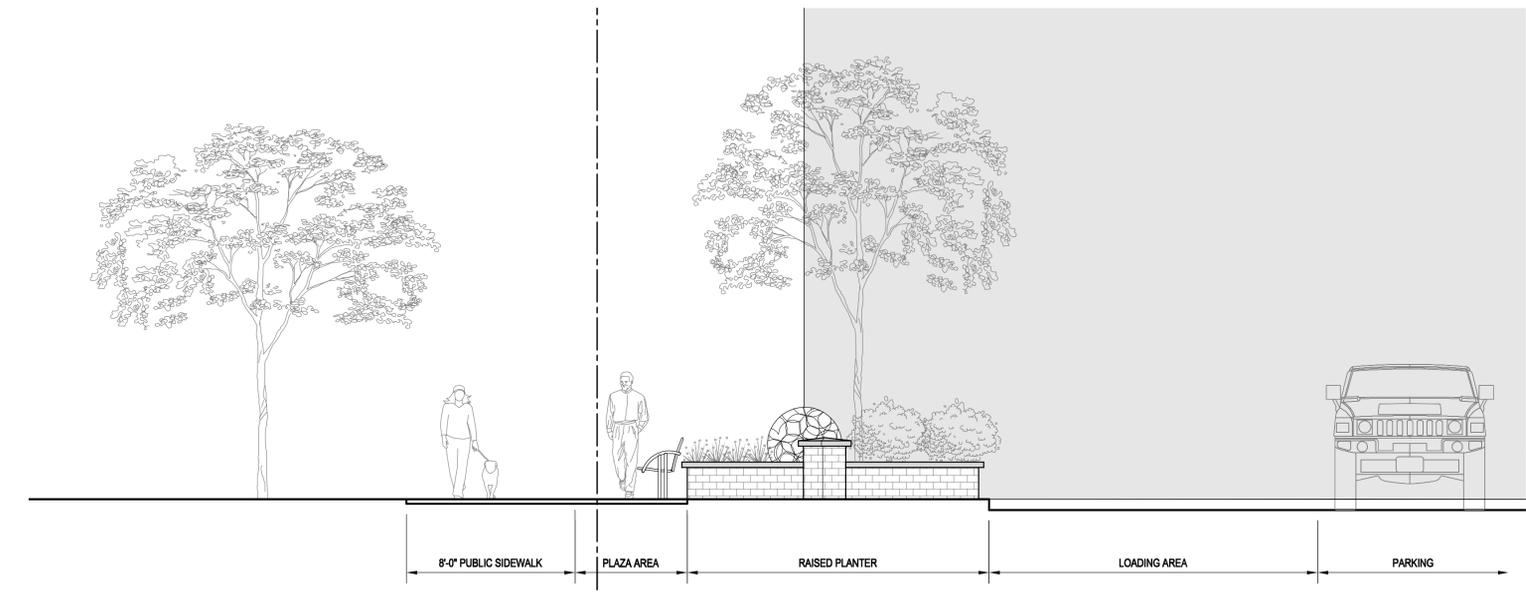
**4** PERSPECTIVE : ENTRY PLAZA AMENITY AREA  
 SCALE: NTS



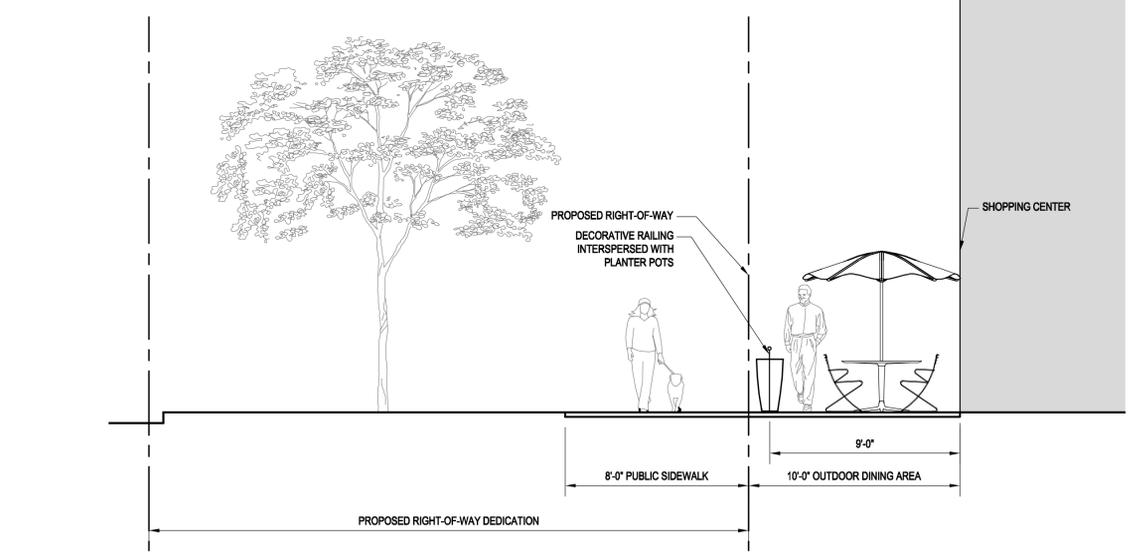
**5** PERSPECTIVE : ENTRY PLAZA AMENITY AREA  
 SCALE: NTS



**6** PERSPECTIVE : SIDE PLAZA AMENITY AREA  
 SCALE: NTS



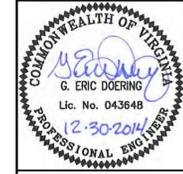
**3** ENTRY PLAZA : SECTION  
 SCALE: 1/4" = 1'-0"



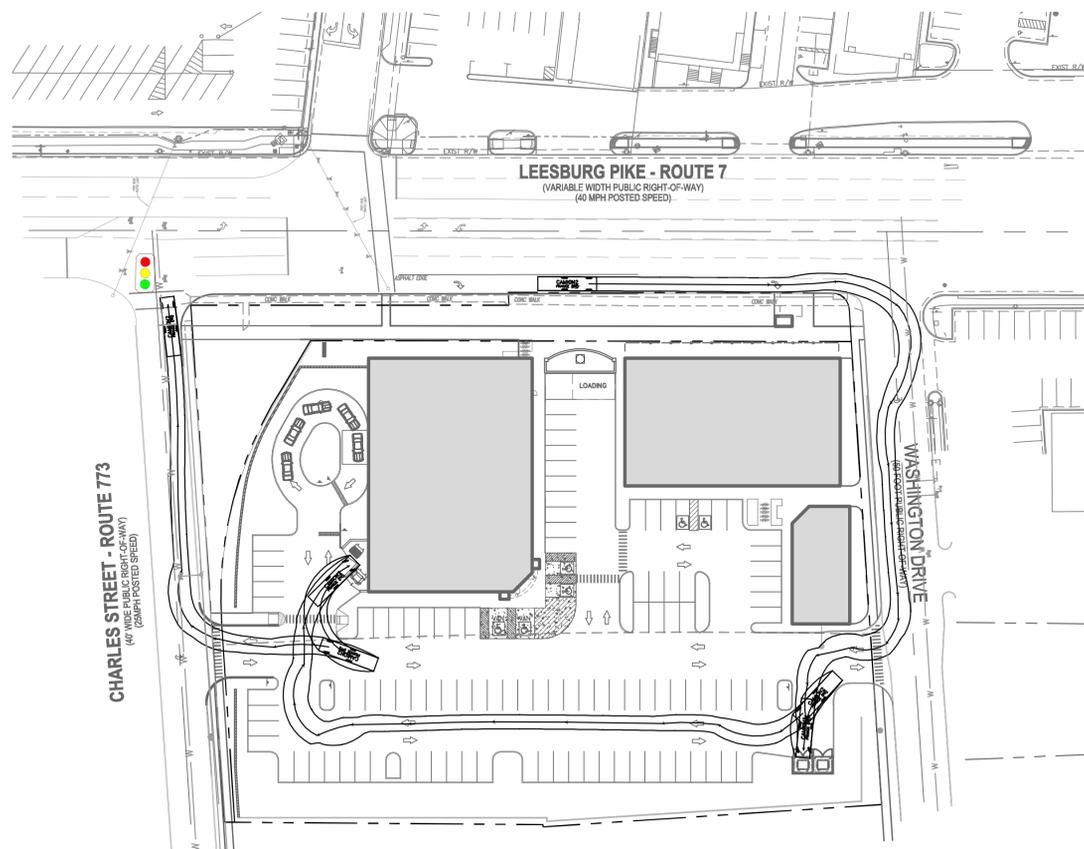
**4** OUTDOOR DINING AREA : SECTION  
 SCALE: 1/4" = 1'-0"



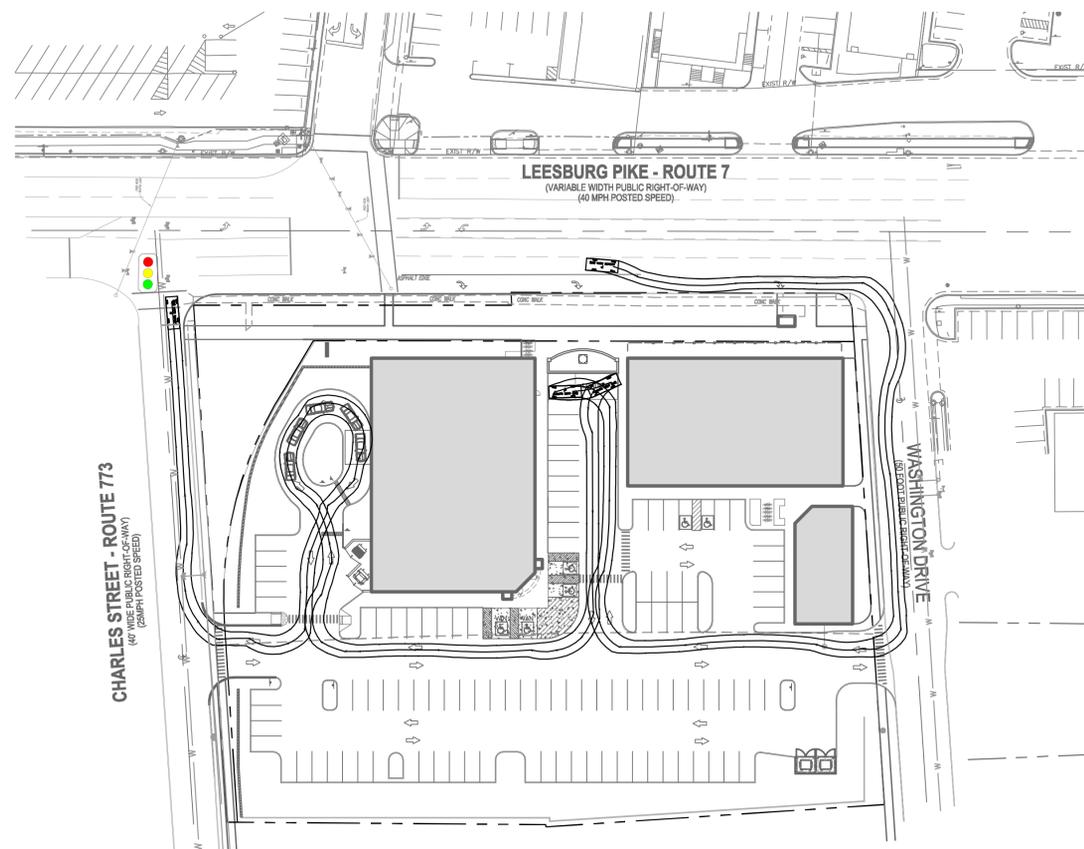
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KHA PROJECT #110374001	03/31/2014		KHA	JUN	GED		
1	07/03/2014	ADDRESSED COUNTY COMMENTS					DATE
2	09/11/2014	ADDRESSED COUNTY COMMENTS					
3	11/14/2014	ADDRESSED COUNTY COMMENTS					
4	12/17/2014	ADDRESSED COUNTY COMMENTS					
5	12/31/2014	ADDRESSED COUNTY COMMENTS					



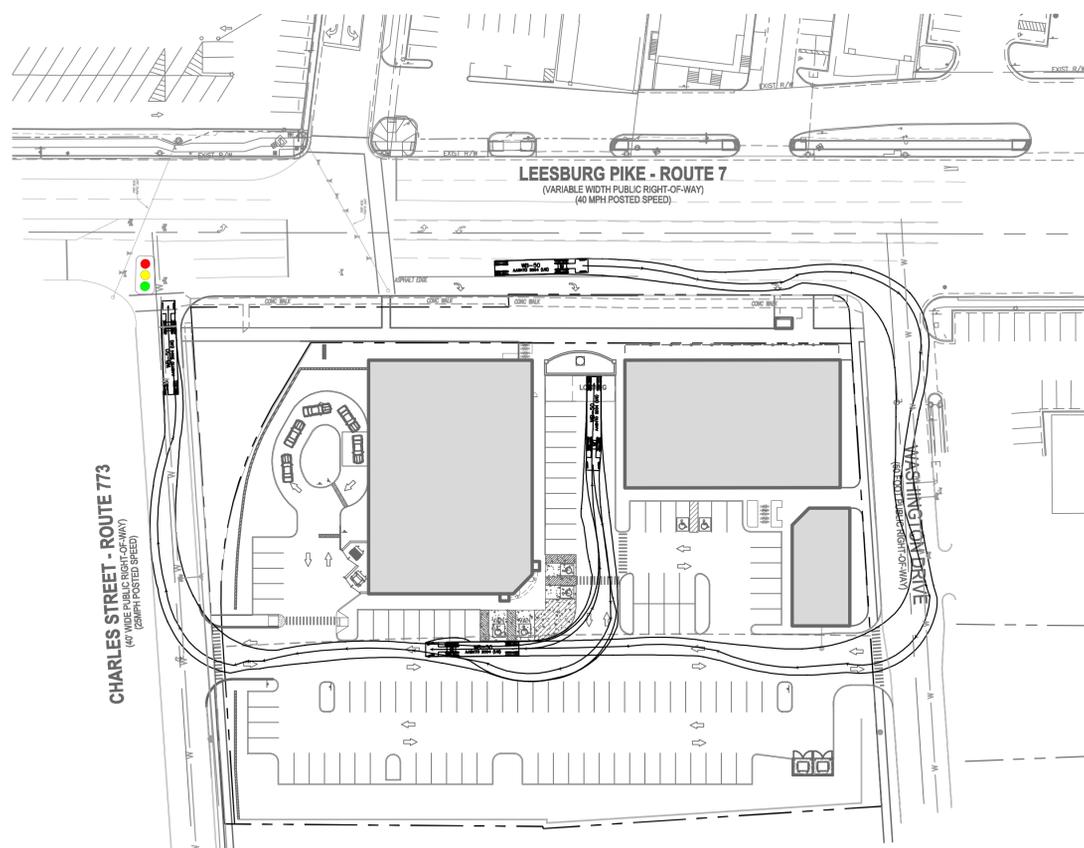
Plotted By: Johnson, Jocqui. Sheet: Sht-Kim. Layout: 8. VEHICULAR CIRCULATION PLAN. December 31, 2014. 02:28:17pm. K:\NVA\LALP\110374001\_Spectrum - Charles St. CVS\CAD\Plan Sheets\7. VEHICULAR CIRCULATION PLAN.dwg  
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1 GARBAGE TRUCK  
1" = 50'-0"

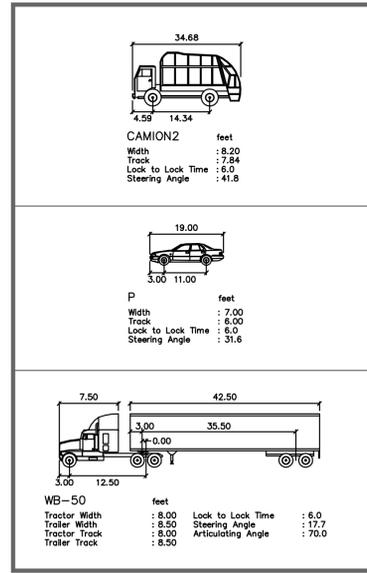


2 CAR  
1" = 50'-0"

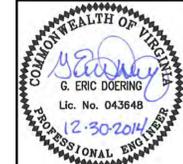


3 WB-50 DELIVERY TRUCK  
1" = 50'-0"

AUTOTURN TRUCK LEGEND



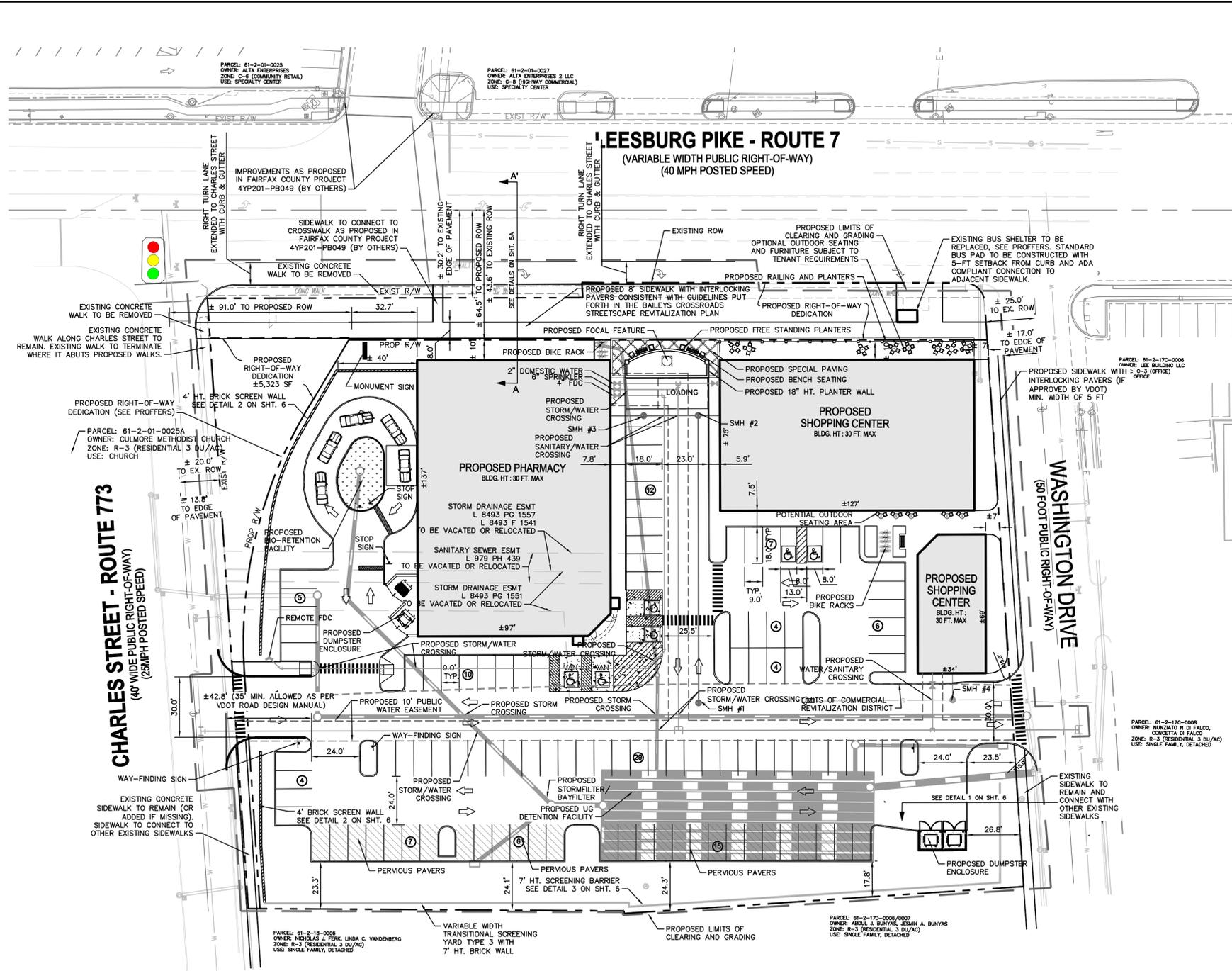
KHA PROJECT #	DATE	DESIGNED BY	DRAWN BY	CHECKED BY	REVISIONS	DATE
110374001	03/31/2014	KHA	JUN	GED		
2						
3						
4						
5						



VEHICULAR CIRCULATION PLAN  
 THE SHOPS AT BAILEY'S CROSSROADS  
 MASON DISTRICT  
 FAIRFAX COUNTY, VIRGINIA



Plotted By: Johnson, Jocelyn Sheet: Sak-Kita Layout: 10 SPECIAL EXCEPTIONS PLAT December 31, 2014 02:28:04pm K:\NVA\LAP\110374001 Spectrum - Charles St. CVS/CAD/Plan Sheets\9 SPECIAL EXCEPTIONS PLAT.dwg  
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**LEGEND**

PROPOSED	DESCRIPTION	EXISTING
	CENTERLINE SEE NOTE 26	
	CURB & GUTTER	
	SANITARY SEWER	
	STORM SEWER	
	WATER MAIN	
	OVERHEAD WIRES	
	UTILITY POLE	
	PROPERTY LINE	
	LIMITS OF CLEARING AND GRADING	

GRAPHIC SCALE IN FEET

- ### NOTES
- THE PROPERTY THAT IS THE SUBJECT OF THIS REZONING (RZ) IS IDENTIFIED ON THE FAIRFAX COUNTY ZONING MAP AS 61-2 (18) 1.5-61-2 (17) (D) 1.5. THE REZONING APPLICATION LAND AREA CONSISTS OF APPROXIMATELY 2.72 ACRES. SPECIAL EXCEPTIONS FOR A DRIVE-THROUGH PHARMACY AND FOR FAST FOOD RESTAURANTS WITHIN A BUILDING ARE BEING FILED CONCURRENTLY ON PORTIONS OF THE REZONING PROPERTY.
  - THE REZONING HAS BEEN FILED TO PERMIT THE DEVELOPMENT OF A DRIVE-THROUGH PHARMACY AND TWO SHOPPING CENTER BUILDINGS.
  - THE BOUNDARY INFORMATION SHOWN HEREON IS BY FIRST ORDER LLC.
  - THE TOPOGRAPHY SHOWN HEREON IS AT A CONTOUR INTERVAL OF TWO FEET FROM A FIELD SURVEY BY FIRST ORDER LLC.
  - IF AN AMENDMENT TO ANY PORTION OF THIS RZ BECOMES NECESSARY AT A LATER DATE, THE APPLICANT RESERVES THE RIGHT TO SUBMIT ONLY THAT PORTION THAT IS AFFECTED BY THE AMENDMENT FOR REVIEW AND APPROVAL.
  - THE EXISTING OFFICE BUILDING ON PARCEL 0612-17D-0001/0612-17D-0002 WAS CONSTRUCTED IN 1965 ACCORDING TO AVAILABLE RECORDS. THE EXISTING RESIDENTIAL BUILDING ON PARCEL 0612-17D-0004/0612-17D-0005 WAS CONSTRUCTED IN 1994 ACCORDING TO AVAILABLE RECORDS. THE EXISTING RESIDENTIAL BUILDING ON PARCEL 0612-17D-0004/0612-17D-0005 WAS CONSTRUCTED IN 1994 AND REMODELED IN 2009 ACCORDING TO AVAILABLE RECORDS. ALL STRUCTURES WILL BE DEMOLISHED AS PART OF THE CONSTRUCTION OF THESE USES.
  - LANDSCAPING, TRANSITIONAL SCREENING AND BARRIERS WILL BE PROVIDED IN ACCORDANCE WITH THE ZONING ORDINANCE. REQUESTED MODIFICATIONS ARE LISTED IN "WAIVERS/MODIFICATION REQUESTED" ON THIS SHEET.
  - PARKING SPACES FOR THE PROPOSED DEVELOPMENT PROGRAM ON THE SUBJECT PROPERTY WILL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN ARTICLE 11 OF THE ZONING ORDINANCE. A PARKING REDUCTION IS BEING REQUESTED AS ALLOWED IN A COMMERCIAL REVITALIZATION DISTRICT. SEE WAIVER/MODIFICATION #7.
  - A MODIFICATION IS BEING REQUESTED FOR THE LOADING SPACES REQUIRED BY ARTICLE 11 OF THE ZONING ORDINANCE. SEE WAIVER/MODIFICATION #8.
  - TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE OR MAJOR UNDERGROUND UTILITY EASEMENTS LOCATED ON THE SUBJECT PROPERTY.
  - TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO GRAVES LOCATED ON THE SUBJECT PROPERTY.
  - AN AREA AT THE INTERSECTION OF LEEBSBURG PIKE AND CHARLES STREET WILL BE RESERVED FOR FUTURE DEDICATION AS SHOWN ON THE GCP AND AS PER THE PROPOSED PROFFERS. THIS RESERVATION AREA IS FOR A FUTURE REALIGNMENT OF CHARLES STREET AT LEEBSBURG PIKE BY OTHERS WHEN A ROUTE 7 AREA-WIDE IMPROVEMENT PROJECT IS IMPLEMENTED. AN EIGHT-FOOT WIDE TRAIL WILL BE ADDED ALONG LEEBSBURG PIKE AS SHOWN IN THE GCP. THE EXTENSION OF THE RIGHT-TURN-ONLY LANE BETWEEN CHARLES STREET AND WASHINGTON DRIVE IS THE ONLY IMPROVEMENT TO THE PUBLIC RIGHTS-OF-WAY PROPOSED WITH THIS REZONING.
  - THERE ARE NO EXISTING SCENIC ASSETS LOCATED ON THE SUBJECT PROPERTY. THERE WILL BE NO ADVERSE EFFECTS ON ADJACENT OR NEIGHBORING PROPERTIES. THERE ARE NO COMMUNITY OR PUBLIC FACILITIES PROPOSED WITH THIS PROJECT.
  - PUBLIC WATER AND SEWER ARE CURRENTLY AVAILABLE ON THE SITE.
  - THERE IS NO FLOODPLAIN DESIGNATED BY THE FEDERAL INSURANCE ADMINISTRATION, UNITED STATES GEOLOGICAL SURVEY OR FAIRFAX COUNTY ON THE SITE. THERE IS NO ENVIRONMENTAL QUALITY CORRIDOR (EQC) OR RESOURCE PROTECTION AREA (RPA) ON THE SITE.
  - THE LIMITS OF CLEARING AND GRADING ARE SHOWN ON THE GCP.
  - TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE PROPOSED BUILDINGS WILL NOT GENERATE, UTILIZE, STORE, TREAT OR DISPOSE ANY HAZARDOUS OR TOXIC SUBSTANCES AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS PARTS 116.4, 302.4 AND 305.
  - SIGNAGE FOR THE EXISTING AND PROPOSED USES WILL BE IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN ARTICLE 12 OF THE ZONING ORDINANCE.
  - IT IS UNDERSTOOD THAT ADDITIONAL SITE FEATURES SUCH AS GAZEBOS, BENCHES, COVERED WALKWAYS, FLAGPOLES, TRELLISES, WATER FOUNTAINS OR FEATURES, OUTDOOR SEATING, SIGNS, WALLS, FENCES, LIGHT STANDARDS AND/OR UTILITY MAINTENANCE STRUCTURES NOT REPRESENTED ON THE GRAPHIC MAY BE PROVIDED AS LONG AS THE RESULTANT PROPOSED DEVELOPMENT IS IN SUBSTANTIAL CONFORMANCE WITH THE ZONING ORDINANCE AND THAT REPRESENTED ON THE GRAPHIC. ALL NEWLY PROPOSED LIGHTING ON SITE WILL BE SHIELDED AND LOCATED IN SUCH A MANNER AS TO REDUCE GLARE ON ADJACENT PROPERTIES IN ACCORDANCE WITH THE STANDARDS SET FORTH IN ARTICLE 14 OF THE ZONING ORDINANCE.
  - IT IS CURRENTLY ANTICIPATED THAT, SUBJECT TO MARKET CONDITIONS, CONSTRUCTION OF THE PROPOSED PHARMACY AND SHOPPING CENTER BUILDINGS WILL COMMENCE AS SOON AS ALL REQUISITE PLANS AND PERMITS ARE APPROVED AND THEY WILL BE CONSTRUCTED IN ONE CONTINUOUS PHASE.
  - THE EXACT LOCATION, SHAPE, AND SIZE OF THE BUILDING FOOTPRINTS SHOWN ON THE GRAPHIC ARE PRELIMINARY AND SCHEMATIC AND ARE NOT TO BE CONSIDERED FINAL. THEY ARE SUBJECT TO ADJUSTMENT AND REFinement WITH FINAL ENGINEERING AND ARCHITECTURAL DESIGNS SO LONG AS THEY REMAIN IN SUBSTANTIAL CONFORMANCE WITH THE REPRESENTATIONS ON THE GRAPHIC. THE TOTAL GROSS FLOOR AREA AND BUILDING HEIGHTS ARE TO BE CONSIDERED MAXIMUMS. THE OPEN SPACE REPRESENTED ON THE GRAPHIC AND THE DIMENSIONS TO THE PERIPHERAL LOT LINES ARE TO BE CONSIDERED MINIMUMS WITH THE UNDERSTANDING THAT ALL DIMENSIONS SHOWN ON THE GRAPHIC ARE SUBJECT TO MINOR MODIFICATION IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN SECTION 16.403 OF THE ZONING ORDINANCE.
  - THE FLOOR AREA REPRESENTED ON THE GRAPHIC IS GROSS FLOOR AREA AS DEFINED IN THE ZONING ORDINANCE.
  - SCHEMATIC ARCHITECTURAL ELEVATIONS OF THE PROPOSED BUILDINGS ARE INCLUDED IN THE GCP.
  - EXCEPT WHERE NOTED IN THE WAIVERS/MODIFICATIONS REQUESTED SECTION, TO THE BEST OF OUR KNOWLEDGE THE PROPOSED DEVELOPMENT OF THE SUBJECT PROPERTY CONFORMS TO ALL CURRENT APPLICABLE LAND DEVELOPMENT ORDINANCES, REGULATIONS AND ADOPTED STANDARDS.
  - SPECTRUM DEVELOPMENT LLC IS THE CONTRACT PURCHASER OF THE SUBJECT PROPERTY. OWNERSHIP INFORMATION IS LISTED BELOW:
    - 0612-18-0001/0612-18-0002/0612-18-0003/0612-18-0004 - OWNED BY CULMORE PROPERTIES LLC
    - 0612-18-0005 - OWNED BY PAUL BRYERS
    - 0612-17D-0001/0612-17D-0002 - OWNED BY GOVERNMENT EMPLOYEES INSURANCE CO. (GEICO)
    - 0612-17D-0003 - OWNED BY MY LEEBSBURG PIKE LLC
    - 0612-17D-0004/0612-17D-0005 - OWNED BY CHRISTOPHER AND CHRISTINA TRAN
  - LEEBSBURG PIKE CENTERLINE INFORMATION IS AS SHOWN IN FAIRFAX COUNTY PROJECT 4YP201-PB049 (SIGNAL MODIFICATIONS FOR ROUTE 7 WALKWAY - CULMORE SHOPPING CENTER TO CHURCH STREET), ORIGINAL SURVEY BY VOLKERT, LLC, CIRCA 2011. CHARLES STREET AND WASHINGTON DRIVE CENTERLINE INFORMATION PROVIDED BY FIRST ORDER LLC.
  - A TREE PRESERVATION TARGET DEVIATION WILL BE REQUESTED AT SITE PLAN, AS EXISTING TREES ON THE SITE WOULD PRECLUDE THE DEVELOPMENT OF THE SITE, AND A MAJORITY OF THE VEGETATION DOES NOT MEET STANDARDS FOR HEALTH AND STRUCTURAL CONDITION. 10-YEAR CANOPY REQUIREMENTS WILL BE MET BY MEANS OF TREE PLANTING.

- ### WAIVERS/MODIFICATIONS REQUESTED
- A MODIFICATION OF THE FRONT YARD SETBACK IS REQUESTED ALONG LEEBSBURG PIKE AND WASHINGTON DRIVE PER THE FAIRFAX COUNTY COMPREHENSIVE PLAN STREETScape GUIDELINES FOR THE BAILEY'S PLANNING DISTRICT, SEVEN CORNERS COMMUNITY BUSINESS CENTER. WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG ROUTE 7 IS REQUESTED PER THE FAIRFAX COUNTY COMPREHENSIVE PLAN TRANSPORTATION GUIDELINES FOR THE BAILEY'S PLANNING DISTRICT, BAILEY'S CROSSROADS COMMUNITY BUSINESS CENTER.
  - A MODIFICATION OF THE LOT WIDTH REQUIREMENT TO 160 FEET IS REQUESTED DUE TO THE RESERVATION FOR THE REALIGNMENT OF CHARLES STREET AND AS ALLOWED IN THE COMMERCIAL REVITALIZATION DISTRICT ORDINANCE.
  - A WAIVER OF THE TRAIL REQUIREMENT IS REQUESTED ALONG ROUTE 7 DUE TO THE PROVISION OF WIDE WALKWAYS IN ACCORDANCE WITH THE GUIDELINES FOR THE BAILEY'S PLANNING DISTRICT, SEVEN CORNERS COMMUNITY BUSINESS DISTRICT.
  - A LANDSCAPE BUFFER REDUCTION IS REQUESTED AS ALLOWED IN THE ORDINANCE FROM THE REQUIRED 50-FOOT TYPE III TRANSITIONAL SCREENING BUFFER TO A BUFFER RANGING FROM 17 TO 26 FEET, WHICH WILL BE ENHANCED WITH A FOOT BRICK OR ARCHITECTURAL BLOCK WALL AS SHOWN HEREIN. THE WALL WILL BE PLACED TWO TO THREE FEET FROM THE SOUTH PROPERTY LINE TO ENSURE THAT THE MAJORITY OF THE LANDSCAPING IS ON THE COMMERCIAL SIDE AND THUS MAINTENANCE RESPONSIBILITY WILL BE CLEAR AND THE POTENTIAL FOR LOITERING AND LITTERING ON THE SOUTH SIDE WILL BE MINIMIZED. THE FOOT MASONRY WALL IS MORE EFFECTIVE THAN ADDITIONAL BUFFER WIDTH IN SCREENING THE ADJACENT PROPERTIES. THE WALL OFFSET FROM THE SOUTHERN PROPERTY LINE WILL ALLOW FOR AN INTERMITTENT HEDGEROW ADJACENT TO THE PROPERTY LINE, AND PROVIDE ADDITIONAL BUFFERING FOR THE ADJACENT PROPERTIES. THE SHRUBS ON THE SOUTHERN SIDE OF THE WALL WILL BE IN ADDITION TO THE REQUIRED PLANTINGS FOR THE TRANSITIONAL SCREEN YARD, WHICH WILL BE PROVIDED ON THE COMMERCIAL SIDE OF THE WALL AS SHOWN HEREIN.
  - APPLICATION REQUESTS A MODIFICATION OF THE TYPE "D" BARRIER (42-48" CHAINLINK FENCE) REQUIRED ALONG THE NORTHWEST EDGE OF THE PARCEL. THE APPLICATION PROPOSES A 48" BRICK OR ARCHITECTURAL BLOCK WALL IN LIEU OF THE CHAINLINK FENCE.
  - A 20.0% REDUCTION (MAXIMUM ALLOWED IS 20%) IN PARKING IS REQUESTED AS ALLOWED BY SECT. A7-209.3.A OF THE BAILEY'S CROSSROADS COMMUNITY BUSINESS CENTER COMMERCIAL REVITALIZATION DISTRICT REGULATIONS.
  - A MODIFICATION IS BEING REQUESTED FOR A REDUCTION IN THE NUMBER OF REQUIRED LOADING SPACES REQUIRED BY ARTICLE 11 OF THE ZONING ORDINANCE. PER CODE, THREE LOADING SPACES WOULD BE REQUIRED. ONE SHARED LOADING AREA BETWEEN THE BUILDINGS WILL BE PROVIDED AS SHOWN ON THE PLAN.

ZONING TABULATIONS	
<b>EXISTING ZONING:</b>	C-2 (LIMITED OFFICE DISTRICT) - 1.89 AC R-3 (RESIDENTIAL, 3 DU/AC) - 0.83 AC
<b>PROPOSED ZONING:</b>	C-6 (COMMUNITY RETAIL / COMMERCIAL DISTRICT)
<b>OVERLAY DISTRICTS:</b>	HIGHWAY OVERLAY DISTRICT SIGN CONTROL DISTRICT BAILEY'S CROSSROADS / SEVEN CORNERS COMMERCIAL REVITALIZATION DISTRICT
<b>SITE AREA</b>	± 118,524 SQ FT (± 2.72 AC)

ZONING TABULATIONS (CONT.)		
	REQUIRED (FOR C-6 ZONING)	PROVIDED
<b>MIN LOT AREA</b>	40,000 SQ FT	± 118,524 SQ FT
<b>MIN LOT WIDTH</b>	200 FT	REQUESTED 160 FT MIN SEE MODIFICATION #3
<b>MAX BLDG HEIGHT</b>	40 FT	30 FT
<b>MIN YARD</b>		10 FT ALONG LEEBSBURG PIKE (PROPOSED R.O.W.) 7 FT ALONG WASHINGTON DRIVE (EXISTING R.O.W.)
<b>FRONT</b>	45 DEGREE ANGLE OF BULK PLANE (NOT LESS THAN 40 FT)	
<b>SIDE</b>	NONE	NONE
<b>REAR</b>	20 FT	± 70 FT
<b>MAX FLOOR AREA RATIO *</b>	0.40	0.22
<b>MAX GROSS FLOOR AREA *</b>	42,046 SQ FT	25,905 SQ FT
<b>OPEN SPACE</b>	15% 17,778 SQ FT	17.7% 21,000 SQ FT
<b>TREE COVER</b>	10%	SEE SHEET 4A
<b>INTERIOR PARKING LOT LANDSCAPING</b>		SEE SHEET 4A

\* SITE AREA BASED ON AREA PRIOR TO ANY R.O.W. DEDICATION (± 118,524 SF). POST-DEDICATION SITE AREA IS ± 103,713 SF.

PARKING TABULATIONS - OVERALL			
USE/ RATE	MAX BUILDING SIZE	REQUIRED	PROVIDED
<b>SHOPPING CENTER</b> 4.3 / 1000 SF of GFA	11,625 SQ FT	50 SPACES	108 SPACES (INCLUDES 6 HANDICAPPED)
<b>DRIVE-THRU PHARMACY</b> 5 / 1000 SF OF N.F.A. FOR THE FIRST 1000 SF 6 / 1000 FOR ADDITIONAL SQUARE FOOTAGE	14,280 SQ FT	85 SPACES	
<b>DRIVE-THRU STACKING</b> 5 CARS	N / A	5 CARS	
<b>TOTAL PARKING REQUIRED</b>		135 SPACES REQUIRED	
<b>COMMERCIAL REVITALIZATION DISTRICT PARKING REDUCTION REQUESTED</b> (SEE MODIFICATION / WAIVER REQUEST #7)		20.0% REDUCTION REQUESTED (REDUCTION OF 27 SPACES)	
<b>TOTAL PARKING REQUIRED AFTER REDUCTION</b>		108 SPACES REQUIRED	
<b>TOTAL PARKING PROVIDED</b>		108 SPACES PROVIDED	

**Kimley-Horn**

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WWW.KIMLEY-HORN.COM

**SPECIAL EXCEPTIONS PLAT**

**THE SHOPS AT BAILEY'S CROSSROADS**

MASON DISTRICT  
FAIRFAX COUNTY, VIRGINIA

DATE	REVISIONS
07/03/2014	1
09/11/2014	2
11/14/2014	3
12/17/2014	4
12/31/2014	5

SHEET NUMBER

**10 OF 10**

## **DESCRIPTION OF THE APPLICATIONS**

The applicant requests a rezoning of the subject property from C-2 and R-3 (with CRD, HC, and SC overlays) to C-6 (with CRD, HC, and SC overlays) in order to allow the development of a retail shopping center with a free-standing drive-through pharmacy totaling 25,905 square feet of gross floor area. The applicant also requests Special Exception approval for the drive-through component of the pharmacy and for fast food restaurant uses in the shopping center. In conjunction with the rezoning and special exception applications, the developer is requesting modifications of the parking requirements that will allow a parking reduction of 20 percent and a reduction of the lot width and front setback requirements in the C-6 zoning District, as permitted within a Commercial Revitalization District.

A reduced copy of the General Development Plan/Special Exception Plat (GDP/SE Plat) is included at the front of this report. The proposed proffers, development conditions, the Applicant's Affidavit, and the Statement of Justification are contained in Appendices 1, 2, 3 and 4, respectively.

### **Waivers & Modifications Requested:**

- 20% parking reduction as permitted in a Commercial Revitalization District (CRD) to allow 108 parking spaces instead of 135 (reduction of 27 spaces or 20.0%)
- Per the CRD provisions, waiver of the front yard setback requirement in the C-6 District to permit a 10 foot setback to Leesburg Pike and 7 foot setback to Washington Drive, where 40 feet is required.
- Per the CRD provisions, waiver of the minimum lot width requirement in the C-6 District to allow 160 feet after the dedication of right-of-way along Charles Street where 200 feet is required.
- Modification of the trail requirements along Leesburg Pike to permit an 8 foot wide paver walkway in accordance the Bailey's Crossroads streetscape standards in the Comprehensive Plan
- Modification of the transitional screening and barrier requirements along all or portions the east, south and west property lines, in favor of the plantings and masonry walls shown on the GDP/SE Plat.
- Waiver of the Tree Preservation Target Area in favor of the proposed plantings shown on the GDP/SE Plat.
- Waiver of the service drive requirement along Leesburg Pike in favor of the frontage improvements shown on GDP/SE Plat.
- Modification of the loading space requirements to permit one loading area where three spaces are required.

## LOCATION AND CHARACTER

### Location:

The total assembled property measures 2.72 acres in size and is located on the south side of Leesburg Pike between Charles Street and Washington Drive in the Bailey's Crossroads area. (See Figure 1).



**Figure 1. Aerial View of Site (Single-family home was demolished in 2007)**

### Site Description

The northwest portion of the property formerly contained a single-family dwelling, but this structure was demolished in 2007 and this area is now vacant. The northeast portion contains a one-story GEICO auto insurance office. The GEICO operation includes a drive-in claims center with three garage bays. Two single-family dwellings with detached garages, fronting on Charles Street and Washington Drive are located at the southern end of the site.

### Surrounding Area Description

The site abuts single-family detached dwellings to the south along Charles Street and Washington Drive. The Culmore United Methodist Church is located across Charles Street to the West. A circa-1960s five-story office building is located across Washington Drive to the east. Retail, restaurant, and office uses are located across Leesburg Pike, to the north. A summary of the surrounding uses, zoning, and comprehensive plan recommendations are provided in the following table:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Retail, Restaurant, Office	C-8, CRD	Retail and other
East	Offices	C-3, CRD	Office
South	Residential	R-3	Residential, 2-3 du/ac
West	Church	R-3	Institution

**ZONING HISTORY**

- January 12, 1976 – RZ 74-5-079 was approved by the Board of Supervisors on Lots 61-2 ((17)) (D) 1 and 3 to rezone the property from residential (R 12.5) to commercial (C-OL now C-2) to allow for the GEICO insurance office.
- May 22, 1995 – RZ 94-M-039 was approved by the Board of Supervisors on Lots 61-2 ((18)) 1, 2, 3 and 4 to rezone the property from C-2 and R-3 to C-2 to allow for a 3 story, 10,666 square foot townhouse-style office building at an FAR of 0.25. This project was never implemented.
- March 2007 – The single-family structure on Lots 61-2 ((17)) (D) 1-3 was demolished.

**COMPREHENSIVE PLAN PROVISIONS (Appendix 5)**

**Plan Area:** Area I  
**Plan District:** Bailey’s  
**Planning Sector:** B-5 Barcroft  
**Special Area:** Bailey’s Crossroads CBC, Bailey’s West, Sub-Unit D-2  
**Plan Map:** Office, Residential @ 2-3 du/ac

A Plan amendment was approved by the Board of Supervisors on September 23, 2014 (Amendment #2013-10). The amendment expanded the boundary of the Bailey’s CBC to include the entire application property and revised the redevelopment option for the site to specify that under full consolidation of the nine parcels, an integrated development of office or retail is recommended up to a 0.25 FAR. The redevelopment is predicated on orienting the primary building entrances to Leesburg Pike, engineering and dedicating the land for the realignment of Charles Street with Glen Forest Drive, restricting direct vehicular access from Leesburg Pike, prohibiting drive-through restaurants, and providing substantial screening and buffering to the adjacent single-family houses.

## **PLAN ANALYSIS**

### **Generalized Development Plan/Special Exception Plat (GDP/SE Plat)**

(Copy at front of the staff report)

Title of GDP/SE Plat: The Shops at Bailey's Crossroads

Prepared by: Kimley-Horn

Date: March 31, 2014, as revised through December 31, 2014

#### Site Layout

The applicant's GDP shows the pharmacy building situated at the northwest corner of the site, set back 10 feet from the proposed right-of-way along Route 7. The pharmacy's drive-through window is located on the west side of the building. A clockwise-circulating looped drive-through lane is shown to access the window. The main entrance to this building is located at the rear (south), oriented to the parking area. The in-line shopping center occupies the northeastern corner of the site, adjacent to Washington Drive and is also set back 10 feet from Route 7. A third retail building is shown to the south of the main building along Washington Drive. The primary entrances to the stores are oriented to the parking area, however exterior doors and outdoor seating are shown along the Leesburg Pike frontage. A small landscaped seating area is shown between the pharmacy and retail building, along Leesburg Pike. Access to the parking lot is provided via one driveway from Charles Street and another from Washington Drive. A total of 108 parking spaces for the shopping center and pharmacy are provided to the rear of the buildings. Stormwater is accommodated by a underground detention facility located beneath the southeast corner of the parking area (See Figure 2).

#### Architecture and Signage

Building elevations are provided on Sheet 6 of the GDP/SE Plat. The pharmacy occupies a one story building (30 feet tall with mezzanine) that utilizes a variant of the company's standard façade design consisting of red and beige masonry and siding materials. A series of faux windows are provided around three sides of the building (the north, west and south). The Leesburg Pike frontage also features a partial red vinyl awning. The retail buildings are one-story structures that feature a range of masonry and other façade materials, generous display fenestration, and a combination of flat and hipped roof lines (see Figure 3). A brick monument sign is shown along Leesburg Pike, near the Charles Street corner.

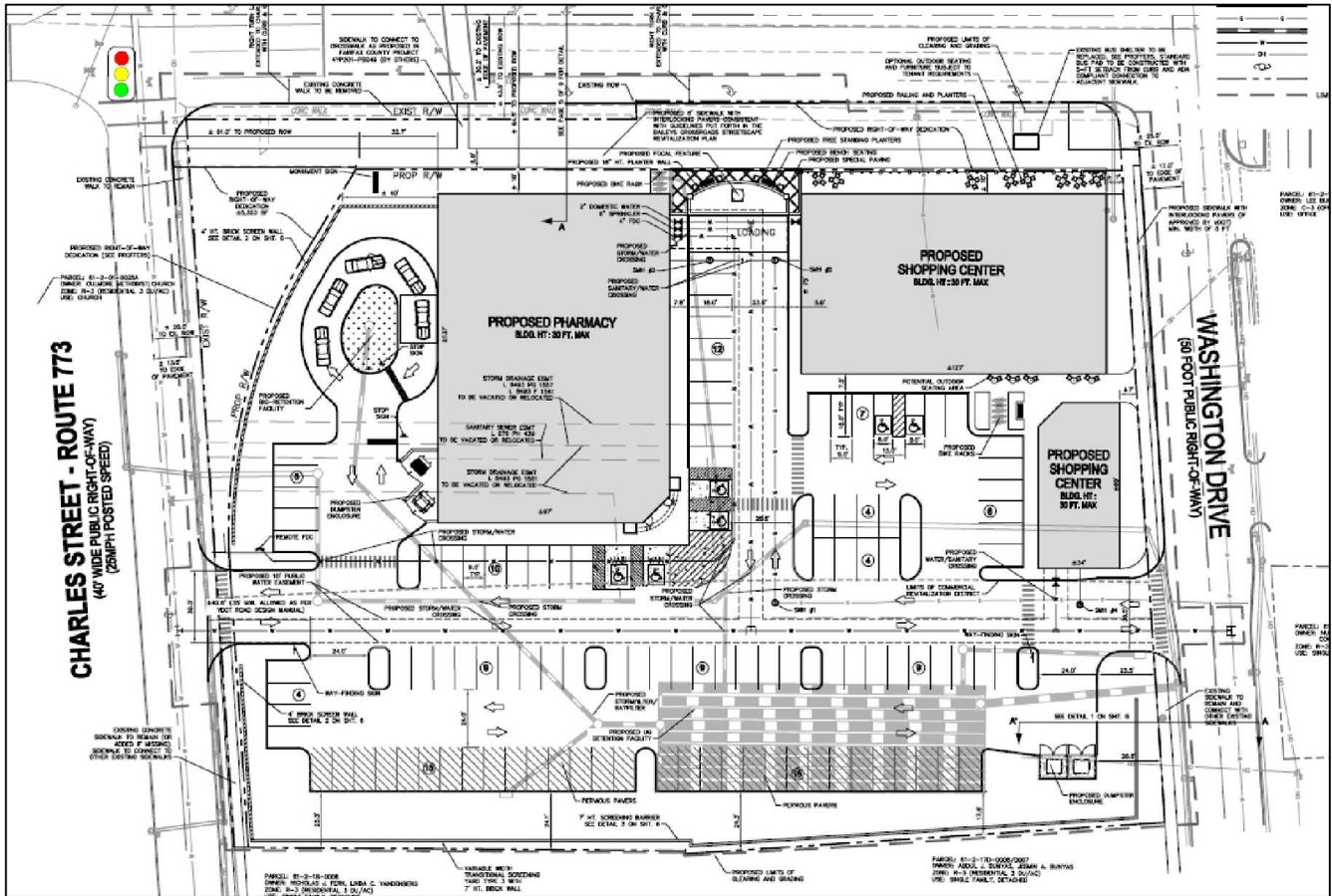


Figure 2 – Proposed Site Layout



Figure 3 – Proposed Building Elevations

### Vehicular Circulation and Parking

Vehicular access is provided via one driveway from Charles Street and another from Washington Drive. Both access points are located about 200 feet south of Leesburg Pike. The existing signal at Charles Street and Leesburg Pike will facilitate left turns into and out of the site for Route 7 traffic. The applicant proposes to extend the existing right-turn lane from eastbound Leesburg Pike to Washington Drive across the full frontage of the site to Charles Street, with curb and gutter. The drive-through window for the pharmacy is located on the west side of building. Access to the window requires vehicles to utilize a single-lane clockwise-circulating loop. Although there are stop signs at the entrance and exit to the "loop", traffic entering and exiting the drive through will need to cross travel paths. Additional analysis of the vehicular circulation is provided in the transportation section of this report.

108 parking spaces are provided at the side and rear of the pharmacy and retail buildings. The Zoning Ordinance requires a total of 135 spaces (at 4.3 spaces per 1,000 square feet for the retail building and 5.0 per 1,000 square feet for the pharmacy for the first 1,000 square feet and 6.0 per 1,000 square feet for additional square footage). The applicant requests permission to utilize the provisions of the CRD zoning overlay district to reduce the required parking. The 108 spaces represents a full 20 percent reduction; the waiver request is discussed in more detail in a following section of this report.

### Pedestrian Access & Transit:

The GDP/SE Plat shows the project maintains or enhances the existing sidewalks that abut the site along Charles Street, Leesburg Pike and Washington Drive. The sidewalk along Leesburg Pike would be widened to 8 feet in width and rebuilt with interlocking pavers, consistent with the Bailey's streetscape standards. Similarly, the Washington Drive sidewalk north of the proposed access point would be widened to 5 feet in width and upgraded to pavers. The 70 foot long section of existing concrete sidewalk south of the access point is being retained. The existing four foot wide concrete sidewalk along Charles Street will also be retained. Internal pedestrian circulation is provided by walkways around the periphery of the buildings and several crosswalks that span the main east-west travel aisle and site driveways. Bicycle racks are provided adjacent to the pharmacy and retail buildings

The applicant has proposed to upgrade the existing bus shelter along Route 7, near Washington Drive, with a new shelter that conforms to the Comprehensive Plan design for the Bailey's Crossroads CBC.

### Landscaping, Tree Save & Streetscape:

Given the limited number and generally poor condition of the existing vegetation on the site, the applicant has proposed to remove all existing vegetation and replace it with new plantings. The proposed landscaping is located mainly around the periphery of the site. The GDP/SE Plat shows streetscape plantings consisting of street trees, shrubs, and ground cover along Leesburg Pike.

A 10 foot wide planting strip with shrubs and ornamental trees is shown along the eastern edge of the site, along Washington Drive. A similar treatment is provided along Charles Street; however, the applicant has proposed temporary plantings within the dedicated ROW for the Charles Street realignment consisting of street trees, groundcover, and shrubs.

A screening buffer varying in width from 17.8 feet to 26.8 feet with a 7 foot tall masonry wall is provided along the rear property line, adjacent to the single family homes and along portions of Charles Street and Washington Drive. This buffer area has the wall located along the property line and a mixture of Category III and IV deciduous and evergreen shrubs between the wall and the parking area (see Figure 4). The proposed transitional screening area requires a modification and is discussed in greater detail in following sections of this report.

### Stormwater Management:

The majority of the site falls within the upper reaches of the Cameron Run watershed. Small portions along Leesburg Pike are also located within the Four Mile Run Watershed. The stormwater management (SWM) narrative on Sheet 9 of the GDP/SE Plat indicates that stormwater will be accommodated by an underground storm chamber detention facility located at the rear of the site beneath the parking lot that will reduce post-development peak flows below pre-development levels. The majority of the site will drain through a series of inlets and underground pipes to the storage chambers. The detention facility outfalls to existing storm sewers on Washington Drive, which then flow southeast and ultimately outfall into Holmes Run. Small areas around the periphery of the site will sheet flow onto adjacent roadways with no adverse impacts anticipated by the applicant; 2.36 acres of offsite area to the northwest (the church property) currently utilizes underground pipes located in an easement that traverses the site from west to east to convey stormwater. These pipes will be re-routed around the proposed buildings and will continue to tie into the storm sewers along Washington Drive. The current easements will be vacated and relocated. A small bio-retention area near the pharmacy drive-through, along with an area of pervious pavers along the rear of the parking lot are also utilized to meet BMP requirements for a 20 percent decrease in phosphorous.

## **STAFF ANALYSIS**

### **Land Use and Environmental Analysis (Appendices 5 - 6 )**

#### *Conformance with Comprehensive Plan*

The site-specific Plan recommendations for the property were amended earlier this year to provide a redevelopment option that allows for the type of retail development proposed by the applicant. That recommendation, however, was predicated on a set of six conditions that provide guidance on the form such a project should take. While some of the conditions have been met, it is staff's opinion that several key elements are not consistent with what the Plan envisions. The following analysis reviews consistency with each recommendation:

1. *The intersection of Charles Street, Glen Forest Drive and Leesburg Pike should be realigned to remove the offset intersection on Leesburg Pike to improve vehicular and*

*pedestrian safety and operations. It is intended that the improvement align Charles Street with Glen Forest Drive. The realignment should preclude a severe angled intersection, while minimizing the impact to the existing residentially zoned properties to the south. Any development of these parcels should provide an engineered alignment to Virginia Department of Transportation standards and acceptable to Fairfax County Department of Transportation. Right-of-way for the engineered alignment should be dedicated to realign Charles Street and possible funding provided toward the construction of this improvement.*

The GDP/SE Plat and proffers propose to dedicate some right of way for the realignment of Charles Street and provide two alternative alignments for how the connection might work. However, Staff is concerned that both alignments, as provided, are deficient because they propose too severe of an angle, do not meet VDOT standards, negatively impact off-site property north of Route 7, and/or impose a financial burden on the County in order to fully implement them. Overall, staff does not think that the current proposals meet the recommendation in the Plan. This issue is discussed in greater detail in the Transportation Analysis section of this report.

2. *Primary pedestrian entrances should be visible and accessible from Leesburg Pike.*

The primary pedestrian entrances for both the pharmacy and the retail buildings are located at the rear of the buildings, facing the parking area. As such, they are not immediately visible from Leesburg Pike. Sidewalks near the main common area do provide pedestrian access, although Staff continues to have concern, particularly with the pharmacy building, that the entrance is not easily discernable from the sidewalk along Route 7. Staff notes that the main retail building has been revised and now features outdoor seating along Leesburg Pike and includes a façade with generous fenestration and doorways. Overall, it is staff's opinion that the inline retail portion of the proposal meets the intent of the Comprehensive Plan, but the pharmacy building, as designed, does not.

3. *Parking should be located to the rear or side of the main structure.*

As all of the parking is located to the rear and sides of the buildings, staff concludes that this condition is met.

4. *Vehicular access to the property should be restricted to Charles Street and/or Washington Drive with no vehicular access to Leesburg Pike.*

With one access point each on Charles Street and Washington Drive, the proposal is consistent with this condition.

5. *Drive-thru fast food restaurants should be prohibited.*

No such uses are proposed.

6. *To protect the existing residential community, substantial buffering and screening should be provided between the non-residential use and the adjoining residential properties.*

Given that the subject property directly abuts residential properties to the south and east, the Comprehensive Plan recognizes that buffering and screening are of paramount importance. The applicant is providing a 7 foot tall masonry wall adjacent to the residential properties, the planting area for transitional screening measures 17 to 26 feet in width. While this is less than half of the 50 foot width normally required for these uses, it is within the two-thirds reduction permitted by the Ordinance with the inclusion of a masonry wall. The applicant has also consolidated some of the parking lot islands at the rear of the site to enhance the effectiveness of the planting area. It is staff's opinion that the screening provided on GDP/SE Plat meets the intent of the Plan. Additional analysis of the transitional screening is provided in the waivers and modifications section of this report.

#### *Layout and Design of Pharmacy Building*

From the early stages of the review, staff was concerned with the design and orientation of the buildings, particularly the free-standing pharmacy. The application property is in a gateway location to the Bailey's Crossroads Commercial Business Center (CBC) and is the first new construction in this segment of the corridor. As such, the design of this site will establish the tone for the type and quality of development in the CBC. Although the pharmacy has been situated close to the right of way as called for in the Plan, it is actually oriented towards the rear of the site with the main entrance facing the parking area, and the loading area and service door located adjacent to Leesburg Pike. While rear entrances from the parking area are acceptable, in order to provide a genuine façade along Route 7, staff recommends that the pharmacy be designed with primary public entrances fronting on or close to Leesburg Pike. Similarly, the loading area and service entrance for the pharmacy would be more appropriately located at the rear of the building, hidden from view from the right of way and the pedestrian seating area. As a compromise, staff suggested that locating the pharmacy entrance on the east side of the building could be acceptable if it were incorporated as part of a landscaped outdoor courtyard or plaza space between the pharmacy and retail buildings. While the applicant has made improvements to the small seating area located between the buildings, the space is still dominated by parking stalls, a loading area, and the blank masonry façade of the pharmacy building and does not integrate the pharmacy with the rest of the development (see Figure 4). Staff provided numerous recommendations to relocate or redesign the pharmacy from the outset of the review in early 2014 but to date no such revisions have been made.

In addition, staff continues to have significant concerns about locating the drive-through window in such a prominent location on the west side of the building at the intersection of Charles Street and Leesburg Pike. It is staff's opinion that doing so is contrary to the long-standing Comprehensive Plan goals for the Bailey's Crossroads CBC as they relate to auto-oriented uses. The unusual circulation pattern for the drive-through is also a functional concern and is discussed in more detail in the transportation analysis section of this report.



**Figure 4 – CVS Eastern Elevation and Rendering**

### *Freestanding Signage*

The applicant is proposing a monument sign along Leesburg Pike in front of the CVS building. While this is conformance with Article 12, it is staff's opinion that a freestanding sign is unnecessary in this location and is contrary to the Plan recommendations for urban design in Bailey's Crossroads. With the buildings located so close to the right of way, they will be highly visible from Leesburg Pike. The proposed wall signage obviates the need for the monument sign and staff strongly recommends that it be removed from the plans.

### *Green Building*

The subject property is located in the Bailey's Crossroads Community Business Center, where applicants are strongly encouraged to seek U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) certification, or an equivalent. The applicant has submitted a proffer to attain LEED for new construction (LEED-NC) for the development. The proffer was also recently revised to include a green building escrow of \$80,000 for the CVS pharmacy, \$25,000 for the larger retail building, and \$10,000 for the smaller retail building. With this enhanced commitment, staff feels the green building issue has been satisfactorily addressed.

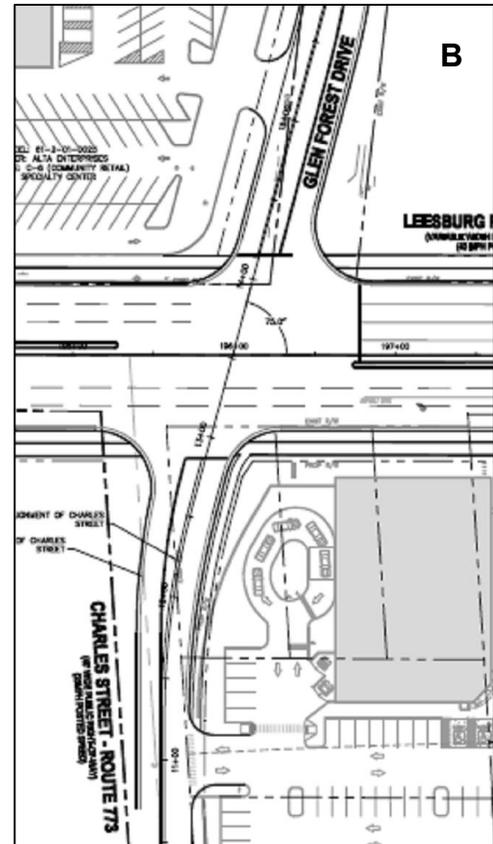


to Alternative A, the land necessary to implement it on the north side of Leesburg Pike is not part of the current application. It would result in the loss of approximately 28 existing parking spaces for that shopping center. While the applicant has demonstrated this will not put the property into non-conformance with respect to parking, absent a redevelopment proposal, the burden for completing the intersection would fall to the County, both for acquiring the private property and to construct the improvements. The Comprehensive Plan does not envision redevelopment of this site, and thus, provides no incentives. If the county is unable or unwilling to make this purchase, Alternative B becomes infeasible and the realignment will not occur. Finally, while the 75 degree angle is better than 66.7, it is still well below the optimal 90 degree solution and would have many of the same operational and safety deficiencies as Alternative A, albeit to a lesser extent.

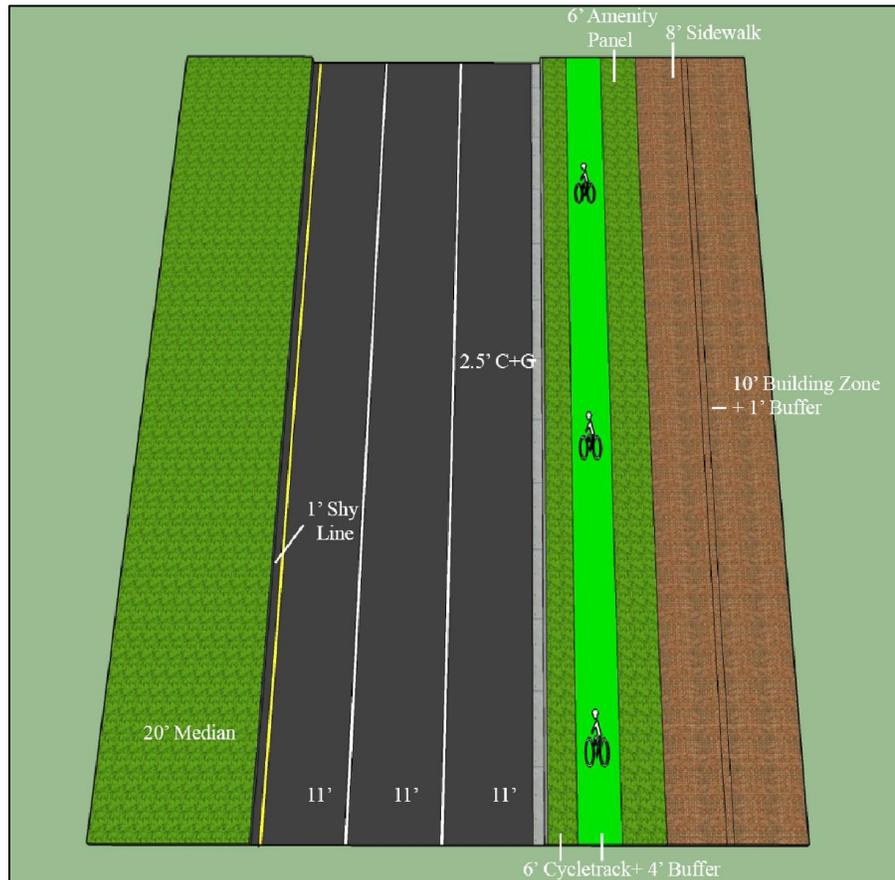
Staff has recommended other alignments that could more closely meet the goals of the Plan; however, these would require the applicant to redesign the proposal to shift the drive-through area and/or pharmacy further east and out the path of the optimal alignment. To date, the applicant has not made any revisions to the location of pharmacy building and/or drive-through, and thus this issue remains unresolved.

#### *Leesburg Pike Right of Way Dedication – Cycle Track*

Leesburg Pike is identified in the newly adopted Bicycle Master Plan as a “Policy Road”, meaning the decision concerning the bicycle facilities selected for it must be made in conjunction with other roadway planning and land development factors. The Plan states that safe bicycle travel should be accommodated on these roads as they are considered to be part of the Bicycle Network, but selection of the facility or facility combinations should be coordinated with other key planning decisions made regarding the roadway’s capacity and operation and the development that occurs along it. For roads in commercial areas with speeds greater than 35 mph and no service drives, like the section of Leesburg Pike adjacent to the site’s frontage, the plan recommends a cycle track facility or buffered bike lane. According to the Plan, a cycle track is a bicycle facility that is physically separated from both the roadway and the sidewalk. A cycle track may be constructed at the roadway level using roadway space or at the sidewalk level using space adjacent to the road. Cycle tracks separate the bicyclist from motor vehicle traffic using a variety of methods, including curbs, raised concrete medians, bollards, on-street parking, large planting pots/boxes, landscaped buffers (trees and lawn), and other methods.



In order to accommodate the cycle track, FCDOT has requested a right-of-way dedication that provides for an ultimate 71.5 foot cross section to the centerline for most of the frontage



**Figure 5 – Cycle Track Typical Section**

and (76.5 feet at the bus shelter) to allow the cycle track to pass around that structure. The applicant has provided 64.5 feet, or 7 feet less for most of the frontage (12 feet less than requested around the bus shelter). Staff recommends that the additional land be dedicated; however, given the long time frame for the construction of any bicycle improvements in this area, staff would support allowing a license agreement whereby the applicant could utilize the unused r.o.w for outdoor seating or planting until it is needed by the County.

In the latest revision to the plans, the applicant has included a proposed section that shows how a cycle track could be accommodated within the 64.5 feet being provided by reducing the sidewalk width and landscape strip. While this section could provide for the facility along most of the site frontage, it would not accommodate the wider area needed to pass around the bus shelter. The applicant is investigating the feasibility of shifting the bus shelter and/or stop towards the center of the site's frontage at the proposed landscaped seating area; however, such a move requires approval from WMATA, and as of the publication of this report, there has been no indication of their willingness to consider such a request. As such, this issue remains unresolved, but staff is continuing to work with the applicant on an acceptable solution.

### *Pharmacy Drive-Through Circulation*

FCDOT echoes the concerns expressed by other staff regarding the proposed circulation pattern for the pharmacy drive through and recommends that the pharmacy be redesigned to provide a more standard drive through lane that does not cause conflicting vehicular movements.

### *VDOT Transportation Impact Assessment (TIA)*

As of the date of publication of this report, VDOT has not yet concluded that the Chapter 870 TIA is technically sound. The applicant has provided comments to address previously identified deficiencies and a decision is expected in early January 2015. Staff recommends that no decision be made by either the Planning Commission or Board until VDOT issues their response.

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

Staff identified several concerns with the proposed plan; among these were conformance with the parking area landscaping requirements, transitional screening, tree preservation target, and invasive species control. These issues have been largely addressed in the latest submission; the following summarizes the key changes incorporated in the revised submission to address previous staff concerns:

#### *Peripheral Parking Lot Landscaping/Streetscape*

The Urban Forester identified that the peripheral parking lot landscaping calculations were incorrect along Charles Street, Leesburg Pike, and Washington Drive. In addition, the required 10 foot wide landscape strip was not provided along Charles Street and Washington Drive adjacent to the areas without transitional screening. The revised submission has corrected the calculations and added note that indicates they will comply with the streetscape recommendations in the Comprehensive Plan (including shrubs, groundcover, ornamental grasses); however, a full 10 foot wide landscape strip has not been provided. Staff is continuing to work with the applicant on improving the plantings at the site.

#### *Tree Preservation Target*

Although the property contains few trees, the Urban Forester identified several trees in good condition, including several native American Hollies, that should be considered for preservation. The applicant considered this request, but indicates that the identified trees are located either in the center of the proposed development area or are not in good health. Accordingly, staff has recommended a waiver of the tree preservation target at the time of site plan and a proffer has been proposed that will provide for replacement of the existing trees subject to the approval of the Urban Forester. The applicant has committed to providing a minimum of 6 new, 10 foot tall American Hollies that will have an increased chance of survivability over the existing plants on site.

### *Development Conditions for new Landscaping*

The Urban Forester recommends development conditions or proffers that will require a Landscape pre-inspection meeting and the use of plants native to the mid-Atlantic region to the extent feasible. Recommended language to this effect has been included in the proffers.

### **Office of Community Revitalization - OCR (Appendix 9)**

The Office of Community Revitalization initially had numerous concerns about the design of the project and its compatibility with the goals and objects of the Bailey's Crossroads CBC. Through numerous revisions and the provision of additional details and renderings, many of these have been addressed in the current submission and proffers; however several fundamental concerns remain:

#### *Design of Pharmacy Building*

OCR echoes concerns from other staff regarding the blank facades on the pharmacy building, particularly on the eastern façade, opposite the retail building. At a minimum, the applicant should utilize architectural features such as windows, lighting, canopies, and variations in building materials to create a more pedestrian-friendly character that is consistent with the other retail buildings.

#### *Streetscape*

While the applicant has proposed to upgrade portions, staff believes they should re-construct the entire Washington Drive sidewalk with interlocking pavers. The current plans show only the area north of the driveway with pavers and the existing concrete sidewalk to remain to the south. In addition, OCR recommends that the applicant provide additional street furnishing and lighting details.

#### *Utilities*

The applicant is not currently planning to underground the existing utility lines that abut the site along Charles Street. The Plan for Bailey's recommends that all utilities should be installed underground and coordinated with roadway improvements and landscaping. If approval cannot be obtained from the respective utility companies, it is recommended that the applicant contribute to the cost of undergrounding the lines in the future. While the current proffers do include a commitment to coordinate utilities with landscaping, no contribution for undergrounding is provided.

### **Stormwater Management Analysis (Appendix 10)**

The site does not currently have any water quality or quantity controls. According to the applicant's adequate outfall narrative on Sheet 7 of the GDP/SE Plat, stormwater will be accommodated by an underground storm chamber detention system located in the southeast corner of the site, beneath the parking area. The detention chamber outfalls to existing storm sewer system along Washington Drive. Small areas around the periphery of the site sheet flow off the property with no adverse impacts anticipated by the applicant on the adjacent

properties (this will need to be confirmed at site plan review). The system will reduce post-development peak flows from the site to below good forested conditions in the one, two and ten year storms. The chamber has been sized to accommodate the 100-year storm as required in the Four Mile Run watershed. Pervious pavers are proposed at the rear of the parking area in conjunction with a bio-retention area near the pharmacy drive through and will be used to meet BMP requirements. Sheet 7 shows a 20 percent reduction in phosphorus, which meets the newly adopted County and State requirements for a redevelopment site greater than one acre in size. All issues with respect to stormwater have been addressed and the applicant has proposed a proffer that requires DPWES approval of the proposed stormwater management system and BMPs at the time of site plan review.

**Fairfax County Park Authority (Appendix 11)**

In line with the County’s Urban Park framework and the property’s location in the Bailey’s CBC, the Park Authority recommends that a small-scale urban plaza or pocket park be provided on-site. The current plan provides a small seating area between the pharmacy and retail buildings in front of the loading area. Additional seating areas are shown in the area between the two retail buildings. The Park Authority does not believe that the proposed seating area meets the definition of true pocket park and recommends that a larger space be provided. In addition, the Park Authority shares other staff concerns with the design of the seating area, given the presence of the loading area and the blank architectural façade of the pharmacy building in this location.

**Sanitary Sewer and Water Authority (Appendices 12 - 13)**

The property has access to both potable water sanitary sewer. There is an existing 12 inch water main in Leesburg Pike and 6 inch mains in Charles Street and Washington Drive. Fairfax Water indicates these are adequate to supply the proposed development, but extensions may be required to satisfy fire flow requirements. Sewer service will be provided by an existing 8 inch line located in an easement on site. The property is ultimately served by the Arlington County Water Pollution Control Plant on Glebe Road in south Arlington. Based on the current and committed flow, there is excess capacity at the plant to accommodate the proposed development. Overall, no concerns have been identified related to utility service at the site.

**ZONING ORDINANCE PROVISIONS**

<b>Bulk Standards (C-6; CRD)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	40,000 sq. ft	2.72 acres
Lot Width	200 feet	160 feet ± <sup>1</sup>
Building Height	40 feet	30 feet
Front Yard	20 feet	10 feet- Leesburg Pike <sup>2</sup> 7 feet – Washington Drive
Rear Yard	20 feet	70 feet

FAR	0.40	0.22
Open Space	15%	17.7%
Parking Spaces	135 spaces	108 spaces <sup>3</sup>
Loading Spaces	3 space	1 space <sup>4</sup>
<b>Transitional Screening &amp; Barriers</b>		
East/South (Zoning: R-3/Single-Family Homes)	Screening Yard III (50 feet); Barrier E, F or G	Variable Width: 17 feet-26 feet; 7 foot masonry wall <sup>5</sup>
West (Zoning R-3/ Church)	Barrier D or E	4 foot masonry wall <sup>5</sup>

<sup>1</sup> The dedication of required right of way for the realignment of Charles Street results in a reduction of the lot width to 160 feet. The applicant has requested a modification of the lot width standard pursuant Sect. A7-206 of the Bailey's Crossroads/Seven Corners Commercial Revitalization Overlay District.

<sup>2</sup> The applicant has requested a modification of the front yard setback standard pursuant Sect. A7-206 of the Bailey's Crossroads/Seven Corners Commercial Revitalization Overlay District.

<sup>3</sup> The applicant request s to utilize the 20.0% parking reduction pursuant to Par. 3.A of Sect. A7-209 of the Bailey's Crossroads/Seven Corners Commercial Revitalization Overlay District.

<sup>4</sup> A modification of the loading space requirements is requested.

<sup>5</sup> A modification of the transitional screening requirements is requested.

As depicted on the GDP/SE plat, the development complies with the majority of the zoning and bulk provisions of the C-6 District, except as noted above.

### Overlay District Requirements

#### Bailey's Crossroads/Seven Corners Community Revitalization District (CRD) (Part 2 Sect. A7-200)

Sections A7-206 and 209 of the Zoning Ordinance for the Bailey's Crossroads/Seven Corners CRD allow up to a 20 percent reduction in the standard parking requirements and a modification of the minimum lot size requirements in conjunction with a rezoning or by special exception. The applicant is requesting to utilize the full parking reduction as well as a modification to the minimum lot width and front yard setback requirements. The applicant is also requesting to utilize the Bailey's Crossroads planting and streetscape standard in lieu of the standard Zoning Ordinance requirement; these requests are discussed more fully in the waivers and modifications section of this report.

#### Sign Control Overlay District (SC) (Sect. 7-500)

The additional regulations of the Sign Control Overlay district restrict the subject property to one freestanding sign limited to 40 square feet in area and eight feet in height. The GDP/SE Plat shows a proposed monument sign adjacent to Leesburg Pike near the Charles Street corner. While, the sign meets the provisions of the SC overlay district, staff strongly recommends that the sign be removed because it is superfluous given the prominent wall signage on the buildings and proximity to the right of way.

Highway Corridor Overlay District (HC) (Sect. 7-600)

The proposed fast food restaurant uses are subject to the additional regulations on auto-oriented, fast service, or quick-turn over uses within a Highway Corridor Overlay district. Paragraph 1 of Sect. 7-608 requires that:

*A)Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties. B) Such a use shall have access designed so as not to impede traffic on a public street intended to carry through traffic. To such end, access via the following means may be given favorable consideration: (1) Access to the site is provided by a public street other than one intended to carry through traffic, and/or (2) Access to the site is provided via the internal circulation of a shopping center, which center contains at least six (6) other commercial uses, or an office complex having a limited number of well-designed access points to the public street system and no additional direct access is provided to the site from a public street intended to carry through traffic over and above those entrances which may exist to provide access to the shopping center, and/or (3) Access to the site is provided by a functional service drive, which provided controlled access to the site; and C)There shall be no outdoor storage or display of goods offered for sale except for outdoor storage or display of goods permitted at a service station or service station/mini-mart.*

The proposed fast food restaurant(s) will be located “in-line”, within the retail buildings and are not proposed to contain drive-through windows. Parking spaces are provided immediately adjacent to these uses. Vehicular and pedestrian access is fully integrated with the other uses on the site. Access to the site is via Charles Street and Washington Drive, and not Leesburg Pike. Finally, no outdoor storage or display of goods is proposed. This standard is satisfied.

Paragraphs 2 through 5 of Sect. 7-608 relate to uses other than fast food restaurants in commercial and industrial zoning districts and are not applicable.

**WAIVERS AND MODIFICATIONS**

Although staff is recommending denial of the applications, the waivers and modifications were not a determining factor in reaching this conclusion. Accordingly, if the Board decides to approve the applications, the following analysis should be considered in making determinations on the requested waivers and modifications.

Modification of Parking Requirements

Par. 3.A of Sect. A7-209 of the Ordinance allows for up to a 20 percent reduction in the parking requirement in a Commercial Revitalization District, with Board approval in conjunction with a rezoning or special exception application. Per Article 11, 4.3 spaces per 1,000 square feet of gross floor area are required for a shopping center; for a drive through

pharmacy the ordinance requires 5 spaces for the first 1,000 square feet of net floor area plus 6 spaces for each additional 1,000 square feet. For the 11,625 square foot shopping center and the 14,280 square foot pharmacy this equates to an ordinance requirement for 135 spaces. Commercial Revitalization Districts allow parking reductions as one of several inducements to redevelop properties where meeting the full requirement would negatively affect other desired features, such as site layout or screening. The applicant has indicated that the ordinance requirement is more parking than they require for their tenants and there is a bus stop on site. Accordingly, they propose to provide 108 spaces, a reduction of 27 spaces or 20 percent, which is the maximum reduction allowed by the ordinance. Staff does not object to the requested parking reduction.

#### Modification of the C-6 District Lot Width and Front Setback Requirements in a CRD

Sect. A7-206 and Par. 2 of Sect. A7-207 of the ordinance allow waivers or modifications of the lot size requirements and minimum yard requirements of the underlying zoning district within the Bailey's Crossroads/Seven Corners CRD in conjunction with a rezoning or special exception application. The C-6 District requires a minimum lot width of 200 feet and minimum front yard setbacks of 20 feet (for commercial districts in a CRD). While the existing parcels would conform to the lot width the requirement, after the dedication of land for the realignment and in the event the pharmacy portion of the development is subdivided, the lot may not meet the minimum width requirements; therefore the applicant requests the modification. Staff does not object to the modification.

The proposed front setbacks of 10 feet from Leesburg Pike and 7 feet from Washington Drive are designed to orient the buildings to the street and create a more urban character in Bailey's Crossroads as recommended in the Comprehensive Plan. Accordingly, staff supports the modification request.

#### Modification of the Trail Requirement along Leesburg Pike

While it differs from the County-wide trails plan, the 8 foot wide paver sidewalk shown along Leesburg Pike complies with the streetscape standards for the Bailey's Crossroads/Seven Corners Community Business Center in the Comprehensive Plan. As such, staff supports the modification.

#### Modification of Transitional Screening Along the Southern Property Line

Par. 1 of Sec. 13-302 of the Zoning Ordinance requires a 50 foot wide, Type III transitional screen along the southern and portions of the western and eastern property lines between the proposed use and the adjacent single family detached dwellings. The applicant requests a modification of this requirement pursuant to Par. 4 of Sec. 13-305, which allows a reduction in width of up to two-thirds where the applicant chooses to construct a seven foot tall architectural block or masonry wall. In addition, Par. 2 of Sec. 13-305 gives the Board discretion to reduce transitional screening requirements where *strict provision of* [the ordinance] *would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot.* However, the ordinance restricts such a modification to proposals where *the side of a building, a barrier and/or the land between*

*that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.*

In this case, the subject property is only about 300 feet deep. The Comprehensive Plan was recently amended to allow for an expansion of commercial uses by one additional lot to the south, or about 80 feet. One of the reasons for this was to provide a deeper commercial site more conducive to modern retail or office development. Providing a full 50 foot wide screening area would prevent the applicant from meeting the parking requirements even with the 20 percent CRD reduction factored in. In lieu of the normal screening area, the applicant is proposing a 17 to 26 foot wide screening yard with a seven foot tall solid masonry wall situated two to three feet off the property line with a dense mixture of deciduous and evergreen trees between the wall and parking area. This width is within the two-thirds reduction permitted by the ordinance and includes the requisite wall as an enhanced barrier. In addition, the buildings have been oriented towards Columbia Pike and are set back from 110 to 135 feet from the rear property line. Finally, the applicant has proffered to provide \$3,000 towards the installation of off-site plantings on Lot 8, located across Washington Drive, to the east, subject to the approval of the property owner. These plantings would be designed to help screen that property from the headlight glare from cars exiting the shopping center. In the latest submission, the applicant has implemented staff's recommendation to consolidate and move the parking lot islands to the rear of the site to provide additional planting area. In summary, it is staff's opinion that the deep rear setback of the proposed buildings, coupled with the enhanced barrier exceed the threshold to grant a transitional screening modification; accordingly, staff supports an approval of the modification.

#### Waiver of the Tree Preservation Target

The few existing on-site trees are either in poor condition or are located in center of the proposed development area. Accordingly, the applicant is requesting a deviation from the tree preservation target pursuant to Section 12-0508 of the Public Facilities Manual. As discussed in the Urban Forestry section, staff supports the waiver request in favor of the proposed trees shown on the landscape plan in the GDP/SE Plat. In addition, a development condition is proposed that requires the applicant to replace the existing American Holly trees with six new trees.

#### Waiver of the Service Drive Requirement along Leesburg Pike

The proposed streetscape and roadway frontage improvements are consistent with Comprehensive Plan for Bailey's Crossroads. Accordingly, staff supports a waiver of the service drive requirement along Leesburg Pike; however, staff is requesting additional r.o.w. from that shown on the current GDP/SE Plat in order to fully accommodate the cycle track recommended in the bicycle master plan.

#### Modification of the Loading Space Requirement

Per Section 11-203, the proposed retail sales and fast food restaurant uses generate the requirement for three loading spaces. The applicant has proposed one shared loading space between the pharmacy and main retail building that can accommodate tractor trailer

deliveries required by the pharmacy. The applicant has indicated that they do not require additional loading spaces, and given the small area of site, providing additional loading spaces would utilize surface parking or common areas. Therefore, staff would support the requested modification; however, staff continues to have concerns about the location of the shared loading space because of potential conflicts with the central seating area along Leesburg Pike. The applicant has indicated that the pharmacy expects to receive several deliveries by tractor trailer each week plus additional deliveries by box trucks for the retail/restaurant tenants. Staff has proposed a development condition that would restrict the hours of deliveries and loading for large tractor trailer vehicles during peak hours to mitigate any negative effects on the usefulness of the seating area.

### **Special Exception Requirements (Appendix 14)**

Per Par. 4.G and H of Sect. 4-604, drive through pharmacies and fast food restaurants that occupy more than 2,500 sf. of gross floor area are permitted by Special Exception in the C-6 District. Accordingly, evaluation of the following special exception standards for such uses contained in Section 9-505 is applicable for the subject application:

#### General Special Exception Standards (Sect. 9-006)

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

The mixture of restaurant and retail uses including a drive through pharmacy are consistent with the recommendations in the Comprehensive Plan with respect to use; however, as stated in the Land Use Analysis, staff believes that the design of the development, particularly the drive-through pharmacy, is at odds with future vision of the Bailey's Crossroads CBC as described in the Plan. As a result, it is staff's opinion that design and layout of the site, as proposed, does not satisfy this standard.

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

The proposed uses are permitted in the C-6 (Community Retail Commercial) District and are intended to serve the surrounding several neighborhoods as called for in Sect. 4-601; The purpose and intent of C-6 district calls for development in compact centers planned as a unit at one quadrant of an intersection which provides for safe and unimpeded pedestrian movement. It is staff's opinion that the design of the pharmacy drive through, with its atypical figure eight traffic pattern, creates vehicular and pedestrian conflicts. Siting the loading area adjacent to the main public seating area introduces additional pedestrian conflicts. Lastly, the right-of-way to be dedicated by the applicant for the proposed realignment of Charles Street would result in skewed angle intersection that raises further pedestrian safety concerns. Accordingly, staff does not believe this standard is satisfied.

**General Standard 3** requires that 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.*

Although the retail, restaurant, and pharmacy uses are located close to Leesburg Pike, the primary doorways are oriented to the rear of the site, toward the surrounding neighborhood. All vehicular and most pedestrian traffic will access the site through the parking area adjacent to the residential neighborhood. Accordingly, screening and buffering are particularly important. The proposal also includes an access point on Washington Drive directly opposite a residential driveway.

The applicant is providing a 7 foot tall masonry wall and screen plantings and has relocated some of the parking lot islands to further enhance the screening area. The applicant has also proffered to provide offsite plantings at the home across Washington Drive to help minimize headlight glare; subject to the approval of the private property owner. The applicant is committing to several other proffers designed to minimize negative effects to the neighbors with respect to trash, construction traffic, and alcohol sales. Overall, it is staff's opinion that with these safeguards in place, adverse effects on the neighboring properties and will be minimized and this standard will be met.

**General Standard 4** states that *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.*

In preceding sections of this report staff has identified several significant concerns with the vehicular and pedestrian circulation both internally and adjacent to site. The design of the drive through lane for the pharmacy requires traffic to cross a in clockwise-circulating loop configuration. Pedestrian access from the parking area must cross several drive aisles and contend with traffic from the drive through lane as well as truck traffic from the loading area. The r.o.w. provided for the realignment of Charles Street would result in, at best, a 75 degree intersection that requires pedestrians and cyclists traveling along Route 7 to cross a wide intersection with limited visibility. Given these and other outstanding transportation issues staff does not believe this standard is met.

**General Standard 5** requires *that landscaping and screening be provided in accordance with the provisions of Article 13.* **General Standard 6** requires that *open space be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.* **General Standard 7** requires that *adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.*

As discussed, the applicant has requested a modification of the screening requirements, but are otherwise meeting the landscape requirements in Article 13. The project also meets the open space requirement in the C-6 district. Staff supports the requested modifications to the parking and loading standards and all utility and stormwater issues have been addressed. These standards are met.

**General Standard 8** requires that *signs 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 monument sign is proposed along Leesburg and would be in conformance with Article 12. Staff strongly recommends that no monument signs be permitted given the proximity of the buildings to the right-of-way and the prominent wall signage proposed on the front and side facades. With the deletion of the monument sign, this standard would be met. Staff has proposed a development condition to this effect.

#### Standards for all Category 5 uses (Sect. 9-503)

**Standards 1, 2 and 3** for Category 5 Uses states that *all uses shall comply with the lot size, bulk regulations, and performance standards of the zoning district in which it is located and shall be subject to the provisions of Article 17, Site Plans.*

The proposed use complies with the lot size, bulk, and performance standards in the C-6 district, with the requested waivers and modifications permitted in the CRD overlay. As staff supports these modification requests, the Category 5 standards are satisfied.

#### Additional Standards for Fast Food Restaurants/Drive Through Pharmacies (9-505)

**Standard 1** requires that *A) such use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood in which it is associated, B) be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties, and C) be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site; D) the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors; and E) for a drive-through pharmacy, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive-through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.*

Staff believes that the fast food restaurant uses meet the intent of this standard as they are fully integrated architecturally within the retail buildings and are served by adequate parking and pedestrian walkways. The adoption of the proposed proffers and development conditions discussed throughout this report address the operational factors from the restaurant uses as they relate to the adjacent residential neighborhood, including trash, noise, odors, and parking glare. However, staff has significant concerns with the design of the pharmacy drive-through as explained in the following discussion of the requirements of this standard.

A) The architectural design of the pharmacy utilizes a variant of the company's standard designs with red brick and beige siding accents along the upper portion of the building. Some faux windows and awnings are provided on the Leesburg Pike and Charles Street frontages. This is in stark contrast to the architectural design of the retail buildings which feature a variety of building materials, varying facades, and generous fenestration. Instead of integrating the design of the pharmacy with the rest of the shopping center, physically or visually, it appears as if the two components of the project are being designed by separate

entities, with seemingly different design schemes. As such, staff finds the pharmacy with drive through is not architecturally compatible with the building group in which it is associated as called for in Standard 1.A.

B) Overall, pedestrian and vehicular circulation for the pharmacy is adequate as it relates to adjacent properties. This element of the standard is met

C) The design of the drive through, with its weaving, clockwise loop configuration is awkward and introduces a conflict between vehicles entering and leaving the drive through lane. No bypass lane is provided; this would require a driver who accidentally enters this area of the site to have to reverse in order to leave the area, if other cars were queuing in the loop. In addition, the siting of the loading area near Leesburg Pike, in the area between the pharmacy and retail building introduces the potential for conflict with the restaurant and retail uses, as well as for pedestrians who would use the seating area shown in this location. It is staff's opinion that this element of the standard is not met for the pharmacy.

D) The site is of sufficient area and width to accommodate the pharmacy use; however the location of the drive through is in conflict with the optimal alignment for the relocation of Charles Street. The proffers and development conditions are designed to mitigate negative effects on the surrounding neighborhood from the operation of the drive-through pharmacy. Staff is aware of outstanding concerns from the community and will continue to work with the applicant to address these.

E) No such informational sign for the drive through is shown on the plans. However, staff has proposed a development condition that would require compliance with this standard. With the adoption of this condition, this element of the standard would be met.

**Standard 3** requires that *in the C-5 and C-6 Districts, in addition to Par. 1 above:*

*A. There shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.*

*B. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than two (2) such vehicles on site at any one time.*

No outdoor storage or display of goods are proposed and no service stations are included as part of this application. This standard is satisfied.

**Standards 2 and 4 through 7** pertain to other uses in the zoning district and are not applicable.

Given the significant deficiencies identified above, staff concludes that the Additional Standards are met partially for the fast food restaurant uses, but not at all for the drive-through pharmacy.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The applicant requests a rezoning and special exception to allow the redevelopment of the property to a retail shopping center with a stand-alone drive-through pharmacy and fast food restaurant uses. Staff and the applicant have worked together for the last eight months to address concerns related to site layout, design, and transportation. While much progress has been made, and the proposal has improved markedly since it was first submitted, there continue to be significant deficiencies that ultimately outweigh the positive aspects of the application. In staff's opinion, these stem mainly from the design and siting of the drive through pharmacy. Despite numerous requests, the size, location, and orientation of the pharmacy and its atypical drive through element have remained largely unchanged through numerous revisions to the plans. By situating the drive through loop prominently at the intersection of Charles Street and Leesburg Pike, it both detracts from the visual character at a gateway corner to Bailey's Crossroads and prevents the applicant from providing the necessary right of way to accommodate the recommended realignment of Charles Street with Glen Forest Drive. These facts, coupled with incompatible architectural design at odds with the rest of the center, make the pharmacy component of this project inconsistent with the goals and objectives of the Bailey's Crossroads CBC.

Staff believes that the application, as currently proposed, does not meet the special exception criteria in the zoning ordinance (for the drive-through pharmacy) and is inconsistent with key recommendations for the site in the Comprehensive Plan. Accordingly, staff recommends denial of the applications. It should be noted that staff supports the applicant's overall concept and is continuing work with the applicant on further revisions that might better address these concerns.

### **Recommendations**

Staff recommends denial of RZ 2014-MA-011, as proposed. If it is the Board's intent to approve RZ 2014-MA-011, staff recommends that such approval be subject to the execution of proffers consistent with those contained in Attachment 1.

Staff recommends denial of SE 2014-MA-013, as proposed. If it is the Board's intent to approve SE 2014-MA-013, staff recommends that such approval be subject to the development conditions contained in Attachment 2.

### **Waivers and Modifications Requested:**

20% parking reduction as permitted in a Commercial Revitalization District (CRD) to allow 108 parking spaces instead of 135 (reduction of 27 spaces or 20.0%)

Waiver of the front yard setback requirement in the C-6 District per the CRD provisions to permit a 10 foot setback to Leesburg Pike and seven foot setback to Washington Drive, where 40 feet is required.

Waiver of the minimum lot width standard in the C-6 District per the CRD provisions to allow 160 feet after the dedication of right-of-way along Charles Street where 200 feet is required.

Modification of the trail requirements along Leesburg Pike to permit an eight foot wide paver walkway in accordance the Bailey's Crossroads streetscape standards in the Comprehensive Plan

Modification of the transitional screening and a barrier requirements along all or portions of the east, south and west property lines, in favor of the plantings and masonry walls shown on the GDP/SE Plat.

Waiver of the Tree Preservation Target Area in favor of the proposed plantings shown on the GDP/SE Plat.

Waiver of the service drive requirement along Leesburg Pike in favor of the frontage improvements shown on GDP/SE Plat.

Modification of the loading space requirements to permit one loading area where three spaces are required.

It should be noted that it is not the intent of the 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; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

## **ATTACHMENTS**

1. Draft Proffers (RZ 2014-MA-011)
2. Proposed Development Conditions (SE 2014-MA-013)
3. Affidavits
4. Statement of Justification
5. Land Use Analysis/Comp Plan Citations
6. Environmental Analysis
7. Transportation Analysis (FCDOT/VDOT)
8. Urban Forestry Analysis
9. Office of Community Revitalization Analysis
10. Stormwater Management Analysis
11. Park Authority Analysis
12. Sanitary Sewer Analysis
13. Water Authority Analysis
14. Zoning Ordinance Provisions
15. Glossary

**PROFFERS**  
**SPECTRUM DEVELOPMENT, LLC**  
**RZ 2014-MA-011**

**WBL 1.5.15**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property Owners and Applicant in this Rezoning proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Map as Tax Map Reference Nos. 61-2 ((18)) 0001, 0002, 0003, 0004, 0005, and 61-2 ((17)) (D) 0001, 0003, 0004, 0005 (hereinafter referred to as the “Property”) will be in accordance with the following conditions if, and only if, said rezoning request for the C-6, CRD, H-C and S-C Districts for the Property is granted by the Board of Supervisors of Fairfax County, Virginia (the “Board”). In the event said application request is denied or the Board’s approval is overturned by a court of competent jurisdiction, these proffers shall be null and void. The Owners and the Applicant (the “Applicant”), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board, in accordance with applicable County and State statutory procedures.

**GENERAL**

1. Substantial Conformance. Development of the Property shall be in substantial conformance with the Generalized Development Plan and Special Exception Plat entitled “The Shops at Baileys Crossroads” (“GDP Plan” and “SE Plat”), prepared by Kimley-Horn and Associates, Inc., and last dated \_\_\_\_\_.

2. Minor Modifications. In addition to that described above, pursuant to Paragraph 4 of Section 18-204 of the Zoning Ordinance, minor modifications to the GDP and these proffers may be permitted as determined by the Zoning Administrator.

3. Maximum Intensity. The Applicant reserves the right to construct a lesser amount of Gross Floor Area (“GFA”) from that shown on the GDP provided that the buildings and Property remain in substantial conformance with that shown on the GDP Plan as determined by the Zoning Administrator.

4. Architecture.

A. The final architectural design shall be in substantial conformance with the general type, quality and proportion of materials depicted in the elevations, and sections shown on the GDP Plan and SE Plat. The materials on the building façade shall be brick, stone, EIFS and Hardie-board siding and shall be graffiti resistant.

B. Rooftop Equipment. Rooftop mechanical equipment will be shielded from view from the nearby public roads using parapet walls and designed not to exceed roof coverage limitations of the Zoning Ordinance. Other screening measures may be used such as including the facilities as part of the architecture of the buildings, utilizing compatible colors.

5. Unifying Elements. All street furniture, including garbage cans, benches and lamp posts, shall be consistent, both in terms of materials and design, throughout the development.

6. Signage. All signage shall comply with Article 12 of the Zoning Ordinance. Pole signs or flashing signs shall not be permitted on the Property. All directional and way finding signage shall be consistent, both in terms of materials and design, throughout the development. No signs on the building fronting Washington Drive shall be mounted on the South façade. No monument type signs shall be placed on Washington Drive or Charles Street. There shall not be

any lit signs in storefront windows. No temporary A-frame type signs or live individuals holding signs shall be used at the Property.

7. Charles Street Right of Way. The area shown on the GDP which is labeled “Proposed Right of Way Dedication” shall be dedicated, in fee simple, as public Right Of Way to Fairfax County Board of Supervisors at no cost upon site plan approval of the project. The Applicant shall reserve a license, or the County shall grant a license, that allows the Applicant to maintain and landscape the said area until it is used for the road realignment.

8. Leesburg Pike Right of Way and Turn Lane Extension. The area shown on the GDP which is labelled “Proposed Right of Way Dedication” shall be dedicated, in fee simple, to Fairfax County Board of Supervisors at no cost upon site plan approval of the Project. If approved by the Virginia Department of Highways and Transportation (“VDOT”) and the Fairfax County Department of Transportation (“DOT”), the right turn lane shall be extended from its current terminus westward to Charles Street. Curb and Gutter shall be installed along the entire Leesburg Pike frontage. Pavers shall be used in the Leesburg Pike sidewalk as shown on the GDP subject to VDOT approval.

The Applicant shall enter into a maintenance agreement with VDOT for the maintenance or replacement, in-kind, by the Applicant, of streetscape elements, installed by the Applicant, that are located in the public right-of-way, excluding vegetation removed by the County and/or VDOT.

Sidewalks for the development shall connect to the County’s walkway project on Leesburg Pike.

9. Green Building Practices. Prior to the issuance of a building permit for the three buildings (individually a “Building”), the Applicant will post a “green building escrow,” in the

form of cash or a letter of credit from a financial institution acceptable to DPWES as defined in the Public Facilities Manual, in the amounts as set forth below. The escrow will be divided among the three buildings as follows:

- Pharmacy \$80,000.00
- Retail building fronting Route 7 \$25,000.00
- Retail building fronting Washington Drive \$10,000.00

This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of certification, by the U.S. Green Building Council, for each building, under the most current version of the U.S. Green Building Council's ("USGBC") Leadership in Energy and Environmental Design – New Construction ("LEED®-NC") rating system or other LEED® rating system determined, by the USGBC, to be applicable to the Building. The provision to the Environment and Development Review Branch of DPZ of documentation of the USGBC preliminary review of the design oriented credits that along with the anticipated construction credits will be sufficient to support the attainment of LEED® certified, or documentation from the USGBC that the Building has attained LEED® certification will be sufficient to satisfy this commitment. If the Applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED® certification within two years of issuance of the final non-RUP for each of the Buildings, the escrow will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the Applicant provides to the Environment and Development Review Branch of DPZ, within two years of issuance of the final non-RUP for each of the buildings, documentation demonstrating that LEED® certified status for any Building has not been attained but that the

Building has been determined by the USGBC to fall within three points of attainment of LEED® certified status, 50% of the escrow will be released to the Applicant; the other 50% will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the Applicant fails to provide, within two years of issuance of the final non-RUP for any building, documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED® certified status or demonstrating that the Building has fallen short of certification by three points or less, after sufficient written notice to the Applicant, the entirety of the escrow for the Building will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the Applicant provides documentation from the USGBC demonstrating, to the satisfaction of the Environment and Development Review Branch of DPZ, that USGBC completion of the review of the LEED® certified application has been delayed through no fault of the Applicant, the Applicant's contractors or subcontractors, the time frame may be extended as determined appropriate by the Zoning Administrator, and no release of escrowed funds shall be made to the Applicant or to the County during the extension.

The Applicant will include, as part of the site plan submission for each Building, a statement certifying that a LEED®-accredited professional who is also a professional engineer or licensed architect is a member of the design team, and that the LEED®-accredited professional is working with the team to incorporate sustainable design elements and innovative technologies into the Building with a goal of having the Building attain LEED® certified status.

The Applicant will include, as part of the site plan submission and building plan submission for the Building, a list of specific LEED® credits that the Applicant intends to pursue.

Prior to site plan approval for the Building, the Applicant will designate the Chief of the Environment and Development Review Branch of DPZ as a team member in the USGBC's LEED® online system. This team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team, but will not be assigned responsibility for any LEED® credits and will not be provided within the authority to modify any documentation or paperwork.

10. Stormwater Management.

A. Stormwater Management ("SWM") Facilities. Subject to review and approval by the Department of Public Works and Environmental Services (DPWES), stormwater management and Best Management Practices (BMP) measures for the Property shall be provided through the use of an underground stormwater detention facility and a bioretention area, as shown on the GDP. Other innovative BMP measures such as, but not limited to biofiltration swales or pervious pavers may be substituted as determined by the Applicant and approved by DPWES. Any innovative BMP measures shall be maintained by the Applicant, in accordance with the procedures as determined by DPWES.

11. Landscaping.

A. Landscaping and Landscaped Open Space. The site plan submitted for the development shall include a landscape plan consistent with that on Sheet 4 of the GDP. The Applicant shall maintain the proposed landscaping as shown on the GDP and any diseased or dead trees shall be replanted at the next spring or fall planting season. All new deciduous trees

provided as shown on such landscape plan, shall be a minimum of 2 to 2.5 inches in caliper at the time of planting. All new evergreen trees used in peripheral screening and landscaping areas and public spaces shall be a minimum of six feet (6') in height at the time of planting. Such landscape plan shall be provided in substantial conformance with the landscaping concepts shown on the GDP and SE as determined and approved by the Urban Forest Management Division ("UFMD").

B. Landscape Pre-Inspection Meeting. Prior to installation of plants to meet requirements of the approved landscape plan, the Contractor/Developer shall coordinate a pre-installation meeting on site with the landscape contractor and a representative of the County Urban Forest Management Division (UFMD). Any proposed changes to the location of planting, size of trees/shrubs, and any proposed plant substitutions for species specified on the approved plan shall be reviewed at this time and must be approved prior to planting. The installation of plants not specified on the approved plan, and not previously approved by UFMD, may require submission of a revision to the landscape plan or removal and replacement with approved material. Field location of planting material, when required by the approved plan, shall be reviewed at the pre-installation meeting. The Landscape Contractor shall stake proposed individual planting locations in consultation with the Contractor/Developer prior to the pre-installation meeting, for review by UFMD staff. Stakes shall be adjusted, as needed, during the course of the meeting as determined by UFMD staff based on discussion with the Contractor/Developer and the Landscape Contractor.

C. Tree Replacement. The contractor/developer shall install a minimum of six (6) new *Ilex opaca* (American Holly), or other similar species approved by the Urban Forester, at 10-foot size as part of the overall plantings in the transitional screening buffer adjacent to the southern

property line. The final location and cultivar selection shall be subject to the approval of the UFMD.

D. Native Species Landscaping. All landscaping provided shall be native or regionally adapted to the middle Atlantic region to the extent feasible and non-invasive as determined by the Mid-Atlantic Exotic Pest Plant Council Plant List or Virginia DCR. In addition, the quality and quantity of landscaping provided shall be in substantial conformance with the GDP/SE Plat.

12. Location of Utilities. Along all existing and proposed public rights-of-way, utility lines shall be generally located so as not to interfere with the landscaping concepts shown on the GDP and SE. The Applicant reserves the right to make minor modifications to relocate such landscaping to reasonably accommodate utilities lines and Virginia Department of Transportation (VDOT) sight distances provided such relocated landscaping shall retain a generally equivalent number of plantings and continues to reflect the concepts illustrated on the GDP and SE and shall conform to the tree canopy calculations specified in the Fairfax County Public Facilities Manual (PFM). Any tree or shrub determined to impact utilities lines and sight distance shall be replaced with an appropriate size or relocated elsewhere on the site with equal size and quality, as determined by UFMD. For all other areas of the Property, in the event that, during the process of site plan review any landscaping shown on the GDP and SE cannot be installed in order to locate utility lines, as determined by DPWES, then an area of additional landscaping consistent of equivalent flora generally consistent with that displaced shall be substituted at an alternate location on the Property, subject to approval by UFMD. The Applicant shall not place utility vaults under sidewalk and bicycle facilities designated for dedication for public use.

## **MISCELLANEOUS PROFFERS**

13. Trash. All outdoor trash receptacles shall conform to the standards set forth in the Public Facilities Manual for the screening of such receptacles. The Applicant shall: (a) provide trash cans in the general vicinity of any outdoor seating and patio area; (b) provide for the removal of trash bi-weekly from this area, if any; and (c) generally clean and clear any outdoor seating and patio area of trash daily. The Applicant shall arrange for site clean-up to occur, no earlier than 7 a.m. and no later than 9 p.m. Trash removal by emptying the dumpsters shall take place twice a week and shall occur between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday. Trash pickup shall occur more often if necessary.

14. Food Odor. The Applicant shall not allow the discharge of air contaminants/objectionable odors generated by the restaurants, if any, or their solid waste. For any restaurant located on the Property, the Applicant shall employ, but not be limited to, the following control measures:

A. All putrescible material as defined by the Fairfax County Code Section 109-1-1-2, shall be stored in sealed containers and shall be disposed in a container(s) reserved exclusively for use by the restaurant(s). Such putrescible material shall not be shredded or unsealed.

B. All putrescible materials shall be removed from the subject property by a commercial refuse hauler as needed, Monday through Saturday. These standards shall be in addition to any other performance standards, regulations, ordinances, or restrictions promulgated by the County.

15. Parking Enforcement.

A. The Applicant shall prohibit parking of vehicles by people not visiting the shopping center and shall provide signage to alert the public. The Applicant shall maintain a

contract with a towing service and have parked vehicles which are in violation towed from the Property at the violator's expense.

16. The Applicant shall provide bicycle racks as shown on the GDP. The total number of bike parking/storage spaces and design of the bike racks shall be consistent with the Fairfax County Policy and Guidelines for Bicycle Parking, as determined at site plan.

17. Outdoor Construction. Outdoor construction of the improvements on the Property shown on the GDP shall take place only during the hours from 7:00 a.m. to 9:00 p.m. Monday through Friday and from 8:00 a.m. to 6:00 p.m. on Saturday. There shall be no outdoor construction activity taking place on Sunday. There will be no outdoor construction on New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving and Christmas Day. The permitted hours of construction shall be posted on-site in both English and Spanish. There shall be no parking of construction vehicles on Charles Street or Washington Drive.

18. Community Liaison. The Applicant agrees to identify a person(s) who will serve as liaison to the community throughout the duration of construction. This individual shall oversee the construction site throughout the hours of construction, including weekends, if applicable. The name and telephone number of the individual(s) shall be posted at the entrance of the project.

19. Deliveries. The Applicant shall direct the tenants to require that all deliveries utilize ingress and egress to the site via Route 7. No delivery vehicles shall utilize Washington Drive or Charles Street south of the entrance to the Property for ingress and egress to the site. This direction to the tenants shall be via rules and regulations incorporated into the shopping

center leases governing the operation of the shopping center. On-site deliveries shall only occur between 5:00 a.m. through 9:00 p.m., seven (7) days a week.

20. Construction Vehicles. During initial construction, and any subsequent major construction activity, all construction vehicles and construction material vehicles shall utilize ingress and egress to the site via Route 7. No construction vehicles shall utilize Washington Drive or Charles Street south of the entrance to the Property for ingress and egress to the site. This direction to the contractors and sub-contractors shall be set forth in the contracts. On-site deliveries shall only occur between 5:00 a.m. through 9:00 p.m., seven (7) days a week.

21. Lights. Full cutoff lighting shall be utilized and light fixtures shall be used that do not let light spill into the residential neighborhood southeast of the property.

22. Barrier Wall. The materials to be used in the rear screening barrier shall be brick as shown in the GDP. Piping or weep holes shall be placed at the bottom of the wall and shall remain unobstructed to allow water to pass through.

23. Dumpster Screening Wall. A screening wall shall be installed to screen any dumpsters placed on the Property which shall be constructed of masonry materials that match those used on the buildings. Door shall remain closed except during the times that trash is being removed.

24. Donation Boxes. No donation boxes or outdoor vending machines for clothing, books, etc. shall be allowed on the property.

25. Off-Site Landscaping. The Applicant will reimburse the owner of the property with a street address of 3407 Washington Drive, Falls Church, Virginia, 22041 (the “DeFalco Property”) for certain landscaping improvements to the DeFalco Property. These improvements may include extending the fence on their northern boundary and installing screening landscaping in the front of the DeFalco Property. The Applicant shall reimburse the owner of the DeFalco

Property up to \$3,000.00 for the cost of implementing the above described improvements. Said reimbursement shall be made within fifteen days of delivery of paid invoices to the Applicant. Delivery to the County of copies of the paid invoices and checks issued for the payment shall be deemed to be sufficient to demonstrate compliance with this proffer.

26. Bus Shelter. Prior to site plan approval, the Applicant shall pay the County or an entity of their assigns \$5,000.00 to relocate the existing bus shelter on Route 7 frontage in coordination with and for approval by FCDOT. The Applicant shall be responsible for constructing the bus shelter pad on Leesburg Pike frontage for the bus shelter to be relocated back on the frontage after frontage improvement is completed. The construction and the location of the bus shelter pad shall be coordinated with and approved by FCDOT prior to site plan approval. The future bus shelter should have a minimum of 5-ft. landing pad from the curb and an ADA compliant sidewalk connection.

27. Successors and Assigns. These proffers shall bind and inure to the benefit of the Applicant and its successors and assigns. Each reference to “Applicant” in these proffers shall include and be binding upon the Applicant’s successor(s) in interest and/or developer(s) of any portion of the Property.

28. Counterparts. These proffers may be executed in one or more counterparts, each of which when so executed shall be deemed an original document and all when taken together shall constitute but one and the same instrument.

[SIGNATURES TO APPEAR ON THE FOLLOWING PAGES]

Applicant:

Spectrum Development, LLC

By: \_\_\_\_\_

Name: Richard P. Buskell

Title: Managing Member

Owner:

Paul W. Byers

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By: Richard P. Buskell, Managing Member of  
Spectrum Development, LLC,  
as Power of Attorney

Kim S. Byers

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By: Richard P. Buskell, Managing Member of  
Spectrum Development, LLC,  
as Power of Attorney

Owner:

Christopher Tran

---

By: Richard P. Buskell, Managing Member of  
Spectrum Development, LLC,  
as Power of Attorney

Christina Tran

---

By: Richard P. Buskell, Managing Member of  
Spectrum Development, LLC,  
as Power of Attorney

Owner:

Culmore Properties, LLC

---

By: Richard P. Buskell, Managing Member of  
Spectrum Development, LLC,  
as Power of Attorney

Owner:

My Leesburg Pike, LLC

---

By: Richard P. Buskell, Managing Member of  
Spectrum Development, LLC,  
as Power of Attorney

Owner:

GEICO

---

By: Terence Perkins  
Senior Vice President

**DEVELOPMENT CONDITIONS**

**SE 2014-MA-013**

**January 6, 2015**

If it is the intent of the Board of Supervisors to approve SE 2014-MA-013, located at Tax Map 61-2 ((17)) (D) 1, 3, 4, and 5 and 61-2 ((18)) 1, 2, 3, 4, and 5 for a special exception to permit a drive through pharmacy and fast food restaurants within shopping center pursuant to Sect. 4-604 and 9-505 of the Fairfax County Zoning Ordinance, Staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

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.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved General Development Plan and Special Exception Plat (GDP/SE Plat) entitled "The Shops at Bailey's Crossroads" prepared by Kimley Horn and Associates, Inc., dated March 31, 2014, as revised through December 31, 2014, consisting of 12 sheets, 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 and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. No outdoor speakers of any kind shall be utilized on the property.
6. Hours of operation for the drive-through portion of the pharmacy shall be limited to the following: 6:00 a.m.-12:00 a.m., daily.
7. Loading and delivery hours for any tractor-trailer (semi-trailer) visiting the site shall be limited to the following: 5:00 a.m.-7:00 a.m. and 7:00 p.m.-9:00 p.m., daily.
8. There shall be no idling of any commercial vehicle when loading or unloading and signs stating this restriction shall be conspicuously posted in the loading area.

9. All signage on the property shall conform to Article 12 of the Zoning Ordinance except the following types of signs shall be prohibited: monument signs, inflatable signs, such as balloons; pennants; signs powered by any mechanical means; ground waver, sail banner, and pole signs. No lighted or illuminated signs shall be installed on the rear (southwest) sides of the buildings facing residential uses.
10. An information sign shall be posted in the vicinity of the stacking area for the drive through pharmacy stating the limitations on the use of the window service and/or drive-through lane. Such sign shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.
11. No Special Exception Amendment or Proffered Condition Amendment shall be required in the event that the bus shelter shown on the General Development Plan/SE Plat in the right of way along Leesburg Pike near Washington Drive is moved to another location along the property's Leesburg Pike frontage or onto the application property. Any such relocation shall be undertaken in coordination with and subject to approval from FCDOT and shall not reduce the area of the landscaped seating area.

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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. If the project is phased, development of the initial phase shall be considered to establish the use for the entire development as shown herein. 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.

### REZONING AFFIDAVIT

DATE: December 9, 2014  
 (enter date affidavit is notarized)

I, William B. Lawson, Jr., Attorney, 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

125109a

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
~ Spectrum Development, LLC	1780 Dawson St., Vienna, VA 22182	Applicant/Contract Purchaser/Lessor
~ Richard P. Buskell	1780 Dawson St., Vienna, VA 22182	Applicant/Contract Purchaser/Lessor
~ Peter A. Batten	112 Samuel Sharpe, Williamsburg, VA 23185	Applicant/Contract Purchaser/Lessor
~ Bobby G. Batten	112 Samuel Sharpe, Williamsburg, VA 23185	Applicant/Contract Purchaser/Lessor
~ The Law Office of William B. Lawson, P.C.	6045 Wilson Blvd., #100, Arlington, VA 22205	Attorney/Agent for Applicants/Contract Purchasers
~ William B. Lawson, Jr.	6045 Wilson Blvd., #100, Arlington, VA 22205	Attorney/Agent for Applicants/Contract Purchasers
~ Melissa A. Zeller	6045 Wilson Blvd., #100, Arlington, VA 22205	Attorney/Agent for Applicants/Contract Purchasers

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

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.  
 \*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

**Rezoning Attachment to Par. 1(a)**DATE: December 9, 2014  
(enter date affidavit is notarized)

125109 a

for Application No. (s): RZ 2014-MA-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.

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
∨ GTM Architects, Incorporated	7735 Old Georgetown Rd., #700, Bethesda, MD 20814	Architect/Agent for Applicants/Contract Purchasers
∨ Jeff Whitman	7735 Old Georgetown Rd., #700, Bethesda, MD 20814	Architect/Agent for Applicants/Contract Purchasers
∨ Kimley-Horn and Associates, Inc.	11400 Commerce Park Dr., #400, Reston, VA 20191	Engineer/Agent for Applicants/Contract Purchasers
∨ Jeffrey Saxe	11400 Commerce Park Dr., #400, Reston, VA 20191	Engineer/Agent for Applicants/Contract Purchasers
∨ Jacqui Johnson	11400 Commerce Park Dr., #400, Reston, VA 20191	Engineer/Agent for Applicants/Contract Purchasers
∨ Culmore Properties, LLC	7740 Legere Ct., McLean, VA 22102	Owner, 0612 18 0001, 0612 18 0002, 0612 18 0003, 0612 18 0004
∨ Paul W. Byers	3425 Charles St., Falls Church, VA 22041	Owner, 0612 18 0005
∨ Kim S. Byers	3425 Charles St., Falls Church, VA 22041	Owner, 0612 18 0005
∨ Christopher Tran	3408 Washington Dr., Falls Church, VA 22041 3410 Washington Dr., Falls Church, VA 22041	Owner, 0612 17D 0004, 0612 17D 0005
∨ Christina Tran	3408 Washington Dr., Falls Church, VA 22041 3410 Washington Dr., Falls Church, VA 22041	Owner, 0612 17D 0004, 0612 17D 0005
Metropolitan Asset Management, Inc.	6205 Old Keene Mill Dr., #100, Springfield, VA 22152	Broker/Agent for Applicants/Contract Purchasers
∨ Kenneth T. Sachs - Deceased	6205 Old Keene Mill Dr., #100, Springfield, VA 22152	Broker/Agent for Applicants/Contract Purchasers
∨ Coldwell Banker Real Estate Corporation	4500 Old Dominion Dr., Arlington, VA 22207	Broker/Agent for Applicants/Contract Purchasers
∨ Ronald L. Temple	4500 Old Dominion Dr., Arlington, VA 22207	Broker/Agent for Applicants/Contract Purchasers
∨ GEICO	1 Geico Plaza, Washington, D.C. 20076	Owner, 0612 17D 0001
∨ My Leesburg Pike, LLC	6347 Rolling Rd., Springfield, VA 22152	Owner, 0612 17D 0003

(check if applicable)

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

**Rezoning Attachment to Par. 1(a)**

DATE: December 9, 2014  
 (enter date affidavit is notarized)

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

125109 a

**(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.

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
CVS 10320 VA, LLC	One CVS Dr., Woonsocket, RI 02895	Lessee
Susan G. Reardon	8330 Old Keene Mill Rd., Springfield, VA 22152	Agent for Lessee
First Order, LLC	1700 Sullivan Trail, #13, Easton, PA 18040	Surveyor/Agent for Applicants/Contract Purchasers
Jack Shoemaker	1700 Sullivan Trail, #13, Easton, PA 18040	Surveyor/Agent for Applicants/Contract Purchasers
Baskin, Jackson & Duffet, PC	301 Park Avenue, Falls Church, VA 22046	Attorney/Agent for Applicants/Contract Purchasers
William M. Baskin, Jr.	301 Park Avenue, Falls Church, VA 22046	Attorney/Agent for Applicants/Contract Purchasers
John G. Jackson	301 Park Avenue, Falls Church, VA 22046	Attorney/Agent for Applicants/Contract

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

REZONING AFFIDAVIT

DATE: December 9, 2014
(enter date affidavit is notarized)

125109a

for Application No. (s): RZ 2014-MA-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, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

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

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Spectrum Development, LLC
1780 Dawson Street
Vienna, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

- [X] 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)

- Global Media, LLC
Elizabeth Buskell Revocable Trust
Richard P. Buskell

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

- Peter A. Batten - Manager
Richard P. Buskell - Manager
Bobby G. Batten - Manager

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

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

**Rezoning Attachment to Par. 1(b)**

DATE: December 9, 2014  
(enter date affidavit is notarized)

125109a

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

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

- Global Media, LLC  
112 Samuel Sharpe  
Williamsburg, VA 23185

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

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

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

- Peter A. Batten  
- Bobby G. Batten

=====

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

- Peter A. Batten - Manager/Member  
- Bobby G. Batten - Manager/Member

=====

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

- Elizabeth Buskell Revocable Trust  
1780 Dawson Street  
Vienna, VA 22182

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

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

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

- Elizabeth Buskell - Beneficiary  
- Richard P. Buskell - Beneficiary

=====

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

Elizabeth Buskell, Trustee

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

**Rezoning Attachment to Par. 1(b)**

DATE: December 9, 2014  
(enter date affidavit is notarized)

125109a

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

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

The Law Office of William B. Lawson, P.C.  
6045 Wilson Boulevard, Suite 100  
Arlington, VA 22205

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

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

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

William B. Lawson, Jr.

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

William B. Lawson, Jr. - President, Treasurer, Secretary

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

GTM Architects, Incorporated  
7735 Old Georgetown Road, #700  
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)

James C. Myers  
George T. Myers  
Barbara Magistro

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

George T. Myers - President	David P. Konapelsky - Vice President	Jeff Whitman - Vice President
James C. Myers - Vice President, Treasurer, Secretary	Barbara S. Magistro - Vice President	Clare Marino - Vice President
Richard J. Conrath - Vice President	Richard Blessing - Vice President	Colline Hernandez-Ayala - Vice President
Steve Mulholland - Vice President	Rolando Valdez - Vice President	

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

**Rezoning Attachment to Par. 1(b)**

DATE: December 9, 2014  
(enter date affidavit is notarized)

125109a

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

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

Kimley-Horn and Associates, Inc.  
11400 Commerce Park Drive, #400  
Reston, VA 20191

Kimley-Horn and Associates, Inc.  
3001 Weston Parkway  
Cary, NC 27513

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

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

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

=====

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

John C. Atz - President  
Richard N. Cook - Secretary  
Michael G. Schill - Executive Vice President

=====

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

Culmore Properties, LLC  
7740 Legere Court  
McLean, VA 22102

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

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

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

Jerry Waldrop

=====

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

Jerry Waldrop - Manager/Member

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

**Rezoning Attachment to Par. 1(b)**

DATE: December 9, 2014  
(enter date affidavit is notarized)

125109a

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

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Metropolitan Asset Management, Inc.  
6205 Old Keene Mill Drive, #100  
Springfield, VA 22152

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

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

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

- Kevin P. Adams
- ~ Kenneth T. Sachs - Deceased

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

- Kevin P. Adams - President
- Donald Kaltengaugh - Vice President
- Arthur Lafionatis - Secretary

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

Coldwell Banker Real Estate Corporation  
10446 North 74th Street  
Scottsdale, AZ 85258

**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)

- ~ Realogy Holding Corp.

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

- |  |                                 |                                   |
|--|---------------------------------|-----------------------------------|
| ~ Fred Schmidt, President & CEO                    | ~ Richard A. Smith, Director    | ~ Jessica M. Bibliowicz, Director |
| ~ Bill Hinson, Vice President, Business Dev.       | ~ Raul Alvarez, Director        | ~ Fiona P. Dias, Director         |
| ~ Jason Silfies, Vice President, Marketing & Tech. | ~ Marc E. Becker, Director      | ~ V. Ann Hailey, Director         |
| ~ Brett White, Director                            | ~ Michael J. Williams, Director |                                   |

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

**Rezoning Attachment to Par. 1(b)**

DATE: December 9, 2014  
(enter date affidavit is notarized)

125109a

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

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

Realogy Holding Corp.  
175 Park Avenue  
Madison, NJ 07940

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

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

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

=====

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

=====

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

GEICO  
1 Geico Plaza  
Washington, DC 20076

**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)

Berkshire Hathaway, Inc.

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g.

**President, Vice-President, Secretary, Treasurer, etc.)**

Olza M. Nicely, President & CEO, Ins. Ops.	Fred Schmidt, President & CEO	Richard A. Smith, Director
Louis A. Simpson, President & CEO, Capital Ops.	Bill Hinson, Vice President, Bus. Dev.	Raul Alvarez, Director
Charles R Davies, Sr. Vice President & Gen. Counsel	Jason Silfies, Vice President Marketing & Tech.	Marc E. Becker, Director
Jessica M. Bibliowicz, Director	Fiona P. Dias, Director	V. Ann Hailey, Director
Brett White, Director	Michael J. Williams, Director	

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

**Rezoning Attachment to Par. 1(b)**

DATE: December 9, 2014  
(enter date affidavit is notarized)

125109a

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

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

- Berkshire Hathaway, Inc.  
355 Farnam Street, Suite 1440  
Omaha, NE 68131

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

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

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

=====

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

=====

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

- My Leesburg Pike, LLC  
6347 Rolling Road  
Springfield, VA 22152

**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)

- Mehrdad Yavari

=====

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

- Mehrdad Yavari - Manager/Member

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

**Rezoning Attachment to Par. 1(b)**

DATE: December 9, 2014  
(enter date affidavit is notarized)

125109a

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

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

CVS 10320 VA, L.L.C.  
One CVS Drive  
Woonsocket, RI 02895

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

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

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

Virginia CVS Pharmacy, L.L.C.

=====

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

=====

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

Virginia CVS Pharmacy, L.L.C.  
One CVS Drive  
Woonsocket, RI 02895

**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)

CVS Pharmacy, Inc.

=====

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

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

**Rezoning Attachment to Par. 1(b)**

DATE: December 9, 2014  
(enter date affidavit is notarized)

125109a

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

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

CVS Pharmacy, Inc.  
One CVS Drive  
Woonsocket, RI 02895

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

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

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

CVS Caremark Corporation

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

Carol A. Denale, Treasurer/Director	Thomas S. Moffatt, VP/Secretary/Director	Melanie K. Luker, Asst. Secretary
Jeffrey E. Clark, Asst. Treasurer	Mark S. Cosby, President	
Lina M. Cimbron, Asst. Secretary	Laird K. Daniels, Director	

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

CVS Caremark Corporation  
One CVS Drive  
Woonsocket, RI 02895

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

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

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

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

Larry J. Merlo, Pres/CEO	Mark Cosby, Exc VP/Pres CVS/Pharmacy	David M. Denton, Exc VP, CFO, Ctrlr, CAO
Per Lofberg, Ex VP	Troyen Brennan, MD, Exc VP/CMO	Helena B. Foulkes, Exc VP/CHCSMO
J. David Joyner, Exc VP Sales/Acct CVS Caremark Pharm.		Thomas M. Moriarty, Exc VP/Gen Cnsl

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

**Rezoning Attachment to Par. 1(b)**

DATE: December 9, 2014  
(enter date affidavit is notarized)

125109a

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

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

CVS Caremark Corporation (continued)  
One CVS Drive  
Woonsocket, RI 02895

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

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

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

=====

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

Jonathan C. Roberts, Exc VP/Pres CVS Caremark Pharm.	C. David Brown, II, Dir	Nancy-Anne DEParle, Dir	David W. Dorman, Dir
Anne M. Finucane, Dir.	Larry J. Merlo, Dir	Jean-Pierre Millon, Dir	Richard J. Swift, Dir
William C. Weldon, Dir	Tony L. White, Dir		

=====

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

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

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

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

=====

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

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

**Rezoning Attachment to Par. 1(b)**

DATE: December 9, 2014  
(enter date affidavit is notarized)

125109a

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

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
First Order, LLC  
1700 Sullivan Trail, #13  
Easton, PA 18040

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

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

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

Jack Shoemaker

=====

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

Jack Shoemaker

=====

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

Baskin, Jackson & Duffet, PC  
301 Park Avenue  
Falls Church, VA 22046

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

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

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

William M. Baskin, Jr.  
John G. Jackson

=====

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

William M. Baskin, Jr., President  
John G. Jackson, Secretary/Treasurer

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

REZONING AFFIDAVIT

DATE: December 9, 2014  
(enter date affidavit is notarized)

125109a

for Application No. (s): RZ 2014-MA-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, number, street, city, state and zip code)

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

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

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

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

REZONING AFFIDAVIT

DATE: December 9, 2014  
(enter date affidavit is notarized)

125109a

for Application No. (s): RZ 2014-MA-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 "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: December 9, 2014  
(enter date affidavit is notarized)

125109a

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

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

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

NONE

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

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

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

WITNESS the following signature:

*William B. Lawson*

(check one)

Applicant

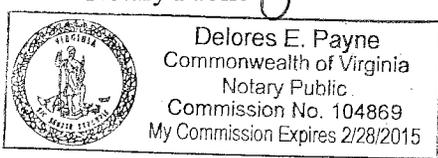
Applicant's Authorized Agent

*William B. Lawson, Jr., Attorney/Agent*  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 9<sup>th</sup> day of December 2014, in the State/Comm. of Virginia, County/City of Weston.

*Delores E. Payne*  
Notary Public

My commission expires: 2-28-15



## SPECIAL EXCEPTION AFFIDAVIT

DATE: December 9, 2014  
(enter date affidavit is notarized)

I, William B. Lawson, Jr., Attorney, 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

125108a

in Application No.(s): SE 2014-MA-013  
(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 <b>BOLD</b> above)
· Spectrum Development, LLC	1780 Dawson St., Vienna, VA 22182	Applicant/Contract Purchaser/Lessor
· Richard P. Buskell	1780 Dawson St., Vienna, VA 22182	Applicant/Contract Purchaser/Lessor
· Peter A. Batten	112 Samuel Sharpe, Williamsburg, VA 23185	Applicant/Contract Purchaser/Lessor
· Bobby G. Batten	112 Samuel Sharpe, Williamsburg, VA 23185	Applicant/Contract Purchaser/Lessor
· The Law Office of William B. Lawson, P.C.	6045 Wilson Blvd., #100, Arlington, VA 22205	Attorney/Agent for Applicants/Contract Purchasers
· William B. Lawson, Jr.	6045 Wilson Blvd., #100, Arlington, VA 22205	Attorney/Agent for Applicants/Contract Purchasers
· Melissa A. Zeller	6045 Wilson Blvd., #100, Arlington, VA 22205	Attorney/Agent for Applicants/Contract Purchasers

(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: December 9, 2014

(enter date affidavit is notarized)

for Application No. (s): SE 2014-MA-013

(enter County-assigned application number (s))

125108a

**(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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
∩ GTM Architects, Incorporated	7735 Old Georgetown Rd., #700, Bethesda, MD 20814	Architect/Agent for Applicants/Contract Purchasers
∩ Jeff Whitman	7735 Old Georgetown Rd., #700, Bethesda, MD 20814	Architect/Agent for Applicants/Contract Purchasers
∩ Kimley-Horn and Associates, Inc.	11400 Commerce Park Dr., #400, Reston, VA 20191	Engineer/Agent for Applicants/Contract Purchasers
∩ Jeffrey Saxe	11400 Commerce Park Dr., #400, Reston, VA 20191	Engineer/Agent for Applicants/Contract Purchasers
∩ Jacqui Johnson	11400 Commerce Park Dr., #400, Reston, VA 20191	Engineer/Agent for Applicants/Contract Purchasers
∩ Culmore Properties, LLC	7740 Legere Ct., McLean, VA 22102	Owner, 0612 18 0001, 0612 18 0002, 0612 18 0003, 0612 18 0004
∩ Paul W. Byers	3425 Charles St., Falls Church, VA 22041	Owner, 0612 18 0005
∩ Kim S. Byers	3425 Charles St., Falls Church, VA 22041	Owner, 0612 18 0005
∩ Christopher Tran	3408 Washington Dr., Falls Church, VA 22041 3410 Washington Dr., Falls Church, VA 22041	Owner, 0612 17D 0004, 0612 17D 0005
∩ Christina Tran	3408 Washington Dr., Falls Church, VA 22041 3410 Washington Dr., Falls Church, VA 22041	Owner, 0612 17D 0004, 0612 17D 0005
∩ Metropolitan Asset Management, Inc.	6205 Old Keene Mill Dr., #100, Springfield, VA 22152	Broker/Agent for Applicants/Contract Purchasers
∩ Kenneth T. Sachs - Deceased	6205 Old Keene Mill Dr., #100, Springfield, VA 22152	Broker/Agent for Applicants/Contract Purchasers
∩ Coldwell Banker Real Estate Corporation	4500 Old Dominion Dr., Arlington, VA 22207	Broker/Agent for Applicants/Contract Purchasers
∩ Ronald L. Temple	4500 Old Dominion Dr., Arlington, VA 22207	Broker/Agent for Applicants/Contract Purchasers
∩ GEICO	1 Geico Plaza, Washington, D.C. 20076	Owner, 0612 17D 0001
∩ My Leesburg Pike, LLC	6347 Rolling Rd., Springfield, VA 22152	Owner, 0612 17D 0003
∩ CVS 10320 VA, LLC	One CVS Dr., Woonsocket, RI 02895	Lessee

(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 Attachment to Par. 1(a)**DATE: December 9, 2014  
(enter date affidavit is notarized)for Application No. (s): SE 2014-MA-013  
(enter County-assigned application number (s))

125108a

**(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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Susan G. Reardon	8330 Old Keene Mill Rd., Springfield, VA 22152	Agent for Lessee
First Order, LLC	1700 Sullivan Trail, #13, Easton, PA 18040	Surveyor/Agent for Applicants/Contract Purchasers
Jack Shoemaker	1700 Sullivan Trail, #13, Easton, PA 18040	Surveyor/Agent for Applicants/Contract Purchasers
Baskin, Jackson & Duffet, PC	301 Park Avenue, Falls Church, VA 22046	Attorney/Agent for Applicants/Contract Purchasers
William M. Baskin, Jr.	301 Park Avenue, Falls Church, VA 22046	Attorney/Agent for Applicants/Contract Purchasers
John G. Jackson	301 Park Avenue, Falls Church, VA 22046	Attorney/Agent for Applicants/Contract Purchasers

(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: December 9, 2014
(enter date affidavit is notarized)

125108a

for Application No. (s): SE 2014-MA-013
(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) - Spectrum Development, LLC
1780 Dawson Street
Vienna, VA 22812

DESCRIPTION OF CORPORATION: (check one statement)

- [X] 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)

- Global Media, LLC
- Elizabeth Buskell Revocable Trust
- Richard P. Buskell

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

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

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

DATE: December 9, 2014  
(enter date affidavit is notarized)

for Application No. (s): SE 2014-MA-013  
(enter County-assigned application number (s))

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

Global Media, LLC  
112 Samuel Sharpe  
Williamsburg, VA 23185

**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)

Peter A. Batten  
Bobby G. Batten

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

Elizabeth Buskell Revocable Trust  
1780 Dawson Street  
Vienna, VA 22182

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

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

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

Elizabeth Buskell - Beneficiary  
Richard P. Buskell - Beneficiary

(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: December 9, 2014

(enter date affidavit is notarized)

for Application No. (s): SE 2014-MA-013

(enter County-assigned application number (s))

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

^ The Law Office of William B. Lawson, P.C.  
6045 Wilson Boulevard, Suite 100  
Arlington, VA 22205

**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)

^ William B. Lawson, Jr.

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

^ GTM Architects, Incorporated  
7735 Old Georgetown Road, #700  
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)

^ James C. Myers  
George T. Myers  
^ Barbara Magistro

(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: December 9, 2014  
(enter date affidavit is notarized)

for Application No. (s): SE 2014-MA-013  
(enter County-assigned application number (s))

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

Kimley-Horn and Associates, Inc.  
11400 Commerce park Drive, #400  
Reston, VA 20191

Kimley-Horn and Associates, Inc.  
3001 Weston Parkway  
Cary, NC 27513

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

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

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

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

Culmore Properties, LLC  
7740 Legere Court  
McLean, VA 22102

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

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

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

Jerry Waldrop

(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: December 9, 2014  
(enter date affidavit is notarized)

for Application No. (s): SE 2014-MA-013  
(enter County-assigned application number (s))

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

Metropolitan Asset Management, Inc.  
6205 Old Keene Mill Drive, #100  
Springfield, VA 22152

**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)

- \ Kevin P. Adams
- \ Kenneth T. Sachs - Deceased

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

Coldwell Banker Real Estate Corporation  
10446 North 74th Street  
Scottsdale, AZ 85258

**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)

Realogy Holding Corp.

(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: December 9, 2014  
(enter date affidavit is notarized)

for Application No. (s): SE 2014-MA-013  
(enter County-assigned application number (s))

125108a

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

Realogy Holding Corp.  
175 Park Avenue  
Madison, NJ 07940

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

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

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

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

GEICO  
1 Geico Plaza  
Washington, DC 20076

**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)

Berkshire Hathaway, 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: December 9, 2014  
(enter date affidavit is notarized)

for Application No. (s): SE 2014-MA-013  
(enter County-assigned application number (s))

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

Berkshire Hathaway, Inc.  
355 Farnam Street, Suite 1440  
Omaha, NE 68131

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

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

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

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

My Leesburg Pike, LLC  
6347 Rolling Road  
Springfield, VA 22152

**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)

Mehrdad Yavari

(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: December 9, 2014  
(enter date affidavit is notarized)

for Application No. (s): SE 2014-MA-013  
(enter County-assigned application number (s))

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

CVS 10320 VA, L.L.C.  
One CVS Drive  
Woonsocket, RI 02895

**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)

Virginia CVS Pharmacy, L.L.C.

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

Virginia CVS Pharmacy, L.L.C.  
One CVS Drive  
Woonsocket, RI 02895

**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)

CVS Pharmacy, 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: December 9, 2014  
(enter date affidavit is notarized)

for Application No. (s): SE 2014-MA-013  
(enter County-assigned application number (s))

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

CVS Pharmacy, Inc.  
One CVS Drive  
Woonsocket, RI 02895

**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)

CVS Caremark Corporation

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

CVS Caremark Corporation  
One CVS Drive  
Woonsocket, RI 02895

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

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

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

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

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

DATE: December 9, 2014  
(enter date affidavit is notarized)

for Application No. (s): SE 2014-MA-013  
(enter County-assigned application number (s))

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

First Order, LLC  
1700 Sullivan Trail, #13  
Easton, PA 18040

**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)

Jack Shoemaker

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

Baskin, Jackson & Duffet, PC  
301 Park Avenue  
Falls Church, VA 22046

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

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

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

William M. Baskin, Jr.  
John G. Jackson

(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: December 9, 2014
(enter date affidavit is notarized)

for Application No. (s): SE 2014-MA-013
(enter County-assigned application number(s))

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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)

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

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: December 9, 2014  
(enter date affidavit is notarized)

for Application No. (s): SE 2014-MA-013  
(enter County-assigned application number(s))

125108a

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-MA-013  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: December 9, 2014  
(enter date affidavit is notarized)

125108a

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.

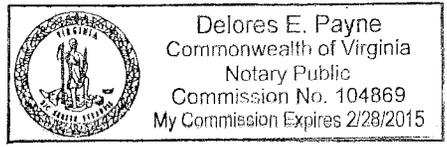
WITNESS the following signatures: [Signature]  
(check one) [ ] Applicant [x] Applicant's Authorized Agent

William B. Lawson, Jr., Attorney/Agent  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 9th day of December 2014, in the State/Comm. of Virginia, County/City of Caroline.

[Signature]  
Notary Public

My commission expires: 2-28-15



MAR 31 2014

William B. Lawson, Esq., Planning Division  
blawson@williamblawsonlaw.comSTATEMENT OF JUSTIFICATION

Please consider this to be a Statement of Justification for the special exception applications filed by Spectrum Development, LLC for 0612 18 0001, 0002, 0003, 0004 and 0005, and 0612 17D 0001, 0003, 0004, and 0005 (the "Property").

I. INTRODUCTION AND BACKGROUND.

The Property is currently zoned C-2 and R-3 and has an approved Generalized Development Plan ("GDP") on a portion of the Property. The current GDP is for a three story office building containing 10,666 square feet. This development has proven to be economically unfeasible.

In the 2009-2010 South County Area Plan review cycle, the owner of 0612 18 0001, 0002, 0003 and 0004, requested a plan amendment. The amendment was approved by the Board of Supervisors and allowed an option for retail up to a .25 FAR. The plan amendment recommended an "urban" and pedestrian friendly development.

II. PROPOSED DEVELOPMENT.

The Applicant is requesting to rezone the Property from the C-2 and R-3 districts to the C-6 district to allow the shopping center use and pharmacy use with a drive-through pharmacy.

(a) Shopping Center Use. The Shopping Center buildings are approximately 13,950 square feet. The Applicant anticipates that there may be one or more fast food restaurants (without a drive-through window) that may exceed 35% of the gross floor area of a building, and/or occupy more than 1,500 square feet of a building.

(b) Pharmacy Drive-Through. The Pharmacy drive-through requires a Special Exception because across Charles Street is a church use on residentially zoned property. The drive-through has been designed to minimize the potential for turning movement conflicts and has safe and efficient on-site circulation and parking. In addition, there is adequate parking and stacking spaces and the site has convenient vehicle and pedestrian access to all uses on the Property.

(c) Design. The Applicant has designed the project to create an urban and pedestrian friendly project with parking generally to the rear of the structures.

### III. COMPREHENSIVE PLAN.

The plan for the Property is for townhouse style office use up to .25 FAR with full consolidation. Development should include dedication for the realignment of Charles Street and Glen Forest Drive.

In the recent plan amendment for a portion of the Property, the current option was adopted that allows retail, office or a mixture of these at a .25 FAR. Any proposed development utilizing the option should be urban in character and pedestrian friendly; a primary pedestrian entrance should be visible from Leesburg Pike; parking should be located to the rear of the main structures; and vehicular access should be restricted to Charles Street and Washington Drive to preclude additional curb cuts along Leesburg Pike.

At the urging of the Planning staff the Applicant consolidated a larger tract of Property than the area encompassed by the current GDP. The Property is currently the subject of a proposed plan amendment to allow for a larger development.

The proposed development will be a significant improvement over the current GDP. In addition to being consistent with the anticipated specific plan text for this Property, it will be consistent with the recently adopted plan amendment for the Bailey's Crossroads Community Business Center.

### IV. DESCRIPTION OF BUILDING FACADES AND ARCHITECTURE OF PROPOSED NEW BUILDINGS OR ADDITIONS.

The Applicant has prepared drawings showing the proposed elevations of the buildings. The Applicant will proffer that the development will be substantially in accordance with the drawings.

### V. A LISTING, IF KNOWN, OF ALL HAZARDOUS OR TOXIC SUBSTANCES AS SET FORTH IN APPLICABLE COUNTY, STATE AND FEDERAL REGULATIONS.

To the best of Applicant's knowledge, there are no hazardous or toxic substances at the Property.

### VI. A STATEMENT THAT THE PROPOSED USE CONFORMS TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS, STANDARDS OR CONDITIONS.

To the best of Applicant's knowledge, the proposed development will comply with all applicable standards, ordinances and regulations, except the Applicant requests Board approval of the following special exceptions: a drive-through pharmacy, and fast food restaurant(s). The Applicant also requests a modification of the lot width. Other waivers and modifications are requested with the accompanying GDP.

VII. GENERAL STANDARDS.

(A) A DRIVE-THROUGH PHARMACY.

The Applicant submits that a special exception to allow a drive-through pharmacy at this project is in harmony with the general purpose and intent of the zoning district and will not adversely affect the use or development of neighboring properties. The Applicant submits that because of the design of the drive-through, and the buffering and landscaping surrounding the drive-through, that such use will not hinder or discourage the appropriate development and use of the neighboring properties or impair their values thereof.

The drive through lane shall be designed to facilitate safe and efficient on-site circulation for vehicles and pedestrians. The vehicular traffic associated with a drive-through pharmacy will not be hazardous or elevated to a level to cause traffic problems in the neighborhood. The parking and stacking spaces will be behind the buildings. The street elevation will be proffered and urban in nature. The vehicular entrances will be from Charles Street and Washington Drive. There will be a residential buffer between the County property and near-by residential properties. The drive through will be screened and on the Leesburg Pike side of the Property away from the residential properties. The screening will be sufficient to counteract any noise generation, glare or other operational factors of the drive through to the abutting residential properties.

All signs will comply with the provisions of Article 12 of the Zoning Ordinance.

The anticipated hours of operation of the drive-through pharmacy will be 24 hours.

Adequate parking, loading, utility, drainage, and other necessary facilities have been provided in the design of the project.

Adequate open space has been provided in the design of the project.

The estimated number of patrons using the drive-through pharmacy will average 100 per day.

The proposed average number of employees at the pharmacy will be 20 with 1-2 employee(s) operating the drive-through pharmacy and with no more than 12 at any one time for the pharmacy.

Kimley-Horn and Associates, Inc. will provide a traffic analysis during the review process of this Application.

The Bailey's Crossroads area is the general area to be served by this drive-through pharmacy.

(B) FAST FOOD RESTAURANTS.

The Applicant submits that a special exception to allow a fast food restaurant(s) that may occupy more than 1,500 square feet of gross floor area or more than thirty-five (35) percent of the gross floor area of the retail building on this project is in harmony with the general purpose and intent of the zoning district and will not adversely affect the use or development of neighboring properties.

All signs will comply with the provisions of Article 12 of the Zoning Ordinance.

The anticipated hours of operation of the fast food restaurant(s) will be 24 hours.

Adequate parking, loading, utility, drainage, and other necessary facilities have been provided in the design of the project.

Adequate open space has been provided in the design of the project.

The estimated number of patrons using the fast food restaurant(s) will average 300 per day.

The proposed number of employees at the fast food restaurant(s) will be 15 per day with no more than 8 at any one time for each of the fast food restaurant(s).

Kimley-Horn and Associates, Inc. will provide a traffic analysis during the review process of this Application.

The Bailey's Crossroads area is the general area to be served by the fast food restaurant(s) in the project.

VIII. CATEGORY 5 STANDARDS.

(A) LOT SIZE AND LOT WIDTH.

A waiver of lot width has been requested.

(B) USES.

The uses will comply with the performance standards for the C-6 district.

(C) SITE PLAN.

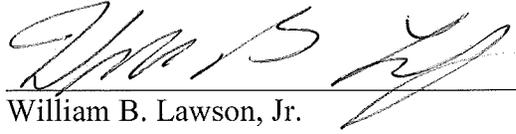
The Applicant acknowledges that a site plan will be required before establishment of the uses.

IX. CONCLUSION.

For the reasons stated above, it is respectfully submitted that this application should be granted.

3-27-14

Date:



William B. Lawson, Jr.  
Attorney/Agent for Applicant

WBLAD0250.SE.MW.6392



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** January 5, 2015

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

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

**SUBJECT:** Land Use Analysis:  
RZ 2014-MA-011 / SE 2014-MA-013  
Spectrum Development, LLC (The Shops at Baileys Crossroads)

This memorandum, prepared by Bernard Suchicital, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject Rezoning (RZ), and Special Exception (SE) applications dated April 16, 2014, as revised through December 4, 2014, and the latest proffers dated December 9, 2014. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted.

### DESCRIPTION OF THE APPLICATION

The subject application is located on the south side of Leesburg Pike between Charles Street and Washington Drive, in the Baileys Crossroads Community Business Center (CBC), in the Mason District on Tax Map Parcels 61-2 ((17))(D) 1, 3, 4 and 5, and 61-2 ((18)) 1, 2, 3, 4 and 5. The applicant proposes to rezone the subject properties from R-3 Residential and C-2 Limited Office District, to C-6 Community Retail Commercial District to construct a retail shopping center and stand-alone pharmacy with drive-through. The proposal also includes consolidating nine parcels for a total of 2.72 acres, and constructing 25,905 square feet with an overall Floor Area Ratio (FAR) of 0.22. This would consist of three buildings sited alongside Leesburg Pike and Washington Drive, 17.7% open space, and 5,323 square feet of right-of-way dedication for the future realignment of Charles Street to Glen Forest Drive.

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**Department of Planning and Zoning**  
Planning Division  
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Fairfax, Virginia 22035-5509  
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Fax 703-324-3056  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



## **LOCATION AND CHARACTER OF THE AREA**

The subject property is located in Area I, Baileys Planning District, within the Baileys Crossroads CBC of the Mason District. South of Leesburg Pike, east of Charles Street, and west of Washington Drive, the site is currently developed with a 2,430 square foot GEICO insurance office building with drive-through and five vacant lots zoned C-2, and two single family homes on three lots zoned R-3. Properties to the north are developed with a restaurant, zoned C-3 Office. Properties to the east are developed with a five-story office building zoned C-3, and a single family residential home zoned R-3. Properties to the south are developed with two single family homes and R-3 Residential. The property to the west is developed with the Culmore United Methodist Church and zoned R-3. The properties to the north are developed with strip retail and zoned C-6 and C-8.

## **COMPREHENSIVE PLAN CITATIONS:**

### **Land Use**

In the Fairfax County Comprehensive Plan, 2013 Edition, Area I Volume, Baileys Planning District, as amended through September 23, 2014, Baileys Crossroads Community Business Center, Land Unit Recommendations, pages 99 and 100:

#### “Sub-Unit D-2

This sub-unit is located on the south side of Leesburg Pike and east side of Charles Street and is developed with office and retail uses in existing residential scale structures.

Base Plan Recommendations – The base Plan recommendation for this sub-unit is 33,500 square feet of office uses, 4,000 square feet of retail uses and 4 single-family detached dwellings.

Redevelopment Option – The parcels east of Charles Street (Tax Map parcels 61-2 ((18)) 1-4) are planned and approved for townhouse-style office use of up to .25 FAR with full consolidation. As an option, office, retail, or a mixture of these uses in an integrated development that is oriented to Leesburg Pike, up to .25 FAR may be appropriate with consolidation of Tax Map parcels 61-2 ((17)) (D) 1, 3, 4, 5; 61-2 ((18)) 1, 2, 3, 4, 5 provided that the following conditions are met:

- The intersection of Charles Street, Glen Forest Drive and Leesburg Pike should be realigned to remove the offset intersection on Leesburg Pike to improve vehicular and pedestrian safety and operations. It is intended that the improvement align Charles Street with Glen Forest Drive. The realignment should preclude a severe angled intersection, while minimizing the impact to the existing residentially zoned properties to the south. Any development of these parcels should provide an engineered alignment to Virginia Department of Transportation standards and acceptable to Fairfax County Department of Transportation. Right-of-way for the engineered alignment should be dedicated to realign Charles Street and possible funding provided toward the construction of this improvement.

- Primary pedestrian entrances should be visible and accessible from Leesburg Pike.
- Parking should be located to the rear or side of the main structure.
- Vehicular access to the property should be restricted to Charles Street and/or Washington Drive with no vehicular access to Leesburg Pike.
- Drive-thru fast foods restaurants should be prohibited.
- To protect the existing residential community, substantial buffering and screening should be provided between the non-residential use and the adjoining residential properties.

The remainder of this area is planned for neighborhood serving retail and office uses up to 0.35 FAR. Building heights within this sub-unit should not exceed 40 feet, and buffering to adjacent residential neighborhoods should consist of a solid wall and landscaping with a setback area designed as a transition to adjacent residential uses.

Redevelopment of this sub-unit (approximately 5.5 acres) is envisioned to include a maximum of 26,000 square feet of office uses and 29,000 square feet of retail uses.”

In the Fairfax County Comprehensive Plan, 2013 Edition, Area I Volume, Baileys Planning District, as amended through September 23, 2014, Baileys Crossroads Community Business Center, Baileys West and Baileys East Districts, District-Wide Recommendations, page 94:

#### “Building and Site Design

The building and site design recommendations for the Baileys West and East Districts are listed in the guidance for the individual sub-units in the Land Unit Recommendations sections for these districts. The building and site design recommendations for the Town Center District can also be considered for the Baileys West and Baileys East Districts if building design is consistent with the land use guidance and development potential of the individual sub-units in these districts and compatible with the development on adjacent properties.

#### Street Classifications, Overall Connectivity and Streetscape

The street classifications, overall connectivity concepts and streetscape design for the streets within the Town Center District can also be applicable to the continuation of these streets in the Baileys West and Baileys East Districts and new streets in these districts.”

In the Fairfax County Comprehensive Plan, 2013 Edition, Area I Volume, Baileys Planning District, as amended through September 23, 2014, Baileys Crossroads Community Business Center, Transportation, page 36:

“Within the Baileys Crossroads CBC, pavement cross-sections are to be designed to fit into a more urban style type environment while addressing safety, operations, and capacity needs. The following should be taken into consideration in the design of streets in the Baileys Crossroads CBC:

- Streets in Baileys Crossroads CBC will be designated or redesigned as complete streets and contributing to creating great places. By definition, complete streets are designed and operated to enable safe access and movement for pedestrians, bicyclists, motorists and transit riders of all ages and abilities.”

In the Fairfax County Comprehensive Plan, 2013 Edition, Area I Volume, Baileys Planning District, as amended through September 23, 2014, Baileys Crossroads Community Business Center, Street Classification and Design, pages 59-60:

#### “Streetscape Design

The urban design classifications are applied to the existing and new streets in the Town Center District in the Baileys Crossroads CBC and the streetscape sections (Figures 15-22). Each of the street types includes the following:

Curb-to-curb area consists of travel lanes, turn lanes, on-street parking, bike lanes and medians. Note: The curb-to-curb area descriptions for each street type are included in the Transportation section of the area-wide guidance.

Streetscape zones are the areas on either side of the curb-to-curb area. The streetscape zone is composed of the following three zones:

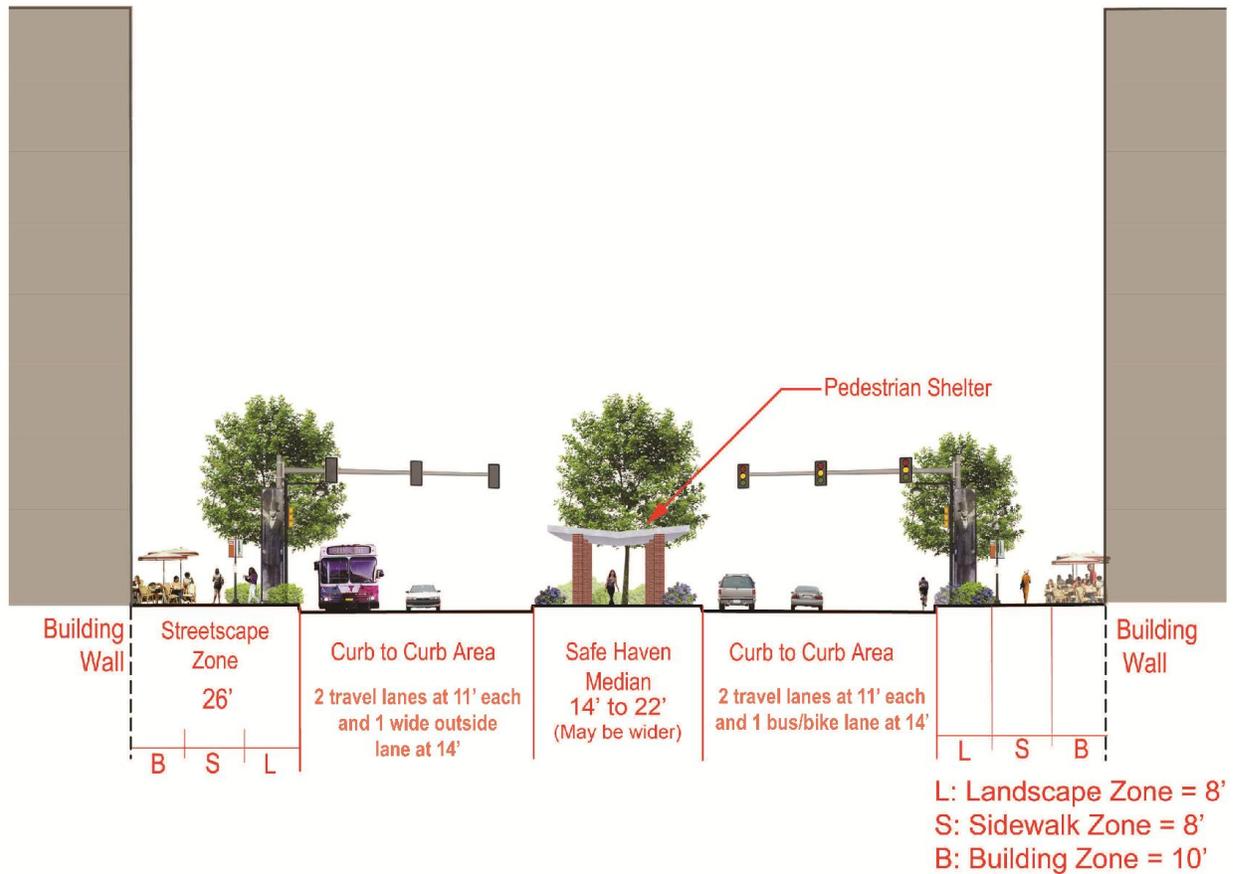
- The landscape amenity panel is located next to the curb and includes trees, lighting, bus stops/shelters, bicycle racks, parking meters, traffic signs, refuge strips, and other urban infrastructure.
- The sidewalk is reserved for uninterrupted pedestrian movement and should not contain any street furniture.
- The building zone is located between the sidewalk and the building façade. The character of the building zone is determined by the adjacent land use. When ground level retail is provided in a building, a portion of the building zone could be used for retail browsing or outdoor dining.

Since the streets within the Town Center District are intended to serve the dual function of providing access while, at the same time, contributing to the pedestrian and open space quality of the area, guidance for achieving that objective is included below for the existing and planned streets in the Town Center District.

#### Primary Arterial Streets (Boulevard)

1. Leesburg Pike – Leesburg Pike is envisioned as a ceremonial corridor. The street is designed to provide wide planting areas to buffer the pedestrian-oriented sidewalks from the traffic lanes. Entrances for larger retail business, as well as office and residential buildings, are envisioned along Leesburg Pike and are intended to enliven the pedestrian areas... Figure 15 shows the Leesburg Pike streetscape section.”

“FIGURE 15 - LEESBURG PIKE STREETSCAPE SECTION”



**COMPREHENSIVE PLAN MAP:** Office and Residential up to 2-3 dwelling units per acre.

**LAND USE ANALYSIS**

The applicant is seeking to develop the site under an option identified under the Redevelopment Option for Sub-Unit D-2 within the Baileys Crossroad CBC of the Comprehensive Plan. Under this option, which was adopted on September 23, 2014, the Plan recommends office, retail or a mixture of these uses in an integrated development that is oriented to Leesburg Pike, up to .25 FAR if the subject properties under this application are consolidated and meet site-specific conditions. These site-specific conditions include right-of-way dedication for the realignment of Charles Street with Glen Forest Drive and Leesburg Pike, access of pedestrian entrances from Leesburg Pike, parking location, vehicular access, prohibition of drive-thru fast-food restaurants, and substantial buffering and screening from the existing residential community. In addition, the property is located within the Baileys Crossroads Community Business Center, and thus conformity with streetscape and urban design guidelines is expected. These guidelines have wide-ranging objectives that include creating a

pedestrian friendly environment, creating high quality, attractive development, and providing for public pedestrian access between employment, entertainment, and residential destinations. The guidelines have specific recommendations on building design and arrangement, design compatibility, landscaping, pedestrian connections, vehicular circulation, parking and buffers.

The application conforms to the Plan option's recommendations regarding land use and intensity and parcel consolidation. The application consolidates all nine parcels as recommended by the Plan and proposes retail uses with a stand-alone pharmacy with drive-thru totaling 25,905 square feet or .22 FAR below the .25 FAR Plan limit for office, retail or mix of those uses. Consistent with Plan guidance, the application does not propose any drive-thru fast food restaurants. While the basic use and intensities proposed conform to the Plan option, staff feels that the design of the development could be further improved to fully meet the spirit of all of the Comprehensive Plan recommendations.

The applicant has worked progressively with staff to attain a redevelopment proposal that strives to meet the goals of the Comprehensive Plan. The project site is situated at the western end of the CBC, and serves as a gateway towards the eventual Town Center of Baileys Crossroads. As proposed, the Shops at Baileys Crossroads comprises of three retail buildings that are situated along Leesburg Pike and Washington Drive, one of which would be a stand-alone pharmacy with a drive-thru component, and parking to the rear of the property. The drive-thru element of the pharmacy is proposed to be sited at the prominent corner of Charles Street and Leesburg Pike. While the Plan was recently amended to support a drive thru pharmacy, staff feels that the proposed location is not optimal. Relocation of the drive-thru to another area would facilitate the planned realignment of Charles Street with Glen Forest Drive and Leesburg Pike. In staff's opinion, the location of the drive-thru also detracts from a pedestrian oriented environment envisioned by the Plan. The proposed right-of-way dedication strip intended for the future realignment of Charles Street has received little landscaping treatment. Furthermore, the applicant proposes a retail monument sign near this intersection. Staff believes that this is a redundant feature that is not needed when the retail buildings are to be located along the street's edge with building-mounted signage as well.

Consistent with Plan guidance, the two larger retail buildings are sited along the street edge of Leesburg Pike with parking located to the rear or side of the buildings. Staff believes that the intent of the Plan is for Leesburg Pike to be activated with pedestrian activity through accessible adjacent land uses. Ideally, the buildings should not only be sited on the street edge but also appear to front and have access to Leesburg Pike. Unfortunately, both buildings primary entrances to the building are located on the side opposite from Leesburg Pike. Staff does acknowledge, however, that while the proposed shopping center near Washington Center does not have a primary building entrance along Leesburg Pike, the design of the building has been improved to appear and function as if the facade oriented to Leesburg Pike is the "front door." This has been accomplished through architectural design and inviting pedestrian features such as substantial window treatment, secondary building entrance, optional outdoor seating and furniture, interesting and varying roof heights and building materials. In staff's opinion, the façade of the proposed pharmacy façade along Leesburg Pike should be similarly improved to be more inviting to pedestrians and to be more integrated with the shopping center.

There is a narrow parking and loading “alley” between the proposed pharmacy and the larger shopping center. The building sides adjacent to the alley should be viewed as an opportunity to be treated in an attractive manner (e.g., with windows and/or public art) to complement the proposed focal feature with plantings and bench seating near Leesburg Pike.

The two retail buildings that encroach the most into the residential neighborhood are located approximately 135 feet and 105 feet to the rear property line that abuts existing residential lots. Within this space are three rows of vehicular parking with minimal landscaping, followed by a dense transitional screening buffer adjacent to the neighboring residential lots. A waiver from the standard 50 foot landscape buffer is requested with this application. This buffer will comprise of a distance of 17.8 feet at its narrowest, and 24.3 feet at its deepest. Alongside Washington Drive the buffer will range from 23.5 feet to 26.8 feet in depth. A seven-foot tall brick or architectural block wall is proposed to enhance the transitional screening along the rear of the property, and along Washington Drive opposite of the residentially zoned lot. Currently, there is an abrupt transition from residential to non-residential uses along both Charles Street and Washington Drive towards Leesburg Pike. With the expansion of the CBC, it was the intent of the Plan amendment to provide for an effective transition between the two uses. Staff recognizes that some reduction from 50 foot landscape buffer may be appropriate; however, staff continues to urge the applicant to increase the buffer especially in areas where it is narrowest. To achieve this, the applicant is requested to consider eliminating or decreasing the size of the smallest shopping center or consolidating it with the larger shopping center near Leesburg Pike and Washington Drive.

The Baileys Crossroads CBC Plan provides for the applicability of the Town Center District streetscape guidelines to the portion Leesburg Pike fronting this subject area. Proposed streetscaping to Leesburg Pike is generally consistent with the streetscape design guidelines. The applicant has submitted plans to construct a 10-foot building zone, an 8-foot wide sidewalk, and a 6-foot to 18-foot landscape strip. The width of the landscape strip will depend on the final road improvements to Leesburg Pike. The Comprehensive Plan recommends a 10-foot building zone, 8-foot sidewalk zone, and an 8-foot landscape zone. The Washington Drive streetscape will include a 7-foot to 10-foot landscaped area along the buildings’ edge, 5-foot wide sidewalk, and a 3-5 foot landscaped strip.

## **CONCLUSION**

The proposal conforms to the basic Comprehensive Plan’s recommendations on land use and intensity. However, without additional improvements, the proposal does not fully conform to the design recommendations of the Plan.

PGN:BSS



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** December 15, 2014

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division, DPZ

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

**SUBJECT:** ENVIRONMENTAL ASSESSMENT for: **RZ/FDP 2014-MA-011**  
**SE 2014-MA-013**  
Spectrum Development – The Shops at Baileys Crossroads

This memorandum, prepared by John R. Bell, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the above referenced development plan as revised through December 4, 2014. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

### COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through July 1, 2014, pages 19 and 20:

**Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.**

Policy a. In consideration of other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices may include, but are not limited to:

- Environmentally-sensitive siting and construction of development;
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the *Policy Plan*);
- Optimization of energy performance of structures/energy-efficient design;
- Use of renewable energy resources;
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products;
- Application of best practices for water conservation, such as water efficient landscaping and innovative wastewater technologies, that can serve to reduce the use of potable water and/or reduce stormwater runoff volumes;
- Reuse of existing building materials for redevelopment projects;
- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris;
- Use of recycled and rapidly renewable building materials;
- Use of building materials and products that originate from nearby sources;
- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials;
- Reuse, preservation and conservation of existing buildings, including historic structures;
- Retrofitting of other green building practices within existing structures to be preserved, conserved and reused;
- Energy and water usage data collection and performance monitoring;
- Solid waste and recycling management practices; and
- Natural lighting for occupants.

Encourage commitments to implementation of green building practices

through certification under established green building rating systems for individual buildings (e.g., the U.S. Green Building Council’s Leadership in Energy and Environmental Design for New Construction [LEED-NC<sup>®</sup>] or the U.S. Green Building Council’s Leadership in Energy and Environmental Design for Core and Shell [LEED-CS<sup>®</sup>] program or other equivalent programs with third party certification). An equivalent program is one that is independent, third-party verified, and has regional or national recognition or one that otherwise includes multiple green building concepts and overall levels of green building performance that are at least similar in scope to the applicable LEED rating system. Encourage commitments to the attainment of the ENERGY STAR<sup>®</sup> rating where available. Encourage certification of new homes through an established residential green building rating system that incorporates multiple green building concepts and has a level of energy performance that is comparable to or exceeds ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs.

Policy b. Within the Tysons Corner Urban Center, Suburban Centers, Community Business Centers, Industrial Areas and Transit Station Areas as identified on the Concept Map for Future Development, unless otherwise recommended in the applicable area plan, ensure that zoning proposals for nonresidential development or zoning proposals for multifamily residential development incorporate green building practices sufficient to attain certification through the LEED-NC or LEED-CS program or an equivalent program specifically incorporating multiple green building concepts, where applicable, where these zoning proposals seek at least one of the following:

- Development in accordance with Comprehensive Plan Options;
- Development involving a change in use from what would be allowed as a permitted use under existing zoning;
- Development at the Overlay Level; or
- Development at the high end of planned density/intensity ranges. For nonresidential development, consider the upper 40% of the range between by-right development potential and the maximum Plan intensity to constitute the high end of the range.

Where developments with exceptional intensity or density are proposed (e.g. at 90 percent or more of the maximum planned density or intensity), ensure that higher than basic levels of green building certification are attained.”

## **ENVIRONMENTAL ANALYSIS:**

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions.

### **Green Building**

The subject property is located within the Baileys Community Business Center (CBC), a mixed use center as depicted on the Comprehensive Plan's Concept Map for Future Development. The green building policy of the Comprehensive Plan calls for new buildings developed in areas like the Baileys CBC that are seeking a change in use from what would be allowed as a permitted use under existing zoning be LEED certified. The proffers for the proposed development include a commitment to attain LEED certification for the proposed development. However, staff remains concerned that the green building escrow amounts offered for each building do not provide adequate incentive to ensure that the project is ultimately LEED certified and is not consistent with proffers for comparable projects. There are three buildings proposed with this application. They include a pharmacy with drive-through approximately 14,000 square feet in size, a retail building with a total area of approximately 9,500 square feet and a third retail building with an area of 2,300 square feet. The current escrow noted for each building in the proffers is listed as: \$45,000 for the pharmacy, \$25,000 for the larger retail building and \$10,000 for the smaller retail building. For comparison, staff offered other examples of similar uses elsewhere in the county. A pharmacy with drive-through located in the Fair Lakes area had a green building escrow of \$80,000, while another located in the Lorton area had an escrow of \$125,000. Similarly sized retail uses elsewhere have included green building escrows in the \$30,000-\$45,000 range. Given the disparity in the amount of the green building escrows offered in this instance and those seen elsewhere by staff, we remain concerned that the proposed measures offer only a limited assurance that the green building measures would ultimately be instituted. Staff continues to recommend that the applicant increase the amount of the green building escrows in a manner more consistent with other projects or commit to achieve a higher level of certification performance (e.g., LEED silver) without a green building escrow.

PGN:JRB

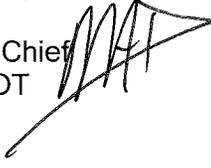


# County of Fairfax, Virginia

## MEMORANDUM

DATE: December 22, 2014

TO: Barbara Berlin, Director  
Zoning Evaluation Division, DPZ

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

FILE: 3-4(RZ 2014-MA-011)

SUBJECT: RZ 2014-MA-011/SE 2014-MA-013; Spectrum Development, LLC  
Tax Map: 061-2 ((18)) 0001, 0002, 0003, 0004, and 0005;  
061-2 ((17)) (D) 0001, 0003, 0004, and 0005

This department has reviewed the rezoning plat revised through December 4, 2014 and proffers revised through December 9, 2014. We have identified several major issues with the proposed development. Our comments are discussed below.

### 1. Realigning Charles Street with Glen Forest Drive

The applicant is proposing to dedicate right-of-way to facilitate the completion of improvements to the intersection of Charles Street and Glen Forest Drive with Leesburg Pike. Securing an adequate amount of dedicated area will assist in achieving a workable design for the intersection. Therefore, engineering work was requested from the applicant in order to evaluate intersection alignment alternatives. The applicant has proposed two alternatives for aligning Charles Street with Glen Forest Drive. This department has significant concerns with each proposal.

The goal of good traffic design is reducing vehicle, pedestrian, and bicycle conflicts. The proposed development is estimated to add over 8,100 trips on a weekday and over 8,300 trips on a Saturday to the intersection of Charles Street and Leesburg Pike, which is currently an offset intersection. Staff is concerned about the safety of the significant number of pedestrians present at this intersection and the additional volume of over 8,000 vehicle trips per day. The guidance provided in the Comprehensive Plan is intended to provide an opportunity to achieve a 90-degree angle intersection. A 90-degree angle intersection creates the optimum environment for drivers, pedestrians, and bicyclists to safely negotiate the intersection.

The applicant's proposed Alternative 'A' is a 67-degree angle of approach to Leesburg Pike (Route 7). According to the policy set out by the Federal Highway Administration (FHWA), intersecting roadways should have a minimal angle of 75 degrees. This standard is particularly important when applied to the design of national highway routes, such as Leesburg Pike. In summary, the Alternative 'A' proposal presents the following concerns:

- o The design creates a longer intersection crossing distance for pedestrians and bicycles. The applicant's traffic count data shows at least 100 pedestrians crossing Leesburg Pike during Thursday and Saturday peak hours in December 2013.

Fairfax County Department of Transportation

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- At a severely angled intersection, there is reduced driver visibility of oncoming pedestrians, bicyclists, and vehicles.
- The intersection angle may cause drivers to deviate from their intended path when crossing Route 7, moving into oncoming traffic or the curb line. This creates a safety and operational concern.
- Left-turning vehicles from Route 7 have more tendencies to shortcut across the side street approach, creating potential vehicle conflicts.

The applicant's proposed Alternative 'B' is closer to a 75-degree angle of approach to the intersection. While Alternative 'B' may technically meet the minimum FHWA standard, it still poses similar design and safety concerns listed under Alternative 'A', most specifically with vehicle conflicts crossing Leesburg Pike between Charles Street and Glen Forest Drive. The design depicted in the plans places through moving vehicles in the approaching left-turn lane. Special design elements would be necessary to resolve this at additional consequence to the proper function of the intersection.

Additionally, if Alternative 'B' is supported, it will create a previously unanticipated impact to a property on the opposite side of Leesburg Pike resulting from the realignment of Glen Forest Drive. The applicant has not discussed their proposal with that property owner. Further, with the unanticipated impact, we have roughly estimated that it will cost an additional \$5.5 million in public funds to realign Charles Street with Glen Forest Drive to conform to the design for Alternative 'B'.

FCDOT staff recommends that the applicant engage the property owner impacted by their design recommendation for Alternative 'B' to make them aware of their proposal and solicit feedback. Further, we recommend that the applicant modify Alternative 'B' to be a true 75-degree angle with linear street approaches on both sides of Route 7. We acknowledge that this will have additional impact to the proposed pharmacy drive-through on the applicant's site, however in the interest of safety and operation of the intersection as well as addressing the additional traffic impact generated by the site, a dedication to facilitate the public expense of construction of an intersection that is safe for all users is of paramount concern.

## **2. VDOT review of Chapter 870 TIA**

The proposed development required a VDOT Chapter 870 Traffic Impact Analysis (TIA) review. VDOT, FCDOT, and the applicant recently met to discuss the finding of deficiencies in the first TIA submission. The applicant has submitted a revised submission to address VDOT and FCDOT's comments. However, VDOT has not stated whether the revised submission is technically sound. A zoning decision should not be made until VDOT has provided its official response to the revised TIA submission and determined that the analysis meets their technical requirements.

## **3. Bicycle Master Plan recommendation for a cycle track**

The Bicycle Master Plan recommends a 6-ft cycle track on the applicant's Leesburg Pike frontage. The recommended cycle track is part of the corridor transportation improvement from Seven Corners to Bailey's Crossroads. Staff has communicated the need to set aside

right-of-way to accommodate the future cycle track. In order to accommodate the construction of the cycle track and the existing bus shelter, the proposed right-of-way dedication should include a maximum 76.5 feet from the existing centerline; however, the applicant has provided 64.5 feet. As depicted on the site development plan, the applicant intends to provide a 10 foot building setback from the back of sidewalk. Therefore, in order to address the potential future cycle track, FCDOT recommends that the 10-foot wide setback area be reserved for future dedication when a cycle track is funded for installation on the property frontage.

#### 4. Comments on the GDP

Several issues with the GDP remain unresolved. The following modifications should be considered:

- The design of the pharmacy drive-thru is counter-intuitive to driver expectations. Drive-thru customers are forced to cross over into the direction of oncoming vehicles twice; once upon entering and once upon exiting the drive-thru lane. There are parking spaces and dumpsters located at the drive-thru entry/exit point, which exposes all vehicles to more conflicts with parking and loading maneuvers. Adding to this vehicular conflict, pedestrian activity is also present at the entrance to the drive-thru. We have found that CVS has building layouts that are better suited for an urban environment than that proposed in this application. The land area of the proposed application site is sufficient to accommodate a pharmacy with a drive-thru design that fits into an urban context and solves these basic conflicts.
- On Sheet 3, the note indicating the existing bus shelter to be replaced should be revised as the existing bus shelter to be relocated and replaced by another entity. The applicant should be responsible for the cost of relocating the Signal bus shelter off-site during construction and back to the Leesburg Pike frontage after construction of the sidewalk. The applicant should also be responsible for constructing the bus shelter pad for the Signal shelter and the ADA-accessible landing pad. Proffer language has been provided to the applicant.
- A 3-ft buffer from the back of curb to the sidewalk on Charles Street and Washington Drive frontage should be provided per the VDOT Road Design Manual. The applicant proposes to keep the existing curb-abutted sidewalk north of the Charles Street site entrance. Staff recommends the appropriate buffer be provided given the significant number of pedestrians in this area today and the potential pedestrian trips generated by the development.
- The GDP shows that the area where the existing sidewalk is connected to the proposed sidewalk north of the Charles Street site access to be less than 3-feet wide. The applicant should provide an appropriate, ADA-compliant pedestrian facility, especially in an area adjacent to the drive-thru entrance.
- The proposed development should connect to the County walkway project on Leesburg Pike. The applicant should provide a 10-ft wide connecting sidewalk that matches the 10-ft wide crosswalk on Leesburg Pike.
- The bicycle rack number, location, and design have not been approved by FCDOT. The specific number, location, and design of the proposed bike racks should be determined at site plan in coordination with and for approval by FCDOT. Proffer language has been provided to address this issue.

## 5. Comments on the draft proffer statement

We have identified the following improvements that are either deficient or have not been included in the draft proffer. Specific comments and recommendations will be sent to the applicant. The following is a summary of our proffer comments:

- Regardless of the outcome of discussions on the alignment of Charles Street, the applicant should dedicate the amount of right-of-way necessary to complete either Alternative 'A' or Alternative 'B' to provide the maximum amount of right-of-way needed to complete any improvement of Charles Street.
- The applicant should be responsible for the maintenance and replacement of streetscape elements installed by the applicant that are located in the public right-of-way.
- The standard bicycle rack proffer should be included.
- The applicant should not place utility vaults under sidewalk or bicycle facilities designated for dedication for public use. This presents conflicts for later acceptance of right-of-way and easements by VDOT and utility providers.

MAD/AY



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

4975 Alliance Drive  
Fairfax, VA 22030

December 16, 2014

CHARLES A. KILPATRICK, P.E.  
COMMISSIONER

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

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

**Subject:** RZ 2014-MA-011 & SE 2014-MA-013 Spectrum Development  
Tax Map # 61-2((18))0001-0005 & ((17D))0001, 0003-0005

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

I have reviewed the above plan submitted on November 14, 2014, and received on November 18, 2014. The following comments are offered in addition to those previously provided:

10. *The realignment of Charles Street does not provide a 90° or close to 90° angle for the future street. An "S" curve should be included in the design alternatives across the site frontage to provide a better future alignment. The alignment shown does not provide a possible design for a future 90° crossing of Rt. 7. The 67° skew angle for the intersection at Rt. 7 is not acceptable for an ultimate condition.*
11. *The entrance radii will need to be increased to meet the VDOT requirements and to serve the design vehicle accessing the site. The tractor trailer template indicates the trailer crossing the curb and sidewalk as it exits.*
12. The right of way will be required to be a minimum of 1' beyond all sidewalks maintained by VDOT.

If you have any questions, please call me.

cc: Ms. Angela Rodeheaver  
fairfaxrezoning2014-MA-011rz4SpectrumDev12-16-14BB



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** November 19, 2014

**TO:** Brent Krasner, Senior Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Nicholas Drunasky, Urban Forester II  
Forest Conservation Branch, UFMD

**SUBJECT:** Shops at Baileys Crossroads, RZ 2014-MA-011

This review is based upon the Special Exception RZ 2014-MA-011/SE 2014-MA-013 application. The application is stamped as “Received Department of Planning & Zoning November 14, 2014.” A site visit was conducted on May 6, 2014 as part of the review for this application.

Approximately half of the site consists of a vacant lot with grass and areas where fill has been spread. About a quarter of the lot contains a one story building and parking lot. The remaining quarter of the site contains two houses and yards. Some of the vegetation present on the two residential lots is in good condition and favorable to preservation.

1. **Comment:** Peripheral parking lot landscaping and tabulations provided appear to meet the zoning ordinance requirements, but are not correct and do not meet the “streetscape” section of the Comprehensive Plan for the “Area-Wide Recommendation for Baileys Crossroads Community Business Center,” along Leesburg Pike, Charles Street, and Washington Drive. For example, the applicant has stated in the tabulations provided that only 82 feet is required for peripheral parking lot landscaping along Leesburg Pike, which is correct for peripheral parking lot landscaping, but is far less than the true length of frontage present (385 feet). The tabulations do not state that any trees are required along Washington Drive and a note states that “All parking areas along Washington Drive are buffered by a type III transitional screening buffer.” This is true, but the Comprehensive Plan for the “Area-Wide Recommendation for Baileys Crossroads Community Business Center,” state that “Street trees should be planted in an environment that promotes healthy root growth and should be spaced no more than 50 feet apart. However, closer spacing of trees should be considered wherever feasible. The preferred varieties are native to Virginia and non-invasive. In addition to trees, planting strips should include supplemental plantings, such as ornamental shrubs, ground cover, flowering plants, and grasses. Irrigation should be provided.”

**Recommendation:** In addition to meeting the peripheral parking lot landscape tabulations, a minimum of an eight foot wide landscape strip should be clearly depicted and include at least one tree every 50 feet at a minimum, ornamental shrubs (Leesburg Pike), ground cover, flowering plants, and grasses (Leesburg Pike and Charles Street) along with revising the



landscape tabulations and the planting schedule (in areas where transitional screening has not been provided) outside of any proposed or existing rights of way.

In addition, shrubs behind the curb along Charles Street should be shifted closer to barrier D so that they are not damaged by snow removal operations, and ground cover, flowering plants, and grasses should be provided in front of them behind the backside of the curb.

2. **Comment:** Given the fact that no trees are being preserved on the site, landscaping is going to be very important, so the following development conditions will be instrumental in assuring adequate landscaping is achieved throughout the development process.

**Recommendation:** UFMD feels that the following development condition language is necessary to ensure effective landscaping:

Landscape Pre-Inspection Meeting: "Prior to installation of plants to meet requirements of the approved landscape plan, the Contractor/Developer shall coordinate a pre-installation meeting on site with the landscape contractor and a representative of the County Urban Forest Management Division (UFMD). Any proposed changes to the location of planting, size of trees/shrubs, and any proposed plant substitutions for species specified on the approved plan shall be reviewed at this time and must be approved prior to planting. The installation of plants not specified on the approved plan, and not previously approved by UFMD, may require submission of a revision to the landscape plan or removal and replacement with approved material.

Field location of planting material, when required by the approved plan, shall be reviewed at the pre-installation meeting. The Landscape Contractor shall stake proposed individual planting locations in consultation with the Contractor/Developer prior to the pre-installation meeting, for review by UFMD staff. Stakes shall be adjusted, as needed, during the course of the meeting as determined by UFMD staff based on discussion with the Contractor/Developer and the Landscape Contractor."

Native Species Landscaping: "All landscaping provided shall be native to the middle Atlantic region to the extent feasible and non-invasive as determined by UFMD. In addition, the quality and quantity of landscaping provided shall be in substantial conformance with the SE Plat."

If you have any further questions, please feel free to contact me at 703-324-1770.

NJD/

UFMDID #: 190482

cc: DPZ File

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**Department of Public Works and Environmental Services**  
**Land Development Services, Environmental and Site Review Division**  
12055 Government Center Parkway, Suite 535  
Fairfax, Virginia 22035-5503  
Phone 703-324-1720, TTY: 703-324-1877, Fax: 703-324-8359  
[www.fairfaxcounty.gov/dpwes](http://www.fairfaxcounty.gov/dpwes)





# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

**DATE:** December 15, 2014

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

**FROM:** *Barbara Byron*  
Barbara Byron, Director  
Office of Community Revitalization (OCR)

**SUBJECT: OCR Staffing Comments**  
The Shops at Bailey's Crossroads  
RZ 2014-MA-011/SE 2014-MA-013

The Office of Community Revitalization (OCR) has reviewed the above referenced revised Rezoning/Special Exception (RZ/SE) Plan date stamped as "Received by the Department of Planning and Zoning on December 9, 2014", and Proffers dated December 9, 2014.

From OCR's perspective, the development of this underutilized site would contribute to the revitalization of the area. The OCR encourages the applicant to continue to work with staff to remedy deficiencies in the proposed development plan, and provide solutions that will achieve the long-term recommendations of the Comprehensive Plan.

The OCR provides the following recommendations:

1. (Sheet 3, Proffer 7, Proffer 8) The applicant should provide an engineered re-alignment of Charles Street with Glen Forest Drive, and provide for the interim maintenance (e.g., mowing, trash pick-up, weeding, etc.) of the dedicated right-of-way area until the new road is built.
2. (Sheet 6, Sheet 7, Proffer 4) Except for the southeast elevation (Leesburg Pike), the pharmacy building facades are blank walls. The applicant should create an urban, pedestrian-oriented character along the other three facades through the use of architectural features, windows, lighting, canopies and variations in building materials.
3. (Sheet 3) To achieve visual continuity, the applicant should replace all existing concrete sidewalks with interlocking pavers along the project's Washington Drive and Charles Street frontage.

**Office of Community Revitalization**  
12055 Government Center Parkway, Suite 1048  
Fairfax, VA 22035  
703-324-9300, TTY 711  
[www.fcrevit.org](http://www.fcrevit.org)



4. (Sheet 5A, Proffer 5) The applicant should provide street furnishing details and palette. A product or material above the minimum standard should be considered for spaces that are highly visible from the public realms on Leesburg Pike and Washington Drive.
5. (Sheet 5A, Proffer 20) The applicant should provide details of the pedestrian style light fixture in terms of style, type, intensity, number and location.
6. (Proffer 12) All utilities should be installed underground and coordinated with future roadway improvements, landscaping, and sidewalks. If approval cannot be obtained from those utilities, the applicant should contribute the cost of the undergrounding of the utilities, as determined by Fairfax County staff, to Fairfax County for future undergrounding of utilities in the Bailey's Crossroads CRD.

cc: Brent Krasner, Staff Coordinator, DPZ  
OCR File



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

**DATE:** November 20, 2014

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

**FROM:** Barbara Byron, Director  
Office of Community Revitalization (OCR)

**SUBJECT: OCR Staffing Comments**  
The Shops at Bailey's Crossroads  
RZ 2014-MA-011/SE 2014-MA-013

The Office of Community Revitalization (OCR) has reviewed the above referenced revised Rezoning/Special Exception (RZ/SE) Plan date stamped as "Received by the Department of Planning and Zoning on November 14, 2014".

From OCR's perspective, the development plan meets the intent of the Comprehensive Plan for a pedestrian-oriented development that emphasizes a high-quality pedestrian experience through an activated street edge, and adheres to streetscape guidance found in the Bailey's Crossroads streetscape standards.

The OCR provides the following recommendations for consideration:

1. The applicant should provide an engineered alignment of Charles Street with Glen Forest Drive.
2. To enhance visual continuity, the applicant should commit to replacing the existing concrete sidewalks along the project's Washington Drive boundary with interlocking pavers.
3. The applicant should identify the dumpster enclosure materials on the plan.
4. To minimize the impact of refuse disposal/pick-up on adjacent residential uses, the applicant should commit to limiting the hours of refuse disposal/pick up - i.e., 8:00 a.m.–5:00 p.m. (Monday-Friday); 8:00 a.m.–4:00 p.m. (Saturday-Sunday).

cc: Brent Krasner, Staff Coordinator, DPZ  
OCR File

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





# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** May 14, 2014

**TO:** Brent Krasner  
Staff Coordinator, Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Bel Pachhai, PE, CFM, Senior Engineer III BP Pachhai  
Site Development and Inspections Division  
Department of Public Works and Environmental Services

**SUBJECT:** Rezoning Application #RZ 2014-MA-011; Special Exception Application #SE 2014-MA-013; The Shops at Bailey's Crossroads; GDP dated 31<sup>st</sup> March 2014; LDS Project #7990-ZONA-001-1, Tax Map #061-2-18-0001, 0002, 0003, 0004, 0005; 061-2-17D-0001, 0003, 0004, 0005; Mason District

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

### Chesapeake Bay Preservation Ordinance (CBPO)

There are no Resource Protection Areas on the site.

### Floodplain

There are no regulated floodplains on the site.

### Downstream Drainage Complaints

There are no recent downstream drainage complaints on file.

### Stormwater Detention

Applicant indicated on sheet #6 that the stormwater quantity control requirements for the proposed development are satisfied through an underground detention facility (Contech Chambermaxx or approved equal). As the development is in Four Mile Run watershed, detention shall be provided for the 100 year storm event. In the site plan submission, detailed stormwater runoff computations and routings must be shown to address the stormwater detention requirements.

### Water Quality Control

Applicant stated on sheet #6 that the stormwater quality control for the proposed development will be provided by using combination of Bioretention Basin, Pervious Pavers and a Stormfilter or Bayfilter. The applicant used Runoff Reduction Method (RRM) spreadsheet to show water quality compliance and proposed to reduce the pre-development Phosphorus load by 20% based on new state regulations. In the site plan submission, detailed BMP calculations

must be shown to address the BMP requirements. Furthermore, every effort shall be made to provide BMP more than that of minimum necessary.

#### Onsite Major Storm Drainage System and Overland Relief

Applicant needs to provide an overland relief narrative and arrows showing runoff flow path of the 100-year storm event. Cross-sections at key locations must be shown on the plan.

#### Downstream Drainage System

The applicant proposed to provide an on-site detention to reduce the 1-year, 2-year and 10-year post-development peak runoff rates to below the respective peak rates of runoff for the site in good forested condition for the majority of the site to comply with adequate outfall requirements. The applicant also stated that the remaining outfalls leave the site as sheet flow with no adverse impact on downstream properties. In the site plan submission, detailed stormwater calculations shall be shown to address the adequate outfall requirements.

#### Drainage Diversion

During the development, the natural drainage divide shall be honored. If natural drainage divides cannot be honored, a drainage diversion justification narrative must be provided. The increase and decrease in discharge rates, volumes, and durations of concentrated and non-concentrated Stormwater runoff leaving a development site due to the diverted flow shall not have an adverse impact (e.g., soil erosion; sedimentation; yard, dwelling, building, or private structure flooding; duration of ponding water; inadequate overland relief) on adjacent or downstream properties. (PFM 6-0202.2A)

#### Stormwater Planning Comments

This case is located in the Four Mile Run Watershed. There is a water quality control project, DC9909-Inspection/Enforcement Enhancement Project-Vehicle Maintenance located near the subject site.

Please visit <http://www.fairfaxcounty.gov/dpwes/watersheds/doguecreek.htm> for more details and contact Stormwater Planning Division for more details.

#### Dam Breach

None of this property is within the dam breach inundation zone.

#### Stormwater Management Proffers

Comments on the draft proffers will be provided separately once we receive the draft proffers.

These comments are based on the 2011 version of the Public Facilities Manual (PFM). A new Stormwater ordinance has been adopted and the PFM's Stormwater requirements are being updated as a result of changes to state code (see 4VAC50-60 adopted May 24, 2011). The site



Brent Krasner, Staff Coordinator  
Rezoning Application #RZE 2014-MA-011; Special Exception Application #SE 2014-MA-013; The Shops at Bailey's Crossroads  
LDS Project #7990-ZONA-001-1  
Page 3 of 3

plan for this application may be required to conform to the updated PFM and the new ordinance.

Please contact me at 703-324-1698 if you require additional information.

BP/

cc: Fred Rose, Chief, Watershed Planning & Assessment Branch, Stormwater Planning Division, DPWES  
Don Demetrius, Chief, Watershed Evaluation Branch, SPD, DPWES  
Bijan Sistani, Chief, South Branch, SDID, DPWES  
Zoning Application File





# FAIRFAX COUNTY PARK AUTHORITY



## M E M O R A N D U M

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

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

**DATE:** May 8, 2014

**SUBJECT:** RZ 2014-MA-011 w/ SE 2014-MA-013, The Shops at Bailey's Crossroads  
Tax Map Number: 61-2((18)) 1-5; 61-2((17B)) 1, 3-5

### BACKGROUND

The Park Authority staff has reviewed the proposed Development Plan dated March 24, 2014, for the above referenced application. The Development Plan shows 26,600 square feet of commercial uses dispersed among three buildings on a nine-parcel consolidated area totaling 2.7 acres. The subject property is currently developed with a 2,430 square foot office building and two single-family detached homes, which are all proposed to be demolished.

### COMPREHENSIVE PLAN GUIDANCE

The County Comprehensive Plan includes both general and specific guidance regarding parks and resources. The Policy Plan describes the need to mitigate adverse impacts to park and recreation facilities caused by growth and development; it also offers a variety of ways to offset those impacts, including contributions, land dedication, development of facilities, and others (Parks and Recreation, Objective 6, p.8). The Parks and Recreation element of the Policy Plan includes an Urban Parks Framework that provides an urban parkland standard and detailed guidance on urban park development.

District-wide recommendations for the Bailey's Planning District in the Area I Plan state that it is "essential to create additional park and recreation opportunities when redevelopment occurs. Redevelopment and commercial revitalization will offer the opportunity to provide urban park amenities and to encourage pedestrian-oriented activities in the commercial areas." In addition, area-wide recommendations for the Bailey's Crossroads CBC further describe the importance of providing urban parkland in commercial redevelopments for the benefits of workers and patrons, and nearby residents alike. (Area I, Bailey's Planning District, District- and Area-wide Recommendations, Parks and Recreation, pp. 14, 46-50).

Finally, text from the Bailey's District chapter of the Great Parks, Great Communities Park Comprehensive Plan echoes recommendations in the Countywide Comprehensive Plan. Specific

District chapter recommendations include encouraging rezoning applicants in commercial revitalization areas to provide onsite urban parkland to serve new workers, nearby residents, and future growth.

### **ANALYSIS AND RECOMMENDATIONS**

#### **Park Needs:**

Using adopted service level standards, staff has identified a need for all types of parkland and recreational facilities in this area. Existing nearby parks (Spring Lane, Munson Hill, Boyd and Charlotte Hogge, J.E.B. Stuart, Skyline, Dowden Terrace, Lillian Carey, and Bailey's) meet only a portion of the demand for parkland generated by residential development in the Bailey's Crossroads CBC. In addition to parkland, the recreational facilities in greatest need in this area include 17 basketball courts, six rectangle fields, five youth softball diamonds, four playgrounds, and trails.

#### **Onsite Facilities:**

No publicly accessible parkland or recreational facilities are shown on the proposed development plan. Due to the subject property's location in the Bailey's Crossroads CBC, staff believes applying the Urban Parks Framework is appropriate. Based on the Urban Parks Framework, at least 1 acre of urban parkland should be provided per 10,000 new workers. As the Applicant is proposing 26,600 square feet of commercial uses, a 20,963 square foot net increase over existing conditions, a small-scale urban plaza or pocket park should be incorporated onsite to accommodate workers, patrons, and nearby residents.

### **SUMMARY OF RECOMMENDATIONS**

This section summarizes the recommendations included in the preceding analysis section.

- Applicant should incorporate an onsite small-scale urban plaza or pocket park to accommodate workers, patrons, and nearby residents.

Please note the Park Authority would like to review and comment on proffers and/or development conditions related to park and recreation issues. We request that draft and final proffers and/or development conditions be submitted to the assigned reviewer noted below for review and comment prior to completion of the staff report and prior to final Board of Supervisors approval.

FCPA Reviewer: Jay Rauschenbach  
DPZ Coordinator: Brent Krasner

Copy: Cindy Walsh, Director, Resource Management Division  
Brent Krasner, DPZ Coordinator  
Andrea L. Dorlester, Planner IV, Park Planning Branch  
Chron File  
File Copy



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** May 13, 2014

**TO:** Brent Krasner  
Zoning Evaluation Division  
Department of Planning and Zoning

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

**SUBJECT:** Sanitary Sewer Analysis Report

**REF:** **Application No. SE 2014-MA-011/SE 2014-MA-013**  
**Tax Map No. 061-2-((18))-0001 through 0005; 061-2-((17D))-0001, & 0003 through 0005**

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

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

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

- Other pertinent comments:**



# Fairfax Water

FAIRFAX COUNTY WATER AUTHORITY  
8560 Arlington Boulevard, Fairfax, Virginia 22031  
www.fairfaxwater.org

**PLANNING & ENGINEERING  
DIVISION**

Jamie Bain Hedges, P.E.  
Director  
(703) 289-6325  
Fax (703) 289-6382

April 16, 2014

Ms. Barbara Berlin, Director  
Fairfax County Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5505

Re: RZ 2014-MA-011  
SE 2014-MA-013  
Shops at Bailey's Crossroads  
Tax Map: 61-2

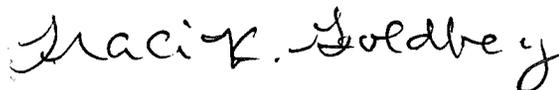
Dear Ms. Berlin:

The following information is submitted in response to your request for a water service analysis for the above application:

1. The property is served by Fairfax Water.
2. Adequate domestic water service is available at the site from an existing 12-inch located in Leesburg Pike and 6-inch water mains located on Charles Street and Washington Drive. See the enclosed water system map.
3. Depending upon the configuration of any proposed on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

If you have any questions regarding this information please contact Ross Stilling, P.E., Chief, Site Plan Review at (703) 289-6385.

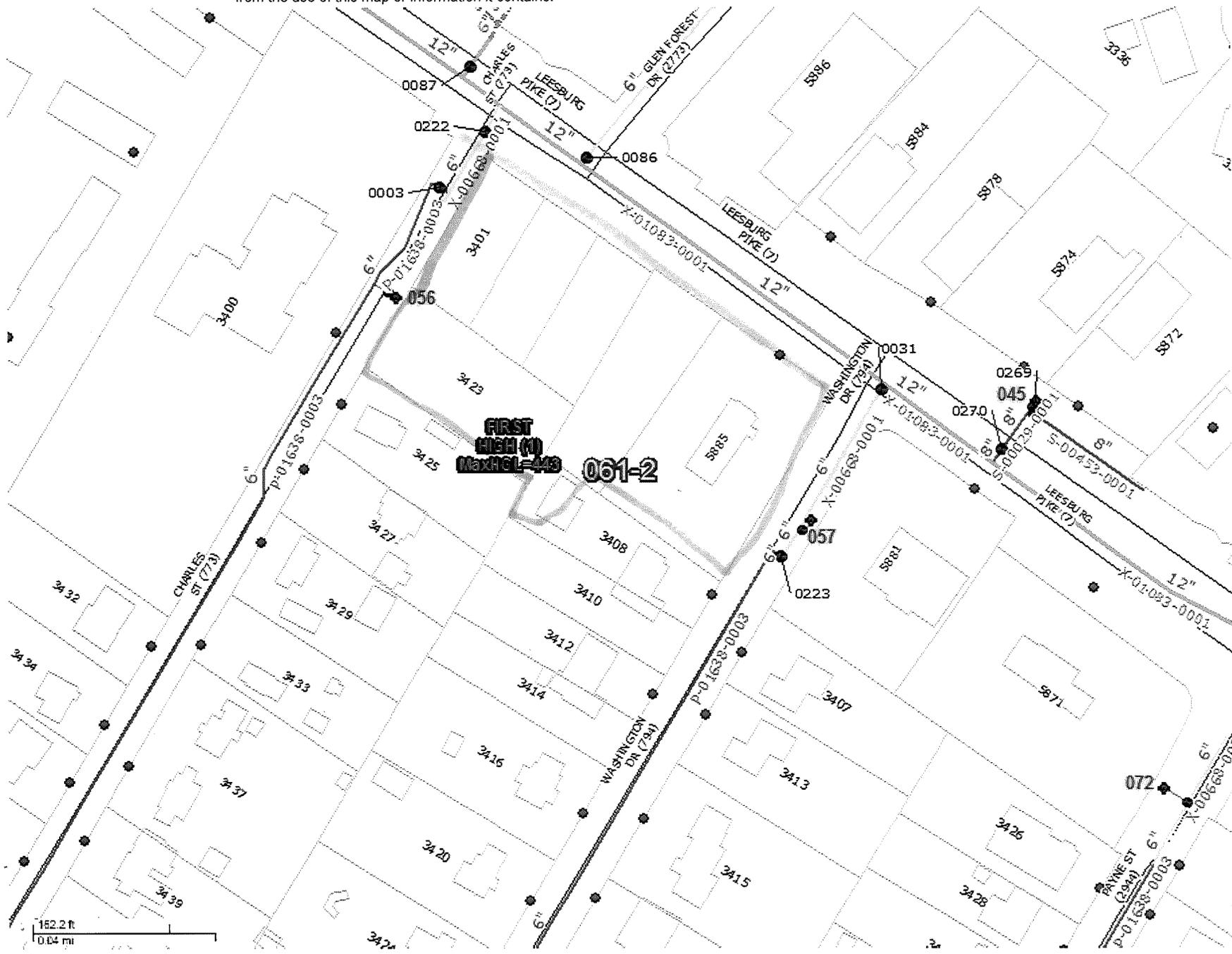
Sincerely,



Traci K. Goldberg, P.E.  
Manager, Planning Department

Enclosure

The information contained on this page is NOT to be construed or used as a "legal description". Fairfax Water does not provide any guaranty of accuracy or completeness regarding the map information. Any errors or omissions should be reported to the Technical Services Branch of the Planning and Engineering Division. In no event will Fairfax Water be liable for any damages, including but not limited to loss of data, lost profits, business interruption, loss of business information or any other pecuniary loss that might arise from the use of this map or information it contains.



152.2 ft  
0.04 mi  
(note: scalebar is approximate)

## SPECIAL EXCEPTIONS

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

**9-504 Additional Standards for Amusement Arcades**

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

**9-505 Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Financial Institutions, Drive-Through Pharmacies, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Stations/Mini-Marts**

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

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- D. In reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.
  - E. For a drive-through pharmacy, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive-through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.
2. In the C-3 and C-4 Districts, in addition to Par. 1 above:
- A. All such uses, except drive-in financial institutions, shall be an integral design element of a site plan for an office building or office building complex containing not less than 35,000 square feet of gross floor area.
  - B. Such a use shall have no separate and exclusive curb cut access to the abutting highway.
  - C. There shall be no outside storage or display of goods offered for sale.
  - D. Service stations shall not include any ancillary use such as vehicle or tool rental, and shall be limited to the servicing and retail sales of products used primarily by passenger vehicles.
  - E. Service stations shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than (2) such vehicles on site at any one time.
3. In the C-5 and C-6 Districts, in addition to Par. 1 above:
- A. There shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.
  - B. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than two (2) such vehicles on site at any one time.
4. In the C-7, C-8 and C-9 Districts, in addition to Par. 1 above:
- A. In the C-7 or C-9 District, there shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.

## SPECIAL EXCEPTIONS

- B. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than four (4) such vehicles on site at any one time.
  - C. The outdoor area devoted to any use such as vehicle or tool rental shall be limited to the area so designated on an approved special exception plat.
5. In the I-3, I-4, I-5 and I-6 Districts, in addition to Par. 1 above:
- A. All such uses, except drive-in financial institutions, shall be an integral design element of a site plan for an industrial building or building complex containing not less than 30,000 square feet of gross floor area.
  - B. In an I-3 or I-4 District, there shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station.
  - C. In an I-3 or I-4 District, service stations shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than four (4) such vehicles on site at any one time.
  - D. No Building Permit shall be approved for such a use unless a Building Permit has been approved for the related industrial building(s).
  - E. The outdoor area devoted to any use such as vehicle or tool rental shall be limited to that area so designated on an approved special exception plat.
6. In the PDH and PDC Districts, in addition to Par. 1 above:
- A. In the PDH District, fast food restaurants may be permitted only in accordance with the provisions of Sect. 6-106 and the following:
    - (1) Such use may be permitted only upon a finding by the Board that the planned development is of sufficient size to support the proposed use, and that the use is designed to serve primarily the needs of the residents of the development.
    - (2) Such use shall be designed and located so as to maintain the intended secondary nature of the use, and so that the associated impacts, including but not limited to associated on-site and off-site vehicular traffic, noise, odors, and visual impact, will not adversely affect the residential character of the development and surrounding properties.

## 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		