



County of Fairfax, Virginia

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

July 13, 2016

Frank McDermott
Hunton & Williams LLP
1751 Pinnacle Drive, Ste. 1700
McLean, VA 22102

RECEIVED
Department of Planning & Zoning

JUL 22 2016

Zoning Evaluation Division

RE: Special Exception Amendment Application SEA 88-S-077-07

Dear Mr. McDermott:

At a regular meeting of the Board of Supervisors on July 12, 2016, the Board approved Special Exception Amendment Application SEA 88-S-077-07 in the name of the Golden Brook, LLC. The subject property is located at Chantilly Shopping Center, on approximately 1.41 ac of land zoned C-6 and WS in the Sully District [Tax Map 44-1 ((9)) 6]. The Board's action amends Special Exception Application SE 88-S-077 previously approved for a service station/quick-service food store, car wash, drive-in financial institution, fast-food restaurants, hotel, vehicle rental establishment, and increase in building height, to permit an additional fast food restaurant with drive-thru window, and associated modifications to site design and development conditions. Previously approved conditions or those with minor modifications are marked with an asterisk (*).

1. This Special Exception Amendment ("SEA") is granted for and runs with the land indicated in this application, and is not transferable to other land. *
2. This SEA is granted only for the purpose(s), structure(s) and/or use(s) indicated on the SEA Plat approved with this application, as qualified by these development conditions.*
3. This SEA is subject to the provisions of Article 17, Site Plans. Any plan submitted in conjunction with this approval shall be in substantial conformance with the approved SEA Plat, consisting of nine (9) sheets, entitled "Special Exception Amendment Plat for Golden Brook, LLC", prepared by Bohler Engineering and dated October 14, 2015, as revised through May 6, 2016, and these conditions. Outdoor seating/dining for the proposed fast-food restaurant shall be permitted on the Property within the building envelope area depicted on the SEA Plat, provided adequate parking is provided, per the Zoning Ordinance. Minor modifications to the approved SEA Plat shall be permitted, as determined by the Zoning Administrator, pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance. *

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: 711

Email: clerktothebos@fairfaxcounty.gov

<http://www.fairfaxcounty.gov/bosclerk>

4. Subject to approval by VDOT, and prior to receiving a Non-RUP for the fast food use, the applicant shall complete construction of an approximately 130 foot long (including taper) right turn lane on westbound Willard Road, at its intersection with Chantilly Shopping Center Drive, as shown on Sheet 9 of the SEA Plat.
5. As committed by proffer in RZ 88-S-026, and prior development conditions, the building facades and related structures (including dumpster enclosures and signage) shall be compatible with the character and architecture of the remainder of the shopping center, to be determined at the time of building plan review. All four sides of the fast food restaurant building shall be architecturally treated, and building façade materials may include brick, tile, concrete tile, masonry block, glass and/or metal. *
6. A parking tabulation for the entire shopping center site shall be included on any site plan associated with this SEA and approved by DPWES prior to final site plan approval. No Non-Residential Use Permit (Non-RUP) for the use shall be issued unless it has been demonstrated that parking for the entire shopping center can be provided in accordance with the Zoning Ordinance, as determined by DPWES. *
7. Directional signage (as permitted by Article 12) shall be provided, as generally depicted on the SEA Plat, and as determined necessary to facilitate orderly traffic flow to and from the drive-through. Such directional signage shall be of compatible materials, and of consistent character with the architectural treatment of the shopping center. *
8. Landscaping for the proposed fast food use shall be provided in substantial conformance with the Landscape Plan shown on the SEA Plat. Any tree or shrub determined to negatively impact existing utility easements or sight distance shall be replaced with planting(s) of an appropriate size or relocated elsewhere on the site with an equal size and quantity, as determined by the Urban Forest Management Division (UFMD) of DPWES. All landscaping shall be maintained in good condition and/or replaced, as needed, for the life of the SEA. *
9. All street trees shall be considered required landscaping, and shall be maintained and/or replaced (with species acceptable to UFMD), as needed, to maintain the streetscape shown on the SEA Plat.
10. The fast food restaurant owner/operator shall be responsible for daily removal of litter on the Property.
11. Green Building Commitment:
 - (i) The Applicant shall include, as part of the site plan submission for the Building, a statement certifying that a LEED-accredited professional who is also a professional engineer or a licensed architect is a member of the design team ("LEED-AP"), and that the LEED-AP is working with the team to incorporate the green building elements identified below, or equivalent green building elements,

as determined by The Environment and Development Review Branch (EDRB) of DPZ.

- (ii) Prior to building plan approval for the Property, the Applicant shall execute a separate agreement and post a "green building escrow," in the form of cash or a letter of credit from a financial institution acceptable to DPWES and defined in the Public Facilities Manual. The amount of the escrow shall be \$2.00 per square foot of gross floor area of the building. The green building escrow shall be in addition to and separate from other bond requirements, and shall be released prior to final construction bond release, once the following conditions have been met:
- a. The LEED-AP has submitted a certification statement, including supporting documentation, confirming that the green building elements listed below, or approved equivalent green building elements, have been incorporated into the design and construction of the Building.
 - b. EDRB concurs with and accepts the certification statement.

If the Chief of EDRB does not concur or accept the certification statement, and a review of the documentation determines that the green building elements listed below have not been implemented or included in the design and construction of the project, then the Chief of EDRB shall notify the Applicant's LEED-AP. The Applicant's LEED-AP and the Chief of EDRB shall discuss the potential deficiencies and develop appropriate resolutions, which may include substitute techniques or elements that achieve the same intended sustainability or energy conservation benefits, or their equivalent. Thereafter, if the Applicant fails to take the necessary corrective actions and have the Applicant's LEED-AP submit a revised certification statement with supporting documentation within 90 days, then the entirety of the green building escrow for the property shall be released to Fairfax County and shall be posted to a fund within the county budget supporting implementation of county environmental initiatives. However, if the necessary corrective actions cannot be completed within 90 days, and the Applicant can provide documentation in support of this, then the time period may be extended as determined appropriate by the Zoning Administrator and no release of escrowed funds shall be made to either the Applicant or the county during this time period.

(iii) Green building elements:

The fast food restaurant (the "Building") shall have incorporated into its building program the following green building elements, which are based on the principles of the U.S. Green Building Council's ("USGBC") Leadership in Energy and Environmental Design for new construction ("LEED-NC") rating system; or such other equivalent green building elements from LEED-NC or an alternative rating system that may be applicable at the time of the Building's design, as determined in consultation with the Environment and Development Review Branch of DPZ ("EDRB"). All required documentation referenced below shall be provided with

the certification statement, and accepted by EDRB, as described in section (ii), above.

- (a) The Applicant shall provide a secure bicycle rack for bicycles, with a total number of bike parking spaces consistent with the Fairfax County Policy and Guidelines for Bicycle Parking for a fast food restaurant of this size, as approved by FCDOT at the time of site plan review. The Applicant shall provide proof of installation and plan location.
- (b) The Applicant shall exclusively use regionally adaptive and non-invasive species for new landscape and other new plantings on the Property. The Applicant shall provide a planting list showing species and location of plantings.
- (c) The Applicant shall install on the building a roofing membrane with a Solar Reflectance Index (SRI) appropriate to the slope of the roof (i.e., for a low-sloped roof (<2:12) equal to or greater than 78 for a minimum of 75% of the total roof area; and for a high-sloped roof (>2:12) equal to or greater than 29). The Applicant shall provide proof of installation, roof area calculations and manufacturers' product data.
- (d) The Applicant shall install water-efficient landscaping, as determined by the Urban Forest Management Division ("UFMD"), to be detailed on a landscape plan included with the site plan that lists the species, number, size, and spacing of trees and plant materials, and shall provide proof of installation and the installation date.
- (e) For new lighting installed for the use associated with this SEA, the Applicant shall provide an exterior site lighting system that uses full cutoff fixtures and LED technology to minimize light pollution and reduce energy consumption. The Applicant shall provide lighting specifications and locations.
- (f) The Applicant shall install motion sensor faucets and flush valves, and ultralow-flow plumbing fixtures that have a maximum water usage as listed below. The Applicant shall provide proof of installation and manufacturers' product data.
 - Water Closet (gallons per flush, gpf) 1.28
 - Urinal (gpf) 0.5
 - Showerheads (gallons per minute, gpm*) 2.0
 - Lavatory faucets (gpm**) 1.5
 - Kitchen and janitor sink faucets 2.20
 - Metering faucets 0.25

* When measured at a flowing water pressure of 80 pounds per square inch (psi).

** When measured at a flowing water pressure of 60 pounds per square inch (psi).

- (g) The Applicant shall hire a commissioning authority and develop and incorporate commissioning requirements into the design and construction of the building. The commissioning authority hired by the Applicant shall develop and implement a commissioning plan and verify the installation and performance of the systems to be commissioned, as well as preparing a final report. The Applicant shall provide proof of hiring of the commissioning authority, as well as the final commissioning report.
- (h) The project shall not have any chlorofluorocarbon (CFC) based refrigerants in any of the building systems. The Applicant shall provide manufacturer's specification sheets for any refrigerant installed in the building.
- (i) The project shall benchmark energy usage using the ENERGY STAR Portfolio Manager. The Applicant shall provide a report from Portfolio Manager prior to final bond release.
- (j) The Applicant shall provide an area for the separation, collection and storage of glass, paper, metal, plastic and cardboard generated by both customers and employees. There shall be a dedicated area for the storage of the recycled materials. The Applicant shall provide proof of installation, installation locations and a copy of the Applicant's recycling hauling contract.
- (k) The Applicant shall use low-emitting materials for all adhesives, sealants, paints, coatings, flooring systems, composite wood, and agrifiber products, as well as furniture and furnishings if available. Low-emitting is defined according to the following table:

Application	(VOC Limit g/L less water)
• Carpet Adhesive	50
• Rubber floor adhesive	60
• Ceramic tile adhesive	65
• Anti-corrosive/ anti-rust paint	250
• Clear wood finishes	350

The Applicant shall provide proof of installation and the manufacturers' product data.

- (l) For any carpet, the Applicant shall install carpet and carpet padding that shall meet the testing and product requirements of the Carpet and Rug Institute Green Label Plus Program. The Applicant shall provide proof of installation and the manufacturers' product data.
- (m) For tile flooring, the Applicant shall install vinyl composition tile and rubber tile flooring that shall meet the requirements of the FloorScore certification program. The Applicant shall provide proof of installation and the manufacturers' product data and certification letter.
- (n) The Applicant shall install only LED or fluorescent lamps in all interior building lighting fixtures. The Applicant shall provide a maximum lighting

power allowance of 1.25 watts/square foot (code maximum is 1.5 watts/square foot for retail area and 0.9 watts/per square foot for the service department area). The Applicant shall provide proof of installation, energy usage calculations and manufacturers' product data.

- (o) The Applicant shall install Energy Star appliances and equipment for all refrigerators, dishwashers, water heaters, water coolers, and other appliances (if available). The Applicant shall provide proof of installation, installation locations, and manufacturers' product data, including the Energy Star energy guide.

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 a fast food restaurant with drive-through, expires 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.

The Board also:

- Directed the Director of the Department of Public Works and Environmental Services to approve a deviation of tree preservation target, per Public Facilities Manual Section 12-0508.3A, in favor of a conditioned commitment to maintain and/or replace existing streetscape trees located within utility easements

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

SEA 88-S-077-07
July 13, 2016

-7-

cc: Chairman Sharon Bulova
Supervisor Linda Smith, Sully District
Howard Goodie, 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
Michael Davis, Section Chief, Transportation, Planning Division
Donald Stephens, Department of Transportation
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Abdi Hamud, Development Officer, DHCD/Design Development Division
Jill Cooper, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation



COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Evaluation Division

12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: SEA 84-5-077-07
 (Staff will assign)

RECEIVED
 Department of Planning & Zoning

OCT 14 2015

APPLICATION FOR A SPECIAL EXCEPTION

(PLEASE TYPE or PRINT IN BLACK INK)

Zoning Evaluation Division

APPLICANT	NAME Golden Brook, LLC	
	MAILING ADDRESS 11708 Bowman Green Drive Reston, VA 20190	
	PHONE HOME ()	WORK (703) 827-8300
	PHONE MOBILE ()	
PROPERTY INFORMATION	PROPERTY ADDRESS Chantilly Shopping Center Chantilly, VA 20151	
	TAX MAP NO. 44-1-((9))-6	SIZE (ACRES/SQ FT) ± 1.415 acres
	ZONING DISTRICT C-6, WS	MAGISTERIAL DISTRICT Sully
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: N/A	
	ZONING ORDINANCE SECTION §4-604; §4-605(1)(B)	
SPECIAL EXCEPTION REQUEST INFORMATION	PROPOSED USE Drive-through Fast Food Restaurant	
	AGENT/CONTACT INFORMATION	
AGENT/CONTACT INFORMATION	NAME Francis A. McDermott	
	MAILING ADDRESS Hunton & Williams LLP 1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	
	PHONE HOME ()	WORK (703) 714-7422
	PHONE MOBILE ()	
MAILING	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact	

The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.

Golden Brook, LLC, by Geoffrey W. Pence, Manager

TYPE/PRINT NAME OF APPLICANT/AGENT

SIGNATURE OF APPLICANT/AGENT

DO NOT WRITE IN THIS SPACE

Geoffrey W. Pence

SEA 2015-0320

Date Application accepted: 11/17/2015

Application Fee Paid: \$ 16,375.00