



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

County of Fairfax, Virginia

April 3, 2007

STAFF REPORT

APPLICATION SE 2006-MA-028

MASON DISTRICT

APPLICANT: Petroleum Marketing Group Inc.

ZONING: C-5 (Neighborhood Commercial Retail Commercial)
CRD (Commercial Revitalization Overlay District)
HC (Highway Corridor Overlay District)
SC (Sign Control Overlay District)

PARCEL: 61-2 ((1)) 7

ACREAGE: 22,835 square feet

FAR: 0.03

OPEN SPACE: 24%

PLAN MAP: Retail

SE CATEGORY: Category 5; Use: Car Wash
Category 6; Use 7: Service Stations in a Highway
Corridor Overlay District

PROPOSAL: Approve a special exception for a service station and
car wash (previously approved under Special Permit
S-199-73) to permit the continuation of the use; no
physical changes are proposed to the site

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Department of Planning and Zoning

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
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www.fairfaxcounty.gov/dpz/

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2006-MA-028, subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, 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 or TTY 711 (Virginia Relay Center).



**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 is seeking approval of a special exception for a service station and car wash (previously approved under Special Permit S-199-73 issued to Crown Central Petroleum Corp.) to allow continuation of the use. The special permit was granted to the permittee only; therefore the use cannot continue under the new owner without amending the special permit. Service stations and car washes, however, are now special exception uses in the C-7 District; therefore, approval of a new special exception is required.
- Proposed Hours:** 24 hours / 7 days a week
- Employees:** 3 employees
(applicant did not indicate if this was daily or at any one time)
- Patrons:** est. 600 per day
- Requested Waivers/Modifications:** none

LOCATION AND CHARACTER

Site Description:



The application property is located at 6014 Leesburg Pike, in the northwest quadrant of the intersection of Leesburg Pike and Magnolia Avenue, across from the Culmore Shopping Center. The site is currently developed with a service station and self-service car wash (not automatic), no physical changes are proposed to the site with this application.

The property has direct access to Leesburg Pike, as well as access to Magnolia Lane. There is a 27 foot wide buffer strip along the rear of the property, behind a six foot high wood fence, with a

temporary shed/container for environmental remediation equipment located behind the fence in the buffer area.

Surrounding Area Description:

Direction	Use	Zoning	Plan
West	Eating Establishment	C-5, CRD, HC, SC	Retail and Other
North	Church & School (St. Anthony's)	R-3, CRD, HC	Institutional
East	Service Station	C-5, CRD, HC, SC	Retail and Other
South	Retail (Culmore Shopping Center)	C-6, CRD, HC, SC	Retail and Other

BACKGROUND

- According to county records, the service station was initially constructed in 1954, prior to the current Zoning Ordinance.
- **S-199-73** was approved by the Board of Zoning Appeals on November 28, 1973, to allow site improvements to the existing service station and “auto laundry.” Development condition #1, approved with the application, granted the use to “the applicant only.” Development condition #3 further specified that any modifications, including “change of ownership” and “changes of the operator” should be “cause for this use permit to be reevaluated by this Board.” See Appendix 4 for approved development conditions.
- On July 11, 1977, Zoning Ordinance Amendment #304 was adopted (note this amendment applied to the 1959 Ordinance and was prior to the adoption of the current Ordinance in 1978) which required Board of Supervisors approval of a special permit for service stations in all commercial districts. These uses became special exception uses with the adoption of the current Zoning Ordinance in 1978.
- In July 2004, the property was purchased by Petroleum Marketing Group, Inc. The governing conditions required that the special permit be amended, triggering the need for an application so that operations may continue.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area I
Planning District: Baileys Planning District
Planning Sector: Baileys Crossroads Community Business Center; Land Unit B-2

Plan Map: Retail and other

Plan Text:

In the Fairfax County Comprehensive Plan, Area I, 2003 Edition, Baileys Planning District as amended through September 11, 2006, Baileys Crossroads Community Business Center, under the heading *Land Unit B-2*, beginning on page 31, the Plan states:

“Land within this sub-unit is planned and developed for neighborhood-serving retail and service uses of the current types and intensities. Effective buffering to the adjoining residential neighborhood to include a solid wall, landscaping, and setback area should be provided with any redevelopment.”

See Appendix 5 for additional plan text

ANALYSIS

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

Note: the applicant received a waiver to allow a previous plan to be used as the SE Plat

Title of SE Plat: Plot Plan of Service Station P-3; Leesburg Pike, Magnolia Ave

Prepared By: Crown Central Petroleum Corporation, Baltimore MD

Date: November 10, 1972, with revisions through April 24, 1974

Plat Description:

The SE Plat consists of one sheet.

The Plat shows an existing building (approximately 690 square feet) located in the northwest corner of the site, five pump islands covered by a canopy extending most of the width of the site, and a two-bay self-service car wash located behind the pump islands.

A 27 foot wide buffer area runs along the northern boundary. This area has some small trees, as well as some concrete pads and an 8 foot by 25 foot equipment trailer, temporarily located within this area to contain environmental mediation equipment (per an interpretation letter dated February 4, 2002). A six foot high wooden fence separates the uses on the site from the buffer area.

No parking spaces are shown on the plat, though the conditions approved with the original special permit required a minimum of three spaces. The applicant has provided a separate exhibit, attached to the proposed development conditions found in Appendix 1 of this report, that shows that there are seven spaces on the site.

An identification sign is shown on the Leesburg Pike frontage. Although no dimensions are provided on the plat, the existing sign on the site is a pole sign.

Land Use Analysis

The request would allow the continuation of the existing service station and car wash uses with no changes to the site. The proposal is in harmony with the Comprehensive Plan recommendations for use and intensity. The existing use has a 27 foot wide buffer area (with mature though not dense vegetation) with a solid wood fence screening the neighboring church/school use, as approved with the original special permit. No land use issues are raised by this application; however, the Baileys Crossroads CRD does have Comprehensive Plan language that discourages pole signs. Staff has therefore proposed a condition requiring that, should the existing pole sign be replaced, a monument style sign shall be installed.

Transportation Analysis (Appendix 6)

No modifications are proposed on the site; no transportation issues are raised by the application.

Environmental Analysis

No modifications are proposed on the site; therefore, no environmental issues are raised by the application. A letter of interpretation issued in 2002 allowed the installation of a shed/container for environmental remediation equipment, the location of which is shown on the exhibit attached to the development conditions. Staff has proposed a condition that would allow the shed/container to remain until such time as the remediation is complete, as approved in the letter of interpretation. Staff has further proposed a condition that would require the area where the shed was located to be revegetated after its removal.

ZONING ORDINANCE PROVISIONS

BULK REGULATIONS (C-5 District, CRD)		
Standard	Required	Provided
Lot Size	40,000 square feet	22,835 square feet ¹
Lot Width	200 feet	167 feet (Leesburg Pike) ¹ 140 feet (Magnolia Ave)
Max. Building Height	40 feet	12.5 feet (building) ² 18 feet (canopy & car wash) ²
Front Yard	20 feet	84 feet (Leesburg Pike) 47 feet (Magnolia Ave)
Rear Yard	20 feet	27 feet
FAR	0.30	0.03
Open Space	20%	24% ³
Parking	5 spaces ⁴	7 spaces

BULK REGULATIONS (C-5 District, CRD)		
Standard	Required	Provided
Transitional Screening & Barrier:		
North (R-3, church / school)	no TS, Barrier D, E, or F	27 feet; 6 foot wood fence

- ¹ The subdivision of the subject lot and construction of the structure on the property predates the current Zoning Ordinance and therefore the proposal does not need to meet the current lot size and width requirements per Sect. 2-405
- ² As measured on site
- ³ Accounting for the temporary equipment trailer (200 square feet)
- ⁴ Per Sect. 11-101 Par. 2B of the Zoning Ordinance, because there is no physical change to the use, the applicant may continue to provide parking as was required at the time of original approval

Waivers and Modifications Requested: none

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 or car wash 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 Standards 5, 6, 7 and 8 require that landscaping, screening, open space, adequate utility, drainage, signage, parking and loading spaces 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 the Ordinance. As noted, no changes are proposed to the development on, or operation of, the site. The site, as developed, meets the requirements for transitional screening. No additional open space is required of the site as it is located in a Commercial Revitalization District. While the SE Plat does not show parking spaces, the applicant has provided a graphic showing that seven parking spaces are located on the site. As discussed earlier, the governing standards are those that were in place at the time of original approval. That standard would appear to require five spaces, although the conditions approved with the original special permit required only three spaces. Staff

believes that the provision of more than the original three or five spaces is appropriate (under today's ordinance, 13 spaces would be required, with a 20% reduction allowed in the CRD). Staff therefore has proposed a development condition requiring seven spaces to maintain the status quo per Sect. 11-101 Par. 2B, as shown on the attached exhibit. With this imposition of the condition, these standards are addressed.

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. These standards 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 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 originally approved because the subdivision of the subject lot and construction of the structure on that lot predates the current Zoning Ordinance. With approval of the proposed development conditions, staff believes that these standards will be met.

Additional Standards for Automobile-Oriented Uses, Car Washes...Service Stations ... (Sect. 9-505)

In all Zoning Districts where these uses are permitted by Special Exception, 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 physical changes are proposed on the site with this application, the request is merely to change the operator of the service station and car wash. The operation of the use will continue as approved in S-199-73; therefore, these standards have been met. Additionally, in the C-5 District, service station uses may not have outdoor storage or display of goods, or outdoor storage of inoperable vehicles. With approval of the proposed development conditions, these standards will have been met.

Provisions for Approving...Service Stations...in a Highway Corridor Overlay District (Sect. 9-611)

The Board may approve a special exception for the establishment of a service station in a Highway Corridor Overlay District, but only in accordance with the provisions of Part 6 of Article 7.

Highway Corridor Overlay District Use Limitations (Sect. 7-608)

These standards require that the use be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties, that access be designed so not to impede traffic on a public street intended to carry through traffic, and that there be no outdoor storage or display of goods offered for sale. As noted, no physical

changes are proposed to the site, and a development condition addresses the outdoor storage. These standards are addressed.

Summary of Zoning Ordinance Requirements

In staff's opinion, the application addresses the standards required by special exceptions with the imposition of the proposed development conditions. It should be noted that if, in the future, physical changes are proposed to the site, current standards may be required to be met, specifically additional parking may be required.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The applicant is requesting to allow an existing use to continue operation with a new owner/operator; no physical changes are proposed to the site. The use is in harmony with the Comprehensive Plan recommendation, and in conformance with the applicable Zoning Ordinance provisions.

Recommendations

Staff recommends approval of SE 2006-MA-028, 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 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; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, 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. Approval of S-199-73
5. Comprehensive Plan Citation
6. Transportation Analysis
7. Stormwater Management Analysis
8. Applicable Zoning Ordinance Provisions
9. Glossary of Terms

DEVELOPMENT CONDITIONS

SE 2006-MA-028

April 3, 2007

If it is the intent of the Board of Supervisors to approve SE 2006-MA-028 located at 6014 Leesburg Pike, Tax Map 61-2 ((1)) 7, to permit a service station and car wash pursuant to Sections 4-504 and 7-607 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous 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 (SE Plat) approved with this 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 SE Plat entitled "Plot Plan of Service Station P-3; Leesburg Pike, Magnolia Ave" consisting of one sheet, dated November 10, 1972, with revisions through April 24, 1974. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The 27 foot wide buffer on the north side of the site shall be maintained, and no vegetation shall be removed from said buffer, except for diseased, dying, or invasive vegetation as determined by Urban Forest Management (UFM).
5. (a) The 200 square foot shed/container for environmental remediation shall be allowed as shown in Exhibit 1 of these conditions. After the environmental remediation is complete, as determined by Virginia Department of Environmental Quality, the shed / container shall be removed within 60 days.

(b) After removal of the shed/container, the area where it was located shall be revegetated in coordination with UFM to provide additional screening to the church and school uses to the north.
6. A minimum of seven (7) parking spaces shall be provided, as shown on Exhibit 1 of these conditions.
7. If the existing freestanding pole sign is replaced, it shall be replaced with a monument-style sign, which shall be in conformance with Article 12 of the Zoning Ordinance, and shall meet the sight line standards of the PFM and VDOT.

8. Temporary promotional banners (other than those allowed by the Zoning Ordinance) balloons, flags, or rooftop displays shall not be permitted on site.
9. Existing lighting, including streetlights, security lighting, signage lighting, and pedestrian or other incidental lighting may remain. Any new outdoor lighting and/or replacement fixtures shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance
10. There shall be no outside storage or display of goods offered for sale, or any storage of inoperable vehicles on the site.
11. To ensure protection of groundwater quality, all existing and future underground storage tanks on the site shall be maintained or installed in accordance with current federal, state, and local regulations as may be determined by the State Water Quality Control Board, DPWES, and the Fire and Rescue Department. *

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, twelve (12) months after the date of approval unless a new Non-residential Use Permit (Non-RUP) has been issued. The Board of Supervisors may grant additional time to establish the use 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.

Illustration of parking (seven spaces) and temporary equipment / remediation shed

