



County of Fairfax, Virginia

February 10, 2006

STAFF REPORT

APPLICATION SEA 95-M-077

MASON DISTRICT

APPLICANT: Windows Catering Company
ZONING: I-5
PARCEL(S): 80-2 ((15)) 1 and 2
ACREAGE: 2.36 acres
FAR: 0.235
PLAN MAP: Industrial
PROPOSAL: Amend an existing Special Exception, SE 95-M-077, to allow the addition of a by-right use to the building

Staff recommends approval of SEA 95-M-077 subject to the proposed development conditions in Appendix 1.

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).

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Department of Planning and Zoning

Zoning Evaluation Division
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Fairfax, Virginia 22035-5509
Phone 703 324-1290
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**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS MAY BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF APPLICATION

Applicant: Windows Catering Company

Location: 5720 General Washington Drive, within the Shell Oil Park

Size: 24,500 sq. ft of a 49,000 sq. ft. building on a 2.36 acre site

Hours: 24 hours, 7 Days a week

Employees: 20 at any one time

Request:

Amend an existing Special Exception, SE 95-M-077, to allow the addition of a by-right use to the building.

Waivers and Modifications:

In its approval of SE 95-M-077 the Board approved a waiver of the interior parking lot landscaping.

Copies of the draft development conditions, applicant's affidavit, and applicant's Statement of Justification are contained in Appendices 1 through 3 of this report.

LOCATION AND CHARACTER

Site Description:

The 2.36 acre site is developed with an existing one story (25 feet in height) industrial building containing 49,000 square feet gross floor area. The southeastern half of the structure is currently occupied by Aaron Rents/Aaron Sells, the original applicant, with a use ratio of 40% warehouse and 60% retail.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Interstate 395	N/A	N/A
East	Office, Industrial, Retail (Shell Oil Park)	I-5	Industrial
South	Office, Industrial, Retail	I-5	Industrial
West	Office, Industrial	I-5	Industrial

BACKGROUND

- Non-Residential Use Permit (#A-737-80) issued to Aaron Rents/Aaron Sells on April 17, 1980, to occupy the 49,000 square foot building for a warehouse use with not more than 40% of the gross floor area devoted to retail or display area as set forth in Sect. 5-505 of the Zoning Ordinance.
- On April 21, 1993, a Notice of Violation was issued to Aaron Rents/Aaron Sells for exceeding the 40% limitation on gross floor area devoted to retail sales and display.
- On March 27, 1995 the Board of Supervisors adopted Zoning Ordinance Amendment ZONING ORDINANCE-95-270 which permits the Board to approve by special exception, 1) a retail sales establishment in the I-4 or I-5 District wherein a maximum of 60% of the gross floor area may be devoted to retail sales, display area and any accessory floor area within the remaining floor area devoted to warehousing or 2) an establishment in which retail sales are conducted only during weekend or holiday hours.
- Aaron Rents/Aaron Sells filed SE 95-M-077 pursuant to this Zoning Ordinance Amendment on December 15, 1995, and received approval for the Special Exception on June 17, 1996 (Appendix 4).
- In early 2005, a condominium was created that divided the building into two separate units of 24,500 square feet. Each unit has a different owner. The original occupant, Aaron Rents/Aaron Sells, remained a tenant and leases the southern portion, Unit #2, and maintains the same use ratio of 60% retail sales and 40% warehouse in the reduced floor area. Unit #1 was issued a building permit in September of 2005 to permit a by-right tenant (Windows Catering Company) to locate there.
- In December 2005, all work efforts on the site were stopped when the applicant was found in violation as the original special exception governed the entire building. Due to this, a Special Exception Amendment to permit the by-right use to locate in Unit #1 is needed.
- The current special exception amendment, SEA 95-M-077, is requested so that the by-right use may occupy northern portion of the building, Unit #1.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:

Area I

Planning Sector: L3, Bren Mar Park Community Planning Sector of the Lincolnia Planning District

Plan Map: Industrial Use

Plan Text: No specific plan text

ANALYSIS

The previously approved SE Plat is still valid. The SEA Plat amends the use distribution of the building only.

Special Exception Amendment Plat (Copy at front of Staff Report)

Title of SEA Plat: 5720, A Condominium

Prepared by: McAllister Architects

Original and Revision Dates: January 10, 2005

The Special Exception Amendment Plat (SEA) consists of one (1) sheet that shows the building layout only. The 49,000 sq. ft. warehouse building (350 ft x 140ft) is shown to be split in half. The northwestern half (Unit #1) faces I-395 and consists of one large 24,500 sq. ft. space (175ft x 140ft) to be leased by the current applicant, Windows Catering Company. This by-right use has been defined as an establishment for production, processing, assembly, preparation of materials goods and products (which is a by-right use in the I-5 District). The southeastern half of the building, also 24,500 sq. ft. in area, is shown to be split into 2 sections, with the southern section (56ft x 175ft) to be used for retail use. This equates to 9800 sq. ft. (40%) for the warehouse use and 14,700 (60%) for retail use, the same ratio which was previously approved for the entire building.

As there are no physical exterior changes to the site, and the proposed reduction in the area of the SE use is not anticipated to have any impact. Staff has identified no issues with this request. All previous development conditions will be carried forward.

ZONING ORDINANCE PROVISIONS

Bulk Standards I-5 District		
Standard	Required	Provided
Lot Size	20,000 sq. ft.	102,866 sq. ft (2.36 acres)
Lot Width	100 feet	200 feet
Max. Building Height	75 feet	25 feet

Bulk Standards I-5 District		
Standard	Required	Provided
Front Yard	45° ABP but not less than 40 feet(40 feet)	70 feet
FAR	0.50	0.235
Open Space	15%	15% (15,430 sq. ft.)
Parking Spaces	22 for Employees + 5 for Company Vehicles	22 for Employees + 5 for Company Vehicles (27 Total)

Parking requirements have been calculated using the requirements for an establishment for production, processing, assembly, preparation of materials goods and products. The Zoning Ordinance requires one (1) Parking space for each employee, and one (1) for each company vehicle that will be parked on site. The applicant needs to provide twenty-two (22) spaces for the employees, and five (5) for the company vehicles for a total of twenty-seven (27) spaces. The existing use in Unit #2 of the building requires thirty-eight (38) for the retail use and another ten (10) for the warehouse for a total of forty-eight (48) spaces. With the existing seventy-six (76) spaces that were approved with the original SE, the parking requirements for parking both uses have been met.

WAIVERS AND MODIFICATIONS: There are no waivers or modifications requested.

Special Exception Requirements (Appendix 5)

General Special Exception Standards (Sect. 9-006)

Only minor changes proposed, and all applicable standards have been satisfied with the existing SE 95-M-077.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant is requesting approval this applications which would amend the previously approved special exception to allow a by-right use to occupy a portion of the previously approved building. Staff has identified no issues with this application.

Staff Recommendations

Staff recommends approval of SEA 95-M-077, subject to the development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board of Supervisors or Planning Commission, 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 Planning Commission or Board of Supervisors.

APPENDICES

1. Development Conditions
2. Affidavit
3. Statement of Justification
4. Approved Development Conditions & SE Plat for SE 95-M-077
5. Special Exception Standards
6. Glossary of Terms

DEVELOPMENT CONDITIONS

SEA 95-M-077

February 10, 2006

If it is the intent of the Board of Supervisors to approve SEA 95-M-077 located at 5720 General Washington Drive (Tax Map 80-2 ((15)) 1 and 2) previously approved for use as a retail sales establishment pursuant to Sect. 5-504 of the Fairfax County Zoning Ordinance to permit the addition of a use permitted by-right in the building, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions which supersede all previous development conditions; conditions carried forward from previous approvals or those with minor modifications are marked with an asterisk (*):

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. Any plan or permit submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Special Exception Plat, Aaron Rents/Aaron Sells" prepared by Walter L. Phillips, Inc., which is dated November 27, 1995 as revised through April 19, 1996 and 5720, A Condominium" prepared by McAllister Architects and dated January 10, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.*
4. As generally shown on the Special Exception Amendment Plat, the gross floor area of the Unit #2 use devoted to retail sales, display area and associated offices shall not exceed 60% of the total gross floor area with not less than 40% of the gross floor area devoted to warehouse use. The warehouse areas shall be separated from the retail/display areas by solid partition walls not less than 8 feet in height.
5. Irrespective of that shown on the SEA Plat, the building may be occupied by more than one (1) use and other by-right uses may be added to the building (Unit #1) without the necessity of an Special Exception Amendment provided that the percentage of Gross Floor Area devoted to retail sales and warehousing be maintained.
6. Prior to the issuance of a Non-Residential Use Permit (Non-RUP), the applicant shall demonstrate to the satisfaction of DPWES that adequate parking is available for all uses located with the building.
7. There shall be no outside display or storage of goods on the premises.*

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 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.