



**APPLICATION ACCEPTED:** June 28, 2016  
**PLANNING COMMISSION:** November 16, 2016  
**BOARD OF SUPERVISORS:** (to be determined)

## County of Fairfax, Virginia

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**November 2, 2016**  
**STAFF REPORT**  
**SEA 92-Y-016**  
**SULLY DISTRICT**



**APPLICANT:** Macs Retail, LLC

**ZONING:** C-8 (Highway Commercial)

**PARCEL:** 24-4 ((1)) 5A

**ACREAGE:** 1.14 acres

**FAR:** 0.04

**OPEN SPACE:** 35%

**PLAN MAP:** Retail and Other

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

**PROPOSAL:** Condition modifications associated with a service station, quick-service food store, and car wash.

### **STAFF RECOMMENDATIONS:**

- Staff recommends approval of SEA 92-Y-016, 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 Amendment

## SEA 92-Y-016

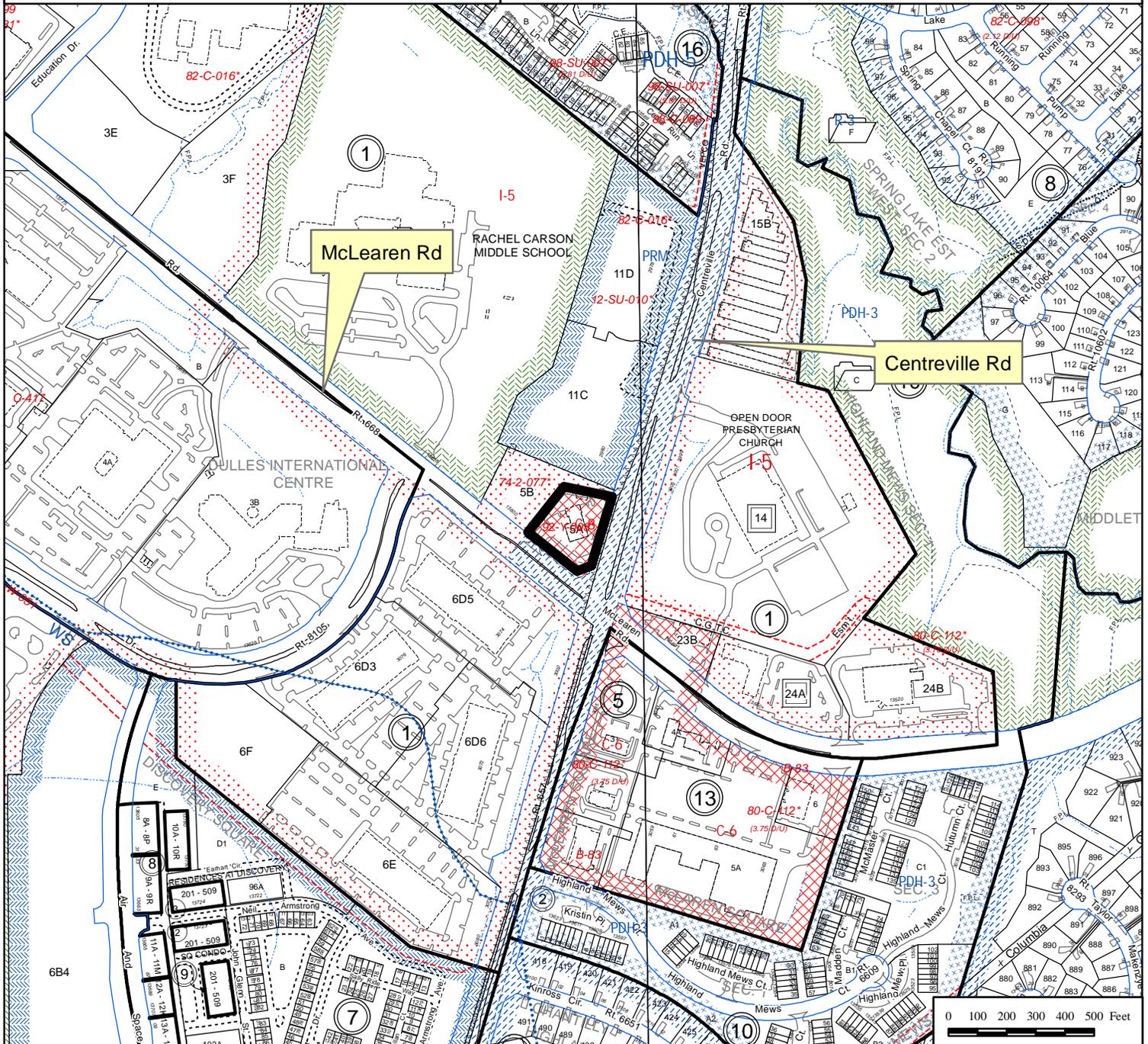


Applicant:  
Accepted:  
Proposed:

MACS RETAIL LLC  
06/28/2016  
AMEND SE 92-Y-016 PREVIOUSLY APPROVED FOR SERVICE STATION, QUICK SERVICE FOOD STORE AND CAR WASH TO PERMIT MODIFICATION OF DEVELOPMENT CONDITIONS

Area: 1.14 AC OF LAND; DISTRICT - SULLY  
Zoning Dist Sect: 04-0804  
Located: 2990 CENTREVILLE ROAD, HERNDON, VA 20171

Zoning: C- 8  
Plan Area: 3,  
Overlay Dist:  
Map Ref Num: 024-4- /01/ /0005A





## DESCRIPTION OF THE APPLICATION

The applicant requests approval to amend a Special Exception, previously approved to permit a service station, car wash, and quick-service food store on a 1.14-acre parcel zoned C-8, and located on Centreville Road, in the Chantilly area.

Figure 1 – Details of Proposed Use.	
<b>Use:</b>	Service Station, Car Wash, and Quick-Service Food Store
<b>Hours of Operation:</b>	24 hours, 7 days/week
<b>Gross Floor Area (GFA):</b>	<ul style="list-style-type: none"><li>• 1,391 sf – service station/ quick-service food store</li><li>• 680 sf – car wash</li></ul> TOTAL - 2,071 sf
<b>Floor Area Ratio (FAR):</b>	0.04
<b>Estimated Patrons per Day:</b>	1000
<b>Number of Employees:</b>	4
<b>Parking Spaces:</b>	19 spaces

The proposed amendment would modify the previously-approved Special Exception Conditions (included in Appendix 4) as follows:

- Condition 4: *“A maximum of three employees shall be permitted on the site at any one time”.*

The applicant requests a maximum of four employees at any one time, rather than three.

- Condition 5: *“The quick-service food store portion of the building shall not exceed 1,200 square feet”.*

According to the building permit on file, the existing service station/quick-service food store building is 1,391 square feet. The condition would be modified to state that the service station/quick-service food store building shall not exceed 1,400 square feet, to avoid any confusion.

- Condition 6: *“The types of items which may be sold in the quick service food store shall be limited to prepackaged items which are normally sold from vending machines, including coffee and similar hot beverages, cakes, pies, soft drinks,*

*juices, dairy products, prepackaged sandwiches, snack food items, e.g., pretzels, potato chips, etc., cookies, assorted gum, cigarettes and tobacco products and similar items. No groceries, other than described above, shall be permitted. Food preparation and the use of microwave ovens shall not be allowed. No alcoholic beverages shall be allowed to be sold. The marketing of video tapes or video machines shall not be allowed on the premises. These restrictions, however, shall not limit the sale of automobile-related products under the definition of service station.”*

The applicant proposes to eliminate Condition Number 6 altogether, in order to remove outdated restrictions on the types of items that the quick-service food store is permitted to sell. There are no other use changes or site modifications included in this proposal.

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

## LOCATION AND CHARACTER



Figure 2: Project location and adjacent uses.

**Zoning and Adjacent Uses**

The application parcel is zoned C-8, and adjoins industrially-zoned parcels to the south and west (mostly occupied by schools), and land zoned PRM to the north, which is approved for an assisted-living facility that is currently under construction. Directly across Centreville Rd. is a large church facility, and the McLearn Square shopping center to the southeast.

Figure 3: Surrounding Use Descriptions			
Direction	Use	Zoning	Comprehensive Plan Recommendation
North	Assisted Living Center under construction	PRM	Office
West	Vacant parcel and middle school	I-5	Retail and Other, Public Facilities
East	Large church	I-5	Office
South	School	I-5	Mixed Uses



Figure 4: Site detail.

**Site Description:**

The property is located within the northwest quadrant of the intersection of Centreville Road and McLearn Road, and features right-in/right-out access points on both roadways. Structures include the 1,391-square-foot service station/quick-service food store, six covered pump bays, and a detached 680-square-foot drive-thru car wash. Parking exists on-site for 19 vehicles. The parcel was developed in coordination with the neighboring I-5-zoned parcel (Parcel 5B) to the west, and includes an inter-parcel access easement to allow future access to that site from the Centreville Road entrance.

**ZONING BACKGROUND (Appendix 4)**

- **RZ 74-2-077** (April 5, 1976): The Board of Supervisors rezoned the subject property from R-1 to I-5 District, subject to proffers (dated March 31, 1976) that limited development of the property to industrial use.
- (March 8, 1993): The Board of Supervisors adopted amendments to the Comprehensive Plan which included the addition of Plan language for the subject property that would allow service station and related uses on the site, subject to a coordinated development plan
- **RZ 92-Y-003 / PCA 74-2-077 / SE 92-Y-016** (May 10, 1993): The Board of Supervisors severed the 1.14-acre parcel from the proffers associated with RZ 74-2-077, and rezoned the parcel from the I-5 District to the C-8 District, subject to a Generalized Development Plan (GDP) and proffers associated with RZ 92-Y-003 (dated September 4, 1992). The Board concurrently approved a Special Exception to permit a service station, car wash and quick-service food store on the site, subject to Development Conditions. The governing GDP is included at the beginning of this report, while the proffers and development conditions are included as Appendix 4.

**SPECIAL EXCEPTION AMENDMENT PLAT**

<b>Title:</b>	“Generalized Development Plan / Special Exception Plat, Centreville Rd. & McLearn Rd., Fairfax Co., VA”
<b>Prepared By:</b>	Exxon Company, U.S.A.
<b>Original and Revision Dates:</b>	Dated March 12, 1993, as revised through April 8, 1993
<b>Number of Pages:</b>	1

Since no new construction or site modifications are currently proposed, the requirement to submit a revised SE Plat has been waived in lieu of the previously-approved SE Plat, which is included at the beginning of this report.

### **STAFF ANALYSIS**

#### **PROPOSED CONDITION MODIFICATIONS:**

The applicant proposes to modify the approved Development Conditions associated with SE 92-Y-016 (as noted at the beginning of this report). Staff has no issue with the applicant's request to modify Condition Number 4 to allow a maximum of four employees, rather than three. Condition Number 5 limits the square-footage of the quick-service food store portion of the building to 1,200 square feet. According to the building permit on file, the existing service station/quick-service food store building is 1,391 square feet. It is unclear what portion of that floor area would be considered the quick-service food store portion, and whether or not that area exceeds the 1,200 square-foot limitation of Condition 5, so staff proposes to modify that condition to state that the service station/quick-service food store building shall not exceed 1,400 square feet, to avoid any confusion. The additional 200 square feet would result in a requirement for one additional parking space on the site (10 rather than 9 required), but there are 19 parking spaces currently provided on the site, so the condition change would not affect conformance with the Parking Ordinance.

The proposal to eliminate Condition Number 6, which restricts the sale of items such as prepared food items, alcoholic beverages, and video tapes, is consistent with current County policies and with similar cases that have recently gone before the Board. At one time, such conditioned restrictions were commonplace in the County, in order to distinguish full-service convenience stores from more service-oriented establishments. In 1997 the Zoning Ordinance was amended to create the service station/mini-mart classification and to revise the definition of quick-service food store, in order to provide a clearer distinction between the types of establishments. Service stations/mini marts are restricted from selling alcoholic beverages and/or retail sales of prepared food, while the current definition of quick-service food store allows for the sale of all types of food and there is no restriction on the sale of alcohol. Since such a distinction is now handled by the Zoning Ordinance, and previous Condition Number 6 is not consistent with the current Ordinance definition of a quick-service food store, staff supports the proposed removal of the condition.

During review of the current application, staff also noticed that some of the landscaping depicted on the original SE Plat no longer exists on the site (see Appendix 6). An additional Development Condition (Condition Number 7) requires the applicant to replace missing vegetation prior to receipt of a new use permit for the property, to the

satisfaction of the Urban Forest Management Division of the Department of Public Works and Environmental Services. An unenclosed recycling dumpster, presumably for the use of the application property, was also observed just outside of the application parcel, within the future interparcel access area on Parcel 5B (near the Centreville Road entrance). Condition Number 8 was included to require all solid waste and/or recycling containers to be located within a permitted on-site enclosure, or removed prior to receipt of a use permit for this SEA.

### **ZONING ORDINANCE PROVISIONS** (Appendix 5)

Service stations and quick-service food stores require a Category 5 Special Exception in the C-8 District (per Sect. 4-804), and are subject to General Standards for all Special Exceptions (Sect. 9-006), Evaluation Standards for all Category 5 Uses (Sect. 9-503), and Additional Standards for Automobile-Oriented Uses (Sect. 9-505), in addition to standard Zoning Ordinance requirements for Parking and Loading, Landscaping and Screening, Tree Cover, Stormwater Management, and others (see Figure 5, below).

<b>Figure 5: ZONING ORDINANCE PROVISIONS (Appendix 5) (Sect. 4-800, Articles 9, 11, 13)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
<b>Min. Lot Area</b>	40,000 sq. ft.	50,000 sq. ft.
<b>Min. Lot Width</b>	200 ft.	+/- 240 ft.
<b>Max. Bldg. Height</b>	40 ft.	+/- 12 ft.
<b>Front Yard (McLearn Rd.)</b>	45° bulk plane, not less than 40 ft.	+/- 125 ft.
<b>Rear Yard (N. Line)</b>	20 ft.	+/- 6 ft. (Carwash) (Allowed adjacent to side lot line of adjacent property, per Sect.10-104, Par. 12F)
<b>F.A.R.</b>	Maximum 0.50	0.04
<b>Open Space</b>	Minimum 15%	35%
<b>Parking Spaces</b>	(6.5 spaces per 1000 sf of service station/quick-service food store) 10 spaces required + 10 stacking spaces for car wash	19 spaces + 10 stacking spaces

The proposed modifications to the approved Development Conditions would have no effect on the site's continued conformance with applicable Zoning Ordinance requirements, and the site would continue to satisfy the additional SE standards referenced above.

**COMPREHENSIVE PLAN GUIDANCE** (Appendix 6)

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

<b>Plan Area:</b>	III
<b>Planning District:</b>	Upper Potomac
<b>Planning Sector:</b>	UP6 – Sully
<b>Special Area:</b>	Dulles Suburban Center – Land Unit D-2
<b>Plan Map:</b>	Retail and Other

**Area Plan:**

The area east of Rachel Carson Middle School is planned for low intensity office use with a maximum .50 FAR, except for Parcels 24-4((1))5A and 5B, which are planned for retail use.

For parcels 24-4((1))5A, and 5B, a service station and related uses may be appropriate if in keeping with the following:

- *“A coordinated development plan should be presented at the time of development for the entire site;*
- *Interparcel access should be provided between parcels 24-4((1))3A and 5A and 5B; and*
- *Access to the service station is provided in a safe, convenient and efficient manner, and ultimately is restricted to right-turn only movements to and from Centreville Road and McLearn Road at such time as a median has been constructed on these respective roads.”*

The recommended access modifications have previously been implemented on the property, and an inter-parcel access to Parcel 5B is included at the Centreville Road entrance to the site. The proposed condition modifications would have no effect on the site's continued conformance with the Comprehensive Plan.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff feels that the proposal to modify conditions associated with SEA 92-Y-016 would have no effect on the site's continued conformance with the Zoning Ordinance and Comprehensive Plan recommendations, and the property would also continue to conform to governing zoning approvals.

### **Staff Recommendations**

- Staff recommends that the Board of Supervisors approve application SEA 92-Y-016, 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 SEA Development Conditions
2. Affidavit
3. Statement of Justification
4. Prior Proffers / SE Conditions (RZ 92-Y-003/SE 92-Y-016)
5. Zoning Ordinance Provisions
6. UFMD - Urban Forest Management Memo
7. Glossary of Terms

**PROPOSED DEVELOPMENT CONDITIONS**  
**SEA 92-Y-016**  
**November 2, 2016**

If it is the intent of the Board of Supervisors to approve SEA 92-Y-016, located at 2990 Centreville Road, Tax Map 24-4 ((1)) 5A, for a service station, quick-service food store, and car wash, pursuant to Sect. 4-804 and Sect. 9-505 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which shall supersede the previous conditions. Conditions carried forward from the previous approval are notated with an asterisk (\*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.\*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.\*
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this Special Exception Amendment shall be in conformance with the approved Special Exception Plat, entitled, "Generalized Development Plan/Special Exception Plat, Centreville Road and McLearen Road...", prepared by Exxon Company, U.S.A., Real Estate and Engineering which is dated March 12, 1993 and revised to April 8, 1993.\*
4. A maximum of ~~three~~four employees shall be permitted on the site at any one time.\*
5. The service station/quick-service food store ~~portion of the~~ building shall not exceed ~~1200~~1,400 square feet.\*
- 5.6. At the time of site plan approval for a use located on ~~the portion of~~ Tax Map Parcel 24-4 ((1)) 5B (not subject to this Special Exception Amendment approval), an ~~interparcel~~ access easement between the subject property (Parcel 24-4 ((1)) 5A) ~~service station portion~~ and the aforesaid ~~remainder of~~ Parcel 5B (in addition to that shown on the General Development Plan/Special Exception Plat (GDP/SE Plat) for the shared Centreville Road access point) shall be provided parallel to the McLearen Road right-of-way south of the car wash stacking lane, as may be requested and approved by the Fairfax County Department of Transportation; provided that the subject service station's direct entrance onto McLearen Road, as depicted on the GDP/SE Plat, shall not be closed and that no amendment to this Special Exception Amendment approval shall be required to accomplish this interparcel access.\*

6.7. Prior to issuance of a Non-RUP for this SEA approval, the applicant shall replace any vegetation shown on the SE Plat that no longer exists on the site, to the satisfaction of the Urban Forest Management Division of DPWES. Landscaping shall continue to be maintained and/or replaced, as necessary, to conform to that depicted on the SE Plat.

7.8. Prior to issuance of a Non-RUP for this SEA approval, all solid waste and/or recycling containers shall be placed within a permitted on-site enclosure or removed from the site. No such containers shall be placed on adjacent property.

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

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

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established by the issuance of a new Non-Residential Use Permit.

**SPECIAL EXCEPTION AFFIDAVIT**

135586

DATE: 09/23/2016  
(enter date affidavit is notarized)

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

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

in Application No.(s): SEA 92-Y-016  
(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)
MACS Retail LLC	8020 Park Lane, Dallas, TX 75231	Owner/ Applicant TM# 024-4-((01))-0005A
The Plan Source, Inc Bhoopendra Prakash, President	8565 D Sudley Road, Manassas, VA 20110	Agent for Applicant and Title Owners

(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 AFFIDAVIT

DATE: 09/23/2016
(enter date affidavit is notarized)

135586

for Application No. (s): SEA 92-Y-016
(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)

MACS Retail LLC
8020 Park lane, Dallas, TX 75231

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Sole Member: Mid-Atlantic Convenience Stores, LLC

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

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

**Special Exception Attachment to Par. 1(b)**

DATE: 09/23/2016  
(enter date affidavit is notarized)

135586

for Application No. (s): SEA 92-Y-016  
(enter County-assigned application number (s))

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

Mid-Atlantic Convenience Stores, LLC  
8020 Park Lane, Dallas, TX 75231

**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)

Susser Petroleum Property Company LLC, Sole Member

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

Susser Petroleum Property Company LLC, Sole Member

**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)

Susser Petroleum Operating Company LLC, Sole Member

(check if applicable)



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

**Special Exception Attachment to Par. 1(b)**

DATE: 09/23/2016  
(enter date affidavit is notarized)

for Application No. (s): SEA 92-Y-016  
(enter County-assigned application number (s))

135586

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

Susser Petroleum Operating Company LLC  
8020 Park Lane, Dallas, TX 75231

**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)

Sunoco LP, Sole member

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

The Plan Source, Inc.  
8565D Sudley Road, Manassas, VA 20110

**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)

Bhoopendra Prakash

(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: 09/23/2016  
 (enter date affidavit is notarized)

135586

SEA 92-Y-016

for Application No. (s): \_\_\_\_\_  
 (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)

Sunoco LP  
 8020 Park Lane, Dallas, TX 75231

(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**)

Sunoco LP is a master limited partnership consisting of numerous investors and publicly traded on the NYSE

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: 09/23/2016  
(enter date affidavit is notarized)

135586

for Application No. (s): SEA 92-Y-016  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

None

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: 09/23/2016  
(enter date affidavit is notarized)

135586

Application No.(s): SEA 92-Y-016  
(county-assigned application number(s), to be entered by County Staff)

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

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

None

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

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

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

WITNESS the following signature:

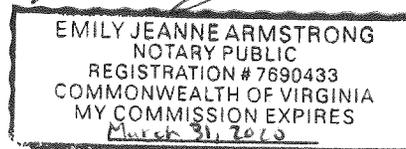
(check one)  Applicant  Applicant's Authorized Agent

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

Subscribed and sworn to before me this 23 day of September 20 16, in the State/Comm. of Virginia, County/City of Fairfax.

Emily Jeanne Armstrong  
Notary Public

My commission expires: March 31, 2020



JUN 20 2016

Zoning Evaluation Division

**STATEMENT OF JUSTIFICATION****2990 Centreville Road**

This service station is presently conditioned to disallow a microwave and to limit food sales to only prepackaged items normally dispensed from vending machines. Additionally, it is conditioned to disallow the operator to sell alcoholic beverages even though it is allowable by Virginia ABC.

This condition is historically based on the sentiment that Gas businesses shall not sell food and Food businesses shall not sell gas. Times and sentiments have changed over the last thirty years and the applicant now requests a Special Exception Amendment to remove these conditions.

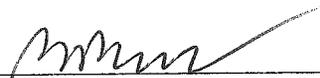
This proposed condition amendment does not affect the physical building or site infrastructure. We therefore, request a waiver of the typical site layout plan associated with new applications. This application relies on the record SE plans on file.

The following information is pertinent to the use and operation. The below information upholds the current zoning as no changes are proposed:

- a. **Type of Operation:** Service Station. Quick Service Food Store and Car Wash
- b. **Hours of Operation:** 24 hours, daily
- c. **Estimated number of patrons:** 1000 per day
- d. **Proposed number of employees:** Four
- e. **Estimated Traffic Impact of proposed use, including maximum expected trip generation:** 950 VPD
- f. **Vicinity of General Area to be served by the use:** Pass by traffic southbound on Centreville Road and immediate surrounding.
- g. **Description of building facade and architecture or proposed new building or additions:** Aluminum composite store fascia, canopy fascia and glass storefront. Flat roof.
- h. **A listing, if known, of all hazardous or toxic substances to be generated, utilized, stored, treated and /or disposed or on site and the size and contents of any existing or proposed storage tanks or containers:** Primarily gasoline product. Underground, double walled storage tanks exist on the property.

- I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.

  
\_\_\_\_\_  
Applicant's Signature

6/13/2016  
\_\_\_\_\_  
Date

RZ 92-Y-003

## PROFFER STATEMENT

August 25, 1992  
September 4, 1992  
March 17, 1993  
April 2, 1993

Pursuant to Virginia Code Section 15.1-491(a) (1950), as amended, Real Asset Management Associates (the "Landowner"), owner of the approximately 1.15 acres of land (the "Property") included in this application [TMP 24-4-((1))- pt. 5], hereby proffers that in the event the Board of Supervisors approves PCA 74-2-077 and RZ 92-Y-003 as requested and rezones the Property from the I-5 District to the C-8 District, development of the Property shall be subject to the following terms and conditions:

1. The proffered conditions accepted by the Board of Supervisors on April 5, 1976 in conjunction with approval of RZ 74-2-007 shall be null and void as to the 1.15 acre portion which is the subject of this rezoning RZ 92-Y-003 (the Property).

2. Subject to the provisions of Section 18-204 of the Zoning Ordinance, the Property shall be developed in conformance with the Generalized Development Plan (GDP) prepared by The Spectra Group and dated March 27, 1991, as revised through March 12, 1993 and further modified by these conditions.

3. At the time of site plan approval or within sixty (60) days of a request by DEM or VDOT, whichever occurs first, the Landowner shall dedicate and convey in fee simple to the Board of Supervisors sufficient right-of-way along the McLearen Road frontage of the Property for a total of sixty-eight (68) feet from the existing centerline of McLearen Road and shall provide necessary temporary construction and grading easements along the McLearen Road frontage of the Property, provided that the County or VDOT will require its contractor to replace any trees and other plantings which may be removed from any easements areas with vegetation of comparable amount, size and quality.

4. Vehicular access to the Property shall be restricted to no more than one entrance from Centreville Road and one entrance from McLearen Road. The McLearen Road entrance shall be limited to right turns in and right turns out only at such time as McLearen Road is widened to six lanes. The Centreville Road entrance shall be limited to right turns in and right turns out only at such time as Centreville Road is widened to six lanes; prior to that time, access may include left-turn access from northbound Centreville Road should the Landowner, at Landowner's sole discretion, construct a temporary left-turn lane to a standard acceptable to VDOT; in the absence of said left turn lane, access should be restricted to right turns in and right turns out only at all times.

5. The Landowner shall construct within the existing right-of-way for Centreville Road a temporary right turn lane to VDOT standards into the site entrance from Centreville Road and shall maintain this right turn lane until such time as the construction of Centreville Road as a six (6) lane, divided roadway along the frontage of the Property is completed.

6. The Landowner shall provide interparcel access and necessary public ingress and egress easements to the adjacent I-5 zoned parcel located to the west [TMP 24-2-((1))- pt. 5] for a shared entrance onto Centreville Road with said adjacent parcel, subject to DEM approval.

7. All stormwater runoff from impervious surfaces on the Property shall be conveyed through an oil and grit separator and/or infiltration trench prior to discharge. If provided, the oil/grit separator shall be designed in conformance with either the methods recommended by the Metropolitan Washington Council of Governments (COG) in Chapter 8 of the 1987 publication entitled Controlling Urban Runoff: A Practical Manual for Planning and Designing Urban BMPS, or with other methods, subject to approval by DEM. The oil/grit separator shall be cleaned at least four times per year. The qualifications of the maintenance operator shall be approved by Fairfax County and maintenance records shall be kept on-site and made available to Fairfax County officials upon request.

8. The car wash shall be designed to capture eighty percent of the waste water associated with a single cycle of the car wash which remains in the building and shall be equipped with a water recycling system, subject to approval by the Department of Environmental Management. All water used in the car wash shall be directed to the sanitary sewer system and shall not be directed to the stormwater management system.

9. The State Water Control Board shall be notified prior to installation of underground storage tanks on the Property.

10. If deemed necessary by DEM, the Landowner shall prepare a geotechnical report in accordance with DEM requirements and shall implement recommendations in said report, subject to DEM approval.

11. Landscaping shall be provided as depicted on the GDP, subject to review and approval by the Urban Forestry Branch, DEM.

12. Street trees depicted on the GDP to be planted along the Centreville Road and McLearen Road frontages of the site shall be a minimum caliper of 2½" diameter at breast height at the time of planting. Said street trees shall be supplemented with understory plantings as depicted on the GDP.

13. In the event infiltration trenches are required in areas depicted for landscaping, equivalent amounts of planting shall be provided in locations as determined by the Urban Forester.

14. Outdoor lights shall be located, directed and shielded to minimize glare on adjacent properties.

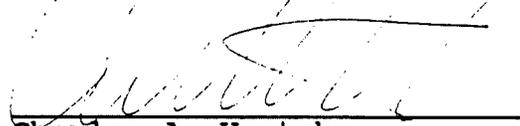
15. Only one free-standing pylon sign shall be permitted on the Property as indicated on the GDP and in accordance with the requirements of Article 12 of the Zoning Ordinance. All signage, including directional signs and building-mounted signs, shall be provided in accordance with the requirements of Article 12 of the Zoning Ordinance.

16. All intensity of use attributable to land areas dedicated and conveyed in fee simple to the Board of Supervisors pursuant to these proffers shall be subject to the provisions of Paragraph 5 of Section 2-308 of the Zoning Ordinance and is hereby reserved to the residue of the property.

17. Each reference to the "Landowner" in this proffer statement shall include within its meaning, and shall be binding upon, the Landowner's successor(s) in interest and/or the developer(s) of the site or any portion of the site.

REAL ASSET MANAGEMENT ASSOCIATES

By:



Charles A. Veatch  
General Partner

CFRE:FF T:\EXXON\MCLAREN\PROFFERS\RZPROF5.EOC



# FAIRFAX COUNTY

APPENDIX 4  
OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

May 26, 1993

Francis A. McDermott, Esquire  
Hunton and Williams  
3050 Chain Bridge Road - Suite 600  
Post Office Box 1147  
Fairfax, Virginia 22030-2883

Re: Special Exception  
Number SE 92-Y-016  
(Concurrent with RZ 92-Y-003  
and PCA 74-2-077)

Dear Mr. McDermott:

At a regular meeting of the Board of Supervisors held on May 10, 1993, the Board approved Special Exception Number SE 92-Y-016, in the name of Exxon Corporation, located at Tax Map 24-4 ((1)) Pt. 5 for a service station, car wash and quick service food store pursuant to Section 4-804 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this Special Exception shall be in conformance with the approved Special Exception Plat, entitled, "Generalized Development Plan/Special Exception Plat, Centreville Road and McLearen Road...", prepared by Exxon Company, U.S.A., Real Estate and Engineering which is dated March 12, 1993 and revised to April 8, 1993.

-2-

4. A maximum of three employees shall be permitted on the site at any one time.
5. The quick service food store portion of the building shall not exceed 1200 square feet.
6. The types of items which may be sold in the quick service food store shall be limited to prepackaged items which are normally sold from vending machines, including coffee and similar hot beverages, cakes, pies, soft drinks, juices, dairy products, prepackaged sandwiches, snack food items, e.g., pretzels, potato chips, etc., cookies, assorted gum, cigarettes and tobacco products and similar items. No groceries, other than as described above, shall be permitted. Food preparation and the use of microwave ovens shall not be allowed. No alcoholic beverages shall be allowed to be sold. The marketing of video tapes or video machines shall not be allowed on the premises. These restrictions, however, shall not limit the sale of automobile-related products under the definition of service station.
7. At the time of site plan approval for a use located on the portion of Tax Map Parcel 24-4 ((1)) 5 not subject to this Special Exception approval, an interparcel access easement between the subject service station portion and the aforesaid remainder of Parcel 5 (in addition to that shown on the General Development Plan/Special Exception Plat (GDP/SE Plat) for the shared Centreville Road access point) shall be provided parallel to the McLearen Road right-of-way south of the car wash stacking lane, if requested by the Fairfax County Office of transportation and if approved by the Director, Department of Environmental Management (DEM); provided that subject service station's direct entrance onto McLearen Road as depicted on the GDP/SE Plat shall not be closed and that no amendment to this Special Exception approval shall be required to accomplish this interparcel access.
8. At the time of site plan approval for a use located on the portion of Tax Map Parcel 24-4 ((1)) 5 not subject to this Special Exception approval, an interparcel access easement between the subject service station portion and the aforesaid remainder of Parcel 5 (in addition to that shown on the General Development Plan/Special exception Plat (GDP/SE Plat) for the shared Centreville Road access point) shall be provided parallel to the McLearen Road right-of-way south of the car wash stacking lane, if requested by the Fairfax County Office of Transportation and if approved by the Director, Department of Environmental Management (DEM); provided that subject service station's direct entrance onto McLearen Road as depicted on the GDP/SE Plat shall not be closed and that no amendment to this Special Exception approval shall be required to accomplish this interparcel access.

SE 92-Y-016

May 26, 1993

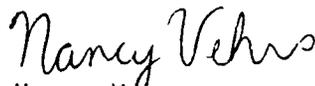
-3-

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

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

If you have questions regarding the expiration of this Special Exception or filing a request for additional time they should be directed to the Zoning Evaluation Division of the Office of Comprehensive Planning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035-5505.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

cc: John M. Yeatman, Director, Real Estate Dvsn., Assessments  
Melinda M. Artman, Deputy Zoning Administrator  
Frank Jones, Assistant Chief, PPRB, OCP  
Audrey Clark, Chief, Inspection Svcs., BPRD, DEM  
Barbara A. Byron, Director, Zoning Evaluation Dvsn., OCP  
Robert Moore, Trnsprt'n. Planning Dvsn., Office of Transportation  
Kathy Ichter, Trnsprt'n. Road Bond Dvsn., Office of Transportation  
Department of Environmental Management  
Y. Ho Chang, Resident Engineer, VDOT  
Land Acq. & Planning Dvsn., Park Authority

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

**ARTICLE 4 – COMMERCIAL DISTRICT REGULATIONS**

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

**4-804 Special Exception Uses**

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

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:
  - P. Quick-service food stores
  - R. Service stations

**ARTICLE 9 – SPECIAL EXCEPTIONS**

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

**9-006 General Standards**

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

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

## **PART 5 9-500 CATEGORY 5 COMMERCIAL AND INDUSTRIAL USES OF SPECIAL IMPACT**

### **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.

4. In the C-7, C-8 and C-9 Districts, in addition to Par. 1 above:

A. In the C-7 or C-9 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 or service station/mini-mart.

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

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



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** August 15, 2016

**TO:** Michael Lynskey, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Linda Barfield, Urban Forester II  
Forest Conservation Branch, DPWES 

**SUBJECT:** Exxon Company, USA Generalized Development Plan/Special Exception Plat  
Centreville Rd. & McLearen Rd.  
8828-ZONA-001-1

The following comments are based on a review of the Special Exception Amendment application and Statement of justification stamped "Received, Department of Planning and Zoning, June 28, 2016" and a Special Exception Amendment Plat set stamped "Received, Department of Planning and Zoning, May 6, 2016".

**Specific comments:**

1. Comment: It appears that some gaps exist in the landscape plantings and the site is not currently in substantial conformance with the approved SE plat (SE-92-4-016) sheet 1 of 1. Two (2) large evergreen trees (*Pinus taeda*); seven (7) large deciduous tree (*Acer rubrum*); three (3) ornamental trees (*Cornus kousa*) and forty-seven shrubs (*Raphiolepis incida*) are lacking.

Recommendation: Trees and shrubs shown on the approved plan should be replaced to bring the site into conformance.

2. Comment: Several of the trees appear to have dead limbs and need pruning.

Recommendation: Any vegetation required by the approved plan should be maintained for long term viability. Tree pruning should be implemented in accordance with the latest edition of the American National Standards Institute (ANSI) standards and by personnel who through training and experience, understand the techniques of work needed.

If you have any further questions, please feel free to contact us at 703-324-1770.

lb/

UFMDID #: 218425

cc: DPZ File

Department of Public Works and Environmental Services  
Urban Forest Management Division  
12055 Government Center Parkway, Suite 518  
Fairfax, Virginia 22035-5503  
Phone 703-324-1770, TTY: 711, Fax: 703-653-9550  
[www.fairfaxcounty.gov/dpwes](http://www.fairfaxcounty.gov/dpwes)



**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		