



**APPLICATION ACCEPTED:** December 15, 2015

**PLANNING COMMISSION:** October 5, 2016

**BOARD OF SUPERVISORS:** October 18, 2016 @ 3:00 p.m.

## County of Fairfax, Virginia

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**September 21, 2016**

**STAFF REPORT**

**SE 2015-SU-034**

**SULLY DISTRICT**



**APPLICANT:** PDG Daly Drive, LLC

**ZONING:** I-5 (General Industrial)  
WS (Water Supply Protection Overlay) **WS**

**PARCEL:** 44-1 ((1)) 13B2

**ACREAGE:** 6.58 acres

**FAR:** 0.18

**OPEN SPACE:** +/- 40%

**PLAN MAP:** Mixed Uses

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

**PROPOSAL:** Fast-food restaurants, eating establishments and/or quick-service food stores

**STAFF RECOMMENDATIONS:**

- Staff recommends approval of SE 2015-SU-034, 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).

# Special Exception

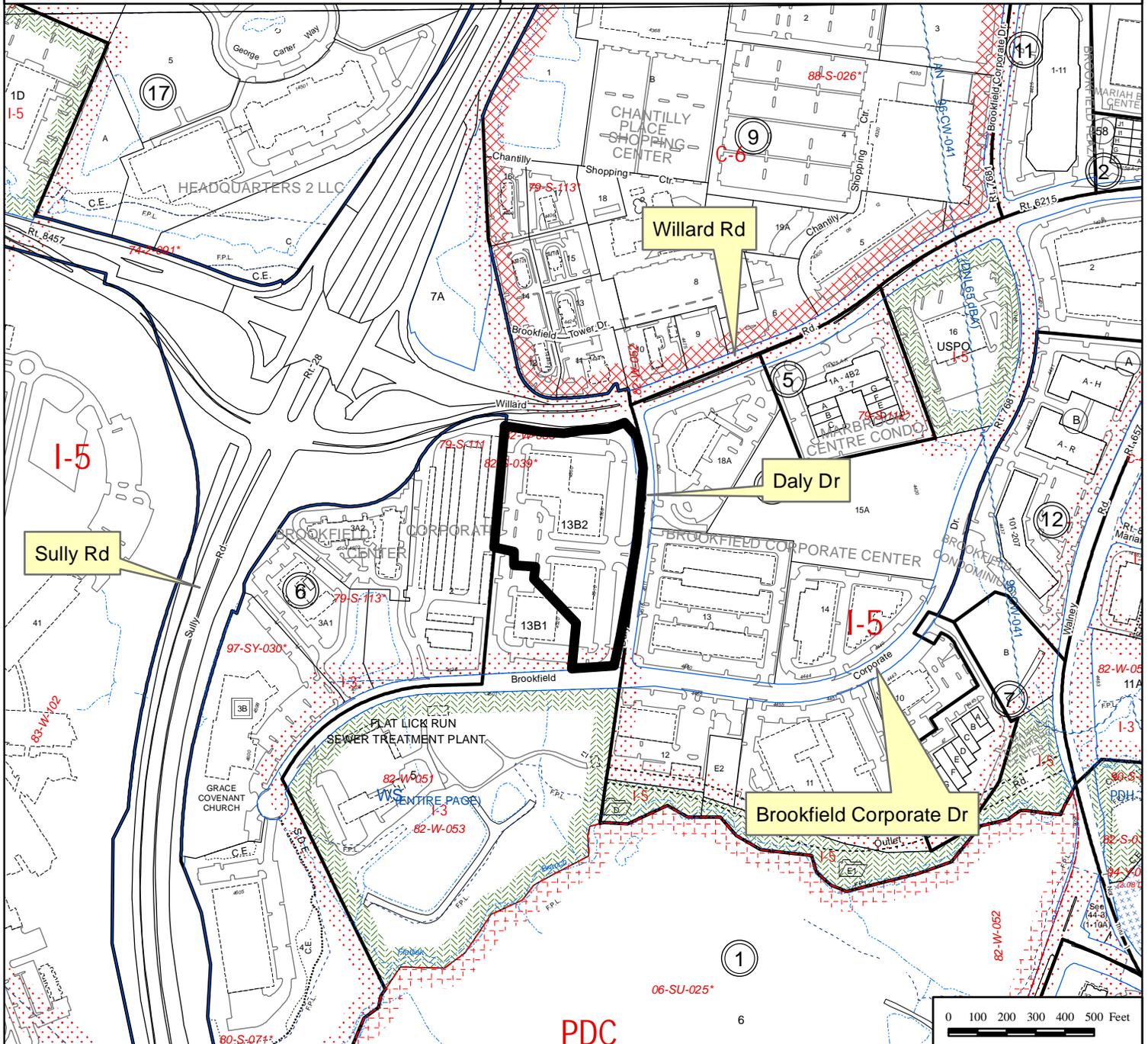
SE 2015-SU-034



Applicant: PDG DALY DRIVE, LLC  
Accepted: 12/15/2015  
Proposed: PERMIT EATING ESTABLISHMENTS,  
FAST-FOOD RESTAURANTS,  
AND QUICK-SERVICE FOOD STORES.

Area: 6.58 AC OF LAND; DISTRICT - SULLY

Zoning Dist Sect: 09-0501  
Located: 4500 DALY DRIVE, CHANTILLY, VA 20151  
Zoning: I-5  
Overlay Dist: WS  
Map Ref Num: 044-1- /01/ /0013B2



PDC

1

6



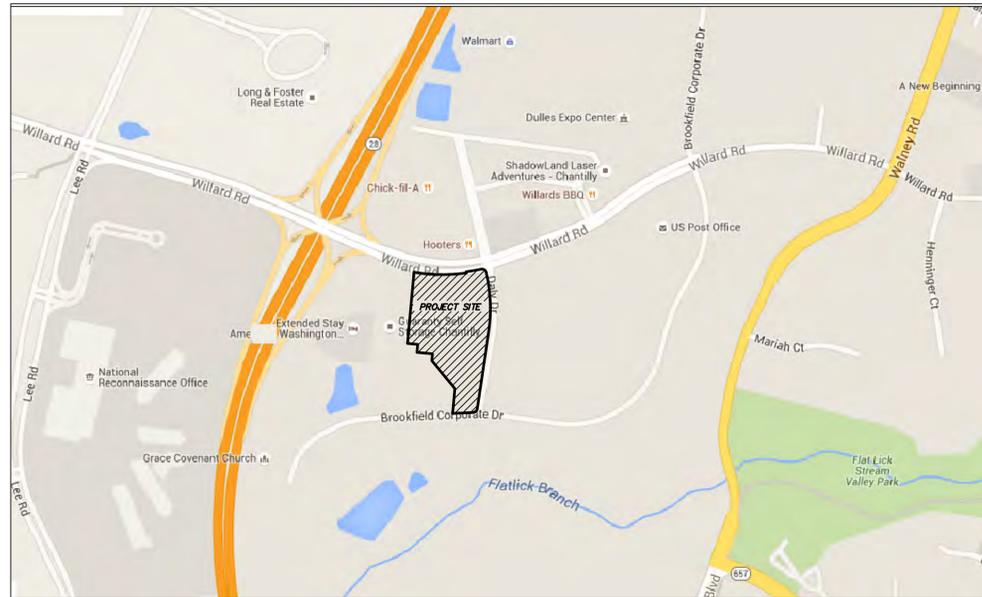
# SPECIAL EXCEPTION FOR BROOKFIELD CORPORATE CENTER PARCEL 2 SULLY DISTRICT FAIRFAX COUNTY, VIRGINIA

**OWNER/APPLICANT**  
PDG DALY DRIVE, LLC  
4500 DALY DRIVE, SUITE 300  
CHANTILLY, VIRGINIA 20151  
(571)299-4970  
CONTACT: JEFF PARANA

**ATTORNEY/APPLICANT'S REPRESENTATIVE**  
MCGUIRE WOODS, LLP  
1750 TYSONS BOULEVARD, SUITE 1800  
MCLEAN, VIRGINIA 22102  
(703)712-5000  
CONTACT: LORI GREENLIEF

**ARCHITECT**  
ARCH GROUP  
12198 HENDERSON ROAD  
CLIFTON, VIRGINIA 20124  
(703)830-1299

**ENGINEER/SURVEYOR**  
STANTEC  
4500 DALY DRIVE, SUITE 100  
CHANTILLY, VIRGINIA 20151  
(703)263-1220  
CONTACT: JOSHUA ORNDORFF



VICINITY MAP  
SCALE: 1" = 500'

**LEGAL DESCRIPTION: BROOKFIELD CORPORATE CENTER – PARCEL 2**

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN FAIRFAX, VIRGINIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF PARCEL 2, CONTAINING 6.57569 ACRES, MORE OR LESS, BROOKFIELD CORPORATE CENTER, AS THE SAME IS SHOWN ON A PLAT ATTACHED TO THE DEED OF SUBDIVISION AND EASEMENT RECORDED IN DEED BOOK 23434 AT PAGE 567, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.

AND BEING A PART OF THE SAME PROPERTY CONVEYED TO PDG DALY DR LLC LIMITED LIABILITY COMPANY (ERRONEOUSLY REFERRED TO AS VF III-BC, LLC, A DELAWARE LIMITED LIABILITY COMPANY) BY DEED FROM VF III-BCC LLC AND RECORDED ON JULY 09, 2015 IN DEED BOOK 24200, AT PAGE 2086 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.

**SURVEY NOTES:**

- THE PROPERTIES DELINEATED ON THIS PLAT ARE SHOWN ON FAIRFAX COUNTY, VIRGINIA TAX ASSESSMENT MAP NO. 0441-01-001382 AND ARE ZONED I-5 (INDUSTRIAL GENERAL).
- THE PROPERTY DELINEATED ON THIS SPECIAL EXCEPTION PLAT IS CURRENTLY IN THE NAME OF PDG DALY DR, LLC, A VIRGINIA LIMITED LIABILITY COMPANY, BY VIRTUE OF DEED FROM VF III-BCC, LLC, A DELAWARE LIMITED LIABILITY COMPANY DATED JULY 9, 2015 AND RECORDED JULY 91, 2015 ALL AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA AS DEED BOOK 24200 PAGE 2086.
- THE PROPERTIES DELINEATED ON THIS PLAT ARE LOCATED IN FLOOD ZONE "X", AN AREA OUTSIDE THE 500 YEAR FLOODPLAIN, AS DETERMINED BY REFERENCE TO FIRM COMMUNITY-PANEL NO. 51059C0115E, EFFECTIVE DATE: SEPTEMBER 17, 2010 AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. NO FLOODPLAINS, RESOURCE PROTECTION AREA, RESOURCE MANAGEMENT AREA, OR ANY OTHER ENVIRONMENTAL QUALITY CONCERNS EXIST ON THE SITE.
- UNLESS OTHERWISE INDICATED, THE LOCATIONS OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE AND ARE BASED ON VISIBLE EVIDENCE AND UTILITY MAPS, IF PROVIDED.
- TOTAL SITE AREA=286,510 SQUARE FEET OR 6.577 ACRES.
- THE BUILDINGS ON THE SITE WERE CONSTRUCTED IN 1985.
- THERE IS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- THERE IS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- THERE IS NO OBSERVED EVIDENCE OF WETLANDS AREAS AS DELINEATED BY APPROPRIATE AUTHORITIES.
- THE CURRENT FLOOR AREA RATIO (FAR) FOR THIS SITE IS 1.0 PER COUNTY OF FAIRFAX, VIRGINIA LETTER DATED JUNE 2, 2015 FROM THE DESK OF SAUNDRA D. O'CONNELL, ASSISTANT TO THE ZONING ADMINISTRATOR.
- THE SITE IS SERVED BY EXISTING PUBLIC WATER AND SEWER. ALL HEALTH DEPARTMENT APPROVALS FOR SEWER AND/OR WATER CONNECTIONS TO EXISTING ONSITE FACILITIES WILL BE OBTAINED PRIOR TO OPENING TO THE PUBLIC.
- TO THE BEST OF OUR KNOWLEDGE, NO GRAVES EXIST ON THE SITE.
- UTILITY EASEMENTS WITH A WIDTH OF 25 FEET OR MORE, AND ALL MAJOR UNDERGROUND UTILITY EASEMENTS, IF ANY, ARE SHOWN.
- NO CLEARING IS PROPOSED AS PART OF THIS APPLICATION AND THEREFORE, NO LAND DISTURBANCE OF GREATER THAN 2500 SQ/FT IS TO OCCUR.
- THE BOUNDARY INFORMATION SHOW HEREON IS PURSUANT TO A BOUNDARY SURVEY PREPARED BY STANTEC, JULY 7, 2015.

**SE Parking Calculations**

4500, 4506, 4510 Daly Drive, Chantilly, VA

Use	Suite #	SF	Req'd Parking Ratio	Required Spaces
<b>4500 Daly Drive</b>				
Office	100 & 300	8,889	0.0036	32.0
Fast Food	150	1451	0.007	10.5
Eating Establishment	160	1215	0.005	6.1
Fast Food	200	1280	0.0065	8.3
Fast Food	220	1206	0.016	18.8
Eating Establishment	240	1112	0.005	5.6
Fast Food	260	1647	0.016	25.7
<b>4506 Daly Drive</b>				
Office	All	16,800	0.0036	60.5
<b>4510 Daly Drive</b>				
Office	All	16,800	0.0036	60.5
		<b>Total</b>		<b>228</b>

# seats	Req'd Parking Ratio	Total	#employees	Req'd Parking Ratio	Total	Required Spaces
21	0.5	10.5	7	0	0	10.5
38	0.25	9.49	7	0.5	3.5	13.0
40	0.5	20	7	0	0	20.0
38	0.5	18.8	7	0	0	18.8
35	0.25	8.69	7	0.5	3.5	12.2
51	0.5	25.7	8	0	0	25.7
223			43			100

Use	Suite #	SF	Req'd Parking Ratio	Required Spaces
<b>Existing Parking</b>				
		4500,4506, 4510 Parcel		317
		4520 Parcel via Easement		25
		<b>Total</b>		<b>342</b>

	Required	Existing (per 5344-MSP-005-1)
Total Parking Spaces	228	342
Total ADA Spaces	6	8
Van Accessible	1	3
Total Loading Spaces	4	4

Note: The mix of uses may change but will be in accordance with the special exception development conditions and will be parked per the Ordinance requirements.

**REQUESTED WAIVERS**

A WAIVER OF ALL SPECIAL EXCEPTION REQUIREMENTS OF PARAGRAPH 2 OF SECTION 9.011 OF THE FAIRFAX COUNTY ZONING ORDINANCE IS REQUESTED TO PERMIT THE INFORMATION PROVIDED ON THIS SPECIAL EXCEPTION PLAT TO SATISFY THE SUBMISSION REQUIREMENTS FOR THIS APPLICATION. THERE ARE NO PROPOSED CHANGES TO THE EXISTING BUILDINGS OR IMPROVEMENTS.

- SHEET INDEX**
- COVER SHEET
  - BOUNDARY SURVEY
  - SIGNAGE ELEVATIONS



REV	COMMENT	DATE
4	REV PARKING CALC NOTES	9/15/16
3	REV PARKING CALCULATIONS	9/12/16
2	ADD PARKING CALCULATIONS	4/21/16
1	PER COUNTY COMMENTS	12/8/15

SPECIAL EXCEPTION PLAT  
ON THE PROPERTY OF  
PDG DALY DR, LLC PARCEL 2  
PARCEL 2 BROOKFIELD CORPORATE CENTER  
(ALSO KNOWN AS CHANTILLY SQUARE)

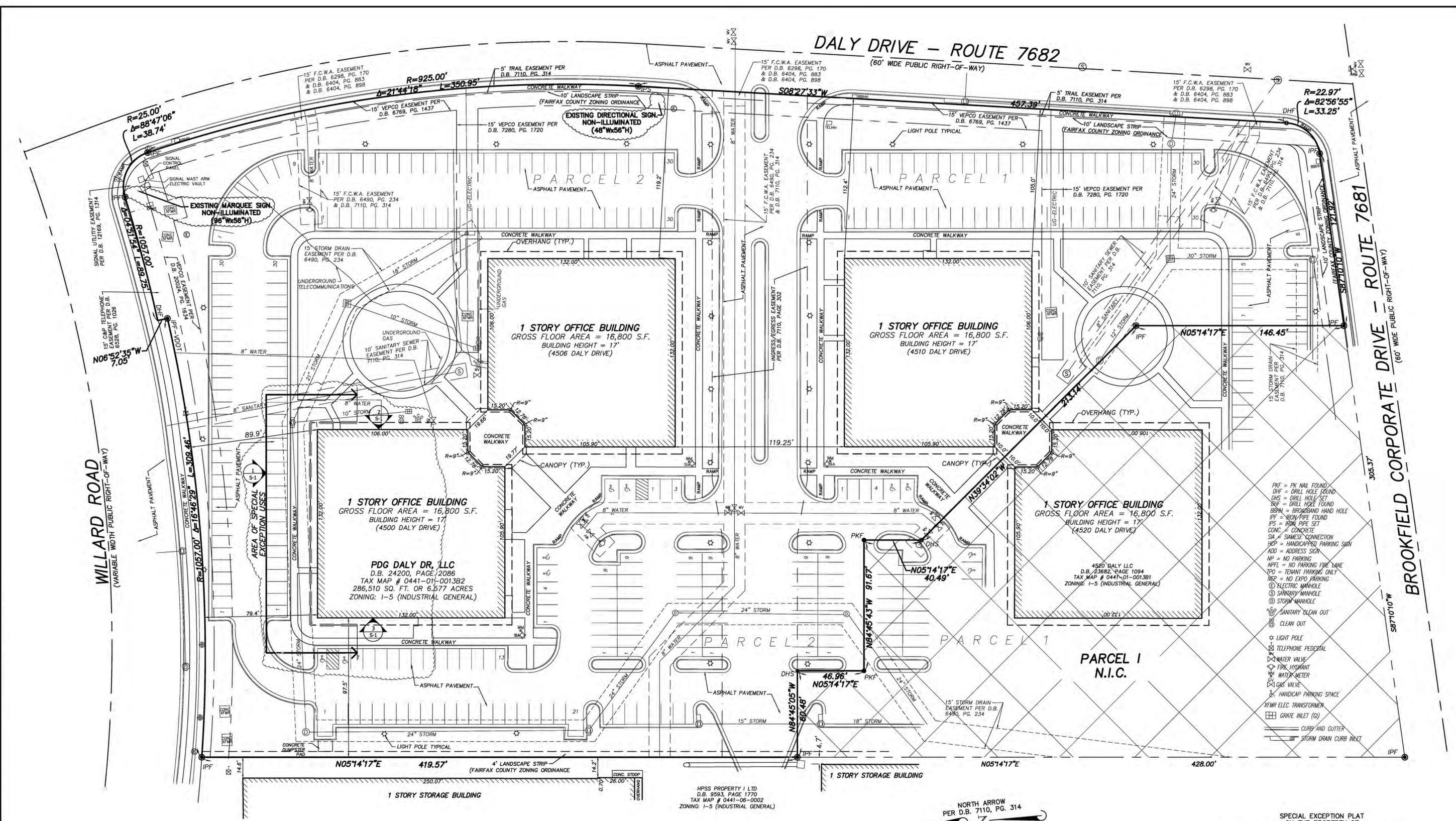
DEED BOOK 23434, PAGE 567

SULLY DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1"=30' DATE: 10/23/15  
DRAWN BY: IAI CHECKED BY: G3

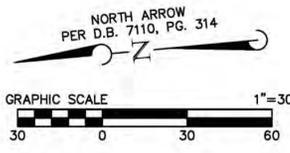


STANTEC  
4500 DALY DRIVE, SUITE 100  
CHANTILLY, VIRGINIA 20151  
(703)263-1220

Drawing name: U:\2025041823\survey\DWG\PLATS\2025041823-SPEC\_EXCEPT.dwg SHEET 2 Sep 15, 2016 11:38am by: eplason



COMMONWEALTH OF VIRGINIA  
 9/15/16  
 CHARLES KARAT  
 Lic. No. 2945  
*Charles Karat*  
 LAND SURVEYOR



- PKT = PK NAIL FOUND
- DHF = DRILL HOLE FOUND
- DHS = DRILL HOLE SET
- SNF = DRILL HOLE FOUND
- BBFH = GROUND HAND HOLE
- IPF = IRON PIPE FOUND
- IPS = IRON PIPE SET
- CONC. = CONCRETE
- SIA = SAMESIDE CONNECTION
- HCP = HANDICAPPED PARKING SIGN
- ADD = ADDRESS SIGN
- NP = NO PARKING
- NPFL = NO PARKING FIRE LANE
- TPO = TENANT PARKING ONLY
- NEP = NO EXPO PARKING
- EMH = ELECTRIC MANHOLE
- SMH = SANITARY MANHOLE
- STH = STORM MANHOLE
- SCO = SANITARY CLEAN OUT
- CO = CLEAN OUT
- LP = LIGHT POLE
- TP = TELEPHONE PEDESTAL
- WV = WATER VALVE
- FH = FIRE HYDRANT
- WM = WATER METER
- CV = GAS VALVE
- HP = HANDICAP PARKING SPACE
- XTMR = XTMR ELEC. TRANSFORMER
- GI = GRATE INLET (0)
- CG = CURB AND GUTTER
- SDCI = STORM DRAIN CURB INLET

SPECIAL EXCEPTION PLAT  
 ON THE PROPERTY OF  
**PDG DALY DR, LLC PARCEL 2**  
**PARCEL 2 BROOKFIELD CORPORATE CENTER**  
 (ALSO KNOWN AS CHANTILLY SQUARE)  
 DEED BOOK 24200, PAGE 2086

SULLY DISTRICT  
 FAIRFAX COUNTY, VIRGINIA  
 SCALE: 1"=30' DATE: 10/23/15  
 DRAWN BY: IAI CHECKED BY: G3



**STANTEC**  
 4500 DALY DRIVE, SUITE 100  
 CHANTILLY, VIRGINIA 20151  
 (703)263-1220

REV	COMMENT	DATE
3	REV. SE USES AREA	4/21/16
2	ADD TEL/GAS/WATER MISS UTIL	1/19/16
1	PER COUNTY COMMENTS	12/8/15

**DESCRIPTION OF THE APPLICATION**

The applicant requests approval of a Special Exception to permit a combination of fast-food, eating establishments, and/or quick-service food stores in a 7,911-square-foot portion of one of three buildings in an existing 50,400-square-foot office complex, which is located on a single 6.58-acre parcel in the I-5 and WS Districts (a fourth building, that was originally part of the same office park, has been subdivided onto a separate parcel, under different ownership, and is not part of this application).

<b>Fig. 1 – Details of Proposal</b>	
<b>Proposed Uses:</b>	A combination of: Fast-food, Eating establishments, and/or Quick-service food stores
<b>Gross Floor Area (GFA):</b>	Limited to 7,911sf total (Located in existing building – no new construction proposed)
<b>Hours of Operation:</b>	7am to 10pm 7 days/week
<b>Parking:</b>	To be accommodated by existing parking areas

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 SURROUNDING USES**

The subject property was developed as a portion of the 77-acre Brookfield Corporate Park, zoned I-5, which extends from Route 28 on the west to Walney Road on the east, and contains a mixture of office, light industrial, and other miscellaneous uses. Adjacent to the application parcel on the west is a self-storage facility, and on the east, across Daly Drive, are a bank and various office and light industrial uses. Flat Lick Run sewer treatment plant is located directly to the south of the property.



Figure 2: Project location and adjacent uses.

Figure 3: Surrounding Uses			
Direction	Use	Zoning	Comprehensive Plan Recommendation
North	Chantilly Place Shopping Center	C-6	Mix of office, retail, hotel, and exhibition center, up to 0.70 FAR
West	Self-Storage	I-5	Mix of office/industrial flex up to 0.35 FAR, w/up to 20% retail
East	Bank/Office/Light Industrial	I-5	
South	Flat Lick Run Sewer Treatment Plant	I-3	

The property includes 420 linear feet of frontage on Willard Road, directly across from the Chantilly Place Shopping Center, which is zoned C-6 and contains a mixture of uses including the Dulles Expo Center, Wal-Mart, Holiday Inn, multiple fast-food restaurants, eating establishments, and retail uses. The subject parcel also includes 875 linear feet of frontage on Daly Drive, which provides access to the office and industrial uses south of Willard Road (including the subject parcel), as well as 150 linear feet of frontage on Brookfield Corporate Drive.



Figure 4: Detail of application parcel.

### Site Description:

The property is developed as an office park, featuring three identical 16,800-square-foot office buildings containing office space for a variety of tenants. A fourth building, originally part of the subject property, has been subdivided onto its own parcel and is separately owned. Buildings feature separate tenant entrances along all four facades, with additional covered entrance areas connecting buildings in groups of two. Green space exists adjacent to each set of two buildings, providing outdoor areas for employees to sit and gather.

The building fronting Willard Road (identified as 4500 Daly Drive) is the location of the proposed SE uses, and has recently undergone façade and minor site improvements in anticipation of the additional uses, including construction of an ornamental canopy and areas for outdoor seating.



*Figure 5: Improved north façade of 4500 Daly Drive, including areas for outdoor seating.*



*Figure 6: Alternate view of 4500 Daly Drive north façade.*

## ZONING BACKGROUND

The property has been subject to the following zoning approvals (plans and proffers are on file with DPZ):

- **RZ 79-S-113** (June 30, 1980): The Board of Supervisors rezoned 56.39 acres (including a portion of the subject property) from R-1 to I-5 to create the Brookfield Corporate Center, subject to proffers (dated June 28, 1980).
- **RZ 82-W-053** (July 26, 1982): On a Board's own motion, 1,640 acres was rezoned from R-1 to I-3 (including the remaining portion of the subject property), in accordance with recommendations of the Occoquan Basin Study, with the intent of preventing noise-incompatible residential development in the Dulles Airport area.
- **RZ 82-S-039** (October 25, 1982): The Board rezoned 13.49 acres (including the portion of the subject property previously rezoned by **RZ 82-W-053**) from I-3 to I-5, subject to proffers (dated October 21, 1982).

The governing proffers for the property do not specify particular uses, and do not otherwise conflict with the current proposal.

## SPECIAL EXCEPTION PLAT

**Title:** "Special Exception for Brookfield Corporate Center Parcel 2"

**Prepared By:** Stantec

**Original and Revision Dates:** Dated October 23, 2015, revised through September 15, 2016

**Number of Pages:** 2

### Description:

The two-page SE Plat identifies the subject property and the approximate limits of the portion of the one building that would contain the proposed SE uses. Example parking calculations are also included, demonstrating that adequate parking would be available under the specified development scenario. Actual parking calculations might change, based on the eventual mix of uses that occupy the space, and will be further reviewed at the time each Non-Residential Use Permit is requested.

## **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>	BR3 – Flatlick
<b>Special Area:</b>	Dulles Suburban Center – Land Unit E-3
<b>Plan Map:</b>	Mixed Use

#### **Area Plan:**

The area plan specifies that the area south of Willard Road (containing Brookfield Corporate Center) is planned for campus-style office and industrial/flex development, up to a maximum of 0.35 FAR. Ancillary retail use of up to 20 percent of the total development is considered appropriate, in order to serve employees of the primary uses, and should be incorporated within the first floor of office and industrial/flex buildings.

It is the opinion of staff that the proposed uses would serve employees of the larger Brookfield Corporate Center, and are appropriate at the proposed location. Existing retail and related uses within the larger business park comprise far less than the 20 percent limit recommended by the Plan, and the addition of the currently-proposed uses would not substantially affect that percentage. Furthermore, the proposed uses are to be located within the first (and only) floor of the existing office building. Staff believes the proposal satisfies the recommendations of the Comprehensive Plan.

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

The proposed fast-food, eating establishment, and quick-service food store uses are not permitted by-right in the I-5 District, but are permissible by an Article 9 Special Exception (per Sect. 5-504). Similar uses may be permissible by-right as Accessory Service Uses in the I-5 District (per Sect. 10-202), but are limited to catering primarily to employees of the associated principal use, and are not intended to have frontage on major streets and/or otherwise advertise their services to the general public. The intent of the proposed uses is to serve to the general public, in addition to the employees of the other uses on the application property, and to feature signage and facades visible and attractive to Willard Road. Therefore, staff considers the proposed uses additional primary uses on the property (rather than Accessory Service Uses); thus requiring the

requested Special Exception. The applicant may also lease space to legitimate Accessory Service Uses, as is permissible by-right in the I-5 District.

As reflected in Figure 7, below, the property would continue to satisfy all applicable bulk and setback requirements of the I-5 District.

<b>Figure 7: ZONING ORDINANCE PROVISIONS (Appendix 4) (Sect. 5-500, Articles 9, 11, 12)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
<b>Min. Lot Area</b>	20,000 sq. ft.	286,437 sq. ft. (6.58 ac.)
<b>Min. Lot Width</b>	100 ft.	+/- 424 ft.
<b>Max. Bldg. Height</b>	75 ft.	17 ft.
<b>Front Yard (Willard Rd.)</b>	45° bulk plane, not less than 40 ft.	79 ft.
<b>F.A.R.</b>	1.0 maximum* (* Grandfathered per Ord. Amend. 92-225)	0.18
<b>Open Space</b>	15%	+/- 40%
<b>Parking Spaces</b>	<ul style="list-style-type: none"> <li>• Office uses – 153 spaces</li> <li>• SE uses – 100 spaces</li> <li>• Total – 253 spaces (approximate - depending on resulting mix of uses)</li> </ul>	317 spaces (on-site) (additional 25 via easement on neighboring parcel)
<b>Loading Spaces</b>	4 spaces	4 spaces
<b>Signs</b>	(Based on building frontage)	Building-mounted signage, as permitted by-right

The requested Category 5 Special Exception also requires conformance with several categories of evaluation standards, as described below:

**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. As discussed previously in the Staff Analysis section of this report, Staff finds the proposed use in harmony with the Comprehensive Plan and considers this standard met.*

Standard 2: *The proposed use shall be in conformance with the general purpose and intent of the applicable zoning district regulations. The I-5 District is intended to provide locations for industrial and industrially-related commercial activities, with commercial uses in the district meant to provide services and supplies to the primary uses in the district. In this case, the primary uses in the area are office and light industrial; the proposed eating, fast-food, and quick service establishments would provide convenient services to the employees of the surrounding businesses, thus satisfying the intent of the 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. There are no additional construction or site modifications proposed with this application, and the proposed commercial uses would be located along Willard Road, which is commercially-zoned to the north. Staff considers this standard met.*

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. In support of this application, the applicant commissioned an Operational Analysis (OA) to determine the potential impact of the proposed uses on the surrounding roadway network and intersections. Of the proposed SE uses, the fast-food use has the highest projected trip generation (based on industry-standard calculations), with quick-service food stores somewhat lower, and “sit-down” eating establishments having a much lower trip generation projection. The OA determined that to avoid negative impacts on the transportation network, at least 2,327 square-feet of the proposed 7,911 square feet of proposed SE uses should be occupied*

by lower trip-generating eating establishment uses. Therefore, a proposed development condition limits both the overall square-footage of all SE uses to 7,911 square feet, and the combined maximum of all fast-food and/or quick-service food store uses to 5,584 square feet of that total. Eating establishments could also occupy a larger percentage of the 7,911 square-foot total with no adverse effects. Subject to the proposed development condition, staff finds that the proposal would not negatively affect the local traffic network, and satisfies this standard.

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.* There are no Article 13 screening or barrier requirements for the proposed use, since it adjoins other commercial uses. Interior parking lot landscaping is provided to satisfy Ordinance requirements, and the existing street trees provide peripheral parking lot landscaping along Willard Road. Peripheral parking lot landscaping is not required to neighboring shopping center uses, since they share a larger, coordinated parking area. Staff considers this standard satisfied.

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.* The percentage of open space on the property is not listed on the SE Plat, or in the Statement of Justification; however the application does not propose any site modifications and would not reduce the current amount of open space on the site. Staff estimates the open space percentage to be in the range of 40%, which is far greater than the 15% minimum requirement for an I-5 District. Staff considers this standard satisfied.

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.* According to the calculations provided on Sheet 1 of the SE Plat, sufficient parking is available on the site to accommodate the proposed SE uses, in addition to the remaining office uses. A recent minor site plan and associated construction project (in anticipation of the SE uses), added additional accessible spaces to the SE area, and an additional loading space that would be required of the SE uses. A current parking tabulation would be required prior to the receipt of each Non-Residential Use Permit to ensure that parking requirements remain satisfied. Utilities and other facilities are already in place on the site, so this standard is considered met.

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.* The applicant proposes to utilize by-right signage for all proposed SE uses, and would utilize an administrative sign plan option to re-allocate potential sign area to

the Willard Road frontage from other facades on the same building, which is acceptable to staff. This standard is considered met.

### **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 proposal complies with the lot size and bulk requirements of the I-5 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 uses are 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.* The proposed uses shall be subject to site plan provisions, as specified in a proposed Development Condition. A minor site plan (5344-MSP-005-1b) was recently approved to permit façade and site modifications, in anticipation of the proposed SE uses.

### **Additional Standards for Fast Food Restaurants and Quick-Service Food Stores (Sect. 9-505)**

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.* The proposed SE uses would only occupy a portion of an existing building, which has already undergone façade modifications to accommodate the potential uses. The architecture remains compatible with the remainder of the office park, and satisfies this standard.
  - B. *Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.* Vehicular circulation would not be modified with the proposed application, and would continue to be coordinated with the remainder of the site.
  - 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.* The proposed SE uses would not modify site circulation, which would continue to operate in a safe and convenient manner.

- 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.* The proposed SE uses would only occupy a small portion of the existing office park, and would be accommodated by existing parking facilities and infrastructure. There are no residential uses in proximity to the site. Staff considers this standard met.
- 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.* This standard does not apply to this application.

(Paragraphs 2, 3 and 4 do not apply to an I-5 District)

*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.* The proposed SE uses are to be located within an existing building, which is a portion of a 50,400-square-foot office park, so this standard is met.
- 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.* This standard does not apply to an I-5 District.
- 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.* This standard does not apply to an I-5 District.
- D. No Building Permit shall be approved for such a use unless a Building Permit has been approved for the related industrial building(s).* The proposed SE uses are to be located within an existing, permitted building, so this standard is met.

*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. There are no such uses proposed with this application, so this standard does not apply.*

Staff considers all Additional Standards for Fast Food Restaurants and Quick-Service Food Stores satisfied.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff finds that, subject to the proposed development conditions, the proposal to permit a combination of eating establishments, fast-food restaurants, and/or quick-service food store uses in a portion of an existing office park building would be in harmony with the Comprehensive Plan, and in conformance with applicable Zoning Ordinance provisions.

### **Staff Recommendations**

- Staff recommends that the Board of Supervisors approve application SE 2015-SU-034, 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 SE Development Conditions
2. Affidavit
3. Statement of Justification
4. Zoning Ordinance Provisions
5. Comprehensive Plan Guidance
6. FCDOT - Transportation Analysis
7. Glossary of Terms

**PROPOSED DEVELOPMENT CONDITIONS**  
**SE 2015-SU-034**  
**September 21, 2016**

If it is the intent of the Board of Supervisors to approve SE 2015-SU-034, located at Brookfield Corporate Center, Tax Map 44-1((1))13B2 (the "Property"), to permit a combination of fast-food restaurants, eating establishments, and/or quick-service food stores, pursuant to Sect. 9-505 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance, by PDG Daly Drive, LLC, its successors and assigns (collectively the "Applicant"), with the following development conditions:

1. This Special Exception ("SE") is granted for and runs with the land indicated in this application, and is not transferable to other land.
2. This SE is granted only for the purpose(s), structure(s) and/or use(s) indicated on the SE Plat approved with this application, as qualified by these development conditions.
3. This SE is subject to the provisions of Article 17, Site Plans. Any plan submitted in conjunction with this approval shall be in conformance with the approved SE Plat, consisting of two (2) sheets, entitled "Special Exception for Brookfield Corporate Center Parcel 2", prepared by Stantec and dated October 23, 2015, as revised through September 15, 2016, and these conditions. Minor modifications to the approved SEA Plat may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. This SE shall permit a maximum of 7,911 square feet for a combination of fast-food, eating establishment, and/or quick-service food store uses, to be located within a portion of the building identified as 4500 Daly Drive, as shown on the SE Plat. The total permitted square-footage of all fast-food and quick-service food store uses shall not exceed 5,584 square feet of the 7,911 square-foot total (in order to limit trip generation from the proposed SE uses). Eating establishment uses may occupy any percentage of the maximum square-footage. Outdoor seating/dining for the proposed uses shall be permissible on the adjacent patio, provided adequate parking is provided, per the Zoning Ordinance.
5. Accessory Service Uses shall be permitted, as may be permissible by-right, in addition to any permitted SE uses.
6. By-right building-mounted signage shall be allowed in accordance with the Zoning Ordinance, including the possibility of an administrative sign plan to re-allocate sign area.

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 responsible for obtaining the required Non-Residential Use Permits (Non-RUPs) 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 to permit a combination of fast-food, eating establishment, and/or quick-service food store uses, expires without notice, thirty (30) months after the date of approval unless, at a minimum, a Non-RUP has been obtained for at least one such use. 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 at least one month 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**

132892b

DATE: AUG 25 2016  
(enter date affidavit is notarized)

I, Lori R. Greenlief, do hereby state that I am an  
(enter name of applicant or authorized agent)

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

in Application No.(s): SE 2015-SU-034  
(enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
PDG Daly Drive LLC Agent: Jeffrey T. Parana	4500 Daly Drive, Suite 300 Chantilly, VA 20151	Applicant/Title Owner of Tax Map 44-1 ((1)) 13B2
Stantec Architecture Inc. Agent: George Gibson	4500 Daly Drive, Suite 100 Chantilly, VA 20151-3724	Engineer/Agent
ArchGroup, Inc. Agent: Mark D. Mittereder	12198 Henderson Road Clifton, VA 20124	Architect/Agent

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.  
\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Special Exception Attachment to Par. 1(a)

DATE: AUG 25 2016  
(enter date affidavit is notarized)

1328926

for Application No. (s): SE 2015-SU-034  
(enter County-assigned application number (s))

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
McGuireWoods LLP Agents: Scott E. Adams David R. Gill Janet S.F. Griffith Jonathan P. Rak Gregory A. Riegle Kenneth W. Wire Sheri L. Akin Lori R. Greenlief	1750 Tysons Boulevard, Suite 1800 Tysons, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent
M.J. Wells & Associates, Inc. Agent: Michael J. Workosky	1420 Spring Hill Road, Suite 610 Tysons, VA 22102	Traffic Consultant/Agent

(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: AUG 25 2016  
 (enter date affidavit is notarized)

1328926

for Application No. (s): SE 2015-SU-034  
 (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) PDG Daly Drive, LLC  
 4500 Daly Drive, Suite 300  
 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 SHAREHOLDERS:** (enter first name, middle initial and last name)

Jeffrey T. Parana  
 Thomas R. Maskey  
 Peter Hackett  
 Anthony T. Mehl

(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: AUG 25 2016  
(enter date affidavit is notarized)

1328926

for Application No. (s): SE 2105-SU-034  
(enter County-assigned application number (s))

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

Stantec Architecture Inc.  
4500 Daly Drive, Suite 100  
Chantilly, VA 20151-3724

**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)

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

ArchGroup, Inc.  
12198 Henderson Road  
Clifton, VA 20124

**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)

Mark D. Mittereder

(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: AUG 25 2016  
(enter date affidavit is notarized)

132892b

for Application No. (s): SE 2105-SU-034  
(enter County-assigned application number (s))

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

M.J. Wells & Associates, Inc.  
1420 Spring Hill Road, Suite 610  
Tysons, VA 22102

**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)

M.J. Wells & Associates, Inc. Employee  
Stock Ownership Trust. All employees are  
eligible plan participants; however, no one  
employee owns 10% or more of any class of  
stock.

**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: AUG 25 2016  
(enter date affidavit is notarized)

1328926

for Application No. (s): SE 2015-SU-034  
(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)  
McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
Tysons, VA 22102

(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)

Equity Partners of McGuireWoods LLP

- |                         |                    |                     |
|-------------------------|--------------------|---------------------|
| Adams, John D.          | Barrett, John M.   | Brose, R. C.        |
| Allen, Joel S.          | Becker, Scott L.   | Burk, Eric L.       |
| Anderson, Arthur E., II | Belcher, Dennis I. | Busch, Stephen D.   |
| Anderson, James M., III | Bell, Craig D.     | Cabaniss, Thomas E. |
| Anderson, Mark E.       | Billik, R. E.      | Cairns, Scott S.    |
| Andre-Dumont, Hubert    | Blank, Jonathan T. | Capwell, Jeffrey R. |
| Atty, Lisa A.           | Boardman, J. K.    | Cason, Alan C.      |
| Bagley, Terrence M.     | Brenner, Irving M. | Chaffin, Rebecca S. |
| Barger, Brian D.        | Brooks, Edwin E.   | Chapman, Jeffrey J. |

(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 Attachment to Par. 1(c)**DATE: AUG 25 2016  
(enter date affidavit is notarized)

1328926

for Application No. (s): SE 2015-SU-034  
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
Tysons, VA 22102(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**)

Clark, Jeffrey C.	Fox, Charles D., IV	Hilton, Robert C.
Cockrell, Geoffrey C.	Franklin, Ronald G.	Horne, Patrick T.
Collins, Darren W.	Fratkin, Bryan A.	Hornyak, David J.
Covington, Peter J.	Freedlander, Mark E.	Hosmer, Patricia F.
Cramer, Robert W.	Freeman, Jeremy D.	Howard, Justin D.
Cromwell, Richard J.	Fuhr, Joy C.	Hughes, John L., Jr.
Culbertson, Craig R.	Gambill, Michael A.	Jackson, J. B.
Cullen, Richard (nmi)	Glassman, Margaret M.	Jewett, Bryce D., III
Daglio, Michael R.	Gold, Stephen (nmi)	Jordan, Hilary P.
De Ridder, Patrick A.	Goldstein, Philip (nmi)	Justus, J. B.
Dickerman, Dorothea W.	Grant, Richard S.	Kahn, Brian A.
DiMattia, Michael J.	Greenberg, Richard T.	Kanazawa, Sidney K.
Dooley, Kathleen H.	Greene, Christopher K.	Kane, Matthew C.
Dossa, Mehboob R.	Greenspan, David L.	Kang, Franklin D.
Downing, Scott P.	Gresham, A. B.	Kannensohn, Kimberly J.
Edwards, Elizabeth F.	Grieb, John T.	Katsantonis, Joanne (nmi)
Ensing, Donald A.	Haas, Cheryl L.	Keeler, Steven J.
Evans, Gregory L.	Hampton, Charles B.	Kelly, Brian J.
Evans, Jason D.	Harmon, Jonathan P.	Kilpatrick, Gregory R.
Ey, Douglas W., Jr.	Harmon, T. C.	King, Donald E.
Farrell, Thomas M.	Hartsell, David L.	Kobayashi, Naho (nmi)
Feller, Howard (nmi)	Hatcher, J. K.	Konia, Charles A.
Finger, Jon W.	Hayden, Patrick L.	Kratz, Timothy H.
Finkelson, David E.	Hayes, Dion W.	Kromkowski, Mark A.
Foley, Douglas M.	Hedrick, James T., Jr.	Krueger, Kurt J.

(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: AUG 25 2016  
(enter date affidavit is notarized)

1328926

for Application No. (s): SE 2015-SU-034  
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
Tysons, VA 22102(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**)

Kutrow, Bradley R.	McIntyre, Charles W.	Pryor, Robert H.
La Fratta, Mark J.	McKinnon, Michele A.	Pumphrey, Brian E.
Lamb, Douglas E.	McLean, David P.	Pusateri, David P.
Lapp, David R.	McLean, J. D.	Rak, Jonathan P.
Lias-Booker, Ava E.	McNab, S. K.	Reid, Joseph K., III
Link, Vishwa B.	McRill, Emery B.	Richardson, David L.
Little, Nancy R.	Michalik, Christopher M.	Riegle, Gregory A.
Long, William M.	Milianti, Peter A.	Riley, James B., Jr.
Lukitsch, Bethany G.	Miller, Amy E.	Riopelle, Brian C.
Maddock, John H., III	Moldovan, Victor L.	Roach, Derek A.
Mandel, Michael D.	Muckenfuss, Robert A.	Roberts, Manley W.
Manning, Amy B.	Mullins, P. T.	Roesenthaler, Michael J.
Marianes, William B.	Murphy, Sean F.	Rogers, Marvin L.
Marshall, Gary S.	Nahal, Hardeep S.	Rohman, Thomas P.
Marshall, Harrison L., Jr.	Natarajan, Rajsekhar (nmi)	Ronn, David L.
Marsico, Leonard J.	Neale, James F.	Rosen, Gregg M.
Martin, Cecil E., III	Nesbit, Christopher S.	Russo, Angelo M.
Martin, George K.	Newhouse, Philip J.	Rust, Dana L.
Martinez, Peter W.	O'Grady, John B.	Satterwhite, Rodney A.
Mason, Richard J.	Oakey, David N.	Scheurer, Philip C.
Mathews, Eugene E., III	Older, Stephen E.	Schewel, Michael J.
Mayberry, William C.	Oostdyk, Scott C.	Sellers, Jane W.
McDonald, John G.	Padgett, John D.	Sethi, Akash D.
McFarland, Robert W.	Perzek, Philip J.	Shelley, Patrick M.
McGinnis, Kevin A.	Phillips, Michael R.	Simmons, L. D., II

(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: AUG 25 2016  
(enter date affidavit is notarized)

1328926

for Application No. (s): SE 2015-SU-034  
(enter County-assigned application number (s))

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

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
Tysons, VA 22102

(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**)

Slone, Daniel K.  
Spahn, Thomas E.  
Spitz, Joel H.  
Spitzer, Mark A.  
Spivey, Angela M.  
Stallings, Thomas J.  
Steen, Bruce M.  
Steggerda, Todd R.  
Stein, Marta A.  
Stone, Jacquelyn E.  
Swan, David I.  
Symons, Noel H.  
Tarry, Samuel L., Jr.  
Taylor, R. T.  
Thanner, Christopher J.  
Thornhill, James A.  
Van Horn, James E.  
Vance, Robin C.  
Vaughn, Scott P.  
Vick, Howard C., Jr.  
Viola, Richard W.  
Visconsi Law Corporation, John R.\*  
Wade, H. L., Jr.  
Walker, Barton C.  
Walker, John T., IV

Walker, Thomas R.  
Walker, W. K., Jr.  
Walsh, Amber M.  
Westwood, Scott E.  
Whelpley, David B., Jr.  
White, H. R., III  
White, Walter H., Jr.  
Wilburn, John D.  
Williams, Steven R.  
Woodard, Michael B.  
Wren, Elizabeth G.

\*Does not own 10% or more  
of McGuireWoods LLP

(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: AUG 25 2016  
(enter date affidavit is notarized)

1328926

for Application No. (s): SE 2015-SU-034  
(enter County-assigned application number (s))

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

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
Tysons, VA 22102

(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)**

(Former Equity Partner List)

- Cacheris, Kimberly Q.
- Glickson, Scott L.
- Isaf, Fred T.
- Parker, Brian K.
- Robinson, Stephen W.
- Schmidt, Gordon W.
- Tackley, Michael O.

(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: AUG 25 2016  
(enter date affidavit is notarized)

1328926

for Application No. (s): SE 2015-SU-034  
(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.

Application No.(s): SE 2015-SU-034  
(county-assigned application number(s), to be entered by County Staff)

Page Five

**SPECIAL EXCEPTION AFFIDAVIT**

132892b

DATE: AUG 25 2016  
(enter date affidavit is notarized)

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

Applicant's Authorized Agent

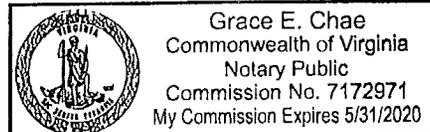
Lori R. Greenlief, Sr. Land Use Planner

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

Subscribed and sworn to before me this 25<sup>th</sup> day of August 20 16, in the State/Comm. of Virginia, County/City of Fairfax.

Grace E. Chae  
Notary Public

My commission expires: \_\_\_\_\_



**PDG, Daly Drive, LLC**  
**Special Exception for Eating Establishments, Fast Food**  
**Restaurants and Quick Service Food Stores**  
**44-1((1))13B2**  
**Written Statement**  
**April 26, 2016**

PDG Daly Drive, LLC, (the “Applicant”), requests Special Exception (SE) approval of three SE uses in the I-5 District: Eating Establishments, Fast Food Restaurants and Quick Service Food Stores on property identified as tax map number 44-1((1))13B2 (the “Property”). The property is located within the Brookfield Corporate Business Park in the Sully District.

**Background**

The property contains approximately 6.577 acres and is zoned I-5. It is developed with three one story, campus style office buildings surrounded by surface parking. A fourth matching one story office building is located to the south. It was originally part of the property, but has been subdivided as a separate parcel and is not owned by the Applicant. The property across Willard Road to the north is zoned C-6 and is developed with restaurant and fast food uses and a gas station. The properties to the south, east and west are zoned I-3 and I-5 and are developed with office/warehouse and bank uses in the Brookfield Corporate Park.

The Brookfield Corporate Park consists of approximately 77 acres of office and warehouse uses, not including several acres of office condominium land. Warehousing and office uses also extend farther to the east along Walney Road. PDG Daly Drive, LLC has been a tenant in one of the buildings on the property for 3 years and has watched the declining interest in the park on the part of new office tenants. Likewise, over the last couple years, several office tenants have vacated the property. In July 2014, PDG, Daly Drive, LLC purchased three of the four buildings with the goal of rejuvenating and revitalizing the property. This on-going effort includes embellishing the exterior façade, enhancing the outside amenity areas with new landscaping and site lighting. This request to add some additional uses is an additional effort to amenitize the office park. Given the trend for mixed use office buildings, incorporating these SE uses into the park is important in order to attract corporate office users to the mostly vacant office space. This area of the County has seen the approval of legislative actions to transform existing campus-style office parks into mixed use environments such as The Preserve at Westfields and, most recently, Wegmans, both within the Westfield Business Park. Corporate users are demanding “onsite” retail, eating establishments and other amenities to serve their employees.

**Request**

In order to lease to the type of uses that would be attractive to future office users, the Applicant has chosen to place the uses in Building 1 as shown on the special exception plat. The types of SE uses proposed are eating establishments, fast food restaurants, and quick service food stores. The actual number of each type of use is not yet known as there are no pending leases, but the SE plat and the chart below show a logical and desired mix. It is noted that this mix may change over time in the park but in order for a use to receive a non-residential use permit, adequate parking must be provided.

Other accessory uses may also be established by-right per Article 10 of the Zoning Ordinance to further revitalize the park. It is anticipated that 5 or 6 uses could be located along the

north side of Building 1, potentially wrapping around the edge to the sides. Per our discussion with the Zoning Administration Division, the gross floor area attributable to the SE uses will not impact the amount of accessory service uses that would be permitted on the property as the SE uses would be considered principal uses themselves.

**Harmony with the Comprehensive Plan**

The property is located in Land Unit E-3 of the Dulles Suburban Center. The Plan map shows the property on the south side of Willard Road, as well as that on the north side, as planned for mixed used development (office, hotel, residential and/or retail). While this application does not propose redevelopment within those Plan guidelines, the ultimate vision of the Applicant is to potentially redevelop per those recommendations. In the “interim”, the goal of the addition of these uses is to revitalize the aging office park. The proposed uses align with the Comprehensive Plan recommendations for mixed use as well as with the area specific recommendation for up to 20% ancillary retail use on the first floor of the building(s).

**Conformance with the Zoning Ordinance**

The following information is provided pursuant to Section 9-011 of the Fairfax County Zoning Ordinance for the three types of SE uses proposed, Fast Food Restaurant, Eating Establishment and Quick Service Food Store. There is an area, approximately 8,000 square feet in size, where these uses can be located on the property, as shown on the SE plat. Per the discussion above, the chart below and on the next page assumes a mix of 3 eating establishments, 2 fast food restaurants and one quick service food store.

<b>Type of operation</b>	<b>Hours of operation</b>	<b>Estimated number of patrons, clients, etc.</b>	<b>Number of employees</b>	<b>Estimate of traffic impact</b>	<b>Vicinity to be served</b>	<b>Description of façade or architecture of new buildings</b>	<b>A listing of hazardous or toxic substances</b>	<b>Statement that use conform to all ordinance, regulations, standards</b>
Fast Food	7am to 11pm	46	16	9 additional peak hour trips	Brookfield Corporate Park and immediate area	No change to building façade other than signage and addition of awnings as shown	None	The use conforms to all applicable requirements.

<b>Type of operation</b>	<b>Hours of operation</b>	<b>Estimated number of patrons, clients, etc.</b>	<b>Number of employees</b>	<b>Estimate of traffic impact</b>	<b>Vicinity to be served</b>	<b>Description of façade or architecture of new buildings</b>	<b>A listing of hazardous or toxic substances</b>	<b>Statement that use conform to all ordinance, regulations, standards</b>
Eating Establishment	7am to 11pm	98	24	16 additional peak hour trips	Brookfield Corporate Park and immediate area	No change to building façade other than signage and addition of awnings as shown	None	The use conforms to all applicable requirements.
Quick Service Food Store	7am to 11pm	12	2	5 additional peak hour trips	Brookfield Corporate Park and immediate area	No change to building façade other than signage and addition of awnings as shown	None	The use conforms to all applicable requirements.

Sect. 9-006, General Standards for a Special Exception

1. The proposed use is in harmony with the adopted Comprehensive Plan. See discussion above.
2. The use is in harmony with the general purpose and intent of the applicable zoning district regulations. All bulk regulations are satisfied. The proposed uses are permitted special exception uses in the I-5 District.
3. The proposal to establishment special exception uses in the location shown on the plan is compatible with the type of uses that are located directly across Willard Road. Additionally, the building façade enhancements proposed concurrently with the establishment will be aesthetically pleasing to the surrounding area.
4. The ITE trip generation rate indicates that the conversion of 8,000 square feet of office space to the SE uses proposed would have a minimal effect on area traffic. When accounting for pass-by trips drawn from Willard Road, the change in use would result in only a minor increase of 20 to 30 peak hour trips which is a negligible impact at the adjacent intersection. Further, a portion of patrons are expected to be drawn from adjacent properties within and adjacent to the business park that can walk to the site rather than drive to other off-site locations, further reducing traffic impacts.
5. Acknowledged.
6. There are no physical changes proposed to the property that would alter the existing amount of open space provided on the approved site plan.
7. The amount of parking provided exceeds the parking required by 62 spaces. As previously stated, the Applicant requests the flexibility to lease a different mix of uses than that shown on the SE plat, provided a parking tabulation is provided to zoning at the time of the

application for a non-residential use permit for the use. Adequate stormwater and drainage management is provided.

8. Signs shall be regulated by Article 12. Note that the Applicant is concurrently processing a request for a reallocation of sign area, an administrative process with Zoning Administration. This process does not allow additional sign area beyond that allowed by Article 12, but it allows sign area to be redistributed among uses on a property. Signage for the SE uses shall be as shown on the SE plat.

Sect. 9-504, Standards for All Category 5 Uses

1. The uses and lot complies with the lot size and bulk regulations of the I-5 Zoning District.
2. The uses will comply with any applicable performance standards. A photometric plan is not required for any of the proposed uses.
3. The uses shall comply with Article 17, if applicable.

Sect. 9-505, Additional Standards for Fast Food Restaurants and Quick Service Food Stores

- 1(A). The fast food restaurants and quick service food store uses will be located within the first floor of an existing building and therefore is inherently compatible with the building in which they are located.
- 1(B). The uses will be internal to the property. Vehicular and pedestrian circulation will occur on existing sidewalks and roads which are already coordinated with adjacent properties.
- 1(C). The uses will be located such that there will be no turning movement conflicts. Existing parking spaces will be utilized and there will be no stacking spaces necessary.
- 1(D). There are no adjacent residential uses.
- 1(E). Not applicable.
2. Not applicable
3. Not applicable.
4. Not applicable.
- 5(A). The proposed location of the uses is integral to the existing building which is over 30,000 square feet in size.
- 5(B). Not applicable.
- 5(C). Not applicable.
- 5(D). The uses will be located within an existing building which has a building permit.

5(E). Not applicable.

6. Not applicable.

7. Not applicable.

## **V. CONCLUSION**

The proposed development is consistent with current Comprehensive Plan recommendations for the Property and shall comply with all ordinances, regulations and adopted standards of Fairfax County. Allowing these SE uses will serve to revitalize this business park because these types of services will attract additional office users to its vacant tenant space. For all of the aforementioned reasons, the Applicant respectfully requests the Staff and the Planning Commission to endorse, and the Board of Supervisors to approve this Special Exception request.

**Selected applicable Zoning Ordinance Provisions from the Fairfax County Zoning Ordinance, dated November 17, 2015. 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 5 - INDUSTRIAL DISTRICT REGULATIONS**

**PART 5 5-500 I-5 GENERAL INDUSTRIAL DISTRICT**

**5-504 Special Exception Uses**

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

5. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:
  - F. Eating establishments
  - G. Fast food restaurants
  - N. Quick-service food stores

**ARTICLE 9 - SPECIAL EXCEPTIONS**

**PART 0 9-000 GENERAL PROVISIONS**

**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**

**9-501 Category 5 Special Exception Uses**

9. Eating establishments.
11. Fast food restaurants.
20. Quick-service food stores.

**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.

**ARTICLE 11 – OFF-STREET PARKING AND LOADING, PRIVATE STREETS**

**PART 1 11-100 OFF-STREET PARKING**

**11-104 Minimum Required Spaces for Commercial and Related Uses**

Minimum off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:

7. Eating Establishment or Commercial Recreation Restaurant:

One (1) space per four (4) seats plus one (1) space per two (2) employees where seating is at tables; and/or

One (1) space per two (2) seats plus one (1) space per two (2) employees where seating is at a counter

8. Fast Food Restaurant:

One (1) space per two (2) seats for table and/or counter seating, whether such seating facilities are inside or outside. For fast food restaurant with no seating facilities, one (1) space per sixty (60) square feet of net floor area with a minimum of ten (10) spaces

14. Office (unless otherwise provided for in this Section):

A. 50,000 square feet of gross floor area or less: Three and six-tenths (3.6) spaces per 1000 square feet of gross floor area

17. Quick-Service Food Store:

Six and one half (6.5) spaces per 1000 square feet of gross floor area

**PART 2 11-200 OFF-STREET LOADING**

**11-203 Minimum Required Spaces**

5. Eating Establishment, Fast Food Restaurant or Commercial Recreation Restaurant:

One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 25,000 square feet or major fraction thereof.

Selected applicable recommendations from the Fairfax County Comprehensive Plan, 2013 Edition, Dulles Suburban Center, Amended through 10-20-2015. For the full, unabridged, 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 E-3

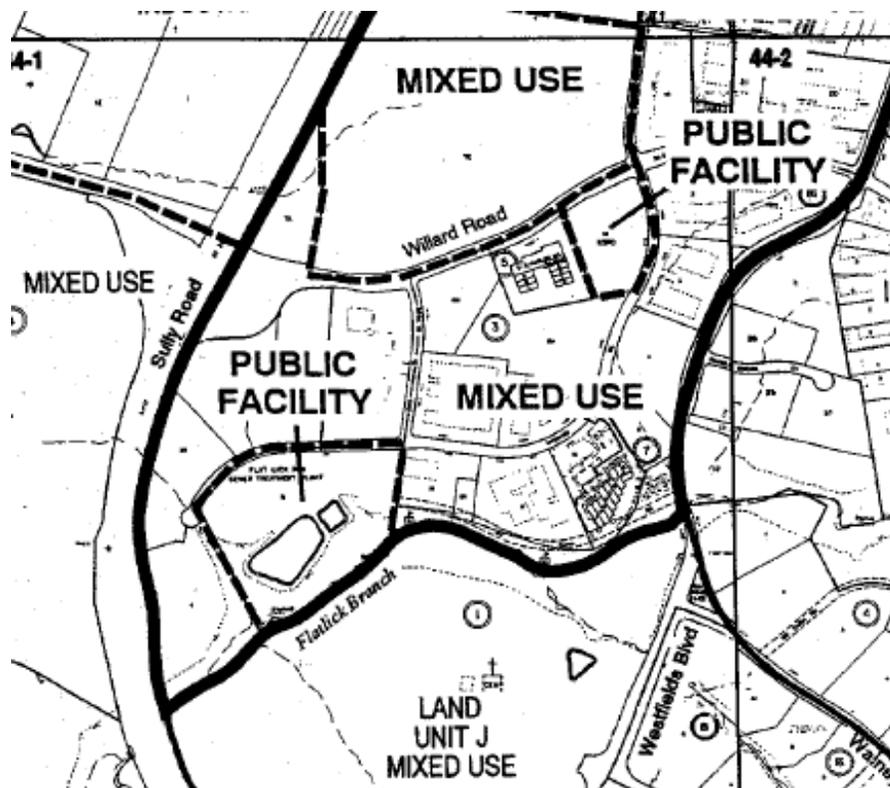
#### Character

Land Unit E-3 consists of approximately 350 acres in the southeast quadrant of the intersection of Route 28 and Route 50. Flatlick Branch of Cub Run forms the southern boundary and Walney Road forms the eastern boundary. Most of the land unit is developed, primarily in retail, industrial, industrial/flex and campus-style office use.

#### Recommendations

##### Land Use

2. The area south of Willard Road contains the majority of the Brookfield Corporate Center and is planned for campus-style office and industrial/flex development up to a maximum of .35 FAR to be compatible with existing uses and intensities. Ancillary retail use up to 20 percent of the total development, to serve employees, may also be appropriate and should be incorporated within the first floor of the office and industrial/flex buildings.





## County of Fairfax, Virginia

**MEMORANDUM**

DATE: August 18, 2016

TO: Barbara Berlin, Director  
Zoning Evaluation Division, DPZ

FROM: Michael Davis, Acting Chief  
Site Analysis Section, DOT 

FILE: SE 2015-SU-034

SUBJECT: SE 2015-SU-034 - PDG Daly Drive LLC  
Land Identification Maps: 44-1 ((1)) 13B2

This department has reviewed the subject Special Exception request and the Operational Analysis (OA), dated July 7, 2016, submitted with the application. We have determined that the proposed uses capped at the square footage proposed in the OA will not have an adverse impact on the vehicular network in the vicinity of the site. The roadway infrastructure accessing the site and at nearby intersections is adequate to serve the uses and square footage anticipated in the OA. Assuming the applicant is willing to limit themselves to the total square footage proposed for retail/restaurant uses, we have no objection to the approval of the application.

MAD

Cc: Michael Lynskey, DPZ

## 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		