



APPLICATION ACCEPTED: March 25, 2015
PLANNING COMMISSION: September 16, 2015
BOARD OF SUPERVISORS: TBD

County of Fairfax, Virginia

September 1, 2015

STAFF REPORT

SEA 89-Y-035

SULLY DISTRICT

WS

APPLICANT: Haft/Equities – Sully Plaza Limited Partnership

ZONING: C-8, HC, WS

PARCEL: 34-4 ((1)) 16C pt.

ACREAGE: 20,600 square feet

PLAN MAP: Retail and Other Commercial

SE CATEGORY: Category 6: Waiver of Certain Sign Regulations; and Drive-In Bank in a Highway Corridor Overlay District (HC)

PROPOSAL: Amend SE 89-Y-035 (Previously approved for Drive-In Bank in a Highway Corridor Overlay District and Waiver of Minimum Lot Size Requirements) to modify site and development conditions to permit a waiver of certain sign regulations.

STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 89-Y-035, subject to the development conditions contained in Appendix 1.

Staff recommends approval of a reaffirmation of the Waivers of Minimum Lot Area and Minimum Lot Width requirements.

Sharon Williams

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

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

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.



Special Exception Amendment

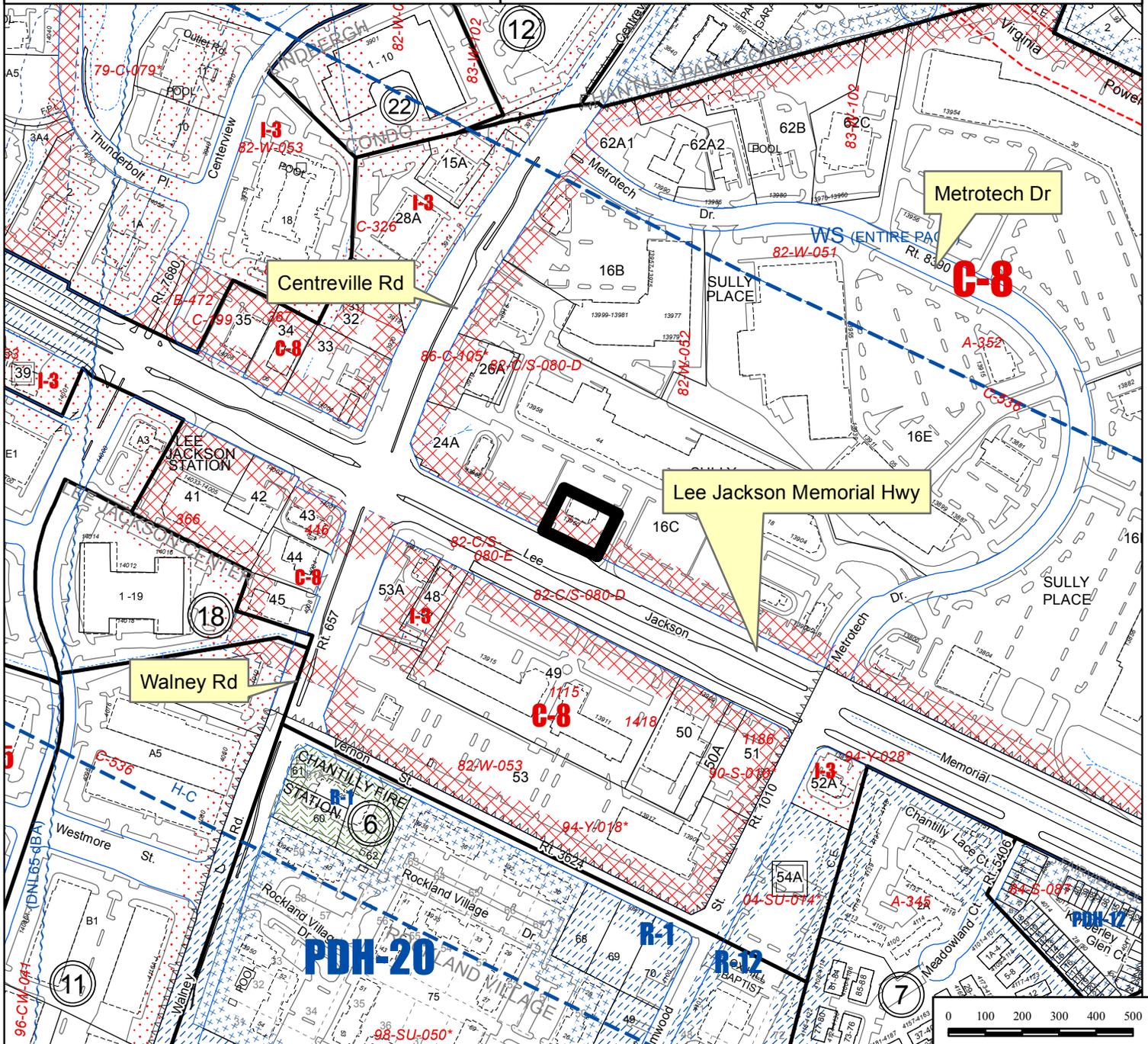
SEA 89-Y-035



Applicant:
Accepted:
Proposed:

HAFT / EQUITIES - SULLY PLAZA LIMITED PARTNERSHIP
03/25/2015
AMEND SE 89-Y-035 PREVIOUSLY APPROVED FOR DRIVE-IN FINANCIAL INSTITUTION AND WAIVER OF MINIMUM LOT SIZE AND LOT WIDTH TO PERMIT WAIVER OF CERTAIN SIGN REGULATIONS AND AN INCREASE IN SIGN HEIGHT AND SIGN AREA IN A HIGHWAY CORRIDOR OVERLAY DISTRICT

Area: 20600 SF OF LAND; DISTRICT - SULLY
Zoning Dist Sect: 09-0620
Located: 13960 LEE JACKSON MEMORIAL HIGHWAY, CHANTILLY, VA 20151
Zoning: C-8
Plan Area: 3,
Overlay Dist: WS HC
Map Ref Num: 034-4- /01/ /0016C

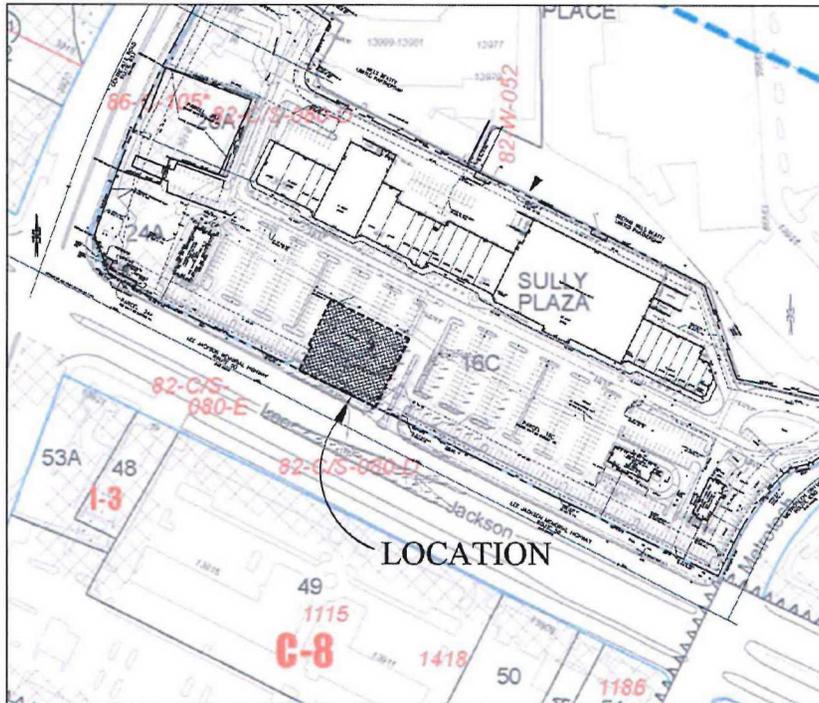


SPECIAL EXCEPTION for SULLY PLAZA SULLY DISTRICT FAIRFAX COUNTY, VIRGINIA SEA 1989-Y-035

APPLICANT / OWNER
 HAFT/EQUITIES - SULLY PLAZA LIMITED PARTNERSHIP (OWNER & APPLICANT)
 1025 THOMAS JEFFERSON STREET NW
 SUITE 700 EAST
 WASHINGTON, DC 20007
 CONTACT: MICHELLE NIELSEN (202.736.2807)

ATTORNEY
 WALSH COLUCCI LUBELEY & WALSH, PC
 2200 CLARENDON BOULEVARD, SUITE 1300
 ARLINGTON, VA 22201
 (703.528.4700)
 CONTACT: INDA STAGG, SENIOR LAND USE PLANNER
 MARTIN D. WALSH

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



VICINITY MAP
 SCALE: 1" = 100'

SHEET INDEX

- 1 COVER SHEET
- 2 SPECIAL EXCEPTION PLAT / TABS
- 3 SIGN SITE PLAN, ELEVATION and NOTES
- 4 SIGN COMPARISON
- 5 SIGHT DISTANCE LINES

GENERAL NOTES

1. THE PROPERTY THAT IS SUBJECT TO THIS SPECIAL EXCEPTION AMENDMENT IS IDENTIFIED ON FAIRFAX COUNTY TAX MAP RECORDS AS TM 34-4-(1)-18C, PART, AND IS ZONED C-8 COMMERCIAL, HC, WS. THIS SPECIAL EXCEPTION AMENDMENT (SEA) IS SOLELY TO REQUEST AN INCREASE IN THE HEIGHT AND SIGN AREA FOR A PROPOSED FREESTANDING SIGN FOR THE SULLY PLAZA SHOPPING CENTER. ALL OTHER USES, STRUCTURES, NOTES, AND TABULATIONS THAT WERE PREVIOUSLY SHOWN ON THE SPECIAL EXCEPTION PLAT APPROVED BY THE BOARD OF SUPERVISORS ON FEBRUARY 24, 1992 PURSUANT TO SE 89-Y-035 REMAIN VALID (SEE SHEET 2 OF THIS SEA PLAT), WITH THE EXCEPTION OF THE LOSS OF ONE EXCESS PARKING SPACE TO ACCOMMODATE NEW LANDSCAPED AREA ASSOCIATED WITH THE REQUESTED SIGN AS SHOWN ON SHEET 3 OF THIS SEA PLAT.
2. THE SPECIAL EXCEPTION AMENDMENT PLAT REFLECTS THE EXISTING BUILDING FOOTPRINTS AND ASSOCIATED PARKING CURRENTLY LOCATED ON THE SUBJECT PROPERTY ACCORDING TO AN ALTA SURVEY PREPARED BY PATTON, HARRIS, RUST & ASSOCIATES DATED 9/29/2009. THIS SURVEY INFORMATION IS USED TO IDENTIFY THE LOCATION OF THE EXISTING AND PROPOSED FREESTANDING SIGN IN CONTEXT WITH THE EXISTING SHOPPING CENTER.
3. THE SITE IS SERVED BY PUBLIC WATER AND SEWER.
4. THERE IS NO FLOODPLAIN DESIGNATED BY THE THE FEDERAL INSURANCE ADMINISTRATION UNITED STATES GEOLOGICAL SURVEY OR FAIRFAX COUNTY ON THIS SITE.
5. ALL EXISTING UTILITY EASEMENTS HAVING A WIDTH OF 25 FEET OR MORE ARE SHOWN ON THE PLAN.
6. EXISTING TOPOGRAPHY ON SHEET 3 IS FROM A FIELD RUN SURVEY BY URBAN, LTD. DATED JANUARY, 2015. THE CONTOUR INTERVAL IS TWO FEET.
7. THERE ARE NO KNOWN GRAVES, OR BURIAL SITES ON THE SUBJECT PROPERTY.
8. THERE ARE NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES GENERATED, UTILIZED, STORED, TREATED, AND/OR DISPOSED OF AT THIS SITE.

REQUESTED MODIFICATION

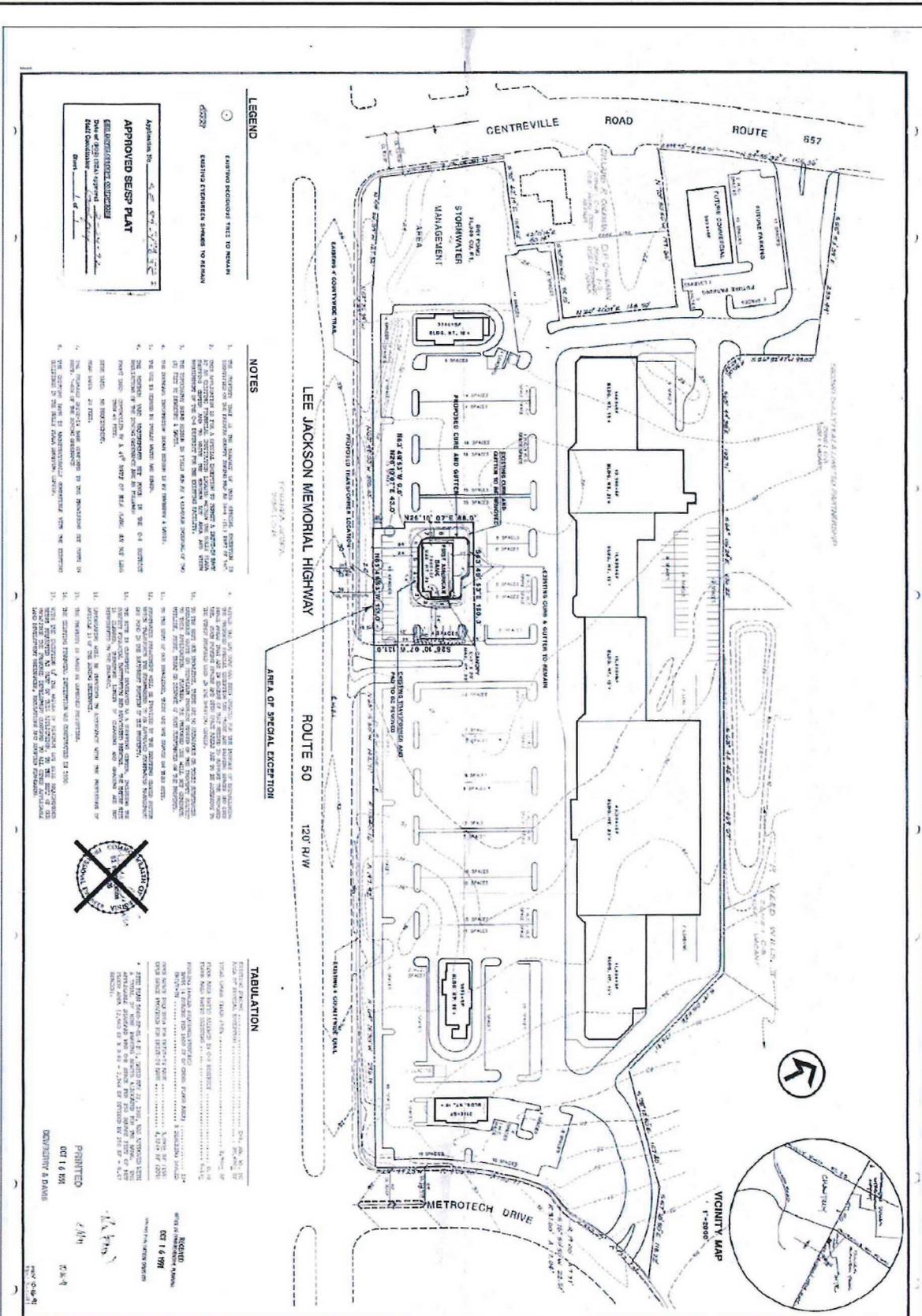
A MODIFICATION OF ALL SPECIAL EXCEPTION REQUIREMENTS OF PARAGRAPH 2 OF 9-011 OF THE FAIRFAX COUNTY ZONING ORDINANCE IS REQUESTED TO PERMIT THE INFORMATION PROVIDED ON THIS SPECIAL EXCEPTION PLAT TO SATISFY THE SUBMISSION REQUIREMENTS FOR THIS SEA REQUEST. THERE ARE NO PROPOSED CHANGES TO THE EXISTING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

RECEIVED
 Department of Planning & Zoning

MAR 20 2015

Zoning Evaluation Division

PLAN DATE 03-13-15	No. DATE REVISIONS
COVER SHEET SULLY PLAZA FREESTANDING SHOPPING CENTER SIGN SULLY DISTRICT FAIRFAX COUNTY, VA CL:SN/A SCALE: AS SHOWN	
DATE: FEB. 2015	
SHEET 1 OF 5	



LEGEND

APPROVED SIGN PLAT

NOTES

TABULATION

1. THE SIGNING PLAN IS THE SUBJECT OF THIS SPECIAL EXCEPTION IS SUBMITTED TO THE BOARD OF SUPERVISORS FOR REVIEW AND APPROVAL. THE BOARD OF SUPERVISORS SHALL REVIEW THE SIGNING PLAN AND THE SPECIAL EXCEPTION APPLICATION AND SHALL MAKE A DETERMINATION AS TO WHETHER THE SIGNING PLAN AND SPECIAL EXCEPTION APPLICATION COMPLY WITH THE REQUIREMENTS OF THE ZONING ORDINANCES AND THE SIGNING REGULATIONS. THE BOARD OF SUPERVISORS SHALL MAKE A DETERMINATION AS TO WHETHER THE SIGNING PLAN AND SPECIAL EXCEPTION APPLICATION COMPLY WITH THE REQUIREMENTS OF THE ZONING ORDINANCES AND THE SIGNING REGULATIONS. THE BOARD OF SUPERVISORS SHALL MAKE A DETERMINATION AS TO WHETHER THE SIGNING PLAN AND SPECIAL EXCEPTION APPLICATION COMPLY WITH THE REQUIREMENTS OF THE ZONING ORDINANCES AND THE SIGNING REGULATIONS.

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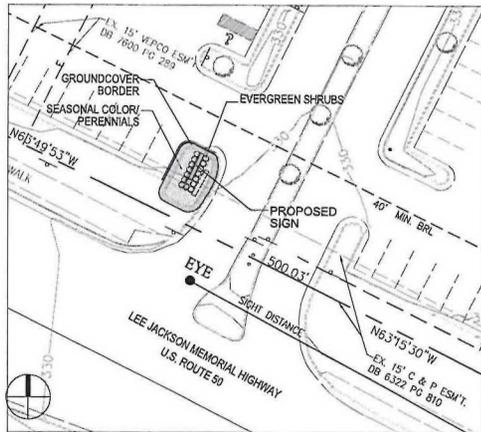
PRINTED
OCT 16 2011
DEWBERRY & DAVIS

RECORD
OCT 16 2011

PREVIOUSLY APPROVED SPECIAL EXCEPTION PLAT.

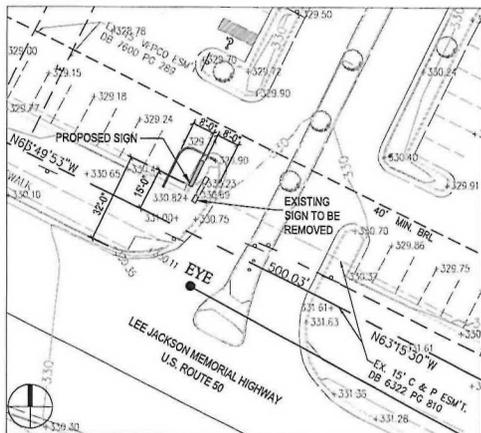
SPECIAL EXCEPTION PLAT / TABS
FIRST AMERICAN BANK/SULLY PLAZA
 CENTREVILLE DISTRICT
 SE-89-C-035
 FAIRFAX COUNTY, VIRGINIA
Dewberry & Davis
 Engineers Architects Planners Surveyors
 3401 Arlington Blvd., Fairfax, VA 22031
 703.649.0100

SPECIAL EXCEPTION PLAT / TABS
SULLY PLAZA
FREESTANDING SHOPPING CENTER SIGN
 SULLY DISTRICT
 FAIRFAX COUNTY, VA
 SCALE: NOT TO SCALE
 CL.: N/A
 DATE: FEB. 2015
 PLAN DATE: 02-15-15
 No. DATE DESCRIPTION
 REVISIONS
 urban
 Plans Engineers Architects Planners Surveyors
 1400 E. 17th St., Suite 100
 Chevy Chase, MD 20815
 Tel: 301.983.2300
 www.urban.com



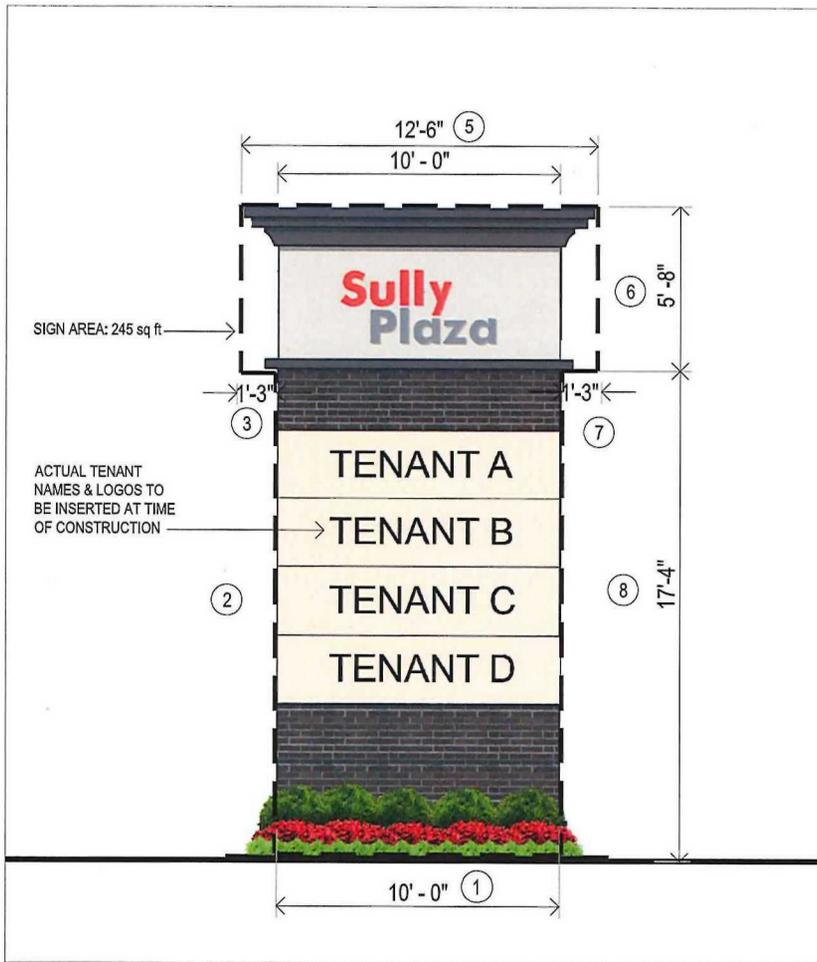
3 PROPOSED PLANTING PLAN

Scale: 1"=20'



2 PROPOSED SIGN LAYOUT PLAN

Scale: 1"=20'



1 PROPOSED SIGN ELEVATION

Scale: not to scale

AVERAGE GROUND LEVEL = 331.00

GENERAL NOTES

1. BASED UPON THE SITE PLAN USE AND PARKING TABULATION SUBMITTED WITH SULLY PLAZA SHOPPING CENTER SITE PLAN 05660-SP-012-2 DATED 3/30/07 AND APPROVED BY 9/29/2009 BY FAIRFAX COUNTY, 592 PARKING SPACES ARE CURRENTLY REQUIRED FOR THIS PROPERTY AND 604 SPACES ARE CURRENTLY PROVIDED. ONE PARKING SPACE WILL BE REMOVED TO ALLOW THE NEW SIGN TO BE CONSTRUCTED, THIS WILL RESULT IN 603 PARKING SPACES PROVIDED, WHICH CONTINUES TO EXCEED THE AMOUNT OF PARKING SPACES REQUIRED FOR THE SHOPPING CENTER'S USE.
2. THE PROPOSED SIGN WILL INCORPORATE THE FOLLOWING MATERIALS:
 - METAL
 - ACRYLIC
 - TRANSLUCENT VINYL
 - BRICK OR OTHER MASONRY MATERIALS
 - STEEL
 - PLASTIC, FIBERGLASS or HIGH DENSITY FOAM.
3. THE PROPOSED SIGN WILL BE INTERNALLY ILLUMINATED IN ACCORDANCE WITH FAIRFAX COUNTY OUTDOOR LIGHTING STANDARDS PER ZONING ORDINANCE SECTION 14-900.
4. ACTUAL TENANT NAMES AND LOGOS WILL BE INSERTED AT THE TIME OF CONSTRUCTION AND WILL CHANGE BASED UPON FINAL TENANT LEASES.
5. THIS PLAN PROPOSES TO REMOVE THE EXISTING SIGN AND ONE PARKING SPACE, WHICH IS CURRENTLY IMPERVIOUS AREA, TO CREATE ADDITIONAL PLANTING AREA FOR SHRUBS, HERBACEOUS PLANTS AND LAWN. THIS WILL RESULT IN A NET INCREASE OF 143 S.F. PERVIOUS AREA ON THE PROPERTY.

SIGN AREA DIMENSIONS

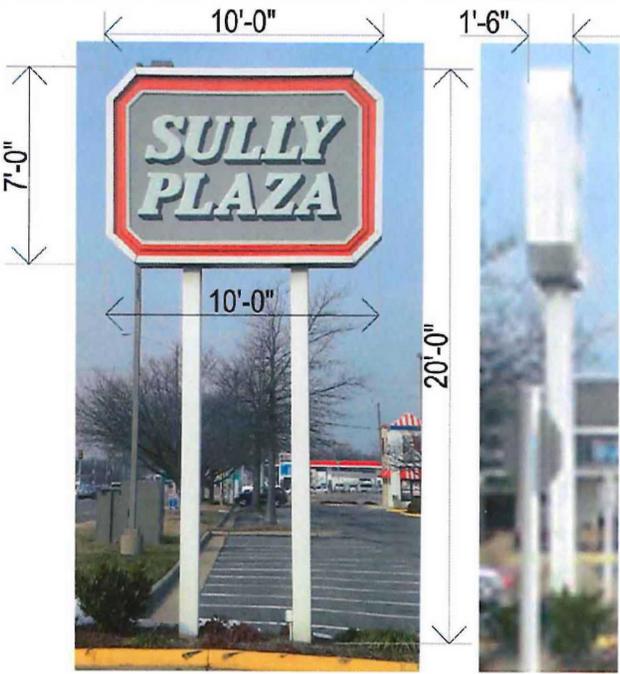
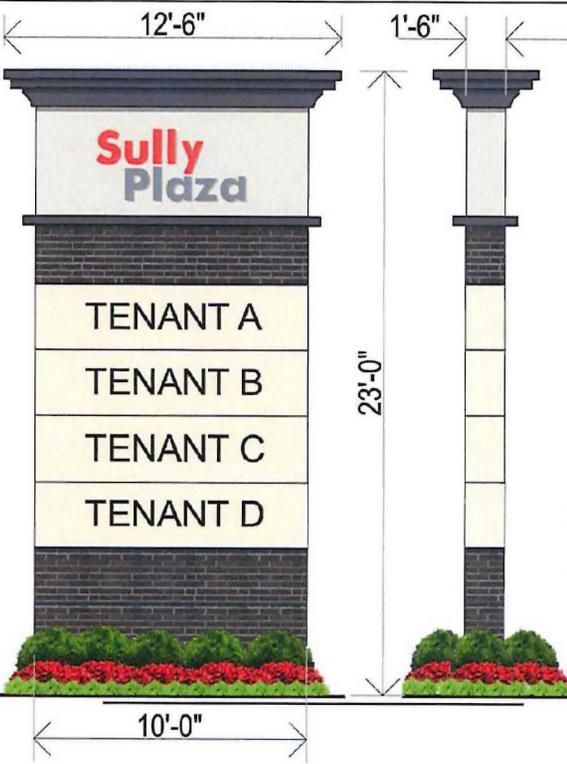
- ① = 10' - 0"
- ② = 17' - 4"
- ③ = 1' - 3"
- ④ = 5' - 8"
- ⑤ = 12' - 6"
- ⑥ = 5' - 8"
- ⑦ = 1' - 3"
- ⑧ = 17' - 4"

SIGN DEPTH = 1'-6" (18") MAX.
SIGN AREA = 245 S.F.

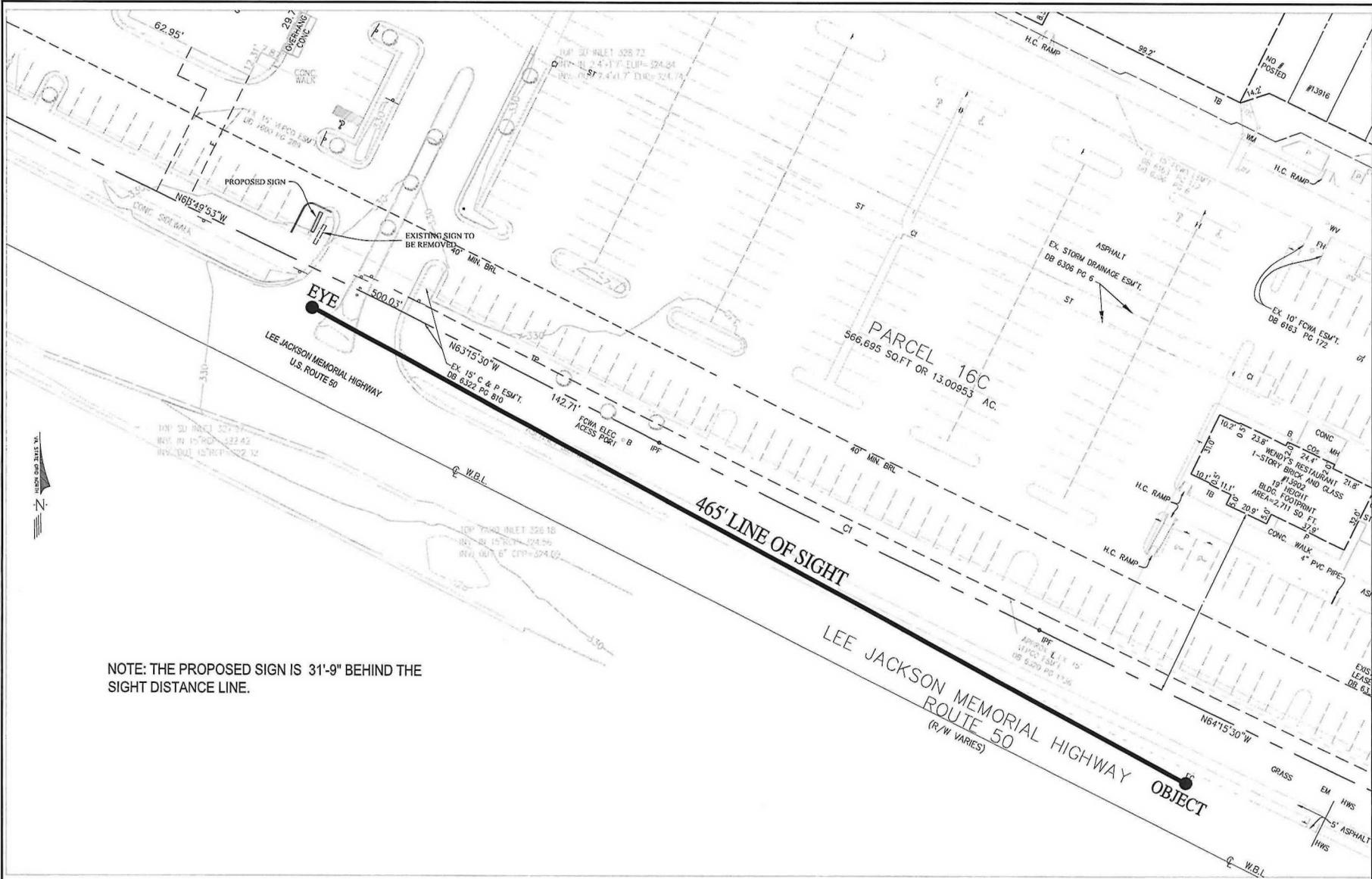
PLANT DATE 02-13-15 02-13-15		REVISIONS No. DATE DESCRIPTION
SIGN SITE PLAN and ELEVATIONS SULLY PLAZA FREESTANDING SHOPPING CENTER SIGN FAIRFAX DISTRICT FAIRFAX COUNTY, VA CL: SVA		
DATE: FEB. 2015		SHEET 3 OF 5
SCALE: AS SHOWN		



SPECIAL EXCEPTION SULLY PLAZA

EXISTING SIGN	SIGN ORDINANCE REQUIREMENT	PROPOSED SIGN
 <p style="margin-top: 20px;"> HEIGHT: 20'-0" feet DEPTH: 1-6" (18") inches SETBACK from Curb Line at Lee Jackson Memorial Highway: 28 feet SIGN AREA: 70 sq ft ILLUMINATION: internal illumination </p>	<p> MAX HEIGHT (Sect 12-203.4): 20 feet (permitted without SE approval for increase in height) </p> <p> SETBACK from Curbline (Sect 12-203.5): 5 feet </p> <p> MAXIMUM SIGN AREA (Sect 12-205.3): 80 sq ft (permitted without SE approval for increase in sign area) </p>	 <p style="margin-top: 20px;"> HEIGHT: 23' - 0" DEPTH: 1' - 6" (18") max SETBACK from Curbline at Lee Jackson Memorial Highway: 32 feet SIGN AREA: 245 sq ft (see sheet 2 for all sign area dimensions) </p> <p> ILLUMINATION: internal illumination </p>

SIGN ORDINANCE COMPARISONS SULLY PLAZA SULLY DISTRICT FAIRFAX COUNTY, VA	DATE: FEB. 2015 SCALE: AS SHOWN SHEET 4 OF 5
COMMONWEALTH OF VIRGINIA State of Virginia Keith A. Tankersley Lic. No. 983 3/14/2015 LANDSCAPE ARCHITECT	REVISIONS No. DATE 01 02/15/15 02 02/15/15 03 02/15/15 04 02/15/15 05 02/15/15 06 02/15/15 07 02/15/15 08 02/15/15 09 02/15/15 10 02/15/15 11 02/15/15 12 02/15/15 13 02/15/15 14 02/15/15 15 02/15/15 16 02/15/15 17 02/15/15 18 02/15/15 19 02/15/15 20 02/15/15 21 02/15/15 22 02/15/15 23 02/15/15 24 02/15/15 25 02/15/15 26 02/15/15 27 02/15/15 28 02/15/15 29 02/15/15 30 02/15/15 31 02/15/15 32 02/15/15 33 02/15/15 34 02/15/15 35 02/15/15 36 02/15/15 37 02/15/15 38 02/15/15 39 02/15/15 40 02/15/15 41 02/15/15 42 02/15/15 43 02/15/15 44 02/15/15 45 02/15/15 46 02/15/15 47 02/15/15 48 02/15/15 49 02/15/15 50 02/15/15 51 02/15/15 52 02/15/15 53 02/15/15 54 02/15/15 55 02/15/15 56 02/15/15 57 02/15/15 58 02/15/15 59 02/15/15 60 02/15/15 61 02/15/15 62 02/15/15 63 02/15/15 64 02/15/15 65 02/15/15 66 02/15/15 67 02/15/15 68 02/15/15 69 02/15/15 70 02/15/15 71 02/15/15 72 02/15/15 73 02/15/15 74 02/15/15 75 02/15/15 76 02/15/15 77 02/15/15 78 02/15/15 79 02/15/15 80 02/15/15 81 02/15/15 82 02/15/15 83 02/15/15 84 02/15/15 85 02/15/15 86 02/15/15 87 02/15/15 88 02/15/15 89 02/15/15 90 02/15/15 91 02/15/15 92 02/15/15 93 02/15/15 94 02/15/15 95 02/15/15 96 02/15/15 97 02/15/15 98 02/15/15 99 02/15/15 100 02/15/15



NOTE: THE PROPOSED SIGN IS 31'-9" BEHIND THE SIGHT DISTANCE LINE.

1 SIGHT DISTANCE LINES
Scale: 1" = 20'

NO.	DATE	REVISION

PLANS DATE
02-12-15
02-12-15

Urban
 Planning
 Consulting
 Architects
 1000 N. 15th St., Suite 201
 Fairfax, VA 22031
 www.urbanplanning.com

COMMONWEALTH OF VIRGINIA
 Kevin J. Tankersley
 Lic. No. 9883
 3/29/2015
 LANDSCAPE ARCHITECT

SIGHT DISTANCE LINES
SULLY PLAZA
 FREESTANDING SHOPPING CENTER SIGN
 SULLY DISTRICT
 FAIRFAX COUNTY, VA
 CL-37A
 SCALE: AS SHOWN
 DATE: FEB. 2015

SHEET
5
OF
5

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

DESCRIPTION OF THE APPLICATION

The applicant, Haft/ Equities – Sully Plaza Limited Partnership, requests approval of an amendment to a Special Exception (SE 89-Y-035), previously approved for a drive-in financial institution in a Highway Corridor Overlay District and a waiver of minimum lot size requirements, to modify site and development conditions to permit a waiver of certain sign regulations. Specifically, the applicant proposes to replace one existing freestanding sign on the Subject Property and install a 245 square foot, internally illuminated monument sign. The Zoning Ordinance would allow the applicant a maximum sign area of 80 square feet for each sign by-right.

The requests for a drive-in bank and for the reaffirmation of the waivers of lot area and lot width are necessary to continue the existing use, pursuant to an amended Special Exception on the Subject Property. The applicant is not proposing any changes to the building or to the bank operations with the exception of the removal of one parking space to accommodate the proposed sign.

A reduced copy of the Special Exception Plat (SE Plat) is included at the front of this report. The proposed development conditions, the Applicant’s affidavit, and the Statement of Justification are contained in Appendices 1, 2, and 3, respectively.

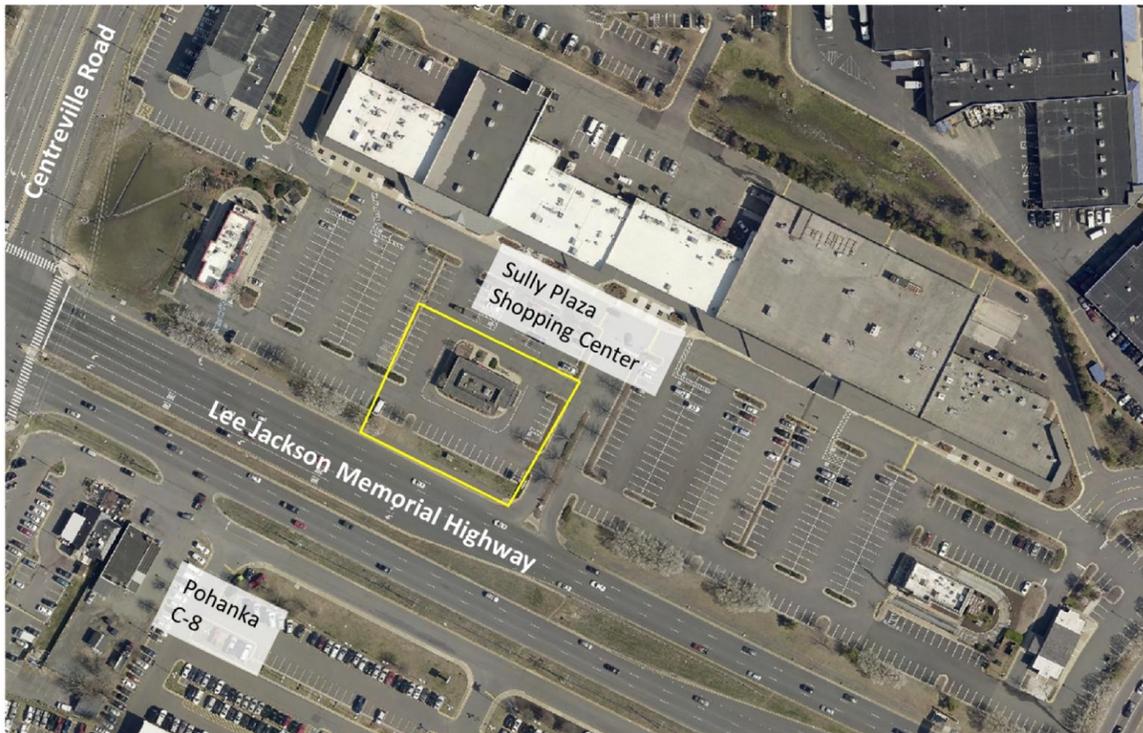


Figure 1: Subject property and surrounding area

SEA 89-Y-035

LOCATION AND CHARACTER

The 20,600 square foot property is located on the north side of Lee Jackson Memorial Highway to the east of its intersection with Centreville Road, at 13960 Lee Jackson Memorial Highway, within the C-8 (Highway Commercial); the H-C (Highway Corridor Overlay); and WS (Water Supply Protection Overlay) Districts. The subject property is currently developed as a 2,960 square foot banking facility with one drive-in window within the Sully Plaza Shopping Center, which consists of 97,000 square feet of retail uses. Surface parking surrounds the building on all sides.

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

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan Map
North	Sully Plaza (Parking)	C-8	Retail and Other Commercial Uses
East	Sully Plaza (Parking)	C-8	Retail and Other Commercial Uses
South	Pohanka Chevrolet	C-8	Retail and other Commercial Uses
West	Sully Plaza (Parking)	C-8	Retail and other Commercial Uses

BACKGROUND

A rezoning was approved on May 23, 1962, for 91 acres (which included the project site) from the RE-1 and C-G Districts to the C-G District to permit motel, office and shopping center uses, pursuant to RZ A-352.

An application for a special exception was filed on April 20, 1989, by First American bank of Virginia to permit construction of a bank with three drive-in windows on the subject property. However, the applicant requested a deferral of the public hearing on July 19, 1989.

The bank was constructed without a drive-in window by right in 1990 while the application was inactive.

A special exception (SE 89-Y-035) was approved on February 24, 1992, to permit a drive-in bank facility in a Highway Corridor Overlay District.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area III
Planning District: Upper Pohick Planning District
Planning Sector: UP-8, Lee- Jackson Community Planning Sector

SEA 89-Y-035

Special Area; Dulles Suburban Center
Plan Map: Retail and Other Commercial Areas

Plan Text:

There is no specific plan text for the property.

ANALYSIS

Special Exception Plat: (copy at front of staff report)
Title of SE Plat: Sully Plaza
Prepared by: Urban, Ltd.
Original and Revision Dates: March 19, 2015

The existing freestanding sign (Figure 2) is located on Lee Jackson Memorial Highway. The existing double-sided sign is a pylon sign that is 20 feet tall; the graphics panel measures 10 feet by 7 feet for a total sign area of approximately 70 square feet. The existing sign includes the name of the shopping center.



Figure 2: Existing Sign

Proposal: The applicant proposes to replace the existing sign with a larger sign (Figures 3 & 4). The proposed sign will be:

- Located slightly to the north and west of the existing sign;
- Set back an additional four feet from Lee Jackson Memorial Highway, resulting in the loss of one parking space;
- An internally lit, double-sided freestanding monument sign that is 23 feet tall from grade, 10 feet wide, and 18 inches in depth; as shown below;
- And expanded to include the name of the shopping center as well as four tenant panels listing individual tenants.

SEA 89-Y-035

The purpose and intent of Article 12 (Sign Ordinance) includes the desire to create a convenient and safe environment, and to ensure that all signs within a development are coordinated in color, form, and proportion.

The applicant seeks approval of a Category 6 Special Exception for an increase in sign area and height to allow a freestanding sign measuring 245 square feet and 23 feet tall. Staff believes the request for additional sign area is reasonable given the speed of traffic on Lee Jackson Memorial Highway and the inadequate visibility of the entrance to the shopping center.

Provisions for Waiving Minimum Lot Size Requirements (Sect. 9-610)

Section 9-610 of the Zoning Ordinance allows the Board to approve the waiving of the minimum lot area and/or lot width requirement for a C District, but only in accordance with the following:

1. *Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.*

The applicant is requesting the reaffirmation of the previous waiver of the lot width and area. No changes to the lot are proposed. This standard is satisfied.

2. *The applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.*

The development on the property will not change from the previous approval with the exception of the four foot relocation of the sign and the associated removal of one parking space. This standard is satisfied.

3. *It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways.*

The relocation and proposed height and area of the freestanding shopping center sign will not have any deleterious effect on the existing or planned development of adjacent properties. This standard is satisfied.

4. *Such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied.*

The remaining provisions of the Ordinance can be satisfied. This standard is satisfied.

Waiver of Certain Sign Regulations (Sect. 9-620)

SEA 89-Y-035

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

1. *An increase in sign area, increase in sign height, or a different location of a sign that is otherwise allowed by Section. 12-305 of the Ordinance.*

Pursuant to Sect. 12-203 of the Zoning Ordinance, the shopping center is permitted to have two freestanding signs that are each up to 20 feet in height with a maximum sign area of 80 square feet. The applicant is requesting additional sign height (23 feet) and sign area (245 square feet). This standard is satisfied.

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

The applicant states that the high speed of traffic along Lee Jackson Memorial Highway warrants signage area that is appropriate to identify retail uses. Additionally, visibility is inadequate, due to trees that block the existing sign as vehicles travel westbound on Lee Jackson Memorial Highway, causing the entrance to the shopping center to be easily missed. Staff agrees that the speed of traffic and inadequate visibility pose challenges and that additional signage will assist in providing visibility. Staff supports the request for additional sign area.

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

The comprehensive plan encourages properties to develop a distinctive theme and image, while discouraging visual clutter. Staff believes that the architecture of the proposed sign is consistent with the shopping center and in harmony with the Comprehensive Plan.

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

The proposed sign will be four feet to the north and west of the existing sign and will not interfere with sight distance. Staff believes the sign as proposed is more in scale and character with the shopping center than the existing sign and will not have any adverse effect of the existing or planned development of adjacent properties.

Overlay District Requirements

Highway Corridor Overlay Special Exception Uses (Sect. 7-600)

SEA 89-Y-035

Certain automobile oriented, fast service or quick turn-over uses are regulated by the Highway Corridor Overlay District, including drive-in financial institutions; fast food restaurants; quick-service food stores; service stations; and service station/mini-marts. No changes are proposed to the existing drive-in bank use, which will continue to be subject to the SE conditions and have been carried forward. The provisions of the Highway Corridor Overlay District do not apply to the proposed expansion of signage.

In accordance with Sect. 9-611 of the Zoning Ordinance, Drive-In Banks within the Highway Corridor Overlay District must comply with the use limitations of Sect. 7-608 of the Zoning Ordinance. The Zoning Ordinance requires that coordinated vehicular circulation be provided and that access to the site cannot impede traffic on Lee Jackson Memorial Highway. Access to the site remains as previously approved from within the shopping center. Pedestrian and vehicular traffic is coordinated with shopping center circulation. This standard has been satisfied.

Summary of Zoning Ordinance Provisions

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

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the request for an increase in sign area and height and for the continuance of the drive-in bank use is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

Recommendations

Staff recommends the approval of SEA 89-Y-035 subject to the proposed development conditions contained in Appendix 1.

Staff recommends the approval of the reaffirmation of the waivers for minimum lot width and minimum lot area.

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

It should further be 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.

SEA 89-Y-035

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Previously Approved Development Conditions (SE 89-Y-035)
5. Applicable Zoning Ordinance Provisions
6. Glossary of Terms

Proposed Development Conditions

SEA 89-Y-035

September 1, 2015

If it is the intent of the Board of Supervisors to approve SEA 89-Y-035, previously approved for a drive-in bank in a highway corridor overlay district and a waiver of minimum lot size requirements, located at Tax Map 34-4 ((1)) 16C pt. to modify site and development conditions to permit a waiver of certain sign regulations pursuant to Sections 9-610, 9-611, 9-620, and 7-608 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which all supersede all previous conditions for the subject property. (Those conditions that are identical to conditions that were included in previous approvals or that contain only minor editorial changes are marked with an asterisk*).

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 issuance of a Sign Permit(s); any permit issued pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Sully Plaza", prepared by Urban, Ltd., consisting of five sheets dated March 19, 2015, and these conditions. Minor modifications to the approved special exception plat may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The maximum number of employees for the drive-in bank shall not exceed seven (7) on site at any one time.*
5. The hours of operation for all banking operations shall be limited to 8:00 a.m. to 7:00 p.m. Monday through Friday; and 9:00 a.m. to 12:00 noon on Saturdays.*
6. Parking and loading shall be in accordance with Article 11 of the Zoning Ordinance.*
7. No sign permits shall be issued for this sign until the freestanding sign (Welcome to Sully Plaza) has been removed.

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: July 31, 2015
 (enter date affidavit is notarized)

128958a

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

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

in Application No.(s): SEA 89-Y-035
 (enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
\Haft/Equities – Sully Plaza Limited Partnership	1025 Thomas Jefferson Street, NW, #700 Washington, DC 20007	Applicant/Title Owner of \Tax Map 34-4 ((1)) 16C pt.

Agents:
 Andrew V. Marusak IV
 Michelle M. Nielsen
 Ronald S. Haft

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

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

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

Special Exception Attachment to Par. 1(a)DATE: July 31, 2015
(enter date affidavit is notarized)

128958a

for Application No. (s): SEA 89-Y-035
(enter County-assigned application number (s))

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

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

*Admitted in New York and California.
Admission to Virginia Bar pending

(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: July 31, 2015
(enter date affidavit is notarized)

128958a

for Application No. (s): SEA 89-Y-035
(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)
RSH GP LLC
1025 Thomas Jefferson Street, NW, #700
Washington, DC 20007

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)
Ronald S. Haft

(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: July 31, 2015
(enter date affidavit is notarized)

128958a

for Application No. (s): SEA 89-Y-035
(enter County-assigned application number (s))

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

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

CP Finance Company Manager, Inc., RSH Tier II Limited Partnership, Member
Non-member Manager

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

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Ronald S. Haft

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

Special Exception Attachment to Par. 1(b)

DATE: July 31, 2015
(enter date affidavit is notarized)

128958a

for Application No. (s): SEA 89-Y-035
(enter County-assigned application number (s))

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

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

J. Edgar Sears, Jr.
Brian A. Sears

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: July 31, 2015
(enter date affidavit is notarized)

128958a

for Application No. (s): SEA 89-Y-035
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)
Haft/Equities - Sully Plaza Limited Partnership
1025 Thomas Jefferson Street, NW, #700
Washington, DC 20007

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

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

General Partner:
RSH GP LLC (owns less than 1% of
Haft/Equities - Sully Plaza Limited
Partnership)

Limited Partner:
Combined Properties Finance Company
LLC

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

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

Special Exception Attachment to Par. 1(c)

DATE: July 31, 2015
(enter date affidavit is notarized)

128958a

for Application No. (s): SEA 89-Y-035
(enter County-assigned application number (s))

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

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

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

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

General Partner:

RSH GP, LLC (owns less than 1% of
Haft/Equities -- Sully Plaza Limited
Partnership)

Limited Partners:

Ronald S. Haft
HCP Partner MD., Inc. (owns less than 1%
of Haft/Equities -- Sully Plaza Limited
Partnership)

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: July 31, 2015
(enter date affidavit is notarized)

128958a

for Application No. (s): SEA 89-Y-035
(enter County-assigned application number(s))

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

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

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

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

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

None

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

Application No.(s): SEA 89-Y-035
(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

128958 a

DATE: July 31, 2015
(enter date affidavit is notarized)

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

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

None

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

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

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

WITNESS the following signature:

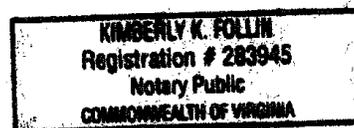
(check one) [] Applicant *Inda E. Stagg* [x] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 31 day of July, 2015, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2015





WALSH COLUCCI
LUBELEY & WALSH PC

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

RECEIVED
Department of Planning & Zoning

MAR 20 2015

Zoning Evaluation Division

March 27, 2015

Via Hand Delivery

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

Re: Statement of Justification
SEA 89-Y-035 – Waiver of Certain Sign Regulations, Drive-In Bank (no change to the bank's previously approved special exception layout or development conditions that were imposed pursuant to SE 89-Y-035 is requested), Waiver of Minimum Lot Area and Lot Width (no change from the lot width or area that was approved pursuant to SE 89-Y-035 is requested)
Haft/Equities – Sully Plaza Limited Partnership (the "Owner" & "Applicant")
Sully Plaza Shopping Center ("Sully Plaza")
TM 34-4 ((1)) 16pt. (the "Property")

Dear Ms. Berlin:

Please accept this statement as justification for a special exception amendment application to permit Sully Plaza's freestanding shopping center sign to be 23 feet 0 inches in height and 245 square feet in area, instead of 20 feet in height and 80 square feet in area as permitted as a matter-of-right. The requested freestanding sign is proposed to replace the existing freestanding sign at the main entrance to the Shopping Center near Wells Fargo Bank. One existing parking space will be removed to accommodate additional landscaping that is proposed as part of the updated sign's installation.

The existing freestanding drive-in bank is proposed to continue operations as previously approved pursuant to Special Exception SE 89-Y-035. The lot area and lot width of the property associated with Special Exception SE 89-Y-035 is the exact lot area and width of the Property. There is no change. The requests for a drive-in bank and for waivers of lot area and width are necessary to continue to the existing use pursuant to an amended Special Exception on the Property.

ATTORNEYS AT LAW

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

LOUDOUN 703 737 3633 ■ WOODBRIDGE 703 680 4664

Property Description and Zoning History

The Property is zoned C-8, HC (Highway Corridor Overlay District), and WS (Water Supply Protection Overlay District). The Property is part of Sully Plaza Shopping Center,



which is located in the northeastern quadrant of the intersections of Lee Jackson Memorial Highway (Rt. 50) and Centreville Road (Rt. 657), and west of Metrotech Drive (Rt. 8390) in the Sully Magisterial District. The Property is more specifically identified as that portion of the Sully Plaza Shopping Center that was encumbered by Special Exception SE 89-Y-035, which was approved by the Board of Supervisors on February 24, 1992 to permit a drive-in bank. This specific area is indicated with a star on the

graphic located within this paragraph.

Response to Sect. 9-006, General Standards

1. "The proposed use at the specified location shall be in harmony with the adopted comprehensive plan."
 - a. The Property is located in the Upper Pohick Planning District (Area III); Lee-Jackson Community Planning Sector (UP8). There is no specific plan text for the Property in this Sector's text.
 - b. The Property is also located in the Dulles Suburban Center (Area III); Land Unit E-2.
 - i. Land Unit E-2 is planned for retail use with ancillary office use not to exceed 20 percent up to a maximum FAR of .25.
 - c. The Comprehensive Plan Map designates the Property's use as "Retail and other Commercial Uses".
 - d. The Property is planned for retail uses. This SEA's request for a freestanding shopping center sign and drive-in bank are in harmony with the adopted comprehensive plan.
2. "The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations."
 - a. The C-8 District regulations permits shopping center uses. Signage is an accessory use that is intended to provide adequate visibility of businesses. Drive-in Banks are Special Exception uses in the C-8 District.
 - b. HC and WS Overlay Districts are silent on signage.
 - c. The drive-in bank use was already found to be in harmony with the applicable zoning district regulations.
 - d. The proposed freestanding sign is a replacement of an outdated, existing freestanding sign.

- e. The proposed sign does not obstruct site distance, as demonstrated on Sheet 5 of the SEA plat, and does not interfere with traffic control signals or mechanisms.
 - f. The high speed of traffic along Lee Jackson Memorial Highway warrants signage area that is appropriate to identify retail uses. Trees block the view of this sign as vehicles travel westbound on Lee Jackson Memorial Highway. Due to inadequate visibility, the entrance is easily missed, which then requires these drivers to proceed westward and turn right at the heavily used intersection at Centerville Road. These additional vehicles at the intersection could be avoided with adequate identification.
3. "The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof."
- a. The proposed sign should not adversely affect the use or development of neighboring properties to develop in accordance with the Ordinance or Comprehensive Plan recommendations for those properties. The shopping center has been located on the Property for approximately 30 years and has not discouraged nearby commercial or residential development.
 - b. The proposed sign is slightly taller than the existing sign and larger in area than the current sign. Its design is updated to reflect a more modern style. In addition, landscaping is proposed around the proposed sign's base where limited landscaping exists today.
 - c. The drive-in bank has been located on the Property for approximately 23 years. Its use has not adversely affected the use or development of neighboring properties.
4. "The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood."
- a. The proposed sign has no effect on pedestrian or vehicular traffic, with the exception that it may be easier for vehicles to see the location of the shopping center entrance if the Special Exception is approved.
 - b. A site distance graphic is included as Sheet 5 of the SE Plat, which demonstrates that at least 465 line-of-site-feet are maintained to the west of the proposed sign (this exit is right-out only, thus site distance to the east is not applicable).
 - c. The drive-in bank use was previously considered by the Board of Supervisors and was found to be safe for pedestrians and for vehicular traffic.

5. "In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13."
 - a. Transitional screening and barriers are not required for signs.
 - b. No transitional screening or barriers are required for the drive-in bank use.
6. "Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located."
 - a. The open space on the property will be increased by the dimensions of one parking space. One parking space will be removed to accommodate additional landscaping to be installed at the base of the proposed sign.
7. "Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11."
 - a. The only revisions to the Property will be the replacement of an existing freestanding sign. The proposed sign includes plantings at its base which the current sign does not have. This will require the use of one adjacent parking space.
 - b. The drive-in bank use was required to have a minimum of 12 parking spaces. The removal of 1 parking space will continue to result in a minimum of 12 parking spaces associated with the drive-in bank's use.
 - c. Based on the site plan use and parking revision submittal, 05660-SP-012-2, dated March 30, 2007 and approved by Fairfax County on September 9, 2009, 592 parking spaces are currently required for the Sully Plaza Shopping Center's use and 604 parking spaces are currently provided. If the requested sign is approved and constructed, 592 parking spaces will continue to be required and 603 parking spaces will be provided.
8. "Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance."
 - a. It is understood that signs are regulated by the provisions of Article 12.

Response to Sect. 9-620, Waiver of Certain Sign Regulations

Freestanding shopping center signs are permitted on the Property pursuant to Sect. 12-203 of the Ordinance. There are unique circumstances of the land's orientation that negatively impact the Applicant's reasonable identification of the Sully Plaza Shopping Center: (1) the high speed of traffic along Lee Jackson Memorial Highway warrants signage area that is appropriate to identify retail uses; (2) trees block the view of this sign as vehicles travel westbound on Lee Jackson Memorial Highway; (3) due to inadequate visibility, the entrance is easily missed, which then requires drivers to proceed westward and turn right at the heavily used intersection at Centerville Road, and which could be avoided with adequate identification. The Applicant is hopeful that the proposed sign will alleviate this existing problem.

to identify retail uses; (2) trees block the view of this sign as vehicles travel westbound on Lee Jackson Memorial Highway; (3) due to inadequate visibility, the entrance is easily missed, which then requires drivers to proceed westward and turn right at the heavily used intersection at Centerville Road, and which could be avoided with adequate identification. The Applicant is hopeful that the proposed sign will alleviate this existing problem.



Response to Sect. 9-611 – Provisions for Approving Drive-In Financial Institutions, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Station/Mini-Marts in a Highway Corridor Overlay District

“The Board may approve a special exception for the establishment or for the enlargement, extension, relocation or increase in intensity of a drive-in financial institution, fast food restaurant, quick-service food store, service station or service station/mini-mart in a Highway Corridor Overlay District, but only in accordance with the provisions of Part 6 of Article 7.”

7-608 Use Limitations

“All uses shall be subject to the use limitations set forth in the underlying zoning district(s), and, in addition, drive-in financial institutions, fast food restaurants, quick-service food stores, service stations and service station/mini-marts shall be subject to the following use limitations:

“In any Highway Corridor Overlay District:

- 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 provides controlled access to the site.
- C. "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."
- a. The Board of Supervisors previously found that the Drive-In Bank Use met the requirements of Sect. 7-608. No change to the layout or development conditions that were previously imposed on the drive-in bank are requested to be modified, with the exception of the removal of on parking space, which is not needed to meet the minimum parking requirements for the drive-in bank.

Response to Sect. 9-610 Provisions for Waiving Minimum Lot Size Requirements

The Board may approve the waiving of the minimum district size and/or lot width requirement for a C district in accordance with the following:

1. "Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance."
 - a. The lot was established by the Board of Supervisors approval of Special Exception Application SE 89-Y-035 on February 24, 1992 in the name of First American Bank of Virginia. It has not been reduced in width or area since that approval. The lot is part of the Sully Plaza Shopping Center that is located on TM 34-4 ((1)) 16C in its entirety.
2. "The applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact."
 - a. This waiver of minimum lot width and area will have no deleterious effect on any of the items listed above.
 - b. The development of the Property will remain the same as approved pursuant to Special Exception SE 89-Y-035 with the exception of the

relocation of an existing freestanding shopping center sign a few feet west and north of its current location and the removal of the impervious surface associated with one paved parking space.

3. "It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways."
 - a. The development of the subject lot was established by the Board of Supervisors approval of SE 89-Y-035 and that development will not be negatively impacted by the relocation of the freestanding shopping center sign or the proposed height and area of the freestanding shopping center sign.
4. "Such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied."
 - a. The remaining provisions of the Ordinance can be satisfied.

Response to Par. 7 and 8 of Sect. 9-011 of the Ordinance

A drive-in bank is currently located on the Property, as approved by the Board of Supervisors on February 24, 1992 pursuant to Special Exception SE 89-Y-035. No change to the drive-in bank's use as conditioned by SE 89-Y-035 is proposed pursuant to this Special Exception Amendment application.

The drive-in bank's hours of operation continue to be limited to 8:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 12:00 noon on Saturdays. As previously analyzed, it is anticipated that 1500 customers per week will use the drive-in bank, and that 7 full time employees will be on site at any one time. This use has existed for approximately 23 years at this location and so no traffic impact is anticipated. A radius of approximately 3 miles is the general area that is served by the drive-in bank use. There is no new building or additions proposed, as this use is existing and no changes are proposed.

To the best of our knowledge, there are no hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; no hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or no petroleum products as defined in Title 40, Code of Federal Regulations Part 280; that are generated, utilized, stored, treated, and/or disposed of on the Property.

I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

Comprehensive Plan

The Property is located in the Upper Pohick Planning District (Area III); Lee-Jackson Community Planning Sector (UP8). There is no specific plan text for the Property in this Sector's text. The Property is also located in the Dulles Suburban Center (Area III); Land Unit E-2. Land Unit E-2 is planned for retail use with ancillary office use not to exceed 20 percent up to a maximum FAR of .25. The Comprehensive Plan Map designates the Property's use as "Retail and other Commercial Uses". This SEA request is for a freestanding shopping center sign which is in harmony with the adopted comprehensive plan.

Summary

We request that this Special Exception Amendment request be approved. There are no modifications to the existing drive-in bank's use or layout requested. We do not believe that the increase in sign area and height above what is permitted by the current Zoning Ordinance will have any deleterious effect on the existing or planned development of adjacent properties. On the contrary, we believe that the proposed sign will provide adequate visibility to the Sully Plaza Shopping Center, which is currently hampered by high vehicular speeds and vegetation impeding views to the shopping center. In addition, the new sign will provide a more updated image to this aging shopping center than is currently represented by the existing sign.

As always, we appreciate your attention to these matters.

Very truly yours,

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


Inda E. Stagg
Senior Land Use Planner

cc: Michelle Nielsen
Kevin Tankersley
Martin D. Walsh



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 Chain Bridge Road
Fairfax, Virginia 22030



March 6, 1992

Michael J. McHugh, Esquire
Hazel and Thomas P.C.
510 King Street - Suite 200
Post Office Box 820
Alexandria, Virginia 22313-0820

Re: Special Exception
Number SE 89-Y-035

Dear Mr. McHugh:

At a regular meeting of the Board of Supervisors held on February 24, 1992, the Board approved Special Exception Number SE 89-Y-035, in the name of First American Bank of Virginia, located at Tax Map 34-4 ((1)) Pt. 16C to permit a drive-in bank pursuant to Sections 4-804, 7-607 and 9-601 of the Fairfax County Zoning Ordinance, 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 conditions.

3. This Special Exception for the Drive-In Bank is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this Special Exception shall be in conformance with the approved Special Exception Plat entitled First American Bank/Sully Plaza and prepared by Dewberry and Davis which is dated May 3, 1990 as revised through October 16, 1991 and these conditions.
4. The maximum number of employees for the drive-in bank shall not exceed seven (7) on site at any one time.
5. The hours of operation for all banking operations shall be limited to 8:00 a.m. to 7:00 p.m. Monday through Friday; and 9:00 a.m. to 12:00 noon on Saturdays.
6. Parking and loading shall be in accordance with Article 11 of the Zoning Ordinance as determined by the Department of Environmental Management (DEM).
7. Landscaping shall be provided as depicted on the Special Exception Plat. To minimize the visual impact of the transformer which is proposed to be relocated to the landscaped strip along the site's Route 50 frontage, additional evergreen shrubs shall be installed to provide a continuous screen. The number, size, and variety of plants shall be determined by the Urban Forestry Branch of DEM.

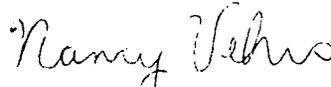
This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established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

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

The Board also waived the minimum lot area and lot width requirements.

If you have questions regarding the expiration of this Special Exception or filing a request for additional time, they should be directed to the Zoning Evaluation Division of the Office of Comprehensive Planning at 703-246-1290. The mailing address for the Zoning Evaluation Division is Suite 700, 4050 Legato Road, Fairfax, Virginia.

Sincerely,



Nancy Veltus
Clerk to the Board of Supervisors

NV/ns

cc: Dena M. Siri, Real Estate Dvsn., Assessments
Melinda M. Artman, Deputy Zoning Administrator
Frank Jones, Assistant Chief, PPRB, OCP
Audrey Clark, Chief, Inspection Srvs., BPRD, DEM
Barbara A. Byron, Director, Zoning Evaluation Dvsn., OCP
Robert Moore, Trnsprt'n. Planning Dvsn., Office of Transportation
Kathy Ichter, Trnsprt'n. Road Bond Dvsn., Office of Transportation
Department of Environmental Management
A. V. Bailey, Resident Engineer, VDOT
Land Acq. & Planning Dvsn., Park Authority

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OFFICE OF COMPREHENSIVE PLANNING

MAR 12 1992

ZONING EVALUATION DIVISION

Zoning Ordinance Provisions

9-006 General Special Exception Standards

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

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

9-610 Provisions for Waiving Minimum Lot Size Requirements

The Board may approve, either in conjunction with the approval of a rezoning or as a special exception, the waiving of the minimum district size and/or lot width requirements for an R District, except for all cluster subdivisions, the minimum lot area and/or lot width requirements for a C district or the minimum district size requirement for the C-9 District, and the minimum district size, lot area and/or lot width requirements for an I district, but only in accordance with the following:

1. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.
2. The applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.
3. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways.
4. Such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied.

9-620 Waiver of Certain Sign Regulations

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

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

9-611 Provisions for Approving Drive-In Financial Institutions, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Station/Mini-Marts in a Highway Corridor Overlay District

The Board may approve a special exception for the establishment or for the enlargement, extension, relocation or increase in intensity of a drive-in financial institution, fast food restaurant, quick-service food store, service station or service station/mini-mart in a Highway Corridor Overlay District, but only in accordance with the provisions of Part 6 of Article 7.

7-608 Highway Corridor Overlay District Use Limitations

1. In any Highway Corridor Overlay District:

- 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 shop[ping 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 provides controlled access to the site.
- C. 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

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		