



APPLICATION FILED: November 30, 2006
PLANNING COMMISSION: April 18, 2007
BOARD OF SUPERVISORS: April 30, 2007
@ 3:30 PM

County of Fairfax, Virginia

April 4, 2007

STAFF REPORT

SPECIAL EXCEPTION APPLICATION SE 2006-MA-029

MASON DISTRICT

APPLICANT:	Petroleum Marketing Group, Inc.
ZONING:	C-5
PARCEL(S):	80-2 ((3)) 22
ACREAGE:	34,239 sq. ft.
FAR:	Approximately 0.04
OPEN SPACE:	Unknown
PLAN MAP:	Retail and other
SE CATEGORY:	Category 5: Service Station and Car Wash
PROPOSAL:	To permit a service station and an associated car wash (previously approved as Special Permit S-218-75) to continue.

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2006-MA-029, subject to the proposed development conditions contained in Appendix 1.

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Department of Planning and Zoning

Zoning Evaluation Division
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Staff recommends the transitional yard and barrier requirements along the northern lot line be modified in favor of the that shown on the SE Plat and as conditioned.

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.

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.

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.



**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS MAY BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

Proposal: The applicant, Petroleum Marketing Group, Inc., seeks approval of a Category 5 Special Exception to permit a service station use with an associated car wash at 6464 Edsall Road.

Waivers/Modifications: Modification of transitional screening to allow use of existing vegetation along the northern boundary line.

Modification of barrier requirements along the northern lot line in favor of the existing brick fence.

Copies of the proposed 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 subject property is located at 6464 Edsall Road on Tax Map 80-2 ((3)) 22, which is located at the northeast quadrant of the intersection of Edsall Road and Mitchell Street. The site is currently developed with a service station, which includes two gas pump islands, a cashier's kiosk covered by a canopy and an additional structure to the north of the kiosk that contains an automatic car wash facility, utility/ storage areas, and restroom facilities. Three access points are provided; two from Edsall Road and one from Mitchell Street.

Surrounding Area Description:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Residential (Single Family Homes)	R-2	Residential @ 1 to 2 du/ac
South	Industrial	I-6	Industrial
East	Office Service Station (BP Gas)	C-2 C-8	Office Retail and Other
West	Service Station (Exxon Gas)	C-5	Retail and Other

BACKGROUND

On January 8, 1976, the Board of Zoning Appeals approved Special Permit S-218-75 to permit a service station and "auto laundry-no repair," on the subject property. Development Condition #1 of SP S-218-75 stipulates that approval is granted to the previous applicant (Crown Central Petroleum Corporation) only. The development conditions approved in conjunction with S-218-75 are included in Appendix 4.

COMPREHENSIVE PLAN PROVISIONS (Appendix 5)

Plan Area: Annandale Planning District, Area I

Planning Sector: Beltway South Industrial Area, Land Unit D

Plan Map: Retail and Other

Plan Text:

Fairfax County Comprehensive Plan, 2003 Edition, Area I, Annandale Planning District, Amended through 10-23-2006, Beltway South Industrial Area, Land Unit D page 49 states:

"There is some commercial zoning to the west and north of Shawnee Road which has been planned and developed as office uses, with the exception of parcels 71-4((7))17 and 19, 80-2((1))55 and 58, and 80-2((3))22 and 23, which have been planned and developed with retail. In order to protect the stable residential neighborhood to the west and north from commercial encroachment, the existing retail area should not be expanded."

ANALYSIS

Special Exception (SE) Plat (copy at front of staff report)

Title of SE Plat: Crown Central Petroleum Corporation amended for the Petroleum Marketing Group, Inc.

Prepared By: Crown Central Petroleum Corporation and amended by Robert E. Ackerly of the Petroleum Marketing Group, Inc.

Original and Revision Dates: July 23, 1985 as revised through March 12, 2007

The SE Plat consists of three sheets.

Sheet 1 is an existing conditions plan and includes a sheet index, a parking tabulation based on past Zoning Ordinance requirements, and trench drain details. This sheet shows a service station, which includes two gas pump islands, a cashier's kiosk covered by a canopy and an additional structure to the north of the kiosk that contains an automatic car wash facility, utility/ storage areas, and restroom facilities. Three access points are provided; two from Edsall Road and one from Mitchell Street. Five parking spaces are shown on the plat to the north of the automatic car wash facility and 10 stacking spaces are provided.

Sheet 2 shows the existing vegetation on the site. Approximately 20 evergreen shrubs and 4 shade trees are shown throughout the site. However, due to the lack of detail shown on this sheet, Urban Forest Management (UFM) reviewed the application. The UFM comments are discussed in the Environmental Analysis section of this report.

Sheet 3 is the existing conditions plan shown on Sheet 1 with a parking tabulation based on current Zoning Ordinance requirements. The zoning ordinance requires the service station to have 2 parking spaces per service bay, plus 1 parking space per employee, but never less than 5 parking spaces, and requires the automatic car wash to have 10 stacking spaces. This sheet shows 5 parking spaces located northwest of the car wash and 10 stacking spaces leading into the car wash.

Description of Proposal

The Special Exception is to permit the existing service station and car wash to remain on a site where an existing service station already operates pursuant to Special Permit approval. The Special Exception is required because the applicant (Petroleum Marketing Group, Inc.) wishes to take over operation of the service station from the current occupant (Crown Central Petroleum Corporation). A development condition in the existing Special Permit limits the operator of the service station to the current occupant (Crown Central Petroleum Corporation) only. Since a service station is also no longer a Special Permit use, the current applicant (Petroleum Marketing Group, Inc.) must receive approval of a Special Exception in order to take over operation. No physical changes to the site or changes to the business operation are proposed.

Land Use Analysis

No land use issues are associated with this application.

Transportation Analysis (Appendix 6)

No transportation issues are associated with this application.

Environmental Analysis

A formal memorandum from the Environmental Planning branch was not required for this application because the only change to the subject property was to the operator of the service station. No physical changes to the site or the business operation were proposed. Sheet 2 of the SE Plat shows approximately 20 evergreen shrubs and 4 shade trees throughout the site. However, this sheet lacks specific detail about tree type and coverage on the site. Staff was concerned about the lack of information due to proximity of the residential property to the north and requested further review from Urban Forest Management (UFM). UFM conducted a site visit on March 6, 2007 and identified several types of trees and shrubs on the site, which include: 1) Japanese holly and barberry shrubs located at the northwest and southwest corners of the site, 2) a row of existing red maple trees located along the northern property boundary, north of the existing brick fence (that may be located on site, off-site and/or co-owned), 3) ash, crabapple, and Siberian elm trees located at the northwest corner of the site, north of the existing brick fence, and 4) red maple, Virginia pine, red oak, black locust, and sycamore trees located along the eastern property boundary that also may be located on site, off-site and/or co-owned. Graphic 1 is an aerial of the subject property, which highlights these findings in black circles and white rectangles. See Appendix 7 for more information.

Graphic 1: Subject Property (6464 Edsall Road) Existing Vegetation



*Source: Fairfax County Copyright 2003 Pictometry

Staff recommends a development condition to preserve this existing vegetation and require full replacement should this vegetation die in the future. Imposition of this development condition will address staff's concern regarding preservation and maintenance of existing vegetation on the site.

ZONING ORDINANCE PROVISIONS

Bulk Standards C-5		
Standard	Required	Provided
Lot Size	40,000 square feet	34,239 square feet
Lot Width	200 ft.	147.35 ft*
Max. Building Height	40 ft.	12 ft (one-story estimate)
Front Yard (Mitchell Street)	45° angle of bulk plane, but not less than 40 ft.	26 ft*
Front Yard (Edsall Road)	45° angle of bulk plane, but not less than 40 ft.	50 ft
Rear Yard (North)	20 ft.	Greater than 100 ft.
Rear Yard (East)	20 ft.	88 ft.
FAR	0.30	0.04 (estimate)
Open Space	20% landscaped open space	Unknown*
Parking Spaces	Service Station: 5 spaces Automatic Car Wash: 10 stacking spaces	5 parking spaces 10 stacking spaces

* Par. 2 of Sect 2-405 of the Zoning Ordinance states that a lot that met the requirements of the Zoning Ordinance in effect at the time of recordation may be used for any use permitted in the zoning district in which located under this Ordinance, even though such lot does not meet the current minimum district size, lot area, lot width and/or shape factor requirements of the district.

Waivers and Modifications

All screening and barriers provided on the site were required by SP S-218-75 and approved by the Board of Zoning Appeals. However, according to the current Zoning Ordinance, the subject property requires a modification of the transitional screening and barrier requirements along the northern lot line to allow the existing vegetation and barrier satisfy current requirements. Staff supports these modifications.

Special Exception Requirements (Appendix 8)

General Special Exception Standards (Sect. 9-006)

General Standards 1 and 2 require that the proposed use be in harmony with the adopted Comprehensive Plan and be in harmony with the general purpose and intent of the applicable zoning district regulations. As previously stated, the proposal is in harmony with the Comprehensive Plan for use and intensity. No new construction or changes to the operation of the existing service station are proposed. Therefore, staff believes this condition has been met.

General Standards 3 and 4 require that the proposed use 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 and that pedestrian and vehicular traffic associated with the use will not create hazards or conflict with the existing and anticipated traffic in the neighborhood. No changes to the site are proposed that would negatively impact development of neighboring properties or the existing traffic situation. Therefore, staff believes this condition has been met.

General Standard 5 requires that landscaping and screening be in accordance with the provisions of Article 13. The Applicant requests a modification of the transitional screening and barrier requirements along the northern lot line, to allow existing conditions to continue. For the reasons outlined above including the fact that there are no physical changes to the site and no intensification of the use, staff supports these waivers. Therefore, staff believes this condition has been met.

General Standards 6, 7 and 8 require that open space, adequate utilities, drainage, signage, parking and loading spaces to be regulated in accordance with the Zoning Ordinance; however, the Board of Supervisors may impose more strict requirements for a given use than those set forth in this Ordinance. The site currently meets all specified requirements of the Zoning Ordinance, and no new construction is proposed. Therefore, staff believes this condition has been met.

Category 5 Standards (Sect. 9-503)

In addition to the General Special Exception Standards, all Category 5 Special Exception uses must comply with additional standards for Category 5 Uses. The standards for all Category 5 Special Exceptions require that all uses comply with the lot size regulations, bulk regulations and performance standards of the zoning district in which they are located, and stipulate that such uses are subject to the provisions of Article 17, Site Plans. As previously stated, the application does not meet the minimum district size, lot area, and lot width requirements of

the district. However, according to Par. 2 of Sect 2-405 of the Zoning Ordinance, the service station and car wash may continue as approved in Special Permit S-218-75, because the subdivision of the subject lot and construction of the structure on the property predates the current Zoning Ordinance provisions.

Additional Standards for Service Stations (Sect. 9-505)

Service Stations must also comply with the additional standards for Service Stations. In all Zoning Districts where Service Stations are permitted by Special Exceptions, the applicable additional standards require that the use be architecturally compatible with its building group or neighborhood, designed so that circulation and parking result in safe circulation for pedestrians and automobiles, and designed so that impacts on neighboring residential areas are minimized. No land disturbance is proposed with this application, the request is merely to change the operator of the service station and car wash. The use on the property will continue as approved S-218-75; therefore, these standards have been met. In the C-5 Zoning District, service station uses must not have outdoor storage or display of goods or inoperable vehicles. With approval of the proposed development conditions, these standards will have been met.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

Staff concludes that the subject application by Petroleum Marketing Group, Inc. is in accordance with the Comprehensive Plan for use and intensity. In Staff's opinion, the application is in conformance with the Comprehensive Plan and applicable Zoning Ordinance provisions.

Recommendations

Staff recommends approval of SE 2006-MA-029, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a modification of the transitional screening and barrier requirements along the northern boundary.

It should be noted that it is not the intent of Staff to recommend that the Board of Supervisors, 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.

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.

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.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Development Conditions for S-218-75
5. Comprehensive Plan Citations
6. Transportation Analysis
7. Urban Forest Management Analysis
8. Applicable Zoning Ordinance Provisions
9. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS

SE 2006-MA-029

April 4, 2007

If it is the intent of the Board of Supervisors to approve SE 2006-SU-024 located at Tax Map 80-2((3)) 22 (6464 Edsall Road) for use as service station and an associated car wash 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:

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, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Crown Central Petroleum Corporation amended for the Petroleum Marketing Group, Inc.", prepared by Crown Central Petroleum Corporation and amended by Robert E. Ackerly of the Petroleum Marketing Group, Inc., consisting of 3 sheets dated July 23, 1985 as revised through March 12, 2007, 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 shown in Exhibit A, the existing vegetation located along the northern and eastern property lines and situated within three separate landscaped islands to the northwest, southwest and southern property lines shall be preserved and maintained to the extent possible subject to Urban Forest Management (UFM). If trees identified for preservation by UFM must be removed, then appropriate replacement trees shall be planted as determined by UFM.
5. Existing lighting, including streetlights, security lighting, signage lighting, and pedestrian or other incidental lighting may remain. All new and replacement outdoor lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.

6. There shall be no display, selling, storing, rental, leasing or repairing of automobiles, trucks, trailers, recreational vehicles, lawn mowers, or the like.

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. Establishment of Phase 1, shown as the "Proposed" on the SE Plat, shall constitute the use. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator 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.

**APPENDIX 1
EXHIBIT A**

Exhibit A: Subject Property (6464 Edsall Road) Existing Vegetation



*Source: Fairfax County Copyright 2003 Pictometry