



FAIRFAX COUNTY

PCA APPLICATION FILED: June 5, 2002
SEA APPLICATION FILED: June 3, 2002
SEA APPLICATION AMENDED: August 21, 2003
PCA APPLICATION AMENDED: August 21, 2003
PLANNING COMMISSION: November 9, 2005
BOARD OF SUPERVISORS: Not Scheduled

V I R G I N I A

October 27, 2005

STAFF REPORT ADDENDUM II

APPLICATIONS PCA 79-L-147 & SEA 84-V-009-2

MOUNT VERNON DISTRICT

APPLICANT: Khan International, LLC

ZONING: C-5

PARCEL: 107-4 ((1)) 11A

ACREAGE: 34,578 sq. ft.

FLOOR AREA RATIO (FAR): 0.104

OPEN SPACE: 7,640 sq. ft. (22 percent)

PLAN MAP: Retail

SE CATEGORY: Category 5: Automobile Oriented Uses

PROPOSAL: Amend RZ 79-L-147 Previously Approved for Commercial Development to Permit a Freestanding Car Wash and Site Modifications; Amend SE 84-V-009 Previously Approved for a Service Station and Quick Service Food Store to Permit the Addition of a Car Wash, and Site Modifications

STAFF RECOMMENDATIONS:

Staff recommends that PCA 79-L-147 be approved subject to the execution of the draft proffers contained in Appendix 1.

Staff further recommends that SEA 89-V-004 be approved subject to the development conditions in Appendix 2.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, 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.

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 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

BACKGROUND

The proffered condition amendment (PCA 79-L-147) and special exception amendment (SEA 84-L-009-2) were originally filed in June 2002 by the applicant, Khan International, LLC, to add a second building with service bays to the site. The existing approvals limit the uses to the existing service station, pumps only, and a quick-service food store within the existing 2,700 sq. ft. building. The shell of the new building for the service bays had been built without the proper approvals and was constructed too close to the rear lot line, necessitating a special permit application, SP 2002-MV-032, for approval of an error in building location. On November 25, 2002, the applicant was served with a Notice of Violation with regard to the construction of a building without permits and operating a fast food restaurant. By letter dated January 24, 2003, the Zoning Enforcement Branch, stated that the applicant had taken appropriate steps to come into compliance with the Zoning Ordinance with regard to the fast food use. On December 8, 2003, another inspection was completed and the property was found to comply with the applicable provisions of the Zoning Ordinance with the exception of the un-permitted building, which was to be addressed through the pending zoning applications.

On February 6, 2003, a Staff Report was published on the initial proposal to legitimize the illegally constructed service bay building. Staff recommended approval of the proffered condition amendment and special exception amendment applications. On February 20, 2003, the Planning Commission held a public hearing and voted to recommend that the Board of Supervisors approve the applications. On March 4, 2003, the Board of Zoning Appeals held a public hearing on SP 2003-MV-032 and deferred decision until March 27, 2003. A public hearing before the Board of Supervisors for these two applications was held on March 24, 2003, at which time the Board of Supervisors deferred the decision. On May 5, 2003, the Board of Supervisors deferred action on these applications indefinitely.

On August 21, 2003, the applicant, Kahn International, LLC, amended the applications to request to add a self-service car wash in a new 900 square foot building on the property in lieu of the previous request to legitimize the un-permitted building and locate service bays in that building. The previously illegally built structure for the service bays was shown on the revised Generalized Development Plan/Special Exception Plat (GDP/SEA Plat) to be razed and removed from the property; and, the existing 2,700 sq. ft. building housing the quick-service food store and the activities associated with running the service station and the associated gas pumps would be retained. The amended application did not include a request for a fast food restaurant. The applicant withdrew SP 2002-MV-032 because the amended PCA and SEA applications proposed to remove the partially completed building and build a new car wash building that complies with the applicable setbacks.

On March 4, 2004, Staff published a Staff Report Addendum that addressed the request to add a car wash to the site in the new 900 square foot building. Staff recommended approval of PCA 79-L-147 subject to the draft proffers dated March 1, 2004 and approval of SEA 84-V-009-2 subject to the proposed development conditions contained

in the Staff Report Addendum. At the March 24, 2004, public hearing, the Planning Commission deferred action on these applications indefinitely.

On June 22, 2005, staff received a June 20, 2005, letter from Muktar Ahmad, P. E., Metropolitan Consulting, requesting that the applications be scheduled for public hearing. On August 8, 2005, another inspection was undertaken by the Zoning Enforcement Branch. That inspection confirmed that the illegal building had been demolished and that a fast food restaurant was not being operated. Revised proffers dated October 21, 2005 have been submitted with regard to the proffered condition amendment application (see Attachment 1). The layout shown on the combined GDP/SEA Plat submitted prior to the publishing of the March 4, 2004 staff report addendum remains the applicant's proposal. A revised GDP/SEA Plat addressing editorial comments made by staff was submitted on September 14, 2005 (see Attachment 5).

DISCUSSION

The applicant's request has not changed since it was addressed by the previous Staff Report Addendum, except in that the building that had been erected illegally has been removed from the site, as was proposed at the time of the March 4, 2004, Staff Report Addendum. Therefore, staff recommendation on PCA 79-L-147 remains unchanged, except to reflect the revised proffers dated October 21, 2005 and to update the proposed development conditions.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

This application has been filed to allow the addition of a self-service car wash building at the site. Staff has concluded that the requested expansion is in conformance with the recommendations of the Comprehensive Plan for Sub-unit F-1 of the Lorton – South Route One Community Planning Sector. Staff has also concluded that the application meets the zoning ordinance standards applicable to an automobile oriented use.

Recommendation

Staff recommends approval of PCA 79-L-149 subject to the execution of the draft proffers contained in Attachment 1.

Staff further recommends that SEA 84-V-009-2 be approved subject to the proposed Special Exception development conditions contained in Attachment 2.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, 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 recommendations of staff; it does not reflect the position of the Board of Supervisors.

ATTACHMENTS

1. Draft Proffer Statement for PCA 79-L-147
2. Proposed Development Conditions for SEA 84-V-009-2
3. Affidavits
4. Applicant's Statements
5. Reduction of the Generalized Development Plan/Special Exception Plat
6. Locator Map

**Proffer Condition Amendment PCA 79-L-147
Khan International, LLC
9308 Gunston Cove Road**

October 21, 2005

Pursuant to Section 15.2-2303A of the Code of Virginia, 1950, as amended, and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978, as amended) ("Ordinance"), subject to the Board of Supervisor's approval of the requested Proffer Condition Amendment, PCA 79-L-147 ("PCA"), for the applicant and owner, Khan International, LLC, for themselves, their successors and assigns ("Applicant"), hereby proffer the following conditions ("Proffers"). If this application is approved, the proffer conditions described below supersede all previously proffered conditions applicable to the Property.

- 1) Development of the subject property shall be in substantial conformance with the plat prepared by Metropolitan Consulting Engineers, dated September 14, 2005 entitled Citgo Service Station Special Exception Plat, SEA No SE 84-V-009, and Generalized Development Plan # PCA 79-L-147.
- 2) Pursuant to Paragraph 4 of Section 8-204 of the Zoning Ordinance, minor modifications from the Generalized Development Plan (GDP) may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the GDP without requiring the approval of a proffered condition amendment application provided **that the modifications** do not decrease the setback from the peripheries, or reduce open space or landscaping and such changes are in substantial conformance with the GDP as determined by the Zoning Administrator.
- 3) If a waiver is not granted for the proposed innovative storm water management best management practices facility as determined by DPWES, any alternative facility must be in substantial conformance with the Generalized Development Plan #PCA 79-L-147. If the alternative facility is not in substantial conformance, then a PCA/SEA will be required prior to site plan approval.
- 4) The applicant shall not sell or display any reading or viewing material on the premises that would normally be found in an adult book store as defined by the Zoning Ordinance.
- 5) The new car wash structure shall be the same architectural materials and color as the existing **building (block) as determined by DPWES. Evidence that the new car wash has the same materials and color as the existing building shall be provided to DPWES at the time of building permit approval.**

**Proffer Condition Amendment PCA 79-L-147
Khan International, LLC
9308 Gunston Cove Road**

October 21, 2005

Applicant/Title Owner
Khan International, LLC

By: _____

Name: _____

Title: _____

PROPOSED DEVELOPMENT CONDITIONS

SEA 84-V-009-2

October 27, 2005

If it is the intent of the Board of Supervisors to approve SEA 84-V-009-2 located at Tax Map 107-4 ((1)) 11A (9308 Gunston Cove Road) previously approved for a combined service station and quick-service food store to allow the construction of a self service car wash in an additional building and other site modifications pursuant to Sect. 4-504 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions (these conditions supersede all previous conditions):

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 Amendment 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, as may be determined by the Department of Public Works and Environmental Services (DPW & ES). Any plan submitted pursuant to this Special Exception Amendment shall be in substantial conformance with the approved Special Exception Amendment Plat entitled Citgo Service Station prepared by Metropolitan Consulting Engineers, which is dated September 14, 2005 and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The plan submitted pursuant to Article 17, Site Plans, shall include a landscape plan for the review and approval of Urban Forest Management, that includes the landscaping provided for in Condition Number 13.
5. A fast-food restaurant shall not be operated on the property.
6. Additional shielding shall be installed around the existing under canopy lighting so that glare is minimized and directed downward with no glare emitting above the bottom horizontal plane of the canopy. This shielding shall be installed prior to the issuance of a Non-Residential Use Permit for the proposed car wash building. The fascia of the canopy shall not be lighted except for an internally luminated sign. The canopy lamps shall be limited to 400 watts each. When the canopy lights are replaced, they shall conform with the applicable standards of Article 14 of the Fairfax County Zoning Ordinance.
7. There shall be no outside storage of goods offered for sale.

8. The trash dumpster shall be fully screened with a brick wall or board on board fence that is between six and seven feet tall and a gate of a similar height.
9. The maximum number of employees on the site at any one time shall be limited to four (4).
10. No abandoned, wrecked or inoperable vehicles shall be stored outdoors on the property.
11. Outdoor lighting structures shall be no higher than 15 feet from the ground to the top of the structure and shall be similar in style to the existing lights. All lighting structures shall conform with the applicable standards of Article 14.
12. The site shall be patrolled daily to pick up any trash on the site.
13. The following additional landscaping beyond that shown on the SE Plat shall be provided as recommended by Urban Forest Management:
 - a. Three large deciduous trees shall be planted along the eastern boundary in the area of the angled parking spaces;
 - b. One large deciduous tree shall be planted on the southern boundary in the vicinity of the parallel parking spaces along that boundary; and,
 - c. The northernmost parking space in the row of parking west of the car wash building shall be included in the adjacent landscape island and that island shall be planted with two large deciduous trees.

The large deciduous trees noted above shall be at least 3-inch caliper in size at the time of planting.

The "Proposed 8 Trees" on the western boundary and near the northern most entrance shall be flowering trees.

Any landscaping material noted on the Special Exception Amendment Plat or in these conditions that dies shall be replaced as determined by Urban Forest Management.

14. All signs on the property shall conform with the applicable requirements of Article 12, Signs. Temporary signs and other advertising methods, such as but not limited to, portable metal signs, signs or banners on light poles, flags or banners located on poles or strung between structures on site, shall not be permitted.
15. Cars shall be prohibited from waiting in the area beyond the stacking lane. Signage and pavement markings shall be installed to identify the area where cars may not wait satisfactory to the Director, DPWES shall be installed. A video monitoring system that observes the stacking lanes shall be installed on the site. A speaker system shall be installed at end of the stacking lane so that vehicles can be directed to leave that area. An employee shall be stationed at the end of the stacking lanes to direct traffic away from the stacking lanes when more than two cars within a fifteen-minute period are notified by the speaker system to move.

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

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

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 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.