

COUNTY OF FAIRFAX

APPLICATION No: Sp 2017 - SU - 086 (Staff will assign)

Department of Planning and Zoning

Zoning Evaluation Division

RECEIVED Department of Planning & Zoning

12055 Government Center Parkway, Suite 801 Fairfax, VA 22035 703-324-1290, TTY 711

AUG 2 1 2017

www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION FOR A SPECIAL PERMIT / SPECIAL PERMINOAMENDMENT

	(PLEASE TYP)	E or PRINT IN BL.		- 1919 BIAISION -
	APPLICANT NAME Michael Goldstein	Play N'L	earn Inc.	
	BUSINESS NAME (if a (e.g., d/b/a; aka; LLC; trading as, e	pplicable)		
APPLICANT	MAILING ADDRESS 9033 Red Branch Road, Co	olumbia, MD 2104	15	
	PHONE HOME ()	WORK () 443-463-6242	
	PHONE MOBILE ()	EMAIL: mgoldstein@pla	aynlearn.com
	PROPERTY ADDRES	S		
,	4102 Pepsi Place, Chantilly, VA 20151			
	TAX MAP NO.		SIZE (ACRES	S(SQ FT)
PROPERTY	Portion of 34-3 ((1)) 1C		8,800	
INFORMATION	ZONING DISTRICT 1-5, AN +WS 8/2/16	0 10 -	MAGISTERIA	AL DISTRICT
	1-5, AN +WS 81211	Tup	Sully	
	PROPOSED ZONING	IF CONCURR	ENT WITH REZONII	NG APPLICATION:
SPECIAL PERMIT ZONING ORDINANCE SECTION 5-503 and 8-501				
REQUEST INFORMATION	PROPOSED USE			
INFORMATION	Indoor commercial reci	reation		
	NAME Kevin MacWhorter			
	MAILING ADDRESS			
AGENT/CONTACT	Walsh, Colucci, Lubeley, &			=
INFORMATION	PHONE NUMBER 571-209-5774	I	HOME	WORK
	PHONE NUMBER		MOBILE	
MAILING	Send all correspondence	e to (check one): Applicant –or-	✓ Agent/Contact
The name(s) and addresses of undersigned has the power to subject property as necessary	owner(s) of record shall be provi authorize and does hereby autho to process the application.	ded on the affidavit rize Fairfax County	form attached and made part staff representatives on officia	of this application. The Il business to enter the
Kevin M. MacWhorter / Agent				
TYPE/PRINT NAM	E OF APPLICANT/AGE	INT S	SIGNATURE OF APP	
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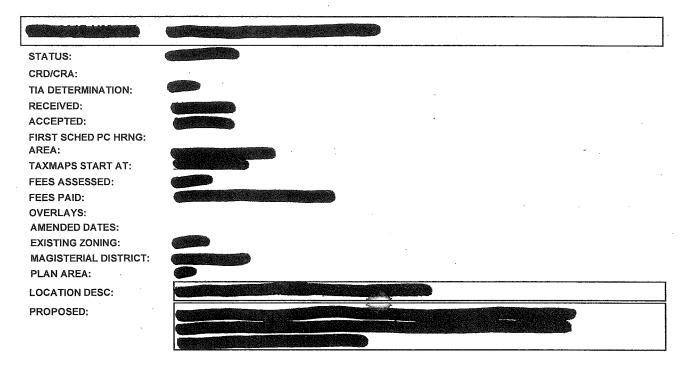
Date Application accepted: September 7, 2017 Application Fee Paid: \$ 16, 375.00

Applications Accepted Weekly for 8/27/2017 - 9/2/2017

Run date: 9/3/2017 6:01:49AM

Report Description: All applications accepted in the week prior to the current week. This report runs

automatically on a weekly schedule.



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STATUS:

ACCEPTED

CRD/CRA:

TIA DETERMINATION:

N/A

RECEIVED:

08/07/2017

ACCEPTED:

09/01/2017

FIRST SCHED PC HRNG:

AREA:

9,962.00 SQ FEET 0063 05 0032

TAXMAPS START AT: FEES ASSESSED:

\$ 910

FEES PAID:

OVERLAYS:

910.00 on 8/7/2017 11:53:03AM

AMENDED DATES:

EXISTING ZONING:

R-3

MAGISTERIAL DISTRICT:

DRANESVILLE

PLAN AREA:

LOCATION DESC:

1313 COLD HARBOR COURT, HERNDON, VA 20170-2018

PROPOSED:

REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF

ADDITION 19.6 FT FROM REAR LOT LINE

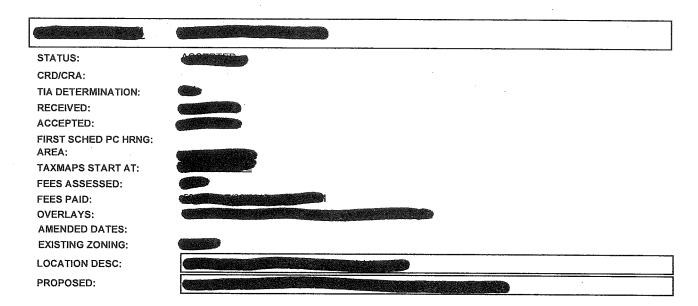
Katie Antonucci

Applications Accepted Weekly for 9/3/2017 - 9/9/2017

Run date: 9/10/2017 6:01:37AM

Report Description: All applications accepted in the week prior to the current week. This report runs

automatically on a weekly schedule.



SP 2017-SP-084	DAMEAN ADAMS	/ DINORAH MENDOZA-ADAMS

STATUS:

ACCEPTED

CRD/CRA:

TIA DETERMINATION:

N/A

RECEIVED:

08/21/2017

ACCEPTED:

09/05/2017

FIRST SCHED PC HRNG:

AREA:

9,765.00 SQ FEET 0451 03600028

TAXMAPS START AT: FEES ASSESSED:

\$ 910

FEES PAID:

910.00 on 8/21/2017 1:26:05PM

OVERLAYS:

WATER SUPPLY PROTECTION OVERLAY DISTRICT

AMENDED DATES:

EXISTING ZONING:

R-3

MAGISTERIAL DISTRICT:

SPRINGFIELD

PLAN AREA:

LOCATION DESC:

13210 PLEASANTVIEW LA., FAIRFAX, VA 22033

PROPOSED:

REDUCTION IN MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STORAGE STRUCTURE TO REMAIN 5.2 FT FROM A SIDE LOT LINE AND ACCESSORYSTRUCTURE TO REMAIN 6.0 FT FROM OTHER SIDE

LOT LINE AND 8.2 FT FROM REAR LOT LINE

Kevin

McMahan

SP 2017-MV-088

JOHN PHOUMINH / WAT LAO VIRGINIA, INC.

STATUS:

ACCEPTED

CRD/CRA:

TIA DETERMINATION:

N/A

RECEIVED:

07/17/2017

ACCEPTED:

09/08/2017

FIRST SCHED PC HRNG:

AREA:

4.14 ACRES 1144 03010010A

TAXMAPS START AT: FEES ASSESSED:

\$ 1,100

FEES PAID: OVERLAYS: 1,100.00 on 7/17/2017 12:49:01PM

AMENDED DATES:

EXISTING ZONING:

R- E

MAGISTERIAL DISTRICT:

MOUNT VERNON

PLAN AREA:

LOCATION DESC:

6812 SPRINGFIELD DRIVE, LORTON, VA 22079

PROPOSED:

PLACE OF WORSHIP

2017-LE-085

LARRY SCALES

STATUS:

ACCEPTED

CRD/CRA:

TIA DETERMINATION:

N/A

RECEIVED: ACCEPTED: 09/02/2016

09/06/2017

FIRST SCHED PC HRNG:

AREA:

13,066.00 SQ FEET

910.00 on 9/1/2017 1:00:51PM

TAXMAPS START AT:

1013 18060001

FEES ASSESSED:

\$ 910

FEES PAID:

OVERLAYS:

AMENDED DATES: EXISTING ZONING:

R-3 LEE

MAGISTERIAL DISTRICT: PLAN AREA:

LOCATION DESC:

8138 KIDD ST., ALEXANDRIA, VA 22309

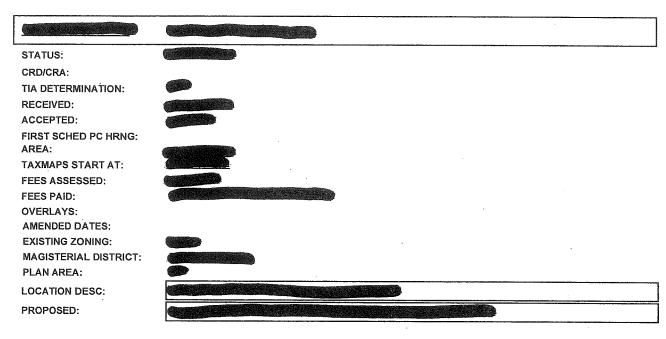
PROPOSED:

TO PERMIT FENCE GREATER THAN 4.0 FT IN HEIGHT TO REMAIN IN THE FRONT YARD OF A CORNER LOT AND REDUCTION IN MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DECK TO REMAIN 1.2 FT FROM A SIDE LOT

HEATH EDDY

HEATH EDDY

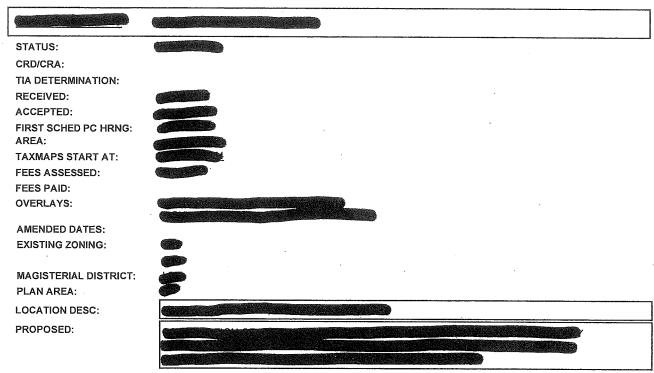
LINE



SP 2017-SU-086	PLAY N' LEARN INC.	
STATUS:	ACCEPTED	
CRD/CRA:		
TIA DETERMINATION:	N/A	
RECEIVED:	08/21/2017	Kevin
ACCEPTED:	09/07/2017	
FIRST SCHED PC HRNG:		McMah o n
AREA:	8,800.00 SQ FEET	
TAXMAPS START AT:	<u>0343 01 0001C</u>	•
FEES ASSESSED:	\$ 16,375	
FEES PAID:	16,375.00 on 9/7/2017 7:52:58AM	
OVERLAYS:	AIRPORT NOISE IMPACT OVERLAY DISTRICT WATER SUPPLY PROTECTION OVERLAY DISTRICT	
AMENDED DATES:		
EXISTING ZONING:	I- 5	
MAGISTERIAL DISTRICT:	SULLY	
PLAN AREA:	3	
LOCATION DESC: 4102 PEPSI PLACE, CHANTILLY, VA 20151		

INDOOR COMMERCIAL RECREATION

PROPOSED:



SP 2017-SU-087	WIN & ARCHERY, INC.	
STATUS:	ACCEPTED	
CRD/CRA:		
TIA DETERMINATION:	N/A	
RECEIVED:	08/09/2017	Emma
ACCEPTED:	09/07/2017	T c4 o c
FIRST SCHED PC HRNG: AREA:	1,250.00 SQ FEET	Estes
TAXMAPS START AT:	<u>0344 11 F1</u>	'
FEES ASSESSED:	\$ 16,375	
FEES PAID:	16,375.00 on 8/9/2017 2:52:44PM	
OVERLAYS:	WATER SUPPLY PROTECTION OVERLAY DISTRICT AIRPORT NOISE IMPACT OVERLAY DISTRICT HIGHWAY CORRIDOR OVERLAY DISTRICT	
AMENDED DATES:		
EXISTING ZONING:	1-5	
MAGISTERIAL DISTRICT:	SULLY	
PLAN AREA:	3	
LOCATION DESC:	14101 SULLYFIELD CIRCLE, SUITE 340, CHANTILLY, VA 20151	
PROPOSED:	INDDOR COMMERICAL RECREATION	



Kevin M. MacWhorter (571) 209-5774 kmacwhorter@thelandlawyers.com

WALSH COLUCCI LUBELEY & WALSH PC

August 21, 2017

RECEIVED
Department of Planning & Zoning

AUG 2 1 2017

Zoning Evaluation Division

Via Hand Delivery

Ms. Tracy Strunk, Acting Director Zoning Evaluation Division Fairfax County Department of Planning & Zoning 12055 Government Center Parkway, Suite 801 Fairfax, Virginia 22035

Re: Play N' Learn, Inc. (the "Applicant")
Application for Group 5 Special Permit
4102 Pepsi Place, Chantilly, Virginia 20151
Fairfax County Tax Map #34-3 ((1)) 1C (the "Property").

Dear Ms. Strunk:

On behalf of the Applicant, please accept the following as a statement of justification for a Group 5 Special Permit to allow for an indoor commercial recreation use on the above-referenced Property's eastern boundary pursuant to §§ 5-503 and 8-501 of the Zoning Ordinance of Fairfax County, Virginia (the "Zoning Ordinance").

The Property is located in the Westfax Industrial Park at 4102 and 4104 Pepsi Place, Chantilly, which is improved with an approximately 124,480 square foot warehouse. The Property is located within an approximately 8,800 square foot suite of the larger building. Zoning records indicate the Fairfax County Board of Supervisors rezoned the Property to the I-5 zoning district on September 26, 1974 pursuant to RZ 74-2-084.

The Applicant operates a warehousing establishment from which it sells playground equipment. The warehouse stock includes swing sets, trampolines, basketball equipment, goals, foosball, and air hockey, as well as a variety of playground incidentals. In addition, to promote the business, the Applicant rents a small portion of the warehouse to groups for children's birthday parties and allows children the opportunity for "free play," which is essentially a "trybefore-you-buy" marketing strategy. Safe use of equipment is monitored by on-site employees and parents.

The Applicant has long operated in the Chantilly area. The Applicant devised its marketing strategy during the economic downturn beginning in 2009. As sales of equipment dropped, the Applicant found alternative means to create business in the region, helping to keep Fairfax residents employed and providing a steady stream of taxes. The business experiment

ATTORNEYS AT LAW

proved to be a success, and the Applicant has continued to provide space for children to play. Although the warehousing and sale of playground equipment remains the Applicant's chief business, the indoor recreation use provides a cross-promotional opportunity as well as an efficient source of income for equipment that would otherwise remain unused while waiting for sale.

The Property's location in an existing industrial park provides a safe and appropriate venue for the proposed use. The Applicant's traffic engineer, Walter L. Phillips, Inc., recently prepared the enclosed parking tabulation. The parking tabulation notes that the Property is required to have 311 parking spaces based upon the existing mix of uses; there are 311 parking spaces provided on the Property. The Zoning Ordinance requires commercial recreation uses to provide one space per three persons based upon occupancy load, plus one space per employee. The Applicant proposes a maximum occupancy load of 50 and a total of 2 employees on-site at any one time for the proposed use. Based on the anticipated number of employees and patrons, the proposed indoor commercial recreation use will require 18.7 parking spaces. Because the Property has the required 311 parking spaces, parking for the proposed use can be provided on the Property.

The Property is located in Area III of the Fairfax County Comprehensive Plan (the "Plan") in Land Unit H of the BR2-Upper Cub Run Community Planning Sector of the Bull Run District and Dulles Suburban Center. The Plan states that the Property is developed as the Westfax Industrial Park, which is planned and developed as a mix of industrial, research and development, and industrial/flex uses at a 0.35 FAR. The Applicant's proposal allows for a community-serving commercial recreation use in an existing industrial/flex building. Because all activities associated with the proposed use will be located interior to the existing building, the proposed use will maintain the character of the area as envisioned in the Plan. As such, the Applicant's proposal is in harmony with the Plan's recommendations.

In accordance with the requirements of § 8-011 of the Zoning Ordinance, please accept the following information with regard to the proposed application:

- 1. <u>Type of Operation</u>: The Applicant seeks to establish a 2,000-square foot indoor commercial recreation use in an existing industrial warehouse/flex building on the Property.
- 2. <u>Hours of Operation</u>: The proposed use will operate Monday through Friday from 10 a.m. to 6 p.m., and Saturday and Sunday from 10 a.m. to 4 p.m.
- 3. <u>Estimated Number of Patrons/Clients</u>: The proposed use will serve a maximum of 50 patrons onsite at any one time. The number of weekend patrons will be capped using a ticket system.

- 4. <u>Estimated Number of Employees/Attendants</u>: There will be up to two staff members on-site at any one time to serve the proposed commercial recreation use.
- 5. <u>Traffic Impact</u>: A TIA Traffic Study was not required for this use. However, the traffic impact associated with the proposed use will be minimal. The existing parking provides ample space for an indoor commercial recreation use, and the surrounding road system is equipped to handle any additional trips.
- 6. <u>Vicinity/General Area To Be Served By the Use</u>: The proposed use will serve patrons in the Chantilly, Herndon, and Centerville areas of Fairfax County.
- 7. <u>Description of Building Façade/Architecture</u>: No new construction is proposed with this request; all activities will occur interior to the existing industrial warehouse/flex building.
- 8. <u>Hazardous and Toxic Substances</u>: To the best of the Applicant's knowledge, there are no hazardous or toxic substances that have been, or will be, generated, utilized, stored, treated, or disposed of on the Property.
- 9. <u>Conformance with Ordinances</u>: The proposed development conforms to the provisions of all applicable ordinances, regulations, adopted standards, and any applicable conditions.

Compliance with § 8-006 General Standards For All Uses

Section 8-006 of the Zoning Ordinance lists certain factors that should be considered when deciding whether to grant a Special Permit. Each factor is listed in bold below, followed by the Applicant's response in italics:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.

The proposed use is in harmony with the Plan. The Plan contemplates a mix of office, retail, and industrial uses. The proposed use will be located in an existing industrial warehouse/flex building, offering a commercial recreation use that has limited impact on surrounding parking and travelways. Therefore, this standard is satisfied.

2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

The I-5 District is designed to provide areas where a range of industrial and industrially-oriented commercial activities may locate. Business and commercial activities in the District are those which are associated with warehouse establishments. In this case, the proposed use will be located in an existing warehouse/flex building. An indoor recreation

use requires an open, indoor space to which this type of development is best suited. Therefore, this standard is satisfied.

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.

The proposed use is in harmony with the use of neighboring properties. Because the Applicant will not be constructing or improving any buildings or other structures, the only impact on adjacent users will be parking. Given the limited nature of the use and the available parking on the Property, adjacent users will not be burdened by the proposal. Therefore, this standard is satisfied.

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.

As discussed above, the proposed use generates little traffic, and the existing parking lot is sufficiently parked. Therefore, this standard is satisfied.

5. In addition to the standards which may be set forth in the Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.

The Applicant does not propose additional construction or development. As such, the landscaping and screening on the Property meets the provisions of Article 13. Therefore, this standard is satisfied.

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 Applicant does not propose additional construction or development. As such, the Property already contains the requisite amount of open space. Therefore, this standard is satisfied.

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.

The Property is fully developed and already features all necessary facilities. All parking and loading requirements are in accordance with the provisions of Article 11. There are adequate parking, utility and drainage facilities on the Property to serve the proposed use. Therefore, this standard is satisfied.

8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

Any signs will conform to the provisions of Article 12; therefore, this standard is satisfied

Compliance with § 8-503 General Standards For Group 5 Uses

Section 8-503 of the Zoning Ordinance lists additional factors that should be considered when deciding whether to grant a Special Exception for a Group 5 Use. Each factor is listed in bold below, followed by the Applicant's response in italics:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.

The use will comply with the lot size and bulk regulations of the I-5 zoning district. Therefore, this standard is satisfied.

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 as may be required by Part 9 of Article 14.

The use will comply with the performance standards of the I-5 zoning district. A sports illumination plan is not required. Therefore, this standard is satisfied.

3. No building designed primarily and specifically for such use shall be located within 100 feet of any adjoining property which is in an R district.

The proposed use will not be located within 100 feet of any adjoining R district. Therefore, this standard is satisfied.

4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

Prior to establishment, the Applicant will file a site plan for County approval. Therefore, this standard will be satisfied.

I would appreciate the acceptance of this application and the scheduling of a public hearing before the Fairfax County Board of Zoning Appeals at your earliest convenience. Thank you for your time and consideration in this matter and please feel free to call me directly at (571) 209-5774 should you have any questions.

Sincerely,

WALSH, COLUÇCI, LUBELEY & WALSH, P.C.

Kevin M. MacWhorter

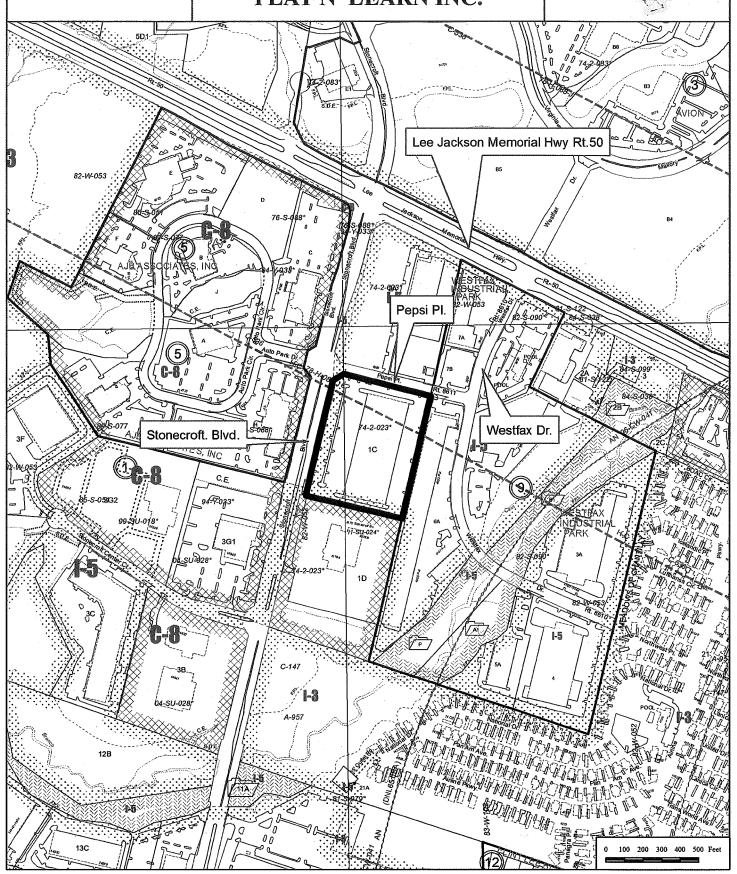
Enclosures

cc: Andrew A. Painter, Esq., Walsh Colucci Mr. Michael Goldstein, Play N' Learn



Special Permit SP 2017-SU-086 PLAY N' LEARN INC.





10-NFS 1014-0016 WILLIAM E, RAMSEY, F.C.
LAND SURVEYOR
FARREX, VINGINIA
(YOS) 365-4499
VISED: DECEMBER 8, 1997 WESTFAX BUILDING F OT T.MG-2A KRUTSR T PECUL PACKET BAND GENTERMEN.

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Trunk sterif for wed. 20. 80X 9187 CHEM. R. MOSTOL. NO. (703) 263-1900 (1905) 263-19 HEREBY CERTIFY THAT ALL VETLANDS PERHITS REQUIRED BY LAV VILL BE DEPARTED PRIDE TO COMMENCING LAND BISTIMBING ACTIVITIES. MATE TO THE PROTECTION WAS EAST STATE OF THE PROTECTION OF THE PRO BESTUNDED PLANS, EXAMINER CERTIFICATE
REMEMBER STATES IN MESSER TO RESIDENT OF REMEMBER STATES O ENIRE COURT CHANTLY W. 22021 FOR 5-32-217 FAISTAN COLAITY JEST OF PUBLIC VIEWS (STREET LIGHTS) MORTHERN VIRGINIA SOIL & VATER CONSERVATION DISTRICT SEE ATTACHED COVER SHEET FOR ADDITIONAL INFORMATION VINGINIA DEPARTMENT IS TRANSPIRITATION FAIRTAX COUNTY HOUTH BURNINGH ENGINEER'S/SURVEYOR'S CERTIFICATE PROFESSIONAL SEA PUBLIC VATER ACCOUNT CLICATES ALASS CAMBON - PAGE -PROFESSIONAL SEAL DEED BOOK **PPROVED** i i The property of the property o MANUAL MANUAL MANUAL SAGARET STALLING PRESERVE SECURITY SECURITY SAGARET SAGARET SECURITY SEC THE TOTAL DEFINE STORY OF THE S MAT : CHOLT : LOT POL NAMES OF ATTORNALE DATE IN UNITE CARD.

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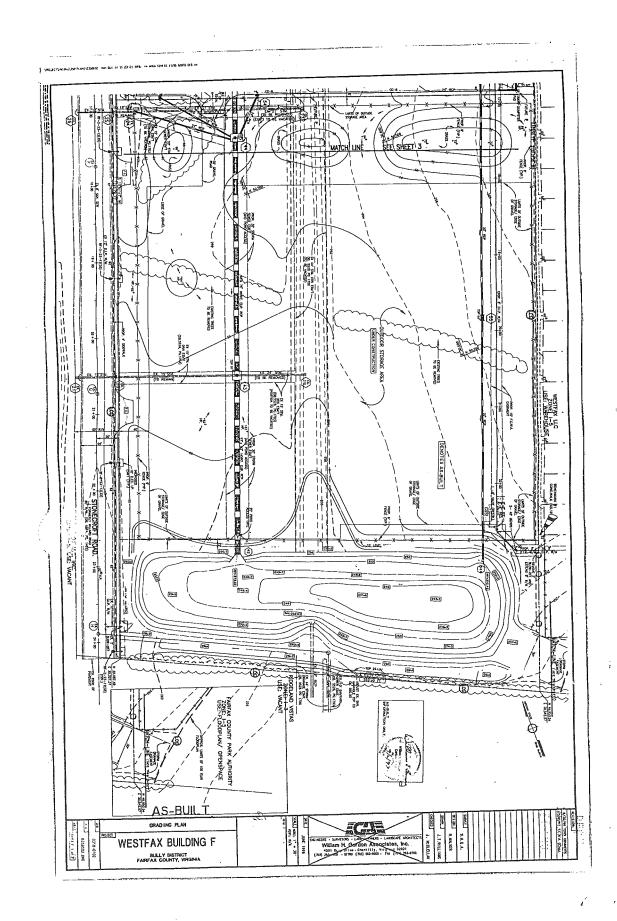
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0138-0103 5138872 710-6-73349] Westfax Bullding F 83 STORM SEWER PROFILES TJIU8-2A REMARKS STORM WATER INLET COMPUTATIONS

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