



**APPLICATION ACCEPTED:** June 28, 2016  
**PLANNING COMMISSION:** September 22, 2016  
**BOARD OF SUPERVISORS:** (to be determined)

## County of Fairfax, Virginia

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**September 7, 2016**  
**STAFF REPORT**  
**SE 2016-SU-015**  
**SULLY DISTRICT**



**APPLICANT:** Ardavan Badii & Forouzandeh Farnoush,  
aka Forouz Farnoush, dba Bullion & Diamonds Co., LLC

**ZONING:** C-8 (Highway Commercial), AN, HC, WS **WS**

**PARCEL:** 34-3 ((1)) 5A

**ACREAGE:** 3.44 acres

**PLAN MAP:** Industrial

**SE CATEGORY:** Category 5 – Commercial and Industrial Uses of Special Impact

**PROPOSAL:** Request to permit pawnshop within existing retail shopping center.

### **STAFF RECOMMENDATIONS:**

- Staff recommends approval of SE 2016-SU-015, subject to the proposed development conditions in Appendix 1.

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Michael H. Lynskey, ASLA

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

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

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

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



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





## DESCRIPTION OF THE APPLICATION

The applicant requests approval of a Category 5 Special Exception to permit a pawnshop in the existing 50 West retail shopping center in Chantilly. The applicant currently operates a licensed retail jewelry, diamonds and precious metals store at the location and would be adding pawn services to the existing store.

<b>Figure 1 – Details of Proposed Use.</b>	
<b>Use:</b>	Pawn Shop / Jewelry Store
<b>Number of Employees:</b>	3 full-time
<b>Gross Floor Area (GFA):</b>	788 sq ft
<b>Hours of Operation:</b>	Mon. - Sat.: 11am - 6pm
<b>Estimated Patrons per Day</b>	8 total (4 for jewelry business, 4 for pawn service)



Figure 2: Existing retail jewelry store.

Staff's proposed development conditions, the applicant's affidavit, and the applicant's Statement of Justification are included in Appendices 1, 2 and 3, respectively.

## LOCATION AND CHARACTER



Figure 3: Property location and adjacent uses.

### Site Description and Adjacent Uses:

The 788 square-foot retail store is located within the 50 West Shopping Center, which is located on Airline Parkway in Chantilly, just west of the Route 50/Route 28 intersection. The shopping center consists of approximately 24,000 square feet of retail and restaurant uses on 3.44 acres, adjoining parkland to the west, an additional shopping center to the east, Route 50 to the north, and a mobile home park to the south.

<b>Figure 4: Surrounding Use Descriptions</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Comprehensive Plan Recommendation</b>
<b>North</b>	Lee Jackson Hwy (Route 50) & Avion Industrial Park	I-5	Industrial, Research and Development, and Industrial/Flex uses up to a maximum of 0.35 FAR.
<b>West</b>	Cain Branch parkland & light industrial uses	I-5	
<b>East</b>	Chantilly Park Shopping Center	C-8	
<b>South</b>	Meadows of Chantilly Mobile Home Park	I-3	Industrial or Residential

#### **ZONING BACKGROUND (Appendix 4)**

The shopping center was developed by right in 2006. There are no prior zoning approvals associated with the property.

#### **SPECIAL EXCEPTION AMENDMENT PLAT**

Since the application represents only a change in use, and does not propose any site modifications or construction, the requirement for a Special Exception Plat was modified to accept an existing ALTA/ACSM Land Title Survey for the property.

**Title:** "ALTA/ACSM Land Title Survey on the Property of Cain Branch, LLC (Parcel 5A) and (Outlot C) and MHC Meadows of Chantilly, LLC (Airline Parkway)"

**Prepared By:** Tri-Tek Engineering

**Original and Revision Dates:** Dated November 7, 2006

**Number of Pages:** 1

## **STAFF ANALYSIS**

### **COMPREHENSIVE PLAN GUIDANCE** (Appendix 5)

(Fairfax County Comprehensive Plan, 2013 Edition, Dulles Suburban Center, Amended through 10-20-2015)

<b>Plan Area:</b>	III
<b>Planning District:</b>	Bull Run
<b>Planning Sector:</b>	BR2 – Upper Cub Run
<b>Special Area:</b>	Dulles Suburban Center – Land Unit H
<b>Plan Map:</b>	Industrial

The Comprehensive Plan for Land Unit H of the Dulles Suburban Center envisions industrial/flex uses in the application area and does not encourage commercial development along Route 50; however, the proposed use would occupy an existing retail space and would not include any additional commercial construction. Therefore, Staff finds that the proposal would not create any additional conflict with the Comprehensive Plan.

### **ZONING ORDINANCE PROVISIONS** (Appendix 4)

Pawnshops are permissible in the C-6 through C-8 Zoning Districts only by Category 5 Special Exception (per Sect. 9-501, Par. 30), which requires conformance with the following categories of evaluation standards: General Standards for all Special Exceptions (Sect. 9-006); Evaluation Standards for all Category 5 Uses (Sect. 9-503); and Additional Standards for Pawnshops (Sect. 9-522). Several overlay districts also apply to the parcel, including the Water Supply Protection (WS), Highway Corridor (HC), and Airport Noise (AN) Overlay Districts, none of which affect the current proposal.

All bulk, setback, and other lot requirements of the Zoning Ordinance have been satisfied by the approved 50 West site plan. Parking requirements for the proposed pawnshop use would be calculated at the same shopping center rate as the existing jewelry store, so no additional parking would be required, and no additional signage is proposed.

#### **General Standards for all Special Exceptions (Sect. 9-006)**

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

Standard 1: *The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.* The Comprehensive Plan for this area does not support

commercial uses, but the proposal entails no expansion of existing commercial uses in the area. Staff considers this standard satisfied.

Standard 2: *The proposed use shall be in conformance with the general purpose and intent of the applicable zoning district regulations.* The C-8 District is intended to provide locations for automobile-oriented commercial and service uses, and uses that require large land areas and good access. The 50 West Shopping Center includes retail and restaurant uses that require sufficient automotive access, a large land area, and are designed in a coordinated manner; therefore, the development meets the intent of the C-8 District.

Standard 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.*

Standard 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.*

The proposal includes no additional construction or site modifications, and would have no additional impact on neighboring properties or create additional traffic hazards. Staff considers Standards 3 and 4 satisfied.

Standard 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.*

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

Standard 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.*

Standards 5, 6 and 7 have been satisfied by the overall 50 West development, and are not affected by the current proposal. As previously mentioned, parking requirements for the pawnshop use are calculated at the same shopping center rate as the existing jewelry store, and would not be affected by the additional permitted use.

Standard 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.* No additional signage is proposed with this application. A proposed development condition also makes clear that utilization of “popsicle” signs, or other illegal signage, to advertise this use shall be a violation of the Special Exception conditions.

### **Evaluation Standards for all Category 5 Uses (Sect. 9-503)**

In addition to the general standards set forth in Sect. 9-006 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. As described previously in this report, the site continues to comply with the lot size and bulk requirements of the C-8 District.*
- 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. The proposed use is required to comply with all applicable performance standards contained in Article 14 of the Ordinance.*
- 3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans. An approved site plan exists for the overall 50 West Development, which will continue to govern the site.*

### **Additional Standards for Pawnshops (Sect. 9-522)**

*1. The Board may impose such conditions and restrictions as it may deem necessary to assure that the use will be compatible with and not adversely impact adjacent properties and will not hinder future development in accordance with the existing zoning and adopted comprehensive plan. Staff feels that the addition of the pawnshop use to the existing shopping center would have no additional impact on adjacent properties, and considers this standard satisfied.*

*2. Such a use shall be subject to the regulations of Chapter 33 of The Code.*

Chapter 33, Article 2, of the County Code regulates the definition and licensing of pawnbrokers in the County (see Appendix 7). Pawnbroker licenses are issued by the County Department of Consumer Affairs for operation at a specified location only, and must be renewed yearly. Licensees must also be approved by the Circuit Court, which ensures that applicants have no recent felony convictions and are of good moral character. The Code also limits the number of places in the County where pawnbrokers may be licensed to a maximum of 12. Title 54.1, Chapter 40 of the Code of Virginia also regulates pawnbrokers, and includes various requirements for recordkeeping, daily

reporting of transactions to police, and the maximum chargeable interest, among other regulations.

The applicant has been approved by the Circuit Court, and requests approval of this Special Exception to secure a permissible pawnshop location that satisfies County licensing requirements. Continued conformance with Chapter 33 of the Code would be required in to maintain the pawnbroker license in good standing. A proposed Development Condition requires continued possession of a valid County pawnbroker license for the Special Exception to remain valid, which satisfies this standard.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff feels that the proposal to permit a pawnshop in an existing retail shopping center would have no additional impact on the subject property, or on neighboring properties, and does not represent any further encroachment of commercial uses in the area, which is discouraged by the Comprehensive Plan. The property would remain in conformance with the Zoning Ordinance.

### **Staff Recommendations**

- Staff recommends that the Board of Supervisors approve application SE 2016-SU-015, subject to the proposed Development Conditions contained in Appendix 1.

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

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

The approval of this Special Exception Amendment does not interfere with, abrogate, or annul any easement, covenant, or other agreement between parties, as they may apply to the property subject to this application.

**APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Zoning Ordinance Provisions
5. Comprehensive Plan Recommendations
6. FCDOT Transportation Memo
7. Chapter 33, Article 2 of County Code
8. Glossary of Terms

**PROPOSED DEVELOPMENT CONDITIONS**  
**SE 2016-SU-015**  
**September 7, 2016**

If it is the intent of the Board of Supervisors to approve SE 2016-SU-015, located at 4086 Airline Parkway, Tax Map 34-3((1)) 5A, for a Pawnshop, pursuant to Sect. 4-804 and Sect. 9-522 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, limited to 4086 Airline Parkway, as qualified by these development conditions.
3. Any permit submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat, consisting of an ALTA/ASCM Land Title Survey, dated November 7, 2006, titled "ALTA/ASCM Land Title Survey on the Property of Cain Branch, LLC (Parcel 5A) and (Outlot C) and MHC Meadows of Chantilly, LLC (Airline Parkway)", and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of these special exception conditions shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. This Special Exception is contingent on at least one pawnbroker being licensed by the County to operate at this location (per Chapter 33 of the County Code). A Non-Residential Use Permit (NonRUP) for the proposed Pawnshop shall not be issued unless a valid pawnbroker license has been obtained for the location, and any NonRUP is contingent a valid license being maintained for the site.
6. Operation of the pawnshop shall only be permitted between the hours of 11:00 a.m. to 6:00 p.m., Monday through Saturday.
7. No temporary signs (including "popsicle"-style paper or cardboard signs) prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7, Title 33.1 or Chapter 8, Title 46.2 of the Code of Virginia, shall be placed on or off-site by the Applicant or at the Applicant's direction to advertise this use.

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.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless a non-RUP for the proposed pawnshop use has been obtained.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 8/12/16

(enter date affidavit is notarized)

I, NEDA NADJTABADI, do hereby state that I am an (enter name of applicant or authorized agent)

135633

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

in Application No.(s): SE 2016-SU-015 (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.) 034-3"1"0005A

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Contains handwritten entries for BULLION & DIAMOND CO, LLC, ARDANAN BADI, FOROUZ FARNOUSH, and NEDA NADJTABADI with their respective addresses and relationships.

(check if applicable)

[X] There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

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

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

Special Exception Attachment to Par. 1(a)

DATE: 8/12/16  
 (enter date affidavit is notarized)

135633

for Application No. (s): SE 2016-SU-015  
 (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 <b>BOLD</b> above)
DEOUIDES-MAGAFAN REALTY, INC AGENT: NICHOLAS J. DEOUIDES AGENT: ANGELO H. MAGAFAN	7910 WOODMOUNT AVE. BETHESDA, MD 20814 SUITE 1335	<b>REAL ESTATE BROKER AGENT FOR TITLE OWNERS/LESSORS</b>
K&C 50 WEST, LLC	7910 WOODMOUNT AVE. BETHESDA, MD 20814 SUITE 1335	<b>TITLE OWNER/ LESSOR</b> TAX MAP NO. 03A-3"1"0005A
WARDMAN, LLC	7910 WOODMOUNT AVE. BETHESDA, MD 20814 SUITE 1335	<b>TITLE OWNER/ LESSOR</b> TAX MAP NO. 03A-3"1"0005A
AHM 50 WEST, LLC	7910 WOODMOUNT AVE. BETHESDA, MD 20814 SUITE 1335	<b>TITLE OWNER/ LESSOR</b> TAX MAP NO. 03A-3"1"0005A
SEM 50 WEST, LLC	7910 WOODMOUNT AVE. BETHESDA, MD 20814 SUITE 1335	<b>TITLE OWNER/ LESSOR</b> TAX MAP NO. 03A-3"1"0005A
VONDAS CENTERS, LLC	7910 WOODMOUNT AVE. BETHESDA, MD 20814 SUITE 1335	<b>TITLE OWNER/ LESSOR</b> TAX MAP NO. 03A-3"1"0005A

(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 Attachment to Par. 1(a)

DATE: 8/12/16  
(enter date affidavit is notarized)

135633

for Application No. (s): SE 2016-54-015  
(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)

**DYCID & BIGGS, P.C.**  
**AGENT: MARK R. DYCID, ESQ.**

**10533 MAIN STREET**  
**FAIRFAX, VA 22030**

**ATTORNEY/AGENT**  
**FOR APPLICANT**  
**(ARDAVAN BADI)**

(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: 8/12/16  
(enter date affidavit is notarized)

135633

for Application No. (s): SE 2016-SU-015  
(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)  
DYCIO & BIGGS, P.C.      10533 MAIN STREET  
FAIRFAX, VA 22030

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

- 1) MARK R. DYCIO - MEMBER - MANAGER  
 2) VICTORIA J. SCHUG - MEMBER  
 3) T. WAYNE BIGGS - MEMBER

(check if applicable)  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: 8/12/16  
(enter date affidavit is notarized)

135633

for Application No. (s): SE 2016-SU-015  
(enter County-assigned application number (s))

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

DELOUDES-MAGAFAN REALTY, LLC      7910 WOODMOUNT AVE.  
BETHESDA, MD 20814  
SUITE 1335

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)

- 1) NICHOLAS J. DELOUDES - MEMBER-MANAGER
- 2) ANGELO H. MAGAFAN - MEMBER-MANAGER

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

K&C 50WEST, LLC      7910 WOODMOUNT AVE.  
BETHESDA, MD 20814  
SUITE 1335

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)

- 1) PHILLIP KWAK - MEMBER
- 2) NYONG CHOI - 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: 8/12/14  
(enter date affidavit is notarized)

135633

for Application No. (s): SE 2014-34-015  
(enter County-assigned application number (s))

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

WARDMAN, LLC  
7910 WOODMOUNT AVE.  
BETHESDA, MD 20814  
SUITE 1335DESCRIPTION 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)

1) PATRICK WARD - MEMBER  
2) MICHAEL MANSY - MEMBER

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

SEM SOWEST, LLC  
7910 WOODMOUNT AVE.  
BETHESDA, MD 20814  
SUITE 1335DESCRIPTION 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)

1) SUSAN E. MAGAFAN - 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: 8/12/14  
(enter date affidavit is notarized)

135633

for Application No. (s): SE 2016-SU-015  
(enter County-assigned application number (s))

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

AHM 50 WEST, LLC      7910 WOODMOUNT AVE.  
BETHESDA, MD 20814  
SUITE 1335

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)

1) ANGELO H. MAGAFAN - MEMBER

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

VONDAS CENTERS, LLC      7910 WOODMOUNT AVE.  
BETHESDA, MD 20814  
SUITE 1335

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)

1) LEO VONDAS - 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: 8/12/16  
(enter date affidavit is notarized)

135633

for Application No. (s): SE 2016-SU-015  
(enter County-assigned application number (s))

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

BULLION & DIAMOND CO. LLC      4086 AIRLINE PARKWAY  
CHANTILLY, VA 20151

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)

DARDAVAN BADI - MEMBER-MANAGER

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: 8/12/16  
(enter date affidavit is notarized)

135633

for Application No. (s): SE 2016-SU-015  
(enter County-assigned application number(s))

NIA

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)

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

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: 8/12/14  
(enter date affidavit is notarized)

135633

for Application No. (s): SE 2014 - SU - 015  
(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: 8/12/16 (enter date affidavit is notarized)

135633

Application No.(s): SE 2016-SU-015 (county-assigned application number(s), to be entered by County Staff)

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

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

NONE

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

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

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

WITNESS the following signature:

(check one) [ ] Applicant

Neda Nadjmabadi (handwritten signature)

[X] Applicant's Authorized Agent

NEDA NADJMABADI AGENT FOR APPLICANT, ARDAVAN BADI (typed name and title)

Subscribed and sworn to before me this 12th day of AUGUST 2016, in the State/Comm. of MARYLAND, County/City of MONTGOMERY.

Notary Public

My commission expires:

LAWRENCE FREDNICK NOTARY PUBLIC MONTGOMERY COUNTY MARYLAND MY COMMISSION EXPIRES JAN 10, 2020

**BULLION AND DIAMOND CO**  
 — Certified Diamonds & Jewelry —

RECEIVED  
 Department of Planning & Zoning

JUN 22 2016

Zoning Evaluation Division

June 22, 2016

Department of Planning and Zoning  
 12055 Government Center Parkway,  
 Suite 801 Fairfax,  
 Virginia 22035-5509  
 Phone 703-324-1290

**RE: SPECIAL EXCEPTION STATEMENT OF JUSTIFICATION**

**A. Type of operation(s):**

Existing jewelry store located at 4086 Airline Parkway, Chantilly, VA 20151 adding pawn services specifically for jewelry, diamonds, and precious metals only, for new and existing customers.

**B. Hours of operation.**

Sunday- Closed/Appointment only  
 Monday- 11:00-6:00PM  
 Tuesday: 11:00-6:00PM  
 Wednesday: 11:00-6:00PM  
 Thursday: 11:00-6:00PM  
 Friday: 11:00-6:00PM  
 Saturday: 11:00-6:00PM

**C. Estimated number of patrons/clients/patients/pupils/etc.**

**Existing Use Traffic:** Estimated maximum: 2-3 customers per day/ 15 per week/ 60 per month.  
*How many car trip/customers during the day?* Hours are 11AM-6PM daily (closed on Sunday).  
 The following represents Monday-Saturday.  
 Morning (11AM- 12PM): 1 customer/car  
 Afternoon (12PM-4PM): 1-2 customers/cars  
 Evening (4PM-6PM): 1 customer/car

**New Use Traffic (Pawn):** Estimated maximum: 2-3 customers per day/ 15 per week/ 60 per month.

*How many car trips/customers during the day?* Hours are 11AM-6PM daily (closed on Sunday).  
 The following represents Monday-Saturday.  
 Morning (11AM- 12PM): 1 customer/car  
 Afternoon (12PM-4PM): 1-2 customers/cars  
 Evening (4PM-6PM): 1 customer/car

**D. Proposed number of employees/attendants/teachers/etc.**

Three (3) full-time employees including owner Ardavan Badii.

JUN 22 2016

Zoning Evaluation Division

**E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.**

We do not anticipate a heavy influx of traffic due to proposed use. Traffic will remain the same for day-to-day operations.

**F. Vicinity or general area to be served by the use.**

Chantilly, VA, Fairfax County/Sully District area.

**G. Description of building facade and architecture of proposed new building or additions.**

N/A- existing building and no exterior modifications or construction.

**H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.**

N/A-No hazardous or toxic substances are currently being used and will not be used in the future at this location.

**I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification. It is the applicant's responsibility to show that the proposed use complies with all Zoning Ordinance requirements related to the use, including how the proposed special exception is in conformance with the general standards and the specific category standards, as well as any additional standards for the particular special exception use.**

Bullion&Diamond Co. is in harmony with the adopted comprehensive plan. We can assure that the proposed use complies to the provisions of all existing zoning ordinances, requirements, regulations, and standards.

**J. Additional Standards for Pawnshop (9-522):** Bullion&Diamond Co., LLC understands and will comply with the additional standards for pawnshops (9-522): 1) the board who may impose such conditions and restrictions as it may deem necessary to assure that the use will be compatible with and not adversely impact adjacent properties and will not hinder future development in accordance with the existing zoning and adopted comprehensive plan. 2) Such a use shall be subject to the regulations of Chapter 33 of The Code.

**Bullion&Diamond Co. Info:**

Address: 4086 Airline Parkway, Chantilly, VA 20151

Lot Number: 5a

Land Area- 150,049 sq. ft.

Zoning C-8 (Commercial 8)

Zoning Ordinance Section: 4-804, 9-522

JUN 22 2016

Zoning Evaluation Division

Parcel Number: 0343010005a (Tax Map ID Number)  
District: Sully (Kathy L. Smith)

**Ariel Map of Location:**



Please do not hesitate to reach out if you have any questions. Please let me know if you need any additional information.

Thank you,  
Mr. Ardavan Badii  
Applicant/Business Owner of Bullion&Diamond Co., LLC  
703-772-1528 (cell)

Ms. Neda Nadjmabadi  
Agent of Applicant, Ardavan Badii and Bullion& Diamond Co., LLC  
240-381-2550 (cell)

**Selected applicable Zoning Ordinance Provisions from the Fairfax County Zoning Ordinance, dated June 22, 2016. For the full, unabridged, ordinances please visit the website of the Fairfax County Planning and Zoning Department or view a copy in person at the Fairfax County Planning and Zoning office.**

**ARTICLE 4 – COMMERCIAL DISTRICT REGULATIONS**

**PART 8 4-800 C-8 HIGHWAY COMMERCIAL DISTRICT** *(excerpts)*

**4-802 Permitted Uses**

2. Alternative Lending Institution, limited by the provisions of Sect. 805 below.

35. Retail sales establishments

**4-804 Special Exception Uses**

For specific Category uses, regulations and standards, refer to Article 9.

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

O. Pawnshops

**ARTICLE 9 – SPECIAL EXCEPTIONS**

**PART 0 9-000 GENERAL PROVISIONS** *(excerpt)*

**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.

**PART 5 9-500 CATEGORY 5 COMMERCIAL AND INDUSTRIAL USES OF SPECIAL IMPACT** (*excerpts*)

**9-522 Additional Standards for Pawnshops**

1. The Board may impose such conditions and restrictions as it may deem necessary to assure that the use will be compatible with and not adversely impact adjacent properties and will not hinder future development in accordance with the existing zoning and adopted comprehensive plan.

2. Such a use shall be subject to the regulations of Chapter 33 of The Code.

**ARTICLE 20 - ORDINANCE STRUCTURE, INTERPRETATIONS AND DEFINITIONS**

**PART 3 20-300 DEFINITIONS**

**PAWNSHOP:** An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking and transitional screening and barrier requirements.

**Selected applicable recommendations from the Fairfax County Comprehensive Plan, 2013 Edition, Dulles Suburban Center, amended through 10-20-2015. For the full, unabridged, Comprehensive Plan please visit the website of the Fairfax County Planning and Zoning Department or view a copy in person at the Fairfax County Planning and Zoning office.**

## **DULLES SUBURBAN CENTER**

### **LAND UNIT H**

#### **CHARACTER**

Land Unit H contains approximately 880 acres and is unique in that existing development is predominantly industrial in character, although nearly 500 acres were vacant as of January 1992 (Figure 37). This land unit contains soft drink and beer bottling plants; a regional package shipping facility; and wholesale, warehousing and storage facilities. These and other similar uses generate considerable truck traffic on the local roads. In the Westfax Industrial Park, one mid-rise hotel has been built which is nominally on Route 50, but oriented to and accessed on Westfax Drive. Some industrial/flex uses exist, as well as some low-rise office development, particularly in the southeast corner of the land unit on Lee Road. A small amount of strip commercial development exists along Route 50.

#### **RECOMMENDATIONS**

##### **Land Use**

1. Land Unit H is planned for industrial, research and development, and industrial/flex uses up to a maximum FAR of .35.
5. Strip or freestanding commercial development is not planned for and is not appropriate along Route 50. Landscaping and facade improvements, including consistent signage, should be encouraged to enhance the appearance of existing retail uses.



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** September 1, 2016

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division, Department of Planning & Zoning

**FROM:** Michael A. Davis, Acting Chief   
Site Analysis Section, Department of Transportation

**FILE:** SE 2016-SU-015

**SUBJECT:** Ardavan Badii & Forouzandeh Farnoush (Bullion & Diamonds Co.)  
4086 Airline Parkway, Chantilly, VA 20151  
Tax Map: #34-3 ((1)) 5A

This department has reviewed the subject application including the land title survey dated November 7, 2006.

Through this application, the applicant is seeking to add pawn services to its existing jewelry store. The applicant indicates that it does not propose any new construction or land disturbance as part of this application. Furthermore, there is adequate parking in the shopping center within which this store is located. Therefore, this department does not expect this application to result in any significant transportation impacts.

cc: Michael Lynskey

EAI/AH

**Excerpt from the Code of the County of Fairfax, Virginia, codified through Ord. No. 20-06-41.1, adopted June 26, 2006. (Supplement No. 104, 6-06).**

**Chapter 33 – Pawnbrokers and Precious Metals and Gems Dealers**

**ARTICLE 2 - Pawnbrokers.**

**Section 33-2-1. Definition of pawnbroker.**

*Pawnbroker* means any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. (38-89-33.)

**Section 33-2-2. Limitation of pawnbroker licenses.**

Not more than twelve (12) places in the County of Fairfax shall be licensed where the business of a pawnbroker, including a pawnbroker's sales, may be conducted. (38-89-33.)

**Section 33-2-3. Issuance of pawnbroker licenses.**

Upon authorization of the Circuit Court, the Director of the Department of Consumer Affairs shall issue a pawnbroker license upon payment of a Twenty-five Dollar (\$25.00) application fee and satisfaction of the requirements herein. The applicant shall be given a permit if he satisfied the Director of the Department of Consumer Affairs of his good character and he has not been convicted within the past seven (7) years of a felony or crime of moral turpitude, including, however not limited to, larceny, receiving stolen property, fraud and false pretenses. Information required on the application shall include the applicant's full name, aliases, address, age, sex, fingerprints, and photograph, and the name, address and telephone number of the applicant's employer, if any, and the location of the place of business of the applicant. No permit shall be valid for more than one (1) year from the date of issuance but may be renewed in the same manner as the initial permit is obtained. If the pawnbroker does not operate continuously (Saturdays, Sundays and recognized holidays excepted) from the date of obtaining his permit, then he shall notify the Director of the Department of Consumer Affairs of any closing and renewing of business. A pawnbroker may conduct the licensed business only from the fixed permanent location as specified in the application for the license, which shall be other than a motel or hotel room generally used by transients. (38-89-33.)

## 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		