



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

September 24, 2007

Jane Kelsey
Jane Kelsey & Associates
4041 Autumn Court
Fairfax, VA 22030

Re: Special Exception Amendment Application SEA 81-M-097-04
(Revised development conditions)

Dear Ms. Kelsey:

At a regular meeting of the Board of Supervisors held on June 4, 2007, the Board approved Special Exception Amendment Application SEA 81-M-097-04 in the name of CCP Shirley Highway, Incorporated and Petroleum Marketing Group, Incorporated. The subject property is located at 5550 Bloomfield Drive on approximately 1.9 acres of land zoned C-6 in the Mason District [Tax Map 81-1 ((1)) 7H part]. The Board's action amends Special Exception Application SE 81-M-097, previously approved for a service station and quick service food store to permit an increase in land area, a drive-in bank, service station, car wash, quick service food store, fast food restaurant, and associated modifications to site design pursuant to Section 4-604 of the Fairfax County Zoning Ordinance, 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 (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 "Portion of Parcel 7H @ Edsall Road" prepared by Walter L. Phillips, Inc., consisting of seven sheets, dated July 27, 2006, with revisions through April 3, 2007. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

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4. A copy of these special exception conditions shall be posted in a conspicuous place, and made available to the public and all departments of the County of Fairfax during hours of operation.
5. The fast food restaurant portion of the service station / quick service food store shall be limited to no more than 750 gross square feet of floor area, and shall be similar in concept to that shown on the plan attached as Exhibit 1 of these conditions. There shall be no frying, grilling, and/or mixing/batching of food, only assembly and reheating of pre-cooked components. No seating shall be provided.
6. Irrespective of the note on Sheet 8 of the SE Plat, architecture shall be in substantial conformance with that shown on the SE Plat, and shall utilize brick as the primary building material on all four sides. Prior to building permit approval, it shall be demonstrated to DPWES that the colors and materials used are consistent with those used in the commercial buildings on the western side of Sullivan Place Drive.
7. Architecture on the rear (south side) of the buildings shall be substantially in conformance with that shown for the front (north side); architecture on the other two sides of the building shall be consistent in terms of materials and style with the elevations shown.
8. The bank shall have at least one ATM for pedestrian service available 24 hours a day, which may be in a secured foyer.
9. Prior to issuance of any Non-RUP, it shall be demonstrated to DPWES that adequate parking is provided to serve all uses on the site, in accordance with these conditions and as required by the Zoning Ordinance. Should adequate parking not be available, the proposed uses shall be reduced in size or uses eliminated to meet the minimum parking requirements. The three parking spaces located in the southwestern corner of the site, in the front courtyard of the adjacent residential, (labeled "spaces not included in parking provided with the application") shall not count towards any required parking on this site.
10. No more than one freestanding identification sign shall be permitted on the site which shall be a monument-style sign (any or all uses on the site may be represented on such sign). Such sign shall meet the requirements of Article 12, as well as the sight line requirements of the Zoning Ordinance, VDOT and the PFM. The existing non-conforming sign, if not previously removed, shall be removed.
11. Prior to approval of any sign permit, it shall be demonstrated to DPZ that the colors and materials used for any sign are consistent with those allowed under CSP 2003-MA-030 (as it exists or may be amended).

12. Temporary promotional banners (other than those allowed by the Zoning Ordinance) balloons, flags (other than state or national flags), or rooftop displays shall not be permitted on site.
13. All lighting, including security, pedestrian and/or other incidental lighting, shall meet the standards of Article 14 of the Zoning Ordinance.
14. There shall be no outside storage or display of goods offered for sale.
15. Any public telephones on the site shall be located inside one of the buildings shown on the SE Plat.
16. 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.
17. A Phase I Environmental investigation of the property shall be submitted to DPWES for review prior to site plan approval. DPWES may request other Fairfax County or State agencies to evaluate the report findings. The investigation shall be performed consistent with the procedures described by the American Society of Testing and Materials (ASTM), as determined by DPWES. If warranted by the results of the Phase I investigation, and if determined appropriate by DPWES and the State Water Control Board, a Phase II investigation program shall be pursued. Subject to the findings of a Phase II evaluation program, if soil contaminants are found in sufficient quantities and at such levels to require a longer term monitoring program, a remedial action program and corrective action plan shall be instituted to the satisfaction of the State Water Control Board prior to site plan approval.
18. A Filterra or equivalent water quality structure shall be provided to enhance water quality if deemed feasible by DPWES. If installed, such structure shall be constructed and maintained in accordance with DPWES recommendations.
19. A landscape plan shall be submitted concurrent with site plan review and shall provide, at a minimum, the number and sizes of trees and plantings consistent with that shown on the SE plat. Species choice shall be coordinated with Urban Forest Management (UFM), and the landscape plan shall be subject to the review and approval of UFM.
20. The hours of operation for the car wash shall be limited to 7 am to 9 pm.
21. The car wash facility shall have a silencer kit installed and in use at all times the car wash is in operation.

22. The car wash shall be equipped to capture at least 80% of the waste water associated with a single cycle of the car wash operation. All waste water discharged from the car wash shall be discharged to the sanitary sewer system.

The Board also:

- **Modified the transitional screening requirements and waived the barrier requirements along the eastern, southern, and western boundaries in favor of that shown on the Special Exception Plat and as modified by the development conditions.**

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, at a minimum, 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.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms
Enclosure

Cc: Chairman Gerald E. Connolly
Supervisor Penelope Gross, Mason District
Janet Coldsmith, Director, Real Estate Division. Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager. – GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation
Audrey Clark, Director – Building Plan Review, DPWES
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
Jose Comayagua, Director, Facilities Management
Gary Chevalier, Office of Capital Facilities/Fairfax County Public Schools
Dale Castellow, Chief Capital Projects Sections, Dept. of Transportation

