



APPLICATION ACCEPTED: February 24, 2016
PLANNING COMMISSION: June 29, 2016
BOARD OF SUPERVISORS: July 26, 2016 at 3:30 p.m.

County of Fairfax, Virginia

June 15, 2016

STAFF REPORT

SEA 88-S-077-08

SULLY DISTRICT

WS



APPLICANT: Willard Road Mart, Inc.

ZONING: C-6 (Community Retail Commercial District); & WS (Water Supply Protection Overlay)

PARCEL: 44-1 ((9)) 9 pt. and 10

ACREAGE: 1.44 acres

FAR: 0.07

PLAN MAP: Retail and Other

PROPOSAL: Amend SE 88-S-077, previously approved for multiple uses (a service station/ quick-service food store, car wash, drive-in financial institutions, fast-food restaurants with drive-through windows, hotels, vehicle rental establishments, an increase in building height, and a waiver of sign regulations) to permit a modification of development conditions associated with the service station/ quick service food store and allow the unrestricted sale of alcohol.

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 88-S-077-08, subject to development conditions consistent with those contained in Appendix 1.

William O'Donnell

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owners, relieve the applicants/owners 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.

The approval of this application 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.

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



Special Exception Amendment

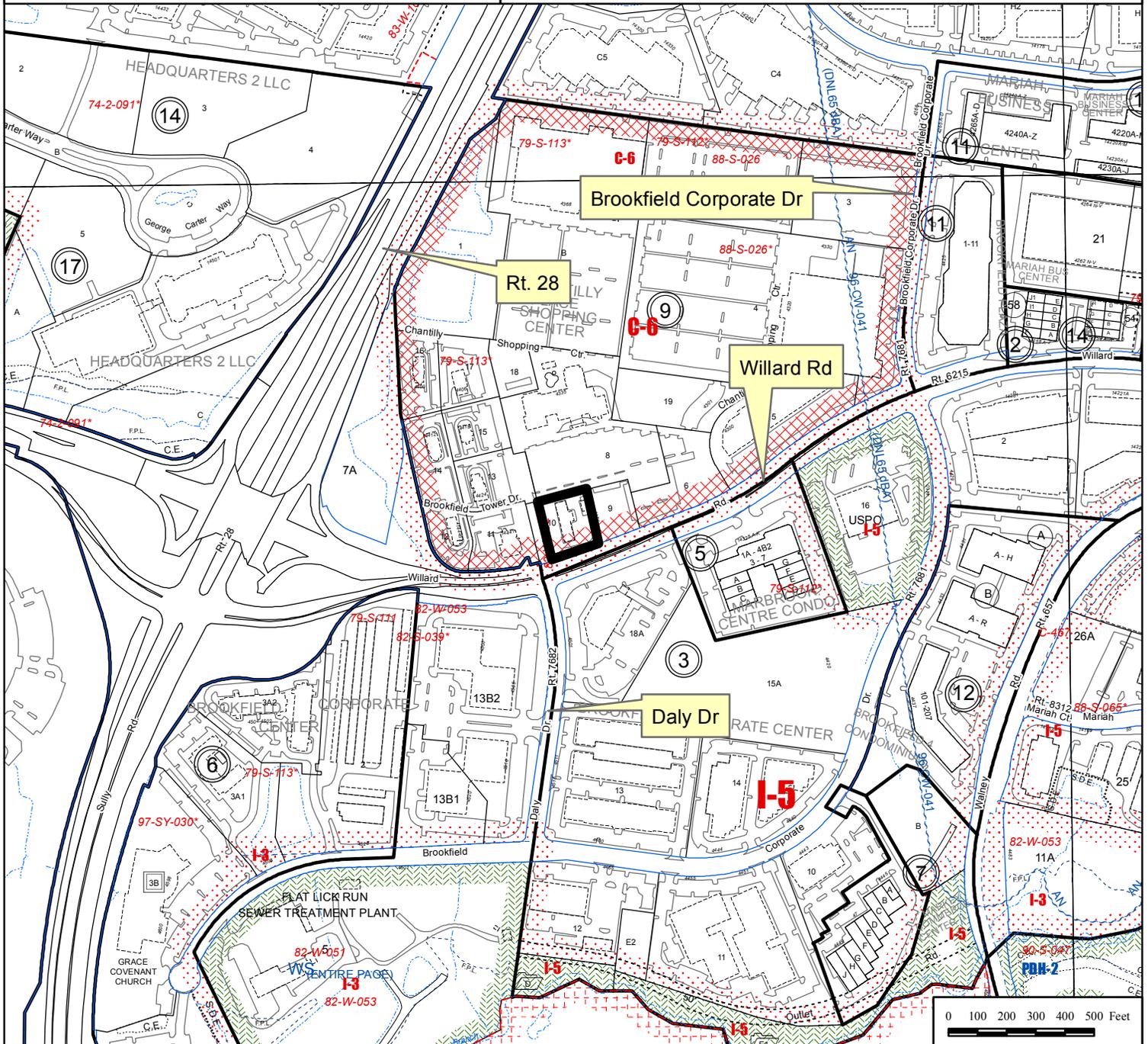
SEA 88-S-077-08



Applicant: WILLARD ROAD MART, INC.
Accepted: 02/24/2016
Proposed: AMEND SE 88-S-077 PREVIOUSLY APPROVED FOR A SERVICE STATION, QUICK SERVICE FOOD STORE AND CAR WASH TO PERMIT MODIFICATION OF DEVELOPMENT CONDITIONS

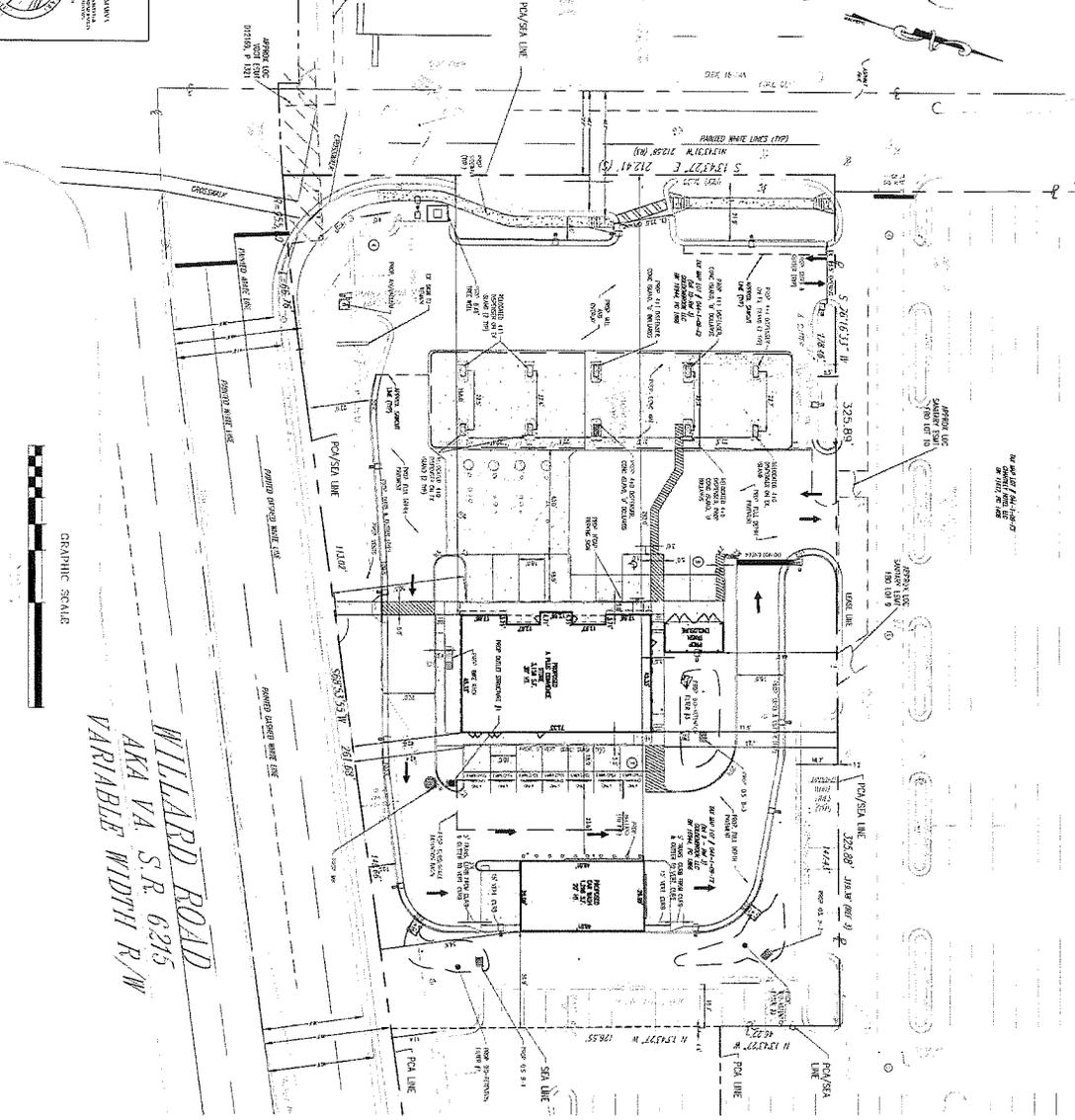
Area: 1.44 AC OF LAND; DISTRICT -SULLY

Zoning Dist Sect: 04-060404-060404-0604
Located: 4475 DALY DRIVE CHANTILLY, VA 20151
Zoning: C- 6
Overlay Dist: WS
Map Ref Num: 044-1- /09/ /09 (pt.)/ /0010





DALY DRIVE
(CHANTILLY SHOPPING CTR)



WILLARD ROAD
AKA VA S.P. 6215
VARIABLE WIDTH R/W

J.B. ANDERSON
PROFESSIONAL ENGINEER
No. 10000
VIRGINIA

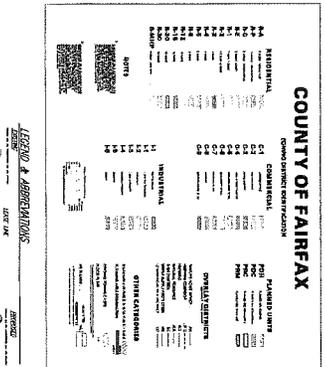
**SPECIAL EXCEPTION
AMENDMENT PLAN**
PROJECT NO. EC6685
DATE: 06/25/19
SCALE: 1"=50'

CONSTRUCTION
SUNOCO, INC. (R&M)
Retail Engineering
10 Industrial Hwy - Leesville, VA
C/EA 11 12014

CONSTRUCTION
Engineers & Architects, Inc.
11525 Lakeside, Alexandria, VA 22304
PROJECT NO. EC6685

Application No: PCA 88-S-026-03
SEA 88-S-077-06
Shift B Krause
APPROVED DEVELOPMENT PLAN
§809 LCP1 LCP2 LCP3 LCP4 LCP5 LCP6 LCP7 LCP8 LCP9 LCP10
SE CONDITIONS DATED: Oct 4, 2013
Date of Final Approval: Oct 8, 2013
Comments: §809 LCP1 LCP2 LCP3 LCP4 LCP5 LCP6 LCP7 LCP8 LCP9 LCP10
Sheet 2 of 13

NOTES:
1. THIS PLAN IS TO BE CONSIDERED AS A DEVELOPMENT PLAN FOR THE PROPOSED PROJECT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
2. THE PROPOSED PROJECT IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE OF VIRGINIA.
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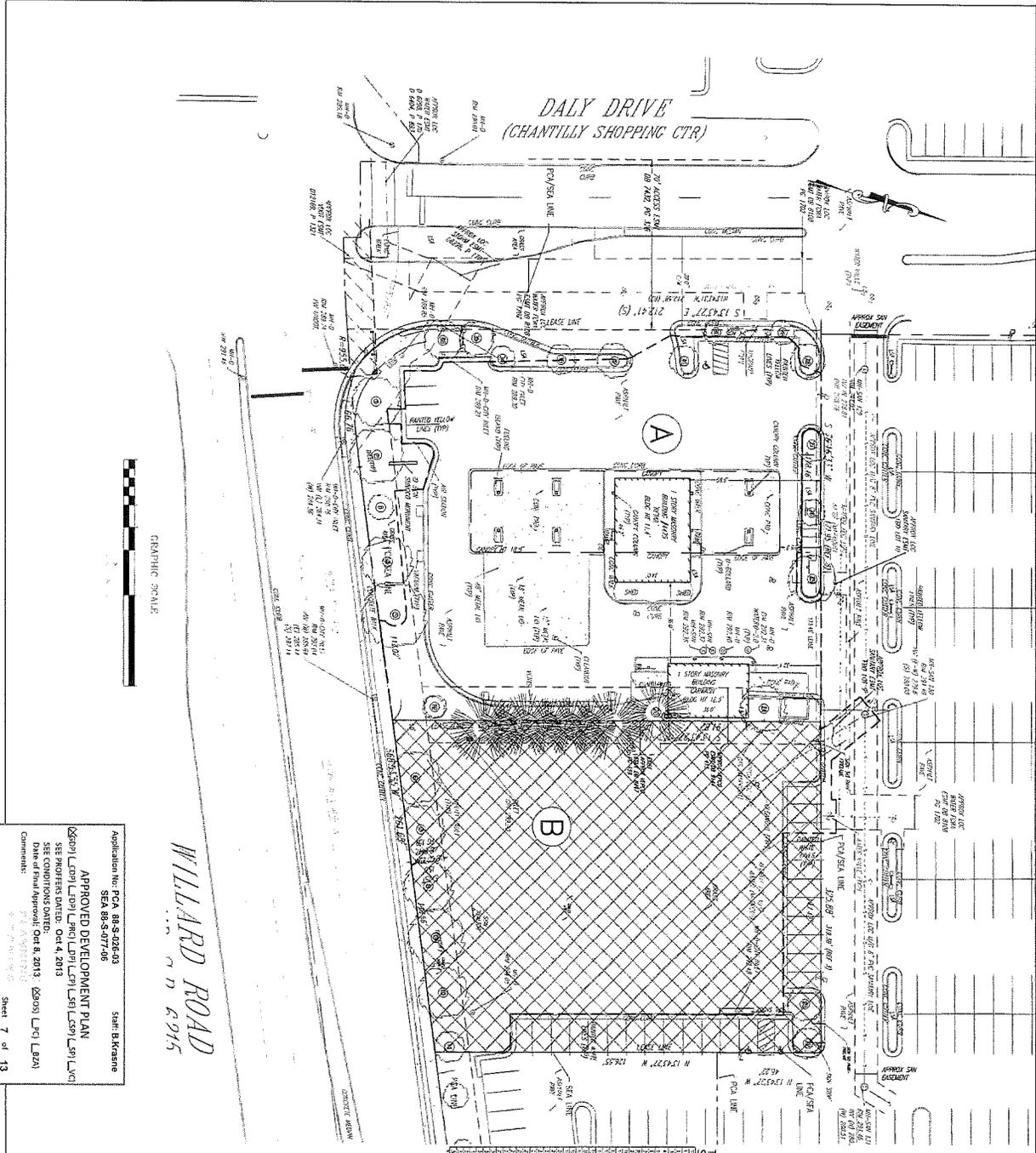


PROPERTY MAP 44-1 ZONING DATA SCALE: 1"=500'

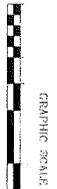
COUNTY OF FAIRFAX

COMMERCIAL DISTRICTS

COMMERCIAL DISTRICT	PERMITTED USES
C-1	OFFICE, PROFESSIONAL SERVICE, RETAIL, RESTAURANT, SERVICE, SPECIALTY RETAIL, STORES, THEATRE, OFFICE BUILDING, PROFESSIONAL SERVICE BUILDING, RESTAURANT BUILDING, SERVICE BUILDING, SPECIALTY RETAIL BUILDING, STORE BUILDING, THEATRE BUILDING, OFFICE BUILDING, PROFESSIONAL SERVICE BUILDING, RESTAURANT BUILDING, SERVICE BUILDING, SPECIALTY RETAIL BUILDING, STORE BUILDING, THEATRE BUILDING
C-2	OFFICE, PROFESSIONAL SERVICE, RETAIL, RESTAURANT, SERVICE, SPECIALTY RETAIL, STORES, THEATRE, OFFICE BUILDING, PROFESSIONAL SERVICE BUILDING, RESTAURANT BUILDING, SERVICE BUILDING, SPECIALTY RETAIL BUILDING, STORE BUILDING, THEATRE BUILDING, OFFICE BUILDING, PROFESSIONAL SERVICE BUILDING, RESTAURANT BUILDING, SERVICE BUILDING, SPECIALTY RETAIL BUILDING, STORE BUILDING, THEATRE BUILDING
C-3	OFFICE, PROFESSIONAL SERVICE, RETAIL, RESTAURANT, SERVICE, SPECIALTY RETAIL, STORES, THEATRE, OFFICE BUILDING, PROFESSIONAL SERVICE BUILDING, RESTAURANT BUILDING, SERVICE BUILDING, SPECIALTY RETAIL BUILDING, STORE BUILDING, THEATRE BUILDING, OFFICE BUILDING, PROFESSIONAL SERVICE BUILDING, RESTAURANT BUILDING, SERVICE BUILDING, SPECIALTY RETAIL BUILDING, STORE BUILDING, THEATRE BUILDING
C-4	OFFICE, PROFESSIONAL SERVICE, RETAIL, RESTAURANT, SERVICE, SPECIALTY RETAIL, STORES, THEATRE, OFFICE BUILDING, PROFESSIONAL SERVICE BUILDING, RESTAURANT BUILDING, SERVICE BUILDING, SPECIALTY RETAIL BUILDING, STORE BUILDING, THEATRE BUILDING, OFFICE BUILDING, PROFESSIONAL SERVICE BUILDING, RESTAURANT BUILDING, SERVICE BUILDING, SPECIALTY RETAIL BUILDING, STORE BUILDING, THEATRE BUILDING
C-5	OFFICE, PROFESSIONAL SERVICE, RETAIL, RESTAURANT, SERVICE, SPECIALTY RETAIL, STORES, THEATRE, OFFICE BUILDING, PROFESSIONAL SERVICE BUILDING, RESTAURANT BUILDING, SERVICE BUILDING, SPECIALTY RETAIL BUILDING, STORE BUILDING, THEATRE BUILDING, OFFICE BUILDING, PROFESSIONAL SERVICE BUILDING, RESTAURANT BUILDING, SERVICE BUILDING, SPECIALTY RETAIL BUILDING, STORE BUILDING, THEATRE BUILDING
C-6	OFFICE, PROFESSIONAL SERVICE, RETAIL, RESTAURANT, SERVICE, SPECIALTY RETAIL, STORES, THEATRE, OFFICE BUILDING, PROFESSIONAL SERVICE BUILDING, RESTAURANT BUILDING, SERVICE BUILDING, SPECIALTY RETAIL BUILDING, STORE BUILDING, THEATRE BUILDING, OFFICE BUILDING, PROFESSIONAL SERVICE BUILDING, RESTAURANT BUILDING, SERVICE BUILDING, SPECIALTY RETAIL BUILDING, STORE BUILDING, THEATRE BUILDING
C-7	OFFICE, PROFESSIONAL SERVICE, RETAIL, RESTAURANT, SERVICE, SPECIALTY RETAIL, STORES, THEATRE, OFFICE BUILDING, PROFESSIONAL SERVICE BUILDING, RESTAURANT BUILDING, SERVICE BUILDING, SPECIALTY RETAIL BUILDING, STORE BUILDING, THEATRE BUILDING, OFFICE BUILDING, PROFESSIONAL SERVICE BUILDING, RESTAURANT BUILDING, SERVICE BUILDING, SPECIALTY RETAIL BUILDING, STORE BUILDING, THEATRE BUILDING
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C-10	OFFICE, PROFESSIONAL SERVICE, RETAIL, RESTAURANT, SERVICE, SPECIALTY RETAIL, STORES, THEATRE, OFFICE BUILDING, PROFESSIONAL SERVICE BUILDING, RESTAURANT BUILDING, SERVICE BUILDING, SPECIALTY RETAIL BUILDING, STORE BUILDING, THEATRE BUILDING, OFFICE BUILDING, PROFESSIONAL SERVICE BUILDING, RESTAURANT BUILDING, SERVICE BUILDING, SPECIALTY RETAIL BUILDING, STORE BUILDING, THEATRE BUILDING



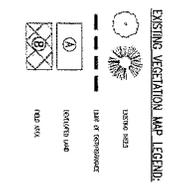
Application No: PCA 88-S-006-03
 SEA 88-S-077-06
 SHEET BIRKHOSE
 APPROVED DEVELOPMENT PLAN
 Date of final approval: Oct 4, 2013
 Date of final approval: Oct 8, 2013
 Comments: (6805) L3C(LB2A)
 SHEET 7 of 13



WILLARD ROAD
 ... 6915

TREE SURVEY DATA
 SUNOCO CHANTILLY VIRGINIA SITE

NO.	DATE	TYPE	HEIGHT	DBH	CONDITION	REMARKS
1	10/11/12	SP	12	4.5	GOOD	...
2	10/11/12	SP	10	3.8	GOOD	...
3	10/11/12	SP	8	3.2	GOOD	...
4	10/11/12	SP	6	2.8	GOOD	...
5	10/11/12	SP	5	2.5	GOOD	...
6	10/11/12	SP	4	2.2	GOOD	...
7	10/11/12	SP	3	2.0	GOOD	...
8	10/11/12	SP	2	1.8	GOOD	...
9	10/11/12	SP	1	1.5	GOOD	...
10	10/11/12	SP	1	1.5	GOOD	...
11	10/11/12	SP	1	1.5	GOOD	...
12	10/11/12	SP	1	1.5	GOOD	...
13	10/11/12	SP	1	1.5	GOOD	...
14	10/11/12	SP	1	1.5	GOOD	...
15	10/11/12	SP	1	1.5	GOOD	...
16	10/11/12	SP	1	1.5	GOOD	...
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22	10/11/12	SP	1	1.5	GOOD	...
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47	10/11/12	SP	1	1.5	GOOD	...
48	10/11/12	SP	1	1.5	GOOD	...
49	10/11/12	SP	1	1.5	GOOD	...
50	10/11/12	SP	1	1.5	GOOD	...



EXISTING VEGETATION MAP SCALE

NO.	DATE	TYPE	HEIGHT	DBH	CONDITION	REMARKS
1	10/11/12	SP	12	4.5	GOOD	...
2	10/11/12	SP	10	3.8	GOOD	...
3	10/11/12	SP	8	3.2	GOOD	...
4	10/11/12	SP	6	2.8	GOOD	...
5	10/11/12	SP	5	2.5	GOOD	...
6	10/11/12	SP	4	2.2	GOOD	...
7	10/11/12	SP	3	2.0	GOOD	...
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11	10/11/12	SP	1	1.5	GOOD	...
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50	10/11/12	SP	1	1.5	GOOD	...

J.B. ANDERSON
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL ENGINEERING
 1000 W. MARKET STREET, SUITE 200
 CHARLOTTE, NC 28202
 (704) 375-1111

SUNOCO, INC. (R&M)
 Retail Engineering
 60 Industrial Hwy - 2nd Fl.
 CHARLOTTE, NC 28202

Cornerstone Consulting
 Engineers & Architects, Inc.
 1000 W. MARKET STREET, SUITE 200
 CHARLOTTE, NC 28202
 (704) 375-1111

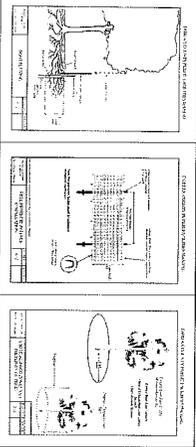
PROJECT NO. EC6685

EXISTING LANDSCAPE VEGETATION MAP

DATE: 10/11/12

SCALE: 1" = 20'

SHEET: 7 of 13



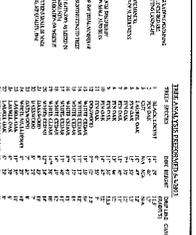
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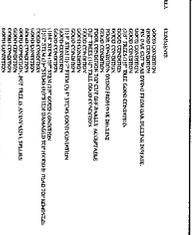
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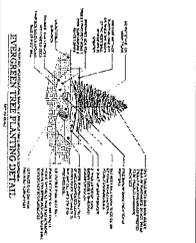
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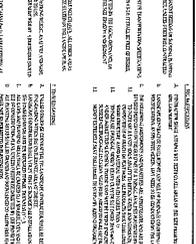
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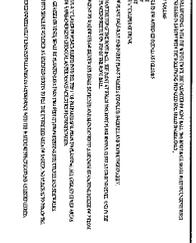
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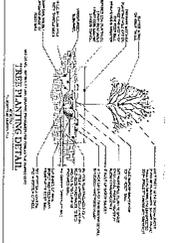
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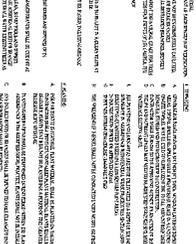
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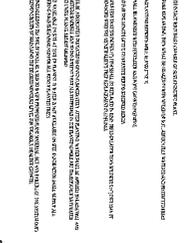
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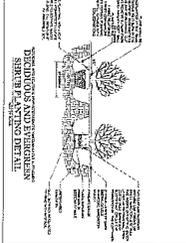
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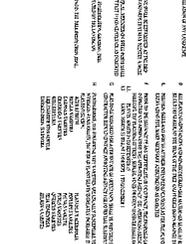
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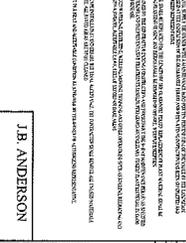
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DATE	TIME	PROJECT	STATUS
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4	13:00	104	Completed
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16	25:00	116	Completed
17	26:00	117	In Progress
18	27:00	118	On Hold
19	28:00	119	Completed
20	29:00	120	In Progress

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THREE PRESERVATION NOTES & LANDSCAPE
 PROJECT # 120418
 4848 BAYVIEW
 FARMINGTON, CONNECTICUT
 EC6685

NO.	DATE	DESCRIPTION	BY	CHKD
1	10/1/01	PRELIMINARY NOTES	JBA	JBA
2	10/15/01	REVISED NOTES	JBA	JBA
3	10/30/01	REVISED NOTES	JBA	JBA
4	11/15/01	REVISED NOTES	JBA	JBA
5	12/1/01	REVISED NOTES	JBA	JBA
6	12/15/01	REVISED NOTES	JBA	JBA
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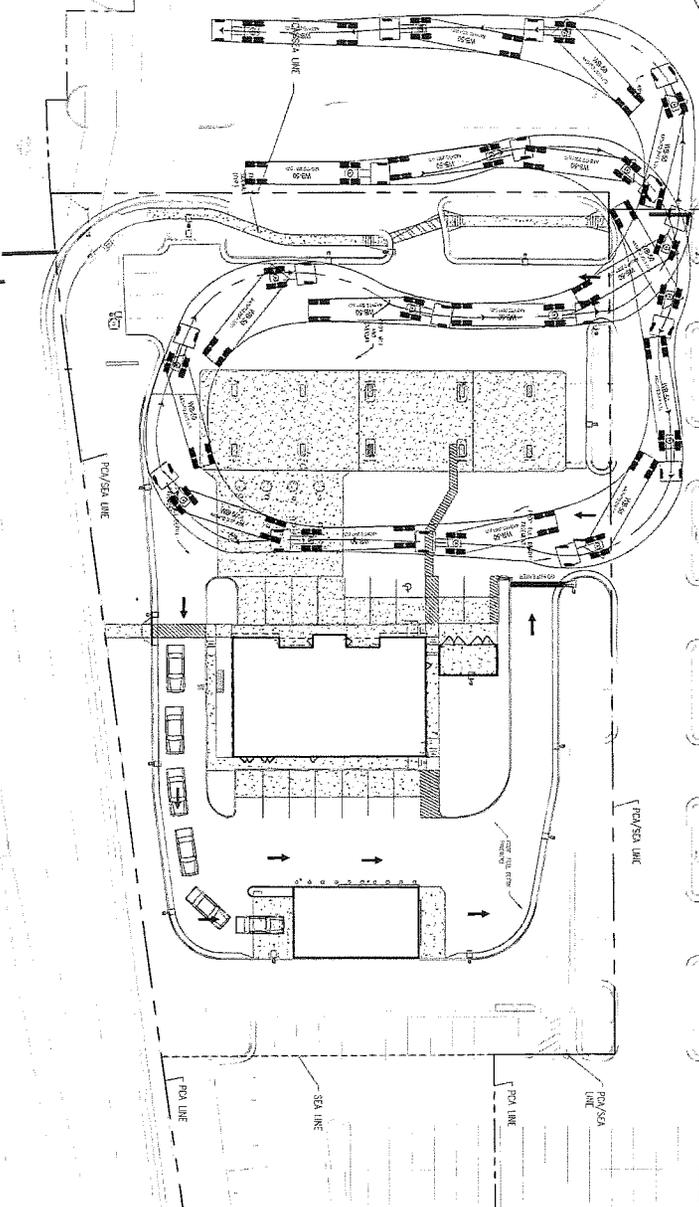
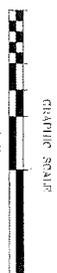
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 FAX: 612-338-1112
 WWW: www.cornerstoneconsulting.com



DALY DRIVE
(CHANTILLY SHOPPING CTR)

WILLARD ROAD
AKA VA. S.R. 6235
VARIABLE WIDTH R/W



LEGEND & ABBREVIATIONS

ASPH	ASPH	ASPH
CONC	CONC	CONC
GRASS	GRASS	GRASS
PAV	PAV	PAV
SEA	SEA	SEA
POA	POA	POA
...

Application No: PCA 88-S-026-03
SEA 88-S-077-06
Staff: B.Krasne
APPROVED DEVELOPMENT PLAN
See Proffers Dated: Oct 4, 2013
Date of Final Approval: Oct 8, 2013
Comments: ...
Sheet 13 of 13

J.B. ANDERSON
PROJECT NO. EC6685

CONCRETE CONSULTING
Engineers & Architects, Inc.
1115 South Street, Suite 200
Arlington, VA 22204

SUNOCO, INC. (REAR)
Retail Engineering
20 International Hwy - Fairfax, VA

PAYMENT, TRUCK TURNING & CAR STACKING PLAN

PROJECT NO. EC6685
SHEET NO. TT-01
DATE: 10/15/2013

APPLICATION DESCRIPTION

The applicant, Willard Road Mart, Inc., requests approval of a Special Exception Amendment to SE 88-S-077, for multiple uses (a service station/ quick-service food store, car wash, drive-in financial institutions, fast-food restaurants with drive-through windows, hotels, vehicle rental establishments, an increase in building height, and a waiver of sign regulations) to permit a modification of development conditions associated with the service station/ quick service food store and allow the sale of alcohol. The project site consists of two parcels containing 1.44 acres, located at 4475 Daly Drive, within the C-6 and WS Zoning Districts.

Development Condition 11 of SE 88-S-077-6 states the following:

The sale of alcoholic beverages at the quick service food store shall be permitted subject to the following conditions: 1) Sales of single bottles of beer or six-packs shall be prohibited; 2) Beer and wine shall not be refrigerated or kept chilled; 3) The Applicant shall install a sign in proximity to the beer and wine stating that alcoholic beverages shall not be consumed on the property.

The applicant requests the deletion of this development condition which places limits on the sale of alcohol. No modifications to the site or the existing structures are proposed.

A reduced copy of the Special Exception Amendment Plat (SEA Plat) is included at the front of this report. Copies of the proposed development conditions, the affidavit, and the applicant's statement of justification are included in Appendices 1, 2 and 3, respectively. The most recently approved development conditions, and proffers are included in Appendix 4. The applicable Comprehensive Plan text is included in Appendix 5 and the applicable Zoning Ordinance standards are included in Appendix 6.

LOCATION AND CHARACTER



Site Description:

The 1.45 acre SEA area is part of the 49.73 acre Chantilly Place Shopping Center, located in the northeast quadrant of the intersection of Route 28 and Willard Road, about ½ mile south of Route 50. The service station is situated in the southwest corner of the shopping center at the corner of Willard Road and Daly Drive. Access to this portion of the site will continue to be from Daly Drive and from two curb cuts on an existing internal driveway that runs along the north side of the SEA area. The surrounding area description includes:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Hotel	C-6	Office/hotel/restaurant use up to 0.7 FAR
East	Retail	C-6	Office/hotel/restaurant use up to 0.7 FAR
South	Office/flex space	I-5	Office/flex/ancillary retail up to 0.35
West	Restaurants	C-6	Office/hotel/restaurant use up to 0.7 FAR

BACKGROUND:

The property was developed with the existing retail center in 1989. The retail center has been subject to the following zoning applications (*existing proffers and conditions are on file with DPZ*):

- October 30, 1989 - Board of Supervisors approved RZ 88-S-026, subject to proffers dated October 27, 1989, concurrently with SE 88-S-077 development conditions dated October 30, 1989. The rezoning application converted 50 acres (including all of the subject property) to the C-6 district to permit the development of a retail center including a restaurant park and one or more office buildings, up to a maximum FAR of 0.35. The SE permitted a service station with quick service food store, car wash, fast food restaurants with drive-through windows, up to two drive-in banks, and an increase in building height to 75 feet for the potential office buildings. (It should be noted that the approved GDP provides for a flexible development where the buildings in the restaurant park can be expanded within the building envelopes shown on the GDP and replaced with by-right retail uses. Other retail uses can be replaced with office towers up to a maximum height of 75 feet. Structured parking is also allowed, if necessary).
- December 6, 1993 – The Board of Supervisors approved PCA 88-S-026 and SEA 88-S-077 to permit an expansion of the food store and car wash approved

with the original applications. The proffers accepted with the initial rezoning limited the size of the store to 500 square feet. Similarly, the Special Exception limited the size of the facility to that shown on the SE Plat. The PCA amended the proffers to increase the size of the food store to 900 square feet and the SEA amended the SE Plat for the service station pad site to reflect the increase in size of the food store and enlargement of the car wash.

- May 18, 1998 – The Board of Supervisors approved SEA 88-S-077-02 to permit the addition of 961 square feet of land area to the service station/food store/car wash site in order to allow two additional pump islands and a commensurate expansion of the canopy. The amendment also formally changed the use from a service station/quick-service food store/car wash to a service station/mini-mart and car wash.
- June 18, 1998 – The Board of Supervisors approved PCA 88-S-026-02 and SEA 88-S-077-03 to amend the proffers to permit two hotels at the retail center and to amend the SE to allow an increase in the height of the hotels to 75 feet.
- November 23, 1998 – The Board of Supervisors adopted Annual Plan Review item 98-III-5BR, which amended the Comprehensive Plan to provide an option to increase the FAR on Parcels 44-1 ((9)) A-F from 0.35 to 0.50 if the mixed uses of office, retail, exhibition center, and hotel are continued and expanded at the subject site.
- March 19, 2001, the Board of Supervisors approved a 30 month extension to commence construction of the two hotels approved with SEA 88-S-077-03.
- In 2002, the Holiday Inn was constructed on parcel F-3. The proposed hotel on parcel F-2 was never built and was substituted with a 45,000 sf. retail building.
- July 21, 2003 - The Board of Supervisors approved SEA 88-S-077-04 to permit a vehicle rental establishment to be located within the retail building on parcel F-2.
- 2011/2012 – The former north exhibition building was converted to a Wal-Mart Supercenter store, which opened in March of 2012.
- September 25, 2012 – The Board approved SEA 88-S-077-5 to allow for a new freestanding sign along Route 28 to exceed the sign area otherwise permitted by the Zoning Ordinance.
- October 8, 2013 - The Board of Supervisors approved PCA 88-S-026-3 subject to proffers dated October 4, 2013 and approved SEA 88-S-077-6 subject to development conditions dated October 4, 2013 to allow an expansion and reconfiguration of an existing Sunoco Service Station in the Chantilly Place Center shopping center, which included a new 3,500 square foot quick service

food store, the addition of 4 fuel pumps and the relocation of the car wash. The SEA application applied only to the 1.45-acre service station parcels (which are now Tax Map Parcels 44-1 ((9)) 9 pt. and 10), while the concurrent PCA applied to a larger 4.07 acre portion of the shopping center, which permitted a relocation of a previously approved building (Building I), which is now constructed as a restaurant on an adjacent Tax Map Parcel 44-1 ((9)) 19. ***The service station modifications have been constructed. A copy of the previously approved GDP/ SEA Plat, proffers and development conditions is located in Appendix 4.***

- June 29, 2016 - SEA 88-S-077-07 is scheduled for a Planning Commission public hearing. The applicant, Golden Brook, LLC requests approval to amend the same original Special Exception, previously approved to permit a service station/mini-mart, car wash, drive-in financial institution, fast food restaurants, hotel, vehicle rental establishment, and an increase in building height, on several parcels within the Chantilly Place Shopping Center, zoned C-6. The proposal would permit an additional drive-through fast food restaurant with 5,600 gross square feet on Tax Map Parcel 44-1 ((9)) 6, which was subject to the prior SE. This application is filed on a different portion of the shopping center and does not impact the current service station proposal.

COMPREHENSIVE PLAN PROVISIONS (Appendix 5)

Plan Area:	Area III
Plan District:	Bull Run
Planning Sector:	BR-3 Flatlick
Special Area:	Dulles Suburban Center – Land Unit E-3
Plan Map:	Retail and other uses
Plan Text:	

A review of the Comprehensive Plan's recommendations for the subject property indicates the site is generally developed in conformance with the plan. Specifically, the plan calls for a mixed-use center containing office, retail, an exhibition center, and a hotel (at a maximum FAR of 0.70). Any development above 0.35 FAR should address traffic on the surrounding roadways and include a grid of streets that promotes safe and improved vehicular and pedestrian circulation. The plan does not directly address auto-oriented uses, although it does recommend a coordinated, high-quality, urban style of architecture

ANALYSIS**General Development Plan/Special Exception Amendment Plat (GDP/SEA Plat) (Copy at front of the staff report)**

Title of GDP/ SEA Plat: GDP/SEA for Sunoco, Inc. (R&M) – 4475 Daly Drive

Prepared by: Cornerstone Consulting Engineers and Architectural, Inc.

Date: March 30, 2012 as revised through August 26, 2013

As no site modifications are proposed, the requirement to submit a Special Exception Amendment Plat was modified to allow the previously approved Special Exception Plat associated with SEA 88-S-077-06 to be submitted as the Special Exception Amendment Plat.

Proposal: The applicant seeks to amend Development Condition 11 to remove the limitations on the sale of alcoholic beverages. There are no external building or site modifications associated with the proposal.

The application was reviewed by staff from various agencies, including County Transportation, Urban Forest Management, and Stormwater Management. No agencies identified any negative impacts or concerns with the request.

Staff does not believe that the change in condition language to remove the limitations on the sale of alcoholic beverages will have a negative impact on the surrounding area.

ZONING ANALYSIS (Appendix 6)**ZO-97-294**

On January 27, 1997, the Board of Supervisors adopted ZO-97-294 as an amendment to Chapter 112 (Zoning) of the 1976 Code of the County of Fairfax to revise the definition of Service Station, by adding a new definition of Service Station/Mini Mart and revising the definition of Quick Service Food Store. Service Station/Mini Mart generally combines the service station and retail sales of food with a building area up to 2500 square feet and precludes the sale of alcoholic beverages. A service station with a retail sales of food in excess of 2,500 square feet but less than 5,000 square were deemed a service station with quick service food stores, which permitted the sale of alcoholic beverages. The current application carries forward improvements associated SEA 88-S-077-6, which included a new 3,500 square foot quick service food store with specific limitations on the sale of alcoholic beverages and the applicant seeks permission

to sell alcoholic beverages consistent with the definition of a quick service food store. Staff does not believe that the change in condition language to remove the limitations of the sale of alcoholic beverages will have a negative impact on the surrounding area.

Section 9-006 - General Standards

The General Special Exception standards of the Zoning Ordinance require that the proposal: be in harmony with the adopted Comprehensive Plan; be in conformance with the general purpose and intent of the applicable zoning district regulations; be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan, with the location, size, and height of buildings, structures, walls, and fences, and the nature and extent of screening, buffering, and landscaping 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; 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; and include landscaping, screening, open space, adequate utility, drainage, parking, loading, and other necessary facilities to serve the proposed use in accordance with the Zoning Ordinance. Signs shall be regulated by the provisions of Article 12. The Board may impose more strict sign requirements for a given use than those set forth in the Zoning Ordinance.

Conformance of the proposal with the General Standards of the Zoning Ordinance was evaluated under the original Special Exception application. There are no proposed external building or site modifications associated with the proposal and staff does not believe that the change in condition language to remove the limitations of the sale of alcoholic beverages will have a negative impact on the surrounding area. All other previously approved development conditions will be carried forward. One additional condition is proposed to address the new lighting fixtures that were installed on the new quick service food store building to ensure that the fixtures meet the performance measures in the Zoning Ordinance.

Section 9-503 - Standards for all Category 5 Uses

All Category 5 special exception uses shall comply with the lot size and bulk regulations of the zoning district in which located; shall comply with the performance standards specified for the zoning district in which located; and shall be subject to the provisions of Article 17, Site Plans.

Conformance of the proposal with the Standards for all Category 5 Uses was evaluated under the previous Special Exception application. There are no external building or site modifications associated with the proposal. Staff believes that these standards continue to be met. All other previously approved development conditions will be carried forward.

Section 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

The additional standards require that the proposal: have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated; shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties; shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation; shall provide and locate parking and stacking spaces in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site; in reviewing such a use or combination of uses, 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; shall be an integral design element for a site plan of an industrial building or building complex containing not less than 30,000 sq. ft. of gross floor area; and shall have no Building Permit approved unless a Building Permit has been approved for the related industrial building(s).

Conformance of the proposal with the Additional Standards was evaluated under the previous Special Exception application. There are no external building or site modifications associated with the proposal. Staff believes that these standards continue to be met. All other previously approved development conditions will be carried forward.

Overlay District Requirements

Water Supply Protection Overlay (WS) District (Part 8, Article 7)

The WS District requires that developments provide water quality control measures designed to reduce by one-half the projected phosphorus runoff

pollution for the proposed use. Such water quality control measures or Best Management Practices (BMPs) shall be reviewed, modified, waived, and/or approved by the Director in accordance with the Public Facilities Manual (PFM). In no instance shall the requirement for BMPs be modified or waived except where existing site characteristics make the provision impractical or unreasonable on-site and an alternative provision is not or cannot be accommodated off-site, and where it can be established that the modification or waiver will not affect the achievement of the water quality goals for the public water supply watershed as set forth in the adopted comprehensive plan.

Conformance of the proposal with the provisions of the Water Supply Protection Overlay District was evaluated under the original Special Exception application. There are no external building or site modifications associated with the proposal. Staff believes that the provisions of the WS District continue to be met.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

There are no external building or site modifications associated with the proposal and staff does not believe that the change in condition language to remove the limitations of the sale of alcoholic beverages will have a negative impact on the surrounding area. Staff concludes that the proposal would be in harmony with the Comprehensive Plan and the applicable Zoning Ordinance provisions.

Recommendations

Staff recommends approval of SEA 88-S-077-08, 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 application does not interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

APPENDICES

1. Proposed Development Conditions

2. Affidavit
3. Statement of Justification
4. SEA 88-S-077-06 - Previously Approved Development Conditions and Proffers
5. Comprehensive Plan Excerpts
6. Applicable Zoning Ordinance Standards
7. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS

SEA 88-S-077-68~~October 4, 2013~~June 15, 2016

If it is the intent of the Board of Supervisors to approve SEA 88-S-077-~~68~~, previously approved pursuant to SE 88-S-077 for a service station, car wash, and quick service food store and amended pursuant to SEA 88-S-077-~~and~~, SEA 88-S-077-2 and SEA 88-S-077-6 to allow ~~expansions of the car wash and quick service food store~~ minor modifications, located at the Chantilly Place Shopping Center [Tax Map 44-1 ((9), ~~Parcels E2 (part) and F2 (part)~~), ~~to permit the option for an expansion to the service station, car wash, and quick service food store~~) 9 pt and 10], pursuant to Sect. 9-505 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede the conditions in SEA-88-S-077-~~26~~ that relate to the service station, quick service food store, and car wash. All other existing conditions in SEA-88-S-077-2 shall remain in full force and effect and are not modified by these conditions except where inconsistent, in which case these conditions shall supersede -(those conditions carried forward from previous approvals 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 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.
 - A. ~~In the event that the option for an expansion of the service station, quick service food store, and car wash is implemented,~~ Aany plan shall be in substantial conformance with the Generalized Development Plan/Special Exception Amendment Plat entitled "Generalized Development Plan/Special Exception Amendment Plat for Sunoco, Inc. (R&M)", prepared by Cornerstone Consulting dated March 3, 2012, as revised through September 10, 2013, and these conditions.
 - B. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Subject to the proffers accepted in conjunction with RZ 86-S-026, as amended, and the regulations for the C-6 District in the Zoning Ordinance, any portion of

the property may be subject to special exception amendment (SEA) without joinder and/or consent of the owners of the other portion of the property if such SEA does not affect such other portion of the property. Previously approved development conditions applicable to the portion of the property not subject to the SEA shall otherwise remain in full force and effect.*

5. Landscaping for the service station property shall be provided in accordance with the landscape plan shown on the Special Exception Amendment dated March 3, 2012, as revised through August 26, 2013. All landscaping shall be maintained in good condition and shall receive regular maintenance. This maintenance includes, but is not limited to, removal of dead/diseased plantings and their prompt replacement to maintain the required landscaping of this Special Exception, as determined by Urban Forest Management.*
6. Directional signage shall be provided as determined necessary by the Director of DPWES to facilitate traffic flow and pedestrian movements to the adjacent fast food park and retail/office development.*
7. Signage for the service station, quick service food store, and car wash shall be of compatible materials and of consistent character with the architectural treatment of the service station, ~~may be lighted, and may be either building mounted or freestanding in accordance with the provisions of Article 12 of the Zoning Ordinance.~~ If freestanding, signs are proposed, the signage shall be ground mounted and shall not exceed six (6) feet in height.*
8. The car wash shall be equipped to capture at least 80% of the waste water associated with a single cycle of the car wash operation. All waste water discharged from the car wash shall be discharged to the sanitary sewer system.*
9. The quick service food store on the site shall incorporate environmentally sustainable attributes into its building program, that may include, but not necessarily be limited to, such elements as high-efficiency mechanical systems, use of materials with recycled content, a high performance and insulated building envelope, water efficient fixtures, low volatile organic compounds in paints, sealants and finish materials, construction waste management, and storage and collection of recyclables.*
10. At the time of site plan approval, the applicant may utilize the existing stormwater management system for the Chantilly Place Shopping Center, of which the subject site is a part, in lieu of the proposed new stormwater structures and facilities shown on the SEA Plat, subject to determination by DPWES that such substitution would be adequate and in conformance with all applicable standards of the Public Facilities Manual and Zoning Ordinance.*
- ~~11. The sale of alcoholic beverages at the quick service food store shall be permitted subject to the following conditions: 1) Sales of single bottles of beer or six-packs~~

~~shall be prohibited; 2) Beer and wine shall not be refrigerated or kept chilled; 3) The Applicant shall install a sign in proximity to the beer and wine stating that alcoholic beverages shall not be consumed on the property. Prior to the issuance of the Non-Residential Use Permit (Non-RUP), the applicant shall demonstrate to the satisfaction of the Department of Planning and Zoning - Zoning Inspections Branch that the wall mounted lighting fixtures are in conformance with the performance standards in Article 14 of the Zoning Ordinance.~~

~~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 amendment to permit an expansion to the service station, car wash, and quick service food store, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 1, 2016
 (enter date affidavit is notarized)

133747a

I, Sara V. Mariska, 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 88-S-077-08
 (enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Willard Road Mart, Inc. Agent: Lewis A. Carroll	4475 Daly Drive Chantilly, VA 20151	Applicant/Lessee of Tax Map 44-1 ((9)) 9 pt. and 10
Sunoco, LLC Agents: Joan C. Scarpa Anthony M. Williams Michael L. Millman	1900 Dalrock Road Rowlett, TX 75088	Ground Lessee/Lessor of Tax Map 44-1 ((9)) 9 pt. and 10

(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)

133747a

DATE: June 1, 2016
(enter date affidavit is notarized)

for Application No. (s): SEA 88-S-077-08
(enter County-assigned application number (s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Golden Brook, LLC Agents: Robert F. Pence Geoffrey W. Pence	11708 Bowman Green Drive Reston, VA 20190	Title Owner/Ground Lessor of Tax Map 44-1 ((9)) 9 pt. and 10
Walsh, Colucci, Lubeley & Walsh, P.C.	2200 Clarendon Boulevard, Suite 1300 Arlington, VA 22201	Attorneys/Agents for Applicant
Agents: Martin D. Walsh Lynne J. Strobel M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Andrew A. Painter Matthew J. Allman Jeffrey R. Sunderland Robert D. Brant Elizabeth D. Baker Inda E. Stagg Amy E. Friedlander		Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney*/Agent Attorney/Agent Planner/Agent Planner/Agent 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: June 1, 2016
(enter date affidavit is notarized)

133747a

for Application No. (s): SEA 88-S-077-08
(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)

Willard Road Mart, Inc.
4475 Daly Drive
Chantilly, VA 20151

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)

Lewis A. Carroll
Bonnye B. Carroll

(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: June 1, 2016
(enter date affidavit is notarized)

133747a

for Application No. (s): SEA 88-S-077-08
(enter County-assigned application number (s))

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

Sunoco, LLC
1900 Dalrock Road
Rowlett, TX 75088

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)

Members:

- 1) ETP Retail Holdings, LLC
- 2) Susser Petroleum Operating Company LLC

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

- 2) Susser Petroleum Operating Company LLC
4525 Ayers Street
Corpus Christi, TX 78415

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)

- 3) Sunoco LP, Sole 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)

DATE: June 1, 2016
(enter date affidavit is notarized)

133747a

for Application No. (s): SEA 88-S-077-08
(enter County-assigned application number (s))

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

- 1) ETP Retail Holdings, LLC
3738 Oak Lawn Avenue
Dallas, Texas 75219

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)

- Members:
- Atlantic Refining & Marketing Corp. (owns less than 10% of Sunoco, LLC)
 - La Grange Acquisition, L.P. (owns less than 10% of Sunoco, LLC)
 - 4) Sunoco, Inc. (R&M)

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

- 4) Sunoco, Inc. (R&M)
10 Industrial Highway
Lester, PA 19029

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)

- 5) - ETP Holding Corporation

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

Special Exception Attachment to Par. 1(b)

DATE: June 1, 2016
(enter date affidavit is notarized)

133747a

for Application No. (s): SEA 88-S-077-08
(enter County-assigned application number (s))

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

- 5) ETP Holding Corporation
3738 Oak Lawn Avenue
Dallas, TX 75219

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)

- 6) Energy Transfer Equity, L.P.
- 7) Energy Transfer Partners, L.P.

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	

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

Special Exception Attachment to Par. 1(b)

DATE: June 1, 2016
(enter date affidavit is notarized)

133747a

for Application No. (s): SEA 88-S-077-08
(enter County-assigned application number (s))

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

Golden Brook, LLC
11708 Bowman Green Drive
Reston, VA 20190

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)

Robert Frank Pence, Manager and Member.	Beverly M. Dietz, Member
Geoffrey W. Pence, Manager	TPG Holdings, LLC

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

TPG Holdings LLC
11708 Bowman Green Drive
Reston, VA 20190

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)

Geoffrey W. Pence
Stephen P. Pence
Brian F. Pence

(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: June 1, 2016
(enter date affidavit is notarized)

133747a

for Application No. (s): SEA 88-S-077-08
(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)

3) Sunoco LP
555 East Airtex Drive
Houston, TX 77073

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

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

General Partner/Manager:
Sunoco GP LLC (owns less than 10% of Sunoco, LLC)

Sunoco LP is a master limited partnership consisting of millions of limited partners/investors and publicly traded on the NYSE.

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

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

Special Exception Attachment to Par. 1(c)

DATE: June 1, 2016
(enter date affidavit is notarized)

133747a

for Application No. (s): SEA 88-S-077-08
(enter County-assigned application number (s))

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

6) Energy Transfer Equity LP
3738 Oak Lawn Avenue
Dallas, TX 75219

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

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

General Partner/Manager:

LE GP, LLC (owns less than 10% of Sunoco, LLC)

Energy Transfer Equity LP is a master limited partnership consisting of millions of limited partners/investors and publicly traded on the NYSE

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

Special Exception Attachment to Par. 1(c)

DATE: June 1, 2016
(enter date affidavit is notarized)

133747a

for Application No. (s): SEA 88-S-077-08
(enter County-assigned application number (s))

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

- 7) Energy Transfer Partners, L.P.
3738 Oak Lawn Avenue
Dallas, TX 75219

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

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

General Partner/Manager:

- 8) Energy Transfer Partners GP, LP

Energy Transfer Partners LP is a master limited partnership consisting of millions of limited partners/investors and publicly traded on the NYSE

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

Special Exception Attachment to Par. 1(c)

DATE: June 1, 2016
(enter date affidavit is notarized)

133747a

for Application No. (s): SEA 88-S-077-08
(enter County-assigned application number (s))

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

- 8) Energy Transfer Partners GP, LP
3738 Oak Lawn Avenue
Dallas, TX 75219

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

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

General Partner:
Energy Transfer Partners, L.L.C. (owns
less than 10% of Sunoco, LLC)

Limited Partner:
7) Energy Transfer Partners, L.P.

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 1, 2016
(enter date affidavit is notarized)

133747a

for Application No. (s): SEA 88-S-077-08
(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: June 1, 2016
(enter date affidavit is notarized)

133747a

for Application No. (s): SEA 88-S-077-08
(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.)

Robert F. Pence, of Golden Brook, LLC, the title owner/ground lessor listed in Section 1(a) of this affidavit, donated in excess of \$100 to Patrick Herry for Fairfax County Board of Supervisors.

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
Sara V. Mariska, attorney/agent

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

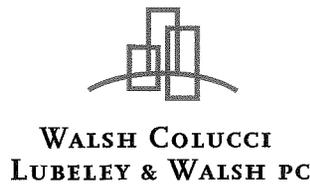
Subscribed and sworn to before me this 1 day of June 2016, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2019

KIMBERLY K. FOLLIN
Registration # 283945
Notary Public
COMMONWEALTH OF VIRGINIA

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



RECEIVED
Department of Planning & Zoning
JAN 20 2016
Zoning Evaluation Division

January 20, 2016

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: Willard Road Mart, 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 44-1 ((9)) 9 (part) and 10 (the "Subject Property").

Zoned to the C-6 and Water Supply Protection Overlay Districts, the Subject Property has been the subject of several prior zoning approvals. On June 8, 1998 PCA 88-S-026-2 and SEA 88-S-077-3 were approved subject to proffers dated April 16, 1998. Pursuant to these approvals, a portion of the Subject Property was developed with a service station, mini-mart, and a single-bay car wash. The Board of Supervisors (the "Board") approved SEA 88-S-077-4 on July 21, 2003 and SEA 88-S-077-5 on September 25, 2012; however, those approvals did not impact the development of the existing service station, mini mart, and car wash. On October 8, 2013, the Board approved SEA 88-077-06 and PCA 88-S-026 to allow construction of an approximately 3,500 square foot quick service food store, addition of 4 fuel pumps, and relocation and reconstruction of the car wash.

The Applicant has recently implemented the 2013 approvals. The Applicant files this application only to modify development condition 11, which includes restrictions on the sale of alcoholic beverages. The Applicant proposes no physical improvements to the Subject Property. This application proposes only to modify development condition 11 of SEA 88-S-077-4 to remove the restrictions 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.

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

The Subject Property is located within Area III of the Fairfax County Comprehensive Plan (the "Plan"). More specifically, the Subject Property is located within Dulles Suburban Center, Land Unit E-3. The Plan map designates the Subject Property as appropriate for retail and other uses. The Plan states that this area is currently developed as a mix of office, retail, and industrial uses and is planned for a mixed-use center up to a maximum FAR of 0.70. The Plan contains specific conditions for redevelopment above the existing 0.35 FAR proffered maximum; however, this Application simply seeks to delete an existing condition and does not seek an increase above the existing maximum FAR. The continued use of the Subject Property as a service station with a quick service food store and car wash is in conformance with the Plan's recommendation for a mixed-use center on the Subject Property.

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 1,500 persons per day.
- The number of employees is a maximum of four (4) on site at any one time.
- The existing use generates approximately 3,000 trips per day.
- The general area to be served by the use is Chantilly and the surrounding area.
- The existing use results in approximately 3,159 square feet of GFA for the quick service food store and approximately 1,056 square feet of GFA for the car wash. No modifications are proposed to the existing structures which are comprised of glass and concrete block.
- 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.

A handwritten signature in cursive script that reads "Sara V. Mariska".

Sara V. Mariska

cc: Lewis Carroll
Jeff Sunderland
Lynne J. Strobel
Martin D. Walsh



County of Fairfax, Virginia

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

October 9, 2013

Sara V. Mariska
Walsh, Colucci, Lubeley, Emrich &
Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

RE: Special Exception Amendment Application SEA 88-S-077-06
(Concurrent with Proffered Condition Amendment Application PCA 88-S-026)

Dear Ms. Mariska:

At a regular meeting of the Board of Supervisors on October 8, 2013, the Board approved Special Exception Amendment Application SEA 88-S-077-06 in the name of Sunoco, Inc. (R&M). The subject property is located at 4475 Daly Drive, on approximately 1.45 acres of land zoned C-6 and WS in the Sully District, Tax Map 44-1 ((9)) E2 pt. and F2 pt. The Board's action amends Special Exception Application SE 88-S-077 previously approved for a service station, quick service food store, carwash, drive-in financial institutions, fast food restaurants with drive thru windows, increase in building height, hotels, vehicle rental establishments, and a waiver of sign regulations to permit redevelopment of the existing service station, quick service food store and car wash and associated modifications to site design and development conditions pursuant to Section 4-604 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions. Previously approved conditions or those with minor modifications 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 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.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

- A. In the event that the option for an expansion of the service station, quick service food store, and car wash is implemented, any plan shall be in substantial conformance with the Generalized Development Plan/Special Exception Amendment Plat entitled "Generalized Development Plan/Special Exception Amendment Plat for Sunoco, Inc. (R&M)", prepared by Cornerstone Consulting dated March 3, 2012, as revised through September 10, 2013, and these conditions.
 - B. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Subject to the proffers accepted in conjunction with RZ 86-S-026, as amended, and the regulations for the C-6 District in the Zoning Ordinance, any portion of the property may be subject to special exception amendment (SEA) without joinder and/or consent of the owners of the other portion of the property if such SEA does not affect such other portion of the property. Previously approved development conditions applicable to the portion of the property not subject to the SEA shall otherwise remain in full force and effect.*
 5. Landscaping for the service station property shall be provided in accordance with the landscape plan shown on the Special Exception Amendment dated March 3, 2012, as revised through August 26, 2013. All landscaping shall be maintained in good condition and shall receive regular maintenance. This maintenance includes, but is not limited to, removal of dead/diseased plantings and their prompt replacement to maintain the required landscaping of this Special Exception, as determined by Urban Forest Management.
 6. Directional signage shall be provided as determined necessary by the Director of DPWES to facilitate traffic flow and pedestrian movements to the adjacent fast food park and retail/office development.*
 7. Signage for the service station, quick service food store, and car wash shall be of compatible materials and of consistent character with the architectural treatment of the service station, may be lighted, and may be either building mounted or freestanding in accordance with the provisions of Article 12 of the Zoning Ordinance. If freestanding, signage shall be ground mounted and shall not exceed six (6) feet in height.*
 8. The car wash shall be equipped to capture at least 80% of the waste water associated with a single cycle of the car wash operation. All waste water discharged from the car wash shall be discharged to the sanitary sewer system.
 9. The quick service food store on the site shall incorporate environmentally sustainable attributes into its building program, that may include, but not necessarily be limited to, such elements as high-efficiency mechanical systems, use of materials with recycled content, a high performance and insulated building envelope, water efficient fixtures, low volatile organic compounds in

paints, sealants and finish materials, construction waste management, and storage and collection of recyclables.

10. At the time of site plan approval the applicant may utilize the existing stormwater management system for the Chantilly Place Shopping Center, of which the subject site is a part, in lieu of the proposed new stormwater structures and facilities shown on the SEA Plat, subject to determination by DPWES that such substitution would be adequate and in conformance with all applicable standards of the Public Facilities Manual and Zoning Ordinance.
11. The sale of alcoholic beverages at the quick service food store shall be permitted subject to the following conditions: 1) Sales of single bottles of beer or six-packs shall be prohibited; 2) Beer and wine shall not be refrigerated or kept chilled; 3) The Applicant shall install a sign in proximity to the beer and wine stating that alcoholic beverages shall not be consumed on the property.

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 amendment to permit an expansion to the service station, car wash, and quick service food store, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

October 9, 2013

cc: Chairman Sharon Bulova
Supervisor Michael Frey, Sully District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division
Donald Stephens, Department of Transportation
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

PROFFERS**SUNOCO, INC. (R&M)****PCA 88-S-026-03****October 4, 2013**

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, Sunoco, Inc. (R&M) (hereinafter referred to as the "Applicant") and Golden Brook, LLC (hereinafter referred to as the "Title Owner/Lessor") for themselves, successors and assigns in PCA 88-S-026-03, filed for property identified as Tax Map 44-1 ((1)) (9) E2 (part) and F2 (part) comprised of approximately 4.07 acres (hereinafter referred to as the "Application Property") hereby proffer that the development of the Application Property shall be in accordance with the following proffers, provided that the Board of Supervisors approves PCA 88-S-026-03 and SEA 88-S-077-06. All other existing proffers affecting the Application Property shall remain in full force and effect and are not modified by these proffers except where inconsistent, in which case these proffers shall supersede.

1. GENERALIZED DEVELOPMENT PLAN AND USES

- a. Subject to the provisions of 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the property subject to SEA 88-S-077-06 shall be in substantial conformance with the generalized development plan/special exception amendment plat ("GDP/SEA Plat") consisting of thirteen (13) sheets, prepared by Cornerstone Consulting dated March 30, 2012 and revised through September 10, 2013. The remainder of the Application Property shall be developed in substantial conformance with the Generalized Development Plan dated March 17, 1998 consisting of two (2) sheets prepared by Huntley, Nyce & Associates, P.C., approved with PCA 88-S-026-2 ("1998 GDP"). The Title Owner/Lessor reserves the right to relocate Building I within the land area of the Application Property that is not subject to SEA 88-S-077-06.
- b. Subject to the provisions of Section 18-204 of the Zoning Ordinance, minor modifications to the GDP/SEA Plat and 1998 GDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to modify the layout shown on the GDP/SEA Plat as to the property subject to SEA 88-S-077-06 and the Title Owner/Lessor reserves the same right as to the GDP/SEA Plat and 1998 GDP, at time of site plan based on final engineering and design provided that there is no decrease in the amount or location of open space or landscaping as shown on the GDP/SEA Plat and 1998 GDP.

- c. As shown on the GDP/SEA Plat, the area subject to SEA 88-S-077-06 shall be permitted to be developed with a service station, car wash, and quick service food store.

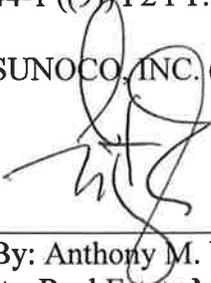
The following proffers shall hereby be deleted:

Proffer #5 and Proffer #22.

[SIGNATURES BEGIN ON NEXT PAGE]

APPLICANT/LESSEE OF TAX MAP
44-1 ((9)) F2 PT., E2 PT.

SUNOCO, INC. (R&M)



By: Anthony M. Williams
Its: Real Estate Manager

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER/LESSOR OF
TAX MAP 44-1 ((9)) F2 PT., E2 PT.

GOLDEN BROOK, LLC



By: Robert F. Pence
Its: Manager

[SIGNATURES END]

COMPREHENSIVE PLAN EXCERPTS

FAIRFAX COUNTY COMPREHENSIVE PLAN, 2013 Edition, AREA III, Dulles Suburban Center, Land Unit E-3, Amended through 10-20-2015, Pages 115:

Land Unit E-3

- “1. Except for Parcels 44-1((9))A-F, and Parcels 34-4((1))41-45, the area north of Willard Road is primarily developed as the Sullyfield Business Park. Sullyfield is planned and developed as a mix of office, retail and industrial uses at .35 FAR.**
- A mixed use center including office, retail, exhibition center and hotel uses, is planned for the northeast quadrant of the intersection of Route 28 and Willard Road (Parcels 44-1((9))A-F). Recognizing the synergy of the unique mix of uses approved for these parcels, an increase up to a maximum FAR of .70 could be appropriate for said parcels provided: 1) traffic impacts on surrounding road network, must be evaluated for any increase of development intensity above .35 FAR; addressed in conjunction with the any rezoning, proffer condition amendment and/or special exception application(s) seeking such an increase; 2) the redevelopment should contain a mix of office, retail, and hotel; and the exhibition center of no more than 310,000 square feet; 3) the site should redevelop in a manner that provides a grid of streets that promotes safe and improved on-site vehicular and pedestrian circulation and a coordinated, high quality, urban style of architecture; 4) plans for redevelopment should include additional safe and convenient site access from abutting streets that is appropriate to the type and intensity of the ultimate uses and pattern of development. As an alternative to the requirement to provide additional access point(s) referenced above, reconfiguration of existing access points, with the demonstration that such reconfiguration will adequately mitigate the proposed additional traffic, may be permitted; and 5) a portion of the site should be designed to incorporate access to the site for enhanced public transportation, which is anticipated to be provided in the corridor.”**

ZONING ORDINANCE EXCERPTS

9-006 General Standards

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

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

9-503 - 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 alterations 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 reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.

E. For a drive-through pharmacy, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive-through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.

5. In the I-3, I-4, I-5 and I-6 Districts, in addition to Par. 1 above:

A. All such uses, except drive-in financial institutions, shall be an integral design element of a site plan for an industrial building or building complex containing not less than 30,000 square feet of gross floor area.

B. In an I-3 or I-4 District, there shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station.

C. In an I-3 or I-4 District, service stations shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than four (4) such vehicles on site at any one time.

D. No Building Permit shall be approved for such a use unless a Building Permit has been approved for the related industrial building(s).

E. The outdoor area devoted to any use such as vehicle or tool rental shall be limited to that area so designated on an approved special exception plat.

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		