



APPLICATION FILED: November 30, 2006
PLANNING COMMISSION: April 26, 2007
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

April 12, 2007

STAFF REPORT

SPECIAL EXCEPTION APPLICATION SE 2006-LE-030

LEE DISTRICT

APPLICANT:	Petroleum Marketing Group, Inc.
ZONING:	C-6, HC
PARCEL(S):	81-4((1)) 71C
ACREAGE:	31,776 sq. ft.
FAR:	0.04
OPEN SPACE:	15%
PLAN MAP:	Retail and other
SE CATEGORY:	Category 5; Use: Car Wash Category 6; Use 7: Service Station in a Highway Corridor Overlay District
PROPOSAL:	To permit an existing service station and car wash previously approved by Special Permit (S 31- 73) to continue.
WAIVERS & MODIFICATIONS:	Modification of the transitional screening and barrier requirements along the eastern lot line to allow the existing vegetation and barrier remain. Waiver of the barrier requirement along the southern lot line.

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Zoning Evaluation Division
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Fairfax, Virginia 22035-5509
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STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2006-LE-030, 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 eastern boundary.

Staff recommends approval of a waiver of the barrier requirement along the southern boundary.

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 application 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.



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).

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

DESCRIPTION OF THE APPLICATION

SE 2006-LE-030 Proposal:

The Applicant, Petroleum Marketing Group, Inc., seeks approval of a Category 5 Special Exception to permit an existing service station use with associated car wash at 5500 Franconia Road to continue. The service station and car wash operate at this location pursuant to an approved Special Permit (S 31-73). No physical changes to the site, or changes to the current business operation are proposed. The only change is to the operator of the business. Development Condition #1 of the approved Special Permit limits the approval to the applicant (Crown Central Petroleum Corporation) for that Special Permit only. This application proposes to delete the restriction that limits the operation of the use to the applicant. However, to modify the existing development conditions the current applicant, Petroleum Marketing Group, Inc., can not seek an amendment to the Special Permit because a Service Station is now a use allowed only by Special Exception in the C-6 District.

Waivers/Modifications:

Modification of the transitional screening and barrier requirements along the eastern lot line to allow the existing vegetation and barrier remain.

Waiver of the barrier requirement along the southern lot line.

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 5500 Franconia Road at the northwestern quadrant of the intersection of Franconia Road and Old Rolling Road. The site is zoned C-6 and located within a Highway Corridor Overlay District. The site is developed with a service station use with associated car wash, which includes two gas pump islands and a cashier's kiosk covered by a canopy. There is also a structure on the site containing the car wash facility, utility and storage areas, and the manager's office. There are two entrances to the site from Franconia Road, and one entrance from Old Rolling Road.

Surrounding Area Description:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Vacant	C-6	Retail & Other
North	Recreation (Shadowland Family Entertainment Center)	C-6	Retail & Other
South	Nursery School (KinderCare Learning Centers, Inc.)	C-2	Office
East	Residential; SFD (Guilford Subdivision)	R-3	Residential; 3-4 du/ac
West	Vacant	C-6	Retail & Other
West	Low-rise Office	C-6	Retail & Other

BACKGROUND

On April 18, 1973, the Board of Zoning Appeals approved Special Permit S 31-73 with conditions, to permit a service station and “auto laundry-no repair”, on the subject property. Development Condition #1 of S 31-73 stipulates that approval is granted to the applicant (Crown Central Petroleum Corporation) only. The development conditions approved in conjunction with S 31-73 are included in Appendix 4.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Rose Hill Planning District, Area IV

Planning Sector: Bush Hill Community

Plan Map: Retail and Other

Plan Text:

Fairfax County Comprehensive Plan, 2003 Edition Area IV, Rose Hill Planning District, Amended through 12-6-2004 RH2 Bush Hill Community Planning Sector Page 41 states:

Commercial development in the sector should be limited to the area planned for retail use on the north side of Franconia Road, between Brookland Road and Old Rolling Road, south of the townhouse development along Maplefield Place. Redevelopment of these parcels (Tax Map 81-4((1))67, 67A, 70, 71A, 71C, 71G, and 71H) should improve the overall character and function of the area in neighborhood commercial uses while ensuring the protection and preservation of the adjacent residential community. Parcel consolidation is strongly recommended to provide an improved opportunity for effective buffering, attractive landscaping and coordinated circulation and access. Access onto Franconia Road should be consolidated opposite Edison Drive and Gum Street.

ANALYSIS

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

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

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

Date: December 22, 1986 as revised through March 14, 2007

The SE Plat consists of three sheets.

Sheet 1 is an existing conditions plan and includes a sheet index. 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 Franconia Road and one from Old Rolling Road. Five parking spaces are shown on the plat to the north of the automatic car wash facility.

Sheet 2 shows the existing vegetation on the site. Approximately 21 evergreen shrubs and 2 shade trees are shown throughout the site.

Sheet 3 is the 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. This sheet shows 5 parking spaces located north of the car wash.

Land Use Analysis

There are no land use issues associated with this application.

Transportation Analysis (Appendix 5)

There are no transportation issues associated with this application.

Environmental Analysis

There are no environmental issues associated with this application.

Urban Forest Management Analysis (Appendix 6)**Issue:** Transitional Screening & Barrier Requirements

Single-family detached housing exists adjacent to the subject property to the east. Article 13 of the Zoning Ordinance requires transitional screening 3 (50 feet wide) and barrier type E, F, or G (minimum of a 6-foot chain link fence) along the eastern boundary. A child care center is located adjacent to the subject property to the south (opposite side of Franconia Road). Barrier type D, E, or F (minimum of a 42-inch chain link fence) is required along the southern boundary of the site.

Resolution:

All screening and barriers are provided on the site as approved with Special Permit S 31-73. However, according to the current Zoning Ordinance standards, the subject property requires a modification of the transitional screening and barrier requirements along the eastern lot line to allow the existing vegetation and barrier to satisfy current requirements. A waiver of the barrier requirement along the southern lot line is also required. Staff supports the waivers and modifications subject to a proposed development condition to ensure that the existing landscaping along the eastern boundary of the subject site is preserved and supplemented in the grass area as determined by UFM, DPWES. With these provisions, this issue will be resolved.

ZONING ORDINANCE PROVISIONS

Bulk Standards C-6		
Standard	Required	Provided
Lot Size	40,000 square feet	31,776 sq. ft.*
Lot Width	200 ft.	198.78 ft.*
Max. Building Height	40 ft.	12 ft.

Bulk Standards C-6		
Standard	Required	Provided
Front Yard (Franconia)	45° angle of bulk plane, but not less than 40 ft.	44 ft.
Front Yard (Old Rolling)	45° angle of bulk plane, but not less than 40 ft.	75 ft.
Rear Yard (North)	20 ft.	45 ft. 6 in.
Rear Yard (East)	20 ft.	58 ft.
FAR	0.40	0.04
Open Space	15% landscaped open space	Unknown*
Parking Spaces	Service Station Min. – 5 spaces Car Wash min. – <u>1 space/employee</u> Total 6 spaces	5 spaces
Stacking Spaces	10 stacking spaces	10 stacking spaces

* Bulk standards met Zoning Ordinance requirements at the time of approval for S 31-73.

**All screening and barriers provided as required by S 31-73 as approved by the Board of Zoning Appeals.

According to the Bulk Standards Chart, this application does not meet the minimum lot area, and lot width requirements of the district. However, Par. 2 of Sect 2-405 of the Zoning Ordinance, entitled “Permitted Reduction in Lot Size Requirements for Certain Existing Lots” 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 provided all other Zoning Ordinance requirements are met. The Applicant, Petroleum Marketing Group, Inc., is seeking a change in operator of a service station and car wash that is currently operating at this location pursuant to an approved Special Permit (S 31-73). The previously approved Special Permit was approved on April 18, 1973 and met the Zoning Ordinance standards at that time, and Fairfax County Department of Tax Administration records show that the structures on the site were constructed in 1975, which predates the current Zoning Ordinance which became effective on August 14, 1978, therefore Sect. 2-405 of the Zoning Ordinance is applicable to this application.

Special Exception Requirements (Appendix 7)

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. All screening and barriers are provided on the site as approved with S 31-73. However, according to the current Zoning Ordinance standards, the subject property requires a modification of the transitional screening and barrier requirements along the eastern lot line to allow the existing vegetation and barrier to satisfy current requirements. A waiver of the barrier requirement along the southern lot line is also required. 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 the waivers and modifications with supplemental planting per the proposed development conditions. Therefore, staff believes this standard will be 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. It appears that the site does not currently meet the parking requirements of the Zoning Ordinance for both the car wash and service station use; however with the adoption of the proposed development conditions, staff believes this standard has been met.

Category 5 Standards (Sect. 9-503)

In addition to the Special Exception General 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 discussed previously, since the subdivision of the subject lot and construction of the structure on the property predates the current Zoning Ordinance, the proposal does not need to meet the current lot size and width requirements per Sect. 2-405 provided all other Zoning Ordinance requirements are met. With the proposed development conditions, 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 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 previously approved. In the C-6 Zoning District, service station uses must not have outdoor storage or display of goods or inoperable vehicles. With adoption of the proposed development conditions, these standards will be 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 development conditions for the carwash have been proposed to address outdoor storage and control of the on-site stacking by an employee. These standards 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-LE-030, 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 eastern boundary.

Staff recommends approval of a waiver of the barrier requirement along the southern 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 application 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. Development Conditions for S 31-73
5. Transportation Analysis
6. Urban Forest Management Analysis
7. Applicable Zoning Ordinance Provisions
8. Glossary of Terms

DEVELOPMENT CONDITIONS

SE 2006-LE-030

April 12, 2007

If it is the intent of the Board of Supervisors to approve SE 2006-LE-030 located at 5500 Franconia Road (Tax Map 81-4((1)) 71C) to permit a service station use and associated car wash pursuant to Section 4-604 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions incorporate and supersede all previously approved development conditions for Special Permit S 31-73. Previously approved conditions are marked with an asterisk (*). New conditions and changes to previous conditions are underlined.

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. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.*
4. 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 "Crown Petroleum Corporation amended for the Petroleum Marketing Group, Inc., prepared by Crown Petroleum Corporation and amended by Robert E. Ackerly of the Petroleum Marketing Group, Inc., consisting of 3 sheets, dated December 22, 1986, revised through March 14, 2007. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
5. All signage on site shall conform to the provisions of Article 12 of the Zoning Ordinance. Sign permits shall be obtained.
6. There shall be no display, selling, storing, rental, or leasing of automobiles, trucks, trailers, recreational vehicles, lawn mowers, etc. from this property. No abandoned, wrecked, or inoperable vehicles shall be stored on the property.*

7. Trash shall be stored in a brick enclosure.
8. The service station shall consist of a maximum of two pump islands.
9. Existing lighting, including streetlights, canopy lighting, security, pedestrian, and/or other incidental lighting, may remain. All new and replacement lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 of Article 14 of the Zoning Ordinance.
10. Temporary promotional banners, balloons, flags, or rooftop displays shall not be permitted on site. No promotional signage shall be permitted on any light poles; however, this shall not preclude the display of seasonal banners.
11. There shall be no outdoor storage or display of goods offered for sale.
12. Existing landscaping/shrubs/trees that are on the site shall be preserved and maintained to the extent possible as determined by Urban Forest Management (UFM), DPWES. If trees identified for preservation by UFM must be removed, then appropriate replacement trees shall be planted as determined by UFM.
13. Supplemental planting shall be provided within the grass area along the eastern boundary of the site as determined by UFM.
14. Off-street parking for both the service station use and car wash use shall be provided in accordance with Article 11 of the Zoning Ordinance.
15. Stacking spaces for the car wash use shall be provided in accordance with Article 11 of the Zoning Ordinance. Stacking of vehicles for the carwash shall not block any of the access points to the site. An employee shall be available at all times to monitor compliance with this condition.

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, eighteen (18) months after the date of approval unless a Non-Residential Use Permit has been obtained. 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.

