



**APPLICATION ACCEPTED:** March 25, 2015  
**PLANNING COMMISSION:** September 23, 2015  
**BOARD OF SUPERVISORS:** October 20, 2015

## County of Fairfax, Virginia

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**September 15, 2015**

**STAFF REPORT**

**SEA 97-Y-002-02**

**SULLY DISTRICT**

**WS**



**APPLICANT:** Chantilly Associates, Inc.

**ZONING:** I-5, WS

**PARCEL:** 44-3 ((6)) 21D

**ACREAGE:** 1.16 acres

**PLAN MAP:** Mixed Use

**SE CATEGORY:** Category 5, Car Wash, Quick Service Food Store and Service Station

**PROPOSAL:** To amend SEA 97-Y-002-02, previously approved to permit site modifications, to permit modifications of development conditions.

### **STAFF RECOMMENDATIONS:**

Staff recommends approval of SEA 97-Y-002-02, subject to the proposed development conditions contained in Appendix 1.

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

Sharon Williams

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.



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

# Special Exception Amendment

SEA 97-Y-002-02

Applicant:

CHANTILLY ASSOCIATES, INC.

Accepted:

03/25/2015

Proposed:

AMEND SEA 92-Y-002 PREVIOUSLY APPROVED FOR SERVICE STATION, QUICK SERVICE FOOD STORE, AND CAR WASH TO PERMIT MODIFICATION OF DEVELOPMENT CONDITIONS



Area:

1.16 AC OF LAND; DISTRICT - SULLY

Zoning Dist Sect:

05-0504

Located:

5000 WESTONE PLAZA CHANTILLY, VA 20151

Zoning:

I-5

Plan Area:

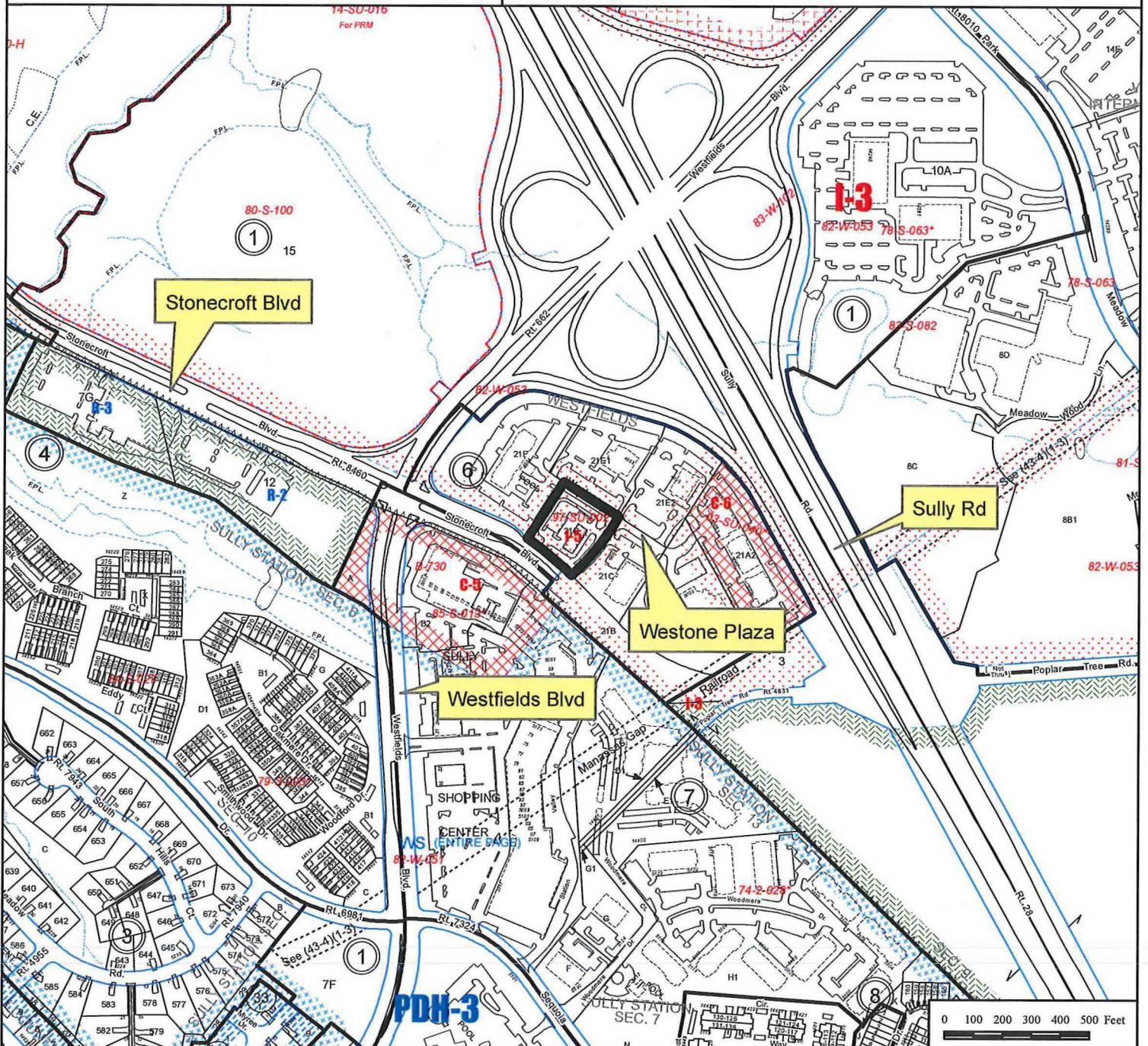
3,

Overlay Dist:

WS

Map Ref Num:

044-3- /06/ /0021D



# AMENDED GENERALIZED DEVELOPMENT PLAN/PROFFER CONDITION AMENDMENT PLAT/ SPECIAL EXCEPTION AMENDMENT PLAT

PCA 1997-Y-002 AND SEA 97-Y-002

## PARCEL 21, LOT 2 WESTFIELDS

### THE INTERNATIONAL CORPORATE CENTER AT DULLES

SULLY DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
OCTOBER, 2001  
REVISED: JANUARY 4, 2002  
REVISED: APRIL 12, 2002  
REVISED: MAY 7, 2002

#### ZONING REQUIREMENTS I-5 DISTRICT

MINIMUM LOT SIZE:	20,000 SQ. FT. MINIMUM; 50,000 SQ. FT. PROVIDED
MINIMUM LOT WIDTH:	100 FEET MINIMUM; 208 FEET PROVIDED
MINIMUM BUILDING HEIGHT:	75 FEET, SUBJECT TO INCREASE BY BOARD OF SUPERVISORS; 25 FEET PROVIDED
MINIMUM YARD REQUIREMENTS:	
FRONT:	45° ANGLE OF BULK PLANE, BUT NOT LESS THAN 40 FEET (50 FEET MIN. FROM PUBLIC STREET PER WESTFIELDS COVENANTS); 75 FEET MINIMUM PROVIDED
SIDE:	NO REQUIREMENTS; 15 FEET MINIMUM PROVIDED
REAR:	NO REQUIREMENTS; NO APPLICABLE REAR YARD ON SITE
MAXIMUM FLOOR AREA RATIO:	0.50, SUBJECT TO INCREASE TO 1.00 BY BOARD OF SUPERVISORS; 0.08 PROPOSED
OPEN SPACE:	15% OF THE GROSS AREA SHALL BE LANDSCAPED OPEN SPACE; 30% PROPOSED

\*DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS: WESTFIELDS, THE INTERNATIONAL CORPORATE CENTER AT DULLES. THE SETBACKS ESTABLISHED BY THE COVENANTS MAY BE AMENDED UPON APPROVAL OF THE WESTFIELDS ARCHITECTURAL REVIEW BOARD.

#### TABULATION:

SITE AREA, LOT 2:	1.18 ACRES
GROSS BUILDING AREA:	3,024 S.F.
FLOOR AREA RATIO:	0.08
OPEN SPACE:	15,000 S.F. OR 33% OF SITE AREA

#### PARKING TABULATION:

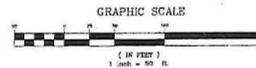
QUICK SERVICE FOOD STORE RETAIL SPACE  
1872 SQ. FT. @ 6.5 SPACES/1000 SQ. FT. = 12 SPACES

CAR WASH	
1 EMPLOYEE @ 1 SP/EMPLOYEE	= 1 SPACE
TOTAL PARKING REQUIRED	12 SPACES
TOTAL PARKING PROVIDED	17 SPACES (MAX.) 14 SPACES (MIN.)

CAR WASH STACKING	
STACKING SPACES REQUIRED	10
STACKING SPACES PROVIDED	10



VICINITY MAP  
SCALE: 1" = 2,000'



#### NOTES:

1. THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON ASSESSMENT MAP NO. 44-3 ((16)) PARCEL 21-0.
2. ZONE: I-5, GENERAL INDUSTRIAL DISTRICT
3. PROPOSED USE: QUICK SERVICE FOOD STORE AND GASOLINE SALES, WITH AUTOMATIC CAR WASH.
4. THE PROPERTY IS WITHIN THE WATER SUPPLY PROTECTION AND AIRPORT NOISE OVERLAY DISTRICTS.
5. OWNER/APPLICANT: CHANTILLY ASSOCIATES, P.O. BOX 2058, SPRINGFIELD, VIRGINIA 22152
6. DATUM: USGS; CONTOUR INTERVAL: 2 FEET; TOPOGRAPHY BASED ON AERIAL PHOTOGRAMMETRY.
7. DILUTION AND EROSION CONTROL, IN ACCORDANCE WITH APPLICABLE STANDARDS AND SPECIFICATIONS WILL BE PROVIDED WITH FINAL SITE PLAN.
8. AIR QUALITY PERMIT, IF REQUIRED, SHALL BE OBTAINED PRIOR TO ANY CLEARING AND GRADING OR CONSTRUCTION.
9. STORM WATER MANAGEMENT/IMP REQUIREMENTS APPLICABLE TO THIS SITE ARE TO BE MET BY EXISTING WESTFIELDS STORMWATER MANAGEMENT POND #13A ((FAIRFAX COUNTY PLAN #8178-SR-18)) IN ACCORDANCE WITH APPLICABLE STANDARDS AND SPECIFICATIONS. DETAILED COMPUTATIONS WILL BE PROVIDED WITH FINAL SITE PLAN.
10. THE LIMITS OF EXISTING TREE COVER ON THE SITE ARE AS DELINEATED ON THIS PLAN. EXISTING TREE COVER CONSISTS OF MIXED DECIDUOUS AND CONIFER SPECIES. IT IS ANTICIPATED THAT ALL EXISTING TREES ON THIS PROPERTY WILL BE REMOVED WITH DEVELOPMENT, AND THE LIMITS OF CONSTRUCTION WILL BE COINCIDENT WITH THE PROTECTED PROPERTY LINES.
11. SOLID WASTE STORAGE IS TO BE PROVIDED BY A LARGE CONTAINER AND COLLECTED TWICE WEEKLY BY A PRIVATE COLLECTION SERVICE AND DISPOSED OF AT A PUBLIC LANDFILL, IN FAIRFAX COUNTY, OF THE COLLECTOR'S CHOICE.
12. THIS PROPERTY IS SUBJECT TO PROFFERED CONDITIONS ((RZ 1997-SU-002)).
13. THIS PROPERTY IS SUBJECT TO THE "DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS" FOR WESTFIELDS, THE INTERNATIONAL CORPORATE CENTER AT DULLES.
14. THERE ARE NO BURIAL OR GRAVE SITES KNOWN TO EXIST ON THIS PROPERTY.
15. THERE IS NO 100-YEAR FLOOD PLAIN, RESOURCE PROTECTION AREA OR ENVIRONMENTAL QUALITY ZONATION LOCATED ON THIS PROPERTY. THE ENTIRE PROPERTY IS WITHIN A RESOURCE MANAGEMENT AREA.
16. THE PROPOSED FACILITY WILL DISPENSE GASOLINE PRODUCTS, PROVIDE CAR WASH SERVICES AND SELL SNACK FOODS, BEVERAGES AND OTHER FOOD AND RELATED RETAIL PRODUCTS. WITH THE EXCEPTION OF THE GASOLINE PRODUCTS AND DETERGENT AND CLEANING PRODUCTS NORMALLY ASSOCIATED WITH OR USED BY THE PROPOSED USES, NO HAZARDOUS OR TOXIC SUBSTANCES WILL BE GENERATED, UTILIZED, STORED, TREATED AND/OR DISPOSED OF ON THIS SITE. THE GASOLINE PRODUCTS WILL BE STORED IN UNDERGROUND TANKS TO BE LOCATED ON THE SITE.

Application No: PCA1997-002-SEA 97-002  
APPROVED DEVELOPMENT PLAN  
IDP (DDP) (DDP) (DDP)  
SEL PROFFER DATED 05/15/2002  
Date of (BOS) (PO) approval: 11/12/02  
Sheet: 1 of 3

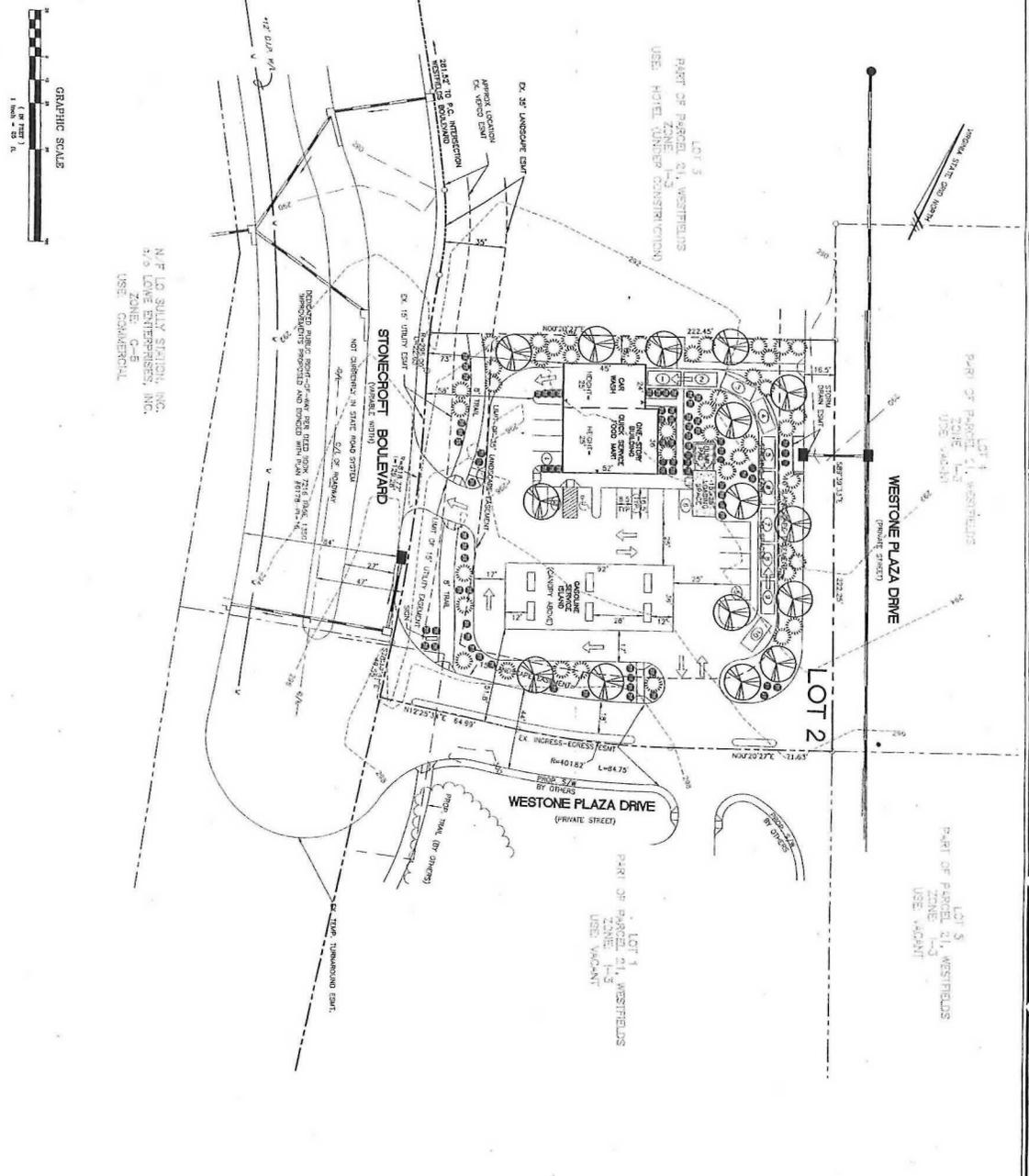


**BURGESS & NIPLE**  
4160 PLEASANT HILLY ROAD, CHANTILLY, VA 20151-1225  
PH. (703) 831-9530 FAX (703) 831-8041

JOB: 932091 WD: 30085 SHEET 1 OF 3

C-4198

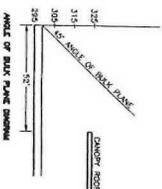
RECEIVED  
Department of Planning & Zoning  
MAR 09 2015  
Zoning Evaluation Division



N.F. LO SULLY SENIOR, INC.  
 210 LOWE ENTERPRISES, INC.  
 USE: COMMERCIAL



NOTE: THE ANGLE OF BALK PLANK  
 RECOMMENDED ANGLE TO BE  
 RESPECTED UNLESS OTHERWISE  
 INDICATED OTHERWISE.



NOTE: THE ENTIRE SITE AREA WILL BE  
 SUBJECT TO CLEANING AND GRADING.

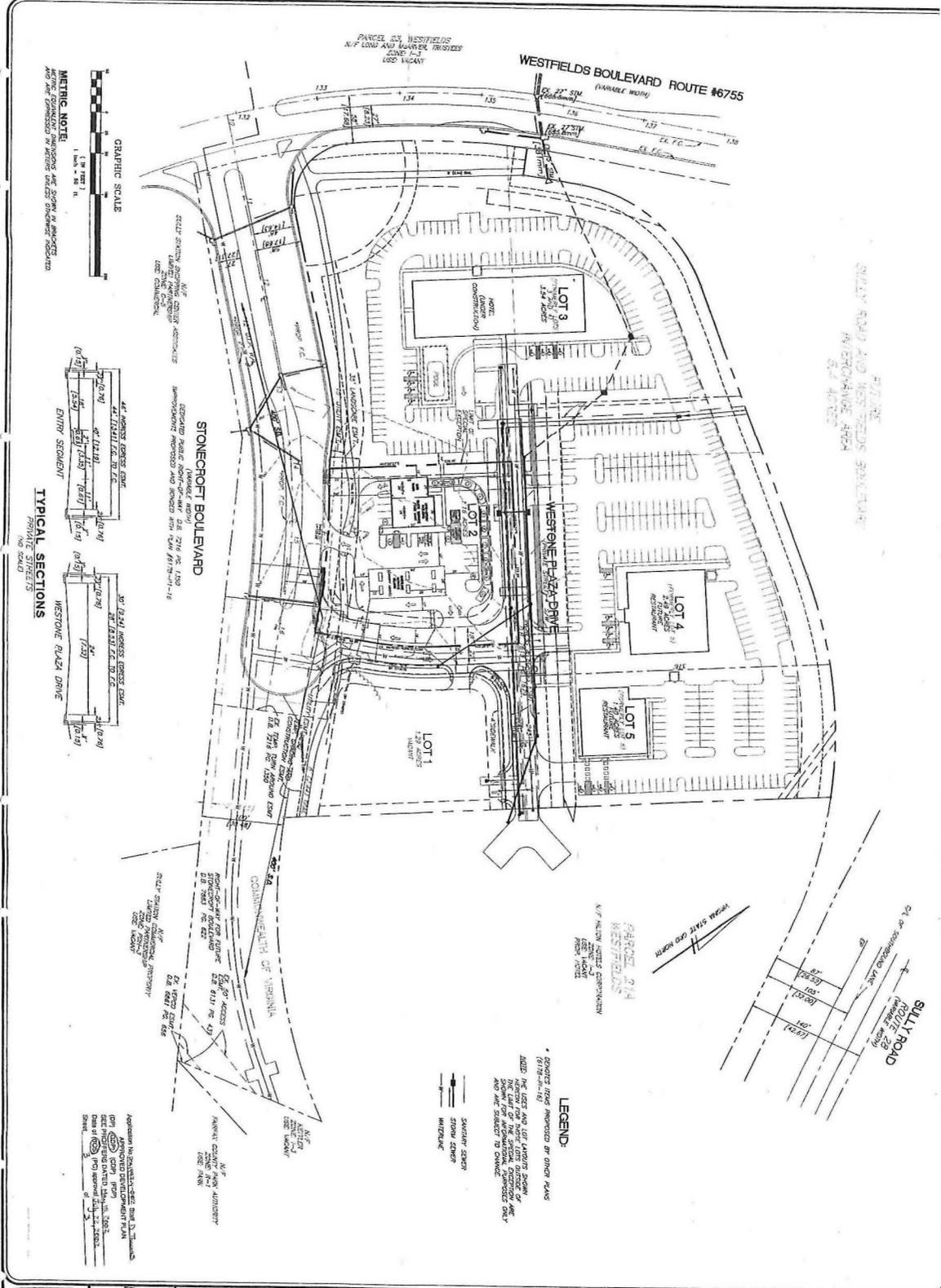
Approved by the City of Fairfax, VA, Staff D. Thomas  
 APPROVED DEVELOPMENT PLAN  
 SEE PARCEL 21, LOT 2, WESTFIELDS  
 FOR THE CITY OF FAIRFAX, VA.

DATE: OCTOBER, 2007  
 SCALE: 1" = 20'  
 DRAWN BY: J. SULLY  
 CHECKED BY: J. SULLY  
 TITLE: PARCEL 21, LOT 2  
 FILE NO.: C-4188

**AMENDED GENERALIZED DEVELOPMENT PLAN/  
 SPECIAL EXCEPTION AMENDMENT PLAT**  
**WESTFIELDS**  
**PARCEL 21, LOT 2**  
 SULLY DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

SHEET TITLE	5/77/02
COUNTY STAFF COMMENTS	1/4/02
REVISIONS	DATE

**BURGESS & NIPLE**  
 4180 PLEASANT VALLEY ROAD, SUITE 101, VA 22031-1228  
 PH. (703) 631-9530 FAX (703) 631-9541



APPROVED FOR SUBMITTAL DATE: 08/19/02  
 APPROVED DEVELOPMENT PLAN  
 DATE: 08/19/02  
 DATE: 08/19/02  
 DATE: 08/19/02  
 SHEET 3 OF 3



**AMENDED GENERALIZED DEVELOPMENT PLAN/  
 SPECIAL EXCEPTION EXHIBIT**  
**WESTFIELDS  
 PARCEL 21, LOT 2**  
 FAIRFAX COUNTY, VIRGINIA

SHEET TITLE	DATE
	5/7/02
	1/4/02

**BURGESS & NIPLE**  
 4160 PLEASANT VALLEY ROAD, CHANTILLY, VA 20151-1226  
 PH. (703) 531-9530 FAX (703) 531-6041

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

**DESCRIPTION OF THE APPLICATION**

The applicant, Chantilly Associates, Inc., has requested approval to amend an existing Special Exception, previously approved to allow site modifications, to permit a modification of development conditions. The proposed modification of development condition language would remove the prohibition on the sale of alcoholic beverages on site. There are no physical modifications or new uses proposed.

**LOCATION AND CHARACTER**



*Figure 1: Subject property and surrounding area*

The 1.16 acre property is located in the northwestern quadrant of the intersection of Stonecroft Boulevard and Westone Plaza at 5000 Westone Plaza, within the I-5 (General Industrial) and WS (Water Supply Protection Overlay) Districts. The subject property is currently developed with an approximately 1,872 square foot quick service food store, a 1,080 square foot car wash, and a canopy with six gasoline dispensers.

SEA 97-Y-002-02

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

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan Map</b>
Northeast	Restaurants (Texas Road House & Applebee's)	I-5	Mixed Use
Northwest	Hotel (Hyatt Place)	I-5	Mixed Use
South	Sully Station Shopping Center	C-5	Retail and Other Commercial Uses

## **BACKGROUND**

On November 25, 1985, the Board of Supervisors approved RZ 78-S-063 to rezone approximately 1,027 acres (which included the project site) to the I-3, I-4, and I-5 Districts.

On July 7, 1997, the Board of Supervisors approved PCA 78-S-063-02 and RZ 1997-SU-002 to delete 1.16 acres from the previously accepted proffers to permit it to be rezoned from I-3, WS Districts to I-5, WS Districts.

Concurrently, the Board of Supervisors approved SE 97-Y-002 to develop the site with a service station, quick service food store and a car wash.

On July 22, 2002, the Board of Supervisors approved PCA 1997-SU-002 and SEA 97-Y-002 to allow for a 622 square foot increase in the quick service food store building and 2 additional gasoline dispensers. This application governs the site and the approved conditions are in Appendix 4. Development Condition 5 included the prohibition of alcohol and the current application seeks approval to delete it.

## **COMPREHENSIVE PLAN PROVISIONS**

**Plan Area:** Area III  
**Planning District:** Bull Run Planning District  
**Planning Sector:** BR3, Flatlick Community Planning Sector  
**Special Area:** Dulles Suburban Center  
**Plan Map:** Mixed Use

### **Plan Text:**

There is no site-specific language for the application property.

## **ANALYSIS**

**Special Exception Amendment (SEA) Plat:** (Copy at front of staff report)  
**Title of SEA Plat:** Parcel 21, Lot 2 Westfields

SEA 97-Y-002-02

**Prepared By:**

Burgess & Niple

**Original and Revision Dates:**

May 7, 2002

As no site modifications are proposed, the requirement to submit a Special Exception Plat was modified to allow the previously approved Generalized Development Plan/ Special Exception Amendment Plat to be submitted for reference purposes.

Proposal: The applicant seeks to amend Development Condition 5 to remove the prohibition of the sale of alcoholic beverages on site. There are no external or site modifications associated with this proposal. Staff does not believe that the change in condition language to remove the prohibition of the sale alcoholic beverages on site will have a negative impact on the surrounding area. The proposed change is compatible with other uses surrounding the subject property, and is in harmony with the recommendations of the Comprehensive Plan.

## **ZONING ORDINANCE PROVISIONS**

### **Special Exception Requirements (Appendix 8)**

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

The General Special Exception standards require the proposal to be in harmony with the adopted Comprehensive Plan and with the general purpose and intent of the applicable zoning district regulations. In addition, the general special exception standards require a finding of no significant negative impacts on surrounding properties, that safe and adequate vehicular and pedestrian access be provided. Staff believes these standards have been addressed.

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

The Category 5 Standards require that the proposed development meet lot size and bulk requirements for the Zoning District, comply with performance standards, and be subject to site plan review. The proposed use meets these standards.

#### Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Financial Institutions, Drive-Through Pharmacies, Fast Food Restaurants, Quick Service Food Stores, and Services Stations and Service Stations/Mini-Marts (Sect. 9-505)

The additional standards require the proposal to be architecturally compatible with the building group with which it is associated and the site to be designed so that pedestrian and vehicular circulation is coordinated with adjacent properties to facilitate safe and efficient on-site circulation. In addition, the additional standards require that the lot is of sufficient area and width and that the use will not adversely affect and nearby existing or planned residential areas. There are no external or site modifications associated with this proposal. Therefore, this standard is satisfied.

SEA 97-Y-002-02

## **Overlay District Requirements**

### Water Supply Protection Overlay District (Sect. 7-800)

Water Supply Protection Overlay Districts are created for the purpose of promoting the public health, safety, and welfare through the protection of public water supplies from the danger of water pollution. Regulations within such districts are established to prevent water quality degradation due to pollutant loadings within the watersheds of public water supply reservoirs. The provisions of the Water Supply Protection Overlay District do not apply to the proposed modification of the development conditions.

### **Summary of Zoning Ordinance Provisions**

All applicable standards will continue to be satisfied with imposition of the proposed development conditions contained in Appendix 1.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The applicant requests approval of a Special Exception Amendment to modify development conditions to remove the prohibition on the sale of alcoholic beverages. Staff concludes that the request for a modification of the development conditions is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

### **Staff Recommendations**

Staff recommends that the Board of Supervisors approve SEA 97-Y-002-02, subject to the proposed development conditions in Appendix 1.

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

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

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

SEA 97-Y-002-02

**APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Previously Approved Development Conditions for SEA 97-Y-002-02
5. Applicable Zoning Ordinance Provisions
6. Glossary of Terms

## Proposed Development Conditions

**SEA 97-Y-002-02**

**September 15, 2015**

If it is the intent of the Board of Supervisors to approve SEA 97-Y-002, previously approved for a service station/quick service/car wash, located at Tax Map 44-3 ((6)) 21D to permit modifications of development conditions pursuant to Sections 9-503, 9-505, and 7-800 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 provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception Amendment shall be in substantial conformance with the approved Special Exception Amendment Plat entitled "Amended Generalized Development Plan/Proffer Condition Amendment Plat/Special Exception Amendment Plat", prepared by Burgess & Niple, dated October, 2001, revised through May 7, 2002, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance. \*
4. Freestanding signage on the site shall be ground-mounted, monument style and shall be in accordance with Article 12 of the Zoning Ordinance.\*
5. The quick service food store building shall not exceed 1,872 square feet in gross floor area.
6. The subject structures shall be architecturally compatible with the adjacent Sully Station Shopping Center and the overall Westfields Corporate Center; photographs shall be submitted to DPWES at the time of building permit to demonstrate compliance with this condition. All exposed facades of the building shall be constructed of materials, which are similar in color and texture to the adjacent pad sites within the Westfields development as determined by DPWES. Specifically, building materials shall be limited to face brick or architectural concrete block, architectural metal panels, architectural pre-cast concrete, stone,

exterior insulation and finish system (E.I.F.S) and reflective and non-reflective glass. All rooftop mechanical equipment shall be fully enclosed with solid screening walls to the maximum extent feasible from an engineering standpoint.\*

7. The car wash shall employ a system that recycles a minimum of 80% of the wash water used. All waste water discharged from the car wash shall be discharged into the sanitary system.\*
8. All lighting, including security, pedestrian and/or other incidental lighting, shall feature full cut-off fixtures and be directed downward to prevent off-site glare. Outdoor lighting fixtures used to illuminate the parking area shall not exceed 14 feet in height. Lights located in the service station canopy shall be recessed in design. Illumination of the area beneath the service station canopy shall not exceed an average of 30 foot candles.\*

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: August 4, 2015  
 (enter date affidavit is notarized)

129019a

I, Matthew J. Allman, attorney/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 97-Y-002-02  
 (enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
\ Chantilly Associates, Inc.  Agents: Ronald K. Harrell Richard L. Saslaw \ Stephen T. Harrell	6428 Brentford Drive Springfield, VA 22150	Applicant/Title Owner of Tax Map 44-3 ((6)) 21D

(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: August 4, 2015  
(enter date affidavit is notarized)

129019a

for Application No. (s): SEA 97-Y-002-02  
(enter County-assigned application number (s))

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Walsh, Colucci, Lubeley & Walsh, P.C.	2200 Clarendon Boulevard Suite 1300 Arlington, VA 22201	Attorneys/Planners/Agent
Agents:		
Martin D. Walsh		Attorney/Agent
Lynne J. Strobel		Attorney/Agent
Timothy S. Sampson (former)		Attorney/Agent
M. Catharine Puskar		Attorney/Agent
Sara V. Mariska		Attorney/Agent
G. Evan Pritchard		Attorney/Agent
Andrew A. Painter		Attorney/Agent
Matthew J. Allman		Attorney/Agent
Jeffrey R. Sunderland		Attorney*/Agent
Elizabeth D. Baker		Planner/Agent
Inda E. Stagg		Planner/Agent
Amy E. Friedlander		Planner/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: August 4, 2015
(enter date affidavit is notarized)

129019a

for Application No. (s): SEA 97-Y-002-02
(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)

Chantilly Associates, Inc.
6428 Breniford Drive
Springfield, VA 22150

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 K. Harrell
Richard L. Saslaw

(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: August 4, 2015  
(enter date affidavit is notarized)

129019 a

for Application No. (s): SEA 97-Y-002-02  
(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)

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

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: August 4, 2015  
(enter date affidavit is notarized)

129019 a

for Application No. (s): SEA 97-Y-002-02  
(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)  
None

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

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: August 4, 2015  
(enter date affidavit is notarized)

129019 a

for Application No. (s): SEA 97-Y-002-02  
(enter County-assigned application number(s))

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

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

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

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

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

None

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

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: August 4, 2015  
(enter date affidavit is notarized)

129019 a

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:

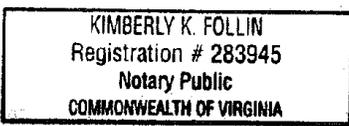
(check one) Matthew J. Allman [ ] Applicant [x] Applicant's Authorized Agent

Matthew J. Allman, attorney/agent  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 4 day of August, 2015, in the State/Comm. of Virginia, County/City of Arlington

Kimberly K. Follin  
Notary Public

My commission expires: 11/30/2015





Sara V. Mariska  
 (703) 528-4700 Ext. 5419  
 smariska@thelandlawyers.com

**WALSH COLUCCI  
 LUBELEY & WALSH PC**

March 9, 2015

RECEIVED  
 Department of Planning & Zoning

MAR 09 2015

Zoning Evaluation Division

**Via Hand Delivery**

Barbara C. Berlin, Director  
 Fairfax County Department of Planning & Zoning  
 Zoning Evaluation Division  
 12055 Government Center Parkway, Suite 801  
 Fairfax, Virginia 22035

Re: Proposed Special Exception Amendment  
 Applicant: Chantilly Associates, Inc.

Dear Ms. Berlin:

Please accept this letter as a statement of justification for a special exception amendment application on property identified among the Fairfax County tax map records as 44-3 ((6)) 21D (the "Subject Property").

The Subject Property is located in the northwestern quadrant of the intersection of Stonecroft Boulevard (Route 8460) and Westone Plaza. The Subject Property contains approximately 1.16 acres, is zoned to the I-5 District, and is developed with a service station, quick service food store, and car wash. The Subject Property has been the subject of several prior land use approvals granted by the Fairfax County Board of Supervisors (the "Board"). Most recently, on July 22, 2002, the Board approved PCA 1997-SU-002 and SEA 97-Y-002 to allow an increase in the building size and number of gasoline dispensers.

The Subject Property is currently developed with an approximately 1,872 square foot quick service food store, approximately 1,080 square foot car wash, and canopy with six (6) gasoline dispensers. The Applicant proposes no physical improvements to the Subject Property. This Applicant proposes only to modify Condition 5 of SEA 97-Y-002 to remove the prohibition on the sale of alcoholic beverages to ensure that the quick service food store remains economically viable and competitive with similar uses in the area.

The Subject Property is located within Area III of the Fairfax County Comprehensive Plan (the "Plan"). More specifically, the Subject Property is located within the Bull Run Planning District in the Flatlick Community Planning Sector. The Plan map designates the Subject Property as appropriate for mixed use and the Plan text recommends retail use on the Subject Property. Given that no physical improvements or modifications are proposed with this application, the Applicant's proposal is in conformance with the Plan language.

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

In accordance with Section 9-011 of the Fairfax County Zoning Ordinance (the "Ordinance") please accept the following information:

- The operations are existing and include a service station, quick service food store, and car wash.
- Hours of operation: The service station, quick service food store, and car wash will be open twenty-four hours a day, seven days a week.
- The estimated number of patrons is approximately 1,000 persons per day.
- The number of employees is a maximum of four (4) on site at any one time.
- The existing use generates approximately 2,000 trips per day.
- The general area to be served by the use is Westfields and the surrounding area.
- The existing use results in approximately 3,024 square feet in building improvements. No modifications are proposed to the existing structure which is comprised of brick and glass.
- Petroleum products, as defined in Title 40, Code of Federal Regulations, are the only known hazardous or toxic substances to be utilized and stored on the Subject Property.
- The use conforms to the provision of all applicable ordinances, regulations, adopted standards and conditions except as modified by this application.

Should you have any questions regarding this proposal, or require additional information, please do not hesitate to contact me. I would appreciate the acceptance of this application and the scheduling of a public hearing before the Fairfax County Planning Commission at your convenience.

Very truly yours,

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

  
Sara V. Mariska

cc: Stephen T. Harrell  
Lynne J. Strobel



# FAIRFAX COUNTY

APPENDIX 4

LED

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

August 2, 2002

James L. McCormack  
Burgess & Niple, Inc.  
4160 Pleasant Valley Road  
Chantilly, Virginia 20151

RE: Special Exception Amendment Application  
Number SEA 97-Y-002  
(Concurrent with PCA 1997-SU-002)

Dear Mr. McCormack:

At a regular meeting of the Board of Supervisors held on July 22, 2002, the Board approved Special Exception Amendment Application Number SEA 97-Y-002 in the name of Chantilly Associates, Incorporated, located at 5000 Westone Plaza (Tax Map 44-3 ((6)) 21D), to amend SE 97-Y-002 previously approved for a car wash, quick service food store and service station to permit site modifications pursuant to Section 9-006 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions: (The conditions preceded by an asterisk (\*) are conditions that have been carried over from the previous approval.)

- \*1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
- \*2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Amendment Plat approved with the application, as qualified by these development conditions.
- \*3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception Amendment shall be in substantial conformance with the approved Special Exception Amendment Plat entitled "Amended Generalized Development Plan/Proffer Condition Amendment

Plat/Special Exception Amendment Plat", prepared by Burgess & Niple, dated October, 2001, revised through May 7, 2002, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

- \*4. Freestanding signage on the site shall be ground-mounted, monument style and shall be in accordance with the provisions of Article 12 of the Zoning Ordinance.
5. The quick service food store building shall not exceed 1,872 square feet in gross floor area. Alcoholic beverages shall not be permitted on the subject site.
- \*6. The subject structures shall be architecturally compatible with the adjacent Sully Station Shopping Center and the overall Westfields Corporate Center; photographs shall be submitted to DPWES at the time of building permit to demonstrate compliance with this condition. All exposed facades of the building shall be constructed of materials, which are similar in color and texture to the adjacent pad sites within the Westfields development as determined by DPWES. Specifically, building materials shall be limited to face brick or architectural concrete block, architectural metal panels, architectural pre-cast concrete, stone, exterior insulation and finish system (E.I.F.S) and reflective and non-reflective glass. All rooftop mechanical equipment shall be fully enclosed with solid screening walls to the maximum extent feasible from an engineering standpoint.
- \*7. The car wash shall employ a system that recycles a minimum of 80% of the wash water used. All waste water discharged from the car wash shall be discharged into the sanitary system.
8. All lighting, including security, pedestrian and/or other incidental lighting, shall feature full cut-off fixtures and be directed downward to prevent off-site glare. Outdoor lighting fixtures used to illuminate the parking area shall not exceed 14 feet in height. Lights located in the service station canopy shall be recessed in design. Illumination of the area beneath the service station canopy shall not exceed an average of 30 foot candles.

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

## 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.

### **9-503 Standards for All Category 5 Uses**

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

1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.
2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14.
3. Before establishment, all uses, including modifications or alteration to existing uses, shall be subject to the provisions of Article 17, Site Plans.

**9-505 Additional Standards for Automobile-Oriented uses, Car-Washes, Drive-In Financial Institutions, Drive-Through Pharmacies, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Stations/Mini-Marts**

1. In all districts where permitted by special exception:
  - A. Such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.
  - B. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties
  - C. The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
  - D. In review such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.
  - E. For a drive-through pharmacy, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive-through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.
2. In the I-3, I-4, I-5 and I-6 Districts, in addition to Par. 1 above:
  - A. All such uses, except drive-in financial institutions, shall be an integral design element of a site plan for an industrial building or building complex containing not less than 30,000 square feet of gross floor area.
  - B. In an I-3 or I-4 District, there shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods offered for sale for the outdoor storage or display of goods permitted at a service station

- C. In an I-3 or I-4 District, service stations shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than four (4) such vehicles on site at any one time.
- D. No Building Permit shall be approved for such a use unless a Building Permit has been approved for the related industrial buildings(s).
- E. The outdoor area devoted to any such use such as vehicle or tool rental shall be limited to that area so designated on an approved special exception plat.

## 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		