



**APPLICATION FILED:** December 18, 2006  
**APPLICATION AMENDED:** January 23, 2007  
**PLANNING COMMISSION:** June 21, 2007  
**BOARD OF SUPERVISORS:** Not Scheduled

# County of Fairfax, Virginia

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June 7, 2007

## STAFF REPORT

### SPECIAL EXCEPTION APPLICATION SE 2006-LE-032

#### LEE DISTRICT

<b>APPLICANT:</b>	Fourth Hotel Associates Limited Partnership
<b>ZONING:</b>	C-8
<b>PARCEL(S):</b>	81-2 ((1)) 12B and 81-2 ((3)) 1, 2
<b>ACREAGE:</b>	3.14 acres
<b>FLOOR AREA RATIO (FAR):</b>	0.53
<b>OPEN SPACE:</b>	0.64 acres (20 percent)
<b>PLAN MAP:</b>	Retail and Other
<b>SE CATEGORY:</b>	Category 5, Commercial and Industrial Uses of Special Impact
<b>PROPOSAL:</b>	Add a Vehicle Rental & Ancillary Service Establishment to an Existing Hotel that has an Accessory Eating Establishment

#### STAFF RECOMMENDATIONS:

Staff recommends that the Board of Supervisors approve SE 2006-LE-032 subject to the proposed development conditions in Appendix 1.

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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/](http://www.fairfaxcounty.gov/dpz/)

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.

The approval of this special exception 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.

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 WILL BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATION**

<b>Proposal:</b>	To locate a vehicle, rental establishment in an existing hotel that also contains an associated eating establishment. The proposed new facility is limited to rental vehicles and will not include servicing of the vehicles. The application proposes to add the new use without making changes to the existing improvements on the site.
<b>Gross Floor Area:</b>	The proposed vehicle, rental establishment is to be located within the existing 72,627 sq. ft. building.
<b>Size of Uses:</b>	Hotel – 169 rooms* Eating Establishment – 60 seats Car Rental Agency – A one-hundred sq. ft. office area in the building and parking for 15 rental cars on site
<b>Hours:</b>	Twenty-four hours, seven days a week
<b>Employees:</b>	Two employees for the car rental agency

\*The proffers associated with the original approval for the hotel at this location permits up to 194 rooms. Subsequently, the hotel has been remodeled to include larger rooms and the number of rooms has been reduced to 169 as reflected in the applicant's statements in Appendix 3. The proposed development conditions for this special exception to allow the addition of the car rental agency, including parking rental cars on-site, limit the number of rooms to 169, in order to ensure that there is sufficient parking for all three uses on site, the hotel, the eating establishment and the 15 cars for the car rental operation.

**LOCATION AND CHARACTER**

The property is located on the west side of South Van Dorn Street (Rt. 613) at its interchange with the Capital Beltway (I-95). The other two sides of this triangularly shaped property abut a ramp to I-95. The existing nine-story building is 72,627 sq. ft. in size, with an outdoor pool. The rest of the site contains parking and landscaping.

<b>Surrounding Area Description</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan Map</b>
<b>North</b>	Vehicle Sales and Service Establishment <sup>1</sup>	R-3 & C-8	Industrial
<b>South</b>	Multi-family Residential <sup>2</sup> (Archstone at Van Dorn)	PDH-16	Office
<b>East</b>	Vacant (Oakwood Center)	PDC	Office
<b>West</b>	Multi-family Residential <sup>2</sup> (Archstone at Van Dorn)	PDH-16	Office

<sup>1</sup>. Located across the Capital Beltway (I-95)

<sup>2</sup>. Located across a ramp from S. Van Dorn Street to the Capital Beltway

## **BACKGROUND**

Portions of the application property have been the subject of various zoning approvals including, among others, RZ 79-L-019, PCA 79-L-019, RZ 81-L-093, RZ 82-L-083. These actions of the Board rezoned various portions of in the subject property to the C-8 District resulting in the whole site being zoned C-8. The above noted cases were superseded by subsequent zoning approvals on February 6, 1984, which are discussed below. The files for RZ 79-L-019 and RZ 81-L-093, approved on January 11, 1982, state that the transitional screening yard and barrier requirements were modified. The approved site plan for the construction of the hotel, approved in November of 1985 includes a reference that these requirements were waived by the Board on January 11, 1982. In addition, SE 81-L-108 was approved by the Board on January 11, 1982 to allow an increase in building height to 80 feet, 75 feet was the maximum building height permitted in the C-8 District at that time; that approval was not exercised; therefore, the special exception expired. The records contained in the Plans and Permit Branch, Zoning Administration Division, Department of Planning and Zoning and the submitted SE Plat state that the existing hotel building is 75 feet tall. The records regarding the above noted zoning cases are on file with the Department of Planning and Zoning.

With the concurrent approval of RZ 83-L-074, PCA 82-L-083 and PCA 81-L-093 on February 6, 1984 the above noted zoning actions were superseded and the approximately 1.88 acre property that has been developed with the existing hotel was consolidated under a single set of proffers. The transitional screening and barrier waiver is not discussed in the records of those approvals. This rezoning approval allowed approximately 0.64 acres to be included with the hotel property and be developed with parking. A copy of the proffers accepted with this approval is contained in Appendix 4.

The hotel was issued a Non-Residential Use Permit on July 5, 1984.

## COMPREHENSIVE PLAN PROVISIONS

<b>Plan Area:</b>	Area IV
<b>Planning District:</b>	Rose Hill Planning District
<b>Planning Sector:</b>	Franconia Planning Sector (RH3)
<b>Plan Map:</b>	Retail and Other

There is no site specific Plan text related to the application property.

## ANALYSIS

### **Special Exception Plat** (Reduced copy at front of staff report)

The application does not propose to change any of the existing site improvements; the office element for the proposed car rental agency will be within the existing hotel building and the rental cars will be parked in the existing parking lot. Therefore, the applicant was permitted to submit a Land Title Survey of the property prepared by Burgess & Niple dated January 24, 2001 in lieu of a SE Plat.

The existing hotel building is located in the middle of the triangularly shaped property. The 9-story building is rectangular in shape with a 2-story wing located on the northern end of the building. This wing includes the eating establishment and provides access to the outdoor pool. The front entrance to the hotel is covered by a canopy and faces towards S. Van Dorn Street. The only access to the site is from S. Van Dorn Street at a median break. The majority of the site contains surface parking located on all sides of the building, with landscaping around the building, along the periphery of the site and within the parking lot.

### **Land Use Analysis**

There are no land use issues associated with this application.

### **Transportation Analysis** (See Appendix 5)

There are no transportation issues associated with this application.

### **Environmental Analysis**

There are no environmental issues associated with this application.

**ZONING ORDINANCE PROVISIONS** (See Appendix 6)**Bulk Regulations:**

Since this proposal does not propose to change the existing site improvements, this proposal will not change the manner in which the property conforms with the bulk regulations in the C-8 District.

The height of the building is 75 feet and the floor area ratio (FAR) is 0.53. With the adoption of Zoning Ordinance Amendment ZOA 92-225, the permitted maximum building height in the C-8 District was changed to 40 feet and the maximum FAR was changed to 0.50. However, pursuant to the grandfather provisions adopted in conjunction with the approval of this amendment on July 13, 1992 with an effective date of July 14, 1992, ZOA 92-225 is not applicable to this property as currently developed.

**Parking:**

The proposal to add a car rental agency to this property must conform with the parking requirements for all the uses present on the site.

The following parking requirements are applicable to this project:

- Hotel, Motel: One (1) space per dwelling unit, plus four spaces per fifty (50) rental units, plus such spaces as required for eating establishments, assembly rooms and affiliated facilities as determined by the Director.
- Eating Establishment: One (1) space per four (4) seats plus one (1) space per two (2) employees where seating is at tables.
- Vehicle, Sale, Rental and Ancillary Service Establishment: One (1) space per 500 square feet of enclosed sales/rental floor area, plus one (1) space per 2500 square feet of open sales/rental display lot area, plus two (2) space per service bay, plus one (1) space per employee, but never less than five spaces.

The resulting parking requirement is:

- 169 room hotel –  $169 + (169 \div 50 \times 4) = 169 + 13.52 = 183$  spaces
- 60 seat eating establishment –  $(48 \div 4) + (1 \text{ employee}) = 13$  spaces
- Vehicle sales, rental and ancillary service establishment (car rental facility) – 5 spaces plus storage/display spaces for 15 vehicles = 20 spaces
- Total parking required – 221 spaces

The submitted SE Plat depicts 254 spaces on the property. Staff recommends that the extent of each use be limited by the proposed development conditions to the amounts listed above and that the rental car parking be located away from the building, in the spaces adjacent to the ramp from S. Van Dorn Street to the Capital Beltway.

### Setback from an Interstate Highway:

Pursuant to Sect. 2-414 of the Zoning Ordinance, all commercial buildings are to be setback 75 feet from the right-of-way for a commercial building. While the majority of the building is setback in excess of 75 feet from the right-of-way for the interstate highway; the plat shows a five foot by 29 foot bump out to the main building that is dimensioned as 74.5 feet from the edge of the right-of-way associated with the ramp to S. Van Dorn Street. The approved site plan for the hotel states that the building would be set back the requisite 75 feet; however, the subsequent approved as-built includes the bump out. A review of the records of this property did not indicate that this requirement has been previously modified. However, Sect. 2-414 states modifications to this requirement may be permitted by the Board of Supervisors in conjunction with the approval of proffered conditions but does not allow for modifications in conjunction with approval of a special exception. The Zoning Ordinance also provides for reductions in yard requirements or setbacks based on an error in building location. Since the required reduction (0.5 feet from a required 75 feet) is less than ten percent, pursuant to the provisions of Sect. 2-419, the Zoning Administrator may approve the request administratively. The applicant has been advised of this situation and has been encouraged to submit such request expeditiously to bring the existing building into compliance.

### **Special Exception Requirements** (See Appendix 6)

#### Sect. 9-918 – Additional Standards for Vehicle Sales, Rental and Ancillary Service Establishments

Par. 1 states that outdoor storage, parking and display areas shall be permitted only on the same lot with and ancillary to a sales room, rental office or service facility, which shall be entirely closed on all sides. The proposed car rental agency complies with this requirement because the rental office is to be located within the existing hotel building and the parking of the rental vehicles will be on the same lot.

Par. 2 requires that the area devoted to the loading, parking and display of goods be designated on the Special Exception Plat. In this instance, since the SE Plat is a copy of a survey from 2001, the location of the spaces is not shown; however, the proposed development conditions specify that the rental vehicles will be stored in the spaces located furthest from the building entrances, which are the spaces along the northwest boundary of the site.

Par. 3 requires outdoor areas associated with the loading, parking and display of cars be no closer than ten feet to front lot lines; which in this instance are all boundaries of the property. The existing parking lot complies with this requirement. Par. 3 also requires that any structure on the property comply with the applicable bulk regulations for the C-8 District, which, as noted above, the existing hotel building does.

Par. 4 requires that all such uses be provided with safe and convenient access to a street and that the outdoor areas for car storage/display be curbed along the street side. The application property complies with this requirement.

Par. 5 requires that the outdoor areas for car storage/display be covered with a dustless surface. The existing parking lot is paved with asphalt.

Par. 6 requires that all outdoor lighting fixtures comply with the requirements of Part 9 of Article 14. The existing light fixtures were installed prior to the adoption of ZO-03-355, Outdoor Lighting Standards, and are covered by the applicable grandfathering provisions.

Par. 7 does not address the C-8 District and is not applicable to the application.

#### Sect. 9-503 – Standards for all Category 3 Uses

Par. 1 requires that all uses comply with the applicable lot size and bulk regulations, which, as noted above, are not affected by this proposal.

Par. 2 requires that the use comply with all performance standards contained in Article 14. The outdoor lighting standards in Part 9 are addressed above and the other applicable performance standards will have to be met during the operation of the use.

Par. 3 notes that before establishment that all uses are subject to the provisions of Article 17, Site Plans. However, in this instance, since the applicant does not propose to change the existing site plan improvements, approval of a site plan or a minor site plan is not likely to be required. Prior to the establishment of the use, a new Non-Residential Use Permit will be required because a new use is being added to the property. This requirement is recommended to be the trigger for establishing the use pursuant to the provisions of Sect. 9-015 rather than commencing construction.

#### Sect. 9-006 – General Standards

The General Standards require harmony with the recommendations of the adopted Comprehensive Plan and the general purpose and intent of the applicable zoning district regulations. Staff has concluded that this proposal is in harmony with the recommendation of the Plan for office use on this site and meets the purpose and intent of the C-8 District to provide locations for commercial and service uses along heavily traveled collector and arterial highways. Additionally, staff has concluded that the proposal will be harmonious with and not adversely affect the use or development of the adjoining properties due to its location at the interchange of South Van Dorn Street and the Capital Beltway and because the proposed additional use will not have a material affect on the appearance or operation of the site. The remaining general standards address requirements such as the bulk regulations, transitional screening and

landscaping, parking requirements, open space and signage. These standards were addressed above with the exception of signage. The existing hotel has a freestanding sign on S. Van Dorn Street at its entrance and several building mounted signs. That signage and any signage added for the new vehicle sales, rental and ancillary service establishment will be required to meet all the provisions of Article 12, Signs, including location and maximum sign area.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the Staff Report.

### **Staff Recommendations**

Staff recommends approval of SE 2007-LE-032, 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, in adopting any conditions, 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.

The approval of this special exception 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.

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Accepted Proffers RZ 83-L-074, PCA 82-L-0083, PCA 81-C-093
5. Transportation Analysis
6. Selected Provisions of the Zoning Ordinance
7. Glossary of Terms

**PROPOSED DEVELOPMENT CONDITIONS**

**SE 2006-LE-032**

**June 7, 2007**

If it is the intent of the Board of Supervisors to approve SE 2007-LE-032 located at Tax Map 81-2 ((3)) 1, 2 and 81-2 ((1)) 12B (5716 S. Van Dorn Street) to allow a vehicle, rental establishment at an existing hotel pursuant to Sect. 9-518 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 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. The rental vehicles shall not be serviced or refueled on site. Engine service and maintenance shall not be performed at this location.
5. There shall be no storage of any abandoned, wrecked or inoperable vehicles on the site. There shall be no dismantling, wrecking or sale of any abandoned, wrecked or inoperable vehicles or parts thereof on the property.
6. Any cleaning of vehicles on the property shall be limited to portable vacuuming and washing by hose.
7. No more than 15 rental vehicles shall be on the site at any one time. The rental vehicles shall be parked only in the row of parking adjacent to southeastern boundary of the property which is adjacent to ramp from S. Van Dorn Street to the Outer Loop of the Capital Beltway. Signage or pavement marking that identifies the rental car storage spaces shall be provided.
8. No advertising shall be displayed on the rental vehicles stored on the property. No bunting, flags, balloons or other decorative material for promotion of the vehicle rental facility shall be displayed on the property.

9. The number of hotel rooms shall not exceed 169 and the number of seats in the eating establishment shall not exceed 60 unless a parking study that demonstrates that the parking required by the Zoning Ordinance is provided on site is submitted for review and approval by DPWES and the Department of Planning and Zoning determines that the proposed changes to the site are in substantial conformance with this special exception and the proffers accepted with the approval of RZ 83-L-074, PCA 82-L-083 and PCA 81-L-093.

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 by obtaining a Non-Residential Use Permit for the vehicle rental facility. 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.