



**APPLICATION ACCEPTED:** May 5, 2015  
**PLANNING COMMISSION:** October 1, 2015  
**BOARD OF SUPERVISORS:** October 20, 2015 @ 3:00 p.m.

## County of Fairfax, Virginia

---

**September 15, 2015**

**STAFF REPORT**

**SE 2015-SU-017**

**SULLY DISTRICT**

**WS**



**APPLICANT:** BBCN Bank

**ZONING:** C-6, HC, SC, WS

**PARCEL:** 54-4 ((1)) 87D pt.

**ACREAGE:** 1.26 acres

**PLAN MAP:** Retail and Other Commercial

**SE CATEGORY:** Category 5: Drive-In Financial Institutions

**PROPOSAL:** Request to permit a drive-in financial institution (drive-in bank) within an existing office building

### **STAFF RECOMMENDATIONS:**

Staff recommends approval of SE 2015-SU-017, subject to the development conditions contained in Appendix 1.

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

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

Sharon Williams

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



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

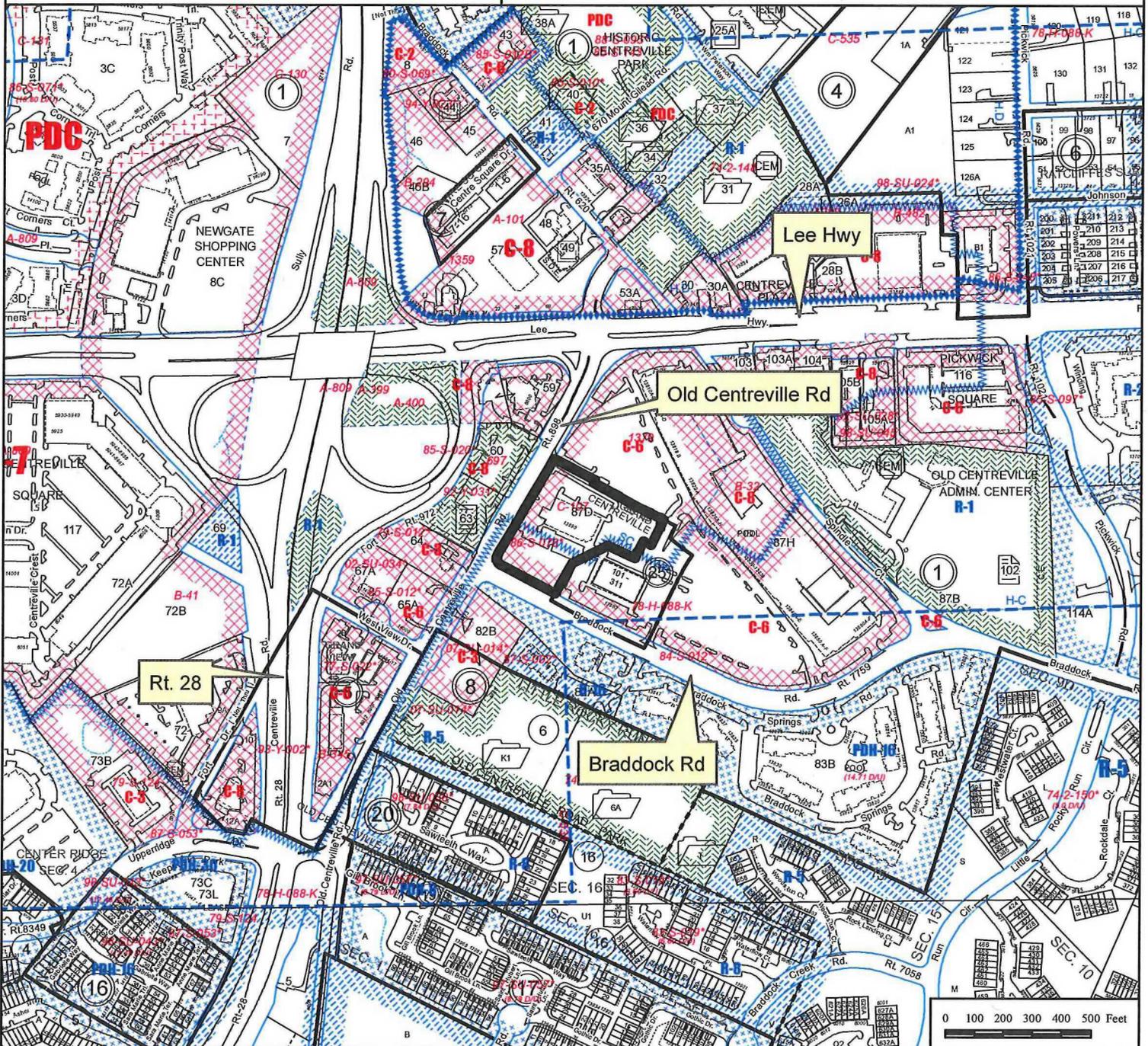
# Special Exception

SE 2015-SU-017

Applicant: BBCN BANK  
Accepted: 05/07/2015  
Proposed: DRIVE-IN FINANCIAL INSTITUTION IN A HIGHWAY CORRIDOR OVERLAY DISTRICT

Area: 1.26 AC OF LAND; DISTRICT - SULLY  
Zoning Dist Sect: 07-0607  
Located: 13890 BRADDOCK ROAD, CENTREVILLE, VA 20121

Zoning: C-6  
Plan Area: 3,  
Overlay Dist: SC WS HC  
Map Ref Num: 054-4- /01/ /0087D





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

**DESCRIPTION OF THE APPLICATION**

The applicant, BBCN Bank, has requested approval to re-establish a drive-in bank at an existing financial institution located within an existing office building. The property was previously approved for a drive-in bank use and was constructed; however, the approval expired after the drive-in bank use lapsed for more than two years. No new construction or site modifications are proposed.

**LOCATION AND CHARACTER**



*Figure 1: Subject property and surrounding area*

SE 2015-SU-017

The 1.26 acre property is located in the northeastern quadrant of the intersection of Old Centreville Road and Braddock Road at 13890 Braddock, within the C-6 (Community Retail), HC (Highway Corridor Overlay), SC (Sign Control Overlay) and WS (Water Supply Protection Overlay) Districts. The subject property is currently developed with an approximately 61,740 square foot, low-rise office building with two drive-through lanes.

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                        | Centreville Crossing Shopping Center | C-6    | Retail and Other Commercial Uses |
| East                         | Office Building                      | C-6    | Retail and Other Commercial uses |
| South                        | Elms at Centreville Sub'd            | PDH-16 | 16-20 du/ac                      |
| West                         | Centreville Fire Station             | C-8    | Retail and Other Commercial Uses |

## BACKGROUND

On March 21, 1986, the Board of Supervisors approved RZ 84-S-012 to rezone approximately 27.83 acres (which included the project site) from R-1 to the C-6 and PDH-16 Districts. Concurrently, the Board of Supervisors approved PCA 86-S-014-1 to add proffers to an adjacent 10.59 acres of land zoned C-6 and C-8.

On April 27, 1987, the Board of Supervisors approved SE 86-S-102 to permit a drive-in bank. This application created the drive-in bank use that the applicant is currently proposing to re-establish. **The approved development conditions can be found in Appendix 4.** Concurrently, the Board of Supervisors approved PCA 84-S-012-1 and PCA 84-S-014-02 to include a stormwater management facility, to add 12,000 square feet to the gross floor area of the shopping center, to relocate two office buildings (the Subject Property contains one of the office buildings), and to modify the site entrance configuration from Old Centreville Road.

## COMPREHENSIVE PLAN PROVISIONS

|                           |  |
|---------------------------|--|
| <b>Plan Area:</b>         | Area III                                   |
| <b>Planning District:</b> | Bull Run Planning District                 |
| <b>Planning Sector:</b>   | BR6, Centreville Community Planning Sector |
| <b>Special Area:</b>      | Centreville Suburban Center, Land Unit C-1 |
| <b>Plan Map:</b>          | Retail and Other Commercial Uses           |

SE 2015-SU-017

**Plan Text:**

The Fairfax County Comprehensive Plan, 2013 Edition, Bull Run Planning District, as amended through December 2, 2014, Centreville Area and Suburban Center, Land Use recommendations, page 29, states:

“Land Unit C-1 contains neighborhood-serving, highway-oriented retail commercial uses. A full interchange for the Sully Road/ Centreville Road/ Lee Highway intersection has been constructed. Neighborhood-serving retail commercial uses will remain appropriate in this land unit. Limited office use is also appropriate to serve local needs for professional services.”

**ANALYSIS**

|                                     |   |
|-------------------------------------|---|
| <b>Special Exception (SE) Plat:</b> | (Copy at front of staff report)                             |
| <b>Title of SEA Plat:</b>           | Special Exception on a Portion of the land of NV Land, Inc. |
| <b>Prepared By:</b>                 | Brian Lundstrom   |
| <b>Original and Revision Dates:</b> | July 1986   |

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

Proposal: The applicant seeks to re-establish a drive in bank in an existing office building. There are no external or site modifications associated with this proposal. Staff does not believe that the re-establishment of the drive-in bank use 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 5)**

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 during the review of the previous SE for a drive-in financial institution. No new construction is proposed. The FAR will remain 0.296 for the entire shopping center.

SE 2015-SU-017

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 Service 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 nearby existing or planned residential areas. This standard was satisfied during the review of the previous SE application SE 86-S-102. There are no external or site modifications associated with this proposal.

**Overlay District Requirements**

Sign Control Overlay District (Sect. 7-500)

Sign Control Overlay Districts are established in furtherance of Sect. 12-101 by restricting freestanding signs in the intensely developed commercial and industrial areas of the County where there is an increased need to reduce visual clutter, sight distance obstructions and interference with traffic control signals and mechanisms and where the speed of traffic does not warrant the freestanding signs otherwise permitted by the provisions of Article 12. No additional freestanding signs are proposed. Any new signs related to the current application will be subject to Article 12 of the Zoning Ordinance.

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

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 external or site modifications are proposed with the re-establishment of the drive-in bank use.

In accordance with Sect. 9-611 of the Zoning Ordinance, Drive-In Financial Institution within the existing 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 Braddock Road and Old Centreville Road. Access to the site remains within the shopping center. Pedestrian and vehicular traffic is coordinated with shopping center circulation. This standard has been satisfied.

SE 2015-SU-017

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 re-establishment of the drive-in bank use. The stormwater requirements were met for the WSPOD during the review of the previous RZ application for the office building. No new construction is proposed.

**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 to re-establish a drive-in financial institution within an existing office building. Staff concludes that the request 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 SE 2015-SU-017, 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.

SE 2015-SU-017

**APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Previously Approved Development Conditions for SE 86-S-102
5. Urban Forestry Analysis
6. Applicable Zoning Ordinance Provisions
7. Glossary of Terms

## Proposed Development Conditions

**SE 2015-SU-017**

**September 16, 2015**

If it is the intent of the Board of Supervisors to approve SE 2015-SU-017 located at Tax Map 54-4 ((1)) 87D pt. to permit a drive-in bank within an existing office building pursuant to Sections 4-604, 9-601, and 7-607 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Previously approved development conditions that are being carried forward are noted by 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 shall be in substantial conformance with the approved Special Exception Plat entitled "Special Exception on a portion of the land of NV land, Inc.", prepared by Brian Lundstrom, dated July, 1986, 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. A coordinated signage system shall be developed to direct customers to and from the drive-in banking facility. These signs shall be located for the benefit of customers coming from or choosing to leave through either the Braddock Road and Old Centreville Road shopping center access points. These signs shall be in conformance with the requirements of Article 12 of the Zoning Ordinance and shall be erected prior to the date that the drive-in bank begins serving customers.\*
5. Parking shall be provided in conformance with the regulations of Article 11.

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

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the

required 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 13, 2015  
 (enter date affidavit is notarized)

129560

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): SE 2015-SU-017  
 (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.)

| <b>NAME</b><br>(enter first name, middle initial, and last name)  | <b>ADDRESS</b><br>(enter number, street, city, state, and zip code)                     | <b>RELATIONSHIP(S)</b><br>(enter applicable relationships listed in <b>BOLD</b> above) |
|---|---|--|
| \ BBCN Bank<br>Agents: John K. Lee<br>Eric C. Lee (former)<br>Steve S. Lee<br>David W. Kim<br>Jessica (nmi) Yum | 3731 Wilshire Boulevard, Suite 1000<br>Los Angeles, CA 90010                            | Applicant/Lessee of Tax Map<br>54-4 ((1)) 87D pt.                                      |
| \ G. Melo, LLC<br>Agent: Jonathan M. Cutler   | c/o Premier Management Services LC<br>7910 Woodmont Avenue, #1405<br>Bethesda, MD 20814 | Title Owner of Tax Map<br>54-4 ((1)) 87D pt.   |

(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)**

129560

DATE: July 13, 2015  
(enter date affidavit is notarized)

for Application No. (s): SE 2015-SU-017  
(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><br>(enter first name, middle initial, and last name)  | <b>ADDRESS</b><br>(enter number, street, city, state, and zip code) | <b>RELATIONSHIP(S)</b><br>(enter applicable relationships listed in <b>BOLD</b> above)   |
|---|---|--|
| Premier Management Services, LC<br>Agent: Jonathan M. Cutler  | 7910 Woodmont Avenue, Suite 1405<br>Bethesda, MD 20814              | Manager/Agent for Title Owner  |
| Walsh, Colucci, Lubeley & Walsh, P.C.<br><br>Agents: Martin D. Walsh<br>Lynne J. Strobel<br>M. Catharine Puskar<br>Sara V. Mariska<br>G. Evan Pritchard<br>Andrew A. Painter<br>Matthew J. Allman<br>Jeffrey R. Sunderland<br>Elizabeth D. Baker<br>Inda E. Stagg<br>Amy E. Friedlander | 2200 Clarendon Boulevard, Suite 1300<br>Arlington, VA 22201         | Attorneys/Agents for Applicant<br><br>Attorney/Agent<br>Attorney/Agent<br>Attorney/Agent<br>Attorney/Agent<br>Attorney/Agent<br>Attorney/Agent<br>Attorney*/Agent<br>Planner/Agent<br>Planner/Agent<br>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

129560

DATE: July 13, 2015
(enter date affidavit is notarized)

for Application No. (s): SE 2015-SU-017
(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)

BBCN Bank
3731 Wilshire Boulevard, Suite 1000
Los Angeles, CA 90010

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)

BBCN Bancorp, Inc.

(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)

129560

DATE: July 13, 2015  
(enter date affidavit is notarized)

for Application No. (s): SE 2015-SU-017  
(enter County-assigned application number (s))

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

BBCN Bancorp, Inc.  
3731 Wilshire Boulevard, Suite 1000  
Los Angeles, CA 90010

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)

Publicly traded on NASDAQ.

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

G. Melo, LLC  
c/o Premier Management Services LC  
7910 Woodmont Avenue, #1405  
Bethesda, MD 20814

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Victoria (nmi) Baks, Manager  
Thomas J. Baks, Member

(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)**

129560

DATE: July 13, 2015  
(enter date affidavit is notarized)

for Application No. (s): SE 2015-SU-017  
(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  | Jay du Von         | J. Randall Minchew  | Lynne J. Strobel |
| David J. Bomgardner | William A. Fogarty | Andrew A. Painter   | Garth M. Wainman |
| E. Andrew Burcher   | John H. Foote      | G. Evan Pritchard   | Nan E. Walsh     |
| Thomas J. Colucci   | H. Mark Goetzman   | M. Catharine Puskar |                  |
| Michael J. Coughlin | Bryan H. Guidash   | John E. Rinaldi     |                  |
| Peter M. Dolan, Jr. | Michael J. Kalish  | Kathleen H. Smith   |                  |

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

Premier Management Services, LC  
7910 Woodmont Avenue, Suite 1405  
Bethesda, MD 20814

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

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

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

Jonathan M. Cutler  
Paula (nmi) Parsons  
Adam K. Santos

(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 13, 2015  
(enter date affidavit is notarized)

129560

for Application No. (s): SE 2015-SU-017  
(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) [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 AFFIDAVIT

DATE: July 13, 2015  
(enter date affidavit is notarized)

179560

for Application No. (s): SE 2015-SU-017  
(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

129560

DATE: July 13, 2015
(enter date affidavit is notarized)

for Application No. (s): SE 2015-SU-017
(county-assigned application number(s), to be entered by County Staff)

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

[x] Applicant's Authorized Agent

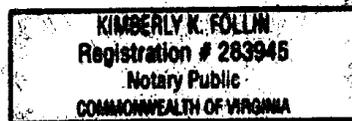
Inda E. Stagg, agent

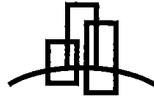
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 13 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





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

WALSH COLUCCI  
LUBELEY & WALSH PC

RECEIVED  
Department of Planning & Zoning

April 27, 2015

APR 28 2015

Zoning Evaluation Division

**Via Hand Delivery**

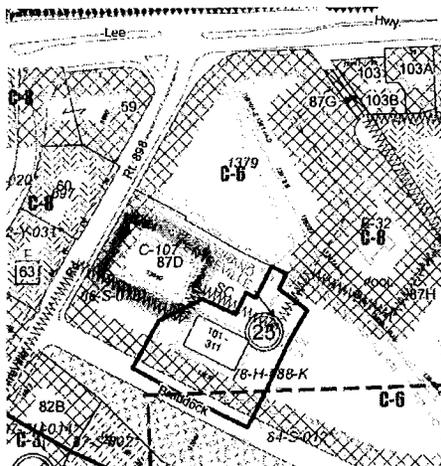
Barbara C. Berlin  
Director, Fairfax County DPZ/ZED  
12055 Government Center Parkway; Suite 801  
Fairfax, Virginia 22035

Re: Statement of Justification  
Special Exception for Drive-In Bank  
13890 Braddock Road, Centreville  
TM 54-4 ((1)) 87D pt. (the "Property")

Dear Ms. Berlin:

We represent BBCN Bank in their efforts to seek approval of a Special Exception to reestablish a drive-in bank on the Property. As will be discussed in more detail in the Zoning History section of this statement, the Property was previously approved for a drive-in bank use and was constructed; however, the use of the drive-in bank lapsed for more than two years, which caused that approval to expire. For this reason, reinstatement of a drive-in bank on the Property requires a new special exception approval.

**Property Description**



The Property is located within the northeastern quadrant of the intersections of Centreville Road (Rt. 898) and Braddock Road (Rt. 7759) in the Sully Magisterial District.

According to the Department of Tax Administration, TM 54-4 ((1)) 87D ("Parcel 87D") contains 131,025 square feet of land area. The Property consists of only the northern portion of Parcel 87D and contains only 54,751 square feet of land area. The Property's boundaries coincide with the land area previously approved for a drive-in bank pursuant to SE 86-S-102 (see Zoning History section below.)

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

APR 28 2015

Zoning Evaluation Division

According to the Department of Tax Administration, the Property contains a 61,740 square foot, low-rise office building that was constructed in 1988.

The office building and associated parking are located on the northern portion of Parcel 87D. The drive-in bank lanes are constructed, but are not currently in use, as depicted in the photograph below. No new construction is proposed with this application.



The Property is zoned C-6 (Community Retail Commercial District), HC (Highway Corridor Overlay District) and SC (Sign Control Overlay District) and WS (Water Supply Protection Overlay District).

### **Description of Use**

Type of operation(s) – BBCN is proposing to reestablish a drive-in bank with two drive-through lanes in an existing office building located at 13890 Braddock Road. A drive-through bank was previously approved for the Property pursuant to Special Exception (SE 86-S-102) and was constructed; however, it has been more than two years since the drive-through lanes

APR 28 2015

Zoning Evaluation Division

have be used for this purpose and the previous Special Exception has expired. A new Special Exception approval is required in order for BBCN Bank to occupy and utilize the existing drive-through lanes.

Hours of operation – BBCN is proposing assisted drive-though and lobby hours of 9:00 a.m. until 5:00 p.m., Monday through Friday, and from 9:00 a.m. until 1:00 p.m. on Saturdays. No assisted Sunday hours are proposed. There is no restriction of hours proposed for any ATM that may be located in the drive-through lanes.

Estimated number of patrons/clients/patients/pupils/etc. – The Applicant estimates that actual use will be approximately 80 to 100 customers per day.

Proposed number of employees/attendants/teachers/etc. – Approximately 7 employees at any one time.

Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day. – The Transportation consultant, Wells + Associates, estimates that the drive-in bank use will result in a total of 40 weekday AM peak hour, 61 weekday PM peak hour, 337 weekday average daily trips and 196 Saturday average trips. Given that the trips generated would be less than the 5,000 vehicle per day trip threshold, the drive-in bank use is not considered to substantially affect the transportation network and is exempt from Chapter 870 compliance.

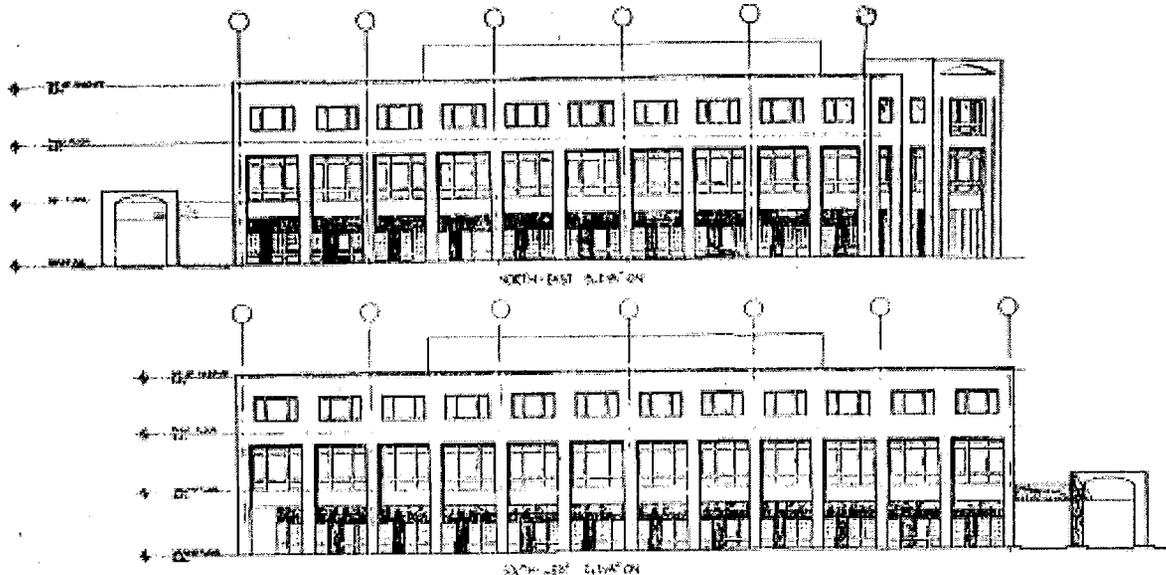
Vicinity or general area to be served by the use is approximately a three mile radius.

APR 28 2015

Zoning Evaluation Division

Statement of Justification  
BBCN Bank  
April 27, 2015  
Page 4 of 10

Description of building facade and architecture of proposed new building or additions –  
There are no new buildings or additions proposed with this application. The existing building is three stories in height and is constructed with a brick façade. A canopy, which is also brick, is located over the two drive-through lanes. This canopy design was included in the staff report for SE 86-S-102 and is inserted below for reference.



To the best of my knowledge, there are no known hazardous or toxic substances or hazardous waste as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355 or Title 40, Code of Federal Regulations Part 280, generated, utilized, stored, treated, and/or disposed of on the Property.

### Zoning History

On March 21, 1986, the Board of Supervisors approved:

- RZ 84-S-012 to rezone 27.43 acres of land from the R-1 District to the C-6 and PDH-16 Districts; and,
- PCA 86-S-014-1 to add proffer to an adjacent 10.59 acres of land zoned C-6 and C-8.

On April 27, 1987, the Board of Supervisors approved:

- Special Exception Application SE 86-S-102 to permit a drive-in bank on the Property;
- PCA 84-S-012-1 and PCA 86-S-014-2, in the name of N.V. Land, Incorporated on property, including the Property, to include a stormwater management facility, to add 12,000 square feet to the gross floor area of the shopping center, to

APR 28 2015

Zoning Evaluation Division

relocate two office buildings (the Property contains one of these buildings), and to modify the site entrance configuration from Old Centreville Road.

### **Comprehensive Plan**

The Property is located in the Centreville Area and Suburban Center (Area III); Land Unit C-1. The Property is planned for coordinated mixed-use development with neighborhood-serving retail commercial use and low-rise office use at an FAR not to exceed 0.30.

### **Response to Sect. 9-006 – General Standards**

In addition to the specific standards for particular special exception uses, all Special Exception uses must satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.

Answer: The retail shopping center, of which the Property is a part, was approved at a 0.296 FAR. The proposed use is in harmony with the adopted comprehensive plan which recommends coordinated mixed-use development with neighborhood-serving retail commercial use and low-rise office use at an FAR not to exceed 0.30 on the Property.

2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

Answer: The proposed use is permitted with the approval of a special exception within the existing zoning district. Further, the use was previously found to be in harmony with the general purpose and intent of the applicable zoning district regulations with approval of Special Exception application SE 86-S-076 for a drive-in bank

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.

Answer: The proposed use of the drive-through lanes (which are already physically existing, and which were used for many years) will not

APR 28 2015

Zoning Evaluation Division

adversely affect the use or development of neighboring properties. Neighboring properties are already developed in accordance with the applicable zoning district regulations and the adopted comprehensive plan.

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.

Answer: The traffic patterns for the drive-through use were reviewed and approved pursuant to SE 86-S-102, and were established with the construction of the office building on the Property. Approval of the As-Built Site Plan for the Property, 6653-SAB-001-1, is an indication that the office building was constructed in accordance with the regulations of Fairfax County. The re-opening of the drive-through lanes, which already physically exist on the Property, will not generate significant additional traffic and 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.

Answer: No new construction is proposed with this application. The Property is part of a shopping center that is subject to proffers and development plan that included a landscaping plan. The Board of Supervisors approved modifications to the transitional screening for the shopping center.

The office structure on the Property was developed in 1988 and was approved for occupation by Fairfax County as an office building with a drive-in bank. Significant, mature vegetation exists within the parking lot and along the periphery of the Property.

For these reasons, it is assumed that the shopping center and the Property complied with the provisions of Article 13 when developed.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

Answer: According the GDP proffered pursuant to PCA 84-S-012-1 and PCA 86-S-014-2, the shopping center, including the Property, contain 15% open space. According to the approved SE Plat for SE 86-S-102, the Property contains 19% open space. No

APR 28 2015

Zoning Evaluation Division

construction is proposed with this application and no revision to the open space is proposed.

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.

Answer: Adequate facilities are provided for the proposed use. Conformance with parking and loading requirements is combined with the requirements for the shopping center and shall be confirmed at time of NonRUP. 10 stacking spaces are provided for the drive-through windows as approved pursuant to SE 86-S-102.

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.

Answer: Signage will be in conformance with Article 12.

**Response to Sect. 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.

Answer: The three-story, brick office structure on the Property shall remain. No modifications are proposed. The building is treated similarly on all four facades.

- B. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.

Answer: Pedestrian and vehicular circulation is coordinated with adjacent properties. Entrance onto the Property is via an internal shopping center drive.

- 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

APR 28 2015

Zoning Evaluation Division

Statement of Justification  
BBCN Bank  
April 27, 2015  
Page 8 of 10

facilitate safe and convenient vehicle and pedestrian access to all uses on the site.

Answer: No modifications to the previously approved turning movements are proposed with this application. Fairfax County determined that the turning movements did not provide conflicts, and that safe and efficient on-site circulation was provided on the Property pursuant to approval of SE 86-S-012.

- D. In reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.

Answer: The Property is zoned commercial and is developed with commercial uses. It is proposed that the assisted drive-through lane and lobby hours be 9:00 a.m. until 5:00 p.m., Monday through Friday, and from 9:00 a.m. until 1:00 p.m. on Saturdays. No assisted Sunday hours are proposed. There are no nearby existing or planned residential uses to be adversely affected by the operation of the drive-in bank.

- 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.

Answer: This paragraph does not apply to the request.

3. In the C-5 and C-6 Districts, in addition to Par. 1 above:  
A. There shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.

Answer: This paragraph does not apply to the request.

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

Answer: This paragraph does not apply to the request.

APR 28 2015

Zoning Evaluation Division

### Response to Sect. 7-608 Use Limitations (in Highway Corridor Overlay Districts)

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:

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.

Answer: The Property is part of a shopping center and is accessed via an internal driveway that provides coordinated access for the entire shopping center. There is no direct access to a public street from the Property.

- 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.

Answer: Access to the Property is provided via the internal circulation of a shopping center that contains at least six (6) other commercial uses.

- 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.

Answer: There will be no outdoor storage or display of goods offered for sale resultant from the drive-in bank use.

3. Where the underlying district is C-5 or C-6, in addition to Par. 1 above:
  - A. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned

APR 28 2015

Zoning Evaluation Division

vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than two (2) such vehicles on site at any one time.

Answer: This paragraph does not apply to the request.

### **Summary**

This Special Exception application seeks to reestablish a use that was previously reviewed and approved by the Board of Supervisors pursuant to Special Exception SE 86-S-102. The associated office building and drive through lanes were constructed and a drive-in bank occupied the location for many years; unfortunately, that user vacated the building and the vacated space was not used for a drive-in bank for more than two years, causing that special exception approval to expire. No revisions to the previously approved drive-in bank are approved with this application. The proposed drive-in bank use is in conformance with the regulations of Fairfax County and in substantial conformance with the recommendations of the Comprehensive Plan. For these reasons, I respectfully request your favorable consideration of this request.

Please do not hesitate to contact me if you should have any questions regarding this application.

Very truly yours,

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

Inda E. Stagg  
Senior Land Use Planner

Enclosures

cc: Sully District Supervisor Michael R. Frey/Leila Mosadegh  
Sully District Planning Commissioner John L. Litzenberger  
John K. Lee, SVP and Assistant General Counsel; BBCN Bank (Applicant)  
Eric C. Lee, FVP and General Services Manager; BBCN Bank (Applicant)  
Jonathan M. Cutler – Agent for G. Melo, LLC (Owner)  
Lynne J. Strobel, Esq.; Walsh, Colucci, Lubeley & Walsh, P.C.

SE 86-S-102

Appendix 2

PROPOSED DEVELOPMENT CONDITIONS  
April 15, 1987

If it is the intent of the Board of Supervisors to approve SE 86-S-102 located at Tax Map 54-4 ((1)) 85 for use a drive-in bank pursuant to Sect. 4-604 and 7-601 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat and these conditions.
4. A coordinated signage system shall be developed to direct customers to and from the drive-in banking facility. These signs shall be located for the benefit of customers coming from or choosing to leave through either the Braddock Road and Old Centreville Road shopping center access points. These signs shall be in conformance with the requirements of the Sign Control Overlay District provisions and shall be erected prior to the date that the drive-in bank begins serving customers. The locations, height and style of these signs shall be approved by the Director of DEM.
5. The parking shall be provided in conformance with the requirements of the Zoning Ordinance for the banking facility in addition to the parking required for the office buildings and the shopping center.
6. The drive-in banking facility and the associated bank shall be developed in general conformance with the architectural renderings dated March 27, 1987.

7. Both of the proposed drive-in windows shall be open at the same time. In no event shall one window be open and the other window closed. In the event that one window is closed for maintenance, the other window shall also be closed.

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

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

Under Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, eighteen (18) months after the approval date of the Special Exception unless the activity authorized has been established, or unless construction has commenced and is diligently pursued, or unless additional time is approved by the Board of Supervisors because of the occurrence of conditions unforeseen at the time of the approval of this Special Exception. A request for additional time shall be justified in writing, and must be filed with the Zoning Administrator prior to the expiration date.



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** July 20, 2015

**TO:** Sharon Williams, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Rachel Habig-Myers, Urban Forester II  
Forest Conservation Branch, UFMD

**SUBJECT:** William A Moran Tr Pop Lot A2: SE 2015-SU-017

This review is based upon the Special Exception Application, SE 2015-SU-017, Stamped "Received, Department of Planning and Zoning, April 28, 2015" and the Special Exception Plat stamped "Received, Department of Planning and Zoning, May 1, 2015." A site visit was conducted on July 20, 2015 as part of this review.

1. **Comment:** The boundary line of this special exception application is unclear.  
**Recommendation:** The applicant should clearly denote the boundary line of this special exception application and additional comments may follow.
2. **Comment:** A Landscape Plan has not been provided with this application, preventing a comprehensive review of landscaping found during site visit. The Special Exception Plat provided, dated March 9, 1987, depicts far less landscaping found than was on site during site visit.  
**Recommendation:** The applicant should provide a landscape plan that clarifies how all landscape requirements are being met.
3. **Comment:** Interior Parking Lot Landscaping calculations have not been provided, preventing a full review of the interior parking lot landscaping found onsite.  
**Recommendation:** The applicant should provide interior parking lot calculations to allow verification that existing interior parking lot landscaping requirements are being met.
4. **Comment:** Peripheral parking lot landscaping calculations have not been provided, preventing a full review of the peripheral parking lot landscaping found onsite.  
**Recommendation:** The applicant should provide peripheral parking lot landscaping calculations to ensure that peripheral parking lot landscaping requirements are being met.
5. **Comment:** Site visit revealed trees planted on 2 sides of the office building between the parking lot and the building, all of which were noted to be in poor or declining condition.

Department of Public Works and Environmental Services  
Urban Forest Management Division

12055 Government Center Parkway, Suite 518  
Fairfax, Virginia 22035-5503  
Phone 703-324-1770, TTY: 711, Fax: 703-653-9550  
www.fairfaxcounty.gov/dpwes



Ivy was also found to be growing up the trunks of these trees on at least one side of the building, which can harm the health of the trees. These trees potentially represent a health and welfare issue in their current condition.

**Recommendation:** The applicant should consider pruning and maintaining the trees between the parking lot and building to mitigate any health and welfare issues they may pose. The applicant should also add a note to the landscape plan to be provided describing how ivy found to be growing on trees will be prevented from growing into the crowns of trees.

Please feel free to contact me with any further questions or concerns.

rh/

UFMDID #: 202020

cc: DPZ File



## 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.

### **9-611 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                        |         |  |